

DRAFT MINUTES
PIC ENVIRONMENT SUB-COMMITTEE
December 10, 2008

Committee Members: Alicia Mozian, Conservation Director; Ellie Lowenstein, P&ZC; Mark Cooper, WWHD Director; Steve Edwards, DPW Director; Larry Bradley, Planning and Zoning Director

Guests: Ed Zygmunt, Fire Marshal; Pippa Bell, LWV; Colin Kelly, Conservation Compliance Officer; Jonathan Steinberg, RTM; Matt Mandell, RTM; Wendy Batteau, RTM; Brittany Chamberlain, Green Village Initiative

Ms. Mozian explained that Dr. Yellin was unable to attend today but directed her to focus on the identified efforts that were discussed at the November meeting to further protect the Aquifer Protection Area (APA) that were not otherwise addressed in the newly adopted Aquifer Protection Area Regulations.

The discussion began with the possibility of adopting an ordinance that would require the removal of underground fuel tanks within the APA within a certain amount of time.

Fire Marshal, Ed Zygmunt explained his department's jurisdiction over this issue and observances over the years in dealing with oil leaks – both below and above ground. He explained that there are many factors that influence leakage. If a tank leaks, how fast and to what extent the oil can spread in the ground and to ground or surface water. Such factors include, but are not limited to soil conditions, depth to water table and the presence of ledge.

He said that corrosion on above ground tanks can be generated both from the inside and outside of the tank.

When asked if there was a life expectancy of an in-ground tank, he said that newer cathodic protected single walled in-ground tanks are guaranteed for 30 years but he has seen unprotected tanks last longer.

It was his opinion that an ordinance is not needed since there are already other laws and regulations governing their installation, removal and abandonment; an ordinance would only be a duplication of existing codes and regulations.

He also expressed his opinion that above ground tanks are more susceptible to vandalism, storms or accidental hits.

A mechanical permit for the installation of any fuel tank is required and is reviewed by the Building Department but Mr. Kelly said that when he spoke with Steve Smith the Building Official, he was told that he does not know of any in-ground tanks that have been installed in at least 10 years.

Mr. Zygmant went on to say that proper installation is controlled by the International Mechanical Code; Regulations of the Connecticut Department of Public Safety, Section 29-320; and, the Connecticut Flammable and Combustible Liquids Code which adopts the National Fire Protection Association standard (NPA 30).

The Connecticut Department of Environmental Protection has regulations governing fuel tanks. When inspecting above-ground tanks he looks for signs of the condition of tank such as visible corrosion and staining.

Starting in the 1990s, the Fire Marshal's office developed a tracking form for documenting underground storage tanks and abandonments. The office regularly has title searchers, realtors and attorneys, etc. reviewing Fire Department records at the time of sale of property, refinancing, transfer of ownership or Phase II assessments. Fire Department records are reviewed to see if tank has been pulled, but unfortunately, not all contractors file proper paperwork with them when a tank is pulled. Therefore, the 552 tanks that Mr. Kelly has identified that have been removed may be a low estimate. We may need to review property transfers to see how many others may have been pulled but not documented.

Also, in the research that Mr. Kelly conducted on properties in the APA those properties served by gas were eliminated but we don't know how many more are fueled by propane or electricity.

In addition, Mr. Zygmant started a new policy approximately 5 years ago with the Building Official's office requiring a sign off for all demolitions so that the Fire Department could confirm whether an underground or above ground tank was removed. He added that sometimes people also want verification that the property is free and clear of an oil tank and this is another reason why he likes to inspect and keep records.

By Code, tanks can be abandoned in place, however, the Connecticut DEP does not permit leaking tanks to be abandoned. Although a tank can be abandoned, his department encourages removal.

DEP does not prohibit underground tanks, but they don't recommend it.

The 275 gallon tanks were not designed to be installed underground. Still, depending on soil conditions, some can last decades and others much shorter. Proper installation can have a lot to do with how long a tank lasts too.

Several years ago there was a short period of time that the state adopted an amnesty program where the state paid for tank removal and remediation upon finding a leaking UST. At that time up to a dozen tanks a day were removed in Westport some of which were tanks in the Aquifer Protection Area.

Future Steps: Review property transfer records to see which properties in the APA were transferred in the last 15 years to see who most likely removed their tank but were not documented. This should whittle down the approximately 60% of tanks we think may be in the ground within the APA. After that we could do a mailing asking people what is their fuel source and if they have an underground tank

Mr. Zygmant reiterated his opinion of not favoring an ordinance requiring removal due to the previously mentioned reasons. He added that the town could be held liable for any financial liability should the town be required that someone remove a tank that was in good condition. Any proposed ordinance should be reviewed by the Town Attorney.

He also added that many tanks get pulled out of the ground at the time of sale because banks, buyers and insurance companies require it.

Ms. Mozian was also asked to review the state's Underground Storage Tank Regulations to determine if there are any requirements that a tank be removed if it is within an aquifer area.

Next Meeting January 7th at 10:00 a.m. to continue discussion.