

19-6-428 Eligibility for participation in the fund.

- (1) Subject to the requirements of Section 19-6-410.5, all owners and operators of existing petroleum storage tanks that were covered by the fund on May 5, 1997, may elect to continue to participate in the program by meeting the requirements of this part, including paying the tank fees and environmental assurance fee as provided in Sections 19-6-410.5 and 19-6-411.
- (2) Any new petroleum storage tanks that were installed after May 5, 1997, or tanks eligible under Section 19-6-415, may elect to participate in the program by complying with the requirements of this part.
- (3)
 - (a) All owners and operators of petroleum storage tanks who elect to not participate in the program, including by the use of an alternative financial assurance mechanism, shall, in order to subsequently participate in the program:
 - (i) perform a tank tightness test;
 - (ii) except as provided in Subsection (3)(b), perform a site check, including soil and, when applicable, groundwater samples, to demonstrate that no release of petroleum exists or that there has been adequate remediation of releases as required by board rules;
 - (iii) provide the required tests and samples to the director; and
 - (iv) comply with the requirements of this part.
 - (b) A site check under Subsection (3)(a)(ii) is not required if the director determines, with reasonable cause, that soil and groundwater samples are unnecessary to establish that no petroleum has been released.
- (4) The director shall review the tests and samples provided under Subsection (3)(a)(iii) to determine:
 - (a) whether or not any release of the petroleum has occurred; or
 - (b) if the remediation is adequate.

Amended by Chapter 360, 2012 General Session