

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) FORM 7530-3 INSTRUCTIONS

General Information

Applicable Law & Regulation. State Water Control Law (Va. Code § 62.1-44.34:8 et seq.) and Regulation 9 VAC 25-580-10 et seq. contain notification and technical requirements applicable to underground storage tanks (USTs or tanks) that are newly installed, upgraded, temporarily or permanently closed, or for which there has been a change in service

When Form 7530-3 must be filed.

- **New tanks.** Within 30 days of bringing an underground storage tank system into use, the owner must submit a notification.
- **Changes.** The owner must submit a notification within 30 days after any change in ownership, tank system status (e.g., tank/pipe temporarily/permanently closed out); tank/piping systems (e.g., upgrades such as addition of corrosion protection or internal lining, piping replacement, or changes in release detection, etc.); and/or substance stored.

Number of forms required. Owners may provide notice for several tanks at the same facility using one notification form, but owners with tanks at more than one facility must file a separate notification form for each facility.

Tanks Covered. (Unless specifically excluded):

- All USTs containing regulated substances are subject to the notification requirement.
- UST means any one or combination of tanks (including connected piping) used to contain regulated substances.
- Ten percent or more of the volume of the tank (including connected piping) must be beneath the surface of the ground for the tank to be a UST.

Tanks that are exempt from UST regulatory requirements (including notification).

- Farm or residential tanks of 1,100 gallons or less capacity used to store motor fuel for noncommercial purposes
- Tanks storing heating oil for consumption on the premises where stored
- Septic tanks
- Pipelines regulated under The Natural Gas Pipeline Safety Act of 1968 (49 USC App. 1671), The Hazardous Liquid Pipeline Safety Act of 1979 (49 USC App. 2001), or any pipeline that is an intrastate pipeline regulated under similar state laws.
- Surface impoundments, pits, ponds, lagoons
- Stormwater or waste water collection systems

- Flow-through process tanks
- Liquid traps or gathering lines directly related to oil or gas production and gathering operations
- Tanks situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor

Tanks that are excluded from UST regulatory requirements (including notification).

- Any UST system holding hazardous wastes listed or identified under Subtitle C of the Solid Waste Disposal Act (33 USC §1251 et seq.), or a mixture of such hazardous waste and other regulated substances
- Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under §402 or §307(b) of the Clean Water Act
- Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks
- Any UST system whose capacity is 110 gallons or less
- Any UST system that contains a de minimis concentration of regulated substances
- Any emergency spill or overflow containment UST system that is expeditiously emptied after use

Tanks that are excluded from UST notification requirements but subject to other UST regulatory requirements.

- Wastewater treatment tank systems
- Any UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954 (42 USC 2011 et seq.)
- Any UST system that is part of an emergency generator system at a nuclear power generation facility regulated by the Nuclear Regulatory Commission under 10 CFR Part 50 Appendix A
- Airport hydrant fuel distribution systems
- UST systems with field-constructed tanks

Substances Covered. Regulated substance means an element, compound, mixture, solution or substance that, when released into the environment, may present substantial danger to the public health or welfare, or the environment. The term includes:

- Any substance defined in § 101(14) of CERCLA, but not any substance regulated as a hazardous waste under subtitle C of RCRA
- Petroleum, including crude oil or any fraction thereof, that is liquid at standard conditions of temperature and pressure (60° F, 14.7 psi). The term “regulated substance” includes but is not limited to petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and

finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

Penalties

Any person who knowingly makes any false statement on this form shall be guilty of a felony punishable by a term of imprisonment of up to three years and a fine of not less than \$5,000 but up to \$50,000 per violation. If convicted of a violation, any defendant that is not an individual shall be sentenced to pay a fine of not less than \$10,000.

Part I: Purpose of Notification

Applicable Parts of the 7530-3

- **New facility.** Complete Parts I through IX.
- **New tanks at previously registered facility.** Complete Parts I through IX for the new tanks.
- **Change in tanks.** Complete Parts I through IX.
- **Change in piping.** Complete Parts I through VII and IX.
- **Temporary closure.** Complete Parts I through VII, IX and X.
- **Tank removal or closure in ground.** Complete Parts I through VII, IX and X.
- **Piping replacement, removal or closure in ground.** Complete Parts I through X.
- **Change in service/tank contents.** Complete Parts I through VII, IX and X.
- **New contact.** Complete Parts I through III and VII. (If the owner has more than two facilities, Form 7530-3B Multiple Facility Amendment, may be used for a change of contact.)
- **New owner.** Complete Parts I through VII and IX.
- **Change in owner address.** Complete Parts I through III and VII. (If the owner has more than two facilities, Form 7530-3B Multiple Facility Amendment, may be used for a change in owner address.)
- **Other.** The owner may call the appropriate Regional Office for guidance as to applicable parts of the form for other notifications.

Previously unregistered tanks. Tanks that have not been registered previously should be reflected as “New tanks at previously registered facility” or “New facility” depending on whether the facility has been previously registered.

Sale of Tanks versus Owner Name Change.

- Where tanks have been sold to another person or entity, the “new owner” box must be checked; the form must be signed by the new owner; and each tank purchased must be listed in Part IX.
- Where the owner is the same company or entity, but has changed its name, the “Other” box must be checked and “Owner Name Change” written in and the SCC documentation of the name change should accompany the form. For owner

name changes, Part IX need not be completed, provided the tank system descriptions remain accurate.

New Owner Failure to File 7530-3. Where tanks have been sold and the new owner has failed to file a notification, the former owner may submit Form 7530-3A along with a copy of the bill of sale, contract, lease or other documents transferring the tanks. The submitted documentation may relieve the former owner of liability, but will not relieve the new owner of the regulatory requirement to file a 7530-3 with the department.

