

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS

Territory of the Virgin Islands

REGULAR/SPECIAL SESSION 20__

ROLL CALL

Bill No. 23-0201

Bill No. 23-0201

Date:

5/1/2000

Short Title: To amend Title 12, Virgin Islands Code, by adding Chapter 16, pertaining to Underground Storage Tanks and for other related purposes

LEGISLATIVE HISTORY

- (a) Introduced and sent to Committee on.....Date.....
- (b) Reported from Committee and sent to Rules on.....
- (c) Reported from Committee on Rules.....
- (d) Recalled from Committee by Special Order.....
- (e) Adopted on.....
- (f) Rejected on.....
- (g) Vetoed by Governor on.....
- (h) Reconsidered by Legislature and passed or rejected
over Governor's Veto on.....

MEMBERS	YEA	NAY	NOT VOTING	ABSENT
BENNERSON, Gregory A.	14		11	
BERRY, Lorraine L.	1			
BRYAN, Adelbert M.		1		
COLE, Donald "Ducks"	2			
DAVID, Roosevelt St. C.	3			
DONASTORG, Adlah "Foncie"	4			
GOLDEN, Violet Anne	5			
GOMEZ, Judy M.	6			
GOODWIN, George E.	7			
HANSEN, Alicia "Chucky"	8			
JN. BAPTISTE, Norman	9			
JONES, David S.	10			
LIBURD, Almando "Rocky"	11			
PETRUS, Allie-Allison	12			
RICHARDS Vargrave A.	13			

Certified true and correct

134
Courne C. K. Hodge
CLERK

04/11/00 - AMENDED AND REPORTED OUT TO THE FLOOR
03/01/00 - HELD FOR 20 DAYS
02/24/00 - HELD UNTIL NEXT MEETING
01/28/00 - REPORTED OUT THE COMMITTEE ON RULES

BILL NO. 23-0201

Twenty-Third Legislature of the Virgin Islands of the United States

JANUARY 21, 2000

To amend Title 12, Virgin Islands Code, by adding chapter 16, pertaining to Underground Storage Tanks and for other related purposes

PROPOSED BY: Senator Adlah "Foncie" Donastorg

1
2 **BE IT ENACTED** by the Legislature of the Virgin Islands:

3 **SECTION 1.** Title 12, Virgin Islands Code, is amended by adding thereto chapter 16 to
4 read as follows:

5 "CHAPTER 16, UNDERGROUND STORAGE TANKS

6 SECTION ANALYSIS

7 651 Short title

8 652 Declaration of purpose

653 Definitions

9 654 Powers and duties

655 Registration of underground Storage Tanks; renewal fees

10 656 Transfer of registration; notice of change of registration information

- 657 Placement of new underground storage tanks systems
- 658 New underground storage tank systems; permits
- 659 Existing underground storage tanks systems; permits
- 660 Duration of permit; fees
- 661 Operating requirements for all underground storage tank systems
- 662 Non-operational underground storage tanks; tank closure
- 663 Certification; renewal; re-certification; reciprocity; fees
- 664 Certificate classification; denial, suspension, or revocation of certification; proof of insurance
- 665 Recording of Underground Storage Tank in land records
- 666 Tank integrity tests
- 667 Release detection
- 668 Reporting, investigating and assessing releases, spills and overfills
- 669 Financial Responsibility
- 670 Corrective Action
- 671 Cost recovery by Territory
- 672 Environmental Assurance Fee
- 673 Record keeping; furnishing information
- 674 Inspection; right of entry
- 675 Prohibited acts
- 676 Emergency orders
- 677 Administrative proceedings
- 678 Review
- 679 Enforcement
- 680 Penalties
- 681 Public participation
- 682 Confidentiality
- 683 Field citation authorization
- 684 Virgin Islands Underground Storage Tank Revolving Trust Impress Account

§651. Short title

This chapter may be cited as the Virgin Islands Underground Storage Tank Act.

