

Carey, Sabrina

From: Protect South Portland <protectsouthportland@gmail.com>
Sent: Tuesday, February 9, 2021 9:01 AM
To: ENR
Subject: Tank farm emissions

This message originates from outside the Maine Legislature.

On Fri, Feb 5, 2021 at 3:18 PM Todd Russell <jtrussell13@gmail.com> wrote:

Protect South Portland

ME

RE: Oil tank emissions

Dear ENR,

I'm writing to ask you to require effective monitoring and control of emissions from all above-ground oil terminal storage tanks in Maine.

Since news broke last year that Global Partners, the energy company that owns 12 of the 120 oil tanks in South Portland, had been exceeding the legal limit for air pollution, I've been concerned about our air quality.

South Portland's 120 oil tanks are next to homes, schools, daycares, and housing for the elderly. Our neighbors deserve to breathe clean air, and I'm calling on you to take action and make that a reality.

Please take action to require effective monitoring and control of emissions from these oil tanks in South Portland and all oil tanks across the state.

Sincerely,
Todd Russell
363 Deering Ave
Portland, ME 04103
(207) 469-9999

Protect South Portland

Website: www.protectsouthportland.org
E-mail: protectsouthportland@gmail.com
Find us on [Facebook](#)
Follow us on [Twitter](#) @ProtectSoPo
Mail: PO BOX 2154, South Portland, ME, 04116-2154

Carey, Sabrina

From: Jim Braley <braley.jim@gmail.com>
Sent: Monday, February 8, 2021 12:20 PM
To: ENR
Cc: Protect South Portland
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

Dear Committee Members of the Environment and Natural Resources Committee,

South Portland has been my home for over 35 years. During that time I have lived or worked within sight of several oil storage tanks. For many years we lived on the eastern end of High Street which had two storage tanks, and for 14 years I taught at South Portland High School from which 19 tanks are visible.

For many years I did not understand the dangers of those tanks. I knew I could smell the distinct odor of petroleum whenever the wind blew toward my home or my work. I knew I could smell that same odor whenever I drove on Nutter Road, which is also near the high school and is adjacent to those 19 tanks. And I knew I could smell those noxious odors on my frequent bike trips to work or recreationally through South Portland.

But what I didn't know was this: those fumes were toxic. They were potentially carcinogenic. And they were preventable. And what is so frustrating about now knowing this, is that these fumes were not legally allowed at the levels they were being emitted. In fact, they are almost 100 percent preventable with the right treatment by the tank's owners!

As we mature in our awareness of environmental hazards, we begin to realize the irreplaceable value of public health, and how the health of all citizens must come before the profit of corporations. One needs to only consider some of the more famous cases of environmental irresponsibility to see just how essential this realization is. Examples of this include Three Mile Island, Superfund toxic waste sites (such as the Eastland Woolen Mill in Corinna, ME), the Deepwater Horizon oil spill, and the water quality issues in Flint, MI. Most of these examples make clear how difficult it is to put a value on the risk to human and animal life. It is also very difficult to assign blame and associated costs of liability from the mistreatment of our environment.

What is galling in our situation in South Portland, is that the companies involved have been emitting noxious fumes for years greatly in excess of the allowable levels they are permitted. What is true in our case, and is true in almost every case, is that corporate executives who make decisions which risk the health of local residents, do not live in our neighborhoods. They do not put their own health at risk. And who would knowingly do that?

What I am asking, and the citizens of South Portland are asking, is for you to stop this dangerous, risky behavior by the owners of these tank farms. We need you to force those owners to do whatever it takes to protect the health of our people. This should be obvious but I will say it again, people's health must be placed before corporate profits!

Thank you for your consideration,

James Braley
33 Beach Street
South Portland, ME 04106

Carey, Sabrina

From: David Plimpton <plimpton.david@gmail.com>
Sent: Monday, February 8, 2021 11:40 AM
To: ENR
Cc: protectsouthportland@gmail.com
Subject: Tank emissions discussion, including need for environment controls

This message originates from outside the Maine Legislature.

Ladies and Gentlemen,

I am glad you are taking up the serious public health menace and environmental degradation inherent in the operation of oil tanks and their emissions in South Portland.

I live in Cape Elizabeth literally right next to South Portland. I used to go to the Bug Light recreational area in South Portland with my children and grandchildren, but now avoid it because of the fumes I have occasionally smelled, over which I have no control.

These tanks should be capped or the fumes otherwise drawn off and dealt with safely.

I imagine the tank owners will protest, saying this would be prohibitively expensive. I say that if a business can't afford to operate in a way that is safe to its customers or the public, it should cease operations.

Thank you for your consideration of the need for appropriate legislation.

Sincerely,
David Plimpton

Carey, Sabrina

From: sskolkhorst@aol.com
Sent: Thursday, February 4, 2021 10:20 PM
To: ENR
Cc: Wood, Barb; Chipman, Benjamin; Andrew Butcher
Subject: Re: Oil Tank emissions - State Legislature Environmental and Natural Resources Committee

This message originates from outside the Maine Legislature.

Dear Sirs:

I live in the West End of Portland and have been subject to emissions and air pollution emitted by the oil tanks in South Portland for many years. This has not only been offensive, but damaging to the health of others in the neighborhood.

I would encourage you to enact legislation to control, monitor, and reduce the level of emissions. Please consider the following:

1. Measurements of actual emissions to define the problem and provide a basis for assessing mitigation efforts - not just industry reported calculations.
2. Develop a plan with the DEP to require stack testing to be incorporated at every facility on all tanks, heated and non-heated at the time of their next license renewal, or before.
3. Require tank operators to install fence line monitoring around the perimeter of their facilities, to provide continuous testing and to make the data available to the public. This would provide information about the effects on the adjacent community. Both fence line monitoring and stack testing represent reasonable expenses that should be borne by the companies as part of their permit to operate in these communities.
4. Direct the DEP to require all emissions to be treated in order to protect the community from the effects of their toxic chemicals. The preferred type of equipment for treating emissions are vapor recovery units (VRUs) as recommended by the EPA. Requirements for operation and maintenance of equipment should be included in their licenses.

Thank you for your consideration.

Stephen Kolkhorst

83 Carroll St

Portland, Maine 04102

Carey, Sabrina

From: Perla Hannelore <hanep@portlandschools.org>
Sent: Friday, February 5, 2021 5:56 AM
To: ENR
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

Dear Environment and Natural Resources Committee,

I am writing you today about the tank emissions causing horrible odors polluting the beautiful areas which I live in.

I have woken in my sleep from the toxic odor, thinking it was something in my home.

This distinctive smell prevents me from walking outdoors, having windows open, and enjoying beautiful days in South Portland.

It has made me nervous of the well known long term effects of exposure to these fumes, causing me to seek other residence if the situation does not improve in the right direction.

An emissions control should be mandatory in protecting the health and welfare of Maine residents.

I ask you to push for emissions control for the protection of the states reputation in protecting their citizens, and putting taxpayers, the environment, and all inhabitants best interest first.

Best,
Perla Hannelore
Ferry Village
South Portland, Maine
Cell: 212.444.2488

***** Please Note: *****

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Carey, Sabrina

From: Damien Lally <lally.damien@gmail.com>
Sent: Friday, February 5, 2021 10:58 AM
To: ENR
Cc: protectsouthportland@gmail.com
Subject: Tank Emissions in South Portland

This message originates from outside the Maine Legislature.

Hello members of the Committee on the Environment and Natural Resources,

I am writing at the request of Protect South Portland and the Tank Emissions Coalition, who called for South Portland citizens impacted by the tank farms here to send their stories to the legislature. I am a South Portland resident living within 1000 feet of a tank farm near Broadway and the Greenbelt Trail.

While I have not noticed any severe health related issues due to the fumes, I can tell the committee that the fumes are noxious, frequent, and distressing. Despite the hard work of organizers to enforce emissions standards, there has not been enough done to assure the public that we are safe to live here. I am particularly concerned about long-term exposure to known volatile organic compounds (VOCs) and carcinogens in the air. I would like to see these companies forced to ensure the safety of their tank farms or be forced to leave the area. Simply put, this doesn't seem to me an issue we can fine our way out of. If these companies can continue operating here without a loss, they will. But our neighbors and their kids will be the ones paying for it.

It could be years before we see the manifestation of this exposure play out in increased cancer or death rates, or we could take action now to curtail these emissions and force the tank owners to adhere to strict emissions standards.

I notice the smell wafting from the tanks every single day. During the winter I can at least close my windows, though I know that doesn't guarantee the air is safe. During the spring and summer, the smell can be so strong that I'm forced to close everything up. I am very concerned about my personal exposure and what this would mean if I stay in this location. I am considering a move out of South Portland to a place where the air is safer to breathe.

Anecdotally I can say I have heard of plenty of neighbors in South Portland who have had it much worse: worsened asthma, kids with debilitating migraines, etc. There is a clear issue here impacting the health of our community. I hope the Committee will consider public testimony and scientific studies to determine that the tank owners must be held responsible and forced to comply with strict standards. I hope the community continues to be a key stakeholder in that process, and I am grateful for the hard work of PSP and the Tank Emissions Coalition.

Thank you for hearing my concerns!

Damien Lally
South Portland resident

Carey, Sabrina

From: Espahbad Dodd <espahbad@gmail.com>
Sent: Friday, February 5, 2021 11:21 AM
To: ENR
Subject: Oil Tank Emissions in South Portland

This message originates from outside the Maine Legislature.

Dear Co-Chairs Senator Brenner, Representative Tucker and the ENR Committee,

I reside on State St. in Portland's West End and I frequently have to complain about the strong burnt oil and asphalt smell that permeates the community. I especially note it when walking in the neighborhood in the vicinity of Western Cemetery which is directly across the river from the Sprague Oil Tank Farm. I've noticed the toxic fumes stronger when there are tankers in harbor offloading petroleum.

For me, these smells are mostly an inconvenient nuisance since I have little idea of how badly they harm my health. But I know many South Portland residents living in immediate proximity to these oil tanks whose lives and health are severely compromised due to the dangerous toxins being emitted. I can't imagine having to send my children to schools or daycare facilities located on the fencelines of these tanks.

This is an issue of environmental justice and human rights. These companies should be required to better monitor and neutralize these toxins. They should be forced to install the necessary equipment as a cost of doing business here.

I urge the Committee to draft appropriate legislation that satisfies the expressed needs of the community and the people most affected.

Respectfully yours,
Espahbad Dodd

Carey, Sabrina

From: Lindsey Ahearn <ldahearn@gmail.com>
Sent: Friday, February 5, 2021 3:03 PM
To: ENR
Subject: Monitoring & control of all oil terminal tanks in Maine - Please keep us safe!

This message originates from outside the Maine Legislature.

Dear Members of the Environment and Natural Resources Committee,

We need legislation that will require monitoring & control of all oil terminal tanks in Maine. The tanks are currently permitted by the Maine Department of Environmental Protection to emit 633 tons per yr. of volatile organic compounds & 104 tons per yr of hazardous air pollutants. These toxic chemicals are known to cause respiratory illnesses, neurological problems especially for children, kidney & liver problems and cancer. Air pollution is linked to increased vulnerability to Covid19 and climate change. Many folks have reported experiencing headaches, dizziness, burning eyes & throats, shortness of breath & coughing. Technology exists to effectively monitor and control emissions up to 95%. What is needed is the will to require it!

This shouldn't be a question, but rather a required action on behalf of the safety, psychological well-being, and public health of residents of Maine. As a resident of South Portland who lives close to the tanks, I don't want to, nor should I have to worry about the quality of the air I'm breathing because effective measures aren't in place holding tank owners RESPONSIBLE AND ACCOUNTABLE. If they're willing to profit off of the storage here, then they must be willing to keep the surrounding population safe and regularly monitor toxic output. There is no question in my mind that this should be required.

If you do not live in this area, imagine if you did. Imagine if your children did, or parents, or siblings. If the owners of the tanks lived in this neighborhood, you'd better believe they'd be monitoring these tanks. These are people, families, who want to live happy, healthy lives. Knowing they can do so without worrying about toxicity of the environment is a step in the right direction for taking care of us and future generations.

This is a call to action. The owners of tank farms across Maine have decided that the cost to the health of our communities is less important than avoiding the cost of installing emissions controls and monitoring on their tanks, thus sacrificing our mental, physical, and emotional health for profits.

The oil companies are not looking out for us or our health. **You** will be among those who will be deciding what actions are necessary to address the issues with these tank farms. Do the right thing. On behalf of your community members.

Thank you very much for your time.

Kind Regards,
Lindsey Ahearn
22 Grand Street
Apt 2
South Portland, ME 04106

Carey, Sabrina

From: Todd Russell <jtrussell13@gmail.com>
Sent: Friday, February 5, 2021 3:18 PM
To: ENR
Subject: Oil tank emissions

This message originates from outside the Maine Legislature.

Committee On Environment and Natural Resources

ME

RE: Oil tank emissions

Dear ,

I'm writing to ask you to require effective monitoring and control of emissions from all above-ground oil terminal storage tanks in Maine.

Since news broke last year that Global Partners, the energy company that owns 12 of the 120 oil tanks in South Portland, had been exceeding the legal limit for air pollution, I've been concerned about our air quality.

South Portland's 120 oil tanks are next to homes, schools, daycares, and housing for the elderly. Our neighbors deserve to breathe clean air, and I'm calling on you to take action and make that a reality.

Please take action to require effective monitoring and control of emissions from these oil tanks in South Portland and all oil tanks across the state.

Sincerely,
Todd Russell
363 Deering Ave
Portland, ME 04103
(207) 469-9999

Subject: The toxins spewed from the Sprague and Global oil storage tanks in south Portland

To: Members of the Environment and Natural Resources Committee

I am writing on behalf of the leadership team of Elders for Future Generations to express our concerns about the poisonous toxins emitted from the Sprague and Global oil storage tanks in South Portland and elsewhere. Elders for Future Generations is a large network of older people who care deeply about the lives of children and families for generations to come.

For many years, people living and working in South Portland have been suffering from concentrated emissions of benzene and naphthalene spewed from approximately 100 tanks owned by Sprague, Global and four other tank farm operators. It appears from the Global and Sprague consent decree documents that Maine DEP has not properly audited the reported emissions of these companies for accuracy. If this failure to properly regulate emissions occurred with these two companies, it is likely that there are similar problems with the other tank owners. It seems that these self-reporting companies have not adhered to the minimum standards of the federal EPA, with seemingly little enforcement by Maine's DEP.

As we think you know, both benzene and naphthalene are proven carcinogens. People living and working in the vicinity of the tanks have reported headaches, vomiting, eyes tearing and difficulty breathing. The situation especially poses a clear and present danger to people suffering from chronic illnesses, such as asthma, heart disease, and who may have a vulnerability for cancer. There is also concern about harm to fetuses, damage to immune systems and greater vulnerability to COVID-19. This does not even speak to the noxious, highly disturbing odor many people have complained about, especially on hot days.

In the neighborhoods bordering the tanks, fumes are sometimes so strong that residents keep their windows closed for minimal protection. And this is true of residents living in the West End of Portland, just across the river.

The tanks are also positioned near several schools and a large community center. Compounding this situation the Portland Pipeline Company recently decided to fill 8 storage tanks adjacent to an elementary school. Indeed, it is the children who may well develop the worst of the diseases caused by these emissions in the years it takes for them to manifest.

We find this callous disregard for children and human life appalling.

Therefore, we urge you to craft a bill that will address all the issues involved. It is our understanding that the technology exists to correct the situation. It's willpower that seems to be missing. A strong law is needed to ensure that Maine DEP will fully enforce existing DEP regulations to protect the health of South Portland and Portland residents living in tank farm neighborhoods. Further, we ask that the same protections be extended to all Maine residents living in proximity to above ground oil storage tanks.

We thank you in advance of your work on this issue.

Sincerely,

The leadership team of Elders for Future Generations:
Pat Bartke
Espahbad Dodd
Veronica Dudar
Chuck Glassmire

Rachel Mason Burger
John McDevitt
Kathy Mikulka
Christina Ruiz deLuque
Beth Schultz
Priscilla Skerry
Tom Mikulka
Kathleen Stokes
Fred Brancato

opus4fred@gmail.com
(207) 671-9776

Carey, Sabrina

From: Laura Bridgman <anita.bridgman2@gmail.com>
Sent: Friday, February 5, 2021 6:12 PM
To: ENR
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

February 5, 2021

To: Maine Department of Environmental Protection

As a practitioner in Bangor for many years, I write to express my concern for the health of my patients, colleagues, and friends of all ages who live in the Hampden, Bangor, and Bucksport areas where oil tanks are located. I am very concerned about the health risks of tank farm emissions for everyone living and working here, as well as elsewhere in South Portland where there are many more tanks in close proximity to a large population.

I strongly support legislation to require emissions testing by the U.S. Environmental Protection Agency, and mandatory monitoring of emissions and control of Volatile Organic Compounds and Hazardous Air Pollutants by the oil companies.

Sincerely yours,

Laura T. Bridgman, FNP, ND

Evergreen Healing Center, LLC

224 State Street

Bangor ME 04401 (207) 512-0584

Carey, Sabrina

From: Jered Egan <jeredegan@gmail.com>
Sent: Saturday, February 6, 2021 7:54 AM
To: ENR

This message originates from outside the Maine Legislature.

Dear Senator Brenner,

I am a Portland resident and am writing to you, as the chair of the Committee on Environmental and Natural Resources, to urge you and the members of the committee to take action on the clear threat posed by oil storage tank emissions in South Portland and elsewhere in our state.

It seems to me that there is plenty of anecdotal evidence, provided by those living and working near these tank farms, about intolerable levels of fumes being emitted. I believe that the committee has a duty to undertake a serious evaluation of this issue, giving the highest priority to listening to the voices of those affected and ensuring their health and well being - and ultimately to recommend legislative remedy to the full legislature.

I understand that the committee will be meeting on February 10th to receive a briefing on this issue and, following that, I will be anxious to hear your views on the matter.

Sincerely,

Jered Egan
19 Crescent Street
Portland

Carey, Sabrina

From: Valerie Goldman <valerieschumann@gmail.com>
Sent: Saturday, February 6, 2021 8:31 AM
To: ENR
Subject: 68 Chestnut St. letter of concern

This message originates from outside the Maine Legislature.

