



TESTIMONY of Megan Diver
Vice President
Maine Energy Marketers Association

**BEFORE THE JOINT STANDING COMMITTEE ON
ENVIRONMENT AND NATURAL RESOURCES**

**In Opposition to
LD 1507**

"An Act to Require General Public Notification of Oil Terminal Facility Transfer Activities"

Senator Tepler, Representative Doudera, and members of the Joint Standing Committee on Environment and Natural Resources, my name is Megan Diver, I am the Vice President of the Maine Energy Marketers Association (MEMA).

MEMA is a trade association composed of approximately 300 member companies, and more than 5,000 direct and 5,000 indirect jobs in the energy delivery and servicing businesses. Our members are delivering heating fuels, kerosene, and offering service and installations on the equipment that utilizes these fuels. MEMA also provides heating, ventilation, air conditioning, and refrigeration, education and training to hundreds of Mainers each year at our Technical Education Center (MTEC) in Brunswick.

I am here today in opposition to LD 1507.

As you have heard from those before me LD 1507 adds detailed mandates to Maine businesses. We believe that requiring an oil terminal facility operator to develop, for review and approval by the DEP and the local municipality, a community notification plan, which requires SMS or text messaging to any member of the public who requests it, raises many questions and concerns.

For example, who is vetting the "community members" that would be getting SMS text messages and notifications for every anticipated or actual transfer of oil? Without safeguards that prevent bad actors from receiving notifications, this opens the operations up to very serious security risks. This legislation would apply to every terminal in the State, including facilities in Bangor, Hampden, Bucksport and Searsport, as well as South Portland.

Public reporting of product types, volumes, and facility receipts - whether in advance or at any time - poses considerable commercial risks as well. This information is highly sensitive and essential to our members competitive positioning. Disclosure could expose their customers, internal marketing strategies, and product sales to external competitors, and such reporting may even violate contractual confidentiality obligations.

Furthermore, advanced reporting for loading heating oil or other products into a tank truck would be potentially unworkable. Oftentimes these transfers could change inside of 24 hours. Think of a severe weather event, supply change or shortage or any other unexpected things that could result in product being moved at the last minute.

MEMA members operate under permit limits and report annual quantities by product through each storage tank and through truck loading racks. Marine vessel transfers are not as frequent, but tank truck transfers can take place hundreds of times a week. The level of effort required to send out this number of notifications for a terminals routine daily operation would be very burdensome.

These operations are focused on compliance, and are meeting standards required by their permits and licenses, including air monitoring and inspections required by the newly implemented Chapter 171 rules; quarterly optical gas imaging inspections; fenceline monitoring; and, air monitoring devices operated by the DEP. These requirements are among the most stringent in the country, and the terminals are meeting these high standards.

Thank you for listening to our concerns.