

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Fish, Wildlife & Water Resources to which was referred  
3 House Bill No. 531 entitled “An act relating to aboveground storage tanks”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

7 Sec. 1. 10 V.S.A. § 1929a is amended to read:

8 § 1929a. STANDARDS FOR ABOVEGROUND STORAGE TANKS

9 (a) ~~No later than~~ On or before December 31, 2011, the ~~secretary~~ Secretary  
10 shall adopt rules addressing the design and proper installation of aboveground  
11 storage tanks.

12 (b) After January 1, 2012, no person shall offer for sale, install, or  
13 substantially improve an aboveground storage tank that does not meet the  
14 standards adopted by the ~~secretary~~ Secretary under subsection (a) of this  
15 section.

16 (c) On or before July 1, 2017, the Secretary shall adopt rules for the  
17 inspection of aboveground storage tanks. The rules shall include, at a  
18 minimum, the following:

19 (1) when installation of secondary containment systems for types of  
20 aboveground storage tanks is required, the required specifications of the  
21 systems, and the process for installation of the systems;

1           (2) the protocol to be followed and the criteria to be reviewed in the  
2           performance of inspections required under this section, including:

3                   (A) the appropriate methods to document the age of tanks installed  
4                   on or after July 1, 2017;

5                   (B) the frequency of required tank inspections;

6                   (C) requirements for the tagging or marking of tanks and tank fill  
7                   pipes when tanks are determined to be non-compliant with the requirements of  
8                   this section or the rules adopted by the Secretary under this section;

9                   (3) an updated checklist to be used in the performance of inspections  
10                  required under this section or the rules adopted by the Secretary under this  
11                  section;

12                  (4) training and certification requirements for tank inspectors; and

13                  (5) the protocol to be followed to address tanks identified as non-  
14                  compliant with the inspection criteria established by the rules adopted by the  
15                  Secretary under this section.

16                  (d) A fuel supplier shall inspect an aboveground storage tank in accordance  
17                  with the requirements of this chapter and the rules adopted by the Secretary  
18                  pursuant to subsection (c) of this section.

19                  (e) The Secretary shall maintain a database of tanks that have been  
20                  determined to be non-compliant with the requirements of this section or the

1 rules adopted by the Secretary pursuant to subsection (c) of this section. The  
2 database shall be accessible to the public.

3 (f) No person shall deliver heating fuel to an aboveground storage tank  
4 which has been visibly designated as noncompliant with the requirements of  
5 this chapter

6 (g) If the owner of an aboveground storage tank in a structure converts the  
7 type of fuel used for home heating purposes from fuel oil or kerosene to  
8 natural gas or propane, the aboveground storage tank used to store fuel oil or  
9 kerosene shall be retired from use and removed from the structure and the fill  
10 pipe shall be removed. As used in this subsection, “structure” means any  
11 assembly of materials that is intended for occupancy or use by a person and  
12 that has at least three walls and a roof.

13 Sec. 2. 10 V.S.A. § 1941(g) is amended to read:

14 (g) The owner of a farm or residential heating fuel storage tank used for  
15 on-premises heating or an underground or aboveground heating fuel storage  
16 tank used for on-premises heating by a mobile home park resident, as defined  
17 in section 6201 of this title, who desires assistance to close, replace, or upgrade  
18 the tank may apply to the Secretary for such assistance. The financial  
19 assistance may be in the form of grants of up to: \$2,000.00 or the costs of  
20 closure, replacement, or upgrade, whichever is least for an aboveground  
21 storage tank located inside a structure; up to \$3,000.00 or the costs of closure,

1 replacement, or upgrade, whichever is least for an aboveground storage tank  
2 located outside a structure; and up to \$4,000.00 or the costs of closure,  
3 replacement, or upgrade, whichever is least for an underground storage tank.  
4 As used in this subsection, “structure” means any assembly of materials that is  
5 intended for occupancy or use by a person and that has at least three walls and  
6 a roof. Grants shall be made only to the current property owners, except at  
7 mobile home parks where a grant may be awarded to a mobile home park  
8 resident. To be eligible to receive the grant, an environmental site assessment  
9 must be conducted by a qualified consultant during the tank closure,  
10 replacement, or upgrade if the tank is an underground heating fuel storage  
11 tank. In addition, if the closed tank is to be replaced with an underground  
12 heating fuel storage tank, the replacement tank and piping shall provide a level  
13 of environmental protection at least equivalent to that provided by a double  
14 wall tank and secondarily contained piping. Grants shall be awarded on a  
15 priority basis to projects that will avoid the greatest environmental or health  
16 risks. The Secretary shall also give priority to applicants who are replacing  
17 their underground heating fuel tanks with aboveground heating fuel storage  
18 tanks that will be installed in accordance with the Secretary’s recommended  
19 standards. The Secretary shall also give priority to lower income applicants.  
20 To be eligible to receive the grant, the owner must provide the previous year’s  
21 financial information, and, if the replacement tank is an aboveground tank,

1 must assure that any work to replace or upgrade a tank shall be done in  
2 accordance with industry standards (National Fire Protection Association, or  
3 NFPA, Code 31), as it existed on July 1, 2004, until another date or edition is  
4 specified by rule of the Secretary. The Secretary shall authorize only up to  
5 \$400,000.00 in assistance for underground and aboveground heating fuel tanks  
6 in any one fiscal year from the Heating Fuel Account for this purpose. The  
7 application must be accompanied by the following information:

8 (1) proof of ownership, including information disclosing all owners of  
9 record of the property, except in the case where the applicant is a mobile home  
10 park resident;

11 (2) for farm or residential aboveground heating fuel storage tank  
12 owners, a copy of the federal income tax return for the previous year;

13 (3) identification of the contractor performing any heating fuel storage  
14 tank closure, replacement, or upgrade;

15 (4) an estimated cost of tank closure, replacement, or upgrade;

16 (5) the amount and type of assistance requested;

17 (6) a schedule for the work;

18 (7) description of surrounding area, including location of water supply  
19 wells, surface waters, and other sensitive receptors; and

20 (8) such other information and assurances as the Secretary may require.

1 Sec. 3. 10 V.S.A. § 8003(a) is amended to read:

2 (a) The Secretary may take action under this chapter to enforce the  
3 following statutes and rules, permits, assurances, or orders implementing the  
4 following statutes, and the Board may take such action with respect to  
5 subdivision (10) of this subsection:

6 \* \* \*

7 (8) 10 V.S.A. chapter 59, relating to underground storage tanks and  
8 aboveground storage tanks;

9 \* \* \*

10 Sec. 4. EFFECTIVE DATES

11 This act shall take effect on July 1, 2016, except that 10 V.S.A. § 1929a(c)-  
12 (g) (aboveground storage tank inspection rules) shall take effect on Jan. 1,  
13 2017.

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21 (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE