# Bill as Introduced

#### HB 1292 - AS INTRODUCED

#### 2010 SESSION

10-2050 08/10

HOUSE BILL

1292

AN ACT

relative to underground storage tank facility permits, compliance, and cleanup

fund eligibility.

SPONSORS:

Rep. C. Christensen, Hills 19; Rep. Webb, Merr 2

COMMITTEE:

Resources, Recreation and Development

#### **ANALYSIS**

This bill removes provisions necessitating periodic re-issuance of underground storage tank facility permits and removes provisions which limit transfer of oil cleanup fund coverage.

This bill is a request of the department of environment services and the oil fund disbursement board.

Explanation:

Matter added to current law appears in bold italics.

Matter removed from current law appears [in-brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

#### STATE OF NEW HAMPSHIRE

#### In the Year of Our Lord Two Thousand Ten

AN ACT

relative to underground storage tank facility permits, compliance, and cleanup fund eligibility.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 Underground Storage Facility Permits. Amend RSA 146-C:4, II to read as follows:
- II. The department shall issue or deny a permit to all facilities registered under RSA 146-C:3 within 90 days of the receipt of the complete registration information. A permit issued under this section shall be displayed on the premises of the underground storage facility at all times.

  [Permits-shall-be-valid for a period of 5 years.]
- 2 Underground Storage Facility Compliance; Appeals. Amend RSA 146-C:16, I(c)(2) to read as follows:
- (2) The department shall inspect the underground storage tank or facility within 5 business days of notification to determine whether the tank or facility is now in compliance with department rules, regardless of whether it has authorized removal of the red tag by the owner or operator. If, upon inspection, the department determines that the system is [not] in compliance and the department has not already authorized the removal of the red tag, the department shall immediately remove the red tag.
- 3 Oil Discharge and Disposal Cleanup Fund Eligibility. RSA 146-D:6, I and the introductory paragraph of RSA 146-D:6, I-a are repealed and reenacted to read as follows:
- I. The fund shall be available to owners of underground storage facilities which are subject to the provisions of RSA 146-C and which are in compliance with department rules, or owners of land where such facilities were located.
- I-a. The fund shall be available to owners of bulk storage facilities that are subject to the provisions of RSA 146-A and which are in compliance with department rules, or owners of land where such facilities were located. Reimbursements shall only be made for costs of cleanup and third party damages associated with gasoline and diesel product spillage. To be eligible for reimbursement, the following registration requirements shall be met:
- 4 Oil Discharge and Disposal Cleanup Fund Eligibility. Amend RSA 146-E:6, I to read as follows:
- I. The fund shall be available to owners of on-premise-use facilities, or owners of land upon which on-premise-use facilities are or were located, [and] owners of bulk storage facilities as defined in this chapter or owners of land where such facilities were located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of

# HB 1292 - AS INTRODUCED - Page 2 -

additional eligibility criteria. Owners of bulk storage facilities shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II. Owners of on-premise-use facilities shall be liable to the fund for the initial \$100 of cleanup costs at each facility owned, to the extent such amount is expended from the fund, or for such lesser amount as is expended.

- 5 Motor Oil Discharge Cleanup Fund Eligibility. Amend RSA 146-F:5, I to read as follows:
- I. The fund shall be available to owners of motor oil storage facilities, [and] or owners of land [upon which motor oil storage] where such facilities [are] were located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of motor oil storage facilities shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II.
  - 6 Repeal.

- I. RSA 146-E:6, VII, relative to transfer of fuel oil storage facility ownership, is repealed.
- II. RSA 146-F:5, VIII relative to transfer of motor oil storage facility ownership.
- 7 Effective Date. This act shall take effect upon its passage.

#### HB 1292 - AS AMENDED BY THE HOUSE

27Jan2010... 0226h

#### 2010 SESSION

10-2050 08/10

HOUSE BILL

1292

AN ACT

relative to underground storage tank facility permits, compliance, and cleanup

fund eligibility.

SPONSORS:

Rep. C. Christensen, Hills 19; Rep. Webb, Merr 2

COMMITTEE:

Resources, Recreation and Development

#### **ANALYSIS**

This bill removes provisions necessitating periodic re-issuance of underground storage tank facility permits and removes provisions which limit transfer of oil cleanup fund coverage.

This bill is a request of the department of environment services and the oil fund disbursement board.

Explanation:

Matter added to current law appears in bold italics.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

#### HB 1292 - AS AMENDED BY THE HOUSE

27Jan2010... 0226h

10-2050 08/10

#### STATE OF NEW HAMPSHIRE

#### In the Year of Our Lord Two Thousand Ten

AN ACT

1

2

3

4

5

8

9

10

11

12

13

14

15

16

17

18

19

20

21 22

23

24

25

26

2728

29

relative to underground storage tank facility permits, compliance, and cleanup fund eligibility.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 Underground Storage Facility Permits. Amend RSA 146-C:4, II to read as follows:
- II. The department shall issue or deny a permit to all facilities registered under RSA 146-C:3 within 90 days of the receipt of the complete registration information. A permit issued under this section shall be displayed on the premises of the underground storage facility at all times.

  [Permits shall be valid for a period of 5 years.]
- 6 2 Underground Storage Facility Compliance; Appeals. Amend RSA 146-C:16, I(c)(2) to read as follows:
  - (2) The department shall inspect the underground storage tank or facility within 5 business days of notification to determine whether the tank or facility is now in compliance with department rules, regardless of whether it has authorized removal of the red tag by the owner or operator. If, upon inspection, the department determines that the system is [not] in compliance and the department has not already authorized the removal of the red tag, the department shall immediately remove the red tag.
  - 3 Oil Discharge and Disposal Cleanup Fund Eligibility. RSA 146-D:6, I and the introductory paragraph of RSA 146-D:6, I-a, are repealed and reenacted to read as follows:
  - I. The oil discharge and disposal cleanup fund shall be available to owners of underground storage facilities which are in compliance with this chapter, RSA 146-C, and department rules, or owners of land where compliant facilities were located.
  - I-a. The oil discharge and disposal cleanup fund shall be available to owners of bulk storage facilities which are in compliance with this chapter and all applicable federal and state requirements, or owners of land where compliant facilities were located. Reimbursements shall only be made for costs of cleanup and third party damages associated with gasoline and diesel product spillage. For owners of bulk storage facilities to be eligible for reimbursement, the following registration requirements shall be met:
  - 4 Liability for Initial Cleanup Costs. Amend RSA 146-D:6, II(a), by inserting after subparagraph (4) the following new subparagraph:
  - (5) The owner of land where compliant facilities were located shall be responsible for the lesser of the initial \$5,000 of cleanup costs at each location owned or the balance of the prior facility owner's initial cleanup cost liability at each such location.

# HB 1292 - AS AMENDED BY THE HOUSE - Page 2 -

5 Oil Discharge and Disposal Cleanup Fund Eligibility. Amend RSA 146-D:6, III-IV to read as follows:

III. Owners of facilities or land eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of onsite and off-site cleanup of oil discharges in amounts not to exceed a total of \$1,500,000. The fund shall be deemed excess insurance over any other valid and collectible insurance for the costs of cleanup and damages to third parties. There shall be no right of recovery against the fund for payments made under other insurance.

IV. Owners of facilities or land eligible under this chapter may apply for reimbursement for costs of cleanup and third party damages incurred on or after July 1, 1988.

6 Fuel Oil Discharge Cleanup Fund Eligibility. RSA 146-E:6, I is repealed and reenacted to read as follows:

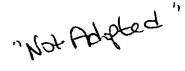
- I. The fuel oil discharge cleanup fund shall be available to owners of on-premise-use facilities and bulk storage facilities which are in compliance with this chapter, or owners of land where compliant bulk storage facilities were located, or owners of land where compliant on-premise-use facilities are or were located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of bulk storage facilities or land where compliant bulk storage facilities were located shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II. Owners of on-premise-use facilities or land where compliant on-premise-use facilities are or were located shall be liable to the fund for the lesser of the initial \$100 of cleanup costs or the balance of the prior owner's initial cost liability, to the extent such amount is expended from the fund, or for such lesser amount as is expended.
- 7 Motor Oil Discharge Cleanup Fund Eligibility. RSA 146-F:5, I is repealed and reenacted to read as follows:
- I. The motor oil discharge cleanup fund shall be available to owners of motor oil storage facilities which are in compliance with this chapter, or owners of land where compliant facilities were located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of motor oil storage facilities or land where compliant facilities were located shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II.
  - 8 Repeal.

- I. RSA 146-E:6, VII, relative to transfer of fuel oil storage facility ownership, is repealed.
- II. RSA 146-F:5, VIII relative to transfer of motor oil storage facility ownership, is repealed.
- 9 Effective Date. This act shall take effect upon its passage.

# Amendments

Rep. C. Christensen, Hills. 19 January 19, 2010 2010-0182h 08/03

#### Amendment to HB 1292



Amend the bill by replacing all after section 2 with the following:

- 3 Oil Discharge and Disposal Cleanup Fund Eligibility. RSA 146-D:6, I and the introductory paragraph of RSA 146-D:6, I-a, are repealed and reenacted to read as follows:
- I. The oil discharge and disposal cleanup fund shall be available to owners of underground storage facilities which are in compliance with this chapter and department rules, or owners of land where compliant facilities were located.
- I-a. The oil discharge and disposal deanup fund shall be available to owners of bulk storage facilities which are in compliance with this chapter and all applicable federal and state requirements, or owners of land where compliant facilities were located. Reimbursements shall only be made for costs of cleanup and third party damages associated with gasoline and diesel product spillage. For owners of bulk storage facilities to be eligible for reimbursement, the following registration requirements shall be met:
- 4 Liability for Initial Cleanup Costs. Amend RSA 146-D:6, II(a), by inserting after subparagraph (4) the following new subparagraph:
- (5) The owner of land where compliant facilities were located shall be responsible for the lesser of the initial \$5,000 of cleanup costs at each location owned or the balance of the prior facility owner's initial cleanup cost liability at each such location.
- 5 Oil Discharge and Disposal Cleanup Fund Eligibility. Amend RSA 146-D:6, III-IV to read as follows:
- III. Owners of facilities or land eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of onsite and off-site cleanup of oil discharges in amounts not to exceed a total of \$1,500,000. The fund shall be deemed excess insurance over any other valid and collectible insurance for the costs of cleanup and damages to third parties. There shall be no right of recovery against the fund for payments made under other insurance.
- IV. Owners of facilities *or land* eligible under this chapter may apply for reimbursement for costs of cleanup and third party damages incurred on or after July 1, 1988.
- 6 Fuel Oil Discharge Cleanup Fund Eligibility. RSA 146-E:6, I is repealed and reenacted to read as follows:
- I. The fuel oil discharge cleanup fund shall be available to owners of on-premise-use facilities and bulk storage facilities which are in compliance with this chapter, or owners of land

# 

### Amendment to HB 1292 - Page 2 -

where compliant bulk storage facilities were located, or owners of land where compliant on-premise-use facilities are or were located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of bulk storage facilities or land where compliant bulk storage facilities were located shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II. Owners of on-premise-use facilities or land where compliant on-premise-use facilities are or were located shall be liable to the fund for the lesser of the initial \$100 of cleanup costs or the balance of the prior owner's initial cost liability, to the extent such amount is expended from the fund, or for such lesser amount as is expended.

- 7 Motor Oil Discharge Cleanup Fund Eligibility. RSA 146-F:5, I is repealed and reenacted to read as follows:
- I. The motor oil discharge cleanup fund shall be available to owners of motor oil storage facilities which are in compliance with this chapter, or owners of land where compliant facilities were located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of motor oil storage facilities or land where compliant facilities were located shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II.
- 20 8 Repeal.

- I. RSA 146-E:6, VII, relative to transfer of fuel oil storage facility ownership, is repealed.
- 22 II. RSA 146-F:5, VIII relative to transfer of motor oil storage facility ownership, is repealed.
- 9 Effective Date. This act shall take effect upon its passage.

