

Environmental Protection Agency

§ 280.230

the management of the UST or UST system.

§ 280.220 Ownership of an underground storage tank or underground storage tank system or facility or property on which an underground storage tank or underground storage tank system is located.

Ownership of an UST or UST system or facility or property on which an UST or UST system is located. A holder is not an "owner" of a petroleum UST or UST system or facility or property on which a petroleum UST or UST system is located for purposes of compliance with the UST technical standards as defined in §280.200(a), the UST corrective action requirements under §§280.51 through 280.67, and the UST financial responsibility requirements under §§280.90 through 280.111, provided the person:

(a) Does not participate in the management of the UST or UST system as defined in §280.210; and

(b) Does not engage in petroleum production, refining, and marketing as defined in §280.200(b).

§ 280.230 Operating an underground storage tank or underground storage tank system.

(a) Operating an UST or UST system prior to foreclosure. A holder, prior to foreclosure, as defined in §280.210(c), is not an "operator" of a petroleum UST or UST system for purposes of compliance with the UST technical standards as defined in §280.200(a), the UST corrective action requirements under §§280.51 through 280.67, and the UST financial responsibility requirements under §§280.90 through 280.111, provided that, after December 6, 1995, the holder is not in control of or does not have responsibility for the daily operation of the UST or UST system.

(b) Operating an UST or UST system after foreclosure. The following provisions apply to a holder who, through foreclosure, as defined in §280.210(c), acquires a petroleum UST or UST system or facility or property on which a petroleum UST or UST system is located.

(1) A holder is not an "operator" of a petroleum UST or UST system for purposes of compliance with 40 CFR part

280 if there is an operator, other than the holder, who is in control of or has responsibility for the daily operation of the UST or UST system, and who can be held responsible for compliance with applicable requirements of 40 CFR part 280 or applicable state requirements in those states that have been delegated authority by EPA to administer the UST program pursuant to 42 U.S.C. 6991c and 40 CFR part 281.

(2) If another operator does not exist, as provided for under paragraph (b)(1) of this section, a holder is not an "operator" of the UST or UST system, for purposes of compliance with the UST technical standards as defined in §280.200(a), the UST corrective action requirements under §§280.51 through 280.67, and the UST financial responsibility requirements under §§280.90 through 280.111, provided that the holder:

(i) Empties all of its known USTs and UST systems within 60 calendar days after foreclosure or within 60 calendar days after December 6, 1995, whichever is later, or another reasonable time period specified by the implementing agency, so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remains in the system; leaves vent lines open and functioning; and caps and secures all other lines, pumps, manways, and ancillary equipment; and

(ii) Empties those USTs and UST systems that are discovered after foreclosure within 60 calendar days after discovery or within 60 calendar days after December 6, 1995, whichever is later, or another reasonable time period specified by the implementing agency, so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remains in the system; leaves vent lines open and functioning; and caps and secures all other lines, pumps, manways, and ancillary equipment.

(3) If another operator does not exist, as provided for under paragraph (b)(1) of this section, in addition to satisfying the conditions under paragraph (b)(2) of this section, the holder must either:

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(i) Permanently close the UST or UST system in accordance with §§ 280.71 through 280.74, except § 280.72(b); or

(ii) Temporarily close the UST or UST system in accordance with the following applicable provisions of § 280.70:

(A) Continue operation and maintenance of corrosion protection in accordance with § 280.31;

(B) Report suspected releases to the implementing agency; and

(C) Conduct a site assessment in accordance with § 280.72(a) if the UST system is temporarily closed for more than 12 months and the UST system does not meet either the performance standards in § 280.20 for new UST systems or the upgrading requirements in § 280.21, except that the spill and overflow equipment requirements do not have to be met. The holder must report any suspected releases to the implementing agency. For purposes of this provision, the 12-month period begins

to run from December 6, 1995 or from the date on which the UST system is emptied and secured under paragraph (b)(2) of this section, whichever is later.

(4) The UST system can remain in temporary closure until a subsequent purchaser has acquired marketable title to the UST or UST system or facility or property on which the UST or UST system is located. Once a subsequent purchaser acquires marketable title to the UST or UST system or facility or property on which the UST or UST system is located, the purchaser must decide whether to operate or close the UST or UST system in accordance with applicable requirements in 40 CFR part 280 or applicable state requirements in those states that have been delegated authority by EPA to administer the UST program pursuant to 42 U.S.C. 6991c and 40 CFR part 281.

