§ 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.

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 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...
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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 §280.260(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:

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

Notification for Underground Storage Tanks

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**GENERAL INFORMATION**

Notification is required by Federal law for all underground tanks that have been used to store regulated substances since January 1, 1974, or that are in the ground as of May 8, 1986, or that have been brought into use after May 8, 1986. The information requested is required by Section 902(b) of the Resource Conservation and Recovery Act (RCRA), as amended.

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, data, and, if reasonably possible, from the previous owner or operator.

Who Must Notify? Section 902(b) of RCRA, as amended, requires that, unless exempted, owners of underground storage tanks that store, or have stored, regulated substances, or that are in the ground as of May 8, 1986, or that have been brought into use after May 8, 1986, file notification with the EPA.

What Substances Are Covered? The notification requirements apply to underground storage tanks that contain regulated substances. This includes any substance defined in Section 3001 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). This includes substances which are listed or otherwise regulated under the Federal Water Pollution Control Act (as amended by the Clean Water Act), the Federal Insecticide, Fungicide, and Rodenticide Act, the Toxic Substances Control Act, the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Resource Conservation and Recovery Act (RCRA), and the Clean Air Act.

What Substances Are Not Covered? The notification requirements do not apply to underground storage tanks that store regulated substances. This includes any substance defined in Section 3001 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). This includes substances which are not listed or otherwise regulated under the Federal Water Pollution Control Act (as amended by the Clean Water Act), the Federal Insecticide, Fungicide, and Rodenticide Act, the Toxic Substances Control Act, the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Resource Conservation and Recovery Act (RCRA), and the Clean Air Act.

What Substances Are Excluded from Notification Requirements? The notification requirements also do not apply to underground storage tanks that store regulated substances. This includes any substance defined in Section 3001 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). This includes substances which are listed or otherwise regulated under the Federal Water Pollution Control Act (as amended by the Clean Water Act), the Federal Insecticide, Fungicide, and Rodenticide Act, the Toxic Substances Control Act, the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Resource Conservation and Recovery Act (RCRA), and the Clean Air Act.

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