



Community Development Agency

## Environmental Health

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## **Home Heating Oil Underground Storage Tanks**

### **Closure Guidelines**

In accordance with the laws and regulations pertaining to underground storage tanks (UST) including but not limited to: California Health and Safety Code, Chapter 6.7 and California Health and Safety Code, Title 23, Chapter 16, the Nevada County Department of Environmental Health, which is the Certified Unified Program Agency (CUPA) for the County of Nevada, has prepared this packet to assist home owners and their contractors with the permanent closure of a home heating oil residential UST system.

The definition of an underground storage tank in Section 25281 of the California Health and Safety Code excludes tanks located at a personal residence with a capacity of 1,100 gallons or less that store home heating oil for onsite use. Consequently, installation, operation, and closure requirements do not apply to these tanks. Nonetheless, homeowners may elect to have local oversight for UST closure activities for the purpose of real estate transactions, eligibility for the Cleanup Fund or individual preference. In this instance, a UST closure permit shall only be issued if all conditions are met, as outlined in the enclosed packet. An approval letter with specific conditions will be issued within 15 business days upon receipt of a (complete) application. (Application documents are included with this packet.)

Be advised that the California State and Regional Water Board's authority under Section 13304 of the California Water Code requiring clean up or other pollution prevention measures remains unimpaired if releases from USTs (including home heating oil tanks) threaten water quality. Owners of certain home heating oil tanks that have had an unauthorized release of petroleum may be eligible for funding through the Underground Storage Tank Cleanup Fund.

NOTE: a UST removal permit may be required for Underground Storage Tank Cleanup Fund (USTCF) consideration. For more information, email the USTCF at [ustcleanupfund@waterboards.ca.gov](mailto:ustcleanupfund@waterboards.ca.gov).

If you have any questions about this guidance document, please contact the Nevada County Department of Environmental Health during regular business hours, Monday – Friday 8:00 am to 5:00 pm at (530) 265-1222 ext. 3 or by email at [Env.Health@nevadacountyca.gov](mailto:Env.Health@nevadacountyca.gov).

# **Home Heating Oil Underground Storage Tank**

## **Closure Packet**

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CERTIFIED UNIFIED PROGRAM AGENCY  
Underground Storage Tank  
Removal Checklist

### HOME HEATING OIL TANKS

This information packet is provided to help facilitate the issuance of your Underground Storage Tank (UST) Removal Permit. The laws and regulations governing the closure process are found in the California Health and Safety Code (CHSC) Chapter 6.7, Section 25298; California Code of Regulations (CCR) Title 22, Division 4.5; and Title 23, Chapter 16.

A Permit Final will be issued upon the completion of the UST removal in accordance with the above regulations and receipt of all documents requested by NCDEH. Documentation includes all reports and sample test data necessary to address all the criteria for "No Further Action Required", as outlined in the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites.

**Any final statements issued by this office indicating no further action is required will have the following disclaimer:**

*The decision to final the permit is based on the information submitted by you, your contractor or your consultant that the tank closure was performed in accordance with CCR Title 23, CHSC chapter 6.7, Leaking Underground Fuel Tank (LUFT) Guidelines, and the Tri-Regional Recommendations of August 10, 1990. Please be advised this letter does not relieve the property owner of any liability under California Health and Safety Code or the Water Code for conditions at the site. This does not relieve the property owner of responsibility for clean-up of unidentified or additional conditions which cause or threaten to cause, or otherwise pose a threat, to the public health or water quality.*

UST removal is subject to the requirements of CCR Title 23 section 2672. A copy of this section is available upon request from this department. All tanks must be rendered non-explosive prior to removal from the tank excavation. The contractor is required to provide a combustible gas/oxygen meter on-site to verify the tank(s) have been rendered non-explosive prior to removal from the tank excavation. Prior to the issuance of the removal permit, the applicant must indicate plans for final disposition of the tank.

