State Regulatory/Code Specifics

This reference section has been provided courtesy of Thompson Publishing Group’s "Aboveground Storage Tank Guide." The information contained here is an abridged version of what appears in the "Aboveground Storage Tank Guide." For example, the "Aboveground Storage Tank Guide" covers additional topics such as permits, fees, release reporting, corrective action procedures, trust funds, tank closures, certification requirements, tank testing, record keeping, and available state documents. Also note that regulatory and code information is constantly evolving and changing. While every attempt has been made to include the latest information from each state, it is the responsibility of the user of this program to verify the correct, updated codes and regulations. Thompson Publishing’s "Aboveground Storage Tank Guide" is a comprehensive reference manual on technical and regulatory compliance information on USTs. Subscribers to the "Aboveground Storage Tank Guide" receive monthly updates to the guide as well as a newsletter of current trends and developments. For more information on the guide, contact:

Thompson Publishing Group
Aboveground Storage Tank Guide
1725 K Street, NW 7th Floor
Washington, DC 20006
1-800-677-3789

Alaska

Fire Code Restrictions:

Program Description: The state has adopted the Uniform Fire Code (UFC), 1997 edition (Alaska Stat. 18.70.080). The UFC has been modified by the state to allow the storage and dispensing of motor vehicle fuel from aboveground storage tanks (ASTs).

ASTs are not required to be registered. However, prior to construction of an aboveground storage facility, an owner or operator must obtain a permit from the state fire marshal. The permit application must contain a site plan showing tanks, supports, facility location, diking and other requirements in the UFC. ASTs are not required to be inspected.

State regulations require that tanks at aboveground facilities be located at least 50 feet from the nearest “important” building on the property, 50 feet from any fuel dispenser, 50 feet from the side of the nearest public way, and 75 feet from any property line. Protected tanks must be separated by at least 15 feet from any property line, 5 feet from the nearest public way, and 3 feet from any adjacent tank. Tanks also must be enclosed by a 6-foot high chain link fence, separated from the tank by at least 5 feet.

Contractors must obtain a license to install tanks from the state Department of Commerce’s Division of Occupational Licensing, and a fitness card from the state Department of Labor’s Labor Standards and Safety Section.

Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code. Local ordinances may prohibit tanks entirely. The state fire marshal has deferred its authority to the cities of Anchorage, Fairbanks, Juneau, Kenai, Kodiak, Seward, Sitka and Soldotna, and its inspection authority to the city of Valdez.

For information, contact:
Chester Weger
Assistant State Fire Marshal
Division of Fire Prevention
State Fire Marshal’s Office
5700 East Tudor Road
Anchorage, AK 99507
(907) 269-5491
(907) 338-4375 (fax)

Environmental Regulations:

Program Description: Pursuant to § 46.04.030(a) of the State of Alaska Oil Pollution Statutes, operation of an “oil terminal” requires an oil discharge prevention and contingency plan. Oil terminals that have an effective storage capacity of less than 5,000 barrels of crude or 10,000 barrels of noncrude oil are exempt.

AST Regulations:

The state of Alaska has promulgated regulations that specifically detail the requirements for ASTs located in state-regulated oil terminals. Any tank that has an effective storage capacity of 10,000 gallons or greater and is located in a state-regulated oil terminal is subject to the state regulations found in Alaska Admin. Code tit. 18, article 1, 75.005-.090.

In general, these regulations require that ASTs be constructed in accordance with API standard 650 and be inspected and maintained to API standard 653. ASTs also are required to have cathodic protection and leak detection, and overfill protection in accordance with Alaska Admin Codes.

All regulated ASTs are required to be placed in a sufficiently impermeable secondary containment system as specified in Alaska Admin. Code tit. 18, 75.075, and have associated piping comply with the standards set forth in Alaska Admin Code tit. 18, 75.080.

The regulations require that tanks be equipped with one or more means of overfill prevention, including: high liquid level alarms, high liquid level automatic shutoff devices to stop flow at a predetermined level, a means of immediately determining the liquid level of each bulk storage tank, or another system approved by the department. Overfill prevention devices must be tested before each transfer operation or monthly, whichever is less frequent.

The regulations also contain extensive secondary containment requirements. Tanks must be located within a secondary containment area that has the capacity to hold the volume of the largest tank within the containment area, plus enough additional capacity to allow for local precipitation. Minimum secondary containment system requirements include berms, dikes or retaining walls that are constructed to prevent the release of spilled oil from within the containment area. Components of the system must be constructed of, or lined with, materials that are sufficiently...
permeable and resistant to damage by the stored product or prevailing weather conditions.

The general pollution prevention regulations require that the owner or operator of an oil terminal or other regulated facility ensure that all personnel are properly trained regarding company and state pollution prevention measures, and that they provide security measures and surveillance sufficient to minimize the risk of vandalism, sabotage and unauthorized entry. Records documenting such measures must be maintained for three years.

The owner of an oil terminal facility in the state with an aggregate storage capacity of more than 5,000 barrels of crude oil must provide the state Department of Environmental Conservation (ADEC) with evidence of financial responsibility in the amount of $56,250,000 per incident. For a noncrude oil terminal with an aggregate storage capacity of more than 10,000 barrels, the owner or operator must demonstrate financial responsibility of $28.13 per incident for each barrel of storage capacity at the terminal or $1,125,000, whichever is greater, subject to a maximum of $56,250,000. Financial responsibility may be provided by insurance, self-insurance, guaranty, surety or letters of credit.

The state requires that spills of oil and hazardous substances be reported to ADEC’s 24-hour hotline at (800) 478-9300 in state and (907) 269-5711 out of state. A person in charge of a facility must report immediately any discharge of a hazardous substance other than oil, any discharge of oil to water, or any discharge of oil to land outside a secondary containment area that exceeds 55 gallons. Any discharge to land of more than 10 gallons but less than or equal to 55 gallons, or of more than 55 gallons into a secondary containment area, must be reported within 48 hours.

The facility owner or operator must file a report with the department within 15 days after any discharge of 10 gallons or more. Cleanup efforts must commence immediately upon discovery of the spill or release. The person in charge of a facility must maintain records, and report to ADEC monthly, on the amount of any discharge of oil, including a cumulative discharge, of more than one gallon but less than 10 gallons. For information, contact:

Larry Katkin
Terminal and Tank Farms Section Manager
Spill Prevention and Response Division
Alaska Department of Environmental Conservation
610 University Avenue
Fairbanks, AK 99709-3643
(907) 451-2127
(907) 451-2155 (fax)

Spill Contingency Plans:
Section 46.04.030 of the State of Alaska Oil Pollution Statutes requires that all oil terminal facilities within the state with total storage capacity greater than 5,000 barrels crude or 10,000 barrels noncrude oil have an oil discharge prevention and contingency plan that has been approved by (ADEC). The state may require the holder of an approved contingency plan to demonstrate periodically its ability to carry out the plan, through response team exercises and through inspection of equipment inventories, supplies and personnel. An approved plan must be renewed every three years.

To receive approval from ADEC, the contingency plan must demonstrate that the facility has access to sufficient oil discharge containment, storage, transfer and cleanup equipment, personnel and resources to contain, control and clean up, within 72 hours, a discharge from an oil terminal facility that is equal to the capacity of the largest oil storage tank at the facility. Spills to land must be cleaned up in the shortest time possible. Preventive measures specified in the regulations include cathodic protection, operations training programs, alcohol and drug testing of key personnel, leak detection systems, and tertiary containment outside the secondary containment area.

A contingency plan must contain a response action plan, a spill prevention plan, and an analysis of best available technology. The response action plan must detail the immediate response and notification steps to be followed if a discharge occurs. Reporting and notification actions must be included, along with an incident-specific safety plan, a description of field communication procedures and response equipment deployment strategies.

The spill prevention plan must include a detailed description of all oil discharge prevention measures and policies employed at the facility, with references to the risks involved. The plan also must include a description of all regular pollution prevention, inspection, and maintenance programs in place at the facility, and a history of all known discharges of 55 gallons or more that have occurred there. The plan should include an analysis of potential oil discharges, including size, frequency, duration and location. It also should include the existing and proposed means of discharge detection, and a description of any conditions at the facility that might increase the risk of a discharge or the risk of a fire hazard in the event of a discharge.

The best available technology analysis must evaluate systems such as leak detection, cathodic protection, corrosion control, communications, discharge tracking, wildlife protection, tug escorts and emergency towlines relative to cost, availability, existing systems and environmental impact.

The contingency plan also must include a supplemental section that contains: a facility description and operational overview; the potential routes of travel of discharged oil to open water; a description of the command system to be used in response to a discharge; the realistic maximum response operating limitations; identification of logistical support and response equipment; a description of the training program for employees; response contractor information; identification of environmentally sensitive areas; and a proposed facility response plan to prevent contamination of environmentally sensitive areas in the event of an oil spill.

For each of these elements, the regulations spell out specific approval criteria. ADEC may conduct announced and unannounced inspections of facilities to determine compliance with facility contingency plans and may require that a facility perform discharge exercises to assure that the plan is adequate in content and execution.

For information, contact:
Kenneth Rogowski
Industry Preparedness Program
Spill Prevention and Response Division
Alabama

Fire Code Restrictions:
ASTs are not required to be registered, nor are AST owners and operators required to pay any associated fees. However, ASTs must be inspected upon installation.
Local Programs: Local jurisdictions may adopt requirements that are more stringent than those in the state code, as long as they are not "detrimental" to the state code.
For information, contact:
John Robison
State Fire Marshal
P.O. Box 303352
Montgomery, AL 36130-3352
(334) 241-4166
(334) 241-4158 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the Alabama Water Pollution Control Act (Ala. Code tit. 22, § 22) prohibits any person from introducing a pollutant into the waters of the state without first obtaining a permit (Ala. Admin. Code, r. § 335-6-6-.03).
The Alabama Department of Environmental Management (ADEM) requires an NPDES permit for any discharge of rainwater from a storage tank dike or a fuel transfer area. Any NPDES permit must include spill prevention, control and/or management for any stored pollutant(s) that may, if spilled, be reasonably expected to enter a water of the state or the collection system for a publicly or privately owned treatment works. Specifications for containment systems include the capacity to retain 110 percent of the volume of the largest container of pollutant (Ala. Admin. Code r. § 335-6-6-.12(r)). The Alabama Water Pollution Control Act includes groundwater in its definition of water of the state. The NPDES permit also requires tank owners to prepare a Spill Prevention Control and Countermeasures Plan (SPCC) when required by the federal regulations. The plans do not need to be submitted to ADEM, but may be referenced in best management practices tank owners may be required to develop (Ala Admin. Code r. § 335-6-6-.08(j)).
All releases that enter a water of the state must immediately be reported. Other releases must be reported by the next weekday. To report releases weekdays, 8 a.m. to 5 p.m., call (334) 260-2700; to report releases during nights, weekends and holidays, call (334) 242-4378.
For information, contact:
Ed Hughes
Industrial Section
Water Division
Department of Environmental Management
1751 Congressman W.L. Dickinson Dr.
Montgomery, AL 36130
(334) 271-7943
(334) 279-3051 (fax)

Other:
For information on Alabama’s tank trust fund, contact:
Dorothy Malaier
Department of Environmental Management
P.O. Box 301463
Montgomery, AL 36130-1463
(334) 270-5613
(334) 271-5631 (fax)

For information on Alabama’s hazardous waste program, contact:
Bob Barr
Chief of Compliance, Southern Section
Hazardous Waste Branch
Land Division
Department of Environmental Management
1400 Coliseum Blvd.
Montgomery, AL 36130-2059
(334) 271-7741
(334) 279-3050 (fax)

For information on Alabama’s air emissions requirements, contact:
Andrea Sellers
Air Division
Department of Environmental Management
1400 Coliseum Blvd.
Arkansas
Fire Code Restrictions:

The state code requires that an AST owner or operator obtain an installation permit from the state fire marshal for tanks with a capacity of 60 gallons or more. A permit application must include a site plan that indicates separation distances, tank specifications, corrosion protection and tank location. A local fire authority must inspect the facility and approve a permit application before it is sent to the state fire marshal. This permit applies to any AST that is installed or repaired where the tank is moved after June 15, 1992. However, the fact that a tank may have been in place prior to June 15, 1992 does not relieve the owner or operator from ensuring that the tank meets the minimum requirements of the state fire code. There is no permit application fee.

Local programs: ASTs are prohibited within municipalities that have designated “fire districts.” Cities are able to adopt more stringent regulations than those in the state code, and ASTs may be prohibited entirely by local ordinance.

For information, contact:
Lt. Ray E. Carnahan
State Fire Marshal
#1 State Police Plaza
Little Rock, AK 72209
(501) 618-8624
(501) 618-8621 (fax)

Environmental Regulations:
Program Description: The state has adopted limited aboveground storage tank regulations. In addition, the Arkansas Water and Air Pollution Control Act (Ark. Stat. Ann. § 8-4-101) prohibits the discharge of pollutants to the waters of the state.

AST Regulations:
Under the Arkansas Department of Environmental Quality’s (ADEQ) AST regulations, an aboveground tank with a storage capacity of more than 1,320 gallons and less than 40,000 gallons that is used to dispense petroleum products must be registered with the state (Regulation 12). For purposes of determining whether a tank falls within the established capacity limits, the capacity of all tanks that are manifolded together is considered to be one figure. A proper registration form can be obtained from ADEQ and must be accompanied by an annual $50 fee. Once an AST is registered, the fee is billed annually by June 1. Petroleum fuel ASTs that are used on farms are excluded from the regulations and do not need to be registered with ADEQ or to pay the annual registration fee. Mobile tanks and tanks on skids also are excluded from ADPCE regulations.

The annual registration form requires a tank owner or operator to identify the ownership and location of the tank, and to indicate the tank’s current operating status, estimated age, material of construction, internal and external protection (if any), piping, and the substance stored in the tank.

For information, contact:
Lynda Perry
Regulated Storage Tanks Division
Department of Environmental Quality
P.O. Box 8913
Little Rock, AK 72219-8913
(501) 682-0979
(501) 682-0880 (fax)

Other:
For information on Arkansas’s tank trust fund, contact:
Lynda Perry
Regulated Storage Tank Trust Fund
Department of Environmental Quality
P.O. Box 8913
Little Rock, AK 72219-8913
(501) 682-0979
(501) 682-0880 (fax)

For information on Arkansas’s hazardous waste program, contact:
Daniel Clanton
Active Sites Branch
Hazardous Waste Division
Department of Environmental Quality
P.O. Box 8913
Little Rock, AK 72219-8913
(501) 682-0834
(501) 682-0565 (fax)

For information on Arkansas’s air emission requirements, contact:
Steve Patrick
Permits Section Manager
Air Division
Department of Environmental Quality
P.O. Box 8913
Little Rock, AK 72219-8913
(501) 682-0730
(501) 682-0553 (fax)

Last revised: June 2000

Arizona
Fire Code Restrictions:

Aboveground storage tanks (ASTs) are prohibited at service stations statewide. However, they are allowed at bulk plants, construction sites and farms. An AST with a capacity of 40,000 gallons or less may be permitted at a service station if the owner or operator obtains a variance from the state fire marshal. A variance will be granted where the property is large enough to accommodate a tank system safely, the UFC distance requirements are met and the tank design meets
specified design standards. The variance is valid for the life of the system.

All tanks must have a permit. When a permit is issued at installation, an inspection is performed by the fire marshal. No fees are required.

Local Programs: AS of July 1997, HB2401 gives cities, towns, counties and fire districts that have adopted a fire code the authority to enforce the code in their jurisdictions (Ariz. Rev. Stat. Ann. 34-461). Public facilities built in an area that has not adopted local codes must comply with the state fire codes. Public buildings are subject to inspection during construction to ensure that they are in compliance with the code.

For information, contact:
Ed Cunningham
Office of the State Fire Marshal
99 E. Virginia
Phoenix, AZ 85004
(602) 255-4964, ext. 223
(602) 255-4961 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the Arizona Water Quality Control Law (Ariz. Rev. Stat. Ann. § 49-201) prohibits the discharge of a pollutant into the waters of the state without a permit.
The Arizona Hazardous Substance Spill Response Law (Ariz. Rev. Stat. Ann. § 49-281) establishes responsibility for cleanup and requires that an owner or operator report immediately any release of a reportable quantity, as determined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to the Department of Environmental Quality (DEQ) and the National Response Center. Arizona also has adopted the reporting and cleanup requirements of the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Resource Conservation and Recovery Act (RCRA).
The Emergency Response Unit of DEQ has a 24-hour release reporting hotline for reporting spills of CERCLA, EPCRA, and RCRA hazardous substances and wastes at (602) 207-2330.


For information, contact:
Department of Environmental Quality
3033 N. Central Avenue
Phoenix, AZ 85012
(602) 207-2202
(602) 207-4138 (fax)

Other:
For information on Arizona’s hazardous waste program, contact:
Jeff Servoss
Hazardous Waste Inspections and Compliance Unit
Waste Program Division
Department of Environmental Quality
3033 N. Central Avenue
Phoenix, AZ 85012
(800) 234-5677, ext. 4115 (in Arizona)
(602) 207-4108 (local)

(602) 207-4138 (fax)
For information on Arizona’s air emissions requirements, contact:
Prabhat Bhargava
Manager of Permits
Air Quality Division
Department of Environmental Quality
3033 N. Central Ave.
Phoenix, AZ 85012-2809
(607) 207-2329
(607) 207-2366 (fax)
Last revised: July 2000

California

Fire Code Restrictions:
Program Description: The state fire marshal has authority only over tanks on state-owned property. All other tanks are subject to the jurisdiction of the local fire marshals. At state-owned facilities, the state fire marshal enforces the Uniform Fire Code (UFC), 1997 edition with state amendments (Health & Safety 13108).

Local Programs: Local fire marshals may adopt codes that are either more or less stringent than the state codes.

For information, contact:
Nancy Wolfe
Assistant State Fire Marshal
PO Box 944246
Sacramento, CA 94244-2460
(916) 445-8200
(916) 445-8162 (fax)
Web site:www.fire.ca.gov

Environmental Regulations:
Program Description: The state Aboveground Petroleum Storage Act was enacted in 1989. The law requires owners and operators of aboveground storage tanks (ASTs) to file a storage statement and pay a registration fee; comply with federal spill prevention regulations; and, in certain circumstances, implement a groundwater monitoring system.
The act regulates petroleum storage tank facilities with a single tank capacity of more than 660 gallons, or with a cumulative storage capacity of more than 1,320 gallons. Facility owners and operators must file a storage statement and fee with the State Water Resources Control Board every two years. The facility fee depends on total facility storage capacity and ranges from $100 to $30,000.
The act requires farms, nurseries, logging sites and construction sites with individual storage tanks of less than 20,000 gallons capacity, and with total aboveground storage capacity of less than 100,000 gallons per site, to meet three requirements instead of preparing and implementing a spill prevention, control and countermeasure (SPCC) plan. First, these businesses must conduct daily visual inspections of any tank storing petroleum. Second, they must permit the Regional Water Quality Control Board (Regional Board) to perform periodic inspections of the tank facility. Third, these businesses are required to install secondary containment capable of containing a spill the size of the largest tank at the facility if the Regional Board determines that secondary containment is necessary to protect the waters of the state.
Owners and operators of all other tank facilities must prepare and implement an SPCC plan. The SPCC plan must be implemented in accordance with the federal guidelines in 40 CFR Part 112.

If the Regional Board determines that a discharge from an aboveground tank facility would affect surface waters, sensitive ecosystems or groundwater, the owner or operator must implement a monitoring program. The monitoring program must be approved by the Regional Board, and must be implemented within 360 days after notification by the board. The owner or operator must report any positive findings from the monitoring system to the Regional Board within 72 hours of discovery.

The monitoring program requirement does not apply to any tank located such that its exterior surface, the connecting piping, and the floor directly beneath the tank can be monitored by direct viewing.

California has not yet adopted specific regulations and does not have technical requirements for tank construction, secondary containment or monitoring systems.

Releases of one barrel (42 gallons) or more into the waters of the state must be reported immediately to the Office of Emergency Services and the local administering agency, using the appropriate 24-hour emergency telephone numbers established by the local agency, or 911. A state guidance document on cleanup and groundwater quality outlines a standard cleanup procedure. Nine Regional Boards follow this standard.

For information, contact:
David Cecarrelli
Aboveground Tank Unit
State Water Resources Control Board
2014 T. St., Suite 130
Sacramento, CA 94244-2120
(916) 227-4501
(916) 227-4349 (fax)

Other Related Provisions: The state has adopted regulations requiring facilities handling oil, such as maritime terminals, marine pipelines, offshore platforms, barges and tankers carrying oil, certain nontankers, and mobile transfer units operating where a spill can impact marine waters, obtain and display a certificate of financial responsibility in order to operate in or around California marine waters. The regulations are administered by the Department of Fish and Game’s Office of Spill Prevention and Response. Applicants may satisfy certification requirements by obtaining insurance, securing a letter of credit payable to the state, demonstrating sufficient financial resources to qualify as a self-insurer, or obtaining a surety bond tied to a standby trust fund in order to guarantee payment of costs involved in a spill.

For information, contact:
Janet Haynes
Office of Oil Spill Prevention and Response
Department of Fish and Game
1700 K Street
Sacramento, CA 95818
(916) 445-9338
(916) 324-8829 (fax)

For information on California’s hazardous waste program, contact:
Nancy Ostrom
Hazardous Waste Management Program
Department of Toxic Substances Control
California Environmental Protection Agency
400 P St., Fourth Floor
P.O. Box 806
Sacramento, CA 95812-0806
(916) 322-3385
(916) 327-4495 (fax)
Web site: www.calregs.com

For information on California’s air emissions requirements, contact:
Gary Zimmerman
Source Test Section
Compliance Division
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812
(916) 322-2886
(916) 324-1788 (fax)

Last revised: September 2000

Colorado

Fire Code Restrictions:

Tank owners and operators are required to obtain a permit from the State Oil Inspection Office prior to commencing operations. All ASTs must be registered, and the annual fee is $35 per tank/per year. There is no state fire marshal in Colorado. Owners of ASTs with a capacity of more than 660 gallons must submit plot plans describing characteristics of the property and tanks to the State Inspector of Oils. A permit also must be issued by the local fire marshal. ASTs must be inspected annually.

Local Programs: Local jurisdictions may adopt different fire codes, provided they are no less stringent than the state code. Most local jurisdictions in Colorado have adopted the Uniform Fire Code (UFC) of the International Fire Code Institute. The cities of Fort Collins, Greeley, Lakewood, Aurora and Denver have adopted requirements that are more stringent than the state code.

For information, contact:
Woodrow Stephens
Inspector Supervisor
Department of Labor and Employment
Oil Inspection Section
1515 Arapahoe St., Tower 3, Suite 610
Denver, CO 80202-2117
(303) 620-4310
(303) 620-4028 (fax)
Web site: http://oil.cdle.state.co.us

Environmental Regulations:
Program Description: The state adopted AST regulations in October 1994 (7 CCR 1101-14). ASTs containing petroleum with capacities of 660 gallons to 40,000 gallons are regulated. Tank owners are required to draft a spill plan and display a certificate of financial responsibility.
Connecticut requires ASTs storing Class I liquids located at the state's requirements of NFPA 30, 30A and 31 as applicable, adopts the 1992 edition of NFPA 31. Besides complying with Equipment Code, effective Jan 24, 1997. Section 29-317-3a of the provisions of the 1996 edition of National Fire Protection Association (NFPA) 30 and 30A. The Connecticut Flammable and Combustible Liquids Code applies to both new and existing installations and makes reference to the regulations: farm tanks; residential storage tanks; and tanks at construction and mining sites (Col. Rev. Stat. Tit. 8, art. 20.5, 101, subpara. 2.)

For information, contact:
Woodrow Stephens
Inspector Supervisor
Department of Labor and Employment
Oil Inspection Section
1515 Arapahoe St., Tower 3, Room 610
Denver, CO 80202-2117
(303) 620-4310
(303) 620-4028 (fax)

Other:
For information on Colorado’s petroleum release fund, contact:
Carol Gill
(303) 620-4307
For information on Colorado’s hazardous waste program, contact:
Hazardous Materials and Waste Management Division
Department of Public Health & Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530
Technical Assistance Line (303) 692-3320
(303) 759-5355 (fax)

For information on Colorado’s air emission requirements, contact:
Chip Hancock
Department of Public Health & Environment
APCD-SS-B1
4300 Cherry Creek Drive South
Denver, CO 80246-1530
(303) 692-3150
(303) 782-0278 (fax)

Last revised: June 2000

**Connecticut**

**Fire Code Restrictions:**

The state has also adopted the Connecticut Oil Burning Equipment Code, effective Jan 24, 1997. Section 29-317-3a adopts the 1992 edition of NFPA 31. Besides complying with the requirements of NFPA 30, 30A and 31 as applicable, Connecticut requires ASTs storing Class I liquids located at automotive and marine service stations must be fire resistant in accordance with Section 2-4.5 of NFPA 30A. Local Programs: The fire code applies statewide, and local jurisdictions may not adopt ordinances more stringent than those in the state code.

For information, contact:
John Blaschik
Deputy State Fire Marshall
Office of the State Fire Marshal
P.O. Box 2794
Middletown, CT 06457-9294
(860) 685-8350
(860) 685-8359 (fax)

**Environmental Regulations:**
Program Description: The state has no specific AST regulations. However, draft aboveground petroleum storage facility regulations have been proposed and are currently being revised. The draft rules would specify design, construction and operating requirements for ASTs.

The Connecticut Water Pollution Control Act creates authority for the state to contain and remove any spill or release of a pollutant into the waters of the state (Conn. Gen. Stat. §22a-449). Terminals in the state must obtain an operating license from the Department of Environmental Protection (DEP). The permit application must include a copy of the facility’s federal spill prevention, control and countermeasure (SPCC) plan that has been certified by a professional engineer registered in Connecticut, a copy of the facility’s spill response plan as required by the Oil Pollution Act of 1990, a copy of the U.S. Coast Guard operations manual, and a detailed site plan that includes information on the amount and type of substances stored and the number of storage containers at the facility.

Facilities must apply for the operating license in early March of each year and the renewal application must be accompanied by a fee. The state also requires that facilities provide or contract to provide containment equipment in operating condition and conduct routine inspections of all tanks, pipelines and appurtenances. Any spill or release of any chemical must be reported immediately to the state police and to DEP at (860) 424-3338, filing a written DEP spill reporting form and notifying local authorities. The report must identify the source, location and amount of the spill or release (Conn. Gen. Stat. §22a-450). Connecticut environmental law establishes strict liability for spills of most pollutants, which means that the owner of the property where the pollution occurred is responsible for cleaning up the spill even if the owner is not at fault (Conn. Gen. Stat. 22a-451). However, innocent landowners may be exempt from certain responsibilities (Conn. Gen. Stat. 221-452e). Cleanup must be performed by a licensed contractor (Conn. Gen. Stat. 221-454). Contractors who install ASTs must be licensed by the Department of Consumer Protection.

