

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 324

6
7 H.P. 264

House of Representatives, January 31, 1983

8 Reference to the Committee on Energy and Natural Resources, sent up
9 for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Andrews of Portland.

Cosponsors: Senator Kany of Kennebec, Representative Allen of
Washington and Representative Hall of Sangerville.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Amend the Authority of the
18 Department of Environmental Protection to
19 Identify Hazardous Waste.
20

21 Be it enacted by the People of the State of Maine as
22 follows:

23 Sec. 1. 38 MRSA §1303, sub-§5, as repealed and
24 replaced by PL 1979, c. 699, §5, is amended to read:

25 5. Hazardous waste. "Hazardous waste" means a
26 waste substance or material, in any physical state,
27 exhibiting the following hazardous characteristics:
28 Corrosivity; ignitability; toxicity; reactivity;
29 radioactivity; and any other characteristics that the
30 board determines presents a threat to the public's
31 health and safety and designated as hazardous by the
32 board under section 1303-A. It does not include waste
33 resulting from normal household or agricultural ac-
34 tivities. The fact that a hazardous waste or a part

1 or constituent may have value or other use of may be
2 sold or exchanged does not exclude it from this defi-
3 nition.

4 Sec. 2. 38 MRSA §1303-A, sub-§1, as repealed and
5 replaced by PL 1981, c. 430, §6, is repealed and the
6 following enacted in its place:

7 1. Hazardous waste identification. The board may
8 adopt rules identifying hazardous waste.

9 Sec. 3. 38 MRSA §1319-I, sub-§9, as enacted by
10 PL 1981, c. 478, §7, is repealed and the following
11 enacted in its place:

12 9. Hazardous waste identification. No hazardous
13 waste may be subject to the fees established in this
14 section unless the waste is identified under section
15 1303-A.

16 STATEMENT OF FACT

17 The purpose of this bill is to amend the author-
18 ity of the Department of Environmental Protection to
19 identify hazardous waste. Present regulations tie
20 the Department of Environmental Protection too
21 closely to standards followed by the United States
22 Environmental Protection Agency. Once a substance
23 has been "identified" as a hazardous waste, it is
24 then subject to regulatory control.

25 From a practical viewpoint, the Department of
26 Environmental Protection has been legally restrained
27 from identifying certain waste substances present in
28 Maine that are generally regarded as being dangerous
29 as "hazardous waste," because of the limited nature
30 of its authority to "identify" those wastes as
31 "hazardous." This bill eliminates those restrictions
32 and allows the Department of Environmental Protection
33 greater leeway in identifying hazardous waste. To be
34 listed as a hazardous waste, the substance must still
35 exhibit "hazardous characteristics," such as
36 ignitability, corrosivity, toxicity or reactivity

1 before the Department of Environmental Protection can
2 declare it to be a "hazardous waste."

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