

MAINE STATE LEGISLATURE

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

SUMMARY REPORT
TO THE
ONE HUNDRED AND SIXTH LEGISLATURE

VOLUME TWO

JANUARY, 1973



STATE OF MAINE

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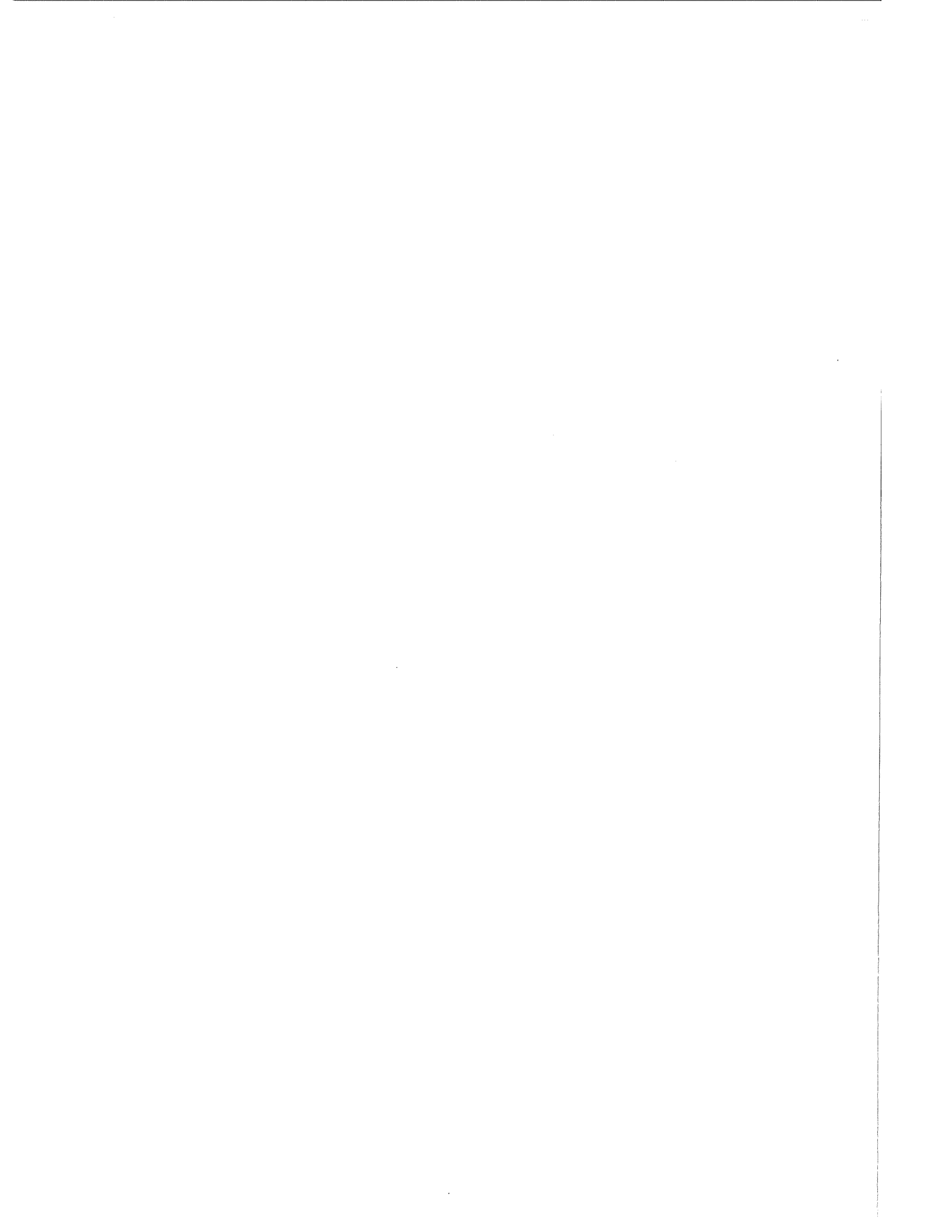
***Replaced Representative Gill

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE
STATE HOUSE
AUGUSTA, MAINE 04330

January 3, 1973

To the Members of the 106th Legislature:

The Legislative Research Committee hereby has the pleasure of submitting to you Volume II of its report on activities for the past two years.

