



# UST ISSUES

## As a Consumer, Be Prepared

*Underground Storage Tanks (USTs)*



Underground storage tanks (USTs) have been a vital part of property management for decades, but installing and removing them may create environmental issues that can affect the value of your property, cost you financial

strain, and endanger the safety of your home. This issue of IPC's newsletter series gives you the facts you need to know so that you can have an educated approach to your UST issues.

### ISSUE # 1

#### Consumer Awareness:



**The Facts:** When you need to remove or install an UST, know your rights regarding environmental regulations and standards.

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**Should I Use an UST?** IPC takes a look at the benefits of USTs for different homeowner and other options that are available.

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#### IPC News:



**New MCP Amendments.** IPC has studied the new amendments to the state environmental regulations and we have what you need to know!

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**Announcements:** IPC is advertising a new position open for paralegal services and has also recently moved the main office to Hanover.

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*"Personalized Environmental Consulting for your Home and Business."*

## Inland Professional Corporation: Our Mission

IPC has a unique approach to our clients' environmental issues in that we take on our projects with a business-focused mindset. We consider your investment as seriously as if it was our own, so want to protect your assets the way we would protect our own. At the same time, as environmental supporters, we always maintain our integrity by ensuring that

our work applies to both federal and state regulations. As a whole, we give our clients honest and reliable services that will give them the comfort of knowing that they are both meeting environmental concerns and best securing the future of their property. From this article, you will see that managing and maintaining USTs is no exception!

## The Question: Should I use a UST?

For residential homeowners, the decision to continue using a UST depends on the purpose of the tank and what economically makes the most sense.

At this point in time, the financial risk of maintaining a single-wall UST is very high. If you have a single-wall UST, you should consider replacing it as soon as possible. While new double-walled tanks have significantly lower leaking issues, any possible release of heating oil associated with an UST can result in an environmental issue, so you should consider installing your new tank above the ground.

Many people are converting to

natural gas. The cost of converting may be high, but you will spend less money heating your home in the long-term. However, if you do not have access to natural gas or prefer heating oil, you can instead use an above-ground storage tank (AST) and can place your tank in a low-use area like a basement. This is a common practice for heating oil storage across New England.

Some homes may require USTs if the home has limited space above-ground space. This is especially the case of large or multi-family homes in developed areas. Tanks at or

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*As long as you have a detailed plan and qualified professionals, you can be comfortable in knowing that your UST removal is in good hands. Give yourself enough time to plan.*

## The Facts: Removing USTs with the Right Mindset

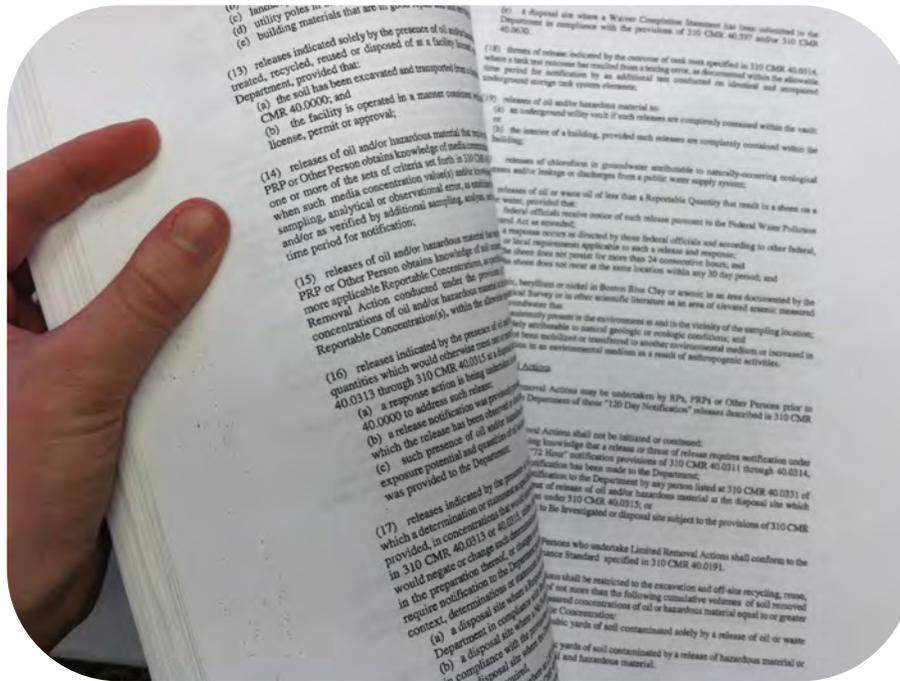


*If you use heating oil, place your tank in a low-use area like a basement.*

If you are a homeowner with a UST on your property, you may want to consider removing it in favor for a safer and more reliable heating source. UST removals are often required for a home's sale or refinance. Safely excavating and disposing of your UST also makes your property more valuable, safer, and beneficial in terms of insurance options, financing possibilities, and future sale.