Rep. C. Christensen, Hills. 19 January 21, 2010 2010-0226h 04/03

#### Amendment to HB 1292

Amend the bill by replacing all after section 2 with the following:

- 3 Oil Discharge and Disposal Cleanup Fund Eligibility. RSA 146-D:6, I and the introductory paragraph of RSA 146-D:6, I-a, are repealed and reenacted to read as follows:
- I. The oil discharge and disposal cleanup fund shall be available to owners of underground storage facilities which are in compliance with this chapter, RSA 146-C, and department rules, or owners of land where compliant facilities were located.
- I-a. The oil discharge and disposal cleanup fund shall be available to owners of bulk storage facilities which are in compliance with this chapter and all applicable federal and state requirements, or owners of land where compliant facilities were located. Reimbursements shall only be made for costs of cleanup and third party damages associated with gasoline and diesel product spillage. For owners of bulk storage facilities to be eligible for reimbursement, the following registration requirements shall be met:
- 4 Liability for Initial Cleanup Costs. Amend RSA 146-D:6, II(a), by inserting after subparagraph (4) the following new subparagraph:
- (5) The owner of land where compliant facilities were located shall be responsible for the lesser of the initial \$5,000 of cleanup costs at each location owned or the balance of the prior facility owner's initial cleanup cost liability at each such location.
- 5 Oil Discharge and Disposal Cleanup Fund Eligibility. Amend RSA 146-D:6, III-IV to read as follows:
- III. Owners of facilities or land eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of onsite and off-site cleanup of oil discharges in amounts not to exceed a total of \$1,500,000. The fund shall be deemed excess insurance over any other valid and collectible insurance for the costs of cleanup and damages to third parties. There shall be no right of recovery against the fund for payments made under other insurance.
- IV. Owners of facilities or land eligible under this chapter may apply for reimbursement for costs of cleanup and third party damages incurred on or after July 1, 1988.
- 6 Fuel Oil Discharge Cleanup Fund Eligibility. RSA 146-E:6, I is repealed and reenacted to read as follows:
- I. The fuel oil discharge cleanup fund shall be available to owners of on-premise-use facilities and bulk storage facilities which are in compliance with this chapter, or owners of land

### Amendment to HB 1292 - Page 2 -

- 1 where compliant bulk storage facilities were located, or owners of land where compliant on-premise-2 use facilities are or were located. The oil fund disbursement board may adopt rules for 3 administering disbursements from the fund using the same rulemaking process and authorities 4 established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of 5 bulk storage facilities or land where compliant bulk storage facilities were located shall be liable to 6 the fund for initial cleanup costs in the manner described in RSA 146-D:6, II. Owners of on-premise-7 use facilities or land where compliant on-premise-use facilities are or were located shall be liable to 8 the fund for the lesser of the initial \$100 of cleanup costs or the balance of the prior owner's initial 9 cost liability, to the extent such amount is expended from the fund, or for such lesser amount as is 10 expended.
  - 7 Motor Oil Discharge Cleanup Fund Eligibility. RSA 146-F:5, I is repealed and reenacted to read as follows:
  - I. The motor oil discharge cleanup fund shall be available to owners of motor oil storage facilities which are in compliance with this chapter, or owners of land where compliant facilities were located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of motor oil storage facilities or land where compliant facilities were located shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II.
- 20 8 Repeal.

11

12

13

14

15 16

17

18

19

21

22

- I. RSA 146-E:6, VII, relative to transfer of fuel oil storage facility ownership, is repealed.
  - II. RSA 146-F:5, VIII relative to transfer of motor oil storage facility ownership, is repealed.
- 9 Effective Date. This act shall take effect upon its passage.

Rep. C. Christensen, Hills. 19 February 8, 2010 2010-0560h 08/10

#### Amendment to HB 1292-FN

Amend RSA 146-E:6. I as inserted by section 6 of the bill by replacing it with the following:

 I. The fuel oil discharge cleanup fund shall be available to owners of on-premise-use facilities and bulk storage facilities which are in compliance with this chapter, or owners of land where compliant bulk storage facilities were located, or owners of land where compliant on-premise-use facilities are or were located. The oil fund disbursement board may adopt rules for administering disbursements from the fund using the same rulemaking process and authorities established in RSA 146-D:5, I, including the development of additional eligibility criteria. Owners of bulk storage facilities or land where compliant bulk storage facilities were located shall be liable to the fund for initial cleanup costs in the manner described in RSA 146-D:6, II. Owners of on-premise-use facilities or land where compliant on-premise-use facilities are or were located shall be liable to the fund for the lesser of the initial \$500 of cleanup costs or the balance of the prior owner's initial cost liability, to the extent such amount is expended from the fund, or for such lesser amount as is expended.

Amend the bill by inserting after section 6 the following and renumbering the original sections 7-9 to read as 8-10, respectively:

- 7 Fuel Oil Discharge Cleanup Fund Initial Cleanup Costs. Amend RSA 146-E, 6, II to read as follows:
- II. Owners of facilities or land eligible under this chapter may apply for reimbursement of court-ordered damages to third parties for bodily injury or property damage, and for the costs of onsite and off-site cleanup of fuel oil discharges in amounts not to exceed a total of \$500,000, incurred on or after October 1, 1992. Owners of on-premise-use facilities or land eligible under this chapter who have demonstrated financial need, may apply for reimbursement of costs to meet the requirements of RSA 146-E:4, I and II in amounts not to exceed a total of \$1,500 and may apply for reimbursement of underground storage tank abandonment or removal costs in amounts not to exceed a total of \$2,500, incurred on or after the effective date of this paragraph. For such owners who have demonstrated financial need, the amount of initial cleanup cost liability under paragraph I of this section shall be reduced to \$100.

# Amendment to - Page 2 -

2010-0560h

#### AMENDED ANALYSIS

This bill:

- I. Removes provisions necessitating periodic re-issuance of underground storage tank facility permits and removes provisions which limit transfer of oil cleanup fund coverage.
- II. Makes owners of eligible facilities liable for the lesser of the initial \$500 of cleanup costs or the balance of the cleanup cost.
  - III. Allows moneys of eligible facilities with financial difficulty to have a reduced liability.

Rep. Price, Straf. 3 Rep. Major, Rock. 8 March 9, 2010 2010-0943h 08/09



Hauled Tailed

Amendment to HB 1292

Amend the bill by inserting after section 7 the following apd renumbering the original sections 8-9 to 1 2 read as 9-10, respectively:

3 4

5

6

7 8 9

10

11

8 New Paragraph; Requirements for Bulk Storage Facilities; . Amend RSA 146-1/5/by inserting after paragraph II the following new paragraph:

III. The oil fund disbursement board shall recover all funds paid from the fuel oil discharge cleanup fund from any bulk storage facilities that were no longer operating a retail or wholesale distribution of protect fuel prior to August, 28, 1993, upon the transfer of ownership of the property from the natural person or entity to a separate natural person or entity. The board shall adopt rules, pursuant to RSA 541-A, relative, to procedures to collect such funds, including the placement of a lien

on the property at the onset of the payment of funds.

Til discharge and disposal cleanup fund)

# Amendment to HB 1292 - Page 2 -



2010-0943h

#### AMENDED ANALYSIS

This bill removes provisions necessitating periodic re-issuance of underground storage tank facility permits and removes provisions which limit transfer of oil cleanup fund coverage.

This bill also allows the oil fund disbursement board to recover certain funds paid from the fuel oil discharge cleanup fund from any public storage facilities no longer operating prior to August 28, 1993.

# Speakers

### SIGN UP SHEET

To Register Opinion If Not Speaking

Bill#_	HB	1292	+ D	Date	-7-10	······································					
Commi	ttee	RR	+ D								
** Please Print All Information **											
							(check one)				
Name	<		Address 18 Centurst,	Phone	Representing	Pro	Con				
Hac	MAY -C	Mich	18 lentust.	23-170	TONA - W	/୩   <u> </u>	<u> </u>				
							ļ				
		<u></u>									
<del></del>											
	<u></u>										
							<u> </u>				
							-				
					<u>, ,</u>						
							<del> </del>				
							<del> </del>				
							<u> </u>				
I.						1	ì				

### **SIGN UP SHEET**

To Register Opinion If Not Speaking

Bill# <u>HB1292</u> Committee <u>Ways</u>	+ THEARS				
	** Please Prin	nt All Informat	ion **		
Name	Address	Phone	Representing	(check one)	
REV. KHAM A. WEBB				V	
			<i>U</i>		
			Carla Car		ļ <u>.</u>
Annual State of the State of th	· .				<del> </del>
	· · · · · · · · · · · · · · · · · · ·				
					-
		<del> </del>			
				<del>                                     </del>	-
	· · · · · · · · · · · · · · · · · · ·				-
	······································				
	·	· 			
					<u> </u>
		····			<u> </u>
		n			
			····		-
					ļ
					<u> </u>
					<del> </del>

# Hearing Minutes

#### HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

#### **PUBLIC HEARING ON HB 1292**

BILL TITLE:

relative to underground storage tank facility permits, compliance, and

cleanup fund eligibility.

DATE:

January 7, 2010

LOB ROOM:

305

Time Public Hearing Called to Order:

10:00 a.m.

Time Adjourned:

11:35 a.m.

(please circle if present)

Committee Members: Reps Spange Tuppen Parkhurst Mood Aguiar Gottling Hubbard, Kepner, Thomas, C. Williams, McClammer, D. Russell, Renzullo C. Christensen, Ahlgren Kappler Spaulding Bolsten T. Howard and St. Cyr.

Bill Sponsors: Rep. C. Christensen, Hills 19; Rep. Webb, Merr 2

#### TESTIMONY

Use asterisk if written testimony and/or amendments are submitted.

Rep. Chris Christensen - Prime sponsor and chairman of the oil fund disbursement board. Bill requested by board and DES. (Joined by Mike Wimsatt) Bill deals with underground storage tank permits and eligibility. At this point eligibility does not transfer to a new owner. Can delay effort to get site redeveloped and useful again. Large percentage of cleanup is with non-profits.

\* Mike Wimsatt, NH Department of Environmental Service - Supports the bill. Joint venture between DES and Oil Fund Disbursement Board. Three main parts of bill described in circulated letter. Section 1. Permits for underground tanks. Must get permit. Engineers at DES review detailed permit plan. Once approved and installed but before backfilling, tank must be inspected. Now must renew permit every five years. Paper hassle and administrative burden. Bill removes requirement for 5 year renewal. Permit good indefinitely. Would allow more time for staff to go out and inspect facilities for compliance.

Rep. McClammer: In renewal process is any new information required or submitted? ANS: Time is better spent by client and DES inspecting. Only thing we get is a letter from permittee stating we are in compliance.

Rep. McClammer: Is there anything state does to follow up after ok given? ANS: We do monitor for compliance and would have more time to do this if paperwork lessened. We have full authority to issue non-compliance penalties; red tag put on tank. Can order compliance with a deadline and if not done one of the inspectors can go and affix red tag to fill pipe that says "do not fill." Tag can only be removed by member of department.

Rep. Kappler: Currently owners send letter of compliance every five years. No requirement for professional to certify? ANS: Strictly self reporting.

Rep. Spaulding: If you get a letter that certifies compliance and it is not true, are we giving anything up by not requiring five year renewal letter. ANS: If we did not have red tag power, we might be giving up something. But after discussions felt we were not. Amazing how effective red tag is.

Rep. Aguiar: When staff does inspect, what is done other than visual inspection? ANS: Usually review paperwork and any other physical parts that would reveal problems such as spill bucket. Records may indicate there is loss of product.

Rep. Aguiar: Any inspection of soil? ANS: Nothing invasive, but inspectors know what to look for and do look for it.

Rep. Aguiar: Are these inspections announced in advance? ANS: It is a mix of both. In general it goes better if announced because you need a person there to open up manholes.

Rep. Bolster: How often do inspectors go out to monitor? Who keeps the records that are looked at? ANS: The inspection records are those required to be maintained by owners. Goal is to inspect every three years.

Rep. Spang: If someone calls with a complaint, assume you go out sooner? ANS: Try to get there within 48 hours.

Rep. Howard. Curious if newer designs that do a better job of detecting leaks are required? ANS: Requirements have been increasing over the last several years. Have electronic sensors for interstitial spaces. Proper initial installations are important.

Rep. Kepner: What is the cost of the renewal? ANS: There is no charge.

Rep. Kepner: If renewal goes away, would you increase the initial permit fee? ANS: Initial permit fee goes to general fund. Renewal fee used to go there also but now does not exist.

Provision 2: Drafting error made the RSA contradictory. Bill fixes the error.

Provision 3. Concerns transferability of eligibility when sale is made. Discussed in introduction.

Rep. Spang: Disturbed about the proliferation of gas stations, particularly one spot that is close to a known aquifer. Many of the stations are old. It is entirely up to municipality whether more stations can be built? ANS: Yes. Municipalities have control. We do require setbacks for the wellhead.

Rep. Spang: Impact on aquifer is not taken into account. ANS: In NH we have a lot of good water quality aquifers. Good chance that any station will be near an aquifer. Could be unable to site a station. That is why this program is so important to protect against contamination.

Rep. Spang: Been told that spills are inevitable no matter how good the technology. ANS: Question is size of spill and how quickly cleaned up.

Rep. McClammer: We have been led to believe your fund will not be needed as new storage tanks replace old ones. What stats do you have on number of failures? ANS: New tanks are much more reliable and durable than those of 20 years ago. Will get even better in future. Will have even lower rate of spillage.

About twenty or more fewer sites being created. For state-of-art tanks, very few problems. Had big problem with MTBE vapor problem. Taken care of. Something could fail for any number of

reasons. Will get smaller. There are several active sites that are slowly closing. They will eventually all close. Most of our future work will be in monitoring and prevention.

