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### MISSION STATEMENT

The Oil Heat Council's Mission is to represent and be a resource to our members by monitoring and communicating pertinent information, regulatory actions and legislation at Federal, State and Municipal levels. To continue to identify and implement new programs, services and training that benefit the membership and the association. To communicate via public appearances and the media, informed responses to various oil industry situations and challenges affecting the consumer public. To keep the public informed regarding energy conservation, safety and environmental protection and the benefits of heating with oil; and to diligently uphold our commitment to the citizens of New Hampshire, practicing business of the highest standard, both professionally and ethically.

## What's Going On?

After six months as Chair of the Oil Heat Council of New Hampshire I have learned a lot more about our business than I had in my thirty years previous. Most of it is good. It has been a genuine pleasure to meet, and work with, so many people who truly care about the oil heat industry and show a genuine concern for their customers.

I realize that with a new Executive Director (Bob Sculley), a new office location (Concord), a new administrative staff, and a new Chair (myself); there have been a number of changes in the ol' OHCNH. Again, most of it good. Change is good, but change also brings on stress, and opportunity. I thought I would take this time to bring you all up to date on what I see happening in the Oil Heat Council of New Hampshire:

- As I mentioned, we do have a new Executive Director in Bob Sculley. Bob has considerable experience in running associations, like ours, and he has strong lobbying experience at the State House. He has been a joy to work with, and I look forward to our organization's continued success in the future as he learns more about our particular business. Simply his presence in Concord every day, helps our organization.
- Speaking of presence in Concord, we now have a genuine office, right off the highway, in Concord. We can hold meetings and training seminars right there any day. If you haven't been to our new office, you should visit.
- Laura Everhart is our executive assistant, and she is awesome. The increased communication you see, the dinners, the golf tournaments, and everything else, are the result of Laura's hard work.
- In addition to Laura, we have Paula McLaughlin as our financial secre-

tary, as well as other members of Bob Sculley's staff, available to help us every day. Geoff Doughty, for example, can do safety programs for us on a regular basis.



- NEFI. The Oil Heat Council of NH is a member of the New England Fuel Institute (NEFI), and as such, you are all also members of NEFI. There are a number of changes occurring at NEFI. We are carefully monitoring the strategic planning of that organization. Bob Sculley and I have attended several NEFI meetings in our first few months. We are currently in serious discussions on their dues structure.

- NORA. Although the National Oil heat Research Alliance (NORA) has been temporarily suspended, the National Association for Oil Heat Research and Education (NAORE) is working hard to get this national check-off program reauthorized. Please consider pledging to our voluntary lobbying support effort this year.

- We are reaching out to our sister states in Maine and Vermont, to discuss mutual concerns and opportunities, such as service tech training and the pre-buy issue. Bob Sculley and I are scheduled to meet with our counterparts in Maine this month to discuss our common opportunities, and we will be in Vermont in September.

- "The pre buy issue". There is no question this year got off to a difficult start because of the pre-buy legislation issue. Our members had worked for years with the New Hampshire Attorney General's office to present a plan that would protect the consumer, and work for the oil dealers. The issue became very awkward, at best. Fortunately, we were not burdened with any untenable legislation this year, but we

*(Continued on page 4)*

## Legislative Victory for OHCNH - SB157 Becomes Law

By: Robert J. Sculley, Executive Director

Last fall, the Oil Heat Council of New Hampshire (OHCNH) began efforts to repeal the increased fees, and return the inspection and calibration of meters and scales to the private sector. These efforts were rewarded last Thursday, June 16, 2011, when Senate Bill 157 (SB157) became law without the Governor's signature (Chapter Law 0202).

This was quite a lengthy and time consuming effort. As you all may know, during the last legislative budget cycle in 2008, four inspector positions were added in the House budget for the NH Department of Agriculture (DOA), Division of Weights & Measurers. A policy committee hearing on this issue was not held. The public was not given an opportunity to testify objections in front of a policy committee. After the budget passed in 2008, the NH DOA significantly increased licensing fees and created new inspection fees that all public scale and meter owners had to pay. This was done through the rules making process. This process involves holding a hearing at the DOA (not the legislature), and may move forward without public comments. As a result, many fees more than doubled. Efforts to stop the fee increases, at that time, were unsuccessful. The increases in fees were supposed to cover the costs associated with the hiring of four new inspectors. Unfortunately, the fees collected from the new increases were well over \$500,000 in excess of budget projections. This revenue went to the General Fund and was not dedicated to the Weights and Measurers Program for the inspection of public scales and meters, as intended.

