

***NDEP Bureau of Corrective Actions  
Secondary Containment Regulations  
Guidance Document  
April 7, 2010 (Revision)***

**ADOPTED REGULATION OF  
THE STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R005-08 (Codified in NAC 459)**

Effective April 17, 2008

AUTHORITY: §§1-12, [NRS 459.826](#) [ <http://www.leg.state.nv.us/NRS/NRS-459.html#NRS459Sec826> ] and [459.830](#).  
[<http://www.leg.state.nv.us/NRS/NRS-459.html#NRS459Sec830> ]

A REGULATION relating to containment systems; requiring an owner or operator of an underground storage tank to install a secondary containment system for the underground storage tank under certain circumstances; requiring the keeping of certain records relating to the containment system; requiring the installation of an under-dispenser container for all new motor fuel dispensers; exempting underground storage tanks and motor fuel dispensers which are not located within a certain distance from a public water system or a well containing potable water; and providing other matters properly relating thereto.

SECONDARY CONTAINMENT REGULATION LANGUAGE	EXPLANATION/RATIONALE/GUIDANCE
<p>NAC 459. 99286. <i>“Motor fuel” means petroleum or a petroleum-based substance in the form of motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any grade of gasohol that is typically used in the operation of a motor engine.</i></p>	<p>Applies to blended petroleum motor fuels such as biodiesel and ethanol blends that contain more than <i>de minimus</i> amounts of petroleum or petroleum-based substances.</p>
<p>NAC 459. 992885. <i>“Secondary containment system means a system of release prevention and detection consisting of a separate inner and outer barrier designed to contain a regulated substance together with a means of monitoring the interstitial space.</i></p>	<p>Examples of secondary containment system components include, but are not limited to: Sealed turbine sumps, the outer wall of double-walled product piping, piping containment ducting that is compatible with and designed to contain petroleum product, and under dispenser containers. Sensors used to trigger an audible/visual alarm are the most common device used to detect a release within containment area(s). Consult your local UST program with site specific secondary containment applications.</p>
<p>NAC 459. 99289. <i>“Under-dispenser container” means a container that is installed under a motor fuel dispenser which is used in connection with an underground storage tank and is designed to prevent dispenser leaks from reaching soil or groundwater.</i></p>	<p>The under-dispenser container is not intended to capture catastrophic releases. Instead, it is intended to capture small drips or releases or an accumulation of these types of releases. Larger releases should be detected by leak detection equipment. UL listing is required for containment systems if available.</p>

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<p>NAC 459. 9947. <i>An owner or operator of an <b>underground storage tank</b> who is required to implement a secondary containment system for that underground storage tank pursuant to sections 6 and 7 of this regulation shall:</i></p> <p><i>1. Ensure that the secondary containment system:</i></p> <p><i>(a) <b>Contains regulated substances that are released from the underground storage tank until they are detected and removed;</b></i></p> <p><i>(b) <b>Prevents the release of regulated substances into the environment at any time during the operational life of the underground storage tank;</b> and</i></p> <p><i>(c) Operates with interstitial monitoring that meets the requirements of 40 C.F.R. § 280.43(g);</i></p> <p><i>2. Check, or cause to be checked, for evidence of a release from the underground storage tank at least every 30 days and <b>maintain records</b> of the operation of the secondary containment system for at least 1 year;</i></p> <p><i>3. <b>Notify</b> the Division before the installation or replacement of an underground storage tank and provide to the Division the proposed method of secondary containment planned for use;</i></p> <p><i>4. Maintain records of the installation, maintenance and monitoring of the secondary containment system in accordance with the following schedule:</i></p> <p><i>(a) Records of 30-day release monitoring must be maintained for not less than 1 year;</i></p> <p><i>(b) All written claims of performance, including any schedules of required maintenance or calibration for the secondary containment system and its monitoring system, must be maintained for not less than 5 years after the date of installation; and</i></p>	<p>The term “underground storage tank” applies only to the tank and product piping. Vent lines, vapor recovery piping, spill buckets, and other ancillary equipment are not defined by this term.</p> <p>UL listing required for containment systems if available.</p> <p>Routine testing per manufacturer recommendations or by another method approved by the implementing agency:</p> <ul style="list-style-type: none"> <li>- Annual monitoring certification for ATG console and sensors.</li> <li>- Structural integrity testing of the secondary containment system will be required pursuant to installation and when requested by the implementing agency.</li> </ul> <p>“Operational Life” is defined in 40 CFR 280.12.</p> <p>30-day monitoring records may include, but are no limited to, liquid status reports, alarm reports, visual inspection logs, etc.</p> <p>NDEP is currently in the process of developing a form to comply with the notification requirement of this section. This form will not take the place of, and will be required in addition to the owner notification (EPA 7530-1 form) requirements of 40 CFR 280.22.</p> <p>In the interim, contact your local UST program to meet the notification requirement of this section.  <a href="http://ndep.nv.gov/bca/file/contacts_0608.pdf">http://ndep.nv.gov/bca/file/contacts_0608.pdf</a></p>

