



FUEL TANKS: Changes on the Horizon

By Michael Semler

Editor's Note: In an effort to help members of the Wisconsin Golf Course Superintendents Association sort through the mountain of new legislation and regulations affecting our golf course operations, "The Grass Roots" is offering a new feature — LEGAL MATTERS. "This is not legal advice. Lawyers are not writing this column. If you want an opinion(s) about your own operation, contact your club or course legal counsel."

Mike Semler has done a lot of research on fuel tank requirements. The first article in LEGAL MATTERS deals with what he has learned.

Remember, if you have questions involving your own situation, contact your organization's lawyer.

This year will see a dramatic change in the regulations involved with Underground Storage Tanks (USTs). The laws that came into effect in October 1988 have required the EPA to develop regulations to protect human health and the environment from leaking USTs. It specifically mandates requirements for financial and technical responsibility on the owners of them.

For golf courses with USTs, this means compliance with the set of guidelines set up by the EPA. With these new laws, two possibilities exist for the storage of fuels: keeping the tanks underground or closing the existing UST and installing above ground tanks.

If you desire to keep your tank underground, by October 26, 1990, owners must be able to prove sufficient financial responsibility to provide \$1 million to cover all leaks in a given year and \$500,000 per occurrence.

There are a number of ways to demonstrate this financial responsibility, including insurance programs, state funds, trust funds from parent corporations, or any other method approved by the state. The state can give more details on the types of funding applicable and available.

By December 1993, all USTs must also have operable leak detection de-

vices in place. Leak detection devices include monthly monitoring of the surrounding soil and groundwater with wells and vapor detectors, monthly inventory controls, and annual tank tightness testing. Here, depending on the age of the tank and the type of tank, all or a combination of these may be necessary.

In addition to leak detection and financial proof, by December 1998 all USTs must have corrosion protection and devices that prevent spills and overfills. Corrosion protection includes coated or cathodically protected steel, fiberglass tanks, interior lining of tanks or a combination of all of these.

In any case, keeping your tanks underground will become an expensive and time consuming ordeal and, in some cases, this may be the best solution. For others, the solution may be installing above ground storage tanks. The paperwork, planning and hassles may be no less in the short run. However, in the long run, your liabilities and environmental risks may be less than with USTs.

In order to install fuel tanks above ground, you need to apply for a permit with the State Safety Petroleum Inspection board (telephone: 608-266-8076). At the same time, notify your local Fire Chief to get approval for the above ground tank site.

Above ground tanks require the construction of holding ponds equal to or greater than the size of the total gallons in the tank or tanks. This is to prevent any leaked fuel from entering the ground. It also allows for a less expensive clean-up if a leak does occur.

If you have an existing UST, this will also be the time to apply for a site assessment for its closure and abandonment. Here again, your local Fire Chief should be notified of the site assessment.

This assessment for tank closure involves having a third party take soil tests of the area around the tank and having them analyzed for any leakage.

Assuming there is no problem with the soil samples, tank closure can pro-

ceed with the removal of remaining fluids and vapors. After excavating to the top of the tank, it may be abandoned in place by filling it with an inert material, or it may be removed from the ground and disposed of in an approved manner.

In either case, as environmental concerns increase, above and below ground storage of fuel will require more careful monitoring and reporting on the user's part.

For more information concerning fuel storage, contact: State Safety Petroleum Inspection Board at (608) 266-8076.

They will give you all the information you need to comply with the new storage tank laws.

For specific legal advice on this issue, contact your company attorney.

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