

**74:56:01:01. Definitions.** Terms used in this chapter are defined as follows:

(09:01) "Community water system," a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(12.1) "Dispenser," any equipment that is used to control transfer of regulated substances out of the regulated UST system to an unregulated point of use, such as a vehicle.

(40.1) "Potable drinking water well," any hole (dug, driven, drilled, or bored) that extends into the earth until it meets ground water which: supplies water for a non-community public water system, or otherwise supplies water for household use (consisting of drinking, bathing and cooking, or other similar uses).

(45) "Secondary containment," a system installed around an UST that is designed to prevent a release from migrating beyond the secondary containment system outer wall in the case of a double walled tank system or excavation area in the case of a liner or vault system before the release can be detected a release prevention and release detection system for an underground tank and/or piping. The release prevention part of secondary containment is an underground tank and/or piping having an inner and outer barrier. Between these two barriers is a space for monitoring. The release detection part of secondary containment is a method of monitoring the space between the inner and outer barriers for a leak or release of regulated substances from the underground tank and/or piping. Secondary containment must contain regulated substances released from the tank system until they are detected and removed and prevent the release of regulated substances to the environment at any time during the operational life of the underground storage tank system.;

(52.1) "Under-Dispenser Sump," containment underneath a dispenser that will prevent leaks from the dispenser from reaching soil or ground water.

**Source:** 14 SDR 76, effective November 29, 1987; 18 SDR 62, effective October 10, 1991; transferred from § 74:03:28:01, July 1, 1996.

**General Authority:** SDCL [34A-2-93](#), [34A-2-99](#).

**Law Implemented:** SDCL [34A-2-98](#), [34A-2-99](#).

**74:56:01:03. Applicability.** The requirements of this chapter apply to all owners or operators of a UST system except the following:

(1) Underground storage tank systems containing hazardous wastes listed or identified under Subtitle C of the Solid Waste Disposal Act of 1984 or a mixture of hazardous waste and other regulated substances;

(2) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under § 402 or 307(b) of the Clean Water Act 1972;

(3) Equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift tanks and electrical equipment tanks;

(4) Any UST system whose capacity is 110 gallons or less;

(5) Any UST system that contains a de minimis concentration of regulated substances;  
and

(6) Any emergency spill or overflow containment UST system that is expeditiously

emptied after use.

Sections 74:56:01:24 and 74:56:01:25 do not apply to any UST system that stores fuel for use by emergency power generators. After August 1, 2008, any new or replacement UST system used by emergency generators located within 1,000 feet of an existing community water system or any potable drinking water well must have secondary containment and monitored for leaks in accordance with 74:56:01:30.

**Source:** 18 SDR 62, effective October 10, 1991; transferred from § 74:03:28:01.02, July 1, 1996; 23 SDR 131, effective February 24, 1997.

**General Authority:** SDCL [34A-2-93](#), [34A-2-99](#).

**Law Implemented:** SDCL [34A-2-98](#), [34A-2-99](#).

**74:56:01:05. Performance standards for new UST systems -- Tanks.** Each tank in a new UST system must be designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified in 40 C.F.R. § 280.20 as published at 53 Fed. Reg. 37,197 (September 23, 1988) for each type of tank listed. Tanks that may be used in a new UST system are as follows:

- (1) A tank constructed of fiberglass-reinforced plastic;
- (2) A tank constructed of coated steel that is cathodically protected with a factory- or field-installed cathodic protection system designed by a corrosion expert and is operated and maintained in accordance with § 74:56:01:14;
- (3) A tank constructed of a steel-fiberglass-reinforced plastic composite; or
- (4) A tank whose design, construction, and corrosion protection is determined by the department to prevent the release of any stored regulated substance in a manner that is no less protective of human health and the environment than subdivisions (1) to (3), inclusive, of this

section.

All new tanks installed within 1,000 feet of an existing community water system or any potable drinking water well must have secondary containment and monitored for leaks in accordance with 74:56:01:30.

**Source:** 14 SDR 76, effective November 29, 1987; transferred from § 74:03:28:02, 18 SDR 62, effective October 10, 1991; transferred from § 74:03:28:02.01, July 1, 1996.