A hazardous waste hauler must be used for the transporting of the waste product (residual liquid, solids, or sludges, and rinseate) generated in compliance with CCR Title 23 section 2672 (b)1, or (c)1. Hazardous wastes generated on site must be managed in accordance with CHSC chapter 6.5 and any other applicable codes or regulations

The deposit for a permitted UST Closure Permit is:

Program #1232                      **\$595.50**                      (this is for up to 2.5 hours of review, oversight, and inspection time\*)

\*Agreement to Pay Form Shall be Submitted w/ Payment

\*The Department of Environmental Health services are supported by client fees collected at the time of service. **The fee represents a base allotment of time; therefore services provided in excess of that which has been paid will result in additional fees due at the departmental hourly rate approved by the Nevada County Board of Supervisors at the rate of \$238.20 (FY 25/26) per hour.** Any fees due must be paid in full prior to permit final.

I. The following work plan information must be submitted for permit application review:

- a. A scope of work and a site-specific work plan that outlines all work to be performed on site including **sampling protocol** in accordance with the Tri-Regional Recommendations 1990 and the current LUFT guidelines.

**Sampling Protocol:** If the underground storage tank or any portion thereof is removed, soil samples shall be taken immediately beneath the removed portions of the tank, a minimum of two feet into native material at each end of the tank and a separate sample shall be taken for each 20 linear-feet of trench for piping. If the underground storage tank or any portion thereof is not removed, at least one boring shall be taken as close as possible to the midpoint beneath the tank using a slant boring (mechanical or manual), or other appropriate method such as vertical borings drilled on each long dimensional side of the tank as approved by the local agency. Describe analytic tests and methods for each sample in the sampling protocol.

- b. A completed health and safety plan in accordance with 29 CFR 1910.120 or CCR Title 8 section 5192, for proposed closure procedures at the site including copies of current training certifications.

- c. The name of the contractor along with classification, license number, address, and phone number. **As of January 1, 1992, a contractor shall not bid for the installation or removal of, or install or remove an underground storage tank unless the contractor has passed the Hazardous Substance Removal Certification examination developed pursuant to the Business and Professions code section 7058.7**

Contractor: \_\_\_\_\_  
Contractor license class: \_\_\_\_\_  
Contractor license number \_\_\_\_\_  
Contractor office phone #: \_\_\_\_\_  
Contractor site/mobile/pager #: \_\_\_\_\_  
Contractor address: \_\_\_\_\_

- d. The state certified laboratory to be used for the required sample analysis:

Lab Name: \_\_\_\_\_  
Certification # \_\_\_\_\_ phone # \_\_\_\_\_  
Address: \_\_\_\_\_

- e. The name of the consultant along with classification, license number, address, and phone number. **All work and reports which require geologic or engineering evaluations and/or judgements must be performed under the direction of an appropriately registered or certified professional of the Business and Professions Code sections 6735, 7835 and 7835.1.**

Consultant: \_\_\_\_\_  
Consultant type: \_\_\_\_\_  
Consultant license class: \_\_\_\_\_

Consultant license #:  
 Consultant phone #:  
 Consultant address:

- f. An accurate site map showing the tank location including connected piping with relation to:
  1. Buildings and equipment.
  2. Utility conduits overhead and underground, i.e. gas and electric.
  3. Water lines, wells, sewer lines, septic systems and storm drains.
  4. Streets, driveways, easements, and property lines.
  5. Adjoining property usage.
  6. Slope, scale, and orientation.
  
- g. Describe how the tank excavation will be secured in accordance with the CA HSC section 115700.
  
- h. Describe how stockpiled soils/excavated material will be managed i.e., segregation of contaminated and non-contaminated soils, run off protection, site security, air emission control, storage location.
  
- i. Approval from the local Fire Marshal in the jurisdiction where the tank is to be removed may be required. Submit copy of your work plan and NCDEH form for the Fire Marshal to review and comment. The Fire Marshal memo is required for NCDEH permit to be issued. (Note: California Fire Code 5704.2.14.1 requires that flammable and combustible liquids be removed from the tank and piping; unused piping must be disconnected and removed from the ground; tank openings shall be capped or plugged, leaving a 1/8 inch to ¼ inch diameter opening for pressure equalization; tank shall be purged of vapor and inerted prior to removal; exterior above-grade fill and vent piping shall be permanently removed unless piping is associated with bulk plants, terminal facilities or refineries.)
  
