

80.XX Delivery Prohibition

(1) The Department shall, after written notice to the Owner and Operator, prohibit delivery to an underground storage tank system in one or more of the following circumstances:

(a) Failure to install spill prevention equipment in accordance with 310 CMR 80.35(1);

(b) Failure to install overfill protection equipment in accordance with 310 CMR 80.35(2);

(c) Failure to install leak detection equipment in accordance with 310 CMR 80.31 and 80.32; or

(d) Failure to install corrosion protection equipment in accordance with 310 CMR 80.34.

(2) Upon obtaining knowledge of any of the circumstances in 310 CMR 80.XX(1), the Owner or Operator shall immediately, but in no event more than twenty-four (24) hours after obtaining knowledge of the occurrence of such circumstances, inform the Department of such circumstances.

(3) The Department may, after written notice to the Owner and Operator, prohibit delivery to an underground storage tank system in one or more of the following circumstances:

(a) Failure to properly operate or maintain leak detection equipment in accordance with 310 CMR 80.38;

(b) Failure to properly operate or maintain spill prevention in accordance with 310 CMR 80.41(1) and (2);

(c) Failure to maintain overfill protection in accordance with 310 CMR 80.41(1) and (3);

(d) Failure to maintain corrosion protection equipment in accordance with 310 CMR 80.40;

(e) Failure to demonstrate or maintain financial responsibility in accordance with 310 CMR 80.16 through 80.27; or

(f) Any other violation of 310 CMR 80.00 that poses a threat to public health, safety or the environment, as determined by the Department in its sole discretion.

(4) After written notice to the Owner and Operator, the delivery prohibition shall become immediately effective when the Department serves a written delivery prohibition order in accordance with 310 CMR 80.XX(3)[enf and appeals] prohibiting the delivery of product to the underground storage tank system(s).

(5) After the delivery prohibition order is served, the Department shall have the authority to lock the fill pipe and affix a red tag to the fill pipe of the underground storage tank system(s) that are subject to said order.

(6) Upon receipt of the delivery prohibition order, the Owner or Operator shall notify any product deliverer that the underground storage tank system(s) are prohibited from accepting delivery of product.

(7) No person shall deliver or cause product to be delivered or accept or the acceptance of delivery of product to an underground storage tank system that is subject to a delivery prohibition order that has been served.

(8) No person shall remove, deface, alter or otherwise tamper with the lock or red tag affixed to an underground storage tank system.

(9) The lock and red tag shall remain affixed to an underground storage tank system until the Department has determined that the violation(s) have been corrected, as follows:

(a) The Owner or Operator shall notify the Department that the violation(s) has been corrected; and

(b) The Department shall confirm in writing that the violation(s) have been corrected.

(10) If the Department determines that the violation(s) have been corrected, in accordance with 310 CMR 80.XX(9), the Department shall rescind the delivery prohibition order in writing and remove the lock and red tag from the underground storage tank system.

(11) Notwithstanding a delivery prohibition order, the Department may authorize the delivery of product to an ineligible underground storage tank system in emergency situations, as determined by the Department in its sole discretion.

(12) Any person subject to a delivery prohibition order shall have the right to an adjudicatory appeal in accordance with 310 CMR 80.XX.