SECONDARY CONTAINMENT REGULATION LANGUAGE	EXPLANATION/RATIONALE/GUIDANCE
<p><i>(c) All calibration, maintenance and repair of release detection equipment permanently located on-site must be maintained for not less than 1 year; and</i></p> <p><i>5. Upon request, make available for review by the Division records of the installation, maintenance and monitoring of the secondary containment system.</i></p>	
<p><b>NAC 459. 9945. 1. Except as otherwise provided in subsection 2 and section 9 of this regulation, a secondary containment system is required on <b>all underground storage tanks</b> installed on or after July 1, 2008.</b></p> <p><i>2. The provisions of subsection 1 do not apply to underground storage tanks existing at a facility before July 1, 2008, which may be connected by piping or coupled through a manifold to the new underground storage tank.</i></p>	<p><b>Includes emergency generator tanks and USTs that use un-safe suction product piping. Un-safe suction piping is any suction piping that does not meet the requirements of 40 CFR 280.41(b)(2) (i)-(v).</b></p>

SECONDARY CONTAINMENT REGULATION LANGUAGE	EXPLANATION/RATIONALE/GUIDANCE
<p><b>NAC 459. 9946. 1.</b> <i>Except as otherwise provided in subsections 2 and 4 and section 9 of this regulation, a secondary containment system is required for any existing underground storage tank which is replaced, including the replacement of any piping that constitutes a portion of the underground storage tank regardless of whether the piping is replaced in conjunction with or separately from other portions of the underground storage tank.</i></p> <p><b>2.</b> <i>The provisions of subsection 1 apply solely to those portions of an underground storage tank that are replaced and not to any other portion that remains in place, including any other underground storage tank that is connected to the replaced tank by piping or coupled through a manifold.</i></p> <p><b>3.</b> <i>Piping is not considered to be replaced for purposes of this section unless the entire amount of a run of piping from one component to another component of the underground storage tank is replaced, including, without limitation, a component consisting of an individual tank, dispenser or piece of ancillary equipment.</i></p> <p><b>4.</b> <i>The provisions of subsection 1 do not apply to any repairs not involving replacement that are intended to restore an underground storage tank to operating condition.</i></p>	<p><b>In the interim, contact your local UST program if you believe you are eligible for an exemption from secondary containment due to the insignificant length of pipe replacement. Generally, the manufacturer of the piping in question will be consulted to determine whether repair or replacement is recommended.</b></p> <p><b>Contact your local UST program:</b>  <a href="http://ndep.nv.gov/bca/file/contacts_0608.pdf">http://ndep.nv.gov/bca/file/contacts_0608.pdf</a></p>

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<p><b>NAC 459. 9948. 1. Except as otherwise provided in section 9 of this regulation, an under dispenser container is required for all motor fuel dispensers that are installed on or after July 1, 2008, at a location where there was no previous dispenser or at a location to replace an existing dispenser and the equipment used to connect the dispenser to the underground storage tank is replaced.</b></p> <p><b>2. An under-dispenser container must:</b></p> <p><b>(a) Be liquid-tight on its sides, bottom and at any penetrations;</b></p> <p><b>(b) Be compatible with the substance conveyed by dispenser piping;</b></p> <p><b>(c) Allow for monitoring or visual inspection and access to the components in the containment system; and</b></p> <p><b>(d) At all times, be made available for inspection by the Division.</b></p>	<p><b>Routine testing per manufacturer recommendations or by another method approved by the implementing agency. See Section 5.1. (b) guidance.</b></p> <p><b>Visual inspections must be documented by keeping a monthly log.</b></p>

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<p><b>NAC 459. 9949. 1.</b> <i>An owner or operator is not required to implement a secondary containment system pursuant to sections 6 and 7 of this regulation or to install an under-dispenser container pursuant to section 8 of this regulation if the owner or operator submits to the Division a study approved by the Division which demonstrates that the newly installed or replaced portions of an underground storage tank or motor fuel dispenser is not within 1,000 feet of a public water system or a well containing potable water.</i></p> <p><b>2.</b> <i>The distance required pursuant to subsection 1 must be measured from the closest part of the new or replaced underground storage tank or new motor fuel dispenser to the closest part of the nearest public water system or the wellhead of the nearest well containing potable water.</i></p> <p><b>3. As used in this section:</b></p> <p><b>(a)</b> <i>“Public water system” has the meaning ascribed to it in <b>NRS 445A.235.</b></i></p> <p><b>(b)</b> <i>“Well containing potable water” means any hole that is dug, driven, drilled or bored that extends into the earth until it meets groundwater which:</i></p> <p><b>(1)</b> <i>Supplies water for a non community public water system; or</i></p> <p><b>(2)</b> <i>Otherwise supplies water for household use, including, without limitation, drinking, bathing and cooking.</i></p>	<p><b><u>NRS 445A.235.</u> “Public water system” defined.</b> “Public water system” means a system, regardless of ownership, that provides the public with water for human consumption through pipes or other constructed conveyances, if the system has 15 or more service connections, as defined in <u>NRS 445A.843</u>, or regularly serves 25 or more persons. The term includes:</p> <ol style="list-style-type: none"> <li>1. A facility for the collection, pumping, treatment, storage or distribution of water which is controlled by the operator of the system and used primarily in connection with the system; and</li> <li>2. A facility for the collection or storage before treatment of water which is not controlled by the operator of the system but is used primarily in connection with the system.</li> </ol> <p>(Added to NRS by 1997, 1822; A <u>1999, 1866</u>)</p>