

Heating Oil Tank Bulletin #2

What You Should Know About Buying or Selling a Home with a Heating Oil Tank

For Sellers

1. What do I need to do if my home uses oil heat?

Nothing, if **both** of the following are true:

- The oil tank isn't leaking or hasn't leaked; and
- You don't know of any old, abandoned underground heating oil tank on your property.

But be aware that there may have been multiple small oil spills around the fill pipe when fuel was delivered or the tank could have had problems in the past that you are not aware of. Keep in mind that you are responsible for cleaning up any contamination from a leak. DEQ recommends you check your tank for leaks before listing your home. You may want to consider having a licensed service provider test the soil underneath to determine whether or not it has leaked. This service may cost about \$200-\$300.

2. What do I need to do if my home used to be heated with oil?

You must do all of the following:

- Ensure that any abandoned (i.e. unused) heating oil tank on your property is empty of oil;
- Provide documentation to the buyer showing that the tank has been emptied; and
- Leave the vent line in place unless you "decommission" the tank (see #6).

3. What documentation do I need to show that my tank is empty?

- Dated receipts from the company that pumped the oil out of the tank; or
- Receipts from the oil recycling company if you pumped the tank yourself.

4. What if I don't know if there is an abandoned tank on my property?

DEQ recommends that you check for a tank before listing your property. You can:

- Look for an oil fill pipe. It is usually close to the ground and close to where the furnace is located in your home.
- Look for a vent pipe. You can usually see it attached for two to eight feet up the side of the house. It is 1.25 to 1.5 inches in diameter with a small vent cap on it.
- Hire someone to look for an underground tank; this costs about \$100. Look in the Yellow Pages under "Tanks."
- ***If there has been a leak, you as the property owner are responsible for cleaning it up to DEQ standards.*** If you believe the leak happened before you bought the property, you may want to seek advice from an attorney regarding recovering costs from the previous owner.

5. Do I have to do all of these things before I can sell my house?

Although you may choose not to look for a tank or have your soil tested, **some buyers may require these things be done before the sale.** Doing them ahead of time may save you time in selling your home. In any case, you must do items Number 2 and 3 if applicable. You are also required by state law (ORS 105.464) to give the buyer a disclosure statement saying whether you know about any underground storage tanks or any contaminated soil or water on the property.

Contact your Realtor for more information on disclosure statements or further obligations that buyers or sellers may have related to property information.



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6. Should I have my tank decommissioned?

Once the tank has been emptied of oil, actual decommissioning is voluntary.*

"Decommissioning" is a generic term for taking a tank out of service by cleaning it, then removing it or filling it in place with an inert material. If you – or the buyer – would like to have the decommissioning performed in compliance with state standards, you must:

- Have the decommissioning project certified by a licensed service provider, and soil samples collected to confirm that no oil contamination was detected; and
- Submit the certified report and documentation to DEQ with a \$50 filing fee to have the project registered. DEQ will send you a letter that confirms the decommissioning project is complete.

** Note: For example, you may choose not to clean the tank and remove it or fill the tank with an inert material or to have soil samples collected. However, be aware that some buyers or lenders may want the tank decommissioned to state standards so they do not assume liability for any problem found in the future.*

7. What should I do if I know the tank has leaked?

You must notify DEQ within 72 hours of discovery, if you haven't already done so, and clean up the leak to DEQ standards. To report the leak, call 1-800-742-7878. Then contact a licensed Heating Oil Tank Service Provider for information on cleanup options. All Service Providers are required to report leaks when they are discovered.

For Buyers:

What should I know about buying a home with a heating oil tank?

- If the homeowner/seller knows of any tank on the property, which is no longer in use, he or she must ensure that the tank has been emptied of oil.
- The seller must also give you, the buyer, documentation that it has been emptied, as explained under the "For Sellers" section.
 - *A tank that has only been emptied of oil has not been "decommissioned" (see #6 above).*

- If the owner doesn't know if there is a tank on the property, DEQ recommends that you, the buyer, hire a qualified expert to check for one.
- If a tank is present on the property, DEQ recommends you have a service provider check to see if it has leaked if either of the following are true:
 - The tank is **abandoned** and has not been decommissioned, including soil sampling; or
 - The tank is **active** and has not already been checked for leaks.
- *The current owner of the property is responsible for any necessary cleanup even if the leak happened before he or she bought the property. **If you buy property knowing that a tank is present and no work has been done to determine if it has leaked, you also become responsible for any leaks discovered in the future.** You then would have to contact an attorney for advice if you wanted to recover any costs from the prior owner.*

Alternative Formats

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ's Office of Communication and Outreach, Portland, for more information. (503) 229-5696; or toll-free in Oregon at 1-800-452-4011, ext. 5696.