

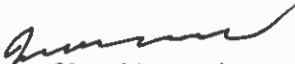
**MEMORANDUM**  
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**DIVISION OF LAND PROTECTION AND REVITALIZATION**  
**OFFICE OF SPILL RESPONSE AND REMEDIATION**

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**SUBJECT:**     **Guidance Document LPR-SRR-2016-04**  
                  **Storage Tank Program Compliance Manual Volume 2: Registration & Closure**

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**Summary:**

This volume of the Storage Tank Program Compliance Manual provides guidance to DEQ staff on the registration and closure requirements applicable to regulated underground and aboveground storage tanks.

This guidance supersedes the following guidance:

Guidance No. 01-2025 - Volume II of the Storage Tank Program Compliance Manual – Registration & Closure that was effective October 12, 2001,

**Electronic Copy:**

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET, and for the public on DEQ's website at:

<http://www.deq.virginia.gov/Programs/LandProtectionRevitalization/Laws.Regulations.Guidance.aspx>

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**Disclaimer:**

Guidance documents do not establish or affect legal rights or obligations, do not establish a binding norm, and are not determinative of the issues addressed. Decisions in individual cases will be made by applying the laws, regulations, and policies of the Commonwealth to case-specific facts.

STORAGE TANK PROGRAM COMPLIANCE  
MANUAL  
VOLUME II  
REGISTRATION & CLOSURE

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# 1 Introduction

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This volume of the compliance manual provides guidance to staff on registration and closure requirements for Underground Storage Tanks (USTs) and Aboveground Storage Tanks (ASTs). This volume includes instructions on how to process registration forms and requirements for completing forms.

## 2 Registration and Notification

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### 2.1 Purpose

Owners of regulated petroleum storage tanks are required to register their tanks with DEQ and notify DEQ when certain events occur<sup>1</sup>. The tank notification and registration program primarily serves to:

- Identify and locate regulated tanks;
- Inventory USTs that store or have stored petroleum or hazardous substances;
- Inventory ASTS and the accumulated storage capacity at each facility in order to establish the operating requirements that apply to the facility;
- Identify the party responsible for pollution prevention compliance and cleanup of petroleum releases or discharges; and
- Establish compliance requirements applicable to the tank equipment installed.

DEQ staff use the information provided through the registration process to determine which compliance requirements apply to the tank owner/operator.

### 2.2 Who Must Register

#### 2.2.1 UST

Owners of regulated substance USTs that were in the ground as of May 8, 1986, or that were brought into use after May 8, 1986, must notify DEQ when certain events occur. A UST owner is:

- Any person who owns a UST used for the storage or dispensing of regulated substances that was in use on or brought into use after November 8, 1984; or

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<sup>1</sup> UST notification requirements are set out in Section 70 of the Underground Storage Tanks: Technical Standards and Corrective Action Requirements Regulation, 9 VAC 25-580.

- Any person who owned a UST immediately before the discontinuation of its use for the storage or dispensing of regulated substances if the tank was no longer in use as of November 8, 1984.

A tank owner is not required to register a tank if he or she can demonstrate that the tank was not in operation as of January 1, 1974. However, real property owners who have actual knowledge of USTs on their property that were taken out of service before January 1, 1974 yet are still in the ground must notify DEQ, in writing, of the existence of the tanks.<sup>2</sup>

### **Ownership Issues**

Occasionally, the tank inspector must determine who the correct owner should be for compliance and registration in situations where the owner identified on the registration form disputes ownership or no registration form has been submitted to identify the tank owner. In cases where there is disagreement between parties (e.g. a landlord and tenant, operator and fuel supplier, etc. ) as to the ownership of USTs, regional staff should obtain any documentation relevant to ownership (e.g., lease, bill of sale, deed, service contract, etc.) and consult with OSRR.

Ownership disputes may also come about because the original registered owner claims to have sold the USTs or has become defunct (as a business entity). In some cases, the registered owner may be able to demonstrate he sold the tanks through submission of a Notification for Underground Storage Tanks Change of Ownership by Former Owner (Form 7530-3A) and supporting documentation (see [Section 2.6](#) for more information on the review process).

For more information on handling defunct legal entities, see Section 4.1.1 of [Volume IV](#).

### **Landowners as Tank Owners**

In cases where there is no identifiable tank owner, tank staff may consider the landowner as a potential tank owner. In the past, DEQ generally considered the landowner to be the UST owner only in those cases where (1) the registered UST owner and the landowner are the same; or (2) the UST is not registered with DEQ. DEQ took this approach because the UST owner could be a different entity than the landowner and the UST notification form was considered sufficient to identify the UST owner when the UST owner and landowner differed. DEQ considered the notification form a reflection of the parties' intent to separate the UST from the

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<sup>2</sup> In addition, beginning October 24, 1988, any person who sells a tank intended to be used as a UST must notify the purchaser of the notification requirements.

land such that it became the personal property of the entity registering the UST rather than a fixture that existed as part of the land, like a wall or a fence.

From a property law standpoint, however, courts generally consider USTs to be fixtures<sup>3</sup> rather than personal property. The analysis used by courts to identify whether an item is a fixture emphasizes the UST owner's intent to make the item a permanent addition to the real property. Although DEQ has considered the UST notification form dispositive on the issue of intent in the past, case law, as well as other states' practice, support treating the UST as a fixture in these situations where a breakdown in the relationship between the landowner and the UST owner has occurred. Consequently, a landowner may be considered the tank owner in those situations where the tank is a fixture to the land. Contact OSRR for help in analyzing whether a UST is a fixture in a particular case.

### **Lenders**

An entity that meets the definition of a lender is not considered a UST owner and has no duty to register a tank with DEQ as an owner. For a more complete discussion of the lender exemption and the exemption application process, see [Volume IV](#) of the Manual (Section 4.4) and [The Lender Liability Guidance](#). Lenders are still required to notify DEQ when placing USTs into temporary closure and should use the Form 7530-3 to do so.

### **2.2.2 AST**

The operator of a facility or AST must register an AST if any individual AST<sup>4</sup> at the facility has a capacity of more than 660 gallons of oil. This includes unlicensed motor vehicles and rolling stock (train cars) used solely for the storage of oil. An "operator" is any person who owns, operates, charters by demise, rents, or otherwise exercises control over or responsibility for a facility. Although the term "operator" includes many different entities, DEQ will first pursue the owner of the facility to obtain compliance with registration and notification requirements.

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<sup>3</sup> Generally, courts apply a three-part test when analyzing whether a tank becomes a fixture of the real property. The test looks at:

1. The nature of the tank's annexation to the realty and the annexation's degree of permanency,
2. The tank's adaptation to the property's use or purpose, and
3. The UST owner's intention to make it a permanent addition to the real property.

*Danville holding Corp. v. Clement*, 178 Va. 223, 232, 15 S.E.2d 245, 250 (1941).

<sup>4</sup> Section 25-91-30 of the Facility and Aboveground Storage Tank (AST) Regulation, 9 VAC 25-91, contains a list of excluded tanks. Staff should consult the regulation, when necessary, to determine whether a tank must be registered.



An owner's duly authorized representative can sign and submit a registration on the owner's behalf. The authorized representative must be one who has management authority over the facility or entity or authority over environmental matters for the facility or entity. Authorization must be in writing and signed by the owner.

## **2.3 When Registration is Required**

### **2.3.1 USTs**

Multiple events can trigger the registration requirement. An owner of a UST is required to register new facilities or changes to facilities after:

- Bringing a UST system into use;
- Any change in ownership;
- Any change in tank status, such as the temporary or permanent closing of any tank(s) or piping;
- Any change in tank/piping systems or upgrade, such as the addition of corrosion protection or internal lining;
- Any change in the type of release detection being conducted for any tank and/or piping; and
- Any change in the substance being stored in any tank, such as a change from petroleum to a hazardous substance or to an unregulated substance.

UST owners are required to register their tanks within 30 days of any of these triggering events.

### **2.3.2 ASTs**

A facility operator must register new AST facilities and changes at AST facilities with DEQ and notify DEQ of certain activities that occur at a facility. Specifically, a facility operator must notify DEQ within 30 days after:

- Bringing into service any:
  - New AST or AST facility,
  - Converted AST or AST facility, such as a change from a UST to an AST<sup>5</sup>, and
  - AST or AST facility that was permanently out of service prior to being brought back into use;

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<sup>5</sup> A change from a UST to an AST occurs when a buried tank (greater than 10% beneath the ground) is unearthed (less than 10% beneath the ground). When a UST is unearthed and becomes a regulated AST, the UST must be registered closed, a proper closure assessment must be conducted, and the AST must be registered.

- Any change in ownership;
- Any AST or piping closure, which includes tank replacement;
- Any upgrades, such as the addition of a double bottom, ring wall or berm;
- Any major repairs;
- Any relocating or repositioning of an AST within the same facility;
- Any change in service that may affect the tank's suitability for service, such as a change in:
  - Operation,
  - Conditions of the stored product,
  - Specific gravity of product,
  - Corrosive content,
  - Temperature, and
  - Pressure; and
- Any changes in the substance being stored in any tank, including a change from a petroleum substance to a non-petroleum/unregulated substance.

Although the AST Regulation differentiates between registrations and notification, for purposes of registration review and processing, the two activities are the same.

