

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 174  
GENERAL REQUIREMENTS FOR UNDERGROUND STORAGE TANKS  
AND THE STORAGE, TRANSPORTATION, SALE AND USE OF  
PETROLEUM AND OTHER REGULATED SUBSTANCES

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**AUTHORITY:** Implementing the Gasoline Storage Act [430 ILCS 15] and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

**SOURCE:** Adopted at 34 Ill. Reg. 13318, effective September 2, 2010; amended at 42 Ill. Reg. 10435, effective October 13, 2018.

## SUBPART A: DEFINITIONS

### **Section 174.100 Definitions**

The following definitions shall apply to 41 Ill. Adm. Code 174, 175, 176 and 177 concerning underground storage tanks and tank systems and the storage, transportation, sale and use of petroleum and other regulated substances.

"Abandonment-in-place" is the permanent placement of a UST in an inoperative condition by filling it with inert material in accordance with 41 Ill. Adm. Code 175.840.

"Airport Hydrant Fuel Distribution System" or "Airport Hydrant System" means a UST system that fuels aircraft and operates under high pressure with large diameter piping that typically terminates into one or more hydrants (fill stands). An airport hydrant system may have one or more of the following connected together: aboveground tanks, underground tanks, underground piping, field constructed tanks, or factory constructed tanks. The airport hydrant system begins where fuel enters one or more tanks from an external source such as a pipeline, barge, rail car, or other motor fuel carrier.

"Air Test" or "Air Tested" means a type of integrity test used to demonstrate tightness in a UST or associated piping at installations and upgrades. An air test can only be used when all sides of the tank and/or piping being tested are visible. Test procedures will be performed in accordance with manufacturer's specifications or PEI/RP 100 Recommended Practices for Installation of Underground Liquid Storage Systems.

"American Suction" is any suction system other than European.

"Ancillary Equipment" means any devices including, but not limited to, piping, fittings, flanges, valves, pumps, dispensers, line leak detection equipment, ATG probes, interstitial tank sensors, sump sensors, flex connectors, and automatic overfill prevention devices used to distribute, meter or control the flow of regulated substances to and from a UST.

"ANSI" means American National Standards Institute.

"API" means American Petroleum Institute.

"ASTM" means American Society for Testing and Materials.

"Attendant" means the owner or any person who is employed by an owner of a motor fuel dispensing facility to dispense motor fuel at that facility.

"Blended Fuel" means gasoline containing greater than 10% ethanol and petroleum diesel containing greater than 20% biodiesel.

"Building" means any three dimensional space that is enclosed by a roof and walls where more than 50% of the possible area of the perimeter walls (sides) of the space is covered and not open to the outside.

"Bulk Storage" means the containment in a UST of a regulated substance for purposes of the bulk transfer or bulk transport of regulated substances and not for retail sale to the public.

"Bunker Tank" means a commercial heating oil or emergency power generator tank situated below grade, in a basement, on a floor, and enclosed in a masonry wall structure, with the tank completely or partially covered by sand, or otherwise not fully accessible to inspection.

"Cathodic Protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

"Class I Liquids" – See Flammable Liquids.

"Class II and III Liquids" – See Combustible Liquids.

"Combustible Liquids" are defined in NFPA 30 as Class II, IIIa and IIIb liquids.

"Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the UST.

"Containment Sump" means a factory manufactured liquid-tight container that protects the environment by containing leaks and spills of regulated substances from piping, dispensers, pumps and related components in the containment area.

Containment sumps may be single-walled or secondarily contained and located at the top of the tank (tank top or submersible turbine pump), underneath the dispenser (under-dispenser containment sump), or at other points in the piping run (transition or intermediate sump).

"Contractor" is a person licensed under the Petroleum Equipment Contractor's Licensing Act [225 ILCS 729], excluding employees of the contractor, who performs any UST activity for an owner or operator.

"Corrosion Expert" is a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. This person shall be accredited as being qualified by the National Association of Corrosion Engineers (NACE) or be an Illinois Licensed Professional Engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

"Days" means calendar days unless otherwise stated.

"Decommission" or "Decommissioning" means to permanently close the UST by removal or abandonment-in-place pursuant to 41 Ill. Adm. Code 175.830 and 175.840, and using a contractor that is OSFM-licensed in the decommissioning module pursuant to 41 Ill. Adm. Code 172.

"Dielectric Material" is a material that does not conduct direct electric current. Dielectric coatings are used to electrically isolate USTs from the surrounding soil. Dielectric bushings are used to electrically isolate portions of the UST (i.e., tank from piping).

"Dispenser" means equipment located above ground that dispenses regulated substances from the UST system.

"Dispenser System" means the dispenser and the equipment necessary to connect the dispenser to the underground storage tank system.

"Dispensing" means the transfer of a regulated substance from a UST directly into the fuel tank of a motor vehicle operated by an internal combustion engine, for use by that motor vehicle. Also, "dispensing" is the transfer of a regulated substance from a UST directly into a portable container, safety can or portable fuel tank.

"Double-walled", in reference to tanks and piping, is a factory certified container consisting of an inner wall and an outer wall with an interstitial space between the inner wall and outer wall suitable for interstitial monitoring, and is designed, constructed and installed to:

contain regulated substances released from the tank system until they are detected and removed;

prevent the release of regulated substances to the environment at any time during the operational life of the UST; and

be checked at least every 30 days for evidence of a release.

A field-installed liner or insert does not qualify as a double-walled tank.

"Dual Purpose UST" or "Multi-purpose UST" is an underground storage tank system in compliance with the requirements of Sections 174.310 and 174.320 and 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180 and is connected to one or more dispensers and a bulk load-out at the same time.

"Emergency Stop" or "Emergency Shutoff Switch" or "E-stop" means a device or switch that, when activated, will disconnect power to all dispensing devices, to all remote pumps serving the dispensing devices, to all associated power, control and signal circuits, and to other electrical equipment in the hazardous (classified) locations surrounding the fuel dispensing devices, but not including intrinsically safe electrical equipment.

"European Suction" is a piping system that draws a liquid through the system by suction pump or vacuum pump located at the dispenser. To qualify as European suction, the system shall meet the requirements set forth in 40 CFR 280.41(b)(1)(ii)(A) through (E) and 41 Ill. Adm. Code 175.640(b)(2)(A) through (E).

"Excavation Zone" is the cubic area containing the tank system and backfill material, bounded by the ground surface, walls and floor of the pit and trenches into which the UST is placed at the time of installation.

"Farm" or "Agricultural Site" is a tract of land devoted to the production of crops or raising of animals, including fish. "Farm" includes all contiguous land and structures and other appurtenances and improvements; also, fish hatcheries, rangeland and nurseries with growing operations. "Farm" does not include agribusiness (as defined in 20 ILCS 3501/801-10(z)), laboratories where animals are raised, land used to grow timber, and pesticide aviation operations. Moreover,

this definition does not include retail stores or garden centers where nursery farm products are marketed, but not grown.

"Farm Tank" means a motor fuel UST located on a farm and used exclusively for farm purposes.

"Field-Constructed Tank" means a tank constructed in the field. For example, a tank constructed of concrete that is poured in the field, or a steel or fiberglass tank primarily fabricated in the field, is considered field-constructed.

