



Department of Commerce

Division of State Fire Marshal
Mike DeWine, Governor
Sheryl Maxfield, Director

REQUEST FORM FOR A CLASS CODE DETERMINATION OF A BUSTR RELEASE FILE (INSTRUCTIONS)

Please read the following carefully.

With the creation of the Abandoned Gas Station Cleanup Grant Program (created and administered solely by the Ohio Development Services Agency (Development)), many parties are seeking a "Class C" determination by BUSTR for a site they want addressed. A Class C Release designation is one of the basic requirements needed for the grant funding eligibility; however, the term "Class C Release" is much more complex than most people realize. Additionally, there is a multitude of other criteria needed by Development in order to participate in the program as well as potential prep work to be conducted at the site to make it ready for eligibility. Lastly, the interested property may already have a "Class C Release" and a request for a determination is not necessary.

Because of the complexity of the criteria, I highly recommend anyone interested in the program contact the Development program coordinator, Greg Payne at 614-466-4007 or Greg.Payne@development.ohio.gov **BEFORE** requesting a Class C Release determination.

Class C Release Determinations Must Involve a Release Event

In order for a property to be eligible, the site must have at least one "CLASS C RELEASE" file as defined in ORC 3737.87(T). The term "CLASS C RELEASE" has two components. There must be a "release" and this release must be designated with a Class Code of C. The term "release" includes a suspected release (an incident occurred that needs investigation, i.e. failed tightness test, etc.) or sampling data has been collected that confirms a petroleum release did occur from a BUSTR regulated UST. The "Class C" portion means that all of the responsible parties for a specific suspected or confirmed release are deemed to be non-viable (out of business, deceased, or unable to pay) by the State Fire Marshal.

A particular site or property cannot just be classified as a Class C, it must be tied to a particular release event or file. Gas station sites usually have many different owners over the years. Most sites have had several tanks installed and removed over the years because tanks get upgraded or one tank is no longer in use, etc. Sites with multiple tanks and multiple releases typically have different responsible parties; therefore, we cannot just deem an entire site as a "Class C".

Additionally, even though a site had or has tanks still on the property, it does not mean there is a Release. For those sites that need a confirmed release to make it eligible, Development and OEPA Targeted Brownfield Assessment (TBA) program (website: http://www.epa.ohio.gov/derr/SABR/Grant_Assistance.aspx) have partnered together and have come up with various solutions. Typically, this will involve using Brownfield Grant Funding to take soil/water samples to detect if a release has occurred. You may want to contact Greg Payne or the OEPA TBA program to discuss the options.

Properties With and Without USTs Present

Properties that no longer have any USTs on them are easier sites to evaluate because there is no longer any risk of a new owner becoming liable in the future for the removal of tanks, assessment and cleanup associated with those tanks present. Once all of the tanks are removed or closed in place on a property, there is no risk of a future owner becoming liable for any of the releases or files. Because there cannot be any new responsible parties, all of the potential responsible parties for a particular file can be evaluated as to their viability and the file can be determined if it meets the criteria for a Class Code C.

However, properties with USTs still in the ground can be problematic. The law states that if the USTs were in use at any time after November 8, 1984, even if discontinued; current property owners *and* subsequent owners (only if the tanks are still present when the subsequent owners acquire the property), are responsible for removing the tanks and performing a closure assessment. If that assessment reveals a release, then the property owner at the time the release is found is now the responsible party for cleaning up the release. So a Class C Release determination cannot be made for these files/scenarios because it all depends on what occurs in the future. Not all of the responsible parties are known until the tank is removed/closed.

There is one instance where a Class C designation can be determined for abandoned tanks and that is only if the tanks were last used before 1984. Only those parties that owned or operated the tanks at the time they were discontinued, can be the responsible parties. New owners do not inherit the liability to clean up the release. Sometimes an assessment must be conducted to create a “release” but a Class C determination can be made without it because only those past owners can ever be the responsible parties and therefore, their viability can be analyzed.

IF the property you are interested in has abandoned tanks present, it is crucial you speak with Greg Payne BEFORE acquiring any rights to the property.

The Property May Already Have a Class C Release

Many of BUSTR’s release files have already been evaluated. If a release has already been designated as a Class C Release you do not need to request a determination be made. You may check a release’s class code by searching our online database. Instructions are on the next page.

BEFORE submitting this form, please access our database or contact a BUSTR employee to check to see if the site already has an OPEN CLASS C RELEASE.

How to Check if a Property Already has an Open BUSTR Class C Release

1. BY PHONE: Please call the general BUSTR phone line at 1-800-686-2878.
2. VIA ONLINE: Please follow the steps below.

Step 1. Access our database at the following link: <https://apps.com.ohio.gov/fire/OTTER/>

Step 2. Search for the property of interest. If you have the BUSTR eight (8) digit facility number, enter that in the "Facility ID" space. Otherwise, try an address search. (Note: Keep the search parameters as general as possible. Try leaving off road, street, lane, etc.) You do not need a username/login.

OTTER
Ohio Tank Tracking & Environmental Regulations

Username (Owner ID):
Password:
Submit Forget Password?