To whom it may concern,

Thank you for taking the time to consider addressing the tank emission issues in South Portland. My husband and I purchased our first home at 68 Chestnut St. in July 2018 after relocating to Maine from Washington, DC in 2017. We love our lives here in South Portland, but the toxic tank emissions we experience are a significant concern and have us worried for the future of our neighborhood. The fumes in the summer can be stifling in the heat, and we are forced to close our windows because of the strong odor. Even in the dead of winter, an offensive petrol smell wafts off my dog when she returns inside after just a few minutes playing in the yard. What is in the air we are breathing? Is it safe to live in such close proximity to these fumes for a prolonged period of time? Why is Global allowed to circumvent the cost of new technology available that can filter harmful VOCs from being released into our community? Do we need to think about selling our home? What a disappointing position to be in after just a few years here. Just when we want to be investing in the future of our neighborhood, we are considering a much different option if we can't get some positive news about addressing the fumes. We have participated in city council meetings, zooms calls, and letter writing. This issue is important to us and I hope the Committee is motivated to act and finally get something done about our poisoned air.

Thank you so very much for your concern,
Valerie Goldman
68 Chestnut St.
South Portland, ME 04106
(772) 696-5473

Carey, Sabrina

From: Nicholas Goldman <nickgoldman1984@gmail.com>
Sent: Saturday, February 6, 2021 9:06 AM
To: ENR
Subject: Controlling Oil Tank Emissions

This message originates from outside the Maine Legislature.

To whom it may concern,

Thank you for taking the time to consider addressing the tank emission issues in South Portland. As a resident of the Pleasantdale neighborhood, I am deeply concerned about the toxic VOCs emitting from several nearby tank farms. The fumes are often so bad that they cause nausea and headaches and force us to keep our windows closed. When I walk my dog on the Greenbelt trail, the air we breathe smells like they are repaving every street in the neighborhood simultaneously. Even when there is no smell, science tells us that we are still breathing in harmful toxins.

Since moving to the neighborhood in 2018, I have written letters, attended city council meetings, and taken air samples. The lack of concern shown by the Maine DEP regarding this issue demonstrates that they do not have the best interests of my community in mind; instead, they allow companies like Global and Sprague to continue to poison our residents. This legislature may be our only hope to get some meaningful legislation passed. I do not consider myself to be anti-business or even an environmentalist; however, more common sense protections are needed for South Portland residents. The companies operating tank farms here should be subject to regular audits of their emissions by an outside agency and the costs must be covered by the businesses. We must consider the net emissions of several companies operating in a small geographic area rather than considering the emissions of each operator on its own. No company should be allowed to operate without utilizing the latest technology available to filter VOCs.

If we fail to adopt common sense solutions to this problem, companies like Global and Sprague will continue to reap profits while destroying South Portland. Please help us protect ourselves and protect this city.

Sincerely,

Nicholas Goldman
68 Chestnut St.
South Portland, Maine 04106
PH: (202)285-9188
E-Mail: nickgoldman1984@gmail.com

Carey, Sabrina

From: Brandon Somes <bsomes31@gmail.com>
Sent: Saturday, February 6, 2021 12:17 PM
To: ENR
Subject: RE: Impact of SoPo oil tank emissions

This message originates from outside the Maine Legislature.

To the members of the Environment & Natural Resources Committee of the State legislature of Maine,

I am writing today as a resident of South Portland to discuss the impact the emissions from the numerous oil storage tanks around South Portland have had on my health and quality of life. I appreciate your consideration of this statement as you draft legislation to monitor and control the emissions from the tanks going forward. This is important work that will ultimately impact thousands of lives.

I'll start with health. I am asthmatic and exposure to additional air pollutants will likely worsen my condition and symptoms. I frequently require use of my rescue inhaler. While there are numerous contributors to air pollution, the tanks are one factor we could have a great degree of control over. By not requiring a small number of organizations to monitor and mitigate their pollutant output we are passing up an "easy win" opportunity to improve the respiratory health of all of South Portland.

I have only lived in South Portland for 13 months at this point. However, as I understand the significant links the chemicals emitted from the tanks have to cancer and other diseases, it seems likely that the longer I live in this community, the more likely it is that I'll develop a chronic illness associated with exposure to these chemicals. This knowledge in and of itself creates a negative health condition; the anxiety that simply living here could cause me decades of health problems and premature death is a strain on my mental health. Thankfully, at this point, these are the only ongoing health problems related to the tanks that I can cite, but I worry that given another ten years I may be able to add cancer, kidney or liver damage, or neurological conditions to the list.

The oil tanks impact general quality of life in South Portland as well. My neighborhood in South Portland is located in between the sites of two of the more infamous tank locations. The Global and Sprague tanks that have been identified as the source of noxious odors and over the past several years. These odors have a huge impact on quality of life. As I mentioned above, the worry about health is always in the back of my mind, and often I can go about my day without thinking about it too much. But, I am frequently smacked in the nose with a reminder about the damage being done.

The first weekend we moved into our house last spring was very bad. The tank smell was nearly constant throughout the day for the whole weekend. That was a rude awakening to the new reality we'll have to live with. We are at the mercy of the oil companies and the weather. Can we go outside today? Is the wind blowing South or North? If it's blowing south, there's a good chance the fumes are blowing right into our neighborhood. If it's blowing north, you can look on the smellmycity app and see complaints from Portland's West End. It seems like it's not a question of whether the tank fumes are blowing, just a question of which direction they're blowing in. Only being able to use outside spaces when the oil companies and wind conspire to give you permission does not make for a good quality of life.

Based on the smellmycity app data it seems like the odors are common in the early morning hours. If you were to sleep with your windows open, that smell would wake you. We have experienced sore throats, stinging eyes, headaches, nausea, and shortness of breath when we smell the fumes. Having to seal your house shut at night in the summer to avoid waking with a nose full of oil/tar smell and a headache/shortness of breath to match does not make for a good quality of life.

Technology exists that can prevent/mitigate the emission of these fumes and odors. The recent DEP report outlines the concerns with the VOC levels. Not requiring all of the companies operating tanks to monitor and report actual production of VOCs (as I understand they currently use

estimates based on industry accepted formulas) and mitigate emissions is a missed opportunity to improve the health of your constituents. When the only cost is shouldered by large companies that can well afford the modifications, it seems like this should be an easy choice.

I for one will be following legislative and executive decisions regarding regulating the tanks closely, and these decisions will be a primary determinant of who gets my votes until this problem is resolved. I look forward to your efforts to address the problem.

Thanks for your time and consideration,

Brandon Some

Carey, Sabrina

From: shenders@maine.rr.com
Sent: Sunday, February 7, 2021 1:01 PM
To: ENR
Subject: MeDep report on SP petroleum emissions

This message originates from outside the Maine Legislature.

Considerations for the Joint Standing Committee on the Environment and Natural Resources (ENR) concerning South Portland's Clean Air Committee's Comment's on the MeDEP report, Measurement and Control of Emission from Above Ground Petroleum Storage Tanks (1/1/ 2021)

2/7/2021

Dear Committee Members,

Please consider the comments of the Clean Air Committee as critical additions to the DEP report as you draft legislation to control emissions. As you consider the highly technical arguments, please keep in mind that this is an issue of public health and social justice. It involves balancing the right of people to have clean air with the right of businesses to meet their own objectives. As we learn and understand more about the effect of chemicals on living things and as our ethical/ legal understanding of social justice increases, it requires us to look anew at policies and practices developed before this knowledge developed.

The city of South Portland has a population of 25,606 people (2018) and an area of 14.2 2 square miles. The city borders the Fore River which offers deep water ports that can accommodate oil tankers. The city has 120 petroleum tanks that tend to be close to the river. In our city, industry is licensed to emit 734 ,000 thousand tons of air pollution per year. In addition to this, there is pollution from the ships coming and going with petroleum products in the river and from the tanker trucks that carry fuel away from the tanks. If you consider that the city houses a large train yard, highways, an airport and the Maine Mall, you can visualize that these large spaces mean that a large portion of the population is even closer to the petroleum tanks than just a consideration of density alone indicates. Our density is high.

The emissions of each petroleum company have been considered separately. There has not been a consideration of the cumulative impact on people of combined volumes and combined chemicals. Our history of science and medicine while showing astounding advances also shows that all too frequently, we did not realize the harmful implications of decisions until serious harm occurred. Chemicals have been considered innocent until proven guilty, yet it is notoriously difficult to show relationships that might imply causality. We know now that babies are born with chemicals in their umbilical cord blood meaning that they begin life with a chemical burden in their bodies. We know that living cells are sensitive to environment effects depending on the time, amount and duration of exposure. We know that chemicals can cause endocrine disruption and neurological effects that may be very difficult to measure and quantify. We know that we have made errors: forever chemicals now are in our wells and on land where dairy cows grazed. Drug resistant organisms are a huge threat to human health and we know that organisms can develop resistance to drugs from practices like feeding livestock antibiotics to help them grow faster and bigger. We have said that the probability of a nuclear accident is so rare as to be not worth considering before Three Mile Island, Chernobyl and the meltdowns in reactors in Japan after the earthquake. I state these facts to appeal to your common sense and ask you to consider that although we may not have statistical proof in the reports that the emissions in South Portland are harmful to the health of

residents, it seems highly likely that harm is and has been occurring that we are not yet sophisticated enough to capture. We know the chemicals being emitted are harmful. We believe that it is likely that emissions have not always been measured accurately and that best practices have not been required to contain them. Consider that only a "major emitter" is required to use best practices and that because a company can estimate their own emissions, and that because it would be financially in a company's best interest to be a "minor emitter", there is a significant financial incentive to under-estimate emissions. If there is a concern for the public health, it does not seem prudent to allow an industry to monitor itself and calculate their own emissions. Because homes, schools and other public building are so close to the tanks, where monitors are placed is critical. Fence line monitoring would show a concern for the health of the many who live within very close proximity to the tanks. Also, cumulative exposure is a critical consideration for the health of a population. As a health care professional, I am aware that populations have suffered severe health effects for many years before action was taken to address the problem because of the political and financial strength of industry to fight taking responsibility. It is often a David and Goliath battle and that is part of the social justice issue. My understanding of governmental law is that a major purpose is to protect the vulnerable. Industry often has teams of excellent lawyers who can write extensively about why there is no proof that their practices can cause injury. However, the Precautionary Principle, states that when there is a threat of harm, precautions should be taken even if statistical cause and effect is lacking. This is the principle that parents use to raise their children, it is a principle of promoting social well-being. It is not a principle that asks the petroleum industry to go away, it asks them to take responsibility for their actions and use best practices to protect the health of their neighboring community. This has not been the history of industrial practices in our country but it needs to be now. Pollution is an externality that needs to be internalized by industry to protect the environment and the rights of all to a healthy environment in which to live and work.

The points made in the CAAC report are carefully stated and very critical to responsible monitoring of the petroleum industry in South Portland. The petroleum industry should be held responsible for using best practices for monitoring and controlling emissions and measurements should be verified. Please create a bill for monitoring emissions that incorporates the carefully crafted recommendation of the skilled members of our Clean Air Advisory Committee.

Sincerely,

Susan Henderson, RN, BS, MA.
9 E Street
s South Portland Maine, 04106

Carey, Sabrina

From: Judith Kline <judith.a.kline@gmail.com>
Sent: Sunday, February 7, 2021 3:59 PM
To: ENR
Subject: Testimony re Tank Farm emissions

This message originates from outside the Maine Legislature.

TESTIMONY TO THE ENR COMMITTEE REGARDING OIL EMISSIONS

The DEP's job in licensing the oil distribution companies is to protect the community and the environment from the dangers posed by the harmful emissions generated by the transport of petroleum based products. In order to do this, it's necessary to identify the level of actual emissions and to mitigate their effects to the greatest extent possible. Currently the exercise of identifying the level of emissions is done by mathematical calculation. The result of this situation is that both licensed and "actual" reported emissions are subject to changes in math though not in actual emissions. The only way to assess actual emissions is to test them and without that information, it's not possible to assess the outcomes of any effort to address them. **The solution is TEST and TREAT.**

The key to understanding how the tank farms are impacting our community is licensing. The critical factors involved in licensing are **emissions (tons)**, released from fossil fuel products when they are stored and moved, and **throughput (gallons)** the amount of product that is passed through the tanks. Theoretically if throughput is increased, the emission level should increase. Currently the numbers that represent throughput (tons) reflect actual amounts while the **numbers that reflect emissions are calculated.** The basis of these calculations is the federal standard, AP-42 which utilizes information developed by the American Petroleum Institute.

The changes that the communities living next to the tanks are experiencing could be explained by at least 2 recent federal changes. First, changes to the EPA AP-42 resulted in the reduction of all companies' calculated 2019 emissions (t) to 20-50% of their permit levels. Second, the Federal Court in its Consent Decree with Global Oil for the first time set a "limit" on throughput that was in the range of 6 times their average throughput since 2011. This increase was incorporated in their revised permit with no increase in their permitted emission level.

The effect of these 2 changes is that the companies could increase their throughput by multiples without violating their permitted levels of emissions. More importantly, the changes in the method of calculating reported emissions mask any perceived increase in actual emissions resulting from increased throughput which are contaminating the community.

The community can't defend itself against these bureaucratic manipulations without facts. And the only way to get facts is to test actual emissions. **In order to protect the community and the environment, I request that the Committee create legislation that requires testing and treatment of actual emissions.**

Carey, Sabrina

From: ardis cameron <ardisccameron@gmail.com>
Sent: Sunday, February 7, 2021 4:29 PM
To: ENR
Subject: Tank Farms So Po

This message originates from outside the Maine Legislature.

Dear Environmental and Natural Resources Committee:

I live a few miles away from several so-called tank farms. In South Portland, they populate many acres of once beautiful land, including shorefront property. Global even has a beach along the Fore River. But to walk near these farms is to inhale thick fumes which can make you literally gasp for breath. While the toxic smells thin out as you walk away from the sites, they do not disappear. Once, while walking past the tanks in Ferry Village, I could not breathe and thought I was having a heart attack. A few minutes later I was at my doctors office.

The scientists can explain the many harmful effects of these fumes and how they leak out constantly. But as a long time resident of South Portland, I can testify to the rank nature of their contents. Is this really the best we can do? In a state that prides itself on nature and a clean environment, I find the lack of attention to these poisons both sad and frustrating. Now, you have a chance to save lives and put people before oil interests.

We depend upon you.

Ardis Cameron
24 Pond Rd.
South Portland, Maine 04601
207-838-0311

Carey, Sabrina

From: tessn@gwi.net
Sent: Sunday, February 7, 2021 5:24 PM
To: ENR
Cc: Pete Gorski
Subject: Oil storage tank emissions: Effect on Maine residents
Attachments: Jan.2020.SnowwithOrnaments.2.jpg

This message originates from outside the Maine Legislature.

Dear Sen. Brenner, Rep. Tucker and other members of the Environment and Natural Resources Committee:

I see that you'll be getting a DEP briefing Feb. 10 on oil storage tank emissions. To add to your information on the topic, I would just like to give you a picture of what it's like to be a Maine resident living near those tanks.

My quiet, tree-lined neighborhood in South Portland is called Pleasantdale. But the toxic stench from nearby petroleum tank farms frequently makes our neighborhood decidedly unpleasant. I can step out my door on a beautiful day – be it spring, summer, fall or winter – and instead of fresh air, get a lungful of what smells and tastes like the fumes given off during a street-paving operation or at a gas station while filling up a car.

Those emissions from the tank farms don't just smell bad – they also make our neighborhood unhealthy. Everyone in our city has learned that tank farms in South Portland have been exceeding air pollution limits for years. They're making the air in our neighborhood unsafe to breathe.

My husband, Pete Gorski (cc-d here), and I bought our home on Robinson Street in 2003. It's an old farmhouse that's nearly 200 years old. We fell in love with its historic character at first sight.

We had looked at another house a few blocks away before seeing this one. One of the reasons we decided against that house was that it was on Elm Street, where oil tankers rumble by 24/7, headed to and from the tank farm on Turner's Island. But Robinson Street, which is just one block long, is not on the regular truck route. We can't see the oil tanks from our house and we don't see tankers traveling up and down our street every day. We felt safe buying our house.

We didn't know then that something we couldn't see made us unsafe: the toxic emissions. We didn't smell them when we viewed the house because the odors are intermittent, seeming to depend on such factors as activity at the tank farms and which way the wind is blowing. We never know when to expect them. The smell is just an olfactory warning of what is being spewed into the air, however. I'm sure that the air pollution the emissions cause lingers long after the odors they generate and may be impacting our health.

I was diagnosed within the past year with adult-onset asthma. I've never had breathing problems before. My husband has had asthma since childhood but his has worsened since we moved here. I'm concerned about the long-term impact that significant amounts of toxic emissions, some of them cancer-causing, will have on our health.

The tank farms argue they've been in the neighborhood a long time. But they don't predate the people here – our house, built in 1834, was one of the first in the neighborhood, and we have many older homes here. Regardless of when they were established, the tank farms are not being good neighbors.

They exist cheek-by-jowl with many residences, filled with people of all ages, from infants to seniors, who are negatively impacted by the tank farms' toxic emissions.

The city's Greenbelt trail runs through our neighborhood so it also attracts many visitors. I suspect that the fumes have scared off walkers or cyclists who might have considered becoming residents here. Our home has a rental unit and some potential tenants have voiced concerns about breathing in polluted air. As more becomes known about these emissions, they impact property values. The tank farms should not be operating their businesses in such a way that they lower property values and deny their neighbors their right to have clean air to breathe.

It is clear that the tank farms will not voluntarily protect their neighbors, so I support state legislation to require and enforce the most robust monitoring and control of emissions possible, as well as stricter emission standards for South Portland and Maine as a whole. I hope you will support the passage of legislation this year to monitor and control emissions from above-ground oil storage tanks statewide. That will be the best way to clean up the air to make Pleasantdale and other neighborhoods in South Portland and in Maine pleasant again!

Thank you for your consideration of this!

Tess Nacelewicz

25 A Robinson St.

South Portland, 04106

P.S. I'm including a picture of our home to show you what drew us to this neighborhood.

