



Agenda Item 16

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



**207TH TECHNICAL COMMITTEE
MEETING**

FEBRUARY 11-12, 2015

INFORMATIONAL ITEM

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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)

Recent News (cont.)



- 1/12/2015 Indiana proposed SB312, would require owners of AST >200 gallons to register with IDEM
 - Location
 - Contact info
 - Contents type
 - Also require PWS to develop a surface water threat minimization and response plan
 - Unsure if inspections are required
- ORSANCO Spill Database – since 1998, more than 6.3 million gallons of materials have spilled from AST's into Ohio River

Diesel Fuel Spill in Cincy 8/18/2014



Federal or Blanket Regulations



- Federal SPCC regulations
 - Oil product only, >1,320 gallons
 - Provide 110% secondary containment
 - SPCC plan (prevent and control an oil spill)
- Federal Response Plan (FRP)
 - Requires a clean up plan for certain facilities that use or store oil
 - Certain facilities = >42,000 gallons oil near water, etc.
- Federal Resource Conservation and Recovery Act (RCRA)
 - Permitting program manages Hazardous Waste from cradle to grave
 - 0.1 cents/gallon of fuel funds Leaking Underground Storage Tank (LUST)
 - There is no Leaking Aboveground Storage Tank fund (better LAST than never)

Federal & Blanket Regulations (cont.)



- State Fire Code
 - All states adopt the National Fire Code (edit as necessary)
 - ✦ AST >55 gallons containing hazardous materials (as defined by CERCLA), combustible/flammable, radioactive, or pressurized contents require
 - Permit/Registration (local fire official)
 - Label (class of substance)
 - Testing for detection systems required not less than annually
 - Secondary Containment
 - Simple Design and Construction Requirements
 - Nonhazardous tank are not mentioned
- Source Water Protection – Jerry Schulte

Virginia



- Program Started in 1998 (“Valdez East” in 1991)
- Registration of AST containing oil product is required if:
 - >660 gallons (or 1,320 combined) [~10,000]
 - >25,000 gallons [~670]
 - ✦ Also requires an Oil Discharge Contingency Plan (ODCP)
 - >1,000,000 [~80]
 - ✦ Also requires a groundwater monitoring plan
 - Inspections are required every 5 years for tanks >25,000
 - Secondary containment of 110%
 - Available to public (location, contact, quantity, contents)
- All other AST, uses Virginia Fire Code Regulations
 - No requirements for non-hazardous liquids

New York



- “Bulk Storage”

- Chemical Bulk Storage

- ✦ Started in 1989
 - ✦ Hazardous chemicals as defined by CERCLA
 - ✦ Must register every 2 years if >185 gallons
 - ✦ Daily visual inspections, annually, and 5 years based on size and contents
 - ✦ Secondary containment of 110% required
 - ✦ Spill Prevention report is required
 - ✦ 1500 registered
 - ✦ No requirements for nonhazardous tanks

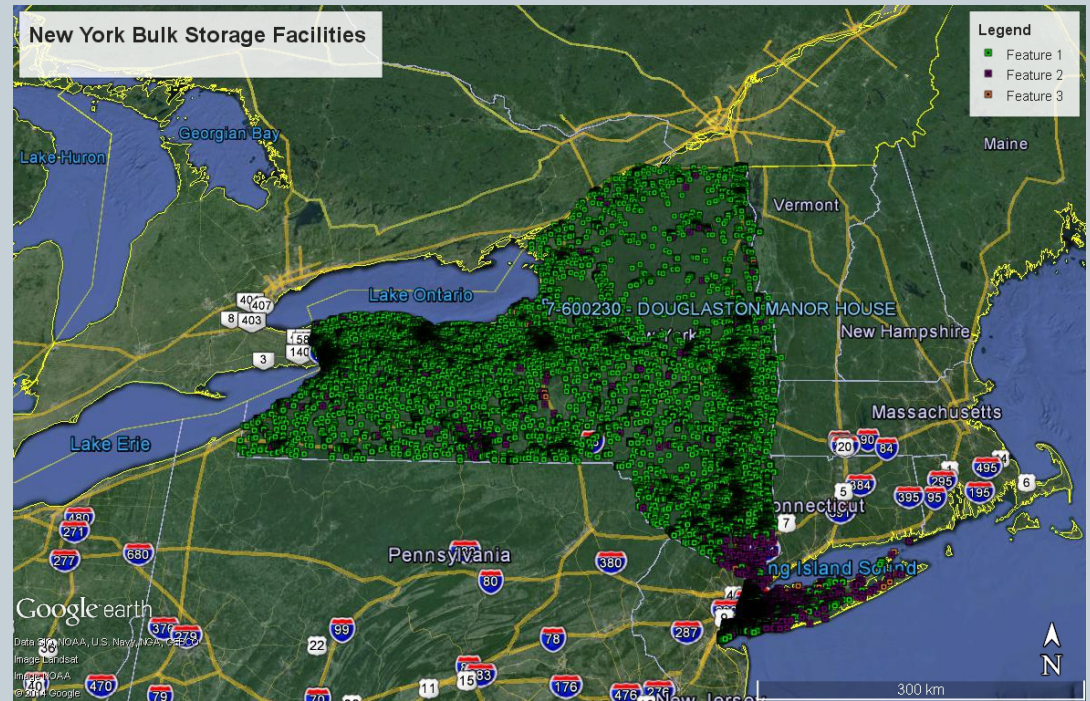
- Petroleum Bulk Storage

- ✦ Started in 1983
 - ✦ Register every 5 years if >1,100 gallons for petroleum
 - ✦ Monthly visual inspections, cleaned & tested every 10 years
 - ✦ Secondary containment of 110% is required
 - ✦ 40,000 registered

