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*State of Maine*

**Department of Defense, Veterans and Emergency Management,  
Maine Emergency Management Agency**

**Department of Environmental Protection**

**Department of Public Safety, Office of the State Fire Marshal**



**Report to the  
Joint Standing Committee on Natural Resources**

**Pursuant to Public Law, Chapter 569**

**123rd Maine State Legislature**

**An Act To Prevent Contamination of Drinking Water Supplies**

**Section 8. Aboveground oil storage tank registration; review**

*January, 2009*



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## **Executive Summary**

Section 8 of Public Law Chapter 569 of the 123<sup>rd</sup> Legislature, 2nd Regular Session directs the Departments of Defense, Veterans and Emergency Management (Maine Emergency Management Agency), Public Safety (Office of the State Fire Marshal) and Environmental Protection, in concert with the regulated community, to review the current framework for registering aboveground oil storage facilities. The departments were directed to evaluate and make recommendations on a plan for coordinating among the departments the registration of aboveground oil storage facilities.

A work group was formed of representatives of these departments and the regulated community. The work group has made a number of recommendations for improved inter-agency coordination and customer service.

A “one stop” State of Maine aboveground oil storage tank registration system is not recommended at this time because of the significant cost and technological challenges to implement.

Text of: **Public Law, Chapter 569, Section 8**, SIGNED on 2008-04-07 – Second Regular Session - 123rd Legislature

**An Act To Prevent Contamination of Drinking Water Supplies,**

**Sec. 8. Aboveground oil storage tank registration; review.** The Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, in coordination with the Department of Public Safety, Office of the State Fire Marshal and the Department of Environmental Protection, referred to in this section as "the departments," shall review the current framework for registering aboveground oil storage facilities. The departments shall invite the regulated community to participate in the review. The departments shall evaluate and make recommendations on a plan for coordinating among the departments the registration of aboveground oil storage facilities. Where appropriate, the plan must facilitate the use of geographic information system data. By January 15, 2009, the departments shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report detailing their findings and recommendations. The report must include draft legislation necessary to implement the recommendations, and the joint standing committee of the Legislature having jurisdiction over natural resources matters may report out to the First Regular Session of the 124th Legislature a bill relating to the report.

## A. Introduction

### 1. Overview

The owners and operators of aboveground storage tanks for petroleum products (such as gasoline, diesel fuel and heating fuel) must do business with three different state agencies in order to be in compliance with state and federal public safety and environmental laws. These agencies are:

- The Maine Emergency Management Agency (MEMA), through its chairmanship and administration of the State Emergency Response Commission (SERC);
- The Department of Environmental Protection, Bureau of Remediation and Waste Management (DEP); and
- The Department of Public Safety, Office of the State Fire Marshal (FMO).

Each agency has separate regulatory purposes and responsibilities. Each agency's programs impact the owners and operators of these facilities at different phases in the facility's operation.

MEMA/SERC is concerned with the risk to public safety posed by the **contents** of storage tanks. FMO is concerned with protection of the public **from explosion and fire** through the **proper installation** of aboveground storage tanks and piping. DEP is concerned with the ongoing **environmental impact** posed by the tanks and their contents.

LD 2073, An Act To Prevent Contamination of Drinking Water Supplies, was brought before the 123<sup>rd</sup> Maine Legislature in 2008. This legislation contained in part a requirement for the registration of aboveground storage tanks in wellhead protection zones and sand and gravel aquifers to help insure compliance with the siting restrictions of the bill. In the course of reviewing this legislation, the Joint Standing Committee on Natural Resources, 123<sup>rd</sup> Legislature expressed a concern about the coordination of registration and other programs affecting aboveground storage tanks. Accordingly, the committee amended the legislation to remove the registration requirement and instead directed the three involved agencies, together with the regulated community, review the current registration framework.

LD 2073 was subsequently enacted as Public Law, Chapter 569, 123<sup>rd</sup> Maine State Legislature.

### 2. Methodology

A work group consisting of representatives from MEMA, DEP and FMO and the regulated community was convened to examine the issue as directed by Public Law Chapter 569. The work group was facilitated by MEMA. This report was produced as a



result of work group meetings and related information exchange, and was reviewed and accepted by all parties.