For general information, contact:
Oil Spill Preparedness
Oil and Chemical Spill Response Division
Bureau of Waste Management
Department of Environmental Protection
79 Elm St.
Delaware

Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association codes 30 and 30A, 1996 editions. The NFPA codes are used mainly in the tank installation and construction plan review process in Delaware. Enforcement actions usually are the result of complaints filed with the state fire marshal.

Aboveground storage tanks (ASTs) are not required to be registered, nor are they inspected, except at installation. At the time of installation, AST owners and operators must pay a fee that is calculated by multiplying the cost of installation times 0.005. The minimum fee is $100.00

Local Programs: Local jurisdictions may adopt more stringent requirements than the state fire code. There is no state review process for such ordinances. The cities of Wilmington, Newark, New Castle and Dover have their own fire marshals with independent authority. These jurisdictions may prohibit ASTs entirely.

For information, contact:
Greg Haley
Chief of Technical Services
State Fire Marshall’s Office
1537 Chestnut Grove Road
Dover, DE 19901
(302) 739-4394
(302) 739-3696 (fax)

Environmental Regulations:
Program Description: The state requires that all owners and operators of aboveground tanks with storage capacity of 40,000 gallons or more obtain a permit for the construction, installation, modification, replacement or operation of a storage tank or tank system (Del. Code Ann. tit. 7, § 60). Permits must be submitted to the Division of Water Resources of the Delaware Department of Natural Resources and Environmental Control (DNREC). The one-time permit fee is $3,750.

The permits cover all facilities storing petroleum, hazardous materials or liquid waste, and require that these facilities have sufficient secondary containment. Secondary containment must be large enough to hold the volume of the largest tank plus six inches of rainfall.

Discharges of contaminants into the air, or pollutants, including petroleum substances, into surface water, groundwater or on land must be reported to DNREC.

Discharges in compliance with a validly issued state permit or in compliance with other state and federal regulations are exempt from the reporting requirement.

For information, contact:
Roy R. Parikh
Division of Water Resources
Department of Natural Resources and Environmental Control
89 Kings Highway
P.O. Box 1401
Dover, DE 19903
(302) 739-5731
(302) 739-7869 (fax)

Other:
For information on Delaware’s hazardous waste program, contact:
Karen G. J’Anthony
Solid and Hazardous Waste Management Branch
Division of Air and Waste Management
Department of Natural Resources and Environmental Control
89 Kings Highway
P.O. Box 1401
Dover, DE 19903
(302) 739-3689
(302) 739-5060 (fax)
For information on air emission requirements in the New Castle area, contact:
Department of Natural Resources and Environmental Control
715 Grantham Lane
New Castle, DE 19720
(302) 323-4542
(302) 323-4598 (fax)

Last revised: September 2000

**District of Columbia**

**Fire Code Restrictions:**
Program Description: Fire code provisions are enforced by the District of Columbia Fire Department, which has adopted the 1996 Building Officials and Code Administrators (BOCA) fire code and enforces Chapter 32 of the code (Flammable and Combustible Liquids). Washington, D.C. permits businesses to have aboveground storage of up to 2,000 gallons of gasoline and 6,000 gallons of diesel fuel (no more than 8,000 gallons total).
ASTs are required to be registered and inspected in D.C. Both new and existing tanks must be inspected and commercial occupancies, and fees are assessed when the work requires a permit. Installation and removal permits are required by both the Fire Department and the Department of Consumer and Regulatory Affairs. Permit applications, which must include site plans and an application fee, can be obtained from the Permit Processing Division of the Fire Department.
For information, contact:
Reginald Stowe
Fire Prevention Bureau
District of Columbia Fire and EMS Department
441 Fourth St. N.W., Room 370
Washington, DC 20001
(202) 727-1614
(202) 727-3238 (fax)

**Environmental Regulations:**
Program Description: The city has no specific AST regulations. However, the District of Columbia Water Pollution Control Act (D.C. Code Ann. 6-921) prohibits the discharge of pollutants into D.C. waters.
In the event of a discharge, the mayor must be notified immediately. Where the discharge is of a hazardous substance, or if the discharge presents a substantial threat to human health or the environment, the mayor may take steps to initiate cleanup efforts and may sue immediately to restrain any person causing or contributing to such a discharge. The mayor also may seek to impose civil or criminal penalties upon the responsible party.
For information, contact:
Jerusalem Bekele
Program Manager
Water Quality Branch
Environmental Health Administration
Department of Health
51 N St. N.E., Fifth Floor
Washington, DC 20002
(202) 535-2190
(202) 535-1363 (fax)

**Florida**

**Fire Code Restrictions:**
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1996 edition. The state fire code, titled Uniform Fire Safety Standards (Fla. Statutes, § 633.022(1995)), applies to all state-owned and state-leased properties and also to self-service gasoline stations. The State Fire Marshal Rule extends to self-service gasoline stations only. An attendant is required to be on duty whenever a station is open to the public. All other facilities are governed by local fire codes. Florida is in the process of developing a statewide fire prevention code that is expected to become effective July 1, 2001.
Local Programs: Local jurisdictions must adopt and enforce their own fire codes. In addition, local jurisdictions enforce the state fire code for self-service gas stations.
For information, contact:
William B. (Sam) Gillespie
Division of State Fire Marshal
ATTN: Bureau of Fire Prevention
200 E. Gaines Street
Tallahassee, FL 32399-0300
(850) 413-3747
(850) 922-2553 (fax)

**Other:**
For information on the District of Columbia’s Revolving Water Pollution Control Fund, and Spill Prevention Cleanup Plans, contact:
Jerusalem Bekele
Program Manager
Water Quality Branch
Environmental Health Administration
Department of Health
51 N St. N.E., Fifth Floor
Washington, DC 20002
(202) 535-2190
(202) 535-1363 (fax)

For information on the District of Columbia’s Hazardous Waste Program, contact:
James Sweeney
Bureau of Hazardous Material and Toxic Substances
Hazardous Waste Division
Environmental Health Administration
Department of Health
51 N St. N.E., Third Floor
Washington, DC 20002
(202) 535-2289
(202) 535-1386 (fax)

For information on the District of Columbia’s air emissions requirements, contact:
Stanley Tracey or Modupe Babalola
Air Quality Division
Environmental Health Administration
Department of Health
51 N St. N.E., Fifth Floor
Washington, DC 20002
(202) 535-2255
(202) 535-1372 (fax)
Environmental Regulations:

Program Description: The state has adopted the Pollutant Spill Prevention and Control Act (Fla. Stat. Ann. §§ 376.011-376.60). The law, which is also known as the Pollutant Discharge Prevention and Removal Act and the Pollutant Discharge Act, covers both coastal and inland facilities storing petroleum and other pollutants, mineral acids and hazardous substances. The law also creates several trust funds to cover the costs of spill cleanup and remediation.

Pursuant to the Pollutant Discharge Act, the state has adopted comprehensive regulations for aboveground tanks storing pollutants (Fla. Admin. Code § 62-762) and mineral acids (Fla. Admin. Code §62-767). The state also has extensive petroleum contamination cleanup criteria (Fla. Admin. Code §62-770). Florida has adopted pollutant discharge prevention and removal regulations for coastal waters and lands (Fla. Admin. Code §62N-16). Key provisions of the regulations governing aboveground storage tank systems and mineral acid ASTs are described below, as are the state’s pollutant discharge prevention and removal regulatory programs.

Pollutant Spill Prevention and Control Act----Coastal Spills Pollution Spill Prevention and Control Act §§ 376.011 to 376.17 and §§ 376.19 to 376.21 govern waterfront and offshore terminal. The pollutant discharge prevention and removal regulations for coastal waters and lands are found at Fla. Admin. Code § 62N-16 (Pollutant Discharge Act). Terminal facility owners and operators also must obtain an annual spill prevention and response certificate from DEP. An applicant for a spill prevention and response certificate must submit information on the capacity of the terminal facility and the length of the largest vessel using the terminal facility; all prevention, containment and removal equipment to which the facility has access; and the terms of agreement and the operation plan of any discharge cleanup organization to which the owner or operator belongs.

DEP will inspect each terminal facility to inspect and verify access to containment and cleanup equipment and to review and verify the contents of the terminal facility site-specific spill contingency plan. Contingency planning requirements are outlined below.

No person can operate a terminal facility without access to, at a minimum, containment equipment measuring five times the length of the largest vessel using the terminal facility. Facilities storing only motor fuel, or with a total storage capacity of less than 10,000 gallons, are exempt from this requirement. The containment equipment must be available to begin deployment within one hour after discovery of a spill. Within a reasonable time period, sufficient additional cleanup equipment must be available, either through direct ownership or by contract or membership in an approved cleanup organization, to reasonably clean up 10,000 gallons of pollutants, unless the terminal facility does not store or service vessels having the capacity to carry that quantity as fuel or cargo. Cleanup or containment equipment purchased with state funds does not count as required equipment under this regulation.

Any person discharging pollutants prohibited under the regulations must immediately contain, remove and abate the discharge to DEP’s satisfaction. If the person causing a discharge, or the person in charge of a facility at which a discharge has taken place, fails to act, DEP may arrange for the removal of the pollutant. Any discharge must be reported immediately to the National Response Center hotline, (800) 424-8802, and to the Florida Marine Patrol at (800) 519-0232.

When a discharge occurs from a terminal facility, the state’s recovery from the responsible party of costs of abatement and cleanup may not exceed $25 million. However, when DEP can show that the discharge was the result of willful or gross negligence, or willful misconduct, the owner or operator is liable to the Florida Coastal Protection Trust Fund for the full amount of any sums expended. The limit on liability does not apply if the responsible party knowingly fails or refuses to report the incident, or fails or refuses to provide reasonable cooperation and assistance requested by a state or federal on-scene coordinator.

DEP can recover from responsible parties the cost to restore any injured or destroyed natural resource to its condition prior to the spill, as well as the cost of damages to nonrestorable natural resources, that results from prohibited pollutant discharges. There is no limit to recovery for natural resource damages.

Although the law states that an owner or operator of a terminal facility must establish and maintain evidence of financial responsibility pursuant to federal laws and regulations, this section has been superseded. The state accepts compliance with federal requirements for financial responsibility.

For information, contact:
Phil Wieczynski, Chief
Bureau of Emergency Response
Department of Environmental Protection
3900 Commonwealth Blvd., MN.S. 659
Tallahassee, FL 32399-3000
(904) 488-2974
(904) 488-5957 (fax)

Terminal Facility Spill Contingency Plans:
The state’s site-specific contingency planning requirements for coastal and offshore facilities are found at Fla. Admin. Code § 62N-16.033. The plan must aid in reporting discharges and detail the methods, means and equipment to be used in the removal of pollutants that enter or threaten the waters of the state. A federal Oil Pollution Act of 1990 facility response plan is a sufficient contingency plan. For facilities with a storage capacity of 10,000 gallons or more that do not store motor fuel, the contingency plan must contain:

- a terminal facility description that includes the name, location, types of pollutants handled and other pertinent facility information;
- the name of the designated “person in charge” and the facility manager;
- the notification procedures to be followed in the event of a discharge and a description of the systems, measures and devices used to detect discharges;
- the name of the person responsible for the initial on-scene assessment of the size and projected threat of the discharge;
- a list of all available spill containment equipment, both on site and at a spill response contractor’s facility; and
The Florida pollutant AST program covers tanks with a storage capacity of more than 550 gallons that contain "pollutants" (i.e., petroleum products and their derivatives, pesticides, chlorine and ammonia). Certain tanks are exempt from the regulations, including tanks storing liquid petroleum gas or hazardous wastes, mobile tanks that are moved at least once every 180 days, and flow-through process tanks. Also exempted are tanks with a total storage capacity of less than 30,000 gallons that store heating oil for consumptive use on the premises and tanks entirely within an industrial occupancy building.

Regulated tank systems must be registered with DEP. The schedule for registration fees is: $50 per tank for the initial registration; $25 per tank annual fee for tanks with capacities of 250,000 gallons or less; and $1 annual fee for every 10,000 gallons of storage capacity in excess of 250,000 gallons (up to a maximum of $1,000 per tank). In no case will a facility’s total fee exceed $5,000. Registration fees for other facilities are as follows: $50 per tank initial registration fee; $25 per tank renewal fee for tanks not satisfying certain closure requirements; $25 per tank replacement fee; and $20 per tank late fee.

Revenues derived from fees imposed upon tanks storing petroleum products are deposited in the Inland Protection Trust Fund. All other revenues derived from such fees must be deposited in the Water Quality Assurance Trust Fund. The rules contain extensive record keeping requirements, including: inventory measurements and reconciliation; results of inspections of tanks and release detection systems; dates of upgrading; and results of all tests performed on the tank. The owner or operator of an AST system also is required to notify DEP of: the date and method of closure; a change in ownership; a proposed replacement or upgrade; and the placement of a tank out-of-service. In addition, at least 24 hours notice (verbal or written) is required prior to the start of closure, internal inspection, upgrading or installation.

The state has established performance standards for both new and existing storage tank systems. New tank systems must have secondary containment installed beneath the tank and in the containment area around the tank, and be lined with a material that is compatible with the substance stored. Integral piping also must be constructed with secondary containment. New steel ASTs must meet or exceed certain accepted industry standards: American Petroleum Institute (API) standards 620, 650, 12B, 12D and 12F, and Underwriters Laboratories (UL) standard 142. All field-erected tanks must be inspected in accordance with API 653.

New tanks also must be installed in a manner consistent with NFPA 30 and must have the approval of the local fire marshal (see above). New tanks must be built on a well-drained and stable foundation, and be cathodically protected using either sacrificial anodes or an impressed current system. Installation of the cathodic protection system must be supervised by a professional. The tank must also be equipped with a protective coating designed to prevent corrosion and deterioration.

New tank systems also must be equipped with overfill protection in the form of a gauge or measuring device, a high-level warning alarm or a high-level liquid pump cutoff controller. Manual tank gauging may be used on certain tanks with storage capacities of 5,000 gallons or less. All product loading areas also must be equipped with a spill containment system. Also, all tanks must be equipped with release detection equipment that can detect a release from either a tank or from piping.

New or replacement field-erected tanks built within an existing containment area that holds existing field-erected tanks must meet these standards for cathodic protection, secondary containment, exterior coatings, overfill protection and integral piping by Jan 1, 2000. All shop-fabricated tanks with a capacity of more than 550 gallons that contain...
vehicular fuel had to meet these requirements by Jan. 1, 1990. All other vehicular fuel storage tanks must meet these requirements by Jan 1, 2000. All small diameter integral piping that is installed on existing storage tanks and is in contact with the soil must meet these requirements by Jan 1, 2000. Piping with a diameter greater than 3 inches, I contact with the soil, must have secondary containment by Jan 1, 2010, unless an API 570 exam indicates that the piping has remaining useful life.

In general, any discharge in excess of 25 gallons on pervious surfaces must be reported within one working day of discovery. A positive response by a release detection device, monitoring well test, sample or laboratory report must be reported within one working day of discovery. Notice is required within 24 hours of the discovery of a loss exceeding 100 gallons on any surface other than a secondary containment area or exceeding 500 gallons inside the secondary containment area.

When a discharge is discovered, the owner or operator must remove as much of the pollutant from the tank system as is necessary to prevent further release to the environment. Fire, explosion and vapor hazards must be identified and mitigated. The owner or operator also must immediately contain, remove and abate the discharge. The regulations contain specific procedures for out-of-service tank systems, including maintenance of corrosion protection. An owner or operator who returns a tank to service must perform certain tests to ensure the structural integrity of the system. The state also has specific closure requirements that include the removal of all liquid and sludge from the tank and connected piping, and the removal of pollutant vapors that create hazardous explosive conditions. A closure assessment is required at closure or during the installation of secondary containment.

Owners or operators of AST systems with capacities of 550 to 10,000 gallons are required to demonstrate financial responsibility for facility cleanup and third-party liability in minimum amounts of $500,000 per incident and $1 million annual aggregate. Financial responsibility for owners and operators of tanks from 10,000 to 30,000 gallons must be demonstrated in amounts of $1 million per incident and $1 million annual aggregate; the amount of tanks from 30,000 to 250,000 gallons are $1 million per incident and $2 million annual aggregate. Notwithstanding an owner or operator’s financial responsibility status, the owner or operator may still be liable for any discharge at the facility.

For information, contact:
Marshall T. Mott-Smith
Administrator
Storage Tank Regulation Section
Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road, M.S. 4525
Tallahassee, FL 32399-2400
(904) 488-3935
(904) 414-1521 (fax)

**Mineral Acid AST Requirements:**
ASTs with a storage capacity of more than 110 gallons that contain mineral acids (hydrobromic, hydrochloric, hydrofluoric, phosphoric or sulfuric acid) are regulated (Fla. Stat. Ann. §§ 376.20 to 376.25). Certain tanks are exempt from the mineral acid requirements, including: mobile or skid tanks that are moved at least once every 180 days; tanks containing mineral acids that are less than 20 percent of the solution by weight; flow-through process tanks; and tanks containing mineral acids regulated as hazardous wastes under Subtitle C of the Resource Conservation and Recovery Act.

The owner of a mineral acid tank must register it with DEP. The initial registration fee is $50 per tank. Owners of tanks with capacities of 125,000 gallons or less must pay an annual registration renewal fee of $25 per tank. Owners of tanks with capacities of greater than 125,000 gallons must pay an annual registration renewal fee of $1 for every 5,000 gallons of storage capacity per tank over 125,000. Total annual registration fees for renewals cannot exceed $2,500 per facility.

The owner or operator of a storage tank must notify DEP of changes in ownership, tank upgrades, and changes in the identity of the material being stored. DEP must also be provided with a containment and integrity plan or secondary containment system certified by a Florida registered professional engineer. The department must be given notice, within three working days, of any discovery of a loss of mineral acids in excess of 110 gallons or the reportable quantity into a secondary containment system.

The owner or operator of a mineral acid storage facility must have either a containment and integrity plan (CIP) or a professional engineer’s certification of the facility’s secondary containment system. For existing facilities, the owner or operator also must have an inspection and maintenance program. For new storage tanks, the owner or operator must install secondary containment and meet the requirements of the rules before the storage tanks are placed into service.

The CIP must be designed to minimize the risk of spills, releases and discharges. A registered professional engineer must certify that the tanks covered in the CIP have been inspected and maintained properly and that the integrity and containment of the tanks has not been compromised. The CIP, which must be reviewed and updated every two years, must contain the following items: the inspection and maintenance program; the procedures and schedules being used to evaluate and maintain the integrity of the tank and secondary containment; release detection procedures; frequency of inspections; and proper response to inspection findings. It also must include a description of: the materials of construction for each storage tank and the compatibility of the mineral acid with the construction materials; existing secondary containment; the location of any surface water near the tanks and the potential for releases to enter surface water or to move off-site. Finally, the CIP must include the facility’s discharge response procedures for containment and abatement and any cleanup procedures.

For storage tanks having no secondary containment, the CIP must also address the facility’s procedures and equipment for treating spill wastes, procedures for disposing of spill wastes and any containment and diversionary structures that would prevent discharges from entering nearby surface water or moving off-site.
In place of the CIP, an owner or operator may choose to
provide DEP with certification by a professional engineer that
no mineral acid AST at the facility is in direct contact with the
ground, and a secondary containment system has been placed
under and around each tank and sealed to its supports. Such a
containment system must be either designed and built to
contain at least 110 percent of the capacity of the largest tank
within the containment or be equipped with a drainage system
routed to a permitted wastewater treatment system that is
capable of containing any accidental release from the tank.
An owner or operator must report any discharge from a
secondary containment system or a storage tank without
secondary containment if the discharge exceeds 100 pounds of
hydrobromic or hydrofluoric acid, 1,000 pounds of sulfuric
acid, or 5,000 pounds of hydrochloric or phosphoric acid.
Discharges must be reported verbally to DEP within one
working day of discovery and in writing within three working
days of discovery. When a release occurs, the owner or
operator must remove as much of the mineral acid from the
storage tank as is necessary to prevent further discharge. If the
tank cannot be repaired, all mineral acid must be removed and
the tank must be closed. The owner or operator of a facility
discharging mineral acids must immediately contain, remove,
neutralize, or otherwise abate the discharge.

For information, contact:
Marshall T. Mott-Smith
Administrator
Storage Tank Regulation Section
Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road, M.S. 4525
Tallahassee, FL 32399-2400
(904) 488-3935
(904) 414-1521 (fax)

Other:
For information on Florida’s Water Quality Assurance Trust
Fund, contact:
Marshall T. Mott-Smith
Administrator
Storage Tank Regulation Section
Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road, M.S. 4525
Tallahassee, FL 32399-2400
(904) 488-3935
(904) 414-1521 (fax)

For information on Florida’s Inland Protection Trust Fund,
contact:
Charles Williams, Environmental Administrator
Petroleum Cleanup Section I
Division of Waste Management
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400
(904) 487-3299
(904) 922-7797 (fax)

For information on Florida’s hazardous waste program,
contact:
Diane Hunt
Hazardous Waste Regulation
Department of Environmental Protection
2600 Blair Stone Rd.
Tallahassee, FL 32399-2400
(904) 488-0300
(904) 921-8061 (fax)

For information regarding air emissions requirements,
contact:
Al Linero, Administrator
New Source Review Section
Bureau of Air Regulation
Department of Environmental Protection
2600 Blair Stone Road, M.S. 5505
Tallahassee, FL 32399-2400
(904) 488-0114
(904) 922-6979 (fax)

For information regarding air toxics, contact:
John Glunn
Office of Policy Analysis and Program Management
Division of Air Resource Management
Department of Environmental Protection
2600 Blair Stone Road, M.S. 5500
Tallahassee, FL 32399-2400
(904) 488-0114
(904) 922-6979 (fax)

Last revised: December 2000

Georgia

Fire Code Restrictions:
Program Description: The state has adopted National Fire
Protection Association (NFPA) codes 30 and 30A, 1996
editions, with extensive state amendments. The codes are
adopted at Ga. Code § 25-2-16, and the fire safety rules and
regulations governing aboveground storage tanks (ASTs)
can be found at Ga. Comp. R. & Regs., r. 120-3-11. The
state requires submission and review of engineering site
plans by the state fire marshal prior to construction.
Gasoline storage aboveground at retail service stations is
prohibited in anything larger than a 55-gallon drum.
In addition to the requirements of NFPA 30, the state
amendments prohibit the installation of an AST within 300
feet of any school, church, hospital, theater or public hall.
Also, no barrels, drums or combustible materials may be
stored within 10 feet of an AST.
The state requires that all defective or leaky tanks be
replaced immediately, and that all diked areas have
provisions for emergency drainage under fire conditions. A
suitable fence or other enclosure must surround all ASTs at
bulk plants that would otherwise be readily accessible to the
public. A chain link fence that is at least 6 feet high and
separated from the tank by at least 10 feet is considered a
suitable fence.
Tanks storing Class I and Class II liquids at individual sites
are limited to a maximum individual capacity of 12,000
gallons and an aggregate capacity of 40,000 gallons. Tanks
storing Class I and Class II-a liquids at a fleet service station
are limited to a maximum individual fueling capacity of
20,000 gallons and an aggregate capacity of 80,000 gallons.
Tanks in these categories must be listed and approved for
aboveground use.
For ASTs larger than 660 gallons, provisions must be made to prevent spills at loading and unloading points from entering public sewers and drainage systems or natural waterways. Containment must be provided for 110% of the largest compartment on the vehicle used for delivery. ASTs must be equipped with spill control and overfill prevention devices. The regulations establish minimum separation distances of: 50 feet from the nearest important building on the same property; 50 feet from any fuel dispenser; 50 feet from the nearest side of a public way; and 100 feet from any property line that is or may be built upon. However, all minimum separation distances may be reduced by half if the tanks are installed in a vault.

To qualify as a vaulted AST, the walls, top and floor of the vault must be constructed of six inches of reinforced concrete. The vault must be substantially liquid tight and there may be no backfill around the tank. It must be wind, earthquake, flooding and impact resistant, and built in accordance with good engineering practices. The vault also must be properly ventilated, and be equipped with an alarm-sounding leak detection system for water and for flammable and combustible liquids. Vaults must be provided with a means for personnel entry and an approved means to admit a fire suppression agent.

Each AST must be provided with a means of determining the liquid level in the tank. A tank must be provided with means to automatically stop delivery of fuel to the tank when the liquid level reaches 95 percent of capacity or to sound an audible alarm when the liquid level reaches 90 percent of capacity. Where a tank is at an elevation that produces a gravity head on the dispensing device, the tank outlet must be equipped with a device - such as a solenoid valve - that will prevent gravity flow from the tank to the dispenser in the event of a failure of the piping or the hose.

Class II and Class III liquids, such as kerosene and fuel oil, may be stored at retail service stations in listed and approved aboveground storage tanks with an aggregate capacity of 560 gallons or less. Plans for such an installation must be approved by the state fire marshal or local authority to assure that the tank is properly protected against collision, spillage and overfill. A Class II or Class III storage tank also must be in compliance with the emergency relief venting requirements of NFPA 30.

For information on Georgia’s air emissions requirements as they pertain to petroleum storage tanks, contact:

James Current
Minerals Unit Manager
Stationary Source Permitting Program
(404) 651-9425 (fax)

For information on Georgia’s hazardous waste program, contact:

Jim Ussery
Program Manager
Hazardous Waste Management Branch
Environmental Protection Division
Department of Natural Resources
205 Butler Street
Atlanta, GA 30334
(404) 656-2833
(404) 651-9425 (fax)

For information on Georgia’s air emissions requirements as they pertain to chemical storage tanks, contact:

Heather Abrams
Chemicals Unit Manager
Stationary Source Permitting Program
(404) 363-7142

For information on Georgia’s hazardous waste program, contact:

Bert Langley
Environment Protection Division
Department of Natural Resources
7 Martin Luther King Jr. Drive, Room 643
Atlanta, GA 30334
(404) 656-6905
(404) 657-7893 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the Georgia Water Quality Control Act (Ga. Code Ann. tit. 12, § 12-5-20) provides that any person who releases oil or other pollutants into the waters of the state shall be liable for the costs of cleanup and disposal, and for damages. Spills or releases exceed the federal reportable level, or spills releasing an unknown quantity, must be reported immediately to the Emergency Response Center of the Department of Natural Resources’ Environmental Protection Division at (800) 241-4113. A spill is considered reportable if it is "sufficient to cause a sheen" on the water, and the state interprets the reporting requirement to mean within one hour from the moment the spill is discovered.

For information, contact:

Hawaii

For information on Hawaii’s hazardous waste program, contact:

4244 International Parkway, Suite 120
Atlanta, GA 30354
(404) 656-7000
(404) 363-7100 (fax)

Last revised: May 2001
Fire Code Restrictions:
Program Description: The State Fire Council, which is composed of the fire chiefs of each of the four counties in the state, has adopted the Uniform Fire Code (UFC), 1988 edition, but has amended the UFC dispensing requirements extensively. Currently, the fire council is in the process of adopting the 1997 version of the UFC and the 1998-99 UFC Supplements, which address the use of protected tanks for bulk storage and transfer.