§652. Declaration of purpose

The ground and surface waters of the United States Virgin Islands are a significant and essential portion of the natural resources of the territory protected by various chapters of this title. The failure of underground systems for the storage and handling of petroleum liquids, related sludge and other chemicals may result in the significant contamination of these resources, as well as hazards to human health and the environment. It is the purpose of this chapter to regulate in the public interest underground storage tanks within the territory so as to prevent ground and

surface water contamination, as well as soil or subsoil contamination from the failure of underground storage tank systems.

§653. Definitions

As used in this chapter:

(a) The term, 'abandoned underground storage tank' means an underground storage that:

- (1) is not intended to be returned to service;
- (2) has been out of service for more than one year;
- (3) has been rendered permanently unfit for use; or
- (4) has not been subjected to tank closure consistent with the provisions of

this chapter.

(b) The term, 'above-ground release' includes any release to the surface of the land or to surface water, releases from the above-ground portion of an underground storage tank system and about ground releases associated with overfills and transfer operations as the regulated substance moves to or from an Underground Storage Tank system.

(c) The term, 'Act' means Virgin Islands Underground Storage Tank Act.

(d) The term, 'ancillary equipment' means any devices including, piping, fittings, flanges, valves, and pumps used to distribute, meter, or control the flow of regulated substances to and from an underground storage tank.

(e) The term, 'below-ground release' means any release to the subsurface of the land and to ground water. This includes, but is not limited to below-ground portions of an Underground Storage Tank system and below ground releases associated with overfills and transfer operations as the regulated substance moves to or from an UST system.

(f) The term, "cathodic protection" means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell.

1 (g) The term, 'certification' means the recognition by the Department that a person is
2 competent and thus authorized to perform or supervise the performance of any task consistent
3 with the provisions of this chapter and his certificate classification.

4 (h) The term, 'Commissioner' means the Commissioner of the Department of
5 Planning and Natural Resources or the Commissioner's designee.

6 (i) The term, 'corrective action' means those actions necessary to protect human
7 health and the environment in the event of a release from an UST System. Corrective action
8 includes those activities required for response to and cleanup of regulated substances from
9 underground storage tanks, including, initial response, initial abatement measures and site check,
10 initial site characterization, free product removal, investigations and remedial actions to clean up
11 soil, subsoil, surface water and ground water and preparation and implementation of a corrective
12 action plan which shall include actions necessary to monitor, assess and evaluate the effectiveness
13 of remedial action after a release has occurred.

14 (j) The term, 'Department' means the Virgin Islands Department of Planning and
15 Natural Resources.

16 (k) The term, 'excavation zone' means the volume containing the tank system and
17 back-fill material bounded by the ground surface, walls and floor of the pit and trenches into
18 which the UST system is placed at the time of installation.

19 (l) The term, 'existing underground storage tank system' means a tank system used
20 to contain an accumulation of regulated substances or for which installation has commenced on or
21 before December 22, 1988. Commencement of Installation means:

22 (A) The owner or operator has obtained all federal and territory local
23 approvals or permit necessary to begin physical construction of the site or installation of
24 the tank system and if:

25 (B) Either a continuous on-site physical construction has begun; or
26

(C) The owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction at the site or installation of the tank system to be completed within a reasonable time.

(m) The term, 'free product' means a regulated substance that is present as a non-aqueous liquid, e.g. liquid not dissolved in water.

(n) The term, 'Hazardous substance UST system' means an underground storage tank system that contains a hazardous substance defined in section 101 (14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, but does not mean a substance regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act, or a mixture of such a substance and petroleum, and which is not a petroleum system.

(o) The term, 'maintenance' means the normal operational upkeep to prevent an underground storage tank from releasing product.

(p) The term, 'motor fuel' means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any grade of gasohol, and is typically used in the operation of a motor engine.

(q) The term, 'monitoring system' means a system capable of detecting leaks or discharges, or both leaks and discharges, other than an inventory control system, used in conjunction with an UST system and tightness testing.

(r) The term, 'new tank system' means a tank system that will be used to contain an accumulation of regulated substances and for which installation has commenced after December 22, 1988. *See*, 'existing tank system in subsection (k) of this section.

(s) The term, 'non-operational underground storage tank' means any underground storage tank, which contains no, regulated substances or from which no regulated substances are dispensed.

