Title 159 – Underground Storage Tanks

CHAPTER 11 DELIVERY PROHIBITION AND DUTY OF PRODUCT DELIVERERS

001. UST SYSTEMS SUBJECT TO DELIVERY PROHIBITION

001.01 Any UST system may be subject to delivery prohibition procedures when a facility is determined to be out of compliance with any of following provisions of Title 159:

001.01A. Tank registration requirements of Chapter 2;

001.01B. Leak detection requirements of Chapter 7;

001.01C. Spill prevention requirements of Chapter 5;

001.01D. Overfill requirements of Chapter 5;

001.01E. Recordkeeping requirements of Chapters 5, 6, 7;

001.01F. Corrosion protection requirements of Chapter 4; or

001.01G. Failure to designate a Class A, Class B and Class C operators pursuant to Chapter 13; and

001.01H. Failure to maintain financial responsibility requirements of Chapter 9.

001.02 The State Fire Marshal may defer enforcement of delivery prohibition procedures against UST systems in which this process would jeopardize the availability of, or access to, fuel in any rural and remote area unless an urgent threat to public health or the environment exists. Such deferrals will not exceed 180 days.

001.03 When an UST system is determined to be subject to delivery prohibition procedures, the State Fire Marshal will notify the owner or operator by delivering notice in person, or by clearly posting a notice at the facility and sending a copy of such notice by certified mail to the last known address of the owner or operator. Once service of notice is complete, the State Fire Marshal will affix a red tag to the fill pipe of any non-compliant UST.

001.04 The State Fire Marshal will also maintain a list of all USTs that are determined to be ineligible for delivery of regulated substances. The list will be made available to the public by posting on the State Fire Marshal website at https://sfm.nebraska.gov/

002. NO DEPOSIT INTO INELIGIBLE UST SYSTEMS

002.01 No owner or operator may deposit or accept the deposit of any regulated substance into an UST system that has been designated as

ineligible for fuel deliveries by the application of a red tag.

002.02 No product deliverer or other person may deliver or deposit any regulated substance into an UST system that has been designated as ineligible for fuel deliveries by the application of a red tag.

003. REMOVAL OF RED TAGS

003.01 No person other than the State Fire Marshal will remove a red tag from an UST system without prior approval.

003.02 The State Fire Marshal will verify compliance within 2 business days of receiving a communication from the owner or operator that the corrections have been made. If the UST system is found to be eligible for delivery, the State Fire Marshal will remove the red tag. As soon as practicable, but no more than 3 business days after removal of the red tag, the facility will be removed from the State Fire Marshal website list of sites ineligible for delivery.

004. DUTY OF PRODUCT DELIVERERS

004.01 Any person who deposits regulated substances in an UST system will reasonably notify the owner or operator of such tank registration requirements pursuant to the Petroleum Products and Hazardous Substances Storage and Handling Act.