The State Fire Council has adopted an interim standard that allows the use of aboveground storage tanks (ASTs) at private fleet fueling facilities. Such tanks, which are limited in capacity to 6,000 gallons per individual tank and 18,000 gallons per facility, must meet the standards of either UL 2085, Protected Aboveground Tanks for Flammable and Combustible Liquids, or Southwest Research Institute 93-01, Protected Tanks. Tanks at these installations must be separated by at least 150 feet.

The state also accepts double-walled tanks under the “special enclosure” definition of the UFC. State requirements must be met for new tank installations, but there are no specific maintenance requirements except that equipment must be maintained in operational condition. Tanks must be registered with the fire council. Fees are based on tank capacity.

Local Programs: The four counties may adopt ordinances more stringent than those in the state code.

For information, contact:
Kenneth Silva, Battalion Chief
Honolulu Fire Department
Fire Prevention Bureau
3375 Koapaka Street, Suite H-425
Honolulu, HI 96819-1869
(808) 831-7769
(808) 831-7780 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the state Water Pollution Control Law (Haw. Rev. Stat. tit. 19, 342D-1) prohibits the discharge of any pollutant into state waters without a permit and requires that any release be reported to the state Department of Health within 24 hours of the discharge.

The Hawaii Environmental Response Law (Haw. Rev. Stat. tit. 10, § 128D-1) requires that any release of a hazardous substance be reported to the Department of Health immediately upon discovery. Rules implementing the law were promulgated in August of 1995 (HAR 11-451).

The Department of Health is studying the possibility of regulating nonpetroleum ASTs and will report its findings to the legislature in 2002.

For information, contact:
Curtis Martin
Office of Hazard Evaluation and Emergency Response (HEER)
Hawaii Department of Health
919 Ala Moana Blvd., Suite 212
Honolulu, HI 96814
(808) 586-4225 or 4226
(808) 586-7509 (fax)

For information on Hawaii’s hazardous waste program, contact:
Grace Simmons, Environmental Health Specialist
Solid and Hazardous Waste Branch
Hawaii Department of Health
919 Ala Moana Blvd., Suite 212
Honolulu, HI 96814
(808) 586-4229 or 4359 (fax)

For information on Hawaii’s air emissions requirements, contact:
Wilfred Nagamine, Program Manager
Clean Air Branch
Environmental Management Division
Hawaii Department of Health
P.O. Box 3378
Honolulu, HI 96801
(808) 586-4200
(808) 586-4359 (fax)

Last revised: May 2001

Iowa
Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1993 editions (Iowa Admin. Code (IAC) 661-5.300 (101)-.307 (101)), with some amendments. State fire marshal approval is required for every aboveground storage tank (AST) prior to installation. Iowa requires secondary containment for ASTs.

The state has replaced § 2-3.8.1 of NFPA 30. The NFPA code requires installation of either an external gate valve or an emergency internal check valve at any location within a tank below the liquid level through which liquid might flow. The Iowa code requires both types of valve.

Any tank with a capacity of more than 1,100 gallons and storing any Class I, Class II or Class III flammable or combustible liquid must be registered annually with the state fire marshal. Registration fees are imposed.

Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code. They also may adopt another fire code, provided it is at least as restrictive as the state code. Within a jurisdiction where an alternative code has been adopted, the more restrictive requirement must be met if the state code and the local code differ.

For information, contact:
Curtis Martin
Office of Hazard Evaluation and Emergency Response (HEER)
Hawaii Department of Health
919 Ala Moana Blvd.
Room 206
Honolulu, HI 96814
(808) 586-4249
(808) 586-7537 (fax)

Other:
Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the Iowa Groundwater Protection Act requires that all persons in the state conduct their activities so as to prevent the release of contaminants into groundwater (Iowa Code Ann. § 455E.1). The act requires prompt cleanup of all spills, and the state has promulgated standards to enforce the act (Iowa Admin. Code, r. 567-61.1). All releases must be reported within six hours to the Department of Natural Resources (DNR) at (515) 281-8694.
For information, contact:
Susan Dixon
Department of Natural Resources
Wallace State Office Building
502 E. Ninth
Des Moines, IA 50319
(515) 242-6346
(515) 281-8895 (fax)

Other:
Iowa has not adopted the federal Resource Conservation and Recovery Act (RCRA) hazardous waste management program. Therefore, the federal standards found at 40 CFR 262, 264 and 265.
For information on Iowa’s air emissions requirements, contact:
David Phelps
Supervisor
Air Quality Bureau of the Environmental Protection Division
Department of Natural Resources
Wallace State Office Building
7900 Hickman Road, Suite 1
Urbandale, IA, 50322
(515) 281-8189
(515) 245-5108 (fax)

Idaho
Fire Code Restrictions:
Program Description: The state has adopted the Uniform Fire Code (UFC), 1997 edition (Idaho Code 41-50, 41-253), including Appendix II-F. The state fire marshal imposes no registration or inspection requirements.
Local Programs: Local jurisdictions may adopt requirements that are more stringent than the state fire code and may prohibit aboveground storage tanks (ASTs) entirely. Most local jurisdictions that allow aboveground storage have permitting requirements.
For information, contact:
Don McCoy
State Fire Marshal
700 W. State St.
Boise, ID 83720-0043
(208) 334-4370
(208) 334-4375 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the Idaho Environmental Protection and Health Act (Idaho Code § 39-101) directs that all persons in the state shall conduct their activities so as to prevent the unregulated release of contaminants into groundwater, and provides for penalties for violations.

Other:
For information on Idaho’s Petroleum Storage Tank Fund, contact:
Steven Halladay
Petroleum Storage Tank Fund
1215 W. State St.
Boise, ID 83720-0044
(208) 332-8100
(208) 334-3696 (fax)

For information on Idaho’s hazardous waste program, contact:
John Brueck
Waste Management and Remediations Division
Department of Environmental Quality
1410 N. Hilton St.
Boise, ID 83706-1255
(208) 334-0458
(208) 334-0154 (fax)

For information on Idaho’s air emissions requirements, contact:
Marjorie MartzEmerson
Air Program Office
Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706-1255
(208) 373-0502
(208) 373-0154 (fax)

Last revised: April 2001
for dispensing are prohibited at service stations or for any other retail use, with the exception of kerosene tanks. All new or modified facilities are subject to review by the state fire marshal. An owner or operator must submit a site plan to the state fire marshal. Site plan review is followed by a field inspection. No fee is charged for plan review.

Tank owners must file an application with the Office of the State Fire Marshal (OSFM) Division of Fire Prevention for the installation and/or relocation of ASTs with capacities greater than 100 gallons containing or intended to contain flammable or combustible liquids. ASTs are inspected at the time of initial installation and are only reinspected if a complaint is received. There is no application or inspection fee for AST installation, and no registration is required.

Local Programs: Local jurisdictions may adopt regulations more stringent than the state code but otherwise cannot override or disregard state regulations. Some communities prohibit AST’s.

For information, contact:
Kenneth Wood
Office of State Fire Marshal
100 W. Randolph Street, Suite 11-800
Chicago, IL 60601
(312) 814-2693
(312) 814-3459 (fax)

Environmental Regulations:
Program Description: Title III of the Illinois Environmental Protection Act makes it illegal to discharge any contaminants into the waters of the state. The Illinois Environmental Protection Agency (IEPA) enforces corrective action provisions. Releases must be reported within 24 hours to the Illinois Emergency Management Agency at (800) 782-7860.

Other:
For information on Illinois’s hazardous waste program, contact:
Permit Section
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276
(217) 524-3300
(217) 524-3291 (fax)

For information on Illinois’s air emissions requirements, contact:
Anatoly Belogorsky
Permit Section
Division of Air Pollution Control
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, IL 62794-9506
(217) 782-2113
(217) 524-5023 (fax)

Last revised: April 2001

Indiana
Fire Code Restrictions:
Program Description: Indiana has adopted the Uniform Fire Code (UFC), 1997 edition, and with the addition of state-specific amendments has created the 1998 Indiana Fire Code. The provisions affecting aboveground tanks are located in Articles 52 and 79, and Appendix II-F. Plans for the installation of aboveground tanks must be filed with the Plan Review Division of the Department of Fire and Building Services. Work cannot begin until the plans have been reviewed and released by the division. Only new AST installations are required to be inspected (before being placed into service). A plan review fee is required by the state.

Local Programs: Local jurisdictions can adopt more stringent requirements than state regulations, subject to the preapproval of the state Fire Prevention and Building Safety Commission. Local jurisdictions may also impose other fees.

For information, contact:
Plan Review Division
Department of Fire and Building Services
402 W. Washington Street, Room W245
Indianapolis, IN 46204
(317) 232-4890, 6385, 6397 or 6418
(317) 233-4892 (fax)

Environmental Regulations:
Program Description: Rules requiring secondary containment of aboveground hazardous waste storage tanks, storage areas or transfer areas were issued in May 1999. The rules, which also require spill response plans, apply to facilities that were constructed after May 28, 1999, or existing facilities that are replaced or relocated after that date (327 IAC 2-10). Indoor ASTs or storage areas for hazardous materials must have a floor compatible with the material being stored and a system to prevent or impede a spill from entering state waters. Outdoor ASTs or storage areas for hazardous materials must have secondary containment that is designed and constructed consistent with current engineering standards, made of materials that are compatible with the hazardous materials being stored, and capable of preventing a release from entering state waters for a 72-hour period.

The containment system may consist of any of the following:
- a secondary containment are with dikes, berms, retaining walls or trenches, and a floor that covers the entire area within the dikes, berms, retaining walls or trenches;
- a tank designed and built with an outer shell and an interstitial space between the tank wall and the outer shell that allows for monitoring;
- a diversionary system that directs discharges to treatment or temporary holding areas; or
- another method approved by the Indiana Department of Environmental Management (IDEM) that has been demonstrated to be equally protective of human health and the environment.

The minimum capacity of a containment system must be 110 percent of the volume of the largest AST, or portable tank in the secondary containment area, or the volume of the largest AST or portable tank plus enough freeboard to contain precipitation generated by a 25-year / 24-hour rain event. A tank designed and built with an outer shell for secondary containment is an acceptable alternative. At a minimum, secondary containment for storage areas holding only drums must be capable of holding or diverting 120 gallons.
Liquid that collects within the secondary containment area must be removed within 72 hours of being discovered to maintain the available capacity of the containment area at 100 percent of the largest AST or portable tank in the containment area. Ice must be removed as soon as weather permits. Liquid that collects within the secondary containment area must meet all applicable requirements of the spill rule, 327 IAC 2, if discharged to state waters.

Effective May 29, 1999, response plans for aboveground hazardous material storage tanks, storage areas and transfer areas must be available for inspection at the facility and, if requested in writing, submitted to the Office of Land Quality. A plan must provide, at a minimum, the following information:

- the name and telephone number of the person responsible for the facility;
- a description of the procedures for immediate response to a discharge or spill, including the identification of facility response personnel who will implement the response action;
- the identification of facility personnel or outside contractors capable of cleaning up the discharge or spill;
- a method for determining the location of storm sewers that reasonably may be expected to be affected by a spill; and
- Telephone numbers for facility emergency response personnel or outside contractors; the local fire department; IDEM at (8878) 233-7745 (in-state, toll free) or (317) 233-7745; the community emergency coordinator designated by the local emergency planning committee; and the National Response Center at (800) 424-8802.

The office of the Indiana state chemist regulates bulk storage of pesticides and fertilizers. For more information, contact Michael Hancock at (765) 494-1492.

The Indiana spill rule (327 IAC 2-6.1) requires owners and operators to immediately report any spill of oil or any hazardous substance to IDEM’s Emergency Response Program 24-hour hotline, at (888) 233-7795. The responsible party also must immediately notify the nearest downstream water user, and contain and clean up the spill.

The Petroleum Release Law (Ind. Code 13-7-20.1) allows the state to remove a tank or take remedial action when a release occurs, if the owner, operator or responsible party at a facility storing petroleum is not capable of taking such action or if an emergency exists. The state then can seek reimbursement from the responsible party.

For information, contact:
Max Michael
Chief
Environmental Response
Office of Environmental Response
Department of Environmental Management
100 N. Senate, PO Box 6015
Indianapolis, IN 46204-6015
(317) 308-3049
(317) 308-3063 (fax)

Property Transfer Law
The Environmental Hazards Disclosure and Responsible Party Transfer Law (Ind. Code §13-7-25-3.5, effective July 1, 1996), requires disclosure of the existence of storage tanks and operations involving the processing, storage or handling of petroleum in connection with the transfer of certain types of real property. A disclosure document, executed by the transferor, must be provided to the transferee and filed with the Department of Environmental Management and the appropriate County Recorder.

For information, contact:
Office of Legal Counsel
Department of Environmental Management
100 N. Senate, PO Box 6015
Indianapolis, IN 46204-6015
(317) 232-8493
(317) 233-5517 (fax)

Other:
For information on Indiana’s hazardous waste program, contact:
Dave Berry
Department of Environmental Management
Office of Land Quality
105 S. Meridian Street, Ninth Floor
P.O. Box 6015
Indianapolis, IN 46206-6015
(317) 308-3341
(317) 232-3403 (fax)

For information on Indiana’s air emissions requirements, contact:
Donald Poole
Air Permits
Department of Environmental Management
Office of Air Management
100 N. Senate Avenue
P.O. Box 6015
Indianapolis, IN 46206-6015
(317) 232-8327
(317) 233-5967 (fax)

Last revised: May 2001

Kansas

Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1990 edition (Kan. Admin. Regs. 22-1-3), but is in the process of adopting the 2000 edition. The state also follows the Tentative Interim Amendment (TIA) to NFPA 30A, which allows storage of motor vehicle fuel in aboveground storage tanks (ASTs) at retail service stations. Certain provisions of the fire code are clarified, and time frames for compliance with code regulations are established, at Kan. Admin. Regs. 22-7.

Any new or modified aboveground tank facility must receive the approval of the state fire marshal’s office prior to installation. An owner or operator must submit an application and a site plan detailing dimensions, capacities and separation distances for each tank at the installation. The fire marshal will review the plans for code compliance. Unless the equipment to be installed is listed by a national testing laboratory, the fire marshal will require certification by a registered engineer. There is no application fee.

Local Programs: The state fire code applies statewide and establishes the minimum requirements that a tank installation must meet. Local jurisdictions may adopt
ordinances more stringent than those in the state code. Some municipalities prohibit AST’s.

For information, contact:
Mike Heim
Program Manager for Fuels
Fire Prevention Division
State Fire Marshal’s Office
700 S.W. Jackson Street
Suite 600
Topeka, KS 66603-3714
(913) 296-3401
(913) 296-0151 (fax)

**Environmental Regulations:**
Program Description: The Kansas Storage Tank Act (Kan. Stat. Ann. § 65-34, 100) authorizes the state Department of Health and Environment (DHE) to adopt regulations establishing performance standards for ASTs brought into use after 1989. These standards may not exceed federal standards and for new ASTs must include, but are not limited to, design, construction, installation, release detection and product compatibility. The Storage Tank Act also establishes the aboveground petroleum storage tank release trust fund. Regulations promulgated under K.S.A 65-34 pertain mostly to underground storage tanks, but in addition, Require AST owners or operators to register their tanks with DHE, pay an annual $10 per tank fee and obtain a permit to operate the tanks (K.A.R. 28-44). Registration is required for coverage by the state trust fund, and a tank permit must be displayed when purchasing fuel for storage in tanks requiring a permit. Kansas has strict spill reporting requirements (Kan. Admin. Regs. § 28-48-2) that require a tank owner or responsible party to report any spill or discharge of any material that contaminates or threatens to contaminate the waters or soil of the state. Any release of petroleum that creates a "visible sheen" on the water also must be reported (Kan. Admin. Regs. 28-16-28c).

DHE’s Bureau of Environmental Remediation has prepared a "Spill Packet" that contains the relevant statutory and regulatory authority on spill reporting and information on how to respond to a spill. It also identifies the state regulatory agencies that must be notified. In the event of a spill of materials that have "water pollution potential," the owner or operator must call DHE at (785) 296-1660 during the day, or (785) 296-1503 after hours and on weekends. The state Division of Emergency Preparedness has a 24-hour hazardous materials spill hotline, (785) 296-3176. The U.S. Environmental Protection Agency’s regional office has a 24-hour spill notification hotline, (785) 236-3778, and the National Response Center hotline is (800) 424-8802.

For information, contact:
Michael Pomes
Environmental Geologist
Storage Tank Section
Bureau of Environmental Remediation
Department of Health and Environment
Building 740 - Forbes Field
Topeka, KS 66620
(785) 296-1685
(785) 296-6190 (fax)

**Other:**

For information on Kansas’s Aboveground Petroleum Storage Tank Release Trust Fund, contact:
Michael Pomes
Environmental Geologist
Storage Tank Section
Bureau of Environmental Remediation
Department of Health and Environment
Building 740 - Forbes Field
Topeka, KS 66620
(785) 296-1685
(785) 296-6190 (fax)

For information on Kansas’s hazardous waste program, contact:
Mostafa Kamal
Chief, Hazardous Waste Facilities Unit
Department of Health and Environment
Building 740 - Forbes Field
Topeka, KS 66620
(785) 296-1609
(785) 296-1592 (fax)

Last revised: July 2001

**Kentucky**

**Fire Code Restrictions:**
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1996 editions with some amendments (815 KAR 10:060). At some point Class II liquids may be exempted from NFPA 30A requirements.

Owners and operators of petroleum or hazardous substance ASTs must obtain an installation permit from the state fire marshal and pay a one-time installation fee. New and existing tanks must be registered and inspected. Summary AST installation guidelines describe the requirements of the state fire code, including minimum separation distances between various sized ASTs and property lines, important buildings and liquefied petroleum containers. The distances from property lines are as follows:

<table>
<thead>
<tr>
<th>Gallons</th>
<th>Distances</th>
</tr>
</thead>
<tbody>
<tr>
<td>275 or less</td>
<td>5 feet</td>
</tr>
<tr>
<td>276 to 750</td>
<td>10 feet</td>
</tr>
<tr>
<td>751 to 12,000</td>
<td>15 feet</td>
</tr>
<tr>
<td>12,001 to 30,000</td>
<td>20 feet</td>
</tr>
<tr>
<td>30,001 to 50,000</td>
<td>30 feet</td>
</tr>
<tr>
<td>50,001 to 100,000</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

The distances from the nearest important building are as follows:

<table>
<thead>
<tr>
<th>Gallons</th>
<th>Distances</th>
</tr>
</thead>
<tbody>
<tr>
<td>30,000 or less</td>
<td>5 feet</td>
</tr>
<tr>
<td>30,001 to 50,000</td>
<td>10 feet</td>
</tr>
</tbody>
</table>
50,001 to 100,000: 15 feet
Tanks must be separated from liquefied petroleum containers by at least 20 feet.
The regulations cover listing/notification of tanks, inspection, piping restrictions, limits on tank size, secondary containment and overfill protection. They require that ASTs be provided with a means of spill containment. If diking is used, the dike must be constructed of well-tamped earth, steel, concrete or solid masonry. Catch basins must be designed to provide a one percent slope away from the tank for at least 50 feet.
Tanks also must be equipped with adequate venting, including emergency relief venting. The fire code establishes minimum vent diameters that are based upon tank storage capacity. All associated piping that is aboveground must be steel. Underground piping must be coated and cathodically protected. Tanks must be equipped with a fill pipe (drop tube) that terminates six inches from the bottom of the tank, which is installed to minimize the static electricity and the vibration that accompanies fuel delivery. Each connection to the tank through which liquid can flow must be provided with a valve that is located as close as is practical to the shell of the tank.
Aboveground motor fuel storage tanks at retail service stations are limited to a maximum storage capacity of 12,000 gallons per individual tank and 40,000 gallons aggregate storage per facility. All retail service station must be at least 50 feet from the nearest important building on the property, from any fuel dispenser and from the nearest side of a public way. Tanks must be at least 100 feet from any property line that is or can be built upon. However, the code permits these distances to be reduced by half if the tank is encapsulated in concrete.
The regulations also require that a clearly identified and easily accessible switch or circuit breaker must be provided at a location remote from the dispensing devices to shut off the power to all dispensers and remote pumps. This shutoff switch must be more than 20 feet, but less than 100 feet, from the dispensing area.
Any AST at a private fleet fueling facility that has a storage capacity of 12,000 gallons or less need only comply with the general storage requirements. If the tanks capacity is more than 12,000 gallons, it must meet the retail service station storage requirements.
The Fire Prevention Code also requires reporting to a fire code official any spills or leaks of flammable and combustible liquids.
Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code, and may prohibit ASTs altogether. Currently, AST's are not prohibited anywhere in Kentucky.
For information, contact:
Dale Mancuso
Deputy State Fire Marshal
Department of Housing, Buildings and Construction
State Fire Marshal's Office
1047 U.S. 127 South
Frankfort, KY 40601-4332
(502) 564-3626
(502) 564-6799 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, state law prohibits the discharge of pollutants into the waters of the state without a permit (KRS 224.70-110, 120). In the event of a spill, an owner or operator must immediately notify the Kentucky Department for Environmental Protection and remediate the spill, regardless of its size (KRS 224.01-400). The department's 24-hour hotline number is (800) 928-2380.

Spill Control Plans:
The state has incorporated by reference the federal Spill Prevention Control and Countermeasures (SPCC) plan requirements (401 KAR 5:090). If the state determines, based on a facility's history, that the owner or operator is unable or unwilling to manage its facility properly, the owner or operator may be required to submit copies of its SPCC plans to the state. During enforcement action after a release, the state may make a determination that a facility must implement "best management practices." A facility also must maintain records of tank storage capacity, naming the party responsible for notification of authorities in the event of a spill, and describing cleanup and disposal methodology.
In addition to SPCC plans, owners or operators of tank facilities must develop and implement a groundwater protection plan (401 KAR 5:037).
For information, contact:
Dan Juett
Division of Water
Department of Environmental Protection
14 Reilly Road
Frankfort, KY 40601
(502) 564-2225, ext. 593

Other:
For information on Kentucky’s hazardous waste program, contact:
Michael Welch
Manager
Hazardous Waste Branch
Division of Waste Management
Department of Environmental Protection
14 Reilly Road
Frankfort, KY 40601
(502) 564-6716
(502) 564-2705 (fax)
For information on Kentucky’s air emissions requirements, contact:
Uriel Smith
Permit Review Branch
Division for Air Quality
Department of Environmental Protection
803 Shenkel Lane
Frankfort, KY 40601-1403
(502) 573-3382
(502) 573-3787 (fax)
Last revised: July 2001

Louisiana
Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1996 edition, by reference into La.R.S. Sections 40:1563 and
40:1578.6. Tanks that are subject to the fire codes are regulated by the state but do not need to be registered. A tank owner or operator must submit site plans and tank details, along with a plan review fee, to the state fire marshal for review prior to construction. After construction is completed and before a tank is filled with product, the fire marshal sends an inspector to the site to ensure that all necessary secondary containment, diking, and other fire code requirements have been met. The fire marshal then issues a satisfactory inspection report, a copy of which will be sent to the state Department of Environmental Quality (DEQ). Existing tanks do not have to meet current fire code restrictions if they comply with the fire code that was applicable at the time of their installation. However, if a tank is moved or modified, it must meet the current fire code. Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code, but must submit such ordinances to the state fire marshal for approval. For information, contact:
John Laudlin, Plan Review Staff
Department of Public Safety and Corrections
Office of State Fire Marshal Code Enforcement and Building Safety
5150 Florida Blvd.
Baton Rouge, LA 70806
(225) 925-4920
(225) 925-4241 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the Louisiana Water Control Law (La. Rev. Stat. Ann. § 30:4:2071) prohibits the discharge of any pollutant into the waters of the state without a permit.

Louisiana Oil Spill Prevention and Response Act
The Louisiana Oil Spill Prevention and Response Act (La. Rev. Stat. Ann. § 30:19:2451) is modeled after the federal Oil Pollution Act of 1990 (OPA 90) and will incorporate and enforce the OPA 90 regulations. The state regulations are similar to the OPA regulations. Paralleling the federal spill prevention, Containment and countermeasure regulations, the state oil spill law requires secondary containment on all aboveground tanks with a capacity greater than 660 gallons and all facilities with an aggregate capacity greater than 1,320 gallons. The law also contains provisions for inspections, leak detection and monitoring, overfill prevention and alarm systems, and spill prevention and response plans. The law requires that the owner or operator take all reasonable actions to abate, contain and remove pollution resulting from any discharge at the facility.

In the event of any release, an owner or operator must call the National Response Center hotline, (800) 424-8802, and the state police hotline, (225) 925-6595, within 24 hours after learning of the discharge. In the event of any release of one barrel (42 gallons) or more, and owner or operator also must call DEQ at (225) 295-8976, or after normal working hours, the DEQ hotline at (225) 342-1234. If a facility is located on a shoreline, then any discharge that reaches the water is a violation of state water quality standards and must be reported. Notification requirements can be found at La. Admin. Code tit. 33, § 33:1.3901. In March 1999, the state published natural resource damage assessment regulations that specify how to assess damage and what to do after a spill.

For information, contact:
Roland Guidry, Oil Spill Coordinator
Louisiana Oil Spill Coordinator’s Office
625 N 4th St, Suite 800
Baton Rouge, LA 70802
(225) 219-5800
(225) 219-5802 (fax)

Other:
For information on Louisiana’s Oil Spill Contingency Fund, contact:
Carl Reilly, Assistant Director
Severance Tax Division
Department of Revenue
P.O. Box 201
Baton Rouge, LA 70821-0201
(225) 925-7537
(225) 925-3862 (fax)

For information on Louisiana’s hazardous waste program, contact:
Steven Aguillard, Program Manager
Hazardous Waste Enforcement Section
Office of Waste Services
Department of Environmental Quality
P.O. Box 82178
Baton Rouge, LA 70804-2178
(225) 765-0355
(225) 765-0617 (fax)

For information on Louisiana’s air emissions requirements, contact:
Hilary Lantz
Program Manager
Air Permitting Section
Division of Air Quality
Office of Air Quality and Radiation Protection
Department of Environmental Quality
P.O. Box 82135
Baton Rouge, LA 70884-2135
(225) 765-0219
(225) 765-0222 (fax)

For information on Louisiana’s toxics emissions requirements, contact:
Robert Marting, Program Manager, or
James Oregon, Coordinator
Air Toxics Section
Division of Air Quality
Office of Air Quality and Radiation Protection
Department of Environmental Quality
P.O. Box 82135
Baton Rouge, LA 70884-2135
(225) 765-0219
(225) 765-0222 (fax)

Last revised: August 2001.

Massachusetts

Fire Code Restrictions:
Program Description: The state has its own fire protection code, found in Title 527 of the Code of Massachusetts Regulations (CMR). Specifically, 527 CMR 9.00 regulated...
The state fire prevention code regulations require that a tank operator must immediately notify the owner, the head of the local fire department, and the state Office of Incident Response of the Department of Environmental Protection (DEP) of any leak. If the piping of a particular tank has been identified as the source of the leak, the tank must be taken out of service immediately. If a particular tank has been identified as the source of the leak, it must be emptied within 24 hours. The head of the local fire department must direct containment procedures and take measures necessary to prevent fire and explosion (527 CMR 9.07).

