

PROGRAM DIRECTIVE

Program Directive A-115
Issued May 18, 1981
Revised May 8, 2000

SUBJECT: Flammable and Combustible Liquids: Aboveground Tanks

**AFFECTED CODES/
DIRECTIVES:** OAR 437-02-1910.106(G)(1)(i)(a)

PURPOSE: This instruction emphasizes that 1910.106(G)(1)(i)(a) does not apply to, and therefore cannot be used, to prohibit outside aboveground tank storage of motor fuels not located at service station sites.

BACKGROUND: There has been some confusion as to the intent of 1910.106 (d)(1)(i) as it applies to facilities other than a service station, such as an industrial plant.

- A. 1910.106(g)(1)(i)(a) applies only to automotive and marine service stations. Service station is a plant or facility in the ordinary, well established, popular connotation, as intended by definition, of a "gasoline service station", which is usually located in populated centers and at highways or shores for public use.
- B. 1910.106(e)(2)(ii)(c) permits industrial users to store necessary large quantities of flammable and combustible liquids (where its use and handling is only incidental to the principal business) in outside above-ground tanks by complying with the applicable requirements of 1910.106(e)(2)(ii)(b).
- C. 1910.106(g)(4)(ii)(c) contains an exemption which allows outside aboveground tanks at marine service stations where rock ledges or high water tables make underground tanks impractical.

ACTION: 1910.106(G)(1)(i)(a) will be applied only to service stations. When observing an outside aboveground tank used for storing a motor fuel such as gasoline or diesel fuel, and dispensing it into automotive or marine fuel tanks, compliance officers should check the following items to determine the appropriate rules:

- A. Whether the motor fuel station is really an automotive or marine

service station; i.e., or a plant or facility in the ordinary, well established, popular connotation, as intended by the rule definition, of a "gasoline service station."

- B. Whether the employer is complying with applicable requirements, particularly those in 1910.106(G)(1)(i) (b) when the outside aboveground storage tank is not located at an automotive or marine service station, and the use of the motor fuels is only incidental to the principle business.

**EFFECTIVE
DATE:**

This directive is effective immediately and will remain in effect until cancelled or superseded.