MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST SPECIAL SESSION - 1989

| Legislative Document | No. 1787 |
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| H.P. 1294 | House of Representatives, August 17, 1989 |
| Approved for introduction by a major | ority of the Legislative Council pursuant to |
| Joint Rule 26. Received by the Clerk of the House Committee on Energy and Natural Reso Joint Rule 14. | on August 16, 1989. Referred to the ources and 1,400 ordered printed pursuant to |
| | EDWIN HEPERT, Clerk |
| Presented by Representative PARADIS Cosponsored by Representative MIC PERKINS of Hancock and Representati | HAUD of East Millinocket, Senator |
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| STATE | $\mathbf{OF}_{i}\mathbf{MAINE}_{\mathbb{R}^{2}(M, \mathbb{R}^{2}), M \in \mathbb{N}^{2}} \qquad (7)$ |
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| IN THE YEA | AR OF OUR LORD |
| <u>ann da na chlinat subhada a</u> | ng in Kilay eda Belundo 🖼 |
| An Act to Control the Installation Shoreland Zone. | on of Underground Oil Tanks in the |
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| nā Parlawa kurbaa liteli. Presslādeli ieta las | ERGENCY) TO SERVICE SALES SERVICE AND ANTI-SE TO SERVICE SALES SERVICE AND ANTI-SE TO SERVICE SALES SERVICES SALES TO SERVICE SALES SERVICES SALES TO SERVICE SALES SALES SALES SALES TO SERVICE SALES SALES SALES SALES TO SERVICE SALES SALES SALES SALES SALES TO SERVICE SALES |
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| | Emergency preamble. Whereas, Acts of the Legislature do not |
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| 2 | become effective until 90 days after adjournment unless enacted as emergencies; and |
| 4 | Whereas, installation of underground oil storage tanks in |
| 6 | close proximity to the surface waters of the State poses grave risks to water quality, the environment and public health; and |
| 8 | Whereas, remediation of underground oil contamination is |
| 10 | substantially more expensive than prevention of this problem; and |
| 12 | Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of |
| 14 | Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and |
| 16, | safety; now, therefore, |
| 18 | Be it enacted by the People of the State of Maine as follows: |
| 20 | Sec. 1. 38 MRSA §564, sub-§1, ¶C, as amended by PL 1985, c. 626, §3, is further amended to read: |
| 22 | |
| 24 (4) | C. For new and replacement facilities in sensitive geologic areas or in the shoreland area, as defined in section 435, the owner shall install one of the following: |
| 26 | |
| 28 | (1) Secondary containment of all underground oil storage facility components; |
| 30 | (2) Continuous electronic monitoring for free product in those monitoring wells installed in the excavated |
| 32 | area around the tank or tanks, and additional wells with electronic monitoring to detect a leak or |
| 34 | discharge of oil from the piping; |
| 36 | (3) Continuous electronic monitoring in the unsaturated zone of all elements of the facility, using |
| 38 | sufficient sampling points to detect a leak or discharge of oil from any point in the facility; or |
| 40 | (4) A reasonable number of monitoring wells located |
| 42 | around the tank or around the perimeter of the facility, sufficiently sampled and tested thatare |
| 44 | si) to sufficient antogradetect thany a discharge bof a oil a or |
| 46 | contamination of ground water from a facility. |
| · | Sec. 2. 38 MRSA §565, sub-§1, ¶D is enacted to read: |
| 48 | D. For new and replacement facilities in sensitive geologic |
| 50 | areas or in the shoreland area, as defined in section 435, the owner shall install one of the following: |

| | (1) Secondary containment of all underground oil |
|----|--|
| 2 | storage facility components; or |
| 4 | (2) A reasonable number of monitoring wells located around the tank or around the perimeter of the facility |
| 6 | sufficiently sampled and tested to detect any discharge of oil or contamination of ground water from a facility. |
| 8 | |
| 10 | Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved. |
| 12 | |
| 14 | STATEMENT OF FACT |
| 16 | This bill extends the existing regulation of the installation of underground oil tanks over aguifers and near |
| 18 | water supplies to the installation of these facilities in the shoreland zone. These requirements will apply to all new and |
| 20 | replacement underground oil storage tanks. |