

**CHAPTER 56 TANK NOTIFICATION AND REGISTRATION,
RECORDKEEPING, REPORTS, AND NOTICES**

Section

5600	Notice of Use or Installation of an UST system
5601	Registration
5602	Recordkeeping and Reports
5603	Notices of Installation, Removal, Repair, Upgrade, and Testing
5604	Notice of Sale of Real Property
5605	Fees
5606	Third-Party Certification
5607	Public Record Information

5600 NOTICE OF USE OR INSTALLATION OF AN UST SYSTEM

- 5600.1 Any owner who has an underground storage tank or UST system that was in the ground on May 8, 1986, or was brought into use thereafter, or who brings an UST or UST system into use, shall submit a notice of the existence of the UST or UST system to the Director, on a form prescribed by the Director (hereinafter notification form). An owner who has previously filed a federal underground storage tank notification form (EPA Form 7530-1 or OMB No. 2050-0068) with the Director shall not be required to file a notice, unless required by the Director in writing for other reasons.
- 5600.2 A notification form shall be completed in accordance with the instructions provided by the Director.
- 5600.3 Pursuant to § 3 of the Act, as defined in § 7099.1, the notification form required under § 5600.1 shall be delivered to the Director within one hundred and twenty (120) days after the effective date of the Act or within thirty (30) days after the tank or UST system is brought into use, and shall contain all information required by § 3(a) of the Act and any additional information requested by the Director.
- 5600.4 An owner of a heating oil tank having a capacity of one thousand one hundred (1,100) gallons or greater shall have filed a notification form with the Director by January 12, 1994, or shall file a notification form with the Director within thirty (30) days after the UST or UST system is brought into use.
- 5600.5 An owner required to submit a notification form under § 5600.1 of this section may provide notice for several tanks using a single notification form if the tanks are located at the same facility and are being brought into use simultaneously.
- 5600.6 An owner who owns tanks located at more than one (1) facility shall file a separate notification form for each separate facility.
- 5600.7 The owner or operator of an UST system shall sign the notification form required under this section and shall certify compliance with the following requirements except as provided in § 5503.2:
- (a) Section 5700.1;
 - (b) Sections 5706.2; 5706.4 through 5706.76;

- (c) Sections 5701.2, 5701.3, 5702.2, 5702.3, 5703.2, 5703.3, 5704.3 and 5704.4;
- (d) Chapter 60; and
- (e) Chapter 67.

- 5600.8 No person, other than the owner or operator, shall be authorized to sign the notification forms required in § 5600.7.
- 5600.9 Any person who purchases an existing UST that has not been permanently closed or any tank that is intended to be used as an underground storage tank for the purposes governed by these regulations as set forth in Chapter 55, must file a new notification form with the Director within 30 days of purchase.
- 5600.10 Any owner of real property who discovers any unknown UST on his/her property, shall notify the Director of the existence of the UST or UST system within seven (7) days of the discovery.
- 5600.11 Any person who deposits regulated substances into an underground storage tank or sells or leases an underground storage tank shall inform the owner or the lessee of the tanks of the notification requirements of this section.
- 5600.12 Each owner or operator of an UST system shall file an amended notification form with the Director within 30 days of any changes to any information required by Section 3(a) of the Act, as defined in § 7099.1, and any other information required by the Director.
- 5600.13 Each owner or operator of any UST system which has been upgraded or modified in any way, shall ensure that the installer certifies, in the notification form required under this section, that the methods used to upgrade or modify the UST system comply with the requirements of § 5801.
- 5600.14 Each owner or operator of an UST system or a responsible party shall file a closure notification form with the Director within 30 days of permanent closure of the UST system by removal or abandonment.

5601 REGISTRATION

- 5601.1 The Director shall register all USTs, governed by these regulations as forth in Chapter 55, in accordance with the procedures set forth in § 5601.3.
- 5601.2 An owner of an existing underground storage tank or tanks containing a regulated substance, shall have registered each tank with the Director and shall have paid the required fee, as provided in § 5601.9.
- 5601.3 An owner of a tank that is brought into use after November 12, 1993, shall register the tank and shall pay the prescribed registration fee before depositing a regulated substance into the tank, except as provided in §§ 5601.1 and 5601.7,

and accept deposit of a regulated substance for the purposes of testing the tank or providing an initial “hold-down” load to ballast the tank.

