



Change of Ownership

Effective Date: February 6, 2017

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Question/Issue

What is the proper procedure when “Change of Ownership” of tanks systems is discovered and not reported to DATCP? Business owners are required to report change of ownership but there is not a failsafe process to complete this when property ownership changes.

-  [ATCP 93.150 Change of Ownership](#)
-  [Change of Ownership for Storage Tank Systems](#)

Policy

When an inspector discovers an ownership change provide the business owner with tank registration form available to the inspector at their “MyDATCP” account. Request proof of financial responsibility from the owner. If proof of financial responsibility is not available complete a red tag order and immediately red tag tank fills. Complete routine petroleum system inspection, issue 10-day orders for other violations. Red tags cannot be removed until all outstanding violations are resolved. Provide permit specialist contact information to business owner and notify permit specialist of the change of ownership. Code information included below. Provide the business owner with “[Change of Ownership for Storage Tank Systems](#)” fact sheet available on the DATCP website.

ATCP 93.150 Change of ownership. (1) An individual or company taking ownership of property with a storage tank registered under s. ATCP 93.140 shall notify the department of the change of ownership within 15 business days of completing the real-estate transaction. (2) The ownership-change notification shall be on form ERS-7437, ERS-8731 or ERS-10861 E, as provided by the department, and shall include all of the following:

- (a) The name and address of the new owner and of a local contact person.
 - (b) The date the documents evidencing the property transfer are executed.
 - (c) The name of the previous owner.
 - (d) The address of all locations included in the real-estate transaction that have tanks which are subject to the registration requirements in s. [ATCP 93.140](#).
 - (e) A copy of the newly recorded deed showing the new owner.
- (3) A permit application, form ERS-7658, if received under s. [ATCP 93.145 \(6\) \(b\) 2.](#), shall be completed and submitted to the department within 15 business days of its receipt; and shall include all of the following:
- (a) Proof of financial responsibility in accordance with subch. VII.
 - (b) An affidavit of financial responsibility in accordance with s. [ATCP 93.745 \(2\) \(j\)](#)
 - (c) Any fees due to the department as assessed under chs. [ATCP 94](#).
- (4) All records that are required to be retained under either s. [ATCP 93.400 \(11\)](#) or [93.500 \(9\)](#) shall be transferred to the new owner or operator.
- (5) The authorized agent or the department shall inspect the tank system and dispensing system before the new owner puts the tank system into service.