Table 405.1-1 Summary of State Regulatory Programs

State Name	Fire Codes	AST Regulations	Water Pollution Control Law	Spill Plans	Petroleum Release Fund	Hazardous Waste	Air Emissions: NSPS	Ozone Nonattainment: RACT	NESHAPs
¶425 Alabama	NFPA 30 and 30A, 2003 editions, and the 1994 edition of Southern Building Code Congress International.	None	Alabama Water Pollution Control Act. Permit required for rainwater discharge. Release reporting required	Spill prevention and response plans must be included in a facility's stormwater discharge permit application.	Alabama Underground Storage Tank Trust Fund covers aboveground motor fuel tanks.	Alabama Hazardous Waste Management and Minimization Act in lieu of RCRA.	40 CFR 60 K, Ka, Kb and XX. Owner/operator must file a permit application before construction of any tank.	Jefferson and Shelby counties are marginal ozone nonattainment areas.	Federal NESHAPs adopted.
¶426 Alaska	IFC, 2000 edition, with amendments. 2004 edition to be adopted late summer 2004. Permit required before construction.	Alaska's AST regulations cover crude oil storage facilities with a total storage capacity of more than 5,000 barrels and noncrude facilities with a storage capacity of more than 10,000 barrels.	Oil and Hazardous Substance Pollution Control Law. Release reporting required.	Required for oil terminal facilities storing more than 5,000 barrels of crude or 10,000 barrels noncrude oil.	Oil and Hazardous Substance Release Prevention and Response Fund.	No state hazardous waste program.	40 CFR K, Ka, Kb and XX	Alaska has no ozone nonattainment areas and no RACT.	Federal NESHAPs adopted.
¶427 Arizona	UFC, 1988 edition, with amendments For vaulted tanks, UFC 1997 edition, appendix 2J.	ASTs are prohibited at service stations statewide, unless a variance is obtained.	Arizona Water Control Law; Arizona Hazardous Substance Spill Response Law contains spill reporting requirements.	None	None for ASTs	Adopted federal RCRA program, with amendments.	40 CFR 60 K, Ka, Kb and XX. The state has its own standards for existing petroleum liquid storage vessels and for new petroleum liquid storage vessels with a storage capacity of less than 40,000 gallons.	Parts of Maricopa County, including Phoenix, are nonattainment areas; RACT requirements include seals, submerged filling devices, and floating roofs. Permit may be required	Federal NESHAPs adopted.
¶428 Arkansas	IFC adopted as Arkansas Fire Prevention Code, 2002 edition. NFPA 30 and 30A, 1996 editions, and API standards 650 and 653 adopted by reference. Installation permit required.	All ASTs with a total storage capacity of 1,320 to 40,000 gallons that are used to dispense petroleum products must be registered with the state; $50 annual fee required.	Arkansas Water and Air Pollution Control Act	None	Petroleum Storage Tank Trust Fund	Adopted federal RCRA program, with amendments.	40 CFR 60 K, Ka, Kb and XX. One state-enforceable permit covers federal and state air programs.	Arkansas has no ozone nonattainment areas.	Federal NESHAPs adopted.

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State Name	Fire Codes	AST Regulations	Water Pollution Control Law	Spill Plans	Petroleum Release Fund	Hazardous Waste	Air Emissions: NSPS	Ozone Nonattainment: RACT	NESHAPs
¶429 California	ASTs on state-owned property are subject to the UFC, 2000 edition. Other ASTs subject to local fire codes.	All facilities with an aggregate storage capacity of 1,320 gal. or more must be registered. Registration fee ranges from $100 to $30,000.	California Aboveground Petroleum Storage Act. Release reporting required.	Federal SPCC equivalent. Certain facilities must meet inspection and secondary containment requirements in lieu of spill plans.	None for ASTs	Adopted federal RCRA program with extensive state amendments found at 22 CCR §66265.190.	Check with local Air Pollution Control Districts.	Check with local Air Pollution Control Districts.	Check with local Air Pollution Control Districts.
¶430 Colorado	State adopts most recent editions of national codes and standards. Permit required before beginning operations.	Regulations apply to petroleum ASTs between 660 gal. and 40,000 gal. Registration and fee required.	Colorado Water Quality Control Act	SPCC plans required by AST regulations.	Petroleum Release Fund	Adopted federal RCRA program, with state amendments.	40 CFR 60 K, Ka, Kb and XX	State has one 8-hour ozone maintenance area (includes Denver, Boulder, Jefferson, Douglas, Broomfield, Adams and Arapahoe counties and parts of Larimer and Weld counties). Condensate tanks in this area are subject to control requirements.	Federal NESHAPs adopted.
¶431 Connecticut	†Connecticut Flammable and Combustible Liquids Code (incorporates most of NFPA 30 and 30A, 1996 edition); Connecticut Oil Burning Equipment Code (includes NFPA 31, 1992 edition). ASTs at service stations must be fire-resistant.	None	The Connecticut Water Pollution Control Act requires marine terminals to obtain an operating license from DEP; application must include a copy of the facility's federal SPCC plan, OPA facility response plan, USCG operations manual, detailed site plan and a fee. Release reporting required.	A facility's federal SPCC plan must be certified by a professional engineer registered in Connecticut.	Emergency Spill Response Account	Adopted federal RCRA program with minor amendments.	40 CFR 60 K, Ka, Kb and XX; facilities must obtain operating and construction permits from state.	Entire state is a moderate ozone nonattainment area; RACT requirements include vapor recovery systems and external floating roofs with primary and secondary seals.	Federal NESHAPs adopted. Construction and operating permits may be required.

