



COMMONWEALTH OF PENNSYLVANIA  
ENVIRONMENTAL HEARING BOARD  
2<sup>nd</sup> Floor, Rachel Carson State Office Building  
400 Market Street  
P.O. Box 8457  
Harrisburg, PA 17105-8457

7-Eleven, Inc. on behalf of its :  
wholly-owned subsidiary, Speedway LLC : EHB Docket No.: \_\_\_\_\_  
:  
Appellant, :  
:  
v. :  
:  
Commonwealth of Pennsylvania :  
Department of Environmental Protection :  
:  
Appellee. :

**NOTICE OF APPEAL**

**1. Name, address, telephone number, and email address (if available) of Appellant:**

7-Eleven, Inc. on behalf of its wholly-owned subsidiary, Speedway LLC (“Appellant”)  
3200 Hackberry Road  
Irving, Texas 75063

Appellant may be contacted through counsel by phone at (202) 640-6664 or by email at [msalaheldin@clarkhill.com](mailto:msalaheldin@clarkhill.com).

**2. Describe the subject of your appeal:**

**(a) What action of the Department do you seek to have the Board review (for example, a permit, license or order issued or denied by the Department, an assessment of a civil penalty or some other determination made by the Department)?**

Department of Environmental Protect (“DEP”) email dated April 22, 2026, rejecting Appellant’s sampling plan for a proposed closure in place of a petroleum underground storage tank (“UST”). Copy attached as Exhibit A.



**(b) Which Department official took the action (usually the person identified on any written notice that you received)?**

Thomas Coar  
Environmental Group Manager  
Department of Environmental Protection  
Bureau of Environmental Cleanup & Brownfields  
Northeast Regional Office  
2 Public Squar, Wilkes-Barre, PA 18701-1915  
Phone: 570.826.5487 | Fax: 570.820.4907  
Email: [teoar@pa.gov](mailto:teoar@pa.gov)

**(c) What is the location of the operation or activity which is the subject of the Department's action (the municipality and/or county where the activity takes place or will take place)?**

The operation is a Speedway LLC retail fuel service station and convenience store located at 1043 Lehigh St, Allentown, PA 18103 in Lehigh County (the "Store").

**(d) How, and on what date, did you receive notice of the Department's action? Please specify whether through public notice, a letter or email from the Department, or some other source.**

Email dated April 22, 2026.

**(e) Did you receive written notification of the Department's action (for example, letter, order or permit that you are appealing)? If yes, you must attach a copy of the notification to this Notice of Appeal. If you are appealing a permit, you may attach the first page rather than the entire document. In lieu of attaching the document, you may provide a link to notice of the action in the *Pennsylvania Bulletin*. See filing instructions for further instruction.**

Yes, copy attached as Exhibit A.

**3. Specify any related appeal(s) now pending before the Board. If you are aware of any such appeal(s) provide that information.**

N/A.

**4. Describe your objections to the Department's action in separate, numbered paragraphs. Rather than use the space on this form, you may type your objections on separate paper if you require more space. NOTE: The objections may be factual or legal and must be specific. It is important that you include ALL your objections in this section. Although you may be able to amend your appeal to add new objections, you may require permission of the Board to do so, and you may not be able to raise omitted objections**

**later in the appeal process.**

Appellant, by and through undersigned counsel and pursuant to 25 Pa. Code § 1021.51, hereby raises the following objections to DEP's action and avers the following:

1. On April 22, 2026, Appellant's environmental consultant, AECOM, submitted via email to Mr. Thomas Coar of DEP a proposed sampling plan for the closure in place of a 15,000-gallon UST that previously contained petroleum products. Copy attached as Exhibit B. The UST to be closed is located within the same tank vault as active tanks containing petroleum products.
2. As stated to DEP, closure in place is being pursued for this UST due to the tank's proximity to the active tank field and active components.
3. 25 Pa. Code § 245.453(a) provides that "Before permanent closure or a change-in-service is completed, owners and operators shall measure for the presence of a release where contamination is most likely to be present at the underground storage tank site. Owners and operators shall sample for releases. Sampling may be accomplished in a manner consistent with the Department technical document entitled "Closure Requirements for Underground Storage Tank Systems" or in a manner at least as protective of public health and safety and the environment and which meets all statutory and regulatory requirements." (emphasis added).
4. In accordance with relevant regulations, AECOM's and Appellant's internal health and safety protocols, and industry standards, the submitted sampling plan requested DEP approval for the following:
  - a. Soil samples to be advanced through the perimeter of the UST, rather than sampling beneath the tank, which is not feasible.
  - b. To the north of the UST, adjacent to an active 12,000-gallon UST, an additional perimeter boring was proposed on that side. Proposed perimeter borings are depicted in yellow in the figure contained in Exhibit A.
  - c. Due to the proximity of active UST systems and components, borings to collect soil samples would be advanced within seven (7) feet of the UST,

rather than the five feet typically recommended by DEP's technical document entitled "Closure Requirements for Underground Storage Tank Systems" (October 5, 2024 version) (the "DEP Guidance"). Copy attached as Exhibit C.

5. The submitted sampling plan described the technical, health and safety, and environmental reasons for the proposed sampling plan, which would allow sampling to be accomplished "in a manner at least as protective of public health and safety and the environment [as the DEP Guidance] and which meets all statutory and regulatory requirements", as permitted by 25 Pa. Code § 245.453(a).
6. Nonetheless, DEP responded almost immediately, rejecting the proposed sampling plan, referring to the DEP Guidance for the sampling protocol for closure in place, and requiring sampling locations "to be no more than 5' from the tank/piping systems." DEP further added that "if AECOM's policy is that no borings can be conducted within 7' of the underground systems, then 7-Eleven will need to find another contractor which can" and that a revised sampling plan should be submitted for review. See Exhibit A.
7. These specific actions required on the part of Appellant make DEP's April 22, 2026 email a final Department action adversely affecting Appellant's property rights, privileges, *immunities, duties, liabilities, and obligations*. 25 Pa. Code § 1021.2(a); see *Jake v. DEP*, 2014 EHB 38. Accordingly, the Board has subject matter jurisdiction over this action.
8. DEP's action is unreasonable, arbitrary and capricious, an abuse of discretion, erroneous, and otherwise contrary to law and DEP's policies for the following reasons:
  - a. The DEP Guidance is not dispositive. In fact, it clearly states that it "is not intended to address every closure situation" and that "[d]ifferent or supplemental actions may be required in any individual case to achieve compliance with the applicable laws and regulations." Variations for site-specific conditions are to be discussed with the appropriate DEP regional office. See Exhibit B at Page 2.

