

## Reminder: Underground Petrol System Regulation for NSW

As of the start of June 2011, all sites with Underground Petroleum Storage Systems (UPSS) in New South Wales must ensure they operate in accordance with the Protection of the Environment Operations (UPSS) Regulation 2008, which was passed by the NSW Government in March 2008.

The Regulation aims to provide control over underground fuel tanks and systems, to prevent potential contamination of soil and groundwater.

Persons responsible for UPSS should ensure that their sites are operating in accordance with the new regulations and if need, adopt management recommendations to ensure the regulation is adhered to.

Problems arise when owners have acquired sites with underground tanks which are no longer in use. Some owners are unaware that tanks remain on their site and this can significantly increase the environmental and commercial risks. Furthermore, when tenants have installed or use underground tanks there can be an obfuscation of responsibilities which can ultimately result in potential liabilities for the land owner.

The following steps should be undertaken to protect your asset and ensure compliance with the UPSS legislation:

### Step 1 - Determine if a UPSS exists on site

A simple walk over of the site to identify the tell tail signs of an existing or former UPSS can often reveal this information. Older industrial sites may choose to undertake a search of Workcover and local council records or undertake a Preliminary Environmental Assessment.



### Step 2 - Determine the location, size, age and contents of a UPSS

The age is important as some steel tanks tend to rust over time. Determine if the UPSS is still in use or should be in use. If the tank is not in use or it is considered uneconomical to comply with the regulations, the tank should be decommissioned. Note there are certain notification requirements imposed under environmental legislation where tanks are decommissioned.

### Step 3 - In-service tanks should be licensed/registered

Where tanks exist, advice should be sought on whether the size and nature of the contents of the tank require it to be licensed/registered with WorkCover NSW. In-service tanks should be checked to determine whether there are any existing groundwater wells on the site, specifically adjacent to the location of the UPSS. If groundwater wells have been installed, monitoring data should be reviewed.

## Step 4 - Draft an Environmental Protection Plan

If there is no documented Environmental Protection Plan (EPP) in place, the site owner should develop this plan in accordance with the Guidelines for Implementing the Protection of the Environment Operations (UPSS) Regulation 2008. The EPP should clearly specify the procedures for monitoring and detecting leaks (i.e. integrity testing).

An EPP must be maintained on site and should include the following:

- Loss monitoring procedure;
- Incident management procedure;
- Maintenance for the system;
- Current 'as-built' drawings of the system;
- A list of relevant industry standards;
- Copies of the UPSS specifications; and
- Contact and site details.

## Exemptions

Exemptions from certain requirements of the Protection of the Environment Operations (UPSS) Regulation 2008, may be obtained from DECCW in some instances. The exemptions may be sought for:

- Certain types of UPSS (i.e. waste oil or tanks associated solely with back-up power generators);
- Sites outside of environmentally sensitive zones; and
- Sites with alternative measures in place to provide equivalent environmental benefits.

## Compliance Requirements

DECCW conduct random and targeted auditing of sites with UPSS to ensure the requirements are being met. 'Clean-up notices' and 'prevention notices' can also be issued for sites where it is suspected that a pollution incident has occurred, where an activity has been carried out that is unsatisfactory.

## Relevant legislation/material

Protection of the Environment Operations Act 1997:

<http://www.legislation.nsw.gov.au/viewtop/inforce/act+156+1997+ch.1-sec.1+0+N>

Guidelines for Implementing the Protection of the Environment Operations (UPSS) Regulations 2008:

<http://www.environment.nsw.gov.au/resources/clm/09653upssglines.pdf>

For more information on this topic please call Scott Bamford on 0459 988 511 or Steve Bos on 0413 603 030.

