

TOWN OF HARWINTON**ORDINANCE CONCERNING THE INSTALLATION, REPLACEMENT, ALTERATION OR ABANDONMENT OF UNDERGROUND OIL AND LIQUID PETROLEUM FUEL STORAGE TANKS AND FACILITIES.****Section I - GENERAL PROVISIONS****A. Preamble**

The purposes of this ordinance are: (1) to protect the public health, safety and general welfare of town residents, and (2) to protect the natural resources of the Town of Harwinton, by regulating certain existing land use activities which pose a potential threat to groundwater, the primary source of Harwinton's drinking water.

B. Authority

This ordinance is adopted pursuant to Connecticut General Statutes, Sections 7-148 (c)(7)(E), (7)(H), (8)(A), and 29-317(b), as amended.

Section II - DEFINITIONS

ABANDON - To remove a storage tank or facility from use.

ABOVE GROUND - Refers to any structure or part thereof which is not defined as **UNDERGROUND**.

CATHODIC PROTECTION - A system that inhibits the corrosion of a tank or components through either the sacrificial anode or the impressed current method of creating a corrosion-inhibiting electrical current.

DISCHARGE - The emission of any water, substance or material into the waters of the state, including groundwater, whether or not such emission causes pollution.

FACILITY - One or more tanks, together with its or their components, any part of which is permanently fixed, and is used or designed to be used for the storage of liquid petroleum products. This shall include the piping, pumps, conveyance and dispensing elements and any cathodic protection or monitoring system used, or designed to be used, for inhibiting or detecting leaks of petroleum product from any element of the facility.

FAILURE - A condition which can or does allow the uncontrolled passage of liquid into or out of a storage tank or facility.

GROUNDWATER - All the water beneath the surface of the ground.

IMPERMEABLE MATERIAL - Material which is impenetrable by water and other liquid substances that will be stored in such tanks or facilities.

NONRESIDENTIAL - Any building which is not a residential building.

OIL or PETROLEUM LIQUID - Oil or petroleum of any kind in liquid form at atmospheric pressure including but not limited to waste oils and distillation products such as fuel oil, kerosene, naphtha, gasoline and benzene, excluding liquid propane.

OPERATOR - The person or legal entity in control of, or having the responsibility for, the daily operation of a storage tank or facility.

OWNER - The person or legal entity in possession of, or having legal ownership of, a tank or facility.

RESIDENTIAL BUILDING - Any house, apartment, trailer, mobile home or other structure intended for use as a dwelling.

SECONDARY CONTAINMENT - A method or mechanism providing back-up ability such that none of the substance being stored will escape into the environment if the original facility is breached or broken.

STORAGE TANK - Any structure or part of which is used, or designed to be used, for the storage of any oil or petroleum liquid of any kind.

UNDERGROUND - A facility which has ten percent (10%) or more of its volumetric capacity buried below the surface of the ground and which is not readily accessible for inspection.

Section III - DISCHARGES PROHIBITED

No owner or operator of any storage tank or facility containing oil or petroleum liquids shall discharge any water, substance or material, including but not limited to oil or petroleum liquids, from any storage tank or facility to the waters of the state without first obtaining a permit for such discharge pursuant to Section 22a-430 of the Connecticut General Statutes, as amended.

Section IV - DESIGN STANDARDS FOR NEW INSTALLATION AND REPLACEMENT OF EXISTING STORAGE TANKS OR FACILITIES

A. Above Ground Storage Tanks

On or after the effective date of this Ordinance, the installation of a new, or the replacement of an existing storage tank or facility of any capacity for the storage of oil or petroleum liquid which services a residential building, or which services a nonresidential building and has a capacity of less than 2100 gallons, shall be above ground, in a basement, garage or protective structure, and shall satisfy the following requirements:

1. An above ground storage tank and facility for oil or petroleum liquids, if located outside the building, shall be located within a structure with a base and containment walls, berm, or dike made of impermeable materials surrounding the tank. The storage tank, facility and the containment area material shall be compatible with the oil or fuel which it is intended to contain (i.e. - coated concrete or coated metal).
2. An above ground storage tank, including one located in a basement, crawlspace, or garage, shall be fully visible for inspection and accessible for repair. Where fuel lines are located within, or pass through, concrete they shall be protected against corrosion by the use of non-corrodible materials or by the use of cathodic protection and shall also be installed in protective sleeves.
3. An above ground tank which is located within a roofed structure but otherwise exposed to the weather, shall have a containment area which allows removal of precipitation accumulation manually, or a drain valve which allows uncontaminated storm water to be released.

B. Underground Storage Tanks

On or after the effective date of this Ordinance, no residential underground storage tank, and no nonresidential underground storage tank of less than 2100 gallons, shall be replaced with an underground storage tank.

C. Fire Code and Building Code Requirements

The installation, repair and replacement of all fuel storage tanks and facilities shall comply with the requirements of National Fire Protection Association Publication No. 30, entitled "Flammable and Combustible Liquids Code" ("NFPA 30") as revised, adopted as part of the State Fire Safety Code, pursuant to Connecticut General Statutes, Sections 29-317 and 29-320, as amended, and the provisions of the State Building Code, adopted pursuant to Connecticut General Statutes, Section 29-252, as amended.

Section V- ABANDONMENT

The owner or operator shall notify the Fire Marshall of any underground storage tank or facility at least five (5) days in advance of its removal or abandonment. The Fire Marshall or his designated appointee shall inspect said tank or facility which shall be emptied of any liquid and shall be removed or filled in a manner approved by the Fire Marshall in accordance with current State Fire Safety Code requirements to prevent future collapse of the facility and pollution of surface water or groundwater.

Section VI - PERMITS AND FEES

A. Building Permit

The owner or operator of an oil or petroleum liquid fuel storage tank or facility installed, replaced, or altered in accordance with Section IV of this Ordinance shall apply in advance to the Building Official for a building permit. The fee for such permit shall be in accordance with the Building Permit Fee Schedule adopted by Town Ordinance.

B. Abandonment Permit

Abandonment of an underground storage tank or facility shall be approved by the Fire Marshall and recorded on the appropriate form and a copy shall be provided to the current owner or operator of the removed or abandoned facility. The Fire Marshall shall charge a reasonable fee for such permit not to exceed \$50.00

Section VII - FAILURES

A. Duty to Report

On or after the effective date of this Ordinance, the owner or operator of any storage tank or facility governed by this Ordinance shall report any failures to the Fire Marshall immediately.

B. Corrective Action

The owner or operator of any storage tank or facility governed by this Ordinance in which a failure occurs shall remove, repair or abandon such tank or facility subject to the approval of the Fire Marshall in accordance with current State Fire Safety Code requirements and the provisions of this Ordinance.

Section VIII - ENFORCEMENT

The Building Official and Fire Marshall shall enforce this Ordinance within their respective areas of Code enforcement jurisdiction. The Fire Marshall may delegate the authority to enforce this Ordinance to anyone who has attained operations level training in hazardous materials consistent with NFPA standards, provided that any person aggrieved by any decision of such designee may appeal to the Fire Marshall. The Building Official may delegate the authority to enforce this Ordinance to any Connecticut Certified Building Official, provided that any person aggrieved by any decision of such designee may appeal to the Building Official.

Section IX - APPEAL

Any person aggrieved by any requirement of the State Building Code or the State Fire Safety Code, or any act of the Building Official or the Fire Marshall in enforcing the same, may appeal for relief in the same manner as provided in statutes for appeals from decisions of Building Officials or Fire Marshalls, as the case may be.

Section X - MISCELLANEOUS PROVISIONS

1. The provisions of this Ordinance shall not supersede any authority the local or state Fire Marshall may have regarding the design, construction, installation and maintenance of storage tanks and facilities due to their capacity, use or location.

2. Each provision of this Ordinance shall be construed as separate, such that if any provision shall be held invalid for any reason, the remainder shall continue in full force and effect.

Section XI - EFFECTIVE DATE

This Ordinance shall take effect fifteen (15) days after publication of a summary of its provisions in a newspaper having circulation in the Town in accordance with Connecticut General Statutes, Section 7-157(b).

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