

Home Heating Oil

What kinds of regulations apply to my home heating oil tank?

Home heating oil tanks are non-regulated, non-commercial underground storage tanks (USTs) that are exempt from the “technical regulations” (e.g., leak detection monitoring, corrosion protection, spill and overfill control) that apply to regulated USTs. Even though home heating oil tanks are exempt from these technical regulations, sampling and cleanup regulations will apply if there is a leak or spill from your tank.

What do I do with a home heating oil tank that is no longer being used?

Home heating oil tanks are exempt from the “closure” requirements. “Closure” of USTs means removing the tank from the ground or filling the empty tanks with a solid, inert material such as sand, and analyzing soil. Even though these closure requirements do not apply to home heating oil tanks, a tank owner is advised to empty a tank once it is no longer being used in order to limit the chances of a release. Tanks should not be filled with water. Although it is not a requirement to remove old heating oil tanks, potential buyers are sometimes reluctant to purchase property with USTs; so removal may be a good idea in the interests of resale.

If I choose to remove my home heating oil tank, what are the requirements?

Some local fire inspectors’ offices regulate USTs, so you should contact your local office prior to removal. You do not need to contact a North Carolina Division of Waste Management (DWM) office unless you discover signs of a leak, spill, or contamination.

What do I do if I discover contamination?

Notify your local DWM regional office immediately if you discover signs of a leak, spill, or contamination such as stains on the soil, strong petroleum odors or puddles of oil. Please refer to the back of this brochure for telephone numbers and addresses of the DWM regional offices. If you are responsible for the contamination, your local DWM office will provide you with the information for sampling and cleanup.

Who is responsible for cleanup of contamination?

Primarily, the “statutory tank owner” is responsible for cleaning up the contamination. Who the “statutory tank owner” is depends upon when the tank was last used. If it was last used before November 8, 1984 then the last party who used that UST is considered the tank owner (even if that party no longer owns the property.) However, if that tank was used on or after November 8, 1984, anyone that owned the tank would be considered the tank owner even if that person never used it.

If I am responsible for cleaning up contamination caused by a home heating oil tank, what do I do after I report the contamination?

First of all, soil samples need to be taken to determine how much contamination is present. Groundwater samples may also need to be taken, especially if groundwater is close to the contaminated soil. A North Carolina certified laboratory must analyze these samples. To ensure that the sampling is completed according to DWM guidelines, it is recommended that a professional engineer or licensed geologist be retained. Depending upon the levels and extent of the contamination, as well as the geology of the site, further assessment may be necessary. The DWM regional staff can help you determine what further steps are needed (see map for addresses and

telephone numbers). If further action is required, you will likely have to hire a professional to assess the site and clean up the contamination.

What kinds of companies do this sort of work?

Many companies do environmental work. Typically, they can be found in the yellow pages of a telephone book under “Environmental Consultants.” When choosing a company, we recommend getting several estimates and references. Site assessments and cleanup work must be conducted under the responsible charge of a licensed geologist or professional engineer.

How am I going to pay for this?

North Carolina has a Non-commercial Leaking Petroleum UST Cleanup Fund that will pay up to \$1 million for reasonable and necessary costs directly related to the cleanup of a petroleum release from your UST. The cleanup fund will not pay for attorney fees, tank removal costs, or for excessive or unnecessary work. For releases discovered or reported prior to August 1, 2013, this fund has no deductible or co-pay. For releases discovered or reported on or after August 1, 2013, this fund has a deductible of \$2,000 or \$1,000 plus a 10% co-payment, whichever is less. This fund does not cover releases from above ground storage tanks. Please refer to our “Cleanup Funds” brochure or call one of the DWM offices for more information about this fund.

What are the requirements if the leak is from an above ground home heating oil tank?

If a leak from an above ground tank is discovered, it must be reported to your regional DWM office immediately. If cleanup is required, your regional DWM office will tell you how to proceed. North Carolina’s cleanup fund does not cover releases from aboveground storage tanks.

Where do I go if I have more questions?

Please refer to the [map](#) for telephone numbers and addresses of the DWM regional offices. Ask to speak to someone in the UST Section. You may also refer to <http://portal.ncdenr.org/web/wm/ust/> guidance or contact the UST central office at:

NCDENR
Division of Waste
Management UST Section
1637 Mail Service Center
Raleigh NC 27699-1637
(919) 707-8171

The purpose of this brochure is for general guidance. More specific information can be found in 15A NCAC 2L, G.S. 143-215.83-85, and the most recent site assessment and cleanup guidance issued by the UST Section. Although this brochure only addresses home heating oil underground storage tanks, the same basic requirements apply to small (1,100 gallons or less) farm and residential motor fuel tanks.