



Agenda Item 12

Compilation of States' Above-Ground Storage Tank Programs and Regulations



**208TH TECHNICAL COMMITTEE
MEETING**

JUNE 16-17, 2015

**INFORMATIONAL ITEM
AGENDA ITEM ATTACHED**

STEVE BRAUN

Recent News



- January 9th, 2014 – Elk River Spill: ~10,000 gallons of MCHM into Elk River from AST
 - Tank (bottom) and secondary containment failed
- April 1, 2014 – WV signed into law SB 373, requiring a registration program for AST's, might be revised
- Aug. 18, 2014 – Diesel fuel: ~9000 gallons from AST – shut down river for a day
 - Rainwater drain left open
- Jan. 6, 2015 – WV AST progress update
 - 50,000 registered tanks so far
 - 28,796 inspection certificates received
 - 1,100 need to be taken out of service (2% of tanks)
- March 14, 2015 – SB 423 passes in WV
- May 4th, 2015 – SB 312 passes in IN

Federal or Blanket Regulations



- Multiple federal programs, but do not cover all ASTs
 - Federal SPCC regulations
 - Federal Response Plan (FRP)
 - Federal Resource Conservation and Recovery Act (RCRA)
- State Fire Code
 - All states adopt the National Fire Code (edit as necessary)
- Source Water Protection
- Mobile tanks are covered by USCG, DOT, etc

State Regulations



- **Virginia**
 - Oil tanks must register
 - Certain AST register with local fire department if required
 - No on-going inspection requirements for all tanks
 - Inventory not readily available
- **New York**
 - CERLCA chemical ASTs must register
 - Oil ASTs must register
 - Have inspection requirements
 - Public inventory available (not all info is provided)







Services

News

Government

Local

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Environmental Remediation Databases Details

Facility Information

Site No.: 9-000121

Status: Active

Expiration Date: 06/15/2017

Site Type: CBS

Site Name: WEBER-KNAPP COMPANY, PLANT 1

Address: 441 CHANDLER ST.

Locality: JAMESTOWN

State: NY

Zipcode: 14701

County: CHAUTAUQUA

Owner(s) Information

Facility Owner: WEBER-KNAPP COMPANY

441 CHANDLER ST. . JAMESTOWN, NY. 14701

Tank Information

*Tank Information withheld (not releaseable under Freedom of Information Law)
in accordance with Public Officers Law Sections 86.5, 87.2(f), 89.5(a)(1)(1-a)*

State Regulations – West Virginia



- Senate Bill 373 (June 6, 2014) Result of Elk River
 - Any above ground storage tank must be registered
 - Inventory available to public (location, contact, capacity, contents [unless proprietary])
 - Spill Prevention Response Plan is required every 3 years
 - Public water supplier must be notified of type, capacity, etc.



Leaking Tanks from Elk River Spill

State Regulations - West Virginia (update)



- SB 423 passed on March 14, 2015, effective June 12th, 2015
- Relieves many AST owners of the costs and some requirements of SB 373
- SB 423 focuses on regulated tanks (Level 1 & 2)
- Level 1 are tanks in a zone of critical concern (5 hour time of travel), or contain a hazardous substance in a concentration of 1% or greater, or contain >50,000 gallons regardless of location
- Level 2 are tanks in zone of peripheral concern – extends an additional 5 hour time of travel
- WVDEP will determine time of travel
 - 90% bank full width
 - Ohio River will use 5 mph
- Public inventory no longer available – can provide to water utilities