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Table 405.1-1 Summary of State Regulatory Programs

State Name	Fire Codes	AST Regulations	Water Pollution Control Law	Spill Plans	Petroleum Release Fund	Hazardous Waste	Air Emissions: NSPS	Ozone Nonattainment: RACT	NESHAPs
¶432 Delaware	NFPA 30 and 30A, 2000 editions. Fire Marshal inspects newly installed tanks and collects fee.	Tanks ≥12,500 gal. must be registered; tanks ≥ 12,500 gal. and ≤ 40,000 gal. for hazardous substances, kerosene, heating fuel or diesel fuel are subject to fees and numerous requirements in the state's comprehensive AST regulations.	Release reporting required.	†Required by 6/11/2005. Copy must be kept at the facility at all times.	None	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX	Entire state is in nonattainment area.	Six of the federal NESHAPs are adopted.
¶433 District of Columbia	2000 IFC. ASTs must be registered. Installation and removal permits required.	None	District of Columbia Water Pollution Control Act. Release reporting required.	Any facility that stores a pollutant or hazardous substance must have an approved spill prevention and cleanup plan for the stored substance.	Water pollution control funds used for construction of water pollution control facilities.	Adopted the federal RCRA program effective in 1985, with amendments.	D.C. has incorporated 40 CFR 60 K, Ka, Kb and XX into its own petroleum product storage regulations.	D.C. is classified as a moderate ozone nonattainment area; RACT requirements include a continuous secondary seal or closure device and a vapor recovery system.	D.C. has adopted some federal NESHAPs but none relating to tanks.
¶434 Florida	One state fire code covers state-owned and state-leased properties, plus self-service gas stations and institutions. The other covers all other facilities. NFPA 30 and 30A, 1996 editions, are incorporated into both codes.	Extensive requirements for ASTs with a storage capacity of 550 gal. or more; the state also has adopted mineral acid AST requirements. Certain facilities must obtain an annual spill prevention and response certificate, and terminal facilities must obtain an annual registration certificate and pay an annual registration fee.	The Florida Pollution Spill Prevention and Control Act covers both coastal and inland facilities storing petroleum and other pollutants, mineral acids and hazardous wastes. Release reporting required.	The state has specific spill contingency planning requirements for coastal and offshore facilities.	The state has a number of funds, including the Florida Coastal Protection Trust Fund, the Water Quality Assurance Trust Fund, and the Inland Protection Trust Fund.	Adopted federal RCRA program, with amendments.	40 CFR 60 K, Ka, Kb and XX	The state has several ozone attainment/maintenance areas under the 1-hour standard; RACT requirements apply in these areas. Florida has no 8-hour nonattainment areas. Permits are required prior to construction and operation.	Most federal NESHAPs adopted.

