

HAZARDOUS MATERIALS PROGRAM ENVIRONMENTAL FACT SHEET

Aboveground Storage Tank (AST) Yellow Tags

The revised [Aboveground Storage Tank \(AST\) Rules](#), effective August 1, 2024, establish a new rule related to noncompliant tanks. This rule was developed in response to the problem created when noncompliant tanks were red tagged during the heating season. This practice often left residents without a heat source during the coldest part of the year. Workforce shortages in the fuel industry combined with the financial constraints placed on homeowners needing to replace their tanks only made the problem worse, as replacements could not be completed without disrupting residential heating. Historically, the Agency of Natural Resources (ANR) granted conditional permissions for fuel delivery to red-tagged tanks on a case-by-case basis, and for a limited period of time. These permissions were approved for tanks that were noncompliant with AST inspection standards but that presented a lower threat of releasing petroleum to the environment. The new “yellow tag” rule replaces this former practice by establishing consistent standards for the continuation of fuel delivery to certain noncompliant AST systems. This guidance document is intended to assist tank inspectors and fuel dealers on understanding the new yellow tag rule and its applicability to routine tank inspections.

What is a yellow tag?

A yellow tag is a visible designation that a tank is not compliant with the Vermont AST Rules. It is similar in concept to the red tag that industry uses to designate noncompliant ASTs; however, it allows for a more flexible approach to addressing tank deficiencies without requiring a prohibition of fuel delivery. Unlike a red tag, which immediately prohibits the delivery of fuel to a tank, a yellow tag designation allows conditional tank fills for a limited amount of time. ANR sets the standards for identifying tanks that are eligible for a yellow tag based on the risk of an environmental release, and tank inspectors make the designation during a tank inspection. Yellow tags are only applicable for residential tanks installed before August 1, 2024.

CONDITIONAL FILL ONLY

<p><small>Tank yellow tag was applied on:</small></p> <p>____ / ____ / ____</p> <p style="text-align: center;"><small>Month Day Year</small></p> <p>____</p> <p style="text-align: center;"><small>Fuel Company</small></p> <p>____</p> <p style="text-align: center;"><small>Phone</small></p>	<p>THIS TANK IS YELLOW TAGGED BECAUSE IT HAS:</p> <p><input type="checkbox"/> RUST, DENTS, BULGING AND/OR PITTING</p> <p><input type="checkbox"/> NON-WORKING VENT ALARM/WHISTLE</p> <p><input type="checkbox"/> UNDERSIZED VENT AND/OR FILL PIPE</p> <p><input type="checkbox"/> UNPROTECTED FUEL LINE</p> <p><input type="checkbox"/> OTHER _____</p>
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This conditional fill yellow tag expires on May 1. Your fuel company is prohibited by Vermont Aboveground Storage Tank (AST) regulations to fill this tank after May 1. This tank must be removed, repaired, or replaced after the heating season.

Fuel delivery may be limited to 100 gallons.

Learn more about Vermont's AST Regulations at vermontfuel.com/tank

Example of a yellow tag.

How does a yellow tag work?

Similar to a red tag, a yellow tag will result from a tank inspection that identified noncompliance items for a particular AST. The revised AST Rules define which areas of noncompliance are eligible for a yellow tag, and which noncompliance items must be designated with a red tag. A yellow tag may *only* be issued for the following:

- Tank is used for *residential heating*; tanks serving commercial buildings are not eligible.
- Tank was installed *before August 1, 2024*; tanks installed after this date are not eligible.
- Noncompliance is observed only for the following item(s) (a yellow tag shall not be issued for any other reason):
 - Tank piping or fuel lines which are in contact with concrete or earthen materials are not coated or sleeved to prevent against corrosion.
 - No functional overfill alarm on an outdoor tank; indoor tanks not eligible.
 - Fill and/or vent pipe diameter not correctly sized.
 - Tank or tank legs have moderate rust and/or pitting; tank has visible dents and bulges; tank has evidence of a leak at the fill/vent pipe.
 - For double walled tanks: failure of inner wall as indicated by interstice leak indicator.

Once a yellow tag is issued, the tank may continue to receive fuel deliveries under the following conditions:

- Fuel delivery is limited to 100 gallons per delivery.
- Fuel delivery is completed at a slower fill speed than typical deliveries.
- Fuel delivery may only be made until May 1 of the heating season.

How are yellow tags reported? How are they removed from the database?

Following the same protocol as reporting red tags, each yellow tag must be reported to ANR via submission to the state’s AST database (commonly called “Red Tag List”):

https://anrweb.vt.gov/DEC/ERT/Non_Compliant_AST.aspx

To remove a yellow tag from the database, contact ANR directly with information on what improvements have been made to the tank system to bring it into compliance.

Has the AST inspection checklist been updated to incorporate the yellow tag rule?

The ANR checklists that are required to be used during each tank inspection have clearly designated items which are permissible for a yellow tag. AST inspection checklists can be accessed on the State’s AST Website: <https://dec.vermont.gov/waste-management/storage-tanks/aboveground-storage-tanks-asts/asts-heating>

Are there additional requirements for issuing a yellow tag?

Yes. In addition to completing an inspection checklist and reporting the noncompliant tank to the Agency’s website, each issued yellow tag must be accompanied by photo documentation (phone photo is sufficient). Photos are not required to be submitted to the Agency but should be retained by the tank inspector along with the inspection checklist. If managed properly (see next question), wastes generated during episodic events do not affect generation rates.

Does a yellow tag require ANR approval prior to issuance?

No, yellow tags may be issued by the tank inspector without pre-approval by ANR staff. Fuel dealers should use their professional judgement and training in the subject to accurately evaluate tanks during an inspection and may issue yellow tags for those compliance items identified on the inspection checklists as eligible for yellow tagging.

What happens to yellow tags after May 1 of each year?

As stated earlier, all yellow tags will expire on May 1 of each heating season. Upon expiration, each yellow tag functionally becomes a red tag; delivery of fuel to a yellow tagged tank after the tag has expired is prohibited. Yellow tags cannot be renewed. Fuel dealers are not required to apply new red tags to any tank with an expired yellow tag. The state AST database will redesignate all yellow tagged tanks to red tagged tanks on May 1, unless the tank has been brought back into compliance with AST standards. On or around May 1, the state will also send a written communication to all fuel dealers that have issued yellow tags throughout the heating season with a reminder that all issued yellow tags expire on May 1.

Is a yellow tag required?

No, yellow tagging is not required. A fuel company may use a yellow tag in lieu of a red tag for certain noncompliance items, but it is not required. Any fuel company can make a business decision to set more stringent tank inspection standards than those specified in the AST Rules (you cannot be less stringent than the rules). A fuel company always reserves the right to issue a red tag for all noncompliance items identified on the tank inspection checklist. Fuel companies that are uncomfortable with filling noncompliant tanks (as allowed by the yellow tag rule) may continue to issue red tags and cease fuel deliveries to noncompliant tanks until they are brought back to compliance.

For more information regarding AST yellow tags, or if you have other questions about ASTs, please contact:

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<https://dec.vermont.gov/waste-management/storage-tanks/aboveground-storage-tanks-asts>