



What Home Owners & Real Estate Agents Should Know About Residential Heating Oil Tanks

Nevada Division of Environmental Protection (NDEP)



1. Are heating oil tanks regulated by federal or state requirements?

No. Federal and Nevada State regulations exempt home heating oil tanks from the "underground storage tank" definition in 40 CFR 280.12. However, city or county requirements for heating oil tank installation, removal, or in-place abandonment may apply. You should contact your local fire jurisdiction and building department to see if they have any further requirements that must be met.

2. Who can remove or abandon a heating oil tank?

Certified specialists are not required by the State of Nevada for residential heating oil system removal, testing, or abandonment. NDEP recommends these tasks be overseen by qualified individuals such as NDEP-certified contractors. A list of Certified Tank Handlers, Testers, and Environmental Managers is available on our Certification Program webpage at: <https://ndep.nv.gov/environmental-cleanup/certification> or by contacting our office at (775) 687-9368.

3. How do you know if a heating oil tank has leaked?

Circumstantial evidence commonly provides clues regarding a leaking tank. Such evidence may include an unexplained loss of heating oil from the tank, the discovery of heating oil in a nearby well, contaminated soil encountered during nearby trenching activities, or water in the tank. Common methods to determine if a tank is actually leaking include: 1) Testing the integrity of the tank, or 2) Conducting a site assessment by collecting soil samples adjacent to the tank at a depth just below the tank's bottom and having the samples analyzed by a laboratory for petroleum impacts.

The decision to perform tank testing and/or a site assessment lies with the property owner. There are no Federal or State requirements to evaluate the condition of the tank or possible environmental impacts from the tank. However, many lending institutions do require documentation that the tank has not caused contamination to the environment prior to finalizing a loan to a prospective buyer. Under these circumstances, a lender may require an assessment as described above.



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4. What happens if a release is discovered from a heating oil tank?

If a heating oil tank has caused a release to the environment, the State of Nevada does regulate the release. Nevada law requires reporting the release to the NDEP's Bureau of Corrective Actions within 24 hours of discovery (Telephone number (775) 687-9485 or (888) 331-NDEP in state).

A reportable release consists of the following: 1) Impacted soil concentrations for total petroleum hydrocarbons (TPH) that exceed 100 mg/kg and the volume of impacted soil is greater than or equal to 3 cubic yards, 2) A spill of any petroleum product in a quantity of 25 gallons or more, or 3) Any petroleum product discovered on groundwater or surface water. All of these conditions require reporting and may warrant clean-up of the contaminated area. Any impacted material must be properly managed and disposed with regulatory concurrence by the NDEP.

5. Is there financial assistance to clean-up releases from heating oil tanks?

Yes! The State of Nevada Petroleum Fund (Fund) reimburses residential homeowners for clean-up activities required by a NDEP remediation case officer up to \$250,000. A \$250 co-payment for tanks 1,100 gallons or less applies. The Fund does not reimburse costs associated with replacing tanks or upgrading a home's heating equipment (e.g. natural gas, wood pellets, etc.).

Note: In-place abandonment (i.e. filling a tank with concrete/slurry) or removal of a tank without conducting an environmental assessment at the time of the tank's removal/abandonment would preclude reimbursement from the Fund if contamination is discovered at a later date. Under this circumstance, NDEP may still require clean-up of the contamination and the total cost would be the responsibility of the owner.

6. Where can I get more information?

Contact the NDEP's Bureau of Corrective Actions for additional information about environmental clean-up by telephone at (775) 687-9368. Visit our website for more information about heating oil tanks (<https://ndep.nv.gov/land/underground-storage-tanks/heating-oil>) and certified professionals (<https://ndep.nv.gov/environmental-cleanup/certification>).