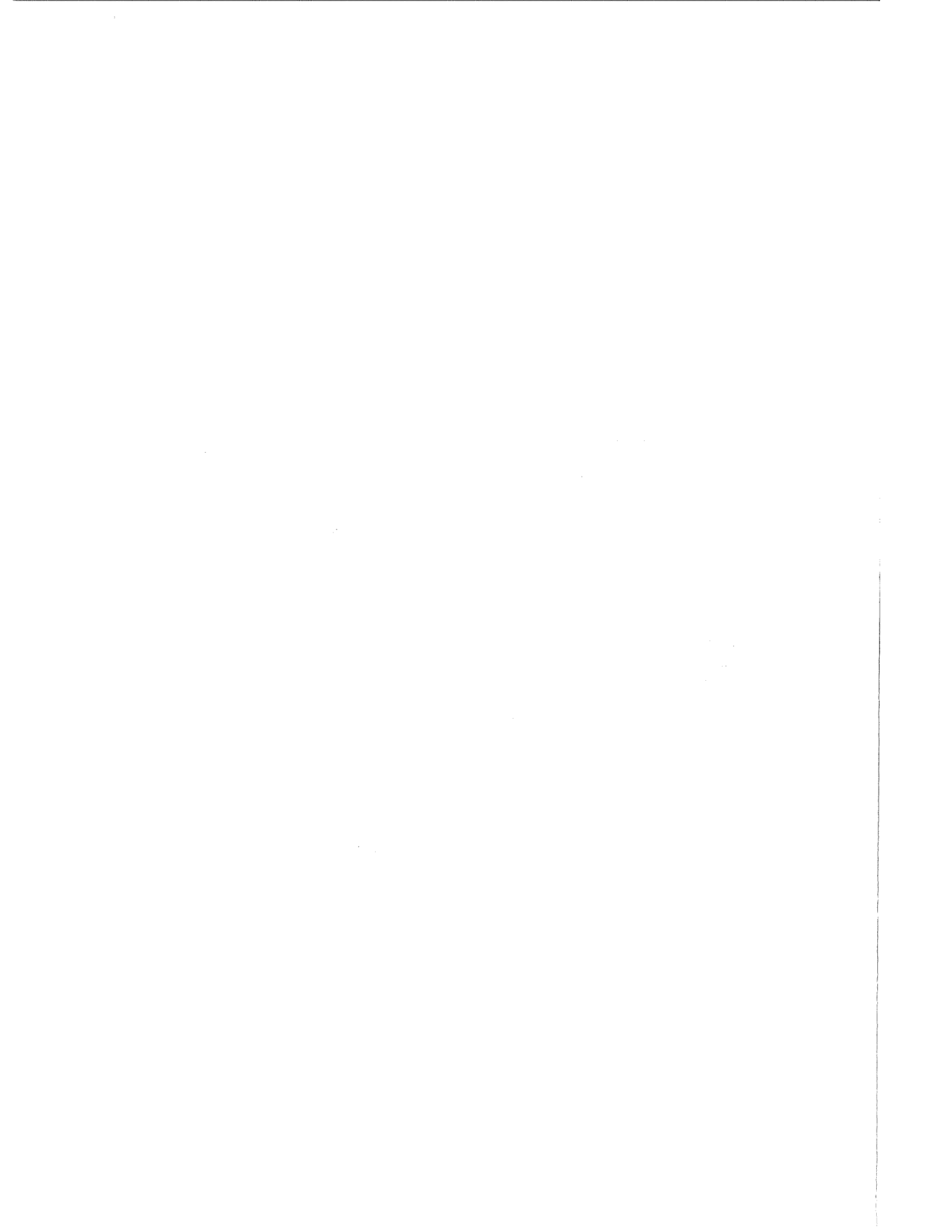
This volume, designated as the second summary volume, is a continuation of both, assigned and unassigned matters undertaken by the Committee and contains findings and recommendations pursuant thereto.

