TOWN OF RINDGE
NEW HAMPSHIRE

UNDERGROUND STORAGE TANK
BYLAWS

Adopted March 9,1993
Amended March 14, 2000

UNDERGROUND STORAGE TANK BYLAWS

I. AUTHORITY

The Town of Rindge adopts this bylaw pursuant to its authority under N.H. RSA 39:31

II. PURPOSE

The purpose of this regulation is to protect the health, welfare, public safety, and prosperity of the residents of Rindge by protecting their present and future water supplies, preventing fires and explosions, and preventing other adverse consequences of petroleum leaks. In particular, the purpose is to ensure that discharges of petroleum products which contaminate the environment and present health and safety risks do not occur, and that if they do, timely notice of such discharge is achieved and remedial action is taken.

III. DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this regulation:

Abandoned: Out of service for a period in excess of 12 months.

Aquifer Protection District: The Aquifer Protection District as established and defined by the Rindge Aquifer Protection District Ordinance as amended, and adjusted by the Rindge Planning Board.

Discharge: Spilling, leaking, or placing of any petroleum product or any constituent thereof onto or on any land or water so that such material may enter the environment or be emitted into the air or discharged into any water, including ground waters.

Leak: Any uncontrolled movement, measurable by a testing method accurate to 0.05 gallons per hour or less, of any petroleum product out of a tank or its components, or any uncontrolled movement of water into a tank or its components.

Selectmen: The Rindge Board of Selectmen or their agent.

Storage Tank: Any structure, including associated piping, either underground or above ground, used or designed to be used for the storage of any petroleum product, excluded from state regulation by N.H. C.A.R. Part Env-Ws 411.02 paragraph (c) or (d).

Underground: Where 10% or more of the volume of a tank and piping is buried below ground surface, but not including storage in a freestanding container within a building.

IV REGISTRATION AND TESTING

1. By January 1, 1994, all owners or users of underground storage tanks must register those tanks with the Selectmen. Even tanks no longer in use must be registered. The Selectmen will provide a form for the purpose of registration which will request the following information:

   A. Name and address of the tank owner
   B. Address of tank location.
   C. Size of tank.
   D Type of tank construction
   E. Age of tank, and proof of date of installation
   F. Location of tank and fill pipe on property.
   G. Location of any private well on property.
   H. Any tank permits.
   I Tank testing history.
   J. Name of present oil delivery company.
   K. Other pertinent information as the Selectmen, Fire Department, or Health Officer may request.

There may be a fee of no more than $10.00 for registration. This registration shall be in addition to any permits previously applied for. As of the date of adoption of this regulation any building permit application for an underground storage tank or vault filed with the Selectmen shall be accompanied by the registration form required in this section.

2. Within 14 days of registration, (or installation of a new tank) the Selectmen will affix a tag to the fill pipe or vent pipe of the registered tank.

3. As of January 14, 1994, any party that delivers materials into an underground storage tank which does not display a tag certifying that the tank has been duly registered with the Selectmen must notify the Selectmen within on week of such delivery. Such notification will include the name and address of the tank owner, location of tank, size of tank and substance provided.

4. Owners of underground storage tanks for which evidence of installation date is not available, shall, at the order of the Selectmen, have such tanks tested as per the following paragraph 5. If the Selectmen determine that the tank is not product-tight, it shall be removed and disposed of under the direction of that authority.

5. All underground storage tanks and associated shall be subject to mandatory testing 15 years after the date of installation, at the ages of 17 and 19 and annually thereafter. All test results must be provided to the Selectmen within 14 days of the test being administered. If evidence of the date of installation is not available, and the Selectmen so determine, testing may be require annually. All testing will be done according to N.H. C.A.R. Part Env-Ws 411.13 paragraphs (c) thorough (I) and Part 411.14. A waiver of this provision may be obtained upon the discretion of the Selectmen, if the owner demonstrates to the satisfaction of the

Selectmen, that such tests are not appropriate because the tank has monitoring devices which were proven to be functioning properly, is double-walled and cathodically protected, and is less than 20 years old. The Selectmen must also determine that the tank does not represent a threat to surface or ground water. Such waivers shall be required for each required test. After 20 years of age, no waivers will be available. If any owner refuses to complete a required test, the Selectmen may require immediate removal of the tank.

V. ABANDONMENT AND OTHER CONCERNS

1. To abandon a tank which is located under a building and which cannot be removed from the ground without first removing the building, the owner shall promptly notify the Selectmen, and shall proceed as prescribed by the Department of Environmental Services.

2. Except as provided in paragraph V. 1, no tank may be abandoned in place. Underground storage tanks out of service for a period in excess of twelve months shall be considered abandoned and the tank shall be emptied, purged and removed in compliance with the following Department of Environmental Services recommended procedures:

   (a) All product, liquid and sludge should be removed from the tank system. This includes the contents of the tank and associated piping.

   (b) The tank should be tested for explosive vapors and rendered free of such vapors. A trained professional who is knowledgeable in tank closing procedures should perform this testing.

   (c) It should be determined if the tank has leaked by evaluating the soil located under the tank for petroleum contamination. A soil sample collected from beneath the tank should be analyzed for petroleum compounds by a certified laboratory. If contamination is discovered the Selectmen and the Department of Environmental Services (DES) must be notified immediately.

   (d) Disposal of excavated tanks must occur in compliance with DES's Waste Management Division recommendations.

3. If the Selectmen determine that a tank and its components must be removed, the removal must be completed within 30 days after the Selectmen have notified the owner, in writing by registered mail, of their decision.

VI. DEFECTS

All underground storage tanks failing a test performed under paragraph IV, 5 or otherwise found to leaking must be pumped out within 24 hours of detection of the leak, and purged and removed within 7 days. The tank must be removed as per paragraph V, 2. A permit for the tank removal must first be obtained from the Selectmen and a representative of the Selectmen must be on site when the tank is removed. Permit fee is to be determined by the Selectmen.

VII ENFORCEMENT

1. All persons having knowledge of any discharge of petroleum product from an underground storage tank shall report the discharge to the Fire Department and Police Department within two hours of the discovery of the discharge. The Police Department shall alert the Selectmen and Health Officer of the discharge.

2. The Health Officer, or his/her agents, shall investigate any immediate or impending threat to public health resulting from a reported discharge from an underground storage tank.

3. Any person who violates any provision of this regulation shall be punished by a fine of not more than $100. Each day or portion thereof during which a violation continues shall constitute a separate offense. If more than one, each condition shall constitute a separate offense.

VII COSTS

In every case the owner of the tank shall assume responsibility for costs incurred necessary to comply with this regulation. The owner shall be responsible for all costs of recovering and properly disposing of any product that has leaked and for all cost of restoring the environment, including ground and surface water, to an acceptable condition.

IX SEVERABILITY

In the event that any provision of this regulation shall be deemed invalid, unreasonable, or unenforceable by any court of competent jurisdiction, such provision shall be stricken from the regulation or modified so as to render it reasonable, and the remaining provisions shall continue in full force and effect.