



Frequently Asked Questions: Residential Storage Tank Info for Real Estate Licensees

BUREAU OF WEIGHTS AND MEASURES

PO Box 8911
Madison, WI 53708
(608) 224-4942
datcp.wi.gov

RESOURCES

Wis. Admin. Code ATCP 93
http://docs.legis.wisconsin.gov/code/admin_code/atcp/090/93

Storage Tanks Website
https://datcp.wi.gov/Pages/Programs_Services/PetroleumHazStorageTanks.aspx

Storage Tank Database
https://mydatcp.wi.gov/Home/ServiceDetails/4a171523-04c7-e611-80f6-0050568c4f26?Key=Services_Group

Additional Fact Sheets
<https://datcp.wi.gov/Pages/Publications/WeightsAndMeasuresBureauFactSheets.aspx>

There are many important questions buyers should ask if they are considering purchasing a property with a storage tank. The first step is to find out what type of tank is on the property, what the tank is used for, and what the tank contents are. Once that information is known, it can be determined what regulatory requirements apply to the tank. Below are some frequently asked questions to assist buyers considering properties with storage tanks.

What are the most common types of tanks found on residential properties?

The most common tanks found on residential properties are aboveground/underground storage tanks used for home heating oil and pressurized LP tanks containing propane. DATCP regulates underground storage tanks (UST) over 60 gallons and aboveground storage tanks (AST) over 5,000 used to store flammable, combustible, and hazardous liquids. The Department of Safety and Professional Services regulates pressurized LP tanks. Inquiries about pressurized tanks can be made by contacting DSPS directly at 608-266-2112 or dspd@wisconsin.gov.

How can I find out if there is a DATCP regulated tank on a property?

The Bureau of Weights and Measures maintains a public storage tank database which is available on the [DATCP website/storage tank database](#). Please note that ASTs with a capacity of less than 5,000 gallons may be listed in the storage tank database, but those tanks are no longer regulated by DATCP. Although those tanks are not regulated at this time, DATCP encourages owners to submit updated registration forms if the tanks are removed so the database can be updated.

If you have questions regarding a storage tank on the property, please contact DATCP at (608) 224-4942, option 3, or via email at datcpstoragetanks@wisconsin.gov.

If you would like to request copies of documents related to a DATCP regulated storage tank, please submit your request to DATCPPublicRecords@Wisconsin.gov.

Must an abandoned storage tank be removed before the property can be sold?

The presence of abandoned tanks does not prohibit the sale of a property. However, the responsibility of the tank maintenance and compliance transfers to the new property owner upon completion of the real estate transaction.

Additionally, the new owner must notify DATCP of the change of ownership within 15 business days on the applicable form. To obtain the form, call DATCP's storage tank unit (608) 224-4942, option 3, or email datcpstoragetanks@wisconsin.gov.

What is required to properly close an abandoned storage tank?

Abandoned storage tanks regulated by DATCP must be closed by a Wisconsin Registered Tank Specialty Firm and credentialed storage tank remover/cleaner. A list of Registered Tank Specialty Firms can be found on the [DATCP website/registered tank specialty firms](#). Additional information can be found on our [Abandoned Tanks fact sheet](#).

A licensee has an upcoming residential listing and the seller indicated that a pipe sticking up from the ground is an abandoned fuel oil tank. The seller said they signed some sort of waiver 18 years ago when they bought the house without a REALTOR®. Is there a way for the seller to have a clause or waiver or a less expensive solution so they do not have to bear the cost to remove the tank? The pre-listing inspection confirmed there is a UST.

The property owner is responsible for any regulated tank on the property. If the tank remains on site, and the property is sold, the new owner assumes that responsibility. Even though the tank may not be routinely inspected by DATCP, it is still required be compliant with Wisconsin Administrative Code chapter ATCP 93. If the tank is no longer in use, it must be permanently closed and the tank registration updated with DATCP.

A property owner removed a buried fuel oil tank, but they did not have it done by a licensed contractor. A licensee a potential buyer for the property. Is there liability that the buyer would be assuming if the tank issue is not taken care of by the seller?

In the event a registered residential tank went through an undocumented closure, the responsible party should contact DATCP's compliance team at (608) 224-4942, option 4, or email datcpwmcompliance@wisconsin.gov for guidance.

In most circumstances, a Wisconsin Registered Tank Specialty Firm may be required to complete closure paperwork and the property may be subject to DATCP inspection. If this is not done prior to sale, the buyer becomes responsible for the compliance of the tank and any potential contamination upon completion of the real estate transaction.

The licensee has a seller with an unused home heating oil fuel tank. The property was converted to natural gas but the old fuel tank was left in the basement. Is that covered under item D6 on the condition report? Does the tank need to be removed or can it simply be disclosed?

The disclosure obligation in the Real Estate Condition Report requires the seller to answer whether there are storage tanks on the property. If there is a tank on the property, the tank should be disclosed on the Real Estate Condition Report, however, aboveground storage tanks (AST) with a capacity of less than 5,000 gallons are not regulated by DATCP at this time. As a result, unless the residential AST in question has a capacity of 5,000 gallons or more, removal would not be required by DATCP.

What action must be taken when a UST is found to be leaking at removal?

Any time a UST is closed or removed, and a suspected or obvious release is determined, a Tank Site System Assessment (TSSA) must be completed and documented on DATCP Form TR-WM-140. In the event a release of product has occurred, the owner is required to immediately report the release to the Wisconsin Department of Natural Resources (DNR) at 1-800-943-0003. Any remediation is determined by the DNR. Instructions for reporting spills and releases can be found at [Spills | Wisconsin DNR](#).