The regulations also address fill and vent piping, tank material and construction, tank repair and relining, and installation of aboveground waste oil storage tanks.

Local programs: Local jurisdictions may not adopt codes that vary from the state code. However, they may ban the use of ASTs altogether.

For more information, contact:

Jan Nunnemacher
AST Program Coordinator
State Fire Marshal’s Office
Department of Fire Services
PO Box 1025
State Road
Stow, MA 01775
(508) 567-3300
(508) 567-3199 (fax)

**Environmental Regulations:**

Program Description: The state has a number of statutes and regulations that govern the storage and release of oil and other pollutants, but does not have a trust fund that covers spills from aboveground tanks.

Rules on the Prevention and Control of Oil Pollution: The Massachusetts Rules on the Prevention and Control of Oil Pollution (314 CMR 15.00) prohibit the discharge of oil into the waters of the state. The regulations contain restrictions on terminals, bulk plants and other installations handling oil. These facilities must be located and constructed to prevent flooding by high water and the accidental discharge of oil into the water. Each permanent oil storage tank or battery of tanks must be surrounded by a dike or retaining wall of sufficient capacity to contain spills and prevent pollution of the surrounding areas. Accumulated drainage must be removed through a properly maintained oil removal system. The owner or operator of any facility that releases 10 gallons or more of a pollutant into the waters of the state must immediately notify the appropriate DEP regional office at the number listed below. After normal business hours, leaking ASTs must be reported to the state police at (617) 566-4500. Once notified, the state will deal with leaks on a case-by-case basis. The DEP regional office locations and phone numbers are:

- Western Region----Springfield: (413) 784-1100
- Central Region----Worcester: (508) 792-7650
- Southeast Region----Lakeville: (508) 946-2700
- Northeast Region----Wilmington: (978) 661-7600

For information, contact:

Nancy Wren
Hazardous Waste Management
Department of Environmental Protection
Massachusetts Contingency Plan

The state has adopted the Massachusetts Contingency Plan (MCP). The MCP applies to any person required by regulation to notify DEP of a release or threat of a release of oil and/or hazardous material and/or to perform one or more response actions on any site in Massachusetts. The MCP has separate notification requirements of two hours, 72 hours and 120 days depending on the severity of the spill. The plan also has specific instructions for who must report and what information the report must contain.

Any person taking one or more response actions where a spill has occurred also must comply with the MCP. The MCP clarifies how an owner or operator must respond to a spill. It also includes procedures to be followed after a tank fails a tank tightness test, as well as a licensing requirement for site professionals. Statutory authority for the MCP can be found at M.G.L.A. 21E, and the regulations spelling out the requirements of the plan are at 310 CMP 40.

For information, contact:
Bureau of Waste Site Cleanup
Department of Environmental Protection
Fifth Floor
One Winter Street
Boston, MA 02108
(617) 292-5500
(617) 292-5530 (fax)

Other:
For information on Massachusetts’s hazardous waste program, contact:
Al Nardone
Business Compliance Division
Bureau of Waste Prevention
Department of Environmental Protection
One Winter St., Ninth Floor
Boston, MA 02108
(617) 292-5580
(617) 292-5778 (fax)

Environmental Regulations:

Program Description: Regulations authorized by Md. Code Ann. Env. Section 4-401, “Water Pollution Control and Abatement,” require an oil operations permit for the following: oil-handling facilities with a storage capacity of 10,000 gallons or more; facilities handling 1,000 gallons or more of used oil; service stations, garages, marinas and any similar handling facilities with a storage capacity of 50,000 gallons or more; and facilities of any storage capacity that transport, transfer or store oil if the operation poses a water pollution hazard due to its size, nature or location (COMAR 26.10.01, .).

Applications for an operations permit must contain a copy of the facility’s comprehensive contingency plan (including a containment and cleanup plan) and must be submitted at least 60 days before the date of intended operation. A permit is effective for a period of five years. There is no application fee.

Aboveground tank sites with storage capacity of 10,000 gallons or more must be surrounded by a continuous wall capable of containing the total volume of the largest tank within the enclosed area. The permeability of the floor and walls of the emergency holding area must be at least 10^-4 centimeters per second or less. The Waste Management Administration may require oil storage facilities with less than 10,000 gallons capacity to be diked if the facility is in a location likely to pollute the waters of the state.

Any pipeline that is connected to a storage tank below the liquid level must have valves located immediately adjacent to the tank. Seams, rivets, nozzle connections, valves, pumps and pipelines directly connected to ASTs must be inspected visually for leaks at least once a month. A high liquid level gauge, an alarm system, or a pump cutoff device also must be installed by the owner or operator of any AST if the administration determines an overflow of oil is possible.

The regulations also require storage tanks, metering devices, venting, and piping installed after April 21, 1978, to meet appropriate standards of the American Petroleum Institute and NFPA codes 30 and 30A. Any underground piping associated with oil ASTs must be installed in accordance with the requirements of COMAR 26.10.03.01C.

A spill or discharge must be reported no later than two hours after discovery to the administrator’s 24-hour hotline at (410) 974-3551. Spilled oil must be removed by physical or
For information, contact:
Herb Meade
Administrator
Oil Control Program
Waste Management Administration
Department of Environment
2500 Broening Highway
Baltimore, MD 21224
(410) 631-3386
(410) 631-3092 (fax)

Other:
For information on Maryland’s hazardous waste program, contact:
Ed Hammerberg
Hazardous Waste Program
Department of the Environment
2500 Broening Highway
Baltimore, MD 21224
(410) 631-3345
(410) 631-4133 (fax)

For information on Maryland’s air emissions requirements, contact:
Russ Summers, Public Health Engineer
Air Quality Permits Program
Air and Radiation Management Administration
Department of the Environment
2500 Broening Highway
Baltimore, MD 21224
(410) 631-3230
(410) 631-3202 (fax)

Last revised: August 2001

Maine

Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1990 editions with amendments, and the Tentative Interim Amendment (TIA) to 30A, which allows storage of motor vehicle fuel in aboveground storage tanks (ASTs) at retail service stations (25 M.R.S.A. 2481).

Tanks with a capacity of less than 660 gallons that store Class II liquids (kerosene, diesel fuel and fuel oil) must be registered, but there is no fee. Owners and operators of all ASTs with a capacity greater than 660 gallons are required to obtain permits from the state fire marshal’s office and pay a $15 permit fee. For new installations, a site plan must be submitted before construction starts. Depending on the plan, an inspection also may be required.

Local Programs: Local jurisdictions may adopt their own code, provided this is at least as stringent as the state code. Some towns prohibit ASTs entirely.

For information on Maine’s Petroleum Tank Release Fund, contact:
David McCaskill
Division of Oil and Hazardous Waste Facility Regulation
Bureau of Remediation and Waste Management
Department of Environmental Protection
State House, Station 17
Augusta, ME 04333
(207) 287-7056
(207) 287-7826 (fax)

For information, contact:
Joe Thomas
Planning and Research
Department of Public Safety
Licensing and Inspections
164 State House Station
Augusta, ME 04333-0164
(207) 624-8744
(207) 624-8767 (fax)

Environmental Regulations:
Program Description: The Maine Oil Discharge Prevention and Pollution Control Act prohibits the discharge of oil or any other pollutant into the waters of the state (38 M.R.S.A 541). Regulations authorized by Section 546 govern marine oil facilities, and contain requirements for spill prevention, control and countermeasures plans; siting; design, construction and operation; transfers; staff training and safety; and closure of tanks and facilities (06-096 CMR ch. 600). The regulations apply to marine oil facilities with a capacity of 1,500 barrels or more, (as well as intrastate pipelines and vessels), and these are the only tanks that must obtain a license to operate from the Maine Department of Environmental Protection (DEP). Tanks holding flammable and combustible liquids fall under the jurisdiction of the state fire marshal, and large tanks connected to oil-burning appliances – such as a school heating system or a boiler generating steam for a paper mill – are not permitted or regulated. An AST task force currently is developing recommendations for new regulations.

Effective July 1, 1985, most new underground piping attached to an AST system must be made of cathodically protected steel, fiberglass or other noncorrosive material approved by DEP, and must have secondary containment with continuous interstitial space monitoring. In addition, piping must be installed by a person who is certified by the state Board of Underground Storage Tank Installers. The following are exempt from this requirement: facilities or portions of facilities that are used exclusively for home heating oil and consist of an individual tank with a capacity of 660 gallons or less, or an aggregate tank capacity of 1,320 gallons or less; and facilities containing only liquefied petroleum gas or liquefied natural gas (38 M.R.S.A 570-K).

In the event of a release, tank owners and operators must contact DEP at the 24-hour emergency line, (800) 482-0777. For calls from out of state, the numbers are (207) 822-6300 during normal business hours and (207) 657-3030 during off-hours.

For information, contact:
David McCaskill
Divison of Oil and Hazardous Waste Facility Regulation
Bureau of Remediation and Waste Management
Department of Environmental Protection
State House, Station 17
Augusta, ME 04333
(207) 287-7056
(207) 287-7826 (fax)
For information on Maine’s hazardous waste program, contact:
Sherry Plummer
Division of Oil and Hazardous Waste Facility Regulation
Bureau of Remediation and Waste Management
Department of Environmental Protection
State House, Station 17
Augusta, ME 04333
(207) 287-2651
(207) 287-7641 (fax)
For information on Maine’s air emissions requirements, contact:
Jeff Crawford
Bureau of Air Quality Control
Department of Environmental Protection
State House, Station 17
Augusta, ME 04333
(207) 287-2437
(207) 287-7056
Last revised: July 2001

**Michigan**

**Fire Code Restrictions:**

Program Description: Michigan has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1990 editions. The state has also adopted NFPA code 395, “Storage of Flammable and Combustible Liquids on Farms and Isolated Construction Projects,” 1988 edition, and NFPA code 31, 1987 edition, with major additions and amendments. The state fire code is promulgated by the state Fire Safety Board and is published as “Storage and Handling of Flammable and Combustible Liquids” (FL/CL Rules). Aboveground storage tank (AST) systems for the storage of flammable and combustible liquids having a flash point of 200 degrees F or less are regulated under the Michigan Fire Prevention Code, 1941 PA 207, as amended, and the FL/CL Rules, 1992 AACS, R29.4101. (Local fire departments regulate liquids with a flash point greater than 200 degrees F.) Effective June 16, 1998, AST program responsibilities were transferred from the Michigan Department of State Police, Fire Marshal Division to the Michigan Department of Environmental Quality (DEQ) Storage Tank Division (STD).

The aboveground Storage Tank program within STD regulates the design, construction, installation and operation of certain ASTs storing flammable and combustible liquids, liquefied petroleum gas and compressed natural gas.

Applicability: AST locations that fit one or more of the following descriptions are subject to plan review and certification by STD: a flammable compressed gas or liquefied petroleum gas container-filling location; a facility that supplies flammable compressed gas or any liquefied petroleum gas and that has a tank with a water capacity of more than 2,000 gallons, or two or more tanks with an aggregate water capacity of more than 4,000 gallons; or a facility that supplies flammable or combustible liquid and that has an individual tank storage capacity of more than 1,100 gallons. STD imposes an annual certification fee of $61.50 per tank (Oct. 1 through Sept. 30).

Specific requirements and volume restrictions apply to motor vehicle fueling systems at private and public storage facilities. At private facilities, tanks storing Class I liquids must be in vaults as defined in the FL/CL Rules, and tank capacity is limited to 6,000 gallons. However, more than one storage tank system is allowed at the same facility. Class II or Class IIIA liquids are not required to be in vaults but may not exceed a capacity of 15,000 gallons for each tank system or an aggregate capacity of 30,000 gallons for multiple tank systems. Public motor vehicle fueling AST systems must be in a vault and are limited to a capacity of 1,100 gallons. Only two such storage systems are allowed at any public motor vehicle fueling facility. DEQ requires prior approval for any storage tank system that claims to be equivalent to a vault.

Installation: New ASTs must be constructed according to the national standards or with STD’s prior approval. Tank owners and operators must submit to STD plans for the installation of storage tank systems that exceed 1,100 gallons and must notify the appropriate local government unit about tanks with a capacity of 1,100 gallons or less.

An Application of Installation of an Aboveground Storage Tank Form (#EQP3859) must be submitted for review and approval, along with a site plan, installation information and a check for $203 per tank to be reviewed. The plan review fee includes the annual certification fee for the balance of the installation year.

The site plan must provide relevant information such as the location of buildings, public roadways, property lines, railroads, power lines, etc. Other information that must be submitted for new AST applications includes the location of any single-family drinking water wells within 50 feet; Types IIb and III nonpublic drinking water wells within 75 feet; and Type I community and Type IIa noncommunity drinking water wells within 200 feet of the storage system. The plan also must include a diagram of the proposed AST system; the construction materials of the tank, piping and flow control devices; the capacity and dimensions of the tank; the regulated substance that will be stored; shear valve; breakaway device; dispenser; nozzle; spill protection; secondary tank containment; tank valves; vents corrosion protection; pumps; and crash protection.

STD’s hazardous material storage inspector must conduct a site inspection after installation is complete and before a facility is placed in service.

Any tank owner changes must be reported to STD on an Aboveground Storage Tank Change of Information Form (#EQP858) within 30 days of the change.

Out-of-use Tanks: ASTs out of service for more than 12 months must be emptied of liquid, cleaned to a vapor-free condition and safeguarded against trespassing. All related tank piping must be emptied and disconnected from the AST system. Tanks do not have to be removed.

Local Programs: The Michigan Fire Prevention Code and FL/CL Rules apply statewide. Local jurisdictions usually
implement the state requirements but may prohibit the use of ASTs in their jurisdictions except for terminals and bulk plants that receive their product from a pipeline.

For information, contact:
Storage Tank Division
Department of Environmental Quality
P.O. Box 30157
Lansing, MI 48909-7657
(517) 373-8168
(517) 373-2245 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations, except for the fire code administered by DEQ. However, the Michigan Water Resources Commission Act prohibits the discharge of any substance that is or may become hazardous to human health, safety or welfare into the waters of the state without a permit (Mich. Comp. Laws Ann. § 323.1).

The regulations accompanying the law (Mich. Admin. Code r. 323.1001) place specific restrictions on the loading and unloading of oil, as well as requirements for booms and cleanup equipment, monitoring, secondary containment, pollution prevention plans, and pollution incident reports.

Other:
For information on Michigan’s hazardous waste program, contact:
Kevin Weiber
Storage Tank Division (STD)
Department of Environmental Quality
333 S. Capitol St., Second Floor
Lansing, MI 48909-7657
(517) 335-7260
(517) 335-2245 (fax)

For information on Michigan’s air emissions requirements, contact:
Gregory M. Edwards
Chemical Process Unit
Permit Section
Air Quality Division
Department of Natural Resources
P.O. Box 30260
Lansing, MI 48909-7760
(517) 373-3693
(517) 373-1265 (fax)

Last revised: August 2001

Minnesota Fire Code Restrictions:
Program Description: The 1998 Minnesota Uniform Fire Code (MUFC) contains the Uniform Fire Code (UFC), 1997 edition, with state amendments, the aboveground tank plan review application and other forms. The MUFC is found at Minn. Rules 7510.3290, and tank restrictions at Minn. Rules 7510.3440. A revised fire code based on the International Fire Code, to be known as the Minnesota Fire Code, is expected out in early 2002.

The state amendments require site plan review and restrict the dispensing of motor fuels from aboveground storage tanks (ASTs). Prior to construction or installation of facilities that will store, handle or use flammable liquids at bulk plants, chemical factories, service stations, refineries or processing plants, an owner or operator must submit drawings or blueprints of the tanks and an application to the fire marshal for review. The MUFC places restrictions on dispensing equipment and tanks containing flammable and combustible liquids, liquefied petroleum gases and hazardous chemicals. The local fire official also must approve all installations before construction commences.

The drawings for plan review must show: the location and capacity of each tank; the dimensions of each tank; the class of liquids to be stored in each tank; the types of tank supports; the types of venting and pressure relief relied upon; the tank control valves; the location of pumps and other liquid transfer facilities; and secondary containment. The requirements of installation of ASTs are detailed in a fact sheet available from the State Fire Marshal Division.

Local Programs: The fire code applies statewide, but local jurisdictions may adopt ordinances more stringent than those in the state code. Local zoning may prohibit ASTs entirely, and local fire chiefs can restrict AST dispensing.

For information, contact:
Code Specialist
State Fire Marshal
444 Cedar Street, Suite 145
St. Paul, MN 55101-5145
(651) 215-0500
(651) 215-0525 (fax)

Environmental Regulations:
Program Description: AST facilities with a capacity of 1 million gallons or more must negotiate a major facility permit with the Minnesota Pollution Control Agency (MPCA)(Minn. Rules 7001, Permits and Certifications). Requirements for tanks at these facilities are based on individual site and tank characteristics.

The following tanks are exempt from these regulations:
-ASTs on site for 30 days or less, regardless of size;
-Farm ASTs;
-Residential ASTs storing 1,100 gallons or less of motor fuel used for noncommercial purposes;
-ASTs holding 1,100 gallons or less used to store heating oil for on-site consumption;
-Wastewater treatment equipment, including a wastewater clarifier, wastewater treatment basin regulated by a National Pollutant Discharge Elimination System (NPDES) permit, Sewage Disposal System permit (SDS) or another pretreatment system permit;
-Equipment holding substances used for operation purposes, such as integral hydraulic lift tanks, lubricating oil reservoirs for pumps and motors, and electrical equipment;
-ASTs containing hazardous wastes subject to a treatment or storage permit;
-Storm water collection systems and septic systems;
-ASTs containing agricultural chemicals regulated under Minn. Stat. Ann. 18B, 18C or 18D; a vehicle, such as a tank truck or railroad car, designed to transport substances from one location to another unless it remains in the same location more than 30 days;
-ASTs containing drinking water, filtered surface water, demineralized water, noncontact cooling water or water stored for fire emergency purposes;
- Tote tanks;
- Indoor tanks;
- Compressed gas tanks;
- Stainless steel tanks containing any substance that is not a petroleum product or hazardous substance;
- A surface impoundment pit, pond or lagoon; and
- ASTs smaller than 1,100-gallon capacity that are not located within 500 feet of Class 2 surface water (fishable/swimmable). ASTs with a capacity of 500 to 1,100 gallons that are located within 500 feet of a Class 2 surface water must meet labeling and secondary containment requirements.

The following requirements apply to other facilities with less than 1 million gallons capacity.

Notification: Most petroleum and chemical tanks larger than 110 gallons must be registered with MPCA. In addition, tank owners must notify MPCA within 30 days of change of product or change of status of ASTs

Labeling and signage: Regulated ASTs and associated piping must be labeled for contents, and tank facilities that do not have a person on site 24 hours a day must post a sign in a conspicuous location, indicating that name, address and telephone number of the owner, operator or local emergency response.

Substance transfer areas: AST owners and operators must provide substance transfer safeguards, such as spill boxes, remote fill boxes or containment areas, to effectively contain a release at the connection point, as well as at the vehicle, during substance transfer to and from an AST.

Secondary Containment: All tanks must be surrounded by a secondary containment area that can hold 100 percent of the contents of the largest tank in the containment area, plus (effective Nov. 1 2003) 10 percent capacity where the secondary containment area is exposed to precipitation. Tanks at existing sites were required to have a continuous dike surrounding the tanks by Nov. 1, 1998. Double walled tanks satisfy the secondary containment requirement. Secondary containment must be impermeable to the contents in the tanks. For ASTs installed after Nov. 1 1998, the containment material must have a permeability of 10^{-7} centimeters/second; for those installed before that date, permeability must be in the range of 10^{-5} to 10^{-3} cm/second, depending on the toxicity and mobility of the stored substance.

Monitoring: The containment area of all ASTs must be monitored according to the following schedule: if the permeability of the secondary containment is 10^{-7} cm/second, weekly; if the permeability is 10^{-3} to 10^{-6} cm/second, every 72 hours. In addition, all tanks, piping, and containment areas must be visually inspected monthly. Facilities with one or more ASTs that have a capacity of 2,000 gallons or more and that are used for the storage and subsequent resale of petroleum products are subject to additional monitoring requirements.

Corrosion Protection: The floor of all ASTs must be protected against corrosion through one of the following options: elevating the tanks above the ground; resting the tanks on a continuous concrete slab; installing double walled tanks; cathodically protecting and internally inspecting according to API protocol; or internally lining and internally inspecting according to API protocol. All lines or piping connected to an AST must be double-walled, located aboveground or cathodically protected and must be tested annually for leaks. All new tanks must be cathodically protected; for existing ASTs, this requirement kicks in Nov. 1, 2003. For new ASTs, a corrosion expert must design corrosion protection systems, in accordance with API Standards 651, Cathodic Protection of Aboveground Petroleum Storage Tanks, and 1632, Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems.

Spill Protection: All areas where substances are transferred must be equipped with spill containment.

Overfill Protection: All new ASTs must be equipped with overfill protection, and existing ASTs must have overfill protection by Nov. 1, 2003. Options for overfill protection include an automatic shutoff device, a permanently mounted sight glass or gauge, a high-level alarm or a person manually gauging the product level in the tank. Double wall tanks must use either the high-level alarm or automatic shut-off device.

Maintenance: AST owners and operators are required to minimize rust on the tank exterior and dispose of water drawn from the bottom of the tank according to applicable state and federal laws. They also must maintain the secondary containment and substance transfer areas free of cracks, open seams, open drains, siphons and vegetation; remove precipitation as often as practical to ensure proper containment volume; and reduce the storage volume within the tank or tank system to accommodate decreased secondary containment due to accumulation of precipitation. In addition, the regulations require them to discharge storm water that collects within the secondary containment area or substance transfer area in compliance with state and federal laws.

Out-of Service Tank Systems: When a tank has remained out of service for a year or more, the owner must maintain and monitor it, declare it inactive and out of service, or remove it. The owner then must submit an updated AST notification form to MPCA within 30 days. Owners or operators removing ASTs must sample the area around the tank to ensure that there is no contamination by the substances previously stored there.

For information, contact:
Tom Honebrink
Aboveground Storage Tank Program
Tanks and Emergency Response Section
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155
(651) 297-8616
(651) 297-8676 (fax)

Release Reporting:
The state requires immediately reporting of the discharge of any substance or material that, if not recovered, may pollute the waters of the state. The responsible person must recover the discharged substance or material as rapidly and as thoroughly as possible and immediately take such actions as may be reasonably possible to minimize or abate the pollution of state waters. (Minn. Stat. Ann. §115.61.)
law provides for penalties of up to $10,000 per day of violation.
Petroleum spills and leaks of more than 5 gallons must be reported immediately to the state duty officer of the Division of Emergency Management of the Department of Public Safety. The duty officer is available 24 hours a day and can be reached in the Minneapolis/St. Paul metropolitan area at (612) 649-5451, and in greater Minnesota at (800) 422-0798.
For information, contact:
Minnesota Division of Emergency Management
State Emergency Response Commission
444 Cedar Street, Suite 223
St. Paul, MN 55101-6223
(651) 296-7372
(651) 282-5396

Other:
For information on Minnesota’s Petroleum Release Fund, contact:
James Pearson
Director
Petroleum Tank Release Cleanup Board
Department of Commerce
85 Seventh Place E., Suite 500
St. Paul, MN 55101
(612) 297-4017
(612) 296-9434 (fax)
For information on Minnesota’s hazardous waste program, contact:
Greg Berger
Aboveground Storage Tank Program
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194
(651) 297-8679
(651) 297-8676 (fax)
For information on Minnesota’s air emissions requirements, contact:
John Selz
Policy and Planning Division
Major Facilities Section
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
(651) 297-7801
(651) 297-8676 (fax)
Last revised: September 2001

Missouri

Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1996 edition. Fire code regulations are located at 2 Mo. CSR 90-3.050 and 90-3.060, and apply to flammable and combustible liquids as defined in Chap. 414 RSMo.
The code is administered by the Division of Weights and Measures of the Missouri Department of Agriculture. The Division is responsible only for aboveground storage tanks (ASTs) used in bulk storage and in retail and wholesale petroleum sales. Private use of ASTs is unregulated by the state.
All ASTs are required to undergo a safety inspection every six months (Chap. 414.052 RSMo.). Inspections are paid for by a 1.7-cent tax on every 50 gallons of gasoline transferred into a tank. The tax goes directly to the Petroleum Inspection Fee Fund.
Local Programs: Local jurisdictions may adopt any national code, and may include more stringent requirements than those of the state. ASTs are prohibited in many large metropolitan areas, including Kansas City, Springfield and St. Louis.
For information, contact:
Ron Hooker
Program Administrator
Department of Agriculture
Division of Weights and Measures
P.O. Box 630
Jefferson City, MO 65102-0630
(573) 751-5636
(573) 751-0281 (fax)

Environmental Regulations:
Program Description: The state currently has no specific AST regulations. However, on Feb 14, 1997, the state published in the Missouri Register proposed comprehensive aboveground petroleum tank regulations, including requirements for registration and reporting, as well as leak detection and other monitoring requirements similar to those found in the state’s underground storage tank regulations. The proposed regulations still have to be reviewed by the Clean Water Commission and undergo the public hearing process, but the Department of Natural Resources (DNR) is hoping to finalize them by June 30, 2002.
The Missouri Clean Water Law (Chap. 644.006 RSMo) makes it unlawful for any person to discharge any contaminant into the waters of the state without a permit.
Storm water permit regulations are found at 10 Mo. CSR Section 20-6.200 and include water discharged from containment structures.
In the event of a release of petroleum or a hazardous substance to water, an owner or operator must notify the DNR at their 24-hour emergency number: (573) 634-2436.
For information, contact
Bryan Boeckmann
Tanks Section, Hazardous Waste Program
Division of Environmental Quality
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102
(573) 751-6822
(573) 526-8922 (fax)

Other:
For information on Missouri’s Petroleum Insurance Fund, contact:
Carol Eighmey
Executive Director
Petroleum Storage Tank Insurance Fund Board of Trustees
P.O. Box 836
Jefferson City, MO 65110
(573) 522-2352
(573) 522-2354 (fax)
For information on Missouri’s hazardous waste program, contact:
Cindy Kemper, Director
Hazardous Waste Program
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102
(573) 751-6822
(573) 526-8922 (fax)

For information on Missouri’s air emissions program, contact:
Randy Raymond
Air Pollution Permitting Section
Air Pollution Control Program
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102
(573) 751-4817
(573) 751-2706 (fax)

Mississippi

Fire Code Restrictions:
Program Description: Mississippi has adopted the Southern Building Code Congress International (SBCCI) Standard Fire Prevention Code, 1997 edition, with Appendix A, but it only applies to aboveground storage tanks (ASTs) located in state buildings or in places of public assembly. The SBCCI is incorporated into the state fire code, at Miss. Code Ann. §45-11-101 to 111.