A list of participants in the work group is included in Appendix A.

### 3. Definitions and Acronyms

AST: Aboveground Storage Tank

DEP: Department of Environmental Protection (for the purposes of this report, Bureau of Remediation and Waste Management)

EPA: Environmental Protection Agency

EPCRA: Emergency Planning and Community Right-to-Know Act. Federal law covering emergency planning, reporting and public right-to-know requirements for facilities that inventory more than threshold quantities of certain hazardous materials. This report references the implementation of EPCRA with regard to inventories of petroleum products.

FMO: Maine Department of Public Safety, Office of the State Fire Marshal

MEMA: Maine Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency

SERC: State Emergency Response Commission (see Appendix B)

SPCC: Spill Prevention, Control and Countermeasures.

UST: Underground Storage Tank

## **B. Relevant State and Federal Laws**

The three agencies have differing mandates with regard to the data they collect and maintain.

MEMA/SERC requires annual inventory reporting, in accordance with federal EPCRA laws. They also collect an inventory and registration fee annually. The inventory and registration fee applies to both ASTs and USTs, with the exception of USTs at retail service stations. (The exception granted to retail service station USTs does not extend to ASTs because of the inherent dangers ASTs pose to first responders at a given site.) The federal reporting requirement has been in place since 1986. The State requirement for reports and fees has been in place since 1989. Fees have not increased since 1989.

The proceeds from these fees fund planning and training activities in the industry and responder communities throughout the year.

DEP requires, for a limited class of ASTs, a one-time registration, and thereafter bills an AST facility once every three years. This limited class of ASTs consists of those that are:

1. Storing motor fuel (gasoline, diesel, bio-diesel, aviation gasoline, jet fuel, gasohol, or other fuels used in the operation of a vehicle or motor engine); and
2. Connected to underground piping.

The underground piping associated with the AST must be inspected annually. The initial registration submittal, annual fee (now collected every three years), and the annual inspection of tanks and piping has been required of USTs since 1991. The majority of ASTs do not have underground piping and are therefore not registered with the DEP. The registration fee is applied to the clean-up fund maintained by the agency to fund oil spill response and site remediation.

The EPA requires an SPCC plan be prepared and maintained at oil storage facilities with an aggregate storage capacity greater than 1,320 gallons and where a discharge could reach a navigable water body, either directly or indirectly. Although the plan must be followed and available for inspection, there is no registration, no annual reporting, and no annual fee. The State of Maine has duplicated the EPA SPCC requirements so that Maine DEP can oversee compliance for aboveground storage facilities that market and distribute oil.

FMO has a permitting process for the installation of new tanks and piping. The permit fee only minimally supports the inspection and enforcement of the permitting program. The program assures that AST facilities will be in compliance with rules and codes when they are installed, and owners will not have to modify their installation to bring it into compliance immediately after installation.

A matrix showing the requirements for each agency's programs follows.

**COMPARISON of REGULATORY REQUIREMENTS  
Reporting, Fees and Planning  
Above-Ground Storage Tanks, Petroleum Products**

	<b>MEMA</b>	<b>DEP/ASTs</b>	<b>FMO</b>	<b>SPCC</b>
<b>Objective:</b>	Public Safety	Environmental	Public Safety (Fire)	Environmental: Spill Prevention
<b>Type of Requirement</b>	Report and Fee	Registration and Fee, annual piping inspection reports	Permit and Fee	Plan, addressing all aspects of facility, including design and construction, operation and maintenance, training, inspection, spill response.
<b>Criteria</b>	10,000 lbs or more of a hazardous substance <b>(includes petroleum products and equates to approximately 1,570 gallons)</b> OR 500 lbs or less of an extremely hazard substance must report and pay fee	<b>Motor Fuel</b> Above-ground Storage Tank (AST) facilities (tank is less than 10% underground) storing motor fuel with underground piping	Tank capacity of 60 gallons or more combustible materials <b>(including petroleum fuels)</b> ; 25 gallons or more flammable materials.	Greater than 1,320 gallon capacity (single or aggregate) of aboveground <b>oil</b> storage capacity
<b>Recurrence</b>	Annual	Registration fee collected every three years	One-Time upon installation; potentially again upon substantial change to installation	Reviewed every five years or when a change at facility would affect plan
<b>Due Dates</b>	Registration: October 1 <sup>st</sup> of each year for current year (State requirement, \$50 per facility); Inventory Reports and fees March 1 <sup>st</sup> of each year for previous year (Report is a federal requirement; fee is a State requirement. Maximum \$300 per chemical, \$5,000 per facility)	\$100 per tank every three years. Due January 1 <sup>st</sup> .	When permit is issued; not date specific. Permit is required prior to construction.	All existing facilities were due to be in compliance July 1, 2009; new facilities must complete plan prior to going into operation