1 (t) The term, 'operational underground storage tank' means any underground
2 storage tank, which contains regulated substances, are dispensed.

3 (u) The term, 'operator' means any person in control of, or having responsibility for
4 the daily operation of the UST system.

5 (v) The term, 'overfill release' means a release that occurs when a tank is filled
6 beyond its capacity, resulting in a discharge of the regulated substance to the environment.

7 (w) The term, 'owner' means:

8 (1) in the case of an UST system in use on November 8, 1984, or brought
9 into use or capable of being used after that date, any person who owns an UST system
10 used for storage, use, or dispensing of regulated substances; and

11 (2) in the case of any UST system in use before November 8, 1984, but no
12 longer in use or capable of being used on that date, any person who owned such UST
13 system immediately before the discontinuance of its use. The term 'owner' does not
14 include any person who, without participating in the management of an underground
15 storage tank and otherwise not engaged in petroleum production, refining, and marketing,
16 holds indicia of ownership primarily to protect that person's security interest in the
17 underground storage tank.

18 (x) The term, 'person' means an individual, corporation, partnership, association,
19 firm, consortium, joint venture, joint stock company, trust or the Government of the Virgin
20 Islands or any department, agency, board, commission, authority, instrumentality or political
21 subdivision of the Territory, or of any state or of the federal government or any interstate body or
22 any other legal or commercial entity.

23 (y) The term, 'petroleum' and 'petroleum products' includes crude oil, or any
24 fraction thereof which is liquefied at standard conditions of temperature and pressure, which
25 means at sixty (60) degrees Fahrenheit and 14.7 pounds per square inch absolute. The term
26

includes motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

(z) The term, 'petroleum UST' system means an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

(aa) The term pipe or piping means a hollow cylinder or tabular conduit that is constructed of non-earthen materials.

(bb) The term, "regulated substance" means:

(1) any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, but does not include any substance regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act;

(2) petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure 60 degrees Fahrenheit and 14.7 pounds per square inch absolute; and

(3) any other substance designated by regulation promulgated by the Commissioner. The term "regulated substance" includes but is not limited to petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

(cc) The Term, 'release' means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from as UST into groundwater, surface water, soils or sub soils.

(dd) The term, 'release detection' means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

(ee) The term, "repair" means to restore a tank or UST system component that has caused a release of product from an UST system.

(ff) The term, 'tank' means a stationery device designed to contain an accumulation of regulated substances and constructed of non-earthen materials, such as concrete, steel, fiberglass, plastic, that provide structural support.

(gg) The term, "tank" means a stationary device constructed of non-earthen materials, such as steel, plastic, or other such materials, and designed to contain an accumulation of regulated substances.

(hh) The term, 'tank integrity test' means a test or a series of tests or other appropriate procedures prescribed by the Department to ascertain the conditions of an UST system.

(ii) The term, 'territory' means the United States Virgin Islands and St. Croix, St. Thomas, St. John, and Water Island, and all associated islands and cays within the United States Virgin Islands waters as defined in section 2 (a) of the Revised Organic Act of the Virgin Islands.

(jj) The term, 'third party liability' means:

(1) in reference to bodily injury; specific physical bodily injury approximately resulting from exposure, explosion, or fire caused by the presence of a release from a regulated UST system and which is incurred by a person other than the owner or operator, employees or agents of the landlord of an owner or operator; and

(2) in reference to property damage; actual physical damage or damage due to specific loss of normal use of property owned by a person other than either the owner or operator of an underground storage tank from which a release has occurred or the landlord of an owner or operator of the underground storage tank from which a release has occurred.

(kk) The term, 'underground storage tank' means any one or combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances and the volume of which (including the volume of the underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. This term does not include any:

(1) farm or residential tanks of five hundred (500) gallons or less capacity used for storing motor fuel for noncommercial purposes;

(2) heating oil tanks used for consumptive use on the premises where the heating oil is stored;

(3) septic tanks;

(4) pipeline facilities, including gathering lines, regulated under the Natural Gas and Pipeline Safety Act of 1968, the Hazardous Pipeline Act of 1979, or which is an intrastate pipeline facility regulated under comparable state laws;

(5) surface impoundments, pits, ponds, or lagoons;

(6) storm-water or wastewater collection systems;

(7) flow-through process tanks;

(8) liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;

(9) a storage tank situated in an underground area, such as a basement, cellar, mine working, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor. The term underground storage tank" or "UST" does not include any pipes connected to any tank, which is described in paragraphs (1) through (8) of this definition.