The state code references National Fire Prevention Association (NFPA) Codes 30 and 30A, 1996 edition, for oil storage on state facilities (Miss. Code Ann. §45-11-03). In areas having no local enforcement agency, Miss. Code Ann. §45-11-3, Proceedings in Regards to Hazardous Inflammable Conditions Existing in Buildings, allows a private citizen to file a complaint with the state fire marshal about a hazardous situation if the citizen’s life or safety is threatened. The fire marshal would apply the NFPA 30 and 30A standards to determine whether a hazardous situation existed, and could ask of the existence of a hazard. If a hazardous condition exists, the fire marshal can then ask the state attorney general to issue an injunction to mandate compliance with a national standard or to compel the offending party to cease and desist operations until the condition was abated.

Local Programs: Local jurisdictions may adopt their own regulations for ASTs on public property. Any local code, however, must be at least as stringent as the state code. Most jurisdictions in the state have adopted the SBCCI code, usually by incorporation into the local building code. In rural jurisdictions that have not adopted a local code, the state code applies. Private operations are subject only to jurisdictional authority.

For information, contact:
Pete Cockrell
Fire Marshall
State Fire Marshal’s Office
PO Box 79
Jackson, MS 39225
(601) 359-1061
(601) 359-1370 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, under the Mississippi Air and Water Pollution Control Act (Miss. Code Ann. 1972, §49-17-1) it is unlawful for any person to discharge any wastes into the waters of the state that reduce the quality of such waters, or to operate a waste disposal system or increase the volume of wastes discharged without a permit. Violators will be liable for the costs of any remedial action taken.

Other:
For information on Mississippi’s Pollution Emergency Fund, contact:
Walter Boone
State Oil and Gas Supervisor
Mississippi Oil and Gas Board
500 Greymont Ave., Suite E
Jackson, MS 39202
(601) 354-7112
(601) 354-6873 (fax)

For information on Mississippi’s hazardous waste program, contact:
David Peacock
Chief, Environmental Compliance and Enforcement Division
Office of Pollution Control
Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385
(601) 961-5171
(601) 961-5741 (fax)

For information on Mississippi’s air emissions requirements, contact:
Dwight Wylie
Chief, Air Division
Office of Pollution Control
Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385
(601) 961-5587
(601) 961-5742 (fax)


Montana

Fire Code Restrictions:

Existing facilities must be upgraded to meet the minimum state requirements established. In addition to other revisions, Article 53 has been added to the UFC to allow storage of motor fuel in ASTs at public motor vehicle fuel dispensing stations located in rural areas. This does not include private motor vehicle fuel dispensing stations, airports or marinas. These facilities must be installed in accordance with UFC Article 52, Appendix II-F or Appendix II-J.
Modifications made by the state Attorney General’s Task Force on ASTs, established in 1994, impact only rural, public, automobile fuel dispensing stations, farm and ranch installations and rural bulk plant installations. Modifications do not impact urban public motor vehicle fuel dispensing stations, private fuel dispensing stations, marinas or airports. Motor vehicle fuel-dispensing stations are prohibited in urban areas, i.e., inside a 3-mile area within the limits of cities with a population of more than 5,000 or inside a 1.5 -mile area within the limits of cities with a population less than 5,000. In these areas, ASTs must be installed and constructed underground, in accordance with Section 5202.3.6 (“Special enclosures”), Appendix II-F or Appendix II-J. These requirements are applicable to both public and private facilities but exclude farms and ranges, construction sites, borrow pits, gravel pits, and mining and/or railroad operations. Motor vehicle fuel dispensers connected to existing bulk plant tanks in these urban areas are permitted to continue operations. However, the bulk plant must be upgraded to meet the minimum requirements established by the UFC. Existing bulk plant facilities within urban areas that do not have existing motor vehicle fuel dispensers are not permitted to install dispensers.

Public motor vehicle fuel dispensing stations in rural areas are permitted to install unprotected listed and labeled ASTs not to exceed 12,000 gallons individual or 48,000 gallons aggregate capacity. Installations must comply with all other minimum safety requirements in the UFC Article 79. Unprotected listed and labeled ASTs located at bulk plants may be used without capacity restriction. Motor vehicle fuel dispensers may be connected to bulk plant tanks in rural areas if the bulk plant facility complies with all UFC requirements applicable to bulk plants and the motor vehicle fuel dispensing portion is separated from the bulk operation by a 5-foot-high wire mesh fence.

ASTs on farms and ranches are no longer limited to 1,100 gallons aggregate capacity. Unprotected listed and labeled ASTs not exceeding 12,000 gallons individual capacity and 48,000 gallons aggregate capacity may be installed. The state modified the UFC distance requirements to allow ASTs to be located 50 feet from inhabited buildings instead of measuring the distance from all building and combustible storage.

All ASTs are subject to inspection, but the state has no regular inspection schedule. No permits or fees are required to operate an AST facility. All new facilities and those planning modifications must submit a plan to the fire marshal for approval. The plan must include detailed drawings and specification sheets for all equipment proposed to be installed. All equipment must be in accordance with UFC requirements. No fee is required for this plan inspection.

Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code. They may also adopt another code, as long as its requirements are at least as stringent as those in the state code.

For information, contact:
Terry Phillips, State Fire Marshall
Montana State Fire Prevention and Investigation Program
1310 E Lockey
Helena, MT 59260-1415
(406) 444-2050

(406) 444-9155 (fax)

Environmental Regulations:
Program Description: Montana has adopted regulations that establish minimum design, construction and installation standards for aboveground double wall petroleum storage tank systems and other similarly constructed and equally protected petroleum AST systems (ARM 17.57.101). These regulations are used by the Petroleum Tank Release Compensation Board to evaluate the eligibility for reimbursement of costs associated with accidental petroleum releases from ASTs. They apply to tanks with storage capacities of less than 30,000 gallons that are owned and operated by persons seeking 100-percent reimbursement from the fund.

In addition, the state’s underground storage tank regulations (ARM 17.56.101) contain some provisions that apply to petroleum ASTs with a capacity of less than 30,000 gallons, and aboveground or underground pipes associated with ASTs, as defined in ARM 17.56.1101(15). The following are exempt from these regulations: pipelines regulated under federal Natural Gas Pipeline Safety Act of 1968 (49 U.S.C 1671); the federal Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2001); and comparable state law if the facility is intrastate.

Owners or operators must report the following types of release immediately to the Hazardous Waste Site Cleanup Bureau: releases of 25 gallons or more to surface water; releases that causes a sheen on nearby surface water; and releases of a hazardous substance that equal or exceed its reportable quantity under the federal Comprehensive Environmental Response, Compensation and Liability Act. Smaller releases that cannot be remediated within 24 hours must also be reported immediately (ARM 17.56.501).

For more information, contact:
Mike Trombetta
Hazardous Waste Site Cleanup Bureau
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901
(406) 444-5977
(406) 444-1901 (fax)

Other:
For information on Montana’s Petroleum Tank Release Cleanup Fund, contact:
Paul Hicks
Executive Director
Petroleum Tank Release Compensation Board
PO Box 200902
Helena, MT 59620
(406) 449-0936
(406) 444-1901 (fax)

For information on Montana’s hazardous waste program, contact:
Don Vidrine
Air and Waste Management Bureau
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901
(406) 444-2467
(406) 444-1901 (fax)
For information on Montana’s air emissions requirements, contact:
Patrick Driscoll
Air Compliance Supervisor
Department of Environmental Quality
Metcalf Building
P.O. Box 200901
Helena, MT 59620-0901
(406) 444-0284
(406) 444-1499 (fax)
Last revision: October 2001

North Carolina

Fire Code Restrictions:
N.C. Gen. Stat. §143-138 empowers the North Carolina Building Code Council to publish regulations governing aboveground storage tanks (ASTs). Requirements for tanks can be found at Volume V of the building code. All new ASTs are required to be registered and inspected by local fire prevention offices. Permits and fees may be required.
Local Programs: Local governments cannot modify existing requirements or adopt additional regulations, unless approved by the state. However, municipalities do have the option of forbidding the use of aboveground storage tanks in their jurisdictions.
For information, contact:
Richard Dipert
Chief Fire Protection Engineer
North Carolina Department of Insurance
Engineering Division
410 N. Boylan Avenue
Raleigh, NC 27603-1212
(919) 733-3901
(919) 733-9171 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations, although hearings have been held to investigate the need for regulations. Under the North Carolina Oil Pollution and Hazardous Substances Act of 1978 (N.C. Gen. Stat. §143-215.75), it is unlawful for any person to discharge oil or hazardous substances into the environment without a permit. Removal and cleanup are required for un-permitted discharges. Discharges must be reported to the North Carolina Division of Environmental Management.
Registration is required for all oil terminal facilities, defined as any non-retail facility storing 500 or more barrels of petroleum product, under N.C. Gen. Stat. §143-215.95.
Other:
For information on North Carolina’s hazardous waste program, contact:
Lebeed Kady
Department of Environment and Natural Resources
Waste Management Division
P.O. Box 29603
Raleigh, NC 27611-9603

North Dakota

Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association codes 30 and 30A, 1990 edition. The state also follows the Tentative Interim Amendment (TIA) to NFPA 30A, which allows storage of motor vehicle fuel in aboveground storage tanks (ASTs) at retail service stations. The state has adopted a limited amendment to NFPA 30A that allows for both bulk storage and retail dispensing from ASTs at a bulk plant, if the plant meets all of the other requirements of the code.
The state creates an exception to the NFPA codes at N.D. Cent. Code § 19-10 that permits the installation of up to five petroleum ASTs at retail service stations. Individual tanks may have a storage capacity of 19,000 gallons or less, and a facility’s aggregate capacity may not be more than 95,000 gallons. New ASTs must be inspected by the state fire marshal and site plans must be approved prior to construction.
Local Programs: The fire code applies statewide, but local jurisdictions may adopt ordinances that are more stringent than those in the state code. They also may adopt separate fire codes, as long as those codes are at least as stringent as the state code.
For information, contact:
Joel Boespflug
State Fire Marshal’s Office
PO Box 1054
Bismarck, ND 58502
(701) 328-5555
(701) 328-5510 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the North Dakota Water Pollution Control Act (N.D. Cent. Code § 61-28-01), prohibits the discharge of pollutants into the waters of the state.
Other:
For information on North Dakota’s Petroleum Tank Release Compensation Fund, contact:
Bob Olson, Administrator
Petroleum Tank Release Compensation Fund
State Insurance Commission
925 Basin Ave
Bismarck, ND 58504-6647
(701) 328-9600
(701) 328-9610 (fax)
For information on North Dakota’s hazardous waste program, contact:
Curt Erickson
Coordinator
Hazardous Waste Program
N.D. State Department of Health
PO Box 5520
1200 Missouri Ave
Bismarck, ND 58502
(701) 328-5166
(701) 328-5200 (fax)
For information on North Dakota’s air emissions requirements, contact:
Thomas Bachman
Manager
Air Quality Management Branch
N.D. State Department of Health
1200 Missouri Ave.
Bismarck, ND 58502
(701) 328-5188
(701) 328-5200 (fax)
Last revision: January 1998

Nebraska

Fire Code Restrictions:
Program Description: As authorized by Neb. Rev. Stat. Section 81-502, the state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1996 edition. The state fire code can be found at Titles 153 and 158. Aboveground storage tanks (ASTs) at automotive service stations must be approved by the authority having jurisdiction. Piping and ancillary equipment provisions require that ASTs at service stations be equipped with an audible alarm that sounds when the tank reaches 90 percent of capacity. Tanks must be enclosed within a chain link fence and must be protected against vehicular collision by “suitable barriers.” Tank owners and operators must obtain a permit from the state fire marshal prior to construction of an AST facility. A site plan and a fee of $50 per new installation must accompany the permit application. Tanks that will store more than 1,000 gallons of hazardous materials also must be registered with the state fire marshal, and the permit application must include an additional fee of $10 per tank.
Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code. They also may ban the use of ASTs altogether.
For information, contact:
Clark Conklin, Deputy Chief
State Fire Marshal’s Office
Fuels Division
246 S. 14th St.
Lincoln, NE 68508
(402) 471-9465
(402) 471-9466 (fax)

Environmental Regulations:
Other than for fertilizer and pesticide secondary containment, the state’s Department of Environmental Quality (DEQ) has no specific AST containment regulations. However, under the authority of the Nebraska Environmental Protection Act (Neb. Rev. Stat. 81-1501) DEQ has adopted regulations that spell out the proper response to a release of oil or a hazardous substance. The state’s Rules and Regulations Pertaining to the Management of Wastes (Neb. Stat. Ann. tit. 126, ch. 18) prohibit the release of oil or a hazardous substance into or upon the land or waters of the state. It is the duty of the responsible party to notify DEQ immediately of any release or suspected release, regardless of quantity, that occurs beneath the surface of the land or that impacts or threatens to impact the waters of the state. Immediate notification also is required of any release of more than 25 gallons of oil, or of a hazardous substance that exceeds 100 pounds, or is a reportable quantity under Section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (40 CFR Part 302) and Section 320(3) of the Emergency Planning and Community Right-to-Know Act (40 CFR part 355), whichever is less.
Notification is not required for a release confined, or expected to stay confined, within a building or other enclosed structure owned by the responsible party, in which the walls and floors are of non-earth materials that are adequately impervious to the released substances, and the release is cleaned up within 24 hours of its discovery. The regulations do not require that the responsible party notify DEQ of a release that does not exceed the reporting quantities if the release does not enter or threaten to enter the waters of the state and does not threaten human health and welfare, provided the release is cleaned up.
Releases must be reported to DEQ at (402) 471-4230 during normal business hours, or the Nebraska State Patrol at (402) 471-4545 during off hours. The notification must include the time of the occurrence, the quantity and type of material discharged, the location of the release and any corrective or cleanup actions taken. The department may require submission of a written report within 15 days after remedial action has been completed, or within 15 days of the release. Whenever oil or a hazardous substance is released, the regulations require that the responsible party take all necessary steps to clean up the release and contain all spilled material within 24 hours. The responsible party must then investigate the cause and extent of the damage, and may also be required to submit a remedial action plan for DEQ approval.
For information, contact:
Kirk Morrow
Program Specialist
Leaking Underground Storage Tanks (LUST)/Emergency Response Section
Water Division
Department of Environmental Quality
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509-8922
(402) 471-4230
(402) 472-2909 (fax)
Other:
For information on Nebraska’s Petroleum Release Remedial Action Reimbursement Fund, contact:
Mona Wunder
Title 200 Coordinator
Leaking Underground Storage Tanks (LUST) / Emergency Response Section
Water Division
Department of Environmental Quality
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509-8922
(402) 471-2189
(402) 471-2909 (fax)
For information on Nebraska’s hazardous waste program, contact:
Bill Gidley, Section Supervisor
RCRA Section
Department of Environmental Quality
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509-8922
(402) 471-2189
(402) 471-2909 (fax)
For information on Nebraska’s air emissions requirements, contact:
Shelley Kaderly
Air and Waste Management Division
Department of Environmental Quality
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68059
(402) 471-2909 (fax)
Last revised: November 2001

New Hampshire

Fire Code Restrictions:
Local Programs: Local jurisdictions may adopt more stringent requirements than the state regulations or ban aboveground storage tanks (ASTs) altogether. They also are authorized to charge plan review fees. Owners must submit plans to local fire departments before building or installing an AST.
For information, contact:
Donald P. Bliss
State Fire Marshal
Department of Safety
10 Hazen Drive
Concord, NH 03305
(603) 271-3294
(603) 271-1091 (fax)

Environmental Regulations:
Program Description: The state adopted regulations governing aboveground petroleum storage facilities in April 1997. The regulations apply to single ASTs with a storage capacity of 660 gallons or more and facilities with tow or more AST systems that have a combined oil storage capacity of more than 1,320 gallons. Heating oil tanks with a capacity of 109,000 gallons or less are exempt from the requirements when the oil is for on-premise use.
All ASTs at regulated facilities must be registered with the state Department of Environmental Services (DES). Any change to the information made on the original registration must be reported to the state within 30 days. At least 45 days before construction or installation of a new or replacement AST, the owner must submit complete plans and specifications prepared by a professional engineer for DES approval. DES does not charge a fee for plan review. All new ASTs must be built to industry standards referenced in the regulations.
AST owners are required to prepare and implement a spill prevention control and countermeasures (SPCC) plan.
Monthly inventory monitoring is required for ASTs storing oil for distribution, or fuel for a fleet of vehicles or aircraft, when any portion of the tank system is in contact with the ground. Written records must be maintained for each AST. The tank owner must investigate any unexplained difference of 2 percent or more of throughput in one month. If the differences still cannot be accounted for, the owner must notify DES immediately.
When a discharge from an AST system is suspected or appears probable, the owner must notify DES immediately and, within 90 days, take the tank out of service. The tank must be either replaced or inspected and tested for tightness and structural soundness. All results must be reported to DES within 90 days.
All existing ASTs must have overfill protection consisting of a gauge and an independent high-level alarm that is audible and visible to the person controlling the transfer of oil. All regulated tanks storing Class I flammable liquids must have secondary containment by April 2007.
All regulated ASTs must be marked with the following information: the identification number of the tank that corresponds to the identity assigned to the tank during registration; the contents of the tank; the product elevation that will activate the tank’s high-level alarm; and the appropriate NFPA 704 placard.
Any new ASTs in contact with the ground must be placed on an impermeable barrier. The barrier must be made of 60-mill high-density polyethylene or similar material liner, or the tank must have a double bottom with the annual space continuously monitored for leaks. If the tank bottom is made of steel, it must be cathodically protected.
Secondary containment for all regulated ASTs installed after April 1997 must be constructed so that spills will not permeate the soil more than one foot in 72 hours, or infiltrate or otherwise escape to the groundwater or surface waters before cleanup occurs. The storage capacity of the secondary containment must be of sufficient volume to contain the entire contents of the largest single tank plus 10 percent, or plus the volume of precipitation that would fall within 24 hours during a 10-year storm event. A double wall tank may be used if it has overfill protection, interstitial monitoring, an oil transfer pump with an automatic shutoff and the ability to contain overfill form the vent pipe.
Storm water that collects within a secondary containment area must be removed by a manually activated pump or
siphon, or a gravity drainpipe. It must be drained frequently enough to ensure that enough space is available to contain a release form the largest tank being contained. Before being discharged to the environment, storm water must be free of contamination or sheen.

Where applicable, new ASTs must be equipped with one of the following leak detection methods: perforated gravity collection pipes; interstitial monitoring; or a finished concrete pad, completely beneath the vertical tank, that has a series of channels extending radially outward from the center of the pad to beyond the edge of the tank.

The owner of an AST facility must inspect the facility at least monthly and perform detailed inspections of the interior of the tank at regular intervals depending on the age of the tank and the product stored.

ASTs that have not been used for three years must be taken out of use. The owner must notify DES within 30 days after the beginning of the removal operation. Any contamination detected during removal must be reported immediately to DES.

For information, contact:
Michael Durqnty
State Fire Marshal
Department of Safety
10 Hazen Drive
Concord, NH 03305
(603) 271-3294
(603) 271-1091 (fax)

Other:
For information on New Hampshire’s Reimbursement Fund, contact:
Timothy Denison
Water Supply and Pollution Control Division
Groundwater Protection Bureau
Department of Environmental Services
6 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
(603) 271-2370
(603) 271-2181 (fax)

For information on New Hampshire’s Reimbursement Fund, contact:
John Duclos
Supervisor
Department of Environmental Services
Hazardous Waste Compliance Section
6 Hazen Drive
P.O. Box 802
Trenton, NJ 08625-0816
(609) 984-7609
(609) 984-7717 (fax)

Environmental Regulations:
Program Description: The state has adopted the New Jersey Spill Compensation and Control Act (N.J. Stat. Ann. 58:10-23.11), which establishes stringent standards for discharge prevention and emergency response that apply to facilities storing or handling petroleum and hazardous substances.

The law contains requirements for tank registration and the preparation and submission of discharge prevention, containment and countermeasure (DPCC) plans, and discharge cleanup and removal (DCR) plans.

The act gives the Department of Environmental Protection and Energy (DEPE) the authority to require improvements in facility discharge prevention and safety measures, and to establish procedures for notification and reporting of discharges of hazardous substances and malfunctioning leak detection systems, and responding to discharges of hazardous substances.

The law regulates major AST facilities by setting standards for equipment and procedures utilized at these facilities. A major facility has an aggregate storage capacity of 20,000 gallons or more of hazardous substances other than petroleum or petroleum products, or 200,000 gallons or more of all hazardous substances.

Tank installations at major facilities must be provided with adequate means of secondary containment. The base underlying the storage tank must be made of, or surfaced with, a material impermeable to the stored substance under the storage conditions prevailing within the tank. Existing storage tanks are exempt from this requirement until such time as they may require substantial reconstruction or replacement, unless DEPE orders a storage tank removed.
The plan must indicate discharge response activities and a major facility must prepare and implement a DCR plan. Plans for preventing a recurrence. The owner or operator of a major facility must demonstrate financial responsibility for at least $1 million per occurrence as for the costs of removal of any abandoned structure. However, if the owner or operator establishes to the satisfaction of DEPE that a lesser amount would be sufficient to protect the environment and public health, safety and welfare, DEPE may accept the lesser amount. Immediately after a discharge, a responsible party that knows or reasonably should know of the discharge must notify the DEPE hotline at (609) 292-7172 or the State Police at (609) 882-2000. Performance-based criteria have been established for de minimis reporting exemptions. Leaks do not need to be reported. The law defines leaks as releases into a secondary containment area or to a diversion system, or releases onto a surface from which they are cleaned up and removed before they reach the lands or waters of the state.

For information, contact:
Beth Reddy
Bureau of Discharge Prevention
P.O. Box 424
Trenton, NJ 08625-0424
(609) 633-0610
(609) 633-7031 (fax)

Other:
For information on New Jersey’s Spill Compensation Fund, contact:
Colleen Kokas
Environmental Claims Administration
New Jersey Spill Compensation Fund
CN-028
Trenton, NJ 08625-028
(609) 633-0719
(609) 633-1439 (fax)

For information on New Jersey’s hazardous waste program, contact:
Thomas Sherman
Department of Environmental Protection
Bureau of Hazardous Waste & Transfer Facilities
P.O. Box 414
Trenton, NJ 08625-0421
(609) 292-9880
(609) 633-9839 (fax)

For information on New Jersey’s air emissions requirements, contact:
Air Quality Permitting Program
Bureau of New Source Review
Department of Environmental Protection
P.O. Box 027
Trenton, NJ 08625-0027
(609) 633-8248
(609) 633-8236 (fax)

Last revised: October 1999

New Mexico

Fire Code Restrictions:
-When only one tank is to be contained, the containment area may be made of metal (including galvanized metal or aluminum), and it must hold 100 percent of the tank capacity.

-When more than one tank is to be contained, the containment area must have the following: an impervious lining under at least two feet of pea gravel or clean sand; at a minimum, a six-inch deep reinforced concrete pad rated at 4,000 pounds per square inch (psi); an 18-inch high reinforced concrete dike wall rated at 4,000 psi; and a capacity of at least 110 percent of the largest tank within the diked area.

Owners and operators seeking to install new tanks must submit an application to the state and obtain the approval of the state fire marshal prior to construction. ASTs are inspected during installation and approximately every two years after, as well as after changes in ownership or major modifications. No fees are charged for site plan approvals or AST inspections. Local Programs: Local jurisdictions may adopt ordinances that are more stringent than those of the state fire code. Most of the major municipal areas prohibit the use of ASTs entirely, including the cities of Alamogordo, Albuquerque, Carlsbad, Clovis, Hobbs, Las Cruces, Lordsburg, Los Alamos, Lovington, Raton, Roswell and Santa Fe. For information, contact:

J. A. Martinez
Plans Review and Fire Works Supervisor
State Fire Marshal’s Office
142 W. Palace Ave., Second Floor
P.O. Box 1269
Santa Fe, NM 87504-1269
(505) 827-3761
(505) 827-3778 (fax)

Environmental Regulations:
Program Description: New Mexico has no specific AST regulations. However, the state’s underground storage tank regulations (20 NMAC 5) are being revised to cover ASTs as well. The revised regulations are expected to be completed by late 2002. In addition, the New Mexico Water Quality Act (N.M. Stat. Ann. § 74-6-1) makes it illegal to discharge a pollutant into the waters of the state.

For information, contact:
Underground Storage Tank Bureau
Environment Department
2044 Galisteo Road
Santa Fe, NM 87505
(505) 984-1741

Other:
For information on New Mexico’s hazardous waste program, contact:
Debby Binkerhoff
Manager, Compliance and Technical Assistance
Hazardous Waste Bureau
Water and Waste Management Division
Environment Department
2905 Rodeo Park Drive E., Building 1
Santa Fe, NM 87505
(505) 428-2528
(505) 428-2567 (fax)

For information on New Mexico’s air emissions requirements, contact:
Rita Trujillo

Nevada

Fire Code Restrictions:

The state fire marshal sets the minimum fire and life safety standards for Nevada but his authority to enforce those standards is limited in part to the fourteen rural counties. Local fire marshals control fire code restrictions in Clark County, Washoe County and Carson City. Aboveground storage tank (AST) installations are approved based upon Article 79 of the UFC. The fire marshal approves ASTs after site plan and tank specification review. The fire marshal charges a review fee based on the cost of the required tank equipment and installation Tank installations not in strict compliance with applicable codes may request a variance, but an alternate method of satisfying the requirement, typically NFPA 30A, must be provided. When American Petroleum Institute and UFC standards conflict, the state applies the more stringent standard. Similarly, if a manufacturer’s installation instructions are more stringent than the state code, the state requires that the instructions be followed.

All ASTs in Nevada must have a permit from the state fire marshal if located in his jurisdiction or the local fire authority if located in exempt in exempt counties. However, local authorities in exempt counties often turn to the state fire marshal for assistance. The state Division of Environmental Protection coordinates with the fire authorities to regulate spills and releases of hazardous materials. A hazardous materials inspector makes annual facility inspections.

Local Programs: A local jurisdiction may adopt more stringent requirements in its code. If an existing structure is affected by a proposed local retrofit ordinance, then the proposed local standard must be approved by the state board of examiners.

For information, contact:
Marty Lucas
Chief Deputy
State Fire Marshal Division
Department of Public Safety
107 Jacobsen Way
Carson City, NV 89711
(702) 687-4290
(702) 687-5722 (fax)

Environmental Regulations:
Program Description: The state has no specific environmental regulations for ASTs. However, the Nevada Water Pollution Control Law (Nev. Rev. Stat. (NRS) 445A.300-450A.730) prohibits the discharge of any pollutant into the waters of the state from a point source without a permit. The definition of a point source includes storage containers.
Releases in excess of 25 gallons or 3 cubic yards must be reported immediately (or no later than the end of the first working day) to the Petroleum Claims Branch, at (775) 687-4670. During non-business hours, releases should be reported to the highway patrol, at (775) 687-5300.

