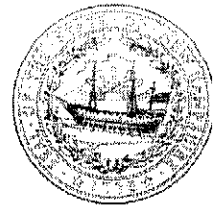




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 3, 2009

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

SUBJECT: HB 443, Relative to Underground Storage Facility Operator Training

Dear Chairman Spang:

Thank you for the opportunity to testify on House Bill 443, which establishes requirements for the training and certification of underground storage tank (UST) facility operators. The bill is supported by both the Department of Environmental Services (DES) and the Oil Fund Disbursement Board (Board), which oversees the Oil Discharge and Disposal Cleanup Fund (Fund) established under RSA 146-D. The Fund was established to provide insurance to owners of underground storage tanks against the release of petroleum products to the soil, groundwater and surface water of the State. Adequately trained operators will reduce the risk of new releases and minimize the impact to the environment if a release should occur, thereby reducing the costs to the Fund. The Board is composed of members representing the N.H. Legislature (two Representatives and two Senators), petroleum distributors, facility owners, state agencies and the general public.

The legislation amends RSA 146-C to establish requirements for training and certification of UST facility operators, written operator response guidelines, and monthly visual inspections at UST facilities. Operator training is required under the federal UST Compliance Act of 2005 to prevent releases of oil and hazardous substances. New Hampshire receives approximately \$1.1 million dollars in federal grants each year for UST program expenses, and is required to establish operator training requirements by August 1, 2009 to continue receiving grants. Maintaining operational compliance is an existing requirement under RSA 146-C for all UST facility operators and owners. Written operator response guidelines and monthly visual inspections will improve compliance monitoring.

DES and the Board worked with the facility owner/operators, petroleum distributors, UST maintenance firms, the New England Interstate Water Pollution Control Commission (NEIWPPC) and the US Environmental Protection Agency (US EPA) to develop this legislation. The US EPA legal section has reviewed the language in the bill and has determined that the language meets the requirement of the federal UST Compliance Act. In an effort to provide consistency among New England states, NEIWPPC is using the New Hampshire draft as model legislation.

The bill provides flexibility by authorizing DES to certify training programs, giving UST operators multiple training options, ranging from the existing national training program provided by the International Code Council to in-house training programs developed by oil companies. In addition, DES has received a supplemental federal grant to provide classroom and on-line training at no cost to operators. A preliminary survey conducted by DES revealed that the cost charged by private training companies will range from \$150 to \$300 per participant.

DES Web Site: www.des.nh.gov

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In summary, passage of HB 443 is critical to maintaining the federal funding necessary to run the DES UST compliance and remediation programs. We encourage you to support this important bill. If you have any questions regarding this letter of testimony, please do not hesitate to call George Lombardo, P.E. of the Waste Management Division, at 271-3645 or Mike Wimsatt at 271-2905.

Sincerely,



Thomas S. Burack, Commissioner
Department of Environmental Services

Rep. D. L. Chris Christensen, Chairman
Oil Fund Disbursement Board

cc: Members of the House Resources, Recreation and Development Committee
Oil Fund Disbursement Board
Sen. Robert J. Letourneau
Rep. Richard Hinch
Rep. Frank Tupper