



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1780

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H.P. 1264

House of Representatives, May 23, 2019

### **An Act To Support Replacement of At-risk Home Heating Oil Tanks**

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Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.  
Reference to the Committee on Environment and Natural Resources suggested and ordered  
printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TUCKER of Brunswick.

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

2 **Sec. 1. 38 MRSA §551, sub-§5, ¶¶N and O**, as enacted by PL 2015, c. 319,  
3 §16, are amended to read:

4 N. Sums up to \$500,000 annually to retrofit, repair, replace or remove aboveground  
5 oil storage tanks or facilities when the commissioner determines that action is  
6 necessary to abate an imminent threat to a groundwater restoration project, a public  
7 water supply or a sensitive geologic area, including coastal islands and peninsulas.  
8 Money available under this paragraph may be disbursed by the department to pay  
9 reasonable costs actually incurred by municipalities in assisting the department in  
10 taking actions under this paragraph. Money available under this paragraph may also  
11 be used by the department to fund educational efforts that encourage the retrofit,  
12 repair, replacement or removal of aboveground oil storage tanks or facilities. Money  
13 may not be disbursed from the fund for the purposes of this paragraph until the  
14 department has presented a plan for such disbursements to the Clean-up and  
15 Response Fund Review Board. Money may not be disbursed from the fund under this  
16 paragraph unless the department has adopted a written policy in accordance with the  
17 Maine Administrative Procedure Act establishing:

18 (1) Criteria for determining those instances when funds should be disbursed  
19 under this paragraph, including criteria for determining what constitutes a  
20 sensitive geologic area;

21 (2) Guidelines that ensure that money disbursed from the fund under this  
22 paragraph will be used in the most cost-effective manner, considering the  
23 likelihood of actual contamination of water supplies absent action taken pursuant  
24 to this paragraph, the costs of remediation of such contamination and the  
25 possibility that the owner of an aboveground oil storage tank or facility would  
26 retrofit, repair, replace or remove the tank at the owner's own expense;

27 (3) Guidelines for payments to municipalities for reasonable administrative costs  
28 actually incurred by municipalities in assisting the department in taking actions  
29 under this paragraph;

30 (4) A means test for eligibility for disbursements from the fund;

31 (5) A deductible that is adjusted according to the financial means of the person  
32 receiving a disbursement; and

33 (6) Limits for eligibility to residents of this State; ~~and~~

34 O. Sums up to \$2,000,000 annually to distribute to community action agencies as  
35 defined in Title 22, section 5321, subsection 2 for loans and grants to retrofit, repair,  
36 replace or remove aboveground and underground oil storage tanks and associated  
37 piping at single-family residences. Money may not be disbursed from the fund for the  
38 purposes of this paragraph until the department has presented a plan for such  
39 disbursements to the Clean-up and Response Fund Review Board. A community  
40 action agency shall administer the funds in accordance with program operating  
41 standards, including the allocation formula established by the Maine State Housing  
42 Authority for its weatherization program. Sums available under this paragraph may

1 be disbursed by the department to pay reasonable costs actually incurred by a  
2 community action agency in providing services pursuant to this paragraph. Money  
3 may not be disbursed from the fund under this paragraph unless the department has  
4 adopted a written policy in accordance with the Maine Administrative Procedure Act  
5 establishing guidelines for payments to community action agencies for reasonable  
6 administrative costs actually incurred by community action agencies in providing  
7 services pursuant to this paragraph; and

8 **Sec. 2. 38 MRSA §551, sub-§5, ¶P** is enacted to read:

9 P. Sums of up to \$500,000 annually for loans and grants for department-approved  
10 rebate programs to retrofit, repair, replace or remove aboveground and underground  
11 oil storage tanks and associated piping at residential dwellings.

12 **SUMMARY**

13 This bill increases opportunities for property owners to replace at-risk home heating  
14 oil tanks by authorizing money in the Maine Ground and Surface Waters Clean-up and  
15 Response Fund to be disbursed for loans and grants for department-approved rebate  
16 programs to retrofit, repair, replace or remove aboveground and underground oil storage  
17 tanks and associated piping at residential dwellings.