

Fuel Storage Tanks

According to the EPA CFR 40 section 112 the aggregate of fuel in containers of 55 gal or more cannot exceed 1320 gal or a secondary containment plan must be present.

- 1) The owner or operator of any facility, equipment, or operation that is not subject to the jurisdiction of the Environmental Protection Agency (EPA) under section 311(j)(1)(C) of the CWA, as follows:
- 2) Any facility which, although otherwise subject to the jurisdiction of EPA, meets both of the following requirements:
 - i. The completely buried storage capacity of the facility is 42,000 U.S. gallons or less of oil. For purposes of this exemption, the completely buried storage capacity of a facility excludes the capacity of a completely buried tank, as defined in §112.2, and connected underground piping, underground ancillary equipment, and containment systems, that is currently subject to all of the technical requirements of part 280 of this chapter or all of the technical requirements of a State program approved under part 281 of this chapter, or the capacity of any underground oil storage tanks deferred under 40 CFR part 280 that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission and subject to any Nuclear Regulatory Commission provision regarding design and quality criteria, including, but not limited to, 10 CFR part 50. The completely buried storage capacity of a facility also excludes the capacity of a container that is “permanently closed,” as defined in §112.2 and the capacity of intra-facility gathering lines subject to the regulatory requirements of 49 CFR part 192 or 195.
 - ii. The aggregate aboveground storage capacity of the facility is 1,320 U.S. gallons or less of oil. For the purposes of this exemption, only containers with a capacity of 55 U.S. gallons or greater are counted. The aggregate aboveground storage capacity of a facility excludes:
 - A. The capacity of a container that is “permanently closed” as defined in §112.2;
 - B. The capacity of a “motive power container” as defined in §112.2;
 - C. The capacity of hot-mix asphalt or any hot-mix asphalt container;
 - D. The capacity of a container for heating oil used solely at a single-family residence;
 - E. The capacity of pesticide application equipment and related mix containers.
 - F. The capacity of any milk and milk product container and associated piping and appurtenances.

- 3) Any offshore oil drilling, production, or workover facility that is subject to the notices and regulations of the Minerals Management Service, as specified in the Memorandum of Understanding between the Secretary of Transportation, the Secretary of the Interior, and the Administrator of EPA, dated November 8, 1993 (appendix B of this part).
- 4) Any completely buried storage tank, as defined in §112.2, and connected underground piping, underground ancillary equipment, and containment systems, at any facility, that is subject to all of the technical requirements of part 280 of this chapter or a State program approved under part 281 of this chapter, or any underground oil storage tanks including below-grade vaulted tanks, deferred under 40 CFR part 280, as originally promulgated, that supply emergency diesel generators at a nuclear power generation facility licensed by the Nuclear Regulatory Commission, provided that such a tank is subject to any Nuclear Regulatory Commission provision regarding design and quality criteria, including, but not limited to, 10 CFR part 50. Such emergency generator tanks must be marked on the facility diagram as provided in §112.7(a)(3), if the facility is otherwise subject to this part.
- 5) Any container with a storage capacity of less than 55 gallons of oil.
- 6) Any facility or part thereof used exclusively for wastewater treatment and not used to satisfy any requirement of this part. The production, recovery, or recycling of oil is not wastewater treatment for purposes of this paragraph.
- 7) Any “motive power container,” as defined in §112.2. The transfer of fuel or other oil into a motive power container at an otherwise regulated facility is not eligible for this exemption.
- 8) Hot-mix asphalt, or any hot-mix asphalt container.
- 9) Any container for heating oil used solely at a single-family residence.
- 10) Any pesticide application equipment or related mix containers.
- 11) Intra-facility gathering lines subject to the regulatory requirements of 49 CFR part 192 or 195, except that such a line's location must be identified and marked as “exempt” on the facility diagram as provided in §112.7(a)(3), if the facility is otherwise subject to this part.
- 12) Any milk and milk product container and associated piping and appurtenances.