

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

IF UST SYSTEM
WAS LAST USED:

ON OR BEFORE
JAN 1, 1974

BUSTR registration
(& fees) are not
required

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"*

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

OWNER DETERMINATION EXAMPLES:

Q: ABC Co. discovers they have a release from a prior gasoline UST system during a refinancing 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: 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 and the tanks have been removed. Is XYZ, LLC considered the owner and now responsible for the active release issues?

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.

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. However, they may need to address these issues if they are trying to sell the property in order to get the bank to finance their project.

*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.

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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