



State of Delaware Department of  
Natural Resources and  
Environmental Control

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REQUIREMENTS  
FOR  
UNDERGROUND  
HEATING FUEL  
TANKS

*Areas where Tank Management Section (TMS) personnel may  
be of further assistance are indicated by an asterisk (\*).*

## **WHAT YOU SHOULD KNOW IF YOU HAVE AN UNDERGROUND HEATING FUEL TANK ON YOUR PROPERTY**

- Some heating fuel tanks are regulated by the State, some are not.
- **Any** underground release of heating fuel to the environment is potentially serious and requires notification to the Department of Natural Resources and Environmental Control at 1-800-662-8802.
- Surface spills in excess of 25 gallons or spills that cannot be cleaned up in 24 hours must be reported to the Department at 1-800-662-8802

### **What is a Heating Fuel tank?**

It is a tank which stores fuel used for heating a space in a building. It may be a home, office, or it might be used to heat space for animals or plants. The tank must store fuel that is used only on the premises and only for heating purposes. If fuel in the tank is used for any other purpose, such as fueling vehicles, the Department does not classify it as a Heating Fuel tank.

### **Which Heating Fuel tanks are NOT regulated by the Department?**

Tanks with a capacity of 1,100 gallons or less.

### **What do I need to do if my tank is NOT regulated, and I want to continue to use it safely?**

Consider hiring a contractor\* to determine if the tank is leaking. This could include a tank tightness test or taking soil and/or groundwater samples around the tank to test for contamination. Be aware of any excessive use of heating fuel that could signal a leak. Consider doing manual tank gauging\* at least twice a year to check for leaks. Be suspicious of fuel stains around the fill or vent line, or dead or stressed vegetation in the area. This could be an indication of more serious problems below ground.

### **What tanks are regulated and must be registered with the Department?**

If the tank's capacity is between 1,100 and 2,000 gallons, it is regulated and you must register\* the tank with the Department.

If the tank's capacity is more than 2,000 gallons it is regulated and you must register the tank *and* pay a fee of \$50 per tank per year.

The seller and buyer of a property with a registered tank are responsible for sending tank ownership transfer information to the Department within 30 days of transfer.\* You may not operate the UST system until you notify the Department that you are the new owner.

### **What do I need to do if my tank is regulated?**

The requirements for heating oil tanks differ based on the date of the tank's installation. A New tank is one installed on or after May 14, 1993; An Existing tank is one installed prior to May 14, 1993.

Requirements for New Tanks greater than 1,100 gallons and Existing Tanks greater than 2,000 gallons:

- Spill containment
- Overfill protection
- Leak Detection
- Fill Line protection
- Corrosion protection

Make sure you keep all of the required tank records and that the UST system (including product lines and vents) is in compliance with the Regulations. This includes a history of previous owners, confirmation that the UST system is in compliance with leak detection requirements, inventory records, any upgrades or repairs to the equipment, and tank registration papers. Make sure all registration fees are current.

**Is there any law that requires that my Heating Fuel Underground Storage Tank be removed?**

The Delaware Department of Natural Resources and Environmental Control requires that you comply with *Delaware's Regulations Governing Underground Storage Tank Systems*. These regulations **DO** allow the use of underground heating fuel tanks. Owners and operators must comply with the cleanup, registration and leak prevention requirements as outlined above. Local laws and ordinances may differ from those imposed by the State of Delaware. Check with local officials before installing a tank or purchasing a property with an existing tank.

**What do I need to do if I no longer want to use the tank?**

If it is less than 1,100 gallons, you may remove it or you may pump out all remaining fuel and fill it with sand or other solid, inert material. If the tank is greater than 1,100 gallons you must hire a certified contractor\* to either remove or properly abandon the tank. Soil samples must be taken at the time of removal or abandonment to determine if the tank leaked. Contact the Tank Management Section for instructions and a list of certified contractors.

**What should I do before purchasing a property with a heating fuel tank?**

Even if the tank is not regulated, has not recently been used or is empty, you want to ensure that the tank has not leaked and you are not purchasing a property with pre-existing contamination. If the tank is still in use consider hiring a contractor to conduct a tank tightness test. Soil samples may be taken around the site of an existing or previous tank and analyzed by a laboratory to determine if there is contamination. Be suspicious of fuel stains around the fill or vent line, or dead or stressed vegetation in the area. This could be an indication of more serious problems below ground. Check with the current owner to determine if they have experienced a significant increase in oil consumption; this could be indicative of a leak.

**What if my tank has a release?**

If at any time you discover that the tank has released oil to the environment below ground you must notify the Department immediately at 1-800-662-8802. The Department will guide you through the cleanup process.

**Need More Information?**

Call the Tank Management Section at (302) 395-2500 for more information on certified tank contractors, Freedom of Information Act (FOIA) requests, or regulatory requirements. A copy of *Delaware's Regulations Governing Underground Storage Tank Systems* is available for purchase at the TMS office, or may be downloaded at no charge from the Section web site at:

[www.dnrec.delaware.gov/tanks](http://www.dnrec.delaware.gov/tanks)

At the Tank Management Section web site you will find information on tank compliance, sites with leaking tanks, FOIA requests, copies of our newsletter, and links to other relevant information. You may also send e-mail to the Section with a link at this site.