

### Issue

The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 commenced on June 1 2008. The Regulation was introduced to deal with leaking underground petroleum storage systems.

The Regulation aims to reduce harm to the environment and human health, from contamination of surface, groundwater and soil; save money and minimise time-consuming soil remediation; monitor and where necessary, repair corrosion or faulty UPSS components; ensure appropriate validation and decommissioning of systems and sites.

### Background

An underground petroleum storage system or 'UPSS' refers to the entire system of underground fuel tanks and pipes used to store and handle petroleum products. The new Regulation applies to anyone who is 'responsible' for management and control of an operational UPSS. This might include the owner, lessee or operator of the UPSS, depending on the particular circumstances.

The UPSS Regulation applies to the owners and operators of both new UPSS and old UPSS –

- Old systems include any UPSS for which planning approval was granted before 1 June 2008, or those where installation had commenced or the system had been commissioned prior to that date.
- New systems are those that receive planning approval on or after 1 June 2008.

Farmers with a New UPSS system (installed after 1 June 2008) will need to meet all of the design/installation and operational requirements in the Regulation:

- mandatory pollution protection equipment as specified in the Regulation
- procedures for the regular monitoring and detection of leaks
- groundwater monitoring wells installed and a program to test them
- an adopted Environment Protection Plan
- the required record-keeping procedures

Farmers with an Old UPSS (installed before 1 June 2008) also need to meet these requirements but some will be phased in as follows:

- procedures for monitoring and detecting leaks (from 1 June 2009)
- adoption of an Environment Protection Plan (from 1 June 2009)
- installation and testing of groundwater monitoring wells (from 1 June 2011)
- the required record-keeping procedures

Modifications to an existing system must meet the design standards of a new system.

The Regulation does not apply to above ground petroleum storage systems, underground LPG storage systems or underground systems that do not store or transmit petroleum.

Underground Petroleum Storage Systems which are no longer in use – considered not in use for a period up to two years - would not be expected to meet procedural or management requirements of the Regulation, unless the system is recommissioned.

Where two years have elapsed since fuel was put in or taken from a tank, it must be abandoned (after removing the fuel and making the system safe) in accordance with the Occupational Health and Safety (Dangerous Goods) Regulation 2001. Details from the WorkCover NSW factsheet 3.1 Dangerous Goods – Abandoning Disused underground tanks can be found at:

[http://www.workcover.nsw.gov.au/Documents/Publications/AlertsGuidesHazards/TransportAndStorage/abandoning\\_disused\\_underground\\_tanks\\_dangerous\\_goods\\_factsheet\\_5218.pdf](http://www.workcover.nsw.gov.au/Documents/Publications/AlertsGuidesHazards/TransportAndStorage/abandoning_disused_underground_tanks_dangerous_goods_factsheet_5218.pdf)

Farmers with Old UPSS that are no longer intended for use are recommended to have these systems removed from the ground where feasible and taken to an appropriate disposal area. Tanks can also be abandoned by filling with an inert solid material, such as concrete slurry, sand or foam. The person responsible for the system must notify WorkCover within seven days of

abandonment. Decommissioning must be carried out by a WorkCover licensed demolition contractor.

A site validation must be conducted where a tank has been decommissioned or removed. The site validation report confirms that the storage site is suitable for continuing use and must be sent to the local council within 60 days of site cleanup.

### Improving the environmental management of underground petroleum storage systems



Underground petroleum storage systems have the potential to leak and can lead to expensive clean-up bills and damage to the environment. Persistent leaks can have a major impact on neighbouring properties and impose very significant costs on the tank owner and the broader community.



A new Regulation requires owners and operators to regularly check for leaks in the system. They also now need to meet minimum standards in their day-to-day environmental management of these storage systems.



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A copy of the *Guideline for Implementing the POEO (Underground Petroleum Storage Systems) Regulation 2008* can be found on the DECC website at:

<http://www.environment.nsw.gov.au/clm/upss.htm>

For further information including details of contractors which can assist the removal of an unused UPSS contact the Member Service Centre on 1300 794 000