- j. Describe how the tank is to be processed for transport to the disposal site. Who will remove the residual liquid, solids, or sludge in accordance with CCR Title 23 section 2627? How will the tank be "triple-rinsed?" Will the tank be vacuumed? Pumped? Who will transport the liquid waste for disposal?

Several options are available for tank management. Identify which option you propose to use.

- Option A Tank is to be certified clean (CUPA Form HWF1249) and destroyed at a scrap metal facility.
  
- Option B Tank will be disposed of in accordance with CHSC chapter 6.5 as a hazardous waste. Tanks are to be hauled by a licensed hazardous waste hauler under a uniform hazardous waste manifest to a state permitted facility.

(NOTE: If a UST is destined for specific reuse, the owner/operator shall advise the local agency **prior** to closure activities of the name of the new owner and new operator of the UST, the location of the intended use and the nature of the intended use.)

This information must be provided for all methods of closure.

1. Number of tanks to be removed

	TANK 1	TANK 2	TANK 3	TANK 4	TANK 5
Gallons					
Dimensions (L x W)					
Former contents					
Tank construction					

2. Who will transport the residual liquid, solids, sludge, and rinseate generated as a result compliance with CCR Title 23, section 2627?

Hauler: \_\_\_\_\_ Hauler Phone: \_\_\_\_\_  
Hauler license #: \_\_\_\_\_  
Hauler address: \_\_\_\_\_

ENTER THE HAZARDOUS WASTE GENERATOR ID NUMBER  
HERE: \_\_\_\_\_

(A Temporary EPA ID Number may be obtained here: <https://dtsc-web01.dtsc.ca.gov/epaid/default.aspx>)

3. The name, address and phone number of the individual, or firm transporting the **tank** for disposal:

Hauler name: \_\_\_\_\_  
Hauler address: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
License # (if applicable) \_\_\_\_\_

4. Disposal site for tank:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
  
Phone #: \_\_\_\_\_

k. Final closure report is due within 60 days of the UST removal/soil sampling date including at a minimum: a narrative of the removal, a description of the soil sampling, handling, and transport methods, a scaled site map identifying sample locations, UST tank and piping locations, buildings and streets. Attach copies of laboratory analysis, chain of custody and disposal documentation.

II. Location of UST Removal:

Address \_\_\_\_\_ APN \_\_\_\_\_  
Proposed Start Date: \_\_\_\_\_

Owner Commitment: I \_\_\_\_\_ (owner, print) agree with the proposed work and time schedule in the attached work plan. To my knowledge the work plan is accurate and complies with all statutes and local laws and ordinances and Appendix A of the Tri-Regional Board Staff Recommendations. I will adhere to the reporting requirements in the event an unauthorized release is discovered in accordance with Article 5 of 23 CCR, Chapter 16.

Allow fifteen business days for processing the permit application. Once the permit has been issued, contact this office to schedule the tank removal. If you have any questions, contact the Hazardous Materials Division Monday through Friday at (530) 265-1222 ext 3.

**PERSON COMPLETING FORM:**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

OFFICIAL USE ONLY – CERTIFICATION THAT TANK SYSTEM CLOSURE ACTIVITIES ARE COMPLETE Agency _____ Date: _____  Print Name: _____ Sign Name: _____ <b>*If contamination of any detectable concentration is found, contact the Regional Water Quality Control Board for cleanup and/or remediation requirements.</b>
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AGREEMENT TO PAY

Nevada County Community Development Agency fees are based on Board of Supervisor approved fee schedules. Hourly fees and fees for services in excess of a minimum fee collected, including re-inspections, are billed to the applicant based on the Board approved fee schedule in effect at the time the work is performed by staff. This Agreement To Pay form must be signed and original signatures submitted to the NCCDA along with the completed permit forms and the initial payment of fees. Copies of current fee schedules are available from our Customer Service Staff or on the web at http://www.nevadacountyca.gov

I/We understand that the NCCDA will bill as services are rendered, and I/We agree to pay such billing within thirty (30) days of the mailing of such billing for the project/permit. If payments on outstanding invoices are not made within thirty (30) days after the date of the invoice, County staff may cease work on the project until the required payment is made, subject to any other provisions of the law. All fees must be paid prior to the granting of any permits, approvals, or any land use entitlement for which services are required. The collection of fees, however, does not guarantee the granting of any permits, approvals, or land use entitlements for which I/We are applying.

