



**MAINE OIL DEALERS ASSOCIATION  
TECHNICAL BULLETIN #2.6**

**ABOVE GROUND OIL TANKS AND SYSTEMS**

**June, 2002**

(Replaces TB 2.5 June 2000)

Cross Reference: MODA TB #20.5, *Maine's Oil Tank Insurance Fund*

MODA TB #10.4, *Hazardous Chemical Inventory and Facility Registration*

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This bulletin is designed to acquaint you with the myriad of regulations, both state and federal, governing the installation, construction, siting, permitting, and general operation of above ground petroleum storage and supply tanks. One should also be familiar with TB's 20.5 and 10.4. TB #20.5 deals with insurance and spill related matters for AST's. TB #10.4 deals with registration and inventory reporting to the Maine Emergency Management Agency for AST's.

This TB does not attempt to outline or rewrite the actual regulations but only to narrow the scope of regulation and direct you to the applicable regulation concerning your specific AST. Further reading of the actual regulations is necessary in order to fully comply. Questions about the regulations can be directed to MODA's legal counsel.

*Disclaimer: This Technical Bulletin does not substitute for professional legal and/or engineering advice and is not intended as such. Please use sound judgment when referring to this document and seek professional help when making decisions.*

The contents of this bulletin are:

1. Basic discussion of Aboveground "supply" tanks
2. Basic discussion of Aboveground "storage" tanks
3. Department of Environmental Protection Regulations governing underground piping requirements at aboveground oil storage facilities, 38 MRSA §570-K.
4. AST spill reporting information
5. Spill Prevention Control and Countermeasure (2002 Maine update)
6. Attachments:
  - AST roles and responsibilities Chart.

- Oil and Solid Fuel Board Tank rules – does not include the NFPA 31 requirements.
- State Fire Marshal’s Office – rules are found in the SFMO’s “orange book”. These rules were adopted in 1991. Does not include NFPA 30 and 30A. 1990 NFPA 30 and 30A are required as part of the adopted law.

*\* State Fire Marshal currently in the process of updating NFPA 30, 30A and replacing the 1991 "orange book".*

- EPA - SPCC Information Guide

## **“STORAGE” vs. “SUPPLY”**

For understanding the information in this TB one first needs to be clear about the type of tank and what regulatory agency has jurisdiction over the tank. AST regulations can be broken into two major categories and then subdivided again according to size. The two major categories are Aboveground Supply Tanks and Aboveground Storage Tanks. Be careful not to miss the difference. The legal operative words that distinguish the different types of tanks and thus their appropriate regulation are “supply” or “storage”.

## **Aboveground “Supply” Tanks**

Supply tanks refer to those tanks that are attached to a heating device and “supply” the fuel for that heating device. These tanks include:

- **Home heating oil supply tanks**
- **Large Commercial and Industrial Fuel Oil Supply Tanks**

*Who regulates aboveground supply tanks?*

- The state regulatory agency that regulates all aboveground supply tanks is The Maine Oil and Solid Fuel Board (OSFB)
- State Fire marshal’s Office should also be consulted
- The Environmental Protection Agency regulates all aboveground tanks greater than 660 gallons – therefore EPA regulations apply to both supply and storage aboveground tanks
- Possible local ordinances.

*Where can I find the regulations concerning these “supply” tanks?*

- The OSFB has its own laws and rules. MODA can provide you with a copy or you can access these on the web at [www.state.me.us/pfr/led/oil/index.htm](http://www.state.me.us/pfr/led/oil/index.htm). The applicable sections for home heating oil tanks are attached to this Technical Bulletin. Please note recent changes of the OSFB rules require upgrading of buried lines by September 1, 2000 and the upgrading of outdoor tanks by Feb 1, 2003. Please note that the OSFB has adopted NFPA 31 (1997) and therefore all tanks are subject to the requirements found within NFPA 31 (1997).

- The EPA regulates primarily through the Spill Prevention Control and Countermeasure (SPCC) plans. Attached to this TB is the most recent EPA SPCC information guide that gives a comprehensive explanation and provides extensive materials for Members' use. EPA does enforce this regulation as many MODA members have recently been visited by EPA officials. A SPCC plan is not overly burdensome and is an excellent management tool that also prevents spills. There are SPCC professionals who can help you create a plan quickly and avoid reinventing the wheel.

## **Aboveground "Storage" Tanks**

Aboveground Storage tanks are those tanks not connected to heating equipment and used to "store" petroleum. These tanks include:

- **Motor Fuel Tanks – Onsite Storage**
- **Motor Fuel Tanks Retail Storage**
- **Bulk Fuel Plants**
- **Marine Oil Terminals**

### **Statutory Definitions:**

An *aboveground oil storage facility* means any aboveground oil storage tank or tanks, together with associated piping, transfer and dispensing facilities located over land or water of the State at a single location for more than four months per year and used or intended to be used for the storage or supply of oil.

An *aboveground oil storage tank* is any aboveground container, less than 10% of the capacity of which is beneath the surface of the ground and is used or intended to be used for the storage or supply of oil. Included in this definition are any tanks situated upon or above the surface of a floor and in such a manner that they may be readily inspected.

*Who regulates aboveground storage tanks?*

- The State regulatory agency for all aboveground storage tanks – State Fire Marshal's Office. (SFMO) – 624-8744. All new installations require a permit from the SFMO.
- Federal – EPA, SPCC plans
- Local/Municipal – ordinances adopted by the local jurisdiction.

For Marine Oil Terminals, the State regulatory agency is the DEP, 287-2651 *and* the State Fire Marshal's Office.

Federal – EPA, SPCC plans.

