



# Harwich Fire Department



*Fire Suppression*

*Prevention*

*Emergency Services*

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## FUEL STORAGE REGULATIONS

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### Section I Authority

Leaking fuel storage tanks can pose a potential threat to our local water source and the Cape Cod aquifer as well as cause significant financial burden to home and business owners if a leak does occur.

Under Provisions of Chapter 111, Section 31, of the Massachusetts General Laws, the Harwich Board of Health hereby adopts the following regulations to protect the ground and surface waters from direct or potential contamination with a liquid toxic or hazardous materials.

### Section II Definitions

**Above Ground Storage Tank:** Above ground storage tank (AGST) means a stationary device designed to structurally support, enclose, and contain an accumulation of liquid hazardous materials on or above the surface of the ground, and which is constructed of non-earthen materials, such as concrete, metal, or plastic.

**Underground Storage Tank:** An underground storage tank system (UST) is a tank and any underground piping connected to the tank that has at least 10 percent of its combined volume underground.

### Section III Regulations

The following regulations shall apply to:

- a. All underground tanks containing #2 fuel oil which are not currently regulated under 527 CMR 1.00 Chapter 66-Flammable and Combustible Liquids.
- b. All tanks containing fuel oil, whose contents are used exclusively for consumption on the premises.
- c. Farm and residential tanks of 1,100 gallons capacity or less, used for storing fuel for non-commercial purposes.

#### a. Installation of Underground Fuel Storage Tanks:

- 1. Effective as of the date of this regulation the Installation of Underground Storage Tanks (UGST) are prohibited in the Town of Harwich except as permitted by the Harwich Fire Department, MA DEP and the Massachusetts State Fire Marshall for the delivery of gasoline and diesel fuel.

2. All existing residential or commercial underground fuel or chemical storage tanks must be removed and properly disposed of within 15 years of installation. If a date of installation is unknown or not able to be verified the tank must be removed unless permitted under Massachusetts Comprehensive Fire Safety Code -527 CMR 1- Chapter 66 — Flammable and Combustible Liquids.
3. Closing tanks in place is an option when approved by the Harwich Fire Department (527 CMR-1 66.21.7.4.3.2.1)
4. No Underground Storage Tank shall be removed without a permit issued by the Harwich Fire Department (Chapter 148 of the MA General Laws) and 527 CMR 1-11.5.1.10.5.
5. Underground tank removals shall be witnessed by a representative of the Harwich Fire Department and a Licensed Site Professional (LSP) as required by the Massachusetts Department of Environmental Protection.

**b. Above Ground Heating Fuel Oil Storage Tanks:**

1. All new Above Ground fuel oil or waste oil storage tanks installed inside or outside shall be required to provide 110% containment capacity to prevent contamination from leaks that may occur. Exterior storage tanks must be covered to prevent water accumulation within containment that satisfies the Board of Health and the Harwich Fire Department. The area beneath the exterior storage tank shall be a four-inch-thick continuous concrete slab extending eight inches beyond the perimeter of the tank.
2. Double walled fuel oil storage tanks could be substituted for containment devices. The fuel oil storage tank or containment device must be permitted and approved by the Fire Department before installation occurs. An inspection of the installation is required by the Harwich Fire Department.
3. No permits will be issued for single walled storage tanks.
4. At time of property transfer all Above Ground fuel oil storage tanks shall be replaced with a double wall fuel oil storage tank or shall be required to provide 110% containment capacity to prevent contamination from leaks that may occur. Exterior fuel oil storage tanks must be covered with substantial impermeable construction material to prevent water accumulation within containment in such a way that satisfies the Health and Fire Department. Enforcement and permitting shall be conducted by the Fire Department in conjunction with the Chapter 48 — 26 F inspections.
5. If an existing Above Ground Storage Tank exists in a building being transferred the buyer and seller may apply to the Board of Health for an exemption to this regulation if the intent is to convert to another form of heating appliance not using fuel oil or remove the existing single wall fuel oil storage tank and replace it with a double wall storage tank. The buyer and seller must agree in writing to the agreement and accept joint responsibility for completion of the replacement and or removal. A time frame for the completion of the removal and installation must be submitted to the Board of Health with the application for exemption.

**c. Variances:** Variances from this regulation may be granted by the BOH after a hearing at which time the applicant establishes the following:

1. Enforcement thereof would do manifest unjust.
2. Continued use of the storage tank will not adversely affect public or private water resources.
3. Existing above ground tank is less than 10 years of age, has been inspected and has been certified to be in full compliance with current regulations. At age 10 years of age the single walled tank would be required to be replaced with a double walled tank or to provide 110% containment.
4. Prior to the removal of any fuel oil storage tank governed by this regulation the owner shall first obtain a permit from the head of the fire department, or the designee of the Fire Chief pursuant to MGL, C 148 and 527 CMR-1.
5. Before any person is granted a permit by the fire department to remove a tank under the provisions of MGL, C. 148 or 527 CMR 1.00 Sections 66.21.7.4.3.6 and 66.21.7.4.3.7 that is not being transported to an approved tank yard, the person

- requesting the permit shall provide written approval from the owner/manager of the disposal site. (Reference 527 CMR 3.00 for tank removal and disposal procedures)
6. Any Person granted a permit by the fire department to remove a tank under the provisions of MGL C. 148 or 527 CMR 1.00 Section 1.12.8.0.1.1.2 shall within 72 hours of the permit granting provide the fire department with a receipt for delivery of the said tank to the site designated on the permit.
  7. Any person that is aware of any spill, loss of product, or an increased consumption that is unaccounted for shall report any spill, leak or increase immediately to the fire department and the Board of Health.

#### **Section IV            Enforcement**

Any owner of operator who violates any provision of the regulation shall be subject to the penalties provided under MGL, Chapter 111, Section 31, as amended. Each day during which such violation continues shall constitute a separate offense. Upon request of the Chief of the Fire Department or the Board of Health, the licensing authority shall take any legal action as may be necessary to enforce the provisions of this regulation.

Failure to comply will result in further Board of Health action.