

TABLE A
FIELD CITATION PENALTIES ISSUED PURSUANT TO NNSTA § 1554(C)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
Notification Requirements			
NNSTA § 1531(A)	Failure to notify NNSTP of a storage tank within 90 days of the effective date of the NNSTA	\$420	analogous to § 280.22(a), failure to notify agency within 30 days of bringing UST system on line
NNSTA § 1531(B)	Failure to notify NNSTP of a change of ownership or operator within 30 days from date of change	\$210	analogous to § 280.22(a)
NNSTA § 1532	Failure to notify NNSTP of a UST taken out of operation after 01/01/74 but not removed from the ground	\$210	analogous to § 280.22(c), failure to identify all known tanks at each site
NNSTA § 1533	Failure to notify NNSTP of a UST taken out of operation on or before 01/01/74	\$210	analogous to § 280.22(c), above
NNSTA § 1534 (conditional requirement)	[Reserved.] [If Director requires owner to notify NNSTP of USTs removed from the ground after 11/8/84]	N/A	N/A
NNSTA § 1535	Failure to notify NNSTP within 30 days of bringing a new storage tank into operation	\$420	analogous to § 280.22(a), above
NNSTA §§ 1535, 1542(A), incorporating 40 C.F.R. § 280.22(d)	Failure to submit a separate notification form for USTs at each site where tanks are located	\$210	corresponds to § 280.22(c), above

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA §§ 1541(D), 1542(A)&(B), incorporating 40 C.F.R. § 280.22(e) and 40 C.F.R. § 112.8(c)(6)	Failure to certify UST/AST system requirements (proper installation, cathodic protection, financial responsibility, release detection)	\$210	corresponds to § 280.22(e), failure to certify compliance with referenced requirements in notification form
NNSTA § 1542(A)&(B), incorporating 40 C.F.R. §§ 280.22(f) and 112.8(c)(6), (8)	Failure to provide installer certification of compliance with new UST/AST installation requirements	\$210	corresponds to § 280.22(f), failure to provide installer certification in notification form
NNSTA §§ 1540, 1542(A), incorporating §§ 280.32(b) & 280.34(a)(2)	Failure to notify NNSTP within 30 days of any storage tank upgrade, replacement, or change-in-use, including failure to notify NNSTA at least 30 days prior to a change to a regulated substance containing greater than 10% ethanol or 20% biodiesel, or to another regulated substance as specified by NNSTP; failure to maintain records, and failure to demonstrate compatibility of new regulated substance with storage tank	\$210	corresponds to § 280.22(a)
Performance Standards (Design, Construction, Installation)			
Performance Standards for New USTs			
NNSTA §§ 1521(A)(1)(d), 1542(A), incorporating 40 C.F.R. § 280.20 (a)(1)	Installation of an improperly constructed fiberglass-reinforced plastic tank	\$420	corresponds to § 280.20(a)(1)
NNSTA §§ 1521(A)(1)(a) or (b), 1542(A), incorporating 40 C.F.R. § 280.20 (a)(2)	Installation of an improperly designed and constructed metal tank that fails to meet corrosion protection standards	\$420	corresponds to § 280.20(a)(2)
NNSTA §§ 1521(A)(1)(b), 1542(A), incorporating 40 C.F.R. § 280.20 (a)(2)(i)	Installation of a metal tank with unsuitable dielectric coating	\$210	corresponds to § 280.20(a)(2)(i)
NNSTA §§ 1521(A)(1)(a), 1542(A), incorporating 40 C.F.R. § 280.20 (a)(2)(ii)	Installation of an improperly designed cathodic protection system for a metal tank	\$420	corresponds to § 280.20(a)(2)(ii)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA §§ 1521(A)(1)(b), 1542(A), incorporating 40 C.F.R. § 280.20 (a)(2)(iii)	Improper installation of a cathodic protection system for a metal tank	\$210	corresponds to § 280.20(a)(2)(iii)
NNSTA §§ 1521(A)(7), 1542(A), incorporating 40 C.F.R. § 280.20 (a)(2)(iv)	Improper operation and maintenance of tank cathodic protection system	\$210	corresponds to § 280.20(a)(2)(iv)
