

Underground Petroleum Storage Systems

The Environment Protection Authority (EPA) and Cessnock City Council teamed up to carry out inspections on a number of service stations in the Cessnock area that have underground fuel storage systems (UPSS).

The joint inspections aimed to assess the businesses compliance with the UPSS Regulation. From September 2019 local councils will become the appropriate regulatory authority (ARA) for matters arising from the UPSS Regulation

What are UPSS?

UPSS refers to all underground petroleum storage systems, which are defined as storage systems that include:

- one or more tank(s) which are completely or partially buried in the ground which contain, or are intended to contain petroleum
- any piping to, or from or associated with the tanks to the inlet port of any dispensers, but not vent and vapour recovery piping

UPSS systems can be a common source of soil, groundwater and surface water contamination. Taking a proactive approach and preventing leaks from occurring is in the best interest of site owners and managers, saving clean-up costs, which can run into the millions of dollars.

Legislation

The main piece of legislation that regulates pollution in NSW is the *Protection of the Environment Operations Act 1997* ('POEO Act'). Under the Act, it is an offence to pollute land and waters. Leaks from UPSS can be a common source of contamination to land and waters including groundwater and surface waters.

In June 2008, the *Protection of the Environment Operations (underground Petroleum Storage Systems) Regulation 2014* (NSW) (UPSS Regulation) was implemented under the POEO Act. The UPSS Regulation outlines the statutory requirements for the management and operations of the systems. The regulation aims to reduce the environmental risks and liabilities by ensuring good management practices and early detection of leaks.

Prior to the implementation of the UPSS Regulation a cost-benefit analysis undertaken by the DECC (now Office of Environment and Heritage (New South Wales) showed that the implementation of the UPSS Regulations would significantly outweigh the costs. The analysis identified the following benefits for industry:

- reduced loss of petroleum product because leaks are detected earlier

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- fewer restrictions on future land use as a result of remediation of contaminated sites and their surrounds
- a consistent level of preventative pollution control across the petroleum industry, providing fairer competition for all individual retailers and distributors
- lower investigation and clean-up costs, including fewer disruptions to business operations which occur where extensive remediation is required
- reduced potential for litigation arising from contamination of groundwater and offsite (third party) properties
- fuel management and dispensing
- Loss monitoring procedure
- Leak detection procedure
- Incident management procedure
- Site plan, including drainage and services
- Hazardous chemical manifest – for use by emergency services during incidents
- Spill kits for all chemicals stored onsite including fuel

Who does legislation apply to?

The UPSS Regulation applies to the 'person responsible'. The 'person responsible' is defined by the UPSS Regulation as the person who has management and control of the storage system –this could include the owner, lessee or operator of the system. In some cases there may be more than one party involved in managing the site through legal and contractual agreements.

What are my obligations?

Operational UPSS sites are obliged to have the following information available:

- Environmental Protection Plan (EPP) or equivalent documents. The UPSS Regulation requires that EPP or equivalent documents must be kept up to date, be accessible to all operational personnel involved with

Guidelines

To assist those responsible for UPSS to understand and comply with the Regulation, The EPA has prepared the *Guideline for implementing the POEO (Underground Petroleum Storage Systems) Regulation 2008*.

Until September 2019 the NSW EPA are the appropriate authority for UPSS regulation matters.

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