Again, we of the Committee, gratefully acknowledge our indebtedness to the many individuals, organizations and agencies for their valuable contributions to the work of the Committee and it is our hope that the information contained in this report will be of assistance to the members of the 106th Legislature and the people of the State of Maine.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'J. Sewall', written in dark ink.

JOSEPH SEWALL, Chairman
Legislative Research Committee



STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON
EASTPORT OIL DEVELOPMENT
to the
ONE HUNDRED AND SIXTH LEGISLATURE

JANUARY, 1973
Legislative Research Committee
Publication 106-22



SUBCOMMITTEE ON EASTPORT OIL DEVELOPMENT

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ORDERED, that the Environmental Improvement Commission be directed to provide such technical advice and other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Committee shall report the results of its study at the next special session, or if there be no special session, at the next regular session.

HP 1440	House of Representatives	In Senate Chamber
Kennedy	Read and Passed	Read and Passed
Milbridge	June 23, 1971	June 23, 1971
	Sent up for concurrence	In concurrence

EASTPORT OIL DEVELOPMENT

WHEREAS, the citizens of Maine have a vital interest in any development of facilities associated with the transportation, storage and refining of oil and oil products within the boundaries of the State; and

WHEREAS, it is the policy of the State to preserve and enhance its natural environment; and

WHEREAS, one of the major burdens placed upon industrial, governmental and residential consumers in all of the New England states is their dependency upon a sufficient supply of petroleum products at competitive prices; and

WHEREAS, it was estimated, during a recent petroleum shortage, that price increases would cost State Government and the University of Maine nearly a quarter of a million dollars and that the total cost of price increases to Maine people and industry would reach five million dollars; and

WHEREAS, the unemployment rate for the State of Maine stands at 8.4% and Washington County is an economically depressed area with the highest rate of unemployment in the State; and

WHEREAS, the Canadian Maritime Provinces, particularly New Brunswick, have developed fuel oil facilities which can handle tankers of greater size and capacity than those which can now be handled at Maine ports having petroleum unloading facilities; and

WHEREAS, the development and maintenance of comparable facilities in the Eastport area of Washington County suggests great economic advancement, and satisfaction of a critical need worthy of investigation; and

WHEREAS, it is desirable and in the best interest of the State that the Legislature make an independent study to determine under what conditions, if any, legal, ecological or otherwise, development of such facilities would be acceptable and in the best interest of the State; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to conduct an independent detailed survey of the feasibility of developing facilities associated with the transportation, storage and refining of petroleum and petroleum products within the vicinity of Eastport in Washington County and to determine what financial impact, if any, such a development would have upon the economy, home owners, industry and the government of this State and under what terms and conditions, if any, legal, ecological or otherwise, development of such facilities would be acceptable and in the best interest of the State of Maine; and be it further

EASTPORT OIL DEVELOPMENT

Under a joint order of the 105th Legislature, House Paper 1440, the Legislative Research Committee was directed to study the feasibility of development facilities associated with the transportation, storage and refining of petroleum and petroleum products within the vicinity of Eastport, Maine. The Committee was further directed to determine the financial impact, if any, such a development would have upon the economy, home owners, industry and the government of this State and under what terms and conditions if any, legal, ecological or otherwise, development of such facilities would be acceptable and in the best interests of the State of Maine.

Further provision was made in terms of the order for the Maine Environmental Improvement Commission to technically advise and assist the Committee in the inquiry and for the reporting of the results of the study at the 105th special legislative session.

Following is a topical outline developed for the Committee's analysis of Eastport as an Oil Port or location for an oil refinery:

The items outlined here were synthesized from Environmental Improvement Commission experience in this area and from other materials gathered from Commission staff. The listed topics are by no means exhaustive in the subject area and detail has been kept to a minimum.

