

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

2/5/86

(After Deadline)  
SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 1975

S.P. 782

In Senate, February 4, 1986

On Motion by Senator Violette of Aroostook, reconsidered reference to the Committee on Energy and Natural Resources.

On further motion by same Senator tabled 1 Legislative day, pending reference.

Taken from the table by the President and referred to the Committee on Audit and Program Review. Sent down for concurrence and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Diamond of Cumberland.

Cosponsored by Representative Rolde of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SIX

AN ACT to Amend Certain Provisions of the  
Underground Oil Storage Tank  
Installers and Underground Oil Storage  
Facilities.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §10001, as enacted by PL 1985, c. 496, Pt. A, §2, is amended to read:

§10001. Declaration of purpose

In order to safeguard the public health, safety and welfare, to protect the public from incompetent and unauthorized persons, to assure the highest degree of professional conduct on the part of underground oil storage tank installers and to assure the availability of underground oil storage tank installations and removals of high quality to persons in need of those services, it is the purpose of this

1 chapter to provide for the regulation of persons of-  
2 fering underground oil storage tank installation and  
3 removals services.

4 **Sec. 2.** 32 MRSA §10002, sub-§7, as enacted by PL  
5 1985, c. 496, Pt. A, §2, is amended to read:

6 7. Underground oil storage tank installer. "Un-  
7 derground oil storage tank installer" means a person  
8 certified under this chapter to install and remove  
9 underground oil storage tanks.

10 **Sec. 3.** 32 MRSA §10004, sub-§2, as enacted by PL  
11 1985, c. 496, Pt. A, §2, is amended to read:

12 2. Rules. The board may adopt, in accordance  
13 with the Maine Administrative Procedure Act, Title 5,  
14 chapter 375, rules relating to professional conduct  
15 to carry out the policy of this chapter, including,  
16 but not limited to, rules relating to professional  
17 regulation and to the establishment of ethical stan-  
18 dards of practice for persons certified to practice  
19 underground oil storage tank installation and  
20 removal.

21 **Sec. 4.** 32 MRSA §10012, sub-§2, as enacted by PL  
22 1985, c. 496, Pt. A, §2, is amended to read:

23 2. Disposal of fees. All fees received by the  
24 board shall be paid to the Treasurer of State to be  
25 deposited into the Ground Water Oil Clean-up Fund and  
26 used for the purpose of carrying out this chapter.  
27 Any balance of fees shall not lapse but shall be car-  
28 ried forward as a continuing account to be expended  
29 for the same purposes in the following fiscal years.

30 **Sec. 5.** 32 MRSA §10015, sub-§2, ¶B, as enacted  
31 by PL 1985, c. 496, Pt. A, §2, is amended to read:

32 B. Unprofessional conduct, including any gross  
33 negligence, incompetency or misconduct in the  
34 certified person's performance of the work of un-  
35 derground oil storage tank installation or  
36 removal, or violation of any standard of profes-  
37 sional behavior which has been established by the  
38 board;

1           Sec. 6. 38 MRSA §563, sub-§§2, 3 and 5, as en-  
2           acted by PL 1985, c. 496, Pt. A, §14, are amended  
3           to read:

4           2. Information required for registration. The  
5           owner or operator of an underground oil storage tank  
6           facility shall provide the department with the fol-  
7           lowing information on a form in triplicate to be de-  
8           veloped and provided by the department; one copy to  
9           be submitted to the department, one copy to be  
10          promptly submitted upon completion to the fire de-  
11          partment in whose jurisdiction the underground tank  
12          is located and one copy to be retained by the owner  
13          or operator:

14           A. The name, address and telephone number of the  
15           owner of the underground oil storage tank to be  
16           registered;

17           B. The name, address and telephone number of the  
18           person having responsibility for the operation of  
19           the tank to be registered;

20           C. A description of the location of the facility  
21           and the location of the tank or tanks at that fa-  
22           cility;

23           D. Whether the location of any tank at the fa-  
24           cility is within 1,000 feet of a public drinking  
25           water supply or within 300 feet of a private  
26           drinking water supply;

27           E. The size of the tank to be registered;

28           F. The type of tank or tanks and piping at the  
29           facility and the type of product stored or con-  
30           tained in the tank or tanks and piping;