NNSTA §§ 1521(A)(1)(b), 1542(A), incorporating 40 C.F.R. § 280.20(a)(3)	Installation of an improperly constructed steel tank clad or jacketed with a non-corrodible material	\$420	corresponds to § 280.20(a)(3)
NNSTA §§ 1521(A)(1)(b), 1542(A), incorporating 40 C.F.R. § 280.20(b)(1)	Installation of improperly constructed piping constructed of non-corrodible material	\$420	corresponds to § 280.20(b)(1)
NNSTA §§ 1521(A)(1)(b), 1542(A), incorporating 40 C.F.R. § 280.20(b)(2)	Failure to provide any cathodic protection for metal piping	\$420	corresponds to § 280.20(b)(2)
NNSTA §§ 1521(a)(1)(a), 1542(A), incorporating 40 C.F.R. § 280.20(b)(2)(i)	Installation of piping with unsuitable dielectric coating	\$210	corresponds to § 280.20(b)(2)(i)
NNSTA §§ 1521(A)(1)(b), 1542(A), incorporating 40 C.F.R. § 280.20(b)(2)(ii)	Installation of improperly designed cathodic protection for metal piping	\$420	corresponds to § 280.20(b)(2)(ii)
NNSTA §§ 1521(A)(1)(b), 1542(A), incorporating 40 C.F.R. § 280.20(b)(2)(iii)	Improper installation of cathodic protection system for piping	\$210	corresponds to § 280.20(b)(2)(iii)
NNSTA §§ 1521(A)(7), 1542(A), incorporating 40 C.F.R. § 280.20(b)(2)(iv)	Improper operation and maintenance of cathodic protection system for metal piping	\$210	corresponds to § 280.20(b)(2)(iv)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA §§ 1521(A)(1)(c), 1542(A), incorporating 40 C.F.R. § 280.20(c)	Failure to use spill and overfill prevention systems	\$420	corresponds to § 280.20(c)
NNSTA §§ 1521(A)(1)(c), 1542(A), incorporating 40 C.F.R. § 280.20(c)(1)(i)	Installation of inadequate spill prevention equipment in a new tank	\$210	corresponds to § 280.20(c)(1)(i)
NNSTA §§ 1521(A)(1)(c), 1542(A), incorporating 40 C.F.R. § 280.20(c)(1)(ii) and (c)(3)	Installation of inadequate overfill prevention equipment in a new tank	\$210	corresponds to § 280.20(c)(1)(ii)
NNSTA §§ 1521(A)(1)(d), 1542(A), incorporating 40 C.F.R. § 280.20(d)	Failure to install UST in accordance with accepted codes and standards	\$210	corresponds to § 280.20(d)
NNSTA §§ 1521(A)(1)(d), 1542(A), incorporating 40 C.F.R. § 280.20(d)	Failure to install piping in accordance with accepted codes and standards	\$210	corresponds to § 280.20(d)
NNSTA §§ 1541(C)(1), (4), 1542(A), incorporating 40 C.F.R. § 280.20	Failure to provide new storage tank systems (including piping) with a secondary containment system	\$420	analogous to § 280.20(c)
NNSTA §§ 1535, 1542(A), incorporating 40 C.F.R. § 280.20(e)	Failure to provide certification to NNSTP of UST installation	\$210	corresponds to § 280.20(e)
Performance Standards for New ASTs			
NNSTA §§ 1521(A)(1)(a), 1542(B)(8), incorporating NMAC 20.5.4.16(A)	Installation of an improperly designed and constructed AST that does not meet accepted corrosion protection standards	\$420	analogous to § 280.20(a)(2)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA §§ 1521(A)(1)(e), 1542(B)(2), incorporating NMAC 20.5.4.16(A)	Failure to ensure AST system is compatible with any regulated substance conveyed	\$210	analogous to § 280.32
NNSTA § 1542(B)(2) & (8), incorporating NMAC 20.5.4.16(B)	Failure to install a steel AST	\$420	analogous to § 280.20(a)(2)
NNSTA §§ 1521(A)(1)(b), 1542(B)(7), incorporating 40 C.F.R. § 112.8(d)	Failure to ensure that steel piping routinely containing regulated substances and in contact with the ground or water is properly designed, constructed, and protected from corrosion	\$420	analogous to § 280.20(b)(2)
NNSTA §§ 1521(A)(1)(e), 1542(B)(7), incorporating 40 C.F.R. § 112.8(d)	Failure to ensure that all piping is compatible with any regulated substance conveyed	\$210	analogous to § 280.32
NNSTA § 1542(B)(7), incorporating 40 C.F.R. § 112.8(d)	Failure to protect piping from impact, settlement, vibration, expansion, corrosion, and damage by fire	\$420	analogous to § 280.20(b)(2)
