

1	(New Draft of H.P. 264, L.D. 324)
2 3	FIRST REGULAR SESSION
4 5	ONE HUNDRED AND ELEVENTH LEGISLATURE
6 7	Legislative Document No. 1726
8	H.P. 1302 House of Representatives, June 3, 1983
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10	Reported by Representative Dexter from the Committee on Energy and Natural Resources and printed under Joint Rule 2. Original bill presented by Representative Andrews of Portland.
11	Cosponsored by Senator Kany of Kennebec, Representative Allen of Washington and Representative Hall of Sangerville.
	EDWIN H. PERT, Clerk
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13	STATE OF MAINE
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15	IN THE YEAR OF OUR LORD
16	NINETEEN HUNDRED AND EIGHTY-THREE
17	
18	AN ACT to Amend the Authority of the
19	Department of Environmental Protection
20	to Identify Hazardous Waste.
. 21	
22	Be it enacted by the People of the State of Maine as
23	follows:
24	Sec. 1. 38 MRSA §1303-A, sub-§1, as repealed and
25	replaced by PL 1981, c. 430, §6, is repealed and the
26	following enacted in its place:
27	1. Identification of hazardous waste. The board
28	may adopt and amend rules identifying hazardous
29	waste. It is the intent of the Legislature that the
30	board shall identify as hazardous waste those sub-
31	stances which are so identified by the United States
32	Environmental Protection Agency in proposed or final
33	regulations. The Legislature also intends that the
34	board may identify as hazardous waste, in accordance
35	with paragraph B, other substances in addition to

1	those identified by the United States Environmental
2	Description of the second states and the sec
	Protection Agency. Further, the Legislature intends
3	that a substance which has been identified as a hazardous waste by the board shall be removed from
4	hazardous waste by the board shall be removed from
5	identification only by further rulemaking by the
6	
0	board.
7	Hazardous waste may be identified as follows.
8	A. The board may identify any substance as a
-	A. The board may identify any substance as a
9	hazardous waste if that substance is identified
10	as hazardous by particular substance, by charac-
11	teristic, by chemical class or as a waste
12	product of a specific industrial activity in pro-
	product of a specific industrial activity in pro-
13	posed or final rules of the United States Envi-
14	ronmental Protection Agency.
15	B. The board may identify any substance as a
16	be reduced and the board of the board of the board with the board of t
	hazardous waste if the board, after evaluation
17	based on existing data or data reasonably
18	extrapolated from previously conducted studies
19	using similar classes of substances or compounds
20	under similar circumstances, has determined that
	the sub-transition criterine sub-
21	the substance is an acute or chronic toxin caus-
22	ing significant potential adverse public health
23	or environmental effects. An acute or chronic
24	toxin may include the characteristics of:
25	<ol><li>Carcinogenicity;</li></ol>
20	(1) Carcinogenicity,
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26	<pre>(2) Mutagenicity;</pre>
27	(3) Teratogenicity; or
28	(4) Infectiousness.
20	
29	Rules adopted under this paragraph shall be sub-
	Rules adopted under this paragraph shall be sub-
30	mitted to the joint standing committee of the
31	Legislature having jurisdiction over natural
32	resources for review. These rules shall remain
33	in effect until 90 days after adjournment of the
	In effect until 30 days after aujournment of the
34	next regular session of the Legislature unless
35	adopted by legislative enactment.
36	C. Whenever the board proposes to adopt or amend
37	rules identifying hazardous waste or removing
38	hazardous waste from identification, it shall
39	hold a public hearing.

Sec. 2. 38 MRSA §1319-I, sub-§9, as enacted by
PL 1981, c. 478, §7, is amended to read:

3 9. Hazardous waste subject to fees. No hazardous waste may be subject to the fees established in this 4 5 section unless the waste is identified under section 1303-A, subsection 1, provided that waste identified 6 7 under section 1303-A, subsection 1, paragraph B, shall not be subject to the fees until appreved ac-8 cording to section 1303-A7 subsection 17 paragraph E 9 10 90 days after the next regular session of the Legis-11 lature.

## STATEMENT OF FACT

13 This new draft authorizes the Board of Environ-14 mental Protection to adopt rules identifying hazard-15 ous waste. The new draft makes is clear that the 16 board may include any waste considered hazardous by 17 the United States Environmental Protection Agency and 18 may include any other waste as hazardous waste pro-19 vided certain procedural requirements are met.

20 The new draft provides for legislative review of 21 certain rules identifying hazardous wastes, similar 22 to the current method of reviewing air emission stan-23 dards.

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