CALIFORNIA ASSOCIATION OF REALTORS®

SAN FRANCISCO UNDERGROUND STORAGE TANK DISCLOSURE

(C.A.R. Form SF-USTD, 1/11)

This disclosure concerns the residential property situated in the City of San Francisco, County of San Francisco, State of California, described as _____ _____ ("Property").

1. **UNDERGROUND STORAGE TANK INSPECTION AND LAW.** There are state and local statutes that govern underground storage tanks. Buyer should determine if the Property contains an underground storage tank or tanks (UST) since if the Property does contain one or more USTs, Buyer, as the future owner, will be subject to a variety of regulations and may incur liabilities and incur fees and costs associated with the existence and maintenance of the UST.

2. **STATE LAW: Section 25280 of the California Health and Safety Code** provides in part:
Substances hazardous to the public health and safety and to the environment are stored prior to use or disposal in thousands of underground locations in the state. Underground tanks used for the storage of hazardous substances and wastes are potential sources of contamination of the ground and underlying aquifers, and may pose other dangers to public health and the environment. In several known cases, underground storage of hazardous substances, including, but not limited to, industrial solvents, petroleum products, and other materials, has resulted in undetected and uncontrolled releases of hazardous substances into the ground. These releases have contaminated public drinking water supplies and created a potential threat to the public health and to the waters of the state.

   It is in the public interest to establish a continuing program for the purpose of preventing contamination from, and improper storage of, hazardous substances stored underground. It is the intent of the Legislature, in enacting this chapter, to establish orderly procedures that will ensure that newly constructed underground storage tanks meet appropriate standards and that existing tanks be properly maintained, inspected, tested, and upgraded so that the health, property, and resources of the people of the state will be protected.

3. **LOCAL LAW: Article 21 ("the Article") of the San Francisco Health and Safety Code** provides, in part, as follows:
   A. **GENERAL REQUIREMENTS:**
   (1) That no person shall own or operate an underground storage tank ("UST") unless a permit for its operation has been issued by the Department as required by the Article, the California Health and Safety Code, commencing with Section 25280, and any implementing regulations.
   (2) No permit shall be granted to the owner or operator of a UST unless the applicant demonstrates compliance with the Article and its implementing regulations.
   (3) All modifications, repairs, closures, and removals of USTs shall require approval of the Department.
   (4) No permit may be granted pursuant to the Article until the Department has inspected the UST and unless the applicant has corrected any Code violations cited by the Department; the applicant has furnished all requested information and paid the required permit fees; and the applicant demonstrates to the satisfaction of the Director of Health, by the submission of appropriate plans and other required information, that the design and construction of the UST meets all applicable City, State, and federal laws and regulatory requirements.

   B. **UNDERGROUND STORAGE TANK PERMIT INFORMATION:**
   (1) UST permit shall require that the applicant reimburse the City for extraordinary costs, in addition to applicable permit fees, for inspection and monitoring, administration, incidental expenses, and cleanup and remediation costs resulting from releases of hazardous substances or failure by the permittee to handle hazardous substances in accordance with the requirements of the Article.

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(2) A UST permit shall be issued for a term of one year, except as otherwise provided in the Article.
(3) A permit is not transferable to another person, address, or physical location within the same address.
(4) A certificate of registration or permit does not take the place of any license required by State, federal, or local law nor does compliance with the permit requirements of the Article relieve any party of compliance with any other applicable State, federal, or local law.

C. ABANDONED UNDERGROUND STORAGE TANKS:

(1) Any owner of real property having reason to believe that an abandoned UST or establishment containing hazardous materials ("hazardous materials establishment") is located on or under the real property or is located under the surface of any improved or unimproved public street, sidewalk, alley, court or other place dedicated for or subject to an easement for public access that is immediately adjacent to the real property shall make a reasonable effort to locate and identify such a hazardous materials establishment or UST. Whenever an abandoned hazardous materials establishment or UST is located, said owner of real property shall file a plan for the closing or the upgrading and registering or permitting of such hazardous materials establishment or UST within 30 days of its discovery. The closure plan shall conform to the standards specified in Section 1154 and regulations promulgated by the Director of Health.

(2) In the event that the Director of Health has reason to believe that an abandoned hazardous materials establishment or UST is located on or under any real property within the City and County of San Francisco, the Director shall notify in writing the owner of the real property that an abandoned hazardous materials establishment or UST may be located on or under the real property and compliance with this Article is required.

4. Buyer has been advised to conduct his/her own inspection by a licensed contractor or other appropriate professional specializing in underground storage tanks, whether or not Seller has provided Buyer with a UST report. Buyer has not (or, if checked, ☐ has) received a report prepared for Seller by a licensed contractor or other appropriate professional stating that no underground storage tanks could be located on the property.

By signing below, Buyer acknowledge(s) that Buyer has read, understands, and received a copy of this Underground Storage Tank Disclosure form.

Date _____ Date _____

BUYER _____ BUYER _____

_____ _____

(Print name) (Print name)

_____

(Address)

Date _____ Date _____

SELLER _____ SELLER _____

_____ _____

(Print name) (Print name)

_____

(Address)

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