	<b>MEMA</b>	<b>DEP/ASTs</b>	<b>FMO</b>	<b>SPCC</b>
<b>Exemptions</b>	1) Agricultural businesses, 2) retail service stations with Underground Storage Tanks (USTs)	No registration required for drums or other storage tanks with capacity of 60 gallons or less.	No permit required for temporary tanks under 180 days No permit required for tanks that are an integral part of another unit (such as a generator) Tanks for heating oil are governed by Oil and Solid Fuel Board)	Most UST facilities are exempt. (AST facilities with USTs on site must reference USTs in plan). Containers of less than 55 gallons do not count toward total capacity of aboveground storage
<b>Mode of submission</b>	Electronic reporting (use of EPA Tier II software required); payment by check	Annual billing; payment by check	Payment by check with permit application	No submission required; plan to be available on site
<b>Record-keeping</b>	Stand-alone electronic database; exchange data as requested with DEP	Shared database with DEP/FMO	Shared database with DEP/FMO	Plans and logs required on site
<b>Other notes</b>	Registration and fees are based on <b>content</b> of tanks. Program administration is a federal requirement but no federal funds supplied to support	Payment is based on <b>existence</b> of tank, <b>not contents</b> ; registration must occur even if tank is empty. Tanks must be installed	Permitting is based on <b>application and plans</b> (according to regulations)	Plan requirement is based on <b>existence</b> and <b>capacity</b> of aboveground tank(s)
<b>Proceeds from program</b>	Approximately \$25,000 annually from AST facilities with petroleum product inventories <sup>1</sup> ; supports planning, training, exercise, program administration	Approximately \$10,000 annually, goes to clean-up fund	Approximately 100 permits, total \$1,500 per year	None
<b>Reference</b>	Title 37-B §791-806; 15-215 CMR Chapter 2	38 MRSA §563 ¶10 (registration of ASTs with underground piping). See also Section 4 of Chapter 691 Rules for Underground Oil Storage Facilities	Title 25 §2481-2485. See also 16-219 CMR Chapter 34, NFPA 30; NFPA 30-A, NFPA 385	Title 38 MRSA §570(k) 40 CFR Part 112

<sup>1</sup> Fees from AST facilities inventorying petroleum products represent approximately 9 percent of the total EPCRA program.

### **C. Challenges for Industry and Government**

A number of challenges create barriers to the industries attempting to meet multiple state and federal requirements. Some of these challenges also create barriers to the agencies seeking to implement programs effectively and provide value-added support to the regulated community.

#### *1. Federal requirements require differing response and differing deadlines*

State agencies implementing federal programs such as SPCC and EPCRA have limited ability to adjust requirements and deadlines. This constrains the available avenues to potentially combine filing processes and thereby improve customer service and interagency coordination.

#### *2. Differing benchmark reporting requirements*

EPCRA and SPCC requirements use different benchmarks for reporting thresholds for petroleum products. The SPCC threshold is 1,320 gallons, the EPCRA threshold is approximately 1,500 gallons. Through rule-making, the State can potentially adjust the EPCRA threshold to make it more stringent, and thus match SPCC requirements. This would likely result in a slight increase in the number of entities required to report inventory and pay fees.

#### *3. Differing types of information required*

As noted, all three agencies collect data for different purposes. Certain base data is similar or identical, but the detailed information needed by each agency to fulfill its mission is very different. This creates a redundancy in the base data for the facility which may fall under more than one program.