31           G. For new and replacement tanks, the name of  
32           the installer, the expected date of installation,  
33           the nature of any emergency pursuant to subsec-  
34           tion 1, paragraph A, if applicable, and a de-  
35           scription or plan showing the layout of the fa-  
36           cility or tank, including, for tanks in sensitive  
37           geologic areas, the form of secondary contain-  
38           ment, monitoring wells or equipment to be in-  
39           stalled pursuant to section 564, subsection 1,  
40           paragraph C; and

1 H. For existing facilities and tanks, the best  
2 estimate of the age and type of tank or tanks at  
3 the facility.

4 For existing tanks, the information required for reg-  
5 istration shall be submitted to the department in ac-  
6 cordance with this subsection on or before February  
7 1, 1986.

8 3. Amended registration required. The owner or  
9 operator of an underground oil storage ~~tank~~ facility  
10 shall file an amended registration form with the de-  
11 partment immediately upon any change in the informa-  
12 tion required pursuant to subsection 2. No fee may  
13 be charge for filing an amended registration.

14 5. Payment for failure to register or to pay an-  
15 annual registration fee. Any person liable for the fee  
16 imposed by subsection 4 shall pay a \$10 late payment  
17 fee in addition to the fee specified in subsection 4,  
18 if the initial fee payment and registration form has  
19 not been submitted to the department on or before  
20 February 1, 1986, but is submitted on or before May  
21 1, 1986.

22 Any person liable for the fee imposed by subsection 4  
23 shall pay 3 times the fee specified in subsection 4  
24 if the appropriate fee payment and registration form  
25 has not been submitted to the department on or before  
26 May 1, 1986.

27 The owner or operator of an underground oil storage  
28 ~~tank~~ facility not used in the marketing and distribu-  
29 tion of oil shall pay a fee of \$50 for each tank that  
30 is not registered by May 1, 1986.

31 Sec. 7. 38 MRSA §564, sub-§1, as enacted by PL  
32 1985, c. 496, Pt. A, §14, is amended to read:

33 1. Design and installation standards for new and  
34 replacement facilities. Design and installation  
35 standards for new and replacement ~~tanks~~ facilities  
36 are as follows.

37 A. All new and replacement tanks shall be con-  
38 structed of fiberglass or cathodically protected  
39 steel. All new and replacement piping shall be  
40 constructed of noncorrosive materials.

1 B. All new and replacement ~~tanks~~ facilities  
2 shall be installed by an underground oil storage  
3 tank installer who has been properly certified  
4 pursuant to Title 32, chapter 105, and shall be  
5 registered with the department prior to installa-  
6 tion pursuant to section 563.

7 C. For new and replacement ~~tanks~~ facilities in  
8 sensitive geologic areas, the owner shall install  
9 one of the following:

10 (1) Secondary containment of all under-  
11 ground oil storage facility components;

12 (2) Continuous electronic monitoring for  
13 free product in those monitoring wells in-  
14 stalled in the excavated area around the  
15 tank or tanks, and additional wells with  
16 electronic monitoring to detect a leak or  
17 discharge of oil from the piping;

18 (3) Continuous electronic monitoring in the  
19 unsaturated zone of all elements of the fa-  
20 cility, using sufficient sampling points to  
21 detect a leak or discharge of oil from any  
22 point in the facility; or

23 (4) A reasonable number of monitoring wells  
24 located, sampled and tested that are suffi-  
25 cient to detect any discharge of oil or con-  
26 tamination of ground water from a facility.

27 D. The requirements set forth in paragraph B for  
28 new and replacement ~~tanks~~ facilities in sensitive  
29 geologic areas may not be imposed solely due to  
30 the proximity of an underground oil storage tank  
31 to a private drinking water supply where the tank  
32 and private drinking water supply are located at  
33 the same site and are owned, operated or utilized  
34 by the same person or persons. In addition, the  
35 board shall adopt rules to provide for exemptions  
36 from the requirements of paragraph C in circum-  
37 stances where the ~~tank~~ facility is to be in-  
38 stalled over a polluted aquifer where no unrea-  
39 sonable additional harm to public health and  
40 safety or to the environment can occur.