- b. Appellant's proposed sampling plan factored in site-specific conditions and presented an alternative approach that would protect the environment and human health, as well as result in compliance with applicable laws and regulations.
- c. While the DEP Guidance requires soil samples to be collected within 5 feet of the tank or piping being abandoned in place, it also indicates that the soils surrounding the tank or piping should not be pea gravel. However, tanks to be abandoned or closed in place, like the UST in question, are usually located in the same tank field (or "tank vault") as other tanks that will remain active and in use. Often, the pea gravel surrounding individual tanks extends out to five feet from the tank. Therefore, within the same tank field, taking samples within five feet of the tank to be closed in place would mean the soil would likely be pea gravel, in conflict with the DEP Guidance. Accordingly, borings were instead proposed for seven feet from the tank, on the outside of the tank field.
- d. The DEP Guidance also indicates that if the soils under the UST are restricted (where they would be in the case of the proposed UST closure in place at the Store due to the UST's proximity directly adjacent to an active UST and UST system components), borings should be advanced "as close to the tank as possible, preferably within native soil or within the backfill, if the backfill consists of soil or soil like material at distances not greater than five feet from the perimeter of the tank." Many times, the "ends" and perceived UST extents in the subsurface are not fully defined by the tank pad and application of a 7-foot set back distance would cover this scenario as a safety measure.
- e. The DEP Guidance indicates that a soil boring should be drilled through the tank to be abandoned, after being cleaned and vapors removed, in order to collect a native soil sample directly below the tank. For the UST in question, this is not advised because the weight of the drill rig over an empty UST would likely be too unstable to safely obtain these soil samples. In addition,



drilling through a steel tank in close proximity to an active UST system presents further risk due to the potential spark generation in the potential presence of vapors from the active system.

- f. Industry standards and best practices also support Appellant's proposed seven-foot setback distance. For example, section 11.2 of the American Petroleum Institute ("API") Recommended Practice 1646 (Safe Work Practices for Contractors Working at Petroleum Dispensing and Storage Facilities) provides guidance on ground disturbance and recommends a 10-foot setback from the edge of all pump islands, USTs, remote fills, and remote vents.
- g. AECOM's internal Health and Safety protocol, in line with industry standards, provides for the maintenance of seven-foot setback distance for completion of perimeter soil boring. This distance is based on historical data and past incident trends for all AECOM projects, not just for the Appellant's program, which together highlight the importance of minimizing risk in these situations.
- h. In summation, not only is Appellant's proposed sampling plan in compliance with applicable laws and regulations, it is actually *more protective* of the environment and human health than the sampling DEP is requiring.

9. WHEREFORE, Appellant respectfully requests that this Honorable Board:

- a. Find DEP's rejection of Appellant's proposed sampling plan and insistence on the collection of samples within five feet of the UST is unreasonable, arbitrary and capricious, an abuse of discretion, erroneous, and otherwise contrary to law and the DEP's policies;
- b. Vacate the April 22, 2026 email rejection of Appellant's proposed sampling plan;
- c. Order DEP to approve Appellant's proposed sampling plan; and



d. Grant such other and further relief as the Board deems just and appropriate.

10. Appellant reserves the right to supplement, amend, or modify this Notice of Appeal and to raise additional issues, objections, arguments, and defenses as discovery and further investigation may warrant.

The undersigned certifies that the information contained herein is true and correct to the best of my information and belief and that a copy of this Notice of Appeal was served on each person identified in the Certificate of Service.

Dated: May 22, 2026

Respectfully submitted,

CLARK HILL PLC

---

Maram T. Salaheldin  
Pa. I.D. No.337501  
1001 Pennsylvania Ave. NW  
Suite 1300 S  
Washington, DC 20004

*Attorneys for Appellant,  
7-Eleven, Inc. on behalf of its wholly-owned  
subsidiary, Speedway LLC*





**NOTICE OF APPEAL FORM  
SIGNATURE PAGE**

By filing this Notice of Appeal with the Environmental Hearing Board, I hereby certify that the information submitted is true and correct to the best of my information and belief. Additionally, I certify that a copy of this Notice of Appeal was served upon each of the individuals indicated on Page 3 of this form on the following date: May 22, 2026.

---

**Signature of Appellant or Appellant's Counsel**

**Date:** May 22, 2026

If you have authorized counsel to represent you, please supply the following information  
(Corporations must be represented by counsel):

Maram T. Salaheldin

---

**Attorney Name (Type or Print)**

CLARK HILL PLC  
1001 PENNSYLVANIA AVE NW STE 1300 S  
WASHINGTON, DC 20004

---

**Address**

**Telephone No.:** (202) 640-6664

**Email:** [msalaheldin@clarkhill.com](mailto:msalaheldin@clarkhill.com)



**EXHIBIT A**



**From:** Coar, Thomas <tcoar@pa.gov>  
**Sent:** Wednesday, April 22, 2026 1:59 PM  
**To:** Hanrahan, Courtney  
**Cc:** Jackson, Judith (Boise); Thomas, Susan; john.powell3@7-11.com  
**Subject:** RE: 7-Eleven 45778-6747 1043 Lehigh Str., Allentown PA: Proposed Closure in Place (CIP) sampling (39-09180)  
**Attachments:** CLOSURE\_REQUIREMENTS\_FOR\_UNDERGROUND\_STORAGE\_TANK\_SYSTEMS\_2024.pdf

Hello Courtney,

The DEP UST Closure guidance details the sampling protocol for closure in place (see pages 26-30). The proposed sampling locations do not meet the guidance, so we cannot accept this proposal. If there is underground piping that is being abandoned in place, then you may have to collect confirmatory soil samples for piping as well; please see page 17 of the guidance. In addition, the sampling locations are to be no more than 5' from the tank/piping systems. As such, if AECOM's policy is that no borings can be conducted within 7' of the underground systems, then 7-Eleven will need to find another contractor which can.

Since the UST will need to be cleaned before filling it with grout, you may want to consider accessing the UST through the tank top, cleaning the tank, then coring directly through the tank bottom. If there's anticipated water within the tank excavation zone, then this not an ideal option; it also lends to the possibility of collecting grab water samples with each soil boring where water is encountered.

Sorry that I don't have better news for you.

Please review the attached guidance, and possibly regroup either: internally, with the UMR, or with 7-Eleven.

Once you have a revised sampling plan, please follow-up with Susan Thomas who is the NERO Tanks Operations supervisor.

Susan will then review and assist.

Thank you.

**Thomas Coar | Environmental Group Manager**

Department of Environmental Protection | Bureau of Environmental Cleanup & Brownfields  
Northeast Regional Office  
2 Public Square | Wilkes-Barre, PA 18701-1915  
Phone: 570.826.5487 | Fax: 570.820.4907  
[www.dep.pa.gov](http://www.dep.pa.gov)

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**From:** Hanrahan, Courtney <Courtney.Hanrahan@aecom.com>

**Sent:** Wednesday, April 22, 2026 1:11 PM

**To:** Coar, Thomas <tcoar@pa.gov>

**Cc:** Jackson, Judith (Boise) <Judy.Jackson@aecom.com>

**Subject:** [External] 7-Eleven 45778-6747 1043 Lehigh Str., Allentown PA: Proposed Closure in Place (CIP) sampling



**ATTENTION:** This email message is from an external sender. Do not open attachments or click links from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Hi Tom, 7-Eleven has been in contact with the PADEP regarding the failed tightness test on the 15K UST that was reported as a suspected release on 4/3/26 at this location. 7-Eleven has determined the best course of action is to abandon the 15K UST in place until 7-Eleven can evaluate a future schedule for a replacement. Due to the 15K UST's proximity to the active UST field and active components and that the tank will not be removed, sampling beneath the tank is not feasible. Therefore, the closure in place compliance soil samples will be advanced around the perimeter of the 15K UST as part of the CIP. In the absence of advancing a perimeter boring on the side of the 15K CIP tank adjacent to the active 12K UST, an additional perimeter boring is proposed along the northern side of the proposed 15K CIP tank. In addition, per AECOM's internal Health and Safety protocol, no intrusive work can be advanced any closer than within 7 ft of an active UST system and its components. Please refer to the below figure which shows the locations for the proposed perimeter borings (depicted in yellow).