- 5601.4 Owners of heating oil tanks, having a capacity of one thousand one hundred (1,100) gallons or greater, shall register their tanks on or before January 1, 1997.
- 5601.5 A new owner of an existing UST or an owner of a new UST, governed by these regulations as set forth in Chapter 55, shall initiate the registration process by filing a notification form for each facility pursuant to the requirements of § 5600. Upon receipt of a notification form in accordance with the provisions of § 5601.8, the Director shall issue a registration invoice to the owner. The owner shall pay the required fee within the time period specified on the invoice.
- 5601.6 The Director shall issue a registration certificate to the owner within thirty (30) days after:
- (a) The registration fee has been received; and
 - (b) The owner has filed a properly completed notification form pursuant to the notification requirements of § 5600; and
 - (c) For a new tank, the owner has complied with the installation requirements of § 5706; or
 - (d) For an existing UST system, the owner has complied with all the applicable requirements of this Subtitle.
- 5601.7 The registration term shall be January 1 to December 31. The term of registrations issued after January 1 shall be from the date of issuance until the end of the annual registration term. Registration shall not be transferable from owner to owner.
- 5601.8 Commencing January 1, 2000, the annual registration fee shall be prorated by one-twelfth (1/12) per month for each month after January 1 that any tank will be installed or purchased or each month before December 31 that a tank will be closed pursuant to an approved plan.
- 5601.9 The annual registration fee shall be six hundred and fifty dollars (\$650) for each tank having a capacity of over ten thousand (10,000) gallons; three-hundred and ninety dollars (\$390) for each petroleum tank having a capacity of ten-thousand (10,000) gallons or less; and one hundred and thirty dollars (\$130) for each home heating oil tank having a capacity of ten-thousand (10,000) gallons or less.
- 5601.10 An owner shall renew the registration for each tank on or before November 30 until such time as:
- (a) The UST has been permanently closed pursuant to § 6101;
 - (b) There has been a change in service to a non-regulated substance pursuant to § 6101;

- (c) The UST has been temporarily closed and the regulated substance removed pursuant to § 6100; or
 - (d) The owner has sold the UST and has informed the Director in writing of the date of sale and the identity of the purchaser.
- 5601.11 A copy of the current registration certificate shall be posted in a visible location at the facility at all times.
- 5601.12 No person shall deposit a regulated substance into an UST, without first confirming that the facility is a currently registered facility; and that the facility has not been found to be in violation of these regulations by:
- (a) Ensuring that a current certificate of registration is present at the facility; and
 - (b) Ensuring that the facility is not on the list of facilities at which delivery of a regulated substance has been prohibited by the Director.
- 5601.13 No owner or operator shall dispense, or permit the dispensing of, a regulated substance from an UST unless the owner has satisfied the registration requirements of this section.
- 5601.14 No owner or operator shall deposit or dispense, or permit the deposit or dispensing of, a regulated substance into an UST, for which registration has been denied, except deposit of a regulated substance for the purpose of testing the tank.
- 5601.15 Any person who sells an UST shall notify the new owner in writing that the new owner has registration obligations under this section and notify the Director of the name and address of the purchaser and the date of the sale.

5602 RECORDKEEPING AND REPORTS

- 5602.1 Owners or operators of UST systems shall cooperate fully with inspections, monitoring, and testing conducted by the Director, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to § 9005 of Subtitle I of the Resource Conservation and Recovery Act, as amended.
- 5602.2 Owners or operators shall submit the following information to the Director in accordance with the provisions of this Subtitle:
- (a) Notification forms for all UST systems (§ 5600), including certification of installation and compliance with the manufacturer's checklist for new or upgraded UST systems (§§ 5706 or 5801);
 - (b) Notices of installation, major repair, removal, upgrades or testing (§ 5603);
 - (c) Reports of all spills and overfills (§ 6201);

- (d) Reports of all releases including suspected releases (§ 6202) and confirmed releases (§ 6203.7(c));
 - (e) Corrective actions planned or taken including initial abatement measures (§ 6203), free product removal (§ 6204), comprehensive site assessment (§ 6205), and corrective action plan (§ 6207);
 - (f) A notification prior to permanent closure or change-in-service (§ 6101); and
 - (g) Amended or closure notification forms for any change in ownership or facility information, or tank data (§ 5801).
- 5602.3 Owners or operators shall also provide the information required in § 5602.2(b), (c), (d), and (f) and the information specified in §§ 6204.1(c) and 6205.7 to the District of Columbia Fire Chief.
- 5602.4 Each owner or operator shall maintain the following records and information for each facility, in accordance with the provisions of this chapter:
- (a) Documentation of the operation of corrosion protection equipment (§ 5901);
 - (b) Documentation of UST system repairs (§ 5902);
 - (c) Recent record of compliance with release detection requirements (§ 6001); and
 - (d) Results of the site investigation conducted at permanent closure (§ 6101).
- 5602.5 Each owner or operator shall maintain the records required under §§ 5602.4 (a), (b) and (c) for a period of ten years. The records for the current and the previous registration year shall be kept at the facility and shall be immediately available for inspection by the Director at the facility. The records for the remainder of the ten-year period may be stored at the facility or at a central location but shall be immediately available for inspection by the Director at the place of storage.
- 5602.6 Each owner or operator shall keep the records required under § 5602.4(d) either at a central location or at the facility. The records shall be immediately available for inspection by the Director at the UST site or readily available for inspection by the Director at a single off-site alternative location.
- 5602.7 If an UST system is permanently closed, and if the records cannot be kept at the facility or an alternative location under § 5602.6, upon approval by the Director, the owner or operator shall deliver the permanent closure records required under § 6101 to the Director.
- 5602.8 Commencing January 1, 2000, any records required to be maintained by an owner or operator shall be kept for the operating life of the UST system unless another time period is specified in the provision requiring maintenance of the record.

