

GUIDANCE ON INSPECTIONS OF AST SYSTEMS DURING THE HEATING SEASON

Date: 11/16/2017

This guidance is for fuel suppliers and tank inspectors, and addresses the performance of Aboveground Storage Tank (AST) system inspections during the winter months when heating is critical to the safety and comfort of Vermonters. This guidance should be referenced prior to conducting tank system inspections during the heating season (generally October – April) to avoid heating emergencies that may result from a tank system being “red-tagged.”

Avoiding a Heating Emergency

Fuel suppliers and tank inspectors should take the following measures to avoid heating emergency situations that may arise from inspection and red-tagging ASTs:

1. **Plan/prioritize tank system inspections conducted under § 9-306(b)(4) of the AST Rules to occur outside of the primary heating season). This applies to existing tanks of your existing customer base;**

Under the AST Rules (effective August 8, 2017) (the “Rules”), tank owners must have their existing tank inspected by 8/15/2020 (unless they switch to a new fuel company). Outside of the heating season, initial tank inspections should be evenly spread out until that deadline. Not only does this even out the future inspection work load, but it helps ensure that low-income Vermonters can access limited financial assistance monies that have annual expenditure caps. To the extent possible, inspections of existing tanks for current customers should be scheduled to occur outside the heating season to prevent creating heating emergencies.

Note: There are other triggers that may require a tank system inspection to be conducted during the heating season as outlined in § 9-306(b)(1) – (b)(3) and (b)(5) of the AST Rules, such as before delivering to a new customer and for installation of new tanks.¹

¹ Under § 9-306(b) of the Rules, inspections of ASTs must be performed at the following times:

- (1) immediately after a new tank installation,
- (2) immediately after initial delivery of fuel to a new tank system,
- (3) prior to the initial delivery of fuel to the tank system when the tank owner switches fuel carriers,
- (4) if not otherwise required by any of the above circumstances, the tank system shall be inspected once every three years (“planned inspections”); and
- (5) upon removal of a tank system.



- 2. If a tank system inspection is conducted and the tank system is red-tagged, the tank owner is advised to repair or replace the tank as soon as possible to address the violation(s). If repair or replacement is not possible, it is recommended that the tank owner install a temporary or auxiliary tank to provide heating fuel to the premises on a temporary basis until the repair or replacement can be performed.**

Tanks inspected that are found to be in violation of certain requirements² are required to be “red-tagged” immediately, and within 48 hours the results of the inspection reported to the Agency’s database and a copy of the inspection report and results provided to the AST owner.

Due to the risk of a release from a red-tagged tank, fuel suppliers are prohibited from fuel truck deliveries to tanks that have been red-tagged until the violation(s) is/are addressed.

- 3. If repair/replacement or a temporary or auxiliary tank installation is not possible, a non-leaking tank system may continue to receive small quantities of heating fuel on an emergency basis to provide heating fuel to the premises on a temporary basis, provided that such emergency deliveries take place in accordance with this guidance (see below).**

Protocol for Emergency Hand Filling for Providing Temporary Heat

Where a tank system repair or replacement cannot be performed, and where a temporary or auxiliary tank cannot be installed, an AST tank may receive hand-filling of small quantities of heating fuel on a temporary basis until corrective measures can be taken (including the availability of funds) to address any red-tagged items. This provision allows temporary heat for occupants and prevents frozen pipes while minimizing the risk of environmental harm until any identified red-tagged items can be corrected. Heating fuel may not be delivered by fuel delivery trucks or vehicles in these circumstances.

Hand-fill of small quantities of heating oil to red-tagged tanks may provide temporary heat (e.g., 48-hour supply) provided that:

- There is no visible evidence that a release has occurred or is imminent,
- Reasonable precautions and measures are employed to prevent a release during and after filling (e.g., magnetic patch over any weeps, container or drip pan installed to capture possible drips, shoring of unstable tank, etc.); and
- Visible monitoring of the system occurs upon each hand-fill delivery.

If the tank system shows evidence of an actual release of heating fuel, a temporary tank or auxiliary tank should be installed immediately. Releases of hazardous materials, including from spills or tank overflows, are required to be reported to the Agency of Natural Resources in accordance with AST Rule § 9-103.

Resources for Low Income Customers

The following resources may help with the cost of fixing or replacing a red-tagged tank.

² These violations are listed in § 9-306(c)(1) through § 9-306(c)(5) of the AST Rules, which address standards for tank stability, below-grade piping, operating vent alarm or whistle, tank vents and fill pipe sizes, and condition of the tank and tank legs, respectively. Violations of these standards are indicative of tanks at high risk of having a release.

- Vermont Petroleum Cleanup Fund - financial assistance to help residential tank owners remove, replace and upgrade aboveground fuel storage tanks. Go to <http://dec.vermont.gov/waste-management/storage-tanks/tank-removal-financial-assistance> or call (802) 828-1138 for more information.
- Emergency Furnace Repair and Replacement Program - help to finance the repair or replacement of a red-tagged tank. Contact your local Community Action Agency for more information: <http://dcf.vermont.gov/partners/caps>.
- U.S. Department of Agriculture - a Rural Economic Development loan and grant program for low-income households. www.rd.usda.gov
- VGreen Energy Improvement Loan -a low-income loan for tank replacements. Go to www.vsecu.org or call 1-800-371-5162 for more information.