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Testimony of Rep. Matthew Beck introducing

LD 1507, An Act to Require General Public Notification of Oil Terminal Facility Transfer Activities

Before the Joint Standing Committee on Environment and Natural Resources

Good afternoon Senator Tepler, Representative Doudera and distinguished members of the Joint Standing Committee on Environment and Natural Resources. My name is Matthew Beck, and I have the privilege of representing the people of House District 122, part of South Portland.

I am here today to introduce **LD 1507, An Act to Require General Public Notification of Oil Terminal Facility Transfer Activities**.

I am introducing this legislation at the request of the South Portland City Council and its Clean Air Advisory Council.

Members of our community live, work and go to school near or immediately adjacent to large marine oil terminal facilities and oil tank farms that have been part of our coastal city for generations. We would almost be able to forget they are there were it not for the odors of petroleum on many days in many parts of our city, odors that seem to markedly increase during the transfer of products from large oil vessels or within the facilities themselves. Along with those odors, residents have understandable fears that there may be an increase in their levels of exposure to volatile organic compounds (VOCs) and hazardous air pollutants (HAPs).

If enacted, the law would require the owners and operators of an oil terminal facility to develop and implement a plan to notify members of the community (upon request) of the transfer of oil. They would be required to develop and implement a plan to electronically provide this notification to members of the public by SMS text messages to those who opt-in and also make that information available on a publicly accessible website within a 24-hour period that follows the notice. The plan would be subject to review and approval by the Department of Environmental Protection and the municipality in which the facility is located.

This notice would give members of the public the opportunity to plan their day so they may be able to leave the immediate vicinity during oil transfers or at least close their windows to minimize their potential exposure to any hazardous vapors that may be released.

District 122: South Portland (Part)

I expect that you may hear from opponents of this legislation that sharing information in advance about the shipment of oil products would pose a security risk for marine vessels and coastal communities. In fact, bad actors would have little difficulty identifying potential targets from information that is already publicly available. This legislation would merely provide members of the community with the ability to make some simple choices about how to plan their day if this is an issue that concerns them.

In preparation for this hearing, I heard from community advocates about several possible amendments they would like me to offer to LD 1507.

One amendment concerned vent monitoring of burst emissions that may happen when an empty or nearly empty tank is filled with oil. I've seen different versions of this proposed amendment and I will work with your committee analyst to finalize amendment language prior to your work session.

Others told me they would like to see community notification enhanced by requiring bulk petroleum facility fence line signage indicating the DEP licensed tonnages of VOCs and HAPs every 100 yards or less, with signage no less than 10"x14". I am considering this suggestion with a possible alternative being requiring the posting of this information on the same publicly available website that details oil transfer notifications.

Another suggestion from community advocates was requiring a 1,000-foot buffer between bulk petroleum storage facilities and new residential/lodging zones. I am not prepared to support that as part of this bill, although I am looking at possible prohibition of bringing dormant tanks back online if they are within 1,000 feet of residential/lodging zones.

In closing, I respectfully suggest that you hold off on scheduling a work session on this bill while the City of South Portland continues negotiations with the six marine terminal operators in South Portland to reach a voluntary agreement that would satisfy many, if not all, of the goals of this legislation.

I urge you to support LD 1507 to help residents of some of our Maine communities to breathe a little bit easier. Thank you.