Inquiry Owner Change/New Permits Public Information Request Red Tag Information County Map

Facility / Corrective Action Search

Welcome to the BUSTR Public Inquiry page. It is BUSTR policy to make the fullest possible disclosure of information without unjustifiable expense or unnecessary delay to any requester. If additional information is required, please click on the "Public Information Request" tab. Before making a request, please make sure the information you seek is not already available on the [BUSTR website](#) (e.g., complete list of active registered facilities or active releases).

Instructions

Enter the known information and click the "Search" button. You may sort the results in ascending or descending order by clicking on any of the column headers. To do another search, click the "Reset" button.

Search

Owner Name Facility ID Address Zip Local Fire Department Release #

County Facility Name City State Tank Status Old Incident #

Search Download Results in Excel Reset

Step 3. Locate the correct site from the list and click on the Release Number link. (Note: The use of the term Release Number does not necessarily mean the file has a suspected or confirmed release.)

Facility ▲	Owner Business Name	Address	City	Zip	County	Date Reported	Release Number
01009880 (SHANES TEST)	Shane's Test Site	8895 E Main St	Reynoldsburg	43068	Adams	7/24/2012	N00005
01009880 (SHANES TEST)	Shane's Test Site	8895 E Main St	Reynoldsburg	43068	Adams		N00002

Final Step. The link will take you to the release report page for that file. Scroll down to the section marked 'Release Information'.

You will need to review the sections marked 'LTF' and 'Class'.

(To be eligible, the LTF Code should be a 1 and the Class Code should be a C.)

The screenshot shows a web form titled "Release Information". It contains several fields for data entry. Two red arrows originate from a point above the form: one arrow points to the "LTF" dropdown menu, which is currently set to "6 Closure of regulated UST"; the other arrow points to the "Class" dropdown menu, which is currently set to "D".

☐ Release Information			
RPT Date	7/24/2012	CON Date	-
Coordinator	Biskner Dave	Rules	2012
Priority	2	Ref Date	3/21/2014
Status	CLO: Closure	Class	D
Sub Status	Required	Owner	Shane's Test Site(FRED knapp) sheryls site(sheryl knapp)
Due Date	10/24/2012	Date of Last Review	12/24/2014
Date of Last Change	9/22/2015		
LTF	6 Closure of regulated UST		

LTF

The LTF code indicates what type of event (release, suspected release, closure required, etc.) was reported to BUSTR that occurred at the site on a particular instance.

IF the LTF code is a 1 - then the file has a suspected or confirmed release and will not require additional testing to make it eligible on that criteria.

IF the LTF code is a 6 - then this means there was a tank removal, tank closure in place or there are tanks on property that have been out of service for more than a year. All of these events require a closure assessment be conducted (soil sampling, etc.) to determine if a release occurred. In terms of being eligible for the grant program, it means that samples will need to be taken to confirm if contamination present. If contamination is found, then the file becomes a LTF 1 (a Release). This is where the Targeted Brownfields Program (TBA) can help. For more information, contact Greg Payne or the OEPA TBA section at (614) 728-1749.

IF the LTF code is any other number - this means an event occurred that is not regulated by BUSTR.

Class Code

If the Class Code is an A or B - then the identity/status of all of the RPs has not been completed and a request for a RP search/Class Determination is appropriate.

IF the Class Code is C, then that means you do NOT need to request a Class C determination.

If the Class Code is a D - then that indicates there is at least one viable RP and would not be eligible. Keep in mind that if a property has at least one other open Class C Release - the site and may still be eligible. Please contact Greg Payne to discuss.

If the Class Code is an E – the file is in enforcement but may still qualify. *Contact BUSTR to inquire.*

Instructions on How to Check the Database for Tanks Still on the Property

IF you would like to check our database for whether or not any tanks remain on the property or to gather data about all the tanks previously located at the site, follow these steps.

Step 1. Return to the search results page. Locate the correct site from the list and click on the Facility Link. If there are multiple entries of the same facility, any link will work.

Facility ▲	Owner Business Name	Address	City	Zip
01009880 (SHANES TEST)	Shane's Test Site	8895 E Main St	Reynoldsburg	43068
01009880 (SHANES TEST)	Shane's Test Site	8895 E Main St	Reynoldsburg	43068

Step 2. This will take you to the main facility page. Click on the link marked 'Details' in the Tank Info module.

Tank Info		(Details...)
Number of CIU Tanks	3	
Number of Tanks with petroleum Contents	4	
Number of Tanks with HazMat Contents	0	
Total Number of Tanks	8	

Step 3. This will bring up the Tank Listings page. This page contains tank information for any tank that has been registered/found on the property. If any tank is marked ABN or CIU, then the tank is likely still on the property.

