

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 472

6
7 H.P. 389 House of Representatives, February 1, 1983

8 Received by the Clerk of the House on February 1, 1983. Referred to the
9 Committee on Energy and Natural Resources, and ordered printed pursuant to
Joint Rule 14.

10 EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Freeport.

Cosponsors: Representative McGowan of Pittsfield, Representative Hall
of Sangerville and Senator Kany of Kennebec.

11
12 STATE OF MAINE
13

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

17 AN ACT to License Waste Oil Dealers and
18 to Include Waste Oil Within Coverage of the
19 Maine Hazardous Waste Fund.
20

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

23 Sec. 1. 38 MRSA §1302, as amended by PL 1979, c.
24 383, §1, is further amended by adding at the end a
25 new paragraph to read:

26 The Legislature further finds that substantial
27 quantities of waste oil are contaminated by hazardous
28 waste and that waste oil, if not properly handled, is
29 a threat to the public health, safety and welfare and
30 therefore must be controlled.

31 Sec. 2. 38 MRSA §1303, sub-§12, as amended by PL
32 1981, c. 430, §2, is further amended to read:

1 12. Transport. "Transport" means the movement of
2 hazardous or solid waste, waste oil, sludge or
3 septage from the point of generation to any inter-
4 mediate points and finally to the point of ultimate
5 disposition. Movement of hazardous waste on the site
6 where it is generated or on the site of a licensed
7 waste facility for hazardous waste is not "trans-
8 port." Movement of waste oil on the site where it is
9 generated or on the site of a licensed waste oil
10 dealer's facility is not "transport."

11 Sec. 3. 38 MRSA §1303, sub-§§ 15-A and 15-B are
12 enacted to read:

13 15-A. Waste oil. "Waste oil" means a petroleum
14 based oil which, after sale to a consumer, through
15 use, storage or handling has become unsuitable for
16 its original purpose due to the presence of
17 impurities or loss of original properties. Waste oil
18 which has been contaminated to such a degree as to
19 qualify as a hazardous waste is subject to the provi-
20 sions of this chapter dealing with hazardous wastes.

21 15-B. Waste oil dealer. "Waste oil dealer"
22 means any person in the business of transporting,
23 collecting or storing waste oil for the purpose of
24 resale, provided that the person generally trans-
25 ports, collects or stores more than 1000 gallons of
26 waste oil at one time. Generators of waste oil who
27 collect or store their own waste oil on site, whether
28 or not for the purpose of resale, are exempt from
29 this provision.

30 Sec. 4. 38 MRSA §1303-B is enacted to read:

31 §1303-B. Waste oil dealers; rule-making authority

32 The board may adopt rules relating to the trans-
33 portation, collection and storage of waste oil by
34 waste oil dealers to protect public health, safety
35 and welfare and the environment. The rules may
36 include, without limitation, rules requiring licenses
37 for waste oil dealers and the location of waste oil
38 storage sites which are operated by waste oil deal-
39 ers, evidence of financial responsibility and mani-
40 fest systems for waste oil. Any person licensed by
41 the board to transport, collect or store hazardous

1 wastes is not required to obtain a waste oil dealer's
2 license.

3 Sec. 5. 38 MRSA §1319-B, as enacted by PL 1981,
4 c. 478, §7, is amended by adding at the end a new
5 paragraph to read:

6 The Legislature further finds that substantial
7 quantities of waste oil are contaminated by hazardous
8 waste and that waste oil, if not properly handled, is
9 a threat to the public health, safety and welfare and
10 therefore must be controlled.

