



Oregon

Theodore R. Kulongoski, Governor

Department of Consumer and Business Services

Oregon Occupational Safety & Health Division (OR-OSHA)

350 Winter Street NE, Room 430

P.O. Box 14480

Salem, OR 97309-0405

Phone: (503) 378-3272

Toll Free: 1-800-922-2689

Fax: (503) 947-7461

www.orosha.org

November 23, 1990

Revised January 7, 2009

Mike Taylor
Tank Liners Inc
3410 NW 264th
Hillsboro, OR 97124

RE: Rule Interpretation - OAR 437-002-1910.120

This is a rule interpretation of OAR 437-002-1910.120 Hazardous Waste, as related to the installation of fuel tank liners. Your question was: "Is removal of earth covering an underground gasoline or oil tank and installation of a liner in the tank governed by the Hazardous Waste Regulations?"

Installation of an underground tank liner is corrective action and is not recognized as an uncontrolled hazardous waste site by a governmental body designated for removal. This practice is classified as "repair" or "upgrading." The Occupational Safety and Health Administration (OSHA) did not intend the rules to effect operations other than uncontrolled hazardous waste sites requiring clean-up by removal. However, if the soil becomes contaminated with the waste and the site designated by a governmental agency for clean-up or removal then the Hazardous Waste rules apply.

Other health and safety regulations may apply during repair or upgrading operations. They include: Hazard Communication, OAR 437-002-1910.1200 Spaces, OAR 437-002-1910.146, and other standards that are designed to protect the health and safety of employees.

If you have any questions regarding this rule interpretation, please feel free to call OR-OSHA's technical section at 503 378-3272.

Peggy Munsell, Manager
Standards & Technical Resources Section
Oregon Occupational Safety & Health Division