#### *4. Non-compatible computer systems*

The DEP/FMO database and the SERC/MEMA database are at present non-compatible. The DEP and FMO use a joint, state-designed database. MEMA uses a system sponsored by the federal government. This system, called CAMEO, is free and is used by local fire departments and County EMAs, enabling the exchange of information among those agencies.

The agencies are exploring ways to share information between their systems, but at present this is not an automated process. Instead it involves exchange of exported data in the form of spreadsheets and reports which must be reviewed by staff and imported into the other's system if applicable.

A major investment would be required to design and implement a shared system. We estimate the cost of such a project to be a minimum of \$250,000.

### *5. Manual reporting and payment systems*

DEP and FMO use manual reporting systems. MEMA/SERC requires filers to use a free computer program provided by the EPA (Tier II) to input information, and then export a data file. All three agencies receive payment by check. [Despite electronic filing being a requirement, the SERC still reports a small number of very small facilities who transmit paper reports because of lack of access to, or comfort level with, computers.]

MEMA/SERC has met with Informe, the operators of the Maine.gov Internet portal, to explore developing an online system to receive payment, and potentially additional information, electronically. This application was estimated to have a base cost of \$13,000 annually, with an additional credit card fee per transaction. This cost would equate to 5% to 6% of annual fee revenues.

To put this cost into context, a typical Technician Level hazardous materials training course, which is critical training for hazmat responders and of which the SERC sponsors 6 to 8 sessions a year, costs between \$13,000 and 15,000. To implement this payment application would mean being able to support one less offering of this critical training each year.

As noted, fees charged to industry remain at the same level they did when introduced in 1989. MEMA/SERC is reluctant to raise fees, especially in the current economic climate. In addition, by State law Informe may not pass the cost of a payment transaction on to customers. Therefore, implementation of online electronic payment has at a minimum been deferred.

### *6. Difficulty of identifying existing facilities*

Identifying **new** AST facilities that could fall under permitting, registration or reporting requirements is straightforward. ASTs are required to have a permit issued by the State Fire Marshal. Once a permit from the Fire Marshal is issued, a facility is identified, and all programs have access to that information. This process has been in place since 2005. Further, underground piping associated with ASTs storing motor fuel must be installed by tank installers certified by the DEP who are specially trained and who will not proceed without proper permitting.

However, "going back in time" to attempt to identify **existing** facilities which may be out of compliance is resource-intensive, and not cost-effective in terms of the use of personnel time. Each agency makes an effort, when it learns of an existing facility that is out of compliance, to ensure that the facility is assisted in coming into compliance with all programs. This is often found to be the case when a facility has an oil discharge or the DEP conducts an SPCC inspection.

## *7. Separate guidance for each program*

Although each agency has done a good job of documenting its own programs, there is at present no integrated guidance document or other source of information that would help a facility representative understand all the different requirements.

### **D. History of Collaboration**

DEP and the FMO have combined their information into one comprehensive database on underground storage tanks, and aboveground tanks. All AST installations receiving a permit from the Fire Marshal since the beginning of 2005 are included in this one database. This combined database is called the TANKS database.

MEMA and DEP have periodically exchanged data from their respective programs to compare lists of filers. This allows both agencies to check for potential filers who may be known to one agency but not to the other.

There are a number of facility planning requirements that may apply to aboveground storage tank facilities. Examples include Federal SPCC plans (covering a larger “universe” of facilities than Maine’s SPCC program), Federal Stormwater Pollution Prevention plans, Resource Conservation and Recovery Act (RCRA) Contingency plans, Federal Risk Management Plans (RMPs) for propane storage, and OSHA plans for worker safety. It is possible to combine many of these requirements in one plan. This is, in fact, encouraged by the EPA and other Federal agencies. MEMA, EPA and DEP assist filers whenever possible in streamlining planning requirements.

The working relationship among the staff of the three agencies has historically been excellent, and productive. In many cases, this allows a representative from one agency to advise a facility representative of the existence of other program requirements, and make sure that individual knows who to contact for more information.

As a direct result of preparing this report the three agencies reviewed the web pages pertaining to each of their programs. We found a number of opportunities to better direct the reader of a web page to the pertinent web pages of the other two agencies. We are now in the process of adding links to the several web pages where such links are appropriate.