NNSTA §§ 1521(A)(1)(d), 1542(B)(8), incorporating NMAC 20.5.4.19	Failure to install piping in accordance with accepted codes and standards	\$210	analogous to § 280.20(d)
NNSTA §§ 1521(A)(1)(d), 1542(B)(8), incorporating NMAC 20.5.4.23	Installation of improperly designed and constructed steel piping in accordance with accepted codes and standards	\$420	analogous to § 280.20(b)(1)
NNSTA §§ 1521(A)(1)(c), 1542(B)(8), incorporating NMAC 20.5.4.33(A)(3) & (B)	Failure to use spill and overfill prevention systems unless otherwise exempted	\$420	analogous to § 280.20(c)
NNSTA §§ 1521(A)(1)(d), 1542(B)(8), incorporating NMAC 20.5.4.19	Failure to install AST in accordance with accepted codes and standards	\$210	analogous to § 280.20(d)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA §§ 1541(C)(1), 1542(B)(7)&(8), incorporating NMAC 20.5.4.27, 40 CFR § 112.7(c)(1)	Failure to provide new storage tank systems (including piping) with a secondary containment system, which must include, as appropriate, dikes, berms, or retaining walls; curbing or drip pans; sumps and collection systems; culverting, gutters, or other drainage systems; weirs, booms, or other barriers; spill diversion ponds; retention ponds; or sorbent materials	\$420	analogous to § 280.20(c)
NNSTA §§ 1521(A)(1)(c), 1542(B)(7), incorporating 40 C.F.R. § 112.7(h)	Installation of a containment system that does not contain all releases of regulated substances during loading and unloading	\$210	analogous to § 280.20(c)(1)(i) and (ii)
NNSTA §1542(B)(8), incorporating NMAC 20.5.4.30	Failure to provide venting, including emergency venting, for new AST systems in accordance with codes and standards	\$420	analogous to § 280.20(c)
NNSTA § 1542(B)(8), incorporating NMAC 20.5.4.17	Installation of a UST for use as an AST	\$1,300	analogous to § 280.20(d)
NNSTA §§ 1521(A)(1)(d), 1542(B)(8), incorporating NMAC 20.5.4.18	Failure to install a field-erected AST in accordance with accepted codes and standards	\$210	analogous to § 280.20(d)
Upgrading Existing USTs			
NNSTA §§ 1521(A)(2), 1542(A), incorporating 40 C.F.R. § 280.21, including 280.21(a)	Failure to replace, upgrade, or close substandard UST system	\$1,300	corresponds to § 280.21 (b)
NNSTA §§ 1521(A)(2), 1542(A), incorporating 40 C.F.R. § 280.21(b)	Failure to meet all UST upgrade standards	\$420	corresponds to § 280.21(b)
NNSTA §§ 1521(A)(1)(e), 1542(A), incorporating 40 C.F.R. § 280.21(b)(1)(i)	Improper installation of interior lining for upgraded UST	\$210	corresponds to § 280.21(b)(1)(i)
NNSTA §§ 1521(A)(1)(e), 1542(A), incorporating 40 C.F.R. § 280.21(b)(1)(ii)	Failure of interior lining to continue to meet original specifications	\$210	corresponds to § 280.21(b)(1)(ii)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA §§ 1521(A)(7), 1542(A), incorporating 40 C.F.R. § 280.21(b)(2)	If upgrading with cathodic protection, failure to ensure UST is and remains structurally sound by inspecting for corrosion holes, monitoring for releases, or conducting tightness tests	\$210	corresponds to § 280.21(b)(2)(i)
NNSTA §§ 1521(A)(1)(b), 1542(A), incorporating 40 C.F.R. § 280.21(c)	Failure to install cathodic protection for metal piping that routinely contains regulated substances and is in contact with the ground	\$420	corresponds to § 280.21(c)
NNSTA §§ 1521(A)(7), 1542(A), incorporating 40 C.F.R. § 280.21(c)	Failure to meet piping tightness test requirements for metal piping after upgrade with cathodic protection	\$210	corresponds to § 280.21(c)
NNSTA §§ 1521(A)(1)(c), 1542(A), incorporating 40 C.F.R. § 280.21(d)	Failure to comply with new spill or overfill prevention equipment requirements	\$420	corresponds to § 280.21(d)
Upgrading Existing ASTs			
NNSTA §§ 1521(a)(2), 1542(B)(7), incorporating 40 C.F.R. § 112.8(c)(8)	Failure to upgrade existing AST systems to meet all performance standards for new AST systems	\$420	analogous to § 280.21(b)