1       Sec. 8. 38 MRSA §564, sub-§3, ¶A, as enacted by  
2 PL 1985, c. 496, Pt. A, §14, is amended to read:

3       A. Remove all bare steel and asphalt-coated  
4 steel tanks and all piping which is not con-  
5 structed of noncorrosive material or is not  
6 cathodically protected against corrosion at the  
7 facility that are more than 20 years old;

8       Sec. 9. 38 MRSA §565, first ¶, as enacted by PL  
9 1985, c. 496, Pt. A, §14, is amended to read:

10       The board shall adopt rules necessary to mini-  
11 mize, to the extent practicable, the potential for  
12 discharges of oil from underground oil storage facil-  
13 ities not used in the marketing and distribution of  
14 oil to others. These rules shall apply to all under-  
15 ground oil storage ~~tanks~~ facilities that are used for  
16 consumption on the premises or by the owner or opera-  
17 tor of the facility, including tanks installed tempo-  
18 rarily at a construction site; all residential home  
19 heating oil tanks regardless of size; all ~~tanks~~  
20 facilities owned or operated by the State, any of its  
21 agencies and instrumentalities or any political sub-  
22 division; and all other tanks and facilities that are  
23 not governed by the requirements of section 564.  
24 These rules are limited to the following require-  
25 ments.

26       Sec. 10. 38 MRSA §565, sub-§1, as enacted by PL  
27 1985, c. 496, Pt. A, §14, is amended to read:

28       1. Design and installation standards for new and  
29 replacement facilities. Design and installation  
30 standards for new and replacement tanks are as fol-  
31 lows.

32       A. The installation of new or replacement tanks  
33 and piping constructed of bare steel or  
34 asphalt-coated steel is prohibited.

35       B. All new and replacement ~~tanks~~ facilities  
36 shall be installed by an underground oil storage  
37 tank installer who has been properly certified  
38 pursuant to Title 32, chapter 105, and shall be  
39 registered with the department prior to installa-  
40 tion pursuant to section 563.

1 C. The installation of monitoring wells shall be  
2 required for new and replacement tanks facilities  
3 with a capacity in excess of 1,100 gallons where  
4 physically or technically practicable. Monitor-  
5 ing wells shall not be required where double wall  
6 tanks equipped with interstitial space monitors  
7 are utilized.

8 Sec. 11. 38 MRSA §567, as enacted by PL 1985, c.  
9 496, Pt.A, §14, is amended by adding after the first  
10 paragraph a new paragraph to read:

11 After May 1, 1986, no person may remove an under-  
12 ground oil storage facility or tank associated with  
13 the marketing and distribution of oil or associated  
14 with consumption on the premises by the owner or op-  
15 erator where the aggregate of the consumptive tanks  
16 is greater than 1,100 gallons, without first having  
17 been certified by the Board of Underground Oil Stor-  
18 age Tank Installers.

19 Sec. 12. 38 MRSA §569, sub-§, ¶¶F and G, as en-  
20 acted by PL 1985, c. 496, Pt. A, §14, are amended to  
21 read:

22 F. Payment of costs of insurance by the State to  
23 extend or implement the benefits of the fund; ~~and~~

24 G. Sums up to \$50,000 each year, which have been  
25 allocated by the Legislature on a contingency ba-  
26 sis in accordance with section 570-A for payment  
27 of costs for studies of the environmental impacts  
28 of discharges to ground water prohibited by sec-  
29 tion 543 which may have adverse economic effects  
30 and which occur subsequent to the allocation,  
31 when the studies are deemed necessary by the com-  
32 missioner-; and

33 Sec. 13. 38 MRSA §569, sub-§5, ¶H is enacted to  
34 read:

35 H. All costs associated with the Board of Under-  
36 ground Oil Storage Tank Installers.



1

STATEMENT OF FACT

2           This bill expands the Board of Underground Oil  
3 Storage Tank Installer's authority to regulate the  
4 removal of underground oil storage tanks and alters  
5 the method of funding the board's activities so that  
6 related fees will be deposited and expenses charged  
7 to the Ground Water Oil Clean-up Fund.

8           This bill also clarifies the Legislature's intent  
9 to regulate not only underground oil storage tanks,  
10 but the associated piping as well.

11

5637012086