

## **TI-915**

**Prepared:** November 07, 2000

### **Short Description:**

Permitting and Regulations Applicable to Above Ground Storage Tanks in Phoenix, Arizona.

### **Inquiry:**

The PBS Environmental Hotline caller requested information regarding permitting requirements and the applicable regulations for using an above ground tank (for emergency generator and holding 1000 gallons of Diesel fuel) in a basement in Pheonix, Arizona.

### **Response:**

A review of the federal, state (AZ), and local (Phoenix) requirements for above ground storage tanks as described above (i.e., 1000 gallon tank of Diesel fuel located in a basement) reveals that only local regulations and permitting applies.

The City of Phoenix Fire Department and Fire Prevention (Clarence Fesselmen @ 602-495-0275) requires that the tank at issue comply with Article 79 of Uniform Fire Code (1997). It does not, per se, require registration or permitting. Also, the City of Phoenix Building Safety Department (Steve Noblet @ 602-534-2544) requires a Building Permit -- Electrical, Mechanical, Structural and Fire Prevention. While the Building Safety Department exempts an above ground storage tank containing Class II liquids (e.g. Diesel) in the amount of 100 or 240 gallons, depending upon control area, the tank at issue would obviously not qualify for that exemption. As such, in addition to compliance with Article 19 of the Uniform Fire Code, a permit for a tank is also required from the Development Services Department of City of Phoenix Building Safety Department.

It is worth noting that the City of Phoenix Office of Environmental Programs (OEP) advised that, presently (October 2000), it does not have any requirements (permitting, registration, or otherwise) for the tank at issue. (OEP may be reached at 602-256-5669) Also, the Arizona Department of Environmental Quality (DEQ) advised the same, as did the Arizona Department of Weights and Measures (Arizona Department of Weights and Measures may be reached at 602-255-5211).

Finally, regarding federal requirements, it is worth noting that the tank at issue is not subject to Underground Storage Tank (UST) requirements even though the tank is in a basement. (40 CFR Part 280). The regulatory definition of UST specifically excludes tanks situated in an underground area (e.g. basement) if the tank is situated on or above the surface of the floor (40 CFR 280.12). Certain tanks, however, may be subject to the Clean Water Act Spill Prevention Control and Countermeasure Plan (SPCCP) requirements if they are used to store oil, they have a capacity of more than 660 gallons, (or when a tank is combined with other tanks at the facility, and they have a

combined capacity of 1320 gallons or more), and the contents can reasonably be expected to discharge into navigable waters. (40 CFR 112). Assuming that the tank at issue does not meet the aforementioned criteria, the SPCCP requirements do not apply. There are no other applicable federal requirements to the tank at issue.

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