

**OFFICE OF ADJUDICATIONS**

**IN THE MATTER OF**

**: UNDERGROUND STORAGE  
TANK ENFORCEMENT**

**PEQUABUCK GOLF CLUB**

**:NOVEMBER 3, 2006**

**FINAL DECISION**

**JURISDICTION**

Subdivision (2) of §22a-449(g) provides:

“Not later than two business days after placing a notice or disabling device on a nonresidential underground storage tank system pursuant to subdivision (1) of this subsection, the commissioner shall provide the owner or operator of the affected underground storage tank system with an opportunity for a hearing. Any such hearing shall be limited to whether the violation upon which the commissioner took action under subdivision (1) of this subsection occurred and whether such violation is continuing.”

**FINDINGS OF FACT**

1. This hearing was held on October 25, 2006 at 1:00 PM in the DEP Russell Room, 79 Elm Street, 3<sup>rd</sup> floor, Hartford. The following persons were present and sworn: Carmen Matteo and Kevin Jaracy for the Pequabuck Golf Club, and G. Scott Deshefy and David Keating for the DEP Storage Tank Enforcement Unit.
2. The Golf Club is located at 56 School Street in Pequabuck, partly in Bristol and also in Plymouth, Connecticut. The Club is on a reservoir, which is a GAA water quality and source protection area. (Test. D. Keating.)
3. On October 16, 2006, Mr. Keating performed a standard compliance inspection; the site had not been inspected since December 1998. The presence of one 2000-gallon underground galvanized-steel gas tank was verified. This tank was installed in July 1988. Testing data from the year 2000 revealed that the tank had not passed a “tightness” test;

results of cathodic protection tests performed in April 2006 reported readings that are considered a failure rating, indicating that system is probably not in compliance. No inventory records for the system were available; the tank also does not have any automatic tank gauging equipment that would monitor the system for deviations or problems. (Test. D. Keating.)

4. The Department “red tagged” the facility on October 23, 2006, serving a Notice of Disabled UST Systems on the Club. Mr. Jaracy accepted the service of this Notice on behalf of the Club. This Notice was placed into evidence, along with a copy of the facility summary information on file with the DEP. This Notice included the date, time and place of this hearing. (Test. K. Jaracy, D. Keating.)

5. Connecticut regulations require annual testing of a cathodic protection system when a UST system is a galvanized steel tank and piping system. Federal and state law requires some method of leak protection; automatic tank gauging systems are typically employed. If this is not in place, manual testing must be performed. Failure to have a protection system can result in potentially “catastrophic” results, including groundwater contamination. No means of leak protection appeared to be in place at the Club. (Test. S. Deshefy.)

6. To bring the system into compliance, annual cathodic protection testing is required. A leak detection system must also be installed and operating. (Test. S. Deshefy.)

7. The Club has planned to replace the current tank with an above ground tank, but an ordinance of the City of Bristol, the location of the tank, prohibits this possibility. The Department cannot override the ordinance of the City of Bristol, given that it is more stringent than state regulations. However, the Department considers above ground tanks

superior to underground tanks from a perspective of leak detection, particularly regarding the protection of ground water. In addition to excellent construction methods of current tanks (to protect from damage due to vehicles or potential bumping), any visual inspections of an above ground tank would detect problems that might develop more quickly than even the best detection systems for underground tanks. Any problems could then be addressed and rectified more effectively. From an environmental perspective, therefore, the DEP would prefer that an above ground tank be installed. (Test. C. Matteo; S. Deshefy.)

8. The Club does not contest that this violation occurred, or that it is continuing. The Club will be allowed to pump product from the tank (approximately 150 gallons remain in the tank) until November 15, 2006. Any remaining product will then be pumped out. Thereafter, the tank will be closed out; no further product shall be delivered under any circumstances. The Club will notify the DEP when the tank has been eventually removed. (Test. C. Matteo, S. Deshefy, K. Jaracy, D. Keating.)

### ***CONCLUSION***

There was probable cause to support and sustain this enforcement action taken by the DEP with regard to the tank owned and operated by the Pequabuck Golf Club.

/s/ J Deshais  
Janice B. Deshais, Hearing Officer

**APPENDIX A**  
**P A R T Y L I S T**

***FINAL DECISION***  
***In the Matter of Pequabuck Golf Club***

PARTY

REPRESENTED BY

Pequabuck Golf Club  
56 School Street  
Pequabuck, CT 06781

Carmen Matteo  
Kevin Jaracy

Department of Environmental Protection

UST Enforcement  
79 Elm Street  
Hartford, CT 06106

Gregory Scott Deshefy  
David Keating

---