NNSTA § 1521(A)(2)	Failure to close any AST system that does not meet performance standards	\$1,300	analogous to § 280.21(b)
NNSTA §§ 1521(A)(2), 1542(B)(8), incorporating NMAC 20.5.4.17	Failure to close any UST being used as an AST	\$1,300	analogous to § 280.21(b)
Vaults			
NNSTA § 1521(A)(9)	Placement of storage tank within an underground vault or other structure restricting visual inspection or access	\$1,300	no comparable federal or state requirement
Under-Dispenser Spill Containment			

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA §§ 1541(C)(2), NNSTA § 1542(A), incorporating 40 C.F.R. § 280.20(f)	Failure to install under-dispenser spill containment for each motor fuel dispenser system installed after the enactment of the NNSTA	\$210	analogous to § 280.20(c)(1)
General Operating Requirements			
NNSTA § 1542(A)&(B)(8), incorporating 40 C.F.R. § 280.30(a) and NMAC 20.5.4.33	Failure to take precautions against overfill or spillage during the transfer of product to or from a UST or AST system	\$420	corresponds to § 280.30(a)
NNSTA § 1542(B)(5) &(8), incorporating NMAC 20.5.4.25	Failure to equip ASTs located at elevation with anti-siphon or solenoid valve	\$210	analogous to § 280.20(c)(1)(i)&(ii)
NNSTA § 1542(B)(5) & (8), incorporating NMAC 20.5.4.26	Failure to appropriately protect AST systems at marinas by installing automatic break-away devices, isolating dock piping where necessary, and protecting piping from stress	\$420	analogous to § 280.20(c)(1); alternatively to § 280.20(c)(1)(i) or (ii)
NNSTA § 1542(A) & (B)(7), incorporating 40 C.F.R. §§ 280.31(a), 112.8(c)(6)	Failure to continuously operate and maintain cathodic protection system	\$210	corresponds to § 280.31(a)
NNSTA §§ 1521(A)(1)(b), 1542(A) & (B)(7), incorporating 40 C.F.R. §§ 280.31(b), 112.8(c)(6)	Failure to ensure proper operation of cathodic protection system, including regular testing	\$210	corresponds to § 280.31(b)
NNSTA §§ 1521(A)(7), 1542(B)(7), incorporating 40 C.F.R. § 112.8(c)(6)	Failure to test integrity of ASTs on a regular schedule and whenever material repairs are made	\$210	corresponds to § 280.31(b)
NNSTA §§ 1521(A)(7), 1542(A), incorporating 40 C.F.R. § 280.31(c)	Failure to inspect impressed current systems every 60 days	\$210	corresponds to § 280.31(c)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA §§ 1521(A)(5), 1542(A), incorporating 40 C.F.R. § 280.31(d)	Failure to maintain records of cathodic protection inspections	\$70	corresponds to § 280.31(d)
NNSTA §§ 1521(A)(1)(e), 1542(A), incorporating 40 C.F.R. § 280.32(a)&(b)	Failure to ensure UST system is made of or lined with materials that are compatible with any regulated substance conveyed	\$210	corresponds to § 280.32
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.33(a)	Failure to repair UST system in accordance with accepted codes and standards	\$210	corresponds to § 280.33(a)
NNSTA §§ 1521(A)(8), 1542(A), incorporating 40 C.F.R. § 280.33(c)	Failure to repair metal piping that has released product	\$210	corresponds to § 280.33(c)
NNSTA §§ 1521(A)(8), 1542(A), incorporating 40 C.F.R. § 280.33(b)	Failure to repair fiberglass-reinforced piping in accordance with manufacturer's specifications	\$210	corresponds to § 280.33(b)
NNSTA §§ 1521(A)(7), 1542(A), incorporating 40 C.F.R. § 280.33(d)&(f)	Failure to conduct appropriate testing and inspections within 30 days of completion of repairs	\$420	corresponds to § 280.33(d)
NNSTA §§ 1521(A)(7), 1542(A), incorporating 40 C.F.R. § 280.33(e)	Failure to test a cathodic protection system within six months of repair of a UST system	\$210	corresponds to § 280.33(e)
NNSTA §§ 1521(A)(5), 1542(A), incorporating 40 C.F.R. § 280.33(g)	Failure to maintain records of each repair to a UST system	\$70	corresponds to § 280.33(f)