Other:
For information on Nevada’s State Petroleum Fund, contact:
Gil Cerruti
Petroleum Claims Branch
Bureau of Corrective Actions
Division of Environmental Protection
333 West Nye Lane
Carson City, NV 89706-0866
(775) 687-4670
(775) 687-6396 (fax)
For information on Nevada’s hazardous waste program, contact:
Jeff Denison, Supervisor
RCRA Facilities Branch
Bureau of Waste Management
Division of Environmental Protection
333 W. Nye Lane
Carson City, NV 89706-0851
(775) 687-4670, ext. 3004
(775) 687-6396 (fax)
For information on Nevada’s Chemical Accident Prevention Program, contact:
Doug Zimmerman
Bureau Chief
Bureau of Corrective Actions
Division of Environmental Protection
333 W. Nye Lane
Carson City, NV 89706-0866
(775) 687-4670, ext. 3127
(775) 687-6396 (fax)
For information on Nevada’s air emissions requirements, contact:
Permitting Branch
Bureau of Air Quality
Division of Environmental Protection
333 W. Nye Lane
Carson City, NV 89706-0866
(775) 687-4670, ext. 3074
(775) 687-6396 (fax)
Last revised: October 2001

New York

Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1993 editions (9 NYCRR, chapter 1, subchapter B). Aboveground storage tank (AST) requirements can be found at 9 NYCRR Part 1002.4. The New York State Uniform Fire Prevention and Building Code app lies statewide, except in New York City.

Although the state code does not expressly allow ASTs at retail service stations, Section 610(b) of the code permits deviations from applicable standards in certain circumstances. The state will permit local authorities to approve ASTs at service stations under the restrictions of the NFPA 30A.

Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code. Such ordinances must be approved by the New York State Uniform Fire Prevention and Building Code Council. Nassau, Suffolk, Rockland and Cortland counties have individual programs through the local Fire Commission or Department of Health. Local fire marshals must issue building permits for ASTs. Permit fees are determined locally.
The New York City Fire Department regulates the installation, alteration, testing and repair of motor vehicle fuel storage tank systems. Storage tank requirements can be found at New York Fire Law Handbook, tit. 27, §§8-11. The city code, which was modeled on the NFPA codes, prohibits ASTs entirely, but the NYCFD may grant a variance if the owner or operator can prove a hardship. A variance will only be granted for storage of diesel fuel, not gasoline.
The largest tank size allowed in New York City is 12,000 gallons and the maximum storage per site is 40,000 gallons. All tanks must be supported by a 12-inch concrete base. Single wall storage tanks must be embedded or encased in 12 inches of concrete. The city requires that plans be examined and accepted by the fire department prior to construction. All tanks must be tested every 10 years, and the inspection must be witnessed by a fire department representative. Various fees are imposed by the department, depending upon the inspection or test. Only persons or companies licensed by the fire department may install, repair, modify or test storage systems.
For information on the state code, contact:
Roy Scott
Codes Division
Department of State
41 State Street
Albany, NY 12231
(518) 474-4073
(518) 474-4487 (fax)
For information on the New York City fire code, contact:
Michael Reardon
Fire Department of New York
Bureau of Fire Prevention
9 MetroTech Center
Brooklyn, NY 11201
(718) 999-2463
(718) 999-0097 (fax)

Environmental Regulations:
Petroleum Bulk Storage: The state has adopted the Petroleum Bulk Storage Act (N.Y. Envtl. Conserv. Law, §§17-1001). The petroleum bulk storage regulations are found at 6 NYCRR Parts 612-614. The act regulates any petroleum bulk storage facility with an aggregate
aboveground and underground storage capacity in excess of 1,100 gallons. New petroleum storage tanks are required to have leak monitoring, tank labeling, corrosion protection, overfill protection, inspections and secondary containment. Owners of ASTs at most petroleum storage facilities must register their tanks with the Department of Environmental Conservation (DEC) regional office having jurisdiction over the facility. Oil production facilities, and facilities licensed under Article 12 of the Navigation Law or the Federal Natural Gas Act, are excluded from registration requirements. Petroleum storage facilities located in Suffolk, Nassau, Rockland or Cortland counties are regulated by the respective county, not the state.

Tank registration must be renewed every five years. The registration fee covers the five-year period between renewals and is based on the combined storage capacity of the facility. New tanks must be registered before being placed in service. If a tank is temporarily closed, it must be registered until it is permanently closed. DEC must be notified of the installation of new tanks or modifications to existing tanks (including replacing, repairing or reconditioning) before work begins. Such notice will not require an additional fee.

For new tanks, steel tank bottoms in contact with soil must be cathodically protected against corrosion using sacrificial anodes or an impressed current system. The system must be designed to provide at least 30 years of corrosion protection. New underground piping must be either cathodically protected, galvanically coated, or made of fiberglass-reinforced plastic or other non-corrodible material that will provide at least 30 years of corrosion protection.

Any new aboveground tank must be constructed with a double bottom or underlain with a concrete pad or a cutoff barrier. If the barrier is used, it must have a permeability rate to water equal to or less than $1 \times 10^{-6}$ cm/sec and must not deteriorate in an underground environment or in the presence of petroleum. At each new aboveground facility, the space between the tank bottom and the impermeable barrier under the tank must be monitored. Owners and operators can use electronic monitoring sensors or inspect drainways installed within the monitoring space.

Secondary containment is required for any tank that could reasonably be expected to discharge petroleum into the waters of the state or that has a capacity of 10,000 gallons or more. The containment system may consist of a combination of dikes, liners, pads, ponds, impoundments, curbs, ditches, sumps, receiving tanks, or other equipment capable of containing the product stored. DEC recommends that a secondary containment dike be able to contain 110 percent of the tank capacity to allow for storm water and to avoid overflow of the dike.

Overfill measures are required for all tanks, including gauges for ASTs that accurately show the level of product in the tank. A high-level alarm, a high-level liquid pump cutoff controller or equivalent device may be used instead of a gauge. The owner or operator must maintain daily inventory records for the purpose of detecting leaks. Petroleum spills must be reported to DEC unless they are known to be less than 5 gallons, are contained under control of the spiller, have not and will not reach the water or any land, and is cleaned up within 2 hours of discovery.

All dispensers of motor fuels under pressure from a remote pumping system must be equipped with a shear valve (impact valve) designed to close automatically if the dispenser is accidentally dislodged from the inlet pipe. Gravity-drained tanks must be equipped with both an operating valve to control the flow of petroleum and a shutoff valve to stop the flow if a piping or dispenser failure occurs. For pump-filled tanks, the fill pipes must be equipped with a check valve for automatic protection against backflow.

The owner or operator of an aboveground tank facility must inspect the tanks at least once a month. A detailed structural inspection must be performed on any aboveground tank with a total storage capacity of 10,000 gallons or more, or a tank that could reasonably be expected to discharge petroleum into waters of the state. The first detailed inspection must occur no later than 10 years after the tank is installed, and every 10 years thereafter.

The detailed 10-year inspection must include tightness testing; removal, transportation and disposal of sludge; soundness testing of the shell and porosity testing of all of the welds and seams; visual inspection of the internal surfaces for corrosion and failure; inspection of internal coatings for any sign of failure; and a tightness test of any connected underground piping. Ten-year inspections are not required for tanks that are entirely aboveground, such as tanks on racks, cradles or stilts.

DEC must be notified prior to the permanent closure or removal of a tank. Tanks taken out of service permanently must be emptied, protected from floatation, rendered free of petroleum vapors, and all connecting lines must be disconnected and removed or securely capped and plugged. Tanks taken out of service temporarily must be emptied and protected from floatation, and all manways must be locked and bolted.

Releases must be reported within two hours of discovery to the DEC spill hotline: (888) 457-4351. Outside of New York State the hotline number is (518) 457-7362.

For information, contact:
Paul Sausville
Chief
Bulk Storage Section
Department of Environmental Conservation
50 Wolf Road
Albany, NY 12233-3520
(518) 457-4351
(518) 457-4332 (fax)
Bulk Storage Helpline:
(888) 457-4351

Other:
For information on New York’s Oil Spill Fund, contact:
Tom Plesnarski
Chief
Operations Coordination Section
Department of Environmental Conservation
50 Wolf Road - R360
Albany, NY 12233-3520
(518) 457-2462
Ohio

Fire Code Restrictions:
Program Description: Aboveground storage tanks (ASTs) are regulated under Chapter 28 of the Ohio Fire Code. The state fire code is patterned after article 32 of the Building Officials and Code Administrators (BOCA) National Fire Prevention Code. ASTs are prohibited in Ohio except at bulk, processing and industrial storage facilities, and existing tank facilities that have been approved previously. The code also allows the use of fuel oil ASTs for heating purposes. Such tanks may not have a storage capacity of more than 660 gallons. A permit must be obtained from the state fire marshal to install, remove, repair or alter in any way tanks used for the storage of flammable or combustible liquids. Permit applications must contain a general description of the proposed work and include two copies of a site drawing indicating location, use, capacity and piping arrangement of all existing and proposed tanks located, or which are to be located, upon the premises, and all adjacent buildings and property lines. In addition, when installing or modifying tanks, the Ohio Department of Industrial Relations should be contacted at (614) 644-2622. Three kinds of plans need to be submitted: slab plans, tank specification plans, and electrical plans.

Class I and Class II liquids may be dispensed at private service stations from a single AST with a total storage capacity of not more than 6,000 gallons, provided that the system meets all of the requirements of National Fire Protection Association (NFPA) codes 30 and 30A, 1994 editions. Tanks must be safeguarded against collision, spillage and overfill, and must comply with emergency relief venting and electrical classification requirements of NFPA 70. The AST must be listed and approved for aboveground use, and final approval must be obtained from the fire official.

ASTs are not required to be registered but are subject to periodic inspection from the local authority having jurisdiction. Localities can vary from the state code but cannot be less stringent than the state code.

Releases must be reported to the fire official. It is unlawful to permit, or cause to be permitted, the discharge of flammable or combustible liquids, or any waste liquid containing petroleum or its products into or upon any street, pavement, highway, drainage canal ditch, storm or sanitary drain or flood control channel, lake or waterway, or upon the ground.

For information, contact:
Michael Kraft
Chief of Technical Services
State Fire Marshal’s Office
8895 E. Main St.
Reynoldsburg, OH 43068
(614) 752-8200
(614) 728-5168 (fax)

Environmental Regulations:
Program description: The state has no specific AST regulations. However, the Ohio Water Pollution Control Act (Ohio Rev. Code Ann. § 611.01) prohibits the discharge of pollutants into the waters of the state without a permit.

Spill Prevention and Control Plans
The Ohio Water Pollution Control Act (Ohio Rev. Code Ann. §611.03 (R)) authorizes the state to develop regulations establishing procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges of oil and hazardous substances into waters of the state, which include surface and ground water. The regulations must be consistent with and equivalent in scope, content and coverage to the federal spill prevention, control and countermeasure (SPCC) rules.

The Ohio Environmental Protection Agency developed regulations for oil spills, but changed then to a guidance document after objections from the regulated community. The state decided to wait until federal SPCC requirements were finalized. The hazardous substance regulations have not yet been finalized.

For information, contact:
Roger McGinnis
SPCC Coordinator
Ohio Environmental Protection Agency
P.O. Box 1049
1800 Watermark Dr.
Columbus, OH 43266-0149
(614) 644-3070
(614) 644-3250 (fax)
**Oklahoma**

**Fire Code Restrictions:**
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1996 editions. The fire code can be found at Okla. Stat. Ann. tit. 74, §324.7. Authority over ASTs in the state is divided between the Oklahoma Corporation Commission, which regulates aboveground tanks at retail service stations (see discussion of environmental regulations below), and the office of the state fire marshal, which covers all other commercial ASTs. Private use of ASTs is not regulated.

The fire codes limit tank capacity at retail service stations to 12,000 gallons per tank, and 40,000 gallons per facility. The state also follows code requirements for overfill prevention and alarm systems, and secondary containment.

New or replacement tanks must be registered with, and obtain a permit from, the local fire authority. The permit application must include a sketch of the site plan, including distances to buildings, and must be approved by the fire marshal before any product enters the tank. There is no application fee.

Local Programs: The fire code applies statewide, but local jurisdictions may adopt ordinances more stringent than those in the state code. Municipalities may prohibit ASTs entirely; Oklahoma City prohibits ASTs within the city limits.

For information concerning tanks at retail service stations, contact:
Temple Mchand
State Fire Marshal’s Office
4545 Lincoln Blvd.
Suite 280
Oklahoma City, OK 73105
(405) 524-9610
(405) 524-9810 (fax)

**Environmental Regulations:**
Program Description: The state follows the Oklahoma Aboveground Tank Regulation Act (Okla. Stat. Ann. tit. 17, ch. 16 §401-410). Tank regulations can be found at Okla. Admin. Code §165:26. The law divides the authority to regulate tanks between the state fire marshal’s office and the OCC. Fuel ASTs at retail service stations must be registered with the OCC, and owners and operators must pay an annual fee of $25 per tank. These tanks must be registered within 30 days after commencing operations. Fuel ASTs used at facilities other than retail service stations do not need to register. Owners must notify OCC within 30 days of any AST removal, change in ownership or major modifications. Any release greater than 25 gallons must be reported to OCC at (405) 521-6575 within 24 hours, and a written report filed within 20 days of the release. Releases of less than 25 gallons do not need to be reported if they are immediately contained and cleaned up.

For information, contact:
Dick Oppel
Fuel Division
Oklahoma Corporation Commission
2101 N. Lincoln
Oklahoma City, OK 73105
(405) 521-6575
(405) 521-4945 (fax)

**Other:**
For information on Oklahoma’s Indemnity Fund, contact:
Clarence Lee
Petroleum Storage Tank Release Indemnity Fund
Oklahoma Corporation Commission
Jim Thorpe Building
Oklahoma City, Okla. 73105
(405) 521-4683
(405) 521-4945 (fax)

For information on Oklahoma’s hazardous waste program, contact:
David Koinm
Waste Management Division
Hazardous Waste Section
Oklahoma Department of Environmental Quality
1000 N.E. 10th St.
Oklahoma City, OK 73117-1212
(405) 271-5338
(405) 271-8425 (fax)

For information on Oklahoma’s air emissions requirements, contact:
Barbara Hoffman
Air Quality Division
Oklahoma Department of Environmental Quality
4545 N. Lincoln Blvd.
Oklahoma City, Okla. 73105-3483
(405) 962-2197
(405) 962-2200 (fax)

Last revised: April 1998

**Oregon**

**Fire Code Restrictions:**
Program Description: The state has adopted the Uniform Fire Code (UFC), 1994 edition (Or. Admin. Rules §837-40-001). Oregon also follows UFC Appendix II-F, which allows motor vehicle fuel to be stored in, and dispensed from, protected aboveground storage tanks (ASTs). State
amendments to Appendix II-F allow the use of unprotected tanks storing motor fuels if the separation distances are equal to or greater than those listed in II-F. The amendments also require that tanks that are not within a diked area or that lack proper drainage be equipped with devices that automatically shut off the flow of fuel when the contents of the AST reach 90 percent of its total capacity. A permit from the office of the state fire marshal is required for gasoline and diesel fuel tanks with a total storage capacity of more than 1,000 gallons. The tank owner or operator must submit an application to the state fire marshal, accompanied by a site plan. The application must be signed by the local fire authority and the local planning and zoning officials. No fee is required to obtain a permit.

Up to three 6,000-gallon ASTs are allowed at a single site. An impervious spill containment basin capable of containing the capacity of the largest tank is required. The fire code has specific requirements for AST and spill containment construction, structural supports, venting, and operating and safety valves.

Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code. They also may adopt a separate fire code, but the code must be at least as stringent as the state code. A copy of the proposed local code must be sent to the state fire marshal’s office and will be reviewed for consistency with the state fire code. Approximately 14 city fire marshals, including those in Portland, Eugene and Salem, administer the Oregon Fire Code without assistance from the state fire marshal’s office.

For information, contact:
John Caul
Office of the State Fire Marshal
4760 Portland Road, NE
Salem, OR 97305
(503) 373-1540
(503) 373-1825 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the state has adopted extensive oil spill prevention and response rules under the Oregon Oil and Hazardous Materials Spill Act (Or. Rev. Stat. §468B.300). The Regulations Pertaining to Oil Spills into Public Waters (Or. Admin. R. §340-47-005) require that an owner or operator having control over oil that is spilled into waters of the state or on land must immediately stop the spill, collect and remove the spilled oil, eliminate the cause of the spill and notify Department of Environmental Quality (DEQ) of the type, quantity and location of the spill. Within seven days after the spill, the owner or operator must submit a written report describing all aspects of the spill and the steps taken to prevent a recurrence.

The rules also require that any facility located on or near the navigable waters of the state that transfers products by pipeline, vessels, barges and with an aggregate storage capacity of 10,000 gallons or more must submit a contingency plan to DEQ. The state defines navigable waters to mean the Columbia River, the Willamette River up to Willamette Falls, the Pacific Ocean and estuaries to the head of the tidewater.

Federal spill prevention, control and countermeasures (SPCC) plans or Oil Pollution Act of 1990 facility spill response plans may be submitted to satisfy state planning requirements if DEQ deems that the federal requirements exceed those of DEQ.

The contingency plan must be in a combined narrative and graphic form usable for oil spill prevention, control, containment, cleanup and disposal operations. It must contain an implementation strategy and a description of the spill response system. The plan must identify any response contractors being relied upon to perform response operations (or any response cooperative of which the facility is a member) and their response capabilities. It also must describe its relation to all other federal, state and local plans. The plan must list procedures used to detect and document the presence and size of a spill, and must describe the use of mechanical or electronic monitoring and alarm systems used to detect oil discharges from tanks. The plan must include procedures that will be taken to notify immediately the appropriate parties that a spill has occurred, and describe the personnel available to respond to a spill. It also must include the type and frequency of spill response operations and safety training that each individual in a spill response position receives.

The plan must list the type, quantity, age, location, maintenance schedule and availability of equipment used for cleanup and communication during an oil spill. Such a description also must state the maximum amount of oil that could be recovered during a 24-hour period. The plan must describe the communication system used for spill notification and response operations, and must include the location of response operation sites such as a central command post, a central communications post, and equipment and personnel staging areas.

A response activity flow chart or a decision tree describing each major stage of spill response operations must be included. The plan must include information on the proper federal, state and local authorities responsible for emergency procedures peripheral to spill containment and cleanup that need to be notified in the event of a spill.

In addition, the plan must include a description of damage control equipment and procedures to be used to minimize the size of the spill and any resultant structural damage which may increase the quantity of oil spilled. Such control measures include methods to slow or stop tank leaks and methods to achieve emergency shutdown of operations. This section of the plan must include methods to contain spilled oil and remove it from the environment.

Each plan must describe the drills and exercises which will be practiced to ensure readiness. The plan must also list and explain the spill risk variables and environmental variables within the region. Lastly, the plan must describe detailed, plausible, step-by-step response scenarios for a small oil spill of less than 500 gallons, a maximum probable spill, and a worst-case spill as described within the plan. Each such description shall include the circumstances surrounding a spill, an estimate of oil movement during the first 72 hours, and estimates of response time and percent recovery for each major phase of operations.

Existing facilities were to have submitted plans by Jan. 1, 1993.
New facilities must submit plans at least 90 days prior to commencing operations. The rules also require that the owner or operator of each facility develop a spill response strategy that will provide the best achievable protection from damages caused by the discharge of oil. Such a strategy must include spill prevention training, a facility operations manual, a drug and alcohol awareness program, a maintenance and inspection program, and identification of all spill prevention technologies employed such as overflow alarms, overflow cutoff switches, low level alarms and automatic transfer shutdown systems. This strategy should also include sufficient secondary containment measures to hold the contents of the largest tank plus precipitation, and a description of the material design and permeability of the containment area. A description of site security systems and of any prior discharges of more than 25 barrels (1,050 gallons) of oil also must be included. The spill prevention strategy also must include site risk analyses performed by a licensed professional engineer.

For information, contact:
Michael Zollitsch
Oil Spill Prevention Specialist
Spill Prevention and Management Section
Waste Management and Cleanup Division
811 S.W. Sixth Avenue
Portland, OR 97204
(503) 229-6931
(503) 229-6954 (fax)

Other:
For information on Oregon’s Emergency Response System, contact:
Larry Raaf
Program Coordinator
State Emergency Response System
595 Cottage Street
Salem, OR 97310
(503) 378-6377
(503) 588-1378 (fax)
OERS Hotline:
In-state: (800) 452-0311
Out of state: (503) 378-6377

For information on Oregon’s hazardous waste program, contact:
Hazardous Waste Permit and Toxic Use Section
Waste Management and Cleanup Division
Department of Environmental Quality
811 S.W. Sixth Avenue
Portland, OR 97204
(503) 229-6534
(503) 229-6977 (fax)

For information on Oregon’s air emissions requirements, contact:
Andy Ginsburg
Division Administrator
Air Quality Division
Department of Environmental Quality
811 S.W. Sixth Avenue
Portland, OR 97204
(503) 229-5359
(503) 229-5675 (fax)

Last revised: November 1999

Pennsylvania

Fire Code Restrictions:
Program Description: The state has adopted the Pennsylvania Flammable and Combustible Liquids Code, 1984 edition. The code establishes minimum standards that apply statewide, using the current edition of the National Fire Protection Association codes for guidance. The state code also incorporates the tank construction requirements of Underwriters Laboratory (UL) Standard 142. The state fire code can be found at 37 Pa. Code §§ 11 and 13 and 14. The state recently added criteria for the installation of vaulted tanks for storage of flammable and combustible liquids. The state prohibits aboveground storage tanks (ASTs) at retail service stations statewide. However, ASTs are permitted at private fleet facilities that dispense motor fuels. Tanks at such installations may be no larger than 12,000 gallons and may store only Class I and Class II liquids. Maximum amounts allowed are 12,000 gallons of Class I and 12,000 gallons of Class II liquids.

Prior to installation of an AST, the owner or operator must submit to the state fire marshal a permit application containing a construction plan, a copy of the tank manufacturer’s specifications and a letter from the municipality in which the tank is to be installed stating that the municipality will not oppose the installation. No permit application fee is required. The fire marshal must perform a site inspection when construction is finished. Any tank installed in Pennsylvania must be offset at least 50 feet from any building and 100 feet from any property line. If it is a two-hour fire-rated tank, as determined by UL Standard 2085, then minimum distances may be reduce to 25 feet from a building and 50 feet away from any property line. All new motor fuel dispensing ASTs must be UL 2085 listed.

Local Programs: Local jurisdictions may adopt ordinances that are more stringent than those in the state code. Many local jurisdictions have adopted the Building Officials and Code Administrators (BOCA) National Fire Prevention Code. Fire marshals in Allegheny and Philadelphia counties have independent jurisdiction and have adopted their own codes, which are more stringent than the state code. In Allegheny County, contact John Hudek in the county’s Fire Marshal Office for more information, (412) 392-8552. In Philadelphia County, contact Barry Floyd, Fire Code Unit, (215) 592-5956.

For information, contact:
Pennsylvania Department of Labor and Industry
Boiler Section
The storage tank law authorizes DER to develop and administer closure requirements. The owner of an AST should notify the DER regional office where the tanks are located at least 30 days prior to removal of the tanks. Owners who plan to close or remove a storage tank must notify authorities with a letter of intent containing the following information: (1) the name of the facility where the storage tanks are located; (2) the facility identification number; (3) the tank registration number for each storage tank to be removed; (4) the fact that the tanks are to be removed; and (5) the month and year the owner intends to remove the tanks.

For information, contact:
Division of Storage Tanks
Bureau of Water Watershed Conservation
Department of Environmental Resources
P.O. Box 8762
Harrisburg, PA 17105-8762
(717) 772-5599
(717) 772-5598 (fax)

For additional PEMA information:
Planning Office
Pennsylvania Emergency Management Agency
P.O. Box 3321
Harrisburg, PA 17105-3321
(717) 651-2006

### Spill Control Plans:

Program Description: Owners of ASTs with capacities of more than 21,000 gallons must submit a site-specific Spill Prevention Response Plan to DER. Revisions or addenda to approved plans must be submitted to the department if there are:

- substantial changes to the tank;
- substantial modifications in facility emergency equipment or in the facility emergency organization;
- revisions in regulations;
- the removal or addition of a tank or tanks;
- a plan failure during emergency; or
- other circumstances for which the department requires an update.

Owners of AST facilities adjacent to surface waters must provide annual public notice to all municipalities, water companies and industrial users within 20 miles downstream, and to the local municipality and county, setting forth a detailed inventory of material stored at the facility.

**Other:**

For information on Pennsylvania’s hazardous waste program, contact:

D. Richard Shipman, Chief
Division of Hazardous Waste Management
Bureau of Waste Management
Department of Environmental Resources
P.O. Box 8471
Harrisburg, PA 17105-8471
(717) 787-6239
(717) 787-0884 (fax)

For information on Pennsylvania’s air emissions requirements, contact:

Kirit Dalal
Air Pollution Control Engineer
Puerto Rico

Fire Code Restrictions:
Program Description: The state developed its own fire code, closely based on the National Fire Protection Association Code. Sections 14 and 15 of the Puerto Rico Fire Code Regulations (under Law 43 of June 21, 1988) affect all AST facilities.
Local Programs: Localities do not regulate tanks.
For information, contact:
Felix R. Montero
Inspector II
Fire Prevention Branch
Puerto Rico Fire Department
P.O. Box 13325
Santurce, Puerto Rico 00910
(809) 725-2140

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the state requires owners and operators to submit a Spill Prevention, Control and Countermeasures (SPCC) plan that meets the standards set forth in 40 CFR 112. This plan is called an “emergency plan” according to article 6.5 of the Puerto Rico Water Quality Standards Regulations of July 1990.
In the event of a spill, the responsible party must immediately notify the Puerto Rico Environmental Quality Board: (809) 767-8181 (8 a.m. to 4:30 p.m.) and (809) 383-5130 or (809) 383-5131 (nights and weekends).
For information, contact:
Lucinia Ghigliotty
Acting Director
Water Quality Area, or
Genaro Torres León
Chief
Emergency Response and Remedial Office
Environmental Quality Board
P.O. Box 11488
Santurce, Puerto Rico 00910
(809) 767-8073
(809) 766-2823
Other:
For information on Puerto Rico’s hazardous waste program, contact:

Environmental Quality Board
P.O. Box 11488
Santurce, Puerto Rico 00910
(809) 725-5140
For information on Puerto Rico’s air emissions requirements, contact:
Eduardo Del Rio Pérez
Chief, Permits and Engineering
Air Quality Area
Environmental Quality Board
P.O. Box 11488
Santurce, Puerto Rico 00910
(809) 767-8129
Last revised: March 1994

Rhode Island

Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1987 edition. A permit from the state fire marshal is required for any tank that stores liquid natural gas (LNG), liquid petroleum gas (LPG) or propane, and dispenses to the public. Tanks storing petroleum do not need to obtain a permit, but owners and operators must inform the state fire marshal and the local jurisdiction before construction of a new AST. State and local jurisdictions are responsible for site plan review and may charge a fee. ASTs must be inspected prior to putting them into service.
Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code and may ban ASTs altogether.
For information, contact:
Tom Alegria
Deputy Fire Marshall
24 Conway Ave
North Kingstown, RI 02852
(401) 294-0861
(401) 295-9092 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the state has adopted extensive oil pollution control regulations that affect tank operations.
Oil Pollution Control Regulations:
The Rhode Island Oil Pollution Control Regulations, adopted pursuant to R.I. Gen. Laws §§ 46-12, 42.17-1 and 42-35, prohibit the discharge, escape or release of oil into the waters of the state, or onto land that may impact the waters of the state.
Each aboveground oil storage tank facility with a combined storage capacity of more than 500 gallons must comply with the following requirements for overfill prevention, secondary containment, inspections, closure, groundwater monitoring, and tank repair and reconditioning. An operator, when on the premises or when in control of an oil transfer, is responsible for transfer activities. Otherwise, the carrier will be responsible for transfer activities. The responsible party must monitor every aspect of the delivery and must take immediate action to stop the flow of oil when the working capacity of the tank has been reached or when an equipment failure or emergency occurs.
All aboveground oil tanks must be equipped with a liquid-level gauge. The design capacity, working capacity and identification number of the tank must be marked clearly, both on the tank and at the gauge. A high level warning alarm, a high-level liquid pump cutoff controller or some other equivalent device may be used in lieu of the gauge. All fill pipes leading to a pump-filled oil tank must be equipped with a properly functioning check valve or other device that provides automatic protection against backflow. Each tank connective through which oil can normally flow must be equipped with an operating valve to control flow.

