8/23/2021

Information Request for Implementation of LD 163

The Maine Department of Environmental Protection (DEP) will be conducting rulemaking to implement the requirements of LD 163 passed into law by the Maine Legislature this past session. Before doing so, the DEP is soliciting information on specific aspects of the legislation's requirements and how they may be practically executed.

The deadline for responses to this information request is September 10, 2021. Responses may be emailed to Lynn Muzzey at lynn.muzzey@maine.gov.

The DEP invites comment and requests information on the following subjects:

1. The law requires the implementation of forward-looking infrared technology, also known as optical gas imaging equipment, for the monitoring of vapor leaks from aboveground petroleum storage tanks greater than 39,000 gallons as well as the piping and fittings associated with the tank. What challenges are there to implementing such an inspection program and how can those challenges be mitigated?

2. What is the expected lead time to purchase and train staff on the use of optical gas imaging equipment?

3. Federal regulation 40 C.F.R. Part 60, Subpart OOOOa provides a protocol for the use of optical gas imaging in leak detection and repair. Would this protocol provide an appropriate basis for the Department's rule?

4. The law requires testing of heated, aboveground petroleum storage tanks greater than 39,000 gallons "semiannually during the most active time of operations." The DEP requests information from facilities on what time(s) during the year these tanks are most active and what is an appropriate interval between tests to ensure two tests can be completed annually. For example, could two tests be performed in a year "during the most active time of operations" if the tests were separated by a minimum of six months? What about four months? Keep in mind that testing of working losses (i.e., when the tank is actively being filled) may be required.

5. The law requires that any petroleum storage facility that operates an internal or external floating roof tank with a capacity greater than 39,000 gallons implement a fenceline monitoring program in accordance with EPA Methods 325A and 325B. Are there any physical limitations to the implementation of these methods in Maine, and how can possible limitations be addressed or mitigated? For example, how would the typical temperatures, humidity, or other weather-related variations experienced in Maine affect results using these methods, and what procedures could be implemented to mitigate those effects?

6. What is the expected lead time to contract for, install, and begin operation of a fenceline monitoring program in accordance with EPA Methods 325A and 325B?

7. The law requires monthly external leak inspections of storage tanks with internal floating roofs utilizing either photo ionization or flame ionization detection technology. What challenges exist with conducting these inspections, and what should the Department consider when drafting language to implement these requirements?

8. Are there any specific requirements of LD 163 you believe may be problematic to implement? If so, what are your recommendations for successful implementation of the law as enacted?