

ABOVE GROUND STORAGE TANKS

Tanks Covered by the Corrective Action Account:

W.S. 35-11-1415 defines an Above Ground Storage Tank (AST) as a tank which is “90% above the surface of the ground, which is used by a fuel dealer to dispense gasoline or diesel fuels. A fuel dealer is a person meeting the definition of W.S. 39-17-101(a)(v) or 39-17-201(a)(vi). In simple terms, this means that for a tank to be covered by the Corrective Action Account and the Financial Responsibility Account, you must be someone who is required to have a fuel dealers license issued by the Fuel Tax Administration. There is no minimum size for a tank to qualify under this statute. In other words, if the Fuel Tax Administration requires you to have a fuel dealers license because you are selling to the public, then even a 50 gallon tank would have to be registered with our agency.

At the present time, the only thing required by the DEQ for AST's are an annual registration of the tank to be filed by July 1 of each year, and you must pay the fees prescribed in the statute by July 1 of each year. The fee for a tank less than 5,000 gallons is \$50.00 per tank per year, and the fee for larger tanks is \$200.00 per tank per year. Clearly it is cheaper to register three 4,000 gallon tanks than one 10,000 gallon tank.

Requirements from other agencies apply to these tanks as well. While the following list of requirements may not be all inclusive, listed here are the requirements that this department is aware of. There may be other requirements from other agencies that we are not aware of. These requirements are outlined in brief in the following sections:

Requirements for all Petroleum Storage Tanks:

In this office, we get the following question, or similar questions very often: “I have a client who would like to install an above ground storage tank (4000 gallon) to service his dirt contracting business. The fuel will not be for sale and used exclusively for his highway and off-road equipment. What are the requirements?”

An AST of this type is not covered by the Wyoming Corrective Action Account or the Wyoming Financial Responsibility Account and is not regulated by this department in any way. Thus, you cannot register these tanks with our department and there are no fees. If you check into it, coverage under those accounts would be highly desirable. If you want coverage, the tanks would have to be underground. Leaks and spills from these tanks must be reported to this agency and cleaned up entirely at the operator's expense. Jo Hunter is our Spill Response Coordinator if a leak occurs and you can report releases to (307) 777-7781 24 hours a day.

Spill Prevention Countermeasures and Control:

You will have to comply with the SPCC rules found in 40 CFR112 which was just revised in August, 2002. This is an EPA Program which is not delegated to any state. At EPA Region VIII, the SPCC coordinator is Jane Nakad, (303) 312-6202 or contact Martha Wolff at (303) 312-6839. The address in Denver is: EPA Region VIII, 999 18th Street, STE 500, Denver, CO 80202-2466. You can get extensive information about the EPA SPCC program from <http://www.epa.gov/oilspill/>

The SPCC Program requires the following, *among others*:

- ☆ Vehicle Impact Protection
- ☆ Secondary Containment - at least 10% more than the volume of the largest tank
- ☆ Tank Shell Integrity Testing on a periodic basis
- ☆ Site Security including fencing and lockout devices
- ☆ Night Lighting
- ☆ Control of Storm water runoff from the secondary containment

Occupational Safety and Health Administration (OSHA):

OSHA also has rules for flammable liquids found in 29 CFR 1910.106. In Wyoming, the OSHA Administrator can be reached at (307) 777-7786 or by FAX at (307) 777-3646. The Mailing address for OSHA is: Wyoming Occupational Safety and Health Administration, 1510 East Pershing, Cheyenne, WY 82002.

OSHA rules are close to the requirements of the SPCC rules, but they are not identical. You can obtain information about OSHA requirements nationwide at <http://www.osha.gov/> or from the State of Wyoming at the Secretary of State's rules database. On that database the department is "Employment", and the Program is "Occupational Safety and Health".

Emergency Planning and Community Right to Know:

If you store hazardous substances or flammable liquids you are subject to these rules. You have to file a report once a year, with the Wyoming Emergency Management Agency (WEMA) and with the county coordinator for your county. Commercial service stations who store less than 75,000 gallons of gasoline or 100,000 gallons of diesel are exempt from this requirement. Commercial service stations who store more than these amounts, and all non-commercial service stations are not exempt from these requirements. A non-commercial service station, for example, would be a trucking company that has its own tanks for fueling its own equipment. You can get information about WEMA and these requirements from <http://wema.state.wy.us> a list of county coordinators is available from <http://wema.state.wy.us/counties.htm>

Wyoming State Fire Marshall's Office:

Depending on where the tanks are to be located, you either go to the State Fire Marshall's Office or you go to the local fire department for a plan review prior to installing the tanks. Contact the State Fire Marshall's office or check their website to find out which areas are home rule.

US Department of Transportation (USDOT)

USDOT has rules for petroleum breakout tanks, which are defined as tanks located on an interstate pipeline which receive all of the product from the pipeline and which then return all of the product to an interstate pipeline. USDOT requirements are found in 49 CFR 195.

Requirements for Storage Tanks for Hazardous Substances Other than Petroleum:

The SPCC rules do not apply to anything other than oil. It is interesting to note that they apply to non-petroleum oils as well as petroleum oils. Therefore, a vegetable oil tank is required to be covered by an SPCC plan if it is large enough, but a Nitric Acid tank is not required to be covered by an SPCC plan.

The Emergency Planning and Community Right to Know requirements under WEMA do apply to hazardous substance tanks.

OSHA will have requirements but not necessarily the same requirements as for flammable liquids.

If the hazardous substance is also flammable, then the Wyoming State Fire Marshall's rules will also apply.