### Temporary Tanks

ASTs that are on a facility property for less than 120 days and meet one of the following conditions are excluded from all state AST regulatory requirements: (1) the AST is used for containment and cleanup of an oil discharge; (2) the AST is used by a government entity for emergency response; or (3) the AST is used temporarily to replace permanent storage capacity. However, small ASTs may appear temporarily on a site, which do not meet one of the three conditions above. For example, a small AST may be located on a property for 6 weeks to store fuel for short-term construction activities. Generally, only registration and closure requirements apply to these tanks due to the storage capacity of the facility. Because of program resource constraints and the low environmental risk these small, temporary tanks present, staff may use discretion in whether to pursue compliance with the registration and closure requirements of the regulation if the tanks are on site less than 120 days, regardless of whether any of the above-mentioned conditions exist. Tanks that are moved from location to location at the same site would not be considered temporary tanks for purposes of this section.

### AST Renewals

A facility owner must renew the registration of an AST or AST facility every five years by submitting a complete registration form to DEQ. The five year renewal period is calculated

based on the original registration date. If a new tank is registered at an existing facility, the new tank assumes the pre-existing renewal schedule of the original facility registration.

## 2.4 Registration Forms

### 2.4.1 USTs

**Notification for Underground Storage Tanks (USTs), Form 7530-3:** Owners notify DEQ of new UST systems or changes to those systems using this form. The information on the form assists regional compliance staff in determining compliance requirements applicable to the registered USTs. The form may be found on the [Files and Forms page](#) of the petroleum programs webpage.

**Notification for Underground Storage Tanks Change of Ownership by Former Owner, Form 7530-3A:** Former owners may notify DEQ of the sale of USTs to a new owner using this form. The form must be accompanied by documentation of the facility or tank transfer such as:

- Bill of Sale, including any additional appendices;
- Purchase Agreement;
- Operating Agreement;
- Lease; or
- Articles of Merger.

The form may be found on the [Files and Forms page](#) of the petroleum programs webpage.

**Notification for Underground Storage Tanks Multiple Facility Amendment, Form 7530-3B:** Owners use this form to notify DEQ of simple changes to owner information or tank systems that apply to multiple facilities. This form can be used for the following changes:

- Owner name change;
- Owner address change;
- Owner contact information change; and
- Change in release detection method that applies to all tanks and/or piping at the facility.

In lieu of a 7530-3B Form, staff may also accept notifications of changes to ownership information such as name changes, address changes, or changes to contact information through a letter or an email sent by the owner or an authorized representative of the owner. Name changes (not change of ownership) must be supported by documentation, such as State Corporation Commission records.

**The 7530-3B Form cannot be used for ownership changes.** Ownership changes, whether they involve a single facility or multiple ones, must be documented on the Form 7530-3. The 7530-3B Form cannot be used to register facility closures.

The form may be found on the [Files and Forms page](#) of the petroleum programs webpage.

## 2.4.2 ASTs

**Registration for Facility and Aboveground Storage Tank (ASTs), Form 7540-AST:** Owners or their representatives, register new ASTs or facilities, or changes to existing ASTs or facilities, through the Registration for Aboveground Storage Tank Form 7540-AST. Certain sections of the form are only applicable to facilities with a storage capacity of at least 25,000 gallons and facilities with a storage capacity of at least one million gallons. The information on the form assists regional compliance staff in determining compliance requirements applicable to the registered ASTs. The form may be found on the [Files and Forms page](#) of the petroleum programs webpage.

## 2.5 Statutory and Regulatory Interpretations

### 2.5.1 UST

Interpretations of the statutes and regulations relating to UST notifications are located in Volume III of the Storage Tank Program Compliance Manual.

### 2.5.2 AST

Interpretations of the statutes and regulations relating to AST registration are located in Volume V of the Storage Tank Program Compliance Manual.

## 2.6 Registration Processing

Registration processing consists of reviewing an AST or UST registration form for completeness, obtaining revised forms from the owner when necessary, entering tank data from the form into CEDS, and uploading or scanning registration documents into DEQ's Enterprise Content Management System (ECM). Generally, regional office staff review UST and AST registration and notification documentation and perform data and document entry.

## **2.6.1 Registration Form Processing**

Staff process registration forms by reviewing the forms for completeness and accuracy and entering the tank and facility data into CEDS. If staff receive a form with obvious discrepancies (not amendments) from the previously received registration forms, then the discrepancies should be resolved with the tank owner prior to processing the current form. Because CEDS data screens are modeled after the registration forms, processing the forms is generally straightforward. However, there are a few specific issues related to form processing that merit additional discussion.

### ***2.6.1.1 Signatures***

Registration forms must be signed. In the case of UST registration forms, the signature must be the original signature of the owner, unless the form is submitted to document closure. In those cases, the owner's consultant may sign if the owner has already established ownership through a pre-existing Form 7530-3. For AST forms, the owner or the owner's authorized representative may sign.

### ***2.6.1.2 Electronic Submissions***

Although the signature must be an original one (not electronically or digitally created and applied), staff may accept an electronic transmittal of the Form if it is sent from the owner's (or representative's) email account or fax number. In those cases, staff should use Nuance PDF Converter to complete the State Use section of the UST or AST Form.

### ***2.6.1.3 Central Office Registration Processing Coordination***

Although regional office staff generally performs registration reviews and data entry, some registration reviews require coordination with Office of Spill Response and Remediation (OSRR) staff.

### **Form 7530-3A Processing (Registration by Former Owners)**

When an owner sells USTs at one or more facilities, the new owner is required to complete and submit a Form 7530-3 for each facility. However, the former owner of a UST may also request that DEQ change the ownership by submitting a Notification for Underground Storage Tanks Form 7530-3A with documentation attached that clearly demonstrates legal transfer of tank ownership. Acceptable documentation includes:

- A signed bill of sale that specifically describes the tank system,

- A deed that mentions the tanks,
- Lease agreements,
- Operating agreements, or
- Articles of merger.

If the documentation does not clearly demonstrate transfer of ownership, compliance staff should forward the documentation to OSRR legal staff for review. OSRR staff will contact the appropriate regional office staff with a decision on whether the documentation is sufficient to change the ownership designation in CEDS.

**Note:** New owners are required to submit a registration form (Form 7530-3) even if DEQ accepts a 7530-3A from the former owner as valid documentation of an ownership transfer.

### **Global Ownership and Name Changes**

Occasionally, owners, rather than facilities, change hands which may impact tank ownership. Sometimes, when a company owning tanks is sold to another company, the sale can impact tank ownership across DEQ regional boundaries. If the company sold retains its separate legal status, tank ownership may not change. However, if the company sold then merges into the purchaser, a tank owner change will be necessary. In these cases where the change affects facilities in multiple regions, regional staff should submit any paperwork provided by the entity requesting the change to OSRR registration staff who will research the transfer. If an owner change is appropriate, OSRR staff will document each impacted facility file in ECM, make the appropriate changes in CEDS and notify regional inspection staff of the changes made. Similarly, if a tank owner changes its name or owner contact(s) and the change impacts facilities in multiple regions, regional staff should refer the documentation to OSRR to process.

### **2.6.2 Combining and Splitting Registration Facilities**

Rarely, staff may need to combine or split registered tank facilities in the database. For example, duplicate facilities may exist in the database that should be combined into one, or staff may wish to split a geographically large or complex facility into two or more smaller facilities for ease of handling. Due to the complications that splitting facilities may cause for Freedom of Information Act (FOIA) processing, staff should only split those facilities that are of the size and complexity to warrant treating as separate regulated entities. Staff should consult with Central Office staff before splitting an existing facility.

If the decision is made to combine or split a registered tank facility, staff should keep in mind the following:

1. When splitting a tank facility into two or more separate facilities, staff must link all the newly created facilities to a **single Core CEDS facility** to facilitate FOIA processing.
2. If a remediation site or sites are linked to the original facility, they may need to be re-linked to a new facility.
3. Staff must properly allocate all affected documents in ECM to the new facility(ies) by re-indexing documents with the appropriate facility number. This may not be limited to registration documents; remediation and enforcement documents are sometimes tagged with a facility number. In those cases, staff will also need to re-index these documents to associate them to the correct tank facility.

## 2.7 Document and Data Entry Protocols

Staff must follow the protocols in Section XVI of the [Petroleum Program ECM User Manual](#) for scanning or adding registration documents into ECM. The [CEDS Tanks Compliance and Registration User Manual](#) contains step-by-step instructions governing how to enter tank registration data into CEDS.

## 3 Storage Tank Closure

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Properly closing inactive or outdated storage tank systems is an important measure in preventing ongoing and/or future releases from tank systems. The procedures required for storage tank closure vary depending upon site conditions and the set of regulations which govern the individual tank system. Due to the regulatory framework within which storage tank closure must take place, closure procedures/requirements for regulated tanks and tanks partially deferred from the regulation will be discussed separately from other types of storage tanks such as excluded, deferred and exempt USTs and ASTs. Regardless of tank type, tank owners and operators must report contaminated soil, free product, or other indicators of a release to DEQ and initiate release response and corrective action.

Compliance staff should coordinate with remediation staff in the event the closure documents submitted indicate a petroleum release has occurred or may have occurred.

### 3.1 UST Closure Review

The UST regulation imposes requirements on two types of tank closure: temporary and permanent closure. This section discusses permanent UST closure. Because temporarily closed tanks are considered “active” tanks, temporary closure is discussed in [Volume III](#) of this Manual.