Please let us know if you have any questions and if approved. 7-Eleven is eager to get this approval, as their UST contractors are still onsite for the other system upgrades and would like to proceed with the CIP of the 15K UST. 7-Eleven will be submitting the 30-day notification to the PADEP for the CIP and to request approval to waive the 30 days since the contractors are still present on-site.

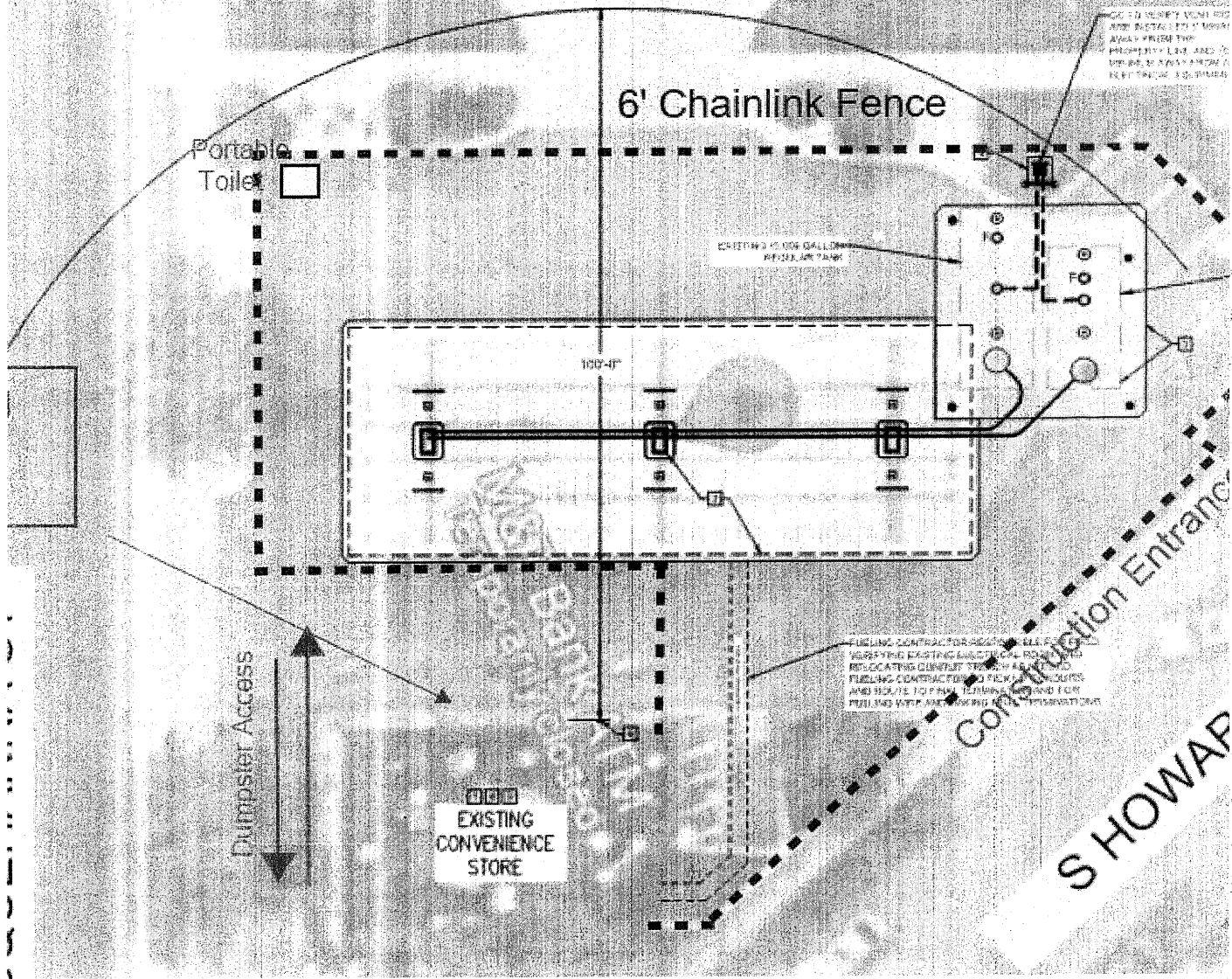
Thanks,

Courtney

# LEHIGH ST



approximate  
soil boring loc



Courtney Hanrahan  
AECOM  
Project Manager, Remediation Practices  
M 215 962 0128  
courtney.hanrahan@aecom.com



**EXHIBIT B**



---

**From:** Hanrahan, Courtney <Courtney.Hanrahan@aecom.com>  
**Sent:** Wednesday, April 22, 2026 1:11 PM  
**To:** Coar, Thomas  
**Cc:** Jackson, Judith (Boise)  
**Subject:** 7-Eleven 45778-6747 1043 Lehigh Str., Allentown PA: Proposed Closure in Place (CIP) sampling

Hi Tom, 7-Eleven has been in contact with the PADEP regarding the failed tightness test on the 15K UST that was reported as a suspected release on 4/3/26 at this location. 7-Eleven has determined the best course of action is to abandon the 15K UST in place until 7-Eleven can evaluate a future schedule for a replacement. Due to the 15K UST's proximity to the active UST field and active components and that the tank will not be removed, sampling beneath the tank is not feasible. Therefore, the closure in place compliance soil samples will be advanced around the perimeter of the 15K UST as part of the CIP. In the absence of advancing a perimeter boring on the side of the 15K CIP tank adjacent to the active 12K UST, an additional perimeter boring is proposed along the northern side of the proposed 15K CIP tank. In addition, per AECOM's internal Health and Safety protocol, no intrusive work can be advanced any closer than within 7 ft of an active UST system and its components. Please refer to the below figure which shows the locations for the proposed perimeter borings (depicted in yellow).

Please let us know if you have any questions and if approved. 7-Eleven is eager to get this approval, as their UST contractors are still onsite for the other system upgrades and would like to proceed with the CIP of the 15K UST. 7-Eleven will be submitting the 30-day notification to the PADEP for the CIP and to request approval to waive the 30 days since the contractors are still present on-site.