State Regulations

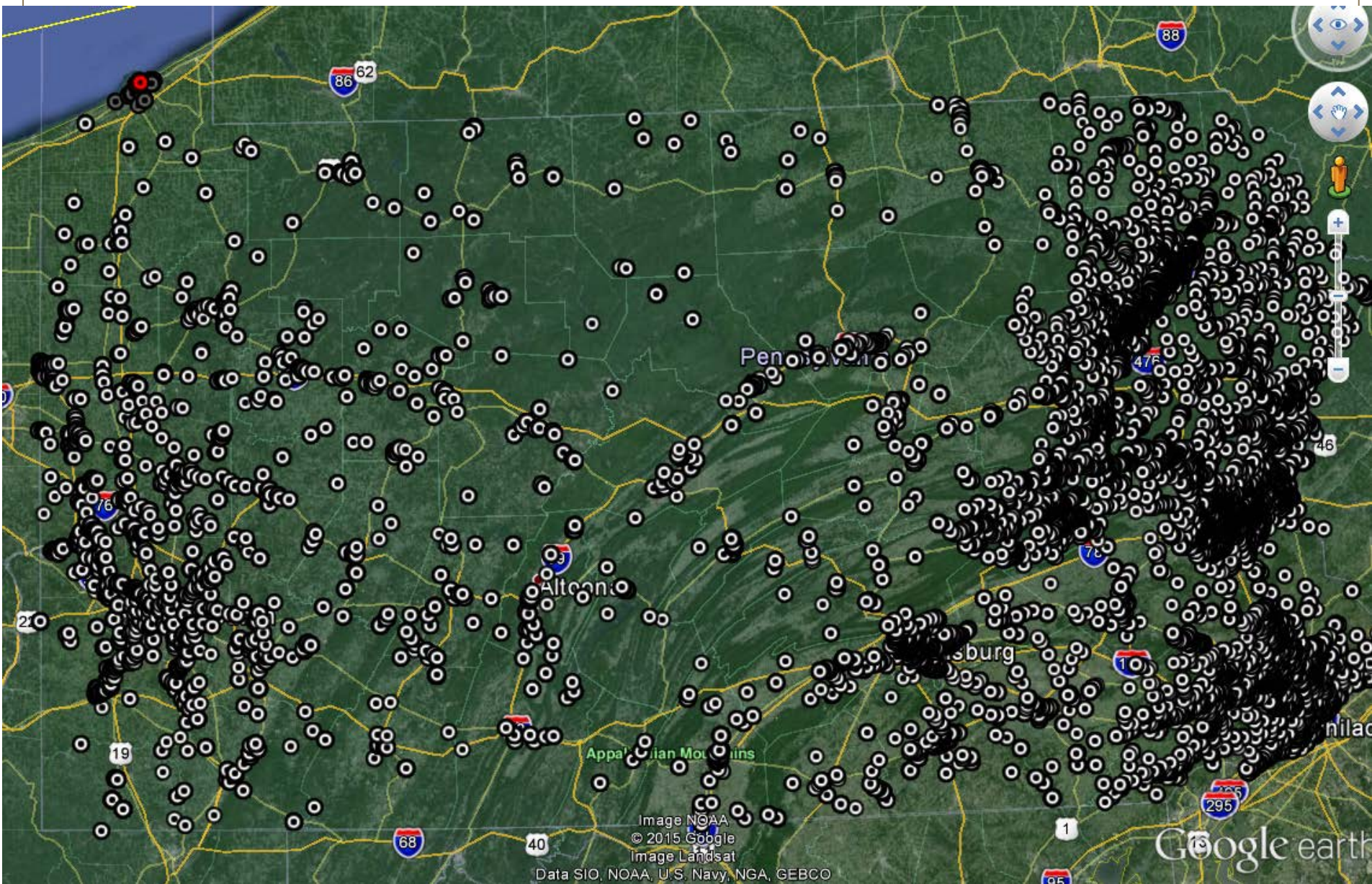


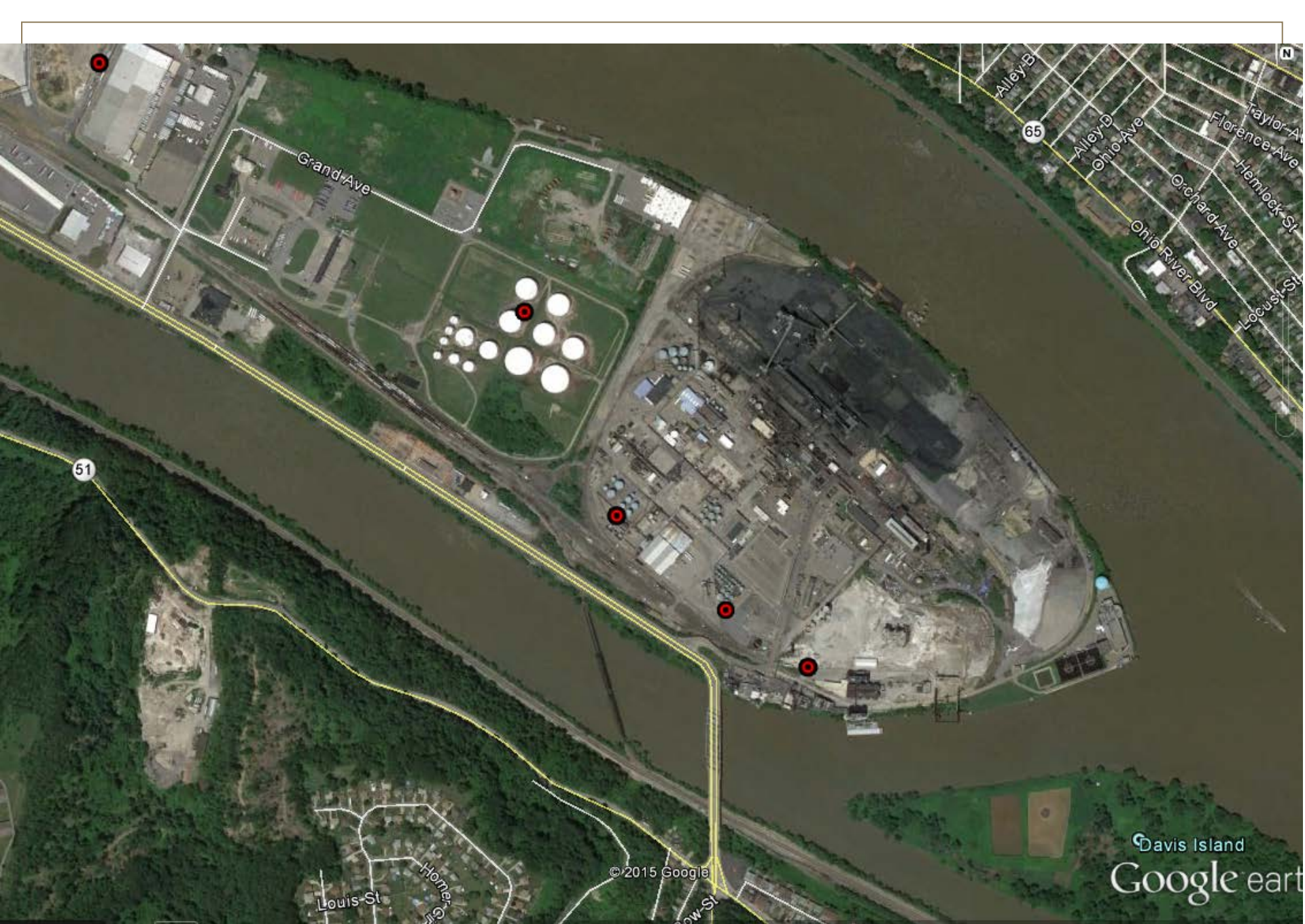
- **Pennsylvania**

- Certain CERCLA defined ASTs must register
- Certain AST must register with local fire department
- On-going inspections are required
- Public inventory is available (not all info is provided)

- **Ohio**

- Certain ASTs must register with local fire department if required
- No on-going inspection requirements
- Inventory not readily available

