

## §563-B. Regulatory powers of department

In addition to the rule-making authorities otherwise set forth in this subchapter, the department may adopt rules related to the following matters: [PL 2017, c. 333, §1 (AMD).]

**1. Investigation and removal.** Procedures, methods, means and equipment to be used in the investigation of discharges and the removal of oil and petroleum pollutants. The rules:

A. Must allow the facility from which a prohibited discharge has occurred to return to service while corrective action is taken unless the commissioner determines that a return to service would result in a threat to public health and safety; [PL 1991, c. 763, §2 (NEW).]

B. Upon abandonment or replacement of an underground tank or facility, must require site assessment to be conducted or supervised by a state-licensed geologist or registered professional engineer only when that tank or facility is located in a sensitive geologic area; and [PL 2019, c. 285, §17 (AMD).]

C. May not require site assessments for a farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for the sole use of the owner or operator of the facility; [PL 1991, c. 763, §2 (NEW).]

[PL 2019, c. 285, §17 (AMD).]

**2. Inventory reconciliation; precision testing; leak detection methods.** Procedures and methods to be used in conducting statistical inventory reconciliation, underground oil storage facility precision testing and other leak detection methods. The rules must allow owners or operators of facilities undergoing routine monitoring in the absence of any other evidence of a leak:

A. To check the accuracy of complete statistical inventory data within 30 days of receipt by the commissioner of the initial statistical reconciliation by rerunning reconciliations before inconclusive reports are considered to be a failure of the tank or piping; [PL 2017, c. 333, §2 (AMD).]

B. To check for failures in any mechanical and electronic monitoring devices within 3 working days of an indication of failure before it is considered a failure of the tank or piping; [PL 1991, c. 763, §3 (NEW).]

C. To engage in procedures under paragraphs A and B before requiring the precision testing of facility components; and [PL 1991, c. 763, §3 (NEW).]

D. To check the accuracy of a failed or inconclusive precision test of facility components before the commissioner may order the excavation of the facility or any portion of the facility. An owner or operator is allowed 2 weeks to schedule a repeat of the precision test; [PL 1991, c. 763, §3 (NEW).]

[PL 2017, c. 333, §2 (AMD).]

**3. Hearings.** Hearings related to clean-up orders issued pursuant to section 568; and [PL 1987, c. 491, §10 (NEW).]

**4. Third-party damage claims.** Procedures to be used in filing and processing of 3rd-party damage claims.

[PL 1987, c. 491, §10 (NEW).]

### SECTION HISTORY

PL 1987, c. 491, §10 (NEW). PL 1989, c. 865, §9 (AMD). PL 1991, c. 763, §§2,3 (AMD). PL 2017, c. 333, §§1, 2 (AMD). PL 2019, c. 285, §17 (AMD).

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