

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2275

H.P. 1614

House of Representatives, February 3, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative STEVENS of Bangor.

Cosponsored by Senator BALDACCI of Penobscot and Representative MITCHELL of Freeport.

STATE OF MAINE

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

Resolve, Concerning the Removal of Residential Underground Oil Tanks.

(EMERGENCY)



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

Whereas, a substantial number of residents in the Bangor area have delayed removing residential underground oil tanks because the Department of Environmental Protection has made assurances that they would develop a group contract to take advantage of economies of scale for their removal; and

Whereas, some of these residents are now in violation of the required removal schedule for nonconforming underground oil storage tanks; 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

Sec. 1. Department of Environmental Protection to develop group contract. Resolved: That the Legislature directs the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control to contract by July 1, 1992 for the removal of residential underground oil storage tanks for owners of privately-owned housing that was constructed by the United States military in the Bangor area in developments commonly known as the Bangor Gardens and Cape Hart. A property owner that objects to the contract may opt out. The Department of Environmental Protection shall pay the costs of tank removal from the Ground Water Oil Clean-up Fund and seek reimbursement from the property owners. The costs of tank removal must be apportioned equally among the participating property owners. The Department of Environmental Protection shall inform the residents of the availability of Maine State Housing Authority grants to pay the costs of removal for residents who meet income guidelines; and be it further

Sec. 2. Effect on certain provisions of Title 38 of the Maine Revised Statutes. Resolved: That persons that own underground oil storage tanks removed pursuant to this group contract are not subject to enforcement action by the Department of Environmental Protection for not meeting the removal schedule for those tanks as set forth in the Maine Revised Statutes, Title 38, section 568-A, subsection 1, paragraph B, subparagraph (1). Tanks removed pursuant to this group contract are deemed in compliance with section 563-A.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

STATEMENT OF FACT

This resolve directs the Department of Environmental Protection to issue and implement a group contract for the removal of residential underground oil tanks for certain housing developments in the Bangor area. It also ensures that people are not subject to enforcement action because they have waited for the department to develop this contract.