Bulk plants greater than 20,000 gallons need a DEP site permit before the SFMO can issue its AST permit.

*Where can I find the regulations for these aboveground storage tanks?*

- Marine terminals - Maine DEP regulations Chapter 600 are the regulations for Marine Oil Terminals
- All other Aboveground Storage Tanks:  
All other aboveground storage tanks and bulk plants are regulated by the SFMO through the 1991 SFMO, Dept. of Public Safety, Ch. 317, "Rules and Regulations for Flammable and Combustible

Liquids.” – Also known as the “orange book”. This orange book contains the applicable laws and rules and further includes the NFPA 30 1990 Flammable and Combustible Liquids Code and NFPA 30A 1990 Automotive and Marine Service Station Code. You can obtain copies of the orange book from the SFMO and the NFPA codes directly from NFPA. Attached to this Tech. Bulletin are the SFMO rules and law – the NFPA codes are not included here. These rules are Dept. of Public Safety rules Ch. 317. You can also find them on-line at: [state.me.us/pub/sos/cec/rcn/apa](http://state.me.us/pub/sos/cec/rcn/apa)

- EPA SPCC information is included in this TB.
- Local – see your local town hall for any applicable ordinance and building permits

All DEP regulations can be found through our home page, [www.meoil.com](http://www.meoil.com), under “state regulations”.

## **Underground Piping Requirements of Above Ground Oil Tanks – Non home heating oil tanks**

*Who regulates the piping of AST's?* As long as the piping is aboveground, the agency in charge of the tank. If the piping is underground, generally the Maine Department of Environmental Protection. The DEP regulates the underground piping of all tanks except for tanks less than 660 gallons (1320 aggregate) and storing only home heating oil. Underground lines of Home heating oil tanks under 660 gallons are regulated by the OSFB and are the only underground lines not regulated by the DEP.

- **Prohibition on unprotected buried piping.**

After July 1, 1995, a person may not operate an aboveground oil storage facility that has underground piping not constructed of cathodically protected steel, fiberglass or other noncorrosive material approved by the Department. Up until July 1, 1999, there was an exception for tanks built before 1985. That exception has expired, so now all underground piping must be updated.

- **Installation Standards**

All underground piping, whether replacement or new, associated with an aboveground oil storage facility must be installed:

- a. In accordance with Title 38 Section 564 or other applicable design and Installation rules adopted by the Board of Environmental protection; and
- b. By persons certified by the Board of Underground Storage Tank Installers pursuant to Title 32, Chapter 104-A.

- **Exemptions**

The following above ground oil storage facilities are exempt from the requirements of this piping law:

- A. Facilities or portions of facilities that are used exclusively for the storage of #2 and other home heating oil and consist of an individual tank of 660 gallons or less capacity or an aggregate tank capacity of 1320 gallons or less; and
- B. Facilities containing only liquefied petroleum gas or liquefied natural gas.

The rules for underground piping can be found in DEP Chapter 691, *Rules for Underground Storage Facilities*.

## **Spill reporting**

The general rule is that any discharge of oil from an aboveground tank must be reported within 2-hours to the DEP and the discharge must promptly be removed. Title 38 section 550(1)

There is an exception for spills located at underground tank facilities:

*The rules do not require reporting of a leak or discharge of oil above ground of 10 gallons or less that occurs on the premises, including, but not limited to, spills, overfills and leaks, when those leaks or discharges do not reach ground water or surface waters of the State and are cleaned up within 24 hours of discovery, if a written log is maintained at the facility or the owner's place of business in this State. For each discharge the log must record the date and method of cleanup and the signature of the facility owner or operator certifying the accuracy of the log. Title 38 section 564(2-A)(H).*

The key to this exception is that the spill must occur on the premises and the facility must be an underground tank facility. There is no exception for spills from AST's

## **SPCC Spill prevention Control and Countermeasure.**

### *Federal:*

The federal SPCC law requires owners of facilities that have either 42,000 gallons of UST capacity or facilities with one AST greater than 660 gallons or 1320 gallons in the aggregate to have a SPCC plan. We have attached the EPA summary as an appendix.

### *State:*

**LD 2016, passes, is effective in July of 2002, and gives DEP's SPCC jurisdiction.** The DEP now has the ability to inspect SPCC plans. The new state law only applies to facilities used in the marketing and distribution of oil. A further restriction was put in place at the request of MODA to limit DEP's authority to only checking to see if you have a plan and if the plan is implemented. There will be no rewriting of your plan or additional requirements to your plan by the DEP. If DEP thinks your plan is insufficient, they must get EPA to agree. DEP will start inspecting in the fall of 2002.

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**PLEASE REVIEW THE ATTACHED DOCUMENTS AND  
THE REFERENCED LAWS AND REGULATIONS IN  
ORDER TO FULLY UNDERSTAND THE  
REQUIREMENTS FOR ABOVEGROUND TANKS.**

Call MODA if any questions

## Attachments

- AST roles and responsibilities Chart.
- Oil and Solid Fuel Board Tank rules – does not include the NFPA 31 requirements.
- State Fire Marshal’s Office – statute and rules in the “orange” book. Does not include NFPA 30 and 30A. 1990 NFPA 30 and 30A are required as part of the adopted law.
- EPA - SPCC Information Guide

### Web Links:

Oil And Solid Fuel Board Rules: See Ch. 9

<http://www.state.me.us/sos/cec/rcn/apa/02/chaps02.htm>

State Fire Marshal Rules: Dept. of Public Safety, See Ch. 317

<http://www.state.me.us/sos/cec/rcn/apa/16/chaps16.htm>

EPA SPCC:

<http://www.epa.gov/oilspill/spcc/index.htm>