APPENDIX I TO PART 280—NOTIFICATION FOR UNDERGROUND STORAGE TANKS (FORM)

Notification for Underground Storage Tanks		FORM APPROVED OMB NO. 2050-0068 APPROVAL EXPIRES 9-30-91
<p>EPA estimates public reporting burden for this form to average 30 minutes per response, including time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding this burden estimate to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, marked "Attention: Desk Officer for EPA."</p>	STATE USE ONLY	
I.D. Number	Date Received	
GENERAL INFORMATION		
<p>Notification is required by Federal law for all underground tanks that have been used to store regulated substances since January 1, 1974, that are in the ground as of May 8, 1986, or that are brought into use after May 8, 1986. The information requested is required by Section 9002 of the Resource Conservation and Recovery Act, (RCRA), as amended.</p> <p>The primary purpose of this notification program is to locate and evaluate underground tanks that store or have stored petroleum or hazardous substances. It is expected that the information you provide will be based on reasonably available records, or, in the absence of such records, your knowledge, belief, or recollection.</p> <p>Who Must Notify? Section 9002 of RCRA, as amended, requires that, unless exempted, owners of underground tanks that store regulated substances must notify designated State or local agencies of the existence of their tanks. Owner means — (a) in the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances, and (b) in the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such tank immediately before the discontinuation of its use.</p> <p>What Tanks Are Included? Underground storage tank is defined as any one or combination of tanks that (1) is used to contain an accumulation of "regulated substances," and (2) whose volume (including connected underground piping) is 10% or more beneath the ground. Some examples are underground tanks storing: 1. gasoline, used oil, or diesel fuel, and 2. industrial solvents, pesticides, herbicides or fumigants.</p> <p>What Tanks Are Excluded? Tanks removed from the ground are not subject to notification. Other tanks excluded from notification are: 1. farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes; 2. tanks used for storing heating oil for consumptive use on the premises where stored; 3. septic tanks; 4. pipeline facilities (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968, or the Hazardous Liquid Pipeline Safety Act of 1979, or which is an intrastate pipeline facility regulated under State laws; 5. surface impoundments, pits, ponds, or lagoons; 6. storm water or waste water collection systems; 7. flow-through process tanks; 8. liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; 9. storage tanks situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.</p> <p>What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined as hazardous in section 101 (14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), with the exception of those substances regulated as hazardous waste under Subtitle C of RCRA. It also includes petroleum, e.g., crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).</p> <p>Where To Notify? Completed notification forms should be sent to the address given at the top of this page.</p> <p>When To Notify? 1. Owners of underground storage tanks in use or that have been taken out of operation after January 1, 1974, but still in the ground, must notify by May 8, 1986. 2. Owners who bring underground storage tanks into use after May 8, 1986, must notify within 30 days of bringing the tanks into use.</p> <p>Penalties: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed \$10,000 for each tank for which notification is not given or for which false information is submitted.</p>		
INSTRUCTIONS		
<p>Please type or print in ink all items except "signature" in Section V. This form must be completed for each location containing underground storage tanks. If more than 5 tanks are owned at this location, photocopy the reverse side, and staple continuation sheets to this form.</p>		
<p style="text-align: right;">Indicate number of continuation sheets attached <input style="width: 50px;" type="text"/></p>		
I. OWNERSHIP OF TANK(S)	II. LOCATION OF TANK(S)	
<p>Owner Name (Corporation, Individual, Public Agency, or Other Entity) _____</p> <p>Street Address _____</p> <p>County _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Area Code _____ Phone Number _____</p> <p>Type of Owner (Mark all that apply <input checked="" type="checkbox"/>)</p> <p><input type="checkbox"/> Current <input type="checkbox"/> State or Local Gov't <input type="checkbox"/> Private or Corporate</p> <p><input type="checkbox"/> Former <input type="checkbox"/> Federal Gov't (GSA facility I.D. no. _____) <input type="checkbox"/> Ownership uncertain</p>	<p>(If same as Section I, mark box here <input type="checkbox"/>)</p> <p>Facility Name or Company Site Identifier, as applicable _____</p> <p>Street Address or State Road, as applicable _____</p> <p>County _____</p> <p>City (nearest) _____ State _____ ZIP Code _____</p> <p>Indicate number of tanks at this location <input style="width: 50px;" type="text"/></p> <p>Mark box here if tank(s) are located on land within an Indian reservation or on other Indian trust lands <input type="checkbox"/></p>	
III. CONTACT PERSON AT TANK LOCATION		
<p>Name (If same as Section I, mark box here <input type="checkbox"/>) _____ Job Title _____ Area Code _____ Phone Number _____</p>		
IV. TYPE OF NOTIFICATION		
<p><input type="checkbox"/> Mark box here only if this is an amended or subsequent notification for this location.</p>		
V. CERTIFICATION (Read and sign after completing Section VI.)		
<p>I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.</p>		
Name and official title of owner or owner's authorized representative	Signature	Date Signed
CONTINUE ON REVERSE SIDE		

