



The Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 was introduced in NSW to take a preventative approach to minimise the risk of contamination from underground petroleum storage systems (UPSSs).

An overview of the UPSS Regulation and associated requirements is summarised herein.



**Underground fuel tanks and the UPSS Regulation -
What lies beneath?**

**Easterly Point
Environmental**

Contaminated land specialists



The NSW EPA describes that "leaking UPSS can cause harm to the environment and human health and are potentially a significant source of groundwater contamination. Clean up of contaminated areas can be extremely costly, technically difficult and time consuming[1]".

The images that we see associated with fuel tanks are often on the extreme side of things, from benign tanks and fuel pumps at service stations that we barely blink an eye at, to visions of tanks and petrol exploding. An example of this in the media a few years ago was on 'The Block', where a fuel tank was discovered and labelled a "ticking time bomb". The now infamous foreman, Keith, said that "If that had of exploded, see you later Block. This whole place would have blown up."

While tanks certainly can explode, in reality, **the most common and expensive part of UPSS is their potential to leak, releasing fuel into the environment.**

The UPSS Regulation was introduced to minimise the risk of contamination from leaks at sites with underground fuel storage systems, using a preventative approach.

The regulation specifies the minimum standards for the storage and management of UPSS, including a Fuel System Operation Plan (FSOP) (previously known as an environmental protection plan), loss detection systems including the installation of groundwater monitoring wells, and site validation following decommissioning / removal /replacement. All sites with a UPSS must meet the specific requirements of the UPSS Regulation, including those subject to the planning approval process.

The regulation describes that the person responsible for a UPSS (usually the owner/ operator) is required to have the following in place:

- A system for detecting and monitoring leaks;
- An FSOP for the facility;
- Systems in place for record keeping, reporting of leaks and notifying the local council when a UPSS is decommissioned; and
- Appropriate decommissioning of the tanks where they are no longer in use.



At Easterly Point Environmental we have a team of highly experienced environmental practitioners who can ensure that the planning, remediation and/or removal validation of any UPSS site be completed.

[1] NSW EPA (2019) Regulatory Impact Statement Proposed Protection of the Environment Operations (UPSS) Regulation 2019, (Ref. 2019P1575).

[2] NSW EPA (2020) Underground Petroleum Storage Systems, Guidelines for implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019, (Ref. 2020P2700).

Decommissioning UPSSs

Where a tank or UPSS has not been used to store fuel for two or more years or where it is not intended to be used to store fuel again, it is deemed to be abandoned, and must be decommissioned appropriately.

There are some instances where tanks do not have to be removed, i.e. those that may pose a significant risk to a supporting foundation of an existing building or structure, however, sufficient justification needs to be provided to leave a tank in-situ.

Following decommissioning of a UPSS, a site environmental assessment is required to ensure that there is no adverse and/or ongoing contamination from the former UPSS, and provided to the local council.

Following removal of the UPSSs, the site assessment generally involves the collection and analysis of soil and groundwater samples, where "groundwater assessment is critical in determining any potential environmental effects of a UPSS" [2].

Further information on the UPSS can be found on the EPA website, <https://www.epa.nsw.gov.au/your-environment/contaminated-land/upss>

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