ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990

6574 SENATE RESOURCES

8672

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SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
				10/88	10/88	
12400	A	City of Angoon, USS 3756, (R68E, Sec. 31 ..... 1.5 miles S of Angoon. Municipal solid waste. 180 cy per week.	8312-BA013 exp. 12-31-88	~~11/87~~	8/~~17/86~~	
12401	I	Greens Creek Mining Co., Hawk Inlet,..... Admiralty Island, (adit site)... Camp Waste, T44S, R66E, NW, NW of Sec. 9	8512-BA001 exp. 12-31-86	1/31/85	1982	Closed 1986
12402	I	Shee Atika, Cube Cove, T45S, R66E, S 20-29 & ..... S 32-36, Wood Waste & Campwaste Quantity _____	8312-BA010 exp. 12-31-87	7/3/85	6/25/87	Site moved to Peanut Lake Rock
12403	A	Greens Creek Mining Co., Admiralty Island,..... Sewage sludge and residue from commercial incinerator (burning camp/marine terminal waste) USS 793-Hawk Inlet Cannery, T43S, R65E, S 22E	8512-BA007 exp. 12-31-90	6/13/85	10/6/87	Looks clean
12404	A	Atikon/Shee Atika, Cube Cove, R66E, T45S, S 28,..... Admiralty Island - 150 cy per week. Sorty and Waste	8712-BA017 exp. 12/31/90		8/18/88	
12405	A	Atikon/Shee Atika, Cube Cove, R66E, T46S, S 3,..... Admiralty Island - Camp waste, 10 cy per week	8712-BA016 exp. 12/31/90		8/18/88	
12406	P	Greens Creek Mining Co.,R66E, T43S, S 26,..... Admiralty Island, Hawk Inlet Ash & Sludge. 60 lbs, incinerator ash/ 60 lbs. of sludge per day	8712-BA014 exp. 12/30/90		6/6/88 10/88	
12407						
12408						
12409						
12410						

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12511	I	Old Hoonah Dump - now rifle range.....		6/3/85	6/6/85	Closed
12512	I	Promiscuous dump behind old Hoonah Cannery,..... Chichagof Is[illegible]		8/28/85	6/19/86	
12513	I	Old Hoonah Totem sortyard waste off RCA road..... Chichagof Island		8/29/85	6/19/86	
12514	P	USFS, Camp waste, oak headline ..... Corner Bay, Tenakee Inlet, R64E T48S, L 135° 08' 57 3/4" Chichagof Is. 5 Cy per Week.	8812-BA003 Ex: 12/31/91		8/6/86	
12515	P	Alk Pulp Corp, Corner Bay Camp Waste Incinerate & bury, 4 tons/month Chichagof Island,	8812-BA010 Ex 12/31/99			
12516	P	Alk Pulp Corp, Kennel Creek Camp Waste Incinerator Headline T46S R62E, SW 1/4 of S2 Freshwater Bay, Chichagof Is. (about 210 lbs per day of camp waste incinerated & buried)	8812-BA013 Ex: 12/31/91			

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12500	A	City of Pelican - T45S, R57E. S 17 & 18..... Municiapal Waste, Chichagof Island	8210-BA008 exp. 12-31-90	11/87	~~3/3/86~~ 8/24/88	
12501	A	City of Hoonah - Municipal Waste, ... T43S, R61E, S 26, NE 1/4, SE 1/4 - Hoonah (amended 8210-BA024), Chichagof Island 2 tons per day	8512-BA011 exp. 12-31-90	~~6/3/85~~	~~1/11/87~~ 9/21/88	Over all good
12502	I*	~~Sullivan Logging~~ Alp Pulp Corp, Kennel Creek, Freshwater Bay..... Chichagof Island, T52S, R64E, Sec. 5 ~~Camp Waste~~ (old #SE-7-77) ash + incinerator residue from 3 tons camp waste	~~8512-BA012~~ 8512-BA008 exp. ~~12-31-87~~ 12/31/91	11/87	~~6/25/87~~ 8/ /88 Permit Revoke 8-19-88	~~NOV issued 7/87 - non-renewal, 2/88 sent notice~~
12503	A	Alaska Pulp Co., Neka Bay, Chichagof Island..... T44S, R60E, S17, S 1/2, SE 1/4, Camp Waste 5 cy per month.	8312-BA016 exp. 12-31-88	11/87 88	6/30/87	Acceptable - bears
12504	I	Sealaska Timber Corp. West Point Frederick..... Camp Waste, T44S, R60E, S4, Chichagof Island	8512-BA002 exp: 12-31-89	12-20-83		No camp No waste 11/25/86
12505	A	AK Lumber & Pulp, Log Logging Co., 57° 44'N Lat., 135° 27' W Long. - T48S, R62E, E 1/2rof S 12, Chichagof Island, Corner Bay - Camp waste.	8312-BA017 exp. 12-31-90	6/25/87	6/25/87	NOV issued 7/87
12506						
12507	I	U.S. Dept. of Air Force (White Alice Site)..... Hoonah, Chichagof Island, T43S, R61E, S28	8412-BA005 exp. 12-31-84	6/21/84	6/21/84	Closed
12508	A	False Island, USFS (or contractor)..... Log camp waste - (Peril Strait)		7/10/84	--	
12509	A	Huna Totem Corp., Long Island, T43S, R61E, S32..... Wood waste (near Hoonah) (expand sortyard and construct spur road). Quantity 15 tons per day	8412-BA002 exp. 12-31-88	8/9/85	6/30/87	Need separation of waste
12510	A	Sealaska Timber Corp., Chichagof Island..... W. Port Frederick (near Hoonah) Sortyard Waste, 2 sites adjacent to each other, T44S, R60E, S 3 SW 1/4. Quantity 20 cy per day over a 200 day season.	8512-BA002 exp. 12-31-89	3/20/85	9/23/86	Good

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12912	I	Old barrell dump near Gustavus Airport..... Between new U.S. Post Office Facility and Glacier Bay Airways hanger. WW II vintage-- an investigation underway.		10/21/85	10/21/85	
12912B	I	FAA, Temporary sewer sludge disposal..... T28S, R34E, SW 1/4 of Sec. 15 & NW 1/4 of Sec.20	SE-2-77 exp. 12-31-77	4/30/85	1977	
12913	A	U.S. Army Corp of Engineers contract to MV Constructor Co., demolish quonset huts/misc. buildings - disposal of 200 cy - asbestos, metal debris, Mile 16.2 USFS Hwy. 10, site #1 (on USFS land) Yakutat.	8512-BA008 exp. 12-31-88	6/21/85		
12914	I	US Army Corp of Engineers, contract to M/V Constructor Co., R 33E, T28S, S 11, Demolition and buriel of large buildings/site restoration, Yakutat	8512-BA009 exp. 12-31-86	8/9/85	8/5/86	Good job
12915	I	FAA, quarry pits at mile 16, or 15 or 17..... on USFS Road #10, temporary sewer sludge disposal facility.	8512-BA012 exp. 12-31-86	8/9/85	8/5/86	Area is re-seeded
12916	A	USCG, T28S, R33E, S 1/2 Sec 2, abandoned ..... Loran Station A, Demolition Waste, Yakutat	8612-BA001 exp. 12-31-89	5/27/86	8/5/86	Demolish and close station. Not done as yet
12917		Couverden Logging Camp, Camp WASTe, 5 Cy Per month. T41S, R 81E, SE 1/4 of S24 Excursion Inlet (in a Rock Pit) 5 Cy per Mon. South Central Timber @ Inc	8812-BA002 Ex 12/31/90	—	—	—

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12901	A	Glacier Bay Nat'l. Park & Preserve, Gustavus..... Solid Waste & Sewage Sludge, T40S, R60E, S8	8412-BA004 exp. 12-31-88	8/9/85	6/19/86	excellent condition
12902	A	Gustavus Community Landfill, 1/2 mile from Community, Chilkat Peninsula, Mainland		8/27/85	3/20/86 ~~6/19/86~~	ground water present-need better cover
12903	A	Excursion Inlet Packing Co. Inc., Excursion Inlet.... Seafood Plant (domestic & commercial waste) L 58° 25' 00" N, L 135°, 26', 30" W	8412-BA011 exp. 12-31-89	8/16/84	8/14/86 ~~8/16/84~~	NOV issued 9/26/86 - no cover/ burning
12905	A	City of Yakutat - T27S, R34E, S29 (mainland)..... Municipal Waste	8712-BA001 exp. Denied	6/18/84	6/4/86 ~~8/4/86~~	Fence not bear proof
12906	A	Yakutat Seafoods Co. - Seafood Processing Waste..... L59' 10"N, L 138' 29" W, 3 miles NE of the mouth of Alsek River	8210-BA001 exp. 3-31-89	6/19/85	6/18/85	Renewed and Extended
12907	I	Vernon Schumacher, Dry Bay - Seafood Waste..... 1 mile north of Dry Bay Airport, 60 miles east of Yakutat	8312-BA011 exp. 12-31-84	8/9/85	6/19/85	
12908	A	Harrold Robbins, Dry Bay (Huddy Creek - Alsek River).. Seafood Processing Waste (No SW #, has WW Permit #8412-DB004		8/12/85	--	
12909	A	Silver Bay Logging and Construction, Camp Waste..... Sawmill Cove, Yakutat		8/27/85	--	
12910	A	Koncor Forest Resource Management Co..... Wood Waste into Gravel Pits Along State Highway 29-7000, Yakutat. Quantity 278035 cy for total deposit in all gravel pits along road.	8312-BA020 exp. 12-31-88	11/84 ~~8/8/85~~	8/4/86	Using one pit only
12911	A	Homeshore Logging Camp, ~~Seley, Inc.~~, Camp Waste..... East shore of entrance into Excursion Inlet (1/85 - building logging road - USFS will have misc. contractors) Old Site, WR Towgard T41S R61E S14 SW1/4 of SE1/4	8312-BA003 Ex.	9/20/84	--	

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13010	A	Bell Island - Rediscovery Lodge, (turning resort.... into private club - 1985. Facility has pool, bar, restaurant, hot springs and cabins) Resort waste,		8/29/85	--	
13011	I	U.S. Dept. of Air Force (White Alice Site)..... Smuggler's Cove, Annette Island, T 78S, R 92E, S 20 (State has control over water only in this area)	8413-BA006 exp. 12-31-84	1/31/85	--	Closed
13012	A	Shoal Cove, Revilliagigedo Island, USCG camp waste,... SE 1/4, Sec 16, T74S, R93E (Loran Station) USFS camp also uses dump site		7/9/84	6/10/87	No cover bears
13014	A	Marquerite Bay, Traitor's Cove, Revilliagigedo ..... Island, Dump site 8000, 485 Road (cleanup of Hildre's campsite 7/86)		8/7/86		Limited data closed 1986
13015	P	Ketchikan Pulp Co., Ward Cove, Ketchikan,..... T74S, R90E, S 34 - Woodwaste, across from mill site upland, next to water line by the Pipeline Road.	8713-BA012 exp. 12-31-91			NOV-proposed findings in review
13016	P	Long Island Development, Carroll Inlet, ... Revilliagigedo Island, T75S, R92E, S 25, E /4, Sortyard waste	8713-BA010 exp. 12-31-91			
1301		Ketchikan Pulp Co, Ash + Incinerator residues from Mill operation T75S R9E S4, NE¼, 5½ Mile No. Tongass, by Millsite, Ketchikan	8813-BA005 Exp.			

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13000	A	City of Ketchikan, Deer Mountain, T75S, R91E, S25, Municipal Waste, Ravilliagigedo Island (Asbestos site)	8313-BA018 exp. 12-31-88	1/16/84	10/88 ~~4/20~~ 5/19/88 ~~6/8/87~~	Leachate drain to USCG & KTKN check
13001	A	Metlakatla, Annette Island, Domestic/Commercial.... Waste, 3 miles from town on Airport Road		8/27/85	--	
13002	I	Hyder, Sec. 1, T68S, R99E, Municipal Waste..... Portland Canal, (Mainland)		8/27/85	6/3/87	Residents burn own waste
13004	I	AK Power Authority, Swan Lake - T72S, R90E, S 19 Carroll Inlet, Camp Waste, Revilliagigedo Is.	8613-BA003 exp. 12-31-90	4/8/86	--	
13005	I	ISCO, Margaret Bay, T71S, R90E, NW S 21 ..... Landfill, Revilliagigedo Is.	SE-2-80 exp. 12-31-84	4/2/85	--	1982 Water samples taken
13006	I	U.S. Borax, Pacific Coast Molybdenum, Quartz Hill... Adit Excavation Material, (mainland)	8110-BA001 exp. 12-31-83	8/30/85	1984	
13007	I	Pacific Coast Moly. Co., U.S. Borax, Blossom River,. Smeaton Bay (mainland) S 13, 23, 24, 25 &35, T75S, R98E S 6, 7, 8, & 18, T75S, R99E S 25, 26, 35 & 36, T74S, R98E Overburden from Road/Quarry Site	8210-BA011 exp. 12-31-84	6/7/85	1984	
13008	I	Pacific Coast Moly Co., U.S. Borax, Wilson Arm,..... Smeaton Bay (mainland) T75S, R97E, Sec. 14 Camp waste.	8210-BA018 exp. 12-31-84	12/14/83	1984	
13009	A	Cape Fox Corp., White River, George Inlet,.....8413-BA008 Sort Yard, wood waste, Revilliagigedo Is. Quantity 200 cy per month of soil, rocks and log waste.	exp. 12-31-88	4/19/84	--	

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13508 ?	A	Anita Bay, Etolin Island, USFS (or contractor)..... Log Transfer Facility (Log camp waste)		8/28/85	--	
13509	A	Craik, James E. - Wrangell, Wrangell Is.,..... Woodwaste/[illegible] pad for private residence T64S, R84E, S7, Block 2, Lot 3. Quantity 300 cy	8513-BA004 exp. 04-15-90	8/9/85	3/11/86	
13510	A	Brantley, Vernon - Wrangell, Wrangell Island ..... Woodwaste, Homesite, T64S, R84E, S 7, Block 2, Lot 4. Quantity 700 cy.	8513-BA014 exp. 12-31-89	10/22/85	3/4/86	
13511	A	Wrangell Forest Products, upland property adjacent.. to sawmill. 5 1/2 Mile - Zimovia Hwy. Quantity 50 tons per day.	8613-BA009 exp. 12-31-89	9/24/86	4/13/88 ~~11/30/87~~	~~Leachate problems~~ NOV issued 4/13/88
13512	I	Shooting Range, between town and airport, ... Wrangell, woodwaste. Quantity _____		9/24/86	11/87	Water sampling done

13512 Wrangell Forest Products, Woodwaste 8613-BA007
USS 3534, Lots 1+2+ATS
1249, Quantity 10,000 cy per mo.
cy

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13500	A	City of Wrangell, Wrangell Is. USS 2096,..... Supple. Tract A, Lot 2; USS 2127, Lots 12 and 13, Block 5, USS 2127 Supple. Municipal Waste	exp:	5/24/84	12/1/87	CO-86-04 sent
13501	I	Southeast Harrison Western, about 0.98 miles, NW of existing camp on S side of upper Bradfield Canal, L 56°, 15' N, L 131° 30' W. Camp for Hydro Project, Bradfield Canal	8213-BA006 exp. 12-31-84	12/14/83	--	
13502	I	Alaska Power Authority - Tyee Lake Project,.L 56° 12'N, L 131°31'W - Excavate Rock into Tyee Lake	8210-BA012 exp. 12-31-86	9/26/86	--	Closed - Site not used by contractor
13503 ?	A	(Anita Bay Logging & Const. Co.), Mitkof Lumber.Co. Inc. Etolin Island, Anita Bay, Camp Waste, T66S, R84E, Sec 6, NW 1/4	8412-BA017 exp. 12-31-90	12/2/85	12/2/85	
13504	I	Alaska Wood Products Inc., Wrangell Island,..... (Near school -above Bennet Street, USS 3753, Blocks 48, 51 & 52, USS 125) Woodwaste. Quantity 40000 cy total for site.	SE-3-76 exp. 6-30-78	8/13/85	11/87	Leachate problems
13505	I	ALP, Head of Bradfield Canal, L 56°15',L 131° 30'. Camp Waste (.98 miles NE of Bradfield Camp)	SE-11-80 exp. 12-31-82	12/14/83	--	
13506	I	Alaska Wood Products, (Wrangell Forest Products as of 1985 - Seley, Inc.) Shoemaker Bay, Wrangell Is., USS 3534 and 2589, Fill and Bulkhead, Mile 6, Zimovia Highway	SER 4-76 exp. 06-30-79	4/29/85	--	
13507	A	Yes Bay/Resort, Yes Bay, Cleveland Peninsula,..... West Behm Canal (mainland), Camp Waste		8/27/85	--	

SOLID WASTE DISPOSAL SITES
SOUTHEAST ALASKA (CRM)

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SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
13747		Klukwan Forest Products, Log Island Camp Waste, T30 R84E, SW¼ of S12	8813-BA012			
13748		Alt Resources Inc, Smith Cove Camp Waste, T74S R84E, S20, PWI	8813-BA014 Exp: 12-31-91	8/30/88	8/30/88	
~~13749~~		~~Alt Resources Inc, Smith Cove Camp Waste, T74S R84E, S17, PWI~~	~~8813-BA015~~			

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13739	A	Natzuhini Dump, near Natzuhini River,..... Camp Waste, Natzuhini Logging Camp, Prince of Wales Island		7/15/87	9/1/88 ~~6/11/87~~	Nov issued 6/87
13740	P	Sealaska Corp., King Cove, Kasaan Bay..... Prince of Wales Isl., T73S, R85E, 1/4SW of S. 32 Woodwaste. Quantity 20 cy per da	8713-BA008 exp. 12/31/91		~~8/31/88~~	
13741	A	Klukwan Forest Products, Inc..... Dora Bay, Prince of Wales Island, T77S, R17E, S3 - Camp waste Quantity 1/2 ton per month.	8713-BA009 exp. 12/31/91		8/9/87	
13742		Sealaska Corp., 7.5 miles NE of Hydaburg, T76S, R84E, S 33, SW 1/4 of NE 1/4, Prince of Wales Island - Sortyard waste.	8713-BA011 exp. 12/31/91		9/1/88	
13743	P	Sealaska Corp., Tolstoi Bay, Prince of Wales Island, T72S, R81E, S 18, Sortyard waste. Quantity - 20 cy per day.	8713-BA013 exp. 12/31/91			
13744	A	Ketchikan Pulp Co., Thorne Bay Lat. 55°, 24' Long. 139°, 24', Prince of Wales Island - Sortyard waste Quantity 200 cy per week (next to old site).	8713-BA005 exp. 12/31/91		~~8/31/88~~	
13745 (1 TON per Week)		Klukwan Forest Products. . . . . Comp waste, Long Island, Shoe Inlet, ~~Coal Bay~~ T80S R 84E, SW1/4 of S 12	8813-BA012 Ex 12/31/91			
13746		Reid Brothers Logging Contractor are Dora Bay, R 88E T 72S, SW1/4 of SE, 15 CY per week of Comp waste & 85 CY " " 10 wood waste - Prince of Wales Island - address: Quantity: 15 CY comp waste per week 85 " " wood waste " "	8813-BA011 Ex 12/31/91			

