

## **38 §1393. PROHIBITION ON INSTALLATION OF FACILITIES IN WELLHEAD PROTECTION ZONES**

### **38 §1393. PROHIBITION ON INSTALLATION OF FACILITIES IN WELLHEAD PROTECTION ZONES**

**1. Prohibition.** Unless otherwise exempted pursuant to subsection 2:

A. A person may not install an underground oil storage facility in a wellhead protection zone; and [2007, c. 569, §6 (NEW).]

B. After September 30, 2008, a person may not install in a wellhead protection zone:

- (1) An aboveground oil storage facility;
- (2) An automobile graveyard as defined in Title 30-A, section 3752, subsection 1 or an automobile recycling business as defined in Title 30-A, section 3752, subsection 1-A;
- (3) An automobile body shop or other commercial automobile maintenance and repair facility;
- (4) A dry cleaning facility that uses perchloroethylene;
- (5) A metal finishing or plating facility; or
- (6) A commercial hazardous waste facility as defined under section 1303-C, subsection 4. [2007, c. 569, §6 (NEW).]

[2007, c. 569, §6 (NEW).]

**2. Exceptions.** Subsection 1 does not apply to:

A. A facility in existence or under construction on the effective date of the prohibition established under subsection 1. As used in this paragraph, "under construction" means that a substantial amount of money or effort has been expended toward completion of the facility as determined by the commissioner. The test of substantiality involves an assessment of the amount of money or effort expended in relation to the amount required to complete the facility; [2007, c. 569, §6 (NEW).]

B. The replacement or expansion of an underground oil storage facility in existence on September 30, 2001 or a facility identified in subsection 1, paragraph B in existence on September 30, 2008 as long as the replacement or expansion occurs on the same property and the facility meets all applicable requirements of law; [2007, c. 569, §6 (NEW).]

C. The conversion of an aboveground oil storage facility in existence on September 30, 2001 to an underground oil storage facility or vice versa, as long as the conversion occurs on the same property and the facility to be converted meets all applicable requirements of law; [2007, c. 569, §6 (NEW).]

D. The installation of an oil storage facility used solely to store heating oil for consumption on the premises, including the installation of an aboveground heating oil supply tank; or [2007, c. 569, §6 (NEW).]

E. The installation of a facility located on the same property as a well serving only users of that property. [2007, c. 569, §6 (NEW).]

This subsection may not be interpreted to allow the conversion or expansion of an underground oil storage tank or underground oil storage facility subject to the abandonment requirement under section 566-A.

[2007, c. 569, §6 (NEW).]

#### SECTION HISTORY

2007, c. 569, §6 (NEW).

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