



Underground Storage Tank (UST) Bulletin

Effective: March 24, 2004

Publication No: TB 11-01

SUBJECT: Recommendations for New UST Owners and Operators

TYPE: Outreach for New UST Owners and Operators

BACKGROUND:

- Arizona Revised Statutes, Chapter 6
- Arizona Administrative Code – Title 18, Chapter 12

New owners and operators frequently contact the UST Outreach Unit with questions regarding UST program requirements. This bulletin contains a compilation of regulatory issues and references that may be helpful to new UST owners and operators.

CONTENT:

Please see attached guidance.

CONTACT:

Al Johnson, Johnson.allen@azdeq.gov
602-771-4268

Recommendations for New Underground Storage Tank (UST) Owners and Operators (Thinking of Purchasing or Selling a UST Facility?)

If you are thinking of purchasing, selling, or operating an active UST facility, you should be aware of the following regulatory considerations:

- 1. If you have bought a UST facility, you may need to notify the Arizona Department of Environmental Quality (ADEQ) of an ownership change and contact us for information on fees, taxes, and financial responsibility. There are ADEQ requirements in regards to these areas.**
- 2. ADEQ recommends you become familiar with UST laws and guidance to understand your liabilities and responsibilities for the UST.**
- 3. ADEQ recommends you determine if the facility has any outstanding compliance issues with ADEQ.**
- 4. ADEQ recommends you assess the possibility that a release of product has, or is, occurring.**
- 5. ADEQ recommends you become familiar with UST release detection methods and equipment.**

Additional details on these considerations are provided below.

1. If you have bought a UST facility, you may need to notify ADEQ of an ownership change and contact us for information on fees, taxes, and financial responsibility. Please see the List of Contacts for Questions on Page 4 to reach the appropriate person at ADEQ. You will also need to submit a *Notification for Underground Storage Tank Form*, available on the ADEQ website at the link shown below, or to obtain a hard copy of the form, please call (602) 771-4345.
<http://www.azdeq.gov/environ/ust/download/notif.doc>

2. You may want to become familiar with UST laws and guidance to understand your liabilities and responsibilities for the UST. The following are links to State and Federal Rules which may help you in that regard.

- a. To view **State statutes** relating to UST Inspections and Compliance, Financial Responsibility, and Corrective Actions, see Chapter 6, Title 49 of the Arizona Revised Statutes (A.R.S.) §49-1001 through 1093 (UST Statutes).
<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=49>
- b. To view **State rules** relating to UST Inspections and Compliance, Financial Responsibility, and Corrective Actions, see Chapter 12 of Title 18 of the Arizona Administrative Code (A.A.C.) (UST Program Rules).
http://www.azsos.gov/public_services/Title_18/18-12.htm

- c. To view **Federal rules** relating to UST Inspections and Compliance, Financial Responsibility, and Corrective Actions, see the Code of Federal Regulations (C.F.R.), 40 CFR, Section 280.
<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=e66f0c8aad5f334f434729ac813dd832&rqn=div5&view=text&node=40:27.0.1.1.10&idno=40>

3. You may want to call ADEQ to determine if the facility has any outstanding compliance issues. It is helpful to have the UST Facility Identification number and, if a release has occurred, the Leaking Underground Storage Tank (LUST) number as well. The UST Program can be reached by calling (602) 771-4255 or (toll free) 1-800-234-5677, ext.771-4255.

4. You may want to assess the possibility that a release of product has, or is, occurring. It may be beneficial for both the seller and prospective purchaser to know whether a release has occurred or is occurring. According to the UST regulations, the UST owner at the time(s) of release has the responsibility and liability for the release.

For the purpose of a property transaction, ADEQ does not have a regulatory requirement for either the purchaser or seller to assess whether a release has occurred or is occurring. However, when conducting a property transaction, many prospective purchasers and sellers are concerned about environmental liability. Not only may both of those parties be interested in this information, but a lender or an insurance company may also be interested. Consequently, the purchaser or seller may opt to perform a site assessment to determine if there is contamination from the UST(s). Involved parties may contract with an environmental consultant to conduct this Phase II Environmental Site Assessment (ESA).

A Phase II ESA for USTs usually consists of drilling and sampling the soils underlying the various components of the UST system such as the tanks, piping, and dispensers. Occasionally, a groundwater monitor well will be installed to determine if a UST release has affected groundwater. If the Phase II ESA or other information indicates that there is a release of product from the UST(s), the owner must report the release to ADEQ within 24 hours of discovery. More information about ADEQ's site assessment and site check requirements is contained in A.A.C. R18-12-272 of the UST Technical Standard rules; following is that link: http://www.azsos.gov/public_services/Title_18/18-12.htm

A site assessment helps determine whether the system has had no release, a suspected release or a confirmed release. Assuming the assessment was performed correctly:

- No release means that the assessment failed to find evidence of UST-related contamination at the UST site or the surrounding area;
- A suspected release means the discovery of contamination at the UST site or the surrounding area that cannot be directly related to the UST;
- A confirmed release means the discovery of contamination at the UST site or the surrounding area that can be directly related to the UST.

5. You may want to become familiar with UST release detection methods and equipment. Please refer to the List of Contacts for Questions shown below.

List of Contacts for Questions

The Toll Free Number is Always 800-234-5677, Ext: (person's phone number)

UST Notification Form and UST Closure:	Nick Velasquez (602) 771-4315 Velasquez.nick@azdeq.gov Amy Aeed (602) 771-4316 Aeed.amy@azdeq.gov
Assessing UST Sites:	Nusrath Khan (602) 771-4339 Khan.nusrath@ev.state.az.us
If Contamination is Found:	Nick Giuntoli (602) 771-4289 nmg@azdeq.gov
UST Taxes, Exemptions & Refunds:	Dyanne Baratta (602) 771-4291 Db3@azdeq.gov
UST Financial Responsibility:	Maria Rodriquez (602) 771-2214 Rodriquez.maria@azdeq.gov
UST Leak Detection & Equipment:	Nurul Huq (602) 771-4318 Nh1@azdeq.gov
UST File Room:	Cathy Callahan (602) 771-4384
UST or LUST File Review:	(602) 771-4344 Fax: (602) 771-4272
UST Inspections:	(602) 771-4255
UST Release Investigation & Cleanup	(602) 771-4303
Vapor Recovery & Fuel Dispenser Issues	Arizona Dept. of Weights & Measures http://www.azdwm.gov
Fire Code or Above Ground Tank Issues:	Arizona State Fire Marshal http://www.dfbls.az.gov