

CHAPTER 367

(Senate Bill 975)

AN ACT concerning

Oil Pollution and Tank Management

FOR the purpose of altering the definition of oil to include ethanol and ~~any edible oils intended to be used as a motor fuel or fuel source~~ biodiesel fuel; requiring an underground storage facility to be in substantial compliance with Maryland law and regulations before selling oil to the facility or receiving oil at the facility; and generally relating to oil pollution and tank management.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–401(g) and 4–411.1
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Environment

4–401.

- (g) (1) “Oil” means oil of any kind and in any liquid form including:
- (i) Petroleum;
 - (ii) Petroleum by-products;
 - (iii) Fuel oil;
 - (iv) Sludge containing oil or oil residues;
 - (v) Oil refuse;
 - (vi) Oil mixed with or added to or otherwise contaminating soil, waste, or any other liquid or solid media;

(vii) Crude oils;

(viii) Aviation fuel;

(ix) Gasoline;

(x) Kerosene;

(xi) Light and heavy fuel oils;

(xii) Diesel motor ~~fuels~~ **FUEL, INCLUDING BIODIESEL FUEL, REGARDLESS OF WHETHER THE FUEL IS PETROLEUM BASED;**

(xiii) Asphalt; [and]

(XIV) ETHANOL THAT IS INTENDED TO BE USED AS A MOTOR FUEL OR FUEL SOURCE; AND

[(xiv)] **(XV)** Regardless of specific gravity, every other nonedible, nonsubstituted liquid petroleum fraction unless that fraction is specifically identified as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq.

(2) “Oil” does not include:

(i) Liquefied propane;

(ii) Liquefied natural gas; or

(iii) Any edible oils, ~~UNLESS INTENDED TO BE USED AS A MOTOR FUEL OR FUEL SOURCE.~~

4-411.1.

(a) On or before July 1, 1990, the owner, operator, or person in charge of an underground oil storage facility shall register the underground oil storage facility with the Department.

(b) Unless an underground oil storage facility is registered with the Department in accordance with the provisions of subsection (a) of this section **AND IS**

IN SUBSTANTIAL COMPLIANCE WITH STATE LAW AND REGULATIONS RELATING TO OIL STORAGE, AS DEFINED BY REGULATION, no oil may be sold to or received by the underground oil storage facility.

(c) For the purposes of this section, if any underground oil storage facility registered with the Department under subsection (a) of this section is removed, or no longer in use, the owner, operator, or person in charge of the underground oil storage facility shall notify the Department not later than 30 days after the removal or discontinuance of use.

(d) The Department shall adopt regulations to:

- (1) Implement the provisions of this section; and
- (2) Define "underground oil storage facility".

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007.

Approved by the Governor, May 8, 2007.