Owner Name (from Section I) _____ Location (from Section II) _____ Page No. _____ of _____ Pages

VII. CERTIFICATION OF COMPLIANCE (COMPLETE FOR ALL NEW TANKS AT THIS LOCATION)

10. Installation (mark all that apply):

- The installer has been certified by the tank and piping manufacturers.
- The installer has been certified or licensed by the implementing agency.
- The installation has been inspected and certified by a registered professional engineer.
- The installation has been inspected and approved by the implementing agency.
- All work listed on the manufacturer's installation checklists has been completed.
- Another method was used as allowed by the implementing agency. Please specify: _____

11. Release Detection (mark all that apply):

- Manual tank gauging.
- Tank tightness testing with inventory controls.
- Automatic tank gauging.
- Vapor monitoring.
- Ground-water monitoring.
- Interstitial monitoring within a secondary barrier.
- Interstitial monitoring within secondary containment.
- Automatic line leak detectors.
- Line tightness testing.
- Another method allowed by the implementing agency. Please specify: _____

12. Corrosion Protection (if applicable)

- As specified for coated steel tanks with cathodic protection.
- As specified for coated steel piping with cathodic protection.
- Another method allowed by the implementing agency. Please specify: _____

13. I have financial responsibility in accordance with Subpart I. Please specify:

Method: _____

Insurer: _____

Policy Number: _____

14. OATH: I certify that the information concerning installation provided in Item 10 is true to the best of my belief and knowledge.

Installer: _____

Name Date

Position

Company

EPA Form 7530-1 (9-88)

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APPENDIX II TO PART 280—LIST OF AGENCIES DESIGNATED TO RECEIVE NOTIFICATIONS

Alabama (EPA Form), Alabama Department of Environmental Management, Ground Water Section/Water Division, 1751 Con-

gressman W.L. Dickinson Drive, Montgomery, Alabama 36130, 205/271-7823
 Alaska (EPA Form), Department of Environmental Conservation, Box 0, Juneau, Alaska 99811-1800, 970/465-2653

