

From: [smdbad](#)
To: [Bourakovsky, Anna](#)
Subject: Storage Tanks
Date: Thursday, March 21, 2024 9:37:21 AM

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I am emailing about the new storage tank rules. I do not feel it is fair to not grandfather existing structures. I had an issue when selling my first house years ago because the state did not grandfather the contractor signing off on waste water permits. I feel these rules should be for any new construction or replacements moving forward. As home owners replace existing tanks then the new rules should take affect. The system for red tagging oil tanks I feel is flawed. There is no standards to say how a tank is red flagged that I am aware of. I believe this needs to be addressed also. I appreciate your time with this email.

Thank you

Martin Dole

From: [Matt with MeadowHill](#)
To: [Bourakovsky, Anna](#)
Subject: Re: any AST Comments so far?
Date: Wednesday, April 10, 2024 3:18:14 PM

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Just two....

One of the proposed regulations requires the fuel dealer to know if a tank is in a flood zone or flood-prone area. Finding the flood zone for a property is possible using the FEMA website. But all properties are found on the flood map, and I believe all properties are designated a flood zone. It's what those zones mean that matters. You cannot leave it at "flood zone". However, flood-prone, is not, to my knowledge, an accepted definition with criteria that would allow a dealer to know if they should, or should not, install a tank at that location. You can't use a term that has no actual meaning to hold someone accountable.

2) We've paid multiple claims where a tank was filled when the tank was offline for maintenance or replacement and the fill-pipe wasn't tagged/blocked. It should be a rule that if you disconnect the tank from the fill pipe or are maintaining the furnace in such a way that oil could flow through the tank and into an open system, the fill pipe be blocked.

Matt Cota
Meadow Hill
802-318-2190

From: [Alyssa Sabetto](#)
To: [Bourakovsky, Anna](#)
Subject: Comment on above ground storage tanks rule
Date: Tuesday, April 16, 2024 11:44:33 AM

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Hi Anna,

A comment on the proposed AST rules:

Installation contractors/firms should be required to review mapping or have a system in place to know ahead of time what locations/job sites are in the floodplain. These contractors need training and/or a tool developed for their specific use to be able to make that determination. Perhaps using flood hazard mapping on the ANR Atlas, or perhaps there can be a simplified tool developed for them to cross check addresses for floodplain overlap. The contractors themselves, and property owners, generally do not have the expertise to determine if a property is in the floodplain/river corridor. Contractors should *not* be relying on home/business owners to be aware of this, or even be honest about it necessarily. There should be a standardized way for contractors/companies to be able to make this check before going to job sites, so that going into a job they are aware that they do or do not need to abide by the flood installation standards. I think that this check should be required for any site visit, whether its an installation or an inspection – that would enable retrofit for existing tanks in addition to when new tanks are set.

Please reach out if clarification on this comment is helpful.

Thank you,

Alyssa Sabetto, CFM

Senior Planner

Windham Regional Commission

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April 12, 2024

Re: Proposed Revisions to Vermont Aboveground Storage Tank (AST) Rules - Public Comment

To Whom It May Concern:

The health and safety of our economically disadvantaged communities as well as our waterways is of paramount importance to all Vermonters. Fuel oil spills and leaks from above-ground storage tanks (ASTs) is a source of contamination the state is committed to addressing, and a health hazard for those who live near leaking ASTs.

It is admirable that the Agency of Natural Resources provides financial assistance for those who need to replace ASTs that do not meet safety standards for preventing leaks. However, the current system for accessing this assistance unintentionally excludes many residents of Manufactured Housing Communities (MHCs).

Under current rules, the system is designed so that fuel dealers are the primary mechanism for identifying noncompliant ASTs via "red-tagging", and owners are incentivized to address such ASTs because dealers will not fill their tanks if they don't.

This makes sense in theory; however, in practice, this system does not work for most low-income residents of MHCs. Residents whose ASTs do not pass inspection simply resort to filling their tanks themselves from five-gallon containers, bypassing the rules and resulting in potentially more spillage and leaks. Even though they may be eligible for financial assistance to replace their tanks, they may not be aware of the program, or they may not be able to provide the cost estimate and income verification that the program requires.

This can be a major problem for MHCs, their residents, and the state's waterways. Addison Housing Works (AHW) conducts lot inspections annually and since 2022 has identified approximately 75 resident-owned ASTs that need to be replaced due to red tagging, evidence of significant rust, or other failure. This represents about 20% of the ASTs in our MHCs. In that same time period, we have identified three with active leaks or spillage. One has cost the Petroleum Cleanup Fund (PCF) over \$30,000 to remediate to date—an amount that would have covered at least 10 replacements that could have prevented the issue from happening in the first place.

We recommend that ANR consider streamlining the AST replacement process for residents of MHCs by making them categorically eligible for financial assistance. Furthermore, a process whereby ANR contracts directly with trusted vendors to



replace ASTs (including slabs and roofs) would have the greatest impact on eradicating this problem.

Categorical eligibility for MHC residents makes sense, especially for nonprofit and cooperatively owned parks, because:

- **The vast majority of MHC residents are low-income**, especially those who do not access fuel through a dealer. In nonprofit parks, most residents income qualify at the time they move into the park. Income studies show that median income in parks is about half of area median income.
- State investment in replacing tanks for higher income residents still has **benefits to the entire low-income community** by preventing environmental hazards and supporting environmental justice.
- **Income verification is a significant barrier** and may not be any more accurate than a self-certification given the unreported nature of much low-wage work. Even if the state were to coordinate with the Department of Taxes, while this would be an improvement, it might still be a deterrent to residents who have a low degree of trust in the system and may be unwilling to release their tax information.

ANR contracting directly for replacement also makes sense and has promising precedent within the Agency:

- **Finding a contractor to provide an estimate is a significant barrier.** Many residents drop out at this stage in the process, as many contractors are unwilling to do work in MHCs.
- **ANR has used this model very successfully in the Healthy Homes program**, which contracts directly with engineering firms to provide Preliminary Engineering Reports so that low-capacity nonprofits and coops don't have to navigate the complex world of civil engineering RFPs and RFQs.

Updating the Financial Assistance for Tank Removal Program will help hundreds more low-income residents of environmentally vulnerable communities replace risky ASTs that threaten to impact the quality of our groundwater, rivers, and lakes. It may also save money from the Petroleum Cleanup Fund in the long run.

Sincerely,



Elise Shanbacker
Addison Housing Works

