



Janet Napolitano, Governor
Stephen A. Owens, ADEQ Director

**COUNTY AND MUNICIPAL
TANK CLOSURE AND
CORRECTIVE ACTION
PROGRAM REQUEST
PACKAGE**

Revised September 2006

ADEQ COUNTY AND MUNICIPAL TANK CLOSURE PROGRAM AND CORRECTIVE ACTION REQUEST PACKAGE

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SECTION 1

COUNTY AND MUNICIPAL TANK CLOSURE AND CORRECTIVE ACTION PROGRAM INFORMATION

- County and Municipal Tank Closure and Corrective Action Program Fact Sheet
- County and Municipal Tank Closure and Corrective Action Program Frequently-Asked Questions



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens
Director

ADEQ COUNTY AND MUNICIPAL TANK CLOSURE AND CORRECTIVE ACTION PROGRAM FACT SHEET

The Arizona Legislature has created a state program that will allow unincorporated areas of counties, and incorporated cities and towns with populations of less than 15,000, to be eligible for state funding to close underground storage tanks (UST) that are within the jurisdiction of the Arizona Department of Environmental Quality (ADEQ). Eligible UST's are primarily those that do not have an owner. The fund may also be used to investigate and clean up UST release(s) that are not covered by the UST State Assurance Fund (SAF). This program will go into effect on August 25, 2004, and will continue until the fund is exhausted.

If a county, city or town is interested in the program, it should submit the application for eligibility to ADEQ and ADEQ will then evaluate the application for inclusion in the Municipal Tank Closure and Corrective Action Program. After ADEQ has approved and selected a site, the ADEQ State Lead Program will perform the UST closures and, if necessary, the corrective actions. The total actual cost that is reimbursable by ADEQ to a county, city or town for compiling the information necessary to prepare a successful application cannot exceed \$15,000, regardless of how many applications are submitted.

ADEQ will address the applications on a first-come-first-served basis and have 120 days from receipt of the application to make a determination whether the submitted sites are eligible for the program. When ADEQ has completed closure of the eligible USTs and, if required, corrective actions, ADEQ will issue a letter to the affected persons and the county, city or town indicating that the requirements of this program were met.

If your town is interested and you would like more information or simply would like to schedule a meeting with ADEQ, please contact Al Johnson at (602) 771-4268, or you may call our toll free number at (800) 234-5677.

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Printed on recycled paper

**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)
UNDERGROUND STORAGE TANK (UST) PROGRAM**

**County and Municipal Tank Closure and Corrective Action Program
Frequently-Asked Questions**

1. Who is eligible?

- USTs located in unincorporated county areas and in cities or towns with populations of less than 15,000.
- Owners of property where USTs are located but not owned by the property owner.
- UST owners and operators who ADEQ determines are technically or financially incapable of properly carrying out corrective actions.

2. What is the definition of a UST owner or operator?

An owner of an underground storage tank means a person who either:

- a. Holds a legal, equitable, or possessory interest of any kind in an underground storage tank.
- b. Held at the time of a release, or immediately before an underground storage tank was last operated, a legal, equitable or possessory interest of any kind in the underground storage tank.

However, there are exceptions to this definition. Please note that an owner of a property where USTs exist is not necessarily the UST owner if they did not use or put product in the tanks. Please contact ADEQ if you would like additional information about the definition of owner.

An operator is a person who is in control of, or having responsibility for, the day to day operation of a UST.

3. How much money is available for this program?

Currently, ADEQ estimates that \$1.7 million remains available for this program.

4. Can more money be put into the fund?

Additional money may be put into this account if it is appropriated by the Legislature or received as a gift, grant or donation.

5. What activities are involved in closing a UST?

The activities associated with UST closure are removing surface cover to expose the tank and piping, removal of tank and piping, soil sampling, and filling and compaction of excavations. In the event a UST system is buried under an existing structure, the closure might entail filling the tank with an inert solid material such as sand or cement slurry.

6. How long does it take to complete a UST closure?

On average, it takes three consecutive days to close a UST: one day to access the tank and piping, one day to remove the tank and piping and sample the soil, and one day to fill and compact the excavations. Additional time might be necessary to re-pave the site.

7. How much does it cost to close a UST?

The actual cost of properly closing a UST depends on the size, type, condition and location of the tank and the piping associated with the tank. An average UST closure costs approximately \$7,000, not counting corrective actions (e.g. soil and groundwater investigation and cleanup).

8. What happens if all of the program funding is used before all of the USTs are closed?

Once the funds in the account have been depleted, the program ends.

9. If ADEQ determines that cleanup is required, will the property owner or city be responsible?

If eligible for the program, property owners will not be held responsible for the cost of tank closure or subsequent corrective actions. Additionally, under the UST State Lead Program, UST owners and operators may petition ADEQ to be considered technically or financially incapable of performing corrective actions. If ADEQ agrees, the owner must pay 10% of the cost or some negotiated portion of the 10% based on their financial capability.

SECTION 2

COUNTY AND MUNICIPAL TANK CLOSURE AND CORRECTIVE ACTION PROGRAM REQUEST FORMS AND GUIDANCE

- County and Municipal Tank Closure and Corrective Action Program Request Forms

FORMS

- FORM 1 - County and Municipal Tank Closure and Corrective Action Program Site List Form
- FORM 2a - County and Municipal Tank Closure and Corrective Action Program Site Summary Form
- FORM 2b - Tank Ownership Affidavit
- FORM 3 - ADEQ Underground Storage Tank UST Closure and Corrective Action Agreement
- FORM 4 - Notification for Underground Storage Tanks Form

GUIDANCE

- Guidance Document for Notification for Underground Storage Tanks Form
- Example Request Forms
- County and Municipal Tank Closure and Corrective Action Program Owner/Operator Research Guidance
- Arizona Department of Environmental Quality Contact List
- County and Municipal Tank Closure and Corrective Action Program List of Eligible Incorporated Cities and Towns
- County and Municipal Tank Closure and Corrective Action Program Statutes

County and Municipal Tank Closure and Corrective Action Request Forms

The forms contained in this packet are intended to help eligible counties, cities and towns meet the County and Municipal Tank Closure and Corrective Action Program requirements pursuant to Arizona Revised Statutes (A.R.S.) §49-1073. Counties, cities and towns may make this request under this program. The department shall reimburse for the actual costs incurred in preparing any request that the Director selects but not more than \$15,000 may be paid to any county, city or town regardless of how many requests are made. If you have any questions, please contact:

Al Johnson at (602) 771-4268, toll-free in Arizona at 1-800-234-5677, or, by
e-mail at johnson.allen@azdeq.gov.