I. Oil Conveyance Consideration

A. Navigation

1. Approach channels, ease of passage
2. Pilotage availability and difficulty
3. Weather conditions in the area, including fog.
4. Channel conditions including necessary dredging
5. Current and tide patterns
6. Availability of sites for electronic aids to navigation and current aids systems
7. Availability to tug boat assistance
8. Established traffic systems in the area
9. Potential vessel sizes to be considered
10. Impact on existing ship traffic, especially small boat traffic

B. Terminal Location

1. Availability of fire fighting systems in the area.
2. Availability of rail and highway transportation for product transfer
3. Location and impact of terminal facility on general navigation and land use patterns
4. Feasibility of alternate mooring and docking locations and systems

C. Oil Spill Prevention and Containment

1. Weather and water conditions as relate to the effect on oil spill management
2. Determination of impact area of potential oil spills
3. Geographical availability of spill containment and clean-up equipment

II. Water Pollution Considerations

A. Characteristics of Receiving Waters

1. Classification, desirability and feasibility of future upgrading
2. Present actual conditions
3. Dilution quantities available
4. Exchange rates
5. Current patterns
6. Present uses
7. Location of beaches, shell fishing areas, etc.

II. (Cont'd)

- B. Analysis of Rainfall and Quantities to Determine Potential Oily Water Runoff.
- C. Analysis of Potential Impact of Oil Spills on Fish Life and Other Marine Life in the Area.
- D. Determination of Existing or Planned Sewage Abatement Programs in the Eastport Area.

III. Air Pollution Consideration

A. Existing Conditions

- 1. Determination of existing air pollution levels by category
- 2. Assembly of meteorological data including estimates of atmospheric immersion and wind rose patterns
- 3. Analysis of topographical features that might trap pollutants or require stack height adjustment

B. Comparison of Typical Refinery Air Pollutant With the Current Data to Determine Possible Effects.

C. Effects of Pollutants

- 1. Analysis of air pollution impact on general land uses in the area
- 2. Analysis of air pollution impact on types of vegetative cover and wildlife found in the area

IV. General Considerations

A. Financial Impact on the Community

- 1. Jobs produced by the refinery
- 2. Jobs generated by refinery activity elsewhere
- 3. Potential attraction of satellite and supporting industry and commerce
- 4. Potential tax revenue increases or losses for state and community
- 5. Possible loss of jobs due to environmental impact
- 6. Impact on municipal services during construction and operation

B. General Aesthetic Considerations

- 1. Effects on scenic character of the area
- 2. Effects on pleasure boating
- 3. Impact of construction and operation on land in immediate vicinity of the proposed site

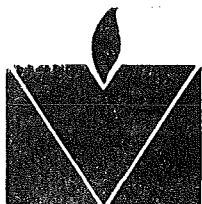
IV. (Cont'd)

- C. Availability of Adequate Process and Drinking Water
- D. Suitability of Soils Related to Potential Sites
 - 1. Suitability of surficial soils and sub-surface geology to support the bulk and weight of the facility
 - 2. Amount of excavation and or channel dredging necessary
 - 3. Adequacy of disposal sites for excavation and dredging spoils
 - 4. Necessity for, and source of, fill for construction
- E. Traffic Movement on and Around the Site Both During Construction and Operation
- F. International Impact
 - 1. Legal status with regard to use of Canadian waters by entering vessels
 - 2. Environmental Impact across the Canadian border of potential pollution results
- G. Provisions Available for Solid Waste Disposal

In the course of this study the Committee held two public hearings. The first hearing was held at Eastport, Maine, on September 27, 1971 and the second hearing was held at Augusta, Maine on October 7, 1971.

The first hearing, at Eastport, was heavily attended and produced much valuable testimony relative to the subject of the order.