Site Information:

Invoices and/or notices to be mailed to:

Table with 2 columns: Site Information and Invoices and/or notices to be mailed to. Rows include APN, Property Owner/Business Name, Address, Phone Number, and Email.

NCCDA Staff is authorized to consult with necessary governmental agencies and the following individuals concerning this project:

I certify under proof of perjury that I am the property owner or that I am authorized to enter into this fee agreement on his/her behalf. I have read the conditions concerning Nevada County Community Development Agency Fees and I understand that in the event that the billing party I have indicated does not pay required fees, I will be responsible for payment. I further agree to advise the department in writing should I no longer be associated with the above referenced project/property, rendering this agreement invalid as of the change of the date that the letter is received by the Nevada County Community Development Agency.

Printed Name

Dated:

Signature

THIS SECTION FOR OFFICE USE ONLY

Service: Department: Job No:

Amount: \$ Check #: Receipt #: Date of Receipt:

**UNIFIED PROGRAM CONSOLIDATED FORM  
HAZARDOUS WASTE  
HAZARDOUS WASTE TANK CLOSURE CERTIFICATION**

Page \_\_\_\_ of \_\_\_\_

**I. FACILITY IDENTIFICATION**

BUSINESS NAME (Same as FACILITY NAME or DBA – Doing Business As) <sup>3.</sup>	FACILITY ID# <span style="float: right;">1.</span>
TANK OWNER NAME <span style="float: right;">740.</span>	
TANK OWNER ADDRESS <span style="float: right;">741.</span>	
TANK OWNER CITY <span style="float: right;">742.</span>	STATE <span style="float: right;">743.</span>
ZIP CODE <span style="float: right;">744.</span>	

**II. TANK CLOSURE INFORMATION**

TANK INTERIOR ATMOSPHERE READINGS	Tank ID # <small>(Attach additional copies of this page for more than three tanks)</small>	Concentration of Flammable Vapor			Concentration of Oxygen		
		Top	Center	Bottom	Top	Center	Bottom
1	745.	746a.	746b.	746c.	747a.	747b.	747c.
2	748.	749a.	749b.	749c.	750a.	750b.	750c.
3	751.	752a.	752b.	752c.	753a.	753b.	753c.

**III. CERTIFICATION**

On examination of the tank, I certify the tank is visually free from product, sludge, scale (thin, flaky residual of tank contents), rinseate and debris. I further certify that the information provided herein is true and accurate to the best of my knowledge.

SIGNATURE OF CERTIFIER	STATUS OR AFFILIATION OF CERTIFYING PERSON Certifier is a representative of the CUPA, authorized agency, or LIA: <span style="float: right;">760.</span>
NAME OF CERTIFIER (Print) <span style="float: right;">754.</span>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Name of CUPA, authorized agency, or LIA: <span style="float: right;">761.</span>
TITLE OF CERTIFIER <span style="float: right;">755.</span>	N/A <hr/> If certifier is other than CUPA / LIA check appropriate box below: <span style="float: right;">762.</span>
ADDRESS <span style="float: right;">756.</span>	<input type="checkbox"/> a. Certified Industrial Hygienist (CIH) <input type="checkbox"/> b. Certified Safety Professional (CSP)
CITY <span style="float: right;">757.</span>	<input type="checkbox"/> c. Certified Marine Chemist (CMC) <input type="checkbox"/> d. Registered Environmental Health Specialist (REHS)
PHONE <span style="float: right;">758.</span>	<input type="checkbox"/> e. Professional Engineer (PE) <input type="checkbox"/> f. Class II Registered Environmental Assessor
DATE <span style="float: right;">759.</span>	<input type="checkbox"/> g. Contractors' State License Board licensed contractor (with hazardous substance removal certification)
CERTIFICATION TIME	

TANK PREVIOUSLY HELD FLAMMABLE OR COMBUSTIBLE MATERIALS 763.  
(If yes, the tank interior atmosphere shall be re-checked with a combustible gas indicator prior to work being conducted on the tank.)  Yes     No

CERTIFIER'S TANK MANAGEMENT INSTRUCTIONS FOR SCRAP DEALER, DISPOSAL FACILITY, ETC: 764.