"Flammable Liquids" are defined in NFPA 30, and are divided into Class Ia, Ib and Ic liquids.

"Flow-through Process Tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction to the process or for the storage of finished products or by-products from the production process. When the process is shut down, flow-through process tanks do not store product to be used once the process is resumed and may contain no more than a de minimis amount of product.

"Gathering Lines" are any pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Hazardous Substance" means any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC 9601(14)), but does not include any substance regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA) (42 USC 6901 et seq.) or any mixture of those substances and petroleum.

"Hazardous Substance UST" means an underground storage tank system that contains a hazardous substance or any mixture of those substances and petroleum and that is not a petroleum UST.

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C) and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

"Heating Oil Tank for Consumptive Use on the Premises Where Stored" means heating oil consumed exclusively on the same or contiguous property where the heating oil UST is located, for heating purposes. Thus, centralized heating units using heating oil that serve more than one building on the same property are included. It does not include using heating oil to heat from a boiler or furnace, through direct conductivity, any product or substance used in a manufacturing or production process or using heating oil as an ingredient in a manufacturing or production process. Heating oil used to heat grain dryers or kilns is used for consumptive use on the premises.

"Hearing Officer" means the presiding official designated by the State Fire Marshal to conduct a hearing and preside over pre-hearing and post-hearing matters in a contested case.

"Hot Work" means operations or work on a UST capable of providing a source of ignition, such as drilling, welding, cutting, burning or heating.

"Hydraulic Lift Tank" means a tank holding hydraulic fluid for a closed loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators or other similar devices.

"ICC" means International Code Council.

"IEMA" means the Illinois Emergency Management Agency.

"Interior Lining" or "Internal Lining" means corrosion and chemical resistant materials that are sprayed, brushed or applied to the inside of a tank to protect the tank and its product from contamination by corrosion or to ensure that the inside of the tank is compatible with the product stored. Interior lining is applied by a contractor licensed by OSFM to conduct interior lining.

"Interstitial Monitoring" is a release detection method used to determine the presence of a regulated substance between the inner and outer barriers of a secondary containment system of an underground tank and/or piping system and is designed, constructed and installed to detect a leak from any portion of the tank or piping that routinely contains product and meets any other applicable requirements of 41 Ill. Adm. Code 175.630(f) and 40 CFR 280.43(g).

"Intrinsically Safe Electrical Equipment" means equipment and wiring that is incapable of releasing sufficient electrical or thermal energy under normal or abnormal conditions to cause ignition of a specific hazardous atmospheric mixture in its most easily ignited concentration.

"Kerosene" is a refined petroleum distillate consisting of a homogeneous mixture of hydrocarbons essentially free of water, inorganic, acidic or basic compounds, and excessive amounts of particulate contaminants. Two classifications exist as follows:

No. 1-K (also known as "K-1") – A special low-sulfur grade kerosene suitable for use in non-flue connected kerosene burner appliances and for use in wick-fed illuminating lamps; and

No. 2-K (also known as "K-2") – A regular grade kerosene suitable for use only in flue connected burner appliances and for use in wick-fed illuminating lamps.

"Liquid Traps or Associated Gathering Lines Directly Related to Oil or Gas Production or Gathering Operations" refers to sumps, well cellars or other traps, used in association with oil or gas production, gathering or extraction operations (including gas production plants), for the purpose of collecting oil, water or other liquids. Liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream or may collect and separate liquids from a gas stream.

"Liquefied Petroleum Gas" or "LP Gas" *means any material which is composed predominately of any of the following hydrocarbons or mixtures of the same: propane, propylene, butanes (normal butane and iso-butane) and butylenes.* [430 ILCS 10/2].

"Listed" or "Third Party Listed" means equipment, materials or services included in a list specifying the intended use and that has been published by a third party organization that:

is acceptable to OSFM and concerned with evaluation of products or services;

maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services; and

for each listing states that either the equipment, material or service meets appropriate designated standards or has been tested and found suitable for its intended use.

"Maintenance" means normal operational upkeep to prevent a UST from releasing product.

"Motor Fuel" means a complex blend of hydrocarbons typically used in the operation of a motor engine, such as motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any blend containing one or more of these substances (for example, motor gasoline blended with alcohol).

"Motor Fuel Dispensing Facility" means that portion of a property where motor fuels are stored and dispensed from a UST, using fixed equipment, into the fuel tanks of motor vehicles, marine craft or aircraft, or into approved containers, including all equipment used in connection with that storage and dispensing. The term "motor fuel dispensing facility" includes the locations of emergency stops and fueling observation points, and all buildings involved with dispensing activities. Motor fuel dispensing facilities may take the following forms:

"Attended Self-Service Motor Fuel Dispensing Facility" means a motor fuel dispensing facility that has an attendant or employee on duty whenever the facility is open for business. The attendant or employee on duty does not typically dispense motor fuels into fuel tanks or containers. The customer or vehicle operator usually conducts the dispensing.

"Fleet Vehicle Motor Fuel Dispensing Facility" means a motor fuel dispensing facility at a commercial, industrial, governmental or manufacturing property where motor fuels are dispensed into the fuel tanks of motor vehicles that are used in connection with the business or operation of that property by persons within the employ of the business or operation.

"Full-Service Motor Fuel Dispensing Facility" means a motor fuel dispensing facility that has one or more attendants or supervisors on duty to dispense motor fuels into fuel tanks or containers whenever the facility is open for business. All dispensing at a full-service motor fuel dispensing facility is conducted by an attendant and no dispensing is conducted by customers.

"Marine Motor Fuel Dispensing Facility" means a motor fuel dispensing facility at or adjacent to shore, a pier, a wharf, or a floating dock where motor fuels are dispensed into the fuel tanks of marine craft.

"Motor Fuel Dispensing Facility Located Inside a Building" means that portion of a motor fuel dispensing facility having obtained written permission by OSFM to be located within the perimeter of a building or building structure that also contains other occupancies. The term also includes detached buildings separated by at least 20 feet from other buildings and used exclusively for dispensing of motor fuels in

compliance with NFPA 30A, incorporated by reference in Section 174.210.

"Unattended Self-Service Motor Fuel Dispensing Facility" means a motor fuel dispensing facility that has no attendant or employee on duty. The customer or vehicle operator conducts the dispensing operation. This includes coin, currency, membership card and credit card dispensing operations.

"NACE" means National Association of Corrosion Engineers.

"NFPA" means National Fire Protection Association.

"NLPA" means National Leak Prevention Association.

"Noncommercial Purposes", with respect to motor fuel, means not for resale.

"NOV" means a notice of violation issued by OSFM.

"NWGLDE" means National Work Group on Leak Detector Evaluations.

"Operational Maintenance Inspection" or "OMI" or "Certification Audit" means an inspection performed by an STSS to establish a facility's regulatory compliance.

"Operation" or "Use" in reference to underground storage tanks *means that the tank must have had input or output of petroleum, petroleum products, or hazardous substances, with the exception of hazardous wastes, during the regular course of its usage. "Operation" does not include compliance with leak detection requirements as prescribed by rules and regulations of the Office of the State Fire Marshal or the mere containment or storage of petroleum, petroleum products, or hazardous substances, with the exception of hazardous wastes.* [430 ILCS 15/4(b)(1)(D)]

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST.

