

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2015-2016**

Bill Number: H.531 Name of Bill: AST Inspections Bill

Agency/ Dept: ANR/DEC Author of Bill Review: Matt Moran

Date of Bill Review: 4/11/2016 Related Bills and Key Players: H.363 (introduced 3/10/15, and signed into law this session); Vermont Fuel Dealers Association, licensed fuel dealers, VermontRealtors and licensed real estate brokers

Status of Bill: (check one):  Upon Introduction  As passed by 1<sup>st</sup> body  As passed by both

**Recommended Position:**

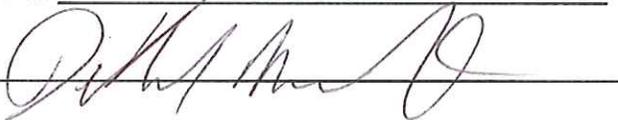
Support  Oppose  Remain Neutral  Support with modifications identified in #8 below

**Analysis of Bill**

1. **Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.* Requires fuel suppliers to inspect aboveground storage tanks (ASTs) in accordance with rules adopted by 7/1/17. Rules will clarify inspection frequency, inspector training & certification & requirements for red-tagging non-compliant tanks.
2. **Is there a need for this bill?** *Please explain why or why not.* Yes. We need an inspection requirement to bring tanks into compliance with AST Rules not only to minimize releases that impact human health and the environment, but also to reduce PCF cleanup costs and allow greater emphasis on prevention.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**  
Bill helps limit smaller heating oil releases that divert staff capacity from other priorities and reduces longer term fiscal stress on the PCF heating oil account.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** There are no significant implications following the removal of provisions that affected the Division of Fire Safety.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc)*  
The Vermont Fuel Dealers Association supports the bill, though they may oppose any rule promulgation that requires secondary containment such as drip pans.
6. **Other Stakeholders:**
  - 6.1 **Who else is likely to support the proposal and why?** Realtor industry should be more inclined to support since it's not a new tax/fee on VT property owners. The Bill puts the onus on the fuel industry. Fuel dealers believe it's a minor cost of doing business when dovetailed with heating system work.
  - 6.2 **Who else is likely to oppose the proposal and why?**

7. **Rationale for recommendation:** *Justify recommendation stated above.* In 2015, there were 86 AST releases (nearly all preventable), and PCF heating oil AST cleanup expenditures for FY15 totalled \$700K. Trends are unsustainable and are putting heating oil account in the red. There are also significant human & env. impacts.
8. **Specific modifications that would be needed to recommend support of this bill:** *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.* We support the bill without further modification. Several improvements were made to this Bill after introduction.
9. **Gubernatorial appointments to board or commission?** There currently exists a PCF Advisory Committee with various stakeholder representatives.

Commissioner has reviewed this document:  Date: 4/12/2016

Secretary has reviewed this document:  Date: 4/12/16