

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

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** rules of the Department of Environmental Protection do not allow aboveground oil storage tanks in significant sand and gravel aquifers; and

**Whereas,** a majority of gravel pits in the State are located in significant sand and gravel aquifers and therefore gravel pit operators are not permitted to fuel heavy equipment on site without undertaking an onerous and complicated process or using temporary fueling trucks, which are less protective of the environment; and

**Whereas,** immediate enactment of this legislation will facilitate quick adoption of an amended department rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1 Department of Environmental Protection; adopt emergency rule; aboveground oil storage tanks. Resolved:** That, notwithstanding Public Law 2007, chapter 569, section 7, the Commissioner of Environmental Protection shall adopt an emergency rule pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2 to allow aboveground oil storage tanks that are used for the supply of diesel fuel to be located in excavations for borrow, clay, topsoil or silt and quarries that are in significant sand and gravel aquifers. An emergency rule adopted pursuant to this section is a routine technical rule as defined in Title 5, chapter 375, subchapter 2-A. Following adoption of the emergency rule, the commissioner shall complete nonemergency routine technical rulemaking to allow aboveground oil storage tanks that are used for the supply of diesel fuel to be located in excavations for borrow, clay, topsoil or silt and quarries that are in significant sand and gravel aquifers. Subsequent amendments to the rule are major substantive rules and must be adopted by the Board of Environmental Protection in accordance with Title 38, section 341-H.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.'

## SUMMARY

This amendment adds an emergency preamble and emergency clause and replaces the resolve. It provides that the emergency rule is a routine technical rule and provides for nonemergency routine technical rulemaking following adoption of the emergency rule. It also provides that subsequent

amendments to the rule are major substantive rules. Under current law, Public Law 2007, chapter 569, subsection 7, the rule is a major substantive rule.

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