

**RULEMAKING FACT SHEET**  
**TITLE 5 MRSA § 8057-A**

**AGENCY:** Department of Environmental Protection

**NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:**

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**CHAPTER NAME AND RULE TITLE:** Chapter 696 Oil Discharge And Pollution Control  
Rules For Rail Tank Cars

**STATUTORY AUTHORITY:** 38 M.R.S. §§ 341-H, 546

**DATE AND PLACE OF PUBLIC HEARING:** Emergency Rulemaking.

**COMMENT DEADLINE:** N/A.

**PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:**

This rule is being proposed to address immediate threats to public health, safety and/or welfare. Over the past several years, increasing quantities of oil have been transported by rail tank cars in Maine and throughout the country. This increase has unfortunately been accompanied by a number of oil discharges and more significant accidents (e.g., accidents in Quebec and West Virginia). The increasing number of rail tank cars used for both transporting and the long-term storage of oil makes it imperative that rail tank cars used for long term storage are regularly inspected, and that the Department be provided with accurate and timely information in the event of an oil discharge or other emergency event.

**ANALYSIS AND EXPECTED OPERATION OF THE RULE:**

The proposal will: 1) establish explicit requirements for the remediation of any oil discharges from rail tank cars; 2) require the submission of federal Response Plans<sup>1</sup> to the Department; and 3) establish inspection requirements for rail cars that are used for storage, and parked at a siding for more than 5 consecutive days.

**FISCAL IMPACT OF THE RULE:**

This proposal will not have a significant fiscal impact on small businesses and other members of the regulated community. Oil discharge removal and remediation is currently required pursuant by statute at 38 M.R.S. § 548, and owners and operators of rail tank cars must already prepare

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<sup>1</sup> 49 CFR § 1301.31 prescribes prevention, containment and response planning requirements of the Department of Transportation applicable to transportation of oil by motor vehicles and rolling stock.

written response plans pursuant to federal regulations at 49 CFR § 130.31. Visual inspections of rail cars used for long-term oil storage may impose a small additional cost on the regulated community; the Department was unable to quantify this cost.

**BENEFITS OF THE RULE:**

The proposal will reduce the likelihood of oil discharges from rail tank cars, and provide for a more timely response and remediation by the Department in the event of a discharge.

**BRIEF SUMMARY OF INFORMATION CONSIDERED DURING RULE DEVELOPMENT:**

Staff consulted with the Office of the Attorney General during the development of these amendments to ensure consistency with state and federal requirements.

<p><b>FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:</b></p> <p>ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:</p> <p>INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:</p> <p>BENEFITS OF THE RULE:</p>
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