(ll) The term, “underground area” means an underground room, such as a basement, cellar, shaft, or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

(mm) The acronym, ‘UST’ means “underground storage tank”

(nn) The term, ‘UST system’ or ‘tank system’ means an underground storage tank, connected underground piping, underground ancillary equipment and contamination system, if any.

(oo) The term, “upgrade” means the addition or retrofit of some systems such as cathodic protection, lining or spill and overfill controls to improve the ability of an underground storage tank system to prevent the release of product.

(pp) The term, ‘wastewater treatment tank’ means a tank that is designed to receive and treat an influent wastewater through physical, chemical or biological methods.

§654. Powers and duties of the Department

The Department shall have the following powers and duties:

(a) To exercise general supervision of the administration and enforcement of this chapter and all rules and regulations and orders promulgated or issued thereunder, and to perform any and all acts necessary to carry out the purposes and requirements of this chapter and Subtitle I of the Resource Conservation and Recovery Act, RCRA, as amended;

(b) To adopt, modify, repeal, and promulgate, after public comment or hearing upon due notice, rules and regulations pertaining to the installation, registration, operation, monitoring, cleanup of releases and closure of underground storage tank systems. In promulgating rules and regulations pursuant to the provisions of this chapter the Commissioner may distinguish between types, classes and ages of underground storage tanks;

(c) To establish performance standards for new UST systems that are no less stringent than the federal requirements, and such performance standards include, design,

1 construction, installation, release detection, and compatibility standards and other appropriate
2 standards to prevent releases due to structural failure, corrosion, or spills and overfills.

3 (d) To establish standards that are no less stringent than the corresponding federal
4 requirements, for upgrading existing UST systems so as to adequately protect human health and
5 the environment.

6 (e) To establish and implement a system of maintaining financial responsibility for
7 taking corrective action and compensating third parties for bodily injury, property damage, and
8 damage to the environment as a result of a release of a regulated substance from the operation of
9 an UST system.

10 (f) To develop a program to educate and inform the public as to the potential
11 harmful effects of leaking underground storage tanks to surface water, ground water, soil, and
12 subsoil and the need for consumer financial participation to assist in the funding of cleanup
13 efforts as a result of such releases;

14 (g) To order any corrective action necessary to remedy the site of a release of a
15 regulated substance from an UST system, so as to protect human health and the environment and
16 restore surface water, ground water, soil and subsoil to acceptable levels, to be established by
17 regulation consistent with or more stringent than those mandated by the federal government.

18 (h) To establish and collect reasonable fees necessary to carry out the purposes and
19 requirements of this chapter, including fees related to tank registration, certification of persons
20 working with UST systems, issuance of permits and prescribing an Environmental Assurance Fee
21 for funding all necessary corrective action;

22 (i) To advise, consult, cooperate, contract and enter into agreements with agencies
23 of the federal government and with agencies and departments of the Government of the Virgin
24 Islands, interstate agencies, and with other persons as necessary to carry out the provisions of this
25 chapter;
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(j) To administer the Underground Storage Tank Fund for the purpose of cleanup and restoration of contaminated soil, subsoil, surface water and groundwater caused by releases of regulated substances from UST systems;

(k) To accept for deposit into the Virgin Islands Underground Storage Tank Trust Fund monies available through the Federal Leaking Underground Storage Tank Trust Fund to be expended pursuant to federal law, and any fines and fees collected under this chapter;

(l) To exercise all incidental powers necessary to carry out the purposes of this chapter.

§655. Registration of underground storage tanks; renewal; fees

(a) Any person that owns or operates an UST system or intends to install an underground storage tank shall register each tank with the Department on forms provided by the Department and consistent with the following provisions:

(1) Any person that owns or operates an UST system that commenced use on or before the effective date of this chapter shall register each tank with the Department no later than 60 days following the effective date of this chapter.

