



JANET MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BOARD OF UNDERGROUND STORAGE TANK INSTALLERS

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BOARD OF UNDERGROUND STORAGE TANK INSTALLERS

ANNUAL REPORT
To the Commissioner of the
Department of Environmental Protection

July 1, 2022 - June 30, 2023
(Fiscal Year 2023)

I. Introduction

The Board of Underground Storage Tank Installers (Board or BUSTI) operates under the authorities established in *Underground Oil Storage Tank Installers*, 32 M.R.S. §§ 10001-10016. The purpose of the Board is as follows:

In order to safeguard the public health, safety and welfare, to protect the public from incompetent and unauthorized persons, to ensure the highest degree of professional conduct on the part of underground oil storage tank installers and inspectors and to assure the availability of underground oil storage tank installations and inspections of high quality to persons in need of those services, it is the purpose of this chapter to provide for the regulation of persons offering underground oil storage tank installation and inspection services.

Thus, the Board has three major responsibilities:

- A. Certifying Underground Storage Tank Installers and Inspectors (CTIs);
- B. Managing and accrediting continuing education for CTIs;
- C. Taking disciplinary actions against CTIs who violate its enabling statutes and rules.

By statute, the Board is also charged with submitting an annual report to the Commissioner of the Department of Environmental Protection in accordance with 32 M.R.S. § 10004(6). This report is designed to fulfill that mandate for the Fiscal Year (FY) of 2023 covering the following subject areas:

17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017

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www.maine.gov/dep/waste/busti/index.html

- Board Membership and Staff Support
- Board Meetings
- Underground Storage Tank Installer and Inspector Certification
- Board Approved Continuing Education Accreditation
- Board Website
- Rulemaking
- Enforcement
- Miscellaneous
- Financial Statement

II. Board Membership and Staff Support

Board members are eligible to serve up to two, three-year terms.

Members of the Board and Representation	
<i>Chair, Certified Underground Storage Tank Installer</i>	
• Keith Lindstrom	First Term expired 12/31/2019 ¹
<i>Maine Department of Environmental Protection</i>	
• David McCaskill, P.E.	Unlimited term ²
<i>Certified Underground Storage Tank Installer or Inspector</i>	
• Vacant	
<i>Maine Energy Marketers Association</i>	
• Elwin (Scottie) Scott	Second term expired 12/31/2015 ¹
<i>Maine Fire Chief's Association</i>	
• Thomas Doe	Second term expired 12/31/2014 ¹
<i>Public Member</i>	
• Kirsten Hebert	First term expired 12/31/2017 ¹
<i>Public Member</i>	
• Vacant	
<i>Staff Support - Maine Department of Environmental Protection</i>	
• Theresa Scott	
<i>Legal Counsel - Office of the Maine Attorney General</i>	
• Robert Martin	AAG

III. Board Meeting

Three regular meetings were held in FY 2023.

¹ Pursuant to 32 M.R.S. § 10003(2), a member may serve until a successor is appointed.

² The representative from the Department has no limit on the number of terms they may serve in accordance with 32 M.R.S. § 10003(2).

IV. Underground Storage Tank Installer and Inspector Certification

At the end of FY 2023, Maine had 60 certified underground storage tank installers and 45 certified underground storage tank inspectors, in comparison to 60 underground storage tank installers and 48 certified underground storage tank inspectors in FY 2022.

A. *Written Examinations*

Written examinations are scheduled upon request from applicants interested in becoming certified as underground storage tank installers or inspectors. The Board offered thirteen written examinations in FY 2023. Examinations are scheduled by appointment only at the Department by interested applicants. A total of 7 applicants sat for either the initial or final underground storage tank installer certification examinations or the underground storage tank inspector examination. Out of the 7, 5 applicants passed examinations to become apprentices, tank installers or inspectors.

The Board offered applicants who failed an examination the opportunity to review the questions they answered incorrectly along with the correct answers. These reviews were conducted at the office of the Department of Environmental Protection by appointment prior to the next examination or the morning of the examination. Applicants have informed staff that they found this opportunity to review failed examinations very helpful. Subsequent examinations issued to these applicants contain similar, but not duplicate, questions.

B. *Underground Storage Tank Installer Apprenticeships*

One apprentice continues to work to complete their apprenticeship requirements in order to qualify to take the final examination to become a Certified Underground Storage Tank Installer.

V. Board Approved Continuing Education Accreditation

Upon discussions with the Board of Underground Storage Tank Installers and Staff of the Department of Environmental Protection, it was decided to hold a virtual training workshop for the Fall of 2023. Staff are in the early stages of planning the event.