When removing an UST, you should have an educated understanding of your responsibility and your rights. Be sure to hire a reliable and qualified excavating contractor with experience in removing USTs. In advance, you need to contact your local fire department so that a representative can be

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## New MCP Amendments What You Should Know About the Changes

The Department of Environmental Protection (DEP) is implementing several changes to the Massachusetts Contingency Plan (MCP) in the next several months. IPC has been reviewing the proposed amendments and we have a synopsis of how these amendments may affect your property interests.

In general, the MCP is redefining several terms and the structure of some remediation and assessment procedures. This includes changes to the compliance fees for several of the site classifications, toxicity reporting levels, vapor intrusion, and the tier classification system.

DEP has now enhanced the system to streamline the tier classification process both for the department and for the property owners. Tier classification is a system that licensed site professionals (LSPs) currently use to categorize the risk of a site. In the amendments, all sites will go through the same pro-

cess unless a characteristic of the site triggers "Tier 1" (i.e. high priority) status. Instead, all disposal sites will be assessed in the same manner.

The amendments also include slight changes in the process of Activity and Use Limitations (AULs), which are a set of legal provisions in a deed used to control the development and human interactions on a potentially hazardous site. Specifically, the MCP will require that the written documentation be sent to the DEP when an AUL becomes incorporated into the legal writing of a deed. Also, CERCLA sites will now be regulated to incorporate AULs into their remediation program. In general, the new AUL provisions mean that you need to be aware of your documentation responsibilities to DEP if you choose to implement an AUL.

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## New MCP Amendments (continued)

Vapor Intrusion (VI), the phenomenon of vapors from toxic subsurface substances entering an interior space, has been a big issue for DEP in the past several years. With these amendments, the MCP will now clearly mandate that VI is considered when LSPs provide assessment and close out a site. Remember to address VI in any issue you may have on your property for the health and safety of its occupants and the public.

Another important revision to the MCP is the redefinition of closing out sites. Before, the MCP used Response Action Outcomes (RAOs) to close out a site. Now, instead of RAOs, the MCP will focus on Permanent Solutions versus Temporary Solutions. Within Permanent Solutions, the MCP will distinguish between with and without conditions. This new system of definitions is useful in that it has clearer terms that the responsible parties can better understand.

After updated studies, the DEP has also lowered the limit on certain toxic substances. This may affect a site you are responsible for if you have not closed it out yet.

When dealing with environmental issues, it is important to stay on top of the ever-evolving regulations coming from both DEP and the EPA. IPC is able to help you with any questions you may have.

## The Question (continued)

below 1,100 gallons in volume are not required to get regularly tested under state regulations. However, if you think the size of your home or apartment building may require a larger tank, you will need to consider the financial responsibility of investing in the regular testing and leak detection equipment.

If you choose to maintain and update an UST, there are several updates that state regulations mandate. All existing USTs must be retrofitted with a 3-gallon spill containment manhole. Updated product lines may also be necessary to replace.

If you choose to replace or install an UST, there are numerous installation procedures to follow. State regulations mandate that a qualified and certified UST contractor must follow and implement these procedures. Laws surrounding USTs are continuously updated, so it is important to review the current regulations with your chosen contractor so that you understand your responsibility and obligations.

Before you make a decision on using an UST, you may want to discuss the options with a qualified environmental professional. For more information on whether to install or replace an UST, feel free to contact IPC or to review the regulations under 527 CMR 9.00.

## ANNOUNCEMENTS



### Position Opening:

IPC is looking for a qualified person to join our team as a paralegal. Strong writing and communications skills required. Environmental and/or legal professional experience is preferred. For any inquiries, please send your cover letter and a resume to [inlandprofcorp4@yahoo.com](mailto:inlandprofcorp4@yahoo.com).