Thanks,

Courtney





**EXHIBIT C**



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Bureau of Environmental Cleanup and Brownfields**

**DOCUMENT NUMBER:** 263-4500-601

**TITLE:** Closure Requirements for Underground Storage Tank Systems

**EFFECTIVE DATE:** Upon publication of notice as final in the *Pennsylvania Bulletin*

**AUTHORITY:** The Storage Tank and Spill Prevention Act, P.L. 169, No. 32 of 1989, as amended. (Tank Act), and 25 Pa. Code Chapter 245 (Storage Tank Regulations).

**POLICY:** It is the policy of the Department of Environmental Protection (DEP) to carry out the provisions of the Storage Tank and Spill Prevention Act of 1989 and related regulations.

**PURPOSE:** The purpose of this Technical Guidance Document (TGD) is to establish methodology that can be used in order to meet the minimum standards which are required under the closure requirements for regulated underground storage tank systems. This TGD includes procedures for closure notification, tank system closure, tank handling, waste management and disposal, site assessment, sampling requirements, sample analysis, analytical requirements, release reporting and recordkeeping.

**APPLICABILITY:** The attached guidance applies to the closure of all regulated underground storage tanks.

**DISCLAIMER:** The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. DEP does not intend to give this guidance that weight or deference. This document establishes the framework, within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

**PAGE LENGTH:** 41 pages

**DEFINITIONS:** Definitions for pertinent terms used in the guidance may be found in the Storage Tank and Spill Prevention Act and/or 25 Pa. Code § 245.1.

**Commonwealth of Pennsylvania**

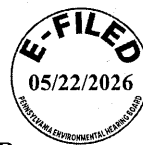


**Pennsylvania**  
**Department of**  
**Environmental Protection**

**Closure Requirements for Underground Storage Tank Systems**

Bureau of Environmental Cleanup and Brownfields  
Pennsylvania Department of Environmental Protection

[www.dep.pa.gov](http://www.dep.pa.gov)



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## I. Introduction

On August 5, 1989, the Storage Tank and Spill Prevention Act (Act 32) became effective in Pennsylvania. This act provides authority for DEP to develop regulations establishing the: 1) requirements for closure of underground storage tank (UST) systems by owners and operators to prevent future releases of regulated substances into the environment; 2) standards and procedures for removal of UST systems and intended and completed closure of UST systems; 3) methods and procedures for the removal of USTs from service by the owner and operator; 4) requirements for reporting by the owner or operator of intended and completed closure of any UST facilities and 5) minimization of the amount of soil and subsurface material affected by a release of a regulated substance by segregating the unaffected soil and subsurface material during removal of a UST system from the material affected by a release of a regulated substance.

The principal objectives of the UST closure requirements in Subchapter E are to identify and contain existing contamination and to prevent future releases from UST systems no longer in service. Copies of the storage tank regulations (25 Pa. Code Chapter 245) may be obtained at <https://www.pacodeandbulletin.gov/>. This guidance sets forth the procedures for complying with the closure requirements for regulated USTs.

DEP also has authority under the Solid Waste Management Act of July 7, 1980, to regulate the storage, collection, transportation, processing, treatment, and disposal of waste in Pennsylvania. There are separate regulations for the management of municipal, residual, and hazardous waste. DEP has authorization from the U.S. Environmental Protection Agency (EPA) to manage hazardous waste under the federal Resource Conservation and Recovery Act (RCRA) in Pennsylvania. On May 1, 1999, DEP incorporated most of the federal hazardous waste regulations (40 CFR Parts 260273) by reference. References to 25 Pa. Code Chapters 260a270a in this document refer to portions of the Pennsylvania hazardous waste regulations that differ from the federal regulations under 40 CFR Parts 260273.

The Pennsylvania hazardous waste regulations may be found in 25 Pa. Code Chapters 260a, 270a, and 298 at <https://www.pacodeandbulletin.gov/>.

The Pennsylvania Department of Labor and Industry (L&I) also has the responsibility for enforcing its permitting regulations for storage tanks containing flammable and combustible liquids. The primary intent of these regulations is to prevent fire and explosion hazards. Permits must be obtained to install, replace, or relocate a tank, pump, or drawing-off device. These regulations are contained in 34 Pa. Code Chapters 14 and 14a, and in 37 Pa. Code Chapter 14. Copies of L&I's regulations may be obtained by visiting the L&I web page at <http://www.dli.pa.gov>. The regulations apply throughout Pennsylvania with the exception of Philadelphia and Allegheny Counties, which administer their own programs. In Philadelphia, contact the City of Philadelphia, Licenses and Inspections, 1401 John F. Kennedy Boulevard, 11<sup>th</sup> Floor, Philadelphia, PA 19102, email [license.issuance@phila.gov](mailto:license.issuance@phila.gov), telephone 215-686-8686. In Allegheny County, contact the Office of the Fire Marshal, Allegheny County, 150 Hookstown Grade Road, Coraopolis, PA 15108, telephone 412-473-3375. For UST systems in the City of Pittsburgh, contact the Bureau of Fire Headquarters, 200 Ross Street, 5<sup>th</sup> Floor, Pittsburgh, PA 15219, telephone 412-255-2860.



The purpose of this document is to indicate what DEP considers to be good practice for any person who is involved in the closure of regulated USTs. DEP believes that adhering to this guidance will result in compliance with applicable federal and state laws and regulations.

This guidance is not intended to address every closure situation. While this document is intended to acquaint regulated persons with good practices, it may not address all actions that DEP may determine are necessary at an individual site. Different or supplemental actions may be required in any individual case to achieve compliance with the applicable laws and regulations. Discuss variations for site-specific conditions with the appropriate DEP regional office. The contact telephone numbers for each region can be found in DEP Booklet 2630-BK-DEP4699, *Site Assessment Sampling Requirements at Regulated Storage Tank System Closures*.

This guidance focuses on the proper procedures for UST system closures, along with the observations and measurements necessary to determine if a storage tank site may be closed or is subject to corrective action. This guidance does not address the corrective action requirements in any detail.

## **II. Applicability**

This guidance applies to all regulated UST systems (including piping and/or ancillary equipment) when:

1. A regulated UST system is being permanently closed by removal, closure-in-place or completing a change-in-service.
2. A regulated UST system is being temporarily removed from service (Section V only).
3. A regulated UST system was permanently closed before December 22, 1988, and DEP has reason to believe that the UST system poses a current or potential threat to human health and the environment.
4. A regulated UST system is being partially closed – closure of portions of a regulated UST system, such as piping and/or dispensers, not including closure of other portions of the UST system, such as the tank.

## **III. Methods of Closure**

### **A. Temporary Removal from Service**

Placing a UST system out-of-service for a limited time. This method may be used when a UST system is emptied and is intended to return to operational service with a regulated substance after a limited time, not to exceed three years unless DEP grants an extension.

### **B. Permanent Closure**

1. Removal – Placing a UST system or portion thereof permanently out-of-service by removing it from the ground.

2. Closure-in-Place – Placing a UST system permanently out-of-service by filling the tank with an inert, solid, non-shrinking material. Foam is not an acceptable material unless approved by L&I. Note that local regulations or zoning ordinances may prohibit closures-in-place or the use of certain types of materials for closures-in-place.
3. Change-in-Service – Placing a UST system out-of-service by changing the substance stored in the tank from a regulated substance to an unregulated substance or using the tank in a manner that results in the tank no longer being regulated.