Table 1 outlines the continuing education courses approved by the Board during FY 2023. The list of the approved courses is also available on the Board's webpage at <https://www.maine.gov/dep/waste/busti/accreditation.html>.

Table 1 Continuing Education Accredited by the Board

Program	Credits	Sponsor	Date Approved
Various HAZWOPER Training Opportunities Total of 14	2 courses for 8 credits @; 2 courses for six hours @; 9 courses for two hours @; one course for one hour	Leo Traverse, Sr., HAZMATTE AM, INC. Hudson, NH	4/11/23
Basic and Advanced Erosion Control Practices For Contractors; 7-hour course (renewal)	4	John Maclaine, Maine DEP	4/11/23
Basic Erosion Control Practices for Certified Tank Installers; 4-hour course (renewal)	2	John Maclaine, Maine DEP	4/11/23
Erosion Control Best Management Practices Refresher; 4-hour course (renewal)	2	John Maclaine Maine DEP	4/11/23

VI. Board Website

The Board's homepage at <http://www.maine.gov/dep/waste/busti/index.html> on the Department's website includes a summary of the Board's program and provides online services to Maine's Certified Underground Storage Tank Installers, Inspectors and other interested parties. The website is continually maintained and regularly updated.

VII. Rulemaking

L.D. 1336 H.P. 987; An Act to Discontinue the USE of the Terms "Handicap", "Handicapped" and "Hearing Impaired". Section 58 of L.D. 1336 state to discontinue the use of terms, "handicap" Handicapped" and Hearing impaired. Departments, agencies and offices of the legislative, executive and judicial branches of State Government shall discontinue the use of the terms "handicap", "handicapped" and "hearing impaired" to describe a person or set of persons in all laws, rules and office documents. The commissioner's office of each department of state government shall report to the Joint

Standing Committee by December 1, 2021 regarding progress on removing the terms from official documents and a reasonable time frame to complete the removal. This was brought to the Board's attention after the fact. The rulemaking was completed and adopted in compliance with the Maine Administrative Procedures Act effective October 18, 2022.

VIII. Enforcement

No enforcement referrals were received by the Board for FY 2023.

IX. Miscellaneous

LD 319, "AN ACT TO AMEND MAINE'S UNDERGROUND OIL STORAGE TANK LAWS" was signed by the Governor on March 29, 2023 and became effective on June 29, 2023.

Under the previous law 38 M.R.S. §564(5), upon the expiration date of a manufacturer's warranty for USTs, the tank and its associated piping must be removed from service and properly abandoned (removed). A double-walled UST may continue in service up to 10 years beyond the expiration of the warranty if tightness testing is conducted to verify the integrity of the tank.

This new law removed the 10-year limitation under 38 M.R.S. §564(5), thereby allowing double-walled tanks to continue in service indefinitely as long as they meet all other regulatory requirements. Prior to the warranty expiration, the site must submit a Double-walled Tank Warranty Extension Registration form to the Department documenting that the tank meets current regulations and that all testing requirements are satisfied. In addition, passing tightness testing of the tank will be required to submit a passing Annual Inspection and Triennial Sump Tightness Testing results.

If an owner chooses not to extend their tank(s) before the expiration of the original warranty, the tank must be properly removed in accordance with State Law and Department regulations.

The Department will undergo rulemaking to incorporate this amendment into the Department's Rules for Underground Oil Storage Facilities, Chapter 691.

A workgroup consisting of Amanda Braley and Jay Sequeira, Underground Storage Tanks Unit and Theresa Scott, Staff to the Board of Underground Storage Tanks Installers, was established in February 2022 for the revision of the Underground Storage Tank Inspector Examination and Study Guide, which was previously updated in June of 2012. The examination and reference material updates are ongoing and expected to be completed for inhouse and Board review and approval this summer.

X. Financial Statement

The Board's financial statement for FY 2023 is presented in Table 2.

Table 2. Financial Statement


Income:	
Program Income	\$7,600.00
Ground and Surface Waters Clean-up and Response Fund	\$82,964.01
Total:	\$90,564.01

Expenses:	
Personnel Services ³	\$59,948.02
All Other ⁴	\$31,222.97
Total Expenses	90,564.01

³Personnel Services refers to personnel services, fringe benefits and longevity.

⁴Other refers to facility rentals, training materials, supplies, mileage, publications, refreshments, and office equipment.

Respectfully submitted,


Keith Lindstrom, Chairman

Date: 8-1-2023