(2) Any person that intends to install an UST system after the effective date of this chapter shall register each tank with the Department 45 days before the date of installation.

(b) Any person that owned or operated an underground storage tank that was removed from the ground on or after May 8, 1986, or any owner or operator of an abandoned or non-operational UST system shall register each tank within 90 days of the effective date of this chapter on forms provided by the Department.

(c) The Commissioner, by regulation, shall specify the registration information that must be submitted consistent with the provisions and purposes of this chapter and shall prescribe and provide forms therefore.

1 (d) The Commissioner, by regulation, shall require renewal of underground storage
2 tank registration at such intervals as he considers necessary and proper.

3 (e) The Commissioner, by regulation, may establish and collect reasonable fees in
4 amounts sufficient to cover the cost of initial tank registration, renewal, and late filing fees for
5 failure to register or renew within the time period provided.

6 §656. Non-transfer of registration; notice of change of registration information

7 (a) Underground storage tank registration issued by the Department is not
8 transferable.

9 (b) The owner or operator of an underground storage tank system shall notify the
10 Department of any change in ownership of either the tank or the property upon which the tank is
11 located within 30 days after the contract date to date of closing on a form provided by the
12 Department and in accordance with the procedures prescribed by regulation. The Department
13 shall issue the new owner or operator a new registration consistent with the changes specified in
14 the completed form.

15 (c) The owner or operator of an underground storage tank shall submit to the
16 Department on a form provided by the Department any modification of any information provided
17 pursuant to registration or renewal process within 30 days after the modification.

18 (d) The modifications referred to in subsection (c) of this section include, the
19 following:

- 20 (1) installation, removal or disabling of a monitoring system;
- 21 (2) substantial changes or renewal of connected piping or ancillary
22 equipment;
- 23 (3) a change in the type of regulated substance stored in the underground
24 storage tank; and
- 25 (4) change of ownership.
- 26

§657. Placement of new UST system

- (a) All UST systems installed after the effective date of this chapter shall be located a distance not less than 100 feet from a water well or other source of groundwater.
- (b) In areas where the water level is less than six (6) feet from the bottom of excavation for the installation of any UST system, a sheet of impermeable material shall be installed around the perimeter of the excavation.
- (c) All underground storage tanks installed in areas of occasional high water tables shall be properly secured to prevent the tank from floating.
- (d) An underground storage tank may not be installed below the water level of the area.

§658. New UST systems; permits

- (a) It is unlawful for an owner or operator to use or operate an underground storage tank system that is installed after the effective date of this chapter without first having obtained a permit issued by the Commissioner.
- (b) A permit to use or operate an UST system may not be issued unless:
 - (1) the tank, whether of single or double-walled construction, is properly designed and constructed, and any portion underground that routinely contains product is protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory, and;
 - (A) will prevent releases due to corrosion, structural failure, or manufacturing defects for the operational life of the tank;
 - (B) is cathodically protected against corrosion, constructed of non-corrosive material, steel clad with a non-corrosive material, or designed in a manner to prevent the release or threatened release of any stored substance; and

(C) the material used in the construction or lining of the tank is compatible with the substance to be stored.

(2) such piping that routinely contains regulated substances and is in contact with the ground is properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory or as may be prescribed by regulation;

(3) spill and overfill prevention equipment, as specified by the Department or by regulation, has been properly installed and will prevent the release of product into the environment in the event of such occurrence;

(4) An owner and operator has ensured that one of the following methods of certification, testing, or inspection has been used to demonstrate compliance with subsections (b)(1) and (b)(2) of this section:

- (A) The installer has been certified or licensed by the tank and piping manufacturers; or
- (B) The installer has been certified or licensed by the Department; or
- (C) The installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation; or
- (D) The installation has been inspected and approved by the Department; or
- (E) All work listed in the manufacture's checklist has been completed; or
- (F) The owner and operator have complied with another method of ensuring compliance with subsections (b)(1) and (b)(2) of this section that is determined by the Department to be no less protective of human health and the environment."

