

by the Administrator (A) to the public benefits to be derived by the construction and the propriety of Federal aid in making such grant; (B) to the extent applicable, to the economic and commercial viability of the project (including contractual arrangements with the private sector to market any resources recovered); (C) to the potential of such project for general application to community solid waste disposal problems; and (D) to the use by the applicant of comprehensive regional or metropolitan area planning.

**(e) Additional limitations**

A grant under this section—

(1) may be made only in the amount of the Federal share of (A) the estimated total design and construction costs, plus (B) in the case of a grant to which subsection (b)(1) of this section applies, the first-year operation and maintenance costs;

(2) may not be provided for land acquisition or (except as otherwise provided in paragraph (1)(B)) for operating or maintenance costs;

(3) may not be made until the applicant has made provision satisfactory to the Administrator for proper and efficient operation and maintenance of the project (subject to paragraph (1)(B)); and

(4) may be made subject to such conditions and requirements, in addition to those provided in this section, as the Administrator may require to properly carry out his functions pursuant to this chapter.

For purposes of paragraph (1), the non-Federal share may be in any form, including, but not limited to, lands or interests therein needed for the project or personal property or services, the value of which shall be determined by the Administrator.

**(f) Single State**

(1) Not more than 15 percent of the total of funds authorized to be appropriated for any fiscal year to carry out this section shall be granted under this section for projects in any one State.

(2) The Administrator shall prescribe by regulation the manner in which this subsection shall apply to a grant under this section for a project in an area which includes all or part of more than one State.

(Pub. L. 89-272, title II, §8006, as added Pub. L. 94-580, §2, Oct. 21, 1976, 90 Stat. 2838.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3254b of this title, prior to the general amendment of the Solid Waste Disposal Act by Pub. L. 94-580.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Administrator or other official of Environmental Protection Agency under this chapter to Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 6903 of this title.

**§ 6987. Authorization of appropriations**

There are authorized to be appropriated not to exceed \$35,000,000 for the fiscal year 1978 to carry

out the purposes of this subchapter (except for section 6982 of this title).

(Pub. L. 89-272, title II, §8007, as added Pub. L. 94-580, §2, Oct. 21, 1976, 90 Stat. 2839.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3259 of this title, prior to the general amendment of the Solid Waste Disposal Act by Pub. L. 94-580.

SUBCHAPTER IX—REGULATION OF UNDERGROUND STORAGE TANKS

**§ 6991. Definitions and exemptions**

In this subchapter:

(1) INDIAN TRIBE.—

(A) IN GENERAL.—The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community that is recognized as being eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(B) INCLUSIONS.—The term “Indian tribe” includes an Alaska Native village, as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and<sup>1</sup>

(2) The term “nonoperational storage tank” means any underground storage tank in which regulated substances will not be deposited or from which regulated substances will not be dispensed after November 8, 1984.

(3) The term “operator” means any person in control of, or having responsibility for, the daily operation of the underground storage tank.

(4) The term “owner” means—

(A) in the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances and

(B) in the case of any underground storage tank in use before November 8, 1984, but no longer in use on November 8, 1984, any person who owned such tank immediately before the discontinuation of its use.

(5) The term “person” has the same meaning as provided in section 6903(15) of this title, except that such term includes a consortium, a joint venture, and a commercial entity, and the United States Government.

(6) The term “petroleum” means petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

(7) The term “regulated substance” means—

(A) any substance defined in section 9601(14) of this title (but not including any substance regulated as a hazardous waste under subchapter III), and

(B) petroleum.

(8) The term “release” means any spilling, leaking, emitting, discharging, escaping,

<sup>1</sup> So in original. The semicolon probably should be a period and the word “and” probably should not appear.

leaching, or disposing from an underground storage tank into ground water, surface water or subsurface soils.

(9) **TRUST FUND.**—The term “Trust Fund” means the Leaking Underground Storage Tank Trust Fund established by section 9508 of title 26.