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¶435 Georgia	NFPA 30 and 30A, 1996 editions, with extensive amendments. Submission and review of site plans required before constuction. †Revised codes expected by late 2005.	No specific AST regulations	Georgia Water Quality Control Act. Release reporting required.	None required.	None	Adopted federal RCRA program.	40 CFR 60 K, Ka and Kb	Atlanta is an ozone nonattainment area; RACT requirements include internal and external floating roofs, primary and secondary seals, submerged fill pipes and vapor recovery systems. Requirements also applicable to six counties adjacent to Atlanta.	Federal NESHAPs adopted.
¶436 Hawaii	1997 UFC, as amended by 1998 and 1999 supplements. Tanks must be registered.	None	Hawaii Water Pollution Control Law and Hawaii Environmental Response Law; both have release reporting requirements.	None required.	Petroleum Release/ Response Fund	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX	Hawaii is an attainment area; requirements include internal and external floating roofs with liquid seals, submerged fill pipes, and vapor recovery/disposal systems. Operating, construction permits required.	Federal NESHAPs adopted.
¶437 Idaho	†IFC, 2003 edition. Local programs often require permits.	None; secondary containment and regular line pressure testing of piping may be required for fund coverage.	Idaho Environmental Protection and Health Act	SPCC plan may be required for fund coverage.	Petroleum Storage Tank Fund.	Adopted federal RCRA program.	40 CFR 60 K, Ka and Kb	Construction permits required.	Federal NESHAPs adopted.

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State Name	Fire Codes	AST Regulations	Water Pollution Control Law	Spill Plans	Petroleum Release Fund	Hazardous Waste	Air Emissions: NSPS	Ozone Nonattainment: RACT	NESHAPs
¶438 Illinois	State fire code. New or modified facilities are subject to review, including site plan review and field inspection. Secondary containment required.	None	Title III of the Illinois Environmental Protection Act includes corrective action provisions and release reporting requirements.	None required.	None	Adopted federal RCRA program.	40 CFR 60 K, Ka and Kb	The state has several nonattainment areas; RACT standards can be found at 35 Ill. Admin. Code subtitle B, §§ 215, 218 and 219.	Federal NESHAPs adopted.
¶439 Indiana	†IFC, 2003 edition, with amendments, adopted as 2003 Indiana Fire Code. Approval required for new tanks.	Secondary containment and spill response requirements for ASTs for hazardous materials.	Indiana Petroleum Releases Law; Environmental Hazards Disclosure and Responsible Party Transfer Law. Release reporting, containment and cleanup required.	Required for hazardous materials ASTs.	None	Adopted federal RCRA program, with amendments.	40 CFR 60 K, Ka and Kb, with amendments	State RACT requirements apply to all sources of VOCs with a monthly throughput of 10,000 gallons or more and external floating roof tanks of any capacity, regardless of the area's attainment status. Permit may be required.	Federal NESHAPs adopted.
¶440 Iowa	NFPA 30 and 30A (2000 editions), and 31 (2001 edition), with amendments. Approval required before tank installation. Secondary containment and overfill protection required.	None	Iowa Groundwater Protection Act contains release reporting and cleanup requirements.	None required.	None	No hazardous waste program has been adopted, so the federal standards apply.	40 CFR 60 K, Ka, Kb and XX	The state has no nonattainment areas.	Federal NESHAPs adopted.

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¶441 Kansas	†NFPA 30 and 30A, 2000 editions, will be in place by 2006. New or modified facilities subject to approval.	Regulations promulgated under the Kansas Storage Tank Act require AST registration, a $10 fee per tank and permitting.	None	Strict spill reporting requirements only.	Aboveground Petroleum Storage Tank Release Trust Fund.	Adopted federal RCRA program. The state has authority to administer the program except in cases of corrective action and remediation.	40 CFR 60 K, Ka, Kb and XX.	The Kansas City metropolitan area is an ozone maintenance area, but RACT requirements still apply. State RACT requirements include vapor control and processing systems, primary and secondary seals and automatic vents. Construction and operating permits may be required.	Federal NESHAPs adopted.
¶442 Kentucky	NFPA 30 and 30A, 2000 editions. Permit required.	None	Kentucky Water Pollution Control Act. Kentucky Emergency Response Act contains spill reporting requirements.	The state incorporates the federal SPCC plan requirements by reference. Groundwater protection plan also required.	Only for USTs.	The state has adopted its own hazardous waste management program that is more stringent than the federal program. Permit fee required.	40 CFR 60 K, Ka, Kb and XX.	†Boone, Kenton, Jefferson and Campbell counties are all ozone maintenance areas; RACT standards include vapor balance systems, floating roofs and submerged fill pipes.	Federal NESHAPs adopted.