### 3.1.1 UST Closure Process

Regional compliance staff generally are responsible for the review of all closure documentation, including the UST Notification Form (7530-3). Compliance staff are also responsible for communicating with tank owners regarding the status of their closure documentation. [Appendix C](#) provides some sample closure letters to respond to different closure scenarios. [Appendix B](#) contains a UST Closure Fact Sheet that staff may provide to owners or operators to help them meet the regulatory requirements for closure.

### 3.1.2 Closure Requirements for Regulated USTs and Partially Deferred USTs

This section outlines the requirements for closure of regulated UST systems and partially deferred USTs in accordance with Sections 320 and 330 of the UST Technical Regulation<sup>6</sup>. Generally, by December 22, 1998, tank owners and operators were required to permanently close all substandard (non-upgraded) UST systems or temporarily close if certain conditions were met. For a discussion of temporary closure requirements, see [Volume III](#) of this Manual. Staff should consult with OSRR staff if they encounter a substandard UST to discuss compliance and/or enforcement options<sup>7</sup>.

UST system closure includes closure of the underground tank, connected underground piping, underground ancillary equipment, and/or the containment system, if any. If the UST will remain in service but product lines are taken out of service or replaced, the UST owner or operator must close the lines in accordance with the UST Technical Regulation.

#### **Partial Removal and Replacement of a Piping System**

Sometimes tank owners perform partial piping closures by removing the inner piping (single- or double-walled) from a chaseway<sup>8</sup> and installing new piping in the existing chaseway. As a matter of policy, DEQ does not require closure samples when single- or double- walled piping is merely removed from a chaseway and replaced unless evidence indicates the piping or chaseway is in poor condition, has been damaged, or otherwise is no longer structurally sound. Soil samples are required for closure of single- or double-walled piping contained in a chaseway when (1) the chaseway is removed, or (2) the piping is not replaced within the existing chaseway.

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<sup>6</sup> 9 VAC 25-580 *et seq.*

<sup>7</sup> USTs that are not equipped to comply with the UST Technical Regulation are subject to expedited delivery prohibition.

<sup>8</sup> A chaseway is a liquid tight conduit that contains underground storage tank piping.



### 3.1.2.1 UST system closure steps

The following steps must be performed by a tank owner or operator to close a regulated or partially deferred UST:

- The owner or operator must contact the local building official or the building official's designee (often the fire official) and obtain a building permit to proceed with the UST closure.<sup>9</sup> Inspections and site visits by the local code official must be coordinated through that official's office. A copy of the building permit must be included in the closure report. In the rare cases where the local building or fire official chooses not to issue a permit for tank and/or piping closure or the tank owner failed to obtain a permit at the time of closure, the tank owner or operator may write a letter describing the facts or they may submit the "Building Permit Certification Form" found in [Appendix D](#). If the local building or fire officials did not issue a permit for tank or piping closure upon the tank owner's request, DEQ staff should notify the UST Compliance Coordinator.

**Note:** A representative of the Department of General Services functions as the building official for facilities owned by the Commonwealth.<sup>10</sup>

- The owner or operator must remove all regulated substances, including sludges, from the tank. Removal of the sludges may require professional tank cleaning. In all instances, the owner/operator is responsible for ensuring that all steps in the tank closure process are carried out in a manner that minimizes the risk of explosion due to vapors and other hazards. The regulated substance and sludge removed from the tank must be properly disposed of in accordance with the Virginia Solid Waste Management regulations. Copies of sludge disposal manifests should be included in the closure report but are not required.
- It is recommended (but not required by the UST regulation) that the USTs be removed from the ground if at all possible; however, for structural reasons (e.g., proximity to building foundations), closure in place may be the only viable option. Owners should consult with the local building and/or fire officials prior to closing a tank in the ground, since the local codes may not permit in-place closure of USTs. Where allowed by the

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<sup>9</sup> Underground and aboveground storage tanks are "structures" as defined in the Uniform Statewide Building Code (Va. Code §§ 36.1-1 et seq.) which require a permit for installation, modification or removal.

<sup>10</sup> The Department of General Services has delegated its permit authority to the Virginia Department of Transportation (VDOT) for all VDOT facilities.

local code official, USTs may be closed in place by filling them with an inert substance that is approved by the local code official (e.g., sand, gravel, cement slurry) subsequent to product/sludge removal and tank cleaning. Disposal manifests for the tank and soil should be included in the closure report.

- The tank owner/operator must perform and submit a site closure assessment ([Section 3.1.2.1.1](#)) in all cases except where a UST has been monitored monthly with vapor detection wells or groundwater monitoring wells immediately prior to closure, and monitoring indicates that no release has occurred. If vapor or groundwater monitoring is used in lieu of soil or groundwater sampling, then the past 12 months of vapor or groundwater monitoring<sup>11</sup> records must be submitted and all the regulatory requirements for those release detection methods must be met.
- Within 30 days after closure, the tank owner or operator must submit an amended UST Notification Form (Form 7530-3) for the tank(s) closed as part of the Tank Closure Report to the appropriate DEQ regional office. In instances where a release is reported to the regional office, only the UST Notification Form and building permit need to be submitted, and a complete Tank Closure Report is not required because a release investigation is in progress.
- The tank owner/operator must report contaminated soils or groundwater or the presence of free product to DEQ within 24 hours of observation. **The submittal of a tank closure report does not meet the release reporting requirement.**

#### 3.1.2.1.1 UST Closure Assessment Requirements

Section 330 of the UST Technical Regulation requires that a UST site be assessed at the time of closure. The purpose of this assessment is to evaluate whether a release from the UST system occurred. As part of this assessment, the owner or operator must measure for the presence of a release where a release would most likely be detected. Because releases may occur from any portion of the UST system that routinely contains product, the owner or operator must assess the product lines and dispenser area as well as the tank basin (i.e., excavation zone as established at installation). Site assessment is required even when only the product lines are

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<sup>11</sup> The UST regulation only allows vapor or groundwater monitoring to be used in lieu of soil sampling because other methods of tank and piping release detection may not be capable of identifying contamination from spill buckets, fill and ATG risers, dispenser leaks, submersible turbine pumps, and other UST system components. Therefore, other release detection records are not acceptable for UST closures.

taken out of service or removed from the ground. This assessment is required in all instances unless (1) vapor monitoring or groundwater monitoring were conducted as part of release detection up until the time of closure; (2) monitoring results indicate that a release has not occurred; and (3) the vapor or groundwater monitoring method met all regulatory requirements.

**Note:** A closure assessment is required when product lines are taken out of service independently of the UST. Again, as a matter of policy, DEQ does not require closure samples when single- or double-walled piping is merely removed from a chaseway and replaced unless evidence exists to indicate the product piping or chaseway has been damaged or otherwise is no longer structurally sound. Soil samples are required for piping closure when (1) the chaseway is removed, or (2) the piping is not replaced within the existing chaseway.

Samples collected to meet the sampling requirement of Section 330 may be either water or soil depending upon the conditions of the site (product type, backfill, depth to groundwater, etc.). Soil samples taken from below the groundwater table in either the tank pit or from soil borings are not acceptable to confirm a clean tank closure as this would not be a location most likely to indicate a release if one had occurred. Regardless of the media sampled, all samples must be collected from discrete locations. Composite samples (i.e. soil mixtures or water mixtures) are not acceptable.

Samples collected during closure may be analyzed by any appropriate EPA or DEQ approved analytical method (see the UST closure fact sheet in [Appendix B](#) for a list of approved methods). Soil samples that will be analyzed by Method 8015-GRO (gasoline range organics) must be collected using an EPA approved sampling device such as an EnCore™ sampler or other approved device. The owner or operator must report analytical results for samples collected during UST closure that equal or exceed 100 mg/kg TPH (soil) or 1 mg/l TPH (ground water) to the regional office within 24 hours of receipt of the results. If the UST contained a non-petroleum regulated substance, analytical results indicating detectable concentrations of any constituent stored in that tank must be reported to the regional office within 24 hours.

**Note:** For additional guidance on the management of petroleum-contaminated media, refer to Volume 6 of the [DEQ Technical Manual](#).

#### 3.1.2.1.2 UST Closure Report Requirements

Tank owners and operators must submit a closure report to DEQ within 30 days after one or more regulated UST systems are permanently closed. A UST Closure Report Review Checklist can be found in [Appendix A](#). The closure report must contain the following:

- An updated UST Notification Form (7530-3);
- A copy of the building permit;
- All soil and/or water analytical results (including a statement of the analytical method used) and chain of custody forms. Samples must be collected for tanks, lines, and dispensers. Samples must be analyzed using an approved laboratory method. See the UST closure fact sheet in [Appendix B](#) for more information;
- A site map showing tanks, piping, sample locations and sample depths (including depth to groundwater if known); and
- Copies of tank and soil disposal manifests (sludge manifests are optional).

### ***3.1.2.2 Closure Compliance Evaluation***

Regional compliance staff generally review UST closure reports for compliance with the UST Technical Regulation. If the documentation is incomplete or indicates that closure was not performed correctly, staff should send a letter to the owner or operator outlining the deficiencies. If the closure information was obtained through a formal inspection, staff may use the Request for Compliance Action (RCA) function on the mobile tablet to notify the owner/operator of the deficiencies.

If it is not possible to perform a complete closure report review upon receipt, staff should at least review the report for evidence of a petroleum release. If the closure report contains evidence of a possible release, the inspector should notify remediation staff.

