

**SECONDARY CONTAINMENT REQUIREMENTS FOR UNDERGROUND STORAGE
TANK SYSTEMS LOCATED OVER CERTAIN AQUIFERS**

**§§214.1 - 214.3
Effective June 12, 2002**

§214.1. Purpose.

The purpose of this chapter is to provide requirements for secondary containment for underground storage tank systems located over certain aquifers to protect and maintain the quality of groundwater resources in the state from environmental contamination that could result from releases of harmful substances stored in such tanks.

Adopted May 22, 2002

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§214.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings and supercede the definitions in Chapter 334 of this title (relating to Underground and Aboveground Storage Tanks), unless the context clearly indicates otherwise.

(1) **Ancillary equipment** - Any devices that are used to distribute, meter, or control the flow of petroleum substances or hazardous substances into or out of an underground storage tank (UST), including, but not limited to, piping, fittings, flanges, valves, and pumps.

(2) **Existing UST system** - A UST system which is used or designed to contain an accumulation of regulated substances for which installation either had commenced prior to December 22, 1988, or had been completed on or prior to December 22, 1988. Installation will be considered to have commenced if the owner or operator had obtained all federal, state, and local approvals or permits necessary to begin physical construction at the site or installation of the tank system, and if either a continuous on-site physical construction or installation program had begun or the owner or operator had entered into contractual obligations (which could not be canceled or modified without substantial loss) which required that the physical construction at the site or installation of the tank system was to be completed within a reasonable time.

(3) **Major aquifer** - An aquifer defined by the Texas Water Development Board (TWDB) as supplying large quantities of water in large areas of the state.

(4) **New UST system** - A UST system which is used or designed to contain an accumulation of regulated substances for which installation commenced after December 22, 1988; or a UST system which is converted from the storage of materials other than regulated substances to the storage of regulated substances after December 22, 1988.

(5) **Outcrop** - The surface extent of a major aquifer as mapped by the TWDB in which the host geologic formations are exposed at the land surface or overlain by alluvial or soil covers.

(6) **Replaced** - The permanent removal from service (in accordance with all applicable requirements of Chapter 334 of this title) of a UST system and the installation of any replacement UST system in accordance with all applicable requirements of this chapter and Chapter 334 of this title.

(7) **Secondary containment** - A method by which a secondary wall or barrier is installed around a UST system in a manner designed to prevent a release of a regulated substance from migrating beyond the secondary wall or barrier before the release can be detected. A secondary containment system may include an impervious liner, jacket, containment boot, sump, or vault surrounding a primary tank or piping system or a double-wall tank or piping system.

(8) **Underground storage tank (UST)** - Any one or combination of underground tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is 10% or more beneath the surface of the ground.

(9) **Underground storage tank (UST) system** - A UST, connected underground piping, underground ancillary equipment, and containment system, if any.

(10) **Upgraded** -

(A) The addition, improvement, retrofitting, or renovation of an existing UST system with equipment or components as required to initially meet upgrading requirements with regard to corrosion protection, spill and overflow prevention, and release detection as specified in Chapter 334 of this title.

(B) The addition, improvement, retrofitting, or renovation of a new UST system with equipment or components as required to bring that system into initial compliance with the installation requirements which were:

(i) applicable after December 22, 1988 and before September 29, 1989 under EPA rules (40 Code of Federal Regulations Part 280); or

(ii) applicable on or after September 29, 1989 under Chapter 334 of this title.

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§214.3. Applicability.

(a) The rules in this chapter provide secondary containment requirements for underground storage tank (UST) systems that are in accordance with and in addition to the requirements prescribed by Chapter 334 of this title (relating to Underground and Aboveground Storage Tanks) and where applicable, Chapter 213 of this title (relating to Edwards Aquifer).

(b) A UST system which is installed, upgraded, or replaced on or after September 1, 2001, shall, at minimum, incorporate a method for secondary containment if that system is located in:

(1) the outcrop of a major aquifer composed of limestone and associated carbonate rocks of Cretaceous age or older; and

(2) a county that:

(A) has a population of at least one million and relies on groundwater for at least 75% of the county's water supply; or

(B) has a population of at least 75,000 and is adjacent to a county described by subparagraph (A) of this paragraph.

(c) Effective September 1, 2001, the requirements in subsection (b)(1) of this section apply only to the outcrop of the Edwards (Balcones Fault Zone) and Trinity aquifers as defined by the Texas Water Development Board in Bexar and Comal Counties.

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