### **E. Use of Geographic Information Systems (GIS) and Other Technologies**

The use of GIS by MEMA/SERC to plot EPCRA-filing facilities has not been a high priority of the program. EPCRA files are required to provide a physical address for their facilities, and this is of primary use to emergency responders to locate a facility. However, the data maintained by MEMA/SERC would support the use of GIS if the capabilities of that technology were needed.

GIS are used extensively at the DEP. As part of the registration process, new UST facilities and new motor fuel AST facilities with underground piping must supply a map with map coordinates of the corners of the facility footprint, and the locations of all USTs and ASTs that are connected to underground piping. This allows for development of field maps for use during clean-ups and compliance inspections.

The footprint of the facility is the outermost perimeter of the portion(s) of the facility containing the tanks and their associated underground piping systems, including piping sumps and dispensers. All coordinates must be in UTM (Universal Transverse Mercator) and based on the North American Datum of 1983 (NAD 83), Zone 19 North and must be sub-meter accuracy & precision. Locations of other AST facilities are being located by DEP GIS staff as time allows.

DEP currently makes use of GIS technology for analysis of tank locations in relation to mapped public drinking water supplies and environmental areas of concern. This precise location information helps ensure compliance with siting and drinking water protection measures in Maine statute for new USTs and ASTs. The existing and continuously improving mapping of wellhead protection zones and sand and gravel aquifers, for example, will make it possible to assist facility operators to identify if a projected new facility would fall in such an area.

Figures 1 and 2 illustrate the information that can be easily provided to the public via GIS.



*Figure 1: Location of UST Facilities:*

Registered UST facilities are located by the DEP GIS staff. These locations may be viewed by the public or other interested parties through a Google Earth application available on the Department's web-site. The user may also view specific registration information for that UST facility from the TANKS database by clicking on the UST point. This information (provided by Google Earth, Maine Drinking Water Program, Maine Geological Survey, and the TANKS database) is useful in determining the location of registered UST facilities in relation to public and private water supplies, significant sand and gravel aquifers and other sensitive geologic areas as well as specific information on products being stored at these facilities.

In the example below, you can see the location of an underground storage tank (large red dot) in the vicinity of four (4) public water supply wells (pale blue dots with a plus sign inside). Note that one of the wells is at what appears to be a school. The red lines in the photograph indicate the edge of 1000 foot wellhead protection zone.





Figure 2: Data Associated with UST Location:

Clicking on the UST symbol (large red dot) displays the information shown below. This includes the DEP Registration Number, the size of the tank, the product stored, the date the tank was installed, etc. Other information displayed in this map includes street names and route numbers. This particular view identifies State Route 23 in the lower right corner and Merritt Avenue. (Street name is in very fine print and hard to see.) A label identifying US Route 2, the yellow road crossing the photograph, often would appear, but does not in this particular view.

**14587 - Tank 7**

Registration Number: 14587  
 Facility: CANAAN SUPERETTE  
 Address: 137 MAIN ST  
 Directions: ROUTE 2  
 Town: CANAAN  
 Approved Under Siting Law after September 2001: N  
 Near Public Water: Y  
 Near Private Water: Y  
 Nearby Water Other Owner: N  
 On Aquifer: N  
 Tank Number: 7  
 Tank Material: JACKETED TANK - DOUBLE-WALLED  
 Tank Volume (gal): 20000  
 Date Installed: 5/7/1999  
 Tank Status: ACTIVE  
 Sub Status:  
 Status Date: 5/24/1999  
 Tank Leak Detection: SECONDARY CONTAINMENT WITH CONTINUOUS ELECTRICAL MONITORING  
 Tank Type: UNDERGROUND  
 Latitude: 44.76225649  
 Longitude: -69.57059486

Chamber(s):	1	UNLEADED GASOLINE	10000
	2	PREMIUM UNLEADED	5000
	3	DIESEL	5000

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## F. Recommendations

No new legislation is recommended at this time. However, LD 2073, 123<sup>rd</sup> Legislature, contained a provision for registration of aboveground tanks in wellhead protection zones or sand and gravel aquifers. This provision was struck in favor of assigning this review of registration programs.