If there are no deficient items found during the report review (or the deficiencies are corrected) and no evidence of a petroleum release is indicated in the documentation, staff should send a letter to the tank owner/operator approving the tank closure.

[Appendix C](#) contains a number of sample letters that compliance staff may use. If the closure documentation indicates evidence of a petroleum release, then any further correspondence should be handled by remediation staff.

### **UST Notification Form**

Staff should compare the Form 7530-3, submitted to document closure, to the information available in CEDS. If any errors or omissions are noted, a copy of the 7530-3 should be sent to the owner with deficient sections highlighted for correction. In this manner, the 7530-3 will be retained in the facility file until all deficient items are addressed. The owner should sign and date the 7530-3 above the copied signature and date to validate changes made to the form.

### ***3.1.2.3 Closure of Previously Closed USTs***

The federal UST regulation was effective December 22, 1988 and although it required closure assessments, it did not specify what constituted a closure assessment. It was not until Virginia's UST Technical regulation became effective on October 25, 1989 that closure assessment requirements were specified. Therefore, a closure assessment as defined in Sections 320 and 330 of Virginia's UST Technical Regulation is not required for tanks closed prior to October 25, 1989 unless DEQ staff believe a release from the UST system may pose a threat to human health or the environment. In these cases, staff should consult with Central Office before proceeding. UST systems closed prior to October 25, 1989 must be registered closed as discussed in [Section 2.3.1](#).

### **3.1.3 Closure Requirements for Deferred USTs, Exempt USTs (Type 1 and 2) and Excluded USTs**

The UST Technical Regulation does not specify closure procedures for deferred USTs, exempt USTs (e.g., home heating oil tanks or small farm tanks), and excluded USTs. DEQ does not require a tank owner or operator of these types of tanks to collect water or soil samples as part of closure, nor is the owner or operator required to submit any type of closure notification to DEQ. However, if evidence of a petroleum release is discovered, the owner or operator must notify DEQ that a release has occurred and take actions as necessary to abate hazards caused by the release.<sup>12</sup>

Although the UST Technical Regulation does not impose closure requirements on these types of tanks, the Virginia Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code<sup>13</sup> contain applicable closure requirements. These requirements are enforced by local building or fire officials. If compliance staff should receive a closure report for an unregulated tank, staff should review the report or pass it on to regional remediation staff for review to determine if a release has occurred. If the report indicates a clean closure, staff should return the report to the tank owner or notify the tank owner that the report will be discarded using the sample language contained in [Appendix C](#).

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<sup>12</sup> Section 62.1-44.34:18-19.

<sup>13</sup> Section 1301.1 of the Virginia Mechanical Code (2012) incorporates the International Fire Code (IFC) by reference. Chapter 57 of the IFC governs the storage of flammable and combustible liquids and sets out closure requirements for these non-regulated USTs.

### 3.1.4 Sample Closure Letters and Closure Fact Sheet

[Appendix C](#) contains a number of boilerplate letters to assist compliance staff in communicating with tank owners with regards to tank closure issues. The letters address situations such as deficient closures, compliant closures and tank closures where it is unclear whether a regulated tank closure was required. [Appendix B](#) contains a fact sheet on regulated UST closures.

## 3.2 AST Closure Review

Operators of ASTs with an aboveground storage capacity of more than 660 gallons of oil are subject to regulatory closure requirements.<sup>14</sup> Tanks with 660 gallons or less of oil are excluded from the AST Regulation<sup>15</sup> and are not subject to DEQ regulatory closure requirements. Because these smaller tanks are subject to local building and fire codes, closure requirements for these tanks will be discussed separately in [Section 3.3.3](#).

Regardless of tank size and applicable closure requirements, tank owners and operators must report contaminated soil, free product, or other indicators of a release to DEQ and initiate release response and corrective action.

## 3.3 Closure of ASTs Having a Capacity Greater than 660 gallons

AST operators wishing to close ASTs having a capacity of greater than 660 gallons of oil<sup>16</sup> must close those tanks in accordance with Section 120 of the AST Regulation. See Section 2.3.2 for a discussion of temporary ASTs. In order to close an AST, the AST operator must perform the following tasks:

### ***3.3.1.1 Obtain a permit from the local building official***

An AST operator must obtain a permit(s) to close the tanks(s) from the local code official as required by the Virginia Uniform Statewide Building Code.<sup>17</sup> Where a permit is not issued by the local code official, the AST operator must notify DEQ at least 14 days prior to commencing closure operations so that DEQ staff can perform a closure inspection. If the AST is operated by the Commonwealth of Virginia, the Department of General Services serves as the local code

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<sup>14</sup> Section 120 of the Facility and Aboveground Storage Tank Regulation, 9 VAC 25-91 et seq., sets out closure requirements for these ASTs.

<sup>15</sup> See §25-91-30.A.3 for exclusion.

<sup>16</sup> ASTs located on a farm or residence used for storing motor fuel for noncommercial purposes with an aggregate storage capacity of 1100 gallons or less are excluded from the requirements of the AST Regulation.

<sup>17</sup> Underground and aboveground storage tanks are “structures” as defined in the Uniform Statewide Building Code (Va. Code §§ 36.1-1 et seq.) which require a permit for installation, modification or removal.

official which effectively means that DEQ staff should not need to inspect state facilities. If the closure is in response to containment and cleanup actions that necessitate AST removal, the AST operator must immediately notify the local code official and DEQ.

### ***3.3.1.2 Remove the product and secure the tank***

An AST operator must remove all liquids, sludges and vapors from the AST and associated piping. All wastes must be disposed of in accordance with all applicable state and federal requirements.

If the tank is remaining in place, the operator must ensure the tank has adequate ventilation and that all vent lines remain open. Vent lines must be maintained in accordance with applicable codes. All access openings to the tank must be secured (normally with spacers to assist ventilation), and the AST must be secured from tampering and flooding. The name of the product last stored, the date of permanent closure, and PERMANENTLY CLOSED must be stenciled on the AST in a readily visible location.

The operator must disconnect the AST piping, and all pipes closed in place must be vapor free and capped or blind flanged.

### ***3.3.1.3 Assess the site***

AST operators assess the tank site by sampling for the presence of petroleum hydrocarbons in any areas where contamination is likely to have occurred. Possible sampling areas include:

- Around the AST and piping;
- Around the tank foundation;
- Boreholes drilled below the bottom of the AST; and
- Along the associated piping at line depth and intervals representative of the full length and area covered.

Sampling and testing must be performed in accordance with EPA approved methods or methods approved by DEQ (see AST Closure Site Assessment Fact Sheet in [Appendix B](#)). DEQ may consider an alternative to soil sampling during closure if the AST operator demonstrates that:

- There is no evidence of past or present contamination by providing records of monthly release detection monitoring for the previous 12 months; and
- The facility or AST has operated an approved or approvable leak detection system.

- Approved leak detection system: The “approved” leak detection system for an AST or AST facility with a capacity of 25,000 gallons or greater of oil is the leak detection method identified in the Oil Discharge Contingency Plan (ODCP) that has been approved by DEQ. At time of closure, the owner/operator may provide 12 months of leak detection data obtained through operation of this leak detection system in lieu of soil sampling.
- Approvable leak detection system: An “approvable” leak detection system is an inspection procedure or process that would have adequately detected a release should one have occurred but has not been formally approved by DEQ because leak detection was not required. The leak detection system must be equally capable of detecting a release as a formally approved method. DEQ staff may evaluate the leak detection method through a site inspection and discussions with the AST owner or representative. An example of an approvable method is interstitial monitoring of small shop built, double walled ASTs. Relevant documentation demonstrating that such a system was in place and was being implemented (e.g. 12 months of monitoring data prior to the AST being emptied) can be provided in lieu of sampling.

If leak detection records indicate a release has occurred, the owner or operator should report the suspected release within 24 hours.

#### ***3.3.1.4 Obtain a closure inspection***

The operator must have a closure inspection conducted by the local code official and provide copies of permits and inspection reports from the local official to DEQ for review. Again, if the local code official elects not to issue a closure permit and/or conduct a closure inspection, DEQ must be notified within 14 days by the tank owner or owner’s representative so that DEQ may perform an inspection.

#### ***3.3.1.5 Submit a Closure Report to DEQ***

The operator must submit a completed Registration for Aboveground Storage Tank Form (Form 7540-AST) to the appropriate regional office within 30 days after permanent closure, with the following attachments:

1. The permit from the local building official (if issued);



2. Copies of lab results using approved test methods or the last 12 months of approved or approvable leak detection records that indicate that there is no evidence of contamination;
3. A description of the area sampled;
4. A photograph of the site indicating the areas sampled; and
5. A site map indicating the location of the closed AST and piping along with sample locations and depths.

If contamination or other evidence of a release is discovered, the operator must immediately notify DEQ and initiate cleanup as required by DEQ.

**NOTE:** Analytical results for samples collected during AST closure that equal or exceed 100 mg/kg TPH (soil) or 1 mg/l TPH (groundwater) must be reported to the DEQ Regional Office upon receipt of these results. Analytical results for other petroleum constituents that exceed the detection limit of that constituent must be reported to DEQ upon receipt of the analytical results. Compliance staff should refer results that indicate contamination exceeding the relevant thresholds to remediation staff for handling.