### We Have Moved!

Our new office is located in Hanover, MA with easy access from Route 3 and ample parking. Come visit us at 51 Mill Street, Unit 7 to check out our new multi-media equipment and meeting space. We look forward to providing enhanced services to our clients.

## The Facts (continued)

present during the removal. At least three business days prior to the excavation, you also need to call DigSafe (at 811) so that all public underground utilities can be delineated and safely avoided. You will need to provide your address, the two closest side streets, and a description of how far back the UST is from the address road so that the utilities managers can appropriately mark out your property. Also be sure to mark out your property and write how far excavation is occurring with white spray paint on the ground.

Before the removal, you should ensure that the tank is fully pumped of any product. This process occurs when you switch to a different heating source.

During the day of the removal, the excavation contractor and the fire department representative will be present. The contractor and the fire department representative will inspect or have a subcontractor inspect for any leaks. The contractor will also make an incision on the top of the tank to inspect the interior.

Regarding environmental issues, it is important for you to be prepared and have an accurate understanding of the state regulations. According to the Massachusetts Contingency Plan (MCP) 310 CMR 40.0000, the responsible party (RP) may be required to report a release into the environment if there is a substantial release into the soil. In the case of residential USTs, the RP is usually the homeowner. If the leak is large enough to be an imminent threat condition (i.e. a situation that creates an emergency that endangers the health and safety of people), the RP must notify DEP as soon as possible. However, if no imminent threat exists, the RP is the only party responsible for reporting the release to the state. In the event that a leak provides a concern, it is possible to perform more testing through a qualified environmental consultant in order to have a better understanding of the situation at hand.

There are two primary ways in which a release of petroleum is determined. First, the MCP states that

a release may be deemed reportable if a Photo Ionization Detector (PID) that records volatile organic compounds in the air reads above 100 ppm. Second, the MCP stipulates that petroleum contamination above two cubic yards must be reported.

PID meters are commonly used as a reconnaissance measure to detect a possible release of petroleum. Please note that a PID meter can easily read levels above 100 parts per million (ppm) during a UST removal, as vapors from the UST may be coming from the newly-cut incision. Ensure that your contractor is not taking PID readings within proximity of the tank while assessing the tank grave (i.e. the former location of the UST).

If the PID meter reads above 100 ppm for soil samples from the tank grave, you may not necessarily need to report the release if it is below 2 contiguous cubic yards. Below 2 cubic yards, you can have an environmental consultant help you to remove the contaminated soils through a limited removal action (LRA). Through an LRA, you responsibly remove and dispose contaminated soils at a certified disposal center.

In the event that the assessed leak has created a spill with more than 2 cubic yards of contaminated soils, it is important to report the release to the DEP both for your safety and for public welfare. However, remember that the RP is the only person responsible for reporting to DEP unless there is an imminent hazard. Subsequently, it is possible to rescind notification within 60 days if the release turns out to be less than 2 contiguous cubic yards of soil.

In order to best understand the UST removal process, you may want to ask a qualified environmental consultant to be present during the excavation. IPC recommends that you hire a IPC takes UST removals seriously by both ensuring environmental protection while also keeping our clients' best interests a priority. Every homeowner has the right to fully understand how their UST affects them and their property. For more information, feel free to call IPC at 781-826-4520 or e-mail at [inlandprofcorp@yahoo.com](mailto:inlandprofcorp@yahoo.com).



Inland Professional Corporation (IPC) is headed by Joseph V. Polsinello. Mr. Polsinello is a MA DEP-certified Licensed Site Professional (LSP) in the environmental industry. IPC's 40-plus years of experience include land development, environmental remediation, environmental risk mitigation, and emergency spill and hazardous waste response as well as project management and construction consulting. Since 1971, as one of the first in the industry, IPC has achieved renowned success in giving its clients the best envi-

ronmental services possible, meeting the clients' needs while also maintaining integrity in protecting New England's natural habitat.

As a team, IPC offers a wide breadth of successful business and operational experience applied to your specific matter. We approach each property as if it were our own, and we address the issues of each site with a priority for health, safety, cost control, regulatory compliance, and protection of the public and environment. We are always available for discussing your questions and concerns regarding your valuable property.



*We wish you a happy  
and healthy Saint  
Patrick's Day!*

*From the boardroom to the field, Inland Professional Corporation is there to give you the best service possible.*

## INLAND PROFESSIONAL CORPORATION

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