Were this issue to be re-examined by the 124<sup>th</sup> Legislature it would afford a fresh hearing of the concerns by all parties.

The work group offers the following non-statutory recommendations:

1. *Continue to research potential for online, "one-stop-shop" filing and fee payment.*

Both online technology and the expectation of the availability of e-government services continue to advance. E-government solutions have the potential to ease reporting burdens significantly, improve administrative efficiency and improve accountability. However, a "one-stop-shop" registration process would still be cumbersome because of the large amount and differing types of data needed by each agency. It would also not be an acceptable substitute for the State Fire Marshal construction permit review process. Further, current budgetary concerns have created a short-term impediment to actively working toward such a solution. However, the development of an effective e-government solution should be reconsidered should budgetary concerns ease.

2. *Create simplified, easy-to-follow guidance for those in the regulated community who may have requirements under more than one existing program.*

At the present time, there is no "cross-walk" for industry filers to obtain the requirements of each program and identify ways to streamline compliance with more than one requirement. The agencies should collaborate with each other and industry on such a guide, one that could be made available on the internet and potentially also distributed in cooperation with industry.

3. *Adopt reporting, rule and procedural changes to reduce current reporting redundancies to the extent possible and support future electronic collaboration.*

Although the creation of an e-government filing solution is at present beyond existing resources, changes in protocols or rule-making where required can facilitate data exchange, and pave the way for future collaboration on electronic filing.

Potential changes so far identified include:

- a. Add check-off or other simple reporting mechanism to EPCRA Tier II reporting to flag entities who must meet DEP or SPCC requirements, so that those entities

- can receive technical assistance in meeting those requirements if not already compliant
- b. Adjust EPCRA threshold reporting requirements to match SPCC requirements
- c. Test for applicability of DEP's AST wellhead protection law on the Fire Marshal's *Application for a Permit for Aboveground Storage of Flammable and Combustible Liquids*: NOTE: This is complete. Page 2 of the permit application asks the applicant to answer several questions and provide information to show whether or not the facility will be affected by the wellhead protection law.
- d. Add information to mass mailings sent by each agency to educate the recipients of applicable regulations administered by the other agencies
- e. Add notes, with links, to agency web pages informing reader of other agency's requirements.

#### *4. Institutionalize data exchange*

Currently, data exchange specifically between DEP and MEMA/SERC occurs on an *ad hoc* basis. The work group has tentatively determined that despite the non-compatibility of computer platforms, protocols can be developed to exchange data on a more frequent and regular basis.

MEMA is now invited to attend the monthly TANKS database meeting that is currently attended by DEP and SFMO staff.

More effective data exchange will serve to optimize the identification of existing facilities that need to come into compliance with one or more programs. As one program discovers such a facility, the others will have access to the information, and be able to offer technical assistance.

#### *5. Retain working group to implement short-term improvements.*

In the course of working together to produce this report, agency and industry representatives furthered an already positive working relationship. The working group should continue at least informally, to implement identified short-term improvements in information exchange and customer service.

#### *6. Use the SERC as a framework to pursue long-term solutions for streamlining of planning and reporting requirements.*

The State Emergency Response Commission (see Appendix B) is made up of state government and industry representatives as well as many other stakeholders in hazardous materials planning and safety. The SERC could potentially provide a partnership framework within which to continue pursuit of improvements in information exchange and customer service to the regulated community.

## **G. Conclusions**

Industry, MEMA, DEP and the FMO share a concern for public safety and environmental protection. However, the reality of the various federal and state programs that govern this arena is that there are many differing mandates, and differing needs for information, which have created a confusing reporting landscape for industry.

The ideal scenario for all concerned would be a comprehensive "one stop shop" registration process that would reduce the reporting burden on industry, as well as optimize the use of the information received for all state agencies, and facilitate a full integration with GIS systems. However, such a process is not currently recommended for the following reasons:

1. The process would still be very cumbersome for regulated businesses and organizations because of the large amount and differing types of data required by the different federal and state programs;
2. The process is still not an acceptable substitute for the Fire Marshal construction permit review process; and
3. The current budgetary climate precludes an immediate move toward this very expensive solution.