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13731	A	Sealaska Timber Corp., Sortyard waste, ... Coco Harbor, Baldy Bay, Dall Island	8513-BA015 exp. 12/31/90	11/8/85	6/26/85	Pre-application inspection
13732	A	City of Hydaburg, Municipal waste, downhill side of road between Hydaburg and Saltery Point Log Transfer Facility - new site		7/6/87	9/1/88 ~~11/87~~	NOV issued 7/19/87
13733	A	Kootznoowoo, Inc., Camp Waste,..... Dolomi Bay, Prince of Wales Island T 78 S, R 89 E, S 5	8613-BA006 exp. 12/31/90	11/3/86	9/87	Waste inc. i.e. burned
13734	A	Kootznoowoo, Inc., log sort waste disposal ..... Dolomi Bay, Prince of Wales Island, T 78 S, R 89 E, S 5, SW 1/4 of SW 1/4. Quantity 10 cy per week.	8613-BA007 exp. 12/31/90	11/3/86	9/87	Site needs attention
13735	P	Sealaska Corp., Bark and mud waste,..... T 74 S, R 85 E, S 27, SW 1/4 of SW 1/4, Skowl Arm, Polk Inlet, about 9 miles SW of Kasaan, Prince of Wales Island (Site I) Quantity _____.	8613-BA010 exp. pending	11/3/86	_____	_____
13736	P	Sealaska Corp., woodwaste, T 74 S,..... R 85 E, S 28, SE 1/4 of SE 1/4, Skowl Arm, Polk Inlet, about 9 miles SW of Kasaan. Prince of Wales Island (Site II) Quantity _____	8613-BA011 exp.	11/3/86	_____	_____
13737	A	Long Island Development Co., Inc.,..... Bark and mud from sortyard, T 77S, R 87 E, NW 1/4 of Sec. 2, Dora Bay, Prince of Wales Island. Quantity 10 cy per month	8613-BA008 exp. 12/31/91	11/17/86	6/9/ 87	More seperation is needed.
13738	A	Ketchikan Pulp Co., camp waste ..... Prince of Wales Island, T 69S, R 80E, S 18, Rock Pit 1 1/2 mile from Naukati camp. Quantity 10 cy per month	8613-BA012 exp. 3/31/89	12/17/86	12/17/86	_____

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13721	I	City of Hydaburg, Prince of Wales Island..... Municipal Waste (old site)		12/27/83	~~6/11/87~~ 5/12/88	closed
13722	I	ITT Rayonier, Smith Cove, Prince of Wales Island,... T74S, R84E, S20, Camp Waste	SE-13-80 exp. 12-31-83	4/26/85	--	
13723	I	Sealaska Timber Corporation, Grace Harbor, Dall..... Island, T80S, R83E, S21, Camp waste	SE-15-80 exp. 12-31-83	4/25/85	--	
13724	A	Whale Pass, USFS, Private camp waste..... ..... NW 1/4, S14, T66S, R80E, NE of Prince of Wales Isl.		8/28/85	5/11/88	4/88 DEC Complaints Poor Shape
13725	A	Coffman Cove, Valentine Log, Camp waste..... NW 1/4, S6, T68S, R82E, Prince of Wales Island		8/28/85	8/31 ~~5/11/88~~	
13726	A	Waterfall Resort, Prince of Wales Island ..... Camp Waste - also have grocery/liquor store, 28 guest cottages, employee and laundry buildings, etc.		8/28/85	6/27/86	Overflight
13727	A	Haida Corporation Logging, Hydaburg..... T 77S, R 84E, S 17, 3000' north of Saltery Pt. Bark and wood waste, Prince of Wales Is. Quantity 8,333 cy annually.	8313-BA019 exp. 12-31-91	1/31/85	11/87	Good seperation of debris
13728	A	LPK Camp Waste, Naukati Inlet (old site)..... Prince of Wales Island. NW 1/4, S10, T69S, R79E		7/9/84	--	
13729	? A	ITT Raynier, Smith Cove, Prince of Wales Island..... T74S, R86E, S17, Woodwaste at shop site. Quantity 10 CY per day	~~8313-BA015~~ ~~8313-BA009~~ exp. ~~12-31-85~~ 12-31-91 5	8/30/88 ~~4/26/85~~	8/30/88	
13730	I	Steamboat Bay Cannery, Steamboat Bay,..... Noyes Island - 1 incinerator site and 1 dump site (scrap metal) on beach - no legal description at this time. (This site had a restaurant, store, showers beside a seafood cannery.)		7/19/85	6/27/86	using beach or burn sites

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13711	I	Klawock Island Dock Company, T73S, R81E, S16,..... NE 1/4, Sort Yard Waste, Klawock Island (Below Soley's Shop). Quanity 32,400 cy per year	8210-BA013 exp. 12-31-87	6/7/85	6/26/86	NOV issued 7/31/86 & 1/8/87
13712	A	Sealaska Timber Corporation, View Cove, Dall Island. Sort Yard, T78S, R82E, S23, 12 Miles SW of Hydaburg. 6,500 cy per year.	8210-BA014 exp. 12-31-90	4/24/85	8/2/83	
13713	I	Bayside Lumber, T73S, R84E, SE 1/4 of S 24, Hollis. Sawdust into Seawater	8310-BA004 exp. 12-31-83	6/21/85	--	
13714	A	Louisiana Pacific Corp, (LPK) Winter Harbor..... T79S, R80E, NW 1/4 Sec 30, Prince of Wales Island, Camp waste. 1 Ton per month.	8313-BA006 exp. 12-31-90	11/87	--	
13715	I	El Capitan Logging Co., Winter Harbor (USFS Camp.... also) Prince of Wales Island, Camp Waste		8/28/85	--	
13716	A	ALP, Cape Pole, Kosiusko Island USFS Camp..... Camp Waste, S14, T68S, R75E	SE-6-80 exp. 12-31-88	4/2/85	--	
13717	A	L & L Logging, Inc., Port Alice, Heceta Island..... SE 1/4, Sec 15, T70S, R77E, Camp waste, 16 cy per month	8713-BA006 exp. 12-31-90	4/25/85	--	
					7/29-30/86 by Kurt E. SCRO and 8/86 by DH&SS	NOV issued 8/29/86-dump covered/ closed 11/86 need an amended permit
13718	A	Kasaan, City of, T 73S, R 85E, S 13, Domestic..... and commercial waste, Prince of Wales Is.	8413-BA003 exp. 12-31-88	~~8/9/85~~ 11/88		
13719	A	~~Sealaska Timber Corporation,~~ Klukwan Forest Products Long Island Dev. Inc... Long Island, Shoe Inlet, T80S, R84E, S30 Camp Waste.	SE-16-80 exp. 12-31-83	4/26/85	--	
13720	A	Sealaska Timber Corporation, View Cove, Dall Island. Camp Waste, T78S, R81E, S26	SE-17-80 exp. 12-31-83	4/26/85	--	

SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
13700	A	City of Klawock Municipal Waste. 3 mi. NE from Craig, Prince of Wales Is., T73S, R81E, NE 1/4 of S 32, Prince of Wales Is. (Hollis waste hauled to site). 2000 tons per year of municipal waste, 3300 cy per year of sortyard waste.	8713-BA004 exp. 12-31-89	8/12/85	9/1/88 ~~6/10/87~~	No cover litter, bears
13701	I	Louisiana Pacific Ketchikan (LPK) Thorne Bay, Prince of Wales Island, Wood waste, T71S, R84E, S20, SE 1/4. Quantity _____	8110-BA004 exp. 12-31-85	2/16/84	5/10/88 ~~12/16/86~~	NOV issued 7/14/86
13702	A	LPK, Thorne Bay, Prince of Wales Island. Non-putrescible Waste, SW 1/4, Sec 20, T71S, R84E	8110-BA005 exp. 12-31-85	6/4/85	8/31 5/10/88 ~~12/16/86~~	City may apply
13703	A	LPK, Thorne Bay - Camp garbage & sludge from Secondary Treatment Plant, SW 1/4, Sec 20 T71S, R84E	8110-BA006 exp. 12-31-85	6/4/85	8/3 5/10/88 ~~12/16/86~~	City may apply
13704	I	LPK (Bloom Logging Co.) Nichin Cove, Tuxekan Island. Camp Waste, S36, T69S, R79E	8110-BA007 exp. 12-31-85	2/16/84	--	
13705	A	LPK, Ketchikan Pulp Co.,Labouchere Bay, Prince of Wales Island Camp Waste, sewage sludge, S24, T64S, R76E	8613-BA002 exp. 12-31-90	4/4/86	6/15/87	
13709	I	Klawock Island Dock Company, Craig-Klawock Hwy. Prince of Wales Island, Sort Yard Waste. Quantity 555 cy per week at yard and 3000 cy site of road.	8513-BA013 exp. 12-31-88	6/6/85	8/30/88 ~~8/26/87~~	
13710	A	Klukwan, Inc., Long Island, T80S, R84E, Sec 30, East 1/2, Sort Yard Waste. Quantity 4320 cy per year.	8210-BA007 exp. 12-31-90	6/6/85	--	

AMENDMENT

Offered in the SENATE

To: CSHB 219 (Jud)

Page 2, line 11:

Delete "has the meaning given in AS 46.03.900."

Insert "means a solid waste disposal facility for which a garbage permit has been issued under AS 46.03.100."

SE AK

Sec. 46.03.080. Quality and purity standards. After study and public hearings held upon due notice, the department may establish standards of quality and purity or group the designated waters of the state into classes as to minimum quality and purity, or both. The department shall classify waters in accordance with considerations of best usage in the interest of the public. The department may alter and modify classifications after hearing. (§ 3 ch 120 SLA 1971)

Collateral references. — Statute prescribing standard of purity of water furnished for human consumption. 6 ALR 475.

Sec. 46.03.090. Plans for pollution disposal. The department may require the submission of plans for sewage and industrial waste disposal or treatment or both for a publicly or privately owned or operated industrial establishment, community, public or private property subdivision or development. (§ 3 ch 120 SLA 1971)

Sec. 46.03.100. Waste disposal permit. (a) A person who conducts an operation which results in the disposal of solid or liquid waste material or heated process or cooling water into the waters or onto the land of the state must procure a permit from the department before disposing of the waste material or water. The permit must be obtained for direct disposal and for disposal into publicly operated sewerage systems.

(b) A permit for disposal of a hazardous waste may not be adopted under this section unless the applicant for the permit has furnished proof to the commissioner of financial ability to control the hazardous waste. Proof of financial responsibility may be demonstrated by self-insurance, insurance, surety, or guarantee, under regulations adopted by the department. Acceptance of proof of financial responsibility under this subsection expires

(1) one year from its issuance for self-insurance;

(2) on the effective date of a change in the surety bond, guarantee, or insurance agreement; or

(3) on the expiration or cancellation of the surety bond, guarantee, or insurance agreement.

(c) This section does not apply to a person discharging only domestic sewage into a sewerage system.

(d) This section does not apply to injection projects permitted under AS 31.05.030(h). (§ 3 ch 120 SLA 1971; am § 3 ch 220 SLA 1976; am § 9 ch 93 SLA 1981; am § 4 ch 91 SLA 1984)

Revisor's notes. — Reorganized in 1987 by designating former subsections (b) and (c) as present subsections (c) and (b).

Cross references. — For compliance with financial responsibility requirements, see AS 46.03.833.

Effect of amendments. — The 1984 amendment added subsection (d).

Opinions of attorney general. — This

(18) "pesticide" means any chemical or biological agent intended for preventing, destroying, repelling, or mitigating plant or animal life and any substance intended for use as a plant regulator, defoliant or desiccant, including but not limited to insecticides, fungicides, rodenticides, herbicides, nematocides and biocides;

(19) "pollution" means the contamination or altering of waters, land or subsurface land of the state in a manner which creates a nuisance or makes waters, land or subsurface land unclean, or noxious, or impure, or unfit so that they are actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life;

(20) "resource recovery" means the recovery of materials or energy from solid wastes for industrial use, agriculture, heat production, power production, or other processes or purposes and includes the reuse of materials or products to conserve natural resources;

(21) "restricted-use pesticides" means pesticides that are classified for restricted use under 7 U.S.C. 136a(d)(1)(C) (sec. 3(d)(1)(C), Federal Insecticide, Fungicide, and Rodenticide Act), as amended;

(22) "sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with ground water infiltration and surface water as may be present; the admixture with sewage of industrial wastes or other wastes is "sewage";

(23) "sewer system" or "sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other appurtenant constructions, devices, and appliances used for conducting sewage, industrial waste, or other wastes to a point of ultimate disposal;

(24) "solid waste" means all unwanted, abandoned, or discarded solid or semi-solid material whether or not subject to decomposition, originating from any source;

(25) "solid waste disposal facility" means a facility for the discharge, deposit, injection, consolidation, or placement of solid waste into or onto the land and includes transfer stations and sanitary landfills;

(26) "solid waste processing facility" means a facility for the extraction of materials from solid waste, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal and includes incinerators, shredders, balers, and transfer stations;

(27) "standard" means the measure of purity or quality for air, water, and land in relation to their reasonable and necessary use as established by the department;

(28) "storage" means the containment of hazardous waste, either on a temporary basis or for a period of years, in a manner that does not constitute disposal of the hazardous waste;

section confers upon the Department of Environmental Conservation permit authority over dredge or fill activities, including residential subdivisions, within wetlands, estuaries, and inland and coastal marshes periodically inundated by discernible bodies of fresh or salt water upland from the mean high tide line to the extent of the aquatic or salt water vegetation line. November 13, 1975 Op. Att'y Gen.

Dredge or fill activities in coastal and fresh water wetlands shoreward to the aquatic vegetation line do result in the disposal of solid waste material into the waters of the state within the meaning of this section and thus, to the extent that these activities are of a commercial or industrial nature, do require a permit from the Department of Environmental Conservation. November 13, 1975 Op. Att'y Gen.

The state has jurisdiction to require permits of government contractors discharging sewage from a federally-owned treatment plant. June 28, 1977 Op. Att'y Gen.

Sec. 46.03.110. Waste disposal permit procedure. (a) An application for a permit shall be made on forms prescribed by the department or on forms prescribed by the United States Environmental Protection Agency and shall contain the name and address of the applicant, a description of the applicant's operations, the quantity and type of waste material sought to be disposed of, the proposed method of disposal, and any other information considered necessary by the department. Application for permit shall be made at least 60 days before commencement of a proposed discharge.

(b) Upon receipt of a proper application the department shall publish notice of the application in two separate publications of a newspaper of general circulation within the general area in which the disposal of waste material is proposed to be made. The notice may also be published in other appropriate information media. The notice shall include a statement that a person who wants to present views to the department in regard to the application may do so in writing to the department within 30 days of the second publication of the notice. The written response entitles the writer to a copy of the application.

(c) When the department receives an application, the commissioner shall immediately send copies of the application to the commissioner of fish and game, the commissioner of natural resources, the commissioner of commerce and economic development and the commissioner of health and social services.

(d) The department may specify in a permit the terms and conditions under which waste material may be disposed of. The terms and conditions shall be directed to avoiding pollution and to otherwise carry out the policies of this chapter. A permit may not be effective for a period in excess of five years from the date of issuance.

(e) If the department has certified a National Pollutant Discharge Elimination System permit under 33 U.S.C. 1341 (sec. 401, Federal Water Pollution Control Act Amendments of 1972), and the United States Environmental Protection Agency has issued that permit to a person, the department may waive the requirements of this section, and adopt the federal permit as the permit required under AS

March 13, 1989

The Honorable Ben F. Grussendorf
Alaska State Representative
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Thank you for the opportunity to comment on draft legislation pertaining to the taking of brown/grizzly bears near solid waste disposal sites. I have discussed the issue of brown bear hunting near dumps with Lew Pamplin, Director of the Division of Wildlife Conservation, who in turn has considered this issue in detail with his senior staff. As a result of these discussions, we offer the following obbervations.

It is our view that the regulation of bear hunting near waste disposal sites is a matter that most appropriately should be addressed by the Board of Game. The board will consider this question when it deliberates on proposal #130 during its current meeting being held in Anchorage (March 6-22).

The department has a number of concerns related to the content of the proposed legislation. Although the taking of bears at garbage dumps is not aesthetically attractive, it does not pose a threat to the welfare of brown bears in most areas of the state. Currently local residents can harvest "problem" bears during open seasons, thereby eliminating the need for government action to eliminate problem bears. In areas of the state where settlements are few and bear populations are healthy, denying the public this option is difficult to justify. In many cases, problem bears would be killed anyway, and simply not reported, resulting in a loss of information and a waste of the resource.

Northeastern Chichagof Island in Game Management Unit 4 is an area where we do have serious concerns about the impact of refuse disposal on brown bears. However, the establishment in 1988 of the Northeast Chichagof Controlled Use Area and the accompanying prohibition on use of motorized land vehicles to hunt brown bears will make legal taking very difficult near dumps such as the Hoonah disposal site.

It is important to realize that bears frequenting garbage dumps near communities will eventually have to be destroyed one way or the other. The real problem is improper handling of refuse. The Department of Fish and Game is working cooperatively with the Department of Environmental Conservation, the Department of Public Safety, and the U. S. Forest Service to scrutinize all permitted disposal sites and to make permit renewal contingent upon elimination of food items which will attract bears and other wildlife. Considerable progress has been made in the two years this forum has existed.

When the Board of Game deliberates on proposal #130, we will express our concern over bears in Unit 4, and will be prepared to work toward a regulatory solution if the board so desires.

