



TCEQ REGULATORY GUIDANCE

Program Support and Environmental Assistance Division
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Who Regulates Petroleum Storage Tanks?

This is *module k* of the PST Super Guide, a comprehensive guide to issues relating to petroleum storage tanks (PSTs). This super guide provides an overview of laws and regulations for PSTs and can be used as an aid in minimizing potential risks. The guide does not replace laws and regulations which take precedence over any information in this publication.

Who should use this guide?

PST owners and operators should use *module k* to understand how PSTs are regulated and what agencies enforce those regulations. PST owners and operators should note:

- You, the owner or operator of a PST, are responsible for ensuring compliance with all applicable laws and regulations.
- If your PST system is in Medina, Bexar, Comal, Kinney, Uvalde, Hays, Travis, or Williamson County, additional requirements related to protecting the Edwards or the Trinity Aquifer may apply ([Title 30 Texas Administrative code \[30 TAC\]](#),¹ Chapters 213 and 214).
- In addition to TCEQ rules, local governments and other state and federal agencies may have rules that apply.

For more help, contact Small Business and Local Government Assistance at 800-447-2827 or TexasEnviroHelp@tceq.texas.gov.

What other TCEQ regulations apply to PSTs?

TCEQ primarily regulates PSTs under 30 TAC Chapter 334, however certain TCEQ programs have additional regulations that apply to PSTs.

Edwards Aquifer Protection Program

The [Edwards Aquifer Protection Program](#)² regulates activities that have the potential to pollute the Edwards Aquifer. Contact this program if your underground storage tank (UST) or aboveground storage tank (AST) system is above or near the Edwards Aquifer in Bexar, Comal, Hays, Kinney, Medina, Travis, Uvalde, or Williamson County.

1. www.tceq.texas.gov/goto/view-30tac
2. www.tceq.texas.gov/permitting/eapp

Construction over the Edwards Aquifer without authorization could lead to penalties and TCEQ enforcement.

TCEQ Austin regional office: 512-239-2929

TCEQ San Antonio regional office: 210-490-3096

Tier II Chemical Reporting Program

TCEQ oversees [Tier II Chemical Reporting](#),³ which regulates hazardous chemicals used or stored in the workplace. You must report to this program if your facility:

- Is required by the [Occupational Safety and Health Administration \(OSHA\)](#)⁴ to maintain Safety Data Sheets.
- Holds amounts of chemicals that equal or exceed the following thresholds:
 - For extremely hazardous substances ([Title 40, Code of Federal Regulations \[40 CFR\], Part 335](#),⁵ Appendices A and B): either 500 pounds or the threshold-planning quantity, whichever is lower
 - For gasoline at a retail gas station: 75,000 gallons
 - For diesel fuel at a retail gas station: 100,000 gallons
 - For all other hazardous chemicals: 10,000 pounds

Toll-free: 800-452-2791

Do other state agencies regulate PSTs?

While TCEQ regulations cover many of the requirements for PSTs, there are other state agencies with regulatory requirements that cover PSTs.

Texas Department of Insurance (State Fire Marshal)

[The Texas Department of Insurance](#)⁶ (TDI) regulates USTs and ASTs to prevent threats to public safety due to fire or explosion hazards. Always contact the local fire marshal in any type of emergency involving a PST. The State Fire Marshal's Office (SFMO) can supply the name and phone number of a local fire marshal, and answer questions that the local fire marshal cannot.

TDI Main: 800-578-4677

SFMO Main: 512-676-6800

3. www.tceq.texas.gov/permitting/tier2/

4. www.osha.gov/

5. www.ecfr.gov/current/title-40/chapter-I/subchapter-J/part-355

6. www.tdi.texas.gov/

Texas Department of Licensing and Regulation (Motor Fuel Metering and Quality)

[The Texas Department of Licensing and Regulation \(TDLR\) Motor Fuel Metering and Quality Program](#)⁷ inspects fuel quality and fuel dispensers at service stations to ensure that they meet TDLR standards. A TDLR sticker should be displayed on all retail dispensers.

Phone: 512-463-6599

Toll-free: 800-803-9202

Texas Department of Public Safety (Commercial Vehicle Enforcement)

[The Texas Department of Public Safety](#)⁸ has requirements for transporting hazardous materials (including fuel or empty fuel tanks) on highways.

Phone: 512-424-2000

Texas General Land Office (Oil Spill Division)

[The Texas General Land Office](#)⁹ has jurisdiction over any AST or UST that could cause spills that could reach coastal waters.

Toll-free: 800-998-4456

Railroad Commission of Texas (Oil and Gas Division)

[The Railroad Commission of Texas](#)¹⁰ (RRC) regulates tanks associated with the exploration, development, or production of oil, gas, or geothermal resources. ASTs and USTs regulated by RRC are exempt from regulation by TCEQ.

Phone: 512-463-6788

Toll Free: 844-773-0305

Texas State Comptroller of Public Accounts (Petroleum Products Delivery Fee)

[The Texas State Comptroller of Public Accounts](#)¹¹ regulates the collection of the fuel surcharge destined for the Petroleum Storage Tank Remediation Fund.

Toll-free: 800-252-1383

7. www.tdlr.texas.gov/fmq/

8. www.dps.texas.gov/

9. www.glo.texas.gov/coastal/oil-spill-prevention-and-response

10. www.rrc.state.tx.us/oil-and-gas/

11. comptroller.texas.gov/taxes/fuels/delivery-fee.php

What federal government agencies regulate PSTs?

U.S. Department of Labor (OSHA)

[OSHA](#)¹² is part of the U.S. Department of Labor and provides information on health and safety requirements for USTs and ASTs.

Toll-free: 800-321-OSHA (6742)

U.S. Environmental Protection Agency

The [Spill Prevention, Control, and Countermeasure \(SPCC\)](#)¹³ rule outlines requirements for oil spill prevention, preparedness, and response. The rule ([40 CFR, Part 112](#)¹⁴) is aimed at preventing discharges of oil into navigable waters and adjoining shorelines and requires specific facilities to prepare, amend, and implement SPCC Plans.

Public Information Center:

- 800-887-6063 (Toll-free for EPA Region 6 states)
- 214-665-2760 (If calling from outside EPA Region 6)

Are there any other regulations that cover PSTs?

Local Governments

Contact your local government officials representing cities, counties, river authorities, and special districts (such as underground water districts or water control and improvement districts) regarding USTs and ASTs. Local regulations can be stricter than state or federal regulations. For example, some cities have additional secondary containment requirements, and others will not allow a tank to be abandoned in place.

Requirements about placement, design, and placarding, as well as certain restrictions relating to fire and explosion hazards, for ASTs are usually controlled by the local fire authority. Contact your local fire authority before the installation of any AST to ensure that their design and placement meet local fire codes.

12. www.osha.gov/

13. www.epa.gov/oil-spills-prevention-and-preparedness-regulations/overview-spill-prevention-control-and

14. www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-112?toc=1

Edwards Aquifer Authority

[The Edwards Aquifer Authority](#)¹⁵ is a regional water management agency that regulates USTs and ASTs that could pose a threat to the Edwards Aquifer.

Phone: 210-222-2204

Toll-free: 800-292-1047

15. www.edwardsaquifer.org/