



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

Mr. -----

January 7, 2025

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-----, Maine 04---

Dear Mr./Ms. -----,

This letter provides additional guidance from the Department of Environmental Protection (Department) with respect to compliance with Maine’s *Control of Petroleum Storage Facilities*, 06-096 C.M.R. Chapter 171 ([096c171.docx](#)). As you are aware, this rule was intended to address emissions of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) from petroleum storage tanks and includes inspection, testing, and monitoring requirements, depending on the product stored. Following the first year of implementation, which began August 4, 2023, all subject petroleum storage facilities have successfully submitted the required plans and met all other applicable deadlines. Moving forward, the Department is providing additional guidance beyond that found in the *Frequently Asked Questions* document ([A-C-0037 Ch171 FAQ 2023 08.pdf](#)) developed in 2023. Below we address some of the many questions asked during the initial implementation of Chapter 171. Some of this guidance may not apply to your specific facility.

Applicability: Chapter 171 applies statewide, but includes a list of specific exemptions. For example:

- Several companies have contacted us wondering if their bulk plant’s tank was subject because it was capable of holding 39,000 gallons or greater and stored a liquid petroleum product. As long as an air emission license is not required, i.e., there is no other onsite equipment such as boilers or generators that meet the threshold for requiring an air emission license, such a tank is not subject to Chapter 171. Also, storage tanks not located at a Petroleum Storage Facility (as defined in the rule) are not subject to Chapter 171.
- One facility, subject to the rule, asked about their existing tank that currently stores only distillate, but is equipped with an internal floating roof (IFR). They wondered if the IFR could be removed to avoid the fenceline monitoring requirements of Chapter 171. Such a change would be considered a modification and would require a license amendment and, as such, would be subject to Best Available Control Technology (BACT) requirements. BACT for a distillate fuel storage tank would be in line with requirements contained in section 4.A. of Chapter 171 for a new distillate storage tank. As such, the tank would likely still need an IFR for emissions control.

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Fenceline Monitoring & Reporting

- A question was posed about the 14-day monitoring period, and how to report data if the period spans two quarters. Reporting of fenceline data that spans two calendar quarters should be reported as data for the quarter in which the sampling period ends.
- Some sources reported monitored values in units of parts per billion by volume (ppbv) and/or parts per million by volume (ppmv); however, micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) were the units specified in the final rule. For ease of comparison data should be reported in $\mu\text{g}/\text{m}^3$.
- In addition to the information submitted in the quarterly report, the Department requests the original analytical lab results be submitted along with the raw data included as an excel file.
- All reports should include a summary table in the attached format (see attachment).
- All duplicate samples should be flagged when the field replicate precision is greater than 30%.
- If lab results show values below the minimum detection limit (MDL), those data should be flagged and replaced with the MDL value (e.g., "<###") for averaging purposes.

Heated Tank Testing

- Section 6.A.(2) of Chapter 171 requires heated tanks be tested for VOC and HAP at least twice per year when the tank is being heated, for development of both standing and working loss emission factors. It is the Department's expectation that this means a total of four tests per year would be conducted (two for standing losses and two for working losses), unless the Department approves of a different schedule.
- For heated tanks not equipped with an odor control device, standing loss testing can be determined using EPA's AP-42 calculation methods (Equation 1-4, Ch. 7.1) in conjunction with the actual measured tank concentration, which estimates flow based on product specific characteristics and tank dimensions. At least one standing loss tank concentration measurement run is required.

I'm sure there will be more questions as we move forward but the Department appreciates the accomplishments you and your staff have made in 2024, and we look forward to continued program success. Feel free to contact me or your regional compliance inspector. I can be reached anytime by phone at (207) 550-7217, or by email at rick.perkins@maine.gov.

Sincerely,



Rick Perkins, Manager
Compliance Section

Attachment

Sample code	Benzen (ug/m3)	Flag	Ethylbenzene (ug/m3)	Flag	m-/p- Xylene (ug/m3)	Flag	o-Xylene (ug/m3)	Flag	Toluene (ug/m3)	Flag
DFR-1-S-20241025	#.###		#.###		#.###		#.###		#.###	
DFR-1-B-20241025	#.###		#.###		<#.###	ND	<#.###	ND	#.###	
DFR-1-D-20241025	<#.###	ND	#.###	J	#.###		#.###		#.###	
DFR-2-S-20241025	<#.###	ND	#.###		#.###		#.###		#.###	
DFR-3-S-20241025	#.###		#.###		#.###		#.###		<#.###	ND
DFR-4-S-20241025	#.###		<#.###	ND	#.###		#.###		#.###	
DFR-1-S-20241108	#.###		#.###		#.###		#.###		#.###	
DFR-1-B-20241108	#.###	P	#.###		#.###		#.###		#.###	
DFR-1-D-20241108	#.###		#.###		#.###		#.###		#.###	
etc.										
Summary Statistics	Benzen (ug/m3)		Ethylbenzene (ug/m3)		m-/p- Xylene (ug/m3)		o-Xylene (ug/m3)		Toluene (ug/m3)	
Quarterly Maximum	#.###		#.###		#.###		#.###		#.###	
Quarterly Average	#.###		#.###		#.###		#.###		#.###	
Rolling Annual Maximum	#.###		#.###		#.###		#.###		#.###	
Rolling Annual Average	#.###		#.###		#.###		#.###		#.###	

J: Estimated value. The analyte was detected between the method detection limit and the reporting limit

ND: That analyte was not present above the method detection level

P: Field duplicate(s) exceed 30% RPD