

## Tanks Excluded from UST Branch Regulations

A tank may be excluded from regulation by the UST Branch under 401 KAR Chapter 42 due to being one of the following:

- Tank and piping volume beneath the surface of the ground is less than ten percent (10%) (for example, an aboveground tank)
- Farm or residential tank of one thousand one hundred (1,100) gallons or less capacity that is used for storing motor fuel for noncommercial purposes
- Tank used for storing heating oil for consumptive use on the premises where stored
- Septic tank
- Pipeline facility (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, (49 U.S.C. App. secs. 1671 et seq.), the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. secs. 2001 et seq.), or which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the Natural Gas Pipeline Safety Act of 1968 or the Hazardous Liquid Pipeline Safety Act of 1979
- Surface impoundment pit, pond, or lagoon
- Storm water or waste water collection system
- Liquid trap or associated gathering lines 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
- Tank and piping capacity 110 gallons or less
- Tank containing radioactive material that is regulated under the Atomic Energy Act of 1954
- Tank containing any substance regulated as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (Public Law 94-580)
- Wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 and 307(b) of the Clean Water Act
- Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks
- Tank that contains a *de minimis* concentration of regulated substances
- Emergency spill or overfill containment tank that is expeditiously emptied after use
- Tank that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A
- Airport hydrant fuel distribution system
- Field-constructed tank
- Flow-through process tank (for example, oil water separator tank)
- Tank empty and taken out of operation prior to Jan. 1, 1974
- Tank closed in place/filled with inert material prior to Jan. 1, 1974
- Tank removed from the ground prior to Jan. 1, 1974
- Typically excluded are non-petroleum products employed in the operation of motor vehicles. If there are questions regarding the regulatory status of the substance stored in an underground storage tank, please call the UST Branch.