- American Samoa (EPA Form), Executive Secretary, Environmental Quality Commission, Office of the Governor, American Samoan Government, Pago Pago, American Samoa 96799; Attention: UST Notification
- Arizona (EPA Form), Attention: UST Coordinator, Arizona Department of Environmental Quality, Environmental Health Services, 2005 N. Central, Phoenix, Arizona 85004
- Arkansas (EPA Form), Arkansas Department of Pollution Control and Ecology, P.O. Box 9583, Little Rock, Arkansas 72219, 501/562-7444
- California (State Form), Executive Director, State Water Resources Control Board, P.O. Box 100, Sacramento, California 95801, 916/445-1533
- Colorado (EPA Form), Section Chief, Colorado Department of Health, Waste Management Division, Underground Tank Program, 4210 East 11th Avenue, Denver, Colorado 80220, 303/320-8333
- Connecticut (State Form), Hazardous Materials Management Unit, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106
- Delaware (State Form), Division of Air and Waste Management, Department of Natural Resources and Environmental Control, P.O. Box 1401, 89 Kings Highway, Dover, Delaware 19903, 302/726-5409
- District of Columbia (EPA Form), Attention: UST Notification Form, Department of Consumer and Regulatory Affairs, Pesticides and Hazardous Waste Management Branch, Room 114, 5010 Overlook Avenue SW., Washington, DC 20032
- Florida (State Form), Florida Department of Environmental Regulation, Solid Waste Section, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399, 904/487-4398
- Georgia (EPA Form), Georgia Department of Natural Resources, Environmental Protection Division, Underground Storage Tank Program, 3420 Norman Berry Drive, 7th Floor, Hapeville, Georgia 30354, 404/656-7404
- Guam (State Form), Administrator, Guam Environmental Protection Agency, P.O. Box 2999, Agana, Guam 96910, Overseas Operator (Commercial call 646-8863)
- Hawaii (EPA Form), Administrator, Hazardous Waste Program, 645 Halekauwila Street, Honolulu, Hawaii 96813, 808/548-2270
- Idaho (EPA Form), Underground Storage Tank Coordinator, Water Quality Bureau, Division of Environmental Quality, Idaho Department of Health and Welfare, 450 W. State Street, Boise, Idaho 83720, 208/334-4251
- Illinois (EPA Form), Underground Storage Tank Coordinator, Division of Fire Prevention, Office of State Fire Marshal, 3150 Executive Park Drive, Springfield, Illinois 62703-4599
- Indiana (EPA Form), Underground Storage Tank Program, Office of Environmental Response, Indiana Department of Environmental Management, 105 South Meridian Street, Indianapolis, Indiana 46225
- Iowa (State Form), UST Coordinator, Iowa Department of Natural Resources, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50219, 512/281-8135
- Kansas (EPA Form), Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka, Kansas 66620, 913/296-1594
- Kentucky (State Form), Department of Environmental Protection, Hazardous Waste Branch, Fort Boone Plaza, Building #2, 18 Reilly Road, Frankfort, Kentucky 40601, 501/564-6716
- Louisiana (State Form), Secretary, Louisiana Department of Environmental Quality, P.O. Box 44066, Baton Rouge, Louisiana 70804, 501/342-1265
- Maine (State Form), Attention: Underground Tanks Program, Bureau of Oil and Hazardous Material Control, Department of Environmental Protection, State House—Station 17, Augusta, Maine 04333
- Maryland (EPA Form), Science and Health Advisory Group, Office of Environmental Programs, 201 West Preston Street, Baltimore, Maryland 21201
- Massachusetts (EPA Form), UST Registry, Department of Public Safety, 1010 Commonwealth Avenue, Boston, Massachusetts 02215, 617/566-4500
- Michigan (EPA Form), Michigan Department of State Police, Fire Marshal Division, General Office Building, 7150 Harris Drive, Lansing, Michigan 48913
- Minnesota (State Form), Underground Storage Tank Program, Division of Solid and Hazardous Wastes, Minnesota Pollution Control Agency, 520 West Lafayette Road, St. Paul, Minnesota 55155
- Mississippi (State Form), Department of Natural Resources, Bureau of Pollution Control, Underground Storage Tank Section, P.O. Box 10385, Jackson, Mississippi 39209, 601/961-5171
- Missouri (EPA Form), UST Coordinator, Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102, 314/751-7428
- Montana (EPA Form), Solid and Hazardous Waste Bureau, Department of Health and Environmental Science, Cogswell Bldg., Room B-201, Helena, Montana 59620
- Nebraska (EPA Form), Nebraska State Fire Marshal, P.O. Box 94677, Lincoln, Nebraska 68509-4677, 402/471-9465
- Nevada (EPA Form), Attention: UST Coordinator, Division of Environmental Protection, Department of Conservation and Natural Resources, Capitol Complex 201 S. Fall Street, Carson City, Nevada 89710, 800/992-0900, Ext. 4670, 702/885-4670

