

Underground Storage Tank Delivery Prohibition Program

Overview

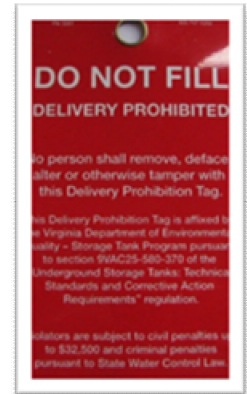
Virginia Regulation (9VAC25-580-[370](#)) authorizes the Department of Environmental Quality (DEQ) to place a Delivery Prohibition Tag (Red Tag) on an Underground Storage Tank (UST) that is not in compliance with UST regulatory requirements. A Red-Tagged UST cannot accept another delivery of petroleum until the violations are corrected.

What is Delivery Prohibition?

DEQ can prohibit petroleum delivery to USTs that are out of compliance with the [UST Technical Regulation](#). DEQ does this by attaching a red “do not fill” tag to the fill pipe of each affected UST. Once the tag is on the tank, the owner cannot receive another delivery into the tank until all deficiencies identified in the delivery prohibition action are corrected.

What triggers Delivery Prohibition?

DEQ may begin the delivery prohibition process immediately after the facility inspection if any tank is not equipped with basic pollution prevention equipment (e.g., spill buckets, overflow prevention, cathodic protection). DEQ also may begin the delivery prohibition immediately if a tank owner fails to investigate a suspected release in a timely manner. For other types of noncompliance, such as operational or maintenance issues, DEQ will give the tank owner a deadline for compliance before beginning the process.



What should I expect during the Delivery Prohibition process?

DEQ begins the delivery prohibition process by sending written notice to the tank owner and operator that DEQ intends to prohibit delivery to one or more USTs. The UST owner and operator are invited to take part in a meeting during which a DEQ presiding officer will determine whether the UST(s) should be subject to delivery prohibition. If the presiding officer determines that delivery prohibition is appropriate, a written delivery prohibition decision will be sent to the UST owner and operator. Within approximately five (5) business days of the decision, a DEQ inspector will visit the facility to apply the red tags to the affected tanks. The DEQ inspector will also measure the amount of product in the UST(s) at that time.

What happens if a petroleum delivery is made into a tagged UST?

Any UST owner who accepts a delivery into a tagged tank or any delivery company who delivers petroleum into a tagged tank is subject to an immediate DEQ enforcement action, which will include monetary penalties. Any person who defaces, alters, or removes a red tag from a UST without authorization is also subject to DEQ enforcement.

When does delivery prohibition end?

Delivery prohibition ends when the tank owner/operator corrects all the problems that were the basis for the delivery prohibition decision. DEQ staff review documentation submitted to demonstrate return to compliance within five (5) business days of receipt. If the documentation demonstrates all issues are resolved, DEQ staff will visit the facility to remove the red tags.

Can I bring some tagged USTs back into compliance but leave others tagged?

You may return USTs to compliance and have their red tags removed on a tank-by-tank basis. However, if any UST remains tagged (noncompliant) for more than 90 days without being placed into proper permanent or temporary closure, DEQ may prohibit delivery to all regulated USTs at the facility. If DEQ pursues facility-wide delivery prohibition, you will receive another written notice for a meeting, as described above.

Can I place a tagged UST into temporary closure?

Yes, you may place a tagged UST into temporary closure. However, the red tag will not be removed unless all of the deficiencies identified in the delivery prohibition decision are resolved. Likewise, a tank owner or operator may not place USTs into short-term temporary closure in order to avoid delivery prohibition proceedings.

For more information:

- Contact the Office of Spill Response & Remediation at tank@deq.virginia.gov, or contact your regional DEQ Office: <https://www.deq.virginia.gov/get-involved/about-us/contact-us>
- Visit the Delivery Prohibition webpage on DEQ's public website: <https://www.deq.virginia.gov/our-programs/land-waste/petroleum-tanks/underground-storage-tanks/delivery-prohibition>