"OSFM" means the Office of the State Fire Marshal.

"OSFM Rules", unless otherwise specified, means the rules of OSFM located at 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180.

"OSI" or "Operational Safety Inspection" means an inspection of any activity requiring an STSS on site.

"Owner" means:

In the case of a UST in use on November 8, 1984, or brought into use after that date, any person who owns a UST used for storage, use or dispensing of regulated substances; and

In the case of any UST in use before November 8, 1984, but no longer in use on that date, any person who owned the UST immediately before the discontinuation of its use.

"Owner of Motor Fuel Dispensing Facility" means any individuals or legal entity holding title, lease, license or any interest in a motor fuel dispensing facility. The legal name, residence, address and county of any individuals who are owners shall be filed with OSFM.

"PAI" or "Performance Assurance Inspection" means an inspection for work that must be scheduled with OSFM and for which an STSS may be present.

"Party" means any individual, trust, firm, partnership, joint stock company, corporation, consortium, joint venture, commercial entity, federal government, State government, municipality, commission, unit of local government or political subdivision of the State, or any interstate body.

"PEI" means the Petroleum Equipment Institute.

"Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, municipality, commission, political subdivision of a state, interstate body, or other legal entity, or their legal representative, agent or assigns. "Person" also includes any consortium, joint venture, commercial entity or the United States Government and any federal agency.

"Petroleum" (including crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60°F and 14.7 pounds per square inch absolute)), includes, but is not limited to, petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Petroleum UST" means an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated

substances. Petroleum USTs include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents or used oils.

"Pipe" or "Piping" is any hollow cylinder or tubular conduit that is constructed of non-earthen materials. Such piping includes any elbows, couplings, unions, valves or other in-line fixtures that contain and convey regulated substances from the underground tanks to the dispensers.

"Pipeline Facilities" (including gathering lines) includes new or existing pipe rights-of-way and any equipment, facilities or buildings used in the transportation of gas (or hazardous liquids, which include petroleum or any other liquid designated by the U.S. Secretary of Transportation) or the treatment of gas or designated hazardous liquids during the course of transportation.

"Precision Test" or "Precision Tested" means a type of integrity test used to demonstrate tightness in a UST or associated piping. A precision test must be performed by an OSFM-licensed contractor, certified in the appropriate module, utilizing methods and equipment listed by an independent third party testing laboratory and listed in the NWGLDE publication List of Leak Detection Evaluations for Storage Tank Systems. Test procedures will be performed in accordance with manufacturer's specifications for the testing equipment being used, and must be able to detect a leak at a rate of at least 0.1 gallon per hour from any portion of the tank or piping that routinely contains product, with a probability of detection of at least 95 percent and a probability of false alarm of no more than five percent.

"Re-certified Tank" A re-certified tank is any used tank that has been inspected and certified pursuant to the requirements of 41 Ill. Adm. Code 175.400(c).

"Regulated Substance" means:

Any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under subtitle C); and

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). The term regulated substance includes, but is not limited to, petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

"Release" means any spilling, overfilling, leaking, emitting, discharging, escaping, leaching or disposing from a UST into groundwater, surface water or subsurface soils.

"Release Detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or a leak has occurred into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

"Removal" means removal of the underground storage tank system in accordance with 41 Ill. Adm. Code 175.830.

"Repair" means to restore to proper operating condition any tank, pipe, spill prevention equipment, overfill prevention equipment, corrosion protection equipment, release detection equipment, or other UST component that has caused or may cause a release of product from the UST system or has failed to function properly.

"Reportable Quantity" means the extent of a hazardous substance release that requires notification under Section 176.320 or 176.340. The reportable quantity varies depending upon the substance involved and is determined under 40 CFR 302.1 through 302.6 and 355.40, incorporated by reference in 41 Ill. Adm. Code 174.210. A list of the reportable quantities for various hazardous substances can be found at <http://www.epa.gov/emergencies/tools.htm#lol>.

"Residence" means single-family dwelling unit or duplex, and the parcel of property each is located on, with only one unit or duplex per parcel.

"Residential Tank" is a motor fuel underground storage tank located on residential property used for noncommercial purposes by a single family and located on property on which that family's residence is located.

"Revocation of the License of a Contractor" means termination of a contractor's license to perform any activity the contractor was licensed to perform.

"Revocation of the Registration of an Underground Storage Tank System" means termination by OSFM of the registration of a UST.

"Safety Can" means a container of not more than 5.3 gallons capacity having a spring-closing lid and spout cover, and designed so that it will safely relieve internal pressure when subjected to fire exposure, per NFPA 30 and 30A, incorporated by reference in 41 Ill. Adm. Code 174.210.

"Secondary Containment" or "Secondarily Contained" means a release prevention and release detection system for underground storage tanks and/or piping, consisting of an inner and outer barrier with an interstitial space that is monitored for leaks, and designed, constructed and installed to:

contain regulated substances released from the tank system until they are detected and removed;

prevent the release of regulated substances to the environment at any time during the operational life of the UST; and

be checked at least every 30 days for evidence of a release.

Secondary containment may include double-walled tanks and piping. This term includes containment sumps when used for interstitial monitoring of piping.

"Site Assessment" is sampling and analyzing the results of the sampling to determine if a release has occurred and if contamination is present on a site, pursuant to 41 Ill. Adm. Code 176.330.

"STI" means Steel Tank Institute.

"Stormwater Collection System" or "Wastewater Collection System" means all piping, pumps, conduit and any other equipment necessary to collect and transport the flow of surface water runoff resulting from precipitation or domestic, commercial or industrial wastewater to and from retention areas or areas where treatment is designated to occur. The collection of stormwater or wastewater does not include treatment, except when incidental to conveyance.

"STSS" means a Storage Tank Safety Specialist employed by OSFM.

"Surface Impoundment" is a natural topographic depression, man-made excavation or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

"Suspension of the License of a Contractor" means the prohibition of a contractor's performance of any activity the contractor was licensed to perform for a period of time not to exceed one year.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., steel, fiberglass, concrete or plastic) that provides structural support.

"Tank Vehicle" means any tank truck, tank full-trailer, or tractor and tank semi-trailer combination.

"Tank Containment Sump" means a factory manufactured containment located at the tank at the submersible pump or the entry point of American suction piping at the tank that will prevent leaks from the product piping from reaching soil or groundwater.

"Ten Percent or More Beneath the Surface of the Ground", with reference to a tank, means that its volume (including the volume of its connected underground piping) is 10 percent or more beneath the ground surface or otherwise covered with earthen materials. If a tank is in a vault, it is considered "beneath the surface of the ground" if it cannot be viewed from all sides and top and base.

"Third Party", unless otherwise specified in the rule, when applied to a device or system, means an independent nationally recognized organization or independent professionally licensed individual that evaluates the device or system according to a nationally recognized practice. Examples include, but are not limited to, UL, UL CAN, ANSI, ASTM, NLPA, API or NWGLDE.

"UL" means Underwriters Laboratories, Inc.