A copy of this certificate shall accompany the tank to the recycling/disposal facility and be provided to the agency overseeing tank closure (i.e. CUPA or other authorized local agency); the owner and/or operator of the tank system; and the tank removal contractor.

## **Hazardous Waste Tank Closure Certification Instructions**

Complete and submit this page after cleaning any underground or aboveground tank system subject to Title 22, Division 4.5, Chapter 32, California Code of Regulations. Refer to 22 CCR §67383.3 and 23 CCR §2672 for disposal requirements for tank systems.

Completed Unified Program Consolidated Form (UPCF) Business Activities and Business Owner/Operator Identification (OES Form 2730) pages must be submitted with this form. Please number all pages of your submittal. (Note: Numbering of the following instructions follows the UPCF data element numbers on this form.)

1. FACILITY ID NUMBER - This number is for agency use only. Leave this space blank.
  3. BUSINESS NAME - Enter the complete Facility Name.
  740. TANK OWNER NAME - Complete items 740-744 unless all items are the same as the Business Owner information (items 111-116) on the Business Owner/Operator Identification page (OES Form 2730). If the same, write "SAME AS SITE" across this section.
  741. TANK OWNER ADDRESS -
  742. TANK OWNER CITY -
  743. TANK OWNER STATE -
  744. TANK OWNER ZIP CODE -
  745. TANK ID NUMBER 1-3 - Enter up to three owner tank ID numbers. These are unique numbers used by the owner to identify each tank. If more than three tanks are being closed, complete additional copies of this page. (Enter additional tank numbers in 748 and 751.)
  746. CONCENTRATION OF FLAMMABLE VAPOR 1-3 - Enter interior flammable vapor concentration readings taken at the top, center, and bottom of the tank. (If more than one tank, enter additional tank readings in 749 and 752.)
  747. CONCENTRATION OF OXYGEN 1-3 - Enter interior oxygen readings taken at the top, center, and bottom of the tank. (If more than one tank, enter additional tank readings in 750 and 753).
- SIGNATURE - A qualified professional meeting the requirements of 22 CCR §67383.3(f) shall sign in the space provided to certify that the cleaned tank(s) meet all standards specified in 22 CCR §67383.3(e)(1) and (2).
754. CERTIFIER NAME - Print or type the full name of the person signing the Certification.
  755. CERTIFIER TITLE - Enter the title of the person signing the Certification.
  756. CERTIFIER ADDRESS - Enter the address of the person signing the Certification.
  757. CERTIFIER CITY - Enter the city for the signer's address.
  758. CERTIFIER PHONE - Enter the phone number for the person signing the Certification.
  759. DATE CERTIFIED - Enter the date that the Certification was signed. Enter the time that the readings were taken.
  760. CERTIFIER REPRESENTS LOCAL AGENCY - Check "Yes" if the person certifying the tank is a representative of a CUPA or authorized local agency, otherwise, check "No."
  761. NAME OF LOCAL AGENCY - If certified by a CUPA or other local agency, enter the name of the agency.
  762. AFFILIATION OF CERTIFYING PERSON - Check the certification, license, or organization which the certifier holds or to which the certifying person belongs, if not a CUPA or other local agency.
  763. TANK HELD FLAMMABLE OR COMBUSTIBLE MATERIALS - Check "Yes" if the tank(s) previously held flammable or combustible materials, otherwise check "No."
  764. MANAGEMENT INSTRUCTIONS - Provide tank management instructions to the scrap dealer, disposal facility, etc. in this space.

# UST CLEANUP FUND

STATE WATER RESOURCES CONTROL BOARD

## Frequently Asked Questions

### About the UST Cleanup Fund (Fund)...

Federal and state laws require every owner and operator of a petroleum UST to maintain financial responsibility to pay for any damages arising from their tank operations. The Barry Keene Underground Storage Tank Cleanup Fund Act of 1989 was created by the California Legislature to provide a means for petroleum UST owners and operators to meet the federal and state requirements and pay for the cleanup of contaminated soil and groundwater when a leak is discovered. The Fund is administered by the California State Water Resources Control Board (State Water Board).