Carey, Sabrina

From: Sigrid Trumpy <sigridtrumpy@gmail.com>
Sent: Sunday, February 7, 2021 7:25 PM
To: protectsouthportland@gmail.com; ENR
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

Dear Members of the Environment and Natural Resources Committee and others,

I am writing to express my concern for the healthy life of the residents of South Portland, West End residents, and Portland residents in adjoining areas. I would ask that you turn your attention to the accident that occurred at Three Mile Island on March 28, 1979. Most of you are no doubt too young to remember this event, although it was an extremely terrifying time, for millions of residents, when a cooling malfunction caused part of the core to melt in the #2 reactor in Middletown, PA. This accident was a very close call and the most significant accident in U.S. commercial nuclear power plant history. We were lucky that time, we might not be so lucky should an accident occur on the Fore River in Portland, Maine as a result of the oil tank farms that populate large areas of the South Portland shoreline.

I know you are primarily concerned with negative health impacts due to toxic emissions, mainly concerns from living near the tanks and breathing the toxic emissions they emit. In 2016 I was house hunting for my daughter in the Portland area and we looked at a number of homes in South Portland. It appeared to be such a wonderful smaller community so perfectly located convenient to the city of Portland and the Atlantic and the beauty and nature that Maine offers.

But we saw the oil storage tanks as we drove around, and that was a red flag to us, since my daughter was planning a family and the schools and recreational areas were so very close to these enormous tanks. How could that be safe, we asked each other? Big oil companies have not shown concern for families and children. Where have we seen that proven?

Ultimately we stopped looking at homes for sale in South Portland, for these reasons, and for the very remote possibility that what happened at Three Mile Island, although a totally different industry, could replicate with the oil industry in South Portland and Portland, god forbid. Ultimately she found a home elsewhere in the Portland area and is raising a family.

Please help pave the way for a safer South Portland, Portland and Maine through your power to vote on regulating and monitoring these emissions.

Sincerely,

Sigrid Trumpy

Carey, Sabrina

From: Anna O'Sullivan <annaoprints@gmail.com>
Sent: Monday, February 8, 2021 6:41 AM
To: ENR
Cc: Wood, Barb; Chipman, Benjamin; ksnyder@portlandmaine.gov; pali@portlandmaine.gov; sthibodeau@portlandmaine.gov
Subject: Tank Emission Bill Input

This message originates from outside the Maine Legislature.

Good morning co-Chairs Senator Brenner, Representative Tucker, and the ENR Committee,

My name is Anna O'Sullivan, and I live at 61 Atlantic Ave in South Portland, ground zero for tank emissions as I was to find out. I live in my home with my two year old son, and the emissions are an intense presence, sometimes for days on end. Since buying and moving into my home in 2017, I've had a massive amount of headaches, and live with a constant feeling of guilt about the impending ill effects on my son's health. I love my home and my community, but feel betrayed by Maine every time I open my window and instead smelling the sea, I smell petroleum: my heart sinks, and I revisit thoughts of moving away.

It feels out of step with Maine's ethics to permit the type and scale of pollution that we now have evidence of from the Sprague and Global tanks in my community, but I'm trying to stay hopeful that decisive action is coming, soon.

We cannot stand by and let our children, friends, and neighbors be abused by these giant oil by companies. They must be held accountable for doing their business responsibly. They have the resources, and the technology exists. Communities in New York, Massachusetts, and California have implemented tighter, reasonable standards and I see no reason that Maine shouldn't hold the bar as high.

Take action, please! Maine's residents impacted by the toxic emissions are counting on it. Specifically, we hope the committee's Tank Emissions bill requires the following:

1. Measurements of actual emissions to define the problem and provide a basis for assessing mitigation efforts - not just industry reported calculations.
2. Develop a plan with the DEP to require stack testing to be incorporated at every facility on all tanks, heated and non-heated at the time of their next license renewal, or before.
3. Require tank operators to install fenceline monitoring around the perimeter of their facilities, to provide continuous testing and to make the data available to the public. This would provide information about the effects on the adjacent community. Both fenceline monitoring and stack testing represent reasonable expenses that should be borne by the companies as part of their permit to operate in these communities.
4. Direct the DEP to require all emissions to be treated in order to protect the community from the effects of their toxic chemicals. The preferred type of equipment for treating emissions are vapor recovery units (VRUs) as recommended by the EPA. Requirements for operation and maintenance of equipment should be included in their licenses.

Thank you so much for your hard work and time.

Sincerely,

Anna & Henry

Carey, Sabrina

From: Louise Tate <lmtme@maine.rr.com>
Sent: Monday, February 8, 2021 11:21 AM
To: ENR
Cc: protectsouthportland@gmail.com
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

I am writing to State legislators in strong support of the recommendations from South Portland's City Council and CAAC in regards to effectively monitoring tank emissions. As a person diagnosed with COPD, I am very concerned with all efforts to protect air quality.

There are many families in South Portland for whom this effort comes too late. They have already experienced overwhelming health consequences and financial burdens due to their proximity to local tanks.

South Portland's government and citizens have spent countless hours gathering information, examining problems and researching effective responses. I hope that the ERN Committee will pay attention to all the work that has already been done related to tank emissions.

As a citizen, I have (virtually) attended many meetings. I appreciate all the work done by the City Council, members of CAAC, outside experts and members of Protect South Portland. They have all put the health of people first.

On the other hand, Corporations seem focused on profit, without regard for human health. It is time that Corporations accept responsibility for the damage done in pursuit of profits. It is time that Corporations pay IN FULL the costs to effectively monitor and ultimately ameliorate their impact on air quality.

I am grateful to see that the State is considering legislation that will protect all Maine citizens and hold Corporations responsible for their actions.

If it were up to me, I would also expect Corporations to compensate those people who have already suffered.

Sincerely,
Louise Tate
South Portland, ME

Carey, Sabrina

From: Ann Morrill <morriaa@yahoo.com>
Sent: Wednesday, February 3, 2021 9:55 AM
To: ENR
Subject: Tank emissions

This message originates from outside the Maine Legislature.

As we have all learned from the COVID-19 pandemic and subsequent economic crisis, crises rarely stay neatly confined within any particular boundaries. The volatile organic compounds and other hazardous pollutants emitted by South Portland's oil tanks waft into the air, spread wherever air currents take them and settle out per the laws of physics. People living closest to the tanks suffer the greatest exposure and pay the greatest consequences for it in terms of their health. But these pollutants spread beyond the immediate area and effect other neighborhoods, other communities, and other populations as well. Effects are also not constrained by time or social structures. Negative impacts on health cost all of us as we try to deal with the inequities of our failed health care "system". Children impaired by poor health and neurological impacts of exposure to VOCs make poor students, increasing education costs to us all. Poorly educated students make for a poor quality work force when they leave school, effecting us all. Social costs include increased incidence of behavioral health and substance dependence problems, which then cost more for public safety measures (police departments, incarceration) as well as the cost of often inadequate treatment options.

Thus, we cannot separate out the health, social, and environmental costs inflicted upon us all from the release of oil tank pollutants. Technology exists to allow for doing a vastly better job monitoring emissions, and the cost of doing so is limited to the balance sheet of private companies long used to lax supervision of their effects on the public. I would ask this committee to find in favor of requiring them to fully employ all such monitoring technologies in the public's best interests. Thank you for your dedicated attention to this vitally important issue. Best regards, Ann Morrill 160 Fickett Street South Portland, Maine 04106

Sent from Yahoo Mail for iPad

Carey, Sabrina

From: Sue Pastore <rodepast@gmail.com>
Sent: Wednesday, February 3, 2021 11:54 AM
To: ENR
Subject: Above Ground Storage Tank Emissions

This message originates from outside the Maine Legislature.

Dear Committee members, Thank you for your good work and attention to this problem. I am a resident of Portland, and have been attending Protect South Portland meetings for almost 2 years. I became involved as a listener and as a representative of 350 Maine. My mission was simple: report back to 350 Maine about what was happening in South Portland in regards to storage Tank fumes. I have since become a passionate advocate for the citizens of this community. Fumes are the symptom of a much greater harm to South Portland, Portland, and to Casco Bay. The DEP is not considering the human impact of leakage from the tanks: testimony reveals that members of communities in proximity of the tanks experience headaches, nausea, and anxiety about the health of their children. We have heard testimony of homeowners taping their windows to keep fumes out of their homes, of not being able to garden, and of smoke alarms going off in the night when fumes are especially volatile. Without remedy we anticipate decline in property values and that people will be subject to harm for generations to come.

Recently I took a road trip up the coast with my Grandson. I wanted to see what the communities of Searsport, Bucksport and Hamden were contending with in regards to above ground storage tanks. My teenaged grandson's words as we trod along the chain-linked fences, " these are really struggling towns and the fossil fuel industry just does what it wants". The DEP needs to focus on the issue and bring climate justice for all these communities to the fore.

Sincerely,

Susan Strode Pastore

777 Stevens Ave, Portland ME

04103

Carey, Sabrina

From: Matthew Poor <mattpoor@gmail.com>
Sent: Wednesday, February 3, 2021 12:03 PM
To: ENR
Cc: Spencer; Wood, Barb; Chipman, Benjamin; Kate Snyder; pali@portlandmaine.gov
Subject: Oil Tank Emissions Legislation

This message originates from outside the Maine Legislature.

Dear Co-Chairs Senator Brenner, Representative Tucker and the ENR Committee,

I moved to the West End of Portland 5 years ago with my family from Brooklyn NY. I have become increasingly concerned about the evidence of toxic tank emissions in South Portland, the lack of monitoring, regulation, and coordination impacting the region.

All of my neighbors take it for granted that we have continuous fuel like odors in the neighborhood. We are less than a block from the Waynfleet School and close to several other schools, where our city's children are essentially being continuously exposed to toxic air. My children are breathing this same air when they play in the backyard of our historic home.

What's most important is the State Government's absolute responsibility to protect residents from inadequate regulation that creates a danger to their health. Ours is an aging population, the future of Maine depends on creating jobs and opportunity. It therefore incumbent upon the State to protect the primary benefit Maine has to offer prospective residents and businesses; the quality of life and perception of a clean, healthy environment here in Maine.

If Portland, arguably the most nationally renowned city in Maine, is allowing residents to breathe toxic air, this effectively advertises Maine as a state that does not care about the health of its residents, and is inaccurately portrayed in having a high quality of life.

I support industry and the opportunities it brings, but without an effective policy requiring oversight, monitoring and compliance, profit will always be put before residents' health. This is not acceptable under any circumstances.

I encourage this committee to take action - heeding the concerns of countless Maine residents impacted by this issue. Specifically I hope that the committee's Tank Emissions bill builds in requirements for:

1. Measurements of actual emissions to define the problem and provide a basis for assessing mitigation efforts - not just industry reported calculations prone to bias and willful inaccuracies.
2. Develop a plan with the DEP to require stack testing to be incorporated at every facility on all tanks, heated and non-heated at the time of their next license renewal, or before.
3. Require tank operators to install fenceline monitoring around the perimeter of their facilities, to provide continuous testing and to make the data available to the public. This would provide information about the effects on the adjacent community. Both fenceline monitoring and stack testing represent reasonable expenses that should be borne by the companies as part of their permit to operate in these communities.
4. Direct the DEP to require all emissions to be treated in order to protect the community from the effects of their toxic chemicals. The preferred type of equipment for treating emissions are vapor recovery units (VRUs) as recommended by the EPA. Requirements for operation and maintenance of equipment should be included in their licenses.

Regards,

Matthew Poor

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.....

www.mattpoor.com

Dan Tipton
21 Ship Channel Road
South Portland, Maine 04106

Dear Sabrina Corey and Committee Members
Environmental and Natural Resources Committee

I am writing to urge the state legislature to take prompt and decisive legislative action to require owners of oil tanks in Maine to install monitoring and control methods which will effectively limit toxic emissions from these tanks. Also to enforce regulations already in place. The law should include severe penalties for any violations.

It is sad that petroleum corporations are allowed to pollute air, that is owned and needed by all of us, while increasing their already robust profits.

Legislation should also require monitoring by official government authorities and to not accept reporting data from the tank owners. Remember Boeing, see Wikipedia Boeing Safety.

This is a matter of extreme importance and failure to lawfully control this poisoning is evidence that legislators are not representing the people who voted for them.

If you don't do it for us elders, do it for our and your children and future generations.

Thank you for your past efforts but there is still much to be accomplished.

Sincerely

Dan Tipton, member Elders for Future Generations

cc Fred Brancato
Rachel Burger

Carey, Sabrina

From: Jan Chapman <janchapman1966@gmail.com>
Sent: Wednesday, February 3, 2021 3:42 PM
To: ENR
Subject: Oil Storage Tank Emissions

This message originates from outside the Maine Legislature.

Dear Members of the Environment and Natural Resources Committee,

We understand your Committee is drafting legislation to address the monitoring of toxic chemical emissions from oil storage tanks in South Portland and throughout the state. We are very concerned about the quality of the air surrounding the tanks and the health of citizens who live and work in their vicinity. Although we don't live near the South Portland tanks, we visit the area frequently and have friends who live there and are very concerned about the quality of the air and its effects on their health.

We urge you to include in the legislation plans for testing emissions, mitigating and evaluating mitigation efforts and making the data public. These plans are essential to protecting public health and is a matter of social and environmental justice.

Thank you.
Best regards,

Jan Chapman and Bruce Moore
1108 Sawyer Road
Cape Elizabeth, ME 04107
207 408-5802

Carey, Sabrina

From: Kristina MacCormick <maccok@hotmail.com>
Sent: Wednesday, February 3, 2021 2:52 PM
To: ENR
Cc: protectsouthportland@gmail.com; opus4fred@gmail.com
Subject: Oil tanks in South Portland

This message originates from outside the Maine Legislature.

Sabrina Carey
Committee Clerk
Environment and Natural Resources Committee

Dear Sabrina Carey,

The toxic fumes emanating from the oil tanks in South Portland are a serious threat to the residents in the nearby neighborhoods. The fumes are known to cause cancer and respiratory illnesses and the pollution makes people more vulnerable to Covid 19.

Technology exists that can monitor and control these emissions. The Maine State Legislature must act to ensure that the oil companies employ this technology to eliminate the fumes. For the health of the whole community action is needed now.

Thank you for your consideration,

Kristina MacCormick
38Majors Ct.
Portland, Maine 04103

Sent from my iPad

Carey, Sabrina

From: Maryellen McCone <maryellen.mccone@gmail.com>
Sent: Wednesday, February 3, 2021 3:26 PM
To: ENR
Subject: Letter to ENR

This message originates from outside the Maine Legislature.

Attn: Sabrina Carey

I am writing to bring to your attention a situation in Portland that is extremely distressing and in spite of many complaints and direct contact with the responsible parties, does not seem to be improving.

After several decades in the South, I returned to the New England area, in large part because I felt the Northeast was more cognizant of environmental issues and more willing to take the steps necessary to protect the health and well being of its residents.

You can imagine my chagrin when shortly after renting a lovely apartment in the West End, I was assaulted by incredibly strong, noxious odors which I found out were being generated by the fuel tanks in the harbor. The odors have been so strong that on the most beautiful New England Spring days we are forced to close our windows to avoid inhaling the fumes and having our eyes water.

In speaking with representatives from both Sprague and Global, I was told by Orion Breen from Global in June of 2020:

“We are in the process of adding enhanced odor control technology at our facility. Equipment has been ordered and is already on site, once we receive approval from the city of South Portland’s Planning Board, we will immediately start installation.”

He also recommended that I report the odors to “see, click, fix” so the city could collect the data. When I was finally able to speak with the person who was getting those reports, I was told that there were monitors located around the city to determine the level of pollution. I have subsequently been informed that there are, in fact, no monitors located close to the tanks owned by Sprague or Global.

I also emailed Sprague and got a response from Rolf Westphal, the terminal manager in Portland who said he forwarded my email to Shana Hoch, the customer relations person for Sprague who is located in another state and never responded.

So, 18 months after moving here and knowing that there are many, many people who are attempting to put an end to these odors, we have seen no change whatsoever.

I’m not sure what it will take to get this issue resolved but all I can do is to continue to make my voice heard and hope that your agency will step up and do what it takes to keep us all safe and healthy, especially as we are also dealing with a pandemic that attacks the respiratory system.

Thank you for listening.

Maryellen McCone RN, MA, LPC/MHSP (TN), LCPC (ME)
931.636.4415

Carey, Sabrina

From: Paul Cloutier <pcloutier@nea.cc>
Sent: Wednesday, February 3, 2021 3:41 PM
To: ENR
Subject: Tank Farm Legislation

This message originates from outside the Maine Legislature.

To: Environmental and Natural Resources Committee, Maine State Legislature

Dear Committee Members,

I write today in support of your efforts to resolve a severe health and environmental issue facing a number of communities, and of particular interest to me, facing South Portland, Maine. I have lived in this community and close to the tank farms in question for 45 years. I have noticed terrific odors on many occasions over the past 5 to 10 years. Enough so that they have caused irritation and physical distress. They have invaded my home and the homes of many of my neighbors on numerous occasions. The activity that is licensed by the State of Maine to a commercial operating entity should not be allowed to adversely affect their neighbors. I believe it a violation of neighbors' rights and an assault on their well-being.

Undoubtedly the costs of such measures will increase the cost of the material that is handled at these facilities, but it should not be that only Maine communities near these facilities shoulder the burden through loss of property value or ill effects to health. In this age of environmental challenges, taking steps to protect nearby neighborhoods and require that fumes and toxic materials be captured on site to very strict standards is the right thing to do. I urge you to legislate accordingly.

Thank You,
Paul Cloutier

Paul Cloutier, MAI, SRA
Northeast Appraisal Inc
14 Whitehall Avenue
South Portland, ME 04106
pcloutier@nea.cc
www.nea.cc
(207) 699-2808

Paul Cloutier, MAI, SRA
Northeast Appraisal Inc
14 Whitehall Avenue
South Portland, ME 04106
pcloutier@nea.cc
www.nea.cc
(207) 699-2808
(207) 756-5882 (cell)

Carey, Sabrina

From: Elizabeth S. Lowell <e_s_lowell@yahoo.com>
Sent: Wednesday, February 3, 2021 5:13 PM
To: ENR
Subject: Oil tank emissions in South Portland, Maine

This message originates from outside the Maine Legislature.