"UL Canada" or "UL CAN" means Underwriters Laboratories of Canada.

"Under-dispenser Containment" or "UDC" means factory manufactured containment underneath a dispenser that will prevent leaks from the dispenser and piping within or above the UDC from reaching soil or groundwater. The containment:

must be liquid-tight on its sides, bottom and at any penetrations or sidewall seam;

must be compatible with the substance conveyed by the piping; and

must allow for visual inspection and access to the components in the containment system and/or be monitored.

"Underground Storage Tank System" or "UST" means any one or combination of tanks (including connected underground pipes, connected ancillary equipment,

connected cathodic protection, and containment system, if any) used to contain an accumulation of regulated substances, the volume of which (including the volume of underground connected pipes) is 10 percent or more beneath the surface of the ground. A UST does include an emergency power generator tank system that stores any classification of fuel for use exclusively, alternately or concurrently by an emergency power generator, except as otherwise excluded in this definition. The term "underground storage tank system" or "UST" does not include any pipes connected to any tank excluded from this definition. Underground storage tank system or UST does not include any tank system as follows:

Farm or residential tank with a capacity of 1,100 gallons or less used for storing motor fuel for noncommercial purposes;

Heating oil tank of any capacity used exclusively for storing heating oil for consumptive use on a farm or residence;

Septic tank;

Pipeline facility (including gathering lines):

Regulated under 49 USC Ch. 601; or

Regulated under the Illinois Gas Pipeline Safety Act [220 ILCS 20] and determined by the Secretary of Transportation to be connected to a pipeline, or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

Any wastewater treatment tank system (including oil-water separators) that is part of a wastewater treatment facility regulated under section 402 or 307(b) of the Clean Water Act (33 USC 1342 or 1317(b));

Surface impoundment, pit, pond or lagoon;

Stormwater or wastewater collection system;

Flow-through process tank;

Emergency spill protection tank or overflow tank that is emptied expeditiously following use;

Liquid trap or associated gathering line directly related to oil or gas production and gathering operations;

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 and can be viewed from all sides and top and base;

Storage tank situated in a vault (whether underground or aboveground), if the storage tank is situated upon or above the surface of the floor or ground and can be viewed from all sides and top and base;

Tank abandoned-in-place by filling with inert material in compliance with 41 Ill. Adm. Code 175.840, while the condition allowing abandonment in place still exists;

Tank with a capacity of 110 gallons or less;

Any UST holding hazardous wastes listed or identified under subtitle C of the Solid Waste Disposal Act (42 USC 3251 et seq.);

Tank that contains a de minimis concentration of regulated substances, except that the tank shall have been in that status as of April 21, 1989 and may not have been converted to a UST tank on or after that date, unless the tank has been re-certified and is in compliance with applicable upgrade requirements; or

Equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift tanks or electrical equipment tanks.

With the exception of release reporting, response, corrective action and financial responsibility requirements, the following USTs (whether single- or double-wall construction) are partially excluded under 40 CFR 280.10(c) from UST regulatory requirements found in 41 Ill. Adm. Code 172, 174, 175, 176 and 177:

Wastewater treatment tank systems not regulated under Section 402 or 307B of the Clean Water Act (33 USC 1342 or 1317(b)), including oil-water separators;

Aboveground storage tanks associated with both airport hydrant fuel distribution systems and UST systems with field-constructed tanks regulated under subpart I;

Any UST containing radioactive material that is regulated under the Atomic Energy Act of 1954 (42 USC 2011 et seq.); and

Any UST that is part of an emergency generation system at a nuclear power generation facility licensed by the U.S. Nuclear Regulatory Commission and subject to Nuclear Regulatory Commission requirements regarding design and quality criteria, including, but not limited to, 10 CFR 50.

Although these systems are partially excluded (and therefore partially exempt from the requirements in 41 Ill. Adm. Code 172, 174, 175, 176 and 177) under 40 CFR 280.10(c) and 280.11, they are required to comply with release reporting, response, corrective action and financial responsibility requirements in 41 Ill. Adm. Code 176.200 through 176.360 and, by December 22, 1998, are required to comply with the following:

Be constructed to prevent releases due to corrosion or structural failure for the operational life of the UST;

Be cathodically protected against corrosion, constructed of non-corrodible material, steel clad with a non-corrodible material, or designed in a manner to prevent the release or threatened release of any stored substance;

Be constructed or lined with material that is compatible with the stored substance; and

Have installed a method for leak detection in accordance with written directives issued by OSFM.

"UST Activity" means a UST:

Installation – including retrofitting and cathodic protection installation;

Repair – including upgrade, which includes retrofitting and cathodic protection installation;

Removal – decommissioning, which includes abandonment-in-place;

Lining;

Lining inspection;

Tank entry;

Precision testing of one or more tanks or lines;  
Cathodic protection testing;  
Containment sump testing;  
Overfill prevention equipment inspection;  
Spill prevention equipment testing; or  
Release detection equipment and system testing.

"UST System" means a UST.

"Upgrade" is the addition or retrofit of some portion of a UST, such as cathodic protection, leak detection, new dispenser islands, new piping, interior lining or spill and overfill controls, installation of a manway, flex connectors, or other new openings.

"Wastewater Treatment Tank" means a tank that is designed to receive and treat any influent wastewater through physical, chemical or biological methods.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

#### SUBPART B: INCORPORATION BY REFERENCE

##### **Section 174.200 Incorporation of National Standards**

Incorporations of standards incorporated by reference in 41 Ill. Adm. Code 174, 175, 176 and 177 do not include any later editions or amendments.

##### **Section 174.210 Incorporations by Reference**

If a UST was installed prior to adoption of these standards, the standard that shall apply to any maintenance or repair shall be the standard cited in this Section unless otherwise specified in 41 Ill. Adm. Code 174, 175, 176 or 177. If a UST or a component of the system is installed, replaced or upgraded, the installation, replacement or upgrade shall comply with the standards listed in this Section.

- a) The following publications are incorporated by reference and apply to 41 Ill. Adm. Code 174, 175, 176, and 177:

Airlines for America (formerly, Air Transport Association (ATA)), 1275 Pennsylvania Avenue, NW, Suite 1300, Washington DC 20004. Website for listing of publications: <https://publications.airlines.org>.

"Airport Fuel Facility Operations and Maintenance Guidance Manual" (2004 Edition).

American Petroleum Institute (API). Available from the American Petroleum Institute, 1220 L Street, N.W., Washington DC 20005, (202)682-8000:

API Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks", Third Edition, 1996.

API Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Fifth Edition, 2001.

API Standard 2015, "Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks", Seventh Edition, 2014.

API Recommended Practice 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Filling Stations", Second Edition, 2010.

American Society for Testing and Materials (ASTM). Available from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken PA 19428-2959, (610)832-9500:

ASTM F 852-08, "Standard Specification for Portable Gasoline Containers for Consumer Use" (2008 Edition).

ASTM F 976-08, "Standard Specification for Portable Kerosene and Diesel Containers for Consumer Use" (2008 Edition).

The ICC International Building Code. Available from ICC, 4051 W. Flossmoor Rd., Country Club Hills IL 60478, (708)799-2300:

ICC International Building Code (2015).

