



Buying or Selling a Home with a Heating Oil Tank

For Sellers:

What do I need to do if my home uses heating oil?

Fill out a Groundwater Protection Plan (GWPP) and maintain it in your files. Generic GWPPs for home heating oil tanks are available through the Kentucky Division of Water (KDOW). You may call GWPP staff (502-564-3410) and request a copy of a blank generic plan. Or you may download a generic copy of the plan from the KDOW web site:

<http://water.ky.gov/groundwater/Pages/GroundwaterProtectionPlans.aspx>

Then, if *both* of the following are true, you should do nothing:

- 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 may have had problems in the past. Keep in mind that you are responsible for cleaning up any contamination from a leak. The KY Division of Waste Management (KDWM) recommends that you check your tank for leaks before listing your home. You may want to consider having a licensed service provider test the tank for tightness and test the soil near the tank to determine whether or not it has leaked.

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

You should do ALL of the following:

- Ensure that any abandoned, (unused) heating oil tank on your property is empty of oil;
- Get a licensed contractor to properly 'close' the tank, (i.e. fill an underground tank with sand - domestic/farm use only);
- Provide documentation to the buyer showing that the tank has been emptied and/or closed; and
- Leave the vent lines in place unless you 'close' the tank.

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 an oil recycling company if you pumped the tank yourself; or
- Receipts from the company that 'closed' the underground tank or removed the aboveground tank.



The relatively new home heating oil tank shown above should have a life expectancy of about 15 years.

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

The KDWM 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, (and may be higher in flood prone areas). The vent pipe should be 1 ¼ to 1 ½ inches in diameter with a small vent cap;
- Hire a licensed contractor to look for an underground tank. 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 KDWM standards.

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

Although you may choose not to look for a tank or to have your soil tested, some buyers may require these things to be done before the sale. Doing them ahead of time may save you time in selling your home.

Should I close my tank?

Once the tank has been emptied of oil, actual 'closure' is voluntary. "Closure" is a generic term for tanking a tank out of service by cleaning it, then either removing it, or filling it in place with an inert material. If you, or the buyer, would like to have the tank closed, you must use a licensed contractor to complete the job.

You may choose not to clean the tank, remove it, or fill it with inert materials, or to have soil samples collected. However, be aware that some buyers or lenders may want the tank 'closed' to state standards so they do not assume liability for any problem found in the future.

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

You must notify the KDWM within 72 hours of discovery, if you haven't already done so, and clean up the tank to KDWM standards. To report the leak, call 911, or you may call the KDWM directly: 800-928-2380. Then, contact a licensed heating oil service provider for information on clean up options. All service providers are required to report leaks when they are discovered.



Tank tightness testing is a good way to determine if an existing heating oil tank is leaking. Remember, most heating oil tanks last only 10 to 15 years before replacement is needed.

For Buyers:

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

- ◆ Does the homeowner/seller have an up-to-date GWPP?
- ◆ If the homeowner/seller knows of any tank on the property that is not currently 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.
 1. A tank that has only been emptied of oil has not been properly 'closed' (see the "For Sellers" section about tank closure.)
- ◆ If the owner doesn't know if there is a tank on the property, the KDWM and the KDOW recommend that you, the buyer, hire a qualified expert to check for one.
- ◆ If a tank is present on the property, KDOW recommends that you have a service provider check to see if it has leaked if either of the following is true:
 1. The tank is abandoned, but not closed, including soil sampling; or
 2. 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 purchased the property. If you buy a property knowing that a tank is present and no work has been done to determine if the tank 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 clean-up costs from the prior owner.*



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