Committee On Environment and Natural Resources

ME

RE: Oil tank emissions in South Portland, Maine

Dear ,

As a concerned resident of the Greater Portland area, I am writing to ask you to require effective monitoring and control of emissions from all above-ground oil terminal storage tanks in Maine.

Since news broke last year that Global Partners, the energy company that owns 12 of the 120 oil tanks in South Portland, had been exceeding the legal limit for air pollution, I have been concerned about our local air quality.

South Portland's 120 oil tanks are next to homes, schools, daycares, and housing for the elderly. Our neighbors across the bay deserve to breathe clean air, and I am calling on you to take action and make that a reality.

I urge you to take action to require effective monitoring and control of emissions from these oil tanks in South Portland and all oil tanks across the state.

Sincerely,
Elizabeth S. Lowell
30 West Street, Apt. 29
Apt 13
Portland, ME 04102
(207) 774-1251

Carey, Sabrina

From: Robert Foster <bfoster_us@yahoo.com>
Sent: Wednesday, February 3, 2021 5:59 PM
To: ENR
Subject: Oil tank emissions

This message originates from outside the Maine Legislature.

Committee On Environment and Natural Resources

ME

RE: Oil tank emissions

Dear ,

I'm writing to ask you to require effective monitoring and control of emissions from all above-ground oil terminal storage tanks in Maine.

Since news broke last year that Global Partners, the energy company that owns 12 of the 120 oil tanks in South Portland, had been exceeding the legal limit for air pollution, I've been concerned about our air quality.

South Portland's 120 oil tanks are next to homes, schools, daycares, and housing for the elderly. Our neighbors deserve to breathe clean air, and I'm calling on you to take action and make that a reality.

As a long-time resident of South Portland, as your constituent, and as a citizen at risk due to an underlying medical condition (asthma) I am calling on you to pass legislation to address these air quality issues in our city and region.

Please take action to require effective monitoring and control of emissions from these oil tanks in South Portland and all oil tanks across the state.

Sincerely,
Robert Foster
102 Simmons Road
South Portland, ME 04106
(207) 409-4254

Carey, Sabrina

From: Patricia MacDonald <pmacd@balancingselfandother.com>
Sent: Thursday, February 4, 2021 12:13 AM
To: ENR
Cc: protectsouthportland@gmail.com
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

Dear Members of Environment and Natural Resource Committee,

I moved into the Brown Hill neighborhood almost ten years ago. This is the neighborhood that stretches out on the upper side of Lincoln Street Extension, elevated above Forest City Cemetery. The oil tankers come and go at the far end of the cemetery on the Fore River. The oil storage tanks that bear the name Global, line the far end of the cemetery.

For ten years I've walked my two dogs on the perimeter and interior dirt roads of Forest City Cemetery. Over these years I've occasionally encountered the strong noxious smell I first blamed on the tankers unloading, but eventually realized the tankers weren't responsible for this oil smell — apparently it was coming from the storage tanks. For eight years I ASSUMED this was an occasionally stinky place, but a safe place to take my [almost] daily walks. The dogs and I endured the occasional stink because I never considered this smell might be dangerous to my health or the health of my dogs.

Obviously, if it was dangerous, there would be signs posted warning people to avoid the area when the smell is present. But then, over the past year or so, I came to understand this toxic smell was actually caused by the release of harmful chemicals from the storage tanks. And more recently I learned there are also toxic emissions occurring which don't have an odor. WTF? I would NEVER have exposed myself or my dogs, knowingly, to harmful chemicals several times a week, year after year, if I had known these fumes are toxic. Are we competing with the City of Flint, Michigan?

My house is one near the top of Brown Hill, near what used to be the old Methodist Church, now an Odd Fellows Hall. Even at this elevation there are times I step outside and run into that smell in my own backyard. It is horrible enough that I go back inside the house and keep my dogs in until the stink dissipates.

In early November 2020, my dog Poppy died of a blood cancer which was diagnosed the day she died at the emergency veterinary center. They had her in Covid isolation for two days and one night before they called to tell me she had died and apparently now it was safe for me to see her. They diagnosed her after she died. \$4,000 later, all spent trying to keep her alive, while they apparently struggled to diagnose her. It breaks my heart to think of all the "happy" times we shared, taking walks together at Forest City Cemetery, where there's a strong possibility I was shortening her life with this bad choice of exposing her repeatedly to that familiar smell. I don't doubt my other dog and I are also at risk of developing negative health outcomes because of our level of exposure over time. I don't understand why there still are no warning signs posted in the cemetery and throughout our neighborhood? Adults, children and pets are still being exposed.

I appreciate your consideration of my perspective.

Sincerely,
Patricia MacDonald
2 Whitehall Ave
South Portland ME 04106

Carey, Sabrina

From: Elizabeth <lantz555@msn.com>
Sent: Thursday, February 4, 2021 8:50 AM
To: ENR
Subject: Tank emissions

This message originates from outside the Maine Legislature.

Dear committee members,

I encourage you to monitor and regulate oil tank emissions effectively to ensure the health and safety of Mainers. I live in Portland and can smell fumes from South Portland oil tanks as I head south over the water toward 295 south. People living near those tanks in South Portland are affected adversely in terms of nausea and headaches, at a minimum. Maine has a very high cancer rate; failure to regulate emissions safely takes a toll on the health of all of us.

Thank you for your efforts.

Elizabeth Lantz

Carey, Sabrina

From: Protect South Portland <protectsouthportland@gmail.com>
Sent: Thursday, February 4, 2021 9:30 AM
To: ENR
Cc: Curt Sachs
Subject: Fwd: South Portland tanks issue

This message originates from outside the Maine Legislature.

Protect South Portland

Website: www.protectsouthportland.org
E-mail: protectsouthportland@gmail.com
Find us on [Facebook](#)
Follow us on [Twitter](#) @ProtectSoPo
Mail: PO BOX 2154, South Portland, ME, 04116-2154

----- Forwarded message -----

From: Curt Sachs <sachsarch@gmail.com>
Date: Wed, Feb 3, 2021 at 4:01 PM
Subject: Re: South Portland tanks issue
To: Protect South Portland <protectsouthportland@gmail.com>

Please and thank you.

On Wed, Feb 3, 2021 at 3:54 PM Protect South Portland <protectsouthportland@gmail.com> wrote:
I can send it for you if you'd like. Let me know. JK

Protect South Portland

Website: www.protectsouthportland.org
E-mail: protectsouthportland@gmail.com
Find us on [Facebook](#)
Follow us on [Twitter](#) @ProtectSoPo
Mail: PO BOX 2154, South Portland, ME, 04116-2154

On Wed, Feb 3, 2021 at 3:23 PM Curt Sachs <sachsarch@gmail.com> wrote:
It was rejected. Will try again. You have my permission to giftware!! I'm in medical crisis and it will a bi until
I can re-send

On Wed, Feb 3, 2021 at 3:09 PM Protect South Portland <protectsouthportland@gmail.com> wrote:

Hi Curt, Great letter! Just checking to make sure this got sent to the ENR. If not, please send it to ENR@Legislature.maine.gov. Thanks. Judy Kline

Protect South Portland

Website: www.protectsouthportland.org
E-mail: protectsouthportland@gmail.com
Find us on [Facebook](#)
Follow us on [Twitter](#) @ProtectSoPo
Mail: PO BOX 2154, South Portland, ME, 04116-2154

On Mon, Feb 1, 2021 at 10:28 AM Curt Sachs <sachsarch@gmail.com> wrote:
I am writing regarding the upcoming session(s) dealing with this issue.

I am a 71 year old semi retired architect, cancer therapist and EMT. I am well versed in detection and abatement deleterious and environmentally unsafe materials and ambient exposure. I have personally been exposed to materials on construction sites (asbestos, arsenic, plaster dust, etc). For about 40 years, I have been battling sarcoidosis in my lungs primarily. The ambient stink from the tank venting has outlived its welcome in my body.. I have lodged multiple detailed messages on Click Fix (?). At this point, nothing has changed. The venting goes on. The \$33,000 fine is a tiny drop in the bucket for Sprague and the other seemingly guilty parties. I'm sick of my poor health being exacerbated by scofflaws.

I am available to testify if the cause is advanced.

M. Curt Sachs
12 Lewis Street
Portland, ME 04102
207.615.6628

--
M. Curt Sachs
Studio Curt Sachs

sachsarch@gmail.com
207.615.6628
Maine Licensed Architect

--
M. Curt Sachs
Studio Curt Sachs

sachsarch@gmail.com
207.615.6628
Maine Licensed Architect

Carey, Sabrina

From: Deborah Pendleton <dtpendleton@gmail.com>
Sent: Thursday, February 4, 2021 9:56 AM
To: ENR
Cc: protectsouthportland@gmail.com
Subject: Toxic Emissions from Oil Storage Tanks in South Portland

This message originates from outside the Maine Legislature.

Attn: Sabrina Carey

Good morning,

I live in the West End of Portland, on Park Street near the Victoria Mansion a few streets up from the water. I have lived here 5 years and have been aware of an occasional acrid smell in the air, sharp and piercing and clearly unhealthy—often on bright sunny days, year round. And our window sills often accumulate a black particulate.

This issue needs to be taken seriously and assessed, and I encourage additional studies of the situation if data is still lacking, or action if the data is in place. I am also happy to host on this property whatever recording device is needed and to maintain a log of perceived events.

Sincerely,
Deborah Thornton Pendleton
77 Park St, D
Portland, ME 04101

Carey, Sabrina

From: Shelly <shellybgibson@gmail.com>
Sent: Thursday, February 4, 2021 10:15 AM
To: ENR; protectsouthportland@gmail.com
Subject: Fumes From Oil Tanks in South Portland

This message originates from outside the Maine Legislature.

Good morning,

I've been encouraged to reach out and share my experience with the smell and fumes from the oil tanks. As a resident of Portland, Maine, for almost 5 years, I lived on the west end for 3 of those years. Most days between May and September I could smell the fumes from the oil tanks across the peninsula. At first I wasn't sure what it was but many locals let me know. It permeates the air and is unfortunate in a city surrounded by beautiful waterways.

Air pollution is toxic, for everyone, and I never noticed how consistent it was until I moved to the east end. Here, one can often smell Casco Bay, the salt air, and traces of low tide, a welcome reprieve from the other side of the peninsula.

I do hope this will be addressed soon, and am encouraged there is a group spending more time looking into its cause and responses to it.

Please do reach out if I can offer anything additional.

With hope and gratitude,
Shelly Gibson
Portland, Maine

--
Shelly Gibson
Pronouns: she, her, hers

Carey, Sabrina

From: Julie Falatko <juliefalatko@gmail.com>
Sent: Thursday, February 4, 2021 11:59 AM
To: ENR
Cc: Roberta Zuckerman; Judith Kline; Dave Falatko
Subject: Citizen Comment re: South Portland Tank Emissions

This message originates from outside the Maine Legislature.

To the Environment and Natural Resources Committee:

We've lived in the Pleasantdale neighborhood of South Portland, in a neighborhood right next to Global's tanks, for 17 years. The fumes have gotten increasingly worse since we've lived here. The EPA's lawsuit in 2019 validated our concerns about the air our family is breathing, but since then, I feel like we've been shoved aside.

The DEP had the citizen air canister sampling program in the summer of 2019; many of those samples showed alarming levels of VOCs and HAPs. One I took myself, from right outside my back door, had a very high level of naphthalene and the highest total VOC count of any sample in South Portland. Yet we're no closer to the emissions being controlled. One of our neighbors on Chapel Street also collected an air sample with very high levels of naphthalene and benzene (alarmingly, she took the sample when there was no odor at all – the harmful contaminants we're breathing aren't always detectable by odor). She contacted the DEP and offered her property as a site for an air sampling station, and they installed one in her garage in 2019. They gathered monthly samples from that site in her garage for over a year, but have never analyzed any of them, and the samples are likely too old to be analyzed at this point.

It feels like everything is a show to make the residents of this neighborhood think their concerns are being addressed, but we've seen no actual progress. The oil tank companies are allowed to estimate their own emissions, which always come in coincidentally just under the amount they're permitted to release.

If South Portland and the DEP are going to accept that we have residential areas adjacent to industrial sites, they have to clean the air. It's not safe to live here if we can't breathe without damaging our health.

Thank you for your time.

Sincerely,
Julie Falatko
juliefalatko@gmail.com
38 Reynolds St., South Portland

Carey, Sabrina

From: Espahbad Dodd <espahbad@gmail.com>
Sent: Thursday, February 4, 2021 12:44 PM
To: ENR
Subject: Oil Tank Emissions
Attachments: PCAT Letter to ENR.docx

This message originates from outside the Maine Legislature.

Dear Ms. Carey,

Attached is a signed statement from the Portland Climate Action Team of the Sierra Club regarding oil tank emissions in four of our communities but primarily in South Portland. Please distribute our letter to ENR committee members.

Thank you so much,
Espahbad Dodd
Portland Climate Action Team

Carey, Sabrina

From: augur@twc.com
Sent: Thursday, February 4, 2021 12:47 PM
To: ENR
Cc: protectsouthportland@gmail.com
Subject: OIL Smell

This message originates from outside the Maine Legislature.

Dear Ms. Carey: I am writing to add my voice to those of my many neighbors who live in the Western Prom/ West End area of Portland. Over the past few months the sickening smell of oil has been an all too regular intrusion into our lives...particularly worrisome and inescapable with so many of us now restricted to working at home and for many with young children at home. How bad does it have to be before action is taken against this health hazard which also happens to be detrimental to our quality of life? I am, like many, horrified that this blanket of noxious odor is going unchecked . How long do we have to endure this threat to our and our children's health and well-being before it is stopped? sincerely, SuzanneTenney S.Augur 16 Chadwick Street-04102

Carey, Sabrina

From: Charles Spanger <charlesspanger@gmail.com>
Sent: Thursday, February 4, 2021 5:13 PM
To: ENR
Subject: 350Maine letter to ENR

This message originates from outside the Maine Legislature.

Thank you Co-Chairs Senator Brenner, Representative Tucker, and all the members of the ENR Committee,

I live in Scarborough and represent 350Maine in the Maine Tank Emissions Coalition. We are deeply committed to addressing climate change and climate justice. I have watched with deep respect as our neighbors in South Portland, led by "Protect South Portland" (PSP) have over and over resisted the fossil fuel industry's efforts at expansion in their city.

In this new time when we are finally addressing this existential issue head on in Maine and across the world it is not surprising that South Portland, led by PSP, is again fighting goliath. However, they are not alone to be the industry's sacrifice zone once again. They must no longer be the ones whose health is put at risk for fossil fuels's profit.

The science and technology are on hand now to resolve the toxic emissions problem so our community's can be safe during the inevitable and necessary phase out of the fossil fuel industry. We will need fossil fuels for a while yet, but we can make them as clean and safe as possible in the interim. This bill submitted by Senator Ann Carney and Representative Rick Bennett will effectively monitor and control these emissions, and will bring climate justice to South portland. Please support the bill.

Sincerely,

Charles Spanger, member
99 Beech Ridge Road
Scarborough Maine 04074
207-232-3135
charlesspanger@gmail.com
info@350maine.org
350Maine

Carey, Sabrina

From: Sue Pastore <rodepast@gmail.com>
Sent: Thursday, February 4, 2021 8:29 PM
To: Charles Spanger
Cc: ENR
Subject: Re: 350Maine letter to ENR

This message originates from outside the Maine Legislature.

Nice letter. Thank you Chuck.

On Thu, Feb 4, 2021 at 5:13 PM Charles Spanger <charlesspanger@gmail.com> wrote:

Thank you Co-Chairs Senator Brenner, Representative Tucker, and all the members of the ENR Committee,

I live in Scarborough and represent 350Maine in the Maine Tank Emissions Coalition. We are deeply committed to addressing climate change and climate justice. I have watched with deep respect as our neighbors in South Portland, led by "Protect South Portland" (PSP) have over and over resisted the fossil fuel industry's efforts at expansion in their city.

In this new time when we are finally addressing this existential issue head on in Maine and across the world it is not surprising that South Portland, led by PSP, is again fighting goliath. However, they are not alone to be the industry's sacrifice zone once again. They must no longer be the ones whose health is put at risk for fossil fuels's profit.

The science and technology are on hand now to resolve the toxic emissions problem so our community's can be safe during the inevitable and necessary phase out of the fossil fuel industry. We will need fossil fuels for a while yet, but we can make them as clean and safe as possible in the interim. This bill submitted by Senator Ann Carney and Representative Rick Bennett will effectively monitor and control these emissions, and will bring climate justice to South portland. Please support the bill.

Sincerely,

Charles Spanger, member
99 Beech Ridge Road
Scarborough Maine 04074
207-232-3135
charlesspanger@gmail.com
info@350maine.org
350Maine

Carey, Sabrina

From: sskolkhorst@aol.com
Sent: Thursday, February 4, 2021 10:20 PM
To: ENR
Cc: Wood, Barb; Chipman, Benjamin; Andrew Butcher
Subject: Re: Oil Tank emissions - State Legislature Environmental and Natural Resources Committee

This message originates from outside the Maine Legislature.

Dear Sirs:

I live in the West End of Portland and have been subject to emissions and air pollution emitted by the oil tanks in South Portland for many years. This has not only been offensive, but damaging to the health of others in the neighborhood.

I would encourage you to enact legislation to control, monitor, and reduce the level of emissions. Please consider the following:

1. Measurements of actual emissions to define the problem and provide a basis for assessing mitigation efforts - not just industry reported calculations.
2. Develop a plan with the DEP to require stack testing to be incorporated at every facility on all tanks, heated and non-heated at the time of their next license renewal, or before.
3. Require tank operators to install fence line monitoring around the perimeter of their facilities, to provide continuous testing and to make the data available to the public. This would provide information about the effects on the adjacent community. Both fence line monitoring and stack testing represent reasonable expenses that should be borne by the companies as part of their permit to operate in these communities.
4. Direct the DEP to require all emissions to be treated in order to protect the community from the effects of their toxic chemicals. The preferred type of equipment for treating emissions are vapor recovery units (VRUs) as recommended by the EPA. Requirements for operation and maintenance of equipment should be included in their licenses.