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¶443 Louisiana	†NFPA 30 and 30A, 2000 editions. Review required before construction, plan review fee is assessed; inspection required before operation.	The Louisiana Oil Spill Prevention and Response Act requires that all ASTs with a capacity of 660 gallons or more and all facilities with an aggregate capacity of 1,320 gallons or more, be equipped with secondary containment. The law also requires inspections, leak detection and monitoring, overfill prevention and alarm systems.	Louisiana Water Control Law.	The Louisiana Oil Spill Prevention and Response Act requires spill prevention and response plans.	Louisiana Oil Spill Contingency Fund.	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX. The state has its own regulations for VOC tanks with a storage capacity of 250 to 40,000 gallons.	†Five parishes are marginal ozone nonattainment areas; RACT requirements include internal and external floating roofs, vents and primary and secondary seals. Permit may be required.	The federal NESHAPs are adopted, but the state follows its own air toxics program, which is more stringent than the federal program, and includes release reporting.
¶444 Maine	†NFPA 30 and 30A, 2003 editions. Permit and fee required for all ASTs over 60 gallons. Tanks ≥660 gals. for class II or III liquids must register but do not pay fee.	Regulations cover marine oil facilities with a capacity of 1,500 barrels or more. Requirements for SPCC plans; siting; design, construction; staff training and safety; and closure.	Maine Oil Discharge Prevention and Pollution Control Act. Spill reporting required.	Spill response plans required for marine oil facilities. SPCC plans required at AST facilities that distribute motor fuels. Hazardous matter SPCC plans are optional.	Groundwater Oil and Cleanup Fund, Coastal and Inland Fund.	State developed hazardous waste regulations based on RCRA program. State regulations are more stringent.	40 CFR 60 K, Ka, Kb and XX.	RACT required on all sources that release more than 40 TPY VOCs.	Federal NESHAPs adopted.
¶445 Maryland	†NFPA 30 and 30A, 2003 editions.	Water pollution regulations require an oil operations permit for facilities of any capacity that transport, transfer or store oil if they pose a water pollution hazard; oil handling facilities with a capacity ≥10,000 gallons; other facilities.	Maryland Oil Pollution Control Act. Release reporting required.	The Water Pollution Control and Abatement Act requires certain facilities to submit comprehensive contingency plans, including a containment and cleanup plan.	The Oil Contaminated Site Environmental Cleanup Fund covers USTs, plus ASTs for home heating oil.	Adopted the federal RCRA program, with amendments.	40 CFR 60 K, Ka, Kb and XX. State regulations are at least as stringent as the federal standards. Tanks with a storage capacity over 2,000 gallons are subject to permit requirements and fee.	Cecil County and the Baltimore and Washington, D.C. metropolitan areas are classified as severe ozone nonattainment areas. State requirements in those areas include Stage I vapor recovery systems for ASTs storing gasoline. Stage II vapor recovery required for most gasoline dispensing facilities.	Federal NESHAPs adopted. Permit and fee required.

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¶446 Massachusetts	The Massachusetts Fire Prevention Code. Permit required for construction, maintenance or use of any AST with a capacity of 10,000 gallons for storage of any liquid except water	†None	†State Superfund law (21G Program) requires reporting.	†None	None	Adopted federal RCRA program, with amendments making state program more stringent than federal.	The state's permitting requirements incorporate 40 C.F.R. 60 K, Ka, Kb and XX. Permits may be required.	†Three areas are in moderate nonattainment of the 8-hour ozone standard. RACT requirements include submerged fill pipes, external floating roofs, vapor recovery systems, and primary and secondary seals. Permits may be required.	The state does not have any specific requirements for hazardous air pollutants. Permits may be required.
¶447 Michigan	†NFPA 30 and 30A, 2000 editions; and NFPA 31, 2001 ed., and NFPA 37, 1998 ed., with amendments. Local fire depts. regulate liquids with a flash point >200° F.	DEQ administers Storage and Handling of Flammable and Combustible Liquids rules. Requirements cover siting, inspections, signage, double walls, etc.	The Michigan Water Resources Commission Act contains provisions on loading and unloading oil, and requirements for booms and cleanup equipment, monitoring, secondary containment, pollution prevention plans, and pollution incident reports.	The Michigan Water Resources Commission Act requires pollution prevention plans.	None	Adopted federal RCRA program.	In addition to 40 C.F.R. 60 K, Ka, Kb and XX, the state has its own requirements for new and existing sources. Permit may be required.	†Several areas are in marginal and basic nonattainment of the 8-hour standard. RACT requirements include submerged fill pipes, vapor balance or equivalent control systems, and pressure relief valves.	Federal NESHAPs adopted. Permit may be required.
¶448 Minnesota	IFC, 2000 edition, with amendments.	The state has comprehensive regulations covering most ASTs.	Minnesota "Spill Bill" requires release reporting.	The Minnesota "Spill Bill" requires certain facilities to submit spill response plans.	The Petroleum Tank Release Cleanup Act creates the Minnesota "Petrofund."	Adopted federal RCRA program, with amendments.	40 C.F.R. 60 K, Ka, Kb and XX.	The state has no ozone nonattainment areas. Permit required for most ASTs.	Some federal NESHAPs adopted.