In the meantime, all three agencies will continue to pursue opportunities to provide better customer service for the industries which are obliged to meet multiple permitting, reporting and fee requirements. The cooperative working relationship among the three agencies, as well as the willingness of industry to work collaboratively, will be of paramount importance in continuing to improve these processes.

## **Appendix A: Work Group Participants**

The following State agencies and members representing the regulated community participated in the process for completing the study outlined in this report, and provided invaluable review and comment on this report:

### ***State Agencies:***

Department of Defense, Veterans and Emergency Management  
Maine Emergency Management Agency  
72 State House Station  
Augusta, ME 04333-0072

Department of Environmental Protection  
Bureau of Remediation and Waste Management  
17 State House Station  
Augusta, ME 04333-0017

Department of Public Safety  
Office of the State Fire Marshal  
52 State House Station  
Augusta, ME 04333-0052

### ***Industry:***

Maine Oil Dealers Association  
25 Greenwood Road  
P.O. Box 249  
Brunswick, ME 04011-0249

American Petroleum Institute  
77 Winthrop St.  
Augusta, ME 04330

Dead River Company  
PO Box 17577  
Portland, ME 04112



## Appendix B: State Emergency Response Commission

The SERC was created in statute (Title 37-B MRSA §792) “to implement effective emergency response to releases of hazardous chemicals.”.

### SERC Duties

- Advise the Director, MEMA, on rules promulgated under Chapter 13, Title 37-B;
- Designate emergency planning districts to facilitate preparation and implementation of emergency response plans;
- Appoint members to Local Emergency Planning Committees (LEPC) within each emergency planning district;
- Supervise and coordinate the activities of LEPC’s;
- Receive and process requests from the public regarding emergency response plans, Material Safety Data Sheets (MSDS), inventory forms, toxic chemical release forms, and emergency release notices;
- Review and make recommendations on emergency response plans submitted by LEPC’s;
- Receive release notifications;
- Rule on trade secrets in cooperation with U.S. Environmental Protection Agency (EPA);
- Monitor, observe, participate, and review certain hazardous materials exercises;
- Review and monitor hazardous materials training programs;
- Conduct joint emergency operations from the State Emergency Operations Center (EOC);
- Undertake all other actions necessary for state implementation of SARA Title III (the Emergency Planning and Community Right-to-Know Act of 1986) and Chapter 13, Title 37-B; and
- Provide oversight and control of the State Emergency Response Fund.

SERC membership includes:

Position	Term
Director, MEMA, Chair	serves at the pleasure of the Commissioner
Commissioner or designee, Department of Environmental Protection	serves at the pleasure of the Commissioner
Commissioner or designee, Department of Health and Human Services	serves at the pleasure of the Commissioner
Chief of the Maine State Police or designee	serves at the pleasure of the Commissioner
Commissioner or designee, Department of Labor	serves at the pleasure of the Commissioner
Commissioner or designee, Department of Transportation	serves at the pleasure of the Commissioner



**Position**

**Term**

Director or designee, Maine Emergency Medical Services

serves at the pleasure of the  
Commissioner

Representative of local government

Appointed by the Governor

Representative of the Maine Fire Chief's Association

Appointed by the Governor

Representative of professional firefighters

Appointed by the Governor

Representative of private commerce and industry

Appointed by the Governor

Representative of volunteer firefighters

Appointed by the Speaker of the House

Representative of organized labor

Appointed by the Speaker of the House

Representative of an environmental advocacy organization

Appointed by the President of Senate

## Appendix C: References

More information on the programs described in this report may be found at:

SERC: Emergency Planning and Community Right-to-Know Act (EPCRA):  
<http://www.maine.gov/mema/serc/>

FMO: Permitting for Above Ground Storage Tanks for Flammable or Combustible Liquids: <http://www.maine.gov/dps/fmo/plans/applications.html>

DEP Aboveground Storage Tank Programs:  
<http://www.maine.gov/dep/rwm/abovegroundtanks/index.htm>

DEP: Spill Prevention, Control and Countermeasures (SPCC):  
<http://www.maine.gov/dep/rwm/spcc/>

DEP: Underground Piping Associated with Aboveground Oil Storage Tanks  
<http://www.maine.gov/dep/rwm/abovegroundtanks/undergroundpiping.htm>