Rep. Spang: When the new tanks get older will there be problems? ANS: Will be monitoring these more vigorously and we really don't know what will happen down the road with technology.

Rep. Spang: Since we are not prohibiting any sites, we can't do anything in the future except look for problems. Tanks will be grandfathered.

Rep. Christensen: Encourages operators to report and fix. Don't want to go in directions that may inhibit reporting such as worries about criminality.

Rep. Aguiar. What are causes of release? ANS: Three causes: mechanical, human, .....

Rep. Kappler: If monitor indicates problem, what must operator do? Replace or repair? ANS: Operator must report and then can repair monitoring system if that is the cause. Otherwise must replace. Why inspections important.

Rules govern initial issuance of permit. No hydrologic assessment done. Can't do what isn't required.

Rep. Russell: Is there any thought at DES to phase out underground storage and have all above ground? ANS: Not that I know of. Pros and cons of both approaches.

Rep. Ahlgren: Is there any statutory requirement that you inspect in a certain time? ANS: There is a federal requirement for every three years.

Respectfully submitted,

Rep. Suzanne H. Gottling

Suzanne H. Sottling

Clerk

#### HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

#### **PUBLIC HEARING ON HB 1292**

BILL TITLE:

relative to underground storage tank facility permits, compliance, and

cleanup fund eligibility.

DATE:

January 7, 2010

LOB ROOM:

305

Time Public Hearing Called to Order:

10:00 a.m.

Time Adjourned:

(please circle if present)

Committee Members: Reps. Spang, Tupper, Parkhurst, Moody, Aguia, Gottling, Hubbarg Kepner, Thomas, C. Williams, McClammer D. Russell, Renzullo, Spaulding, Bolster, T. Howard and St. Cyr

Bill Sponsors: Rep. C. Christensen, Hills 19; Rep. Webb, Merr 2

#### **TESTIMONY**

Use asterisk if written testimony and/or amendments are submitted.

#### Public Hearing on HB 1292

Relative to underground storage tank facility permits, compliance, and cleanup fund eligibility

January 7, 2010

LO Room 305 10:10 a.m.

Present: Reps. Moody, Renzullo, Kappler, Christensen, Hubbard, Russell, Gottling, spang, Tupper, Parkhurst, Kepner, McClammer, Bolster, Howard, Aguiar, St. Cyr, Spaulding.

Introduced by Rep. Christensen: Prime sponsor and chairman of the oil fund disbursement board. Bill requested by board and DES. (Joined by Mike Winnsatt)

Bill deals with underground storage tank permits and eligibility. At this point eligibility does not transfer to a new owner. Cab delay effort to get site redeveloped and useful again. Large percentage of cleanup is with non-profits.

Mike Winsatt: From DES. Joint venture between DES and Oil Fund Disbursement Board. Three main parts of bill described in circulated letter. Section 1. Permits for underground tanks. Must get permit. Engineers at DES review detailed permit plan. Once approved and installed but before backfilling, tank must be inspected. Now must renew permit every five years. Paper hassle and administrative burden. Bill removes requirement for 5 year renewal. Permit good indefinitely. Would allow more time for staff to go out and inspect facilities for compliance.

Rep. McClammer: In renewal process is any new information required or submitted?

M. Winsatt: Time is better spent by client and DES inspecting. Only thing we get is a letter from permittee stating we are in compliance.

McClammer: Is there anything state does to follow up after ok given?

MW. We do monitor for compliance and would have more time to do this if paperwork lessened.

MW: We have full authority to issue non-compliance penalties; red tag put on tank. Can order compliance with a deadline and if not done one of the inspectors can go and affix red tag to fill pipe that says "do not fill." Tag can only be removed by member of department.

Kappler: Currently owners send letter of compliance every five years. No requirement for professional to certify?

Ans. Strictly self reporting.

Spaulding: If you get a letter that certifies compliance and it is not true, are we giving anything up by not requiring five year renewal letter.

Ans. If we did not have red tag power, we might be giving up something. But after discussions felt we were not. Amazing how effective red tag is.

Aguiar: When staff does inspect, what is done other than visual inspection?

Ans. Usually review paperwork and any other physical parts that would reveal problems such as spill bucket. Records may indicate there is loss of product. Ag: Any inspection of soil?

Nothing invasive, but inspectors know what to look for and do look for it.

Ag.: Are these inspections announced in advance?

It is a mix of both. In general it goes better if announced because you need a person there to open up manholes.

Bolster: How often do inspectors go out to monitor? Who keeps the records that are looked at?

Ans. The inspection records are those required to be maintained by owners. Goal is to inspect every three years.

Spang: If someone calls with a complaint, assume you go out sooner.

Ans. Try to get there within 48 hours.

Howard. Curious if newer designs that do a better job of detecting leaks are required.

Ans. Requirements have been increasing over the last several years. Have electronic sensors for interstitial spaces. Proper initial installations are important.

Kepner: What is the cost of the renewal?

Ans. There is no charge.

Kep. If renewal goes away, would you increase the initial permit fee?

Ans. Initial permit fee goes to general fund. Renewal fee used to go there also but now does not exist.

Provision 2: Drafting error made the RSA contradictory. Bill fixes the error.

Provision 3. Concerns transferability of eligibility when sale is made. Discussed in introduction.

Spang: Disturbed about the proliferation of gas stations, particularly one spot that is close to a known aquifer. Many of the stations are old. It is entirely up to municipality whether more stations can be built.

MW: Yes. Municipalities have control. We do require setbacks for the wellhead. Spang: Impact on aquifer is not taken into account.

MW: In NH we have a lot of good water quality aquifers. Good chance that any station will be near an aquifer. Could be unable to site a station. That is why this program is so important to protect against contamination.

Spang: Been told that spills are inevitable no matter how good the technology. MW: Question is size of spill and how quickly cleaned up.

McClammer: We have been led to believe your fund will not be needed as new storage tanks replace old ones. What stats do you have on number of failures?

MW: New tanks are much more reliable and durable than those of 20 years ago. Will get even better in future. Will have even lower rate of spillage.

About twenty or more fewer sites being created. For state-of-art tanks, very few problems. Had big problem with MTBE vapor problem. Taken care of. Something could fail for any number of reasons. Will get smaller. There are several active sites that are slowly closing. They will eventually all close. Most of our future work will be in moitoring and prevention.

Spang: When the new tanks get older will there be problems.

ANs. Will be moitoring these more vigorously and we really don't know what will happen down the road with technology.

Spang: Since we are not prohibiting any sites, we can't do anything in the future except look for problems. Tanks will be grandfathered.

Christensen: Encourages operators to report and fix. Don't want to go in directions that may inhibit reporting such as worries about criminality.

Aguiar. What are causes of release?

Ans. Three causes: mechanical, human, ......

Kappler: If monitor indicates problem, what must operator do? Replace or repair? Ans. Operator must report and then can repair monitoring system if that is the cause. Otherwise must replace. Why inspections important.

Rules govern initial issuance of permit. No hydologic assessment done. Can't do what isn't required.

Russell: Is there any thought at DES to phase out underground storage and have all above ground.

Ans. Not that I know of. Pros and cons of both approaches.

Ahlgren: Is there any statuatory requirement that you inspect in a certain time Ans. There is a federal requirement for every three years.

#### HOUSE COMMITTEE ON WAYS AND MEANS

#### **PUBLIC HEARING ON HB 1292**

BILL TITLE:

relative to underground storage tank facility permits, compliance, and

cleanup fund eligibility.

DATE:

2/9/2010

LOB ROOM:

202

Time Public Hearing Called to Order:

10:32 A.M.

Time Adjourned:

10:51 A.M.

(please circle if present)

Committee Members: Reps Almy Hatch Davis Butynsky Vachon Shattuck, J. Kelley, Mack W. Johnson S. Price Walsh, Major Griffing Lockwood, Boutin, Bettencourt R. Ober Ulery Osgood and Sapareto

Bill Sponsors:

Reps. C. Christensen, Webb

#### TESTIMONY

- \* Use asterisk if written testimony and/or amendments are submitted.
- \* Rep. D. L. Chris Christensen, Prime Sponsor Supports the bill; see written testimony and new amendment #2010-0560h; and Mike Wimsatt, NHDES Supports the bill and the new amendment; seeking to limit and eliminate permit renewals, and to transfer cleanup benefits to new owners; changes deductible from \$100 to \$500.

Tim Dennison, NHDES – responded to questions; just different parties are being reimbursed, but is no new eligibility for cleanup; taking out dates by repealing Section 8.

Respectfully submitted,

Min Butynder

Rep. William Butynski

#### HOUSE COMMITTEE ON WAYS AND MEANS

#### **PUBLIC HEARING ON HB 1292**

BILL TITLE:

relative to underground storage tank facility permits, compliance, and

cleanup fund eligibility.

DATE:

2/9/10

LOB ROOM:

202

Time Public Hearing Called to Order: 10:32AM

Time Adjourned: 10:51AM

(please circle if present)

Committee Members: Reps. Almy Hatch Davis Butynski Vachon Shattuck J. Kelley Mack W. Johnson S. Price Walsh, Major Griffin Lockwood Boutin, Bettencourt, R. Obert Ulery Osgood

Reps. C. Christiansen, Webb Bill Sponsors:

#### **TESTIMONY**

\*\* Rep. D. F. Chris Christensen, Primes ponsor - Support the little, see written testimony and new amendment of 2010-0560 h.

written testimony and new amendment of 2010-0560 h.

and Mike Winssett, MYDE'S - Support the little and the new amendment, and to transfersteamy seeling to limit the and eliminate permit renewale; and to transfersteamy seeling to limit the and eliminate permit provided from \$7.00 to \$00.

lienefite to new owners, change deductible from \$7.00 to \$00.

Tim Deminion, NYDES - respended to questions; just different parties of time Deminion, WHDES - respended to questions; for classife, tuting and are liened residenced, but no no new eliminate for classife, tuting and dates by repealing Section 8.

# Sub-Committee Actions

#### HOUSE COMMITTEE ON WAYS AND MEANS

#### SUBCOMMITTEE WORK SESSION ON HB 1292

BILL TITLE:

relative to underground storage tank facility permits, compliance, and cleanup

fund eligibility.

DATE:

3/4/10

Subcommittee Members:

Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin, Bettencourt, R. Ober, Ulery, Osgood and Sapareto.

#### Comments and Recommendations:

#### Amendments:

Sponsor: Rep. Christensen

OLS Document #:

560h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions:

OTP, OTP/A)ITL, Retained (Please circle one.)

Moved by Rep. Mack

Seconded by Rep. Griffin

Vote: 7-2

Motions:

OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Susan Almy < Subcommittee Chairman/Clerk

#### HOUSE COMMITTEE ON WAYS AND MEANS

#### SUBCOMMITTEE WORK SESSION ON HB 1292

BILL TITLE:

relative to underground storage tank facility permits, compliance, and cleanup

fund eligibility.

DATE:

3/4/10

Subcommittee Members:

Reps. Almy, Hatch, Davis, Butynski, Vachon, Shattuck, J. Kelley, Mack, W. Johnson, S. Price, Walsh, Major, Griffin, Lockwood, Boutin,

Bettencourt, R. Ober, Hery, Osgood and Sapareto.

#### Comments and Recommendations:

Amendments:

Sponsor: Rep. Phisture

OLS Document#: 560 L

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** 

OTP/OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Mcl

Seconded by Rep. Giffu

Vote:

7-2

Motions:

OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.

