

# EPA says most UST owners obeying financial laws

By PETER BLAIS

More than 95 percent of underground storage tank (UST) owners and operators required to be in compliance with federal financial responsibility regulations are in compliance, according to a recent Environmental Protection Agency report.

The Superfund Amendments and Reauthorization Act of 1986 mandated that EPA establish financial responsibility requirements for UST owners to ensure that costs to clean up accidental releases and any third-party liability claims were covered.

"In general, golf courses have shown a

high degree of compliance," said Mike Scott, the agency's public liaison officer for golf course issues.

According to the report, most tank owners are complying by using state assurance funds. Forty-three states have established such funds.

State financial assistance programs (e.g. loan guarantees, direct loans, grants) help alleviate some of the economic burden. Programs are available in 17 states.

States are in the best position to establish assistance programs tailored to the specific needs of their communities, the report found. Therefore, EPA should provide the

states with assistance when requested, the agency recommended.

Other recommendations included:

- Congress should amend the Resource Conservation and Recovery Act (RCRA) to permanently exempt UST-contaminated media and debris from its hazardous waste management requirements. The exemption would keep corrective action costs from doubling.

"We have to face the facts in the real world," said Scott, when asked how environmental groups have responded to this softening of disposal laws. "We can't take the attitude that if we can't afford to do the

job perfectly, we should do nothing at all. We can't let that stand in the way of doing something significant."

- EPA should extend the financial responsibility compliance date for the last category (which includes non-marketers with net worth of less than \$20 million) from Oct. 26, 1991, to Dec. 31, 1993. It has done so.

While most mom-and-pop operations likely fall below the \$20 million ceiling, Scott cautioned that amount is easy to exceed if a course has several partners. If there is any doubt about net worth, check to make certain, Scott advised.

- EPA should clarify the liability of UST lenders, thus removing a current barrier to financing UST facilities and making more capital available to UST owners. A lender is a potentially responsible party if a tank fails, Scott said.

The EPA is seeking something similar to the secured creditor exemption found in the Superfund law that would exempt lenders from most liability problems, Scott said. EPA started this procedure in March.

- EPA should publish a policy directive clarifying the flexibility that exists in the federal corrective action regulations and promotes cost-cutting opportunities.

Again, this is borrowed from the Superfund regulations. Basically it means the agency needs to inform tank owners that there may be several ways to achieve the same goal, Scott said. If one method costs less, but yields the same result, then owners should be able to use the less expensive method, he added.

Coupled with EPA-funded projects that help state and local programs streamline their cleanup procedures, this should cut costs, red tape and clean-up time. The agency also started this procedure in March.

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