Institute of International Banking Law & Practice, Inc. (Institute). Website: <http://iiblp.org/resources/isp-forms/>:

"International Standby Practices (ISP) 98 Form 11.1, Model Government Standby Form" (2014).

NACE International. Available from NACE International, 1440 S. Creek Dr., Houston TX 77084, (281)228-6223:

NACE Standard Practice SP0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" (2013 Edition).

NACE Standard Practice SP0285, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection" (2011 Edition).

National Fire Protection Association (NFPA). Available from the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169, (617)770-3000 or (800)344-3555:

NFPA 10, "Standard for Portable Fire Extinguishers" (2013).

NFPA 13, "Standard for the Installation of Sprinkler Systems" (2016).

NFPA 17, "Standard for Dry Chemical Extinguishing Systems" (2017).

NFPA 30, "Flammable and Combustible Liquids Code" (2015). Also available from ANSI.

NFPA 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages" (2015). Also available from ANSI.

NFPA 58, "Liquefied Petroleum Gas Code" (2017).

NFPA 70, "National Electrical Code" (2017). Also available from ANSI.

NFPA 72, "National Fire Alarm and Signaling Code" (2016).

NFPA 101, "Life Safety Code" (2000). Also available from ANSI.

NFPA 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids" (2017). Also available from ANSI.

NFPA 407, "Standard for Aircraft Fuel Servicing" (2017).

National Leak Prevention Association (NLPA). Available from the National Leak Prevention Association, 75-4 Main Street, Suite 300, Plymouth NH 03264, info@NLPA-online.org, (815)301-2785 (phone), (240)757-0211 (fax):

NLPA Standard 631 (Chapters A & B Only), "Entry, Cleaning, Interior Inspection, Repair and Lining of Underground Storage Tanks" (Chapter A) and "Future Internal Inspection Requirements for Lined Tanks" (Chapter B), Fifth Edition, 2001.

National Work Group on Leak Detector Evaluations (NWGLDE), List of Leak Detection Evaluations for Storage Tank Systems, Twenty-Fourth Edition (January 3, 2017), as subsequently modified by the Twenty-Fifth Edition (January 18, 2018), available at [www.nwglde.org](http://www.nwglde.org).

Petroleum Equipment Institute (PEI). Available from the Petroleum Equipment Institute, P.O. Box 2380, Tulsa OK 74101-2380, [RP@pei.org](mailto:RP@pei.org), (918)494-9696 (phone), (918)491-9895 (fax):

PEI/RP 100-17, "Recommended Practices for Installation of Underground Liquid Storage Systems" (2017).

PEI/RP 500-11, "Recommended Practices for Inspection and Maintenance of Motor Fuel Dispensing Equipment" (2011).

PEI/RP 900-17, "Recommended Practices for the Inspection and Maintenance of UST Systems" (2017).

PEI/RP 1000-14, "Recommended Practices for the Installation of Marina Fueling Systems" (2014).

PEI/RP 1200-17, "Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities" (2017).

PEI/RP 1300-13, "Recommended Practices for the Design, Installation, Service, Repair and Maintenance of Aviation Fueling Systems" (2013).

PEI/RP 1400-14, "Recommended Practices for the Design and Installation of Fueling Systems for Emergency Generators, Stationary Diesel Engines and Oil Burner Systems" (2014).

Steel Tank Institute (STI). Available from the Steel Tank Institute, 944 Donata Court, Lake Zurich IL 60047, (847)438-8265:

STI (F894) (ACT 100), "Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks", revised February 2017.

Underwriters Laboratories, c/o COMM 2000, 151 Eastern Avenue,  
Bensenville IL 60106, 1-888-853-3503:

"Standard for Pre-Engineered Dry Chemical Extinguishing System  
Units", UL 1254, Fourth Edition (2013).

US Department of Defense (available at <http://www.wbdg.org/ffc/dod> and  
at <http://www.dtic.mil/whs/directives>):

"Unified Facilities Criteria (UFC) 3-460-01, Petroleum Fuel  
Facilities", 2010 Edition as revised by Change 2, eff. June 17,  
2015.

Department of Defense Manual 4140.25, Volume 9, "DoD  
Management of Energy Commodities: Defense Fuel Support Point  
(DFSP) Bulk Petroleum Inventory Accounting" (eff. March 2,  
2018) (consolidated from Department of Defense Instruction  
Number 4140.25, "DoD Management of Bulk Petroleum Products,  
Natural Gas, and Coal", Volume II: "Petroleum Management",  
Chapter 10: "Accountability", eff. June 22, 1994).

- b) The following federal regulations (Code of Federal Regulations (CFR)) are  
incorporated by reference and apply to 41 Ill. Adm. Code 174, 175, 176 and 177.  
Available from the Superintendent of Documents, U.S. Government Printing  
Office, Washington DC 20401, (202)512-1800:

29 CFR 1910.146 (December 27, 2011).

29 CFR 1926 (July 26, 2016).

40 CFR 280 (October 13, 2015).

40 CFR 302.1 through 302.6 and 355.40 (July 1, 2015).

- c) If the above-referenced publications conflict with specific provisions of 41 Ill.  
Adm. Code 174, 175, 176 or 177, the Illinois rules shall take precedence over the  
publications identified in subsection (a) and the federal rules (identified in  
subsection (b)) shall take precedence over the Illinois rules. However, the  
provisions of 41 Ill. Adm. Code 174, 175, 176, and 177 shall not be deemed to be  
in conflict with federal rules on the basis that the Illinois rules are more specific  
than, more stringent than, or impose requirements for which no similar  
requirements are contained in, laws and rules enforced by agencies of the federal  
government.

d) The following Illinois regulations are referenced in this Part:

Pollution Control Board: 35 Ill. Adm. Code 734, 742 and 750.410

Department of Transportation: 92 Ill. Adm. Code 172

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

**SUBPART C: BULK LOADING AND UNLOADING AND  
GENERAL UNDERGROUND STORAGE TANK FACILITY REQUIREMENTS**

**Section 174.300 Storage, Handling and Use of Flammable and Combustible Liquids**

With regard to USTs, except as otherwise provided in 41 Ill. Adm. Code 172, 174, 175, 176, 177, 160 and 180, the storage, handling and use of flammable and combustible liquids shall comply with NFPA 30 and 30A, incorporated by reference in 41 Ill. Adm. Code 174.210, as of October 13, 2018.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

**Section 174.310 Bulk Loading and Unloading for Railroad Tank Cars and Tank Vehicles**

- a) Any kind of loading or unloading activity, either to or from railroad tank cars and tank vehicles, or any other kind of loading or unloading into or out of USTs, shall require compliance with Section 174.300 and the following minimum requirements.
- 1) All electrical installations shall comply with the Edition of NFPA 70 in force at the time of installation of the electrical equipment at all hazardous (classified) locations, such as loading and unloading docks, to include vapor-proof lighting, wiring in sealed conduit, and explosion-proof switches. Equipment and installations shall further comply with the requirements of 41 Ill. Adm. Code 175.425.
  - 2) A person shall be present to actively supervise the product transfer during loading and unloading operations.
  - 3) When transferring Class I liquids, motors of tank vehicles and portable or auxiliary pumps shall be shut down during the making and breaking of hose connections. If loading or unloading is done without requiring the use of the motor of the tank vehicle, the motor shall be shut down throughout the transfer operations.