I hope these comments will serve to point out the complexity of this issue. The department does not endorse hunting bears at dumps. But we do see the elimination of dumps as attractive nuisances as the ultimate and best solution where real problems exist.

Sincerely,

Don W. Collinsworth
Commissioner

cc: Lew Pamplin, Director
Division of Wildlife Conservation

bcc: Roland Shanks, Special Assistant, ADF&G
Bob Evans, Legislative Liaison, Office of the Governor

DWC/WLP/DA/rhs

CO6048

File: BIG 6.0

AMENDMENT

OFFERED IN THE SENATE

TO: SCS CSHB 219 (Resources)

Page 1, line 7, after "facilities":

Insert "except as authorized by the Department of Fish and Game"

Page 1, line 12, after "FACILITY":

Delete "IN SOUTHEAST ALASKA"

Page 1, line 14, after "facility":

Delete "located in Southeast Alaska"

Page 2, after line 1:

Insert a new subsection to read:

"(d) Notwithstanding other provisions of this section, the department may authorize the taking, under sport hunting regulations, of a problem brown or grizzly bear at any time within one mile of a solid waste disposal facility if necessary to protect the public."

Reletter the following subsection accordingly.

Page 2, lines 15 and 16:

Delete all material

6-0848E
Utermohle
4/3/89

Original sponsors: Grussendorf, Goll, and Davidson

IN THE HOUSE BY THE RESOURCES COMMITTEE

CS FOR HOUSE BILL NO. 219 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act prohibiting the taking of brown or grizzly bear near solid waste disposal facilities; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.782. TAKING OF BROWN OR GRIZZLY BEAR NEAR SOLID WASTE DISPOSAL FACILITY PROHIBITED. (a) A person who with criminal negligence takes a brown or grizzly bear within one mile of a solid waste disposal facility is guilty of a class A misdemeanor.

(b) In addition to the penalty imposed by law, the court shall order forfeiture of the hide and skull of the bear, but if the hide and skull are not salvaged then the court shall impose an additional fine equal to the fair market value of the bear.

(c) It is a defense to prosecution under this section that the person took the bear in defense of life or property if the

(1) necessity for the taking is not brought about by harassment or provocation of the bear or by an unreasonable invasion of the bear's habitat by the person who takes the bear;

(2) necessity for the taking is not brought about by the improper disposal of garbage or the creation of a similar attractive nuisance by the person who takes the bear; and

(3) person exhausts all other practicable means to protect life and property before the bear is taken.

(d) In this section

(1) "criminal negligence" has the meaning given in AS 11.-81.900(a);

(2) "property" means

(A) a dwelling, permanent or temporary;

(B) an aircraft, boat, automobile, or other conveyance;

(C) a domestic animal;

(D) other property of substantial value necessary for the livelihood or survival of the owner;

(3) "solid waste disposal facility" has the meaning given in AS 46.03.900.

* Sec. 2. This Act takes effect July 1, 1989.

6-0848J
Utermohle
5/3/89

Original sponsors: Grussendorf, Goll,
and Davidson

IN THE HOUSE BY THE RESOURCES COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 219 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act prohibiting the taking of bears near solid waste disposal facilities; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.782. TAKING OF BROWN OR GRIZZLY BEAR NEAR SOLID WASTE DISPOSAL FACILITY PROHIBITED. (a) A person who with criminal negligence takes a brown or grizzly bear within one mile of a solid waste disposal facility is guilty of a class A misdemeanor.

(b) In addition to the penalty imposed by law, the court shall order forfeiture of the hide and skull of the bear, but if the hide and skull are not salvaged and delivered to the department then the court shall impose an additional fine of up to $10,000.

(c) It is an affirmative defense to a prosecution under this section that the person took the bear in defense of life or property if the person who took the bear shows by a preponderance of the evidence that

(1) the necessity for the taking was not brought about by harassment or provocation of the bear by the person who took the bear;

(2) the necessity for the taking was not brought about by the negligent disposal of garbage or the creation of a similar attractive nuisance by the person who took the bear; and

(3) the person exhausted all other practicable means to protect life and property before the bear was taken.

(d) In this section

(1) "criminal negligence" has the meaning given in AS 11.-81.900(a);

(2) "property" means

(A) a dwelling, permanent or temporary;

(B) an aircraft, boat, automobile, or other conveyance;

(C) a domestic animal;

(D) other property of substantial value necessary for the livelihood or survival of the owner;

(3) "solid waste disposal facility" means a facility for the disposal of solid waste, other than sewage, for which a permit has been issued under AS 46.03.100.

* Sec. 2. This Act takes effect July 1, 1989.

A M E N D M E N T

OFFERED IN THE SENATE

TO: Draft SCS CSHB 219 (Resources)

Page 1, line 12, after "FACILITY":

Insert "IN SOUTHEAST ALASKA"

Page 1, line 14, after "facility":

Insert "located in Southeast Alaska"

Page 2, line 13, after "AS 46.03.100":

Insert ";

(4) "Southeast Alaska" means that portion of the state that is east of 141 degrees west longitude"

6-0848M
Utermohle
5/5/89

Original sponsors: Grussendorf, Goll, and Davidson

IN THE HOUSE BY THE RULES COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 219 (Rules)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act prohibiting the taking of bears near solid waste disposal facilities; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.782. TAKING OF BROWN OR GRIZZLY BEAR NEAR SOLID WASTE DISPOSAL FACILITY PROHIBITED. (a) Except as provided in (d) of this section, a person who with criminal negligence takes a brown or grizzly bear within one mile of a solid waste disposal facility is guilty of a class A misdemeanor.

(b) In addition to the penalty imposed by law under (a) of this section, the court shall order forfeiture of the hide and skull of the bear, but if the hide and skull are not salvaged and delivered to the department then the court shall impose an additional fine of up to $10,000.

(c) It is an affirmative defense to a prosecution under (a) of this section that the person took the bear in defense of life or property if the person who took the bear shows by a preponderance of the evidence that

(1) the necessity for the taking was not brought about by harassment or provocation of the bear by the person who took the bear;

(2) the necessity for the taking was not brought about by the negligent disposal of garbage or the creation of a similar attractive nuisance by the person who took the bear; and

(3) the person exhausted all other practicable means to protect life and property before the bear was taken.

(d) Notwithstanding (a) - (c) of this section, the department may authorize the taking of a problem brown or grizzly bear within one mile of a solid waste disposal facility at any time, if the taking of the bear is necessary to protect the public and is consistent with sound game management principles.

(e) In this section

(1) "criminal negligence" has the meaning given in AS 11.-81.900(a);

(2) "property" means

(A) a dwelling, permanent or temporary;

(B) an aircraft, boat, automobile, or other conveyance;

(C) a domestic animal;

(D) other property of substantial value necessary for the livelihood or survival of the owner;

(3) "solid waste disposal facility" means a facility for the disposal of solid waste, other than sewage, for which a permit has been issued under AS 46.03.100.

* Sec. 2. This Act takes effect July 1, 1989.

Ateliss will do
in Rules unless
you would rather
pull it back to Res.

Alaska State Legislature

Representative
BEN GRUSSENDORF
Rules Committee Chairman
Legislative Council
Transportation Committee

District 3
Elfin Cove
Pelican
Port Alexander
Sitka
Tenakee

1221 Halibut Point Road
Sitka, Alaska 99835
(907) 747-8458

While in Juneau
P.O. Box V
Juneau, Alaska 99811

(907) 465-3764
(907) 465-3824

House of Representatives

MEMORANDUM

To: Sen. Bettye Fahrenkamp
Chairman
Senate Resources Committee

From: Rep. Ben Grussendorf

Date: April 25, 1989

Subject: House Bill 219
"An Act prohibiting the taking of bears near solid waste disposal facilities; and providing for an effective date."

House Bill 219 provides that any person who, with criminal negligence, takes a brown or grizzly bear within one mile of a solid waste disposal facility is guilty of a class A misdemeanor, unless that person can show by a preponderance of the evidence that the bear was taken in defense of life or property. In addition to the present penalty for class A misdemeanors (up to one year in jail and a fine of up to $5000), the person would be required to forfeit the hide and skull of the bear to the state. If the person fails to deliver the hide and skull to the state, the court would impose an additional fine of up to $10,000.

The purpose of House Bill 219 is to relieve some of the pressure being felt by brown and grizzly bear populations in those areas of the state where garbage dumps and other man-made attractants are serving as large "bait stations". Bears are naturally attracted to these areas and are becoming easy prey for hunters. Given the fact that the"bait hunting" of brown and grizzly bears has been prohibited by the Alaska Board of Game, it makes little sense to allow hunters to take these bears around garbage dumps and landfills. The bill in no way restricts the power of the Board of Game to set seasons and bag limits for bear hunters; it does, however, correct what I believe to a glaring inconsistency in state policy relative to the taking of brown and grizzly bears.

House Bill 219 received solid support in the House, and I hope to see it enacted during the closing days of this legislative session. To that end, I respectfully request that you give consideration to House Bill 219 when preparing the schedule of bills to be heard by the Senate Resources Committee during the next two weeks.

H B

220

HB220

HB 220, Underground Storage Tanks

Binkley's office is doing a one page sheet that lists the main provisions of the bill.

Basically, the 1 million cleanup fund with a $25,000 deductible; Grants for retrofitting, up to 60%, maximum of $60,000 per facility and Creates a Board.

Everyone is in, the little guys, the big guys, and the municipalities.

Controversy:
The board is the controversial part, actually, as it is does not give DEC the sole responsibility of determining "how clean is clean". Owners have to have a plan, if there is a dispute between the owner and the agency, ie, in the case of an impasse, the board decides. While agencies have representation on the board they fear it is stacked towards the private sector and don't like it. DEC is telling the Gov to veto it, and of course, the green machine is encouraging it, too, but the jury is still out and I strongly suspect you will support this provision.

General fund appropriation. nancy

For Floor Packet

Sen. Fahrenkamp

Linda C. Anderson
Government Relations

M E M O R A N D U M

TO: Interior Delegation DATE: 4/26/90

FROM: Linda Anderson
FNSB/SD Lobbyist

RE: HB 220 - Status of Underground Storage Tanks
(currently in Senate Finance)

The attached letter from the FNSB describes in detail the status of all non-exempt underground storage tanks and their exact location for both the Borough and School District. The FNSB has identified 48 tanks that are subject to the Federal UST Regulations:

Vehicle/Equip. Motor Fuel Tanks	20
Emergency Generator Tanks	7
Combination Htg. & Emerg. Tanks	16
Abandoned Tanks	5
Total Tanks Subject to UST Regs	48

cc: FNSB & SD

January - May
130 Seward St. #304
Juneau, Alaska 99801
907-586-1977

June - December
1125 Sunset Dr.
Fairbanks, Alaska 99709
907-479-7969

★ Fairbanks North Star Borough

809 Pioneer Road P.O Box 1267 · Fairbanks, Alaska 99707 907-452-4761

April 26, 1990

Linda Anderson
FNSB Legislative Lobbyist
130 Seward St., No. 304
Juneau, AK 99801

Dear Linda:

In response to your telephone inquiry yesterday, I am forwarding the material we spoke briefly about.

The 2 page table (FNSB NON-EXEMPT UNDERGROUND STORAGE TANKS) is a list of all FNSB tanks that I believe are not exempt from the requirements of the new EPA regulations. There are 51 tanks listed in this table; the number that I gave you on the phone yesterday (48) is based the assumed completion of several projects scheduled for this (1990) summer construction season:

1. Barnette Elementary School (see note 6a) -
   a. existing condition. boilers (for bldg. heat) & emergency generator share common UST; therefore, tank is NON-EXEMPT
   b. after upgrade: fuel supply to be separated; existing tank becomes EXEMPT; new tank for emerg. gen. will not be underground (therefore, also EXEMPT).
2. Nordale Elementary School (see notes 6b & 7) -
   a. existing condition: separate UST's for heat & emergency generator; emerg. gen. tank is NON-EXEMPT; heat tank is EXEMPT--but appears in table because...
   b. upgrade project: emerg. gen. will be tied to heating fuel tank--this tank becomes NON-EXEMPT ; exist. emerg. gen. tank to be removed (making this NON-EXEMPT tank a "non-problem").
3. Denali Elementary School (see note 7) -
   a. existing condition: separate UST's for heat & emergency generator; emerg. gen. tank is NON-EXEMPT; heat tank is EXEMPT
   b. upgrade condition: heating fuel tank to remain separate (and EXEMPT, therefore not included in the table; new tank for emerg. gen. will not be underground (therefore, also EXEMPT).

The net affect of the above will be to reduce the total number of NON-EXEMPT tanks listed in the table by 3, from 51 to 48.

It should also be noted that there are 2 "heat only" UST's on the list (serving portable classrooms at Badger & North Pole elementary schools). Such tanks are normally EXEMPT; they appear on the list because they are temporarily out of service ("portables" not in use this school yr.) and are subject to the temporary "closure" requirements of the EPA regulations. If these tanks are put in service, as they may be next school year, they become EXEMPT--so perhaps a more accurate (future) total no. of FNSB NON-EXEMPT UST's is 46.

The other material included is just some basic background/summary info. from the EPA.

Please let me know if I can be of further assistance.

Sincerely.

George S. Ferree

George S. Ferree, Energy Program Manager
Facilities Management Division

ATTACHMENTS

cc: Joe Notkin, Manager, Facilities Management Division
Project File

UST/LTR0426a.DOC

FNSB NON-EXEMPT UNDERGROUND STORAGE TANKS (1)

N)	CONTENTS	SIZE (Gal.)	CURRENT USE	YEAR INSTALLED	LEAK DETECTION (2)		CORROSION PROTECTION (3)		SPILL/OVERFILL PREVENTION		TANK CLOSURE REQ'D. ?			NOTES
					REQ'D.?	BY	REQ'D.?	BY	REQ'D.?	BY	TYPE PERM.	TYPE TEMP.	BY	
TIES														
	Regular gasoline	1,500	Vehicle/equip. motor fuel	1982	Y	Dec-93	Y	Dec-98	Y	Dec-98				
	Unleaded gasoline	1,500	Vehicle/equip. motor fuel	1982	Y	Dec-93	Y	Dec-98	Y	Dec-98				
	Diesel	300	Vehicle/equip. motor fuel	1980	Y	Dec-93	Y	Dec-98	Y	Dec-98				
	Diesel	300	Vehicle/equip. motor fuel	1980	Y	Dec-93	Y	Dec-98	Y	Dec-98				
	Unknown	Unknown	Abandoned in place	1970-73(?)	N	N/A	N	N/A	N	N/A	Y		ASAP	8
	Unleaded gasoline	5,000	Vehicle/equip. motor fuel	1981	Y	Dec-93	Y	Dec-98	Y	Dec-98				
	Diesel	10,000	Vehicle/equip. motor fuel	1981	Y	Dec-93	Y	Dec-98	Y	Dec-98				
Area	Regular gasoline	1,000	Vehicle/equip. motor fuel	1984	Y	Dec-93	Y	Dec-98	Y	Dec-98				
Area	Unleaded gasoline	500	Vehicle/equip. motor fuel	1984	Y	Dec-93	Y	Dec-98	Y	Dec-98				9
	Regular gasoline	500	"Zamboni" motor fuel	1983	Y	Dec-93	Y	Dec-98	Y	Dec-98				
e)	Regular gasoline	1,000	Vehicle/equip. motor fuel	1982	Y	Dec-93	Y	Dec-98	Y	Dec-98				
	Diesel	500	Abandoned in place	1967(?)	N	N/A	N	N/A	N	N/A	Y		ASAP	10
ıen: Plant	Unknown	Unknown	Abandoned in place	Unknown	N	N/A	N	N/A	N	N/A	Y		ASAP	11
ıent Plant	Unknown	Unknown	Abandoned in place	Unknown	N	N/A	N	N/A	N	N/A	Y		ASAP	11
IONS														
Station #4	Gasoline	500	Vehicle/equip. motor fuel	1990	Y	At installation	Y	At installation	Y	At installation				12
ın	Diesel	500	Vehicle/equip. motor fuel	1986	Y	Dec-93	Y	Dec-98	Y	Dec-98				
#1	Regular gasoline	1,000	Vehicle/equip. motor fuel	1984	Y	Dec-93	Y	Dec-98	Y	Dec-98				
#1	Unleaded gasoline	1,000	Vehicle/equip. motor fuel	1988	Y	Dec-93	Y	Dec-98	Y	Dec-98				
#1	Diesel	1,000	Vehicle/equip. motor fuel	1984	Y	Dec-93	Y	Dec-98	Y	Dec-98				
	Regular gasoline	1,000	Vehicle/equip. motor fuel	1982	Y	Dec-93	Y	Dec-98	Y	Dec-98				
	Unleaded gasoline	1,000	Vehicle/equip. motor fuel	1982	Y	Dec-93	Y	Dec-98	Y	Dec-98				
	Diesel	10,000	Abandoned in place	1985	N	N/A	N	N/A	N	N/A	Y		ASAP	13

NOTES:
1 For purposes of this table (FNSB compliance w/ EPA regulations), NON-EXEMPT underground storage tanks (UST's) are defined as those with petroleum contents OTHER than heating fuel stored for CURRENT consumptive use, as HEATING fuel ONLY, on the immediate premises; multiple use tanks are classified according to the most restrictive use that applies.
2 See table at right for phase-in schedule for leak detection requirements.
3 Corrosion protection deadline for all EXISTING UST's is 12/22/98; these requirements also apply to all underground piping associated with affected UST's. Emergency generator fuel tanks are exempt from corrosion protection & spill/overfill prevention requirements (but not from leak detection requirements)
4 Emergency generator at Main Administration Building is out of service until further notice.
5 Heating fuel tank for portable classroom(s); CURRENTLY NOT IN USE (89-90 school year); EPA requires at least temporary closure.
6 "Multiple use" tanks for space/water heating AND emergency generator fuel storage (see Note 1)
a. Common heat/emerg. gen. fuel supply @ Barnette Elem. School to be separated during summer 1990 electrical upgrade project. New emerg. gen. fuel tank to be above ground, inside bldg. (EXEMPT)
b. New emerg. gen. @ Ladue Elem. School to be connected to this existing heating fuel tank(s) UST during summer 1990 electrical upgrade project, tank will then be NON-EXEMPT.
Existing emerg. gen. tanks @ Denali & Randall elementary schools are scheduled to be removed as part of summer 1990 electrical upgrade project.
EPA requires permanent tank closure (including site assessment) within 12 months after tank taken out of service.
Tank is located beneath the air-cooled condenser units outside northwest corner of building; believed to be an old (abandoned) vehicle/equip. motor fuel tank.
It is only partially buried--but enough to qualify as an UNDERGROUND tank according to EPA regulations (10% or more of volume below grade)
Old heating fuel tank adjacent to Cabin 20 (site of boiler) for abandoned "district heat" system)
Conveyed to FNSB by City of Fairbanks in 1987; nothing known beyond existence of tanks
Summer 1990 installation (build)
Boiler was formerly used to store heating fuel for boiler, no longer in use (gas only used for several months)

(2) Leak detection phase-in schedule for EXISTING* UST's:

Year Installed	Required by
pre-1965 or ?	Dec-89
1965-69	Dec-90
1970-74	Dec-91
1975-79	Dec-92
1980-88	Dec-93

*EXISTING UST's are defined as those installed and in use before December 22, 1988.

