

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 437

S.P. 138

January 29, 2007

An Act To Address the Reporting of Oil Spills

Reference to the Committee on 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 MARTIN of Aroostook.
Cosponsored by Senator: BRYANT of Oxford, Representatives: PATRICK of Rumford,
THERIAULT of Madawaska.

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

2 **Sec. 1. 38 MRSA §550, first ¶**, as repealed and replaced by PL 1991, c. 66, Pt. A,
3 §18, is amended to read:

4 Any person who causes or is responsible for a discharge in violation of section 543 to
5 which the provisions of section 550-A do not otherwise apply is not subject to any fines
6 or civil penalties if that person:

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

8 **§550-A. Enforcement and penalties for certain discharges**

9 A person who causes or is responsible for a discharge in violation of section 543 is
10 not subject to fines or civil penalties if:

11 **1. Removal of material.** That person arranges for the removal and lawful disposal
12 of the discharge and any adversely affected soils or debris within 24 hours of discovery of
13 the discharge;

14 **2. Type of discharge.** The material discharged is limited to used or unused
15 hydraulic fluid, lubricating oil, motor oil, #2 fuel oil, diesel fuel, #5 fuel oil, crude oil or
16 #6 fuel oil;

17 **3. Surface water or groundwater.** The discharge does not reach surface water or
18 groundwater;

19 **4. Discharge quantity.** The quantity of material discharged is 50 gallons or less,
20 except that the 50-gallon limitation does not apply to any portion of a discharge that does
21 not reach soils and that is wholly contained within a building, a structure, secondary
22 containment or equipment on that person's property;

23 **5. Control of location.** For discharges occurring at a property over which that
24 person has control or ownership, that person maintains a facility-specific spill prevention,
25 control and countermeasure plan meeting the requirements of 40 Code of Federal
26 Regulations, Part 112, and for discharges occurring at a property over which the owner or
27 operator of the equipment causing the discharge does not have control or ownership, the
28 owner or operator of the equipment causing the discharge maintains a spill prevention,
29 control and countermeasure plan containing procedures to address such discharges; and

30 **6. Record keeping.** The discharge is documented by the owner or operator of the
31 equipment causing the discharge. The owner or operator shall maintain the
32 documentation for a period of no less than 3 years and shall make the documentation
33 available upon request of the department. The documentation must be certified by the
34 owner or operator of the equipment causing the discharge and must include the following
35 information:

36 **A. The date and time of discovery of the discharge;**

37 **B. The source and location of the discharge;**

