

Department of Environmental Conservation
Waste Management and Prevention Division
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(802) 828-1138

AGENCY OF NATURAL RESOURCES

June 5, 2020

Matt Cota

VT Fuel Dealers Association

963 Paine Turnpike N

Berlin, VT 05602

RE: AST Inspections Enforcement Discretion

Dear Matt,

The following is intended to help clarify what documentation would be evaluated in order for the Department to exercise enforcement discretion regarding aboveground storage tanks (ASTs) that are not inspected by the August 15, 2020 deadline required in the AST Rules:

- A. By 8/15/20, suppliers with customers whose tanks have not been inspected yet must submit via email (marc.roy@vermont.gov) the following information:
1. The reason(s) inspections have not been done;
 2. The approximate number of overdue inspections; and
 3. A plan for conducting inspections going forward that will get all inspections done by 11/1/20.
- B. For overdue inspections not conducted due to the lack of trained inspectors, the supplier should develop and maintain (not submit) the following documentation:
1. For situations where inspectors were employed by the supplier during the Covid period, documentation for why inspectors were unavailable due to Covid (either ill, quarantined, or declining to inspect due to risk), and time period for when the inspectors were unavailable.
 2. For situations where a supplier was unable to recruit an inspector, documentation of hiring efforts.



- C. For overdue inspections of INSIDE ASTs not conducted due to refusal by customer, the supplier should produce and maintain (not submit) the following documentation:
1. Dated communication record informing the customer of the inspection requirement, including options for remote inspection
 2. Dated communication record from the customer refusing the inspection
 3. Inspection checklist showing the presence of a working vent alarm and properly sized fill/vent pipes.
- D. In order to ensure noncompliance does not present a significant threat to human health or the environment, the following steps are taken for any scheduled deliveries to uninspected tanks between 8/15/2020 and 11/1/2020:
1. All OUTDOOR ASTs lacking an inspection must receive their initial inspection prior to any fuel delivery; and
 2. All INDOOR ASTs must have a working vent alarm and properly sized fill and vent pipe before making a delivery.

If you have any questions regarding this letter, please contact me at 802-522-0275 or via email marc.roy@vermont.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Marc Roy', is positioned above the typed name.

Marc Roy, UST Program Manager
Waste Management and Prevention Division