Subcommittee Chairman/Clerk

# Testimony



#### The State of New Hampshire

#### DEPARTMENT OF ENVIRONMENTAL SERVICES



#### Thomas S. Burack, Commissioner

Rep. D.L. Chris Christensen, Chairman

Oil Fund Disbursement Board

January 7, 2010

The Honorable Judith T. Spang, Chairman House Resources, Recreation and Development Committee Room 305 Legislative Office Building Concord, New Hampshire 03301

SUBJECT: HB 1292, Relative to Underground Storage Tank Facility Permits,

Compliance, and Cleanup Fund Eligibility

Dear Chairman Spang:

Thank you for the opportunity to testify in support of House Bill 1292. This legislation addresses a number of statutory changes that the Department of Environmental Services (DES) and Oil Fund Disbursement Board (Board) believe are important for efficient and effective program operations, and which benefit New Hampshire citizens. None of these changes will increase program operating costs. If enacted into law, House Bill 1292 would accomplish the following:

- 1.) RSA 146-C provides authority for the regulation of underground storage tank (UST) facilities by DES, including issuance of UST facility installation/operating permits. The bill removes the last sentence in RSA 146-C: 4, II, which states that UST permits are valid for five years, and thus necessitates that DES renew permits according. Removal of this provision will alleviate an unnecessary administrative burden and allow more of our personnel time to be re-directed to more important activities such as UST facility inspections and follow-up to ensure operational compliance. The UST permit renewal provision language dates from a period when permit renewal was accompanied by a \$70 per year permit fee, which was deposited in the General Fund. The permit fee requirement was repealed in 2003, in favor of the initial \$100,000 of annual Oil Pollution Control Fund (RSA 146-A) income being deposited in the General Fund. See Laws of 2003, Chapter 147 (SB 47-FN). Removal of the UST renewal provision will not negate RSA 146-C: 4, I, which requires that facility owners obtain a permit to install and operate USTs.
- 2.) The bill makes a technical correction to RSA 146-C: 16, I(c) (2), by removing the word "not" in the last sentence of the paragraph, which was a drafting error inadvertently carried through to the final version of the Laws of 2007, Chapter 376 (HB 903-FN). This legislation added authority for DES to "red tag" USTs that are not in operational compliance and thus at risk of leaking. The red tag is a notice affixed to the fill pipe that the UST cannot be filled with product and operated. The red tag provisions of RSA 146-C include a process for removal of the tag, provided the UST operational compliance deficiencies are addressed by the facility owner. It is important to make this technical correction so the meaning of the provision is clear to the regulated community.
- 3.) The Oil Discharge and Disposal Cleanup Fund (RSA 146-D), Fuel Oil Discharge Cleanup Fund (RSA 146-E), and Motor Oil Discharge Cleanup Fund (RSA 146-F) provide excess insurance coverage for owners of petroleum storage tanks that leak and cause contamination. Under current law, transfer of cleanup fund coverage is limited to purchasers of property where

Honorable Judith T. Spang, Chairman House Resources, Recreation and Development Committee HB 1292 January 7, 2010, Page 2

the tanks were located and cleanup is not completed, based on the date the tanks were removed from service and closed. HB 1292 removes the coverage transfer limitations based on tank closure dates and allows coverage for owners of land where tanks were located. The closure date transfer limitations were included in the statutes because it was thought a large number of property owners might make claims against the cleanup funds for contamination where a relationship to the operation of storage tanks was not clearly established. Over time this has not been the case, and the tank closure date limitations only serve to discourage property sales and re-development. Further, removal of the coverage transfer limitations will not increase the number of claims to the funds or increase expenses for cleanups. This is because the current law compels the owner of the property where the tanks were located to continue cleanup after the property is sold, providing security to the purchaser and assurances to the lender that cleanup will be completed. With the coverage transfer limitations removed, the same cleanup costs incurred by the original tank/property owner will instead be incurred by the new property owner. Hence, there is no increase in cleanup costs covered by the funds. In addition, under the existing transfer limitations, if the original tank/property owner dies or becomes unwilling to continue cleanup after the property is sold, the purchaser becomes liable for cleanup but does not have the benefit of fund coverage. This is an unreasonable burden to place on the purchaser for contamination they did not cause.

Thank you for your careful consideration of this important bill. If you have questions, please contact Michael J. Wimsatt, P.G. Director of the Waste Management Division at (603) 271-2905 <a href="Michael.Wimsatt@des.nh.gov">Michael.Wimsatt@des.nh.gov</a>, or Timothy R. Denison at (603) 271-2570 Timothy.Denison@des.nh.gov.

Sincerely

Rep. D.L. Chris Christensen, Chairman

Oil Fund Disbursement Board

Thomas S. Burack, Commissioner Department of Environmental Services

Thomas & Zmorch

cc: Members of the Resources, Recreation and Development Committee Rep. Leigh Webb Oil Fund Disbursement Board

# N.H. Petroleum Cleanup Fund Program Overview



Michael J. Wimsatt, P.G., Director Waste Management Division (WMD) Timothy R. Denison, Supervisor Fund Management Section, WMD

# "Oil" Spills In N.H. And State Cleanup Funds

- Under RSA 146-A, a responsible party (RP) has a duty to report and has strict liability for oil spill cleanup. ("Oil" means all petroleum products.)
- The RP must hire cleanup service providers as needed.
- RPs that are owners of oil storage tanks, and properties contaminated with MtBE, rely on state dedicated funds. Regulated UST owners must demonstrate financial responsibility for cleanup.
- If an RP is not responsive, DES will perform work and seek cost recovery.

# Categories Of State Oil Spill Cleanup And Spill Prevention Funding

- 1. Excess insurance for storage tank owner cleanup cost reimbursement, and upgrade of substandard heating oil storage tanks for low income homeowners ("SAFETANK" program).
- 2. Cost reimbursement for site owners and payment of State costs for sites contaminated with MtBE.
- 3. Payment of State costs for inland and coastal oil spills, spill preparedness, DES coastal office support, & terrorism response.

# Fund Categories, Statutes, And Oil Products

Oi	Fund Disburs	ement Board	Funds	DES Fund
3	irance Funds I er Cost Reimb	-	Site Owner Cost Reimbursement & State Costs	State Costs Only
RSA 146-D 1988 "ODD Fund"	RSA 146-E 1993 "FOD Fund"	RSA 146-F 1995 "MOD Fund"	RSA 146-G 2001 "GREE Fund"	RSA 146-A 1971 "OPC Fund"
Motor Fuel (Gasoline & Diesel) Cleanups	Heating Oil Cleanups & Storage Tank Upgrades	Motor (Lube) Oil Cleanups	MtBE Cleanups	Inland & Coastal Oil Spill Cleanups, Preparedness

4

# Products, Fees, Revenues And Budgets

Products Subject To Fees	Import Fees Per Gallon	FY 2009 Revenues (R) & Balance (B)	FY 2010 Budget (1)
Motor Fuel	\$.015 – 1995	\$13.3 M - R \$2.1 M - B	\$14.7 M
Heating Oil	\$.01 - 1999 + \$.0025 - FY 2010	\$2.7 M - R \$383 K - B	\$2.9 M
Lube Oil	\$.04 – 1995	\$263 K - R \$387 K B	\$209 K
All Oil	\$.00125 - 2003	\$2.2 M - R \$1.9 M - B	\$3.1 M

The DES FY 2010 project management and administrative cost budget for RSA 146 D, E, F, and G is \$2.7 M, all other funds are for cleanups. For RSA 146-A, \$1.2 M of the total budget is for cleanups and other related contracts.

# Historic Distribution Of Motor Fuel And MtBE Fund Reimbursements

Recipient	Eligible Cleanup Costs	Percent of Total
Businesses & Property Owners	\$79.5 M	46%
N.H. & N.E. Oil Companies	\$48.2 M	28%
"Major" Oil Companies (1)	\$28.7 M	17%
Local Governments, Counties, Schools, Churches, Non-Profits	\$11.6 M	7%
State Entities	\$3.4 M	2%
The second secon		

In FY 2008, major or companies paid 56% of total motor fuel import fees

# Historic Distribution Of Heating Oil Fund Reimbursements

Recipient	Eligible Cleanup Costs	Percent of Total
Residential Properties	\$21.5 M	67%
Businesses	\$4.8 M	15%
Local Governments, Counties, Schools, Churches, Non-Profits	\$3.2 M	10%
N.E. & N.H. Oil Companies	\$1.7 M	5%
State Entities	\$808 K	3%
Storage Tank Upgrades	2,500+	\$2.6 M

# Fund Liabilities And Revenue Shortfalls

Fund	Active Cleanup Projects (1)	Annual Liabilities (2)	FY 2009 Revenues	Annual Shortfall
Motor Fuel & MtBE	873	\$15.9 M	\$13.3 M	\$2.6 M
Heating Oil	184	\$3.9 M	\$2.7 M	\$1.2 M

- The population of active projects will decline slowly because most involve groundwater contamination. New heating oil projects will continue to average 150 per year, primarily residential, but most projects are closed in less than 2 years.
- Annual liabilities include: average funding demand for active projects, annualized costs for remediation projects (based on assumed 8 years to closure) average costs for residential heating oil projects, \$450 K for heating oil storage tank upgrades, DES MtBE costs, and DES project management and administrative costs.

# Import Fee Increases To Meet Revenue Shortfalls

Fund	Current Import Fee Per Gallon	Increased Import Fee (1)	Estimated Revenues (2)
Motor Fuel & MtBE	\$.015 - 1995	\$.0178	\$15.9 M
Heating Oil	\$.01 - 1999 +\$.0025 - FY 2010	\$.0145	\$3.9 M

- At present, legislation is proposed for 2010 to make the FY 2010 \$.0025 heating oil fee increase permanent. See HB 1291-FN. This increase level has received industry support, and industry previously supported \$.0175 for motor fuel and MtBE. Industry support for \$.0178 and \$.0145 is unknown.
- Estimated revenues are based on FY 2008 imported gallons, as reported by the Dept. of Safety.

# Reimbursement Fund Success Stories

- The reimbursement funds provide needed contamination cleanup dollars in most N.H. communities, and leverage private and federal funds for property revitalization and economic development in many communities.
- There are hundreds of successful projects, including a USEPA awardwinner and a Plan N.H. award-winner.





# Reimbursement Fund Success Stories

- Hanover Coop MarketUST gas stationcleanup
- Newport Elderly
   Housing abandoned
   mill cleanup
- Nashua Retail Shop award-winning former manufacturing plant cleanup



# Reimbursement Fund Success Stories

- Derry Municipal Center – awardwinning former above ground storage tank site cleanup
- Wolfeboro, MeredithVillage Savings Bankformer UST sitecleanup



۵

## LBA Performance Audit

į.

- The LBA recently completed a comprehensive performance audit of the FOD Fund. The other funds operate similarly.
- The audit report may be found at the LBA website: http://www.gencourt.state.nh.us/lba/LBAAuditReports.html
- The LBA reported that the FOD Fund is effective and functioning as intended, but there are insufficient revenues to fully implement programs.
- The LBA provided 16 observations for potential program improvement, which the Board and DES are addressing, or have addressed.

# 2010 Legislation & Issues

- HB 1291-FN, relative to the FOD Fund import fee, assigned to Ways & Means.
- Assigned to RR & D, and the subject of hearings this morning:
  - HB 1292, relative to UST facility permits, compliance and cleanup fund eligibility.
  - HB 1293-FN, relative to the MOD Fund repeal date.
  - HB 1294, relative to UST facility operator training
- Expanding Board rulemaking authority, as proposed under HB 355-FN-A in 2009, and the July 1, 2015 ODD Fund and GREE Fund repeal date.

#### Existing Statutes For Reference Purposes When Reading HB 1292

The following statutes are repealed and reenacted by the bill:

146-D:6 Eligible Expenses. [Part of Oil Discharge and Disposal chapter]

I. The portion of the fund for reimbursement of owners of underground storage facilities shall be available to owners of underground storage facilities which are subject to the provisions of RSA 146-C and which are in compliance with New Hampshire Code of Administrative Rules Env-Ws 411. Owners of regulated underground storage facilities with current permits and current records shall be eligible to apply to the fund. Ownership of facilities which have been physically removed or closed in place on or after July 1, 1988 in accordance with the requirements of Env-Ws 411 where cleanup of oil has not yet been completed may be transferred to a new owner, and the new owner shall be eligible to apply to the fund subject to the same compliance requirements as the original owner. After ownership is transferred, only the new owner shall be eligible for reimbursement from the fund.

I-a. The portion of the fund for reimbursement of owners of bulk storage facilities shall be available to owners of bulk storage facilities that are in compliance with all applicable federal and state requirements for such facilities. Ownership of facilities which have been physically removed or closed in place on or after July 1, 1993, in accordance with the requirements of the department where cleanup of oil has not yet been completed, may be transferred to a new owner, and the new owner shall be eligible to apply to the fund subject to the same compliance requirements as the original owner. After ownership is transferred, only the new owner shall be eligible for reimbursement from the fund. Reimbursements shall only be made for costs of cleanup and third party damages associated with gasoline and diesel product spillage. To be eligible for reimbursement, the following registration requirements shall be met:

The following statutes are repealed by the bill:

. . . .

146-E:6 Eligible Expenses. [Part of Fuel Oil Discharge Cleanup Fund chapter]

VII. Ownership of facilities or land on which on-premises-use facilities are located, eligible under this chapter, where the facilities have been physically removed or closed in place on or after October 1, 1992 in accordance with the requirements of the department and where cleanup of oil has not yet been completed, may be transferred to a new owner, and the new owner shall be eligible to apply to the fund subject to the same compliance requirements as the original owner. After ownership is transferred, only the new owner shall be eligible for reimbursement from the fund.

146-F:5 Eligible Expenses. [Part of Motor Oil Discharge Cleanup Fund chapter]

VIII. Ownership of facilities or land eligible under this chapter where the facilities have been physically removed or closed in place on or after October 1, 1995 in accordance with the requirements of the department and where cleanup of oil has not yet been completed, may be transferred to a new owner, and the new owner shall be eligible to apply to the fund subject to the same compliance requirements as the original owner. After ownership is transferred, only the new owner shall be eligible for reimbursement from the fund.

