

**Sunset Advisory Commission**  
**Board and Commission Review of Petroleum Cleanup Fund Advisory Committee**

The Commission reviews every State board and commission and takes testimony regarding whether each board or commission should continue to operate or be eliminated and whether the powers and duties of any board or commission should be revised. Each board and commission has the burden of justifying its continued operation.

The Commission also reviews whether members of a board or commission should be entitled to a per diem and, if so, the amount of that per diem.

In testifying before the Commission, you should be able to provide the following information:

1. In general, how often does the board and commission meet? Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.

Two to four times per year. Four meetings the past two fiscal years. We retain a digital copy of the agenda and minutes on our electronic drive at VTDEC.

2. Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.

All members are appointed by the Secretary of ANR. There are no term lengths or expirations, and no per diems. Below is the list of members. 10 V.S.A. Section 1941 specifies the stakeholders who must comprise the committee.

Chuck Schwer: Designated representative of the Commissioner, Department of Environmental Conservation (DEC) Kevin Gaffney: Designated representative of the Commissioner, Department of Financial Regulation Erin Sigrist: Vermont Petroleum Association (Vermont Retail & Grocer's Association) Senator: Brian Campion Representative: Mike Marcotte Scott Bigger: Designated representative of Lowell T. Spillane, Retail gasoline dealer Dick Browne: Global Montello Group Corp., a licensed gasoline distributor Matt Cota: Vermont Fuel Dealers Association Peter Bourne: Bourne's Energy, a licensed fuel dealer Peter Tucker: A licensed real estate broker

3. Provide an overview of the board or commission's purpose.

In 1988 the legislature created the Petroleum Cleanup Fund (PCF). The primary purpose of the PCF is to protect public health and the environment by paying for cleanup and restoration of contaminated soil and groundwater caused by releases from underground petroleum storage tanks, and to compensate third parties for property damage and bodily injury.

The PCF also serves as the financial assurance mechanism for tank owners, which is required by both state and federal law, so it is important that the industry have an opportunity to review

and comment on how the fund is managed. The fund must remain solvent with a minimum balance of \$1 million to ensure it remains an EPA approved financial assurance mechanism.

The promulgating legislation also directed the ANR Secretary to establish a Petroleum Cleanup Fund Advisory Committee that shall meet not less than annually to review receipts and disbursements from the Fund, to evaluate the effectiveness of the Fund in meeting its purposes and the reasonableness of the cost of cleanup, and to recommend alterations and statutory amendments deemed appropriate. The Advisory Committee shall submit an annual report of its findings to the General Assembly on January 15 of each year. In its annual report, the Advisory Committee shall review the financial stability of the Fund, evaluate the implementation of assistance related to underground farm or residential heating fuel storage tanks and aboveground storage tanks, and the need for continuing assistance, and shall include recommendations for sustainable funding sources to finance the provision of that assistance. Only the committee is authorized to transfer monies between the motor fuel and heating oil accounts.

4. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?

Yes. We would not be meeting our statutory obligations, but more importantly this committee provides a sterling example of successful collaboration between industry and government for being fiscally responsible in protecting human health and the environment, including proposing new legislation as warranted.

5. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?

The committee is doing an outstanding job of meeting that purpose. Our annual legislative reports provide detailed evidence of successful cleanup and prevention efforts and include efforts to aid vulnerable low-income populations.

6. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?

No, this model is proven to work well.

7. If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?

There is no overlap and it is the best entity for fulfilling our purpose.

8. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?

Yes, and the committee has proposed many statutory changes over the years to ensure that it continues to meet its purpose.

9. Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?

We had no expenditures.

10. Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor, or any State agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?

Yes, the committee must file annual legislative reports by January 15. The twelve most recent reports are all posted here: <https://dec.vermont.gov/waste-management/contaminated-sites/PCF>.

11. How would you measure the performance of the board or commission?

It is measured through the financial health of the Petroleum Cleanup Fund, and how well the PCF is meeting its purpose of protecting human health and the environment by paying for cleanups, reducing releases, and assisting businesses and low income Vermonters with tank replacements and upgrades. These measures are all detailed in the annual legislative report.