FNSB NON-EXEMPT UNDERGROUND STORAGE TANKS (1)

LOCATION (FACILITY)	CONTENTS	SIZE (Gal.)	CURRENT USE	YEAR INSTALLED	LEAK DETECTION (2)		CORROSION PROTECTION (3)		SPILL/OVERFILL PREVENTION		TANK CLOSURE REQ'D. ?			NOTES
					REQ'D.?	BY	REQ'D.?	BY	REQ'D.?	BY	TYPE PERM.	TYPE TEMP.	BY	
SCHOOL DISTRICT														
School District Physical Plant	Regular gasoline	1,500	Vehicle/equip. motor fuel	1977	Y	Dec-92	Y	Dec-98	Y	Dec-98				
School District Physical Plant	Unleaded gasoline	1,500	Vehicle/equip. motor fuel	1977	Y	Dec-92	Y	Dec-98	Y	Dec-98				
School District Physical Plant	Diesel	1,500	Vehicle/equip. motor fuel	1985	Y	Dec-93	Y	Dec-98	Y	Dec-98				
Main Administration Building	Regular gasoline	500	Emergency generator fuel	1970 (?)	N	N/A	Y	Dec-98	Y	Dec-98		Y	ASAP	4
Badger Elementary School	Diesel	2,500	Heat; temp. out of service	1986	N	N/A	N	N/A	N	N/A		Y	ASAP	5
Badger Elementary School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98				6
Barnette Elementary School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6(a)
Denali Elementary School	Regular gasoline	500	Emergency generator fuel	N/A	N	N/A	N	N/A	N	N/A	Y		1991	7
Howard Luke (Alt.) Jr./Sr. High School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
Hunter Elementary School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
Hutchinson Career Center	Diesel	500	Emergency generator fuel	1973	N	N/A	Y	Dec-98	Y	Dec-98				6
Joy Elementary School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
Lathrop High School	Diesel	1,000	Emergency generator fuel	1975	N	N/A	Y	Dec-98	Y	Dec-98				
Nordale Elementary School	Regular gasoline	500	Emergency generator fuel	N/A	N	N/A	N	N/A	N	N/A	Y		1991	7
Nordale Elementary School	Diesel	3,000	Heat & emerg. generator fuel	1984	N	N/A	Y	Dec-98	Y	Dec-98				6(b)
North Pole Elementary School	Diesel	500	Emergency generator fuel	1975	N	N/A	Y	Dec-98	Y	Dec-98				
North Pole Elementary School	Diesel	1,000	Heat; temp. out of service	1985	N	N/A	N	N/A	N	N/A		Y	ASAP	5
North Pole High School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
North Pole Middle School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
Pearl Creek Elementary School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
Salcha Elementary School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
Tanana Jr. High School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
Brown Elementary School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
Two Rivers Elementary School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
New University Park Elementary School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
Old University Park Elementary School	Regular gasoline	500	Emergency generator fuel	1970 (?)	N	N/A	Y	Dec-98	Y	Dec-98				
Weller Elementary School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6
West Valley High School	Diesel	1,500	Emergency generator fuel	1989	N	N/A	Y	At installation	Y	At installation				
Woodriver Elementary School	Diesel		Heat & emerg. generator fuel		N	N/A	Y	Dec-98	Y	Dec-98		Y		6

IMPACT STATEMENT REGARDING
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 220 (FINANCE)

As originally proposed, HB220 had provisions for financial assistance, namely grant money up to a maximum of $60,000 per site to assist the tank owner upgrade his system to meet the new EPA regulations.

Also, under the original bill, an eye was cast to offering a means by which the cost of the newly required liability insurance coverage would be available and affordable to the tank owner.

Unfortunately, the Senate CS for HB220 does none of this. The Senate CS does offer an important mechanism for cleaning up contamination, which is certainly in the tank owners best interest, and in the State of Alaska's best interest.

But, beyond important clean up assistance, Senate CS for HB220 only offers negative economic assistance. As incredible as it sounds, the only financial assistance remaining in the proposal is up to a maximum of $60,000 for "systems closure".

In other words, this new draft will only assist the tank owner to go out of business and refuses to address the needs of the business person who wishes to stay in business but does not have the financial resources to do so.

Remember most of the usual retail gas stations around the State were never designed to support the kind of financial burden these new EPA regulations mandate, and will certainly go out of business without assistance. There are new financial requirements "layered on" an existing industry which in most cases operates without the necessary gross margin to adapt.

Only the large companies, i.e., retail outlets owned by nation-wide oil companies, can afford to meet the new EPA standards, and have the assets to self insurance. This alone should shed a little light as to where the rush to eliminate financial assistance for the smaller business person is coming from.

In Fairbanks alone I can name for you the businesses that will be forced to close their doors to gas retail. And the impact of the proposed negative legislation can fairly easily be measured in lost jobs, and in lost tax base. It is depressing to observe the negative economic impact this proposed legislation will have in the Fairbank's area alone. A sample of those Fairbank's businesses severely impacted is: Anders Cache, Valley Center, Curry's Corner, Goldstream General Store, Valley View Center, Fox General Store, Moose Creek General Store, Arctic Acres, Just-a-Store, Gold Hill Gas and Grocery, Salcha Store, Chatanika Lodge, Fairbanks Gas and Go, Kobuk Fuel and Feed.

Each of these businesses probably support a payroll of four full-time employees, and each pays property taxes of approximately $5-6,000 a year. So, it is fairly easy to carry the "negative impact" out to its' logical consequences on a state-wide basis of hundreds of lost jobs of thousands of dollars lost in property tax payments to local governments.

These independents build the economic base for Fairbanks and other communities around Alaska (Central, Manley, Cantwell, etc.) because they were willing to work on small margins. The large oil company owned retail outlets will not move into these rural areas because they cannot operate on these small returns.

Grants for upgrading existing systems in these small businesses must be returned to HB220. We must include a mechanism for "positive" economic development, not just "negative" economic development. Also, a mechanism to offset the high cost of insurance must be included. Both of these allowances could be short lived, "sun setting" in 1994, but would afford a means by which those existing retailers really needing assistance could survive these next three to four years.

Let the small retailer purchase the low end coverage of the liability insurance requirements. For example, require the retailer to purchase the first $300,000 worth of liability (this is where almost all the exposure will be -- remember, we will be insuring "clean" sites) and use the reserves of the State of Alaska to underwrite or "guarantee" the upper limits of $700,000 to satisfy the requirements of the EPA.

Only by building the positive support back into this legislation can be small "Mom and Pop" retail business survive. Senate CS for HB220 must re-instate grants for systems upgrade and a mechanism for offsetting the high cost of insurance.

Both these support mechanisms can be tied to a 1994 lapse schedule. By that time, all existing businesses should have received upgrade assistance and by that time the State of Alaska will have been able to demonstrate to the insurance industry that we are operating clean, safe sites. In that manner, competition for writing coverage should develop which would enable rates to come down to where small retailers can afford to purchase the full $1,000,000 liability coverage without assistance.

It would probably be prudent to set qualification standards for upgrade and insurance assistance on a sliding scale (total dollars sold or gross annual revenues) so that those small businesses needing it most received assistance.

WHEREAS, when all of the small petroleum operators are gone, petroleum products willl be from the wellhead to the consumer therefore, no competition. With no competition, prices will skyrocket, and

WHEREAS, No provisions have been made in the state to handle and store hazardous waste.

NOWTHEREFORE be it resolved that the Alaskan Marine Dealers Association strongly supports the enactment and funding of Substituted House Bill 220.

PASSED AND APPROVED, by the Alaskan Marine Dealers Association on this 10th day of January, 1990.

Ernest Brannon

President
ERNEST BRANNON

By Steve Mongkeim
Exec Director
AMDA

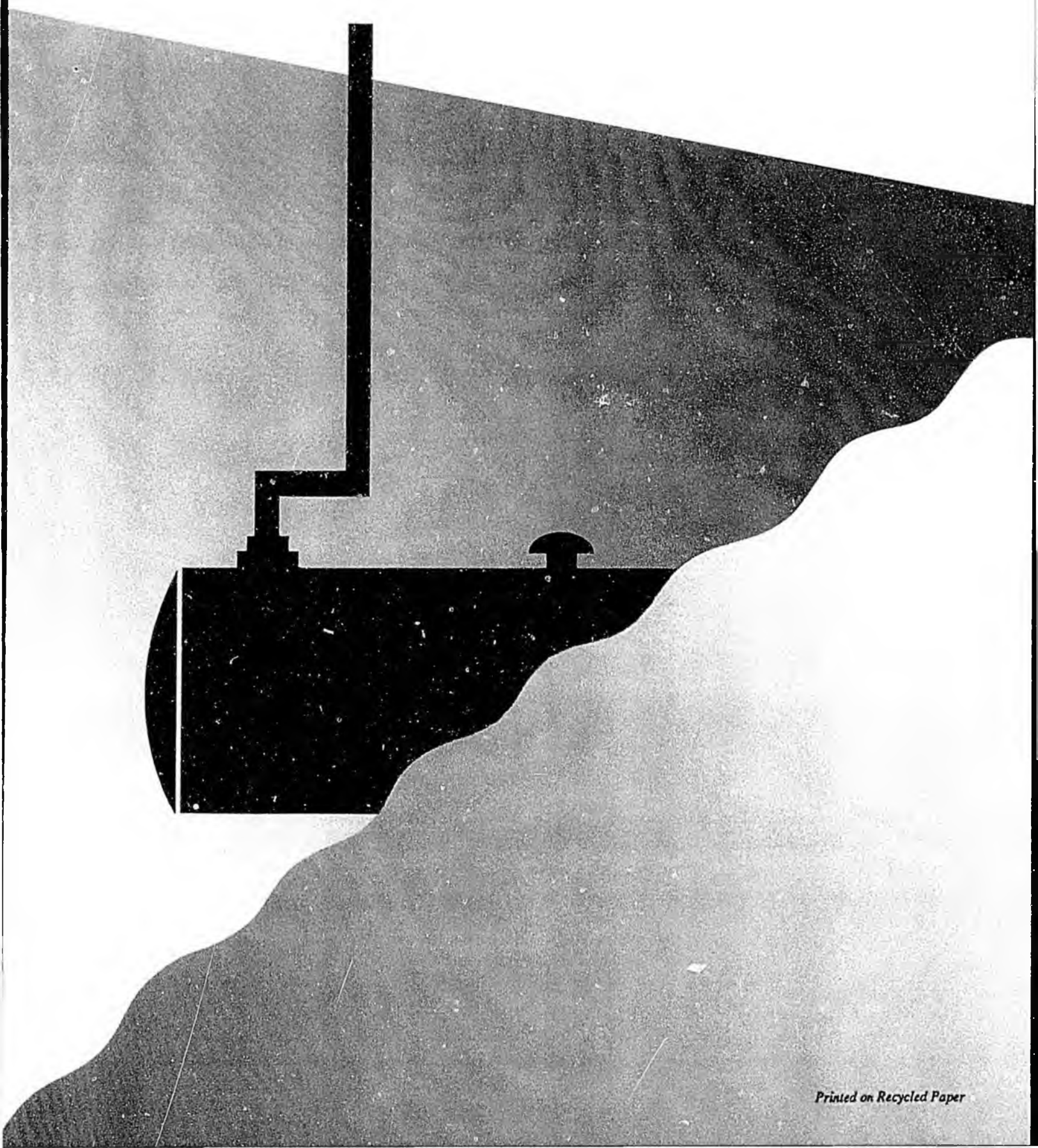
United States
Environmental Protection
Agency

Office of
Underground Storage Tanks
Washington, D.C. 20460

EPA/530/UST–88/005
December 1988

EPA

Dollars and Sense



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DOLLARS AND SENSE

A Summary of the Financial Responsibility Regulations for Underground Storage Tank Systems

U.S. Environmental Protection Agency
Office of Underground Storage Tanks

December 1988

WHAT ARE THESE REGULATIONS ALL ABOUT?

The U.S. Environmental Protection Agency (EPA) has published final regulations concerning financial responsibilities if you own or operate underground storage tank systems containing petroleum. (EPA plans to develop similar regulations for tanks containing hazardous substances in the future.) Although the full regulations appear in the Federal Register (October 26, 1988), this brochure provides a brief summary and answers some important questions about your financial responsibilities.

Why Has EPA Written These New Regulations?

Several million underground storage tank systems (USTs) in the United States contain petroleum. Tens of thousands of these USTs, including their piping, are currently leaking. Many more are expected to leak in the future. Leaking USTs can cause fires or explosions that threaten human safety. In addition, leaking USTs can contaminate nearby ground water. Because many of us depend on ground water for the water we drink, Federal legislation seeks to safeguard our nation's groundwater resources.

Congress responded in 1984 to the problem of leaking USTs by adding Subtitle I to the Resource Conservation and Recovery Act. Subtitle I requires EPA to develop regulations to protect human health and the environment from leaking USTs and specifically mandates requirements for financial responsibility.

What Is "Financial Responsibility" And Why Is It Necessary For You?

Financial responsibility means that if you own or operate an UST, you must ensure, either through insurance or other means explained below, that there will be money to help pay for the costs of third-party liability and corrective action caused by a leak from your tank. These costs could include cleaning up leaked petroleum, correcting environmental damage, supplying drinking water, and compensating people for personal injury or property damage. Financial responsibility also protects you. If your UST leaks, you may be faced with high cleanup costs or with lawsuits brought by third parties. Having financial responsibility means that money will be available to meet these costs.

What Kinds Of Tanks Are Covered By The Rule?

Financial responsibility must be shown for all USTs containing petroleum products. USTs are defined by law to be tank systems with at least 10 percent of their volume below the surface of the ground. The term "tank systems" also includes the piping connected to the tank.

What Kinds Of Tanks Are Not Covered?

Some tank systems have been exempted or deferred from the financial responsibility rule:

- USTs containing hazardous wastes already regulated under RCRA.
- UST systems containing electrical equipment and hydraulic lifts.
- Wastewater treatment USTs that are regulated by the Clean Water Act.
- USTs with a capacity of less than 110 gallons, and tanks holding a minimal concentration of regulated substances.
- USTs that serve as emergency back up, hold regulated substances for only a short time, and are expeditiously emptied after use.
- Field-constructed tanks.
- USTs containing radioactive materials and USTs used as backup diesel tanks at nuclear facilities.
- Airport hydrant fueling systems.
- Farm or residential tanks with capacity of 1,100 gallons or less storing motor fuel which is not for resale.
- Tanks for storing heating oil which is used on-site.
- Septic tanks.
- Certain pipeline systems, such as those regulated under the Natural Gas Pipeline Safety Act of 1968.
- Surface impoundments, pits, ponds, or lagoons.
- Storm or waste water collection systems.
- Flow-through process tanks.
- Liquid trap and other lines used in oil or gas production.
- Storage tanks on or above the floor of an underground area, such as a basement or tunnel.

WHO IS AFFECTED BY THESE REGULATIONS?

Do You Have To Show Financial Responsibility?

Either the owner or the operator of the tank must show financial responsibility, but not both if the owner and operator are different individuals or firms. It is the responsibility of the owner and operator to decide which of them will show financial responsibility.

Federal and State governments and their agencies that own USTs are not required to document financial responsibility. Local governments, however, must comply with the new rule.

If you owned or operated a tank that was properly closed before the date for compliance that applies to you, then the financial responsibility requirements will not apply to your closed tank.

What Do You Have To Do?

The new financial responsibility regulations require you to show that you have one of the following:

- at least $1 million to cover the costs of a leak or spill from your underground storage tank if you are a **PETROLEUM MARKETER** (page 43334 of the Federal Register of October 26, 1988); or

- at least $500,000 if you are **NOT A MARKETER** (page 43330 of the Federal Register of October 26, 1988).

You may show that you have this coverage by using insurance or any of the other methods of coverage explained in this brochure. The amount of financial responsibility that you must show does not limit your total liability for damages caused by a leak from your tank system.

When Must You Comply With The Financial Responsibility Requirements?

The rule takes effect 90 days after its publication in the Federal Register (i.e., January 24, 1989). The date when you will have to show financial responsibility, however, depends on the compliance category that you fall into, as shown below:

- If you fall into one of the following groups, you must show financial responsibility on the same day that the rule becomes effective on January 24, 1989: 1) petroleum marketing firms that own 1,000 or more USTs; and 2) any other UST owners that report a tangible net worth of $20 million or more to the SEC, Dun and Bradstreet, the Energy Information Administration, or the Rural Electrification Administration.

- If you are a petroleum marketing firm that owns 100 to 999 USTs, you must show financial responsibility by October 26, 1989.

- If you are a petroleum marketing firm that owns 13 to 99 USTs at more than one site, you must show financial responsibility by April 26, 1990.

- If you fall into one of the following groups, you must show financial responsibility by October 26, 1990: 1) petroleum marketing firms owning 1 to 12 USTs or those having fewer than 100 USTs at one site; 2) all other UST owners with a tangible net worth of less than $20 million; and 3) local governments.

What Happens If You Install A New UST Before Your Scheduled Compliance Date?

The regulations require that you show financial responsibility for a new UST when you notify EPA that you have installed the tank. If you install a new UST before the date when you must first show financial responsibility as described above, then you must only show financial responsiblity for the new tank by that compliance date. You may ignore the line on the new tank notification form concerning financial responsibility.

What Amount Of Money Are You Responsible For?

