Crackdowns expected against underground tank law violators

By John G. Casanova, Ron Steg and G CN Staff

Federal and state agencies are beginning to talk tough as deadlines for installing leak detection devices on underground storage tanks come and go.

“If your tank leaks you’re going to get caught,” warned federal Environmental Protection Agency scientist Michael Kalinoski, whose agency can fine the owner of a non-conforming tank up to $10,000 per tank per day.

“At the point you have a leak, you’re in real trouble. Leaks don’t go away. They can take from one to five years to discover and cost millions of dollars to clean up. It’s better to confront the issue now rather than pay for it later.”

Confronting the issue involves several steps. Federal law required all USTs to be registered with the appropriate state environmental agency beginning in May 1988. Newly installed systems must be registered within 30 days.

Kalinoski estimated 90 to 95 percent of all tanks have been registered. Ignorance of the law is likely responsible for most of the non-registered tanks, although a small percent-age are probably ignoring the law in the hopes they won’t be caught, he acknowledged.

“We have fined tank owners in a couple of cases where (non-registered) tanks have leaked,” Kalinoski said.

“At some point, ignorance of the law won’t be a defense,” added Chris Schultz, public information officer with the Ohio State Fire Marshall’s Office, which is responsible for

CCA beats winter kill before it hits

By Frances G. Trimble

The extensive winter kill suffered at Texas golf courses last year may have a positive effect on golf course construction and maintenance.

One group of Southwestern superintendents intends to put the devastation in the past by taking a giant stride forward into the future.

Charles Fabey, regional superintendent for Club Corporation of America’s 22 golf facilities in Texas and Oklahoma, calls CCA’s recent decision to buy green covers at $700 apiece “a tough decision to make.”

Tough, because Fabey’s region could just as easily not experience killer cold conditions this year. Or, the area — known for freakish weather — might have another damaging cold spell before April.

Lingering memories of “the hassle of re-planting 142 putting greens” at a cost of $250,000 led Fabey and CCA to buy protective blankets for all 22 facilities. He added, “The ones Quinton covered of age in the Bermudagrass belt because of the success of a colleague in Dallas.

Fabey says that in preparation for the winter of 1989, Quinton Johnson, the greens superintendent at Brookhaven Country Club who covered the entire 54 hole facility, bought covers to protect 14 newly planted greens.

He added, “The ones Quinton covered

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Environment dominated Faubel’s presidency

By Peter Blais

Gerald Faubel hopes people will remember his term as president of the Golf Course Superintendents Association of America as a time when the entire industry focused on the importance of the environment.

“We’ve polled ourselves, we’re truly concerned and we will act,” said the outgoing GCSAA president. “You don’t see many industries that do their own research, find fault and make changes without government force.”

Faubel said he has thoroughly enjoyed his year as president, which ends during this month’s GCSAA Annual Conference and Show in Las Vegas.

“It’s been a real pleasure to represent an organization dedicated to teaching its members relevant subjects. We’ve gotten tremendous cooperation from everyone in the industry, (PGA Tour Commissioner) Deane Beman has even recognized the importance of the golf course superintendent in getting the environmental matter taken care of.”

Faubel has stressed the need for cooperation rather than confrontation between the golf industry and environmentalists.

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Satellite turf campuses proposed

From staff reports

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“The structure for such education, as well as the information itself, has been well selected and applied at Lake City (Fla.) Community College for years,” said Bowyer.

“Basically, we plan to provide educational material in language comfortable to proper local authorities to reduce learning time. It has been our company experience that those executives with whom we are in contact with in Europe, Africa and Asia relate better to our message if given easy-to-understand information in a comfortable setting. They, in turn, pass along this newly acquired knowledge to company personnel.”

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FITZGERALD MAN OF YEAR

CINCINNATI — Former Ohio Turfgrass Foundation president and long-time Century Toro, Inc. Vice President John Fitzgerald received the Professional of the Year Award during December’s OTF Annual Conference and Show luncheon in Cincinnati.

Fitzgerald was one of the founders of the OTF annual conference and show 23 years ago, according to Century Toro President Bob O’Brien. He helped sell booths at the show before joining the OTF board of directors in 1972. He became OTF president in 1978 and served on the board of directors a dozen years.

Born in Springfield, Ohio, Fitzgerald worked for Quick Manufacturing and later a Toro distributor in Memphis, Tenn., before joining Century Toro in Cincinnati as a commercial salesman in 1962. He eventually became head of Century Toro’s Cincinnati/ Dayton office and the company’s commercial division before assuming the vice presidency of the commercial division in 1985.

MOITZ NEW OTF PRESIDENT

Joe Motz, president of Motz Sports Turf Inc., succeeded John Fanning as OTF president. Paul Jacquesmin is the new vice president and Ohio State University Professor William Pound treasurer.

Jim Loke, superintendent at Quail Hollow Golf Club in Mentor, was elected to a three-year term on the board of directors. He joined returning trustees Fred Bosch, Sue-Anne Brown and Tom Walker who were re-elected to three-year terms.

$118,650 GRANTED FOR RESEARCH

Research grants totaling $118,650 were awarded to OSU researchers John Street ($11,700), Harry Niemczyk ($29,500), Bill Kalinoski ($15,950) and the USGA’s Communications and Nancy Sadlon environmental programs to

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courting the EPA mandate in that state.