(10) The term “underground storage tank” means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is 10 per centum or more beneath the surface of the ground. Such term does not include any—

(A) farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes,

(B) tank used for storing heating oil for consumptive use on the premises where stored,

(C) septic tank,

(D) pipeline facility (including gathering lines)—

(i) which is regulated under chapter 601 of title 49, or

(ii) which is an intrastate pipeline facility regulated under State laws as provided in chapter 601 of title 49,

and which is determined by the Secretary 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,

(E) surface impoundment, pit, pond, or lagoon,

(F) storm water or waste water collection system,

(G) flow-through process tank,

(H) liquid trap or associated gathering lines directly related to oil or gas production and gathering operations, or

(I) storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

The term “underground storage tank” shall not include any pipes connected to any tank which is described in subparagraphs (A) through (I).

(Pub. L. 89-272, title II, §9001, as added Pub. L. 98-616, title VI, §601(a), Nov. 8, 1984, 98 Stat. 3277; amended Pub. L. 99-499, title II, §205(a), Oct. 17, 1986, 100 Stat. 1696; Pub. L. 102-508, title III, §302, Oct. 24, 1992, 106 Stat. 3307; Pub. L. 103-429, §7(d), Oct. 31, 1994, 108 Stat. 4389; Pub. L. 109-58, title XV, §§1532(a), 1533(1), Aug. 8, 2005, 119 Stat. 1104, 1105.)

#### REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (1)(B), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

#### AMENDMENTS

2005—Pub. L. 109-58 substituted “In this subchapter:” for “For the purposes of this subchapter—” in introduc-

tory provisions, added pars. (1) and (9), redesignated former pars. (1) to (8) as pars. (10), (7), (4), (3), (8), (5), (2), and (6), respectively, and, in par. (4)(A), substituted “substances” for “sustances”.

1994—Par. (1)(D). Pub. L. 103-429 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “pipeline facility (including gathering lines)—

“(i) which is regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.).

“(ii) which is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.), or

“(iii) which is an intrastate pipeline facility regulated under State laws as provided in the provisions of law referred to in clause (i) or (ii) of this subparagraph,

and which is determined by the Secretary 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.”

1992—Par. (1)(D). Pub. L. 102-508 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “pipeline facility (including gathering lines) regulated under—

“(i) the Natural Gas Pipeline Safety Act of 1968,

“(ii) the Hazardous Liquid Pipeline Safety Act of 1979, or

“(iii) which is an intrastate pipeline facility regulated under State laws comparable to the provisions of law referred to in clause (i) or (ii) of this subparagraph.”

1986—Par. (2)(B). Pub. L. 99-499 struck out “, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute)”. See par. (8).

Par. (8). Pub. L. 99-499 added par. (8).

#### ABOVEGROUND STORAGE TANK GRANT PROGRAM

Pub. L. 106-554, §1(a)(4) [div. B, title XII, §1201], Dec. 21, 2000, 114 Stat. 2763, 2763A-313, provided that:

“(a) **DEFINITIONS.**—In this provision:

“(1) **ABOVEGROUND STORAGE TANK.**—The term ‘aboveground storage tank’ means any tank or combination of tanks (including any connected pipe)—

“(A) that is used to contain an accumulation of regulated substances; and

“(B) the volume of which (including the volume of any connected pipe) is located wholly above the surface of the ground.

“(2) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(3) **DENALI COMMISSION.**—The term ‘Denali Commission’ means the commission established by section 303(a) of the Denali Commission Act of 1998 [Pub. L. 105-277, div. C, title III] (42 U.S.C. 3121 note).

“(4) **FEDERAL ENVIRONMENTAL LAW.**—The term ‘Federal environmental law’ means—

“(A) the Oil Pollution Control Act of 1990 (33 U.S.C. 2701 et seq.);

“(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

“(C) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

“(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); or

“(E) any other Federal law that is applicable to the release into the environment of a regulated substance, as determined by the Administrator.

“(5) **NATIVE VILLAGE.**—The term ‘Native village’ has the meaning given the term in section 11(b) in Public Law 92-203 (85 Stat. 688) [43 U.S.C. 1610(b)].

“(6) **PROGRAM.**—The term ‘program’ means the Aboveground Storage Tank Grant Program established by subsection (b)(1).

“(7) **REGULATED SUBSTANCE.**—The term ‘regulated substance’ has the meaning given the term in section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991).

“(8) STATE.—The term ‘State’ means the State of Alaska.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a grant program to be known as the ‘Aboveground Storage Tank Grant Program’

“(2) GRANTS.—Under the program, the Administrator shall award a grant to—

“(A) the State, on behalf of a Native village; or

“(B) the Denali Commission.