Thank you for your consideration.

Stephen Kolkhorst

83 Carroll St

Portland, Maine 04102

Carey, Sabrina

From: Perla Hannelore <hannep@portlandschools.org>
Sent: Friday, February 5, 2021 5:56 AM
To: ENR
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

Dear Environment and Natural Resources Committee,

I am writing you today about the tank emissions causing horrible odors polluting the beautiful areas which I live in.

I have woken in my sleep from the tox8c odor, thinking it was something in my home.

This distinctive smell prevents me from walking outdoors, having windows open, and enjoying beautiful days in South Portland.

It has made me nervous of the well known long term effects of exposure to these fumes, causing me to seek other residence if the situation does not improve in the right direction.

An emissions control should be mandatory in protecting the health and welfare of Maine residents.

I ask you to push for emissions control for the protection of the states reputation in protecting their citizens, and putting taxpayers, the environment, and all inhabitants best interest first.

Best,
Perla Hannelore
Ferry Village
South Portland, Maine
Cell: 212.444.2488

***** Please Note: *****

This E-mail and its attachments may be confidential and are intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this E-mail, you are hereby notified that any dissemination, distribution, copying, or action taken in relation to the contents of and attachments to this E-mail is strictly prohibited and may be unlawful. If you have received this E-mail in error, please notify the sender immediately and permanently delete the original and any copy of this E-mail and any printout. Any views or opinions expressed are solely those of the author and do not necessarily represent those of the Portland Public Schools.

Carey, Sabrina

From: Roberta Zuckerman <zuckerman.roberta10@gmail.com>
Sent: Wednesday, February 3, 2021 9:13 AM
To: ENR
Subject: PSP/Tank Emissions Coalition Introduction

This message originates from outside the Maine Legislature.

Protect South Portland and Tank Emissions Coalition Introduction to ENR

Thank you Co-Chairs Senator Brenner, Representative Tucker and the ENR Committee,

My name is Roberta Zuckerman. I live in South Portland. I am here on behalf of Protect South Portland and the Tank Emissions Coalition. There are 12 health advocacy and environmental groups in the coalition, including Protect South Portland, The American Lung Association, Defend Our Health, Physicians for Social Responsibility Maine, Maine Association of Naturopathic Doctors, Conservation Law Foundation, Sierra Club, Natural Resources Council of Maine, 350 Maine, Community Action Works, Portland Climate Action and Elders for Future Generations.

We come to the ENR committee with a shared goal - legislation to require monitoring and control of emissions for all above ground oil terminal tanks in Maine - including major and minor emitters. These tanks are located in South Portland, Searsport, Belfast and Hampden. **Technology exists that can effectively monitor and control these emissions up to 95%. What is needed is the will to require it!**

South Portland itself is one of the most densely populated cities in Maine. There are 120 oil tanks, owned by 6 companies, essentially adjacent to one another. They are very close to houses, schools, daycares, a community center and senior housing. Together, they are permitted by the Maine DEP to emit 633 tons per year of volatile organic compounds and 104 tons per year of hazardous air pollutants.

People in the surrounding communities report headaches, nausea, dizziness, burning eyes and throats from the fumes. They can't leave their windows open in warm weather, sit in their yards or ride bikes without worrying about their health.

The emitted toxic chemicals have known health impacts including respiratory illness (asthma), neurological problems (for which fetuses and children are most vulnerable), kidney, liver problems and Cancer. Air pollution has been linked to increased vulnerability to Covid19 and Climate Change.

This is a critical health, social and environmental justice issue. Communities surrounding these facilities are referred to as "sacrifice zones". The cost of monitoring and controlling these emissions needs to be considered and required as the cost of doing business.

Something can be done and needs to be done.

We are asking the legislature to require effective monitoring and control of emissions for all above ground oil terminal tanks in Maine - including major and minor emitters.

We look forward to working with you on this issue.

Thank you,
Roberta Zuckerman, on behalf of Protect South Portland and the Tank Emissions Coalition
ProtectSouthPortland@gmail.com
ProtectSouthPortland.com
(207) 712-1784

Carey, Sabrina

From: Louisa Beckett <louisa@maine.rr.com>
Sent: Tuesday, February 2, 2021 6:12 PM
To: ENR
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

I am a retired South Portland teacher. Having taught at James Otis Kaler School I experienced first hand the odors coming from the tanks. The tanks border the school on two sides. They are in close proximity to the school and the playgrounds.

We must take advantage of the advanced technology that exists to monitor and control up to 95 percent of these emissions. Kaler has pre-kindergarten through grade 5 students. These students are among the most vulnerable of our residents. It is our job to protect them.

Sincerely,

Louisa Beckett
7 Brenton Street
South Portland

Carey, Sabrina

From: Catherine Escamilla <catherinepray202@gmail.com>
Sent: Wednesday, February 3, 2021 8:00 AM
To: ENR
Subject: Tank emissions

This message originates from outside the Maine Legislature.

Good morning,

I grew up in South Portland and always felt the air quality in Maine and in South Portland was safe and healthy. Unfortunately, after recently moving back to Maine and now living next to the tanks, I'm concerned for my health and my family's health. I walk my small dog and toddler daily outside and we love to breathe in the "fresh air" living so close to the ocean. Thankfully, my family is healthy as of now but I am concerned about the future of our health. Please look at addressing the necessity of these tanks and prioritizing Maine residents health and safety. Thank you, Catherine

Carey, Sabrina

From: GABEL Landis <landis.gabel@insead.edu>
Sent: Wednesday, February 3, 2021 9:03 AM
To: ENR
Cc: protectsouthportland@gmail.com
Subject: support for a bill regarding the oil tanks in South Portland

This message originates from outside the Maine Legislature.

I am writing to support a bill to address the problem of noxious fumes from the oil storage tanks in South Portland. I live on the West End, and I and others living here can smell the tanks those days when we are downwind. This problem should never have been allowed to develop, and now that it has been exposed, it should be stopped as soon as practicable.

Sincerely,

Landis Gabel

--

H. Landis Gabel
Emeritus Professor of Economics and Management
The Novartis Chair in Management and the Environment, Emeritus
INSEAD
E-mail: landis.gabel@insead.edu

Carey, Sabrina

From: Derek Hengstenberg <darapina@yahoo.com>
Sent: Tuesday, February 2, 2021 1:20 PM
To: ENR
Cc: protectsouthportland@gmail.com
Subject: Oil Tank Fumes/Noise from West End Portland.

This message originates from outside the Maine Legislature.

Hello -

I am writing to let you know that I have been a resident of the West End in Portland since 2007.

My family has been impacted by the oil tank fumes (product and from the tankers) as well as the noise and fumes associated with the tankers sitting in port offloading product . We believe that both have gotten worse over the years and especially during warmer months when winds shift to the south.

Tankers are left running while in port and create a low tonal sound too. Portland has a no idling policy and these tankers don't abide by that either.

Clean air is critical to basic function. I personally have developed some medical issues and who know how or if it's related to these fumes but I spend a significant amount of time outdoors at our residence so addressing these issues are very important to our family and the future.

Thanks

Derek Hengstenberg
Portland, Maine

Sent from my iPhone

Carey, Sabrina

From: tigley@gwi.net
Sent: Tuesday, February 2, 2021 1:43 PM
To: ENR
Subject: Oil terminal tanks

This message originates from outside the Maine Legislature.

ENR,

One of the points of pride of living in the Portland area is the balance of a variety of people and businesses working and living side by side. The unwillingness of one to respect the welfare or health of another and be responsible for their own corporation's activities should be unacceptable to all the others.

You are in a position to show support for that respect. And, those of us not in your position, need to believe those appointed to protect our land, air, water, and general health will always make decisions based solely on the goal to support "Environmental Protection" and to hold accountable those responsible for damaging our environment and potential and real implications that could cause.

It was disturbing to learn that the South Portland tanks had been, for some time, emitting fumes well above the EPA allowance, already set too high. As a Meeting House Hill resident, I have been subjected to these fumes off and on for years, not knowing what health impact they may have in the future.

For the health of all residents in the Portland/South Portland area, I urge you to put in place firm, well delineated regulations that will draw clear lines in the sand for all companies that produce toxic or potentially toxic emissions, with high accountability. Additionally, these regulations should not allow the purchase of credit allowing for greater emission. This clearly defeats the point.

Please work together to solve this problem. There is always a way.

Thank you.

Elizabeth Herrick

South Portland

Carey, Sabrina

From: Francesca <cesca.gs@gmail.com>
Sent: Tuesday, February 2, 2021 2:36 PM
To: ENR
Cc: Roberta Zuckerman
Subject: Toxic oil tank fumes/ Portland

This message originates from outside the Maine Legislature.

Dear Co-Chairs Senator Brenner & Representative Tucker, & the full ENR Committee,

I am a proud 20 year resident of Portland's West End. Our neighborhood, with its many gardens promotes spending time out doors in the warmer weather. In the past few years, however, I have had to retreat inside when noxious/ toxic fumes overwhelm me. We used to eat meals out doors on our patio. However of late we choose not to - in case we are assaulted by the fumes in the middle of a meal.

These are very unpleasant experiences. However, my biggest concern is my health and that of my family and neighbors. Are we being poisoned by these fumes? It's a very scary possibility!

It is imperative that this situation be rectified. I have constantly reported the odors - and signed up to host a DEP monitor at my home. However, MORE is needed. I ask that the following occur:

1. Measurements be made of actual emissions to define the problem and provide a basis for assessing mitigation efforts - not just industry reported calculations.
2. A plan be developed with the DEP to require stack testing be incorporated at every facility on all tanks - heated and non-heated at the time of their next license renewal - preferably before.
3. Tank operators be required to install fenceline monitoring around the perimeter of their facilities, to provide continuous testing and to make the data available to the public. This would provide information about the effects on adjacent communities. Both fenceline monitoring and stack testing **represent reasonable expenses that should be borne by the companies** as part of their permit to operate in these communities.
4. The DEP be directed to require **all** emissions to be treated in order to protect the community from the effects of the toxic chemicals. The preferred type of equipment for treating emissions are vapor recovery units (VRUs) as recommended by the EPA. Requirements for operation and maintenance of equipment should be included in their licenses.

THANK YOU! Your **action** can make a difference in the health and well being of the residents of Portland's West End and South Portland.

Sincerely,

Francesca Galluccio-Steele

Francesca Galluccio-Steele
22 Clifford St
Portland, ME 04102
cesca.gs@gmail.com



Sarah Paton, ND
Naturopathic Doctor

February 1, 2021

RE: GLOBAL OIL TANK EMISSIONS IN SOUTH PORTLAND

Dear Members of the Committee on Environmental and Natural Resources,

I'm writing to state my concern as a Naturopathic Doctor living in Portland, across the water from the Global Oil tanks. The noxious fumes that are present in my neighborhood and even more strongly in South Portland are a well-established danger to human health. We know that these chemicals are implicated in diseases such as cancer, auto-immune and neurological conditions among others, and allowing their continued release is a clear public health risk.

I am urging you to stand up to corporate interests and act in a morally upright way by demanding that the tanks be physically monitored for emissions, as opposed to going along with some fake calculated emission levels.

Let's get clear on what is coming out of those tanks and protect the citizens who live beneath and around them.

Thank you,

Dr. Sarah Paton

Past President, Maine Association of Naturopathic Doctors

Carey, Sabrina

From: Avery Yale Kamila <avery.kamila@gmail.com>
Sent: Tuesday, February 2, 2021 5:47 AM
To: ENR
Subject: Tank Fumes

This message originates from outside the Maine Legislature.

Dear Honorable Committee Members,

Thank you so much for taking the time to consider this important public health matter. My family and I live in downtown Portland, and we have been impacted by the reckless release of fumes from these tanks for decades. When the wind and atmospheric conditions are right, the toxic fumes blow into downtown and make it hard to breathe. When this happens we have to close all our windows, and I don't let my young son go outside to play. It seems to happen most frequently in downtown on hot, humid summer days when there is very little wind. These are the same days when the air quality index is already bad and most prone to smog formation. For many years, I lived in Portland's West End and the fumes were worse and most frequent in that neighborhood.

I encourage you to be bold in formulating a public policy that will protect public health and strictly regulate and monitor the release of tank emissions. These tanks and their ongoing emissions are a blight on our landscape, and they certainly aren't "The Way Life Should Be."

Sincerely,
Avery

Avery Yale Kamila, AOLCP
Co-founder
Portland Protectors
PO Box 4242
Portland, ME 04101
207-780-0915
www.facebook.com/portlandprotectors

Carey, Sabrina

From: Katy Marshall <k_mars43@yahoo.com>
Sent: Tuesday, February 2, 2021 8:49 AM
To: ENR
Subject: Petroleum Fumes

This message originates from outside the Maine Legislature.

Recently, Andrew Butcher sent out a call for action to combat the noxious fumes coming from the petroleum tanks in South Portland. We agree wholeheartedly with his concerns and suggestions about how to remedy the situation. So we have taken the liberty to forward his email verbatim. We live on Portland's west side, just down the street from Andrew and can vouch for the fumes. Please do something.
Katy and Harley Marshall

Greetings Co-Chairs Senator Brenner, Representative Tucker and the ENR Committee,

I am a proud resident and property owner in Portland's West End where I own and live in a 150 year old house with my wife and two small Children (5 & 8). My children's bedroom windows are less than a mile -in direct line of site across the Fore River from South Portland's active oil tanks - notably Global and Sprague facilities. When my children play in their sandbox - they complain of the stinging smell of tar in their nostrils.

As a result I have become increasingly concerned about the evidence of toxic tank emissions in South Portland, the lack of monitoring, regulation, and coordination impacting the region. Since moving to Portland 3.5 years ago - my 8 year old daughter has developed asthmatic conditions more pronounced when there is a southerly wind elevating my concerns about the volatile organic compounds impacting her fragile respiratory system.

Since August 2019, when The City of Portland established a "Petroleum Odor complaint" category in the Fix it Portland portal - there have been **over 364 complaints of Petroleum odors** in the West End. The highest volume of complaints occurred in May - October when the prevailing winds come from the direction of the Tanks AND when the highest volume of asphalt and other petroleum products are utilized at the South Portland Oil Tank Facilities.

My children attend Reiche Elementary School blocks away, my wife is the Executive Director of the Maine Children's Museum and Theater relocating to Thompson's Point (in immediate proximity to the Tanks), and I serve as Director of Innovation and Resilience for The Greater Portland Council of Governments. We are deeply committed to the health and well being of our community and we know that the State of Maine can do more to ensure that we are not getting poisoned by the air we breath.

While this is a pronounced issue here in Cumberland County which hosts the highest concentration of industrial activities in proximity to the highest concentration of people in the State - it is a regulatory issue that affects all communities and should be considered an urgent priority for the health and prosperity of all communities.

While I applaud recent efforts by the City of South Portland and The State Department of Environmental Protection - it is clear that the lack of effective policy requiring oversight, monitoring and compliance are polluting Maine's most fundamental asset - our quality of life. I have hosted neighborhood dialogues, helped

organize data collection efforts, hosted a DEP monitor at my home and frequent South Portland meetings - but now it is time for some policy solutions and legislative leadership.

I encourage this committee to take action - heeding the concerns of countless Maine residents impacted by this issue. Specifically I hope that the committee's Tank Emissions bill builds in requirements for:

1. Measurements of actual emissions to define the problem and provide a basis for assessing mitigation efforts - not just industry reported calculations.
2. Develop a plan with the DEP to require stack testing to be incorporated at every facility on all tanks, heated and non-heated at the time of their next license renewal, or before.
3. Require tank operators to install fence-line monitoring around the perimeter of their facilities, to provide continuous testing and to make the data available to the public. This would provide information about the effects on the adjacent community. Both fence-line monitoring and stack testing represent reasonable expenses that should be borne by the companies as part of their permit to operate in these communities.
4. Direct the DEP to require all emissions to be treated in order to protect the community from the effects of their toxic chemicals. The preferred type of equipment for treating emissions are vapor recovery units (VRUs) as recommended by the EPA. Requirements for operation and maintenance of equipment should be included in their licenses.

This is not a statement against industrial activity in our city or region. I am grateful for its presence. This is simply a demand to better understand the actual conditions we are subject to in our community. Thank you for steadfast action in helping address this nuanced - yet urgent issue.

Please do not hesitate to contact me with any questions or further input.

In service,
Andrew Butcher

Carey, Sabrina

From: Melinda Schott <mzandj@gmail.com>
Sent: Tuesday, February 2, 2021 12:50 PM
To: ENR
Subject: South Portland Oil Tanks

This message originates from outside the Maine Legislature.

As a member of the South Portland community, I would like to see the air quality monitored and emissions controlled.

Signed,

Melinda Schott
87 Everett Ave

Carey, Sabrina

From: Squid Pogany <worldwidesquid@gmail.com>
Sent: Monday, February 1, 2021 5:39 PM
To: ENR
Subject: very bad odors of burning oil etc

This message originates from outside the Maine Legislature.

My Name is Dr. Nicholas Pogany. I live on the west end on Chadwick street near the cemetery. I go on a daily walk with my wife and very often we notice a foul smell similar to burning grease or rubber or just garbage. I have cancer and just recovering from chemotherapy. I have spoken with neighbors having the same problem. It cannot be a healthy situation for people of any age and of whatever their health issues might be. I would greatly appreciate if you could inform me of any attempts being made to remedy such a hazardous, unhealthy situation.

Dr. Nicholas Pogany
worldwidesquid@gmail.com

Carey, Sabrina

From: Pamela Cragin <pjcragin@yahoo.com>
Sent: Monday, February 1, 2021 8:14 PM
To: ENR
Cc: Carney, Anne; Millett, Rebecca
Subject: South Portland's Toxic Fumes

This message originates from outside the Maine Legislature.

Dear Committee Members,

South Portland's toxic petroleum storage fumes have been making me and my loved ones ill for years. I've come to calling them the "the cancer fumes". Nausea, dizziness, headaches, swollen glands, heart pain are among our symptoms when the toxic fumes suffuse the neighborhood, often at night. Our home is near Gulf tanks, our shopping center at Mill Creek is near Citgo tanks, my workplace is near Global and Sprague tanks. In South Portland, the cancer fumes are unavoidable.

