

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

H.P. 119 - L.D. 163

**An Act Concerning the Regulation of Air Emissions at Petroleum Storage
Facilities**

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

Sec. 1. 38 MRSA §590, sub-§1, as amended by PL 2001, c. 626, §16, is repealed and the following enacted in its place:

1. License required; rules. After ambient air quality standards and emission standards have been established within a region, the board may by rule provide that a person may not operate, maintain or modify in that region any air contamination source or emit any air contaminants in that region without an air emission license from the department.

A. As a condition of licensure under this chapter for any petroleum storage facility with an aboveground petroleum storage tank, the facility shall:

- (1) Ensure that any new aboveground petroleum storage tank with a storage capacity greater than 39,000 gallons used for the storage of distillate fuel products is equipped with a floating roof;
- (2) Maintain a record of any additives or materials added to any heated, aboveground petroleum storage tank;
- (3) Ensure that any heated, fixed-roof aboveground petroleum storage tank is fully insulated in a manner that minimizes temperature fluctuation and resulting breathing losses and that the temperature of the petroleum product stored in the tank is continuously monitored;
- (4) Implement forward-looking infrared technology for the monitoring of vapor leaks around any aboveground petroleum storage tank with a storage capacity greater than 39,000 gallons, as well as around the piping and fittings associated with the tank. The facility shall conduct such monitoring on at least a quarterly basis, and the results of that monitoring and any resulting repairs made as a result of detected leaks must be properly documented and provided to the department upon request;
- (5) Collect site-specific air emission test data semiannually during the most active time of operations for any existing, new or modified heated, aboveground

petroleum storage tank with a storage capacity greater than 39,000 gallons, and the collected data must be used to establish site-specific air emission factors. A facility that operates in a similar manner multiple tanks of the same construction storing the same product may, upon approval by the department, collect site-specific air emission test data from a representative tank in lieu of testing all similarly operating tanks. The test data collected by the facility must be used for the purposes of annual air emissions reporting and by the department when determining compliance with licensed air emission limits;

(6) Conduct on a monthly basis a visual inspection of the internal, floating roof of any aboveground petroleum storage tank equipped with such a roof; conduct on a monthly basis an external leak inspection of that roof using photo ionization detection technology or flame ionization detection technology; and conduct a complete inspection of the cover and seal associated with that roof every 5 years and each time the tank is emptied and degassed; and

(7) If the facility has an aboveground petroleum storage tank with a storage capacity greater than 39,000 gallons that is equipped with an external or internal floating roof, implement a fence line monitoring program, designed and operated by a qualified, independent 3rd-party entity, which must provide continuous emission monitoring consistent with the requirements of the United States Environmental Protection Agency's Method 325A, Volatile Organic Compounds from Fugitive and Area Sources: Sampler Deployment and VOC Sample Collection, and Method 325B, Volatile Organic Compounds from Fugitive and Area Sources: Sampler Preparation and Analysis. The facility shall provide to the department a description of its fence line monitoring program and a copy of all data collected under the program, which the department shall make available on its publicly accessible website.

B. A facility required to be licensed under this chapter may not load distillate fuel into a cargo tank that carried gasoline as its most recent load unless the facility is equipped with and uses a collection and control system for air emissions of volatile organic compounds.

C. As a condition of licensure under this chapter for any new or modified bulk gasoline terminal, the terminal shall implement best practical treatment for emissions associated with the loading, unloading and storage of gasoline at the terminal that is equivalent or substantially similar to applicable best available control technology requirements implemented by the United States Environmental Protection Agency pursuant to the federal Clean Air Act.

D. At least once every 5 years, the board shall evaluate and, if determined necessary, update the best practical treatment requirements applicable to licensed petroleum storage facilities with aboveground petroleum storage tanks. In evaluating the best practical treatment requirements pursuant to this paragraph, the board shall consider best practical treatment requirements for aboveground petroleum storage tanks implemented by other New England states and applicable best available control technology requirements implemented by the United States Environmental Protection Agency pursuant to the federal Clean Air Act.

E. An incinerator may not be used to dispose of solid waste without a license from the department, except an incinerator with a primary chamber volume no greater than 133 cubic feet or 1,000 gallons that burns only wood waste as defined in Title 12, section 9324, subsection 7-A and painted and unpainted wood from construction and demolition debris.

As used in this subsection, “petroleum storage facility” means a storage facility that receives petroleum products from refineries primarily by pipeline, ship or barge and delivers those products to bulk plants or to commercial or retail accounts primarily by tank truck.

The board may adopt rules to implement paragraphs A to E. Rules initially adopted to implement paragraphs A to E are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Any subsequent revision to rules adopted to implement paragraphs A to E are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Department of Environmental Protection; rulemaking. On or before December 31, 2021, the Department of Environmental Protection shall initiate rulemaking to amend its rules regulating air emissions adopted pursuant to the Maine Revised Statutes, Title 38, sections 585, 585-A and 590 to align those rules as necessary with the provisions of Title 38, section 590, subsection 1, paragraphs A to E.