Prepared by Joel Anderson, 1/7/09



### The State of New Hampshire

#### DEPARTMENT OF ENVIRONMENTAL SERVICES



#### Thomas S. Burack, Commissioner

Rep. D.L. Chris Christensen, Chairman

Oil Fund Disbursement Board

March 8, 2010

The Honorable Susan W. Almy, Chairman House Ways and Means Committee Room 202 Legislative Office Building Concord, New Hampshire 03301

SUBJECT:

Additional Information for HB 1292 Regarding Oil Fund Disbursement

**Board (Board) Administrative Rules** 

List of "ODD Fund" (RSA 146-D) Delayed Remediation Projects

Dear Chairman Almy:

During the March 4, 2010 Subcommittee Work Session on HB 1292 (and HB 1293-FN), we mentioned that the Board has approved amendments to its administrative rules regarding on-premise-use heating oil tank operational compliance. These tanks are primarily located at private homes and are not regulated by the Department of Environmental Services (DES). Rep. Major requested that we provide a letter to specify what those rule amendments include. In addition, Rep. Price requested that we provide a list of ODD Fund projects where remediation is delayed due to funding limitations. See attachment.

Current Board rules require that on-premise-use heating oil tank owners seeking cleanup cost funds for an initial leak achieve compliance with RSA 146-E: 4, which requires that tanks have a vent (i.e., overfill) alarm and that new tank installations conform to the State Fire Code. After achieving compliance, owners must then maintain compliance thereafter. Thus, owners may correct compliance problems after an initial leak occurs and become eligible for funding. The revised rules will require that all tanks be in compliance with the State Fire Code, and DES "Best Management Practices for the Installation and Upgrading of On-Premise-Use Heating Oil Storage Tanks", on or before July 1, 2014. Compliance will be required by that date regardless of whether an initial leak has occurred. The Board is considering two penalty options for tank owners that are not in compliance by July 1, 2014. Owners will either have a reduction in cleanup cost reimbursement, in addition to the statutory deductible, or will not be eligible for funding at all unless a hardship waiver is granted.

Again, thank you for your careful consideration of this important bill. If you have questions, please contact me at (603) 271-2905 <a href="Michael.Wimsatt@des.nh.gov">Michael.Wimsatt@des.nh.gov</a>, or Timothy R. Denison at (603) 271-2570 <a href="Timothy.Denison@des.nh.gov">Timothy.Denison@des.nh.gov</a>.

Sincerely.

Michael J. Wimsatt, P.G., Director

Waste Management Division

Attachment

cc: Members of the Ways and Means Committee Rep. D.L. Chris Christensen Oil Fund Disbursement Board Members

DES Site Number					
		_	Project Start	Fund Eligibility	Remediation Cost
"OneStop"	Site or Project Name	Town	Date	Date	Estimate (1)
Data					
Retrieval)	OTAGEORE OF CO.	1	4 1 1 5 5		
	STAFFORD OIL CO	LACONIA	1-Jul-88	28-Apr-97	#050 000
	WEST LEBANON YARD FACILITY HARRIS ENERGY INC	LEBANON LITTLETON	12-Aug-92 19-Jul-00	15-May-96 6-Dec-01	\$250,000
	FORMER B & W FUELS INC	LITTLETON	2-May-96	22-Oct-96	
	TROMBLY ENTERPRISES	MANCHESTER	30-Dec-96	5-May-97	\$400,000
	YEATON OIL CO INC	PLYMOUTH	21-Feb-95	12-Oct-99	\$100,000
	GEORGE C STAFFORD & SONS INC	LACONIA	6-Nov-97	15-Jan-98	7 7 7
	AMERICAN LIGHTNING ROD CO	DOVER	2-Sep-03	26-Jan-04	
	AIW ASSETS INC	RAYMOND	16-May-03	26-Apr-04	
	ELLIOT HOSPITAL	MANCHESTER	5-Nov-91	12-Jun-97	
	SCRY LIMITED	STRATFORD	1-Nov-88	5-Nov-02	
	ATLANTIC PAPER MILLS OF NH	WINCHESTER	29-Jan-02	12-Jun-02	
•	ROBERT MOORE PROPERTY GREEN VALLEY 55244	EXETER MERRIMACK	15-Feb-99 1-Jun-84	7-Jun-99	\$100,000
	C C VENDING MACHINE	LACONIA	6-Oct-04	15-Nov-02 27-Jul-05	\$100,000 \$60,000
	ALTON DISTRICT OFFICE	ALTON	13-Mar-08	8-May-08	\$100,000
	FORMER DAVE ALLEN LINCOLN MERCURY	DERRY	1-Apr-89	15-May-97	\$150,000
	GRANITE STATE SERVICE STATION	HOOKSETT	22-Aug-02	31-Oct-02	\$125,000
	NORTHEAST GLASS & ALUMINUM INC	LITTLETON	23-Nov-05	14-Dec-05	
198608001	MR MIKES MILFORD FRM MILFORD SUNOCO	MILFORD	10-Aug-86	16-Sep-02	\$75,000
	GETTY 55276	MANCHESTER	16-Aug-89	4-Dec-02	
	E & R LAUNDRY	MANCHESTER	1-Jul-88	23-Feb-99	
		GRANTHAM	10-Apr-89	3-Jan-96	\$50,000
	FORMER STATE ST EXXON R/S #3-5822	PORTSMOUTH	4-Aug-88	15-May-97	
	OBRIENS 2	PORTSMOUTH	31-Mar-88	18-Jun-01	000 000
	DENNYS EXXON 7 ELEVEN 33202	PLYMOUTH	24-Aug-89	21-Jun-04	\$60,000
	D C MOBIL	MANCHESTER CANDIA	9-May-88 30-Aug-87	10-Jan-00 5-Jun-02	\$250,000
	FORMER MOBIL STATION (01-QVL)	KEENE	17-Jul-87	15-May-97	
	HAMPSTEAD CENTER MARKET	HAMPSTEAD	9-Aug-88	8-Jan-96	
	GIBBS OIL CO LTD PARTNERSHIP	DERRY	16-Jun-97	23-Oct-02	\$50,000
	TENNEY MTN QUICK CHECK	PLYMOUTH	12-May-86	11-Apr-00	\$100,000
	HANOVER CONSUMERS COOP SOCIETY	HANOVER	3-Feb-89	11-May-01	
	MR MIKES HOPKINTON	HOPKINTON	2-Jan-02	23-Apr-03	
	DOVER MINIMART	DOVER	14-Jan-02	31-Mar-03	
	DOVER MINIMART	DOVER	1-Oct-88	20-Jan-99	
	MEREDITH CIRCLE K	MEREDITH	15-Jul-88	5-Sep-01	675 000
	STEF'S CABIN PROPERTY GREEN VALLEY 55250 FRM GETTY	PORTSMOUTH	5-Jun-89	10-May-97	\$75,000
	FORMER LEVESQUE SECURITY OIL	ROCHESTER NASHUA	1-Jan-88 2-Aug-89	15-Jun-01 24-May-01	
	GRANITE STATE PETROLEUM CO	PLYMOUTH	27-Jun-88	4-Oct-01	
198806101	<u> </u>	MANCHESTER	30-Oct-01	9-Jan-02	
	LANCASTER SUNOCO	LANCASTER	17-Aug-88	14-Sep-00	
	CONWAY CIRCLE K	CONWAY	6-Oct-88	9-Oct-97	
	HOLDERNESS CIRCLE K	HOLDERNESS	6-Oct-88	20-Nov-02	
	GREEN VALLEY 55246 FRM GETTY	PELHAM	15-Mar-89	24-Jan-98	
	GREEN VALLEY 55257 FRM GETTY	EPPING	18-Dec-96	4-Oct-02	
	MR MIKES ANTRIM FRM SUNOCO	ANTRIM	29-Jun-89	25-Nov-02	<b>ATT 000</b>
	DEPT OF PUBLIC WORKS	LACONIA	20-Jul-88	26-Jun-97	\$75,000
	BURNS TRUCK STOP EVANS EXPRESSMART	STRATFORD LEBANON	25-Apr-88 16-Jun-89	25-Apr-88 4-Oct-97	
<del></del>	HESS 29305	NASHUA	15-Apr-89	30-Jul-97	
	TACCETTA CHEVROLET/PORTSMOUTH CHEV-		6-Dec-88	3-Dec-01	
	SOUTH COMMERICIAL STREET MOBIL	CONCORD	26-Jan-90	25-Jul-02	
	GREENLAND MOBIL	GREENLAND	1-Jan-90	13-Jul-97	* \$300,000
198905068	IRVING EXIT 20 (FMR EXIT 20 FOODSTOP)	LEBANON	15-Apr-89	11-Aug-95	
	FORMER JACQUES AGWAY STATION	PLYMOUTH	31-Oct-89	21-Jan-00	\$200,000
198906013	HENRY HANGERS COMPANY	NASHUA	9-Aug-94	15-May-97	\$500,000

DES Site Number					
(see "OneStop" Data	Site or Project Name	Town	Project Start Date	Fund Eligibility Date	Remediation Cost Estimate (1)
Retrieval)	GORHAM DELI MART	GORHAM	1 <b>-</b> Jul-88	24-Oct-02	
		MILFORD	1-Jun-89	4-Mar-02	
		MILFORD	1-Aug-01	4-Mar-02	<del></del>
		BRENTWOOD	17-Oct-90	16-Jul-01	\$100,000
	L	PLYMOUTH	18-Dec-89	30-Aug-00	7,55,555
		NASHUA	16-May-89	8-Nov-01	
		MANCHESTER	28-Feb-89	1-Jun-89	
198907037		NASHUA	27-Jun-01	22-Apr-02	
198908065	EVANS EXPRESSMART	CANAAN	3-Oct-96	21-Sep-01	
198909005	EXXON DIV OF CFI 70117	NEWINGTON	25-Sep-89	7-Oct-02	
		PORTSMOUTH	1-Jul-88	6-Nov-03	\$50,000
		NEW IPSWICH	17-Aug-89	18-Jun-01	\$200,000
	L	MANCHESTER	13-Feb-98	20-Dec-02	\$100,000
	WESCO INC	LEBANON	3-Nov-89	7-Nov-02	\$250,000
	REDS OF JAFFREY	JAFFREY	26-Oct-99	9-Sep-02	<b>#50.000</b>
		SALEM	15-Jan-90	22-Apr-02	\$50,000
		EXETER	29-Aug-89	30-May-02	
		MANCHESTER	16-Apr-97	23-Oct-97	
	LOWES FMR LAKES REGION PLAZA/MOBIL SIT		5-May-93	15-May-97	\$150,000
		KEENE	8-May-89	10-May-02 16-Dec-02	\$100,000
		SALEM HAVERHILL	13-Dec-89 30-Apr-03	1-May-09	
		SALEM	26-Mar-90	6-Aug-97	
	SARETTES CORNER CONVENIENCE LLC	GOFFSTOWN	20-Jan-95	17-Apr-01	
		MANCHESTER	3-May-90	29-Feb-08	
		ENFIELD	1-May-90	15-May-97	
	ELECTRIC DEPARTMENT	WOLFEBORO	19-Apr-90	5-Jan-96	\$150,000
	FORMER CANTIN PROPERTY	LANCASTER	2-Jul-90	10-Apr-01	<del>*</del> · · · · · · · · · · · · · · · · · · ·
	EXXON DIV OF CFI 2861	CONCORD	4-May-00	12-Sep-05	
199008005	RTE 302 SUNOCO (COBBLE POND FARMS)	CONWAY	18-May-90	23-Jul-03	
199009013	MANCHESTER HIGHWAY GARAGE	MANCHESTER	11-Sep-90	5-Jun-03	
199009031	FORMER WARREN STREET PUBLIC WORKS	CONCORD	11-Aug-94	15-May-97	
199010001		WEARE	27-Sep-90	24-May-02	\$200,000
		LEBANON	4-Sep-90	15-May-97	
		PETERBOROUGH	23-Oct-90	5-Jul-97	\$150,000
		MEREDITH	6-Mar-91	6-Aug-02	\$50,000
	D & M MOBIL	DOVER	13-Dec-90	6-Aug-02	
	GOMEZ REALTY	LEBANON	6-Nov-91	28-Nov-95	\$100,000
	VILLAGE MOBIL	NEW IPSWICH	13-Dec-90	28-Oct-02	
	7 ELEVEN 32497	MANCHESTER	18-Dec-90	30-Mar-04	\$200,000
	CUMBERLAND FARMS 2805	MERRIMACK NASHUA	12-Dec-90 22-Mar-91	31-Jul-02 10-Jul-02	\$200,000
	7 ELEVEN 30290 GREEN VALLEY 55258 FRM GETTY	EPSOM	28-Mar-91	3-Oct-02	
	FORMER JOHNSON & DIX BULK FUEL	CONCORD	15-Apr-94	15-May-97	
	IRWIN MARINE	LACONIA	7-Feb-05	5-Apr-05	+
	RTE 106 SHELL FMR FULLERS CONV	CONCORD	12-Mar-03	16-Sep-03	+
	CUMBERLAND FARMS 2813	CONCORD	30-Apr-91	12-Nov-02	<u> </u>
	LIMOGES OIL & PROPANE CO	CLAREMONT	17-May-91	14-Dec-92	
	CONCORD AIRPORT	CONCORD	17-May-01	16-Sep-02	\$75,000
	MIDDLE STREET SHELL	PORTSMOUTH	16-Apr-91	3-Jan-02	
	FORMER HANOVER AUTO	HANOVER	17-Jun-91	15-May-97	\$75,000
	LEBANON PHARMACY	LEBANON	29-May-91	15-May-97	\$100,000
	MOBIL 10968	MANCHESTER_	8-Jul-02	2-Mar-04	
	KINGSWOOD REGIONAL HIGH SCHOOL	WOLFEBORO	3-Jul-91	8-Oct-02	
	ESTABROOK'S GARAGE	NEWTON	1-Aug-91	15-May-97	\$50,000
	FORMER COCA-COLA BOTTLING CO	SALEM	8-Aug-91	15-May-97	075.555
	ROCHESTER SUNOCO	ROCHESTER	3-Oct-91	24-Jan-02	\$75,000
199110030	PENNICHUCK WATER WORKS	NASHUA	8-Oct-91	20-Mar-96	<u> </u>