### Who is eligible for the Fund?

To be eligible to file a claim with the Fund, the claimant must be a current or past owner or operator of the UST from which an unauthorized release of petroleum has occurred, and be required to undertake corrective action as directed by the regulatory agency. Other eligibility conditions include compliance with applicable state UST permitting requirements, payment of UST storage fees, compliance with regulatory agency cleanup orders, and compliance with the federal financial responsibility requirement. In addition to petroleum USTs, owners of certain small home heating oil tanks that have had an unauthorized release of petroleum are eligible.



### What costs does the Fund pay?

The Fund reimburses corrective action costs paid or incurred for cleanup work performed after January 1, 1988, that was the result of an unauthorized release of petroleum from a UST that caused contamination of soil and/or groundwater. Funds are disbursed only after costs are actually incurred or paid.

Corrective action costs include preliminary site assessment, soil and water investigations, corrective action implementation and verification monitoring after the cleanup is completed.

The Fund also reimburses third-party compensation claims for amounts awarded by a court-approved settlement agreement, final judgment, or arbitration award by a court-appointed arbitrator. The first \$1,000,000 (less the deductible) for an eligible Fund claim may be used to satisfy third party compensation claims as well as corrective action and regulatory technical assistance costs. Once a claimant has been reimbursed this amount, an additional \$500,000 per occurrence is available and may be used to reimburse reasonable corrective action and regulatory technical assistance costs.

The additional \$500,000 cannot be used to reimburse third party claims. (See Section 2812.5 of the Fund regulations.)

The Fund does not cover the removal, repair, retrofit or installation of USTs. However, the Division of Financial Assistance, Remove, Replace, or Repair of Underground Storage Tanks (RUST) Program provides low interest loans to qualified small independent UST owners or operators to repair or replace their underground storage tanks, piping and dispensers.

### Need More Information?

Contact us at: 1-800-813-FUND

# FREQUENTLY ASKED QUESTIONS

## In what order are claimants paid?

The implementing legislation sets forth a claim priority system, which is based on claimant characteristics. The highest priority is as follows:

- Class A, is given to residential tank owners; the second priority,
- Class B, is given to small California businesses, governmental agencies and nonprofit organizations with gross receipts and/or number of employees below a specified maximum; the third priority,
- Class C, is given to California businesses, governmental agencies and nonprofit organizations having fewer than 500 employees; and the fourth priority,
- Class D, is given to all other claimants.

## What is the maximum amount of funding?

The maximum coverage available from the Fund is \$1.5 million per occurrence.

- A separate claim must be filed for each occurrence.
  - Claimants in Priority Class B and Class C are responsible for the first \$5,000 of eligible corrective action costs, and
  - Class D claimants are responsible for the first \$10,000.
- To obtain maximum reimbursement,
- Be sure to document the necessity and reasonableness of all costs being claimed;
  - Comply with the Fund's three-bid requirement or obtain a written waiver; and,
  - Seek pre-approval of all corrective action costs before undertaking the work.

## For More Information...

### About the Fund...

State Water Resources Control Board  
Division of Financial Assistance  
Underground Storage Tank Cleanup Fund  
P.O. Box 944212  
Sacramento, CA 94244-2120  
(800) 813-FUND

### About the Fee...

State Board of Equalization  
Environmental Fees Unit  
P.O. Box 942879  
Sacramento, CA 95279-0001  
(916) 322-9669

### About the Loan Program...

State Water Resources Control Board  
Division of Financial Assistance  
RUST Program  
P.O. Box 944212  
Sacramento, CA 94244-2120  
(916) 445-1091

## How is the Fund financed?

Money for the Fund is generated by a per gallon fee paid by the UST owners who are required to have a permit to own or operate a UST. The fee is collected by the State Board of Equalization.

## Where can Fund application be obtained?

Claim application packages can be downloaded from the Fund's website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/ustcf](http://www.waterboards.ca.gov/water_issues/programs/ustcf)

Or by calling: (800) 813-FUND.

You can also request a copy by writing to:

State Water Resources Control Board  
Division of Financial Assistance  
UST Cleanup Fund  
P.O. Box 944212  
Sacramento, CA 94244-2120

## On the Web

The Fund updates its web site on a regular basis.

