

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 861

H.P. 592

House of Representatives, March 5, 2009

An Act Concerning Deductibles for Underground Oil Storage Facilities and Tanks

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative AYOTTE of Caswell.
Cosponsored by Senator JACKSON of Aroostook and
Representatives: DAVIS of Sangerville, JOY of Crystal, KNIGHT of Livermore Falls,
MARTIN of Eagle Lake, THOMAS of Ripley, Senators: SHERMAN of Aroostook, SMITH of
Piscataquis.

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

2 **Sec. 1. 38 MRSA §568-A, sub-§2, ¶B,** as enacted by PL 1995, c. 361, §5, is
3 amended to read:

4 B. Conditional deductibles for underground facilities and tanks are as follows.

5 (1) For nonconforming facilities and tanks, the deductible is \$10,000 for failure
6 to meet the compliance schedule in section 563-A, except that ~~those facilities or~~
7 ~~tanks required to be removed by October 1, 1989 have until October 1, 1990 to~~
8 ~~be removed before they are considered out of compliance.;~~

9 (a) Those facilities and tanks required to be removed by October 1, 1989
10 have until October 1, 1990 to be removed before they are considered out of
11 compliance; and

12 (b) Those nonconforming facilities and tanks removed prior to September
13 29, 1995 are exempt from the \$10,000 deductible, but the owner of the
14 facility or tank shall pay the applicable standard deductible.

15 (2) For failure to pay registration fees under section 563, subsection 4, the
16 deductible is the total of all past due fees.

17 (3) For motor fuel storage and marketing and retail facilities, the deductibles are:

18 (a) Five thousand dollars for failure to comply with applicable design and
19 installation requirements in effect at the time of the installation or retrofitting
20 requirements for leak detection pursuant to section 564, subsections 1 and
21 1-A;

22 (b) Five thousand dollars for failure to comply with section 564, subsection
23 1-B and any rules adopted pursuant to that subsection;

24 (c) Five thousand dollars for failure to comply with section 564, subsection
25 2-A, paragraphs B to F and I, and any rules adopted pursuant to that
26 subsection; and

27 (d) Ten thousand dollars for failure to comply with section 564, subsection
28 2-A, paragraph H, and any rules adopted pursuant to that subsection.

29 (4) For consumptive use heating oil facilities with an aggregate storage capacity
30 of less than 2,000 gallons, the deductibles are:

31 (a) Two thousand dollars for failure to comply with section 565, subsection
32 1, if applicable;

33 (b) Two thousand dollars for failure to comply with section 565, subsection
34 2, regarding monitoring; and

35 (c) Two thousand dollars for failure to comply with section 565, subsection
36 2, regarding any requirement to report evidence of a possible leak or
37 discharge.

38 (5) For consumptive use heating oil facilities with an aggregate storage capacity
39 of 2,000 gallons or greater, the deductibles are:

- 1 (a) Five thousand dollars for failure to comply with section 565, subsection
- 2 1, if applicable;
- 3 (b) Five thousand dollars for failure to comply with section 565, subsection
- 4 2, regarding monitoring; and
- 5 (c) Ten thousand dollars for failure to comply with section 565, subsection 2,
- 6 regarding any requirement to report evidence of a possible leak or discharge.
- 7 (6) For waste oil and heavy oil and airport hydrant facilities with discharges that
- 8 are not contaminated with hazardous constituents, the deductibles for failure to
- 9 comply with rules adopted by the board are:
- 10 (a) Five thousand dollars for rules regarding design and installation
- 11 requirements in effect at the time of the installation;
- 12 (b) Five thousand dollars for rules regarding retrofitting of leak detection
- 13 and corrosion protection, if applicable;
- 14 (c) Five thousand dollars for rules regarding overfill and spill prevention;
- 15 (d) Five thousand dollars for rules regarding the monitoring of cathodic
- 16 protection systems;
- 17 (e) Five thousand dollars for rules regarding testing requirements for tanks
- 18 and piping on evidence of a leak;
- 19 (f) Five thousand dollars for rules regarding maintenance of a leak detection
- 20 system; and
- 21 (g) Ten thousand dollars for rules regarding the reporting of leaks.

22 SUMMARY

23 This bill exempts from the conditional deductible requirement all nonconforming
24 underground facilities and tanks that were removed prior to the enactment of the
25 conditional deductible requirement.