Last October, State Senator Sharon Carson agreed to be the prime sponsor of Senate Bill 157. Fellow Senators Jeb Bradley and Jack Barnes, along with Representative Betsy Patten, co-sponsored SB157. Senator Carson did an excellent job of championing the cause for the OHCNH members, the private scale companies in NH, and any other industry that uses public scales in its course of business. She worked tirelessly to right what she believed was a wrong, and to help the small business community in the state of New Hampshire.

SB157 had two hearings in the State Senate. One hearing was in the Executive Departments & Administration Committee, and the other in the Finance Committee. The House also had two hearings; they were in the Executive Departments & Administration Committee and the Ways & Means Committee. There was an overwhelming amount of support for SB157. Many of our members, including Alan Davis of H.R. Clough, George Winslow of City Fuel, Dana Jones of White Mountain Oil, Kim Wieland of Dead River, other supporters, and myself, gave personal experiences regarding how the program adversely affected their companies since the state involvement with the inspections of scales and meters.

Many employees of the NH DOA stated that consumers were being "cheated" by companies that were shorting them on a gallon of fuel. You may have read newspaper articles about these

claims. The fact is that the NH DOA employees had no documentation to support any of the accusations they were making. I believe this played a key role in gaining support for SB157.

Therefore, effective July 1, 2011: the fees associated with the four new inspectors will go away; the licensing fees associated with the scales and meters will be reduced to the 2008 level; the inspection of the scales and meters will be returned to the private sector; and any potential increases in the future will be decided by the Legislature and not the Department.

It is also important to note that SB157 had the strong support of both the Senate and House leadership as it moved through the legislative process.

If you have the time, please take the opportunity to thank Senator Sharon Carson. Her email address is [bladensfield@hotmail.com](mailto:bladensfield@hotmail.com) or you can send her a note at: 19 Tokanel Drive, Londonderry NH, 03053.

An advertisement for Dennis K. Burke Inc. The top half features a white tanker truck with "DENNIS K. BURKE" written on the side. The truck is parked on a road with trees in the background. Below the truck is a logo for "FLEETLINE DENNIS K. BURKE INC." and the text "THE EMISSIONS EXPERTS". At the bottom, it says "PREMIUM DIESEL FUEL, HEATING OIL AND GASOLINE FEATURING BIOFUELS" and provides the website "www.burkeoil.com" and phone number "1-800-289-2875".

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# OHCNH Member News

## Member Spotlight - Ed Burke of Dennis K. Burke Featured in June 2011 Issue of *Biodiesel Magazine*

### Creating New Opportunities Off-road

For local fuel dealers, there is a lot of talk about state biodiesel initiatives and providing new opportunities in Bioheat and other off-road biodiesel applications. To this we say: "Get in now and don't wait for the mandate."

Dennis K. Burke Inc. is a family-owned fuel dealer that has been delivering premium fuels for more than 50 years. The Burke family shares a unique marketing experience on the road to bringing biofuels into the mainstream oil market. Servicing state and local biodiesel contracts for Massachusetts and New Hampshire, Burke gained years of biofuels experience in off-road applications and delivering Bioheat to many schools, government buildings and commercial properties.

Burke began its journey with biodiesel began back in 1996, primarily offering B20 blends to fleets complying with EPA. Biodiesel looked promising, but quality issues were concerning. As quality improved and tax incentives for biodiesel became available, demand increased. By 2002, Burke was well-positioned as a biodiesel blender for major fleet operators and had the only retail fuel pumps dispensing biodiesel within 100 miles of Boston.

Looking back, who could have imagined all of the off-road applications for biodiesel that we have today? A few worth noting include the trailblazers at Massachusetts' Taunton State Hospital, which initially began using a B3 Bioheat blend on the hospital's 500-horsepower Cleaver-Brooks boilers in November 2006. After three or four weeks, the blend was increased to B5, and by January 2007, it increased to B10. The engineers photographed and documented the boiler's improved condition and better performance. In 2008, the blend went to B20—and has been running smoothly since.

