

Reporting Abandoned USTs

Should abandoned underground storage tanks (USTs) be reported in CERS?

(Note: There is a duplicate FAQ in the CERS Business Portal Help) (10/31/2014)

Answer: That depends. Long-abandoned USTs that are discovered, *that were never previously regulated* and are not intended to be placed back into service are not required to be reported to CERS as long as a proposal to close or remove the UST(s) is submitted to the CUPA or PA having jurisdiction within 30 days of discovery. Similarly, accounts in CERS shall not be created for sites where a long-abandoned, never regulated UST(s) is found that have no other Unified Program regulated activities solely for the purpose of reporting such long-abandoned UST(s).

This does not apply to any operational UST nor does it apply to temporarily closed USTs or abandoned USTs that were previously regulated by the CUPA or PA. For example, if a regulated UST facility goes out of business and later a new business moves in and 'discovers' a UST, the new business is required to report the UST to CERS even if they intend to permanently close or remove the UST. **All** operational, temporarily closed, and abandoned USTs that were previously regulated shall be reported to CERS or to a local reporting portal, regardless if there are other Unified Program regulated activities at the site.

Based on the following code citations, notification and proposal to close the tank(s) shall be provided to the CUPA or PA within 30 days of the discovery of abandoned UST(s). Failure to notify the CUPA or PA of the discovery of an abandoned UST(s) and failure to provide a proposal to close or remove the UST(s) may result in enforcement action including civil penalties of up to \$5,000 per day.

For more information contact your local CUPA or PA. For help contacting the appropriate agency use the [CalEPA Unified Program directory](#).

Code references:

California Health and Safety Code (HSC) Chapter 6.7 Section 25298: No person shall abandon a UST. HSC Section 25299(a) provides for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) for each underground storage tank for each day of violation for failure to properly close a UST.

California Code of Regulations, Title 23, Section 2670(f): At least 30 days prior to closure a proposal to close shall be submitted to the CUPA or PA.