#### ***3.3.1.6 Maintain closure records***

The operator must record the tank size, location, date of closure and methods used for placing the tanks in a safe condition. The operator must maintain this and all records relating to compliance with the AST closure requirements for a minimum of 5 years after notifying DEQ of the completed closure and make these records available to DEQ upon request.

#### **Small, portable ASTs**

Facility operators sometimes move small, shop-built ASTs from facility to facility or to different locations at a facility rather than permanently install them in one location. These “portable” tanks are generally skid-mounted or wheel-mounted tanks designed to move from one location to another easily. These ASTs must also be closed in a way that ensures any discharges will be addressed. Operators can close these tanks by dismantling/removing the tank, restoring the site, performing a site assessment or submitting leak detection records, and submitting a notification form (Form 7540-AST) to DEQ with the results of the site assessment. Depending upon the location of the AST (e.g., the tank is resting on concrete that shows no visible signs of contamination, cracking or other damage), the inspector may choose to allow visual (i.e., site visit) or photographic documentation that a discharge has not occurred in lieu of soil sampling or leak detection records.

### **3.3.2 Closure Compliance Evaluation**

Regional compliance staff generally review AST closure documentation for compliance with the AST regulation. An AST Closure Checklist found in [Appendix A](#) is available for staff to use when reviewing AST Closure documentation to ensure that the necessary information has been provided. If the documentation is incomplete or indicates that closure was not performed correctly, staff should send a letter or other informal compliance mechanism to the owner or operator outlining the deficiencies. If staff cannot perform a complete closure review upon receipt, staff should review the report initially for evidence of a petroleum discharge. If the closure report contains evidence of a possible discharge, remediation staff should be notified of the potential petroleum discharge.

If there are no deficient items found during the closure review (or the deficiencies are corrected) and no evidence of a petroleum discharge is indicated in the documentation, staff should send a letter to the tank operator accepting the tank closure or requesting additional information. If the closure documentation indicates evidence of a petroleum discharge, then any further correspondence should be handled by remediation staff.

#### **Closure of Previously Closed ASTs:**

AST operators who permanently closed ASTs prior to June 24, 1998 may be required by DEQ to assess the site and close the AST in accordance with Section 120 of the AST Regulation. DEQ staff may require ASTs closed prior to June 24, 1998, to be closed in accordance with current requirements in situations where: (1) staff have observed the tanks and/or closure documentation and believe that the closure activities performed at the site may have been inadequate to prevent ongoing and/or future discharges from the AST; and/or (2) a discharge from the AST is suspected. In these cases, staff should consult with Central Office before proceeding.

### **3.3.3 Closure of ASTs Having a Capacity of Less than or Equal to 660 Gallons of Oil**

The AST Regulation does not specify closure procedures for ASTs with a capacity of 660 gallons or less. DEQ does not require a tank operator to collect water or soil samples as part of closure, nor is the owner or operator required to submit any type of closure notification to DEQ. If a

discharge of oil is discovered during closure, however, the tank operator must immediately report the discharge to DEQ.<sup>18</sup>

Although the AST Regulation does not impose closure requirements on these types of tanks, the Virginia Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code<sup>19</sup> contain applicable closure requirements. These requirements are enforced by local building or fire officials. If compliance staff should receive a closure report for an unregulated tank, staff should pass it on to regional remediation staff for review to determine if a discharge has occurred. If the report indicates a clean closure, staff should return the report to the tank owner/operator or notify the tank owner/operator that the report will be discarded.

## 4 Storage Tank System Contractors

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DEQ often receives inquiries from the public regarding the Commonwealth of Virginia's requirements for the installation and removal of storage tank systems. This section is intended to provide DEQ inspectors with information that they can use when working with contractors. It is not intended to explain all of the necessary requirements for working in the Commonwealth of Virginia.

Persons working on storage tank systems including the installation and removal of tanks as part of their profession should be aware of the following information:

### **Closure Requirements**

Pursuant to §36-99.6 of the Code of Virginia:

- A. The Virginia Statewide Uniform Building Code incorporates DEQ's storage tank regulations governing the installation, repair, upgrade and closure of underground and aboveground storage tanks.
- B. Inspections undertaken pursuant to the Building Code regulations (i.e., tank closures and installations) are generally performed by employees of the local building department or another individual authorized by the local building department.

**NOTE:** The designated building official duties may be under the local fire official.

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<sup>18</sup> Section 62.1-44.34:19.

<sup>19</sup> Section 1301.1 of the Virginia Mechanical Code (2012) incorporates the International Fire Code (IFC) by reference. Chapter 57 of the IFC governs the storage of flammable and combustible liquids and sets out closure requirements for these non-regulated ASTs.

### **Applicable Industry Standards**

Persons working on storage tank systems in Virginia should be familiar with standard business practices associated with their profession prior to conducting work in the Commonwealth. The American Petroleum Institute (API) and the Petroleum Equipment Institute (PEI) provide information regarding recognized industry standards. Information can be found at their respective websites: <http://www.api.org> and <http://www.pei.org>. Contractors may want to refer to these resources and additional resources prior to conducting work in the Commonwealth.

### **Contractor Licensing Requirements**

The Code of Virginia, as amended, in Title 54.1, Chapter 11 permits the Board for Contractors, through the Department of Professional and Occupational Regulation (DPOR), to issue regulations that explain what is required of contractors who wish to work in Virginia. DPOR's website at <http://www.dpor.virginia.gov> contains information regarding regulations for contracting in the Commonwealth of Virginia including entry, renewal, and reinstatement requirements, as well as standards of practice. Contractors should stay informed of revisions to the regulations and statutes that govern their profession or occupation.

## Appendix A– *Closure Checklists*

## UST Closure Report Review Checklist

Site Name \_\_\_\_\_ Facility ID \_\_\_\_\_ Physical Address: \_\_\_\_\_

Date closure report was received. \_\_\_\_\_

- Closure information has been entered/updated in CEDS.
- cursory review of closure indicated a release has / has not occurred.
- A PC number related to this closure was previously issued
- No PC number was previously issued. Closure report routed to \_\_\_\_\_ on: \_\_\_\_\_

Date closure report was reviewed: \_\_\_\_\_

- Appropriate number of samples was taken.
- Appropriate analytical methods were used at each sample location.
- A moisture sample was taken for each sample point (optional).
- Chain of custody and analysis sheets were provided, and sample locations on the site map concurred with the chain of custody and analysis sheets.
- Holding times were not exceeded.
- Site map was checked to ensure that sample locations and depths were properly identified on the map.
- 7530-3 form, site map, and report were reviewed to ensure tank numbers and other information correspond.
- Building permit was provided.
- In place closure was approved by the local building official.
- Tank disposal manifests were provided.
- Soil disposal manifests were provided, where applicable.
- Comparison of tank information on the 7530-3 form with CEDS was completed.
- Letter was sent regarding missing site assessment components.
- Letter was sent stating no further action necessary.
- Letter was sent stating a release may have occurred at this site and closure report has been forwarded to DEQ remediation staff for further review.
- Closure information and a copy of the 7530-3 form were uploaded to ECM.

# AST Closure Review Checklist

Facility Name: \_\_\_\_\_

Facility I.D. No.: \_\_\_\_\_

Facility Location: \_\_\_\_\_

PC No. (If applicable): \_\_\_\_\_

Form 7540-AST received date \_\_\_\_\_

Closure report received date \_\_\_\_\_

Closure documentation entered into Database date \_\_\_\_\_

## CLOSURE REPORT COMPLETENESS:

Check if the following was included in the closure report:

\_\_\_\_\_ Documentation of liquid/sludge vapor removal

\_\_\_\_\_ Documentation of pipe disconnection from AST

\_\_\_\_\_ Copies of the laboratory results of sample(s) and test(s) for oil/petroleum hydrocarbons.

\_\_\_\_\_ Photographs indicating sampled area(s).

\_\_\_\_\_ Site map indicating location of closed AST(s) and associated piping and sample locations

\_\_\_\_\_ Documentation that Tank has been properly vented

\_\_\_\_\_ Documentation that Tank has been as permanently closed

\_\_\_\_\_ Copy of local building/code permit.

\_\_\_\_\_ Local Building official inspection (date \_\_\_\_\_)

\_\_\_\_\_ DEQ Inspection, if necessary (date \_\_\_\_\_)

Notes: \_\_\_\_\_  
\_\_\_\_\_

## ENVIRONMENTAL DATA REVIEW:

Check applicable based on the review of closure report/documentation:

\_\_\_\_\_ Soil analytical sample data provided for the tank(s), piping, and dispenser(s) being closed

\_\_\_\_\_ Chain of Custody documentation provided

\_\_\_\_\_ Sample locations are adequate to detect the presence of a release from the tank(s), piping, and dispenser(s) being closed

\_\_\_\_\_ The depth of samples are given

Notes: \_\_\_\_\_  
\_\_\_\_\_

**OPERATORS SEEKING ALTERNATIVE TO THE SOIL SAMPLING REQUIREMENT:**

\_\_\_\_\_ Records of monthly leak detection monitoring for past 12 months

\_\_\_\_\_ Demonstration that the facility or AST has operated a DEQ approved leak detection system

**CONCLUSIONS:**

Check as applicable:

\_\_\_\_\_ Soil TPH values indicate a release.