#### IV. Elements of Closure

Closure may involve three specific types of activities:

##### A. Tank Handling Activities

Tank handling activities during closure may involve such tasks as hazard recognition and abatement; removal and handling of vapors, product, wastewaters, and accumulated sludges from the UST system; overseeing cleaning of the UST system; leaving the UST system in the ground and filling the UST with an inert, solid, non-shrinking material; removing the UST system from the ground; excavating soil from around the UST system; and initial, onsite staging of excavated soil and debris.

Tank handling activities must be conducted or directly supervised by a DEP-certified installer (which includes remover) who must be onsite during the tank handling activities. The certified installer must have UMR certification to conduct the activities. A searchable list of DEP-certified tank handling companies that employ UMR certified individuals is available on DEP's website, <https://www.dep.pa.gov/>.

##### B. Waste Management and Disposal Activities

Various wastes are generated during closure. It is the responsibility of the tank owner to ensure that these wastes are managed and disposed of in accordance with all applicable regulations and policy (see Section VI.B.).

##### C. Site Assessment Activities

The purpose of a site assessment is to determine if contamination is present at a storage tank facility as a result of any releases which may have occurred during the operation of a storage tank system.

DEP does not certify, nor recommend, specific individuals or companies to perform site assessments. It is highly recommended that the owner or operator acquire the services of qualified and experienced professionals in the environmental field to conduct the site assessment. Any person conducting the site assessment should be familiar with proper soil and water sampling and handling procedures. Because many site assessments result in the need for corrective action, it may be advantageous to hire professionals who are capable of proceeding with any necessary corrective action.

## V. Temporary Removal from service

- A. When a UST system is temporarily removed from service (out-of-service), owners and operators must:
- Continue operation and maintenance of any release detection until the UST system is empty. A UST system is required to be emptied prior to being placed temporarily out-of-service. A UST system is empty when the lines are drained, and all materials have been removed using commonly employed practices so that no more than one inch (2.5 centimeters) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the UST system;
  - Continue operation and maintenance of corrosion protection;
  - Continue having Facility Operations Inspections of the UST system according to the scheduled due dates;
  - Within 30 days of placing a UST system temporarily out-of-service, amend the UST system's status using one of the following methods:
    - Notify the Division of Storage Tanks that the UST system has changed status from currently-in-use to temporarily out-of-service using the online submittal option available at <https://www.dep.pa.gov/>, Storage Tanks e-permitting.
- OR
- Submit an amended *Storage Tanks Registration/Permitting Application Form* (2630-PM-BECB0514) or *Storage Tank Registration Amendment Form* (2630-FM-BECB0607), along with documentation that the UST system is empty, to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, P.O. Box 8762, Harrisburg, PA 17105-8762, indicating that the UST system has changed status from currently-in-use to temporarily out-of-service.
- Documentation verifying that the UST is empty must be provided with either of the UST system status amendment options described above.
  - Where there is a suspected release of regulated substances, initiate and complete an investigation as soon as practicable, but no later than seven calendar days, after the indication of a suspected release, in accordance with 25 Pa. Code § 245.304 (*relating to investigation of suspected releases*); and
  - Notify the appropriate DEP regional office as soon as practicable, but no later than 24 hours, after the confirmation of a release, in accordance with 25 Pa. Code § 245.305 (*relating to reporting releases*), and immediately initiate corrective action. The appropriate release reporting telephone number(s) for each region can be found in DEP Booklet 2630-BK-DEP4699.





- B. When a UST system is temporarily removed from service for three months or more, owners and operators must also:
- Leave vent lines open and functioning; and
  - Cap and secure all other lines, pumps, manways, and ancillary equipment.
- C. When a UST system is temporarily removed from service for more than 12 months, owners and operators must:
- Permanently close the UST system if it does not meet either the performance standards for new USTs or the upgrade requirements for existing USTs, unless DEP approves an extension of the 12-month temporary out-of-service period.
  - Complete a site assessment in accordance with Section VI.C. of this document before requesting such an extension.
- D. UST systems that meet the performance standards for new USTs or the upgrade requirements for existing USTs must be permanently closed within three years of being placed temporarily out-of-service unless DEP grants an extension.

## VI. Permanent Closure

### A. Planning for Permanent Closure

A *Planning for Permanent Closure Checklist* (2630-FM-BECB0126) can be found on DEP's website. This checklist is intended to assist the owner and operator in the closure planning process.

When the owner and operator intend to permanently close a UST system, the following pre-closure planning steps should be taken:

1. If the UST system is required to be registered and it is not, facility owners should register the UST system to be closed as temporarily out-of-service. The UST must be emptied, and documentation verifying that the UST is empty must be provided to DEP. Submit either:
    - An online registration submittal available at <https://www.dep.pa.gov/>, Storage Tanks e-permitting. An invoice for registration fees will be payable immediately following DEP review and processing.
- OR
- A *Storage Tanks Registration/Permitting Application Form* (2630-PM-BECB0514). The purpose of submittal will be "Register Tank(s) to be Removed" or "Register Tank(s) to be Closed in Place." An invoice for registration fees will then be generated by DEP and mailed.

2. Contact the Underground Storage Tank Indemnification Fund (USTIF) to ensure that the Facility has current coverage under USTIF by calling 717-783-8093 or 1-800-595-9887 (in Pennsylvania).
3. Hire a DEP-certified installer who has UMR certification to conduct tank handling activities.
4. Ensure that the certified installer and any subcontractors have:
  - a. A Site-specific Health and Safety Plan which includes:
    - (1) Familiarity with and adherence to all applicable Occupational Health and Safety Administration (OSHA) and National Institute for Occupational Safety and Health (NIOSH) regulations and recommendations.

A complete discussion of OSHA and NIOSH requirements that may be applicable to closure activities is beyond the scope of this guidance; however, the following closure procedures may be relevant:

- OSHA 2226 – “Excavations”
  - OSHA, 29 CFR Part 1926 – “Safety and Health Regulations for Construction,” Subpart P – “Excavations”
  - OSHA, 29 CFR Part 1910, “Occupational Safety and Health Standards”
  - NIOSH, 80-106, “Criteria for a Recommended Standard: Working in Confined Spaces” may be used as guidance for conducting safe closure procedures at some hazardous substance tanks.
- (2) Locating underground utilities prior to excavation or drilling. Prior to beginning any excavation or drilling activities, the person conducting the closure should be familiar with the location of buried utilities as well as other tanks and piping that may be present at the facility. The Underground Utility Line Protection Law (Act 172 of 1986) requires that anyone planning excavations or borings call Pennsylvania ONE-CALL at 1-800-242-1776 (outside of Pennsylvania) or 8-1-1 at least three, but not more than 10 business days, prior to conducting excavation or drilling activities. Once notified, if there are public utilities in the area of the planned excavation or drilling activity, the utilities will mark their lines.
  - (3) Procedures or provisions to avoid contact with overhead utility lines by heavy equipment.