In the the late evening, I used to bicycle to work, where I care for women with disabilities, but the air along the way was frequently painful to breath. When I learned, that these toxic fumes cause illness and cancer, I stopped bicycling to work. During my night shift, often the fumes from Global and Sprague make me so ill, I close all windows and seal the home, just like I do at my own home, to protect myself and the ones in my care.

For late day summer recreation, we launch our lobster boat at Bug Light Park, next to the Gulf tanks. We hope, upon return, to trailer our boat and leave before the tanks, tanker ships, and trucks pollute the night. Meanwhile, at the park, unaware of dangers, families picnic, kites fly, parents push baby strollers, elders walk and breast cancer triathletes train, all breathing the cancer fumes. With no public warning, these toxic emissions, benzenes and more, permanently accumulate in our flesh.

Having lost one family member, a life long resident and employee of South Portland, to cancer, I worry for all of us. Thus, during these noxious bursts, sometimes we can't get our house sealed fast enough and I've had to wear a gas mask indoors. But, this is not a real solution for any of us.

Sadly, our community has come to realize that, for decades, neither industry, government regulators, nor public officials have kept us safe. It is beyond comprehension that so many people's bodies have been and continue to be sacrificed for industry profit. To the petroleum industry, government regulators and elected officials, our neighborhoods urge you to stop the cancer fumes immediately. -

Pj Cragin, South Portland

Sent from Yahoo Mail for iPad

Carey, Sabrina

From: Hall, Meredith <Meredith.Hall@unh.edu>
Sent: Monday, February 1, 2021 8:17 PM
To: ENR
Cc: protectsouthportland@gmail.com
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

Dear ENR:

I understand that you are considering measures to better protect Maine's citizens from toxic emissions from the oil storage tanks which are allowed to operate in Maine. I also understand that the Maine DEP allows an appalling 633 tons per year of volatile organic compounds and 104 tons of hazardous air pollutants per year to be emitted by the 120 tanks in South Portland, effecting citizens in ways each of you would never want to be effected.

I am seventy-one and live in Cape Elizabeth, about two miles form these tanks. Many days, I smell petroleum, and develop headaches and burning eyes. On the days that my windows are open, the odor is strong enough to be present inside my house. The smell is strong and distressing. I was shocked to learn that over many years, the State and the oil companies had no requirements to notify the effected towns and their citizens. I have been supportive of and grateful for the work of so many people in raising the alarm about this issue. Many towns in Maine "host" these tanks and pay a terrible price for their presence. The oil companies have been given a free pass.

Your committee has the ability to create a bill that will require monitoring and reporting of any emissions. This seems to bear no argument. Of course these toxic emissions should be monitored and reported.

But you also have the opportunity to write a committee bill that would establish strict limits and penalties on these emissions. We absolutely must reduce these shocking levels of pollutants and voc's. I strongly urge you to write those bills.

What would each of you want to happen if these 104 oil tanks were in *your* neighborhood, effecting you and your families? I am begging each of you to write bills that articulate what you would accept for your own children's well-being.

Thank you very much.

Meredith Hall
21 Ocean View Road

Cape Elizabeth, Maine 04107

Carey, Sabrina

From: Colin Phillips <colinmatador@gmail.com>
Sent: Monday, February 1, 2021 8:19 PM
To: ENR
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

Ladies and Gentlemen,

Thank you for your attention to the environmental impact of the tank farm. At minimum, the citizens who live around the tanks deserve reassurance that monitors are installed on these tanks. Only then can the company respond to potential leaks and emissions. Data links how air quality is directly connected to health. As a citizen who lives and recreates near the tanks it is unbelievable that these protections don't already exist. The health of our community depends on it.

Thank you again for your action,

Colin Phillips, MD
Portland, ME

Carey, Sabrina

From: Andrew Butcher <butcher.drew@gmail.com>
Sent: Monday, February 1, 2021 11:09 PM
To: ENR
Cc: Thibodeau, Spencer; Wood, Barb; Chipman, Benjamin; Kate Snyder; pali@portlandmaine.gov
Subject: Input for Oil Tank Emissions Bill

This message originates from outside the Maine Legislature.

Greetings Co-Chairs Senator Brenner, Representative Tucker and the ENR Committee,

I am a proud resident and property owner in Portland's West End where I own and live in a 150 year old house with my wife and two small Children (5 & 8). My children's bedroom windows are less than a mile -in direct line of site across the Fore River from South Portland's active oil tanks - notably Global and Sprague facilities. When my children play in their sandbox - they complain of the stinging smell of tar in their nostrils.

As a result I have become increasingly concerned about the evidence of toxic tank emissions in South Portland, the lack of monitoring, regulation, and coordination impacting the region. Since moving to Portland 3.5 years ago - my 8 year old daughter has developed asthmatic conditions more pronounced when there is a southerly wind elevating my concerns about the volatile organic compounds impacting her fragile respiratory system.

Since August 2019, when The City of Portland established a "Petroleum Odor complaint" category in the Fix it Portland portal - there have been **over 364 complaints of Petroleum odors** in the West End. The highest volume of complaints occurred in May - October when the prevailing winds come from the direction of the Tanks AND when the highest volume of asphalt and other petroleum products are utilized at the South Portland Oil Tank Facilities.

My children attend Reiche Elementary School blocks away, my wife is the Executive Director of the Maine Children's Museum and Theater relocating to Thompson's Point (in immediate proximity to the Tanks), and I serve as Director of Innovation and Resilience for The Greater Portland Council of Governments. We are deeply committed to the health and well being of our community and we know that the State of Maine can do more to ensure that we are not getting poisoned by the air we breath.

While this is a pronounced issue here in Cumberland County which hosts the highest concentration of industrial activities in proximity to the highest concentration of people in the State - it is a regulatory issue that affects all communities and should be considered an urgent priority for the health and prosperity of all communities.

While I applaud recent efforts by the City of South Portland and The State Department of Environmental Protection - it is clear that the lack of effective policy requiring oversight, monitoring and compliance are polluting Maine's most fundamental asset - our quality of life. I have hosted neighborhood dialogues, helped organize data collection efforts, hosted a DEP monitor at my home and frequent South Portland meetings - but now it is time for some policy solutions and legislative leadership.

I encourage this committee to take action - heeding the concerns of countless Maine residents impacted by this issue. Specifically I hope that the committee's Tank Emissions bill builds in requirements for:

2. Measurements of actual
3. emissions to define the problem and provide a basis for assessing mitigation efforts - not just industry reported calculations.
- 4.
- 5.
6. Develop a plan with the
7. DEP to require stack testing to be incorporated at every facility on all tanks, heated and non-heated at the time of their next license renewal, or before.
- 8.
- 9.
10. Require tank operators to
11. install fenceline monitoring around the perimeter of their facilities, to provide continuous testing and to make the data available to the public. This would provide information about the effects on the adjacent community. Both fenceline monitoring and stack
12. testing represent reasonable expenses that should be borne by the companies as part of their permit to operate in these communities.
- 13.
- 14.
15. Direct the DEP to require
16. all emissions to be treated in order to protect the community from the effects of their toxic chemicals. The preferred type of equipment for treating emissions are vapor recovery units (VRUs) as recommended by the EPA. Requirements for operation and maintenance
17. of equipment should be included in their licenses.
- 18.

This is not a statement against industrial activity in our city or region. I am grateful for it's presence. This is simply a demand to better understand the actual conditions we are subject to in our community. Thank you for steadfast action in helping address this nuanced - yet urgent issue.

Please do not hesitate to contact me with any questions or further input.

In service,
Andrew Butcher

cc'd: Rep. Wood, Sen. Chipman, Portland City Councilor"s Ali & Thibodeau, Mayor Snyder,

--

Andrew Butcher
C: 303.570.5018
[LinkedIn](#)

Carey, Sabrina

From: Diana Weiss <dweiss87@gmail.com>
Sent: Monday, February 1, 2021 5:33 PM
To: ENR
Cc: protectsouthportland@gmail.com
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

Dear Maine legislators,

I purchased a home in the Willard beach area of South Portland last year and since moving in have discovered the severe and concerning pollution from the nearby tanks. Some days it smells so strong of fuel oil that all the windows in the house have to be closed and we aren't able to enjoy the yard. My partner and I have both noticed an increase in headaches and fatigue, especially on days when the smell is strong.

I can only imagine how harmful these pollutants are that we are not smelling. I am deeply concerned for the health of my community. Please hold these companies accountable and require that they stop using these tanks or put sufficient controls in place to mitigate the smell and toxins associated with it.

Regards,
Diana Weiss

Carey, Sabrina

From: Hannah Fox <riverfox3@gmail.com>
Sent: Sunday, January 31, 2021 3:48 PM
To: ENR
Subject: Oil Tank Emissions

This message originates from outside the Maine Legislature.

To whom it concerns,

I am writing to express my dismay regarding the oil tank emissions in South Portland. The monitoring of the tanks must be improved before it begins to impact the lives of everyone in the area.

I personally have suffered from headaches and fatigue since moving here four years ago, and I have children at my small childcare center who struggle with asthma, coughing, and other respiratory issues.

Please do something about this issue and monitor and control emissions before it turns into a very bad situation for our community.

Thank you for your time.
Hannah Fox

Carey, Sabrina

From: Amanda Fickett <alfickettesq@gmail.com>
Sent: Sunday, January 31, 2021 5:05 PM
To: ENR
Subject: South Portland oil tank emissions

This message originates from outside the Maine Legislature.

Hello,

A neighbor of mine asked that I write and explain about air quality issues in South Portland. We live on South Kelsey St in Pleasantdale.

I've lived in South Portland for over 19 years and until about 5 or 6 years ago I never smelled oil in the air. Now it's constant-- a nasty oil and tar smell. Noxious. Sometimes we can't even go outside.

We live in a farmhouse my family built in 1843, and the history means a lot to us, but the air quality is bad enough now that we're thinking of selling my family home and moving to a community that cares more about preserving the environment.

Thank you,

Amanda Fickett

Carey, Sabrina

From: Andrew L Fersch <onehundredyears@gmail.com>
Sent: Monday, February 1, 2021 7:07 AM
To: ENR
Subject: Tank Emissions

This message originates from outside the Maine Legislature.

I live less than 1/2 mile away from a huge tank farm. And less than a mile away from another huge tank farm. My wife and I knew this moving in, but it was all we could afford for a house, and the neighborhood is filled with kind-hearted people. What we didn't know, and couldn't know prior to being here day in and day out, season after season, was just how much we would be able to tell we lived by tank farms, and much more importantly, we had no idea how stressful it would be to live near such abhorrent fumes when we welcomed our first daughter into the world. It's all well and good to act like something is being done to ensure the safety of residents, but we all know from a cursory glance at history that money more often than not trumps the will of the people. The people who live here, every single person I've talked to, don't want to worry about whether or not the air they are breathing, and the air their children are breathing, is safe. They don't want oil companies to have carte blanche over the rules, to never be held accountable, and then to have the gall to claim they're not only *not* hindering the community, but somehow helping it. This old line of reasoning is so tired at this point that it feels redundant to even mention it. So then why do I have to? Because time and time again the desires of these companies are placed higher than the health and well being of citizens. And we're tired of it. The same way that developers come into town and chop down trees (as they recently did to several hundred trees at the end of our street), acting like they 1) care at *all* about the community (they don't, as is evidenced by their actions) and 2) that they're committed to a community they don't live in, these oil companies are harming our community and then act like they're being harmed by being held to any standard. This is unacceptable.

If you care about children and the health of children, if you care about citizens, if you care about the environment - hell, if you care about *anything* other than making money for huge corporations, then you have no choice but to help our society move forward, past these destructive fossil fuels, past making excuses for poisonous gasses being released in our neighborhoods. Not only are they harming us now, but they're harming our potential shared future. For even the selfish board members and owners of these companies will deal with the eventual ill effects of this source of energy through climate change. And for what? For money. And if the DEP and the State Legislature stand idly by and let them, they are just as guilty of this harm done to the natural world, to the people in Maine, to families like ours.

Please do your jobs, which is to protect the citizens and the environment, and restore faith in the idea that the role of the government is to hold people and businesses accountable - to create opportunities for our lives to be brighter, healthier, and safer.

Andrew Fersch // Bonnybriar Road, South Portland // afersch.com

Carey, Sabrina

From: Melanie Clarke <melanieclarke5e@gmail.com>
Sent: Monday, February 1, 2021 8:50 AM
To: ENR
Subject: South Portland Oil Tank emissions

This message originates from outside the Maine Legislature.

Hello,

I am writing to let you know my personal experience living in close proximity to the oil tanks in South Portland.

Immediately after moving to Portland's West End, I began having breathing problems. It was difficult to get a deep breath, I developed a cough and began experiencing exercise intolerance and tightness in my chest. None of these symptoms were present before I moved here from Baldwin, ME.

As a healthcare practitioner, I began to notice that many of my local patients were experiencing the same symptoms. When I began investigating, I found out that this is not a unique story. There are many locals from these same symptoms.

I have subsequently been diagnosed with asthma and rely on a daily steroid inhaler as well as two other rescue inhalers to breathe, and they don't give much relief. These are not medications I needed before we came to Portland.

I am acutely aware of the complexity of this issue and the difficulties involved in the solution, and I know that my health has 100% been negatively impacted by the air quality here on the West End. I struggle daily to breathe. It is a horrible thing to live with as I'm sure you can imagine.

Please work hard to bring healthy air to Portland and South Portland.

Thank you,

Melanie Clarke
West Street
Portland, Maine

Melanie Clarke M.Ac. L.Ac.

Carey, Sabrina

From: Emery Goff <ebgc00@gmail.com>
Sent: Monday, February 1, 2021 9:12 AM
To: ENR
Subject: ;

This message originates from outside the Maine Legislature.

To whomever it may concern;

My husband (87) and I (86) have recently moved to the harbor side area of the west end of Portland, and we are extremely concerned about the army of oil tanks just across the narrow band of water from our Senior living facility. They cannot help but pollute the air around all of us here, and of course make us uneasy because of potential leaks. I can only hope that the owners are responsible and law abiding and that you are policing them stringently. Thank you for listening to our serious concerns.

Sincerely, Emery Goff and Bill Carhart

Carey, Sabrina

From: Steven Urkowitz <surkowitz@aol.com>
Sent: Monday, February 1, 2021 2:52 PM
To: ENR
Subject: South Portland Oil Tanks

This message originates from outside the Maine Legislature.

Those big tanks need fume-capturing! I ride my bike past them on the bike trail, and I have to hold my breath as long as possible. Summertime, wintertime, calm or blowing, the fumes from the tanks and tank-cars on the tracks just keep venting.

As citizens WE keep having to pay and to pay to care for people being harmed, and the oil companies and associated business just do what? Reap profits. As usual, the public takes the risk and the private owners take the profits.

Safety and public health concerns ARE required to go first in humane societies. The marginal costs to the owners aren't going to amount to much over the lifetime of their investments. The short-term profit considerations aren't worth much to anyone except the highly paid upper level managers. They don't live in Maine anyway.

Steven Urkowitz, age 79
100 Spruce Street
Portland ME 04102
living less than one mile from those South Portland tanks

Carey, Sabrina

From: Tom Mikulka <mikulka.tom@gmail.com>
Sent: Sunday, January 31, 2021 1:44 PM
To: ENR
Subject: Tank Farm Emissions and Public Health
Attachments: HEM-3 for SP and P.pdf; DF review of MEDEP regulations.pdf

This message originates from outside the Maine Legislature.

Statement to the ENR Committee, January 31, 2021
Re: Tank Farm Emissions and Public Health

The residents of South Portland living near the six active petroleum tank farms are currently subjected to levels of two hazardous air pollutants (HAPs), benzene and naphthalene that result in increased cancer risk. I have attached a map of the areas of concern which was created using the EPA Human Exposure Model, Version 3 (HEM-3). The increased cancer risks are based solely on the licensed permitted emissions of HAPs. Those risks do not include benzene and naphthalene emitted from thousands of heavy diesel tanker trucks that travel every year through those same neighborhoods to load gasoline, asphalt and oil at the tank farms.

A review of current DEP air regulations by professional environmental engineer, David Falatko indicates that there are numerous areas that allow for stricter regulation of the tank farm industry (see attached). For example, Chapter 115, Section 2 (d,e,f) states that DEP has the responsibility to protect the health of residents. The health threat from the tank farms noted above can be reduced if DEP will make the tank farm owners install equipment to reduce emissions.

A second example is found in Chapter 137, section 5 where the DEP is given the authority to audit emission reports and to require better ways of determining emissions. The DEP presently does not routinely audit yearly emission statements. In statements made to the South Portland Clean Air Advisory Committee (CAAC) in 2020, DEP officials admitted that up until 2012 Global Partners LLC did not report emissions from their heated tanks of residual fuel and asphalt. This is despite the fact that in 2008, the Mass DEP and Region 1 of the EPA had reported excessive emissions from Global's heated tanks in Mass. After 2012 when Global did begin to report emissions from those tanks they were incorrect based upon faulty assumptions made in their calculations. This was the reason the EPA sued Global and entered into a consent decree. Commissioner Crawford apologized for this lapse but it is clear that it would not have been necessary if MEDEP had been auditing on a regular basis.