5603 NOTICES OF INSTALLATION, REMOVAL, REPAIR, UPGRADE, AND TESTING

- 5603.1 Each owner or operator, or authorized representative of an owner or operator, shall provide notice to the Director in writing or on a form prescribed by the Director (hereinafter, "UST/LUST Activity Notification form") of each installation, removal, abandonment, repair or upgrade of an UST system, at least five (5) business days prior to the installation, removal, repair or upgrade, except as provided in § 5603.3.
- 5603.2 In addition to the notice required pursuant to § 5603.1, the owner or operator shall inform the Director orally or in writing of the exact time and date of the installation, removal, abandonment, repair or upgrade of the UST system at least twenty-four (24) hours in advance to schedule an appointment for site inspections, except as provided in § 5603.3.
- 5603.3 In the case of an emergency removal or repair, notice shall be provided to the Director and the D.C. Fire Chief as soon as practicable.
- 5603.4 Each owner or operator shall submit to the UST Division, the plans, engineering design and specifications by a business that is licensed and certified to perform UST system activities in the District of Columbia for any installation or upgrade of an UST system. Each owner or operator shall obtain approval of the plans and specifications from the Director before applying for construction permit with the Department of Consumer and Regulatory Affairs.
- 5603.5 The UST Division shall approve, approve with modifications, or disapprove the plans and specifications within five business (5) days of receipt based on the minimum UST technical requirements established by the UST Division. This shall satisfy the notice requirement of § 5603.1.
- 5603.6 Each owner or operator shall inform the Director orally or on a UST/LUST Activity Notification form at least twenty-four (24) hours in advance, of the exact time and date of any tank tightness test to be conducted on an UST. In the case of emergency testing, notice shall be provided to the Director as soon as practicable.
- 5603.7 In addition to the notice required pursuant to § 5603.6, if a tightness test is performed as a result of a suspected release, the owner or operator shall also inform the Fire Chief orally or in writing, at least forty-eight (48) hours in advance, or in the case of emergency testing, as soon as practicable.
- 5603.8 Owners or operators of USTs on federal facilities shall not be required to give notice to the D.C. Fire Chief as provided in this section, but shall give sufficient notice to the appropriate federal fire chief or official so that the fire chief or official or his or her designee may be at the facility when any installation, removal, abandonment, upgrade, testing or repair of a UST system is performed.

5604 NOTICE OF SALE OF REAL PROPERTY

5604.1 Before entering into a contract for sale, any person who sells real property in the District of Columbia upon which underground storage tanks are located, or from which underground storage tanks have been removed during the seller's ownership, shall inform each prospective buyer of the existence or removal of any UST of which the seller has knowledge, on the disclosure form approved by the Director or in a letter incorporating all of the information requested in the form, except as provided in §§ 5604.3 and 5604.4.

5604.2 The seller of real property under this section shall have no obligation to perform a site assessment or other geological investigation to determine if USTs exist on the property, but shall:

- (a) Inform prospective purchasers of any UST of which the seller has actual knowledge; and
- (b) For the sale of commercial property, inform prospective buyers of any prior use of the property of which seller has actual knowledge, which suggests the existence of tanks on the property.

5604.3 Where seller is the owner of an individual condominium unit or cooperative unit, notice shall not be required pursuant to § 5604.1.

5604.4 A seller of a single family home may use the disclosure form approved by the Director or include the disclosure required by § 5604.1 in the sales contract; provided, that the purchaser signs an acknowledgement that he or she has read the disclosure prior to signing the balance of the contract, and the language of the disclosure is approved by the Director.

5605 FEES

5605.1 The Director shall charge fees for the following oversight activities as set forth herein:

- (a) Review of plans and specifications and performing site inspections for UST installations shall be two hundred dollars (\$200.00) per tank; and
- (b) Performing site inspections and review of reports related to UST abandonment shall be two hundred dollars (\$200.00) per tank;

5605.2 Reviews identified in § 5605.1(a) and (b) shall be completed in 21 days. The initial review period may be extended for an additional two-week period.

5606 THIRD-PARTY CERTIFICATION

5606.1 In lieu of inspection by the Director, an owner or operator may request the Director to approve compliance inspections for UST closures; new UST installations; UST system upgrades, leak detection system(s) and manufacturer required annual maintenance inspections performed by an independent third

party inspector who shall be an UST System Technician who is certified by the District of Columbia. If use of an independent third party inspector is approved by the Director, the Director will accept the report and findings provided the compliance inspection report contains all the information required by the Director.

5605.2 An independent third-party inspector may not have a financial interest in the ownership or operation of the facility or UST system for which he certifies any installation, UST system upgrade, leak detection system or manufacturer required annual maintenance inspection.

5607 PUBLIC RECORD INFORMATION

5607.1 The District will, no later than December 31 of each year, make information available to the public regarding:

- (a) Percent of overall regulatory compliance within the District, and numbers of underground storage tanks, facilities, and inspections; and
- (b) Confirmed releases from underground storage tanks within the District, and sources and causes of releases.

5607.2 The public record will be posted or downloadable from the District Department of the Environment's website. Provisions will be made available for those who request information, but do not have electronic access.