

UNTANGLING UNDERGROUND TANK REGULATIONS

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In 1986, Federal Regulations required the registration of all underground storage tanks with the Environmental Protection Agency. In September of 1988, Federal Regulations were adopted that required the upgrading or removal of underground storage tanks that were currently in use and defined protection criteria required on new underground storage tank installations to decrease the threat to the environment from the storage of petroleum products in these tanks. The new regulations dictated the use of overfill and overspill protection devices on tanks, corrosion protection to reduce the risk of a tank integrity compromise and a leak detection system to alert the owner if the tank has failed and enable him to repair the tank before damage has been done to the environment.

These regulations have cost owners and operators of many types of businesses in various ways. Some owners have removed tanks, only to find extensive soil and groundwater contamination that they cannot afford to remediate. Some companies have decided to use alternative methods of fueling vehicles and equipment which allow the large service stations to accept the liability for any releases. Businesses wishing to well or refinance their operations are finding it increasingly difficult to secure a bank loan with an underground storage tank located on their property.

The new regulations require upgrading or replacement of underground storage tank systems by December of the years 1989 to 1992, depending on the tank age. A closure report must be filed with the State Fire Marshal's office at the time of the removal and if contamination is discovered a site investigation into the horizontal and vertical extent of the contamination must be submitted for review to the Department of Natural Resources.

If contamination cannot be excavated, alternative methods of remediation must be proposed to remediate the contamination. The most popular treatment methods available for soil and groundwater are soil vapor recovery and groundwater purge and treat respectively. These methods can take anywhere from six months to 10 years to effectively remediate the contamination, thereby making the owner's financial commitment a lengthy and costly one.