

2017 -- H 5936

LC002103

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO HEALTH AND SAFETY - STATE BUILDING CODE

Introduced By: Representatives Edwards, Cunha, Marshall, Price, and Shekarchi

Date Introduced: March 16, 2017

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-27.3 of the General Laws entitled "State Building Code" is
2 hereby amended by adding thereto the following section:

3 **23-27.3-800. Residential fuel oil tanks.**

4 (a) Definitions. As used in this section, the following words and terms shall have the
5 following meanings unless the context clearly indicates another or different meaning or intent:

6 (1) "Fuel supply line" means a line from a tank to a burner in which oil is supplied to the
7 burner.

8 (2) "Fuel return line" means a line that returns unused fuel oil back to the tank.

9 (3) "Oil burner" means a device for burning oil in heating appliances including, but not
10 limited to, boilers, furnaces, water heaters or ranges.

11 (4) "Oil safety valve" means a device that prevents the flow of oil if a fuel supply line
12 breaks.

13 (5) "Residential property" means a one to four (4) unit dwelling used for living or
14 sleeping.

15 (6) "Tank" means a liquid fuel tank in which heating oil is stored and from which heating
16 oil is delivered or pumped through a fuel supply line to an oil burner, whether located within a
17 dwelling or other structure, including tanks installed at or below grade level, or located outdoors
18 but excluding underground tanks wherever located.

19 (b) Prior to the first oil delivery (after effective date of this act), a licensed oil

1 burnerperson shall inspect and confirm that the tank was installed less than thirty (30) years
2 ago, does not show signs of deterioration, excess rust, past leak repair, weak legs, lack of cement
3 slab base, has an obscured or illegible stamped data tag, lacks a properly sized or installed vent
4 alarm, or has an unprotected underground copper fuel line.

5 (c) An owner of residential property utilizing a tank for consumptive use on the premises
6 with one or more oil fuel supply lines or return lines in direct contact with concrete, earth or other
7 floor surfaces shall within one year of the effective date of this statute retain a licensed oil
8 burnerperson to conduct an inspection of the existing tank to certify that there is a working oil
9 safety valve and that the tank is a stainless double wall-style tank, or a single wall standard tanks
10 installed in a containment device that can hold one hundred percent (100%) of the tank volume if
11 a leak occurs, and have prevention measures that would prevent rain or snow from causing
12 displacement that would result in an oil spill. Within one year of the effective date of this statute,
13 the owner of residential property with a tank that is not in compliance with this subsection shall
14 be replaced with a tank that has an oil safety valve and the tank is in compliance with this
15 subsection.

16 (d) Within seven (7) days of a conversion of a heating system from oil to gas at a
17 residential property, the licensed oil burnerperson shall file with the municipal building inspector,
18 a written certification that the tank has been removed.

19 (e) An owner of residential property offered for sale must certify that tanks installed at or
20 below grade level have been removed or properly closed by a licensed oil burnerperson.

21 (f) Where an abandoned tank is discovered on residential property, the owner shall retain
22 a licensed oil burnerperson to immediately deactivate the tank and thereafter completely remove
23 and dispose of the oil, the tank supply and return lines and the tank in accordance with the
24 hazardous waste management act, chapter 19.1 of this title.

25 (g) All certifications and records filed with the municipality where the residential
26 property is located pursuant to this section shall be maintained in the municipal building
27 inspector's office file for future reference as needed.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would establish a procedure whereby residential fuel oil tanks would be
2 inspected and certified by a licensed oil burnerperson. In some instances where the tank shows
3 signs of age and wear it must be replaced with a new safer tank and an oil safety valve. This act
4 would also require removal of old buried oil tanks, the oil in the tanks and the supply and return
5 lines in accordance with the hazardous waste management act.

6 This act would take effect upon passage.

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