\_\_\_\_\_ Ground water TPH or BTEX values indicate a release

\_\_\_\_\_ No release indicated, closure complete

\_\_\_\_\_ Case referred for PC

\_\_\_\_\_ Closure was incomplete and additional information is required

Notes: \_\_\_\_\_  
\_\_\_\_\_

Reviewer's Name: \_\_\_\_\_

Date: \_\_\_\_\_



## Appendix B– *Closure Fact Sheets*

## Virginia Department of Environmental Quality (DEQ) Storage Tank Program Fact Sheet: Regulated Underground Storage Tank (UST) Closures

### Steps to Follow:

1. Contact the local building official (or designated fire official) and obtain a building permit. The building official **will usually be on site** during the removal of the tank system.
2. The tank and associated pipes must be drained, cleaned, and completely emptied. Precautions must be taken to mitigate vapor hazards (e.g. use of dry ice to purge vapors from the tank).
3. If the UST is closed in place (with prior approval from the building official), it **must** be drained of product, cleaned, and filled with an inert substance (e.g. cement slurry, sand). DEQ recommends that tanks be removed from the ground where possible.
4. Do **not over-excavate** the soil in the tank basin. Remove only the volume of soil needed to extract the tank from the subsurface.
5. A closure assessment is required in all cases (except where the UST has verifiable external vapor or ground water monitoring - see 9 VAC 25-580-330).  
**A closure assessment includes the following:**
  - a. A site map containing:
    - ▶ scale, north arrow, and legend;
    - ▶ all buildings and roads (labeled);
    - ▶ the entire UST system (this includes pipes and pump islands);
    - ▶ soil or water sample locations and depths; and
    - ▶ other important features including monitoring wells, drinking water wells, streams, etc.
  - b. Sample collection and analysis:
    - ▶ If obvious signs of contamination are present (e.g. free product, contaminated ground water, stained soil, etc.) the collection of samples is not necessary. Contact the Regional Office and report the release within 24 hours of discovery of a regulated substance in the environment.
    - ▶ If contamination is not obvious, **samples must be collected from locations where a release would most likely be detected if one occurred**. Soil samples must be collected from: the bottom of the UST basin; beneath the pipelines; under each pump dispenser; and any other area where contamination would be suspected. If ground water is encountered, soil samples should be collected from just above the soil - ground water interface.
    - ▶ All samples must be collected from discrete locations. Composite samples (mixtures of soil from different locations) are not acceptable.
    - ▶ Samples must be analyzed using EPA or DEQ-**approved** methods.
    - ▶ If the tank contained petroleum, lab results for soil samples that equal or exceed 100 mg/kg TPH or water samples that equal or exceed 1 mg/l TPH must be reported to DEQ. If the tank contained a regulated substance (CERCLA listed substance) other than petroleum, analytical results that exceed the detection limit for that substance must be reported to DEQ within **24 hours**.

- ▶ Results from vapor or ground water monitoring performed in accordance with Section 330 of the UST Technical Regulation are acceptable in lieu of soil or ground water samples during UST closure. If, the results of monthly ground water or vapor monitoring are used in lieu of sample collection during UST closure, the monitoring results must be submitted along with the closure package.
  - c. Any additional information (photos, maps, notes from the building inspector concerning the closure, or any other documentation) that may help evaluate the closure.
6. A closure packet must be filed within 30 days of the tank closure. This closure packet must be sent to the applicable DEQ regional office. Refer to <http://www.deq.virginia.gov/Locations.aspx> for the appropriate Regional Office addresses.

**The closure packet consists of:**

- a. the completed and signed Notification Form 7530-3;
- b. a copy of the building permit;
- c. the closure assessment;
- d. lab sheets from all analyses; and
- e. copies of all disposal manifests (sludge, contaminated soil and/or water, UST).

Acceptable TPH Analytical Methods for Use During UST Closure		
Fuels	TPH Analytical Methods	Applicable Medium <sup>1</sup>
Gasoline and JP-4	EPA 8015C (modified TPH - GRO)	water & soil
Diesel, Fuel Oil #1, #2, and #4 Jet Fuel other than JP-4 <sup>2</sup> , Kerosene	EPA 8015C (modified TPH - DRO)	water & soil
Crude Oil, Fuel Oil #5 and #6, Used Oil, Hydraulic Oil	8015C (modified TPH - DRO)	water & soil

<sup>1</sup> Applicable medium refers to the sample matrix that may be analyzed by the subject test method.

<sup>2</sup> JP-4 is a wide-cut jet fuel made by blending gasoline and kerosene fractions in a 65 to 35 ratio.

Reference:  
EPA SW-846 – Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846). Update IV to the Third Edition, January 2008.

If you have additional questions, persons in the storage tank program may be reached at the numbers listed below.

Central Office (Richmond)	(804) 698-4269
Tidewater Regional Office (VA. Beach)	(757) 518-2000
Northern Regional Office (Woodbridge)	(703) 583-3800
Piedmont Regional Office (Richmond)	(804) 527-5020
Valley Regional Office (Harrisonburg)	(540) 574-7800
Blue Ridge Regional Office (Roanoke)	(540) 562-6700
Southwest Regional Office (Abingdon)	(276) 676-4800
Blue Ridge Regional Office (Lynchburg)	(434) 582-5120

# Virginia Department of Environmental Quality (DEQ) Storage Tank Program

## Fact Sheet: AST Permanent Closure

### PERMIT

The AST operator must obtain a permit from the local building official or designee.

### REGISTRATION

ASTs must be registered with DEQ prior to closure. Registration renewal is not required if the tank has been registered or the registration has been renewed within five years prior to closure.

### INSPECTION

An inspection must be conducted by the building official or designee as per the Uniform Statewide Building Code or by DEQ.

### CLOSURE

- ▶ Closure of AST(s), including AST(s) operated by the Federal Government, must be approved by the building official (Dept. of General Services or designee functions as building official if the AST is operated by the Commonwealth).
- ▶ AST removal from the property and site restoration is required under Code (unless the building official or designee determines it is not necessary).
- ▶ Remove all liquid and sludge from the AST and connecting lines.
- ▶ Dispose of all waste products in accordance with all applicable state and federal requirements.
- ▶ Tank(s) must be rendered vapor-free (provisions must be made for natural tank breathing to ensure that the tank remains vapor free).
- ▶ Vent lines must remain open and maintained in accordance with codes.

(For further information see, API 2015, Cleaning Petroleum Storage Tanks; API 2015A, A Guide for Controlling the Lead Hazard Associated with Tank Entry and Cleaning; and API 2015B, Cleaning Open Top and Covered Floating Roof Tanks)

- ▶ Disconnect piping at all tank openings and securely cap or plug all lines such as the following:
  - \* fill line                      \* gauge opening
  - \* pump suction                \* vapor return
- ▶ Access openings for inspections (manways) must be securely fastened in place (spacers are normally put between the tank and cover to assist ventilation).
- ▶ Secure AST(s) and piping against tampering.

- ▶ Safeguard AST(s) against floatation caused by flooding.
- ▶ Stencil permanently closed and the date of closure on the AST (i.e. PERMANENTLY CLOSED Date) and the name of the product last stored in the tank.
- ▶ Record tank size, location, date of closure and method used for placing the closed tank in a safe condition and retain in facility records for 5 years.

**SITE ASSESSMENT**

- ▶ Complete site assessment prior to submitting DEQ form 7540 AST for closure.
- ▶ Samples are required in any area where contamination is likely to have occurred.

**NOTIFICATION**

- ▶ Report to DEQ and the local building official or designee immediately if closure is in response to containment and cleanup actions.
- ▶ Notify DEQ at least 14 days prior to the commencement of closure operations.
- ▶ Report evidence of a discharge of oil to DEQ immediately upon learning of a discharge. Evidence includes stained soil, free product, and petroleum vapors. The AST operator must, upon receipt of the following analytical results from samples collected during closure, report a discharge to DEQ:
  1. TPH concentration in any soil sample that is greater than or equal to 100 mg/kg;
  2. TPH concentration in any water sample that is greater than or equal to 1 mg/l; or
  3. Any other petroleum constituent that exceeds the detection limit for that constituent.
- ▶ Notify DEQ within 30 days after permanent closure by submitting DEQ Form 7540-AST along with the following:
 

* Laboratory Results	* A description of the Area Sampled
* A photograph of the site including the area sampled	* Site Map
- ▶ Submit to the appropriate Regional Office. Refer to <http://www.deq.virginia.gov/Locations.aspx> for the appropriate Regional Office addresses.

**All AST(s) are considered to be in service until they are permanently removed or properly abandoned. This means that until permanent closure, tanks are subject to all of the registration, inspection, response planning and reporting requirements.**

(Revised 4/2016)

## **Virginia Department of Environmental Quality (DEQ) Storage Tank Program Fact Sheet: AST Closure Site Assessment**

Observation of any oil contaminated ground water, oil contaminated soil, and/or free product must be reported as a confirmed release by the AST operator to DEQ immediately (Regional Office phone numbers are listed below). Site Characterization and remediation may be required by DEQ in addition to the requirements listed below. Note: include the assigned pollution complaint (PC) number in documentation below.

### **REQUIRES AST SITE ASSESSMENT**

- ▶ Permanent closure (all cases)
- ▶ DEQ, building official or designee request

### **SOIL SAMPLING**

Operators shall sample and test for total petroleum hydrocarbons in any area where contamination is likely to have occurred.