**General Authority:** SDCL [34A-2-93](#), [34A-2-99](#).

**Law Implemented:** SDCL [34A-2-98](#), [34A-2-99](#).

**74:56:01:06. Performance standards for new UST systems -- Piping.** The underground piping for a new UST system must be designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified in 40 C.F.R. § 280.20 as published at 53 Fed. Reg. 37,197 (September 23, 1988), for each type of piping listed. Underground piping that may be used in a new UST system is as follows:

- (1) Piping constructed of fiberglass-reinforced plastic;
- (2) Piping that is coated steel and cathodically protected with a field-installed cathodic protection system that is designed by a corrosion expert and operated and maintained in accordance with § 74:56:01:14; or
- (3) Piping whose design, construction, and corrosion protection is determined by the department to prevent the release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in subdivisions (1) and (2) of this section.

All new piping installed within 1,000 feet of an existing community water system or any potable drinking water well must have secondary containment and monitored for leaks in accordance

with 74:56:01:30 and must include under dispenser sumps.

**Source:** 14 SDR 76, effective November 29, 1987; transferred from § 74:03:28:02, 18 SDR 62, effective October 10, 1991; transferred from § 74:03:28:02.01, July 1, 1996.

**General Authority:** SDCL [34A-2-93](#), [34A-2-99](#).

**Law Implemented:** SDCL [34A-2-98](#), [34A-2-99](#).

74:56:01:10:01. Replacement of existing UST systems. – Tanks. All existing UST systems located within 1,000 feet of an existing community water system or potable drinking water well that are replaced after August 1, 2008, must be upgraded to provide secondary containment and monitored for leaks in accordance with 74:56:01:30.

**Source:** 14 SDR 76, effective November 29, 1987; transferred from § 74:03:28:02, 18 SDR 62, effective October 10, 1991; transferred from § 74:03:28:02.01, July 1, 1996.

**General Authority:** SDCL [34A-2-93](#), [34A-2-99](#).

**Law Implemented:** SDCL [34A-2-98](#), [34A-2-99](#).

74:56:01:10:02. Replacement of existing UST systems. – Piping. If over 25 feet of existing piping, located within 1,000 feet of an existing community water system or potable drinking water well is replaced after August 1, 2008, then the entire pipe run must have secondary containment and must include under dispenser sumps. Replaced systems must be designed, constructed and installed to allow for proper leak detection in accordance with 74:56:01:30.

**Source:** 14 SDR 76, effective November 29, 1987; transferred from § 74:03:28:02, 18 SDR 62, effective October 10, 1991; transferred from § 74:03:28:02.01, July 1, 1996.

**General Authority:** SDCL [34A-2-93](#), [34A-2-99](#).

**Law Implemented:** SDCL [34A-2-98](#), [34A-2-99](#).

74:56:01:10:03. Installation of under-dispenser sumps. All new dispenser islands or replacement islands must be installed to include under dispenser sumps unless it has been determined that the new dispenser is not located within 1,000 feet of any existing community water system or any existing potable drinking water well. The under-dispenser sump must be designed, constructed and installed to:

- (1) prevent releases to the environment;
- (2) be compatible with the substances carried by the piping;
- (3) allow for monitoring of releases; and
- (4) be liquid tight.

**Source:** 14 SDR 76, effective November 29, 1987; transferred from § 74:03:28:02, 18 SDR 62, effective October 10, 1991; transferred from § 74:03:28:02.01, July 1, 1996.

**General Authority:** SDCL [34A-2-93](#), [34A-2-99](#).

**Law Implemented:** SDCL [34A-2-98](#), [34A-2-99](#).

74:56:01:38:01. Training of Owners and Operators. By August 8, 2012, all owners and operators of regulated UST systems must complete a department approved training program on the proper operation of underground storage tank systems.

**Source:** 14 SDR 76, effective November 29, 1987; transferred from § 74:03:28:02, 18 SDR 62, effective October 10, 1991; transferred from § 74:03:28:02.01, July 1, 1996.

**General Authority:** SDCL [34A-2-93](#), [34A-2-99](#).

**Law Implemented:** SDCL [34A-2-98](#), [34A-2-99](#).

74:56:01:55:01. Failure To Comply. All regulated UST systems must comply with the requirements of this chapter. Failure to comply with these requirements may result in the UST system being designated in-eligible to receive further deliveries of product as well as other actions.

**Source:** 14 SDR 76, effective November 29, 1987; transferred from § 74:03:28:02, 18 SDR 62, effective October 10, 1991; transferred from § 74:03:28:02.01, July 1, 1996.

**General Authority:** SDCL [34A-2-93](#), [34A-2-99](#).

**Law Implemented:** SDCL [34A-2-98](#), [34A-2-99](#).