- 4) Before loading or unloading operations begin, the depositor shall determine the quantity of product that can be unloaded into each tank or tank vehicle (i.e., the tank ullage) without overflow of product. The volume shall be logged with the facility owner/operator. The log may consist of any bill of lading.
- 5) The driver, operator or attendant of any tank vehicle shall not remain in the vehicle, but shall not leave the vehicle unattended during the loading or unloading process. Delivery hose, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle. The driver, operator or attendant shall monitor fuel flow at the deposit point at all times during fuel transfer operations.
- 6) When loading or unloading product into or from underground tanks located at bulk facilities and motor fuel dispensing facilities equipped with tank vapor recovery equipment, the driver, operator or attendant of the tank truck shall ensure that all vapor return paths are effectively made liquid and vapor tight to prevent the discharge of vapors at grade level.
- 7) No fuel deliveries shall be made while tank entry work is going on at the same UST facility unless the facility can demonstrate that:
  - A) the fill port to be fueled is not connected to the UST being worked on;
  - B) no other connection directly or indirectly exists between the UST being worked on and the UST receiving the fuel; and
  - C) the conditions for delivery are safe, including the distance between the UST being worked on and the UST receiving fuel.
- 8) Smoking on or about any tank truck while loading or unloading any flammable or combustible liquid is forbidden. Extreme care shall be taken during unloading operations to avoid deliveries where spark generating equipment is being operated nearby, to avoid other practices involving a risk of fire, to keep fire away, and to prevent persons in the vicinity from smoking, lighting matches or carrying any flame or lighted cigar, pipe or cigarette.
- 9) Tank trucks and tank wagons used for the transport and delivery of Class I, II or III liquids shall not be parked for other than delivery purposes in

residential districts, as defined in the Illinois Vehicle Code [625 ILCS 5/1-172].

- 10) Owners, operators and delivery personnel shall ensure that releases due to spilling or overfilling do not occur and that all transfer operations are monitored constantly to prevent overfilling and spilling.
  - 11) The depositor shall report any release of a regulated substance into the environment according to the reporting requirements for owners/operators set forth in 41 Ill. Adm. Code 176.340. The depositor shall then also notify the UST owner/operator immediately. If the depositor fails to report, the facility shall report under 41 Ill. Adm. Code 176.340.
  - 12) Owners or operators shall report, investigate and clean up any spills or overfills in accordance with 41 Ill. Adm. Code 176.300 through 176.350, including the required reporting of a release when not already reported by the depositor.
- b) The unloading hose from a railroad tank car or tank vehicle into an underground tank shall have a static wire or its equivalent and shall be equipped with a non-ferrous nozzle or tight connection metal nipple.
  - c) Before unloading operations begin, the depositor shall determine the following:
    - 1) The facility has a green decal (facility operating permit), issued by OSFM, that is current and valid and in plain view.
    - 2) Any fill or remote fill that has a red tag, issued by OSFM, attached. Depositing into the associated tank is prohibited.
    - 3) The depositor shall inspect the fill device to assure that no tampering has occurred. Before unloading may begin into a remote fill, the depositor shall ensure that all fill caps are secure and tight. Any overriding or tampering with an overfill device that may result in the overfilling of any tank is prohibited.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

**Section 174.320 Locating Bulk Facilities Adjacent to a Motor Fuel Dispensing Facility; Dual Purpose USTs**

- a) Dispensing from a bulk tank into the tank of a motor vehicle is prohibited.

- b) Bulk facilities (including any bulk storage, bulk plant or bulk load-out) located adjacent to or at a motor fuel dispensing facility shall be separated from public fuel dispensing areas by a fence or similar barrier from the area in which bulk operations are conducted.
- c) Installations of piping to connect bulk storage to a UST at a motor fuel dispensing facility permitted prior to July 1, 1985 shall comply with 41 Ill. Adm. Code 160.15 and the following requirements:
  - 1) Any alteration of a UST component at the bulk and motor fuel dispensing facilities shall require that UST component be upgraded to current design, operating and other technical requirements found in 41 Ill. Adm. Code 174, 175 and 176.
  - 2) Replacement of any UST piping shall require that all UST piping associated and interconnected with the bulk and motor fuel dispensing facilities and USTs be upgraded to current standards for new piping, including requirements for double-wall piping equipped with interstitial monitoring and all appropriate sumps (see 41 Ill. Adm. Code 174, 175 and 176).
  - 3) Replacement of underground storage tanks at bulk and motor fuel dispensing facilities shall require that the entire UST related to the tank replacement be upgraded to standards for newly installed USTs (see 41 Ill. Adm. Code 174, 175 and 176).
- d) Existing Dual Purpose USTs permitted after May 1, 2003. Beginning May 1, 2003, connections between a single bulk load-out and a single UST at a motor fuel dispensing facility shall be allowed to remain if the UST and piping meets all technical standards at the time of installation. Existing dual purpose USTs shall have evidence of OSFM's written consent to operate.
- e) New Installations of and New Conversions to Dual Purpose USTs. On and after September 1, 2010, requests to connect new and existing bulk load-outs to new or existing USTs located at motor fuel dispensing facilities must be reviewed and approved by OSFM, and shall be limited to a single underground storage tank connected to one or more dispensers and a bulk load-out at the same time. Approval from OSFM shall require an OSFM permit issued under 41 Ill. Adm. Code 175.300 prior to construction or installation and shall be contingent upon, and require compliance with, subsections (a), (b) and (c) and 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180 and the following requirements:

- 1) All product piping extensions at the motor fuel dispensing facility shall be underground and be equipped with automatic line leak detectors (ALLDs) and meet all other release detection requirements for UST piping;
- 2) The UST connected to any bulk load-out shall be designed for the working pressures and volume of products to be transferred and for the specific use and location;
- 3) Individual tanks shall not be interconnected, siphoned or manifolded when serving as a dual purpose UST; e.g., a dual purpose UST may not at the same time be connected to any other tanks or USTs;
- 4) Product piping shall not be routed under buildings;
- 5) Dispensers from which retail sales to the public are made shall not be connected, directly or indirectly, to any tank for which the total of all compartments is over 30,000 gallons capacity;
- 6) General Requirement that Dual Purpose USTs Meet Requirements for Newly Installed USTs
  - A) Dual purpose USTs shall meet all design and other UST technical requirements for newly installed USTs, including:
    - i) design requirements for tanks and piping (see 41 Ill. Adm. Code 175.Subpart D and 176.430(f));
    - ii) corrosion protection (see 41 Ill. Adm. Code 175.Subpart E); and
    - iii) release detection that also includes all underground product piping extensions (see 41 Ill. Adm. Code 175.Subpart F);
  - B) Dual purpose USTs shall also be compatible with the product stored (see 41 Ill. Adm. Code 175.415), and meet all required setbacks and separation distances (see 41 Ill. Adm. Code 175.Subpart D). When an existing UST to be connected to a bulk load-out does not meet current requirements for newly installed USTs, the UST must be upgraded to standards for new installations at the time the connection to a bulk loadout is made;
- 7) Deliveries from the tank vehicle into vehicles at the motor fuel dispensing facility are prohibited;

