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Date: (Filing No. H- )

**ENVIRONMENT AND NATURAL RESOURCES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 46, L.D. 71, “Resolve, Regarding Legislative Review of Chapter 171: Control of Petroleum Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection ”

Amend the resolve by striking out everything after the emergency preamble and before the emergency clause and inserting the following:

**'Sec. 1. Adoption. Resolved:** That final adoption of Chapter 171: Control of Petroleum Storage Facilities, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in Section 6(B) and any other affected sections to provide that the department shall specify the period or periods of time during which a fenceline monitoring program to be implemented by an owner or operator of a petroleum storage facility subject to fenceline monitoring requirements must be in operation;

2. The rule must be amended in Section 6(B) and any other affected sections to provide that the department may authorize the suspension for a definite or indefinite period of a fenceline monitoring program implemented by the owner or operator of a petroleum storage facility upon a finding that sufficient data has been collected through the program or that the continued collection of data can reasonably be expected to provide minimal scientific value in evaluating emissions from the facility or is otherwise unnecessary; and

3. The rule must be amended in Section 6(B) and any other affected sections to provide that the department may extend for a definite or indefinite period the deadlines by which the owner or operator of a petroleum storage facility subject to fenceline monitoring requirements must submit a fenceline monitoring plan and implement an approved fenceline monitoring program upon a finding that the collection of data at the facility through fenceline monitoring can reasonably be expected to provide minimal scientific value in evaluating emissions from the facility or is otherwise unnecessary.'

**COMMITTEE AMENDMENT**

1 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or  
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment, which is the minority report of the committee, amends the resolve to  
5 authorize final adoption of rule Chapter 171: Control of Petroleum Storage Facilities by the  
6 Department of Environmental Protection subject to the following changes to the rule:

7 1. The rule must be amended to provide that the department must specify the period  
8 or periods of time during which a fenceline monitoring program at certain petroleum  
9 storage facilities must be in operation;

10 2. The rule must be amended to provide that the department may authorize the  
11 suspension for a definite or indefinite period of a fenceline monitoring program  
12 implemented at a petroleum storage facility upon a finding that sufficient data has been  
13 collected through the program or that the continued collection of data can reasonably be  
14 expected to provide minimal scientific value in evaluating emissions from the facility or is  
15 otherwise unnecessary; and

16 3. The rule must be amended to provide that the department may extend for a definite  
17 or indefinite period the deadlines by which the owner or operator of certain petroleum  
18 storage facilities must submit and implement a fenceline monitoring program upon a  
19 finding that the collection of data at the facility through fenceline monitoring can  
20 reasonably be expected to provide minimal scientific value in evaluating emissions from  
21 the facility or is otherwise unnecessary.

22 **FISCAL NOTE REQUIRED**

23 **(See attached)**