



## CHAPTER IX

### LEAKING UNDERGROUND FUEL AND CHEMICAL STORAGE FACILITIES

1.00 Except as provided the following regulations applies to all underground fuel, oil and chemical storage facilities. In case of conflict with any state or federal regulation the more stringent regulation shall apply.

#### 2.00 Definitions.

Abandoned shall mean not in use in that no filling or withdrawal is occurring for a continuous period in excess of six months unless it can be shown that the use of the tank has not permanently ceased.

Enforcement Officer shall mean the Fire Chief or his designee.

Leak shall mean a loss of product at a rate of 0.05 gph or greater.

Operator shall mean the lessee or person(s) in control of and having responsibility for the daily operation of a storage system.

Owner shall mean the person or entity who owns, as real property, the storage facility.

Storage Facility shall include but not be limited to all underground tanks, piping, pumps, and associated apparatus used in the storage and/or dispersing of fuel, oil and chemicals at a particular site. It shall not include storage in a freestanding container within a building.

3.00 Filing Requirements. Every owner of an underground storage system shall file with the Enforcement Officer, within ninety (90) days of the effective date of these regulations, the size, type, age and location of each underground tank in a storage system, the type of product stored, and indicate whether or not the storage system is abandoned. Evidence of the date of purchase and installation, including fire department permit shall be included along with a sketch map showing the location of the underground tanks on the property. Every owner of an underground storage system used to store fuel oil shall report the name and address of the fuel delivery company. Any storage system of undetermined age shall be deemed to have been installed before January 1, 1970.

3.01 Owners of underground storage systems for which evidence of the installation date is not available shall at the order of the Enforcement Officer have such tanks tested or uncovered for inspection. If the storage system is found to be leaking it shall be removed or repaired as directed by the Enforcement Officer.

3.02 Reserved.

4.00 Inventory Control for Petroleum Products. This section shall apply to all underground storage systems used to store a liquid petroleum product for sale or use in motor vehicles.

4.01 Every underground storage system shall have a method of accurately gauging the volume contained in the storage system and a method of accurately metering the quantity of product removed during service. The metering device shall be maintained in accurate calibration. Underground storage systems in service at the time of passage of this regulation shall be in compliance within ninety (90) days of the effective date of this regulation.

4.02 Accurate daily inventory records, as required by Massachusetts Fire Prevention Regulations, 527 CMR 5.05(3) and 527 CMR 9.12, shall be based on actual daily measurement and recording of tank product and water levels and the daily recording of actual sales, use and receipts. The inventory records shall include a daily computation of gain or loss. The mere recording of pump meter readings and product delivery receipts shall not constitute adequate inventory records.

4.03 The operator shall participate in a program of regularly scheduled inventory record verification. Owners shall submit annually to the Fire Department a certified statement that inventory records have been maintained and reconciled as required by both Massachusetts Fire Prevention Regulations 527 CMR 5.05 and 9.12 and these regulations. Inventory verification shall be performed by an independent certified auditor. Such records shall be made available to the Enforcement Officer upon request.

4.04 If computation of daily inventory records shows a leak the operator shall immediately take the steps described in the Board of Fire Prevention Regulations, 527 CMR 5.05(3) and 9.12.

4.05 Reserved.

5.00 Leak Testing. All underground storage systems with a design capacity of greater than 1,100 gallons shall be subject to an acceptable leak testing system method which meets National Fire Protection Association Pamphlet No. 329 standards of 0.05 gph accuracy and shall be performed by a trained tank tester. Leak tests shall be performed at five (5), ten (10) and fifteen (15) years after installation and annually thereafter. A record of the test results, type of testing system used, and date the test was performed shall be supplied to the Enforcement Officer upon completion of the test.

5.01 All underground storage systems with a design capacity of 1,100 gallons or less which are used to store motor vehicle fuel, waste oil or other product, except for fuel oil, or listed on the Massachusetts Substance List shall be subject to an acceptable leak testing system method which meets National Fire Protection Association Pamphlet No. 329 standards of 0.05 gph accuracy and shall be performed by a trained tank tester. Leak tests shall be performed ten (10) and fifteen (15) years after installation and annually thereafter. A record of the test results, types of testing systems used, and date the test was performed shall be supplied to the Enforcement Officer upon completion of the test.

5.02 Leak tests can be required on tanks of any size on request by the Enforcement Officer or Wellesley Health Department when there is reasonable cause to believe that a leak may have occurred.

5.03 Reserved.

6.00 Report of leaks. Any person including a delivery company, who is aware of a leak or abnormal loss of product shall report such leak or loss immediately both to the Fire Department and Health Department.

6.01 All leaking underground storage systems must be emptied by the operator immediately upon leak detection and either removed or repaired within the time specified by the Enforcement Officer. Anyone conducting remediation shall notify the Health Department in writing before initiating the process.

6.02 Any gain in water level inside any storage system of more than one inch in a twenty-four hour period shall be reported to the Enforcement Officer immediately by the operator.

6.03 Reserved.

7.00 Underground Tank Selection and Installation. All underground storage systems shall be properly, designed, constructed and installed according to the Massachusetts Fire Prevention Regulations and manufacturer's specifications, under the direction of the Fire Department. Underground storage systems shall be of an approved design and protected from both internal and external corrosion in accordance with 527 CMR 9.00.

7.01 Secondary containment or equivalent protection shall be required for new installations within either Zone II of municipal water well or a Water Supply Protection District. (Water Supply Protection District shall be as defined in the Town of Wellesley Zoning Bylaws).

7.02 If a cathodic protection system is installed, an ongoing monitoring and maintenance program shall be conducted. If sacrificial anodes have been installed, their proper operation shall be certified by a qualified person at least once a year. The date of certification shall be reported to the Enforcement Officer.

7.03 Prior to installation of an underground storage system the installer shall supply plans of the storage system and all other information required in Section 2.01 to both the Enforcement Officer and the Health Department.

7.04 Modification of an underground piping system shall be deemed an installation.

7.05 Reserved.

8.00 Notification of Prospective Buyers of Property. The seller of any property where an underground storage system is located shall notify any prospective buyer of the age, type, size, and location of the underground storage system. A copy of the notification shall be sent by the purchaser to the Enforcement Officer.

8.01 Reserved.

9.00 Observation Wells. The Enforcement Officer or the Wellesley Health Department may require the installation of a system of one or more ground water observation wells at any site which has an underground storage system. Water samples from such observation wells may be required by the Enforcement Officer or Health Department at any reasonable time and shall be analyzed at the expense of the owner at the order of the Enforcement Officer.

9.01 Reserved.

10.00 Costs. In every case the owner and operator shall be jointly and severally responsible for costs and expenses incurred in connection with the enforcement and/or implementation of this regulation.

10.01 Reserved.

11.00 Enforcement. The Enforcement Officer and the Health Department may enter upon privately owned property for the purposes of performing their duties under this bylaw.

11.01 Reserved.

12.00 Compliance. Compliance with this regulation does not relieve the owner and/or operator of an underground storage system from complying with all other applicable federal, state or local statutes, by-laws or regulations.

12.01 Reserved.