

Underground petroleum storage system (UPSS) obligations

The person responsible for the underground petroleum storage system (UPSS) on-site must ensure it complies with the requirements of the UPSS Regulation.

Who is the person responsible?

The person responsible for a UPSS is the person who has **management and control** of the storage system.

The person responsible could be the owner of the site, a lessee, a contracted party which operates the site, or a company.

Determining the person responsible for the UPSS on-site is important to clarify early. The person responsible is legally required to ensure the UPSS complies with the Regulation.

What is required by the UPSS Regulation?¹

The purpose of the Protection of the Environment Operations (Underground Petroleum Storage System) Regulation 2019 (the UPSS Regulation) is to ensure all UPSS are constructed, operated and maintained to prevent fuel leaks. It also requires close monitoring for fuel leaks so that they are detected and fixed early, minimising contamination.

Storage system design

All **new and upgraded** UPSS must have the features specified in Australian Standard – *The design, installation and operation of underground petroleum storage systems* (AS4897-2008). These include:

- non-corrodible tanks and pipes
- tanks and pipes with secondary containment
- overfill protection devices.

The Standard also sets out inventory control and loss investigation procedures that are appropriate to all UPSS.

The Standard is not intended to replace any statutory regulations.



Systems and information

All operational UPSS sites are obliged to have the following systems and/or information available:

- A loss monitoring procedure to look for discrepancies in fuel levels. (See *Loss monitoring systems* fact sheet).
- A leak detection system to monitor the environment around the UPSS for fuel contamination. (See *Leak detection systems* fact sheet).
- A Fuel System Operations Plan (FSOP) which documents the fuel system, monitoring and incident management procedures for a site. (See *Fuel system operation plans* fact sheet).

Decommissioning a UPSS

Where a fuel system or tank has not been used for two years or longer, it must have its contents removed, made safe and then decommissioned.

Decommissioned tanks must be removed and disposed of in accordance with Australian Standard AS 4976-2008. In limited circumstances, tanks may be decommissioned 'in-situ' (left underground) but only where there is a risk to surrounding infrastructure from their removal.

The person responsible for the UPSS must notify the local council 30 days in advance of the plan to decommission the tank(s) or storage system.

The person responsible for a UPSS at the time of decommissioning must ensure that the site is investigated for contamination and a validation report for the storage site is delivered to the local council no later than 60 days after the system is decommissioned or removed.

The UPSS operator must also notify SafeWork NSW when a tank(s) or a UPSS has been decommissioned.

Records and reports

The person responsible for a UPSS must retain documents about the design, installation, operation, modification and maintenance of the UPSS for a minimum of seven years from their date of creation.

The person responsible for a UPSS must also retain documents related to a system's decommissioning for a minimum of seven years from the date on which the system is decommissioned.

The person responsible must pass this documentation to new UPSS operators if a system changes ownership or management.

¹ All UPSS which received development approval on or after the commencement of the UPSS Regulation on 1 June 2008 are considered new UPSS and must comply fully with the Regulation before being commissioned.

Duty to notify a pollution incident

The *Protection of the Environment Operations Act 1997* requires an occupier of a premises to immediately report a pollution incident where a leak or spill (e.g. from a UPSS) is causing or likely to cause material harm to the environment or human health.

A pollution incident must be reported to your local council and/or the Environment Protection Authority (EPA).

If the source of pollution is likely or confirmed as originating from the UPSS on site then notification should be via a [leak notification form](#) and provided to your local council.

General enquiries:

Your first point of contact is usually your local council for UPSS matter. To establish which council your site is in visit: [My local council | Office of Local Government](#)

To report an incident - Environment Line: phone 131 555 (or from outside NSW phone 02 9995 5555).

Email: UPSSREG@environment.nsw.gov.au

For information on underground petroleum storage systems (UPSS) Visit <https://www.epa.nsw.gov.au/your-environment/contaminated-land/upss>

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