A request shall include the following completed forms and information requested pursuant to A.R.S. §49-1073(D) and (E):

Subsection D.2.	Tank Ownership Affidavit
Subsections E.1 and 4	Completed Program Request Form
Subsection E.2	Completed Site Summary Form
Subsection E.3	ADEQ UST Corrective Action Agreement
Subsection E.5	Notification for UST Form

FORMS

FORM 2b
TANK OWNERSHIP AFFIDAVIT

I (We) _____, attest I (we) have never placed nor dispensed regulated substances in or from the UST system(s) at _____ (facility name), _____ (facility address). In addition, I (we) attest no person, including employee(s) or multiple tenants, has/have operated the UST system(s) at the facility while I (we) owned the referenced facility. Furthermore, I (we) attest, I (we) did not install the UST system(s). I (we) can affirm the fact I (we) cannot be considered an UST owner nor operator within the meaning of Arizona Revised Statute §49-1001.01.

Facility ID# _____ **LUST File #** _____

I (we), under penalty of law, swear to the truthfulness of this information. If the information contained within is determined to be in error, then I (we) agree to pay the Arizona Department of Environmental Quality (ADEQ) all appropriate costs and penalties under the law.

Printed Name

Signature

Date

Printed Name

Signature

Date

State of _____)

County of _____)

On this _____ day of _____, 20____, before me personally appeared _____ (name of signer), whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document, and who acknowledged that he/she signed the above/attached document.

(Seal) _____
Notary Public

My commission

expires: _____

FORM 3

(3 Pages)

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

UNDERGROUND STORAGE TANK UST CLOSURE AND CORRECTIVE ACTION AGREEMENT

(Persons agreeing to participate in the ADEQ County and Municipal Tank Closure Program must fill out the information below and sign the agreement)

This UST Closure and Corrective Action Agreement ("Agreement") is made this _____ day of _____, 200__ by and between the Arizona Department of Environmental Quality ("ADEQ") and _____.

RECITALS:

The following is a recital of the facts underlying this agreement:

"Name" is the person, defined by Arizona Revised Statutes ("A.R.S.") § 49-1052.I who currently owns the property or who has principal control of the property at _____, Arizona _____ ("Property") on which an Underground Storage Tank ("UST"), as defined by A.R.S. § 49-1001.18 is located. "Name" and ADEQ desire that UST closures and corrective actions, be carried out at the Property and that ADEQ take such action pursuant to A.R.S. § 49-1017.

THEREFORE, the ADEQ and "Name" ("Parties"), in consideration of the promises and agreements contained herein, and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, agree as follows:

1. **STATE-LEAD CORRECTIVE ACTION.** That this matter meets the requirements for ADEQ to conduct UST closures and take corrective actions, pursuant to A.R.S. § 49-1017.A and ADEQ shall close such USTs and take such corrective action.
2. **ASSIGNMENT OF STATE ASSURANCE FUND (SAF) REIMBURSEMENT.** "Name" assigns any right it may have to reimbursement of UST closures and corrective action costs, pursuant to A.R.S. § 49-1052.I, from the SAF, to ADEQ.
3. **SCOPE OF AGREEMENT.** This Agreement does not encompass issues regarding violations, releases, contamination, sources, operations, facilities or processes not expressly covered by the terms of this Agreement, and is without prejudice to the rights of the State of Arizona or "Name", arising under any federal or Arizona environmental statutes and rules with regard to such issues.

4. **PROPERTY ACCESS.** "Name" shall provide to ADEQ all access to the Property necessary to complete the UST closures and corrective action as described and incorporated in this UST Closure and Corrective Action Agreement. This right of access shall be in addition to, and not in limitation or substitution of ADEQ's rights of entry or inspection under applicable laws or regulations.
5. **CURRENT INFORMATION.** This Agreement is based solely upon currently available information. If additional information is discovered, which indicates that the actions taken under this Agreement are or will be inadequate to protect the human health, safety, or the environment, or to conform with applicable federal or state laws, the ADEQ shall have the right to require further action, beyond the requirements of this Agreement.
6. **MODIFICATIONS.** Any modifications of this Agreement shall be in writing and approved by "Name" and ADEQ.
7. **CORRESPONDENCE TO ADEQ.** All correspondence to ADEQ arising as a result of this Agreement shall be mailed to the following address:

Joseph Drosendahl, Manager
Underground Storage Tank Corrective Action Section
Arizona Department of Environmental Quality
1110 West Washington
Phoenix, AZ 85007

8. **CORRESPONDENCE TO "NAME".** All correspondence to "Name" arising as a result of this Agreement shall be mailed to the following address:

9. **AUTHORIZATION.** The undersigned representative of ADEQ certifies that she is fully authorized to execute this Agreement on behalf of ADEQ and to legally bind ADEQ to this Agreement. The undersigned representative of "Name" certifies that he/she is fully authorized to execute this Agreement on behalf of "Name" and to legally bind "Name" to this Agreement.
10. **EXECUTION DATE.** The execution date of this Agreement shall be the date this Agreement is signed by "Name" and ADEQ. If such signatures occur on different dates the latter shall be the execution date of this Agreement.

11. **ENTIRE AGREEMENT.** This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions and agreements.
12. **CAPTIONS.** The captions of the paragraphs of this Agreement are for the convenience of reference only and shall not be considered or referred to when resolving questions of interpretation.
13. **SEVERABILITY.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall to any extent be found to be invalid, void or unenforceable, the invalidity does not affect the remaining provisions or application of this Corrective Action Agreement which can be given effect without the invalid provision or application. To this end, the provisions of this Corrective Action Agreement are severable.

EXECUTED this _____ day of _____, 200__.

Name of Property Owner, UST Owner, or UST Operator

EXECUTED this _____ day of _____, 200__.

