

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



PAUL R. LEPAGE
GOVERNOR

BILL CARVER, CHAIR
UNION, TEL: (207) 785-4556

THOMAS DOE, WINTERPORT
KIRSTEN HEBERT, AUGUSTA
KEITH LINDSTROM, OXFORD
ELWIN SCOTT, LEWISTON

BOARD OF UNDERGROUND STORAGE TANK INSTALLERS

ANNUAL REPORT
To the Commissioner of the
Department of Environmental Protection

July 1, 2015 -- June 30, 2016
(Fiscal Year 2016)

Introduction

The Board of Underground Storage Tank Installers (Board) operates under the authorities established in 32 MRSA Chapter 104-A. 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:

- (1) Certifying Underground Storage Tank Installers and Inspectors (CTI);
- (2) Managing and accrediting continuing education for CTIs; and
- (3) 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 (Department) in accordance with 32 MRSA Chapter 104-A § 10004(6). This report is designed to fulfill that mandate for Fiscal Year 2016, covering the following subject areas:

- Board Membership and Staff Support;
- Board Meetings;
- Underground Storage Tank Installer and Inspector Certification;
- Board Approved Continuing Education Accreditation;

- Board Web Site;
- Rulemaking and Program Development;
- Enforcement; and
- Financial Statement

Board Membership and Staff Support

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

Members of the Board and Representation:

Bill Carver, Chair - Certified Underground Storage Tank Installers
Second term expired 12/31/2013¹

Leslie Anderson - Department of Environmental Protection
Unlimited term²

Thomas Doe - Maine Fire Chief's Association
Second term expired 12/31/2014¹

Kirsten Hebert - Public Member
First term expires 12/31/2017

Keith Lindstrom – Certified Underground Storage Tank Installer or Inspector
First term expires 12/31/2019

Jeff McNelly – Public Member
First term expires 12/31/2016

Elwin (Scottie) Scott - Maine Energy Marketers Association
Second term expired 12/31/2015

Theresa Scott provides staff support to the Board. Department staff provided additional support as requested. Mary Sauer (Assistant Attorney General) provides legal counsel to the Board.

Board Meetings

Three regular meetings were held in Fiscal Year 2016.

Underground Storage Tank Installer and Inspector Certification

At the end of Fiscal Year 2016, Maine had 76 Certified Underground Storage Tank Installers and 53 Certified Underground Storage Tank Inspectors.

¹ Pursuant to 32 M.R.S. §10003.2, a member may serve until a successor is appointed.

² By statute, the representative from the Department has no limit on the number of terms they may serve.

Written Examinations

Written examinations are scheduled upon request from applicants interested in becoming certified as Underground Storage Tank Installers or Inspectors. The Board offered three written examinations in FY 2016. A total of thirty-five applicants sat either for the initial or final Underground Storage Tank Installer certification examinations, or Underground Storage Tank Inspector certification examinations.

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 Department. 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.

Underground Storage Tank Installer Apprenticeships

Six apprentices continue to work to complete their apprenticeship requirements in order to qualify to take the final examination to become Certified Underground Storage Tank Installers.

Board Approved Continuing Education Accreditation

Department of Environmental Protection and Board staff partnered to offer the annual Underground Storage Tank Installer and Inspector Training Program for certified Underground Storage Tank Installers, Inspectors and interested parties on March 30, 2016, at the Augusta Civic Center with 142 people attending (92 were certified Underground Tank Installers or Inspectors). Based on the program evaluation form survey results, the training program was well received by the attendees.

Continuing education programs accredited by the Board in FY 2016 that are available to all Underground Storage Tank Installers and Inspectors are listed in Table 1.

Table 1. Continuing education accredited by the Board

PROGRAM	SPONSOR	DATE APPROVED	CREDITS
APT XP Piping Certification	Franklin Fueling Systems	10/28/15	2
UPP Piping Installation Recertification			1
FMS Programming – INCON Level 2 (EVO)			2
XP Series Piping Installation Recertification			1
Submersible Pumping Systems – FE Petro			2
FMS Installation – INCON Level 1 (EVO)			2
OEL 8000II/LU Series ASC Test	OMNTEC Mtg. Inc. (Individual request by CTI Paul Brown)	10/28/15	2
Spring 2016 Underground Storage Tank Installer and Inspector Training	Maine DEP/BUSTI Staff	01/26/16	4
TankSmart General Operator Online Training (renewal)	Maine DEP	05/03/16	2

Board Web Site

The Board home page 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 web site is continually maintained and regularly updated.

Program Development and Rulemaking

Tom Graham, from the Office of the Commissioner, addressed the Board on LD-1303; “An Act to Stabilize and Streamline the Department of Environmental Protection’s Groundwater Oil Clean-up Fund and Maine Coastal and Inland Surface Oil Clean-up Fund”.

Citing the portions relevant to the BUSTI, Chapter 1, § 3.D, Tom explained that the Maine Coastal and Inland Surface Oil Clean-up Fund and Ground Water Oil Clean-up Fund were combined to create the Maine Ground and Surface Waters Clean-up and Response

Fund. The legislation also changed the section of statute which authorizes where the Board fees are deposited.

On November 11, 2015 the Board posted proposed amendments to Chapter 1 for a 30-day written public comment period ending on December 11, 2015. No comments were received on the draft proposal.

The Chapter 1 amendments became effective on February 21, 2016.

Enforcement

The Board received four (4) complaints against installers for alleged violations of the Board's Administrative Rules during FY 2016. The alleged violations included:

- Improper installation of a transition sump as a tank top piping sump;
- Failure to objectively and truthfully report annual UST inspections; and
- Failure to:
 - Properly install a replacement facility prior to the facility dispensing fuel to the public;
 - Maintain proper venting of a UST containing a Class 1 flammable liquid; and
 - Notify the Department that this facility was receiving and dispensing fuel in violation of Maine law and Department Rules.
- Failure to conduct a UST facility removal in conformance with Department Rules by:
 - Not being on-site to supervise excavation within 10 feet of the tanks on two occasions;
 - Not properly notifying the Department prior to removing underground piping.

Financial Statement

The Board's financial statement for FY 2016 is presented in Table 2.

Table 2

Income	(\$)
Program Income	18,530.00
Groundwater Oil Cleanup Fund	62,117.75
Total	80,647.75

Expenses:	
Personal Services	44,416.83
Fringe	25,330.72
Longevity/Overtime	1,066.50
Other	9,833.70
Total	80,647.75

Respectfully submitted,



William Carver, Chair

Date: 9-30-2016