

MAINE STATE LEGISLATURE

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ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 205, L.D. 281, "Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection"

Amend the resolve by striking out all of section 1 and inserting the following:

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 692: Siting of Oil Storage Facilities, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in section 2(U) to delete the definition for "same property";
2. The rule must be amended in section 3 to clarify that for the purpose of section 3(A)(2) and section 3(A)(3), the oil storage facility owner is required to notify the local public water utility or other community public water provider, if any, of the owner's expansion or conversion intentions prior to the installation of any tanks;
3. The rule must be amended in sections 3(A)(2), 3(A)(3), 4(A)(2) and 4(A)(3) to remove language authorizing the expansion of an underground or aboveground oil storage facility on parcels contiguous to the facility;
4. The rule must be amended in sections 3(A)(2) and 3(A)(3) to remove language clarifying that fill pipes for product delivery to tanks and the loading and unloading area of bulk plants or other distribution facilities where oil is transferred to tank trucks or railroad cars may not be located closer to private or public drinking water wells than their location prior to the expansion;
5. The rule must be amended in section 3(B) to provide that the Commissioner of Environmental Protection may require an applicant for a variance to provide additional information to be used in making the variance determination;

COMMITTEE AMENDMENT