Onestop	Site or Project Name	Town	Project Start Date	Fund Eligibility Date	Remediation Cost Estimate (1)
Data Retrieval)					
199110077	T BIRD MINI MART	ANTRIM	22-Oct-91	3-Jan-02	
	GREENLAND TRAVEL CENTER	GREENLAND	16-Oct-03	30-Dec-08	\$75,000
	GREENLAND TRAVEL CENTER	GREENLAND	16-Sep-91	26-Feb-02	\$75,000
	G III FANCY FOODS & GAS	TAMWORTH	31-Jul-06	25-May-07	
	CLARKE PLAZA	WOLFEBORO	1-Nov-91	15-May-97	\$150,000
	HESS 29502	MANCHESTER	19-Nov-91	19-Dec-01	
	SUPER PETROLEUM INC	SALEM	4-Nov-91	2-Jun-05	
199201002	SNACK CORNER	MILFORD	2-Jan-92	18-Dec-01	\$200,000
199201032	DRED WAREHOUSE	CONCORD	6-Nov-91	7-Oct-02	
	CITGO STATION/ENERGY TO GO	SOMERSWORTH	19-Nov-01	18-Nov-03	
	DOVER PUBLIC WORKS GARAGE	DOVER	17-Apr-91	10-May-97	
	GIBBS OIL CO LTD PARTNERSHIP	STRATHAM	20-Feb-92	23-Oct-02	
	CONCORD N STATE ST CIRCLE K	CONCORD	31-Mar-92	14-Oct-02	\$150,000
	NEWPORT MOBIL	NEWPORT	8-Apr-92	6-Nov-02	1
	FORMER DEAD RIVER COMPANY	BERLIN	20-Apr-92	6-Oct-99	-
	CUMBERLAND FARMS 2817	EPPING	23-Apr-92	25-Oct-02	
	WEBBER ENERGY FUELS	SOMERSWORTH	16-Apr-92	12-Nov-02	
	RICHMOND FOUR CORNERS STORE	RICHMOND	28-May-92	25-Sep-03	<b>\$</b> E0.000
	GETTY STATION	ROCHESTER	24-Jul-92	15-May-97	\$50,000
	WAKEFIELD GENERAL STORE INC	WAKEFIELD	16-Sep-92	13-Aug-96	\$200,000
	EVANS EXPRESSMART	EPSOM	21-Oct-92	23-Oct-03 7-Nov-05	
	CUMBERLAND FARMS 2890	CONCORD	14-Jan-03	29-Apr-02	
	MOBIL 10967	MANCHESTER	2-Nov-92 2-Dec-92	4-Aug-04	\$250,000
	HANOVER CIRCLE K FMR FOODSTOP	HANOVER   MANCHESTER	6-Oct-92	25-Sep-00	\$230,000
	A W THERRIEN NH DEPT OF CORRECTIONS	LACONIA	22-Dec-92	25-Jun-08	
	TWO BROTHERS GARAGE	LITTLETON	17-Nov-92	15-May-97	
	FORMER LAKEVIEW SERVICE STATION	WOLFEBORO	17-Nov-92	6-Aug-01	\$75,000
	7 ELEVEN 32504	KEENE	21-Jun-93	6-Sep-02	<b>\$10,000</b>
	FORMER RIVERDALE AUTOMOTIVE SALES	NEWMARKET	9-Aug-93	16-May-02	
	SHELL 100007	NASHUA	16-Jul-93	11-Sep-02	
	EXETER SUNOCO	EXETER	24-Sep-93	4-Oct-02	-
	ROCKINGHAM GAS	NEWMARKET	29-Sep-93	6-Dec-00	\$50,000
	E & B MOBIL (DURHAM MOBIL)	DURHAM	29-Jun-93	15-May-97	\$20,000
	FLYNNS CAR WASH	EXETER	25-Oct-93	7-Nov-02	
	SOUTHSIDE CARWASH & GAS	DOVER	2-Dec-93	5-Jul-02	1
	CAMIRES GULF (CUMBERLAND FARMS)	SALEM	30-Jun-93	10-May-02	
	WINDHAM PLAZA	WINDHAM	22-May-02	25-Apr-03	
	ANDOVER CIRCLE K	ANDOVER	17-Aug-07	14-Nov-07	
	JAYS MARINA	TILTON	19-Nov-93	15-May-97	
	FORMER ROBERT QUALTERS PROPERTY	HINSDALE	5-Apr-94	12-Aug-97	\$35,000
199404018	DUSTON OIL CO INC	HAMPSTEAD	25-Feb-94	5-Jul-02	
	UNITIL ENERGY SYSTEMS INC	KENSINGTON	4-Nov-92	10-May-97	\$100,000
199404026	SHELL 100017	CONCORD	26-Apr-94	1-Jul-02	\$50,000
	FREEDOM MARKET	FREEDOM	9-May-94	23-Sep-02	
	SHELL 100106	DOVER	18-Jul-94	8-Nov-02	
	SOUTH FIRE STATION	SALEM	17-May-94	22-Apr-02	\$100,000
	BLUE LOON GENERAL STORE	STRAFFORD	8-Aug-94	2-Oct-97	
	LOCAL PRIDE HEATING OIL	ROCHESTER	22-Nov-94	10-May-97	#200 ccc
	FORMER GODDARDS BAKERY	CLAREMONT	7-Feb-00	10-May-00	\$200,000
	CUMBERLAND FARMS 2853	PETERBOROUGH		13-Jan-98	\$50,000
	SPEEDY MART	LEBANON	14-Nov-94	22-Mar-02	
	PROVINCE ST IRVING MAINWAY	LACONIA	19-Jul-06	11-Sep-06	<b>6050 000</b>
	7 7 ELEVEN 33337	CONCORD	14-Mar-02	3-Apr-02	\$250,000
	MAC EDDIES SERVICE STATION	BETHLEHEM	30-Oct-97	5-Nov-02	67E 000
	STRATHAM VILLAGE MARKET TRANS LEASE CO	STRATHAM NASHUA	23-May-95 16-Jul-96	6-Jul-01 14-Jun-04	\$75,000 \$50,000
		COLON MILLIA	1 10-110-95	14110-04	1 3530 000

Data Data	Site or Project Name	Town	Project Start Date	Fund Eligibility Date	Remediation Cost Estimate (1)
Retrieval)	MARSHALLS GARAGE	NEW LONDON	26-Jun-95	15-May-97	
	ALTON AUTO CENTER	ALTON	20-Jul-95	10-May-97	\$50,000
	NORTHLAND FOREST PRODUCTS INC	KINGSTON	15-Aug-95	10-May-97	\$00,000
	HANOVER ST MOBIL	MANCHESTER	16-Feb-96	10-Feb-99	
	FORMER LISBON CHEVROLET	LISBON	12-Apr-96	21-Nov-97	
	DANIELS OIL CO	NEW BOSTON	17-Sep-01	29-Aug-03	\$200,000
	FORMER SULLIVAN FUEL CO	SALEM	17-Sep-02	17-Oct-02	
	CLAREMONT MOBIL	CLAREMONT	20-Aug-96	21-Nov-02	
	GERRITY LUMBER	MEREDITH	10-Jul-96	30-Oct-97	
	DONS MARKET	HAMPSTEAD	4-Nov-96	29-Jun-01	
	FORMER CTP PETROLEUM CO	WOLFEBORO	3-Mar-99	9-Mar-00	\$75,000
	BOULIA-GORRELL LUMBER CO	LACONIA	7-Feb-97	1-Apr-98	\$75,000
	W C FIELDS INC	GOSHEN	20-Jan-97	21-Feb-01	\$90,000
199702029	WEIRS BEACH GO KART TRACK	LACONIA	14-Feb-97	8-May-97	
	VINCENT GRANDE	DERRY	22-Nov-96	7-May-97	
	HOOKSETT ROAD SUNOCO	MANCHESTER	23-Dec-96	7-Aug-98	
	MUNCES CONVENIENCE	LINCOLN	28-Apr-97	3-Jul-03	
	OBRIENS GENERAL STORE	SEABROOK	21-May-97	2-Jan-02	\$75,000
199705028	FORMER KNIRSCH PROPERTY	BARNSTEAD	27-May-97	5-Dec-97	
199707001	WHITEFIELD JIFFY MART	WHITEFIELD	6-May-97	9-Feb-01	<u> </u>
	CANOBIE LAKE PARK	SALEM	23-Apr-97	6-Jul-01	
	CANAAN HIGHWAY GARAGE	CANAAN	23-Apr-99	1-Jul-99	050.000
	CUMBERLAND FARMS 2826	CONCORD	11-Sep-97	12-Nov-02	\$50,000
	REDS MOBIL	BERLIN	11-Jun-97	28-Oct-97	
	FORMER RTE 3 IRVING	PEMBROKE	2-Feb-06	10-Mar-06	\$100,000
	BERGERON FACILITY	PELHAM	8-Dec-97	4-Feb-00	675 000
	CUMBERLAND FARMS 2809	MEREDITH	17-Mar-98	21-Nov-02	\$75,000
	THE VILLAGE STORE	NORTHWOOD	21-Oct-97	25-Jun-99	\$100,000
	CUMBERLAND FARMS 2801	TILTON	5-Jan-05	17-Nov-06	\$100,000
	MOBIL 17720	MANCHESTER	6-Nov-01	27-Mar-02	\$100,000
	PEMBROKE MOBIL	PEMBROKE	12-Jul-04	15-Jun-05	\$50,000
199809059	WOODMAN CORNER STORE	WAKEFIELD	24-Sep-98	14-Jan-03	\$50,000
	GREEN VALLEY 55249 FRM GETTY	ROCHESTER	18-Sep-98	24-Mar-03	
	MR MIKES PETERBOROUGH	PETERBOROUGH	25-Nov-02 7-Oct-98	18-Apr-03 12-Jan-00	<u> </u>
	CUMBERLAND FARMS 2819 (FRM ADS 153)	HUDSON CANAAN	22-Oct-98	11-Jul-02	
	PLEASANT VALLEY VARIETY STORE	NASHUA	24-Apr-03	24-Feb-04	
	MOBIL 10975	HAVERHILL	20-Dec-98	10-May-02	
	FADDENS AUTO	HILLSBOROUGH	19-Nov-02	1-Apr-04	
	CUMBERLAND FARMS 2843 CUMBERLAND FARMS 2834	WHITEFIELD	6-Nov-02	15-Nov-04	1
	GREAT NORTH WOODS ONE STOP INC	ERROL	6-Oct-98	22-Oct-02	
	GETTY STATION 55201	MANCHESTER	27-Jul-06	19-Sep-07	\$75,000
	BRETTON WOODS SERVICE STATION	CARROLL	31-Jan-99	16-Oct-00	<u> </u>
	ISINGLASS COUNTRY STORE	STRAFFORD	4-Jun-99	3-Jan-03	
	TWIN MOUNTAIN SUNOCO	CARROLL	28-Mar-99	10-May-02	
	7 ELEVEN 32506	WOLFEBORO	20-Jul-99	8-Dec-04	\$75,000
	KINNE ELECTRIC	MANCHESTER	9-Sep-99	10-May-02	\$75,000
	SALS ADVANCED AUTO REPAIR	WOLFEBORO	20-Mar-00	28-May-08	\$75,000
	CINDY ANN CLEANERS	PORTSMOUTH	28-Feb-06	26-Mar-07	
	XTRA MART	HAMPTON	26-Oct-99	1-Aug-05	
	NH DISTRIBUTORS INC	CONCORD	17-Jan-05	23-Mar-05	\$75,000
200003054	SAMAIYRA MART FRMR NO CONWAY QUICK		9-Nov-93	24-Dec-04	\$150,000
	CANTIN CHEVROLET	LACONIA	1-Jul-01	30-Apr-03	\$150,000
	CUMBERLAND FARMS 2828	DERRY	10-Jul-01	17-May-04	
	EXXON DIV OF CFI 70108	MANCHESTER	5-May-00	10-Oct-03	
	EXXON DIV OF CFI 70106	MANCHESTER	26-Apr-00	17-Apr-03	
200009045	L W PACKARD & CO INC	ASHLAND	4-Mar-04	5-Dec-05	
	KINGSTON SHELL 166822	KINGSTON	3-Nov-00	31-Dec-02	