Philip A. McNeely, Director
Tank Programs Division
Arizona Department of Environmental Quality

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Tank Programs Division

1110 West Washington Street, Phoenix, Arizona 85007
(602) 771-4316 ♦ (800) 234-5677

STATE USE ONLY

Facility ID No _____
 Owner ID No _____
 Reviewer/s Initial _____
 Data Entry Initial _____
 Date Entered _____



NOTIFICATION FOR UNDERGROUND STORAGE TANKS FORM

(PLEASE TYPE OR PRINT IN BLACK INK)

1A. TYPE OF NOTIFICATION [Please check one box and describe under (1B) the specific reason(s) for this Notification]

- New Facility
 Amendment of Previous Notification
 Closure at a Facility

1B. DESCRIPTION:

2. OWNERSHIP INFORMATION

(Mark as appropriate)

- Tank Owner
 Property Owner
 Other

Owner Name:

Name of Contact Person:

Telephone/Fax Number:

Mailing Address:

City: State: Zip Code:

3. OPERATOR INFORMATION

Person or Business Name:

Name of Contact Person:

Telephone/Fax Number:

Mailing Address:

City: State: Zip Code:

4. LOCATION OF UNDERGROUND STORAGE TANK (UST) FACILITY (physical location)

Facility Name:

Street Address: City: AZ Zip Code:

Contact Person's Name: Telephone Number:

Direction to the Facility: (from the nearest City, roads, streets, highways):

5. TYPE OF OWNER (Mark all that apply)

- COMMERCIAL
 FEDERAL GOVERNMENT
 INDIAN COUNTRY
 LOCAL GOVERNMENT
 PRIVATE
 STATE GOVERNMENT
 OTHER (please describe) _____

6. TYPE OF FACILITY (Mark all that apply)

- AIRPORT
 FARM
 GAS STATION
 HOSPITAL
 INDUSTRY/FACTORY
 LOCAL GOVERNMENT
 PETROLEUM DISTRIBUTOR
 RESIDENTIAL
 RAILROAD
 UTILITY
 OTHER (Please Specify) _____

7.	UNDERGROUND STORAGE TANK SYSTEM						
	Description of System and Usage Information						
	TANK IDENTIFICATION NUMBER (e.g. 1,2, 3, etc.)						
	a) Compartments (1A, 1B, etc.)						
	b) Date of tank installation						
	c) Date tank was placed in operation						
	d) Total capacity (gallons)						
	e) Substance currently or last stored						
	Gasoline	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Diesel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Used oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kerosene	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Heating oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New oil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other (please specify)						
	Unknown	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hazardous substance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Name of principal CERCLA substance						
	Chemical abstract service (CAS) number						
8.	TANK						
	Material and structural arrangement (Mark all that apply)						
	a. Steel Tank:	Single-walled	<input type="checkbox"/>				
		Double-walled	<input type="checkbox"/>				
		Composite (steel/fiberglass)	<input type="checkbox"/>				
	b. Fiberglass Tank:	Single-walled	<input type="checkbox"/>				
		Double-walled	<input type="checkbox"/>				
	c. Asphalt-coated steel		<input type="checkbox"/>				
	d. Other (describe):		<input type="checkbox"/>				
	e. Unknown		<input type="checkbox"/>				
9.	TANK CORROSION PROTECTION						
	(Mark all that apply)						
	Cathodically protected steel		<input type="checkbox"/>				
	Type of Cathodic Protection (Indicate if Sacrificial anode or Impressed Current)						
	Lined interior		<input type="checkbox"/>				
	Epoxy-coated steel		<input type="checkbox"/>				
	Polyethylene tank jacket		<input type="checkbox"/>				
	Additional corrosion protection not required		<input type="checkbox"/>				
	If tank was repaired, indicate date of repair						

13. TANK STATUS

Tank identification number (e.g. 1, 2, 3,etc.)						
a) Currently in use	<input type="checkbox"/>					
b) Temporary closure of tank	<input type="checkbox"/>					
1. Date of temporary closure						
2. Request to extend temporary closure beyond 12 months	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
3. Site assessment completed?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
4. Has the extension request been approved?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
5. Tank emptied to less than 1" of product?	Yes/No/NA	Yes/No/NA	Yes/No/NA	Yes/No/NA	Yes/No/NA	Yes/No/NA
6. Release detection maintained?	Yes/No/NA	Yes/No/NA	Yes/No/NA	Yes/No/NA	Yes/No/NA	Yes/No/NA
7. Cathodic protection maintained? (circle one)	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
8. Date tank(s) returned to operation after temporary closure						
c) Permanent closure of tank	<input type="checkbox"/>					
1. Date the tank was last used						
2. Date of closure by removal from ground						
3. Date of closure in ground						
4. Closure site assessment completed?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
d) Change-in-Service	<input type="checkbox"/>					
1. date of change-in-service						
2. Closure site assessment completed?	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

The space below is provided for your comments and explanation:

14. CERTIFICATION

I certify under penalty of State 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.

Name and Official Title of Owner or Owner's Authorized Representative	Signature	Date Signed

15. INSTALLATION INFORMATION & CERTIFICATION

(To be completed by Certified Service Provider)

TANK IDENTIFICATION NUMBER (e.g. 1,2,3)						
a) Spill and overflow protection						
1. Spill device installed	<input type="checkbox"/>					
Date installed						
2. Type of Overfill device installed						
Overfill Activation Level						
Date installed						
b) Release detection installed	<input type="checkbox"/>					
Date installed						
c) Corrosion protection (CP) installed	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
Impressed Current (IC); Sacrificial Anode (SA)	IC/SA	IC/SA	IC/SA	IC/SA	IC/SA	IC/SA
Tank (T); Piping (P); Flexible Connector (FC)	T/P/FC	T/P/FC	T/P/FC	T/P/FC	T/P/FC	T/P/FC
Date Installed						

CERTIFICATION: I certify under penalty of state law that the information contained in this section is true to the best of my belief and knowledge.

