

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST SPECIAL SESSION - 1989

Legislative Document

No. 1787

H.P. 1294

House of Representatives, August 17, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on August 16, 1989. Referred to the Committee on Energy and Natural Resources and 1,400 ordered printed pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Old Town.

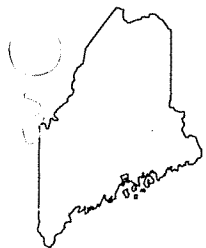
Cosponsored by Representative MICHAUD of East Millinocket, Senator PERKINS of Hancock and Representative STROUT of Windham.

STATE OF MAINE

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

An Act to Control the Installation of Underground Oil Tanks in the Shoreland Zone.

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, installation of underground oil storage tanks in close proximity to the surface waters of the State poses grave risks to water quality, the environment and public health; and

Whereas, remediation of underground oil contamination is substantially more expensive than prevention of this problem; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §564, sub-§1, ¶C, as amended by PL 1985, c. 626, §3, is further amended to read:

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:

(1) Secondary containment of all underground oil storage facility components;

(2) Continuous electronic monitoring for free product in those monitoring wells installed in the excavated area around the tank or tanks, and additional wells with electronic monitoring to detect a leak or discharge of oil from the piping;

(3) Continuous electronic monitoring in the unsaturated zone of all elements of the facility, using sufficient sampling points to detect a leak or discharge of oil from any point in the facility; or

(4) A reasonable number of monitoring wells located around the tank or around the perimeter of the facility, sufficiently sampled and tested that--are sufficient to detect any discharge of oil or contamination of ground water from a facility.

Sec. 2. 38 MRSA §565, sub-§1, ¶D is enacted to read:

D. 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:

