

**§565. Regulation of underground oil storage facilities used for consumption on the premises or by the owner or operator**

The board shall adopt rules necessary to minimize, to the extent practicable, the potential for discharges of oil from underground oil storage facilities not used to store motor fuels or in the marketing and distribution of oil to others. These rules apply to all underground heating oil storage facilities that are used for consumption on the premises or by the owner or operator of the facility and all other tanks and facilities that are not governed by the requirements of section 564. These rules are limited to the following requirements. [PL 1989, c. 865, §11 (AMD).]

**1. Design and installation standards for new and replacement facilities.** Design and installation standards for new and replacement tanks are as follows.

A. The installation of new or replacement tanks and piping constructed of bare steel or asphalt-coated steel is prohibited. All new and replacement facilities must include secondary containment and continuous monitoring of the interstitial space for all tanks, piping and ancillary equipment. All below ground ancillary equipment must be constructed of fiberglass, cathodically protected steel or equally noncorrosive materials approved by the department. [PL 1989, c. 865, §11 (AMD).]

B. All new and replacement facilities must be installed by an underground oil storage tank installer who has been properly certified pursuant to Title 32, chapter 104-A, and must be registered with the commissioner prior to installation pursuant to section 563. Underground gasoline storage tanks may be removed by an underground gasoline storage tank remover who has been properly certified pursuant to Title 32, chapter 104-A. [PL 1989, c. 312, §18 (AMD); PL 1989, c. 865, §11 (AMD).]

B-1. New and replacement facilities with a capacity in excess of 1,100 gallons must prevent overfills and spills by the installation of overfill catchment basins and the use of automatic shut-off devices or tank alarms. [PL 1991, c. 494, §7 (AMD).]

C. [PL 1989, c. 865, §11 (RP).]

D. [PL 1989, c. 865, §11 (RP).]

[PL 1991, c. 494, §7 (AMD).]

**2. Testing requirements and reporting of leaks for existing, new and replacement facilities and tanks.** Testing requirements and reporting of leaks for existing, new and replacement facilities and tanks are as follows.

A. The owner or operator is required to report promptly upon discovery to the commissioner any evidence of a leak or discharge of oil. [PL 1989, c. 865, §11 (AMD); PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §142 (AMD).]

B. [PL 1991, c. 66, Pt. A, §25 (RP).]

C. When a monitoring well is installed at an existing facility governed by this section, the owner or operator of the facility is required to sample that well at least every 6 months; to maintain records of all sampling results at the facility or at the facility owner's place of business; and to report to the commissioner any sampling results showing evidence of a possible leak or discharge of oil. [PL 1991, c. 66, Pt. A, §26 (RPR).]

D. For leak detection devices other than monitoring wells installed at an existing facility governed by this section, the owner or operator of the facility is required to test for leaks at least once every 6 months; to maintain records of all testing results at the facility or at the facility owner's place of business; and to report to the commissioner any test results showing evidence of a possible leak or discharge of oil. [PL 1989, c. 865, §11 (NEW).]

[PL 1991, c. 66, Pt. A, §§25, 26 (AMD).]

## SECTION HISTORY

PL 1985, c. 496, §A14 (NEW). PL 1985, c. 626, §§5,6 (AMD). PL 1987, c. 402, §A201 (AMD). PL 1987, c. 491, §12 (AMD). PL 1989, c. 312, §18 (AMD). PL 1989, c. 593, §2 (AMD). PL 1989, c. 865, §11 (AMD). PL 1989, c. 890, §§A40,B142- 144 (AMD). PL 1991, c. 66, §§A25,26 (AMD). PL 1991, c. 494, §7 (AMD).

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