Signature		Title		Date		
Name		Company Name				

INSTALLER VERIFIER SPILL PROTECTION OVERFILL PROTECTION CORROSION PROTECTION
 I am a Tank Service Provider Certified by ADEQ. My ADEQ Certification No. is: _____ Expires On: _____

Signature		Title		Date		
Name		Company Name				

INSTALLER VERIFIER SPILL PROTECTION OVERFILL PROTECTION CORROSION PROTECTION
 I am a Tank Service Provider Certified by ADEQ. My ADEQ Certification No. is: _____ Expires On: _____

Signature		Title		Date		
Name		Company Name				

INSTALLER VERIFIER SPILL PROTECTION OVERFILL PROTECTION CORROSION PROTECTION
 I am A Tank Service Provider Certified by ADEQ. My ADEQ Certification No. is: _____ Expires On: _____

NOTE: Arizona Revised Statutes (A.R.S.), Title 49, Chapter 6, Section §49-1002 requires owners of underground storage tanks (USTs) to notify the Arizona Department of Environmental Quality (ADEQ) of their USTs on forms prescribed by the Department. The Notification for Underground Storage Tank form is designed to serve two purposes: 1) to register the USTs located at a specific facility and 2) to inform ADEQ of any changes (amendments) at an UST facility, (i.e. installation, closure, method of release detection, change in ownership or change in service). Owners and operators of USTs are required to notify ADEQ of all changes at a facility within thirty (30) days of that change.

PENALTIES: Any owner who knowingly fails to notify or submits false information shall be subject to a civil penalty not to exceed \$10,000.00 for each tank for which notification is not given or for which false information is submitted.

16.

MAP AND DIAGRAM OF THE UST LOCATION

Draw or attach site map. Include buildings and major cross streets around the facility where the UST system is located. If there are no major streets/roads near the facility (in a rural areas), show the direction to the facility and approximate distance from the nearest street/road/highway or any other landmark.

Facility Street Address:

City:

Arizona (Zip Code)

Directions to the facility (in rural locations):



LEGEND – Use all symbols that apply

- | | | | |
|---|--|--|--|
|  Tank |  Piping |  Fill Tube |  Dispensers |
|  Manway to Sump |  Manway to Automatic Tank Gauging |  Vent Lines | |
|  Vapor Monitoring |  Groundwater Monitoring | | |

GUIDANCE

UNDERGROUND STORAGE TANKS

Arizona Department of Environmental Quality



NOTIFICATION FOR UNDERGROUND STORAGE TANKS FORM GUIDANCE DOCUMENT

Tank Programs Division
UST Coordination Unit
1110 West Washington Street, Phoenix, Arizona 85007
www.azdeq.gov ▲ (602) 771-4303 ▲ 1-800-234-5677
Revised: July 2005

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STEP BY STEP INSTRUCTIONS

WHY COMPLETE A NOTIFICATION FORM?

Arizona Revised Statutes (A.R.S.), Title 49, Chapter 6, Section §49-1002 requires owners of underground storage tanks (USTs) to notify the Arizona Department of Environmental Quality (ADEQ) of their USTs, on forms prescribed by the Department. The Notification for Underground Storage Tanks Form (Notification Form) form is designed to serve two purposes: (1) to register USTs located at a specific facility, and (2) to inform ADEQ of any changes (amendments) at an UST facility (i.e., installation, closure, method of release detection, change in ownership, etc.). Owners and operators of USTs are required to notify ADEQ of all changes at a facility within thirty (30) days of that change. The numbering system on the Notification Form corresponds to the numbered paragraphs in this instruction manual.

1A. TYPE OF NOTIFICATION

Mark the box which indicates the reason for submitting the Notification Form:

- New Facility
- Amendment of Previous notification ; or
- Closure at a Facility.

1B. DESCRIPTION

Describe the specific reason for this Notification Form. If you are submitting the Notification Form as an “Amendment of Previous Notification”, please describe specifically what this amendment is for (e.g. change of contact information, address change, installation of or change of corrosion protection, spill/overflow protection, release monitoring device, etc.) If the Notification Form is for “Closure at a Facility”, describe whether it is for Temporary Closure, Permanent Closure, or extension of Temporary Closure.

2. OWNERSHIP INFORMATION

The owner of the UST/facility (corporation, individual, public agency or other entity) must be identified in this section. Include owner's name, current mailing address and current telephone number. If the owner has a change in address or telephone number, a revised Notification Form must be submitted.

The ownership information has been divided into “Tank Owner”, “Property Owner” and “Other”. Mark all that apply to you. If you are the “Property Owner”, or a “Fiduciary” or hold “Indicia of Ownership” and are not the tank owner as defined in A.R.S. §49-1001.01, mark “Other” box, and describe the type of ownership or interest

you have in the property where the UST is located under “Other” box in Part 5 of the Notification Form. Use the following information to determine the type ownership you may have in the property:

NOTE: Please review the relevant A.R.S. citation for further clarity.
§49-1001.01(B)(1)(2) – Exempts certain property owners from being the UST owner.
§49-1001.01(C)(D) – Exempts certain persons who hold indicia of ownership in the UST(s) from being the UST owner.
§49-1001.01(E) – Addresses a fiduciary relationship to the UST(s)

In the event that there is a change in ownership, it is the previous owner's responsibility to notify the new owner that an amended Notification Form must be submitted to ADEQ within 30 days of that change. The Notification Form must include the name and address of the new owner, name and telephone number of the contact person, and effective date of transfer.

3. OPERATOR INFORMATION

Provide the corporation or business name of the operator. Also, the name, job title, mailing address and telephone number of the person responsible for the day-to-day operation of the tank(s) must be identified in this section. If, after due diligence, the operator of the UST cannot be located, write “Unknown Operator”.

4. LOCATION OF UNDERGROUND STORAGE TANKS (UST) FACILITY

The physical location of the facility must be identified by name, street address and zip code. Do not use P.O. Box numbers. For rural locations, where street address is not available, please give direction to the facility from nearest land marks, e.g. nearest City, highway, or other land marks.

5. TYPE OF OWNER

Mark all the boxes which indicate the type of owner.

6. TYPE OF FACILITY

Mark all the boxes that apply to the type of facility. If not listed, please describe the facility type under “Other”.

7. UNDERGROUND STORAGE TANK SYSTEM

Provide pertinent information for each tank. The Notification Form provides room for six (6) tanks only. If the facility has more than six (6) tanks, this section should be photocopied as many times as needed to satisfy the number of tanks present. If a tank has been divided into two or more compartments, register the tank as one tank and describe the content in each compartment in the space provided.

