

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 651

H.P. 481

House of Representatives, February 11, 2003

### An Act To Address Reporting of Certain Low-quantity Oil Releases

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SAVIELLO of Wilton.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: ANNIS of Dover-Foxcroft, JENNINGS of Leeds, JOY of Crystal, PINEAU  
of Jay, THOMPSON of China, TOBIN of Windham, Senators: SAWYER of Penobscot,  
WOODCOCK of Franklin.

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

4 **Sec. 1. 38 MRSA §550, first ¶.** as repealed and replaced by PL 1991, c. 66, Pt. A, §18, is amended to read:

6 Any person who causes or is responsible for a discharge in violation of section 543 that does not meet the requirements of  
8 section 550-A is not subject to any fines or civil penalties if that person:

10 **Sec. 2. 38 MRSA §550-A** is enacted to read:

12 **§550-A. Requirements for certain discharges of 50 gallons or less**

14 Notwithstanding section 550, any person who causes or is  
16 responsible for a discharge of 50 gallons or less in violation of  
18 section 543 is not subject to any fines or civil penalties if:

20 **1. Discharge quantity.** The quantity of material discharged  
22 or released is 50 gallons or less, except that the 50-gallon  
24 limitation does not apply to a discharge within a structure or  
26 secondary containment if the material is entirely contained  
28 within the immediate spill area, or where the discharge is  
30 conveyed via floor drains or sewer lines to an on-site wastewater  
32 treatment plant that is licensed by the department and is  
34 operated and maintained to prevent the material from reaching  
36 surface or groundwater;

38 **2. Removes material.** That person promptly removes the  
40 discharge in accordance with the rules and orders of the board or  
42 commissioner;

44 **3. Discharge type.** The material discharged or released is  
46 limited to hydraulic fluid; lubricating oil; motor oil; #2 fuel  
48 oil; diesel fuel; #5 oil; #6 oil; crude oil; or mineral oil known  
50 to contain less than 50 parts per million polychlorinated  
biphenyls;

**4. Surface or groundwater.** The discharge or release does  
not reach surface water or groundwater;

**5. Control of location.** For discharges or releases  
occurring at a location over which the owner of the equipment  
suffering the discharge or release does not have control or  
ownership, a companywide spill contingency plan and procedures  
exist that address such discharges or releases; and

**6. Record keeping.** The owner or operator of the equipment  
suffering the discharge or release documents the discharge or  
release. The owner or operator shall maintain the documentation

2 for a period of no less than 3 years and shall make the  
3 documentation available upon request of the department. The  
4 documentation must include the following information:

5 A. The date of the discharge or release;

6 B. The location of the discharge or release;

7 C. The material discharged or released;

8 D. The quantity of the discharge or release;

9 E. The cause of the discharge or release;

10 F. A description of the area affected; and

11 G. Clean-up measures implemented.

## 12 SUMMARY

13 This bill provides requirements for oil discharges of 50  
14 gallons or less.