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¶449 Mississippi	†IFC, 2003 ed. Code applies only to ASTs in state buildings or in places of public assembly.	None	Mississippi Air and Water Pollution Control Act	None	Pollution Emergency Fund	Adopted federal RCRA program.	40 C.F.R. 60 K, Ka, Kb and XX. Construction permit required.	The state has no ozone nonattainment areas. Operating permit required.	Federal NESHAPs adopted. Permits required to regulate air toxics emissions.
¶450 Missouri	NFPA 30 and 30A, 1996 editions, with amendments	None	Missouri Clean Water Law requires spill reporting.	None	Petroleum Storage Tank Insurance Fund	Adopted federal RCRA program, with amendments.	40 C.F.R. 60 K, Ka and Kb and XX.	*St. Louis is an ozone nonattainment area.	Federal NESHAPs adopted.
¶451 Montana†	UFC, 2003 edition. No permits or fees required.	ASTs with associated underground piping covered by UST release regulations.	Water quality regulations require spill reporting.	None	Petroleum Tank Release Cleanup Fund covers tanks storing up to 30,000 gallons of petroleum.	Adopted federal RCRA program. Hazardous waste generators must register with DEQ and pay a fee.	40 C.F.R. 60 K, Ka, Kb and XX.	The state has no ozone nonattainment areas. State regulates hydrocarbon emissions from petroleum products and requires vapor recovery for tanks storing >65,000 gallons.	Federal NESHAPs adopted.
¶452 Nebraska	NFPA 30 and 30A, 2000 editions. $50 fee to obtain permit required before construction.	None	Rules and Regulations pertaining to the management of wastes require spill reporting & remediation.	None	Petroleum Release Remedial Action Reimbursement Fund	Adopted federal RCRA program.	The state's permitting requirements incorporate 40 C.F.R. 60 K, Ka, Kb and XX.	The state has no ozone nonattainment areas.	Federal NESHAPs adopted. Some construction permits require BACT.

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¶453 Nevada	†IFC, 2003 edition with amendments; IBC, 2003 edition and NFPA 30 and 30A, 2003 editions. Fire marshal approves AST installations and charges a fee. ASTs must be permitted, and inspected annually.	None	Nevada Water Pollution Control Law. Releases >25 gal. must be reported immediately.	None, but Chemical Catastrophe Prevention Act requires submittal of information on chemicals and highly hazardous substances stored in ASTs.	†State Voluntary Cleanup Fund	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb, and XX	†The state has no ozone non-attainment areas. Washoe and Clark Counties controlled by local jurisdictions.	Federal NESHAPs adopted, with amendments.
¶454 New Hampshire	†NFPA Codes 1, 30, and 30A, 2003 editions, as modified.	Comprehensive AST regulations apply to single ASTs with a storage capacity of 660 gallons or more, or AST systems with a combined capacity of 1,320 gallons or more.	New Hampshire Water Pollution Control Law; New Hampshire Oil Pollution Law. Spill reporting required.	AST regulations require SPCC plan in accordance with federal regulations.	†Storage Facility Fund Program	Adopted federal RCRA program, with amendments.	40 CFR 60 K, Ka, Kb, and XX	State contains marginal and serious non-attainment areas. Requirements include floating roofs, vapor control systems, permits.	Federal NESHAPs adopted.
¶455 New Jersey	BOCA Fire Prevention Code and NFPA 30 and 30A, 1996 editions. Annual registration and fee required.	Extensive regulations apply to facilities with total storage capacity of 20,000 gallons or more non-petroleum hazardous substances, or 200,000 gallons or more hazardous substance of all kinds.	New Jersey Spill Compensation and Control Act	Discharge prevention, containment and countermeasures plans (DPCC) and discharge cleanup and removal (DCR) plans required.	Spill Compensation Fund	The federal RCRA program is incorporated into the state hazardous waste management regulations, with amendments.	40 CFR 60 K, Ka, Kb and XX.	The entire state is an ozone nonattainment area; RACT requirements include primary and secondary seals. Permits are required for most ASTs.	Federal NESHAPs adopted.
¶456 New Mexico	NFPA code 1, 1997 edition and codes 30 and 30A, 1996 editions. Site plan approval and inspections required.	Regulations apply to petroleum tanks with a capacity of 1,320 – 55,000 gallons. Registration and fees required.	New Mexico Water Quality Act	None	Corrective Action Fund	Adopted federal RCRA program.	40 CFR 60 K, Ka and Kb, with amendments.	One marginal ozone nonattain-ment area — Doña Ana County. Permits required in nonattainment areas.	Federal NESHAPs adopted.