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- New Hampshire (EPA Form), NH Dept. of Environmental Services, Water Supply and Pollution Control Division, Hazen Drive, P.O. Box 95, Concord, New Hampshire 03301, Attention: UST Registration
- New Jersey (State Form), Underground Storage Tank Coordinator, Department of Environmental Protection, Division of Water Resources (CN-029), Trenton, New Jersey 08625, 609/292-0424
- New Mexico (EPA Form), New Mexico Environmental Improvement Division, Ground-water/Hazardous Waste Bureau, P.O. Box 968, Santa Fe, New Mexico 37504, 505/827-2933
- New York (EPA Form), Bulk Storage Section, Division of Water, Department of Environmental Conservation, 50 Wolf Road, Room 326, Albany, New York 12233-0001, 518/457-4351
- North Carolina (EPA Form), Division of Environmental Management, Ground-Water Operations Branch, Department of Natural Resources and Community Development, P.O. Box 27687, Raleigh, North Carolina 27611, 919/733-3221
- North Dakota (State Form), Division of Hazardous Management and Special Studies, North Dakota Department of Health, Box 5520, Bismarck, North Dakota 58502-5520
- Northern Mariana Islands (EPA Form), Chief, Division of Environmental Quality, P.O. Box 1304, Commonwealth of Northern Mariana Islands, Saipan, CM 96950, Cable Address: Gov. NMI Saipan, Overseas Operator: 6984
- Ohio (State Form), State Fire Marshal's Office, Department of Commerce, 8895 E. Main Street, Reynoldsburg, Ohio 43068, State Hotline: 800/282-1927
- Oklahoma (EPA Form), Underground Storage Tank Program, Oklahoma Corporation Comm., Jim Thorpe Building, Oklahoma City, Oklahoma 73105
- Oregon (State Form), Underground Storage Tank Program, Hazardous and Solid Waste Division, Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, Oregon 98204, 503/229-5788
- Pennsylvania (EPA Form), PA Department of Environmental Resources, Bureau of Water Quality Management, Ground Water Unit, 9th Floor Fulton Building, P.O. Box 2063, Harrisburg, Pennsylvania 17120
- Puerto Rico (EPA Form), Director, Water Quality Control Area, Environmental Quality Board, Commonwealth of Puerto Rico, Santurce, Puerto Rico, 809/725-0717
- Rhode Island (EPA Form), UST Registration, Department of Environmental Management, 83 Park Street, Providence, Rhode Island 02903, 401/277-2234
- South Carolina (State Form), Ground-Water Protection Division, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201, 803/758-5213
- South Dakota (EPA Form), Office of Water Quality, Department of Water and Natural Resources, Joe Foss Building, Pierre, South Dakota 57501,
- Tennessee (EPA Form), Tennessee Department of Health and Environment, Division of Superfund Underground Storage Tank Section, 150 Ninth Avenue, North, Nashville, Tennessee 37219-5404, 615/741-0690
- Texas (EPA Form), Underground Storage Tank Program, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711
- Utah (EPA Form), Division of Environmental Health, P.O. Box 45500, Salt Lake City, Utah 84145-0500
- Vermont (State Form), Underground Storage Tank Program, Vermont AEC/Waste Management Division, State Office Building, Montpelier, Vermont 05602, 802/828-3395
- Virginia (EPA Form), Virginia Water Control Board, P.O. Box 11143, Richmond, Virginia 23230-1143, 804/257-6685
- Virgin Islands (EPA Form), 205(J) Coordinator, Division of Natural Resources Management, 14 F Building 111, Watergut Homes, Christianstead, St. Croix, Virgin Islands 00820
- Washington (State Form), Underground Storage Tank Notification, Solid and Hazardous Waste Program, Department of Ecology, M/S PV-11, Olympia, Washington 98504-8711, 206/459-6316
- West Virginia (EPA Form), Attention: UST Notification, Solid and Hazardous Waste, Ground Water Branch, West Virginia Department of Natural Resources, 1201 Greenbriar Street, Charleston, West Virginia 25311
- Wisconsin (State Form), Bureau of Petroleum Inspection, P.O. Box 7969, Madison, Wisconsin 53707, 608/266-7605
- Wyoming (EPA Form), Water Quality Division, Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002, 307/777-7781.

APPENDIX III TO PART 280—STATEMENT FOR SHIPPING TICKETS AND INVOICES

NOTE. A Federal law (the Resource Conservation and Recovery Act (RCRA), as amended (Pub. L. 98-616)) requires owners of certain underground storage tanks to notify designated State or local agencies by May 8, 1986, of the existence of their tanks. Notifications for tanks brought into use after May 8, 1986, must be made within 30 days. Consult EPA's regulations, issued on November 8, 1985 (40 CFR part 280) to determine if you are affected by this law.