

## 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 abandoned or unused, as alternative heating sources – such as natural gas, propane, and electricity – have become available.

Underground storage tanks are a concern because they are a potential source of contamination of soil and groundwater. They also pose a fire and explosion hazard under certain conditions.

### Reasons a property owner may remove their residential heating oil storage tank:

- due diligence
- improve the environmental conditions of their property
- satisfy a lender, prospective purchaser, insurance agent or local government
- remove high risk conditions
- avoid a negative impact to property value

### 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 under the [BC Fire Code](#) (BCFC). A provision in the BCFC states that an owner is required to follow good engineering practices when removing,

abandoning in place, or temporarily taking out of service, his or her residential heating oil storage tank. Examples of good engineering practices are listed in the Appendix of the BCFC, and include Part 9 of the [“Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products”](#) published by the Canadian Council of Ministers of the Environment. For further information, contact the Office of the Fire Commissioner at [OFC@gov.bc.ca](mailto:OFC@gov.bc.ca).

Local governments may also have bylaws that include provisions for the required removal or decommissioning of abandoned or unused residential heating oil storage tanks. Owners should consult their local government to determine if such local bylaws exist. Also note that many storage tanks located on property under Federal or First Nations jurisdiction are regulated by the Federal [“Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations”](#).

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.

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

Under the Act, the following individuals may be 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 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."](#) Please contact a lawyer with contaminated sites legal experience for further information on remediation liability.

## What can I do to avoid liability and minimize risks associated with residential heating oil storage tanks?

If you buy a home with a heating oil tank, knowingly or not, you become potentially liable for any future cleanup costs.

### Prospective purchasers may wish to:

- have the property inspected for fill pipes, vent pipes, feed tubes, etc.
- have purchasing offers subject to inspection by a building inspector and/or underground storage tank locator
- have an environmental consultant provide an estimate for removal, investigation and/or remediation and include this as a discount on the purchase price
- include the tank removal and remediation as a condition of sale

If you currently own a home with a heating oil tank you may also become liable for future cleanup costs.

### Property owners may wish to:

- have their property inspected, in order to identify any heating oil tanks and to minimize the risk of leaks or spills
- retain a qualified environmental professional to investigate their property during the removal of a heating oil tank and have the professional prepare a report indicating that the property meets ministry standards via ministry endorsed methods

## 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. Requirements for the decommissioning of out-of-service underground storage tanks are described in the BCFC and the federal Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations. Note that the ministry normally would become directly involved only if the site poses a high risk to human health or the environment.

## 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. Section 4.1.6.3(2) of the BCFC requires a property owner to take all reasonable steps to recover escaped flammable or combustible liquids and to remove or treat contaminated soil located on the property. If the tank is unused or abandoned, any remaining heating oil should be removed by a qualified contractor and taken to an approved facility for disposal. 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 heating oil 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. If a Notification of Independent Remediation is received by the ministry for a site, it is noted on the Site Registry and is available for public viewing.

For more information on independent remediation refer to [Fact Sheet 21, "Requirements for Independent Remediation"](#) and [Administrative Guidance 9, "Independent Remediation of Contaminated Sites."](#) For more information on the Site Registry refer to [Fact Sheet 20, "The Site Registry."](#)

#### **Notifications of offsite migration**

If, during investigation or independent remediation, it is determined that one or more substances has migrated (or is likely to have migrated) to a neighbouring property and is causing (or is likely to cause) contamination of that property, the neighbouring property owner must be notified within 15 days of the responsible person becoming aware of the situation. A copy of this notification must also be sent to the Director of Waste Management.

For more information on offsite migration notification requirements refer to [Fact Sheet 34, "Requirements for Responding to Offsite Contaminant Migration."](#)

#### **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 can 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 website.

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.

#### **Are owners required to submit remediation reports to the ministry?**

The ministry would normally only require the submission of site investigation or remediation reports if the site owner is applying for a contaminated sites service. Professionally endorsed reporting may be a requirement of the local government, insurance agency or lender, however in most cases these reports do not require ministry review.

*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](mailto:site@gov.bc.ca).