

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Address the Reporting of Oil Spills

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

Sec. 1. 38 MRSA §550, first ¶, as repealed and replaced by PL 1991, c. 66, Pt.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

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

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

§ 550-A. Enforcement and penalties for certain discharges

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

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

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

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

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

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

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

- A. The date and time of discovery of the discharge;
- B. The source and location of the discharge;
- C. The material discharged;
- D. The quantity discharged;
- E. A description of the area affected; and
- F. Clean-up measures implemented and the date and time of implementation.

The department shall adopt rules to implement this section. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill provides that a person who causes certain discharges of oil will not be subject to fines or civil penalties if certain requirements are met.