

LIABILITY FOR UNDERGROUND STORAGE TANK SYSTEM REMOVALS & CLEANUPS IN OHIO IS BASED ON THE FOLLOWING KEY DATES:

**IF UST SYSTEM WAS
TAKEN OUT OF
SERVICE:**

**AFTER
JAN 1, 1974**

*"In a manner
inconsistent with
the Ohio Fire Code
or 1301:7-9;
whichever was in
effect at the time"*

Registration (& fees) are owed by the appropriate owner. However, registration fees are only due from 1989 forward, excluding 1990

**IF UST SYSTEM
WAS IN USE:**

**BEFORE BUT
NOT ON
NOV 8, 1984**

An "owner" is the person who owned the UST system, or the property on which it was/is located, immediately before the discontinuation of its use

**IF UST SYSTEM
IN USE***

**ON OR AFTER
NOV 8, 1984**

An "owner" is the person who owns the UST system, or the property on which it is located, if it was in use on, or brought into use after that date. If the UST was used by anyone on or after November 8, 1984 and a release has not been reported, then the property owner may be the "owner" or "operator" and subsequently liable should a release be reported after their purchase

**IF UST SYSTEM
WAS
PERMANENTLY
CLOSED****

**BEFORE
DEC 22, 1988**

The "owner" is not required to perform a closure assessment, unless directed to do so by the State Fire Marshal

**IF UST SYSTEM
WAS LAST USED:**

**ON OR BEFORE
JAN 1, 1974**

BUSTR registration (& fees) are not required

OWNER DETERMINATION EXAMPLES:

Q: ABC Co. discovers they have a release from a prior gasoline UST system during Phase II ESA in 2014. They purchased the property in 1985. The USTs were no longer in service in 1983. Is ABC Co. responsible for remedial activities for this release?

A: No, based on their purchase of the property after November 8, 1984, ABC Co. are not considered the owner and they are not responsible for site cleanup.

Q: After purchasing a property in 2001, RSP Inc. encounters significant contamination related to a previously unknown gasoline tank during redevelopment. According to county records, the tanks were in use on December 1, 1984. No record of a prior release was on file. Are they the "owner" of the UST system and responsible for site cleanup?

A: Yes, based on the use of the tanks after November 8, 1984 and the lack of reported release, RSP Inc. is responsible for cleanup and is the UST system owner.

Q: XYZ, LLC purchases a former gas station in 1993 at a Sheriff's auction. Two releases are on record with BUSTR for releases in 1987 and 1990. The former owner is dead. Is XYZ, LLC considered the owner and now responsible for the active release issues?

A: No, based on their purchase of the property after November 8, 1984. XYZ, LLC are not considered the owner and they are not responsible for site cleanup.

*40 CFR (Code of Federal Regulations) 280.71(b) defines "permanently closed" as removing all liquids and accumulated sludges and filling the UST with an inert solid material.

**An "operator" is the person in daily control of, or having responsibility for the daily operation of, the UST system.

Source: Ohio Bureau of Underground Storage Tank Regulations (BUSTR) 2012 Technical Guidance Manual (Revised February 2014).

PLEASE NOTE: This is only a guide. A discussion with BUSTR and possibly an environmental attorney are recommended in order to determine your liability.



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