11 Sec. 6. 38 MRSA §1319-E, sub-§1, ¶¶A to C, as
12 enacted by PL 1981, c. 478, §7, are amended to read:

13 A. Costs incurred in the removal of an unli-
14 censed discharge or threatened discharge of
15 hazardous waste or waste oil. Whenever practical,
16 the department shall offer the responsible party
17 the opportunity to remove the discharge or
18 threatened discharge;

19 B. Notwithstanding paragraph A, disbursements to
20 remove discharges of hazardous waste or waste
21 oil, which are not sudden and which involve costs
22 exceeding \$10,000, may only be expended in accor-
23 dance with an allocation approved by the Legis-
24 lature;

25 C. Costs incurred for the purchase of necessary
26 hazardous waste and waste oil response equipment
27 and supplies, response personnel and training of
28 response personnel in accordance with an alloca-
29 tion approved by the Legislature; and

30 Sec. 7. 38 MRSA §1319-H, sub-§1, ¶A, as enacted
31 by PL 1981, c. 478, §7, is amended to read:

32 A. Any person who applies for a license for a
33 hazardous waste facility shall pay the appropri-
34 ate fee. An application for a license will not be
35 considered complete and will not be processed
36 until this fee is received. Application fees are
37 as follows.

38 (1) Disposal facility \$10,000

- 1 (2) Commercial treatment facility ... 7,000
- 2 (3) On-site treatment facility 4,000
- 3 (4) Other waste facility for hazardous
- 4 waste, including treatment facilities other
- 5 than on-site and commercial treatment facil-
- 6 ities 2,500
- 7 (5) Waste oil storage facility 2,500

8 Sec. 8. 38 MRSA §1319-H, sub-§2, ¶D is enacted
9 to read:

10 D. Waste oil storage facility 500

11 Sec. 9. 38 MRSA §1319-I, sub-§3, as enacted by
12 PL 1981, c. 478, §7, is amended to read:

13 3. Fee for transportation into Maine from out-
14 of-state. If hazardous waste or waste oil is trans-
15 ported into Maine from out-of-state, the person who
16 first transports the hazardous waste or waste oil
17 into Maine shall pay a fee equal to twice the amount
18 indicated by the schedules outlined in subsection 2
19 or 5, as if that person were the generator of the
20 hazardous waste or the waste oil dealer, as the case
21 may be.

22 The commissioner may waive up to 50% of the fee
23 imposed under this subsection if the state from which
24 the hazardous waste or waste oil is transported to
25 Maine observes the same reciprocity with regard to
26 hazardous waste transported to that state from Maine.

27 Sec. 10. 38 MRSA §1319-I, sub-§4-A is enacted to
28 read:

29 4-A. Fee on waste oil sale or disposal. Waste
30 oil dealers shall pay a fee of 1¢ a gallon on each
31 gallon of waste oil which they transport, collect or
32 store. No fee may be imposed by this subsection with
33 respect to the waste oil if the waste oil dealer who
34 would be liable for the fee establishes that a prior
35 fee has been imposed by this subsection and paid to
36 the Maine Hazardous Waste Fund with respect to the
37 waste oil. Waste oil dealers shall maintain records

1 sufficient to determine whether the dealer is liable
2 for any and all fees imposed on him pursuant to this
3 subsection and shall submit such records to the
4 department at such times as the board may by rule re-
5 quire.

6 Sec. 11. 38 MRSA §1319-I, sub-§10, as enacted by
7 PL 1981, c. 478, §7, is repealed.

8 STATEMENT OF FACT

9 Department of Environmental Protection testing
10 has shown that as many as 6 out of 7 samples of waste
11 oil taken to be contaminated by materials, such as
12 chlorinated solvents, suspected carcinogens, heavy
13 metals and low flash point causing constituents.
14 Some samples were so contaminated as to qualify as
15 hazardous wastes. Because of the high frequency of
16 contamination, waste oil is a danger to the public
17 health and safety and needs to be controlled.

18 This bill permits the Board of Environmental Pro-
19 tection to license the transportation, collection and
20 storage of waste oil. This bill also includes waste
21 oil within the fee structure of the Maine Hazardous
22 Waste Fund and allows the Department of Environmental
23 Protection to expend fund moneys on the cleanup of
24 waste oil spills and threatened spills. It imposes a
25 1¢ a gallon fee on waste oil that is sold or other-
26 wise disposed of by Maine waste oil dealers. In ad-
27 dition, it imposes up to 2¢ a gallon fee on all waste
28 oil transported into Maine from other states.

29 Finally, this bill repeals the "sunset" provision
30 of the Maine Hazardous Waste Fund.

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