

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 564
Economic Matters

(Delegate Haddaway, *et al.*)

Education, Health, and Environmental
Affairs

**Dorchester and Talbot Counties - Unattended Marine Vessel Motor Fuel Retail
Service Stations at Marinas - Pilot Program**

This bill requires the State Fire Prevention Commission to establish a pilot program allowing the continuous operation of an unattended marine vessel motor fuel retail service station at marinas in Dorchester and Talbot counties. The pilot must be developed in conjunction with the Clean Marina Initiative of the Department of Natural Resources (DNR). The commission may adopt any regulations necessary to implement the pilot program. The regulations must be consistent with any provisions or regulations governing the continuous operation of an unattended motor vehicle retail service station.

The bill is effective June 1, 2007 and the commission must ensure that the pilot program is fully operational as soon as reasonably practicable after that date. The commission must report to the General Assembly by June 1, 2008 on the results of the pilot program.

Fiscal Summary

State Effect: The bill's requirements, including the development of implementing regulations, would not significantly affect the operations or finances of the State Fire Marshal or the Fire Prevention Commission. It is assumed that the bill's program development requirements for DNR's Clean Marina Program (CMP) could also be fulfilled with existing resources.

Local Effect: None.

Small Business Effect: Potential meaningful. Allowing the continuous operation of an unattended marine vessel fuel station could have a savings in overhead costs (personnel) for a marina in Dorchester or Talbot counties. Any potential impact on the volume of fuel sold and dispensed in those counties is unknown.

Analysis

Current Law: The State Fire Prevention Code is set by the State Fire Prevention Commission by regulation. The code must comply with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection. The code has the force and effect of law in the political subdivisions of the State.

Under the National Fire Codes (Automotive and Marine Service Station Code) and the State Fire Prevention Code, a marine motor fuel dispensing facility must have an attendant or supervisor on duty whenever the facility is open for business. The attendant's primary function is to supervise, observe, and control the dispensing of liquids.

Effective August 1, 2004, the commission adopted a code provision that allows the operation of unattended self-service stations, subject to the approval of the authority having jurisdiction. However, this provision does not apply to marine service stations.

Background: DNR's CMP is intended as an evolving effort to assist marina, boatyards, and yacht club operators to protect clean water and fresh air. The initiative distributes a comprehensive pollution prevention guidebook for marinas, recognizes "clean marinas" through an awards program, and conducts outreach activities to further promote environmentally responsible marina and boating practices. The initiative produces a Clean Boating Tip Sheet with information relating to State and federal laws governing petroleum control and discharge, as well as safe and clean fueling practices.

CMP goals include encouraging the adoption of pollution prevention measures by marinas and recreational boaters and certifying at least 25% of the marinas in Maryland as clean. The program was developed in response to Section 6217 of the federal Coastal Zone Act Reauthorization Amendments of 1990 and helps the Coastal Zone Program meet its nonpoint source pollution reduction goals.

In 2004, four marinas (two in Dorchester County and two in Talbot County) were found to have a marine service station that could only be used by individuals who had been given a card that enables the fuel pumps to operate. These marina service stations were not open to the general public and did not have attendants on duty when the stations were available for use by the cardholders.

On July 14, 2004, the Fire Marshal ordered the four marinas to discontinue the use of unattended self-service marine motor fuel dispensing pumps. Wise Oil, a company that supplies fuel to the marinas in question, appealed the Fire Marshal's order to the

commission. The commission denied the appeal and concluded that the four marinas had to discontinue the use of the unattended self-service pumps.

In 2005, HB 497 (failed) would have required the State Fire Prevention Commission, by regulation, to allow the continuous operation of an unattended marine vessel motor fuel retail service station at any marina, statewide.

Additional Comments: Although DNR believes the bill would result in a 20% increased workload for the sole DNR staff member who works on Maryland's CMP, Legislative Services advises that the bill's only requirement relating to CMP appears advisory in nature and should not require additional resources for the agency or the program.

In any event, beginning July 1, 2007, funding for the CMP staff position is being moved from State special funds to federal nonpoint source program funds. The federal funds are contingent on meeting deliverables and goals. Work required by this bill is not included in the task description for the federal funds. CMP believes that the bill's provisions run counter to the program's recommendations to always have an attendant oversee marine fueling operations.

Additional Information

Prior Introductions: HB 497 of 2005 received a hearing before the House Economic Matters Committee and had no further action taken on it.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of State Police (State Fire Marshal), Department of Legislative Services

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