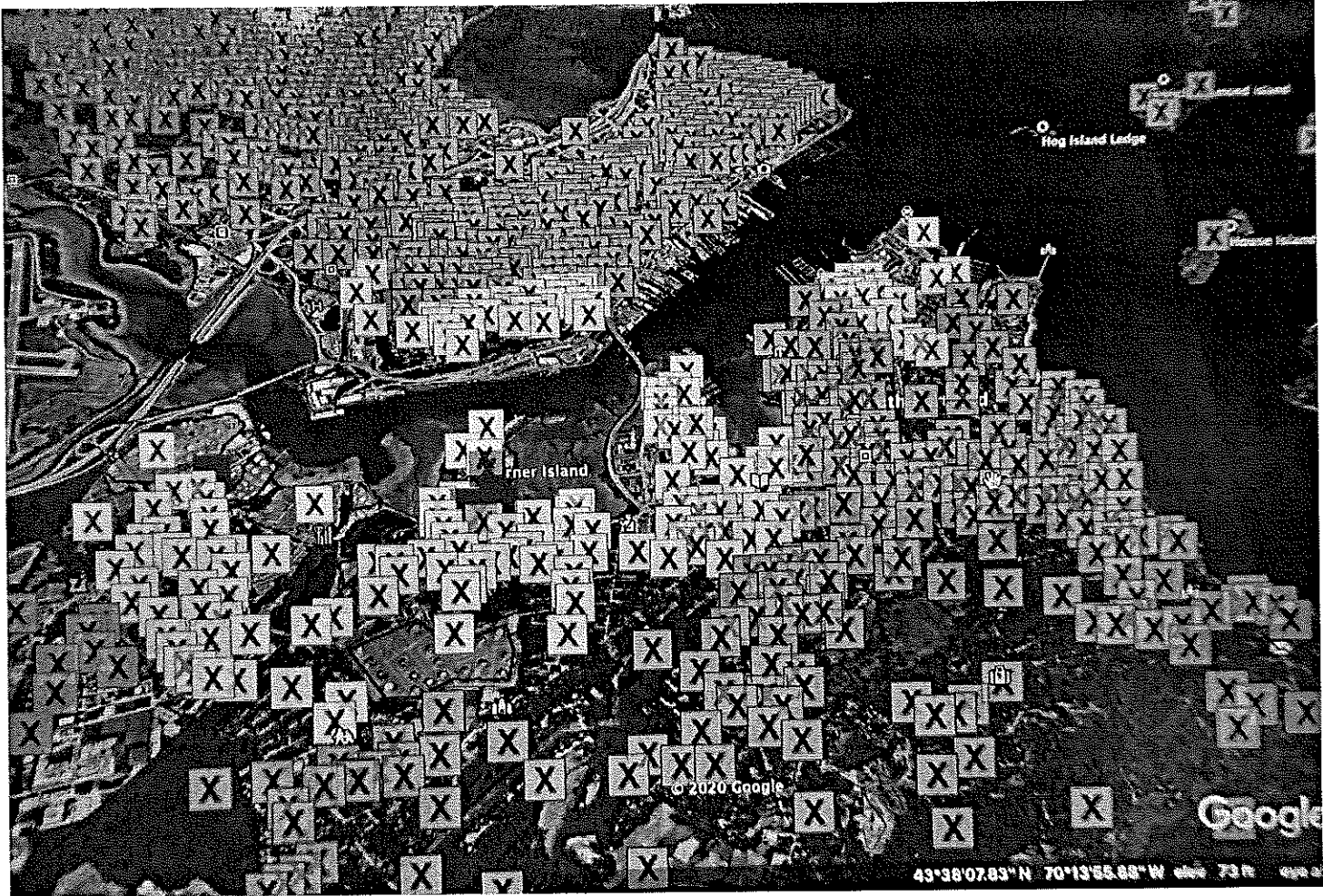
At the January 25, 2021 meeting of the CAAC, South Portland attorney Adrian Kendall and CAAC member, Anthony Moffa, Environmental Law professor at the University of Maine Law School both stated that the current DEP air regulations were open to a stricter interpretation. It is recommended that the ENR committee seek its own counsel on this question.

It is requested that the ENR committee consider legislation that requires the DEP to take full advantage of existing regulations in order to bring about a reduction in tank farm emissions.

Respectfully submitted,

Tom Mikulka, Ph.D, CIH (ret)
Cape Elizabeth, Maine

Cancer Risk For Portland and South Portland Residents From Tank Farm Emissions Using the EPA HEM-3 Model



Legend: Increased Cancer Risk Per Million People

- green squares: low-3 high- 19
- yellow squares: low- 20 high- 89
- red squares: low- 101 high- 165

The above map summarizes the areas at greatest risk for increased cancer incidence by color. It was created by South Portland professional environmental engineer, David Falatko using the EPA risk assessment model, HEM-3. The Human Exposure Model (HEM-3) is a streamlined yet rigorous tool that can be used to estimate ambient concentrations, human exposures and health risks that may result from air pollution emissions from complex industrial facilities.

The risk factors are based upon the permitted levels of emissions for each tank farm with the exception of the Portland Pipeline Co. LLC which was not included since the tanks were no longer in use. However, since that time, six to eight of the 23 tanks have been filled with crude oil. Refilling these tanks will result in an increase in the above risk estimates since the Portland Pipeline company was ranked with Sprague and Gulf as the largest permitted emitter of HAP's when in full operation.

The Maine CDC considers the acceptable cancer risk to be 10 additional cancers per million population. Other states such as Mass. and NY consider the acceptable increase to be 1 cancer per million of population.

What the model clearly shows is that the tank farms presently represent an increased unacceptable risk of cancer to fence line neighborhoods. The solution is to require the capture of the harmful emissions using the best available control technology.

The Maine DEP, in their recent report on air emissions, and in subsequent statements by staff, has indicated that they have done all they can in terms of requiring additional monitoring, testing, and emission controls on bulk petroleum storage and industrial facilities in South Portland and beyond in Maine. It appears they think additional legislation would be required for any further actions beyond what they have already done. The MEDEP's view of the air regulations and associated enforcement actions, however, contrasts sharply with other regulatory agencies, notably the USEPA's. When the USEPA and the USDOJ filed a civil lawsuit over Global's air emissions and associated permits, the MEDEP said they felt Global was in compliance with their permit.

In the MEDEP's interpretation of the air regulations and emissions monitoring and control treatment, they appear to apply them only to combustion by-products and their effects on *ambient air quality standards*; there is currently no ambient air quality standard for total VOCs. VOCs are currently regulated primarily as precursors to forming ozone, and therefore permitted/limited on a tons/year basis. There is an ambient air quality standard for ozone, however. Additional legislation may still be needed to clarify existing regulations or to direct a more overt approach to controlling VOC emissions. However, there are many instances and statements in the Maine air regulations where there is ample justification for the Maine DEP to require additional actions to monitor and control VOCs in ambient air. In particular, Chapter 134 presents numerous requirements for reducing VOC emissions to prevent the formation of ozone. Below are excerpts from the regulations to support this approach, and the chapter and page from which they are taken is referenced.

Chapter 2: RULE CONCERNING THE PROCESSING OF APPLICATIONS AND OTHER ADMINISTRATIVE MATTERS

Page 10:

- F. **Burden of Proof and Governing Law.** An applicant for a license has the burden of proof to affirmatively demonstrate to the Department that each of the licensing criteria in statute or rule has been met. Unless otherwise provided by law, all license applications, including renewal, amendment and transfer applications, are subject to the substantive laws and rules in effect on the date the application is accepted as complete for processing. For those matters that are not disputed, the applicant shall present sufficient evidence that the licensing criteria are satisfied. For those matters relating to licensing criteria that are disputed by evidence the Department determines is credible, the applicant has the burden of proving by a preponderance of the evidence that the licensing criteria are satisfied.

Page 25:

27. Criteria for Revocation, Suspension, Modification or Corrective Action

The Department may revoke, suspend, or modify a license or prescribe necessary corrective action only if the Commissioner, pursuant to section 25, or the Board, pursuant to section 26, finds that:

- A. The licensee has violated any condition of the license;
- B. The licensee has obtained a license by misrepresenting or failing to disclose fully all relevant facts;
- C. The licensed discharge or activity poses a threat to human health or the environment;
- D. The license fails to include any standard or limitation legally required on the date of issuance;
- E. There has been a change in any condition or circumstance that requires revocation or suspension of a license;
- F. There has been a change in any condition or circumstance that requires a corrective action or a temporary or permanent modification of the terms of the license;
- G. The licensee has violated any law administered by the Department; or
- H. The license fails to include any standard or limitation required pursuant to the federal *Clean Air Act* Amendments of 1990.

For the purposes of this section and sections 25 and 26, "license" includes any license, permit, order, approval or certification issued by the Department and "licensee" means the holder of the license.

Chapter 100: DEFINITIONS REGULATION

Page 33:

176. Volatile Organic Compounds (VOC). "Volatile Organic Compounds" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

This definition excludes organic compounds which EPA has determined to have negligible photochemical reactivity as listed in 40 C.F.R. Part 51.100(s)(1) as amended up to July 1, 2015.

For purposes of determining compliance with emissions limits, VOC shall be measured by the test methods specified under the Department's regulations or 40 C.F.R. Part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds shall not be considered VOC if the amount of such compounds can be and is accurately quantified. As a precondition to excluding these compounds for purposes of determining compliance with an emission standard, the Department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Department the amount of negligibly-reactive compounds in the source's emissions.

Chapter 112: BULK TERMINAL PETROLEUM LIQUID (Gasoline) TRANSFER REQUIREMENTS

Page 2:

6. Emission Testing. Compliance with this standard shall be determined by methods promulgated in 40 Code of Federal Regulations, Part 60.503 or other methods approved by the Commissioner and the United States Environmental Protection Agency.

Chapter 115: MAJOR AND MINOR SOURCE AIR EMISSION LICENSE REGULATION

Page 10:

S. Licensing of Hazardous Air Pollutants (HAPs) emissions. Pursuant to 38 MRSA Section 585-B, the Department may control HAPs by adopting emission limits, design, equipment, work practices or operational standards for activities emitting hazardous air pollutants if no ambient air quality standards have been established for those pollutants.

Page 10:

3. Process for Renewal of a Minor Source License

- D. Required Application Information.** For a renewal of a license, the applicant shall submit to the Department the information listed below:
- (1) The application form and applicable information as specified in subsection 2(B) of this Chapter, containing all required information;
 - (2) A Best Practical Treatment (BPT) analysis as described below:

BPT. Emissions from existing sources undergoing renewal of a minor source license shall be deemed to be receiving best practical treatment if those emissions are being controlled by pollution control apparatus that has been approved by the Department and which was installed less than 15 years prior to the date of license application approval, or an acceptable best practical treatment analysis shows that those emissions are being

controlled in a manner consistent with emission controls commonly used in sources of similar age and design in similar industries. BPT may require the use of additional instrumentation, operating practices, best management practices, fuel content requirements, good combustion techniques, automated process controls, upgrading of component parts, emissions testing, requirements for continuous emission monitors, maintenance programs for air pollution control equipment, or recordkeeping to demonstrate performance of air pollution control systems or other mitigating measures.

For emissions from existing sources for which BPT was determined less than 15 years prior to the date of license application acceptance by the Department, the applicant shall submit a summary of the pollution control apparatus for those emission sources.

If BPT was determined 15 years or more from the date of license application acceptance by the Department, the applicant must demonstrate that each emission unit is receiving BPT and such demonstration shall consider the emission limit for which the air pollution control system was designed, the emission limitations adopted by the Department and in effect at the time of submission of an application for renewal, as well as the reliability, age, and life expectancy of the air pollution control system.

For some existing sources, a simple certification attesting the source is meeting BPT may be submitted for Department approval.

BPT shall not require the use of a lower sulfur content fuel unless a lower sulfur fuel is required to comply with the applicable emissions standards or applicable ambient air quality standards.

BPT shall not force replacement of existing air pollution control equipment solely on the basis that more efficient or reliable air pollution control equipment is available at the time of renewal. However, BPT may require replacement with more efficient or reliable air pollution control equipment under the following conditions:

- (a) The applicant is proposing replacement of the existing air pollution control equipment;
- (b) Any emissions unit violates the applicable emission limitation;
- (c) Additional reductions are necessary to achieve or maintain ambient air quality standards;
- (d) The Department determines that previously uncontrolled emissions should be controlled in order to prevent an unreasonable risk to the environment or public health;
- (e) The Department determines that previously controlled emissions should be controlled to a greater efficiency considering the toxicity of regulated pollutants; or
- (f) Additional reductions are necessary to restore ambient increment even if that ambient increment was previously authorized to the owner or operator of an existing source.

(3) **Reasonably Available Control Technology.** The applicant for an existing source located in, or whose emissions of a federal nonattainment pollutant result in a significant impact to any federal nonattainment area, shall include a summary of the conditions the source complies with to meet RACT requirements.

(4) **Ambient Air Quality Impact Analysis.** If required by the Department pursuant to Section 7 of this Chapter, the applicant shall submit the results of any ambient air quality impact analyses.

- (5) The certification of the responsible official pursuant to subsection 2(C) of this Chapter and a copy of the published Public Notice of Intent to File (cut or copied from the newspaper in which it was printed) pursuant to subsection 2(D) of this Chapter.

Page 15:

F. Criteria for license approval. The Department shall grant the license if the following criteria are met:

- (1) The Department has received a complete application for a license pursuant to this Chapter;
- (2) The emissions will receive best practical treatment (BPT), including, but not limited to, the requirements specified in subsection 3(D)(2) of this Chapter;
- (3) The emissions will not violate state standards adopted by the Department pursuant to Title 38 MRSA §585 or can be controlled so as not to violate the same;
- (4) ~~The emissions either alone or in conjunction with existing emissions will not violate or can be controlled so as not to violate applicable ambient air quality standards including, but not limited to, ambient increments as adopted by the Department pursuant to Title 38 MRSA §584; or for those sources locating within or significantly impacting a federal nonattainment area, the impact to ambient air quality standards is consistent with any plan demonstrating Reasonable Further Progress as defined in Section 171 of the CAA;~~
- (5) The conditions of the license provide for compliance with all state requirements and the relevant requirements of this Chapter;
- (6) The Department and applicant have complied with the public participation and review procedures for issuance of a license pursuant to subsection 2(D) of this Chapter;
- (7) All control technology requirements, including, but not limited to, BPT, BACT, RACT, LAER, and other operating limitations for any emissions unit will be complied with;
- (8) If the applicant proposes to change the emission limit upon which an air quality impact analysis was based, the applicant may be required to provide a new air quality impact analysis for the new emission limit; and

Chapter 117: SOURCE SURVEILLANCE – EMISSIONS MONITORING

Page 1: This regulation specifies which emission units are required to operate continuous emission monitoring systems (CEMS);

1. Scope and Applicability

A. This regulation applies statewide.

B. The owner or operator of any of the following emission units shall install, certify, calibrate, operate, maintain, and perform system audits on the continuous emission monitoring systems (CEMS) for regulated pollutants as specified in this Chapter.

- (1) Fuel-burning equipment with a heat input capacity of greater than 100 million British Thermal Units (BTU) per hour shall continuously monitor for opacity, except when:
 - (a) Gaseous fuel is the only fuel burned; or
 - (b) The annual average capacity factor for any non-gaseous fuel or combination of non-gaseous fuels burned in the emissions unit is demonstrated to be less than 30% and is limited to such by a federally enforceable license condition.

- (2) Fuel-burning equipment with a heat input capacity of greater than 200 million BTU per hour shall continuously monitor for nitrogen oxides unless the owner or operator demonstrates that the annual average capacity factor is less than 30%, is projected to remain at less than 30% and is limited to such by a federally enforceable license condition.
- (3) Any emissions unit required by statute, regulation, license condition, or other Departmental action to continuously monitor for any regulated pollutant unless determined to be exempt from some or all of the requirements of this Chapter by the Department pursuant to subsection (1)(C) of this Rule.
- (4) Any emissions unit subject to 40 CFR Part 60 New Source Performance Standards, 40 CFR Parts 61 or 63 National Emission Standards for Hazardous Air Pollutants, or 40 CFR Part 75 Acid Rain Program regulations, which require the installation and operation of CEMS to demonstrate compliance with a specified opacity or emission limit.
- (5) Any emissions unit whose potential to emit is limited by federally enforceable license conditions which restrict its hours of operation or operating configuration, type or amount of material combusted, stored, or processed, or level of production, and for which the Department determines that CEMS are necessary to demonstrate compliance with these license conditions pursuant to subsection (1)(C) of this Rule.
- (6) Any emissions unit that utilizes air pollution control equipment in order to maintain compliance with an opacity or emission limit and the Department determines through the licensing process that a CEMS is necessary to demonstrate compliance with such limit.
- (7) Any emissions unit which the Department has determined through the licensing process has a significant impact on air quality and for which a CEMS is necessary to demonstrate that the ambient air quality standards are achieved and maintained.
- (8) Any emissions unit from which a documented violation of any applicable opacity or emission limit has occurred and for which the Department determines through the licensing process that a CEMS is appropriate.

**Chapter 134: REASONABLY AVAILABLE CONTROL TECHNOLOGY FOR FACILITIES THAT EMIT
VOLATILE ORGANIC COMPOUNDS (VOC-RACT)**

Page 1:

1. Scope and Applicability

A. Affected facilities

- (1) This regulation applies to any facility that emits or has the potential to emit forty (40) tons or more of VOC per calendar year.

Page 2:

- 3. VOC RACT Requirements.** Unless exempted from these standards pursuant to Section 1(A)(2) of this Chapter, the owner or operator of any facility subject to this Chapter that emits or has the potential to emit forty (40) tons or more per calendar year of VOC must comply with one of the four VOC emission standards options and to the requirements of Section 3(B) VOC Emission Reduction Plan.

A. VOC Emission Standards Options

- (1) **Option A: VOC Capture and Control Systems.** The owner or operator must install and operate a system to capture and control VOC emissions such that the total VOC emissions do not exceed, on a daily basis, fifteen (15)% of the uncontrolled daily VOC emissions.

- (2) Option B: **VOC Emission Reduction Program**. The owner or operator must implement a program to reduce VOC use and VOC emissions such that total VOC emissions do not exceed, on a daily basis, twenty (20)% of the total daily VOC emissions in calendar year 1990, calculated on either a mass of VOC per mass of solids applied basis if the VOC-emitting equipment or processes apply surface coating, or a mass of VOC per unit of production basis. If a facility was not in operation in 1990, the owner or operator must use the total VOC emissions in the next calendar year following 1990 in which the facility was in operation.
- (3) Option C: **VOC Alternative Reduction Program (Source Specific RACT Determination)**. The owner or operator must submit to the Department within two (2) months from the applicable effective date of this Chapter, written notification that Alternative RACT options will be studied to examine the technical and economical feasibility of control device equipment and pollution prevention options capable of achieving VOC reductions equivalent to or greater than a VOC reduction achieved by Section 3(A)(1) Option A or 3(A)(2) Option B of this Chapter and must implement a program pursuant to Section 3(B)(3).