"Onestop" Data Retrieval)	Site or Project Name	Town	Project Start Date	Fund Eligibility Date	Remediation Cos Estimate (1)
200102034	SAVINGS BANK OF WALPOLE PROPERTY	KEENE	16-Feb-01	22-May-02	
200104090	RICHARD E MARRIOTT	TUFTONBORO	25-Jun-03	22-Nov-05	\$75,000
200108001	FORMER ARCO	PLYMOUTH	10-Jul-01	9-Oct-02	
200110047	QUICK TRIP	LACONIA	29-Oct-01	26-Aug-03	\$75,000
200201042	SHELL 168100	NORTHWOOD	21-Nov-02	12-Mar-03	\$150,000
200404021	BEDFORD WHITE AVE CIRCLE K	BEDFORD	16-Jun-08	7-Jul-09	\$15,000
200409050	MICHAEL CLARK	PORTSMOUTH	5-Jan-05	1-Jun-05	\$50,000
200409154	DOWNTOWN LINCOLN MERCURY	NASHUA	10-Jul-04	17-Nov-04	
200506021	MCCUES RESTAURANT	KEENE	18-Jun-04	15-Jun-05	
200512012	VIDEO SENSE	ASHLAND	8-Nov-05	8-Dec-05	\$75,000
200802018	PROPOSED LITTLETON POLICE FACILITY	LITTLETON	28-Dec-07	8-Oct-09	
243	Projects			Total:	\$9,505,000

<sup>(1)</sup> Remediation cost estimates are preliminary. If blank, an estimate is not yet available.

# 2/9/10 - HB1292-FAV



#### The State of New Hampshire

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**



#### Thomas S. Burack, Commissioner

Rep. D.L. Chris Christensen, Chairman

Oil Fund Disbursement Board

February 9, 2010

The Honorable Susan W. Almy, Chairman House Ways and Means Committee Room 202 Legislative Office Building Concord, New Hampshire 03301

SUBJECT: HB 1292, As Amended, Relative to Underground Storage Tank Facility

Permits, Compliance, and Cleanup Fund Eligibility

Dear Chairman Almy:

Thank you for the opportunity to testify in support of House Bill 1292. This legislation addresses a number of statutory changes that the Department of Environmental Services (DES) and Oil Fund Disbursement Board (Board) believe are important for efficient and effective program operations, and which benefit New Hampshire citizens. None of these changes will increase program operating costs or result in a fiscal impact. If enacted into law, House Bill 1292 would accomplish the following:

- 1.) RSA 146-C: 4, I, requires that all underground storage tank (UST) facilities be permitted by DES. The bill removes the last sentence in RSA 146-C: 4, II, which requires that DES issue UST permit renewals every five years. Removal of this provision will alleviate an unnecessary administrative burden and allow more of our personnel time to be re-directed to more important activities such as UST facility inspections and follow-up to ensure operational compliance.
- 2.) The bill makes a technical correction to RSA 146-C: 16, I(c) (2), by removing the word "not" in the last sentence of the paragraph, which was a drafting error inadvertently carried through to the final version of the Laws of 2007, Chapter 376. This legislation added authority for DES to "red tag" USTs that are not in operational compliance and thus at risk of leaking. The red tag is a notice affixed to the fill pipe indicating that the UST cannot be filled with product and operated. The red tag provisions of RSA 146-C include a process for removal of the tag, provided the UST operational compliance deficiencies are addressed by the facility owner. It is important to make this technical correction so the meaning of the provision is clear to the regulated community.
- 3.) The Oil Discharge and Disposal Cleanup Fund (RSA 146-D), Fuel Oil Discharge Cleanup Fund (RSA 146-E), and Motor Oil Discharge Cleanup Fund (RSA 146-F) provide contamination cleanup funds for owners of petroleum storage tank facilities. Under current law, transfer of cleanup fund eligibility (i.e., coverage) to landowners where storage tank facilities were located is permitted, if the facilities were closed on or after July 1, 1988 under RSA 146-D, October 1, 1992 under RSA 146-E, and October 1, 1995 under RSA 146-F. These dates were included in the statutes due to concerns that numerous landowners would submit claims for contaminated properties without storage tanks or for properties where the storage tank owner did not initiate cleanup. Now that the funds have operated for 15-20 years or more, the date restrictions are interfering with property sales

Honorable Susan W. Almay, Chairman House Ways and Means Committee HB 1292 As Amended February 9, 2010, Page 2

and redevelopment for a small number of locations where the tanks were closed *prior* to the statutory dates. At these locations, the original owners of the closed storage tank facilities are continuing cleanup after they have sold the properties, to provide security to the landowners and assurances to lenders that cleanup will be completed. With the passage of time, there is significant risk that those tank owners will die or become unwilling to continue cleanup, and the landowners will become liable without fund coverage. Banks and other lenders are uncomfortable with these circumstances, and are reluctant to offer financing for affected properties.

HB 1292 removes the closure date restrictions and makes coverage available to landowners where "compliant facilities were located", i.e., at those storage tank facilities that are properly closed. That phrase prevents newly discovered contaminated properties from being funded where there is no connection to the operation of storage tanks, consistent with the intent of current law. Discovery of new contaminated properties where compliant tanks were located is now a very rare occurrence, and for those locations where cleanup costs are being incurred by the storage tank facility owners, the same costs will instead be incurred by the landowners. Hence, no demonstrable increase in cleanup cost expenditures would result from the passage of HB 1292.

The Resources, Recreation and Development Committee amended the bill to correct language relative to eligibility transfer (Item 3 above), that was identified by Committee researchers as being incomplete or of concern. The amendment did not change the purpose or intent of the bill, nor did it create a fiscal impact.

Attached is a proposed amendment to increase the "deductible" for on-premise-use heating oil facilities from \$100 to \$500, with the exception of "SAFETANK"-qualified owners. The amendment is offered in consideration of the Fuel Oil Discharge Cleanup Fund fiscal situation, and the findings of the Legislative Budget Assistant in a December 2009 Performance Audit Report on the fund. Please be advised that the language "demonstrated financial need", exists in current law and only establishes general criteria for participating in the SAFETANK program. The Board has adopted administrative rules with specific criteria for program participation including demonstration of financial need.

Thank you for your careful consideration of this important bill. If you have questions, please contact Michael J. Wimsatt, P.G., Director of the Waste Management Division at (603) 271-2905 <a href="Michael.Wimsatt@des.nh.gov">Michael.Wimsatt@des.nh.gov</a>, or Timothy R. Denison at (603) 271-2570 <a href="Timothy.Denison@des.nh.gov">Timothy.Denison@des.nh.gov</a>.

Sincerei

Rep. D.L. Chris Christensen, Chairman

Oil Fund Disbursement Board

Thomas S. Burack, Commissioner Department of Environmental Services

Attachment

cc: Members of the Ways and Means Committee

Rep. Leigh Webb

Oil Fund Disbursement Board

# Voting Sheets

#### HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

#### **EXECUTIVE SESSION on HB 1292**

BILL TITLE:

relative to underground storage tank facility permits, compliance, and

cleanup fund eligibility.

DATE:

January 21, 2010

LOB ROOM:

305

#### Amendments:

Sponsor: Rep. C. Christensen

OLS Document #:

2010

0226h

Sponsor: Rep.

OLS Document#:

Sponsor: Rep.

OLS Document #:

Motions:

OTR OTPA ITL, Interim Study (Please circle one.)

Moved by Rep. Christensen

Seconded by Rep. Hubbard

Vote: 16-0 (Please attach record of roll call vote.)

Motions:

OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

(Please attach record of roll call vote.)

#### CONSENT CALENDAR VOTE: 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

Rep. Suzanne H. Gottling, Clerk

#### HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

#### **EXECUTIVE SESSION on HB 1292**

BILL TITLE:

relative to underground storage tank facility permits, compliance, and

cleanup fund eligibility.

DATE:

1-21-10

LOB ROOM:

305

Amendments:

Sponsor: Rep. Christensen

OLS Document #: 0226h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions:

OTROTP/A) ITL, Interim Study (Please circle one.) smentment 226h
by Rep. Christenson Show of hals

Moved by Rep. Christensen

Seconded by Rep. Hulbard

Vote: (Please attach record of roll call vote.)

Motions:

OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

(Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

Rep. Suzanne H. Gottling, Clerk

## RESOURCES, RECREATION AND DEVELOPMENT

Motion: DTPA  MEMBER Spang, Judith T, Chairman Tupper, Frank A, V Chairman Parkhurst, Henry A. L.  Moody, Marcia G Aguiar, James D Gottling, Suzanne H, Clerk Hubbard, Pamela J Kepner, Susan R Thomas, Yvonne D Williams, Carol A McClammer, Jim U Russell, David H Renzullo, Andrew Christensen, Chris	Amendment #	#: 226 h NAYS	
MEMBER Spang, Judith T, Chairman Tupper, Frank A, V Chairman Parkhurst, Henry A. L. Moody, Marcia G Aguiar, James D Gottling, Suzanne H, Clerk Hubbard, Pamela J Kepner, Susan R Thomas, Yvonne D Williams, Carol A McClammer, Jim U Russell, David H Renzullo, Andrew	YEAS  V  V  V  V  V  V  V  V  V  V  V  V  V	NAYS	
Tupper, Frank A, V Chairman  Parkhurst, Henry A. L.  Moody, Marcia G  Aguiar, James D  Gottling, Suzanne H, Clerk  Hubbard, Pamela J  Kepner, Susan R  Thomas, Yvonne D  Williams, Carol A  McClammer, Jim U  Russell, David H  Renzullo, Andrew			
Parkhurst, Henry A. L.  Moody, Marcia G  Aguiar, James D  Gottling, Suzanne H, Clerk  Hubbard, Pamela J  Kepner, Susan R  Thomas, Yvonne D  Williams, Carol A  McClammer, Jim U  Russell, David H  Renzullo, Andrew			
Moody, Marcia G Aguiar, James D Gottling, Suzanne H, Clerk Hubbard, Pamela J Kepner, Susan R Thomas, Yvonne D Williams, Carol A McClammer, Jim U Russell, David H Renzullo, Andrew			
Aguiar, James D  Gottling, Suzanne H, Clerk  Hubbard, Pamela J  Kepner, Susan R  Thomas, Yvonne D  Williams, Carol A  McClammer, Jim U  Russell, David H  Renzullo, Andrew			
Gottling, Suzanne H, Clerk  Hubbard, Pamela J  Kepner, Susan R  Thomas, Yvonne D  Williams, Carol A  McClammer, Jim U  Russell, David H  Renzullo, Andrew			
Hubbard, Pamela J  Kepner, Susan R  Thomas, Yvonne D  Williams, Carol A  McClammer, Jim U  Russell, David H  Renzullo, Andrew			
Kepner, Susan R  Thomas, Yvonne D  Williams, Carol A  McClammer, Jim U  Russell, David H  Renzullo, Andrew			
Thomas, Yvonne D  Williams, Carol A  McClammer, Jim U  Russell, David H  Renzullo, Andrew			
Williams, Carol A  McClammer, Jim U  Russell, David H  Renzullo, Andrew			
McClammer, Jim U  Russell, David H  Renzullo, Andrew			
Russell, David H  Renzullo, Andrew			
Renzullo, Andrew	V V		
	V		
Christensen, Chris	/		
· · · · · · · · · · · · · · · · · · ·			
Ahlgren, Christopher J			
Kappler, L. Mike	V		
Spaulding, Jayne E -			
Bolster, Peter S	1/		
Howard, Thomas J	V		
St. Cyr, Jeffrey L	1		

Page 1 of 2 on HB1292

#### HOUSE COMMITTEE ON WAYS AND MEANS

#### **EXECUTIVE SESSION on HB 1292**

BILL TITLE:

relative to underground storage tank facility permits, compliance, and

cleanup fund eligibility.

