

Maine Department of Environmental Protection - Aboveground Oil Storage Tanks

Legal Requirements

Aboveground Oil Storage Tank Program staff are responsible for administering the technical aspects of the Department's:

- Spill Prevention Control and Countermeasure (SPCC) program
- Requirements on Underground Piping Associated with Aboveground Motor Fuel Tank

Spill Prevention, Control and Countermeasures

Introduction

The term "SPCC Plan," as used in federal regulations under the Clean Water Act, stands for "Spill Prevention Control and Countermeasure Plan." An Oil SPCC plan is a plan prepared in accordance with good engineering practices to prevent and clean up spills from oil storage tanks. "Oil" as defined in the federal regulations includes petroleum oils such as gasoline, diesel and heating oil as well as non-petroleum oils such as animal or vegetable oils, synthetic oils, and mineral oils.

The federal SPCC plan requirements apply specifically to oil storage facilities with an aggregate storage capacity greater than 1,320 gallons and where a discharge could reach a navigable water body, either directly or indirectly. Any oil storage container or tank that is 55 gallons or larger in size counts towards the total aggregate storage capacity. Most areas in Maine are considered locations where a discharge could reach navigable waters.

In 2002, the Maine Legislature enacted 38 MRSA § 570-K(5), giving the Maine DEP authority to oversee compliance with the federal SPCC requirements for aboveground storage facilities that exceed the federal 1,320 gallon aggregate storage capacity threshold and are used to market and distribute oil.

An SPCC plan lists the containment equipment and structures used to prevent spills from reaching ground water or surface water, and it identifies the inspection, monitoring and oil transfer procedures that will be followed to prevent a spill. If a spill occurs, a well-developed Oil SPCC plan will identify whom to call, and will specify steps, or "countermeasures," to contain the spill and minimize environmental impacts. The specific SPCC requirements for oil storage facilities are found in federal regulation, 40 CFR Part 112. A qualified professional engineer must examine the plan and attest that it has been prepared in accordance with good engineering practices.

Requirements on Underground Piping Associated with Aboveground Motor Fuel Tanks

Introduction

Since June 24 1991, new installations of underground piping associated with aboveground oil storage tanks (ASTs) must be installed and maintained under the same Rules as piping associated with underground tanks.

After July 1, 1995, it became illegal for an owner to operate aboveground tanks with underground piping not constructed of a non corrosive material approved by the DEP.

Effective August 23, 2006, the Maine Legislature adopted a new law that established new requirements for facilities with aboveground tanks storing motor fuel (gasoline, diesel, biodiesel, aviation gasoline, jet fuel, gasohol or other fuels used in the operation of a vehicle or motor engine) and that are connected to underground piping.

This new law established several important deadlines for owners of aboveground motor fuel facilities to be aware of:

- By January 1, 2007, register motor fuel ASTs (For diesel ASTs see deadline #3.) with underground piping;
- By July 1, 2007, and annually thereafter, submit inspection reports from a Certified Tank Installer or Certified Tank Inspector of underground piping systems associated with motor fuel ASTs (for diesel ASTs see deadline #4);
- By January 1, 2009, register diesel ASTs with underground piping;
- By July 1, 2009, and annually thereafter, submit inspection reports from a Certified Tank Installer or Certified Tank Inspector of underground piping systems associated with diesel ASTs; and
- By January 1, 2011, retrofit pre-June 24, 1991, underground piping systems at all motor fuel ASTs to meet the DEP's leak detection standards

Contacts - Who to contact for more information on Underground Piping associated with aboveground motor fuel storage tanks, please call (207) 287-7688.

Per 38 MRS § 563 (10):

Aboveground Oil Storage Tanks With Underground Piping

An owner of an aboveground oil storage tank with underground piping is subject to the requirements of this subsection.

- A. Effective January 1, 2007, a person may not store motor fuel in an aboveground oil storage facility that has underground piping without first having registered the facility with the commissioner in the same manner as is required of underground oil storage facilities under subsections 2 to 5. [2005, c. 491, §1 (NEW).]
- B. Prior to the sale or transfer of an aboveground oil storage tank that has underground piping, the owner shall notify the purchaser or transferee in writing of the existence of the underground piping and the requirement that the tank be registered with the commissioner if the tank will be used to store motor fuel. [2005, c. 491, §1 (NEW).]
- C. The owner of an aboveground oil storage tank used to store motor fuel shall ensure that, within 30 days after completion of installation of underground piping associated with the tank, the installer certifies in writing to the commissioner that the materials and methods used comply with the applicable installation standards of this subchapter. [2005, c. 491, §1 (NEW).]
- D. **The owner of an aboveground oil storage tank used to store motor fuel shall ensure that underground piping associated with the tank is inspected annually for compliance with the requirements of this subchapter and the requirements for gasoline vapor control in rules adopted under section 585-A. The owner shall submit annual inspection results to the department on or before July 1, 2007 and on or before July 1st annually thereafter. The results must be recorded on a form provided by the department and must include a certification statement, signed by an underground oil storage tank inspector or an underground oil storage tank installer certified by the Board of Underground Oil Tank Installers under Title 32, chapter 104-A that the piping has been inspected and any deficiencies discovered during the inspection have been corrected. The owner shall submit the completed form to the department no more than 30 days after the date on which the inspection was completed.** The requirements of this paragraph may be enforced in the same manner as is provided for underground oil storage facilities under subsection 9. [2007, c. 534, §2 (AMD).]

This subsection does not apply to tanks or piping at an oil terminal facility as defined in section 542, subsection 7. Until July 1, 2009, this subsection does not apply to tanks or piping at a facility used to store diesel fuel.