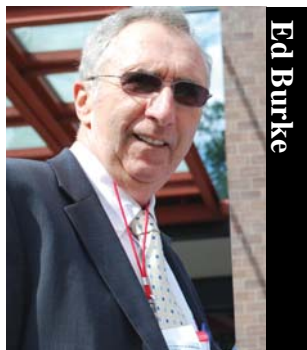
Dennis K. Burke does not service residential heating accounts. As fuel wholesalers, the opportunity to blend Bioheat for our fuel dealer customers has worked well and provides a more natural fit to our business. Snow's Fuel Oil & Propane is one of Massachusetts' largest fuel dealers on Cape Cod. The company introduced B5 Bioheat as a home heating oil alternative in 2007. More than 350 current accounts switched to Bioheat, and it quickly added 60 new accounts. A few years ago, Massachusetts-based Alvin Hollis Oilheat introduced Bioheat as a home heating oil alternative and now services more than 1,000 Bioheat accounts. Construction firms are using biodiesel to green their fleets and equipment to meet environmental guidelines necessary to bid on many government and private contracts.

From buses and trolleys to tour boats and water taxis, tourism dollars are creating a biodiesel boom in the Northeast. More and more off-road applications are seeing economic rewards in reduc-

ing emissions with biodiesel. You can spend a day on Boston's historic Freedom Trail and learn that many of the historic sites and public buildings are kept warm with Bioheat.

Newburyport Whale Watch in Newburyport, Mass., is a great tale. In 2006, it started adding home-brewed biodiesel made from restaurant grease when fueling at the marina. A few years back it realized that biodiesel was fun, but the blending wasn't. It now fuels by truck with a B10 blend.

You can take a B10-powered water-taxi to the shops across the harbor at Mid-Harbor Launch in Marblehead, Mass. The company converted all of its launch service and mooring equipment to B10 in 2008 and is very happy with biodiesel's performance.



Ed Burke

Recreational boaters in Rhode Island can pull up to the fuel dock at Port Edgewood Marina and fill up with a B20 biodiesel blend. Marinas are going green to keep their waters clean with B5 to B20 blends, and boaters are getting hooked on the benefits.

In northern New England, it's all about the snow. Many ski slopes and resorts are concerned with the effects of climate change on their industry. Choosing biodiesel is one way for operators to emphasize their efforts in reducing greenhouse gases.

At Toreka Tractor Sales in Ayer, Mass., every new tractor leaves the showroom with a fill of B5 in the winter and B20 during warmer months. Using biofuels on the farm is becoming more common in our area—the more Earth-friendly, the better. Buying local plays a big role in green culture, so there are marketing rewards for local farms using biodiesel and Bioheat.

Working with biodiesel for 15 years, we've learned this: Start with a better quality biodiesel feedstock, blend it with a premium quality diesel or heating oil, and you will sleep better at night. In the end, biodiesel and Bioheat have a role in energy policy and the mandates will eventually come. As for these biodiesel pioneers mentioned, like me, they enjoyed the journey.

Author: Ed Burke  
Chairman, Dennis K. Burke Inc.  
(617) 884-7800 • ed.burke@burkeoil.com



### We Would Love to Hear From You!

Send us an interesting story about your company so we can feature it in an upcoming issue.

Simply email your information to

Laura at: [laura@nhoilheat.com](mailto:laura@nhoilheat.com), or mail to:  
**PO Box 3898, Concord, NH 03302-3898**



(Continued from page 1)

need to prepare ourselves in the future to face the issue again, I am sure.

- **By-laws Review.** We cannot build a new house without a good foundation. There are certainly no overwhelming problems with the structure of the OHCNH, but for two years now, we have discussed "reviewing our By-laws". We now have an active committee doing just that. The conclusion may be that we do not need to change anything; we may simply need to read and understand what we already have in writing. However, I have tasked a committee to come up with some recommendations by September's Annual meeting in Bretton Woods.

- **Active Committees.** Speaking of committees, I strongly believe in active committees which do the work of an organization. The afore-mentioned By-law Review Committee is an example of this process. The OHCNH currently has a Membership, Training, Legislative, Convention, and Financial committee, and it is great to have these members working on projects to help the organization. I have no intention of overseeing all these processes. Good people are doing good works for the OHCNH.

The good news, for now, is that you won't have to read any of my stories until September. We will be taking a "summer break" from our newsletter, but I do look forward to seeing you all at Bretton Woods on September 13th, through the 15th.