You may visit the site at:

[http://www.waterboards.ca.gov/water\\_issues/programs/ustcf](http://www.waterboards.ca.gov/water_issues/programs/ustcf)

Newly available on the web are the revised Claim Application and Program Summary.

There's more to come, so check back often!

Home → Ust → Leak Prevention → Lgs

## **UST Program - Local Guidance (LG) 109-1**

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### **LG 109-1 - REGULATORY STATUS OF FARM TANKS AND HEATING OIL TANKS (SUPERSEDES LG-109)**

July 25, 1994

To: Local Agencies

This letter clarifies the exemption of farm tanks and home heating oil tanks from state underground storage tank (UST) regulations. The following topics are discussed:

1. Definitions of farm tanks and home heating oil tanks;
2. Examples of exempt tanks;
3. Conditions under which an exempt tank becomes a regulated tank; and
4. Tank owner responsibilities if an exempt tank becomes a regulated tank.

#### **1) Definition of Farm Tanks and Home Heating Oil Tanks (Section 2611 CCR)**

a. "Farm tank" means any one tank or a combination of manifolded tanks that 1) are located on a farm; and 2) hold no more than 1,100 gallons of motor vehicle fuel [MVF] which are used primarily for agricultural purposes and are not held for resale.

b. "Heating oil tank" means a tank located on a farm or at a personal residence and which holds no more than 1,100 gallons of home heating oil which is used consumptively at the premises where the tank is located.

#### **2) Examples of Exempt Tanks (Section 2621(a) CCR)**

All farm tanks and home heating oil tanks which meet the criteria specified in (a) or (b) above are exempt from state UST regulations. Consequently, installation, operating, and closure requirements do not apply to these tanks. For example, home heating oil tanks at homes which have converted to electricity or natural gas for heating purposes are exempt as long as they are not used for a non-exempt purpose. Also, farm tanks with a capacity of 1,100 gallons or less which store motor vehicle fuel for agricultural purposes are exempt as long as they are not used for a non-exempt purpose. However, the State and Regional Water Board's authority, under Section 13304 of the California Water Code, to require clean up or other pollution prevention measures remains unimpaired if releases from such tanks threaten water quality.

#### **3) Conditions Under Which an Exempt Tank Becomes a Regulated Tank (Section 2621(c) CCR)**

An exempt UST may become regulated if a condition allowing its exemption changes. A change in exemption status can come from any of the following:

a. Property loses its status as a "farm". According to Food and Agricultural Code Sections 52262. and 54004, a farm is a place of agricultural production which has annual sales of agricultural products of \$1,000 or more. Agricultural products include any horticultural, viticultural, forestry, dairy, livestock, poultry, bee or farm product. Therefore, if a farm's annual sales of agricultural products falls below \$1,000, or the farm crop is not included in the definition of "agricultural production," the property no longer retains its "farm" status. Therefore, tanks located on that property which are used after the property loses its farm status become subject to regulation.

b. Property loses its status as a "personal residence". If the residence has a home heating oil tank and the property is changed for commercial or other non-residential purposes (other than a farm), the tank used after the change becomes subject to regulation.

c. The tank contents change from MVF or home heating oil. MVF's are defined, for purposes of the UST program, as petroleum products which are intended to be used primarily to fuel motor vehicles or engines. Heating oil is a petroleum product which is used for heating.

d. The use of a farm or home heating oil tank changes to a use which is not exempt. If the use of a tank which contains MVF changes to something other than "primarily for agricultural purposes and not for resale," then the tank becomes subject to regulation. Likewise, if the use of a tank which contains home heating oil, changes to something other than "for consumptive use on the premises where stored," then the tank becomes subject to regulation.

#### **4) Tank Owner Responsibilities if an Exempt Tank Becomes a Regulated Tank (Section 2621(c) CCR)**

The owners of all tanks which are exempted by Section 25281(x)(1)(A) and (x)(1)(B) of the Health and Safety Code (H&SC) and which lose their exemption by virtue of a change to a regulated use, must either obtain a valid operating permit or close the tank in accordance with Chapter 6.7 H&SC and any applicable local agency requirements.

If you have any questions, call John Welch (916) 227-4323.

Sincerely,

[Original signed by:]

James George Giannopoulos  
Supervising Engineer  
Underground Storage Tanks

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