- ▶ around AST and piping
- ▶ bottom of tank excavation
- ▶ boreholes drilled below bottom of AST
- ▶ along associated piping at line depth and intervals representative of the full length and area covered

### **APPROVED TEST METHODS**

- ▶ EPA analytical methods
- ▶ Department approved (Page 2 of this Factsheet)

### **ALTERNATIVE TO SOIL SAMPLING**

The Department may consider an alternative to the soil sampling requirement for closure if the AST operator can demonstrate that there is no evidence of past or present contamination at the facility. Operators may demonstrate that this requirement is met by providing records from an approved monthly leak detection method conducted for the previous 12 months. Operators seeking the alternative to the soil sampling requirement shall:

- ▶ provide records of monthly leak detection monitoring for past 12 months
- ▶ demonstrate that the facility or AST has operated an approved leak detection system

### **DOCUMENTATION**

Submit completed DEQ Registration for Aboveground Storage Tank Form (Form 7540-AST) with attached copies of the following:

- ▶ permit from the local building official
- ▶ laboratory test results
- ▶ a description of the area sampled
- ▶ site map (indicate closed AST and piping)
- ▶ photographs of site (indicate sampled areas if applicable)

Submit closure documentation to the appropriate Regional Office. Refer to <http://www.deq.virginia.gov/Locations.aspx> for the appropriate Regional Office addresses.

**RECORDKEEPING**

Operators shall

- ▶ maintain all records relating to compliance with regulations for a period of five years
- ▶ make these records available to the Department at any time upon request

When deemed necessary by the Department, the operator of an AST permanently closed prior to June 24, 1998, shall assess the site and close the AST in accordance with the requirements of 9 VAC 25-91-10 et seq.

**DEQ OFFICE PHONE NUMBERS**

Northern Regional Office	(Woodbridge)	(703) 583-3800
Valley Regional Office	(Harrisonburg)	(540) 574-7800
Piedmont Regional Office	(Richmond)	(804) 527-5020
Blue Ridge Regional Office	(Roanoke)	(540) 562-6700
Southwest Regional Office	(Abingdon)	(276) 676-4800
Tidewater Regional Office	(Virginia Beach)	(757) 518-2000
Blue Ridge Regional Office	(Lynchburg)	(434) 582-5120
DEQ Central Office	(Richmond)	(804) 698-4010

<b>Acceptable TPH Analytical Methods for Use During AST Closure</b>		
Fuels	TPH Analytical Methods	Applicable Medium <sup>1</sup>
Gasoline and JP-4	EPA 8015C (modified TPH - GRO)	water & soil
Diesel, Fuel Oil #1, #2, and #4, Jet Fuel other than JP-4 <sup>2</sup> , Kerosene	EPA 8015C (modified TPH - DRO)	water & soil
Crude Oil, Fuel Oil #4, #5, and #6, Used Oil, Hydraulic Oil	EPA 8015C (modified TPH-DRO)	water & soil
<sup>1</sup> Applicable medium refers to the sample matrix that may be analyzed by the subject test method. <sup>2</sup> JP-4 is a wide-cut jet fuel made by blending gasoline and kerosene fractions in a 65 to 35 ratio. Reference: EPA SW-846 – Test Methods for Evaluating Solid Waste, Physical/Chemical Methods (SW-846). Update IV to the Third Edition, January 2008.		

## Appendix C - *Closure Letters*



## Closure letter- General, when time of UST removal is not certain

[date]

[Name and address]

RE: UST Closure at FACILITY NAME, ADDRESS

UST FAC ID No. x-XXXXXX

Dear [name]:

A Department of Environmental Quality (DEQ) inspector visited the above-referenced facility on [date], in an effort to update our records, and learned that the XXXXXX underground storage tank(s) (UST(s)) registered with DEQ had been [removed from the ground/closed in place] a number of years ago. DEQ, however, has not received information that may have been required by state regulations to be submitted when the USTs were permanently closed.

Pursuant to 9 VAC 25-580-320 and 9 VAC 25-580-330 of the Underground Storage Tanks: Technical Standards and Corrective Action Requirements Regulation<sup>20</sup> if a regulated UST is closed in the ground or removed from the ground after October 25, 1989, the following requirements must be met:

- A permit must be obtained from the local building official prior to the closure;
- A site assessment must be performed in accordance with 9 VAC 25-580-330;
- The tank must be emptied and cleaned by removing all liquids and accumulated sludges, and either removed from the ground or filled with an inert, solid material (e.g. cement slurry, sand);
- Within 30 days after the completion of the closure, a 7530-3 UST Notification Form must be submitted to DEQ reflecting the closure of the tank.

A site assessment generally consists of soil or water samples being taken around the immediate vicinity of the excavated UST and piping, in the area where a release is most likely to be detected, to determine the level, if any, of total petroleum hydrocarbons in the soil or water. Samples must be analyzed using EPA or DEQ approved methods. Results from vapor or groundwater monitoring performed in accordance with 9 VAC 25-580-160 are acceptable in lieu of soil or groundwater samples during UST closure. The results of the site assessment, along with a site map detailing the UST system, buildings and roads, the sample or monitoring

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<sup>20</sup> <http://law.lis.virginia.gov/admincode/title9/agency25/chapter580>

locations, and any other important features, must be submitted to DEQ along with the 7530-3 UST Notification Form. If contamination is discovered as a result of the site assessment, or by any other manner, the release must be reported to DEQ and corrective action must be taken in accordance with the requirements stated in 9 VAC 25-580-230 through 9 VAC 25-580-300. Please refer to 9 VAC 25-580-320 of the Underground Storage Tanks: Technical Standards and Corrective Action Requirements Regulation for further information on the requirements for permanent closure of a UST.

If the UST(s) was(were) taken out of use or removed from the ground prior to December 22, 1988, the above-listed closure activities are not required, however, DEQ would request that a 7530-3 be submitted regardless of when the UST(s) was(were) taken out of use or removed from the ground. The 7530-3 form should indicate the date of closure, so that DEQ has a record that the tanks are permanently out of use.

If the UST(s) was(were) used and closed after October 25, 1989, you must submit a 7530-3 UST Notification Form, results of a site assessment, a site map, and a building permit, if available, to DEQ.

A 7530-3 form is enclosed, along with instructions to help in filling it out. Please submit the necessary information, based on the discussion above, by MONTH XX, YEAR. If more time is needed to conduct a site assessment or for any other reason, please submit in writing the reason for the delay and a clear indication of when the required information will be submitted. Feel free to contact me at (XXX) XXX-XXXX if you have any questions. Thank you for your cooperation.

Sincerely,

XXXXXXXXXX

Petroleum Storage Tank Inspector

Enclosures

cc: Compliance File

## Closure Letter- when time of UST closure is definitely regulated

[date]

[Name and address]

RE: UST Closure at FACILITY NAME, ADDRESS

UST FAC ID No. X-XXXXXX

Dear [name]:

A Department of Environmental Quality (DEQ) inspector visited the above-referenced facility on [date], in an effort to update our records, and learned that the XXXXXX underground storage tanks (USTs) registered with DEQ were removed from the ground(or closed in the ground) in XXXX. DEQ, however, has not received information required by state regulations to be submitted when a UST is permanently closed.

Pursuant to 9 VAC 25-580-320 of the Underground Storage Tanks: Technical Standards and Corrective Action Requirements Regulation<sup>21</sup>, the following requirements must be met when a UST is permanently closed:

- A permit must be obtained from the local building official prior to the closure;
- A site assessment must be performed in accordance with 9 VAC 25-580-330, after notifying the building official, but before the completion of the closure;
- The tank must be emptied and cleaned by removing all liquids and accumulated sludges, and either removed from the ground or filled with an inert, solid material (e.g. cement slurry, sand);
- Within 30 days after the completion of the closure, a 7530-3 UST Notification Form must be submitted to DEQ reflecting the closure of the tank.

A site assessment generally consists of soil or water samples being taken around the immediate vicinity of the excavated UST and piping, in the area where a release is most likely to be detected, to determine the level, if any, of total petroleum hydrocarbons in the soil or water. Samples must be analyzed using EPA or DEQ approved methods. Results from vapor or groundwater monitoring performed in accordance with 9 VAC 25-580-160 are acceptable in lieu of soil or groundwater samples during UST closure. The results of the site assessment, along

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<sup>21</sup> <http://law.lis.virginia.gov/admincode/title9/agency25/chapter580>

with a site map detailing the UST system, buildings and roads, the sample or monitoring locations, and any other important features, must be submitted to DEQ along with the 7530-3 UST Notification Form. If contamination is discovered as a result of the site assessment, or by any other manner, the tank owner must report the release to DEQ and undertake corrective action in accordance with the requirements stated in 9 VAC 25-580-230 through 9 VAC 25-580-300. Please refer to 9 VAC 25-580-320 and 9 VAC 25-580-330 of the Underground Storage Tanks: Technical Standards and Corrective Action Requirements Regulation for further information on the requirements for permanent closure of a UST.

A 7530-3 form is enclosed, along with instructions to help in filling it out. Please respond to this letter by no later than MONTH XX, YEAR, indicating what actions may already have been taken, or what actions will be taken to meet the requirements of the Underground Storage Tanks: Technical Standards and Corrective Action Requirements Regulation. Please contact me at (xxx) xxx-xxxx or by email at xxx@deq.virginia.gov, if you have any questions.