With gratitude,

*Dana Jones*  
 Dana Jones  
 Chairman



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## Reminder: Underground Storage Tank Operator Training Required



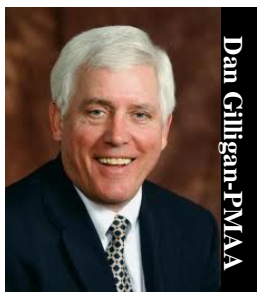
The Federal Energy Policy Act requires states to develop training guidelines for three distinct classes of operators who operate and maintain federally regulated underground storage tank systems. Effective August 8, 2012, RSA 146-C:17-21 requires that all regulated facilities in New Hampshire have designated class A, B and C operators who have been trained and certified in accordance with an approved training program. DES is currently offering an approved training class for class A and B operators in New Hampshire.

- |                                      |                                  |
|--------------------------------------|----------------------------------|
| July 28, 2011                        | January 18, 2012                 |
| August 24, 2011                      | February 22, 2012                |
| September 21, 2011, Heating Oil Only | March 28, 2012, Heating Oil Only |
| October 19, 2011                     | April 25, 2012                   |
| November 16, 2011                    |                                  |

**Underground Storage Tank Operator Training Schedule**  
 Classes are conducted at the Department of Environmental Services  
 29 Hazen Dr. in Concord, NH, unless otherwise noted,  
 from 8:30 AM to 4:00 PM on the following dates:

For more information on the Operator Training Program or to sign up for future Operator Training classes, please contact Matt Jones, Underground Storage Facility Operator Training Program Coordinator, at Matthew.Jones@des.nh.gov or by calling (603) 271-0673.

## CFTC Advances Important Commodity Trading Rules



Dan Gilligan-PMAA

The U.S. Commodity Futures Trading Commission (CFTC) approved five less controversial but non-the-less important trading rules required under last year's new Wall Street Reform law, including final rules prohibiting market manipulation and requiring the reporting of data by large traders. The votes for all five rules were unanimous, having had the support of all four Commissioners and Chairman

Gary Gensler, as well as the CFTC staff.

The final rule on the "Prohibition on the Employment, or Attempted Employment, of Manipulative and Deceptive Devices, and Prohibition on Price Manipulation" stems from a new section of the law that was heavily advocated by NEFI, PMAA and their coalition allies during the drafting of the Wall Street Reform Act last year. The Commissioners also approved a final rule on "Large Trader Reporting for Physical Commodity Swaps" which will require reporting and record keeping for the largest traders in listed commodities and will form the centerpiece for future market surveillance and monitoring and the eventual imposition of speculative position limits. The CFTC also finalized rules to protect consumer privacy and to create a standard definition for agricultural commodities.

In a related development this week, the New England Fuel Institute (NEFI) and the Petroleum Marketers Association of America (PMAA) commented on two more very important - and also very controversial - CFTC proposed rules concerning the imposition of new margin and capital requirements in the uncleared or over-



Michael Trunzo-NEFI

the-counter (OTC) swaps markets. Both of these new rules were required under the new Wall Street Reform law.

In their comments, NEFI and PMAA expressed complete support for the margin rule, citing its exemption of swaps involving "bona-fide hedgers," such as heating oil dealers and petroleum marketers. They also said that the CFTC "should require

the imposition of adequate margin requirements on financial entities (in addition to other means such as the imposition of meaningful speculative position limits) for the purposes of limiting extreme volatility and excessive speculation."

For the capital requirements rule, the letter expresses concern that unlike the margin rule, it does not exempt swaps dealers and other covered entities doing business with bona-fide hedgers. They joined other trade associations and business groups in expressing concern that it could result in new costs as a result of increased cash flow requirements if the covered entities pass it on to hedgers. NEFI and PMAA urged "modifications as necessary to prevent or prohibit covered entities from passing on to bona fide hedgers the burdens of capital requirements while also preventing systemically significant or purely financial entities from evading this important rule."

Submitted by: Dan Gilligan, President, PMAA  
Michael C. Trunzo, President & CEO, NEFI

From the July 14, 2011 NEON: NEFI Energy Online News.

