

Residential Heating Oil Storage Tanks

Residential heating oil storage tanks have been installed and used in Canada for over 60 years. There are two types: aboveground tanks (typically found in basements or outside of a home) and underground tanks (buried). Many of these storage tanks are now unused, as alternative heating sources – such as natural gas, propane, and electricity – have become available.

Do property owners have legal obligations related to storage tanks?

After December 15th 2006, all underground storage tanks, and above ground storage tanks over 2500 L, that supply oil burning equipment will be regulated by the BC Fire Code. Local governments may also have bylaws regarding storage tanks that fuel oil-burning equipment.

Although the Ministry of Environment does not specifically regulate residential heating oil storage tanks, all property owners in B.C. are legally responsible for complying with the provincial *Environmental Management Act* (the Act) and the Contaminated Sites and Hazardous Waste Regulations.

Who is responsible for cleanup of sites contaminated by leaking storage tanks?

Under the Act, the following individuals may be considered responsible for cleaning up a contaminated site:

- a current owner or operator of the site;
- a previous owner or operator of the site; and
- a producer or transporter of a substance that caused the contamination.

One or more of the above individuals may also be considered responsible for cleanup if an adjacent site becomes contaminated by a substance migrating from the original site.

There are, however, a number of exemptions. For more information on remediation liability, see Fact Sheet 16, “Remediation Liability Overview” and Fact Sheet 18, “Remediation Liability and Transportation.”

What should you know about buying a home with a heating oil tank?

If you buy a home with a heating oil tank, knowingly or not, you become liable for any future cleanup costs. Consider including the removal of any unused or abandoned tanks as a condition of sale.

What should you do if there is an abandoned heating oil storage tank on your property?

Unused or abandoned heating oil storage tanks should be properly decommissioned by a qualified contractor because they are a potential source of contamination of the soil and groundwater, may pose a fire and explosion hazard under certain conditions, and may impact human health.

Requirements for the decommissioning of out-of-service underground storage tanks are described in the B.C. Fire Code. For further information, contact the Office of the Fire Commissioner at OFC@gov.bc.ca.

What should you do if your heating oil tank has leaked?

If your heating oil tank has leaked, you should take immediate action to stop the leak and clean up the impacted area. If the tank is unused or abandoned, any remaining heating oil should be removed by a qualified contractor and the tank decommissioned. If your property is on well water, we recommend that the water quality be tested to ensure it has not been affected by the leaking oil.

Independent remediation

Independent remediation is often undertaken by a property owner or other responsible person to improve the environmental quality of a property contaminated by a leaking storage tank. This process involves removing contaminated soil, followed by the collection of soil samples by a qualified professional and laboratory analysis to confirm that all the contaminated soil was removed.

Anyone undertaking independent remediation must provide written notice to the Director of Waste Management. For more information, consult Fact Sheet 21, "Requirements for Independent Remediation."

Notifications of offsite migration

If it is determined during an investigation or the independent remediation of a contaminated site that heating oil did (or could likely) migrate to a neighbouring property and did (or could likely) cause contamination there, the responsible person must notify the owner of that property in writing. A copy of this notification must also be sent to the Director of Waste Management.

What are my options for soil disposal or relocation?

Contaminated soil can be sent to a facility preauthorized to accept soil up to maximum concentrations of contaminants. If the receiving facility is not authorized to accept contaminated soil, a Contaminated Soil Relocation Agreement may be required. Section 55 of the Act and sections 40–46 of the Contaminated Sites Regulation specify requirements for such soil relocation.

How do I obtain a contaminated sites legal instrument for my site?

Although not a requirement, a property owner may wish to obtain a legal instrument such as a Certificate of Compliance, which certifies that a site has been remediated to the environmental quality standards of the Contaminated Sites Regulation.

Almost all applications for contaminated sites legal instruments must be submitted with the recommendation of a person on the roster of approved professionals. For details, visit our web site at: (<http://www.env.gov.bc.ca/epd/remediation/roster/>).

Applications for a contaminated sites legal instrument must include a completed Contaminated Sites Services Application form. We recommend that a qualified consultant assist with the application process. Service fees are listed in Schedule 3 of the Contaminated Sites Regulation and are reviewed in Fact Sheet 25, "Fees for Contaminated Sites Services." Both are available on our web site.

Note: This summary is solely for the convenience of the reader. The current legislation and regulations should be consulted for complete information.

For more information, contact the Environmental Management Branch at site@gov.bc.ca.