Sincerely,

Petroleum Storage Tank Inspector

Enclosures

cc: Compliance File

## Closure Letter Version 3 for USTs

[date]

[Name and address]

RE: Petroleum Underground Storage Tank (UST) System Removal and Closure Guidelines:  
[Facility name, address and I.D. number]

Dear [name]:

I am writing to provide assistance for your planned UST system closure. Owner/operators of a regulated underground storage tank system are required to assess a closure site by measuring for the presence of a release where contamination is most likely to be present at the UST site. This requirement is outlined in Part VII of the Underground Storage Tank Technical Standards and Corrective Action Requirements Regulation<sup>22</sup>, and applies to both tank closure by excavation and permanent abandonment in place.

If contamination is evident (strong vapors, petroleum saturated soils, pitted tanks, faulty piping, etc.), the owner/operator must notify the Department of Environmental Quality XXX Regional Office within twenty-four (24) hours or on the next business day (Office hours 8:15 a.m. - 5 p.m., Monday through Friday).

Documentation of an UST system closure includes the following information:

- 1) Soil test results in accordance with EPA test methods for total petroleum hydrocarbons. Please see the attached handout for the appropriate analytical methods.
- 2) Sampling chain of custody forms.
- 3) State Form 7530-3 Notification For Underground Storage Tanks. The Notification Form must contain an original signature.
- 4) Site plan map showing soil and sampling location(s) and a description of the sampling. The sampling description should include the depth of the samples and an indication of how the samples were collected.
- 5) a copy of the permit obtained from the local building office authorizing UST removal/demolition.

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<sup>22</sup> <http://law.lis.virginia.gov/admincode/title9/agency25/chapter580>

6) Copies of all disposal manifests for sludge, contaminated soil and/or water, and tank(s).

Additional requirements for closure of regulated petroleum UST systems are listed in the enclosure(s). Closure documentation must be mailed to the above address within thirty (30) days of completion of system closure:

If you have any questions, please contact me at (xxx) xxx-xxxx.

Sincerely,

XXXXX

Petroleum Facility Inspector

Enclosure(s)

- Fact Sheet: Regulated UST Closures

- Virginia DEQ Form 7530-3

## Closure—UST In Compliance Letter

[Date]

[Name and address]

Re:     Underground Storage Tank (UST) Facility Closure Documentation for [Facility Name]  
       [Facility I. D. Number]

Dear [Name]:

[insert appropriate introductory paragraph with description of documentation received and note which USTs are included in the closure documentation and the date received]

Based on a review of this information, the [insert number of USTs closed] USTs at this facility have been properly closed in conformity with the Underground Storage Tank Technical Standards and Corrective Action Requirements Regulation, 9 VAC 25-580 (the "Regulation").

In addition, staff has completed a technical review of the site assessment that was performed during your UST closure as required by Sections 320 and 330 of the Regulation. Based on the information provided, it appears that site conditions do not warrant further action at this time. However, if significant environmental contamination associated with this facility is detected in the future, further environmental investigations and corrective action may be required.

If you have questions regarding Virginia's UST program, our office will be glad to assist. Please contact me at (540) 562-6853 if you have any questions or concerns.

Sincerely,

Petroleum Storage Tank Inspector

cc:     facility compliance file

## UST Closure-- Insufficient Documentation

[date]

[Name and address]

Re: Review of Underground Storage Tank (UST) Closure and Environmental Assessment for  
[Facility Name and I.D. Number]

Dear [Name]:

Thank you for providing the [describe closure documentation provided] for the above referenced facility to the Department of Environmental Quality (DEQ) on DATE.

Additional information is needed to evaluate and document the UST closure. This information is required by 9 VAC 25-580-320 of the Virginia Underground Storage Tanks; Technical Standards and Corrective Action Requirements Regulation<sup>23</sup>. The following item(s) must be addressed : **[staff should insert only the below-listed items that apply]**

- 1) Soil test results in accordance with EPA test methods for total petroleum hydrocarbons. Please see the attached handout for the appropriate analytical methods.
- 2) Sampling chain of custody forms.
- 3) Notification for Underground Storage Tanks (USTs), Form 7530-3. Complete Pages 1-4 of the enclosed form. The Notification Form must contain an original signature.
- 4) Site map showing soil and sampling location(s) and a description of the sampling. The sampling description should include the depth of the samples and an indication of how the samples were collected.
- 5) State BOCA Building Permit for UST Removal/demolition.
- 6) Copies of all disposal manifests for contaminated soil and/or water, and tank(s).

Please submit the requested documentation on, or before, **DUE DATE**.

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<sup>23</sup> <http://law.lis.virginia.gov/admincode/title9/agency25/chapter580>



If you would like to discuss these requirements, do not hesitate to contact me at (###) ###-####.

Sincerely,

Petroleum Storage Tank Inspector

cc: facility file

## Unregulated UST Closure Documents

[date]

[Name and address]

Re: Unregulated Underground Storage Tank (UST) Closure and Environmental Assessment  
for [Facility Name]

Dear [Name]:

Thank you for providing the UST closure report and notification form for the above referenced facility to the Department of Environmental Quality (DEQ) on DATE.

Based upon a review of the assessment information contained in the report, the DEQ believes that contamination levels at this site do not warrant further investigation. Should future environmental problems occur, which the DEQ determines are related to this site, additional investigation and corrective action may be required in accordance with State Law.

Insert one of the following paragraphs:

(a) DEQ does not retain documents pertaining to unregulated UST systems. Therefore, your original closure report and notification form is being returned to you. DEQ advises you to retain this document in your files for future reference.

OR

(b) DEQ does not retain documents pertaining to unregulated UST systems. If you would like your closure documents returned to you, please notify DEQ by (DATE). The agency will discard these documents if no response is received by the date given.

If you have any questions regarding this matter, please contact me at (###) ###-####.

Sincerely,

Petroleum Storage Tank Inspector

## AST Closure-- In Compliance Letter

[date]

[Name and address]

Re: RE: Aboveground Storage Tank (AST) Closure Report for [Facility Name and Location]  
[Facility I. D. Number]

Dear [Name]:

Thank you for providing a copy of the AST closure report dated XXXX for the petroleum ASTs [or for the petroleum AST if one tank] at the above referenced facility and the Registration for Facility and Aboveground Storage Tank form 7540-AST dated XXXX. Staff has reviewed this information, and found that the [insert number of ASTs closed] ASTs at this facility have been properly closed in conformity with the Virginia Aboveground Storage Tank Regulation 9VAC25-91.<sup>24</sup>

Based on the information in this package, no further action is required at this time.

Staff will amend the agency's tank registration database to indicate the [facility or AST] is closed. A copy of the notification form and the closure report will be placed into our regional facility file for this site.

Based upon a review of the assessment information contained in the report, site conditions do not warrant further action or investigation at this time. However, if significant environmental contamination associated with this facility is detected in the future, further environmental investigations and corrective action may be required in accordance with State and Federal law and regulations.

Thank you for your submission. If you have questions, please contact me at [phone number and email].

Sincerely,

Inspector Name  
Staff Title

cc: facility compliance file

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<sup>24</sup> <http://law.lis.virginia.gov/admincode/title9/agency25/chapter91/>

## AST Closure—Insufficient Documentation Letter

[date]

[Name and address]

Re: RE: Aboveground Storage Tank (AST) Closure Report for [Facility Name and Location]  
[Facility I. D. Number]

Dear [Name]:

Thank you for providing a copy of the AST closure report dated [date] for the petroleum ASTs [or for the petroleum AST if one tank] at the above referenced facility [if included: and the Registration for Facility and Aboveground Storage Tank form 7540-AST dated (date) ].

Additional information is needed to evaluate and document the [AST facility or tank] closure. This information is required by 9VAC25-91-120 of the Virginia Aboveground Storage Tank Regulation.<sup>25</sup> The following item(s) must be addressed:

**(Staff should include here the item(s) that need to be addressed)**

Please submit the requested documentation on, or before, **DUE DATE** . The attached AST Permanent Closure fact sheet provides additional information about the applicable closure requirements.

Once DEQ receives the documentation, staff will review it and notify you whether the closure requirements have been met or whether there are additional deficiencies that must be addressed.

If you would like to discuss these requirements, do not hesitate to contact me at email or (###) ###-####.

Sincerely,

Inspector Name  
Staff Title

cc: facility compliance file

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<sup>25</sup> <http://law.lis.virginia.gov/admincode/title9/agency25/chapter91/>

## Unregulated AST Closure

[date]

[Name and address]

Re: Unregulated Aboveground Storage Tank (AST) Closure and Environmental Assessment  
for [Facility Name]

Dear [Name]:

Thank you for providing the AST closure report [“and notification form” if applicable] for the above referenced facility to the Department of Environmental Quality (DEQ) on DATE.

Based upon a review of the assessment information contained in the report, the DEQ believes that contamination levels at this site do not warrant further investigation. Should future environmental problems occur, which the DEQ determines are related to this site, additional investigation and corrective action may be required in accordance with State Law.

Insert one of the following paragraphs:

(a) DEQ does not retain documents pertaining to unregulated AST systems. Therefore, your original closure report [and notification form] is being returned to you. DEQ advises you to retain this document in your files for future reference.

OR

(b) DEQ does not retain documents pertaining to unregulated AST systems. If you would like your closure documents returned to you, please notify DEQ by (DATE). The agency will discard these documents if no response is received by the date given.

If you have any questions regarding this matter, please contact me at (###) ###-####.

Sincerely,

Petroleum Storage Tank Inspector

*Appendix D–Building Permit Certification Form*