## Bill to Convert Buildings From Heating Oil to Wood Reintroduced

Senators Jeff Merkley (D-OR), Michael Bennet (D-CO), Tom Carper (D-DE) and Mark Udall (D-NM) have re-introduced legislation from the last Congress entitled the "Oil Independence for a Stronger America Act" (S.1294). According to Senator Merkley's press release, the bill is aimed at "achieving energy independence from overseas oil in the next 20 years and provides specific plans for achieving it." The bill creates a national council for energy security, seeks to increase the number of electric vehicles in use, encourages transportation alternatives and infrastructure, requires new efficiency standards for on-road and off-road vehicles and equipment and seeks to reduce residential fossil fuel consumption.

It is the latest measure that unfairly targets small home heating providers such as NEFI members. Rather than working with small home heating companies to solve America's energy needs and reduce dependence on foreign oil (as the new NORA legislation does), the bill works against them. The bill would also create national programs to reduce residential heating oil and propane consumption and provide financial incentives to convert

commercial and multi-unit residential buildings from heating oil to wood or wood pellets. While NEFI opposes this legislation, its chances for passage are fairly slim given it lacks bipartisan support and presumably carries a hefty price tag.

Report by Jim Collura  
NEFI Vice President for Government Affairs

From the July 14, 2011 NEON: NEFI Energy Online News.

Follow link to read Senator Merkley's 06/29/2011 press release:  
<http://merkleysenate.gov/newsroom/press/release/?id=601d6234-d0c8-4769-be32-af6abbe16f00>

Follow link to read bill text for S.1294:  
<http://www.capwiz.com/nefi/webreturn/?url=http://thomas.loc.gov/cgi-bin/query/z?c112:S.1294>



Jim Collura - NEFI

## NEFI EXPO WELL ATTENDED & SUCCESSFUL

The New England Fuel Institute's (NEFI) 34th North American Heating and Energy Expo, held June 7 and 8 in Boston, was a resounding success, with a bustling show floor full of attendees and hundreds of exhibitors.



"The NEFI Energy Expo exemplifies what our association is about," said NEFI President and CEO Michael Trunzo. "At a time when the energy industry is facing daunting challenges it is important to be able to bring the retail Oilheat dealers together with the industry that supports them—major oil companies, wholesale suppliers and affiliated industry companies that make the equipment, products and administrative programs. It's all an effort to help the retail Oilheat company become more efficient, effective and profitable.



Former NEFI CEO Jack Sullivan gave the legacy address at the Grande Luncheon and talked about the need for friendly competition in the industry.

"Thousands of attendees had the opportunity to learn more about the latest products and services available to them from

more than 200 exhibitors, while also engaging in interactive business and technical sessions with leaders in the industry," Trunzo continued.

Featured technical speaker Richard Trethewey, the home heating expert from PBS' "This Old House," was one of many session hosts to lead a lively presentation before a packed room of participants. The Expo Summit business sessions were similarly well attended, with the keynote session led by Petroleum Marketers Association of America (PMAA) President Dan Gilligan on the industry's latest legislative efforts in Washington, D.C.

National Oilheat Research Alliance (NORA) President John Huber also spoke about the importance of the grassroots effort for NORA to regain Congressional reauthorization and Dr. Thomas Butcher of Brookhaven National Laboratory gave an overview of some of the most promising and efficient technology on the horizon.



The lead sponsor of the NORA Reauthorization bill in the House of Representatives, Congressman Charles Bass of New Hampshire, spoke at the NEFI Annual Meeting on Wednesday and asserted his confidence in the Oilheat industry's viability and strong future, as well as the need for NORA.

Rep. Charles Bass of New Hampshire spoke at the NEFI Annual Meeting about his support for the National Oilheat Research Alliance's (NORA) reauthorization.



The 2011 Energy Expo also brought back the NEFI Grande Convention Luncheon. On Wednesday, the prestigious Charles H. Burkhardt Award was presented to Jim Townsend of Townsend Oil & Propane in Danvers, Mass., for his years of service to a variety of industry associations.



Global Partners LP President Eric Slifka was the featured speaker at the NEFI Grande Luncheon.

Eric Slifka, the president of Global Partners LP, was the featured speaker at the luncheon. Slifka's presentation provided attendees his insights into the future petroleum and home heating business, as well as a series of charts depicting current trends in pricing for all petroleum products and how they compete with each other.