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¶457 New York	IFC, 2000 edition.	Petroleum bulk storage regulations lay out extensive requirements for ASTs at bulk storage facilities with a total capacity of 1,100 gallons or more. Similar hazardous substance bulk storage regulations apply to ASTs with a capacity of 185 gallons or more.	New York Petroleum Bulk Storage Act and regulations; Comprehensive spill prevention regulations for tanks storing hazardous substances.	Spill plans required for tanks storing hazardous substances.	The Oil Spill Fund	Adopted federal RCRA program, with amendments.	State authorized to enforce 40 CFR 60 K, Ka and XX. State regulations address petroleum and gasoline storage, and are retroactive for older tanks.	The entire state is an ozone nonattainment area; RACT requirements include floating roofs with primary and secondary seals, vapor control systems and conservation vents. Permits may be required.	Federal NESHAPs adopted.
¶458 North Carolina	International Fire Code 2000 edition, with references to NFPA 30 and 30A, 2000 editions. All new ASTs must be registered, inspected and permitted. Fees may be required.	None. Oil terminals are required to register with DEHNR.	North Carolina Oil Pollution and Hazardous Substances Act. Spill reporting, removal and cleanup are required.	Oil terminal facilities (nonretail, storing 21,000 gallons or more) must maintain a plan.	None	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX, with minor amendments.	The state has no ozone non-attainment areas. The state has its own VOC regulations and may require Stage I vapor recovery.	Federal NESHAPs adopted.
¶459 North Dakota	NFPA 30 and 30A, 1996 editions, with amendments. New site plans must be approved by fire marshal. All ASTs must be registered with Petroleum Release Fund and inspected every three years.	None	North Dakota Water Pollution Control Act	None	Petroleum Tank Release Compensation Fund. Registration and annual $50 fee required.	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX, with amendments. Operating permit required.	The state has no ozone non-attainment areas. Submerged fill pipes may be required.	Federal NESHAPs adopted.

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¶460 Ohio	Ohio Fire Code is patterned after Article 32 of the BOCA fire code. NFPA 30 and 30A, 1996 editions are referenced. Spill reporting required. Permit required for installation, alteration or removal.	None	Ohio Water Pollution Control Act	Proposed spill regulations scrapped in favor of a guidance.	None	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX incorporated into operating permits which may be more stringent.	The state has one moderate ozone nonattainment area: Cincinnati. RACT standards may apply even in attainment areas.	Federal NESHAPs adopted.
¶461 Oklahoma	NFPA 30 and 30A, 1996 editions. Registration and permit required.	Extensive AST regulations.	Oklahoma Aboveground Tank Regulation Act	Required by AST regulations.	Oklahoma Petroleum Storage Tank Release Indemnity Fund	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX. The state has its own VOC emissions standards.	The state has no ozone nonattainment areas, but RACT requirements apply in Oklahoma and Tulsa Counties. Requirements include secondary seals and routine inspections, bleeder vents, rim vents and emergency roof drains.	Federal NESHAPs adopted.