All dispensers of motor fuel that is under pressure from a remote pumping system must be equipped with a device such as a solenoid valve that is positioned adjacent to and downstream from the operating valve. The valve must be installed and adjusted so that liquid cannot flow by gravity from the tank in case of piping or dispenser hose failure.

The regulations require that a secondary containment system be installed around covered aboveground oil storage tanks. The system must be constructed so that spills will not escape to adjacent groundwater or surface water before cleanup can occur. The minimum capacity of the containment system must be 110 percent of the volume of the tank or 110 percent of the largest tank in a multiple tank containment system. If soil is used to provide secondary containment, it must be of such character that any spill onto the soil will be readily recoverable and will result in a minimal amount of soil contamination.

Storm water that collects within the secondary containment system must be removed by a manually operated pump or siphon, or a gravity drainpipe that has manually controlled dike valves. If gravity drainpipes are used, all dike valves must be locked in a closed position unless the operator is in the process of draining clean water from the diked area. The owner or operator of any AST facility must inspect the facility at least once a month. In addition to monthly inspections, the owner or operator periodically must perform a detailed inspection of any AST with a capacity of 10,000 gallons or more. The initial inspection must be performed when the tank is ten years old, and every 10 years after that. Ten-year inspections are not required for tanks that are entirely aboveground, such as tanks on racks, cradles or stilts. Nor are they required for tanks storing No. 5 or No. 6 fuel oil or asphalt products, or tanks installed in conformance with the state’s standards for new construction.

New aboveground oil storage facilities must be constructed of steel and meet or exceed one of the following design and manufacturing standards: UL 142; UL 58; API 650 and API 620. Before being placed in service, all new tanks must be tested for tightness and inspected in accordance with the requirements outlines in API 650. Any aboveground oil storage tank that does not comply with the above requirements, such as a riveted or bolted steel tank or a tank constructed of wood, concrete, aluminum or fiberglass reinforced plastic, must be constructed in accordance with all applicable manufacturing standards and must be designed for the aboveground storage of oil products. No such tanks may be installed without prior approval of the director of the Department of Environmental Management (DEM).

The bottoms of new tanks which rest on or in the ground must be cathodically protected with sacrificial anodes or an impressed current system designed, fabricated and installed in accordance with recognized engineering practices. The exterior surfaces of all new ASTs must be protected by paint or an equivalent surface coating designed to prevent corrosion and deterioration. Any new stationary tank that will rest on the ground must be constructed with a double bottom or underlain by an impervious barrier such as a concrete pad. New ASTs also must be supported on a well-drained, stable foundation that prevents movement, rolling or settling of the tank and is designed to minimize corrosion of the tank bottom.

Any new tank must have a secondary containment system that meets or exceeds the requirements for existing tanks and must be constructed with a permeability rate of water equal or less than 1 x 10^-6 centimeters/second. All new ASTs must have equipment for monitoring between the tank bottom and the impermeable barrier. Observation wells or other systems that monitor the soil or groundwater beneath the impermeable barrier do not satisfy this leak detection requirement.

All facilities with a combined storage capacity of 50,000 gallons or more, or any facility with a storage capacity of 5,000 gallons or more that is located in an environmentally sensitive area, must implement a groundwater monitoring program approved by DEM. The monitoring program must consist of a sufficient number of wells to detect the release of hydrocarbon product from storage tanks, pumping facilities, manifolds and other appurtenances.

All tanks that are removed from service and that do not satisfy the requirements outlines in API 650. Any new tank that will be considered permanently closed. Such tanks must have liquid and sludge removed from the tank and connecting lines and must be rendered free of oil vapors. In addition, all connecting lines must be disconnected or blanked, and manways must be securely fastened. Tanks must be stenciled with the date of permanent closure. Tanks that are removed from service and that do not satisfy the requirements of new and substantially modified facilities are prohibited from being reused for the purpose of oil storage. The regulations require that the owner of a facility with boiler rooms and remote fill tanks install oil traps or manually operated drain valves, or eliminate drains from boiler rooms. All drain valves must be maintained in the closed position except when the operator is in the process of draining oil-free water in compliance with all applicable state and federal regulations. All aboveground and
underground storage tanks with a remote fill and a capacity of 500 gallons or more must be equipped with a high level warning alarm system. In addition, all such tanks with a capacity of more than 500 gallons must be equipped with spill containment around fill areas.

Any release of oil to the environment must be reported immediately to the Office of Compliance and Inspection, at (401) 222-1360, from 8:30 a.m. to 4:00 p.m. on weekdays, or to the Division of Enforcement dispatcher at (401) 222-2284, at all other times. Minute releases that are immediately contained do not need to be reported. In addition, other appropriate local, state and federal officials must be notified. When a release occurs the responsible party must stop the discharge immediately, and begin containment and removal of the oil and waste material. Within ten days after the release is discovered, the responsible party must submit a written report to the Office of Compliance and Inspection.

For information, contact:
James Ball
Compliance and Inspection Section
Department of Environmental Management
235 Promenade St.
Providence, RI 02908
(401) 222-1360
(401) 222-3811 (fax)

Spill Prevention and Emergency Plans
The Rhode Island Oil Pollution Control Regulations require that the owners and operators of reception facilities, terminals, and any outdoor oil storage tanks prepare and have available at the facility a spill prevention and emergency plan. Tanks with a capacity of 500 gallons or less that store heating oil are exempt from this requirement. An owner or operator may satisfy this planning requirement by substituting a facility response plan or a spill prevention, control and countermeasures plan required by either federal or state legislation, provided the substitute plan contains the elements set forth in the Rhode Island emergency plan regulations.

The state spill prevention and emergency plans must include: site plans that show the location of all outdoor tanks and piping used for the storage and transfer of oil, including the location of all shutoff valves; a description of onsite containment and cleanup equipment; a description of offsite auxiliary emergency equipment that can be readily obtained; and emergency telephone numbers of local, state and federal officials that must be contact in the event of a release.

For information, contact:
James Ball
Compliance and Inspection Section
Department of Environmental Management
235 Promenade St.
Providence, RI 02908
(401) 222-1360
(401) 222-3811 (fax)

Other:
For information on Rhode Island’s Emergency Response Fund, contact:
Mike Mulhare
Supervisory Engineer
Site Remediation
Department of Environmental Management

291 Promenade St.
Providence, RI 02908
(401) 222-1369
(401) 222-3811 (fax)

For information on Rhode Island’s hazardous waste program, contact:
Bob Nero
Hazardous Waste Section
Office of Compliance and Inspection
Department of Environmental Management
291 Promenade St.
Providence, RI 02908
(401) 222-1360
(401) 222-3811 (fax)

For information on Rhode Island’s air emissions requirements, contact:
Doug McVay
Associate Supervisory Engineer
Office of Air Resources
Department of Environmental Resources
235 Promenade St.
Providence, RI 02908
(401) 222-2808, ext. 7011
(401) 222-2017 (fax)

Last revised: February 2000

South Carolina

Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1996 editions. The state also has adopted extensive amendments that allow the storage of motor vehicle fuel in aboveground storage tanks (ASTs) at retail service stations (S.C. Code Ann. § 39-41-260).

The state prohibits the storage of flammable and combustible liquids in ASTs at service stations in municipalities with populations of 25,000 or more. The aggregate storage capacity at a single facility may not be more than 30,000 gallons, and no single tank may have a capacity of more than 12,000 gallons.

If an AST is being used for retail purposes, the facility must comply with both state laws and NFPA 30 and 30A. If it is not used for retail purposes, the state law is not applicable; the AST need only comply with applicable requirements of NFPA 30 and 30A.

Aboveground tanks at service stations must be enclosed in an eight-foot high chain link fence and a barbed wire barricade. The fence must be provided with two means of emergency access that are locked at all times except when entering or exiting. There must be a minimum working distance of at least five feet between the tank and the fence. The state also establishes the following minimum setback distances for tanks located at service stations with an aggregate storage capacity of more than 12,000 gallons but less than or equal to 30,000 gallons: fifty feet from the nearest occupied building on the property, fifty feet from a dispenser, fifty feet from the nearest side of a public way and one hundred feet from a property line that is or can be built upon.
For service stations with above ground storage tanks with an aggregate capacity of 12,000 gallons or less, the separation distances are reduced to thirty-seven feet for the nearest occupied building on the property, a dispenser and the nearest side of a public way, and forty feet for a property line that is or can be built upon. Service stations with an aggregate capacity of 12,000 gallons or less may not have any one tank with a capacity of more than 4,000 gallons. All service stations with aboveground storage tanks must obtain a minimum of $300,000 of public liability insurance. All feeder lines from ASTs must be buried underground, and piping at the facility must be equipped with a valve that cuts off the flow of liquid when the pump is not operating, as well as a quick shutoff device at the tank that will stop the flow of product. Tanks also must be equipped with an emergency shutoff valve.

Tanks must have a means of determining the liquid level of product within the tank that does not require a person to climb atop the tank. The owner or operator must provide for the automatic shutoff of delivery or the sounding of an audible alarm when any tank reaches 95 percent of capacity. Such precautions are not required for horizontal tanks with a storage capacity of 4,000 gallons or less and vertical tanks with a storage capacity of 2,000 gallons or less that are filled by a hand-held hose.

The law includes specifications for valves and piping, and for welded steel supports for both horizontal and vertical tanks. Tanks must be clearly labeled as to contents. All service stations that were in existence on June 12, 1990, had to be operating in compliance with the law within two years of that date. However, these existing service stations were not required to comply with the separation distance requirements specified in the law. Existing service stations with an above ground storage tank with a capacity of more than 12,000 gallons also were exempted from the capacity limits imposed by the law.

Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code.

For information, contact:
David Blackwell
State Fire Marshals Office
141 Monticello Trail
Columbia, SC 29203
(803) 896-9800
(803) 896-9806 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, under the South Carolina Pollution Control Act (S.C. Code Regs. 48-1-90) it is unlawful for any person to discharge pollutants into the environment without a permit. The state is authorized to issue orders requiring owners or operators to correct "undesirable" emission levels, which could include an AST spill. The state does require spill prevention control and countermeasure plans for all ASTs. Terminal facilities are required to obtain a registration certificate which is renewed every five years. A fee, not to exceed $250 per terminal, is charged for the certificate. Terminals also are required to produce evidence of financial responsibility of $14 million to meet any and all potential liabilities.

For information, contact:
Angela Mettlen
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201
(803) 734-5326
(803) 734-4661 (fax)

Other:
For information on South Carolina’s hazardous waste program, contact:
David Wilke
Emergency Response
Bureau of Waste Management
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201
(803) 896-4112
(803) 896-4102 (fax)

For information on South Carolina’s air emissions requirements, contact:
Renee Shealy
Manager
Air Program Section
Bureau of Air Quality
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201
(803) 898-4123
(803) 898-4117 (fax)

Last revised: February 2000

South Dakota

Fire Code Restrictions:
Program Description: The state’s flammable and combustible liquids law (S.D. Codified Laws Ann. § 34-38-1) adopts the Uniform Fire Code (UFC), 1994 edition. The code, which applies to all listed aboveground storage tanks (ASTs) used in the manufacture, transportation, storage and use of flammable and combustible liquids and liquefied petroleum gases, can be found at S.D. Admin. R. 61:15:01:06. Tanks may not exceed an individual capacity of 10,000 gallons and facility capacity may not exceed 30,000 without a variance.

The flammable and combustible liquids law sets minimum separation distances of 50 feet from the nearest “important” building on the property, 50 feet from any fuel dispenser, 50 feet from the side of the nearest public way, and 50 feet from any property line that is or may be built upon. Distances may be reduced at the discretion of the local authority having jurisdiction.

The state code prohibits the dispensing of fuel from an aboveground tank by either gravity flow or pressurization from the tank, or by siphon flow. All ASTs must be equipped with a device such as a solenoid valve that will prevent gravity flow from the tank to a dispenser. If a submersible pump or suction pump system is used, the tank must be equipped with an emergency shutoff valve.

Aboveground tanks must be equipped with a means of determining the liquid level in the tank, and a means of either automatically shutting off the flow of fuel to the tank
systems must be assessed to establish background conditions.

on a form provided by the office. Proposed sites for new AST
containment, release detection and cathodic protection, they
have complied with requirements for installation, secondary
have been adopted.

Program Description: Aboveground storage tanks are
regulated under the S.D. Admin R. 74:03:30. All ASTs must
have corrosion protection. The rules require secondary
containment, overfill protection and leak detection for all
tanks with a capacity greater than 250,000 gallons. Tanks with
a storage capacity of less than 250,000 gallons must have
either secondary containment, overfill protection or leak
detection. Tank closure procedures contained in NFPA 30
have been adopted.

Farm or residential tanks used for storing motor fuels for
noncommercial purposes and tanks used for storing heating oil
or motor fuels for consumptive use on the premises where
stored are exempt from regulation. Owners or operators of
AST systems must inform the Groundwater Quality Program
of the existence of such systems on a notification form
provided by the office.

When owners or operators of new or upgraded AST systems
have complied with requirements for installation, secondary
containment, release detection and cathodic protection, they
must certify compliance to the Groundwater Quality Program
on a form provided by the office. Proposed sites for new AST
systems must be assessed to establish background conditions.
This site assessment, as well as plans and specifications for the
new system must be submitted for DENR approval thirty days
prior to installation of the system.

The regulations require that ASTs be supported on well-
drained, stable foundations that prevent movement of the tank.
If a tank is constructed of metal and is in contact with the
ground or an electrolyte, it must be protected from corrosion.
If metallic piping is in contact with the ground or an
electrolyte, it also must be protected from corrosion. Tank and
Tennessee

Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1996 edition. Authority to promulgate fire prevention rules is vested in the state fire marshal at Tenn. Code Ann. §§ 68-17 and 68-18. The state fire code can be found at Rules and Regulations of the Division of Fire Prevention § 0780-2-2-.01(1)(b). The authority of the state fire marshal only applies to state owned property and certain other occupancies as defined at Rules and Regulations of the Division of Fire Prevention §§0780-2-3-.02(1) to 0780-2-3-.02(5). The state fire marshal does not inspect or require registration of ASTs. The fire marshal will respond to written complaints about ASTs.

Local Programs: Local jurisdictions are responsible for adopting their own building code and fire codes. Such fire codes may contain requirements that are more stringent than those in the state code.

For information, contact:
Tom S. Battle
Assistant Director of Codes Enforcement
Department of Commerce and Insurance
Division of Fire Prevention
Codes Enforcement Section
500 James Robertson Parkway
Third Floor
Nashville, TN 37243-1162
(615) 741-7190
(615) 741-1583 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the Tennessee Water Quality Control Act (Tenn. Code Ann. §69-3-101) prohibits the discharge of a pollutant into the waters of the state without a permit. A state-issued National Pollutant Discharge Elimination System (NPDES) permit could have restrictions on storage tank installation. Such a permit might include requirements for diking, spill containment and spill control, or other construction and operational restrictions. Restrictions will be determined on a case-by-case basis.

For information, contact:
Saya Qualls
Manager, Permit Section
Water Pollution Control Division
Department of Environment and Conservation
Sixth Floor
Life & Casualty Building
401 Church Street
Nashville, TN 37243-1534
(615) 532-0625
(615) 532-0503 (fax)

Other:
For information on Tennessee’s hazardous waste program, contact:
Mrs. Jamie Burroughs, Manager
Department of Environment and Conservation
Division of Solid Waste Management
Life & Casualty Building
Fifth Floor
401 Church Street
Nashville, TN 37243-1535
(615) 532-0780
(615) 532-0886 (fax)

For information on Tennessee’s air emissions requirements, contact:
Ray Stubblefield
Department of Environment and Conservation
Division of Air Pollution Control
Ninth Floor
Life & Casualty Annex
401 Church Street
Nashville, TN 37243-1531
(615) 299-8952
(615) 299-8749 (fax)

Last revised: February 2000

Texas

Fire Code Restrictions:
Program Description: The state fire marshal’s office has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1990 editions. The state fire marshal also has adopted the Tentative Interim Amendment (TIA) to NFPA 30A, which allows storage of motor vehicle fuel in aboveground storage tanks (ASTs) at retail service stations. The flammable liquids code can be found at Tex. Health & Safety Code Ann. §753.001, and the rules for safe storage, handling and use of flammable liquids at retail service stations can be found at Tex. Admin. Code tit. §34.1. The state flammable liquids code sets restrictions on AST location and size and establishes minimum distances from property lines, buildings and other tanks. The code also establishes concurrent jurisdiction between the Texas Department of Insurance-State Fire Marshal’s Office and the
Environmental Regulations:

Program Description: In 1989, Texas enacted HB1588, creating the Petroleum Storage Tank Remediation Fund and authorizing the adoption of rules requiring registration and payment of annual fees for ASTs storing petroleum products. The state regulations governing aboveground storage tanks exclude any tank with a capacity of 1,100 gallons or less, except for ASTs at retail service stations, which are subject to the regulations’ construction notification requirements (Tex. Admin. Code tit. 30, §334 Subchapter F). In Texas the definition of a regulated substance includes gasoline, diesel, some gasoline blends and aviation gasoline. The definition does not include jet fuel or any other petroleum substance. Owners of ASTs must register their tanks with TNRCC prior to installation of a new tank or delivery of product into an existing tank. There is an annual registration fee of $25 per aboveground tank, which goes into the fund. Thirty days prior to installation of a new or replacement tank, the owner must submit a construction notice to the commission.

In the Edwards Aquifer district (Austin/Stan Antonio area) the rules are more stringent. If the regional office approves and AST, it may require a geographic site assessment and more strict construction standards. Releases of 25 gallons or more must be reported within 24 hours to the appropriate regional office of TNRCC (Tex. Admin. Code tit. 30, §334 Subchapter D). Immediate steps must be taken to contain and clean up the spill or overfill. Releases of less than 25 gallons must be contained and cleaned up, but need not be reported unless cleanup cannot be accomplished within 24 hours. TNRCC field offices may have more stringent requirements.

Any tank storing a chemical that requires a material safety data sheet under the Occupational Safety and Health Act in excess of 10,000 pounds (about 1,500 gallons of gasoline) also must file a chemical inventory report with the Texas Department of Health. The chemicals and reporting requirements are identical to those required under Title III of the Superfund Amendments Reauthorization Act. A filing fee is charged based on the type and amount of product stored.

For information, contact: Wayne S Smith, Director
Fire Safety Inspections
State Fire Marshall
P.O. Box 149221 (MC 108-FM)
Austin, TX 78714-9221
(512) 305-7900
(512) 305-7910 (fax)

Oil Spill Prevention and Response Act:
The state has enacted the Oil Spill Prevention and Response Act of 1991 (OSPRA), which addresses prevention and liability relating to oil spills that enter or threaten coastal waters (Tex. Nat. Res. Code Ann. tit. 2, §40.001). The law transferred authority for coastal oil spills from TNRCC to the General Land Office. OSPRA imposes liability on any person responsible for an unauthorized discharge of oil from a terminal facility, or any person in charge of a terminal facility at which an unauthorized discharge of oil has occurred.

Spills of enough product to create a sheen on water must be reported within 1 hour to the General Land Office’s 24-hour oil spill response hotline at (800) 832-8224. OSPRA also created a Coastal Protection Fund that can be used to fund spill cleanup and abatement when the responsible party will not or cannot provide the necessary finances itself. After moneys from the fund are expended, the General Land Office will pursue the responsible party and may seek damages of up to three times the cleanup and abatement costs. The fund is financed by a two cent per barrel fee on crude oil loaded or offloaded in Texas ports.

OSPRA also requires contingency planning for facilities that are so located that a spill could enter or threaten coastal waters. Requirements for facility contingency plans can be found at Tex. Admin. Code tit. 30, §1911. Plan requirements differ base on facility size. In order to operate, a facility must be issued a state Discharge Prevention and Response Certificate showing that (1) a contingency plan has been implemented, (2) the plan complies with requirements under state and federal law, and (3) the operator can provide prevention and response equipment. The certificate is valid for five years, but annual contingency plan status reports must be filed with the commissioner of the General Land Office.

Many of the plan elements of federal Oil Pollution Act of 1990 (OPA) are required by OSPRA, including a site plan, a diagram of drainage and discharge patterns, a listing of the qualifications and availability of response personnel and of equipment on site, secondary containment, and leak detection and monitoring systems. The state will accept OPA plans as long as they are appropriately indexed as to location of the state criteria.

For information, contact: Greg Polluck
Division of Oil Spill Prevention and Response
General Land Office
1700 N. Congress Avenue
Room 340
Austin, TX 78701-1495
(512) 475-1575
(512) 475-1560 (fax)

Other:
For information on Texas’s hazardous waste program, contact:
Utah

Fire Code Restrictions:
Program Description: The state has adopted the Uniform Fire Code, 1997 edition (Utah Code Ann. tit. 63, ch. 27, § 109). The state fire marshal is only responsible for aboveground storage tanks (ASTs) owned and operated by the state. No registration, inspection or fees are required for state-owned tanks. However, local jurisdictions may vary. ASTs generally are prohibited in large, heavily populated, metropolitan areas. Local Programs: Privately owned and operated ASTs are under the authority of local fire chiefs and are subject to the Uniform Fire Code. Local codes may be more stringent than the state code.
For information, contact:
Brant Halladay
Chief Deputy Fire Prevention Specialist
State Fire Marshal’s Office
5272 S College Dr, Suite 302
Salt Lake City, UT 84123
(801) 284-6350
(801) 284-6351 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the Utah Water Quality Act (Utah Code Ann. § 19-5-101) makes it illegal to discharge pollutants into the waters of the state.
For information, contact:
William Moellmer, PhD
Water Quality Management Section
Department of Environmental Quality
P.O. Box 144870
Salt Lake City, UT 84114-4870
(801) 538-6329
(801) 538-6016 (fax)

Other:
For information on Utah’s hazardous waste program, contact:
Hau Zhu or Rusty Lundberg
Division of Solid and Hazardous Waste
Department of Environmental Quality

Virginia

Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1993 edition, by reference into the Virginia Statewide Fire Prevention Code (Va. Regs. Reg. § 394-01-06) and the Uniform Statewide Building Code (Va. Code § 36-99). Enforcement of these codes is the responsibility of local officials who issue permits to install, upgrade, repair and close ASTs. Permit fees are charged for installation, modification or removal of ASTs and vary according to jurisdiction. Local jurisdictions may not ban ASTs if they are permitted by the Uniform Statewide Building Code but may make modifications to the code. Modifications may be less stringent than the state code as long as the modification does not compromise health or safety requirements and meets the intent of the code.
For information, contact:
Rick Farthing
Chief Engineer
State Fire Marshal’s Office
The Jackson Center
501 North 2nd Street
Richmond, VA 23219-1321
(804) 371-7153
(804) 371-7092 (fax)

Environmental Regulations:
Program Description: Virginia has extensive AST regulations, as authorized by the State Water Control Law (Va. Code 62.1-44.34.8).
The Facility and Aboveground Storage Tank Regulations (9 VAC 25-91-10), which consolidated three older regulations, was adopted by the Virginia State Water Control Board and became effective June 24, 1998.
The purpose of the regulations is to:
- establish requirements for registration of facilities and individual ASTs;
- provide the state with the information necessary to identify and inventory facilities with an aggregate oil storage capacity of greater than 1,320 gallons or individual ASTs with an oil storage capacity of greater than 660 gallons;
- develop standards and procedures for facilities with an aggregate aboveground oil storage capacity of 25,000
gallons or greater, for the prevention of pollution from new and existing ASTs;

provide requirements for the development of facility oil discharge contingency (ODC) plans for facilities with an aggregate aboveground oil storage capacity of 25,000 gallons or greater, to ensure that the operator can protect environmentally sensitive areas, respond to the threat of an oil discharge, and contain, clean up and mitigate an oil discharge within the shortest feasible time; and

provide requirements for facilities and individual ASTs with an aggregate aboveground oil storage capacity of 1 million gallons or greater to conduct a groundwater characterization study (GCS) within the geographic boundaries of a facility; submit the GCS as part of the oil discharge contingency plan; conduct a monthly gauging and inspection of GCS monitoring wells, monitoring of well headspace and sampling and laboratory analysis of GCS monitoring wells; and gather all observations and data maintained at the facility and compile and submit them as an annual report to the state.

Applicability

The registration, notification and closure requirements of the regulations apply to individual ASTs with an aboveground oil storage capacity greater than 660 gallons and all facilities with an aggregate aboveground soil storage capacity greater than 1,320 gallons.

The pollution prevention requirements and ODC plan requirements apply to individual ASTs with an aboveground oil storage capacity of 25,000 gallons or greater and all facilities with an aggregate aboveground oil storage capacity of 25,000 gallons or greater.

The GCS and GCS well monitoring requirements of the regulations apply to individual ASTs with an aboveground oil storage capacity of 1 million gallons or greater, and all facilities with an aggregate aboveground oil storage capacity of 1 million gallons or greater.

AST is defined in the regulations as one or a combination of tanks, including pipes, used to contain an accumulation of oil at atmospheric pressure, and the volume of which, including the volume of the pipes, is more than 90 percent above the surface of the ground. This term does not include line pipe and breakout tanks of an interstate pipeline regulated under the federal Accountable Pipeline Safety and Partnership Act of 1996 (49 USC 60101). Other exclusions are listed in 9 VAC 25091-30.

Spill Reporting

Releases of oil to the waters of the state must be reported to the state Department of Environmental Quality (DEA), (804) 674-2499 or (800) 468-8892, or regional offices.

