

(2) "PERSON RESPONSIBLE FOR THE DISCHARGE" DOES NOT INCLUDE A PERSON WHO, WITHOUT PARTICIPATING IN THE MANAGEMENT OF AN UNDERGROUND OIL STORAGE TANK, AND WHO OTHERWISE IS NOT ENGAGED IN PETROLEUM PRODUCTION, REFINING, OR MARKETING, HOLDS INDICIA OF OWNERSHIP IN AN UNDERGROUND OIL STORAGE TANK PRIMARILY TO PROTECT ITS SECURITY INTEREST IN THAT UNDERGROUND OIL STORAGE TANK IF THAT PERSON:

(I) HAS NOT FORECLOSED ON ITS SECURITY INTEREST IN THE UNDERGROUND OIL STORAGE TANK; OR

(II) ABANDONED THAT UNDERGROUND OIL STORAGE TANK UNDER REGULATIONS OF THE DEPARTMENT WITHIN 180 DAYS OF ACQUIRING THE TANK THROUGH FORECLOSURE OR OTHER MEANS.

(f) (G) (1) "Underground oil storage tank" means one or more tanks including underground pipes connected to tanks, with a volume of 10 percent or more beneath the surface of the ground.

(2) "Underground oil storage tank" does not include a:

(i) Tank on a farm or private residence [which stores] WITH A CAPACITY TO STORE 1,100 gallons or less of [oil] MOTOR FUEL OR HEATING OIL for noncommercial or personal use;

(ii) Septic tank;

(iii) Pipeline facility, including gathering lines regulated under:

1. The Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. App. 1671, et seq.; or
2. The Hazardous Liquid Pipeline Safety Act of 1979, 49 U.S.C. App. 2001, et seq.;

(iv) Intrastate pipeline facility regulated under State laws comparable to the provisions of the law referred to in subparagraph (iii) of this paragraph;

(v) Surface impoundment, pit, pond, or lagoon;

(vi) Stormwater or wastewater collection system;

(vii) Flow-through process tank;

(viii) Storage tank situated in an underground area, such as a basement, cellar, mineworking, drift, shaft, or tunnel if the storage tank is situated upon or above the surface of the floor; or

(ix) Pipe connected to any tank described in subparagraphs (i) through (viii) of this paragraph.