

**REGULATIONS FOR THE TESTING AND REMOVAL OF  
RESIDENTIAL UNDERGROUND STORAGE TANKS  
IN THE AQUIFER AREA**

**Effective July 31, 1990**

The Board of Health of the Town of Amherst adopts these regulations under the provisions of Chapter 111, § 31 of the Massachusetts General Laws.

Effective date: these regulations shall take effect on publication except as otherwise noted in the regulation.

**Section 1 – Purpose:**

These regulations are intended to preserve the public and environmental health and ensure that there will be adequate protection from leaking underground fuel oil, gasoline and chemical storage tanks. Leaking fuel oil, gasoline and other chemicals can contaminate large amounts of groundwater. Such events pose serious health hazards to the community and threaten adequate water supplies.

Water, septic tanks, catch basins, gas and oil separators are not covered by these regulations.

**Section 2 – Applicability:**

The following regulations shall apply within the Watershed Protection District, the Aquifer Protection District, and the Aquifer Recharge Protection District as identified on the official Zoning Maps of the Town of Amherst.

**Section 3 Definitions:**

Abandoned Tanks – Tanks out of service for a continuous period in excess of six (6) months in the case of a storage facility for which a license from the local licensing authority is required under the provisions of M.G.L. Chapter 148, § 13 and for a period in excess of twenty-four (24) months in the case of any other storage facility.

Board of Health – The appropriate and legally designated health authority of the city, town, county, or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the board of health of a city or town, or its authorized agent or representative.

Concrete Vault – A concrete vault holding a home heating oil tank that is constructed and installed so that:

- a. The entire volume of the oil tank can be contained within the concrete vault with no leakage through the vault in the event of a spill; and

- b. The tank is properly vented and constructed in accordance with the applicable fire and building codes; and
- c. There is a manhole to the ground surface that will easily allow access into the tank for visual inspections and maintenance; and
- d. A system for monitoring the vault for oil leaks is implemented.
- e. Double wall piping shall be installed from the tanks to the furnace.

Department – Amherst Health Department

Monitoring system – A full-time approved system installed for the purpose of early detection of leaks, such as observation wells, visual or audible alarms, or their equivalent. Minimum standards of in-tank monitoring systems shall consist of in-tank equipment which provides continuous monitoring of any liquid from the tank at a minimum rate of 0.05 gallons per hour or equivalent leakage over a longer period of time.

Observation Well – A dug or drilled cased well which can be used for detecting the presence of flammable liquids, which is drilled to a depth intercepting the water table, and which is installed and maintained in an approved manner.

Original date of installation – The date on which a fuel storage tank was first installed, regardless of whether it was subsequently removed and reinstalled to the same or a different location.

Owner – The person who owns an underground fuel storage system or any part thereof and the agent thereof or the person who owns property upon which an underground fuel storage system is located and the agent thereof.

Secondary Containment or Equivalent Protection - Technique(s) that may include impervious liners, double-walled tanks, or concrete vault equivalent methods approved by the Department.

Tank – Any structure either underground or aboveground used or designed to be used for the storage of any product within the scope of this regulation; as well as any aboveground structure used or designed to be used for the storage of any fluid except water.

Underground Fuel Storage System – Any equipment and facility constructed, maintained or used for the underground storage of fuel and shall comprise all parts of said equipment or facility including, but not limited to, tanks and pumping components. Underground fuel storage systems in close proximity to one another and commonly owned and operated shall be deemed to constitute one underground fuel storage system.

#### **Section 4 – Tank Registration:**

- 4.1 Owners shall file with the Health Department on or within six (6) months of publication the size, type, age, location of each tank, including abandoned and/or inert, type material stored, and any records of tests for tank and line tightness.

- 4.2 Evidence of date of purchase and installation, including Fire Department permit, if any, shall be included along with a sketch map showing the location of such tanks on the property.
- 4.3 The Health Department shall issue a numbered tag for each tank. This tag must be affixed to the fill pipe and visible to any distributor when filling the tank and to any inspector from the Department. Untagged tanks are not permitted to be filled with product six (6) months after the effective date of this regulation.
- 4.4 Every petroleum and other chemical distributor, when filling an underground storage tank, shall note on the invoice or bill for the product delivered, the registration number appearing on the tag affixed to the tank which was filled.
- 4.5 Every petroleum and other chemical distributor shall notify the Health Department of the existence and location of any unregistered or untagged tank which they are requested to fill. Such notification must be completed within two working days of the time the distributor discovered that the tank registration tag is not present.
- 4.6 In the case of any transfer of ownership, the owner who is selling the property shall be responsible for the notification of this transfer to the Health Department within seven working days. The Health Department shall maintain historic records of ownership from the date of tank registration.