1. Page 39, beginning on line 10, insert a new section 684 to read as follows;

"Section 684. Virgin Islands Underground Storage Tank Revolving Trust Impress
Account

- (a) There is established the Virgin Islands Underground Storage Tank Revolving Impress Account (hereinafter the "Account"). The Commissioner shall be the responsible for the account.
- (b) The account shall consist of all underground storage tank registration fees collected pursuant to section 655 of this chapter, all initial certification service fees, re-certification fees and late filing fees collected pursuant to section 663 of this chapter, all environmental assurance fees collected pursuant to section 672 of this chapter, all fund disbursements that have been recovered pursuant to the provisions of this chapter, all funds available for use through the Federal Leaking Underground Storage Tank Trust Fund or any other funding available through federal law or from any other funding source.
- (c) Disbursements from the account shall be made from the Account by the Commissioner only for the following purposes;
 - (1) In the event of a release or threat of release of a regulated substance from a petroleum UST system, to take emergency action necessary to assure that the public health or safety is not threatened;
 - (2) Where the owner or operator has not been identified or is unable or unwilling to perform corrective action, to take preventative or corrective action where the release of a regulated substance presents and actual or potential threat to human health or the environment. However, the cost for providing for items (1) and (2) of this subsection shall not exceed \$2,000,000;
 - (3) To provide compensation for the property damage of third parties affected by items (1) and (2) of this subsection. However;
 - (A) A property owner shall not be considered a third party if the property was transferred by the owner or operator of a UST system in anticipation of damage due to a release;

(B) Third party liability property damage shall be reimbursed based on the rental costs of comparable property during the period of loss of use up to a maximum amount as established by regulation of the Department;

(C) In the case of property that has been destroyed as a result of a regulated substance, reimbursement shall be an amount necessary to replace, restore or repair the destroyed property, whichever is less;

(D) Loss of business or damages as a result thereof is not recoverable under the provisions of this section;

(E) Compensation under the provisions of this item shall not exceed a total of \$2,000,000 per occurrence and shall not include any claim for attorney's fees, punitive damages, or damages for mental anguish;

(4) To pay all necessary costs for the administration of the account;

(5) To reimburse eligible owners or operators who have completed and provided corrective action as provided under the provisions of this chapter; and

(6) To provide payments to contractors hired by the Department to provide corrective action for regulated substances from UST systems.

(c) The Commissioner shall provide to the Governor and the Legislature an accounting of all of the deposits and disbursements from the account, on an annual bases.

(5) all tanks, connected piping and ancillary equipment have been properly installed in accordance with the provisions of this chapter and inspected and approved by the Department. The requirements specified in this subsection do not affect the necessity to comply with any other applicable provisions of the Virgin Islands Code, or rules and regulations promulgated thereunder, including, the provisions of the Fire Prevention Code set forth in chapter 9 of title 23.

§659. Existing UST system; permits

(a) All existing UST systems must comply with one of the following requirements by December 22, 1998, and may not be operated beyond that date without having been issued a permit by the Commissioner :

(1) new UST system performance standards pursuant to the provision of section 657, subsection (b) of this chapter;

(2) tank upgrading requirements as specified by regulation, of which continued operation of the UST system shall be subject to the issuance of a permit by the Department; or

(3) closure and corrective action requirements as provided by this chapter.

§660. Duration of permits; fees

(a) Permits issued pursuant to this chapter shall be issued for a specified term, as prescribed by regulation, but such a permit may not be issued for more than five years. Upon expiration of a permit, the Commissioner may issue a new permit following a review by the Department in accordance with such rules and regulations as may be prescribed.

(b) The Commissioner, by regulation, may establish and collect reasonable fees in amounts sufficient to cover the cost of processing permit applications, renewal of permits and for the processing of late applications for permit renewal.

§661. Operating requirements for all UST systems.

All owners and operators of UST systems for the protection of human health and the environment shall comply with all regulations promulgated by this Department which are no less stringent than the corresponding federal requirements to ensure that:

(a) releases due to spilling and overfilling do not occur;

(b) all steel UST systems with corrosion protection are in compliance with all territorial and federal requirements and operated and maintained to continuously provide protection from corrosion for as long as the UST system is used to store a regulated substance;