"If people honestly didn’t understand the law we still encourage them to register their tanks. If they come forward, we’ll work with them."

The second step regarding USTs involves installing leak detection devices. Dec. 22, 1990 was the deadline for providing leak detection equipment on all tanks installed in or before 1985. The deadline was placed in anticipation between 1970 and 1974 must have the safety devices by this Dec. 22. The next leak detection deadline will be Dec. 22, 1992, for USTs installed between 1975 and 1979 and Dec. 22, 1993, for those installed between 1980 and 1988.

"Don’t put off installing leak detection devices, even if your deadline is a year or more away," counseled Ohio State Fire Marshal Michael Nimocks during December’s Ohio Turfgrass Conference and Show. "Contractors are busy and aren’t always available when you want them. But that isn’t an excuse for missing the deadline."

Several tank owners have been fined between $5,000 and $20,000 for failing to meet the Dec. 22, 1989 leak detection device deadline for tanks installed before 1965, Kalinoski said.

"We’ve tried to keep the fines in proportion," the EPA official said. "We’re also concerned about a company’s ability to pay. We don’t want anyone to go bankrupt. But we are serious about this."

Another deadline occurs this spring when insurance is required for tank owners and operators to cover the clean-up costs of a release and third-party properties contaminated by a spill.

Several groups have sponsored insurance programs, including the Golf Course Superintendents Association of America and the National Club Association.

Heating oil and above-ground storage tanks are currently exempt from federal and state regulations. But Nimocks expects the EPA to establish above-ground tank regulations within the next few years.

"And you still have moral and potential legal obligations if you have a leak from a heating oil or above-ground tank," he added.

"We recommend you have those tested, too."

GOLF COURSES VULNERABLE

Historically, storage tanks were buried for lack of space and fire protection. Little consideration was given to preventing leaks.

More than 2 million tanks are buried in the United States. Many are old and lack corrosion protection. An estimated one-third leak and sometimes contaminate underground water supplies.

Leakage losses are potentially explosive as are septic tanks, sewers and basements where petroleum vapors from leaking storage tanks can accumulate.

Cleaning soil contaminated by a spill generally ranges from $10,000 to more than $100,000. The cost can exceed $1 million when petroleum must be extracted from ground water. Releasess extending to neighboring properties may result in additional tort liabilities.

Golf courses commonly have buried steel tanks containing petroleum and other chemicals. USTs are subject to EPA regulations and, in some cases, even tougher state and local standards.

Prior to the new EPA regulations, a Versar, Inc. study of 12,000 tank releases in 50 states stated:

- The median tank age was 17 years.
- Pipe failures caused more than a third of the releases.
- In 80 percent of the cases, substantial damage occurred before the release was discovered.
- The EPA later set the following goals:
  - Preventing and finding leaks
  - Correcting subsequent problems.
- Making certain owners and operators of USTs can pay for corrective activities.
- Requiring each state to adopt a regulatory program as strict or stricter than the EPA. EPA regulations include a detailed tank registration system and a release reporting system for leaks and spills from overfilling tanks. Inspections, investigations and harsh fines reinforce control and correction.

Owners and operators are liable for releases and are required to obtain insurance or provide proof of financial responsibility.

Some states have imposed requirements that exceed EPA’s. For example, the federal agency requires a suspected release to be reported within 24 hours. Maryland has cut that to two hours.

Other states have placed special criteria on tanks, pipes and components, including the cathodic protection system, monitoring devices and tank testing elements. Many tank owners find the regulations overwhelming and seek professional help.

Federal law requires tanks placed in operation after December 1988 to be properly installed, protected from corrosion, equipped with leak-detection devices and to have spill and overfill protection.

A tank installed before December 1988 must have tank filling procedures to prevent spills and overfills. By December 1988 it also must have corrosion protection along with spill and overfill prevention devices.

Leak detection requirements can be met with continuous automatic devices, monthly monitoring, or tank integrity testing combined with inventory control. The choice and duration depends upon factors such as corrosion protection, tank upgrading and installation date.

Regulations for removing or closing a tank differ from state to state. Refining an existing tank requires evacuating liquids and vapors, cleaning the tank and disposing of accumulated sludges. These are potentially hazardous activities that should be undertaken only by professional companies.

"Our only fine to date involved a tank removed by someone other than a professional installer and remover," said Schulz of the Ohio State Fire Marshall’s office.

Companies unfamiliar with remediation methods or specific local cleanup standards may face rejection at the work site. Selecting the best and most economical alternative is a high-dollar decision. For example, the cost difference between aeration, displacement or incineration of soils can be enormous.

The worst-case scenario is employing a contractor who is unable to complete the job. Most small testing or “tank-a-tank” firms are unable to handle environmental clean-ups. Switching firms in midstream can be very expensive and time consuming.

The American Petroleum Institute has developed standard practices for tank removal, disposal and installation. Associated General Contractors of America is developing a handbook on methods for different geographical locations.

Such publications are useful but do not remove the subjective judgments of local officials who ultimately determine whether a clean-up is acceptable.

John G. Casaus is corporate director of tank programs and Ron Steg manager of golf course environmental programs at Versar, Inc., an environmental risk management company in Springfield, Va. Versar has opened a toll-free inquiry line at 800-283-7727.

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