At the second hearing, Mr. Herbert Warren, President of Metropolitan Petroleum Company, having an important announcement, was first to address the Committee. Full context of his announcement and following remarks are as follows:



METROPOLITAN PETROLEUM COMPANY • 380 MADISON AVENUE • NEW YORK, N.Y. 10017 • (212) 867-4141

October 7, 1971

Legislative Research Committee
Augusta, Maine

Gentlemen:

I am President of Metropolitan Petroleum Company, a Division of The Pittston Company. We are engaged in the distribution of fuel oil products throughout the Northeastern States and Canada and market approximately 50,000,000 barrels of fuel oil through some 45 oil terminals located in this marketing area. My appearance before this Legislative Research Committee is to inform you of our company's program for the construction of a refinery in Eastport, Maine. It is our intention to file for a permit for the construction of a refinery in Eastport once our own refinery plans are more particularly finalized. At that time, we will present for consideration a comprehensive plan which will embody all the details of the refinery as well as all the necessary conformance for environmental controls.

I would like to bring to the attention of the Committee that our presence in Eastport is not one of recent vintage. We purchased our first piece of waterfront property in Eastport in 1965 and not long thereafter entered into the purchase of certain property owned by the City of Eastport. Our choice of Eastport, therefore, was not an opportunistic one based on recent events leading to these Committee hearings. Our choice was the result of two years of intensive study of various locations on the East Coast by our engineers as to water depth, conditions of land, availability of necessary on-site facilities, such as power, water, proximity to marketplace, etc. We came to the conclusion that the Eastport area was the best potentially feasible location for a refinery. Property in other areas might have been more desirable from one point of view or another, but over-all in our judgment the Eastport area was the most feasible and it is for that reason that we first purchased property in 1965.

We are now engaged in the preparation of more definitive and finite refinery plans. We are presently thinking of a minimum of 150,000 bbls. a day refinery to produce low-sulphur residual and distillate fuel oils for consumption in the Northeast market. We will, of course, design this refinery to conform with all environmental requirements of the State of Maine, as well as any other governmental controls. These are being studied by our refinery engineers so that any design that we would present would further requirements of environmental control. Once these plans are finalized it is our intention to request a permit for the refinery in Eastport.

Legislative Research Committee
Augusta, Maine

October 7, 1971
Page Two



METROPOLITAN PETROLEUM COMPANY .

We are a financially responsible organization in the oil business. A refinery complex is a necessary corollary to our business operations. Our presence in Maine is the result of serious study of potential locations throughout the East Coast. I wish to emphasize that we are most serious in constructing refinery capacity in Maine and to request such permission before the appropriate board. I wish to assure the Committee that we are cognizant not only of the business needs of our own company, but also the environmental concern of the State of Maine, and the economic welfare of the New England area. If a permit is granted, we shall do everything to fulfill these requirements in a manner that will be acceptable. We recognize our responsibility not only to ourselves but to the community in which we function and we are hopeful that the City of Eastport will be permitted to entertain the application of a responsible company for refinery facilities.

Yours very truly,

METROPOLITAN PETROLEUM COMPANY

Herbert Warren
President

HW:lp

Indicating that there were a few areas he would like to discuss more thoroughly, Mr. Warren went on to remark:

"First, I would like to let you know about our company and our financial responsibility. We are the Oil Division of the Pittston Company. The Pittston Company is traded on the New York Stock Exchange. It is fundamentally a three-fold company, if you want to call it that. We are engaged in energy, transportation, warehousing. We started originally as a coal company and we still are in the coal business. Our mines are in West Virginia, Virginia, Kentucky, and we probably have the largest reserve on metallurgical coal in the world. In addition, we are in the transportation business and one of our companies is Brink's, a well-known company which is always being robbed. And then, we have the Oil Division. Now, the company last year did (I'm talking about the past) something over 5 hundred million dollars worth of business. Our asset is something over 4 hundred million. I mention these facts so that you will recognize and appreciate the fact that we are a financially responsible company. The Oil Division, in which I am President, is a fuel oil marketry. We market diesel fuels and residual fuels to both, homeowners and industrial concerns, and so on, and we market fundamentally in the Northeast. We operate terminals which consist of deep water terminals. (That's tankers in New York, New Jersey, Albany, Boston, Massena, Montrea We have barge terminals throughout this entire area also, as well as inland terminals and we sell to the homeowner through

