

OSH INFORMATION MEMORANDUM: 81-X-50

TO: All Directors, Supervisors, and Field Personnel

FROM: William M. Lybrand, Director of OSH

SUBJECT: Article VI, Section 1910.106(g)(1)(i)(a) – Outside Aboveground Tank Storage of Flammable and Combustible Liquids

DATE: March 19, 1981

PURPOSE

This memorandum emphasizes through compliance guidelines that Article VI, Section 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 appears to be confusion, among federal compliance officers, on the application intent of Article VI, Section 1910.106(g)(1)(i)(a) in regards to what a service station is and whether outside aboveground tanks are prohibited for storing flammable and combustible liquids such as motor fuels.

- a. Article VI, Section 1910.106(g) applies to automotive and marine service stations. Such a service station is a plant or facility in the ordinary, well established, popular connotation, as intended by the standard, of a “gasoline service station” which is usually located in populated centers and at highways or shores for public use.
- b. Article VI, Section 1910.106(g)(2) permits an industry to have its own PRIVATE automotive or marine service station.
- c. Article VI, Section 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 aboveground tanks by complying with the applicable requirements of Article VI, Section 1910.106(b).
- d. Article VI, Section 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

The Assistant Director for OSH Compliance and all OSH Supervisors shall assume that OSH compliance personnel when seeing 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, check as a minimum the following items to determine the appropriate standards:

- a. Whether the motor fuel station is really an automotive or marine service station; i.e., a plant or facility in the ordinary, well-established, popular connotation, as intended by the standard, of a “gasoline service station” which is usually located in populated centers and at highways or shores for public use. For private use, Article VI, Section 1910.106(g)(2) permits it to be located in an industrial plant.
- b. Whether the employer is complying with applicable OSHA requirements, particularly those in Article VI, Section 1910.106(b) (referenced by Article VI, Section 1910.106(e)(2)(ii)(c), 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 principal business.

EFFECTIVE DATE

This memorandum is effective upon receipt and will remain in effect until cancelled or superseded.