



# DIVISION OF STATE FIRE MARSHAL

## BUREAU OF UNDERGROUND STORAGE TANK REGULATIONS

### FACT SHEET

[www.com.state.oh.us/sfm/bust](http://www.com.state.oh.us/sfm/bust)

Ted Strickland  
Governor

Kimberly A. Zurz  
Director

Michael P. Bell  
State Fire Marshal

Peter A. Chace  
Bureau Chief

## OUT OF SERVICE AND CLOSURE GUIDELINES

Ohio Administrative Code (OAC) rule 1301:7-9-12, often referred to as the closure rule, addresses requirements for taking underground storage tank (UST) systems out of service, removing UST systems and performing closure assessments of UST systems. The Bureau of Underground Storage Tank Regulations (BUSTR) has established rules and guidelines to ensure the safe handling of UST systems throughout the stages of the closure process.

**Important:** Any owner and operator (as these terms are defined in the BUSTR regulations) and any person who holds a legal, possessory, or equitable interest in a parcel of real property on which an underground storage tank is located must comply with the following stages:

- **Out of Service (90 days or less):** UST systems that are taken out service for 90 days or less shall have the fill line, gauge opening and dispensing unit secured against tampering. Vent lines must remain open and be maintained. All Ohio UST regulations continue to apply to these systems, except that release detection requirements 1301:7-9-07 of the OAC does not apply if the system is empty. A permit is not required.
- **Out of Service (more than 90 days but less than 12 months):** UST systems that are taken out of service for more than 90 days must be emptied. The vent lines must remain open and be maintained. All other lines, pumps, manways and ancillary equipment must be capped and secured. A permit is required.
- **Out of Service (more than 12 months):** UST systems that have been out of service for more than 12 months must be placed back in service immediately pursuant to paragraph (E)(6) of rule 1301:7-9-12 of the OAC, permanently removed, closed-in-place or undergo a change-in-service unless an extension is granted to allow the UST systems to remain out of service longer. If an extension is granted, all out of service UST regulations continue to apply to the UST systems.
- **Permanent Removal:** UST removals must be performed in a safe manner. A permit is required and a Certified UST Installer and a Certified UST Inspector must be present at the time of removal. Removal and cleaning shall be performed in accordance with API recommended practice 1604-1996 and 2015-2001. The UST shall be monitored at all time to ensure that an unsafe accumulation of explosive vapors does not occur. All liquids and residues shall be removed from the UST, and the UST shall be cut up, crushed or perforated with many holes before leaving the site.

All backfill material surrounding the UST system shall be removed at the time that the UST system is removed. In addition, no more than twelve inches of native soil shall be removed from the area surrounding the UST system unless prior approval is obtained from the fire marshal. If stored on site, all backfill and native soil shall be properly staged and covered to prevent rain water infiltration and water run off. No excavated soil shall be stored in stockpiles on site beyond 120 days unless prior approval is obtained from the fire marshal. Additionally, all soil must be stored, transported, treated or disposed in accordance with all applicable federal, state and local regulations.

- **Closure-in-Place:** Only the State Fire Marshal or a delegated fire authority pursuant to rule 1301:7-9-15 of the OAC can grant permission for all or part of a UST system to be closed-in-place. A permit is required. If such permission is granted, the UST system must be closed-in-place in accordance with American Petroleum Institute (API) recommended practice 1604-1996 and filled with a solid inert material. This material must have a density greater than the density of water.
- **Change in Service:** A change in service means a change in the substances stored in the UST system from regulated to non-regulated substances. A permit is required. The system must be emptied and cleaned and all ancillary equipment that is not part of the change in service shall be properly closed-in-place or removed.

## **CLOSURE ASSESSMENT AND CLOSURE REPORTS**

**Important:** Only owners and operators (as these terms are defined in the BUSTR regulations) are required to comply with the closure assessment and closure reporting requirements defined in paragraphs (I) through (K) of rule 1301:7-9-12 of the OAC. Other persons may comply with the closure assessment and closure reporting requirements on a voluntary basis.

### **Closure Assessment and Closure Report**

Owners and operators of UST systems shall conduct a closure assessment when the system, or any part of the system:

- Is permanently removed; or
- Is closed-in-place; or
- Undergoes a change in service; or
- Is out of service for more than 12 months.

The closure assessment shall consist of performing a visual site evaluation and collecting samples as specified in paragraph (I)(2) of rule 1301:7-9-12 of the OAC. Some of these samples must be sent to a laboratory for analysis to determine if corrective actions are needed at the site. For UST systems being assessed in a corrective action program under rule 1301:7-9-13 of the OAC, a closure assessment need not be performed for that portion of the UST system in corrective actions.

Owners and operators of UST systems shall sample and analyze all excavated soil within 48 hours of completion of excavation activities unless the soil is shipped directly to a licensed disposal facility. Excavated petroleum contaminated soil (PCS) may be stored and/or treated either on-site or off-site in accordance with the provisions of rules 1301:7-9-16 and 1301:7-9-17 of the OAC.

A closure report based upon the results of the closure assessment must be received by the State Fire Marshal within 90 days from the date of sample collection. The required format for the closure report is specified in paragraph (J) of rule 1301:7-9-12 of the OAC. A closure report form must accompany the closure report and is available by contacting BUSTR.

## **PERMITS AND INSPECTION**

Most of the above-listed activities require a permit from BUSTR or from a delegated fire department. In addition, any activity that requires a permit must be overseen by a Certified UST Installer and a Certified UST Inspector. Please review the fact sheet titled “The BUSTR Permit Process” for further information on proper permit and inspection procedures.