The amount of money for which you must show financial responsibility depends on the type of business you operate, the amount of throughput of your tank, and the number of tanks you have:

- If your tank is used in petroleum production, refining or marketing (for example, service stations and truck stops), then you must be able to show that you have $1 million of "per occurrence" coverage. "Per occurrence" means the amount of money that must be available to pay the costs of one occurrence.

- You must also have coverage for an annual aggregate amount. The annual aggregate amount is the total amount of financial responsibility that you must have to cover all leaks that might occur in one year. The amount of aggregate coverage that you must have depends on the number of tanks that you own or operate. The annual aggregate limits are:

  -- 1 to 100 tanks, $1 million annual aggregate; or
  - 101 or more tanks, $2 million annual aggregate.

For example, if you own or operate three service stations with a total of 18 tanks, then you must have financial responsibility in the amount of $1 million per occurrence and $1 million annual aggregate. If you own or operate 50 service stations with a total of 200 tanks, you must have financial responsibility in the amount of $1 million per occurrence and $2 million annual aggregate.

- If your tanks are located at a facility not engaged in petroleum production, refining or marketing, and your facility has a monthly throughput of more than 10,000 gallons, then you must show that you have $1 million of "per occurrence" coverage. If the facility has a monthly throughput of 10,000 gallons or less, then you must show that you $500,000 of "per occurrence" coverage and $1 million or $2 million of annual aggregate coverage depending on the number of tanks you own or operate, as discussed above.

For example, if you are an automobile dealer with four small tanks with a total monthly throughput of 10,000 gallons, then you would only need to have financial responsibility in the amount of $500,000 per occurrence and $1 million annual aggregate. If you have 30 dealerships with a total of 110 tanks, you would need to have financial responsibility in the amount of $500,000 per occurrence, but you would need $2 million annual aggregate.

The chart on page 5 displays these financial responsibility requirements.

HOW DO YOU COMPLY WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS?

How Can You Show Financial Responsibility For Your USTs?

You can demonstrate financial responsibility for your USTs in several ways:

- Show that your firm can meet the costs of potential releases. If your firm has a tangible net worth of at least $10 million, you can prove your financial responsibility by passing one of these two **financial tests** described on page 15.

- Show that someone else is responsible for cleanup and damage costs. You may arrange to have someone else be responsible for paying the costs of leaks from your USTs. This may be done in a number of ways (all are described in detail in the rule):

  1. Obtain **insurance coverage** from an insurer or a **risk retention group** (page 8); or
  2. Obtain a **guarantee** for the amount you are responsible for from a corporate parent, grandparent, sibling, or from another firm with whom you have a substantial business relationship. The provider of the guarantee has to pass one of the financial tests described on page 15; or
  3. Obtain a **surety bond** for the amount you are responsible for; or
  4. Obtain a **letter of credit** for the amount you are responsible for.

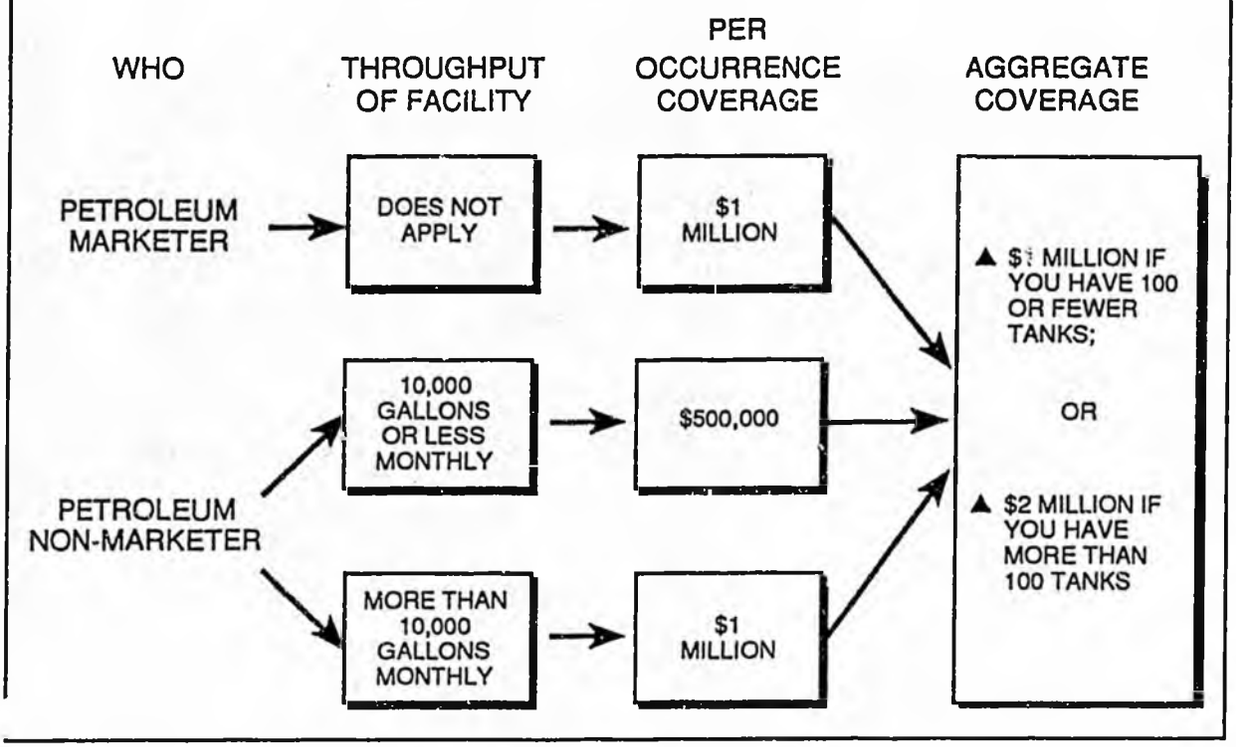
- Use **State funds**. If your State has established a State fund that will pay for the cleanup costs of a leak from your tank systems, then you may not need additional coverage to show you can pay for the same costs (page 7). You need to check to see if the State fund covers your tanks. You may also still need to show financial responsibility for the costs of compensating those injured by leaks, unless the State fund would also pay for those costs.

- Use **State approved methods**. You may also use any method of coverage approved by your State.

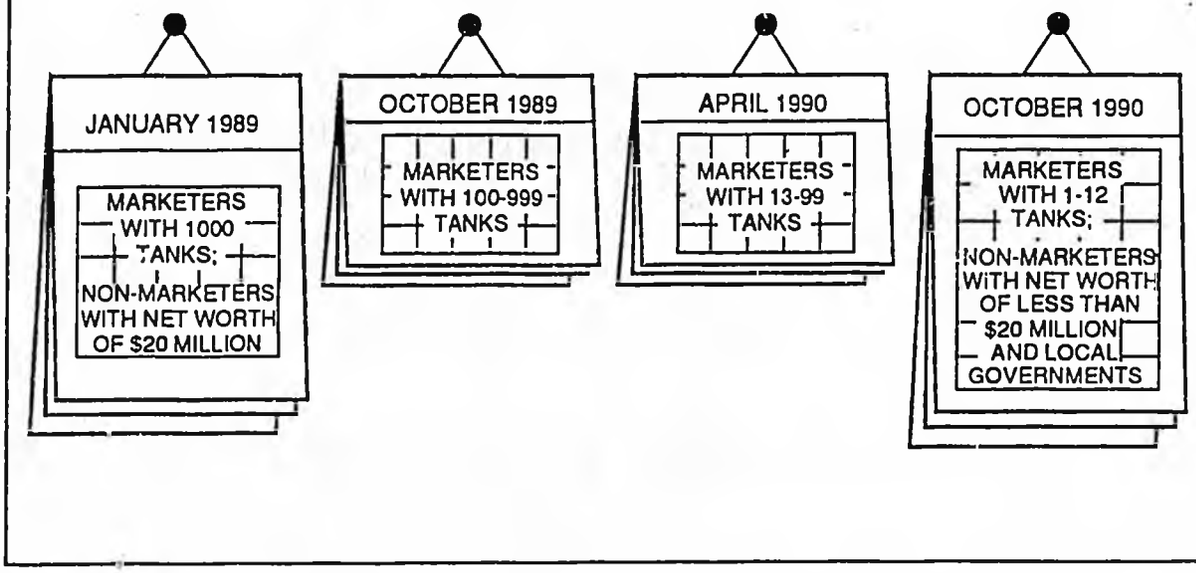
- Set up a **trust fund**. You may set up a fully-funded trust fund to cover your financial responsibility requirement.

IMPORTANT REQUIREMENTS AND MINIMUM DEADLINES FOR YOUR FINANCIAL RESPONSIBILITY

WHAT YOU MUST HAVE



WHEN YOU MUST HAVE IT



Can You Use A Combination Of Methods To Show Financial Responsibility?

You may also use a combination of methods to show financial responsibility. The methods you choose must cover all the costs that you are responsible for (both third-party liability and corrective action) and add up to the amount of coverage you are required to show. If the methods you choose cover different costs (for example, the insurance policy covers damages to other people and property and the guarantee covers cleanup costs), then each method must provide the total amount of responsibility that you must demonstrate.

What About State Funds?

Some States have established programs to pay for cleanup costs from petroleum leaks. These State funds often may be used by owners and operators of USTs to demonstrate financial responsibility. In most States, however, funds will pay only part of cleanup costs. In addition, few States will pay for third-party damages caused by petroleum leaks.

You should contact your State environmental agency to determine if the State has a fund that you may use to show financial responsibility. Find out what the State will pay for and what amount of financial responsibility you must obtain. In several States, for example, you must demonstrate financial responsibility for the first $100,000 of cleanup costs before the State will demonstrate financial responsibility for the remaining costs. Most State funds will not pay more than $1 million per occurrence.

If you don't know how to reach your State Coordinator, call EPA's Hotline for the phone number of your State Coordinator (1-800-424-9346)

What Happens If Your Coverage Is Cancelled?

If your method of financial responsibility is cancelled, you must find another mechanism to replace it within 60 days after you receive the notice of cancellation. If you cannot get another mechanism in that time, then you must notify the implementing Agency or the State.

Your coverage or insurance contract must specify that the provider of coverage or insurance may only cancel your coverage by sending you a notice by certified mail. For guarantees, surety bonds, or letters of credit, cancellation can only occur 120 days after you receive the notice. Insurance policy coverage can be cancelled 60 days after you receive the notice.

Can You Get Private Insurance Coverage For Your USTs?

Private insurance coverage for USTs is still limited, but there are several major insurers who offer policies. Insurers are often selective in the tanks they will cover. If you want to purchase insurance, you may be required to meet certain conditions for coverage. For example, your insurer may ask you to test your tank for tightness, or he may require certain improvements in your tank system, such as liners, cathodic corrosion protection, and leak detection. Some insurers simply will not provide coverage for certain types of tanks, like tanks that are more than 20 years old.

You may also be able to get insurance coverage through a risk retention group. A risk retention group is an insurance company formed by businesses or individuals with similar risks to provide insurance coverage for those risks. To join a risk retention group, you will probably be asked to make a one-time payment -- called a capital contribution -- and thereafter pay annual premiums as with any other insurance policy.

If you are interested in purchasing insurance through either a private insurer or a risk retention group to show financial responsibility for your USTs, you should contact your insurance agent. You may want to take with you the sample Endorsement or Certificate of Insurance that appear on pages 11 and 12. These documents are examples of policies that meet EPA financial responsibility requirements. If you belong to a trade association, it may also be able to provide you with information about insurers and risk retention groups that cover USTs.

WHAT RECORDS MUST YOU KEEP OR FILE WITH THE IMPLEMENTING AGENCY?

You must keep records of the type of coverage you have at your tank site or your place of business. In addition, you must maintain a certification of financial responsibility (see page 10). You must keep both of these records until your tanks are properly closed.

You only need to report and/or file copies of these records with EPA in the following cases:

- You install a new tank system.
- You have confirmed that a tank system is leaking.
- You receive notice that a method of coverage you have will be cancelled or will not provide sufficient coverage, and you are unable to get other coverage.
- EPA or a State agency requests your records.

SAMPLES OF FINANCIAL RESPONSIBILITY FORMS

CERTIFICATION OF FINANCIAL RESPONSIBILITY

[Owner or operator] hereby certifies that it is in compliance with the requirements of Subpart H of 40 CFR Part 280.

The financial assurance mechanism[s] used to demonstrate financial responsibility under Subpart H of 40 CFR Part 280 is [are] as follows:

[For each mechanism, list the type of mechanism, name of issuer, mechanism number (if applicable), amount of coverage, effective period of coverage and whether the mechanism covers "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "non-sudden accidental releases" or "accidental releases."]

[Signature of owner or operator]

[Name of owner or operator]

[Title]

[Date]

[Signature of witness or notary]

[Name of witness or notary]

[Date]

The owner or operator must update this certification whenever the financial insurance mechanism(s) used to demonstrate financial responsibility change(s).

ENDORSEMENT

Name: [name of each covered location]

Address: [address of each covered location]

Policy Number: _____

Period of Coverage: [current policy period]

Name of [Insurer or Risk Retention Group]: _____

Address of [Insurer or Risk Retention Group]: _____

Name of Insured: _____

Address of Insured: _____

Endorsement:

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering the following underground storage tanks:

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 40 CFR 280.22, or the corresponding state requirement, and the name and address of the facility.]

for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's of Group's liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions inconsistent with subsections (a) through (e) of this Paragraph 2 are hereby amended to conform with subsections (a) through (e):

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" or "Group"] of its obligations under the policy to which this endorsement is attached.

b. The ["Insurer" or "Group"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the ["Insurer" or "Group"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 40 CFR 280.95-280.102.

c. Whenever requested by [a Director of an implementing agency], the ["Insurer" or "Group"] agrees to furnish to [the Director] a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["Insurer" or "Group"] will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received.

[Insert for claims-made policies:

e. The insurance covers claims for any occurrence that commenced during the term of the policy that is discovered and reported to the ["Insurer" or "Group"] within six months of the effective date of the cancellation or termination of the policy].

I hereby certify that the wording of this instrument is identical to the wording in 40 CFR 280.97(b)(1) and that the ["Insurer" of "Group"] is ["licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in one or more states".]

[Signature of authorized representative of Insurer or Risk Retention Group]

[Name of person signing]

[Title of person signing], Authorized

CERTIFICATE OF INSURANCE

Name: [name of each covered location]

Address: [address of each covered location]

Policy Number: _____

Endorsement (if applicable): _____

Period of Coverage: [current policy period]

Name of [Insurer or Risk Retention Group]: _____

Address of [Insurer or Risk Retention Group]: _____

Name of Insured: _____

Address of Insured: _____

Certification:

1. [Name of Insurer or Risk Retention Group], [the "Insurer" or "Group"], as identified above, hereby certifies that it has issued liability insurance covering the following underground storage tanks(s):

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to 40 CFR 280.22, or the corresponding state requirement, and the name and address of the facility.]

for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's of Group's liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The ["Insurer" or "Group"] further certifies the following with respect to the insurance described in Paragraph 1:

a. Bankruptcy or insolvency of the insured shall not relieve the ["Insurer" or "Group"] of its obligations under the policy to which this certificate applies.

b. The ["Insurer" or "Group"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the ["Insurer" or "Group"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in 40 CFR 280.95-280.102.

c. Whenever requested by [a Director of an Implementing agency], the ["Insurer" or "Group"] agrees to furnish to [the Director] a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["Insurer" or "Group"] will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured.

[Insert for claims-made policies:

e. The insurance covers claims for any occurrence that commenced during the term of the policy that is discovered and reported to the ["Insurer" or "Group"] within six months of the effective date of the cancellation or other termination of the policy].

I hereby certify that the wording of this instrument is identical to the wording in 40 CFR 280.97(b)(2) and that the ["Insurer" or "Group"] is ["licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in one or more states".]

[Signature of authorized representative of Insurer]

[Type name]

[Title], Authorized Representative of [name of Insurer or Risk Retention Group]

[Address of Representative]

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FINANCIAL TEST OPTIONS

Test I

a. Your firm must have a tangible net worth of at least $10 million; and
b. Your firm must have a tangible net worth of at least 10 times the amount of aggregate coverage that you are required to demonstrate plus any other liability coverage for which your firm is using the test to demonstrate financial responsibility to EPA; and
c. Your firm must file the firm's annual financial statements with the Securities and Exchange Commission (SEC), or annually report the firm's tangible net worth to Dun and Bradstreet and receive a rating of 4A or 5A. Utilities may file financial statements with the Energy Information Administration, or the Rural Electrification Administration instead of the SEC; and
d. Your firm must have audited financial statements that do not include an adverse auditor's opinion or disclaimer of opinion.

Test II

a. Your firm must have a tangible net worth of at least $10 million; and
b. Your firm must have a tangible net worth of at least 6 times the amount of aggregate coverage that you are required to demonstrate; and
c. Have U.S. assets that are at least 90 percent of total assets or at least 6 times the required aggregate amount; and
d. Have net working capital at least 6 times the required aggregate amount, or a bond rating of AAA, AA, A, or BBB from Standard and Poor's, or Aaa, Aa, A, or Baa from Moody's; and
e. Your firm must have audited financial statements that do not include an adverse auditor's opinion or disclaimer of opinion.

