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FLAMMABLE & COMBUSTIBLE LIQUID ABOVEGROUND STORAGE TANK UPGRADE INFORMATION SHEET

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Minnesota Pollution Control Agency (MPCA) requirements are resulting in significant work being done to upgrade above ground tanks in Minnesota. This information sheet is intended to answer many of the most common questions relating to tank upgrading and the relationship between the MPCA and the Minnesota State Fire Code (MSFC) rules.

Summary of Important Points Relating to MPCA Required Tank Upgrades and the Minnesota State Fire Code.

- In many cases, work done to comply with MPCA upgrading requirements would simply be considered maintenance under the Minnesota State Fire Code (MSFC).
- Examples of maintenance include lifting of tanks to refine dikes or replace tank bottoms, installing a dike or changing the dike materials, upgrading piping, or installing secondary containment for piping. This also includes the more typical examples of maintenance such as painting, inspecting or repairing existing tanks.
- Simply lifting a tank to do work and placing the tank back in the same location, along with other maintenance, is not considered a new tank installation. Such a tank would be permitted to be returned to its original location and no plan review is required by the State Fire Marshal Division, although it is always necessary to receive local approval.
- If tanks (or even an entire bulk plant) are moved, then the tanks are considered "new" and must meet the current fire safety requirements in the MSFC and may require a plan review by the local fire official.

Questions should be directed to the State Fire Marshal Division by e-mail to firecode@state.mn.us. Additional information is available at www.fire.state.mn.us.

SECTION 1 – RELATIONSHIP BETWEEN MPCA AND THE MSFC

1.1 MN Statute 299F.014

Minnesota Statute 299F.014:

- (a) Any rule of the commissioner of public safety that adopts provisions of the State Fire Code relating to aboveground tanks for petroleum storage that are not used for dispensing to the public is superseded by Minnesota Rules, chapter 7151, in regard to: secondary containment, substance transfer areas, tank and piping standards, overflow protection, corrosion protection, leak detection, labeling, monitoring, maintenance, record keeping, and decommissioning. If Minnesota Rules, chapter 7151, does not



address an issue relating to aboveground tanks for petroleum storage that are not used for dispensing to the public, any applicable provision of the State Fire Code applies.

(b) A motorized tank vehicle used to transport petroleum products may be parked within 500 feet of a residence if the vehicle is parked at an aboveground tank facility used for dispensing petroleum into cargo tanks for sale at another location.

As you can see, in areas relating to environmental protection, the MPCA rules supersede the fire code as long as the tanks are not used for dispensing to the public. There is also confusion about smaller outdoor aboveground tanks less than 1,100 gallons that fall below MPCA rules. In this case, the fire code would still apply since there are no MPCA rules.

SECTION 2 – GENERAL PROVISIONS

2.1 Outdoor AST sites for storing less than 1,100 gallons of gasoline, distillates or lube oils that are not used for public dispensing into motor vehicles

These small sites are excluded from MPCA aboveground storage tank rules (7151). Minnesota State Fire Code Chapters 22, 27 and 34, where applicable, still would apply.

2.2 Outdoor AST sites of less than 1,100 gallons of gasoline, distillates, or lube oils that are used for public dispensing into motor vehicles

These small sites are excluded from the MPCA rules (7151) and are regulated by the Minnesota State Fire Code as it relates to public dispensing (Chapter 22), flammable and combustible liquids (Chapter 34) and tanks on farms, construction sites and rural areas (Section 3406).

2.3 Outdoor AST sites of greater than 1,100 gallons of gasoline, distillates, or lube oils that are used for public dispensing into motor vehicles

These sites are regulated by the MPCA rules (7151) and by the Minnesota State Fire Code as it relates to public dispensing (Chapter 22), flammable and combustible liquids (Chapter 34) and tanks located on farms, construction sites or rural areas (Section 3406).

2.4 Indoor AST sites for storing distillates or lube oils

These sites are regulated by MPCA Rules 7151.1300 Subp. 21. Indoor AST sites must provide secondary containment for the systems under MPCA rules (7151.1200, subp. 21). The general requirements outlined in MSFC section 2703 apply unless specifically exempted by MN Statute 299F.014.

2.5 Outdoor AST sites of greater than 1,100 gallons of gasoline, distillates, or lube oils that are not used for dispensing into motor vehicles

These sites are regulated by the MPCA rules (7151). Unless specifically exempted by MN Statute 299F.014, Minnesota State Fire Code (MSFC) Chapters 27 and 34 do apply to these installations.