- 8) The service station portion must comply with all requirements of 41 Ill. Adm. Code 174, 175, 176, 177 and 180 applicable to service stations;
- 9) The bulk facility portion shall comply with all applicable requirements of this Subpart and 41 Ill. Adm. Code 160, 174, 175, 176, 177 and 180;
- 10) An OSFM permit shall be obtained prior to connecting a new or existing bulk load-out to a new or existing UST at a motor fuel dispensing facility.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

### **Section 174.330 Heating Systems**

Newly installed or replaced heating systems where flammable and combustible liquids are stored, handled or dispensed, and the locations of newly installed or replaced furnaces and heaters at motor fuel dispensing facilities, shall comply with NFPA 30 and 30A, incorporated by reference in Section 174.210, on and after September 1, 2010. Existing heating systems, furnaces and heaters previously approved by OSFM or in compliance with OSFM rules by August 31, 2010 shall be allowed to remain.

### **Section 174.340 Greasing Pits**

Newly installed greasing pits in buildings where flammable and combustible liquids are stored, handled, used or dispensed shall comply with NFPA 30 and 30A, incorporated by reference in Section 174.210, on and after September 1, 2010. Greasing pits previously approved by OSFM or in compliance with former 41 Ill. Adm. Code 170 by August 31, 2010 shall be allowed to remain.

### **Section 174.350 Fire Extinguishers**

Every dispensing facility shall provide fire extinguishers that comply with the installation and sizing requirements of NFPA 10, incorporated by reference in Section 174.210, and the testing, maintenance and licensing requirements of 41 Ill. Adm. Code 251 (Fire Equipment Distributor and Employee Standards). Other facilities shall provide extinguishers when required to do so by NFPA 30, 30A or 10, incorporated by reference in Section 174.210.

### **Section 174.360 Fireworks**

The storage, sale, use, explosion or handling of fireworks items that require ignition to produce an audible or visual effect or display are prohibited at all motor fuel dispensing facilities where flammable and combustible liquids are stored, handled, transferred, dispensed or used.

**Section 174.370 General Requirement to Maintain All Equipment**

Equipment and other items required by 41 Ill. Adm. Code 160, 172, 174, 175, 176, 177 and 180 shall be maintained in accordance with 41 Ill. Adm. Code 175 and 176 and this Part and manufacturer's instructions and otherwise shall be kept in good operating condition at all times.

**SUBPART D: PORTABLE AND VEHICULAR DISPENSING****Section 174.400 Dispensing Requirements at Motor Fuel Dispensing Facilities**

- a) All dispensing of motor fuels at motor fuel dispensing facilities shall only be directly into the fuel tanks of motor vehicles when the tanks are connected with the fuel systems of the vehicles, or into safety cans, or portable containers, or portable tanks in compliance with Section 174.410.
- b) With the exception of industrial or fleet facilities with no connection to any UST from which regulated products are sold at retail to the public, the capacity of the total of all compartments of any UST installed at a motor fuel dispensing facility shall not exceed 30,000 gallons.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

**Section 174.410 Portable Containers and Portable Fuel Tanks**

Except as otherwise specified in OSFM rules, the storage, transfer, handling, dispensing and use of flammable and combustible liquids in portable containers and portable fuel tanks shall comply with NFPA 30 and 30A, incorporated by reference in Section 174.210, on and after September 1, 2010.

- a) All portable containers for gasoline and kerosene shall be marked or labeled in a conspicuous place with the name of the product.
- b) Any portable container into which gasoline or benzol is to be dispensed, except a tank wagon or truck, shall be red and shall be labeled "gasoline" or "benzol" as the case may be. These containers shall be labeled in letters at least ½" high. It shall be unlawful to use portable containers not complying with this Section. For purposes of the red container requirement under this Section, "portable" shall mean those containers that may be reasonably carried or wheeled by a single person by hand. Such containers would not include trailers or other wheeled devices intended to be pulled by a motor vehicle.
- c) No person shall put any liquid or oil other than gasoline or benzol in red containers that are labeled or marked for gasoline or benzol use.

- d) Safety cans and like portable containers for kerosene shall be blue with "KEROSENE" in ½" or larger letters on the container. These containers shall be metal or other material approved by OSFM. No person shall put any liquid or oil other than kerosene in blue containers labeled or marked for kerosene use.
- e) Portable containers for flammable or combustible liquids regulated under the Gasoline Storage Act shall be listed for their intended purpose. Except as otherwise provided by 41 Ill. Adm. Code 160, 174, 175, 176 and 180, portable containers for Class I and Class II liquids shall have been tested and meet the specifications and test criteria of ASTM F852 or ASTM F976 and all other ANSI-ASTM tests referred to in those standards. Documentation of compliance with ANSI-ASTM specifications must be submitted by the manufacturer to OSFM for approval, before such portable containers may be marketed or used in the State of Illinois.

#### **Section 174.420 Deliveries from Portable Fuel Tanks and Tank Vehicles Restricted**

- a) Dispensing or delivery of flammable or combustible motor vehicle fuels from tank vehicles, tank trucks, tank wagons or other portable tanks is prohibited except as follows:
  - 1) Agricultural sites for agricultural purposes (farm use);
  - 2) Construction sites for refueling construction equipment used only at the construction site (this exception does not apply to trucks or passenger cars that have license plates attached and may be driven to motor fuel dispensing facilities);
  - 3) Sites used for the refueling of police, fire or emergency medical services vehicles or other vehicles that are owned, leased or operated by (or operated under contract with) the State, a unit of local government, a school district, or any agency of the State and that are not normally accessible to the public;
  - 4) Sites permitted under the Environmental Protection Act [415 ILCS 5] as waste disposal sites, sanitary landfills, and municipal solid waste landfill units, but only for the fueling of off-road vehicles and equipment used at and for the operation of these sites;
  - 5) Sites used for the parking, operation or maintenance of a commercial vehicle fleet, but only if the site is located in a county with 3,000,000 or more inhabitants or a county contiguous to a county with 3,000,000 or more inhabitants and the site is not normally accessible to the public; and

- 6) Airports for fueling of aircraft as defined in, and in compliance with, 41 Ill. Adm. Code 180.
- b) Under no circumstances shall the exceptions listed in subsection (a) be construed to allow retail sales to the public from tank vehicles, tank trucks, tank wagons or other portable tanks. Dispensing or delivery of flammable or combustible motor vehicle fuels to or from tank vehicles for the purposes set forth in subsections (a)(1) through (a)(5) shall comply with Sections 174.440 and 174.450, except that a permit shall not be required for fueling pursuant to subsections (a)(1) through (a)(4).
- c) Additional Exception to Ban on Mobile Fueling. In addition to the fueling described in subsections (a) and (b), when Class I or II liquids are to be transported for agriculture or construction as described in subsections (a)(1) and (a)(2), the party performing the fueling may also transport 119 gallons or less per vehicle subject to the following conditions:
  - 1) Containers shall be tanks constructed of 18 gauge or heavier steel or equivalent gauge aluminum.
  - 2) Tanks shall be securely fastened to prevent separation from the vehicle in the event of a collision.
  - 3) Tanks shall be electrically bonded to the frame of the vehicle.
  - 4) Tanks shall be protected against leakage or damage in the event of a turnover.
  - 5) Tanks may not be drained by gravity. Only top mounted pumps designed and labeled for use with flammable and combustible liquids may be used to transfer Class I and II liquids from the tanks to other storage tanks or vehicle fuel tanks. No top mounted pump shall be higher than the highest point of the vehicle or permanently attached appurtenances (i.e., roll bars).
  - 6) Flammable liquid petroleum products being transported on a single vehicle may not exceed 119 gallons.
  - 7) Each tank is clearly labeled with the name of the product it contains in letters at least 2" in height with the letters to be white in color on a contrasting background, or placarded in accordance with Illinois Department of Transportation hazardous materials rules (92 Ill. Adm. Code 172).