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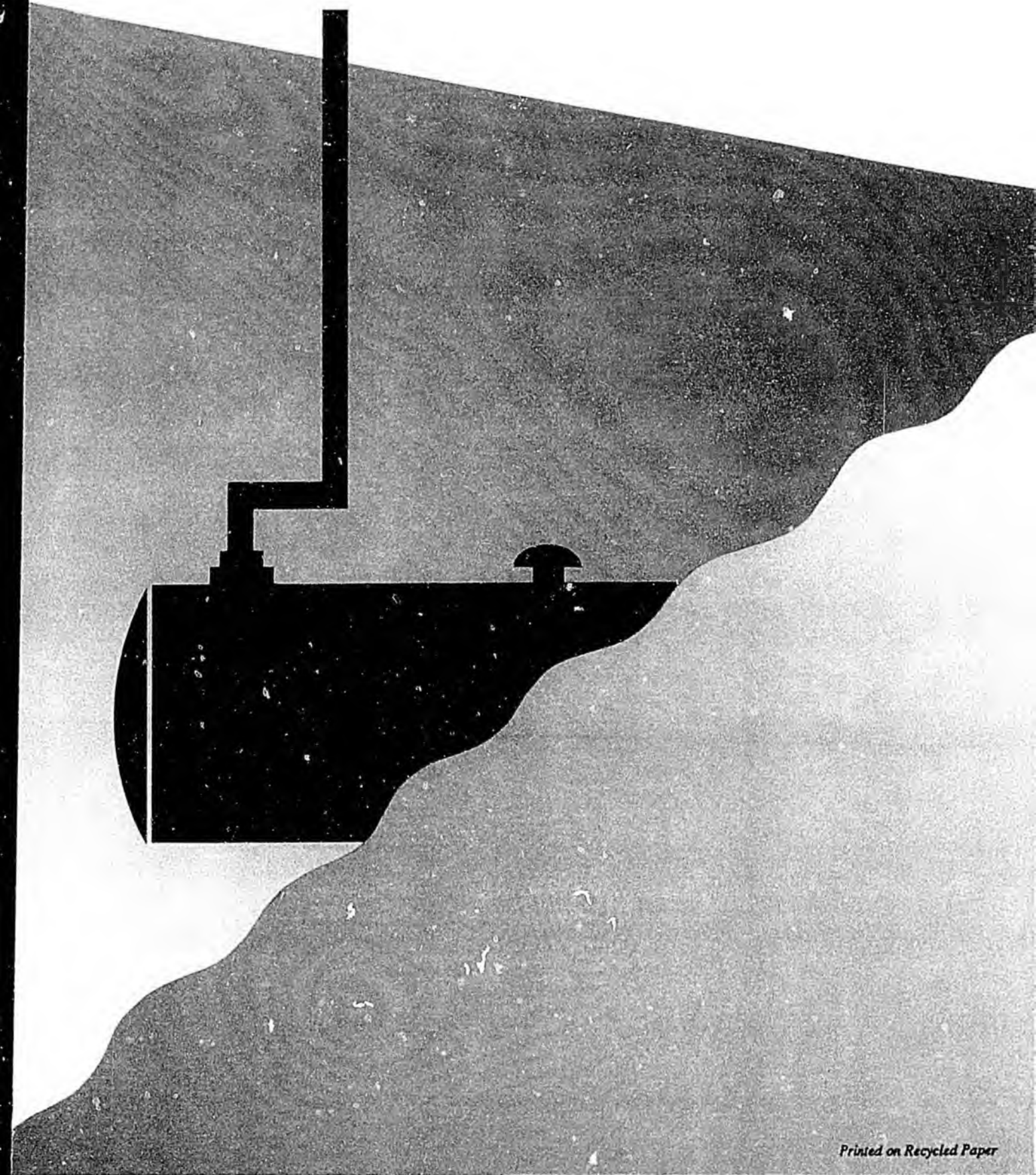
United States
Environmental Protection
Agency

Office of
Underground Storage Tanks
Washington, D.C. 20460

EPA/530/UST-88/008
September 1988

EPA

Musts for USTs



Musts for USTs

A Summary of the New Regulations for Underground Storage Tank Systems

U.S. Environmental Protection Agency
Office of Underground Storage Tanks

September 1988

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*The financial responsibility requirements are not summarized in this booklet. A complete explanation of your financial responsibility requirements will appear in the Federal Register and in an EPA brochure later in 1988.

WHAT ARE THESE REGULATIONS ABOUT?

The U.S. Environmental Protection Agency (EPA) has written regulations for many of the nation's underground storage tank systems. This booklet briefly describes the new technical requirements for these systems, which include tanks and piping. You can find the complete regulations in the Federal Register. Properly managed, underground storage tank systems -- often called USTs -- will not threaten our health or our environment.

Why Has EPA Written These New Regulations?

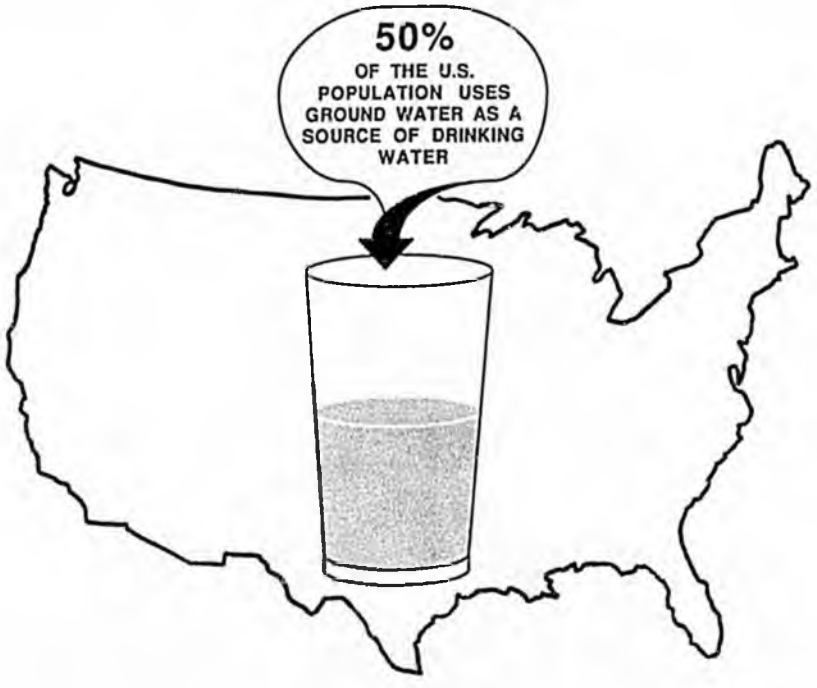
Several million underground storage tank systems in the United States contain petroleum or hazardous chemicals. Tens of thousands of these USTs, including their piping, are currently leaking. Many more are expected to leak in the future. Leaking USTs can cause fires or explosions that threaten human safety. In addition, leaking USTs can contaminate nearby ground water. Because many of us depend on ground water for the water we drink, Federal legislation seeks to safeguard our nation's ground-water resources.

Congress responded in 1984 to the problem of leaking USTs by adding Subtitle I to the Resource Conservation and Recovery Act (RCRA). Subtitle I requires EPA to develop regulations to protect human health and the environment from leaking USTs.

What Are The Goals Of The UST Regulations?

EPA has developed the UST regulations to make sure the following goals are reached:

- To prevent leaks and spills.
- To find leaks and spills.
- To correct the problems created by leaks and spills.
- To make sure that owners and operators of USTs can pay for correcting the problems created if their USTs leak.
- To make sure each State has a regulatory program for USTs that is as strict as or stricter than the Federal regulations.



WHY WORRY ABOUT LEAKS AND SPILLS?

◆ ***Because your tank or its piping may leak.*** As many as 25 percent of all underground storage tanks (USTs) may now be leaking. Many more will leak in the near future, possibly including yours. Your tank or its piping might be leaking right now. If a tank system is past its prime (over 10 years old), especially if it's not protected against corrosion, the potential for leaking increases dramatically. Newer tank systems (especially the piping) can also leak, and spills can happen anytime. Don't let your profits drain away.

◆ ***Because it's in your best interest.*** Leaking UST sites can be very costly to clean up. Imagine how much money you'd lose if your tank could not be used for weeks during lengthy cleanups or if local residents sued you for property damages. The costs can run into the thousands, perhaps as much as $100,000 and more. Detect and clean up spills or leaks -- before they hurt you financially.

◆ ***Because it's the law.*** But it's the law for good reason. Much of our country depends on ground water for drinking water, and leaked or spilled petroleum can contaminate this vital resource. Explosions are another potential hazard. Many State and local governments, therefore, already require specific steps to prevent, detect, or clean up leaks and spills. Others will soon have similar requirements. Check with your local and State governments to learn what requirements apply to you.

◆ ***Because it's for the good of the community and the environment.*** Leaks and spills can have serious consequences. Petroleum can contaminate soil, drinking water supplies, and air. Petroleum and its resulting vapors can also accumulate in nearby confined spaces, such as septic tanks, sewers, and the basements of homes. These vapors are poisonous and can cause a fire or explosion.

How Will These Regulations Affect You?

The regulations describe the steps you -- the tank owner or operator -- need to take to help protect our health and environment. These steps will also help you avoid the high cost of cleaning up the environment and defending yourself in legal actions that can result if your tank or its piping leaks.

You should note the following major points of the UST regulations:

- If you install an UST after December 1988, it must meet the requirements for new USTs concerning correct installation, spill and overfill prevention, corrosion protection, and leak detection (see pages 7-11).
- If you have an UST that was installed before December 1988, it must meet two major requirements --
  1) Requirements for corrosion protection and spill and overfill prevention (see page 13).
  2) Leak detection requirements (see pages 14-15).
- You must take corrective action in response to leaks (see pages 19-20).
- You must follow closure requirements for tanks you temporarily or permanently close (see pages 23-24).
- You are financially responsible for the cost of cleaning up a leak and compensating other people for bodily injury and property damage caused by your leaking UST.

Although these points are discussed in the following sections, additional information appears in the "Technical Questions & Answers" section starting on page 31.

What's Your "Financial Responsibility" For Petroleum Leaks?

A complete explanation of your financial responsibility requirements will appear in the Federal Register and in an EPA brochure later in 1988.

In general, owners or operators of petroleum USTs must be able to demonstrate their ability to pay for damage that could be caused if their tanks leaked. These payments would need to cover the costs of cleaning up a site (see page 20) and compensating other people for bodily injury and property damage.

Who Is "The Regulatory Authority"?

This booklet describes EPA's basic requirements for USTs, but your State or local regulatory authority may have requirements that are somewhat different or more strict. You will need to identify your regulatory authority and its specific requirements for your USTs. If you are not sure who your regulatory authority is, call your local fire marshall for help.

What's An "UST"?

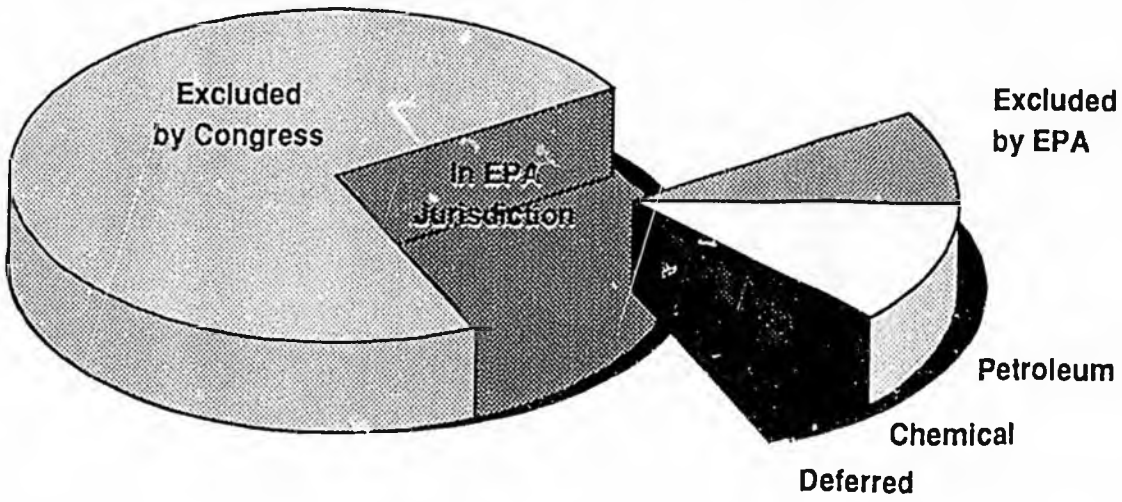
An UST is any tank, including underground piping connected to the tank, that has at least 10 percent of its volume underground. The regulations apply only to USTs storing either petroleum or certain hazardous chemicals.

The "For Chemical USTs Only" section starting on page 27 identifies hazardous chemicals and special requirements for chemical USTs. Generally, the requirements for both petroleum and chemical USTs are very similar.

Some kinds of tanks are not covered by these regulations:

- Farm and residential tanks holding 1,100 gallons or less of motor fuel used for noncommercial purposes.
- Tanks storing heating oil used on the premises where it is stored.
- Tanks on or above the floor of underground areas, such as basements or tunnels.
- Septic tanks and systems for collecting storm water and wastewater.
- Flow-through process tanks.
- Tanks holding 110 gallons or less.
- Emergency spill and overfill tanks.

Other storage areas that might be considered "tanks" are also excluded, such as surface impoundments and pits. Some "tanks," such as field-constructed tanks, have been deferred from most of the regulations. The regulations published in the **Federal Register** fully identify various tank types and which requirements apply to them.



UST Program Scope

WHY DO USTs CAUSE PROBLEMS?

No Corrosion Protection

Most of the UST systems already in the ground have tanks and piping made of bare steel. When unprotected steel is buried in the ground, it can be eaten away by corrosion. The UST regulations require corrosion protection for all USTs. The "Technical Questions & Answers" section explains how corrosion works and ways to defeat it (see pages 31 and 32).

Spills and Overfills

In addition to leaks from tanks and piping, spills and overfills cause many UST releases. When more petroleum is delivered into the tank than it can hold, an overfill happens. When the delivery truck's hose is disconnected incorrectly, a spill results. The "Technical Questions & Answers" section identifies ways to combat spills and overfills (see page 33).

Installation Mistakes

Tanks and piping also leak if they are not put in the ground properly. For example, if poorly selected or compacted backfill material is used when covering the UST, or if pipe fittings are inadequately attached to the UST, then leaking can result. You can avoid mistakes made during installation by using an installer who carefully follows approved installation procedures. The "Technical Questions & Answers" section identifies approved installation procedures (see page 33).

Piping Failures

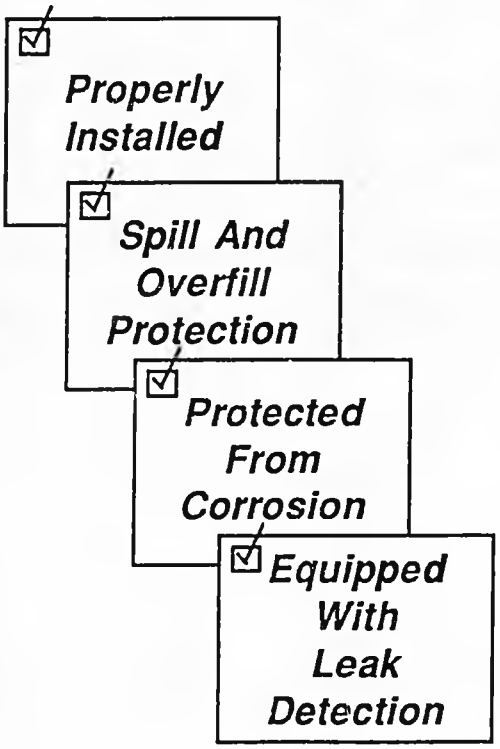
EPA studies show that most leaks result from piping failure. Piping is smaller and less sturdy than tanks. It is assembled in the field with numerous connections and usually installed near the ground's surface. As a result, piping suffers much more than tanks from the effects of installation mistakes, excessive surface loads, the stress of underground movement, and corrosion. Using a skilled installer is even more critical to the proper installation of piping. It is important to remember that the regulations apply to the entire UST system -- both tanks and piping.

WHAT DO NEW PETROLEUM USTs NEED?

You must meet four requirements when you install a new UST system:

- You must certify that the tank and piping are installed properly according to industry codes.
- You must equip the UST with devices that prevent spills and overfills. Also, you must follow correct tank filling practices.
- You must protect the tank and piping from corrosion.
- You must equip both the tank and piping with leak detection.

The following sections provide basic information on these requirements. Also, see the "Technical Questions & Answers" section starting on page 31 for more information.



REMEMBER...

New UST systems are those that are installed after December 1988.

Those USTs installed between May 1985 and December 1988 must meet two minimum requirements:

- The UST must prevent releases due to corrosion or structural failure.
- The stored contents must be compatible with the tank's interior wall.

After December 1988, these older USTs must meet the requirements for existing USTs (see pages 13-17).

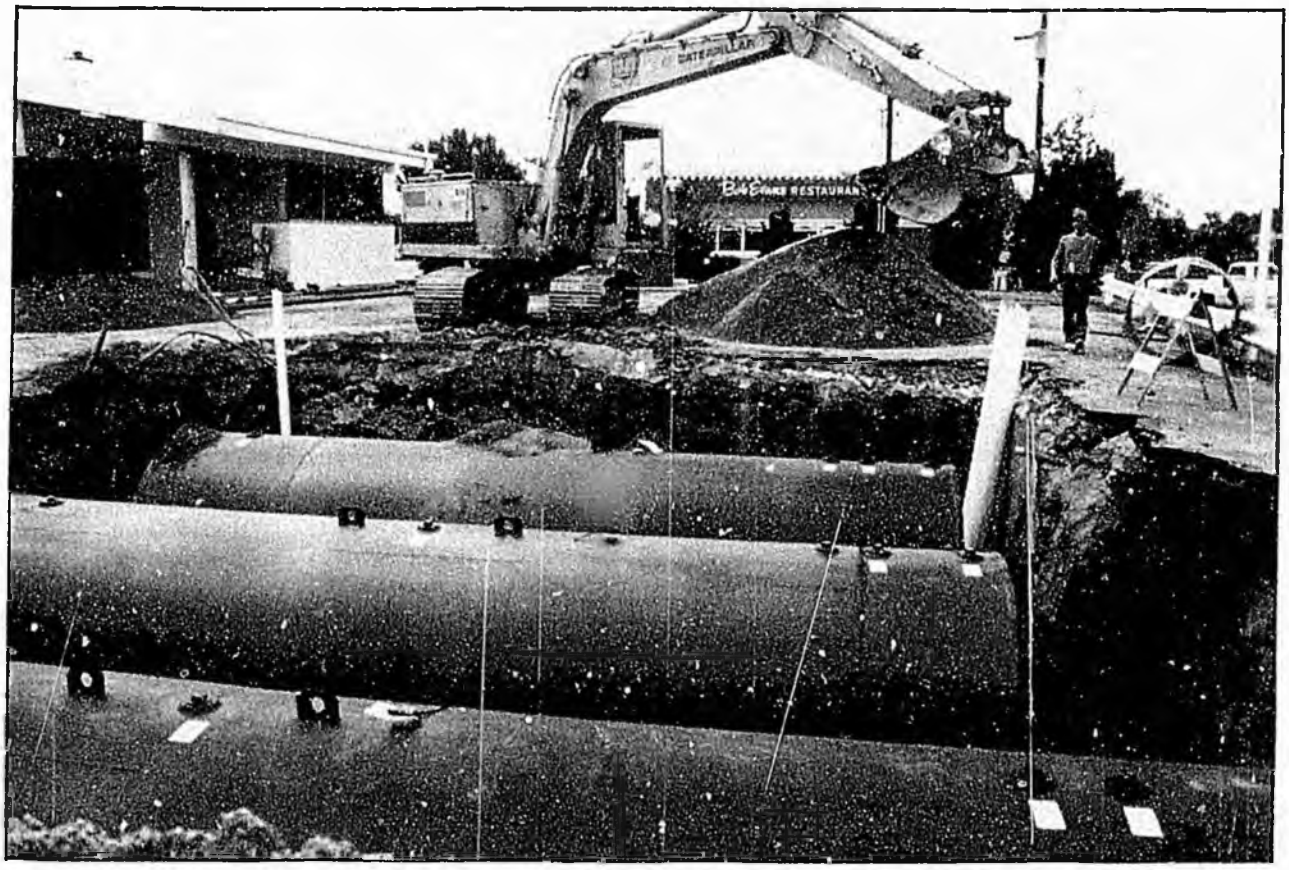
Installing UST Systems The Right Way

First, install USTs correctly by using qualified installers who follow industry codes. Faulty installation is a significant cause of UST failures, particularly piping failures. (See pages 33, 37 and 39 for information on correct installation practices and industry codes.) You must also make sure that the contents you store are compatible with the UST system.