Once an identification number has been assigned to a tank, the number must remain with that tank even after permanent closure of the tank. In other words, if a tank is removed and replaced with a new tank, that new tank cannot assume the identification number of the old tank. A new and separate identification number must be assigned to the new tank and the new Notification Form must show that the old tank is permanently closed.

- (a) Compartments – indicate the number of compartments in each tank. If a tank is divided into two or more compartments, please use a number and letter scheme to link the compartments to the same tank. EXAMPLE: 1A, 1B, etc.
- (b) Date of Installation - indicate the date that each tank was installed.
- (c) Date tank was placed in operation – indicate the date the tank was initially placed in operation.
- (d) Total Capacity (gallons) - indicate the maximum gallon capacity of each tank and not the amount of regulated substance being stored. For multiple compartment tanks, indicate the combined gallon capacity of all compartments.
- e) Substance Currently or Last Stored - indicate the substance currently being stored or last stored. For multiple compartment tank(s), make sure to check all products being stored in the tank(s). If an UST contains a hazardous substance, fill in the CERCLA name and CAS number. If you do not have this information, you may research the EPA website or other sources to obtain necessary information. If any information requested in this section cannot be obtained after due diligence, then check the "unknown" box.

8. TANK (Material and Structural Arrangement)

Indicate the construction materials for each tank (e.g. steel, fiberglass...). Be sure to mark all the materials that apply to each tank. If unknown, indicate that.

9. TANK CORROSION PROTECTION

Indicate the type of corrosion protection for each tank, or if no corrosion protection is required, indicate that. If the tank has been repaired, please indicate the date repaired.

10. PRODUCT PIPING (Material and Construction Type)

Indicate the materials from which the product piping associated with each tank is constructed. Be sure to mark all the materials that apply to each set of piping.

11. PRODUCT PIPING (Application Type)

Indicate the application type of product piping associated with each tank. Please indicate whether the manway to the submersible pump is sealed and/or bolted. If the piping has been repaired, please indicate the date repaired.

12. RELEASE DETECTION OF TANK/PIPING

Indicate the method of release detection chosen for each tank and piping.

EMERGENCY GENERATOR - Indicate if the tank is connected to an emergency generator.

13. TANK STATUS

a) Currently In Use

Mark box if tank is currently in use.

b) Temporary Closure of Tank (See "Closure" in Glossary, Page 9)

Mark box if tank is temporarily closed. Indicate the date the tank was temporarily closed. State and Federal regulations provide the option of temporary closure for a period not to exceed 12 months. At the end of the 12 month period, the tank must either be permanently closed or upgraded to meet new tank standards. The temporary closure period may be extended by the Department, but only after the completion of a site assessment. Circle b(2) through b(7), as appropriate and indicate the date when the tank was returned to operation after temporary closure.

c) Permanent Closure of Tank (See "Closure" in Glossary, Page 8)

Mark this box if the tank is permanently closed. Indicate the actual or estimated date the tank was last used. If the tank was closed by removal from ground, enter the date of the removal. If the tank was closed in ground, indicate the date closed and identify the inert material(s) used to fill it. Indicate if a closure site assessment was completed by marking the appropriate box. Contact the UST Coordination Unit at 602-771-4339 for more information on permanent closure.

d) Change-in-Service

Mark box if tank has undergone a change-in-service. Indicate the date of the change-in-service and if a closure site assessment has been completed. Please contact the UST Coordination Unit to obtain more information regarding change-in-service or temporary and permanent closures.

14. CERTIFICATION

In this section, the name and official title of the owner or the owner's authorized representative must appear both printed and signed. In order to accept the signature of the owner's authorized representative, the owner must submit a notarized statement identifying the owner's representative. In addition, indicate the date signed. This section certifies that the information contained in the Notification Form and all attached documents are true, accurate and complete to the best of the signer's knowledge.

15. INSTALLATION INFORMATION & CERTIFICATION

(To be completed by the Certified Service Provider)

a) Installation

Provide information regarding the installation of new USTs. Mark all boxes that apply to the tank's installation.

b) Spill and Overfill Protection

Mark appropriate boxes and also indicate the dates of installations.

c) Release detection installed

Mark appropriate boxes and also indicate the dates of installations.

d) Corrosion Protection

Mark appropriate boxes and also indicate the dates of installations.

CERTIFICATION: The certification at the end of this section must be completed by the Certified Service Provider and not the owner.

16. MAP AND DIAGRAM OF THE UST LOCATION

A facility map should be attached or drawn, identifying the USTs and associated piping, major structures, i.e., buildings, and nearest cross streets. Tank numbering in the diagram must match with tank numbering in Sections 7 and 13 of the Notification Form.

GLOSSARY

Ancillary equipment - means any device used to distribute, dispense, meter, monitor, or control the flow of regulated substances to and from an UST.

Being used - means not having been taken out of operation.

Cathodic protection - is a technique to prevent corrosion of a metal surface by making that surface rust-resistant. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

CERCLA - means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.

Change-in-service - means changing from the storage of a regulated substance to the storage of a non-regulated substance.

Closure - means having been closed in accordance with all applicable fire codes and other statutory and regulatory requirements for closure in effect on the date that closure was accomplished.

Connected piping - means all piping including valves, elbows, joints, flanges and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between them.

Consumptive use - with respect to heating oil means consumed on the premises.

Existing tank system - means a tank system used to contain an accumulation of regulated substances or for which installation has commenced on or before December 22, 1988. Installation is considered to have commenced if:

- (a) The owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank system; and if,
- (b) (1) Either a continuous on-site physical construction or installation program has begun; or,
(2) The owner or operator has entered into contractual obligations - which cannot be cancelled or modified without substantial loss - for physical construction at the site or installation of the tank system to be completed within a reasonable time.

Farm tank - is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes fish hatcheries, rangeland and nurseries with growing operations. If a farm tank is 1,100 gallons or less, it is exempt from State and Federal UST regulations (registration is therefore not required).

Flow-through process tank - is a tank that Forms an integral part of a production process through which there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

Hazardous substance UST system - means an underground storage tank system that contains a hazardous substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system.

Heating oil - means petroleum that is No. 1, No. 2, No. 4 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.