- 8) Vehicles transporting regulated products under this subsection (c) shall also comply with the regulations of the Illinois Department of Transportation regarding that transport.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

### **Section 174.430 Auxiliary Fuel Tanks for Vehicles over a Certain Size**

- a) Auxiliary (additional) fuel tanks of 119 gallons aggregate capacity or less for Class I or II liquids may be added to  $\frac{1}{2}$  and  $\frac{3}{4}$  ton (pickup) trucks or larger vehicles to provide added fuel capacity, provided that the tank:
  - 1) is constructed of 18 gauge or heavier steel, or equivalent gauge aluminum;
  - 2) is securely fastened to either the truck bed or frame in such a manner that it will not separate from the vehicle in the event of a collision;
  - 3) is permanently connected to the fuel system of the vehicle in a manner required by any applicable USDOT rules and regulations;
  - 4) is baffled to prevent the sudden shifting of liquid when the vehicle is moving;
  - 5) is electrically bonded to the vehicle frame;
  - 6) is protected against leakage or damage in the event of a turnover;
  - 7) cannot be drained by gravity. Only top mounted pumps designed and labeled for use with flammable and combustible liquids may be used to transfer Class I and II liquids from the tanks to other storage tanks or vehicle fuel tanks. No top mounted pump shall be higher than the highest point of the vehicle or permanently attached appurtenances (i.e., roll bars).
- b) Flammable liquid petroleum products being transported on a single vehicle as allowed under this Section may not exceed 119 gallons.
- c) Vehicles transporting regulated products under this Section shall also comply with the regulations of the Illinois Department of Transportation regarding that transport.
- d) Each tank shall be clearly labeled with the name of the product it contains in letters at least 2" in height and a color contrasting with the background, or

placarded in accordance with Illinois Department of Transportation hazardous materials rules (92 Ill. Adm. Code 172).

### **Section 174.440 Dispensing or Delivery of Flammable or Combustible Motor Fuels from Tank Vehicles**

Dispensing or delivery of flammable or combustible motor vehicle fuels from tank vehicles is allowed at sites used for the parking, operation or maintenance of a commercial vehicle fleet under the following conditions:

- a) The site is located in a county with 3,000,000 or more inhabitants or a county contiguous to a county with 3,000,000 or more inhabitants and:
  - 1) The site is not normally accessible to the public and has been approved by OSFM.
  - 2) The vehicles being fueled are part of a fleet of commercial vehicles that are normally parked, operated or maintained at the fueling site.
  - 3) An inspection of the fueling site has been made and approval granted in the form of a permit issued by OSFM. An inspection of the facility may be made at any time. The permit application may be found at <https://www2.illinois.gov/sites/sfm/About/Divisions/Fire-Prevention-and-Building-Safety/Pages/Mobile-Fueling.aspx>.
  - 4) Electrical devices and wiring in areas where fuel is dispensed are in accordance with the edition of NFPA 70 in effect at the time the mobile fueling site was constructed.
  - 5) Dispensing locations are at least 50 feet from structures or combustible storage, including structures or storage on adjacent properties.
  - 6) Signs are posted prohibiting smoking or open flames within 25 feet of the fuel tanker and the point of fueling.
- b) The tank vehicle is owned and operated by a company licensed by OSFM to perform mobile fueling.
- c) The tank vehicle complies with the requirements of NFPA 385, incorporated by reference in Section 174.210 and has been approved by OSFM.
- d) The tank vehicle displays a mobile-fueling sticker issued by OSFM.

- e) The dispensing hose does not exceed 50 feet in length.
- f) The dispensing nozzle is a listed automatic-closing type with a latch-open device.
- g) Nighttime deliveries are only be made in adequately lighted areas.
- h) The tank vehicle's flasher lights are in operation while dispensing.
- i) Fuel expansion space is left in each fuel tank to prevent overflow in the event of temperature increase.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

#### **Section 174.450 Requirements for Permit to Fuel Motor Vehicles from Tank Vehicles**

- a) The person, company or other entity proposing to deposit fuel into tanks of motor vehicles from tank vehicles must first have a permit from OSFM. The application may be found at <https://www2.illinois.gov/sites/sfm/About/Divisions/Fire-Prevention-and-Building-Safety/Pages/Mobile-Fueling.aspx>. A permit will be granted under the following circumstances.
  - 1) The person must apply for a permit by providing the following information:
    - A) The name of business, proof of good standing if a corporation, proof of compliance with the Assumed Name Act if applicable, and the principal address of the business.
    - B) Proof that the vehicles used for fueling are in compliance with Section 174.440.
    - C) Evidence that employees have knowledge of the requirements contained in Section 174.440.
  - 2) An annual fee of \$500 shall be charged each person engaging in fueling from tank vehicles for the period from January 1 through December 31 of each calendar year.
  - 3) Each vehicle used for fueling must comply with Section 174.440 and:
    - A) OSFM approval shall consist of a decal or other evidence issued by OSFM attached to the vehicle. The application can be found at the

website cited in subsection (a). Tank vehicles shall be subject to periodic inspections.

- B) Vehicles without a permit shall not be allowed to engage in tank vehicle fueling.
  - C) A replacement or added vehicle shall not engage in fueling until an inspection is made to determine compliance and evidence of compliance is issued.
  - D) An annual fee of \$100 shall be charged for each vehicle engaged in the fueling. Replacement vehicles shall be charged at the same rate. The evidence of compliance shall be for January 1 through December 31.
- b) Each location (site) where fueling from tank vehicles is conducted shall be inspected by OSFM. No fueling from tank vehicles shall take place until the location for the fueling is approved by OSFM.
- 1) The owner/lessee or other person who has vehicles to be fueled by tank vehicle shall pay OSFM an annual fee for each location where the fueling will take place. Fees shall be as follows:
 

Number of Vehicles Fueled	Fee
1-25	\$100
26-50	\$200
51-100	\$300
101 or more	\$400
  - 2) The locations shall be approved if they meet the requirements of Section 174.440.
  - 3) The location must be approved annually.

(Source: Amended at 42 Ill. Reg. 10435, effective October 13, 2018)

**Section 174.APPENDIX A Derivation Table (Repealed)**

(Source: Repealed at 42 Ill. Reg. 10435, effective October 13, 2018)