Second, you will also need to certify on a notification form (see page 25) that you have used a qualified installer who can assure you that your UST has been installed correctly.

Preventing Spills And Overfills

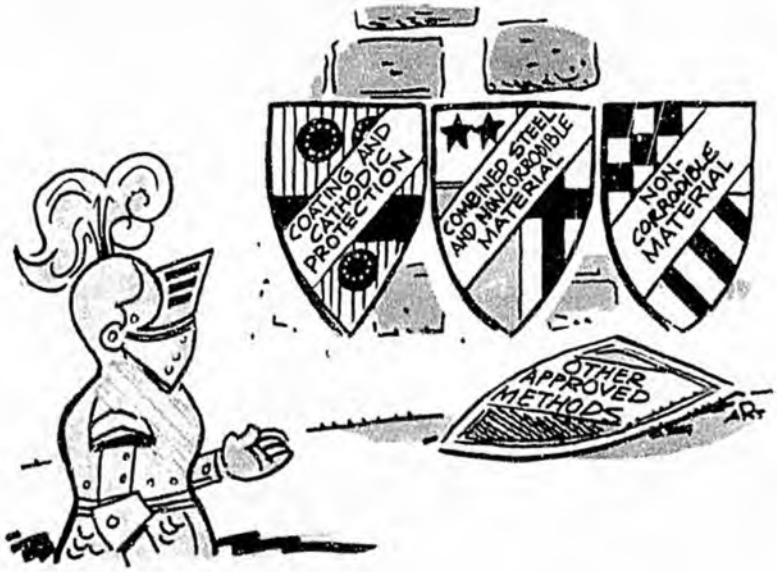
Because human error causes most spills and overfills, these mistakes can be avoided by following the correct tank filling practices required by the UST regulations. If you and your distributor follow these practices, nearly all spills and overfills can be prevented from happening. Also, the UST regulations require the use of mechanical devices, such as spill catchment basins and overfill alarms, to prevent these releases from harming the environment. (Correct tank filling practices and preventive devices are identified on page 33.)



Protecting Tanks And Piping From Corrosion

Tanks and piping must be protected or they will be eaten away by corrosion:

- Steel tanks and piping can be coated with a corrosion-resistant coating and "cathodically" protected. (Cathodic protection uses either sacrificial anodes or impressed current, methods described on page 31.)
- Tanks and piping can be made totally of a noncorrodible material, such as fiberglass-reinforced plastic. (Metal piping connected to noncorrodible tanks still requires corrosion protection.)
- Tanks and piping can be protected by other methods approved by the regulatory authority.
- Steel tanks (but not piping) can be protected using a method in which a thick layer of noncorrodible material is bonded to the tank.



Detecting Leaks From Tanks

You must check your tanks at least once a month to see if they are leaking.

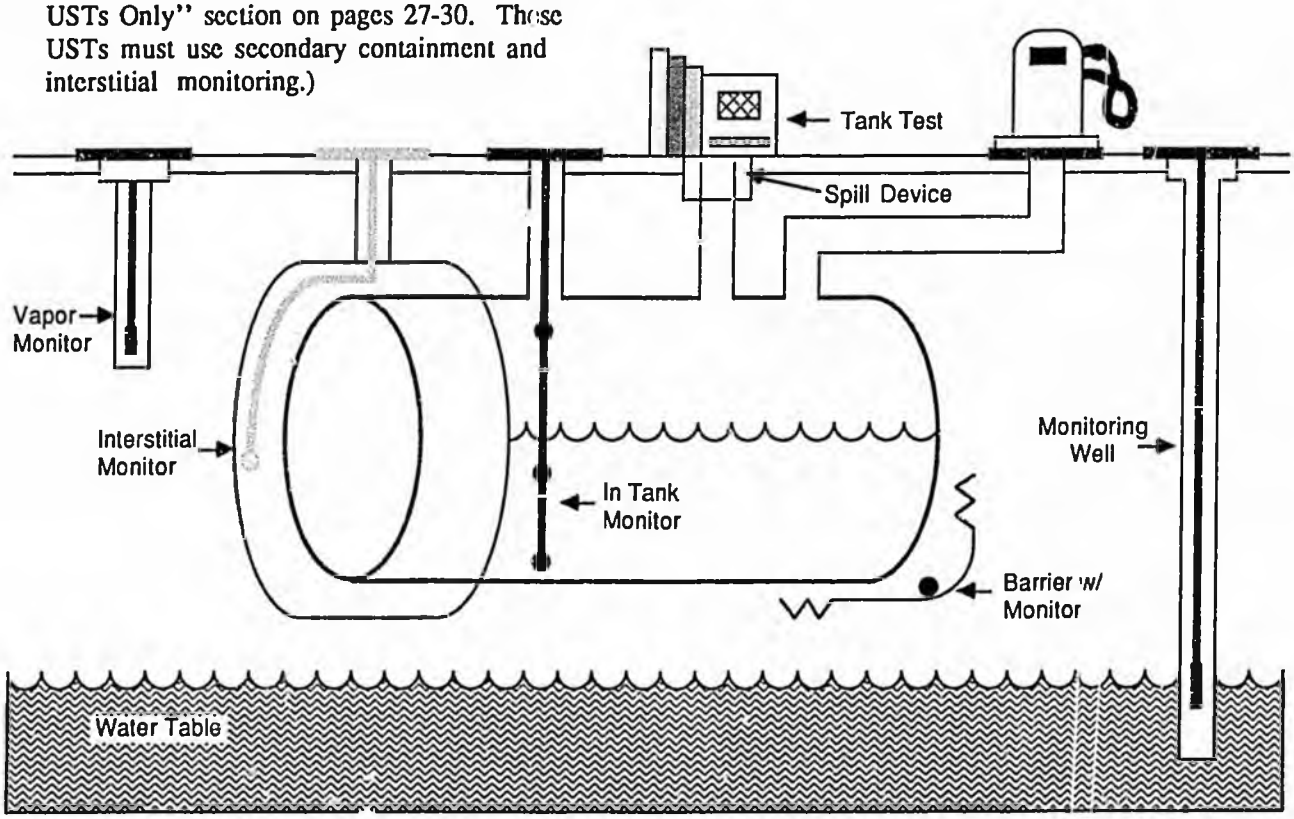
You must use one (or a combination) of the following monthly monitoring methods:

- Automatic tank gauging.
- Monitoring for vapors in the soil.
- Interstitial monitoring.
- Monitoring for liquids on the ground water.
- Other approved methods.

Information on these leak detection methods appears in the "Technical Questions & Answers" section on pages 34-35. (Special requirements for USTs containing hazardous chemicals are described in the "For Chemical USTs Only" section on pages 27-30. These USTs must use secondary containment and interstitial monitoring.)

For Young Tanks... An Alternate Leak Detection Method

You have one additional leak detection choice, but **only for 10 years** after you install your UST. Instead of using one of the monthly monitoring methods noted above, you can check for leaks by combining monthly inventory control with tank tightness testing every 5 years. After 10 years, you must use one of the monthly monitoring methods listed above.



Leak Detection Alternatives

Detecting Leaks From Piping

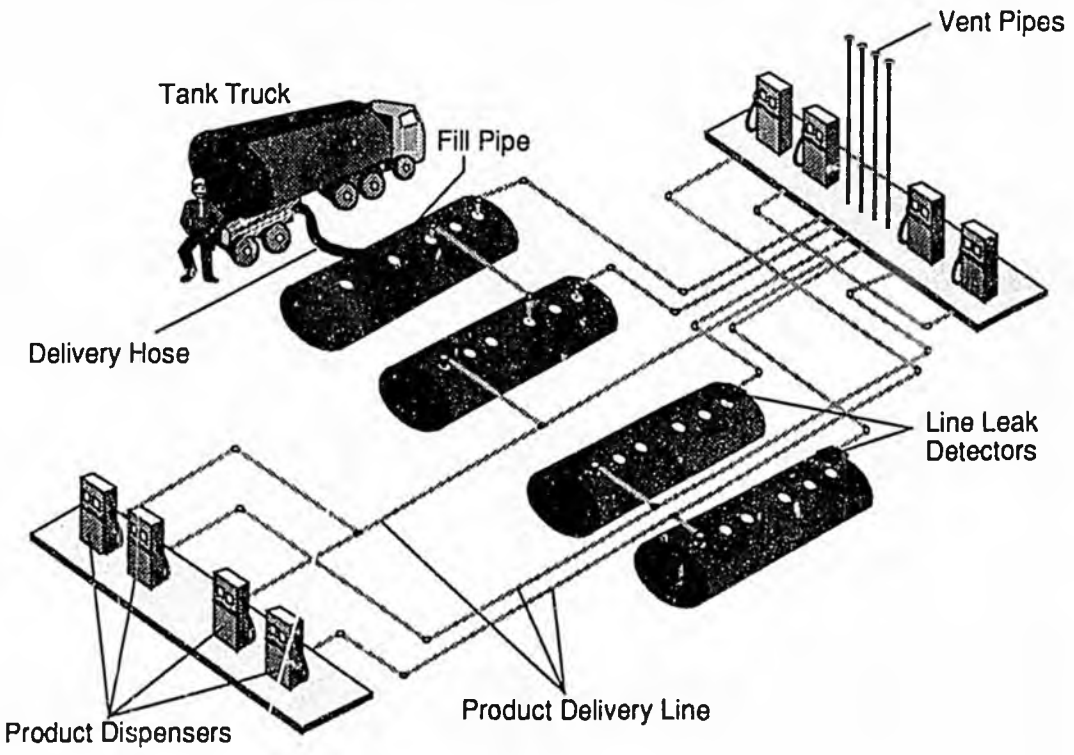
Because most leaks come from piping, your piping must have leak detection.

If your piping is **pressurized**, you must meet the following requirements:

- The piping must have devices to automatically shut off or restrict flow or have an alarm that indicates a leak.
- You must either conduct an **annual** tightness test of the piping or use one of the following monthly methods noted above for tanks: vapor monitoring, ground-water monitoring, interstitial monitoring, or other approved monthly methods.

If your UST has suction piping, your leak detection requirements will depend on which type of suction piping you have:

- The most commonly used suction piping requires either monthly monitoring (using one of the four monthly methods noted above for use on pressurized piping) or tightness testing of the piping every 3 years.
- Another kind of suction piping is safer and does not require leak detection. This safer method has two main characteristics:
  - -- Below-grade **piping** is sloped so that the piping's contents will drain back into the storage tank if the suction is released.
  - -- Only one **check valve** is included in each suction line and is located directly below the suction pump.



A Typical Tank Facility

WHAT ABOUT EXISTING PETROLEUM USTs?

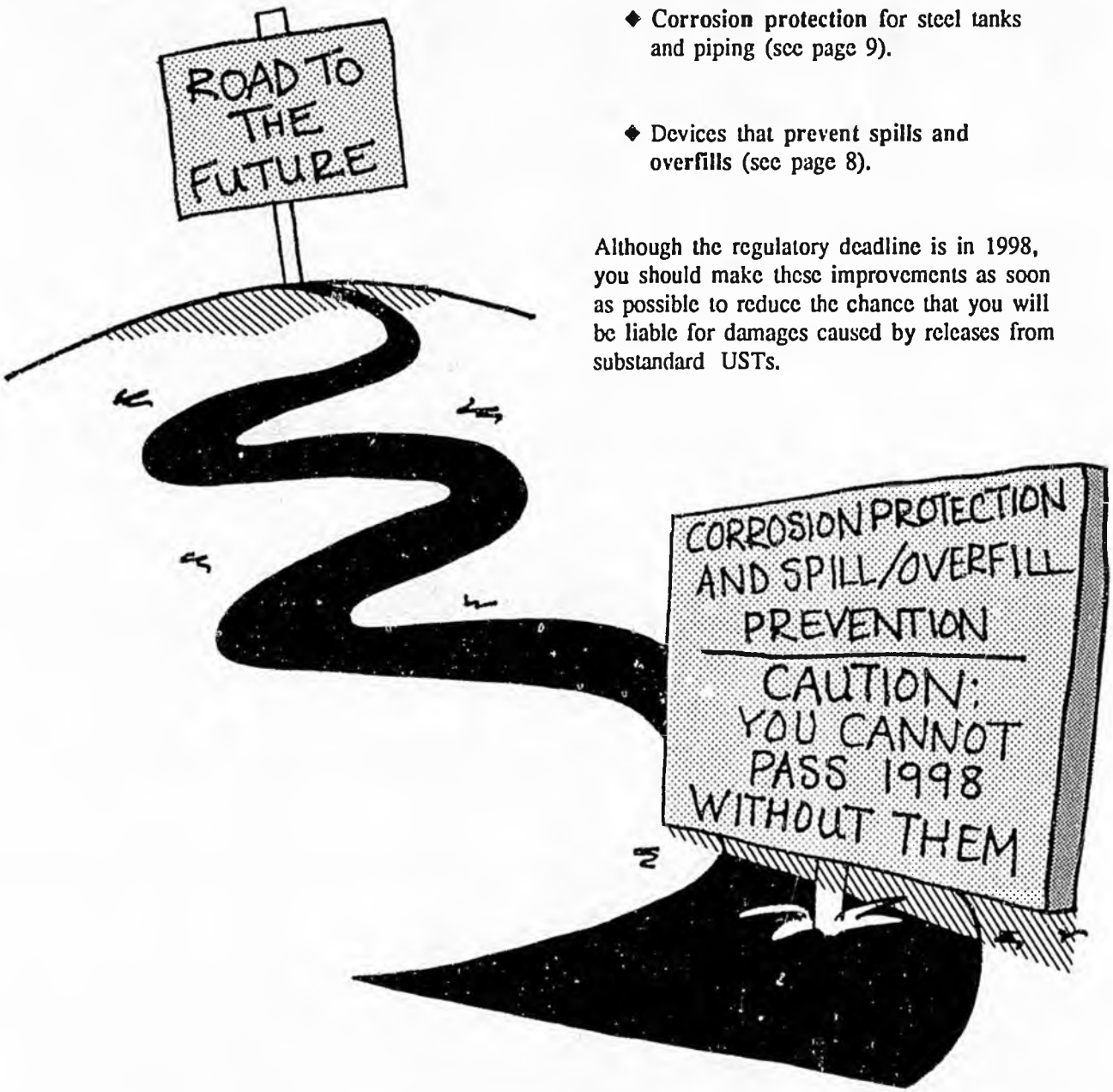
Existing UST systems are those installed before December 1988. In addition to immediately starting tank filling procedures that will prevent spills and overfills, you will need to meet the following requirements for corrosion protection, spill and overfill prevention, and leak detection. (The chart on pages 16-17 displays these requirements and when you must meet them.)

Deadline For Corrosion Protection And For Devices To Prevent Spills And Overfills

By December 1998 (10 years after the UST regulations become effective) USTs that were installed before December 1988 must have:

- Corrosion protection for steel tanks and piping (see page 9).
- Devices that prevent spills and overfills (see page 8).

Although the regulatory deadline is in 1998, you should make these improvements as soon as possible to reduce the chance that you will be liable for damages caused by releases from substandard USTs.



Deadlines And Choices For Leak Detection

Deadlines...

Leak detection requirements are being phased in for existing USTs depending on their age:

If the tank was installed...	It must have leak detection by December of...
before 1965 or unknown	1989
1965-1969	1990
1970-1974	1991
1975-1979	1992
1980-Dec.1988	1993

This schedule will make sure that the older USTs, which are more likely to leak, have leak detection first.

Choices For Existing Tanks...

You have three basic choices for making sure your tanks are checked at least monthly to see if they are leaking:

- You can use any of the monthly monitoring methods listed for new tanks on page 10.
- If your UST has corrosion protection or internal tank lining and devices that prevent spills and overfills, you can combine monthly inventory control with tank tightness testing every 5 years. This choice, however, can only be used for 10 years after adding corrosion protection or internally lining the tank (or until December 1998, whichever date is later). After 10 years, you must use one of the monthly monitoring methods on page 10.
- If your UST does not have corrosion protection or internal tank lining and devices that prevent spills and overfills, you can combine monthly inventory control with *annual* tank tightness testing. Please note, however, that this method is allowed only until December 1998. After that, your UST -- now equipped with corrosion protection or an internal tank lining, and devices that prevent spills and overfills -- must use one of the first two leak detection choices noted above.

Some Choices May Be Better...

You have a leak detection advantage if your UST has been "upgraded" with corrosion protection and devices to prevent spills and overfills. For 10 years after "upgrading," you can use a leak detection method that will be less costly and easier to apply than most other leak detection methods. This method requires you to conduct monthly inventory control and to have tank tightness tests performed every 5 years (see page 14). By contrast, USTs that have not been "upgraded" must have tank tightness tests every year.

Choices For Existing Piping...

You have two basic choices of leak detection for piping depending on the type of piping you use:

- By December 1990, existing pressurized piping must meet the leak detection requirements for new pressurized piping (see page 11).
- Existing suction piping must meet the requirements for new suction piping (see page 11) at the same time the tank meets the leak detection schedule given above.

