

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 358

S.P. 146

In Senate, February 5, 1991

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

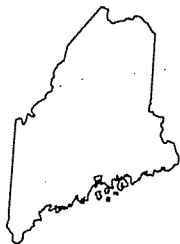
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland
Cosponsored by Representative HOGLUND of Portland, Representative COLES of
Harpwell and Representative SIMPSON of Casco.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Ensure Safe Removal of Underground Oil Storage Tanks.



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

2
3 Sec. 1. 38 MRSA §566-A, sub-§3, as amended by PL 1989, c. 865,
4 §12, is further amended to read:

6 3. **Rulemaking.** The board shall adopt rules allowing for
7 the granting of a variance from the requirement of removal where
8 abandonment by removal is not physically possible or practicable
9 due to circumstances other than those listed in this subsection.
10 The board shall adopt rules setting forth the proper procedures
11 for abandonment of underground oil storage facilities and tanks,
12 including requirements and procedures to conduct a site
13 assessment for the presence of discharges of oil prior to
14 completion of abandonment at facilities storing motor fuel or
15 used in the marketing and distribution of oil and, acceptable
16 methods of disposing of the removed tanks, requirements for
17 venting at least 12 feet above ground level flammable gases
18 purged from tanks and from trucks removing oil from tanks and
19 procedures for abandonment in place where removal of a tank or
20 other component of a facility is determined not physically
21 possible or practicable.

22
23 Sec. 2. 38 MRSA §566-A, sub-§5, as amended by PL 1989, c. 312,
24 §19, is further amended to read:

26 5. **Qualified personnel.** All abandoned facilities and tanks
27 used for the storage of Class 1 liquids that require removal
28 shall ~~must~~ be removed under the ~~direction~~ direct, on-site
29 supervision of an underground oil storage tank installer
30 certified pursuant to Title 32, chapter 104-A, or of professional
31 firefighting personnel, except for underground gasoline storage
32 tanks removed pursuant to subsection 6. ~~The certified installer~~
33 ~~need not be present at the site at the time of the tank's or~~
34 ~~facility's removal.~~ Professional firefighting personnel
35 supervising the removal of an underground facility or tank under
36 this subsection must be acting in their official capacity as
37 agents for their municipal employer.

38
39 Sec. 3. 38 MRSA §566-A, sub-§6, as amended by PL 1989, c. 312,
40 §20, is further amended to read:

42 6. **Underground gasoline storage tanks.** Underground
43 gasoline storage tanks may be removed under the ~~direction~~ direct,
44 on-site supervision of an underground gasoline storage tank
45 remover certified pursuant to Title 32, chapter 104-A, if the
46 following conditions are met:

48 A. All underground gasoline storage tanks at a site are
49 removed at the same time; and

50 B. No underground gasoline storage tanks are installed at
51 the site for at least 6 months following that removal.

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STATEMENT OF FACT

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6 The bill requires that, when underground tanks are being
8 removed, the flammable gases purged from the tanks and from the
trucks that will remove oil from the tanks be vented at least 12
feet above ground level to avoid explosions.

10

12 The bill also requires that the removal of underground oil
14 storage tanks that hold Class 1 liquids, including gasoline, be
directly supervised, on site, by the appropriate professional.
Professional firefighters who perform this service must do so in
their official capacity and not as an off-the-job enterprise.