

## SPAR Chapter 75 Class 2 Facilities Amendments Frequently Asked Questions

Questions from the public have been gathered along with the department's responses. Substantially similar questions have been aggregated.

1. Why is the department requiring the registration of these facilities and aboveground oil storage tanks (AST)?
  - A. The department's goal is to determine the number and location of Class 2 facilities in the state. Currently, the department does not have this information and often only finds out about these facilities after a spill has occurred. Gathering this information will allow the department to provide technical assistance to these facilities to help prevent spills and gauge the response measures of facilities when spills occur.
2. What information about Class 2 facilities and ASTs must be provided to the department with the registration?
  - A. The following must be provided for facilities:
    - (1) Owner contact information;
    - (2) Facility contact information;
    - (3) Type of owner (e.g., commercial, private, government, etc.);
    - (4) Type of facility (e.g., gas station, hospital, utilities, etc.);
    - (5) Date placed into service; and
    - (6) Capacity.
  - B. The following information must be provided for ASTs:
    - (1) Date placed into service;
    - (2) Capacity; and
    - (3) Product stored.
3. Do heating oil tanks need to be registered?
  - A. A heating oil tank needs to be registered if the tank is located at a Class 2 facility and is an AST with a capacity of 500 gallons or greater.
4. Does an oil terminal facility with a storage capacity of 420,000 gallons or greater need to register?
  - A. No, a facility with a storage capacity of 420,000 gallons or greater does not need to register because it has an oil discharge prevention and contingency plan. However, if the storage capacity falls below 420,000 gallons, then the facility and its ASTs need to be registered.
5. Do homeowners need to register their ASTs?
  - A. Residential structures with ASTs used solely to store heating oil for consumptive use on the premises are not considered Class 2 facilities and therefore the ASTs do not need to be registered. If the AST is not used solely to store heating oil, the ASTs will need to be registered if the combined storage capacity is 1,000 gallons or greater (exclude ASTs with capacities less than 500 gallons in the calculation).

6. Is my facility a Class 2 facility?
  - A. To determine if your facility is a Class 2 facility, answer the following questions:
    - (1) Does the facility have aboveground oil storage tanks (ASTs)?
      - a. Yes – Proceed to #(2).
      - b. No – The facility is not a Class 2 facility.
    - (2) Is the facility required to have an oil discharge prevention and contingency plan (ODPCP)?
      - a. Yes – The facility is not a Class 2 facility.
      - b. No – Proceed to #(3).
    - (3) Is the facility a residential structure?
      - a. Yes – Are the ASTs used to store heating oil solely for consumptive use on the premises for the residential structure?
        - i. Yes – The facility is not a Class 2 facility.
        - ii. No – Proceed to #(4).
      - b. No – Proceed to #(4).
    - (4) Is the storage capacity of all ASTs 1,000 gallons or greater (exclude ASTs used in a wastewater collection system and ASTs with storage capacities less than 500 gallons in the calculation)?
      - a. Yes – **The facility is a Class 2 facility.**
      - b. No – The facility is not a Class 2 facility.

**Below are questions added December 23, 2016**

7. If a property owner leases land to a Class 2 facility, is the property owner considered an owner of the Class 2 facility?
  - A. It is not the intention of these regulations to have a lessor with a Class 2 facility on their property to be considered the owner. There may be individual circumstances where the lessor has an ownership interest in the facility and would be considered an owner.
8. What will be the cost for me to register my Class 2 facility and ASTs?
  - A. There are no proposed registration fees for Class 2 facilities and ASTs. The time required to complete the registration process will vary based on the number of tanks at the facility but the average is estimated to be one to two hours.

**Below are questions added January 5, 2017**

9. Is oil-filled equipment, such as transformers, considered a Class 2 facility AST?
  - A. Oil-filled equipment is not considered an AST except for vehicles designed and used to transport oil if the vehicle contains oil and remains in the same location for more than 30 consecutive days or the vehicle dispenses oil and is refilled in the same location.
10. If my facility has a Spill Prevention, Control, and Countermeasure (SPCC) Plan, is it considered a Class 2 facility?
  - A. Most facilities that have an SPCC Plan will be considered a Class 2 facility but it depends on the size of the containers at the facility. This is because the facility capacity calculation for an SPCC Plan includes containers of 55 gallons or greater. The facility capacity calculation for a Class 2 facility only includes containers of 500 gallons or greater.