**§570-K. Aboveground oil storage facilities**

**1. Definition.**

[PL 1993, c. 363, §16 (RP); PL 1993, c. 363, §21 (AFF).]

**2. Prohibition.**  After July 1, 1995, a person may not operate an aboveground oil storage facility that has underground piping not constructed of cathodically protected steel, fiberglass or other noncorrosive material approved by the department.

[PL 1997, c. 624, §7 (AMD); PL 1997, c. 624, §21 (AFF).]

**3. Underground piping installation.**  All new and replacement underground piping installed on or after June 24, 1991 associated with an aboveground oil storage facility must be installed, operated, maintained and removed in accordance with sections 564, 565 and 566‑A and all rules adopted by the board pursuant to sections 564, 565 and 566‑A, except that, in the case of fleet fueling or retail facilities, the commissioner may approve leak detection methods other than those required under board rules when warranted by the nature and design of the facility and piping. Effective January 1, 2011, this subsection applies to underground piping installed before June 24, 1991 if the piping is associated with an aboveground tank used to store motor fuel.

A. [PL 1999, c. 334, §8 (RP).]

B. [PL 1999, c. 334, §8 (RP).]

[PL 2005, c. 491, §2 (AMD).]

**4. Exemption.**  The following aboveground oil storage facilities are exempt from the requirements of subsections 2 and 3:

A. Facilities or portions of facilities that are used exclusively for the storage of #2 and other home heating oil and consist of an individual tank of 660 gallons or less capacity or an aggregate tank capacity of 1320 gallons or less; and [PL 1993, c. 363, §17 (NEW); PL 1993, c. 363, §21 (AFF).]

B. Facilities containing only liquefied petroleum gas or liquefied natural gas. [PL 1993, c. 363, §17 (NEW); PL 1993, c. 363, §21 (AFF).]

[PL 2001, c. 605, §2 (AMD).]

**5. Spill prevention and control.**  An aboveground oil storage facility used in the marketing and distribution of oil to others must be operated in compliance with the federal requirements for the preparation and implementation of spill prevention control and countermeasure plans under 40 Code of Federal Regulations, 112 in effect on April 17, 2003. Failure to comply with those federal requirements in accordance with the deadlines set by the United States Environmental Protection Agency constitutes a violation of this Title. If the department believes that a facility's plan does not satisfy those federal requirements, the department shall request an opinion from the United States Environmental Protection Agency as to the legal adequacy of the plan and any amendment necessary to bring the facility into compliance with those federal requirements. The department shall prepare educational and technical materials for use by facilities affected by this subsection.

[PL 2015, c. 124, §7 (AMD).]

SECTION HISTORY

PL 1991, c. 494, §16 (NEW). PL 1993, c. 363, §16 (AMD). PL 1993, c. 363, §17 (AMD). PL 1993, c. 363, §21 (AFF). PL 1997, c. 624, §§7,8 (AMD). PL 1997, c. 624, §21 (AFF). PL 1999, c. 334, §8 (AMD). PL 2001, c. 605, §§2,3 (AMD). PL 2003, c. 245, §19 (AMD). PL 2005, c. 212, §1 (AMD). PL 2005, c. 491, §2 (AMD). PL 2015, c. 124, §7 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.