DATE:

3/16/10

LOB ROOM:

202

Amendments:

Sponsor: Rep. C. Christensen

OLS Document #:

0560h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Som amendment #2010-0560h

Motions:

OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Mack

Seconded by Rep. Susan Price

20-0 (Please attach record of roll call vote.)

Unanimous

Motions:

OTP(OTP/A), ITL, Interim Study (Please circle one.)

Moved by Rep. Mack

Withdrawn

Seconded by Rep. Vachon

Vote:

(Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent:

Refer to Committee Report

Respectfully submitted Rep. William Butynski, Clerk

page 2 of 2 on HB1292

#### HOUSE COMMITTEE ON WAYS AND MEANS

#### **EXECUTIVE SESSION on HB 1292**

BILL TITLE:

relative to underground storage tank facility permits, compliance, and

cleanup fund eligibility.

DATE:

3/16/10

LOB ROOM:

202

Amendments:

Sponsor: Rep. Price & Major

OLS Document #:

0943h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

On Amendment #2010-0943h

Motions:

OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Susan Price

Seconded by Rep. Sapareto

Vote: 6-14 (Please attach record of roll call vote.)

Amendment #0560h

**Motions:** 

OTP OTP/A ITL, Interim Study (Please circle one.)

Moved by Rep. Mack

Seconded by Rep. Vachon

Vote: 19-1 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

William L. Wyndie

p. William Butynski, Clerk

#### HOUSE COMMITTEE ON WAYS AND MEANS

#### **EXECUTIVE SESSION on HB 1292**

BILL TITLE:

relative to underground storage tank facility permits, compliance, and

cleanup fund eligibility.

DATE:

3/14/10

LOB ROOM:

202

Amendments:

Sponsor: Rep. Hack Christensen, C,

OLS Document #: 0560 kz

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** 

on Amendment # 2010 - 0560 lo OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Mark

Seconded by Rep. Pain, Smar

Vote: 20 % O (Please attach record of roll call vote.)

**Motions:** 

OTP, OTP/AITT, Interim Study (Please circle one.)

Moved by Rep. Markow Seconded by Rep. Varhow

Seconded by Rep. Vach

Please attach record of roll call vote.)

#### CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

#### HOUSE COMMITTEE ON WAYS AND MEANS

Page 2 of 2 pager on 481292

relative to underground strage tank fieldly from compliance and cleanup fund eligibility DATE: 3/16/10 LOB ROOM: 202 Amendments: 0LS Document #: 0943 b Sponsor: Rep. Price and Majow OLS Document #: Sponsor: Rep. OLS Document #: Sponsor: Rep. ns: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Puw, Susan Motions: Seconded by Rep. Sapareto Vote: 6 7514 (Please attach record of roll call vote.) OTP/A, ITL, Interim Study (Please circle one.) Motions: Moved by Rep. Mark Seconded by Rep. Vachan Vote: 1916 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. William Butynski, Clerk

Bill #: #18 1292 Title: helatine to un	dirground strage time	failty
PH Date: 2, 9, 10	Exec Session D	ate: 3 / 16 / 10
Motion: DTP/A by Mark + Works	han Amendment #: 20/0 -0560 h	
MEMBER	YEAS	NAYS
Almy, Susan W, Chairman	<u> </u>	
Hatch, William A, V Chairman	V	
Davis, Frank W		
Butynski, William, Clerk		
Vachon, Dennis P	<u> </u>	
Shattuck, Gilman	V	
Kelley, John D		
Mack, Ron J		
Johnson, William G	V	
Price, Susan G	V	
Walsh, Robert M	V	
Major, Norman L. Girlin Mary E	V	
Griffin, Mary E Price, Pamela	V	
Lockwood, Priscilla P	V	
Boutin Bovid R Hen, Dowid	V	
Bettencourt, David J	V	
Ober, Russell T	V	
Sapareto, Frank V		V
Ulery, Jordan G	V	
Osgood, Joe	V	
	10	j
·	/>	. /
MODAL Yromp		4. 0.0
TOTAL VOTE: Printed: 12/18/2009		

# Committee Report

#### CONSENT CALENDAR

January 21, 2010

## **HOUSE OF REPRESENTATIVES**

#### REPORT OF COMMITTEE

The Committee on <u>RESOURCES</u>, <u>RECREATION AND</u>

<u>DEVELOPMENT</u> to which was referred HB1292,

AN ACT relative to underground storage tank facility permits, compliance, and cleanup fund eligibility. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Chris Christensen

FOR THE COMMITTEE

Original: House Clerk

#### **COMMITTEE REPORT**

RESOURCES, RECREATION AND	
DEVELOPMENT	
HB1292	
relative to underground storage tank facility permits, compliance, and cleanup fund eligibility.	
January 21, 2010	
YES	
OUGHT TO PASS WITH AMENDMENT	

#### STATEMENT OF INTENT

This bill removes provisions necessitating periodic reissuance of underground storage tank facility permits and provisions which limit transfer of oil cleanup fund coverage. The bill is a request of the department of environmental services and the oil fund disbursement board. Permitted facilities are inspected routinely. The permit renewal application does not contain information that would alter the inspection process. Eliminating this unnecessary paperwork will free up staff for more field work, such as inspections. In addition to protecting groundwater, the oil cleanup funds allow sites to be redeveloped. Presently, only the original landowner could apply for reimbursement from the funds. This bill will allow a new owner the same benefits, and will not increase expenses to the funds. It will allow sale and redevelopment of sites where the present owner or a prospective buyer would otherwise be unable to develop a site because he is unable to provide evidence of insurance. The amendment clarifies some of the language in the bill.

Vote 16-0.

Rep. Chris Christensen FOR THE COMMITTEE

Original: House Clerk

#### CONSENT CALENDAR

#### RESOURCES. RECREATION AND DEVELOPMENT

HB1292, relative to underground storage tank facility permits, compliance, and cleanup fund eligibility. OUGHT TO PASS WITH AMENDMENT.

Rep. Chris Christensen for RESOURCES, RECREATION AND DEVELOPMENT. This bill removes provisions necessitating periodic reissuance of underground storage tank facility permits and provisions which limit transfer of oil cleanup fund coverage. The bill is a request of the department of environmental services and the oil fund disbursement board. Permitted facilities are inspected routinely. The permit renewal application does not contain information that would alter the inspection process. Eliminating this unnecessary paperwork will free up staff for more field work, such as inspections. In addition to protecting groundwater, the oil cleanup funds allow sites to be redeveloped. Presently, only the original landowner could apply for reimbursement from the funds. This bill will allow a new owner the same benefits, and will not increase expenses to the funds. It will allow sale and redevelopment of sites where the present owner or a prospective buyer would otherwise be unable to develop a site because he is unable to provide evidence of insurance. The amendment clarifies some of the language in the bill. Vote 16-0.

Original: House Clerk

HB 1292

OTP

This bill removes provisions necessitating periodic reissuance of underground storage tank facility permits and provisions which limit transfer of oil cleanup fund coverage. The bill is a request of the department of environmental services and the oil fund disbursement board. Permitted facilities are inspected routinely. The permit renewal application does not contain information that would alter the inspection process. Eliminating this unnecessary paperwork will free up staff for more field work, such as inspections. In addition to protecting groundwater, the oil cleanup funds allow sites to be redeveloped. Presently, only the original landowner could apply for reimbursement from the funds. This bill will allow a new owner the same benefits, and will not increase expenses to the funds. It will allow sale and redevelopment of sites where the present owner or a prospective buyer would otherwise be unable to develop a site because he is unable to provide evidence of insurance. The amendment clarifies some of the language in the bill.

Chris Christensen



HB1292 relative to underground storage tank facility permits, compliance, and cleanup fund eligibility. OUGHT TO PASS WITH AMENDMENT.

Rep. Chris Christensen for Resources, Recreation and Development.

This bill removes provisions necessitating periodic re-issuance of underground storage tank facility permits and removes provisions which limit transfer of oil cleanup fund coverage. This bill is a request of the department of environmental services and the oil fund disbursement board. Permitted facilities are inspected routinely. The permit renewal application does not contain information that would alter the inspection process. Eliminating this unnecessary paperwork will free up staff for more field work, such as inspections. In addition to protecting groundwater, the oil cleanup funds allow sites to be redeveloped. Presently, only the landowner can apply for reimbursement from the funds. This bill will allow new owner the same benefits, and will

not increase expenses to the funds. It will allow sale and redevelopment of sites where the present owner may be unable to develop and a prospective buyer cannot develop because he is unable to provide evidence of insurance. The amendment clarifies some of the language in the bill.

#### CONSENT CALENDAR

March 24, 2010

#### **HOUSE OF REPRESENTATIVES**

## REPORT OF COMMITTEE

The Committee on <u>WAYS AND MEANS</u> to which was referred HB1292,

AN ACT relative to underground storage tank facility permits, compliance, and cleanup fund eligibility. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Ron J Mack

FOR THE COMMITTEE

Original: House Clerk

#### **COMMITTEE REPORT**

Committee:	WAYS AND MEANS	
Bill Number:	HB1292	
Title:	relative to underground storage tank facility permits, compliance, and cleanup fund eligibility.	
Date:	March 16, 2010	
Consent Calendar:	YES	
Recommendation:	OUGHT TO PASS WITH AMENDMENT	

#### STATEMENT OF INTENT

This bill removes the requirement that the department of environmental services issue underground storage tank facilities permit renewals every five years, thus alleviating an administrative burden and allowing additional personnel time to be re-directed and applied to activities such as UST facility inspections and followup to ensure operational compliance. The amendment, from the sponsor, increases the deductible for cleanup of premise-use heating oil facilities from \$100 to \$500 except for owners who have demonstrated financial need.

Vote 19-1.

Rep. Ron J Mack FOR THE COMMITTEE

Original: House Clerk

#### CONSENT CALENDAR

#### WAYS AND MEANS

HB1292, relative to underground storage tank facility permits, compliance, and cleanup fund eligibility. OUGHT TO PASS WITH AMENDMENT.

Rep. Ron J Mack for WAYS AND MEANS. This bill removes the requirement that the department of environmental services issue underground storage tank facilities permit renewals every five years, thus alleviating an administrative burden and allowing additional personnel time to be re-directed and applied to activities such as UST facility inspections and followup to ensure operational compliance. The amendment, from the sponsor, increases the deductible for cleanup of premise-use heating oil facilities from \$100 to \$500 except for owners who have demonstrated financial need.

Vote 19-1.

Original: House Clerk

This bill removes the requirement that the department of environmental services issue underground storage tank facilities permit renewals every five years, thus alleviating an administrative burden and allowing additional personnel time to be re-directed and applied to activities such as UST facility inspections and followup to ensure operational compliance. The amendment, from the sponsor, increases the deductible for cleanup of premise-use heating oil facilities from \$100 to \$500 except for owners who have demonstrated financial need.

Rep. Ron Mack

#### HB 1292 - Majority Report

This bill removes the requirement that the department of environmental services issue underground storage tank facilities permit renewals every five years, thus alleviating an administrative burden and allowing additional personnel time to be re-directed and applied to activities such as UST facility inspections and followup to ensure operational compliance. The bill also increases the deductible for cleanup of premise-use heating oil facilities from \$100 to \$500 except for owners who have demonstrated financial need.

Rep. Ron Mack

SAA

# COMMITTEE REPORT

COMMITTEE:	Ways + Means
BILL NUMBER:	HB 1292
TITLE:	Relative to underground Stomage took facility  5 Compliance and Cleonup fund Eligibility  5 Compliance and Cleonup fund Eligibility
DATE:	3/16/10 CONSENT CALENDAR: YES NO
Ž	OUGHT TO PASS  OUGHT TO PASS W/ AMENDMENT  INEXPEDIENT TO LEGISLATE  INTERIM STUDY (Available only 2 <sup>nd</sup> year of biennium)
STATEMENT OF I	NTENT:
This bill ner	noves the requirement that the Department of
	Servicer casup underground storage touk facilitée uls evens Fire years, thus allevrating an
•	p bunden and allowing additional personnel
time to be	re-directed and applied to activities Such as
	in spections and follow up to exsure operation
Compliance.	
The bo	Il also meneses the deductible for Chean up or
Primise - us	se heating oil facilities from 100 to 500 except
for owner !	Who have demonstrated financial need
COMMITTEE VOI	TE: 1/2 S 19 NO 1
	RESPECTFULLY SUBMITTED,
Copy to Committee     Use Another Report	Bill File Report Rep.

For the Committee

Rev. 02/01/07 - Yellow

La addition, the bill removes the dates which Limit

trousfer of oil cleanup fund transfer Coverage.

This bill take fund comproves the Doth's

what management fruision's ability to apply

that assets to Constanting a darage in a

4 3

.

.

.

• • • • • • • •

•

.