



# DISCLOSURE REGARDING UNDERGROUND STORAGE TANKS IN SAN FRANCISCO

In July 1992, the San Francisco Board of Supervisors adopted amendments to Article 21 of the San Francisco Health Code to conform local hazardous materials regulations to Federal and State requirements. The amendments deal, in part, with a subject of increasing importance to residential property owners - underground storage tanks (USTs) and the hazardous materials which can leak from them.

According to the Public Health Department there are thousands of abandoned underground storage tanks in San Francisco's residential neighborhoods. The tanks were used in earlier years for the storage of home heating oil. These tanks remain potential sources of contamination of the ground and ground waters, and can pose other dangers to the public health and environment.

Described below are provisions of the code which relate to underground storage tanks.

## GENERAL

Any person who owns an underground storage tank must either obtain a hazardous materials permit to operate the tank, as required by the local Health Code and the California Health and Safety Code, commencing with Section 25280, or cause removal of the tank and contaminated soils, if any. All closures and removals must be authorized by the Department of Public Health.

The Director of Public Health is empowered to issue directives as to what monitoring must be done to assess the degree of contamination present and to evaluate what clean-up must be undertaken in order to assure re-occupancy of the affected area.

Any person who has violated the requirements of the code is liable to the City for costs incurred in cleaning up and abating the effects of the violation or taking other remedial action.

## ABANDONED STORAGE TANKS

Any owner of real property having reason to believe that an abandoned storage tank is located on or under the real property, or under the surface of any public street, sidewalk, alley, court or other place subject to an easement of public access that is immediately adjacent to the real property, must make a reasonable effort to locate and identify the tank. Whenever an abandoned tank is located, the owner must file a plan for the closing or permitting of the tank within 30 days of its discovery. Any closure plan must conform to the standards specified in the code, and regulations promulgated by the Director of Public Health to ensure that the threat to public health or the environment from residual hazardous materials stored in the tank is eliminated and that the removal, disposal and neutralization of the hazardous materials has been accomplished in an appropriate manner.

## STATE STANDARDS FOR TANK CLOSURES

Section 25298 of the California Health and Safety Code provides in part, as follows:

No person shall close an underground tank system unless the person undertakes all of the following actions:

- (a) Demonstrates to the local agency that all residual amounts of the hazardous substances which were stored in the tank system prior to its closure have been removed, properly disposed of, and neutralized.
- (b) Adequately seals the tank system to minimize any threat to the public safety and the possibility of water intrusion into, or runoff from, the tank system.
- (c) Provides for, and carries out, the maintenance of the tank system as the local agency determines is necessary.
- (d) Demonstrates to the appropriate agency, which has jurisdiction over the site, that the site has been investigated to determine if there are any present, or were past, releases of hazardous substances, and if so, that appropriate corrective or remedial actions have been taken.

## ADVISORY

If Seller does not provide Buyer with a written report by a licensed contractor specializing in USTs stating that no such tanks can be located, then Buyer is advised to conduct Buyer's own professional inspection.

	1/26/05		
Seller	Date	Buyer	Date
Xue Ding Lu	1/26/05		
Seller	Date	Buyer	Date

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