subsidiary companies in the New England states as well as the industrial concerns. With this kind of volume that we do, a refinery is a necessary thing to our business. We made this decision some years ago and our first project was to find the right piece of land. This leads me to our statement that we felt that Eastport was, in our opinion, the most feasible. This is what we did. We spent about two years and sent our engineers out and studied land from Delaware north to Maine. The first thing we looked for, obviously, was the availability of water depth because today, in the oil business, you must be in a position to bring in the very large ships. I am talking in terms of 200 to 300 thousand tonners. That was the first criteria. We then made up a list of various details such as power, potential, availability of closeness to market, etc., and we graded all these pieces of property. We graded them from series one to four.

RATING COMPARISONS	
0	NONE OR NOT POSSIBLE
1	USABLE OR POSSIBLE
2	FAIR
3	GOOD
4	EXCELLENT

Reference was next made to the following list of 14 different locations. These were various locations throughout the East coast that we studied, as I said, for almost two years.

REFINERY SITES ALLOCATION BY NUMBER

(1)	EASTPORT, MAINE
(2)	CUTLER, MAINE
(3)	HANCOCK POINT, MAINE
(4)	BLUE HILL, MAINE
(5)	HARBOR SIDE, MAINE
(6)	BROOKSVILLE, MAINE
(7)	NEW HARBOR, MAINE
(8)	GEORGETOWN, MAINE
(9)	NAUSHON ISLAND, MASS.
(10)	LITTLE COMPTON, RHODE ISLAND
(11)	JAMESTOWN, RHODE ISLAND
(12)	NARRAGANSETT, RHODE ISLAND
(13)	ORIENT POINT, LONG ISLAND
(14)	CAPE HENLOPEN, DELAWARE

COMPARISONS OF THE VARIOUS REFINERY SITES

	REFINERY NUMBERS													
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
DISTANCE TO -60 FT. WATER AT M.L.W. In Ft.	350	600	700	200	600	1200	300	300	300	600	600	1200	1000	1200
SHELTERED ANCHORAGE	4	0	4	2	3	3	0	0	3	3	3	2	3	0
NAVIGATIONAL PROBLEMS FOR APPROACH	4	4	4	4	4	4	4	4	3	4	4	4	4	2
WATER DISTANCE TO NEW YORK, NY. MILES	550	525	450	400	400	400	400	400	180	160	160	160	100	90
WATER DISTANCE TO MONTREAL, QUE. MILES	1400	1350	1350	1400	1450	1450	1475	1500	1600	1625	1625	1675	1725	2000
AVAILABILITY OF R. R. SERVICE	4	0	0	0	0	0	0	0	0	0	0	0	1	1
QUALITY OF TRUCK ROAD NET	4	2	4	3	3	2	2	2	0	2	3	4	4	4
COMPARATIVE LAND COST	4	4	4	3	4	3	4	4	4	0	1	1	1	3
COMPARATIVE DEVELOPMENT COST	4	4	4	4	4	3	4	4	4	4	4	4	4	3
DIFFICULTY OBTAINING PERMIT	4	4	4	3	4	2	4	4	2	0	1	1	1	4
TOTAL RATING	35	27	33	26	31	24	28	27	34	22	25	23	26	23

On top of that, you see various categories such as distance of water, 60 ft. of water, sheltered anchorage, navigational problems for approach, water distance to N.Y., to Montreal, availability of railroad service, quality of truck road, comparative land cost, comparative development cost and, last but certainly not least, difficulty of obtaining permits. And what we did was grade all these sites that we have studied and as you can see, for instance, No. 6 was Brooksville, Maine. In grading it one to four, we came up with a total of 24. In grading Cutler, Maine we came up with a total of 27; in grading Little Compton, Rhode Island, we came up with 22. In Eastport, we came up with 35. Now, obviously, there were some locations that in a particular category were more desirable than Eastport, but in our opinion, Eastport came out overall as the most feasible for a refinery taking into consideration all the necessary elements that we must when we consider a refinery. The reason I emphasize this, Gentlemen, is that I want you people to know that this is not a project that we suddenly jumped on because we thought, well, by God, here's a chance to get a permit. This is something we have been working on for a good many years and this is something we hope to continue to work on, and it is our serious intention, and I want to reiterate, that if a permit is permissible in Eastport, we will apply for a permit."