- (4) Restricting site access from vehicular or pedestrian traffic by utilizing fencing, similar barriers, security patrols, or warning signs.
  - (5) Monitoring for and mitigating flammable vapors.
  - (6) Elimination of ignition sources by not smoking and utilizing hand tools (shovels, wrenches, hammers) made of spark-proof materials such as beryllium, explosion-proof power tools, and intrinsically safe flashlights.
  - (7) The availability of a fire extinguisher at the job site capable of extinguishing all types of fires.
  - (8) The provision for the wearing of appropriate personal protective equipment and clothing that does not readily conduct static electricity.
  - (9) Procedures for addressing emergency situations such as fire or explosion, injury, exposure to hazardous substances, and environmental incidents. Include a map showing directions to the nearest hospital as well as emergency telephone numbers.
- b. Made provisions for Tank Cleaning and Waste Handling that include:
- (1) A plan for containing small spills from disconnecting piping.
  - (2) A method for purging the tank or making the tank inert. Then maintaining vapors at safe levels.
  - (3) A method for cleaning the tank if performed on-site.
  - (4) A plan for the handling of tank liquids and sludges.
  - (5) A process to excavate, identify and properly stockpile uncontaminated and contaminated soil and debris.
  - (6) A plan for tank system removal.
5. Make sure that any person conducting the Waste Management and Disposal activities has:
- a. If the tank is to be cleaned off-site, a plan for transporting the tank to a permitted processing, treatment, storage, or disposal facility, and complying with PennDOT regulations.
  - b. A plan for the management and disposal of tank liquids and sludges.

- c. A plan for transportation of the cleaned tank after removal and the disposition of the tank.
  - d. A plan to remediate and/or dispose of contaminated soil and debris.
6. Determine who is going to conduct the site assessment.
  7. Make sure that any person conducting the site assessment has a Site Assessment Plan which includes:
    - a. Visual assessment procedures.
    - b. Field test and field instrument procedures.
    - c. Sample collection procedures and sample preservation methods, including chain-of-custody procedures and documentation.
    - d. Decontamination procedures to be used on sampling and drilling equipment.
  8. At least 30 days prior to initiating permanent closure of a regulated UST system, notify DEP of the intent to permanently close the UST system by completing and submitting the *Underground Storage Tank System Installation/Closure Notification Form* (2630-FM-BECB0127). A copy of this form must also be sent to L&I, Flammable and Combustible Liquids Section, or to the appropriate agency in Philadelphia or Allegheny County if the tank is governed by their flammable and combustible liquid regulations.
  9. Identify and comply with any local ordinances governing UST system closures.
  10. Submit an online registration application through Storage Tanks e-permitting, or a completed *Storage Tanks Registration/Permitting Application Form*, signed by the DEP-certified installer who permanently closed the UST system, to DEP within 30 days after completion of permanent closure of the UST system.
- B. Tank Handling/Waste Management and Disposal Activities

Where practicable, DEP recommends that UST systems be removed from the ground rather than closed-in-place. DEP recognizes, however, that closure-in-place may be necessary where a UST system is under a permanent structure and removal would damage that structure. Certified installers and tank owners and operators should refer to the following tank handling procedures when permanently closing a UST system:

- American Petroleum Institute Recommended Practice 1604, *Closure of Used Underground Petroleum Storage Tanks*
- American Petroleum Institute Standard 2015, *Requirements for Safe Entry and Cleaning of Petroleum Storage Tanks*

These publications are available from the American Petroleum Institute (API), 200 Massachusetts Avenue, Northwest, Washington, DC 20001, by telephone at 202-682-8000, or on the web at <https://www.api.org/>.

In addition to the API publications, certified installers and tank owners and operators should be aware of the following:

1. Soil Excavation

If a UST system is being permanently closed by removal from the ground, the certified installer should initially excavate only that amount of soil and backfill material necessary to remove the tank and piping. Once the tank system is removed from the ground, removal of any soil beyond three feet from the tank and piping in any direction will be considered remedial activity and will not require the use of a certified installer.

Excavated soils must be segregated (i.e. obviously contaminated, presumably uncontaminated). This may be accomplished by visual and/or olfactory observation and by field screening the soils and other earthen materials, as they are excavated, through the use of field instruments such as photoionization detectors, flame ionization detectors, portable gas chromatographs and other appropriate field measurement procedures. Segregation of soils and other earthen materials during excavation will facilitate laboratory testing, treatment, and disposal. **Note: Where soil has been segregated into obviously contaminated and presumably uncontaminated piles, the soil which is presumably uncontaminated must be sampled prior to reuse on-site to confirm that it is uncontaminated. See Section VI.C.1.b.(6), "Soil Pile Sampling."** It is also recommended that excavated soils be segregated from concrete, asphalt material and other debris. See Section VI.B.3., "On-Site Storage of Contaminated Soil." Obviously contaminated piles may not be blended or mixed with presumably uncontaminated piles with the purpose of meeting the applicable numeric limits for reuse on-site.

2. Classification of Wastes

The wastes associated with the permanent closure of UST systems will likely include residual and hazardous wastes. Wastes may include the tank itself, along with any associated piping, unusable product, sludges and sediments, condensation water, wastewater associated with cleaning the tank, and contaminated soil or earthen materials removed or excavated.

A classification of these wastes as residual or hazardous should be made based on the following:

a. Tank, Piping and Contents

*Emptied and Cleaned* A storage tank is considered "empty" when no more than one inch (2.5 centimeters) or 0.3 percent by weight of its total capacity (whichever is less) of residue remains in the tank. A tank and



associated piping are considered “cleaned” when all remaining residue has been removed using applicable industry standards to clean that portion of the storage tank system. A tank and associated piping that has been emptied and cleaned and is recycled as scrap metal is specifically excluded from being a hazardous waste under RCRA, 40 CFR § 261.4(a)(13) (*relating to excluded scrap metal*) or 40 CFR § 261.6(a)(3)(ii) (*relating to requirements for recyclable materials*). If used directly in the manufacturing of steel or another product, it would not be considered a waste in Pennsylvania; however, if the tank or piping is first processed, it is considered a residual waste. An emptied and cleaned tank or associated piping that will not be recycled or reused, but is destined for disposal in a landfill, is regulated as a residual waste.

*Emptied but not Cleaned* A petroleum storage tank, which meets the above definition of “empty,” but has not been cleaned, may be excluded as a hazardous waste under 40 CFR § 261.7(a)(1) (*relating to residues of hazardous waste in empty containers*). If excluded as a hazardous waste, the tank and contents are a residual waste. Most petroleum storage tanks, except those containing gasoline residues, fall into the category of petroleum-contaminated media and debris and are excluded as hazardous waste and regulated as a residual waste.

In the case of a tank which stored a hazardous substance, including petroleum products that fail the test for any characteristic or that would otherwise be hazardous (see 40 CFR Part 261 Subpart B (*relating to criteria for identifying the characteristics of hazardous waste and for listing of hazardous waste*)), the tank contents are not subject to regulation as a hazardous waste until the waste exits the tank in which it was generated, or remains in the tank for a period of more than 90 days after the tank ceased to be operated as a storage tank (see 40 CFR 261.4(c)).