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B. VOC Emission Reduction Plan

- (1) **Option A Plan Requirements (Capture and Control System)**. The owner or operator of any facility subject to Section 3(A)(1) Option A of this Chapter must submit to the Department, no later than six (6) months from the applicable effective date of this Chapter for the sources originally subject to this rule, and no later than two (2) months for sources subject to this Chapter as a result of the 1995 amendment; a VOC emission reduction plan that includes the following:
 - (a) A complete application form.
 - (b) An inventory including identification of all VOC-emitting equipment or processes at the facility, including equipment exempted under Section 1(C) of this Chapter;
 - (c) The maximum potential to emit VOC for each identified VOC-emitting equipment or process not exempted under Section 1(C) of this Chapter;
 - (d) The amount of VOC emitted each day from each identified VOC-emitting equipment or process at the facility not exempted under Section 1(C) of this Chapter, based on actual daily totals or calculated as a daily average based on annual consumption and production rates;
 - (e) A description of the system to capture and control VOC emissions;
 - (f) Testing procedures, monitoring procedures, and recordkeeping and reporting procedures to demonstrate to the satisfaction of the Department and EPA compliance with this Chapter; and
 - (g) A schedule for implementation of the system to capture and control VOC emissions which extends no later than May 31, 1995, including a demonstration of compliance.
- (2) **Option B Plan Requirements (Emission Reduction Program)**. The owner or operator of any facility subject to Section 3(A)(2) Option B, of this Chapter must submit to the Department, no later than six (6) months from the applicable effective date of this Chapter for the sources originally subject to this rule, and no later than two (2) months from the applicable effective date for sources subject to this Chapter as a result of the 1995 amendment; a VOC emission reduction plan that includes items (a), (b), (c), (d), and (f), in Section 3(B)(1) of this Chapter, and the following:

- (a) A calculation of the average amount of VOC emitted to the atmosphere each day in which the VOC-emitting equipment or process operated in calendar year 1990 stated in terms of either the mass of VOC emitted per mass of solids applied basis, or the mass of VOC emitted per unit of production basis. If a facility was not in operation in 1990, the calculation should be based on the next calendar year following 1990 in which the facility was in operation.
 - (b) A calculation of the average amount of VOC anticipated to be emitted to the atmosphere each day on which the VOC-emitting equipment or process operates upon implementation of the VOC emission reduction plan, stated in terms of either the mass of VOC emitted per mass of solids applied basis, or the mass of VOC emitted per unit of production basis;
 - (c) A schedule for implementation which extends no later than May 31, 1995, including a demonstration of compliance.
- (3) **Option C Plan Requirements (Alternative Feasibility Study)** The owner or operator of any facility subject to Section 3(A)(3) Option C, of this Chapter must:
- (a) Submit to the Department for approval, no later than six (6) months from the applicable effective date of this Chapter for the sources originally subject to this rule, and no later than two (2) months from the applicable effective date for sources subject to this Chapter as a result of the 1995 amendment; a report detailing various options for the reduction of VOC emissions to the atmosphere. Each report must include at a minimum items (a), (b), (c), and (d), contained in Section 3(B)(1) of this Chapter and the following:
 - (i) An examination of the technical and economic feasibility of available add-on VOC control device equipment and an examination of the technical and economic feasibility of changing to low VOC emitting processes (i.e. pollution prevention options) for all VOC emitting equipment;
 - (ii) In the case of VOC emitting equipment which is also subject to a future MACT (Maximum Achievable Control Technology) compliance deadline pursuant to Section 112 of the Clean Air Act, a facility may annualize controls for that piece of equipment over the period of time between May 31, 1995 and the MACT compliance date, to the extent that it is shown that the controls installed to meet the May 31, 1995 RACT deadline have no usefulness in meeting MACT requirements.
 - (iii) The control or pollution prevention option selected, stating emission limits, and test methods to demonstrate compliance;
 - (iv) The amount of VOC that is proposed to be reduced from each affected VOC-emitting equipment or process identified in Section 3(B)(1)(b) of this Chapter;
 - (v) A schedule for implementation which extends no longer than May 31, 1995, including a demonstration of compliance;
 - (vi) A means of assessing continuous compliance, including test methods, monitoring devices, recordkeeping and reporting requirements;
 - (b) Submit to the Department other information that is deemed by the Department to be required to determine RACT within thirty (30) days of receipt of such request, unless otherwise provided by the Department.

- (c) Complete installation of process and/or control equipment or implementation of the VOC reduction plan as required by the Department Order issued under Section 5.
- (d) In no case shall the complete implementation of RACT be delayed beyond May 31, 1995.
- (e) Within six (6) months of receipt of written notification from the Department of an owner's or operator's failure to submit all information required in Section 3(B)(3), the provisions of Section 3(A)(1) or 3(A)(2) shall apply.

Page 6:

4. Testing Requirements and Methods. Within sixty (60) days of receipt of written notification by the Department, the owner or operator of a facility subject to Section 3(A)(1), 3(A)(2), and 3(A)(3) VOC RACT Alternatives of this Chapter, must conduct emission tests to demonstrate compliance with this regulation. Within thirty (30) days of the completion of such tests, the owner or operator must submit to the Department the results of such testing.

A. Option A Test Methods (Capture and Control System) If the facility is subject to Section 3(A)(1) Option A of this Chapter, the owner or operator must demonstrate compliance using sampling and analytical procedures promulgated by the EPA and found at 40 CFR Part 60, Appendix A. When determined by the Department to be necessary, the owner or operator must document the effectiveness of a system to capture and control VOC using the procedures contained in 40 CFR Part 52, Subsection 52.741, Appendix B. If approved by the Department, other sampling and analytical procedures may be used. If a VOC recovery device is used, compliance may be based on a mass balance.

B. Option B and C Test Methods (Emission Reduction Plan or Alternate Feasibility Study) If the facility is subject to Sections 3(A)(2) Option B or 3(A)(3) Option C of this Chapter, the owner or operator must demonstrate compliance under the following conditions:

- (1) The owner or operator must use sampling and analytical procedures promulgated by the EPA and found at 40 CFR Part 60, Appendix A; or
- (2) The owner or operator must use a mass balance procedure based on known quantities of materials purchased, stored in inventory, and/or reclaimed, as approved by the Department and EPA; or
- (3) The owner or operator must use other procedures deemed appropriate by the Department and EPA; and
- (4) When determined by the Department to be necessary, the owner or operator must document the effectiveness of a system to capture and control VOC using the procedures contained in 40 CFR Part 52, Subsection 52.741, Appendix B. If approved by the Department, other sampling and analytical procedures may be used.

5. Approval Process for Department Order

A. Compliance Determination. After receipt of a VOC Emission Reduction Plan submitted pursuant to Section 3(B)(1), 3(B)(2), and 3(B)(3) of this Chapter, the Department shall submit to the owner or operator written notification stating whether the plan is sufficient to allow the Department to determine if the facility has met the requirements of Section 3(A)(1), 3(A)(2), and 3(A)(3) and 3(B)(1), 3(B)(2), and 3(B)(3). If the Department deems the VOC emission reduction plan to be insufficient to determine if the facility has met the requirements of Section 3(B)(1), 3(B)(2), and 3(B)(3), the Department shall request from the owner or operator the appropriate information.

- C. Public Notification Requirements for Draft Department Order.** The owner or operator of each facility that elects Option C of Section 3 must notify the public, by advertisement in a newspaper of general circulation in the region in which the facility is located, at least thirty (30) calendar days prior to the date upon which the public comment period ends. The notice must announce availability of the VOC emission reduction plan, the Department's preliminary determination in the form of a draft order, as well as the opportunity for submission of written public comment. The notice must also announce the date, place and time a public meeting will be held upon written request. If the Department's Augusta office receives a written request for a public meeting within fifteen (15) calendar days from the date upon which the notice is published, a public meeting must be held on the date and time as scheduled in the public notice.

Page 8:

6. Recordkeeping and Reporting Requirements for Facilities Exempt from Sections 3 and 4

- A.** Pursuant to Section 1(A)(2) of this chapter, any facility subject to this Chapter that has the potential to emit but did not have actual emissions of forty (40) tons or more of VOC per calendar year since January 1, 1987, may be exempt from the requirements of Sections 3 and 4 of this rule under the following conditions:
- (1) The owner or operator submits to the Department, within two (2) months from the applicable effective date of this Chapter, a report that:
 - (a) documents the actual emissions of VOC emitted from each VOC-emitting equipment or process in each calendar year beginning January 1, 1987, and
 - (b) describes the design and operation of the affected VOC-emitting equipment or process, including equipment exempted under Section 1(C) of this Chapter;

BASIS STATEMENT

In the State of Maine, nine counties are classified as nonattainment for the federal ozone air quality standard. Volatile organic compounds (VOC), emitted by various industrial processes, contribute to the formation of ozone. This regulation will reduce the VOC emitted by facilities that have the potential to emit forty (40) tons or more of VOC per calendar year. Under the Clean Air Act Amendments of 1990, the State of Maine must submit plans to control, by May 31, 1995, VOC from all major stationary sources not covered by a Control Techniques Guideline (CTG) document.

Chapter 137: EMISSION STATEMENTS

Page 8:

5. Emissions Estimation Approaches

Air emissions reported to the Department pursuant to this Chapter shall be quantified/estimated in the manner which most accurately reflects actual emissions in the order, as follows below. The Department retains the right to review reports, question the emission procedure used, and require use of an estimation procedure that the Department determines is more accurate.

- A.** For sources with specification CEMs/PEMs monitoring systems that are required by statute, regulation, or license condition, emission data generated by these systems shall serve as the basis for emissions reported pursuant to this Chapter;
- B.** For sources not subject to subsection 5(A) and for which reference method emission testing that has been deemed by the Department to be representative of current and normal operating conditions, emission data from such testing shall serve as the basis for estimating emissions reported to the Department pursuant to this Chapter;
- C.** For sources not subject to subsection 5(A) or (B), emissions reported pursuant to this Chapter shall be estimated and reported on the basis of a facility-specific emission factor approved by the Department;
- D.** For sources not subject to subsection 5(A),(B) or (C), emissions reported pursuant to this Chapter shall be estimated and reported on the basis of EPA-published emission factors, where available;

- E. For sources not subject to subsection 5(A),(B),(C) or (D), emissions reported pursuant to this Chapter shall be estimated and reported based on emissions factors from other industry and trade groups based on sound science, where available;
- F. For sources not subject to subsection 5(A),(B),(C),(D) or (E), emissions reported pursuant to this Chapter shall be estimated and reported based on default emission factors published by the Department, where available; or
- G. For sources not subject to subsection 5(A),(B),(C),(D),(E) or (F), emissions reported pursuant to this Chapter shall be estimated and reported based on best engineering judgement.

Chapter 140: PART 70 AIR EMISSION LICENSE REGULATION
Page 16:

3. Renewal of a Part 70 License and the Initial Part 70 Licenses

(3) A Best Practical Treatment (BPT) analysis as described below:

- (a) Best Practical Treatment (BPT). Emissions from existing sources undergoing renewal of a Part 70 license or the issuance of the initial Part 70 license shall be deemed to be receiving best practical treatment if those emissions are being controlled by pollution control apparatus which was installed less than 15 years prior to the date of license application approval, or an acceptable best practical treatment analysis shows that those emissions are being controlled in a manner consistent with emission controls commonly used in sources of similar age and design in similar industries.

For emissions from existing sources controlled by pollution control apparatus which was installed less than 15 years prior to the date of license application approval, the applicant shall submit a summary of the pollution control apparatus for those emission sources.

If the pollution control apparatus has been installed 15 years or more from the date of license application approval, the applicant must demonstrate that each emissions unit is receiving BPT and such demonstration shall consider the emission limit for which the air pollution control system was designed, the emission limitations adopted by the Department and in effect at the time of submission of an application for renewal, as well as the reliability, age, and life expectancy of the air pollution control system.

BPT shall not require the use of a lower sulfur content unless a lower sulfur fuel is required to comply with the applicable emissions standards or applicable ambient air quality standards.

BPT shall not force replacement of existing air pollution control equipment on the basis that more efficient or reliable air pollution control equipment is available at the time of renewal. However, BPT may require replacement with more efficient or reliable air pollution control equipment under the following conditions:

- (i) The applicant is proposing replacement of the existing air pollution control equipment;
- (ii) Any emissions unit violates the applicable emission limitation;
- (iii) Additional reductions are necessary to achieve or maintain ambient air quality standards;

- (iv) The Department determines that previously uncontrolled emissions should be controlled in order to prevent an unreasonable risk to the environment or public health;
- (v) The Department determines that previously controlled emissions should be controlled to a greater efficiency considering the toxicity of air contaminants; or
- (vi) Additional reductions are necessary to restore ambient increment even if that ambient increment was previously authorized to the owner or operator of an existing source.

BPT may require the use of additional instrumentation, operating practices, automated process controls, upgrading of component parts, emissions testing, requirements for continuous emission monitors, maintenance programs for air pollution control equipment, or record keeping to demonstrate performance of air pollution control systems or other mitigating measures.

- (4) BPT for lapsed licenses shall undergo an analysis similar to Major and Minor Source Air Emission License Regulation, 06-096 CMR 115(4)(A)(4)(d).
- (5) **Reasonably Available Control Technology (RACT).** The applicant for an existing source located in, or whose emissions of a federal nonattainment pollutant result in a significant impact to any federal nonattainment area, shall include a summary of the conditions the source complies with to meet RACT requirements.
- (6) **Best Available Retrofit Technology (BART).** An existing source with emissions that the Department has determined to cause an adverse impact on visibility in any Class I area or any integral vista for that Class I area, shall demonstrate that each emissions unit contributing to the adverse impact on visibility will receive BART as expeditiously as practicable, but no later than five (5) years after the Department identifies BART.
- (7) **Hazardous Air Pollutants (HAPs).** If an existing source is subject to a newly applicable HAP emission limitation, the application shall be submitted according to the schedule in Appendix C and subsection 6(B) and shall contain the HAP information as required by Section 6 of this Chapter.
- (8) **Ambient Air Quality Impact Analysis.** If required by the Department pursuant to this Chapter, the applicant shall submit the results of any ambient air quality impact analyses, including an analysis of the impacts to Air Quality Related Values and impact on visibility if the Department determines that the source may affect ambient increments or Air Quality Related Values in any Class I area or integral vista to that Class I area. The analysis shall be performed pursuant to this Chapter. This analysis shall not be used in the completeness determination of the application.

Page 26:

F. Criteria for license approval

- (4) The emissions either alone or in conjunction with existing emissions will not violate or can be controlled so as not to violate ambient air quality standards including, but not limited to, ambient increments as adopted by the Department pursuant to Title 38 MRSA §584; or for those sources locating within or significantly impacting a federal nonattainment area, the impact to ambient air quality standards is consistent with any plan demonstrating Reasonable Further Progress as defined in Section 171 of the CAA;

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14. Ambient Air Quality Analysis

- A. General requirement.** It shall be the burden of any applicant to provide an affirmative demonstration that its emissions, in conjunction with all other sources, will not violate ambient air quality standards, except that Part 70 sources in nonattainment areas or which significantly impact a nonattainment area shall be required to demonstrate that the Part 70 source's emissions are consistent with Reasonable Further Progress provisions of the State Implementation Plan. An applicant may use ambient air monitoring, modeling, or other assessment techniques as approved by the Department and shall be consistent with EPA regulations and guidelines or other requirements under the CAA. The analyses shall include relevant emissions units at the Part 70 source, meteorological and topographical data necessary to estimate such impacts, and shall consider the impact of fugitive emissions, to the extent quantifiable, secondary emissions, and emissions from other existing sources including increases in mobile and area source emissions impacting the same area.

Carey, Sabrina

From: Sam <samwainright1@gmail.com>
Sent: Sunday, January 31, 2021 11:48 AM
To: ENR
Subject: Oil Storage Tank Emissions South Portland

This message originates from outside the Maine Legislature.

To whom it may concern,

I am writing to express my extreme disappointment with the inadequate regulation of harmful emissions from the oil storage tanks along the shoreline in S. Portland. My wife and I often travel through Portland Harbor to the Fore River in our small boat for bird watching and a picnic lunch. We are struck by the level of noxious fumes that we encounter as we transit through that section of the harbor. It reminds me of when I conducted environmental research in the Arthur Kill waterway (which flows between Staten Island, NY and Elizabeth, NJ) when I taught at Rutgers University. I can't imagine what it must be like to breathe those fumes day in and day out as a South Portland resident. Maine is better than this! Scrubbers and monitoring systems need to be installed on those tanks as a matter of public health.

Sam Wainright
Peaks Island, ME

Carey, Sabrina

From: Megan Roy <meganroy19@gmail.com>
Sent: Sunday, January 31, 2021 10:25 AM
To: ENR
Subject: South Portland Oil Tank Emissions

This message originates from outside the Maine Legislature.

Hello,
I've been a resident of Portland for 6 years, and a resident of South Portland for nearly 3 of those. Throughout my time living here I've been subject to emissions both here in South Portland, and on occasion when the winds were right, in the West End.

The emissions spew a noxious, chemical smell that will wake you up from a dead sleep. It prohibits physical activity--a shame when the bike trail literally runs parallel, and there are walkers, cyclists, runners and beyond attempting to stay healthy.

When it's really bad, it makes you feel nauseous and gives intense headaches. Who knows what longterm damage it is doing to us, our families and pets.

These emissions need to be regulated, and controlled for our health and the health of our area longterm. It's unconscionable that they are not now--fines are not a deterrent to companies with billion dollar profits, and not an effective solution.

I encourage and ask you to take action.

Megan Roy
South Portland

.....



Art Direction & Design Studio
www.meganroydesign.com

Carey, Sabrina

From: Jodie L+CO <Jodie@LapchickCo.com>
Sent: Saturday, January 30, 2021 7:40 AM
To: ENR
Cc: protectsouthportland@gmail.com
Subject: SoPo Toxic Fumes

This message originates from outside the Maine Legislature.

Dear Sabrina Carey,

I have been complaining about the toxic fumes coming into the West End for a couple of years. It doesn't make any sense to me how this can be allowed to happen. All I hear back is that it's "being measured". That's not good enough. If people are being poisoned, it needs to stop now. Thank you.

Jodie Lapchick | LapchickCo.com
207.329.4454