Hydraulic lift tank - means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

Indian Country – means any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

New tank system - means a tank system that will be used to contain an accumulation of regulated substances and for which installation has commenced after December 22, 1988. (See also, "Existing Tank System.")

Noncommercial purposes - with respect to motor fuel means not for resale.

Operator - means any person in control of, or having responsibility for, the daily operation of the UST system.

Owner - means a person who, according to A.R.S. §49-1001.01, either:

- (a) Holds a legal, equitable, or possessory interest of any kind in an UST;
- (b) Held at the time of a release, or immediately before an UST was last operated, a legal, equitable or possessory interest of any kind in the UST.

Person - means an individual, trust, firm, joint stock company, consortium, commercial entity, Federal agency, corporation, state, municipality, commission, political subdivision of a state, any interstate body and the United States Government.

Petroleum - means crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute) and petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

Petroleum UST system - means an underground storage tank and piping system that contains petroleum or a mixture of petroleum with small quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

Pipe or Piping - means a hollow cylinder or tubular conduit that is constructed of non-earthen materials.

Pipeline facilities (including gathering lines) - are new and existing pipe rights-of-way and any associated equipment, facilities or buildings.

Regulated substance - means:

- (a) Petroleum, and
- (b) A substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 but not including any substance regulated as a hazardous waste under Solid Waste Disposal Act of 1984.

Release - means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an UST into ground water, surface water or subsurface soils.

Release detection - means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

Residential tank - is a tank located on property used primarily for dwelling purposes. If residential tank is 1,100 gallons or less, it is exempt from State and Federal UST regulations (registration is therefore not required).

Septic tank - is a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

Storm-water or wastewater collection system - means piping, pumps, conduits and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation or domestic, commercial or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

Tank - is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.

Underground storage tank or UST - means a tank or combination of tanks and underground pipes and impact valves connected to tanks being used or having been used to contain regulated substances and which has at least ten percent of the total volume of the tank and underground portions of pipes connected to the tank underground.

Underground storage tank does not mean any of the following:

- (a) A farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
- (b) A tank used for storing heating oil for consumptive use on the premises where stored;
- (c) A septic tank;
- (d) A pipeline facility, including gathering lines, regulated under either:
 - (1) The natural gas pipeline safety act of 1968 (49 U.S.C. §§ 1671 through 1686)
 - (2) The hazardous liquid pipeline safety act of 1979 (49 U.S.C. § 2001)
- (e) An intrastate pipeline facility regulated under a state law comparable to the provisions of law referred to in subdivision (d)(1) or (d)(2);
- (f) A surface impoundment, pit, pond, or lagoon;
- (g) A storm water or wastewater collection system;
- (h) A flow-through process tank;
- (i) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;
- (j) A storage tank situated in an underground area, such as a basement, cellar, mine working, drift, shaft or tunnel, if the storage tank is situated on or above the surface of the floor;
- (k) Pipes connected to any of the structures described in subdivisions (a) through (j).

Upgrade - means the addition or retrofit of some systems such as cathodic protection, lining or spill and overfill controls to improve the ability of an underground storage tank system to prevent the release of product.

UST system or Tank system – means an underground storage tank, connected underground piping, and underground ancillary equipment and containment system, if any.

EXAMPLE FORM 1

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
UNDERGROUND STORAGE TANK PROGRAM

County and Municipal Tank Closure and Corrective Action Program Site List Form

Date: July 15, 2001

ADEQ use only

City/Town: Besttown, AZ

City/Town Contact: I. M. Goode, City Manager

Telephone: 1-555-555-2511

Address: 1234 Main Street
Besttown, UST

List of Eligible sites

#	Site name	Address	Facility ID #	LUST #	# of tanks
1	Bob's Gas n' Go	523 W. Main Street Besttown, AZ 80000	Unknown	Unknown	3
2	Dinosaur Crude	623 N. First Street Besttown, AZ 80000	0-001000	None	3
3	Pop's Body Shop	123 Algernon Way Besttown, AZ 80000	Unknown	Unknown	1

EXAMPLE FORM 2a

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
UNDERGROUND STORAGE TANK PROGRAM
County and Municipal Tank Closure and Corrective Action Program
Site Summary Form

City/Town: Besttown, AZ Site: 1 of 3 Tax Parcel Number:

Site Name: Bob's Gas n' Go UST Facility ID: Unknown LUST File(s): Unknown

Site Address: 1234 Main Street, Besttown, AZ

Name of Property Owner or Person with Control of Site or UST: Bob N. Weave

Name of Contact: Bob N. Weave Telephone: 555-555-1000

Address: 100 Petunia Street, Besttown, AZ 85000

Current Property Use: residential / *non-residential* Number of UST to be Closed: 3

UST Ownership Statement:
"Available public records have been searched and the owner or operator of the underground storage tank(s) located on the above property cannot be located."

I. M. Goode
Printed Name

Besttown City Manager
Title

Signature

Date

Public document reviewed (Please use the attached Municipal Tank Closure Program owner/operator research guidance document to identify types of public documents reviewed.)	Copy attached	For ADEQ use only
ADEQ Facility and LUST Files (online)	x	
Assessors' Office, Property cards, current and dead cards	x	
Professional Title Search	x	
Recorder's Office - Ownership notes, Grantor/Grantee Index	x	
Building Permits	x	

Page 2

Site Access:

EXAMPLE FORM 2a

"The above property owner or the person with control of the property where the underground storage tank(s) (UST) are located consents to the closure of the tanks and any required corrective action associated with the USTs and has granted the Department access to the UST site as described in the attached Site Access Agreement."

Bob. N. Weave
Printed Name

President of Bob N. Weave Inc.
Title

Signature

Date

Notification of underground storage tank(s) form: A completed form needs to be attached.

COUNTY AND MUNICIPAL TANK CLOSURE AND CORRECTIVE ACTION PROGRAM OWNER/OPERATOR RESEARCH GUIDANCE

The following describes the steps to be taken and resources used when attempting to determine ownership of an underground storage tank. ADEQ requests that the counties, cities and towns provide ADEQ with written results of their efforts in addressing each of the listed items. The information should be noted on the request form and included in the documentation presented to ADEQ. ADEQ will evaluate the responses when considering whether the UST is eligible for the County and Municipal Tank Closure and Corrective Action Program.