*Not Empty* A petroleum or hazardous substance storage tank and its contents are not subject to regulation as a hazardous waste for a period of 90 days after closure or until the waste exits the storage tank, whichever comes first (40 CFR 261.4(c)). The classification of the contents upon exit from the tank or after 90 days has elapsed is dependent on the results of a hazardous waste determination provided the contents are not usable product. When it has not been determined if a material is a hazardous waste, the material must be managed as a hazardous waste until a determination is made which indicates it is not a hazardous waste (25 Pa. Code § 261a.3(b)).

- b. Unusable product, sludges and sediments, tank bottoms and wastewater - These wastes from inside the storage tank are hazardous if they meet any of the hazardous waste criteria in 40 CFR Part 261 Subpart B. If the tank contained gasoline, it should be assumed that the wastes are hazardous. If the wastes are determined to be non-hazardous, they are subject to regulation as residual waste.

- c. Contaminated Soil - Contaminated soil associated with a UST is regulated as hazardous waste if it meets the hazardous waste criteria in 40 CFR Part 261 Subpart B. Soils contaminated with products that appear on the hazardous waste lists of commercial chemical products are subject to regulation as hazardous waste. Contaminated media and debris from a UST should be managed as hazardous waste until a determination is made that it is non-hazardous (25 Pa. Code § 261a. 3(b)). Petroleum-contaminated media and debris, including soil, may be excluded from the definition of hazardous waste provided they meet certain criteria in 40 CFR Part 261 Subpart B and are subject to the corrective action requirements in 40 CFR Part 280 (*relating to technical standards and corrective action requirements for owners and operators of underground storage tanks*). Non-hazardous media and debris should be managed as residual waste.
- d. Recovered or reclaimed product - Any virgin product recovered directly from the tank, if used, is considered a product, and is not regulated as a waste. In addition, material reclaimed from tank bottoms may not be regulated as hazardous if it is reclaimed in accordance with 40 CFR 261.2(c)(2)(ii). This would apply to a tank that contained a fuel and the material reclaimed from the tank bottom is used as a fuel.

3. On-site Storage of Contaminated Soil

Contaminated soils removed from the excavation during a tank removal that are residual waste must be stored in accordance with applicable sections of 25 Pa. Code §§ 299.101-299.154 (*relating to standards for storage of residual waste*). In addition to the general requirements set forth in the residual waste management regulations, 25 Pa. Code § 245.308(d) (*relating to onsite storage of contaminated soil*) requires that contaminated soil piles be completely and securely covered for the duration of the storage period with an impermeable material of sufficient strength, thickness, anchoring or weighting to prevent tearing or lifting of the cover, infiltration of precipitation or surface water run-on, and exposure of the soil to the atmosphere. In addition to the nuisance control requirements set forth in 25 Pa. Code § 299.115(b), 25 Pa. Code § 245.308(d) also requires that appropriate steps be taken to deter public access to the storage area. This may include fencing, similar barriers, security patrols or warning signs.

Contaminated soils that are excavated during a tank removal may be stored on-site if the soil does not present a threat to human health, safety, or the environment. Where excavated contaminated soil is stored on-site, 25 Pa. Code § 245.308(c) requires that the excavated soil be disposed of, or active treatment of the excavated soil be initiated, within 90 days from the first day of storage, unless an alternative time frame is authorized by DEP in writing. Extension requests must be submitted in writing to the appropriate DEP regional office. Under 25 Pa. Code § 245.308(e), DEP may require immediate removal of contaminated soil if the soil is not being properly stored or managed, or if DEP determines that storage poses a threat to human health, safety, or the environment.

Contaminated soils that are hazardous waste must be stored in accordance with 25 Pa. Code § 262a.34 (*relating to accumulation time*). Hazardous waste cannot be stored for more than 90 days without a permit from DEP's Bureau of Waste Management. Extensions under 25 Pa. Code § 245.308(c) do not apply to hazardous waste.

4. Tank Cleaning

USTs may be cleaned at the closure site or moved to another location for cleaning; however, DEP recommends that USTs be cleaned prior to removal from the excavation to eliminate the potential for releases. In either case, the tank owner is considered the generator of the wastes. If the wastes are hazardous, the owner must obtain a provisional generator I.D. number from DEP's Division of Reporting and Fee Collection, Bureau of Waste Management, by calling 717-783-9258. If the USTs are cleaned at the closure site, use extreme care to safely and properly purge the USTs of explosive vapors prior to accessing the USTs for cleaning. If the USTs are to be moved to another location for cleaning, see the waste transportation requirements in Section VI.B.6., below.

5. Tank Removal

When a tank is to be removed from the ground, provisions should be made to safely lift it out of the excavation. One of the major dangers in tank removals is when the lifting chain is not properly attached to the tank and the chain snaps back under tension. The lifting chain should be attached to an existing lifting lug on the tank or a lifting plug (a threaded plug with an attached lifting lug) screwed into a center tank opening. It is also important that the equipment used to remove the tank has sufficient lifting capacity to safely remove the tank. For example, a small backhoe could be damaged or tipped over while attempting to remove a large tank.

6. Waste Transportation Requirements

The wastes associated with the permanent closure of UST systems must be transported as follows:

a. Tank, Piping and Contents

*Emptied and Cleaned* A UST and associated piping that is emptied and cleaned onsite may be considered scrap metal. If it is to be recycled or reused, it is not subject to hazardous or residual waste management transportation regulations. If it is destined for disposal in a landfill, it is subject to the residual waste transportation requirements of 25 Pa. Code §§ 299.201-299.220 (*relating to standards for collecting and transporting of residual waste*).

*Emptied but not Cleaned* A petroleum product UST which is empty (contains no more than one inch (2.5 centimeters) or 0.3 percent by weight of its total capacity, whichever is less), but has not been cleaned, is exempt



from DEP's hazardous waste transportation requirements. Residual waste transportation requirements as provided by 25 Pa. Code §§ 299.201-299.220 apply.

In the case of a tank which stored a substance, including a petroleum product, that exhibits any characteristic of a hazardous waste (40 CFR 261 Subpart B), the tank contents are not subject to regulation as a hazardous waste until the waste exits the tank in which it was generated, or remains in the tank for a period of more than 90 days after the tank ceased to be operated as a storage tank (40 CFR 261(c)). Until 90 days has elapsed, the residual waste transportation requirements apply if the tank is to be transported. After 90 days, the hazardous waste transportation regulations apply.

*Not Empty* Any regulated storage tank containing more than one inch (2.5 centimeters) or more than 0.3 percent by weight of residue of its total capacity (whichever is less) may be transported according to the residual waste regulations for a period of up to 90 days. After 90 days, the hazardous waste regulations apply unless the residue contained in the tank is determined to be nonhazardous.