### THE JOHN B. HYNES VETERANS MEMORIAL CONVENTION CENTER, BOSTON, MASSACHUSETTS

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## IRS Delays Heavy Highway Vehicle Use Tax Filings

The IRS is delaying payment of the 2011-2012 Heavy Highway Vehicle Use Tax that NEFI members must pay each year on trucks with a gross vehicle weight of 55,000 pounds or more.

**The date for payment of the tax using IRS Form 2290 is being moved from August 30, 2011 to November 30, 2011.** The delay is necessary due to uncertainty over whether Congress will reauthorize the tax which is set to expire September 30, 2011.

The issue is important to NEFI members because proof of payment of the tax is required by state motor vehicle authorities before a heavy highway vehicle can be registered. The IRS will allow a receipted copy of last year's heavy highway vehicle use tax as proof of payment for the purposes of state vehicle registration. The IRS will post an updated Form 2290 before the November 30 filing date. NEFI will report on developments as they occur.

## 2011 OHCNH Annual Golf Outing

We would like to extend a sincere thank you to all the 2011 Golf Outing sponsors and participants. We had a total of 57 golfers, 18 sponsors, and 7 volunteers come enjoy the gorgeous day at Stone Bridge Country Club in Goffstown, NH.

The companies represented this year were:

ADD Systems	R.W Beckett
Angus Energy	R. Wenzel Oil Co.
City Fuel	Sprague
Dead River	The Tank Sure Program
Eagle Insurance Group	The Creative Co.
Ermer Oil Co.	The DeMarco Group at MSSB
GeoInsight, Inc.	TMC Services, Inc.
Hedge Solutions	Total Energy Solutions
Irving	Viking Propane Co.
J. Golter Plumbing & Heating	Webber Energy
M. Murphy & Sons	White Mountain Oil & Propane
Noblis Engineering	Wilcox & Barton Inc.
Proulx Oil & Propane	

Thank you to the sponsors for the event this year:

**Irving & City fuel**



**Global**



**Acadia & Wiczorek Insurance**



## The time is now!

Make reservations for the

### 46th Annual OHCNH Convention

**September 13-15, 2011**

**Mt. Washington Resort,  
Bretton Woods, NH**

*Registration Pack have been sent.*

*Check your e-mail, or you can call or e-mail*

*Laura at 603-415-8330 &*

*laura@nhoilheat.com for more information.*



*Prepare for another great event this year!*

#### As well as:

Webber Energy - ADD Systems - The DeMarco Group at MSSB - Wilcox & Barton, Inc. - Ermer Oil/Plamer Gas - Angus Energy/TAG/RenRe - The Creative Companies - Avatas - Dead River - GeoInsight - Total Energy Solutions - Eagle Insurance - Sprague - Hall Trask Equipment Co.

A big thank you to the following volunteers who generously donated their time to our Golf Outing:

Katie Larkin (Hedge Solutions)  
Melissa Tower (City Fuel)  
Tom Rich (The Creative Companies)  
Ryan McMahan (Acadia Insurance)  
Sandra Peters, Mark Burns,  
& Rob Wiczorek (Wiczorek Insurance)

And finally, thank you to the companies who generously donated items to the event this year:

NE Delta Dental - Hedge Solutions - Total Energy Solutions - Irving - Wiczorek Insurance - Sprague.

These OHCNH events are a great way to support our association, while mingling with your fellow members and vendors. We hope to see everyone at our next scheduled event; the annual convention at The Mount Washington Resort in Bretton Woods, NH. Many exciting speakers are lined up this year, and we are expecting a great turnout. See you there!



**Oil Heat Council**  
of NEW HAMPSHIRE

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WWW.NHOILHEAT.COM

**September 8, 2011**  
**Air Brakes Systems (9am-3pm)**  
OHCNH Office  
19 Henniker St., Concord, NH  
(Registration Forms Available Soon)

**September 13-15, 2011**  
**46th Annual OHCNH Convention**  
Mt. Washington Resort,  
Bretton Woods, NH  
(Registration Forms Have Been Sent)

**September 28, 2011**  
**HazMat Training (8:30am-4pm)**  
OHCNH Office  
19 Henniker St., Concord, NH  
(Registration Forms Available Soon)

**October 6, 2011**  
**Air Brakes Foundations (9am-3pm)**  
OHCNH Office  
19 Henniker St., Concord, NH  
(Registration Forms Available Soon)

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