#### **Section 5 – Testing:**

- 5.1 Beginning two years after the effective date of these regulations the tank owner shall have each tank and its piping tested for tightness within the tenth year after installation and annually thereafter by any final or precision test not involving air pressure which can accurately detect a leak of 0.05 gallon per hour with a probability of detection of 0.99, and a probability of false alarm of 0.01, and which has been approved by the Health Department.
- 5.2 All tests shall be approved and administered by qualified person(s), and any such person(s) shall notify the head of the Fire Department prior to administering a test. This person(s) must promptly supply the Health Department with copies of all test results for a tank and its piping within seven (7) working days.

#### **Section 6 – New Underground Fuel Storage Systems:**

- 6.1 The installation of underground fuel storage systems for the storage of oil, gasoline, other petroleum products, and other chemicals, excluding liquefied petroleum gases, is prohibited within the Watershed Protection District, the Aquifer Protection District, and the Recharge Protection District. The installation of service stations in this district is also prohibited.

- 6.2 The installation of a fuel storage system in a basement, garage and/or other building shall be on an impervious floor and in compliance with 527 CMR 9.00.
- 6.3 Notwithstanding the provision of 6.1 above, new underground fuel storage systems for home heating oil for single and two family homes constructed or substantially under construction by the publication date of these regulations may be constructed and maintained provided that:
  - a. Heating oil is stored in an oil tank within a secondary containment concrete vault, as defined in these regulations; and
  - b. A system for monitoring the concrete vault for oil spills is implemented; and
  - c. The Board of Health approved the proposed plan with whatever conditions, including time limits, it deems appropriate, and including but not limited by 527 CMR 9.05 (design and construction of aboveground tanks).

### **Section 7 – Report of Leaks or Spills**

Any person who is aware of a spill, loss of product, or unaccounted for increase in consumption which may indicate a leak shall report such spill, loss or increase immediately to the Fire and Health Departments.

### **Section 8 – Tank Removal:**

- 8.1 All underground tanks must be removed fifteen (15) years after the date of installation. If the date of installation is unknown, the tank shall be assumed to be fifteen years old. All underground storage tanks currently subjected to this removal regulation (15 years or older) must be inactivated within two (2) years of publication of these regulations and in accordance with 527 CMR 9.00.
- 8.2 If a tank fails the tightness test and/or is found to be leaking for any other reason, the tank should be pumped of its contents within 24 hours and removed, having obtained the proper permits, within 72 hours.
- 8.3 Prior to the removal of an underground storage tank governed by this regulation, the owner shall first obtain a permit from the Fire Department, pursuant to M.G.L. Chapter 148 and 527 CMR 9.00.

### **Section 9 – Variances:**

- 9.1 Variance from these regulations may be granted by the Board of Health after a hearing at which the applicant establishes to the satisfaction of the Board of Health that the proposed variance will not adversely affect or pose a threat to the public health or to public and private water resources and that no other alternative exists in accordance to the regulation.

- 9.2 In reviewing a petition for a variance, the Board of Health may take into consideration, among other factors, the direction of the groundwater flow, soil and geologic conditions, the location of aquifer recharge, watershed areas, reservoirs, private wells, wetland areas, the depth to groundwater, size, shape and slope of the land area for which the variance is proposed, tightness test, and soil corrosivity test results, also existing and known future water supply sources.

**Section 10 – Penalties:**

- 10.1 Any owner or operator who violates any provision of these regulations shall be subject to a fine or fines levied by the Board of Health pursuant to Massachusetts General Laws, Chapter 111, § 31 of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00).
- 10.2 A separate fine up to such limit as is established by Massachusetts General Laws, Chapter 111, § 31, may be levied for each and every violation of these regulations
- 10.3 Each day a violation continues shall be construed as a new and separate violation of these regulations.

**Section 11 – Enforcement:**

Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket M.G.L. Chapter 40, § 21D.

**Section 12 – Forms:**

The Department shall issue forms necessary for compliance with these regulations.

**Section 13 – Severability:**

If any section of these regulations is declared invalid or unenforceable for any reason, that decision shall not affect any other section of these regulations which shall remain in full force and effect.