

NON-REGULATED UNDERGROUND STORAGE TANKS



Most underground storage tanks (USTs) are regulated, which means they must be monitored for leaks, be protected from corrosion, and have spill and overfill prevention equipment. However, there are also USTs that are not regulated. Non-regulated USTs include:

- All heating oil tanks whose contents are used for consumptive use on the premises where stored. (This does NOT include heating oil tanks used for resale of fuel.)
- Farm or residential motor fuel tanks (such as those containing gasoline or diesel fuel) that are 1,100 gallons or less in capacity.
- All USTs under 110 gallons in capacity.

USTs storing heating oil for resale are regulated.

Heating Oil Tanks

Heating oil is defined as: petroleum that is No. 1, No. 2, No. 4-light, No. 4-heavy, No. 5-light, No. 5-heavy, No. 6 technical grades of fuel oil, other residual fuel oils (including Navy Special Fuel Oil and Bunker C), and other fuels (such as kerosene) when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces. Underground storage tanks containing kerosene are not regulated if the kerosene is used on the premises where stored for heating purposes and not used for resale.

Heating oil tanks are considered commercial USTs if they are greater than 1,100 gallons in capacity (unless they serve four or fewer households). Although commercial heating oil tanks are not regulated, owners and operators must register them, pay annual tanks fees and obtain an annual operating permit. For more information about how to register a commercial UST, call the Division of Waste Management (DWM) UST Section Central Office at (919) 707-8171. A heating oil tank continues to be the responsibility of a tank owner or operator until the tank is permanently closed, and any environmental contamination is cleaned up.

If a commercial heating oil tank ceases to be used, then the UST Section recommends that it be pumped down such that one inch or less of product remains in the tank and that a UST-8 form notifying the UST Section of the temporary closure status be submitted. Tank fees will continue to accrue until the tank is permanently closed. Payment of tank fees helps to preserve a tank owner's eligibility to access the State Trust Fund for reimbursement of cleanup costs should a release be discovered. To stop accrual of tank fees, an owner or operator must provide documentation showing that a heating oil tank was removed from the ground or filled in place with an inert substance.

To receive an operating permit for a heating oil tank after it has been in temporary closure, the tank owner must submit to the UST Section a UST-8 form notifying the section of the intent to place the tank back into service and a third-party certified 0.1 gallon per hour tank tightness test.

Farm and Residential USTs

Farm tanks are tanks that are located on land devoted to the production of crops or raising animals. Residential tanks are tanks located on non-commercial property used primarily for dwelling purposes.

To be considered non-regulated, both farm and residential tanks must be 1,100 gallons or less in capacity and used for non-commercial (farm equipment or vehicles for personal use) purposes. Farm and residential USTs are not required to be registered or pay tank fees. However, tanks located on farm or residential property but used for fuel resale are not exempt from the regulations.

Spills and Leaks from Non-Regulated USTs

Any release must be reported to the appropriate DWM regional office **immediately** after discovery. If contamination occurs, cleanup will be required.

Abandoned Non-Regulated USTs

The State of North Carolina does not require that non-regulated USTs be removed from the ground once they are no longer in operation. However, a tank owner is advised to empty a non-regulated tank once it is no longer being used to limit the chances of a release. Potential buyers are sometimes reluctant to buy property with USTs. Therefore, although tank owners are not required to remove non-regulated tanks, it may be a good idea in the interests of resale.

For More Information

Contact the DWM UST Central Office at:

NCDEQ
Division of Waste Management
UST Section
1646 Mail Service Center
Raleigh NC 27699-1646
(919) 707-8171

Or visit <https://deq.nc.gov/about/divisions/waste-management/ust>

The purpose of this document is for general guidance. More specific information on UST regulations can be found in 15A NCAC 02N, 02P and North Carolina General Statute 143-215.94.