Registration and Notification Requirements

The owner or operator of any AST facility storing oil with an aggregate aboveground storage capacity of greater than 1,320 gallons, or with any single aboveground tank with a storage capacity of greater than 660 gallons, must register the tank(s) with DEQ and the local director of emergency services (9 VAC 25-91-100).

The registration must be renewed every five years, or whenever ownership of the AST changes, whichever occurs first. Any new or converted facility or a facility or AST being back into use after permanent closure, must be registered with DEQ within 30 days after being brought into use. The owner or operator must notify DEQ within 30 days of any AST upgrade, major repair, replacement, changes in service, temporary closure or permanent closure (9 VAC 25-91-120). The following facilities are exempt from the regulations: ASTs containing petroleum listed as a hazardous substance under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or hazardous wastes listed or identified under the Resource Conservation and Recovery Act (RCRA); and ASTs with a capacity of 660 gallons or less that contain heating oil for use on the premises or that are located at a farm or residence and contain motor fuel for noncommercial purposes.

A fee must accompany the initial registration application forms. The fee for any one tank registered with DEQ is $25, up to a maximum of $50 per facility. For owners and operators of multiple facilities, the maximum fee is $100. 

AST Pollution Prevention Requirements

Facilities with an aggregate aboveground storage capacity of between 25,000 gallons and 1 million gallons of oil, and existing individual ASTs with a storage capacity of between 25,000 gallons and 1 million gallons of oil, are subject to the following pollution prevention requirements (9 VAC 25-91-130):

-Inventory control and testing for significant variations. However, certain facilities are exempt from this requirement: ASTs totally off ground with all associated piping off ground; ASTs with a capacity of 5,000 gallons or less located within a building or structure designed to fully contain a discharge of oil; and ASTs containing No. 5 or No. 6 oil for on-premise consumption.

-Secondary containment. Secondary containment dikes or berms must be maintained and evaluated or certified for compliance with the applicable requirements of 40 CFR Part 112 (1997), NFPA 30, and 29 CFR 1910.106.

-Safe fill, shutdown and transfer procedures. Receipts of oil must be authorized by the operator or trained personnel who must ensure that the tank has room for the oil to be transferred, the transfer operation is monitored continually until complete, and all tank fill valves not in use are secured and only the designated tank is receiving oil. If unattended during transfer operations, an AST must be equipped with a high level alarm to alert the operator to initiate an immediate and controlled emergency shutdown of transfer. All oil transfer areas where filling connections are made with vehicles must be equipped with a spill containment system capable of containing and collecting those spills and overfills. The containment system must be designed to hold at least the maximum capacity of any single compartment of a vehicle loaded or unloaded in the transfer area. Any automatic shutdown system used during the transfer of oil must be able either to direct the flow of oil to another tank capable of receiving the transferred oil, or to shut down the pumping or transfer system. This automatic shutdown system must be tested prior to each receipt of oil, and records of testing must be maintained at the facility. All ASTs must be equipped with a gauge that is readily visible and indicates the level of oil or quantity of oil in the tank. In addition, the storage capacity, product stored and tank identification number must be clearly marked on the tank at
the location of the gauge. These gauges must be calibrated annually.

- Cathodic protection and pressure testing of buried piping.
- Visual daily and weekly inspections. The daily inspection must include the following: a complete walk-through of the facility property to ensure that no hazardous conditions exist; an inspection of the ground surface for signs of leakage, spillage, or stained or discolored solid; a check of the berm or dike are for excessive accumulation of water and to ensure that the dike or berm manual drain valves are secured; a visual inspection of the exterior tank shell for signs of leakage or damage; and an evaluation of the condition of the AST and appurtenances. The weekly inspection must include at least the items in the daily inspection and must be noted on a checklist to be maintained a the facility and provided to the state upon request
- Training of inspectors.
- Leak Detection.

Facilities with an aggregate aboveground oil storage capacity of 1 million gallons or greater or individual ASTs with an oil storage capacity of 1 million gallons or greater, are subject to the requirements listed above, as well as the following:

- Formal external and internal inspections in accordance with APT Standard 653, Tank Inspection, Repair, Alteration and Reconstruction. An initial formal inspection for a newly installed AST must take place within five years after the date of installation. Exempted facilities not engaged in the resale of oil must complete the initial formal inspections within five years of the effective date of the regulations. An AST with a storage capacity of less than 12,000 gallons is not subject to the formal internal inspection unless the integrity of the AST is in question and an inspection is deemed necessary by the state.

- Formal external reinspections every five years after the initial formal inspection. For ASTs with an oil storage capacity of 12,000 gallons or greater, an internal reinspection is required at 10-year intervals unless the state determines that a shorter or longer reinspection interval is warranted. ASTs with a storage capacity of less than 12,000 gallons are not subject to the formal internal reinspection requirements unless the state deems such reinspections necessary.

Performance Standards
The regulations require ASTs to be built in accordance with the design standards adopted by Underwriters Laboratories, the American Petroleum Institute, the Steel Tank Institute or other state-approved standard (9 VAC 25-91-140). Construction and installation of ASTs also must follow NFPA 30 and BOCA National Building Code or other state-approved standards. Approval and any applicable permits must be obtained from the local building official before construction starts.

Other requirements include the following:
- ASTs must be strength-tested before being placed in use in accordance with the applicable code or standard under which they were built.
- For ASTs with a tank bottom in direct contact with the soil, a corrosion professional must determine the type and degree of corrosion protection needed to ensure the integrity of the tank system.

-ASTs installed after the effective date of the regulations must have a release prevention barrier (RPB) installed either under or in the bottom of the tank. The RPB must be capable of preventing the release of the oil and containing or channeling the oil for leak detection.
- Existing ASTs that are retrofitted (reconstruction or bottom replacement) or brought back into use must comply with the above requirements

Newly installed, retrofitted or brought-back-into-use facilities or ASTs must comply with these requirements within 30 days before being placed into service.

Oil Discharge Contingency Plans
For information, contact:
Sam Lillard
Department of Environmental Quality - Water
Office of Spill Response and Remediation
P.O. Box 10009
Richmond, Va. 23240-0009
(804) 698-4276
(804) 698-4266 (fax)

Other:
For information on Virginia’s Petroleum Storage Tank Reimbursement Fund, contact:
Carrie Gorsuch
Department of Environmental Quality
Office of Spill Response and Remediation
P.O. Box 10009
Richmond, Va. 23240-0009
(804) 698-4276
(804) 698-4266 (fax)

For information on Virginia’s hazardous waste program, contact:
Leslie Romanchik
Waste Program Coordinator
Department of Environmental Quality
629 E. Main St.
P.O. Box 10009
Richmond, Va. 23240-0009
(804) 698-4129
(804) 698-4383 (fax)

For information on Virginia’s air emissions requirements, contact:
Beth Major
Environmental Program Engineer
Office of Air Regulatory Development
Department of Environmental Quality
P.O. Box 10009
Richmond, Va. 23240-0009
(804) 698-4000
(804) 698-4510 (fax)

Last revised: August 2001

Vermont

Fire Code Restrictions:
Program Description: The state has adopted the 1996 edition of the National Fire Protection Association (NFPA) fire code, including NFPA codes 30 and 30A. State modifications to the code require protected ASTs at facilities other than bulk storage facilities (21 Vt. Stat. Ann. Tit 261-264).
A permit is required for construction of new tanks. The construction permit fee is calculated by multiplying the total cost of the project by 0.0045. Administrative penalties apply to tanks installed without a proper permit. Local Programs: Only a few towns and cities have adopted the state code. Local zoning regulations may be more stringent than the state code. Regional offices should be contacted for specific information. For information contact: Robert A Patterson Regional Manager Department of Labor and Industry Fire Prevention Division 372 Hurricane Lane Suite 102 Williston, VT 05495-7151 (802) 658-2199 (802) 863-7410 (fax) Environmental Regulations: Program Description: The state has no specific AST regulations. However, the Vermont Water Pollution Control Law (Vt. Stat. Ann. tit. 10, § 1250) prohibits the discharge of “oil or any other hazardous materials” into the waters of the state. The state requires that any release be reported to the Department of Environmental Conservation, at (802) 241-3888, during regular business hours, or to the Department of Public Safety 24-hour hotline, at (800) 641-5005, at all other times. For information contact: Marc Roy Department of Environmental Conservation Agency of Natural Resources West Office Building 103 S. Main St. Waterbury, VT 05671-0404 (802) 241-3888 (802) 241-3296 (fax) Other: For information on Vermont’s hazardous waste program, contact: Sherri Kasten Waste Division Department of Environmental Conservation Agency for Natural Resources 103 S. Main St. Waterbury, VT 05671-0404 (802) 241-3888 (802) 241-3296 (fax) For information on Vermont’s air emissions requirements, contact: Douglas Elliot Acting Manager, Engineering Services Air Pollution Control Division Department of Environmental Conservation Agency for Natural Resources 103 S. Main St. Waterbury, VT 05671-0402 (802) 241-3840 (802) 241-2590 (fax) Last revised: March 2000

Washington

Fire Code Restrictions: Program Description: The state has adopted the Uniform Fire Code, 1997 edition, by reference in the state building code (Wash. Rev. Code §19.27). Permits are required under the code to install, alter, remove, abandon or temporarily place out of service any aboveground storage tanks (ASTs) containing flammable or combustible liquids. The building code and the fire code also impose standards on the design, construction and installation of ASTs. Local programs: The state fire marshal enforces the fire code only at state-licensed facilities such as nursing homes, boarding homes and day care centers. City and county governments adopt their own codes, which may be more stringent than the state code. Some local jurisdictions also have adopted AST ordinances that may differ slightly from the state code. For information contact: Les Townzen Chief Deputy State Fire Marshal Fire Protection Bureau General Administration Building P.O. Box 42600 Olympia, WA 98504-2600 (360) 753-0400 (360) 753-0395 (fax) Environmental Regulations: Program Description: The state regulates ASTs under the 1991 Oil Spill Prevention and Response Act (Wash. Rev. Code §88.44.005). The Department of Ecology’s facility oil spill prevention plan standards (Wash. Admin. Code §173-180D) apply to facilities located on or near the navigable waters of the state that transfer oil to or from a tank vessel or pipeline and produce, store, handle, transfer, process or transport oil in bulk. Spill prevention plans must address measures taken at the facility to reduce the likelihood of an oil spill. The facility oil-handling operations and design standards establish a set of technical performance standards for spill prevention measures. Spill prevention plans must be updated periodically to reflect new standards and changes in available technology. The state also has adopted facility contingency planning requirements and standards for spill response contractors (Wash. Admin. Code §173-181). The same facilities that are subject to the prevention plan standards are required to submit contingency plans that address oil spill response, cleanup and disposal under the Oil Spill Prevention and Response Act. The contingency plans document a facility’s capacity to respond to a spill. The standards are intended to maximize the effectiveness and timeliness of oil spill response, ensure readiness of equipment and personnel, and support coordination with federal, state and other contingency plans. Once plans are submitted, public comment is allowed during a 65-day formal review period. The Department of Ecology’s regional offices and Spill Policy and Planning Section are responsible for approving facility plans.
Facility oil spill prevention plans must describe the spill prevention technology in use, including tank overflow alarms, secondary containment, and pipeline leak detection systems. The plan must include a detailed and comprehensive analysis of facility spill risks, and describe how the facility will incorporate measures that provide the “best achievable protection” from the identified risks.

All oil spills of more than 1,050 gallons that have occurred during the last five years must be listed and described in the plan, as well as any existing maintenance and inspection programs. The plan must describe spill prevention training and employee certification. Also, the plan must be updated to document compliance with the federal Oil Pollution Act of 1990 once regulations and state financial responsibility and operations manual requirements are in effect.

A facility’s spill prevention plan will be subject to review every five years. The Department of Ecology may also review prevention plans after a spill, an inspection or a significant change to the plan. The adequacy of facility prevention plans will also be tested through announced and unannounced inspections. The Department of Ecology will notify interested parties when a facility oil spill prevention plan is under review.

For information, contact:
Gary C. Lee
Spill Prevention, Preparedness and Response Program
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-6956
(360) 407-6042 (fax)

**Facility Operations Rules**

The facility operations rules—the facility operations and design standards (Wash. Admin. Code §173-180 A) and the facility operations manual standards (Wash. Admin. Code §173-180 B) were adopted May 2, 1994 and became effective June 2, 1994.

The Facility Oil Handling Operations and Design Standards Rule covers oil transfer operations, secondary containment for ASTs, storage tank design, construction and protection, and pipeline protection. The regulations apply to all ASTs connected to transfer pipelines and oil storage tanks with a capacity greater than 10,000 gallons. ASTs with storage less than 10,000 gallons may require secondary containment if they are located less than 600 feet from a navigable water or a storm water or surface drain that leads to a navigable water.

Secondary containment requirements cover design, construction and operation. Secondary containment must be capable of containing 100 percent of the capacity of the largest storage tank within the containment area and visually inspected monthly to confirm integrity. The rule includes storm water management requirements.

Containment systems installed after the adoption date of this rule must be constructed in accordance with National Fire Protection Association (NFPA) code 30.

Storage tanks constructed after the adoption date must be constructed to meet the requirements of NFPA 30, 1993 edition, and either Underwriters Laboratories 142, American Petroleum Institute (API) standard 650 or 620, or another standard approved by the department. Overfill protection must meet the requirements of NFPA 30.

Tanks must be maintained, repaired and inspected in accordance with API 653. Records must be kept for the service life of the tank of all inspection results and corrective actions.

The Facility Oil Handling Operations Manual Standards detail the content required in the operations manual. Manuals need to describe the equipment and procedures used during the transfer, storage and handling of oil which prevent oil spills and provide the best achievable protection of public health and the environment. Content requirements are consistent with the U.S. Coast Guard regulations (33 CFR 154.310).

For information, contact:
Gary C. Lee
Spill Prevention, Preparedness and Response Program
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-6956
(360) 407-6042 (fax)

**Other:**

For information on Washington’s Oil Spill Response and Administration Account, contact:
Joe Stohr
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(206) 407-7450
(360) 407-6042 (fax)

For information on Washington’s hazardous waste program, contact:
Martin Werner
Environment Engineer
Hazardous Waste & Toxics Reduction Program
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-6710
(360) 407-6715 (fax)
For information on Washington’s air emissions requirements, contact:
Alan Newman
Engineer
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-6810
(360) 407-6802 (fax)
Last revised: May 1998

Wisconsin

Fire Code Restrictions:
Program Description: The state has adopted its own Fire Prevention Code, which incorporates by reference National Fire Protection Association (NFPA) codes 30 and 30A, 1987 editions (Wis. Admin. Code §ILHR 10), which is discussed in this section and in the section on state environmental regulations. The Flammable and Combustible Liquids Code restricts the use of tanks at service stations. The state allows the dispensing of motor fuels from listed aboveground storage tanks (ASTs) at marinas, registered private airports, and retail, commercial, industrial and governmental refueling stations. Tank storage capacity at such facilities is limited to 10,000 gallons per individual tank and 30,000 gallons aggregate for the entire facility. Setback distances at service stations must be maintained between ASTs and buildings or property lines. Distances are measured from the inside of the dike wall or secondary containment system around an AST to the appropriate building or property line. The setback is 25 feet for tanks with a storage capacity from 100 gallons to 2,000 gallons, 50 feet for tanks with a storage capacity from 2,001 gallons to 10,000 gallons, 75 feet for tanks with a storage capacity from 10,001 gallons to 20,000 gallons, and 100 feet for tanks with a storage capacity from 20,001 gallons to 30,000 gallons. Fuel dispensing devices must be at least 30 feet from the dike wall. Setback distances may be reduced to as little as 15 feet if a 4-hour, fire-rated wall is placed between the tank and the building or property line. Setback distance may be reduced by 50 percent to a minimum of 25 feet if a 2-hour, fire-rated wall is placed between the tank and the building or property line. Firewalls used for setback reduction must completely enclose the tank or extend three feet beyond the tank wall and three feet above the tank. If a tank is placed in an aboveground enclosure, the tank and its secondary containment must be secured by a six-foot high, noncombustible building or a six-foot-high, noncombustible fence with a gate. The enclosure must be ventilated.

Aboveground tanks at private or retail service stations must be protected from vehicle impact by a barrier that is located at least 24 inches away from the tanks. Dikes, fences and enclosures may be used to provide such protection, as long as they are designed and constructed to withstand and impact from vehicles typically using the site. Tanks at service stations also must be provided with spill containment basins or other equipment that will prevent the release of product to the environment, or the tank must be placed in a dike and must be filled with a nozzle with a positive shut-off. Where diking is provided, at least one foot of space must be provided between the tank and the dike walls and between the tank bottom and the dike floor to allow for visual inspection of the exterior tank surface. Where double-walled tanks are used or where clearances are insufficient for visual inspection, tanks must be equipped with interstitial monitoring equipment. Double wall tanks must obtain approval from the state Department of Commerce (DOC). Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code. Local jurisdictions may ban ASTs, but none have done so. For information, contact:
Sheldon Schall
Director
Bureau of Storage Tank Regulations
Environmental and Regulatory Services Division
Department of Commerce
P.O. Box 7837
Madison, WI. 53707-7837
(608) 266-7874
(608) 261-7725 (fax)

Environmental Regulations:
Program Description: The state has adopted specific AST regulations that are incorporated into the Flammable and Combustible Liquids Code (Wis. Admin. Code §ILHR 10). A tank owner or operator must submit an application, accompanied by a site plan and a fee to be determined at the time, for review and approval by the DOC prior to commencing any new or additional AST installation, a change in operations, or the addition of monitoring wells, spill or overfill protection, a leak detection system, or a tank liner. The fee for the review is determined when the application is submitted. Department approval is required at installations in which one or more tanks will have an individual storage capacity of 5,000 gallons or more. Installation plans for tanks with a total storage capacity of less than 5,000 gallons must be submitted for the review and approval of the appropriate local fire authority. Registration is required for all new and existing ASTs. Tanks with a storage capacity of 110 gallons or less, farm and residential tanks of 1,100 gallons or less capacity storing petroleum not for resale, tanks used for storing heating oil for consumptive use on the premises and tanks owned by the state or federal government are exempt from registration. The owner of any tank that undergoes a change in service, a permanent or temporary closure, or the addition of any release detection, spill or overfill control, tank lining, or
corrosion protection to the system must register that change within 10 days of the change. Tanks permanently closed or removed from service also must be registered with the DOC. An AST Registration Form (SBD-8731) is available from the DOC at the address below. It must be accompanied by a Flammable and Combustible Liquid Tanks Installation and Plan Review Application Form (SBD-9). Eligibility for the state’s Petroleum Environmental Cleanup Fund requires prior tank registration.

New and replacement tanks are required to have a diking system that can hold 125 percent of the capacity of the largest tank in the diked area. The diking system must compensate for the volume of area taken up by other tanks from the dike floor to the top of the dike wall. Dikes can be constructed of earth, concrete, solid masonry or steel, but must be sealed to be liquid tight. If they are permeable, they must be lined with concrete, asphalt, a synthetic or manufactured liner, or a prefabricated basin. Liners covering the floor of the dike must protect the under tank area. Synthetic liners must be at least 60 mils thick and be chemically compatible with the stored product. The diking system must also provide for the removal of rainwater. Any drainage systems that breach the dike must have self-closing valves.

Storage tanks installed before May 1, 1991, must meet the above diking requirements or be up-graded by May 1, 2001, with one of the following:

- an automatic release detection system capable of detecting releases in the soil under and adjacent to the tank;
- a liner applied to the bottom of the tank and up the tank sides from the bottom to at least two feet above exterior grade level; or
- a second bottom made of steel or other agency-approved material, with an automatic release detection system in the interstitial space or a means of visual inspection.

A site assessment is required when holes or rust plugs are discovered. Tanks may be retrofitted with an interior lining that is installed by a certified tank liner and is inspected within ten years of installation and every five years thereafter. Manufacturers of dike liners, flex connectors and leak detection devices must get written approval for their products from DOC before they can be accepted for use under the rules. Abandoned tanks can be left in place only if removal is dangerous or hardship conditions exist. Abandoned tanks must be rendered inert before removal. Operation and maintenance must continue on corrosion protection and release detection systems on any tank that is closed temporarily, unless the tank is empty. To permanently close a tank system, owners and operators must empty and clean it by removing all liquids and sludge in accordance with the procedures outlined in API Publication 2015. The Department must be notified at least 30 days prior to permanent closure or a change in service. Spills or releases must be reported immediately to the appropriate Department of Natural Resources District Office or to the 24-hour emergency hotline: (608) 266-3232.

For information, contact:
Sheldon Schall
Director
Bureau of Storage Tank Regulations
Environmental and Regulatory Services Division
Department of Commerce

P.O. Box 7837
Madison, WI 53707-7837
(608) 266-7874
(608) 261-7725 (fax)

Other:
For information on Wisconsin’s Petroleum Environmental Cleanup Fund, contact:
Petroleum Environmental Cleanup Fund
Department of Commerce
Environmental and Regulatory Services Division
Bureau of PE CF
P.O. Box 7838
Madison, WI 53707-7838
(608) 267-3753
(608) 267-2424 (fax)

For information on Wisconsin’s hazardous waste program, contact:
Dave Parsons
Hazardous Waste Program
Bureau of Waste Management
Department of Natural Resources
P.O. Box 7921
Madison, Wis. 53707-7910
(608) 266-0272
(608) 267-2768 (fax)

For information on Wisconsin’s air emissions requirements, contact:
Steve Dunn
Engineer
Combustion Section
Bureau of Air Management
Department of Natural Resources
P.O. Box 7921
Madison, Wis. 53707
(608) 267-0566
(608) 267-0560 (fax)

Last revised: April 2000

Wyoming

Fire Code Restrictions:
Program Description: The state has adopted the Uniform Fire Code (UFC), 1997 edition. The fire code can be found at Wyo. Stat. Ann. §35-9-106. The state also follows Appendix II-F to the UFC, which allows motor vehicle fuel to be stored in, and dispensed from, protected aboveground storage tanks (ASTs).

All tank facilities must be inspected and approved prior to installation by the state fire marshal or the local enforcement authority. To obtain approval, the tank owner or operator must submit plans to the state fire authority, along with a letter signed by the local fire official responsible for fire protection within the jurisdiction stating that the local authority approves the tank system and has the capability to provide fire protection at the site. The state does not charge any fee for plan review. The tank system must be listed and approved for aboveground use by a nationally recognized testing laboratory.

Local Programs: Local jurisdictions may adopt ordinances more stringent than those in the state code.

For information, contact:
Environmental Regulations:
Program Description: Article 14 of the Wyoming Environmental Quality Act provides the Water Quality Division, Department of Environmental Quality (DEQ) with the authority to regulate certain ASTs used by dealers to dispense motor fuels directly to the motoring public. The Act also entitles eligible AST owners and operators to the corrective action provisions of the state program for remediation of any release from a regulated AST. In the event of a subsurface release from an eligible AST, the state will manage all of the cleanup actions based on a cleanup prioritization system for the site using pre-qualified consultants and contractors. To be eligible, regulated tanks must be registered with the DEQ Aboveground and Underground Storage Tank (AUST) program. Appropriate tank or contaminated site fees must be paid, and a minimum site assessment must have been completed, as necessary. AST owners and operators must register their regulated tanks by July 1 of each year, and pay an annual fee of $200 per AST or contaminated site.

Existing state rules and regulations (WDEQ Water Quality Rules & Regulations, Chapter IV) require the reporting, containment, cleanup and disposal of oil and/or hazardous substances that enter, or threaten to enter, surface waters of the state. Further, Chapter IV requires that any person who owns, or has control over, oil or hazardous substances that, after a release, enter, or threaten to enter, surface waters of the state, must take immediate action to stop and contain the spill. The responsible party must immediately notify the Water Quality Division of the substance type, quality and location of the release and of the response, containment and cleanup actions that have been taken or are proposed to be taken by the responsible party. Additionally, the responsible party must report any release of 25 gallons or more of refined product, or of 10 barrels or more of unrefined product. Releases of less than 25 gallons of refined product, or less than 10 barrels of unrefined product, need not be reported unless they enter the waters of the state. Such releases still must be immediately contained, removed and disposed of in accordance with WDEQ rules and regulations. Physical removal of spilled oil or hazardous substances may be required by WDEQ, except in cases where extreme fire danger or other unique site-specific circumstances exist. Chemicals cannot be used to disperse, coagulate, collect, sink or otherwise treat oil or hazardous substance releases except in emergency situations that endanger human health and welfare. Oil, hazardous substances or contaminated debris recovered after containment, cleanup or treatment of a spill must be handled and disposed of in a manner authorized by the Water Quality Division and/or the Solid & Hazardous Waste Division of the department. The WDEQ 24-hour notification hotline number is (307) 777-7781. Verbal notification must be followed by a complete written report within seven days describing all aspects of the release and steps taken to prevent future spills.

Other:
For information on Wyoming’s hazardous waste program, contact:
Carl Anderson
Program Manager
Hazardous Waste Permitting and Corrective Action Program
Solid & Hazardous Waste Division
Department of Environmental Quality
122 West 25th Street
Herschler Building – 4W
Cheyenne, WY 82002
(307) 777-7752
(307) 777-5973 (fax)

For information on Wyoming’s air emissions requirements, contact:
Air Quality Division
Department of Environmental Quality
Herschler Building
122 West 25th Street
Cheyenne, Wyo. 82002
(307) 777-7391
(307) 777 5616 (fax)

Last revised: April 2000

West Virginia

Fire Code Restrictions:
Program Description: The state has adopted National Fire Protection Association (NFPA) codes 30 and 30A, 1997 editions (W.Va. Code §64-6-2). The state has no registration or permitting rules. A $25 fee must accompany any request for review of AST plans by a fire marshal. However, such a review is optional.

Local Programs: Local jurisdictions may adopt requirements that are more stringent than the state code.

For information, contact:
Rick Corcovilos
State Fire Marshal’s Office
2107 Quarrier St.
Charleston, WV 25301
(304) 558-2191
(304) 558-2537 (fax)

Environmental Regulations:
Program Description: The state has no specific AST regulations. However, the West Virginia Water Pollution Act prohibits the discharge of any pollutant into the waters of the state without a permit (W.Va. Code § 20-5A). The
state’s Groundwater Protection Rule also establishes certain requirements for ASTs such as secondary containment to minimize contamination of groundwater.

For information, contact:
Rick Shaver
Office of Water Resources
Division of Environmental Protection
1201 Greenbriar St.
Charleston, WV 25311-1088
(304) 558-2108
(304) 558-2780 (fax)

Other:
For information on West Virginia’s hazardous waste program, contact:
John Janicki
Hazardous Waste Management Section
Office of Waste Management
Department of Environmental Protection
1356 Hansford St.
Charleston, WV 25301
(304) 558-5393
(304) 558-0256 (fax)

For information on West Virginia’s air emissions requirements, contact:
Office of Air Quality
Department of Environmental Protection
1558 Washington St. East
Charleston, WV 25311
(304) 558-4022
(304) 558-3287 (fax)

Last revised: April 2000