New York (continued)



- “Bulk Storage”
 - Major Oil Storage Facility
 - ✦ Started in 1977
 - ✦ For oil terminals and transport vessels >400,000 gallons
 - ✦ Must get license from state
 - ✦ Spill Prevention Plan
 - ✦ 4 along Lake Erie
 - Location and Contact info available online



An example of NY's regulated AST coverage

West Virginia



- Senate Bill 373 (June 6, 2014) Result of Elk River
 - Any above ground storage tank must be registered if:
 - ✦ >1,320 gallons of liquid at standard temp & pressure
 - ✦ >90% above ground
 - ✦ Includes potable water tanks
 - ✦ Mobile tanks excluded (already covered by DOT, FRSA, USCG)
 - Annual Inspection required
 - ✦ Prior to SB373, little inspection oversight required
 - ✦ Hazardous waste tanks required daily visual inspections
 - MCHM is not classified as hazardous waste but “nonhazardous product”
 - Secondary Containment is required

West Virginia (continued)

- 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

Pennsylvania



- Storage Tank and Spill Prevention Act (1989), result of Ashland Oil Spill on Monongahela River, 1988
 - Above ground storage tank must be registered annually if:
 - ✦ >250 gallons
 - ✦ >90 % above ground
 - ✦ Excludes mobile tanks (already covered)
 - ✦ Any regulated Substance (haz. chemicals as defined by CERCLA)
 - ✦ Nonhazardous tanks are not regulated
 - Inspection required at a minimum every 5 years (chemical dependent)
 - Secondary containment required

Pennsylvania (continued)



- Inventory available to the public except for facilities >21,000 gallons (homeland security reasons)
 - Location, Contact, type (oil, hazardous, etc. – not specific)
- Spill prevention plans only required for facilities with >21,000 gallons
- Use PA fire code
 - Tanks >30 gallons register with local fire department



Ashland Oil Spill on the Monongahela River
Picture of the broken tank

Ohio



- Use Ohio Fire Code Regulations
 - Permit required for AST >60 gallons for local Fire Dept.
- Inventory not readily available
- On-going Inspections not required except for initial inspection
- Nonhazardous tanks are unregulated
- Mobile AST – defers to DOT, USCG, FRSA



Clean up of the Diesel Fuel Spill on the Ohio River, 2014

Kentucky



- Uses Kentucky Fire Code Regulations, permitted thru Haz. Mat. Section
 - AST >60 gallons require a permit to build, repair, modify from S.F.M.
- Inventory available (includes contact, location, contents, quantity)
- Annual visual inspections required
- Nonhazardous tanks are unregulated
- Mobile tanks defer to DOT, FRSA, USCG



Indiana



- IDHS oversees permitting (Construction Design Release, CDR) of flammable/combustible AST that are >660 gallons
 - Include diagram of tank, piping, valves, pumps, etc
- For all other AST, inventory not readily available
- Uses Indiana Fire Code Regulations
 - If local fire dept. requires it, AST >55 gallons need to be registered
- No on-going inspection requirements
- Nonhazardous tanks are unregulated
- Mobile tanks defer to DOT, USCG, FRSA

Illinois



- Established their own fire code
 - State Fire Marshal –
 - ✦ Bulk Storage - permit required for install or relocation of flammable/combustible AST >110 gallons
 - ✦ Dispensing tank – permit to install or relocate of flammable/combustible AST of any capacity
- Local fire dept. may require AST registration, but Illinois fire code has no specific requirements
- Inventory not readily available
- No on-going inspection requirements
- Nonhazardous tanks are unregulated
- Mobile tanks defer to DOT, USCG, FRSA

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

Conclusion



- **Oil and Oil product AST**
 - Requires permitting, inspections, spill plans by all states
 - Info available to the public, some exceptions exist
- **Flammable and Combustible AST**
 - No federal requirements
 - Permit/registration required, many at the state level
 - Inventory not readily available at some states
 - Many states don't require inspections
- **Hazardous Materials**
 - No Federal Requirements
 - Not all states require permit/registration
 - Inventory not readily available
 - Many states don't require inspections
- **Nonhazardous tanks are unregulated in all states except WV**

AST Contacts



- VA – Russ Ellison; AST Manager
- NY – Russ Brauksieck; Section Chief
- WV – Joe Sizemore; Assistant Chief Inspector
- PA – Chad Clancy; AST Program Manager
- OH – Lynn French; State Fire Marshal
- KY –
 - Ron Lovitt ; Waste Management, AST
 - Dale Mancuso; Senior Fire Code Plan Reviewer
- IN
 - Mellissa Farrington; IDEM Tech. Env. Spec.
 - Tony Bradshaw; Senior Code Review Official, IDHS
- IL
 - Hernando Albarracin; UST Program Manager
 - Kevin Switzer; State Fire Marshal Fire Prevention Manager

End of Presentation



**Tank you
very much!**