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## **Pre-purchase information is crucial when it comes to aboveground storage tanks and underground storage tanks**

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When considering the purchase of commercial or investment real estate, it is important to know all requirements that may affect that property in the future. If the parcel contains aboveground storage tanks (ASTs) or underground storage tanks (USTs), the following information may be an important aspect of your purchase.

### SPCC PLAN INFORMATION UPDATE

Under new regulations published by the Environmental Protection Agency (EPA), the final rule adopting amendments to the Oil SPCC regulations in 40 CFR Part 112 are effective as of February 3, 2009. According to the EPA, these changes were made in order to provide increased clarity, to tailor requirements to particular industry sectors, and to streamline certain requirements for those facility owners or operators subject to the rule, which should result in greater protection to human health and the environment.

A new or updated SPCC Plan is required if the facility:

- \* is state regulated
- \* stores oil aboveground in any size tank(s) with a total aggregate volume over 1,320 gallons
- \* stores oil below ground in any size tank(s) with a total aggregate volume over 42,000 gallons
- \* could reasonably be expected to discharge oil to navigable waters of the United States or adjoining shorelines
- \* the SPCC Plan has not been updated within the last five (5) years
- \* has had changes that affect the potential for releases to the environment

New or amended SPCC Plans should include:

- \* a tank integrity testing schedule for all ASTs and USTs
- \* a prediction of the direction, rate of flow, and total quantity of oil that could be discharged

- \* a description of containment and/or diversionary structures or equipment to prevent discharged oil from reaching navigable waters
- \* a complete discussion of the spill prevention and control measures
- \* where containment and/or diversionary structures or equipment are not practical, a strong oil spill contingency plan and written commitment of manpower, equipment, and materials to quickly control and remove spilled oil
- \* notification list including names and phone numbers of management, fire and police, municipal, state, and federal agencies requiring notification, security, etc., etc.

Craig St. Peter is an associate vice president of Pennoni Associates, Inc., Consulting Engineers, Andover, Mass.

New England Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540