- I. Review Arizona Department of Environmental Quality (ADEQ) facility and LUST files
 - A. Read all related materials carefully
 - B. Take notes on possible operators and owners mentioned in documents
 - C. Look for parcel number or legal description

- II. Manual property history search
 - A. Assessor's office
 1. Search property history, obtain property cards, current and *dead* cards
 - By current property owner's name
 - Parcel number
 - Legal description
 - Site address (*popular identifier for property, i.e. 8225 East Main*)
 2. View current and *dead* cards
 - Obtain copies of historical cards
 - Look for any indications of property use, i.e. service station, gas station, residence, etc. and take note of date of construction
 - Take notes of past owners names and document numbers that indicate property transfers
 3. Professional title search

Usually a professional title search is the best way to obtain a complete picture of leases, deeds and other pertinent property information. Copies of assessor property cards are necessary whether you contract a professional title company or not.
 - B. Recorder's Office
 - Take all of the ownership notes, document numbers to the recorder's office
 - Go to the grantor/grantee index (grantor is selling property, grantee is buying it)
 - Using the document numbers and dates, go through the index to locate the names for the property transactions. Starting with the most recent, work backward to create a history.
 - Make copies of the documents, and locate and copy any related leases mentioned.
 - If there are gaps in time and data, or no information from the assessor,

then you will have to contract for a professional title search.

- III. Look at building permits
You are looking for any indication of tanks, pumps, pump islands and service stations and install dates.
- IV. Look at city telephone directories and street directories, past years to present.
For a site believed to be a former UST site, you are looking for past addressees and dates they were on site.
- V. Look at library holdings for Sanborn Insurance Maps and aerial photos.
You are looking for any indication of pumps, pump islands and service stations.
- VI. Personally interview current and past property owners and ask for historical information.
- VII. Personally interview neighbors and/or long time area residents for information.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY CONTACT LIST

<p>ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY 1110 W. Washington Street Phoenix, AZ 85007 (602) 771-4303 (800) 234-5677</p>	<p>Northeast Arizona Community Liaison: Byron F. James P.O. Box 2129 St. Johns, AZ 85936 Phone (928) 337-3565, fax (928) 337-5028 e-mail: James.Byron@azdeq.gov</p>
<p>Tank Programs Division Joseph Drosendahl , Corrective Action Section Manager, (602) 771-4845 800-234-5677 ex: 771-4845 e-mail: Drosendahl.Joseph@azdeq.gov</p>	<p>Southeast Arizona Community Liaison: Mel Taylor 826 West Main Street Safford, AZ 85546 Phone (928) 348-3040, fax (520) 432-6882 e-mail: Taylor.Melvin@azdeq.gov</p>
<p>Tank Programs Division Mike Latin, State Lead Unit Manager (602) 771-4308 800-771-5677 ex: 771-4308 e-mail: Latin.Michael@azdeq.gov</p>	<p>Southern Regional Office 400 W. Congress, Suite 433 Tucson, AZ 85701 Phone (520) 628-6733, fax (520) 628-6745 Regional Manager: Susan Keith e-mail: Keith.Susan@azdeq.gov</p>
<p>Tank Programs Division Al Johnson, Customer Service Manager (602) 771-4268 800-234-5677 ex: 771-4268 e-mail: Johnson.Allen@azdeq.gov</p>	<p>Northern Regional Office 1801 W Route 66, Suite 117 Flagstaff, AZ 86001 (928) 779-0313, fax (928) 773-2700 Regional Manager: Matt Capalby e-mail: Capalby.Matthew@azdeq.gov</p>
<p>Tank Programs Division Cynthia D. Miller Community Involvement Officer (602) 771-4321 800-234-5677 ex: 771-4321 e-mail: Miller.Cynthia@azdeq.gov</p>	<p>Southwest Arizona Community Liaison: Charlene Fernandez 155 W. 14th St. Suite A Yuma, AZ 85364 Phone (520) 373-9432, fax (520) 373-9433 e-mail: Fernandez.Charlene@azdeq.gov</p>

**COUNTY AND MUNICIPAL TANK CLOSURE AND CORRECTIVE
ACTION PROGRAM LIST OF ELIGIBLE INCORPORATED CITIES AND
TOWNS**

1.	City of Benson	Cochise County
2.	City of Bisbee	Cochise County
3.	Town of Buckeye	Maricopa County
4.	Town of Camp Verde	Yavapai County
5.	Town of Carefree	Maricopa County
6.	Town of Cave Creek	Maricopa County
7.	Town of Chino Valley	Yavapai County
8.	Town of Clarkdale	Yavapai County
9.	Town of Clifton	Greenlee County
10.	Town of Colorado City	Mohave County
11.	City of Coolidge	Pinal County
12.	City of Cottonwood	Yavapai County
13.	Town of Dewey/Humboldt	Yavapai County
14.	City of Douglas	Cochise County
15.	Town of Duncan	Greenlee County
16.	Town of Eagar	Apache County
17.	City of El Mirage	Maricopa County
18.	City of Eloy	Pinal County
19.	Town of Fredonia	Mohave County
20.	Town of Gila Bend	Maricopa County
21.	City of Globe	Gila County
22.	Town of Guadalupe	Maricopa County
23.	Town of Hayden	Pinal County
24.	City of Holbrook	Navajo County
25.	Town of Huachuca City	Cochise County
26.	Town of Jerome	Yavapai County
27.	Town of Kearny	Pinal County
28.	City of Litchfield Park	Maricopa County
29.	Town of Mammoth	Pinal County
30.	City of Maricopa	Maricopa County
31.	Town of Marana	Pima County
32.	Town of Miami	Gila County
33.	City of Page	Coconino County
34.	Town of Paradise Valley	Maricopa County
35.	Town of Parker town	La Paz County
36.	Town of Patagonia	Santa Cruz County
37.	Town of Payson	Gila County
38.	Town of Pima	Graham County
39.	Town of Pinetop-Lakeside	Navajo County
40.	Town of Prescott Valley	Yavapai County