At the close of Mr. Warren's testimony the Committee went into a brief executive session to determine whether or not the hearing should be continued. The Committee decided to

continue the hearing subject to the following announcement: In view of the fact that Mr. Warren of the Metropolitan Petroleum Company has presented evidence that it is economically and ecologically feasible to operate an oil refinery in Eastport and that they will file an application with the Environmental Improvement Commission within 3 months, the Committee, in executive session, voted to suspend the operation of this subcommittee until further notice in view of the impending application to the E.I.C. by the Metropolitan Petroleum Company for permission to construct and operate an oil refinery and terminal at Eastport, Maine. If such application is submitted to the E.I.C. this Committee will request of the Legislative Research Committee that it be dissolved. We will remain in session today to hear those who wish to present pertinent testimony to the subcommittee with the reminder that any testimony presented to this subcommittee would have to be presented again at such time as the E.I.C. conducts its hearing. Unfortunately, testimony at this hearing cannot be turned over to the E.I.C. because this is a legislative rather than an administrative hearing that does not allow cross examination and the testimony would be of no legal significance and would be inadmissible to the E.I.C.

On that basis, the Committee introduced a joint order, House Paper 1594 deferring its report until the next regular session of the Legislature in order to avoid any possible conflict with the proper administrative function and future decision of the Environmental Improvement Commission.

The Committee has since learned from a public statement issued to the Portland Press Herald on October 18, 1972, that the Metropolitan Petroleum Company will be delayed but hopes their firm will be prepared to file an application with the Board of Environmental Protection to build an oil refinery at Eastport before the year is over.

Although they had planned to present an application by last February, Mr. Warren said he thinks approval of the application hinges on having all the necessary technical and engineering details ready.

The President further indicated he feels that the Board turned down an application from Maine Clean Fuels, Inc., to put a refinery on Sears Island in Penobscot Bay partly because the firm failed to give the right answers to key questions from the Bureau of Environmental Protection.

Mr. Warren said he is aware the Governor's Task Force on Energy, Heavy Industry and the Maine Coast has recommended that Portland is the best site for the state's first refinery. It is the second largest oil handling port on the East Coast. But, he said Metropolitan isn't interested in Portland at this point. 'Eastport is our prime objective,' Mr. Warren said.

In light of these developments, the Committee remains of the opinion that it is not appropriate to continue this study at the present time due to potential interference with established legal processes. The Committee therefore recommends this inquiry be terminated and more appropriately left for future legal determination and administrative action of the Board of Environmental Protection for reasons previously stated.

As an outgrowth of this study the Committee developed the following bibliography which has been included solely for its value as a reference source:

BIBLIOGRAPHY

EASTPORT OIL DEVELOPMENT

Note: The attached bibliography has been broken down into the following categories.

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The Process of Establishing an Oil Facility -- the Federal and State criteria such as import quota, foreign trade zone regulations; and criteria of Maine State Environmental Improvement Commission.	137-140
Eastport, Maine -- Washington County -- past economic studies, harbor studies, maps of the area.	141-142
The Economics of Oil -- A. Oil facilities in the context of State of Maine Economic Development Planning. B. Poverty and unemployment: The ability of oil to mitigate it.	143-144
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Oil and Pollution Abatement Control -- A. The Conveyance of oil by supertanker technology. B. The existing state of oil-spill control technology. C. The effects of oil on marine life.	147-149
Gulf of Maine and Estuarine Condition of the Maine Coast -- i.e. currents, tides, winds, etc. (within the context of the prevention and abatement of oil spillage)	150-151
Additional material received too late to be included.	152

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