
ENVIRONMENTAL Fact Sheet



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2022

Day Tank Deficiencies for Regulated Underground Storage Tanks (USTs)

The New Hampshire Department of Environmental Services (NHDES), in collaboration with the New Hampshire State Fire Marshal's Office (SFMO), provides the following table (page 2) as a summary of applicable deficiencies for Day Tanks at regulated underground storage tank (UST) facilities based on the associated Env-Or 400 rules and National Fire Protection Association (NFPA) codes.

Prior to 2022, NHDES inspections provided a general deficiency related to Day Tanks that was all encompassing but didn't provide any specific details. Starting on April 1, 2022, NHDES compliance inspection reports will provide facilities a more detailed list of deficiencies relative to Day Tanks. If a spill or release occurs at a facility after these detailed deficiencies are recorded, eligibility to the Oil Discharge and Disposal Cleanup Fund will be based on the fund availability criteria in [Odb 405.01](#). The following are definitions in the Env-Or 400 rules related to day tanks:

- Env-Or 402.04 "Auxiliary tank" means a **DAY TANK** installed in the supply piping between a heating oil burning device and the UST that supplies it, is an integral component of the piping system, and is a UL 443 tank not exceeding 60 gallons in capacity.
- Env-Or 402.14 "**DAY TANK**" means a tank installed in the supply piping between a heating oil or motor fuel burning device and the UST that supplies it, that is an integral component of the piping system.
- Env-Or 402.46 "Piping system" means pipes and all connected fittings, pumps, monitors, secondary containment, auxiliary tanks, **DAY TANKS**, dispensing equipment, and any other components associated with the conveying, venting, filling, or dispensing of a stored substance or vapors of the stored substance in a UST or UST system.

References:

- [Chapter Env-Or 400](#) (effective 10/10/2018) = Underground Storage Tank Facilities (NH Code of Administrative Rules).
- NFPA 31 (2011) = Standard for the Installation of Oil-Burning Equipment.
- NFPA 30 (2015) = Flammable and Combustible Liquids Code.
- NFPA 37 (2015) = Standard for the Installation & Use of Stationary Combustion Engines & Gas Turbines.
- NFPA 110 (2013) = Standard for Emergency and Standby Power Systems.

#	Deficiency Title	Code/Rule	Description
1	No Markings	Env-Or 405.12(a)	Markings to include: Type of Product, Registered UST # & NFPA 704 (Hazard Symbol).
2	Marking Lettering	Env-Or 405.12(b)	Markings to be 2" (min. height) lettering that contrasts with tank.
3	Auto-fill Overfill Test Overdue	Env-Or 406.11(c)	Annual overfill protection testing overdue (required for both high level and overfill alarms, most commonly high level is set at 90% and overfill at 95%).
4	Auto-fill Overfill Test Fail	Env-Or 406.11(i)	When failed test occurs and/or when sensors need to be repaired.
5	Auto-Fill Leak Monitoring (LM) Test Overdue	Env-Or 406.13(c)	Annual rupture basin/secondary containment leak monitoring test overdue.
6	Auto-Fill LM Fail	Env-Or 406.13(c)	When failed test occurs for leak monitoring in rupture basin/secondary containment.
7	Secondary Containment	Env-Or 405.08	Tank must be within a rupture basin or of double-walled construction, outfitted with a leak monitor audible/visible alarm and automatically shuts off supply pump, starts the return pump if so equipped and/or closes a fill solenoid valve.
8	Sensor Install	Env-Or 405.08(c)	No leak sensor in secondary containment w/ audible/visible alarm and automatically shuts off supply pump, starts the return pump if so equipped and/or closes a fill solenoid valve.
9	Design Standard	NFPA 31 7.2.7 or NFPA 37 6.1	Could not verify design and construction standards (UL/API Listing of Tank or Equivalent).
10	Venting Bad	NFPA 31 8.6 or NFPA 37 6.7	Atmospheric & Emergency Venting need to terminate outside of building and have a minimum setback from building openings/rooflines of 2' (24").
11	Overfill Install (determined during inspection)	NFPA 31 1.5.2/8.10.3 or NFPA 37 1.5.2/6.5	Required to have a high-level alarm that is visual and automatically shuts off supply pump AND an overfill alarm that is audible and visual and automatically shuts off the supply pump, starts the return pump if so equipped* and/or closes a fill solenoid valve.
12	Overfill (could not verify during inspection)	NFPA 31 1.5.2/8.10.3 or NFPA 37 1.5.2/6.5	Same as 11 above but could not verify overfill requirements during inspection.
13	Piping Bad	NFPA 31 8.2.2 or NFPA 37 6.8.1	Piping is not metal that meets requirements.

*May also have a gravity/overflow return line