

MAINE STATE LEGISLATURE

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Date: 4-18-23

(Filing No. H- 42)

MINORITY
ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 46, L.D. 71, "Resolve, Regarding Legislative Review of Chapter 171: Control of Petroleum Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection "

Amend the resolve by striking out everything after the emergency preamble and before the emergency clause and inserting the following:

'Sec. 1. Adoption. Resolved: That final adoption of Chapter 171: Control of Petroleum Storage Facilities, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in Section 6(B) and any other affected sections to provide that the department shall specify the period or periods of time during which a fenceline monitoring program to be implemented by an owner or operator of a petroleum storage facility subject to fenceline monitoring requirements must be in operation;

2. The rule must be amended in Section 6(B) and any other affected sections to provide that the department may authorize the suspension for a definite or indefinite period of a fenceline monitoring program implemented by the owner or operator of a petroleum storage facility upon a finding that sufficient data has been collected through the program or that the continued collection of data can reasonably be expected to provide minimal scientific value in evaluating emissions from the facility or is otherwise unnecessary; and

3. The rule must be amended in Section 6(B) and any other affected sections to provide that the department may extend for a definite or indefinite period the deadlines by which the owner or operator of a petroleum storage facility subject to fenceline monitoring requirements must submit a fenceline monitoring plan and implement an approved fenceline monitoring program upon a finding that the collection of data at the facility through fenceline monitoring can reasonably be expected to provide minimal scientific value in evaluating emissions from the facility or is otherwise unnecessary.'

COMMITTEE AMENDMENT

1 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment, which is the minority report of the committee, amends the resolve to
5 authorize final adoption of rule Chapter 171: Control of Petroleum Storage Facilities by the
6 Department of Environmental Protection subject to the following changes to the rule:

7 1. The rule must be amended to provide that the department must specify the period
8 or periods of time during which a fenceline monitoring program at certain petroleum
9 storage facilities must be in operation;

10 2. The rule must be amended to provide that the department may authorize the
11 suspension for a definite or indefinite period of a fenceline monitoring program
12 implemented at a petroleum storage facility upon a finding that sufficient data has been
13 collected through the program or that the continued collection of data can reasonably be
14 expected to provide minimal scientific value in evaluating emissions from the facility or is
15 otherwise unnecessary; and

16 3. The rule must be amended to provide that the department may extend for a definite
17 or indefinite period the deadlines by which the owner or operator of certain petroleum
18 storage facilities must submit and implement a fenceline monitoring program upon a
19 finding that the collection of data at the facility through fenceline monitoring can
20 reasonably be expected to provide minimal scientific value in evaluating emissions from
21 the facility or is otherwise unnecessary.

22 **FISCAL NOTE REQUIRED**
23 **(See attached)**



131st MAINE LEGISLATURE

LD 71

LR 33(03)

Resolve, Regarding Legislative Review of Chapter 171: Control of Petroleum Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection

Fiscal Note for Bill as Amended by Committee Amendment

ACT-42

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Environmental Protection as a result of the final adoption of the rule referenced in this bill are anticipated to be minor and can be absorbed within existing budgeted resources.