REMEMBER...

No matter which leak detection methods you use for tanks and piping, they must be working by the deadlines described above. If not, you must close your UST or replace it with a new UST.

The chart on pages 16-17 displays all these leak detection requirements and the ones for corrosion protection and spill and overfill prevention.

WHAT DO YOU HAVE TO DO? Minimum Requirements

You must have Leak Detection, Corrosion Protection, and Spill/Overfill Prevention.
For WHEN you have to add these to your tank system, see the chart on the right. ——→

LEAK DETECTION	
NEW TANKS *2 Choices*	• Monthly Monitoring* • Monthly Inventory Control and Tank Tightness Testing Every 5 Years (You can only use this choice for 10 years after installation.)
EXISTING TANKS *3 Choices* *The chart at the bottom of the next page displays these choices.*	• Monthly Monitoring* • Monthly Inventory Control and Annual Tank Tightness Testing (This choice can only be used until December 1998.) • Monthly Inventory Control and Tank Tightness Testing Every 5 Years (This choice can only be used for 10 years after adding corrosion protection and spill/overfill prevention or until December 1998, whichever date is later.)
NEW & EXISTING PRESSURIZED PIPING *Choice of one from each set*	• Automatic Flow Restrictor • Automatic Shutoff Device -and- • Continuous Alarm System • Annual Line Testing • Monthly Monitoring* (except automatic tank gauging)
NEW & EXISTING SUCTION PIPING *3 Choices*	• Monthly Monitoring* (except automatic tank gauging) • Line Testing Every 3 Years • No Requirements (if the system has the characteristics described on page 11)
CORROSION PROTECTION	
NEW TANKS *3 Choices*	• Coated and Cathodically Protected Steel • Fiberglass • Steel Tank clad with Fiberglass
EXISTING TANKS *4 Choices*	• Same Options as for New Tanks • Add Cathodic Protection System • Interior Lining • Interior Lining and Cathodic Protection
NEW PIPING *2 Choices*	• Coated and Cathodically Protected Steel • Fiberglass
EXISTING PIPING *2 Choices*	• Same Options as for New Piping • Cathodically Protected Steel
SPILL / OVERFILL PREVENTION	
ALL TANKS	• Catchment Basins -and- • Automatic Shutoff Devices -or- • Overfill Alarms -or- • Ball Float Valves

* Monthly Monitoring includes: Automatic Tank Gauging, Vapor Monitoring, Interstitial Monitoring, Ground-Water Monitoring, Other Approved Methods

WHEN DO YOU HAVE TO ACT? Important Deadlines

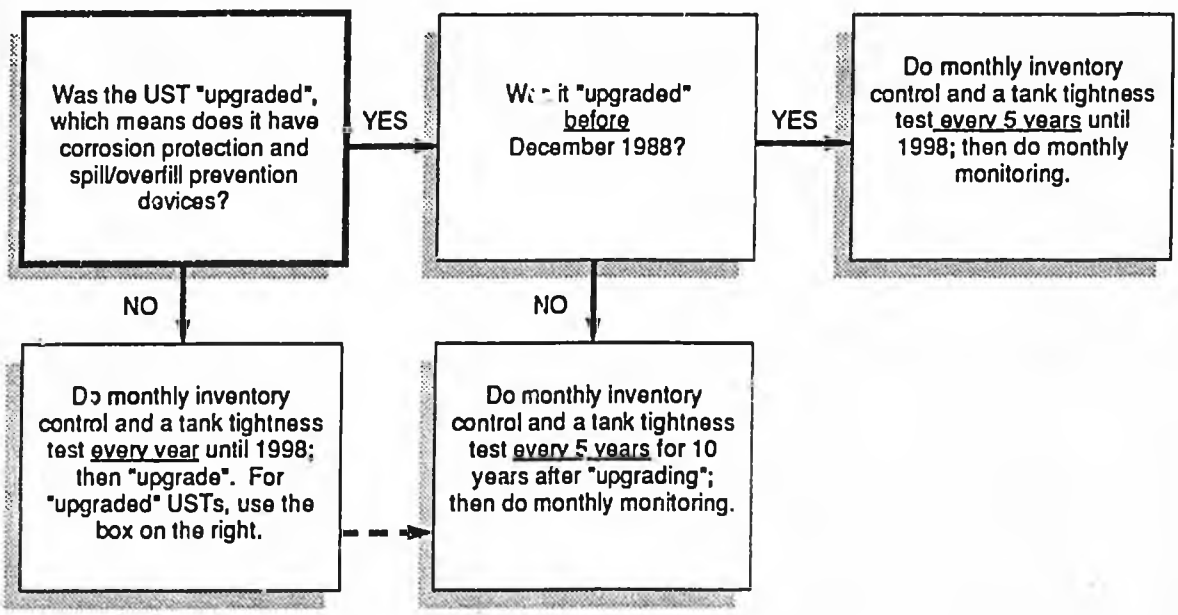
← For WHAT you have to do, see the chart on the left.

TYPE OF TANK & PIPING	LEAK DETECTION	CORROSION PROTECTION	SPILL / OVERFILL PREVENTION
New Tanks and Piping*	At installation	At installation	At installation
Existing Tanks** Installed:	By No Later Than:		
Before 1965 or unknown	December 1989	December 1998	December 1998
1965 - 1969	December 1990		
1970 - 1974	December 1991		
1975 - 1979	December 1992		
1980 - December 1988	December 1993		
Existing Piping**			
Pressurized	December 1990	December 1998	Does not apply
Suction	Same as existing tanks	December 1998	Does not apply

* New tanks and piping are those installed after December 1988
** Existing tanks and piping are those installed before December 1988

IF YOU CHOOSE TANK TIGHTNESS TESTING AT EXISTING USTs . . .

If you don't use monthly monitoring at existing USTs, you must use a combination of periodic tank tightness tests and monthly inventory control. This combined method can only be used for a few years, as the chart below displays.



HOW DO YOU CORRECT PROBLEMS CAUSED BY LEAKS?

What Do You Do When You Suspect Your Petroleum UST Is Leaking?

Various warning signals indicate that your UST may be leaking and creating problems for the environment and your business. You can avoid most of these problems by paying careful attention to these warning signals and by taking the appropriate actions.

Warnings From Equipment

You should suspect a leak when you discover the following warning signals from equipment:

- Unusual operating conditions (such as erratic behavior of the dispensing pump).
- Results from leak detection monitoring and testing that indicate a leak.

You need to confirm quickly whether these suspected leaks are real. What at first appears to be a leak may be the result of faulty equipment that is part of your UST system or its leak detection. Double check this equipment carefully for failures. You may simply need to repair or replace equipment that is not working.

If repair or replacement of faulty equipment does not solve the problem, then you must report this finding to the regulatory authority and conduct tightness tests of the entire UST system. If these tests indicate a leak, you need to report to the regulatory authority and follow the actions for a confirmed leak (see page 20).

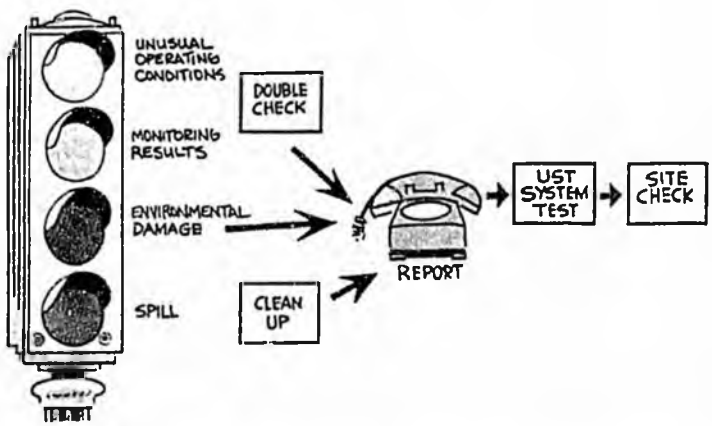
Warnings In The Environment

You should also suspect a leak if evidence of leaked petroleum appears at or near your site. For example, neighbors might tell you they have smelled petroleum vapors in their basements or tasted petroleum in their drinking water. You might even discover evidence of environmental damage as you investigate the suspected equipment failures discussed above.

Whenever evidence of environmental damage is discovered, you must take the following actions:

- Report this discovery **immediately** to the regulatory authority.
- Conduct tightness tests of the entire UST system.
- Investigate the UST site for additional information on the extent and nature of the environmental damage.

The results of these system tests and site checks will help answer the crucial question: "Is my UST leaking?" If the answer is yes, then you will need to follow the actions for responding to confirmed leaks (see page 20).



What Do You Do When Your Petroleum UST Leaks?

Your response to **confirmed** leaks and spills (including overfills) comes in two stages: **short-term and long-term.**

Short-Term Actions

- Take immediate action to stop and contain the leak or spill.

- Tell the regulatory authority within 24 hours that there is a leak or spill. However, petroleum spills and overfills of less than 25 gallons do not have to be reported if you immediately contain and clean up these releases.

- Make sure the leak or spill poses no immediate hazard to human health and safety by removing explosive vapors and fire hazards. Your fire department should be able to help or advise you with this task. You must also make sure you handle contaminated soil properly so that it poses no hazard (for example, from vapors or direct contact).

- Find out how far the petroleum has moved and begin to recover the leaked petroleum (such as product floating on the water table).

- Report your progress and any information you have collected to the regulatory authority no later than 20 days after you have confirmed a leak or spill.

- Investigate to determine if the leak has damaged or might damage the environment. You must report to the regulatory authority what you have learned from a full investigation of your site within 45 days of confirming a leak or spill. At the same time, you must also submit a report explaining how you plan to remove the leaked petroleum, if you have found contaminated ground water. Additional site studies may be required if necessary.

These actions are fully explained in the UST regulations and in a brochure (see page 38).

Some leaks and spills will require additional, **long-term** attention to correct the problem.

Long-Term Actions

Based on the information you have provided, the regulatory authority will decide if you must take further action at your site. You may need to take two more actions:

- Develop and submit a Corrective Action Plan that shows how you will meet requirements established for your site by the regulatory authority.

- Make sure you meet the requirements approved by the regulatory authority for your site.

Can Leaking Tanks Be Repaired?

You can repair a leaking tank if the person who does the repair carefully follows standard industry codes that establish the correct way to conduct repairs. (See page 39 for repair codes.)

Within 30 days of the repair, you must prove that the tank repair has worked by doing one of the following:

- Having the tank inspected internally or tightness tested following standard industry codes.
- Using one of the monthly leak detection monitoring methods (except for the method combining inventory control and tank tightness testing).
- Using other methods approved by the regulatory authority.

Within 6 months of repair, USTs with cathodic protection must be tested to show that the cathodic protection is working properly.

You must keep records for each repair as long as you keep the UST in service.

Can Leaking Piping Be Repaired?

Damaged **metal** piping **cannot** be repaired and must be replaced. Loose fittings can simply be tightened, however, if that solves the problem.

Piping made of **fiberglass-reinforced plastic**, however, can be repaired, but only in accordance with the manufacturer's instructions or national codes of practice. Within 30 days of the repair, piping must be tested in the same ways noted above for testing tank repairs (except for internal inspection).

HOW DO YOU CLOSE USTs?

You can close your UST **permanently or temporarily.**

Closing Permanently

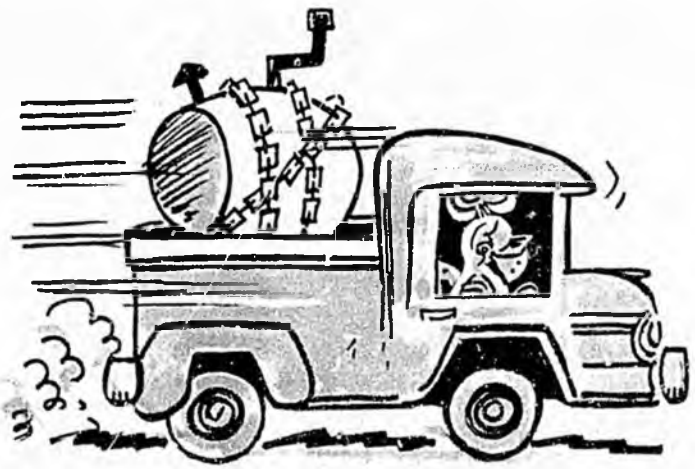
If your tank is not protected from corrosion and it remains closed for **more than 12 months** or you decide to close it permanently, you must follow requirements for **permanent closure:**

- You must notify the regulatory authority 30 days before you close your UST.
- You must determine if leaks from your tank have damaged the surrounding environment. If there is damage, then you will have to take the corrective actions described on page 20.
- You can either remove the UST from the ground or leave it in the ground. In both cases, the tank must be emptied and cleaned by removing all liquids, dangerous vapor levels, and accumulated sludge. These potentially very hazardous actions need to be carried out carefully by following standard safety practices. (See pages 37 and 39 for sources of information on good closure practices.) If you leave the UST in the ground, you must also fill it with a harmless, chemically inactive solid, like sand. The regulatory authority will help you decide how best to close your UST so that it meets all local requirements for closure.

Three Exceptions To Permanent Closure

The requirements for permanent closure may not apply to your UST if it meets one of the following conditions:

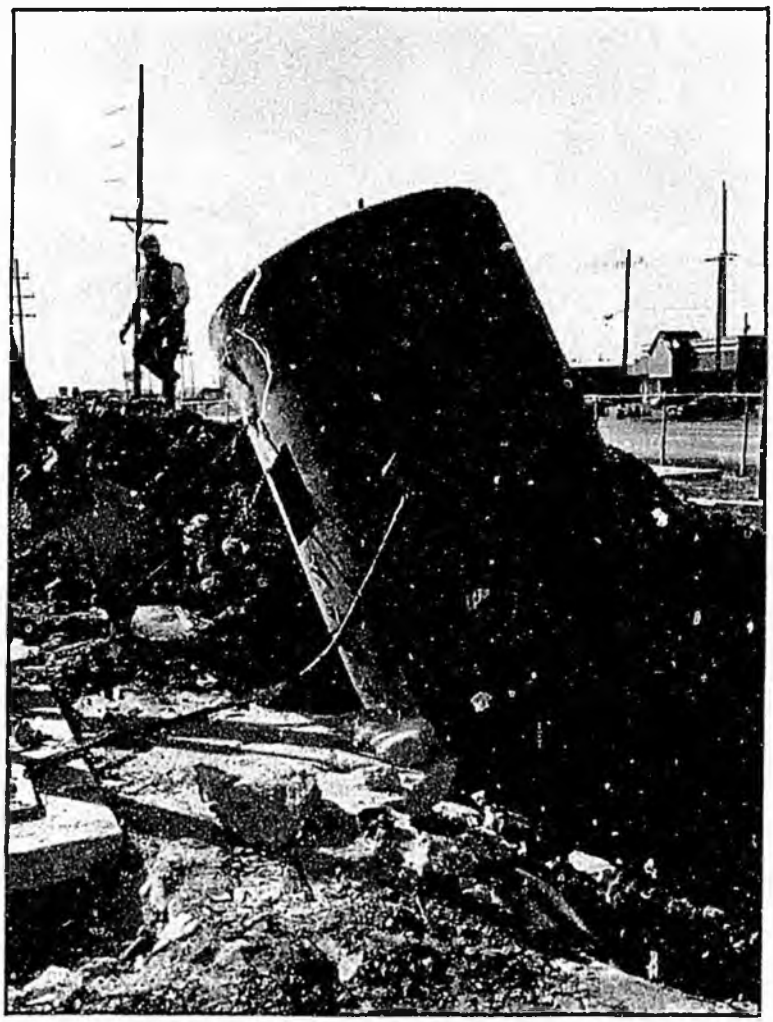
- If your UST meets the requirements for a new or upgraded UST, then it can remain "temporarily" closed indefinitely as long as it meets the requirements below for a temporarily closed UST.
- The regulatory authority can grant an extension beyond the 12-month limit on temporary closure for USTs unprotected from corrosion.
- You can change the contents of your UST to an unregulated substance, such as water. Before you make this change, you must notify the regulatory authority, clean and empty the UST, and determine if any damage to the environment was caused while the UST held regulated substances. If there is damage, then you must take the corrective actions described on page 20.



Closing Temporarily

Tanks not used for 3 to 12 months must follow requirements for **temporary closure:**

- If your UST has corrosion protection and leak detection, you must continue to operate these protective systems. If a leak is found, you will have to respond just as you would for a leak from an active UST, as described on page 20. (If your UST is empty, however, you do not need to maintain leak detection.)
- You must cap all lines, except the vent-line, attached to your UST.



WHAT ABOUT REPORTING AND RECORDKEEPING?

What Do You Need To Report?

In general, you will only need to report to the regulatory authority at the beginning and end of your UST system's operating life:

- When you install an UST, you have to fill out a **notification form** available from your State. This form provides information about your UST, including a certification of correct installation. (You should have already used this form to identify your existing USTs. If you haven't done that yet, be sure you do so now.)
- You must report suspected releases to the regulatory authority (see page 19).
- You must report confirmed releases to your regulatory authority. You must also report follow-up actions you plan or have taken to correct the damage caused by your UST (see page 20).
- You must notify the regulatory authority 30 days before you permanently close your UST (see page 23).

You need to check with your regulatory authority about the particular reporting requirements in your area, including any additional or more stringent requirements than those noted above.

What Records Must You Keep?

You will have to keep records that can be provided to an inspector during an on-site visit that prove your facility meets certain requirements. These records must be kept long enough to show your facility's recent compliance status in four major areas:

You should check with your regulatory authority about the particular recordkeeping requirements in your area. Generally, you should follow this useful rule of thumb for recordkeeping: When in doubt, keep it.

- You will have to keep records of **leak detection** performance and upkeep:
  - -- The last year's monitoring results, and the most recent tightness test.
  - -- Copies of performance claims provided by leak detection manufacturers.
  - -- Records of recent maintenance, repair, and calibration of leak detection equipment installed on-site.

- You will have to keep records showing that the last two inspections of your **corrosion protection** system were carried out by properly trained professionals.

- You must keep records showing that a **repaired or upgraded UST system** was properly repaired or upgraded.

- For at least 3 years after closing an **UST**, you must keep records of the site assessment results required for permanent closure. (These results show what impact your UST has had on the surrounding area.)