NNSTA §§ 1521(A)(5), 1542(A), incorporating 40 C.F.R. § 280.34(b)(1)	Failure to maintain records of corrosion expert's analysis of site corrosion potential, if corrosion protection equipment is not used	\$70	corresponds to § 280.33(f)
		\$70	corresponds to § 280.33(f)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA §§ 1521(A)(5), 1542(A), incorporating 40 C.F.R. § 280.34(b)(2)	Failure to maintain records of the operation of corrosion protection equipment		
NNSTA §§ 1521(A)(5), 1542(A), incorporating 40 C.F.R. § 280.34(b)(3)	Failure to maintain documentation of compatibility for UST systems	\$70	corresponds to § 280.33(f)
NNSTA §§ 1521(A)(5), 1542(A), incorporating 40 C.F.R. § 280.34(b)(4)	Failure to maintain documentation of UST system repairs	\$70	corresponds to § 280.33(f)
NNSTA §§ 1521(A)(5), 1542(A), incorporating 40 C.F.R. § 280.34(b)(7)	Failure to maintain documentation of compliance with release detection requirements for UST systems	\$70	corresponds to § 280.33(f)
NNSTA §§ 1521(A)(5), 1542(A), incorporating 40 C.F.R. § 280.34(c)(1), (2)	Failure to maintain records at the UST site and immediately available for inspection or at alternate site and available upon request	\$70	corresponds to § 280.33(f)
Release Detection Requirements for USTs			
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.40(a)	Failure to provide an adequate release detection method	\$420	corresponds to § 280.40(a)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.40(c)	Failure to close UST system not meeting release detection	\$420	corresponds to § 280.40(d)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.41(a)	Failure to monitor USTs at least every 30 days, or as provided in 40 C.F.R. § 280.41(a)	\$420	corresponds to § 280.41(a)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.41(a)(1), (2)	Failure to tightness test once every five years or annually, as may be required or to monitor for releases at least every thirty days	\$420	corresponds to § 280.41(a)(1)&(2)
NNSTA § 1542(A), incorporating 40 C.F.R.	Failure to equip pressurized piping with an automatic line leak detector	\$420	corresponds to § 280.41(b)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
§ 280.41(b)(1)(i)(A) and (b)(2)(i)			
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.41(b)(1)(i)(B)	Failure to conduct an annual tightness test on pressurized piping, or to perform monthly monitoring	\$420	corresponds to § 280.41(b)
NNSTA § 1542(A), incorporating 40 CFR § 280.41(b)(2)(i)	For pressurized piping installed or replaced after 4/11/2016, failure to monitor for releases at least every thirty days	\$420	corresponds to § 280.41(b)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.41(b)(1)(ii)	Failure to conduct a line tightness test at least once every three years on suction piping, or to use monthly monitoring	\$420	corresponds to § 280.41(b)
NNSTA § 1542(A), incorporating 40 CFR § 280.41(b)(2)(ii)	For suction piping installed or replaced after 4/11/2016, failure to monitor for releases at least every thirty days if required	\$420	corresponds to §§ 280.41(b)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(a)	Failure to conduct inventory control on a monthly basis	\$420	analogous to § 280.41(a)
NNSTA §§ 1521(A)(7), 1542(A), incorporating 40 C.F.R. § 280.43(b)	Inadequate operation or maintenance of manual tank gauging	\$420	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(b)(1)	Inaccurate or ill-timed tank level measurements*	\$70	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(b)(2)	Miscalculated tank level measurements*	\$70	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(b)(3)	Inadequate equipment for manual tank gauging*	\$70	analogous to § 280.40(a)(3)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(b)(4)	Failure to suspect a release and to treat it appropriately*	\$70	analogous to § 280.40(a)(3)
