

§542. Definitions

The following words and phrases as used in this subchapter shall, unless a different meaning is plainly required by the context, have the following meaning: [PL 1969, c. 572, §1 (NEW).]

1. Barrel. "Barrel" shall mean 42 U.S. gallons at 60 degrees Fahrenheit.
[PL 1969, c. 572, §1 (NEW).]

2. Board.
[PL 1973, c. 625, §277 (RP).]

3. Board.
[PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §107 (RP).]

3-A. Coastal waters. "Coastal waters" means all waters of the State within the rise and fall of the tide and to a distance of 12 miles from the coastline of the State but does not include areas above any fishway or dam when the fishway or dam is the dividing line between tidewater and fresh water.
[PL 1993, c. 355, §6 (AMD).]

4. Discharge. "Discharge" means any spilling, leaking, pumping, pouring, emitting, escaping, emptying or dumping.
[PL 2015, c. 319, §9 (AMD).]

4-A. Federal contingency plan. "Federal contingency plan" means an area, regional or local contingency plan for oil spill response, prepared and published by the President of the United States under the Federal Water Pollution Control Act, 33 United States Code, Section 1321, as amended.
[PL 1991, c. 380, §1 (NEW).]

4-B. Facility closure. "Facility closure" means:

A. Removal of oil and oil residuals from tanks and related appurtenances; [PL 2019, c. 678, §1 (NEW); PL 2019, c. 678, §7 (AFF).]

B. Decontamination of tanks and related appurtenances; [PL 2019, c. 678, §1 (NEW); PL 2019, c. 678, §7 (AFF).]

C. Removal of tanks and related appurtenances; [PL 2019, c. 678, §1 (NEW); PL 2019, c. 678, §7 (AFF).]

D. Disconnection and removal of underground piping or secure capping or plugging of underground piping when removal is not feasible; and [PL 2019, c. 678, §1 (NEW); PL 2019, c. 678, §7 (AFF).]

E. Any other steps required to safely decommission the facility and remediate sediment, soils, groundwaters and surface waters such that the facility site, as determined by the department, is suitable for residential use or meets the most protective use standards practicable for the facility site. [PL 2019, c. 678, §1 (NEW); PL 2019, c. 678, §7 (AFF).]

[PL 2019, c. 678, §1 (NEW); PL 2019, c. 678, §7 (AFF).]

5. Fund. "Fund" means the Maine Ground and Surface Waters Clean-up and Response Fund.
[PL 2015, c. 319, §10 (AMD).]

5-A. National contingency plan. "National contingency plan" means the national contingency plan for oil spill response prepared and published by the President of the United States under the Federal Water Pollution Control Act, 33 United States Code, Section 1321, as amended.
[PL 1991, c. 380, §1 (NEW).]

6. Oil. "Oil" means oil, oil additives, petroleum products and their by-products of any kind and in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other

wastes, liquid asphalt, bunker fuel, crude oils and all other liquid hydrocarbons regardless of specific gravity. "Oil" does not include liquid natural gas.

[PL 2019, c. 678, §2 (AMD); PL 2019, c. 678, §7 (AFF).]

6-A. Oil spill response activity. "Oil spill response activity" means assistance in mitigating or attempting to mitigate the effects of an actual or threatened discharge of oil prohibited by section 543. The term includes lightering oil from a disabled or threatened vessel and other actions to prevent, contain, clean up, remove or dispose of prohibited oil discharges.

[PL 1991, c. 698, §3 (NEW).]

7. Oil terminal facility or facility. "Oil terminal facility" or "facility" means any facility of any kind and related appurtenances, located in, on or under the surface of any land or water, including submerged lands, that is used or capable of being used for the purpose of transferring, processing or refining oil, or for the purpose of storing the same, but does not include any facility used or capable of being used to store no more than 1,500 barrels or 63,000 gallons, nor any facility not engaged in the transfer of oil to or from waters of the State. A vessel is considered an oil terminal facility only in the event of a ship-to-ship transfer of oil, but only that vessel going to or coming from the place of ship-to-ship transfer and a permanent or fixed oil terminal facility. The term does not include vessels engaged in oil spill response activities.

[PL 2019, c. 678, §3 (AMD); PL 2019, c. 678, §7 (AFF).]

8. Owner or operator. "Owner or operator" means any person owning or operating an oil terminal facility whether by lease, contract or any other form of agreement or a person in control of, or having responsibility for, the daily operation of an oil storage facility.

[PL 2015, c. 319, §12 (AMD).]

9. Person. "Person" shall mean any natural person, firm, association, partnership, corporation, trust, the State of Maine and any agency thereof, governmental entity, quasi-governmental entity, the United States of America and any agency thereof and any other legal entity.

[PL 1977, c. 375, §4 (RPR).]

9-A. Responder. "Responder" means any person who provides assistance or advice in mitigating or attempting to mitigate the effects of an actual or threatened discharge of oil prohibited by section 543, or in preventing, containing, cleaning up, removing or disposing of, or in attempting to prevent, contain, clean up, remove or dispose of, any discharge of oil prohibited by section 543, except for any person who caused or is otherwise responsible for the actual or threatened discharge in the first instance.

[PL 1991, c. 380, §1 (NEW).]

9-B. State Marine Oil Spill Contingency Plan. "State Marine Oil Spill Contingency Plan" means a contingency plan for oil spill response prepared by the commissioner in accordance with this subchapter.

[PL 1991, c. 380, §1 (NEW).]

9-C. Responsible party. "Responsible party" means any person who could be held liable under section 552 or as defined in section 562-A, subsection 17.

[PL 2015, c. 319, §13 (AMD).]

9-D. Related appurtenances. "Related appurtenances" means pumps, valves, piping, loading racks, secondary containment and, as determined by the department, any other structures related to the operation of an oil terminal facility.

[PL 2019, c. 678, §4 (NEW); PL 2019, c. 678, §7 (AFF).]

10. Transferred. "Transferred" shall include both onloading and offloading between terminal and vessel and vessel to vessel.

[PL 1969, c. 572, §1 (NEW).]

10-A. Underground oil storage facility.

[PL 1985, c. 496, Pt. A, §7 (RP).]

11. Vessel. "Vessel" includes every description of watercraft or other contrivance used, or capable of being used, as a means of transportation on water, whether self-propelled or otherwise and shall include barges and tugs.

[PL 1969, c. 572, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 572, §1 (NEW). PL 1971, c. 618, §12 (AMD). PL 1973, c. 625, §277 (AMD). PL 1977, c. 375, §§2-4 (AMD). PL 1983, c. 785, §10 (AMD). PL 1985, c. 496, §§A6,7 (AMD). PL 1989, c. 890, §§A40,B107 (AMD). PL 1991, c. 380, §1 (AMD). PL 1991, c. 698, §§3,4 (AMD). PL 1991, c. 817, §9 (AMD). PL 1993, c. 355, §§6,7 (AMD). PL 1997, c. 364, §25 (AMD). PL 2011, c. 206, §12 (AMD). PL 2015, c. 319, §§9-13 (AMD). PL 2019, c. 678, §§1-4 (AMD). PL 2019, c. 678, §7 (AFF).

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