**COUNTY AND MUNICIPAL TANK CLOSURE AND CORRECTIVE
ACTION PROGRAM LIST OF ELIGIBLE INCORPORATED CITIES AND
TOWNS**

41.	Town of Quartzsite	La Paz County
42.	Town of Queen Creek	Maricopa County
43.	City of Safford	Graham County
44.	Town of Sahuarita	Pima County
45.	City of Sedona	Yavapai County
46.	City of Show Low	Navajo County
47.	Town of Snowflake	Navajo County
48.	City of Somerton	Yuma County
49.	Town of South Tucson	Pima County
50.	Town of Springerville	Apache County
51.	City of St. Johns	Apache County
52.	Town of Superior	Pinal County
53.	Town of Taylor	Navajo County
54.	Town of Thatcher	Graham County
55.	City of Tolleson	Maricopa County
56.	City of Tombstone	Cochise County
57.	Town of Wellton	Yuma County
58.	Town of Wickenburg	Maricopa County
59.	City of Willcox	Cochise County
60.	City of Williams	Coconino County
61.	Town of Winkelman	Pinal County
62.	City of Winslow	Navajo County
63.	Town of Youngtown	Maricopa County

COUNTY AND MUNICIPAL TANK CLOSURE AND CORRECTIVE ACTION PROGRAM STATUTES

49-1073. County and municipal tank closure and corrective action program; account

- A. The County and Municipal Tank Closure and Corrective Action Program account is established within the department. The director shall administer the account. Monies in the account shall be used only for the purpose of providing assistance pursuant to this section. Counties, only with respect to unincorporated areas of this state, and incorporated cities and towns are eligible to receive monies from the account. The account is exempt from the provisions of Section 35-190, relating to the lapsing of appropriations. Interest earned on monies in the account shall be credited to the account. The account consists of monies from the following sources:
1. Monies transferred from the grant account established pursuant to Section 49-1071, Subsection A.
 2. Monies appropriated by the legislature.
 3. Gifts, grants or donations.
- B. Monies in the County and Municipal Tank Closure and Corrective Action Program account shall be used by the director to perform permanent closure on underground storage tanks and required corrective action on releases from underground storage tanks discovered during the permanent closure only to the extent that the activities are not eligible for or within the coverage limits of Section 49-1054. Permanent closure shall be performed pursuant to Section 49-1008 and any required corrective action shall be performed pursuant to Section 49-1005 and the rules adopted pursuant to those sections. Monies from the County and Municipal Tank Closure and Corrective Action Program account may be used for closure of underground storage tanks that are not the source of a release.
- C. The director shall perform underground storage tank closure and required corrective action pursuant to this section until monies in the County and Municipal Tank Closure and Corrective Action Program account are depleted. When monies in the County and Municipal Tank Closure and Corrective Action Program account are depleted, all underground storage tank closure and required corrective action activities performed or to be performed pursuant to this section shall cease. The director may continue to perform corrective action pursuant to Section 49-1017, Subsection A on releases discovered during permanent closure undertaken pursuant to this section.
- D. Incorporated cities and towns are eligible for participation in the County and Municipal Tank Closure and Corrective Action Program pursuant to this section if both of the following conditions are satisfied:
1. The city or town has a population of less than fifteen thousand persons.

2. The person who owns a property or the person with principal control of a property or an underground storage tank, located within the city or town, that appears on the list required by Subsection F, Paragraph 1 of this section is not an owner or operator of the underground storage tank and an owner or operator of the underground storage tank cannot be located pursuant to Section 49-1017, Subsection A, Paragraph 1.
- E. A county is eligible for participation in the County and Municipal Tank Closure and Corrective Action Program pursuant to this section if the requirements of Subsection D, Paragraph 2 of this section are met with respect to property or an underground storage tank located within the unincorporated area of the county.
- F. A county, city or town that requests participation pursuant to this section shall submit a written request to the department that contains all of the following:
1. A list of each underground storage tank and underground storage tank site that meets the requirements of Subsections D and E of this section and that is to be considered for eligibility for closure activities under this program. The list shall identify the property owner or person with control of the property or underground storage tank, the address of the underground storage tank site and the person to be the contact with the department for the property owner or person with control of the property or underground storage tank.
 2. A statement from the county, city or town that available public records have been searched and the owner or operator of the underground storage tank on the list submitted pursuant to Paragraph 1 of this subsection cannot be located. A list of the specific documents searched by the county, city or town shall be included.
 3. Evidence that the property owner or person with control of the property or the underground storage tank has consented to the closure and any required corrective action associated with the underground storage tank and has granted the department access to the underground storage tank site.
 4. The name, telephone number and address of the person at the county, city or town who will be responsible for coordinating the request with the department.
 5. A completed notification for underground storage tanks form for each underground storage tank proposed for closure under the program.
- G. The director shall consider requests from counties, cities and towns in the order received by the department. Subject to the availability of monies in the account established pursuant to Subsection A of this section and the priorities established by this subsection, the director shall select those underground storage tank sites where permanent closure and required corrective action on a release from an underground storage tank are to be performed. The department shall issue a determination to the county, city or town making the request within one hundred twenty days after receiving the request. A determination by the director pursuant to this section does not constitute an appealable agency action as defined in Section 41-1092. The department shall reimburse from the account each county, city or town for the actual costs incurred in preparing the request selected by the director pursuant to this subsection, but not more than fifteen thousand dollars per county, city or town, regardless of how many requests are made. The director shall prioritize those underground storage tank sites where

permanent closure and required corrective action on releases from the underground storage tank may be performed, based on all of the following criteria:

1. Compliance of the submitted request by the county, city or town with the requirements of Subsections D, E and F of this section.
 2. Releases that pose a threat to human health and welfare and the environment in the area where the underground storage tank is located.
 3. The reduction of threat to human health, and welfare and the environment from closure of the underground storage tank or performance of corrective action on a release from the underground storage tank.
 4. The relationship between releases in the area and the underground storage tank.
 5. Other site-specific conditions determined by the director.
- H. On the department's completion of closure pursuant to Section 49-1008 and, if required, corrective action pursuant to Section 49-1005 and the rules adopted pursuant to those sections, the director shall issue a letter to the affected persons and the county, city or town that the requirements were met.
- I. The director shall not provide any coverage, and the County and Municipal Tank Closure and Corrective Action Program account is not liable, for compensating third parties for bodily injury or property damage caused by closure activities, corrective action activities or releases from underground storage tanks.