

101.21 Definitions.

As used in this part unless the context otherwise requires:

1. *"Aboveground petroleum storage tank"* means one or a combination of tanks, including connecting pipes connected to the tanks which are used to contain an accumulation of petroleum and the volume of which, including the volume of the underground pipes, is more than ninety percent above the surface of the ground. Aboveground petroleum storage tank does not include any of the following:
 - a. Aboveground tanks of one thousand one hundred gallons or less capacity.
 - b. Tanks used for storing heating oil for consumptive use on the premises where stored.
 - c. Underground storage tanks as defined by section 455B.471.
 - d. A flow-through process tank, or a tank containing a regulated substance, other than motor vehicle fuel used for transportation purposes, for use as part of a manufacturing process, system, or facility.
2. *"Nonoperational aboveground petroleum tank"* means an aboveground storage tank in which petroleum is not deposited or from which petroleum is not dispensed on or after July 1, 1989.
3. *"Operator"* means a person in control of, or having responsibility for, the daily operation of an aboveground petroleum storage tank.
4. *"Owner"* means:
 - a. In the case of an aboveground petroleum storage tank in use on or after July 1, 1989, a person who owns the aboveground petroleum storage tank used for the storage, use, or dispensing of petroleum.
 - b. In the case of an aboveground petroleum storage tank in use before July 1, 1989, but no longer in use on or after that date, a person who owned the tank immediately before the discontinuation of its use.
5. *"Petroleum"* means petroleum as defined in section 455B.471.
6. *"Release"* means spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an aboveground petroleum storage tank into groundwater, surface water, or subsurface soils.
7. *"State fire marshal"* means the state fire marshal or the state fire marshal's designee.
8. *"Tank site"* means a tank or grouping of tanks within close proximity of each other located on a facility for the purpose of storing petroleum.

89 Acts, ch 131, §4; 90 Acts, ch 1235, § 2