	*If more than <u>three</u> of these provisions would be cited, “Inadequate operation or maintenance of manual tank gauging” per 40 C.F.R. 280.43(b) or “Failure to monitor USTs at least every 30 days” per 40 C.F.R. 280.41(a) should be cited instead. Also, use of manual tank gauging as the sole method of release detection for USTs of 551 - 2000 gallons is allowed only in accordance with the table in 40 C.F.R. § 280.43(b)(4), per 40 C.F.R. § 280.43(b)(5).		
NNSTA §§ 1521(A)(7), 1542(A) incorporating 40 C.F.R. § 280.43(c)	Inadequate operation or maintenance of tank tightness testing	\$210	analogous to § 280.41(a)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(d)	Inadequate operation or maintenance of automatic tank gauging	\$420	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(d)(1)	Failure to use a sufficiently sensitive automatic product level monitor test	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(d)(2) &(3)	Inadequate inventory control	\$210	analogous to § 280.40(a)(2)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(e)	Inadequate operation or maintenance of vapor monitoring	\$420	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(e)(1)	For vapor monitoring, use of insufficiently porous materials as backfill**	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(e)(2)	For vapor monitoring, use of insufficiently volatile stored regulatory substance or tracer compound**	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(e)(3)	For vapor monitoring, inoperative monitoring device**	\$210	analogous to § 280.40(a)(3)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(e)(4)	For vapor monitoring, interference due to background contamination**	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(e)(5)	Inadequately designed and operated vapor monitors**	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(e)(6)	For vapor monitoring, inadequate assessment of the underground excavation zone**	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(e)(7)	For vapor monitoring, inadequate marking and securing of monitoring wells**	\$210	analogous to § 280.40(a)(3)
	**If more than <u>one</u> of these provisions would be cited, “Inadequate operation or maintenance of vapor monitoring” should be cited instead.		
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(f)	Inadequate operation or maintenance of groundwater monitoring	\$420	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(f)(1)	For groundwater monitoring, failure of regulated substance to be immiscible in water and or to have a specific gravity of more than one [†]	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(f)(2)	For groundwater monitoring, improper placement of monitoring wells in relation to groundwater and hydraulic conductivity of the soils [†]	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(f)(3)	For groundwater monitoring, improper design of monitoring well casing [†]	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(f)(4)	For groundwater monitoring, failure to seal monitoring well from the ground surface to the top of the filter pack [†]	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(f)(5)	For groundwater monitoring, improper placement of monitoring wells or devices in relation to excavation zone [†]	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(f)(6)	For groundwater monitoring, inadequate continuous monitoring devices [†]	\$210	analogous to § 280.40(a)(3)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(f)(7)	For groundwater monitoring, inadequate site assessment [†]	\$210	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(f)(8)	For groundwater monitoring, failure to mark and secure monitoring wells [†]	\$210	analogous to § 280.40(a)(3)
	[†] If more than <u>one</u> of these provisions would be cited, “Inadequate operation or maintenance of groundwater monitoring” should be cited instead.		
