

Good morning, Chairperson Porter and Energy and Natural Resources committee members.

My name is Tiffanie Fetting. I am the Operations Manager for a bulk fuel dealer in central North Dakota.

I am writing today not in full opposition to HB 1058, but rather I have some concerns that I believe could be resolved with a few wording changes.

In SECTION 1, Definitions, 1. a. - I propose that the wording be changed to

- a. A tank used for storing motor fuel oil for **nonretail** purposes.

It is my understanding that this bill was brought forth partially to require gas stations and retail outlets that currently operate with above ground tanks under the authority of the DEQ with the same AST regulations as underground tanks.

My concern is the unintended consequences that may result due to the current language in the bill.

A lot of small businesses in ND have motor fuel tanks for on-road product, one for off-road product and possibly one for gasoline. These businesses may use the tanks to fuel their fleets, their forklifts, payloaders, service tanks, etc.

The language change above simply excludes commercial businesses that have fuel on hand for their own usage. While these customers may already be required and would continue to be required to register their tanks due to their aggregate capacity, their risk for their tanks causing an event claimable under the tank program is very small if it exists at all.

I do believe the bill, if modified, would provide for a more uniform standard for regulation of underground and above ground retail storage tanks. The bill in it's current form however, has the potential to add undo hardship on businesses that keep small amounts of fuel on hand due to the "Aboveground storage tank regulations" starting on line 30. Allowing the DEQ to adopt one size fits all rules that affect a 2,000 gallon fuel tank versus a 15,000 gallon fuel tank is not appropriate.

In addition, the "Inspections - Right of entry" and "Enforcement penalties" appear to be a slippery slope and adding unnecessary government and regulation, restricting businesses

with portable tanks and small amounts of motor fuel from doing what makes sense for efficiency in their business.

I urge you to review the language in the bill and make the simple change above to ensure businesses that have fuel on hand for nonretail scenarios are not burdened by legislation and another program they will be regulated by but may never be positively helped by as the tank program was intended.

Thank you for your time and consideration.