*The Pennsylvania Department of Transportation (PennDOT) does have two additional requirements which tend to override DEP's regulations for transporting tanks that have not been thoroughly emptied and cleaned. These requirements are:*

- *If a tank stored a flammable liquid such as gasoline, it must be totally emptied, cleaned, and purged onsite before being transported over the highway. If such a tank is empty and not cleaned, the tank must be transported in a DOT-approved container. Since the transport of an underground storage tank inside another DOT-approved tank is impractical, the impact of this requirement is that tanks which contained flammable liquids must be emptied, cleaned, and purged onsite prior to transporting them.*

*If a tank stored a combustible liquid (petroleum products other than gasoline), the tank must be leak-tight. This means that the remaining residue cannot leak out through holes, fittings, et*

*For additional information pertaining to PennDOT requirements, contact the Pennsylvania State Police, Commercial Vehicle Safety Section, 717-346-7347.*

b. Unusable Product, Sludges and Sediments, Tank Bottoms and Wastewater

These wastes, if hazardous wastes, must be transported under manifest by a licensed hazardous waste transporter, upon removal from inside the

storage tank. The transporter must comply with 25 Pa. Code Chapter 263a.

If the wastes are not hazardous wastes, they must be transported as residual wastes in accordance with 25 Pa. Code §§ 299.201-299.220.

c. Contaminated Soil

Petroleum-contaminated soil that is a residual waste must be transported in accordance with 25 Pa. Code §§ 299.201-299.220.

Petroleum-contaminated soil that is determined to be hazardous waste and soils contaminated with products that appear on the hazardous waste lists of commercial chemical products are subject to regulation as hazardous waste and must be transported under manifest by a licensed hazardous waste transporter. The transporter must comply with 25 Pa. Code Chapter 263a.

d. Recovered or Reclaimed Product

This is considered a product, and no licensed hazardous waste transporter is required. PennDOT regulations still apply.

7. Waste Disposal/Treatment Options

a. Empty Product Tank and Piping

Once properly emptied and cleaned, a storage tank and piping may be recycled. If they are not recycled, these wastes, if hazardous wastes, must be taken to a permitted reclamation facility or permitted hazardous waste treatment, storage, or disposal facility. If nonhazardous, the wastes can be disposed of at a facility permitted to accept the wastes.

b. Unusable Product, Sludges and Sediments, Tank Bottoms and Wastewater

These wastes, if determined to be hazardous, must be taken to a permitted reclamation facility or permitted hazardous waste treatment, storage, or disposal facility. These materials may not be hazardous waste if they were originally a fuel and they are reclaimed as a fuel, as defined in 40 CFR § 261.2(c)(2)(ii).

If nonhazardous, the solids can be disposed of at a facility permitted to accept the wastes. Tank bottoms and wastewater can be treated at a facility which is designated to treat tank bottoms and wastewater and has an issued NPDES permit and waste management permit or permit-by-rule which specifies the discharge of treated tank bottoms and wastewater. The product can be separated and recovered with the remaining wastes subjected to additional treatment processes prior to discharge.



It may also be possible to discharge nonhazardous liquids to a permitted sanitary sewer system; however, prior written authorization must be obtained from the receiving sewer authority.

c. Contaminated Soil

Contaminated soil shall be used, treated, or disposed of in accordance with DEP's regulations and policies.

Venting or low-temperature stripping of contaminated soils may not be conducted without the express prior consent of Philadelphia Air Management Services (Philadelphia County), the Allegheny County Health Department (Allegheny County) or DEP's Bureau of Air Quality (elsewhere in the Commonwealth). In general, such approval will not be granted without the provision of control measures, which are subject to prior review.

Contaminated soil that has been determined to be residual waste may be disposed of at any facility permitted to accept this type of waste under 25 Pa. Code Chapter 287. Complete Form FC1 *Notification of Intent to Dispose of Soil Contaminated by Virgin Petroleum Fuel* (2540-PM-BWM0244). Other options include, but are not limited to, low-temperature stripping and bioremediation. DEP encourages alternatives to landfill disposal; however, prior review is required.

Contaminated soil that has been determined to be hazardous waste must be taken to a permitted reclamation facility or permitted hazardous waste treatment, storage, or disposal facility.

8. Release Reporting

An owner or operator must immediately initiate corrective action after a release is confirmed and notify the appropriate DEP regional office as soon as practicable, but no later than 24 hours after the confirmation of a release, in accordance with 25 Pa. Code § 245.305(a) and (b). See DEP Booklet 2630-BK-DEP4699 for the appropriate release reporting telephone numbers. Also, see the Storage Tank Cleanup Program fact sheet *Regulated Storage Tanks Corrective Action Process Release Reporting* (2620-FS-DEP1838). Within 15 days of the telephone notification, the owner or operator must submit a written *Notification of Release/Notification of Contamination* (2620-FM-BECB0082) form to the appropriate DEP regional office.

In addition, certified installers must submit a *Notification of Release/Notification of Contamination* form to DEP within 48 hours of observing any of the following while performing tank handling activities: a release of regulated substance; suspected or confirmed contamination of soil, surface water, or groundwater from regulated substances; or a regulated substance in a containment structure or facility. This reporting is required by 25 Pa. Code § 245.132(a)(4) and (6) (*relating to standards of performance*).

C. Site Assessment

The purpose of a site assessment is to determine if contamination is present as a result of any releases which may have occurred during the operation of a storage tank system. It is important to remember that the storage tank system includes all underground piping, ancillary equipment, and containment structures. Subsurface piping should be exposed and the trench in which it was laid carefully examined for signs of obvious contamination wherever access to the piping is possible. The storage tank system closure is not complete until a site assessment has been performed.

**Note: Any time obvious contamination is observed, the reporting requirements in 25 Pa. Code § 245.305 and Section VI.C.2., below, must be followed.**

Obvious contamination includes, but is not limited to:

- Product-stained or product-saturated soil or backfill,
- Poned product in the excavation,
- Free product or sheen on the water in the excavation,
- Product odors in soil or backfill,
- Contamination observed through other field screening procedures.

Localized contamination is defined as contamination that does not extend more than three feet beyond the tank system in any direction and does not contaminate water in the excavation to levels which exceed action levels found in 25 Pa. Code Chapter 250 and DEP Booklet 2630-BK-DEP4699.

Extensive contamination is defined as contamination which extends more than three feet beyond the tank system in any direction or impacts water in the excavation to levels which exceed action levels found in 25 Pa. Code Chapter 250 and DEP Booklet 2630-BK-DEP4699.

In certain instances, the owner of a UST system may wish to close only a portion of the system. This "partial" closure of the UST system is a permanent closure and requires a site assessment of the portion(s) of the system that is/are to be closed (e.g. product piping, dispensers, remote fills).

To complete the site assessment for a partial UST system closure, perform the site assessment for the part(s) of the system being closed according to the following sections for closure-by-removal or closure-in-place, depending on the option that is chosen.

Note that closure operations which pull or lift piping out of the ground without excavation are considered closure-in-place for purposes of site assessment, as they do not allow a thorough inspection and visual evaluation of the conditions in the vicinity of the piping.