



*"The most trusted name in residential oil tank services."*

# TANK TIMES

## Home Repairs, Oil Tanks & Closing

Most residential real estate transactions require completion of required repairs before the closing date. The home inspection identifies specific problems, and the needed repairs are easily defined and can be completed for a fixed price in a narrow time frame. Unfortunately, many realtors build their expectations about heating oil tank issues based on their experience with common home repairs, leading to the wringing of hands and gnashing of teeth when the timing of environmental cleanup interferes with the contracted closing date.

Often a realtor will call with an immediate need for initial site assessment soil samples at a home where a heating oil tank has been discovered. The inspection period is about to end, and the agent has neglected to call in a timely manner. Another common occurrence is the intentional delay in submitting a signed agreement for cleanup work until there is greater certainty the transaction will take place. The delay in project scheduling then becomes a problem not only for the parties involved in the transaction, but also for the contractor. The office staff must answer multiple phone calls from realtors, buyers, sellers, lenders and even in-laws checking the status and demanding an outcome based on the closing date rather than the work required.

The difference between a home inspection and an initial site assessment is stark: the entire home is accessible for inspection and the extent of needed repairs is usually well defined and limited; the initial site assessment is collected underground, and the work required is investigative rather than reparative. Complex environmental cleanup projects involve several steps which can only be accomplished in a specific order based on incrementally available information. These projects must be properly planned, some require DEQ approval and almost every task involves transportation of samples to the laboratory and laboratory turn around.

To assist with planning, these are my recommendations for real estate transactions involving a heating oil tank:

**Owner/Seller:** call a reliable HOT Service Provider and order initial site assessment soil samples before listing the

home, or immediately after the home is listed. The initial site assessment results will be accompanied by a proposal from the service provider. Even if the required work is not completed, the lab results and proposal will allow the seller to understand the financial implications, set a price and engage in a knowledge based negotiation when a prospective buyer comes along.

**Purchasers:** Ask about heating oil tanks up front and if a tank is present schedule initial site assessment as soon as possible. Go to our website, [www.danatanks.com](http://www.danatanks.com) where you can use our DEQ links to search for the property on the Leaking Underground Storage Tank (LUST) database and the DEQ HOT Voluntary Registration (Vol Reg) list. (Note: search the LUST database by numeric portion of address only, as street name could have been misspelled. If the list is too long, narrow the search by selecting the county or quadrant, i.e. NW or SE.)

**Realtors:** Encourage your clients on either side of the transaction to get an early start on the tank issue!

Knowledge is Power

## Lack of Professionalism and Oversight Puts Homeowners at Risk

Oregon DEQ Heating Oil Tank Program officers have confirmed that one of the Portland area's busiest HOT Service Providers routinely collects initial site assessment (ISA) soil samples from far beyond the appropriate location near the tank ends. According to Oregon Administrative Rules, the appropriate location for ISA sample collection is within 6" of the tank ends. DTT&S field staff have reported incorrect sample locations on numerous ISA projects performed by this company over the last year or more. We've identified initial sample locations up to 24" away from the tank. The DEQ has acknowledged similar complaints from other service providers.

The ramifications of incorrect soil sample locations are serious and consequential. If samples are clean and the tank is decommissioned and certified under the Voluntary Heating Oil Tank Registration Program, a serious release of heating oil may not have been detected. If an incorrectly obtained soil sample is used as a representative sample on a

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## Sloppy Work, continued from page 1

Risk Based cleanup, the magnitude of the release and the risks associated with petroleum impacted soil may not be identified. These routine violations also suggest that other critical rules and procedures might be routinely ignored as well.

According to DEQ HOT Program staff, the company in question has been contacted many times and the owners of the company have been advised of this problem. Despite the DEQ's efforts to communicate the importance of sample location to the owners and management of the company, the violations continue. I had a lengthy discussion regarding this problem with Bruce Gilles, who oversees the HOT Program. We reviewed the Oregon Administrative Rules together and found that while there is certainly a violation of trust and professionalism when initial site assessment samples are collected improperly, there is no violation of law until a project is certified using the data from such samples. Unfortunately, the DEQ HOT Program does not have the funds to audit decommissioning and cleanup projects, and thus cannot pursue these violations appropriately.

In 2006 Dana Thompson Tanks & Soil was hired to re-visit and re-assess projects which had been certified by Neil Shaw and his company, Decommissions, Inc.. Shaw received a felony conviction for his systematic falsification of cleanup data on residential heating oil tank projects. While hundreds of Shaw's clients were affected by the fraud he perpetrated, the settlement arranged by the district attorney's office called for review and re-assessment of only 15 projects. In the course of that activity we were in contact with many homeowners who had trusted Shaw to complete their cleanup projects. The sense of hurt, betrayal and violation felt by these customers was obvious to me and my staff. I am saddened to see the same situation developing now. When this high-volume service provider's lack of integrity is fully revealed it could potentially affect large numbers of homeowners and real estate transactions for years to come..

If you have questions or concerns about this issue, call the Oregon DEQ Heating Oil Tank Program at 503.667.8414.

**Properly Abandon or Decommission**

**Your Tank NOW!**

**If it hasn't leaked, it will.**

## Customer Feedback

Customer feedback is always welcome, and we encourage customer reviews on Angie's List or any other similar website. We recently performed two tank projects simultaneously at an apartment complex just south of Burnside on SW Vista Ave.. The tanks are located beneath the city sidewalk, so the project was planned and scheduled to accommodate street traffic, tenants and local pedestrians.

These are two of six heating oil tank decommissioning projects we have performed at apartment properties managed by Charlotte Tevet and SLS Property Management. After the work was completed I received a very kind note from Charlotte and she gave me her permission to publish her words:

*Re: Adelle and Charmain Apartments*

*Dear Dana, Mark and field crew,*

*A hearty thanks to all of you on the above project. The work was fast, efficient and to my eyes very quality oriented.*

*A special thanks to Dana who was most helpful in dealing with our neighbors to the north. He went above and beyond the call of duty and I very much appreciate it.*

*I hope your business continues to be successful. S.L.,S. has one more tank to decommission and I will be back in touch.*

*Sincerely,*

*Charlotte Tevet  
President*

## Dana Thompson Tanks & Soil

**Staffed by Licensed Professionals Providing the Highest Level of Quality and Service**

Dana Thompson, President: Lic. UST and HOT Supervisor

Joshua Langford, VP - Finance: Lic. HOT Supervisor

Mark Bradley, Customer Service: Lic. HOT Supervisor

Dan Sajko, Project Manager: Lic. UST and HOT Supervisor

James McClain: Crew Leader: Lic. HOT Supervisor

Nathan Wisebeck, Production: Lic. HOT Supervisor

Glenn Johnson, Production: Lic. HOT Supervisor

Joshua Suttley, Production: Future HOT Supervisor

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