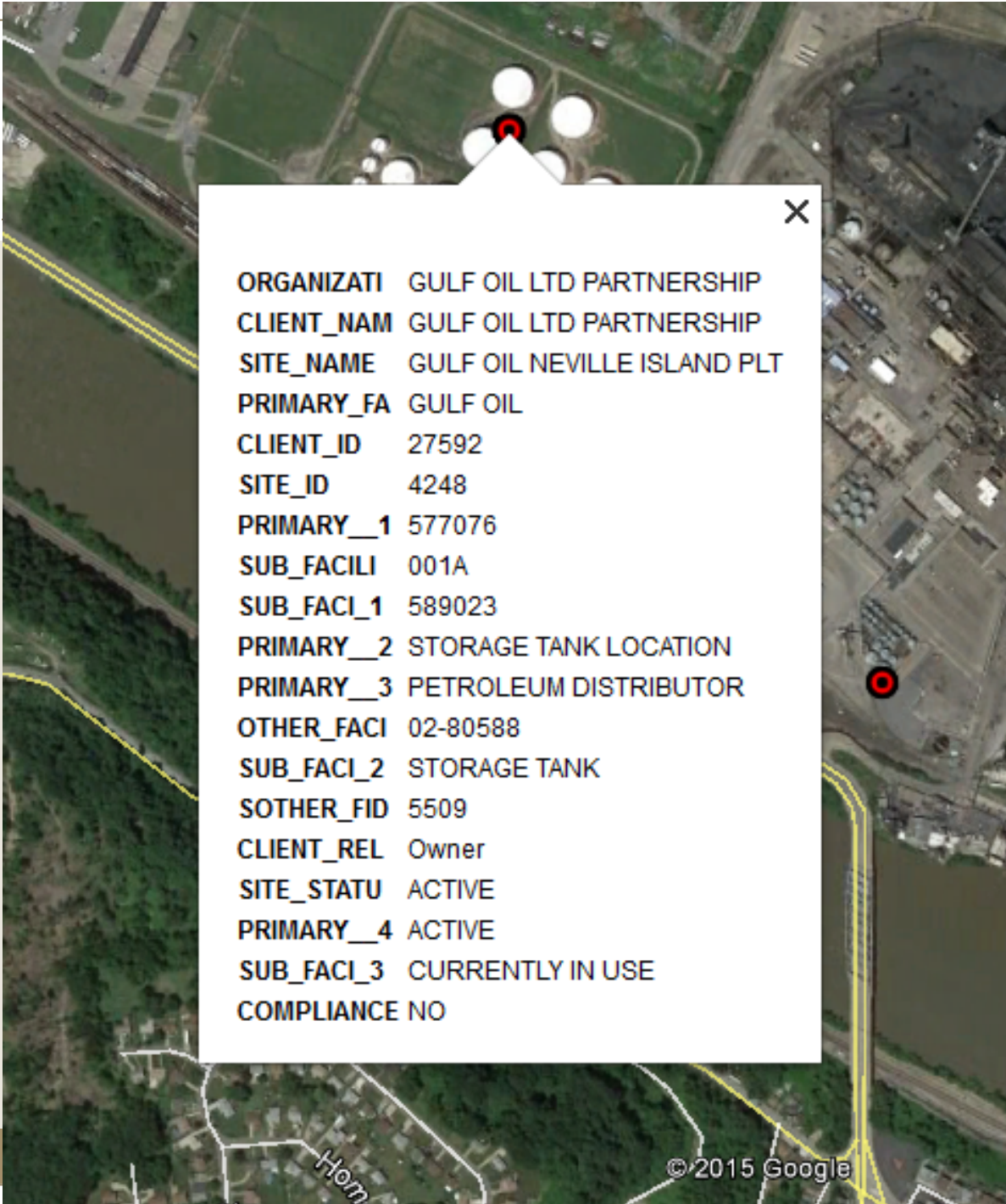




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Davis Island
Google earth





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ORGANIZATI GULF OIL LTD PARTNERSHIP
CLIENT_NAM GULF OIL LTD PARTNERSHIP
SITE_NAME GULF OIL NEVILLE ISLAND PLT
PRIMARY_FA GULF OIL
CLIENT_ID 27592
SITE_ID 4248
PRIMARY__1 577076
SUB_FACILI 001A
SUB_FACI_1 589023
PRIMARY__2 STORAGE TANK LOCATION
PRIMARY__3 PETROLEUM DISTRIBUTOR
OTHER_FACI 02-80588
SUB_FACI_2 STORAGE TANK
SOTHER_FID 5509
CLIENT_REL Owner
SITE_STATU ACTIVE
PRIMARY__4 ACTIVE
SUB_FACI_3 CURRENTLY IN USE
COMPLIANCE NO

State Regulations



- **Kentucky**

- Certain ASTs must register with state fire marshal office
- Inventory is available upon request
- Annual visual inspections required

- **Indiana**

- Flammable/combustible tanks must be permitted
- Certain ASTs must register with local fire dept. if required
- No on-going inspections
- Inventory not readily available

State Regulations - Indiana (update)



- SB 312 signed into law May 4, 2015
- ASTs must register with IDEM if
 - >660 gallons (200 gal originally)
 - In a zone of critical concern (25 miles upstream)
 - Is a hazardous substance as defined by 42 U.S.C. – i.e. any chemical that is required to have an MSDS
- Info will not be available to the public, but is available to the drinking water utility for the purpose of creating a surface water threat minimization and response plan.
- Ongoing inspection requirements were not addressed in the bill

State Regulations



- **Illinois**
 - Flammable/combustible tanks must register with state fire marshal
 - Certain ASTs must register with local fire department if required
 - No on-going inspections required
 - Inventory not readily available

Conclusion



- Many states do not have an established AST division, most use local fire department fire code
- AST regulations are more evolved for oil based products, somewhat less for flammable/combustible tanks, less so for hazardous material tanks, and mostly nonexistent for nonhazardous liquids
- It can be very difficult or impossible to obtain an inventory of ASTs
 - Inventories do not always contain the needed information

End of Presentation



**Tank you
very much!**