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¶462 Oregon	UFC, 1998 edition, with amendments. Permit required for gasoline and diesel tanks > 1,000 gallons.	None	Oregon Oil and Hazardous Materials Spill Act requires spill reporting, containment and removal. Extensive oil spill prevention and response regulations.	Certain facilities with a total storage capacity of 10,000 gallons or more must submit an extensive contingency plan to DEQ.	Hazardous Substance Remedial Action Fund.	Adopted federal RCRA program. Regional DEQ offices administer program.	40 CFR 60 K, Ka, Kb and XX.	The state has no ozone non-attainment areas, but Portland is a maintenance area. RACT requirements include external floating roofs, internal floating covers, and primary and secondary seals.	Federal NESHAPs adopted.
¶463 Pennsylvania	Pennsylvania Flammable and Combustible Liquids Code, 1984 edition. Permit required.	Regulations authorized by the Storage Tank and Spill Prevention Act and the Clean Streams Law cover all tanks with a storage capacity of 250 gallons or more. Registration and annual fees based on capacity are required.	Pennsylvania Storage Tank and Spill Prevention Act. Release reporting required.	Owners and operators of ASTs with a total storage capacity of more than 21,000 gallons must submit a spill prevention response plan to DER.	None	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX.	State has several ozone nonattainment areas; RACT standards include primary and secondary seals, vapor recovery systems, automatic bleeder vents and emergency roof drains.	Federal NESHAPs adopted.
¶464 Rhode Island	NFPA 1, 2003 edition.† Notification required before construction.	The Rhode Island Oil Pollution Control Regulations set requirements for all aboveground storage facilities with an aggregate storage capacity of more than 500 gallons.	Rhode Island Pollution Control Regulations. Release reporting is required.	The Rhode Island Pollution Control Regulations require that all outdoor AST facilities have a spill prevention and emergency plan.	Oil Spill Prevention Administration and Response Fund.	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX.	The entire state is a serious ozone nonattainment area; RACT requirements include vapor balance systems and primary and secondary seals. Construction and operating permits required.	The state has air toxics regulations.

† Revised, May 2004.

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¶465 South Carolina	NFPA 30 and 30A, 2003 editions, with extensive amendments.†	None, but terminal facilities must be registered.	South Carolina Pollution Control Act	Spill prevention, control and countermeasure plans required for all terminal and used oil facilities.	None	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX, with amendments.	The Charlotte, N.C., metropolitan area is a moderate ozone nonattainment area, and the Greenville and Columbia areas are basic nonattainment areas.†	Federal NESHAPs adopted, with amendments. Permit may be required.
¶466 South Dakota	UFC, 1997 edition. Facility designs must be approved. Limits on tank and facility size.	AST regulations require secondary containment, overfill prevention, leak detection and corrosion protection.†	Water pollution control law requires spill reporting and corrective action.	Release notification plan required.	South Dakota Petroleum Release Compensation Fund	Adopted federal RCRA program, with amendments.	40 CFR 60 K, Ka, Kb and XX, also NSPS for VOC emissions from synthetic organic chemical manufacturing industry distilling operations.	The state has no ozone nonattainment areas.	Federal NESHAPs adopted.
¶467 Tennessee	NFPA 30 and 30A, 1996 editions. Will adopt 2000 editions by end of summer 2004.†	None	Tennessee Water Quality Control Act	None	None	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX, with amendments.	The Memphis area is a moderate ozone nonattainment area; and the Knoxville, Nashville, Chattanooga, Clarkesville and Johnson City areas are basic nonattainment areas.† RACT requirements include external and internal floating roofs, seals, submerged fill pipes and vapor balance systems.	Federal NESHAPs adopted.

† Revised, June 2004.

Table 405.1-1 Summary of State Regulatory Programs

State Name	Fire Codes	AST Regulations	Water Pollution Control Law	Spill Plans	Petroleum Release Fund	Hazardous Waste	Air Emissions: NSPS	Ozone Nonattainment: RACT	NESHAPs
¶468 Texas	NFPA 30 and 30A, 1990 editions, and the TIA with amendments	The state regulations do not cover any AST with a storage capacity of 1,100 gallons or less, except at retail service stations. The regulations include registration, an annual fee of $25, and permitting requirements. Only certain motor fuels are regulated.	Texas Oil Spill Prevention and Response Act. Release reporting and cleanup required.	The Oil Spill Prevention and Response Act requires that certain facilities prepare contingency plans.	Petroleum Storage Tank Remediation Fund no longer accepts claims.	Adopted federal RCRA program.	The state has incorporated 40 CFR 60 K, Ka, Kb and XX. State VOC regulations for new tanks are more stringent than federal standards.	The state has four ozone nonattainment areas covering 23 counties:† RACT requirements include internal and external floating roof tanks, primary and secondary seals, and vapor recovery systems.	The state has adopted most of the federal NESHAP standards.† Permit and fee required before construction or operation.
¶469 Utah	IFC, 2003 edition†	None	Utah Water Quality Act	None	None	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX.	The state has no ozone nonattainment areas; RACT requirements can be found at Utah Air Conservation Rules, R. 307-403. Permits and fees required for new, modified, or major sources.	Federal NESHAPs adopted. The state requires AST owners and operators to conduct risk assessment evaluations for VOC and toxic emissions.
¶470 Vermont	NFPA 30 and 30A, 1996 editions, with amendments. Permit and fee required for new tanks.	None	Vermont Water Pollution Control Law. Release reporting required.	None	Petroleum Cleanup Fund expanded 1998 to cover ASTs.	Adopted federal RCRA program.	Vermont has not adopted NSPS.† The state has its own emissions standards for VOCs that are based on the federal CTGs.	The entire state is an attainment area but it is within the ozone transport region, so state RACT requirements—including seals, bleeder vents and vapor collection systems—still apply.	State has its own air toxics program.† Construction and operation permits required.