Part II: Ownership of Tanks

- **Owner means:**
 - In the case of a UST system in use on or brought into use after November 8, 1984, any person who owns an underground storage tank used for the storage, use or dispensing of regulated substances; and,
 - In the case of any UST system in use before November 8, 1984, but no longer in use as of that date, any person who owned such UST immediately before the discontinuation of its use.
 - The term "owner" does not include any person who, without participating in the management of an underground storage tank or being otherwise engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily to protect the holder's security interest in the tank.
- Entities should use the name of the corporation, limited liability company, partnership, etc. that is registered with the State Corporation Commission.
- Section H (Name of Previous Owner) must be completed only if the notification is being filed for a change in ownership.

Part III: Location of Tanks

- The owner must enter a 911 (street) address, not a post office box. If a 911 address is not available, use the most pertinent route number information.

Part IV: Type of Owner

- The owner should check the "commercial" box if it is a for-profit entity (e.g., sole proprietorship, for-profit corporation, etc.). Individuals whose ownership of the tanks is not related to a business enterprise and non-profit organizations should check the "private" box.

Part V: Type of Facility

- The owner should check the "Commercial (non-resale)" box for business enterprises other than retail gas stations, petroleum distributors and heavy industrial (e.g., manufacturing, production, etc.) facilities.

Part VI: Financial Responsibility

- If the owner has any USTs in the state that are active (i.e., not permanently or temporarily closed), the owner is required to demonstrate the financial ability to cover a portion of the corrective action and third party bodily injury and property damage costs that result from its UST releases. This demonstration must be provided using the forms contained in the referenced regulation. For further information on the amount and forms that are required, please see the Financial Responsibility section of the DEQ website available at www.deq.virginia.gov (Select Programs, then Land Protection, then Financial Assurance), or contact the regional office serving the locality of the facility for assistance.

Part VII: Owner Certification

- By signing this notification, the certifier is representing that he or she has the authority to act on behalf of the owner. Because UST owners are liable for pollution prevention compliance, closure of tanks in accordance with regulatory requirements, and cleanup of UST releases, it is important that the certifier make certain the representations they are making on behalf of the owner regarding tank ownership, tank status, tank changes, etc. are correct.

Part VIII: Installer Certification

- Owners of new UST systems must ensure that the installer certifies on the notification form that the methods used to install the tanks and piping complies with the requirements in 9 VAC 25-580-50.

Part IX: Tank Description for New Installations, Amendments & Closures

- **Owner Tank Identification Number.** Enter the number the owner has assigned to the tank, if any. Note that each compartment of a compartmentalized tank should be registered as separate tanks. Similarly, manifolded tanks should be registered as separate tanks.
- **DEQ Tank Identification Number.** This space should be blank since it is for DEQ staff use only.
- **Tank Status.** Previously unregistered tanks, even if they are not new installations, should be reflected as “New Tank.” Changes in tanks, piping, tank contents or tank ownership should be reflected as “Amendment.” Temporary or Permanent Tank Closure should be marked as a “Closure”.
- **Date of (Tank) Installation.** Even if the owner is reporting an amendment or closure, the date of installation, if known, should be entered. If only part of the date is known (e.g., only the year, or only the month and year), the owner should enter that information.
- **Date of (Pipe) Installation.** Same as for tank.

- **Date of Amendment.** For upgrades, changes to release detection, piping replacement, spill containment or overfill prevention, enter the date the upgrade or change was installed. For changes in ownership, enter the date the tank ownership transferred.
- **Tank Capacity (Gallons).** Note that each compartment of a compartmentalized tank should be registered as separate tanks. Similarly, manifolded tanks should be registered as separate tanks.
- **Material of Construction.** Check all that apply.
- **Piping Type.** Pressure systems are the most common type.
- **Release Detection.** Check all that apply.
- **Spill Containment & Overfill Prevention.** If the tank receives >25 gallons at a time, both spill containment and overfill prevention are required for each tank. Check the Spill Containment / Bucket box to reflect tanks for which spill containment has been installed. For Overfill Prevention, check the box corresponding to the type of overfill prevention installed for each tank.
- **Substance Stored.** Check the box corresponding to the name of the fuel, petroleum type or hazardous substance stored.

Part X: Tank Closure, Removal or Change in Service

- **Tank and Piping Status.**
 - **Removal.** This is the most common type of closure.
 - **Closure in Ground.** For tanks closed in place.
 - **Filled with Inert Material.** Tanks that are closed in place must be filled with an inert material. Check the box if this requirement was met.
 - **Describe Inert Material.** For tanks closed in place, describe the type of inert material used to fill the tank.
 - **Temporarily Closed Tank Empty.** Note the 1” or less of product criteria to achieve “empty” status and thus no release detection, financial responsibility or Operator Training is required for the tank.
 - **Temporarily Closed Tank Not Empty.** Note above.
 - **Change in Service.** Check this box to reflect a change in product or a change in use (e.g., from product for resale to product to heat the premises).
- **Date Last Used.** Enter the date the tank was last used in numeric MM/DD/YYYY format.
- **Date Closed.** Enter the date the tank was closed in numeric MM/DD/YYYY format.
- **Closure Assessment Completed.** Submit a site map, soil samples, chain of custody, building permit copy, and disposal manifest with this form 7530-3.
- **Evidence of a Leak Detected.** Examples of evidence of a leak include: soil staining, petroleum odors, free product, lab analytical results above 100ppm TPH, etc.
- **Comments.** For any additional information.