



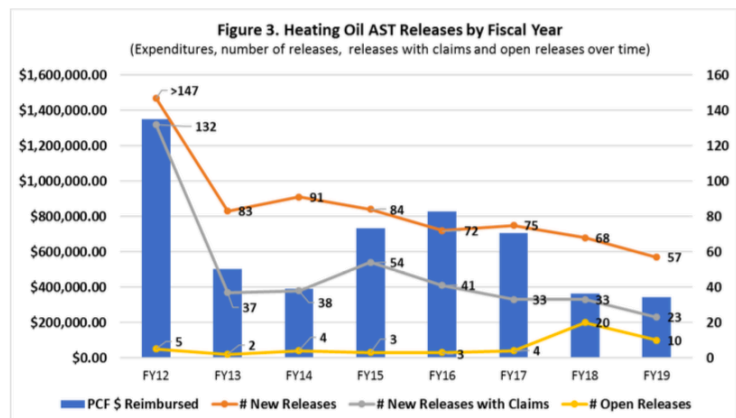
Commissioner Peter Walke
Agency of Natural Resources
Department of Environmental Conservation
One National Life Drive
Montpelier, VT 05620-3520

May 27, 2020

Commissioner Walke,

On behalf of the nearly 100 independently owned retailers that deliver fuel oil to more than 120,000 aboveground storage tanks in Vermont, I am requesting an extension to Vermont's Aboveground Storage Tank (AST) Regulations inspection deadline.

This request is not made without careful consideration. VFDA has partnered with the Department of Environmental Conservation (DEC) to inform consumers and retailers about the regulations and inspection requirements. VFDA distributes free consumer education materials, produced a tank compliance video, and frequently publishes information about the regulation online and through social media. *More at vermontfuel.com/tank*. Thanks to a safety grant provided by the National Oilheat Research Alliance, VFDA provides a \$250 rebate to Vermonters that replace a non-compliant fuel oil tank. Since 2018, VFDA has distributed \$215,750 in tank rebates directly to 863 Vermont oilheat consumers. VFDA staff has responded to hundreds of consumer questions about the regulations since they were enacted in 2017. This public-private partnership has led to a significant improvement to Vermont's environment, as evidenced by the year over year decline in the number of spills and remediation costs.



Source: 2020 Vermont Petroleum Cleanup Fund Report. Found here: vermontfuel.com/pcf

While we share the goal of ensuring fuel oil is delivered safely and stored securely, we ask that the August 15, 2020 inspection deadline be extended. Two out of every three fuel retailers that responded to a recent VFDA survey indicated that they are unlikely inspect all of their customer's

tanks before August 15. More than a quarter of fuel retailers have inspected less than 50% of their customer's tanks. This is a problem. According to the DEC, any tank that does not have a passing inspection by August 15, 2020 will be "ineligible to receive a fuel delivery." A fuel dealer is liable for cleanup costs and potential fines if there is a spill from a tank that was not inspected.

There are several reasons why thousands of tanks won't be inspected by August 15. The first is the request from Vermont Department of Environmental Conservation that routine inspections occur outside the heating season. This was issued in November of 2017 to prevent winter heating emergencies. *The full memo can be found at vermontfuel.com/pct.* This directive created a compressed timeline for conducting routine inspections. This was exacerbated by Covid-19 and the Governor's Emergency Order. Nearly 80% of respondents to the VFDA survey indicated that the pandemic has made homeowners reluctant to allow Vermont certified oilheat technicians inside their home to perform an inspection.

We request that the August 15, 2020 tank inspection deadline be extended **until at least November 1, 2020**. If the Covid-19 pandemic and the Governor's Emergency Order continues into the fall, we request the inspection deadline be extended **until August 15, 2021**. It is unclear whether this deadline can be extended with the Governor's Emergency Order, through the emergency rulemaking process, or whether legislation is necessary. I look forward to discussing the different paths forward.

Thank you for your consideration.

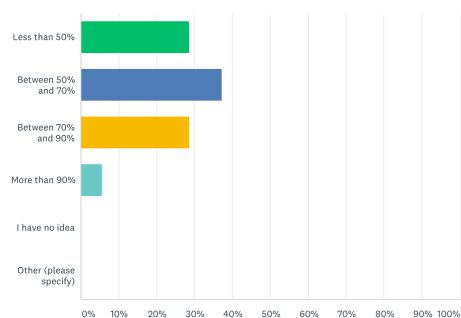
Matt Cota



VFDA Executive Director

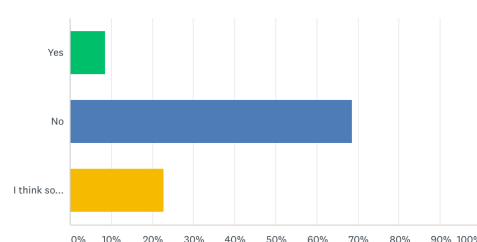
What percentage of your existing customer base has had their fuel oil tank inspected at least once over the past three years?

Answered: 35 Skipped: 0



Will you be able to inspect all of your current customer's oilheat and kerosene tanks before the August 15 deadline?

Answered: 35 Skipped: 0



If you answered no, what are the reasons? Check all that apply.

Answered: 29 Skipped: 6

