



## Ohio Heating Oil Tanks: Understanding Your Obligations

Many companies in Ohio have heating oil underground storage tanks (USTs) to offset energy use in the winter time when temperatures grow cold. Because of their infrequent use, often times these tanks are not managed properly. Although these tanks are not regulated by the Bureau of Underground Storage Tank Regulations (BUSTR), they are regulated under the Ohio Fire Code; therefore, it is important for the owners/operators of these tanks to know the pertinent requirements.

### OVERVIEW

The Ohio Fire Code is presented in the Ohio Administrative Code (OAC) 1301:7-7 through 7-28. Key requirements of the fire code include the following:

#### Management of Tanks

- Periodic tests of underground storage tanks and piping systems may be required by the fire official to determine that leakage has not occurred.
- An existing flammable or combustible liquid storage tank and piping system that has been altered or repaired, or which displays evidence of leakage, must be tested for tightness.
- Inventory records for USTs containing flammable and combustible liquids must be maintained by the owner and operator of the tank.
- Daily inventory records must be kept for each tank at each location by the operator. The inventory must be based on the actual measurement of tank liquid levels daily. The fire code states that “the mere recording of pump meter readings combined with shipment records shall not constitute adequate inventory records for the purpose of this rule.” However, the rule specifies that daily inventories do not need to be maintained for storage tanks connected to oil burning equipment.
- The operator must check all tanks for water at least once per week.

#### Unused Tanks

- Any tank not in use for 90 days must be properly safeguarded or removed in a manner approved by the State Fire Marshall.
- Any tank not in use for one year must be removed or abandoned in place.

#### Removals/Closure in Place

- A permit must be obtained to remove, replace, repair or abandon in place all residential and commercial heating oil tanks.
- A fire inspector must be on-site for the removal.

The fire code does not require sampling, soil analysis or soil removal in association with a tank closure, nor is a written report required. However, if off-site impacts and/or impacts to waterways are identified, then reporting to the Ohio EPA and fire department is required. In addition, lending institutions will often require some type of sampling to identify potential impact to soil and/or ground water from the storage of petroleum products prior to providing funds for a refinancing or a property purchase/sale.

### SUMMARY

Heating oil tanks are subject to regulation by the Ohio Fire Code, which imposes requirements on both management and removal. Owners and operators of heating oil tanks should understand their obligations under the rules to avoid costly cleanups and fines. If you need assistance in understanding how to best manage your heating oil tanks or information about closure procedures, please contact Emily Rynders or Bill Reid at the Payne Firm at (513) 489-2255 or via e-mail at [ear@paynefirm.com](mailto:ear@paynefirm.com) or [whr@paynefirm.com](mailto:whr@paynefirm.com). This and other Environmental Edge topics are available on our website at [www.paynefirm.com](http://www.paynefirm.com).