

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?

All underground storage tanks, and above ground storage tanks over 2500 L, that supply oil burning equipment on properties under provincial jurisdiction are regulated by the BC Fire Code. For further information, contact the Office of the Fire Commissioner at OFC@gov.bc.ca.

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

Local governments may also have bylaws regarding storage tanks that fuel oil-burning equipment. Also note that many storage tanks located on property under federal jurisdiction are regulated by the federal "[Storage Tank Systems for Petroleum Products and Allied Petroleum Products 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 potentially 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, and may impact human health.

Requirements for decommissioning out-of-service underground storage tanks are described in the B.C. Fire Code and the federal Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations.

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. See Fact Sheet 41, "Relocation of Soils from Contaminated Sites" for more information.

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. Details on the Roster are on our web site at: <http://www.env.gov.bc.ca/epd/remediation/roster/index.htm>.

Please consult Fact Sheet 28, "Overview of the Ministry's Contaminated Sites Services" if you would like to review our contaminated sites services application process.

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.