† Revised, June 2004.

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¶471 Virginia	IFC, 2000 edition.† Permit may be required to install, upgrade, repair or close ASTs.	The state has extensive AST regulations, which require registration, pollution prevention, groundwater characterization studies, financial responsibility and release reporting.	State Water Control Law	Any facility with an aggregate oil storage capacity of 25,000 gallons or more must submit an oil discharge contingency plan.	Virginia Petroleum Storage Tank Reimbursement Fund	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX. NSPS are incorporated into operating and construction permits.	Northern Virginia, Greater Richmond area and Fredericksburg are moderate nonattainment areas; Norfolk area is marginal; Roanoke area and portions of Page and Madison counties are basic.† RACT requirements include internal and external floating roofs, submerged fill pipes, vapor-tight gauging and sampling devices, and primary and secondary seals.	The state has adopted the federal NESHAPs.†
¶472 Washington	IFC, 2003 edition,† by reference in the state building code. Permit required to install, alter, remove, abandon or temporarily place out of service an AST.	Several sets of regulations apply to ASTs: facility oil-handling operations and design standards; facility oil-handling operations manual standards; facility oil-handling training and certification; facility oil spill prevention plan standards; facility contingency plan and response contractor standards; and pre-assessment screening and oil spill compensation schedule regulations.	Washington Oil Spill Prevention and Response Act. Release reporting required.	Oil spill prevention plans and facility contingency plans required.	Oil Spill Response Account; Oil Spill Prevention Account	Adopted federal RCRA program.	The state has adopted 40 CFR 60 K, Ka, Kb and XX. Permit may be required.†	Washington has no nonattainment areas for ozone. The state has additional emissions standards and sets its own RACT standards.	The state has its own standards for air toxics and has adopted the federal NESHAPs.

† Revised, September 2004.

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¶473 West Virginia	NFPA 30 and 30A, 2000 editions.	Groundwater Protection Rule requires secondary containment and groundwater protection plans. Contains other AST requirements.†	West Virginia Water Pollution Control Act requires spill reporting.	Any facility using an AST must have a groundwater protection plan.†	None	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX.	The state has several ozone maintenance areas; RACT standards apply.	The state has adopted the federal NESHAPs and has its own standards for air toxics.
¶474 Wisconsin	NFPA 30 and 30A, 2000 editions,† are incorporated into the state Flammable and Combustible Liquids Code.	The state has adopted extensive AST regulations, which are contained in the Wisconsin Flammable and Combustible Liquids Code. Requirements include tank registration, secondary containment and site assessments.	Wisconsin Flammable and Combustible Liquids Code. Spill reporting required.	None	Petroleum Environmental Cleanup Fund	Adopted federal RCRA program, with amendments.	40 CFR 60 K, Ka, Kb and XX. Construction permits may be required.	Six counties are classified as ozone nonattainment areas; RACT requirements include floating roofs, vapor recovery systems, seals and bleeder vents.	Certain federal NESHAPs adopted.
¶475 Wyoming	UFC, 1997 edition. Inspection and approval required for all tank installations.	Limited statutory and regulatory requirements for tanks used to dispense gasoline or diesel.	Wyoming Environmental Quality Act. Release reporting, containment and cleanup required.	None	Corrective Action Account and Financial Responsibility Account	Adopted federal RCRA program.	40 CFR 60 K, Ka, Kb and XX. Permit required for construction or modification.	The state has no ozone nonattainment areas.	The state has adopted the federal NESHAPs.

† Revised, September 2004.

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