Tank Number	Capacity	Contents	Status	Date of Installation	Date Last Used	TCL Closed Date	Date Removed	UST	CAS Number	Abandoned Approved	Comments	Other Status
T00001	5000	Diesel		04/17/2005	06/01/2012	--	--	UST	68334-30-5	--	CIU per 10-19-12 phone call from Doug	CIU-Currently In Use
T00002	100	Biodiesel		01/01/1900	--	--	--	UST	--	--		ABN-Orphaned
T00004	1000	Biodiesel		02/02/2007	--	--	--	UST	--	--		REM-Removed

IF the property you are interested in has abandoned tanks present, please speak with Greg Payne BEFORE acquiring any rights to the property.

REQUEST FORM FOR A CLASS CODE DETERMINATION OF A BUSTR RELEASE FILE

FACILITY, OWNERSHIP AND REQUESTER DATA

BUSTR FACILITY INFORMATION:

NAME OF FACILITY: _____

ADDRESS: _____

CITY & ZIP: _____

COUNTY: _____

RELEASE No. (Facility ID - N00001, etc.): _____

REQUESTER INFORMATION:

CURRENT PROPERTY OWNER INFORMATION:

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

CITY, STATE: _____

CITY, STATE: _____

STATE: _____

ZIP: _____

ZIP: _____

CONTACT PERSON: _____

CONTACT PHONE: _____

PHONE: _____

BUSTR RELEASE DETAILS

List the details of the particular BUSTR release file whose class code is being requested. The description should include: the approximate date the release was identified, reported or suspected; specific description of UST system(s) that were involved; the contents of the USTs; the identity of the property owner(s), lessee(s), and operator(s) of the UST system(s) at the time of the release. (Note: These parties may or may not be the responsible parties.)

SITE USAGE

Describe the current state of the site including an adequate description of the property with parcel number(s), address(es), cross-streets, photographs (optional), etc. Describe what the site was used for from the first known developed use to present.

SAMPLING INVESTIGATION

If any sampling investigations were conducted at the site, describe each sampling investigation(s) that produced analytical results above action levels (BUSTR action levels). Describe if there are multiple BUSTR releases/suspected release files concerning the site and provide a description of the corresponding USTs that are tied to each release file.

SITE OWNERSHIP HISTORY

Property ownership should be listed from the first known developed use to present. (If the first use is unknown, then obtain records from 1930 on). The list should be for *all* parcels that encompass any USTs (including lines and dispensers), or their approximate former locations, that are part of this release. In addition to deeds, it should include all leases, land contracts, etc. Your submission *must include the actual copies* of all deeds, leases, land contracts, etc.

DETAILS REGARDING USAGE OF UST(s)

Describe EVERY UST that has been present or is still present at the site (capacity, contents, etc.). List the approximate date that each UST was installed and if applicable, removed. Describe the status of any still present USTs (out of service (including begin date), in use, closed in place, etc.). Be sure to detail the periods for which each UST was in operation. If available, please provide the following: Sanborn maps, aerial photographs, bill of sales, fire department records, UST registrations and permits, telephone memorandum, PUSTRCB information, city directories, affidavits from previous/current operators/owners regarding their usage of the USTs (oral statements are insufficient), newspaper articles, historical society information, local building permits, etc. Note: In many circumstances, it is crucial that the last use of a UST to be reliably established in order to determine the responsible parties.

RESPONSIBLE PARTY DETAILS

Please list the identity of any and all potential responsible parties (RPs). Determining the identity of the RP(s) can be very complicated and the liability scheme is very different from other areas of environmental law. BUSTR/SFM will make the final determination as to the identity of the responsible parties. (You may want to review the BUSTR definitions of operator, owner and responsible party that are described in Ohio Revised Code 3737.87(G), (H), and (N), respectively). Describe why these entities are considered the responsible parties.

POTENTIAL OWNER(S)\OPERATOR(S) VIABILITY

Please provide documentation that a potential responsible part(ies) are not viable. (e.g. death certificates, Secretary of State documentation of corporation's status (cancelled, dissolved, etc.), corporation mergers, etc.) Please do not include any financial data at this time. There is a separate process for determining financial inability. It requires at least the past 3 tax returns and questionnaire complete and signed by the responsible party. NOTE: BUSTR/SFM will make the final determination as to the identity and viability of any responsible parties.

MISCELLANEOUS DATA

THE FOLLOWING ITEMS MUST BE ATTACHED:

APPENDIX A	FIGURES (Topographic & Site Maps)
APPENDIX B	PHOTOGRAPHS
APPENDIX C	SOIL AND/OR GROUNDWATER INVESTIGATIONS
APPENDIX D	OWNERSHIP DOCUMENTATION (Deeds, Leases, Land Contracts, Bills of Sale)
APPENDIX E	UST USAGE DOCUMENTATIONS (UST Registrations, City Directories, Sanborn Maps, Fire Dept. Records, Newspaper or Historical Society Records, Affidavits, etc.)
APPENDIX F	POTENTIAL OWNER/OPERATOR VIABILITY DOCUMENTATION
APPENDIX G	MISCELLANEOUS DATA

FORM PREPARED BY:

NAME: _____

COMPANY: _____

STREET ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE #: _____

EMAIL: _____

SIGNATURE: _____

When complete, please email this form to Verne Ord at Verne.Ord@com.state.oh.us