“(c) USE OF GRANTS.—The State or the Denali Commission shall use the funds of a grant under subsection (b) to repair, upgrade, or replace one or more aboveground storage tanks that—

“(1) leaks or poses an imminent threat of leaking, as certified by the Administrator, the Commandant of the Coast Guard, or any other appropriate Federal or State agency (as determined by the Administrator); and

“(2) is located in a Native village—

“(A) the median household income of which is less than 80 percent of the median household income in the State;

“(B) that is located—

“(i) within the boundaries of—

“(I) a unit of the National Park System;

“(II) a unit of the National Wildlife Refuge System; or

“(III) a National Forest; or

“(ii) on public land under the administrative jurisdiction of the Bureau of Land Management; or

“(C) that receives payments from the Federal Government under chapter 69 of title 31, United States Code (commonly known as ‘payments in lieu of taxes’).

“(d) REPORTS.—Not later than 1 year after the date on which the State or the Denali Commission receives a grant under subsection (c), and annually thereafter, the State or the Denali Commission, as the case may be, shall submit a report describing each project completed with grant funds and any projects planned for the following year, to—

“(1) the Administrator;

“(2) the Committee on Resources [now Committee on Natural Resources] of the House of Representatives;

“(3) the Committee on Environment and Public Works of the Senate;

“(4) the Committee on Appropriations of the House of Representatives; and

“(5) the Committee on Appropriations of the Senate.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act [probably means this section], to remain available until expended—

“(1) \$20,000,000 for fiscal year 2001; and

“(2) such sums as are necessary for each fiscal year thereafter.”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

### § 6991a. Notification

#### (a) Underground storage tanks

(1) Within 18 months after November 8, 1984, each owner of an underground storage tank shall notify the State or local agency or department designated pursuant to subsection (b)(1) of this section of the existence of such tank, specifying the age, size, type, location, and uses of such tank.

(2)(A) For each underground storage tank taken out of operation after January 1, 1974, the owner of such tank shall, within eighteen months after November 8, 1984, notify the State or local agency, or department designated pursuant to subsection (b)(1) of this section of the existence of such tanks (unless the owner knows the tank subsequently was removed from the ground). The owner of a tank taken out of operation on or before January 1, 1974, shall not be required to notify the State or local agency under this subsection.

(B) Notice under subparagraph (A) shall specify, to the extent known to the owner—

(i) the date the tank was taken out of operation,

(ii) the age of the tank on the date taken out of operation,

(iii) the size, type and location of the tank, and

(iv) the type and quantity of substances left stored in such tank on the date taken out of operation.

(3) Any owner which brings into use an underground storage tank after the initial notification period specified under paragraph (1), shall notify the designated State or local agency or department within thirty days of the existence of such tank, specifying the age, size, type, location and uses of such tank.

(4) Paragraphs (1) through (3) of this subsection shall not apply to tanks for which notice was given pursuant to section 9603(c) of this title.

(5) Beginning thirty days after the Administrator prescribes the form of notice pursuant to subsection (b)(2) of this section and for eighteen months thereafter, any person who deposits regulated substances in an underground storage tank shall reasonably notify the owner or operator of such tank of the owner’s notification requirements pursuant to this subsection.

(6) Beginning thirty days after the Administrator issues new tank performance standards pursuant to section 6991b(c) of this title, any person who sells a tank intended to be used as an underground storage tank shall notify the purchaser of such tank of the owner’s notification requirements pursuant to this subsection.

#### (b) Agency designation

(1) Within one hundred and eighty days after November 8, 1984, the Governors of each State shall designate the appropriate State agency or department or local agencies or departments to receive the notifications under subsection (a)(1), (2), or (3) of this section.

(2) Within twelve months after November 8, 1984, the Administrator, in consultation with State and local officials designated pursuant to subsection (b)(1) of this section, and after notice and opportunity for public comment, shall prescribe the form of the notice and the information to be included in the notifications under subsection (a)(1), (2), or (3) of this section. In prescribing the form of such notice, the Administrator shall take into account the effect on small businesses and other owners and operators.

#### (c) State inventories

Each State shall make 2 separate inventories of all underground storage tanks in such State