



UNDERGROUND FUEL TANKS

If you have an underground petrol or diesel storage tank on your farm or at your place of business, since May 2009 you have three choices.

1. You can leave the storage tank in place and comply with the legislation governing UPSS (Underground Petroleum Storage Systems). Whether or not the tank is being used, you have to do the following:-
 - Put in place an environmental protection plan;
 - Install measuring devices around the tank;
 - Maintain a monitoring program;
 - Have in place procedures to detect leaks;
 - Keep records.
2. If it is intended to de-commission the tank, the soil around the tank must be tested to determine if soil contamination has occurred.
 - If no contamination is found the tank can be removed to a disposal site or, in exceptional situations, filled with sand or other such material; and
 - If soil contamination is found, the soil may be excavated and transported to a registered receiving site or otherwise disposed of satisfactorily.
3. Do nothing for now, but....!

Under the new laws, the Department of Environment and Climate Change can prosecute persons they deem to have caused pollution. This is called the "polluter pays principle". Even after the sale of a property, the vendor remains liable for the cost of remediation and any fines associated with the failure to comply with the UPSS legislation.

Obviously, if you intend selling your property, or business site, and an underground petroleum storage system is located there, you need to ensure that full disclosure is made or you commence immediately to de-commission the storage tank. For this purpose you need to contact the appropriately qualified persons to assist in managing the same.

Further, we at Everingham Solomons can assist you in ensuring that, in a legal way, you have met your obligations under the legislation as ***Helping You is Our Business.***



EVERINGHAM SOLOMONS
SOLICITORS

Consultant: Ted Heazlett
Directors: John Boag, Terry Broomfield, Ken Sorrenson, Terry Robinson, Mark Grady, Jennifer Blissett
Associate: Lesley McDonnell

Level 3, Ray Walsh House,
437 Peel Street, Tamworth NSW 2340
Ph: 6766 1066 Fax: 6766 4803
Email: solicitors@eversol.com.au

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