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.43(g)	Inadequate operation or maintenance of interstitial monitoring	\$420	analogous to § 280.40(a)(3)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.44	Failure to provide release detection for underground piping	\$420	corresponds to § 280.44
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.44(a), (b)	Failure to provide an adequate line leak detector system or an adequate line tightness testing system	\$210	corresponds to § 280.44(a), (b)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.44(c)	Inadequate use of applicable tank release detection methods	\$210	corresponds to § 280.44(c)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.45	Failure to maintain records of release detection monitoring	\$210	corresponds to § 280.45
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.45(a)	Failure to document all release detection performance claims	\$70	corresponds to § 280.45(a)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.45(b)	Failure to maintain results of sampling, testing, or monitoring for release detection, or failure to retain results of tank tightness testing until the next test is conducted	\$70	corresponds to § 280.45(b)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.45(c)	Failure to document calibration, maintenance, and repair of release detection equipment	\$70	corresponds to § 280.45(c)
Out-of-Service USTs and UST Closures			

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.70(a)	Failure to operate and maintain corrosion protection system in temporarily closed UST system	\$210	analogous to § 280.31(a)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.70(a)	Failure to operate and maintain release detection in a corrosion protection system for a temporarily closed UST system	\$420	analogous to § 280.40(a)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.70(b)	Failure to comply with temporary closure requirements for a UST system that is temporarily closed for 3 months or more	\$420	analogous to § 280.40(d)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.70(b)(1)	Failure to leave vent lines open and functioning in a UST system that is temporarily closed for 3 months or more	\$210	analogous to § 280.40(d)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.70(b)(2)	Failure to cap and secure all other lines, pumps, manways, and ancillary equipment in a UST system that is temporarily closed for 3 months or more	\$210	analogous to § 280.40(d)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.70(c)	Failure to permanently close or upgrade a UST system that has been temporarily closed more than twelve months	\$420	analogous to § 280.40(d)
NNSTA §§ 1540, 1542(A), incorporating 40 C.F.R. § 280.71(a)	Failure to notify NNSTP of a UST system closure or change-in-service at least 30 days in advance	\$420	analogous to § 280.22(a)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.71(b)	Failure to remove all liquids and sludges from the UST in preparation for tank closure	\$420	analogous to § 280.72(a)
NNSTA § 1542(C)(1); NNSTA § 1542(A), incorporating 40 C.F.R. § 280.71(b)	Failure to remove a closed UST from the ground, unless removal would result in unnecessary destruction to a structure or harm to cultural resources, in which case failure to fill the UST with an inert solid for tank closure	\$420	analogous to § 280.20(d)
Financial Responsibility			
NNSTA §§ 1521(A)(4), 1543(A)	Failure to maintain financial assurance	\$210	corresponds to § 280.93
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.93(a)(1)-(2)	Failure to obtain per-occurrence coverage as required	\$210	corresponds to § 280.93(a)(1)-(2)

Citation	Violation	Penalty	Comments (Basis for Penalty Amount)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.93(b)(1)-(2)	Failure to obtain annual aggregate coverage as required	\$210	corresponds to § 280.93(b)(1)-(2)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.93(f)	Failure to review and adjust financial assurance	\$210	corresponds to § 280.93(f)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.94	Use of an unapproved financial assurance mechanism	\$210	corresponds to § 280.94
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.110(a)(1)	Failure to report evidence of financial responsibility within 30 days of detecting a known or suspected release	\$210	corresponds to § 280.110(a)(1)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.110(a)(2)	Failure to report evidence of financial responsibility if the provider of financial assurance becomes incapable of providing same and alternate coverage not obtained	\$210	corresponds to § 280.110(a)(2)
NNSTA §§ 1521(A)(4) and 1542(A), incorporating 40 C.F.R. § 280.110(b), (c)	Failure to report evidence of financial responsibility when new USTs or ASTs are installed or comply with request for evidence of financial assurance or other information relevant to compliance with financial assurance requirements	\$210	corresponds to § 280.110(b)
NNSTA § 1542(A), incorporating 40 C.F.R. § 280.111	Failure to maintain copies of financial assurance mechanism(s) and certification of compliance	\$210	corresponds to § 280.111