

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

D. OF R.

1

L.D. 1891

2

(Filing No. S- 300)

3

STATE OF MAINE

4

SENATE

5

111TH LEGISLATURE

6

SECOND REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 684,

8

L.D. 1891, Bill, "AN ACT to Identify Polychlorinated

9

Biphenyls as Hazardous Waste."

10

Amend the bill in paragraph D, in the 2nd line,
11 (page 1, line 24 in L.D.) by striking out the follow-
12 ing: "subsection 1, paragraph A" and inserting in its
13 place the following: 'paragraphs A and B'

14

Further amend the bill by striking out all of
15 subparagraph (1) (page 1, lines 27 to 33 in L.D.) and
16 inserting in its place the following:

17

'(1) Polychlorinated biphenyls and any sub-
18 stance containing polychlorinated
19 biphenyls.'

20

STATEMENT OF FACT

21

This amendment adds a reference to paragraph B in
22 the Revised Statutes, Title 38, section 1303-A, sub-
23 section 1, because the Board of Environmental Protec-
24 tion may identify various substances as hazardous
25 waste under both paragraphs A and B.

26

The amendment deletes the reference to the con-
27 centration of PCB's. The proposed Department of En-
28 vironmental Protection rule on PCB's as hazardous
29 waste, which was reviewed by the Energy and Natural
30 Resources Committee, generally limits the classifica-
31 tion of PCB's as hazardous waste to a concentration
32 of 50 parts per million or greater. The rule does
33 contain 2 exceptions to this concentration level: One
34 exception pertains to PCB's in a concentration of 50
35 parts per million that are then diluted, the diluted
36 substance will be classified as a hazardous waste;

D. OF R.

COMMITTEE AMENDMENT "A" to S.P. 684, L.D. 1891

1 and the 2nd exception in the rule to the 50 parts per
2 million limitation is for PCB's subjected to or intended
3 to be subjected to treatment so as to reduce
4 or otherwise alter the concentration of PCB's. If
5 the 50 parts per million limitation was placed in
6 statute, the Department of Environmental Protection's
7 hazardous waste rule on PCB's would not be able to
8 provide for these 2 exceptions.

9 The amendment also deletes an exception in the
10 bill from hazardous waste identification for PCB's
11 not in active service. That limitation was placed in
12 the bill as an attempt to exclude electrical trans-
13 formers. Concern arose in committee work sessions
14 about the meaning of "active service." The proposed
15 Department of Environmental Protection rule concern-
16 ing PCB's as hazardous waste, reviewed by the commit-
17 tee, reflects the more detailed approach to describ-
18 ing exceptions to this hazardous waste identification
19 needed to address such things as transformers. The
20 Department of Environmental Protection's proposed
21 rule includes, as PCB hazardous waste, PCB's that
22 are discarded or intended to be discarded, PCB's that
23 are discharged, PCB's that are not contained in a to-
24 tally enclosed manner in equipment, such as trans-
25 formers that are stored at a site capable of storing
26 at least 300 gallons of PCB's and that are stored for
27 more than 10 days, and PCB's that are subjected to or
28 are intended to be subjected to treatment to reduce
29 or alter the concentration. The appropriate exclu-
30 sion of in-service electrical equipment is better
31 done through rulemaking than legislation.

32 Further, the Energy and Natural Resources Commit-
33 tee recognizes that current statutes require the De-
34 partment of Environmental Protection to submit their
35 rules identifying certain substances as hazardous
36 wastes to the Legislature for adoption. Legislative
37 action need not extend beyond the adoption of the
38 identification of a substance, such as PCB's, as haz-
39 ardous waste. The details of rules pertaining to the
40 form the substance must be in to be a hazardous waste

D. OF R.

COMMITTEE AMENDMENT "A" to S.P. 684, L.D. 1891

1 need not be adopted by the Legislature.

2 Finally, as a point of clarification, PCB's are
3 not labeled hazardous waste by the United States En-
4 vironmental Protection Agency. The Environmental
5 Protection Agency regulates PCB's as a toxic sub-
6 stance, a classification in existence prior to the
7 development of hazardous waste as a classification
8 for dangerous substances.

9

5961022484

Reported by the Committee on ENERGY AND NATURAL RESOURCES

Reproduced and distributed pursuant to Senate Rule 11-A.

March 6 , 1984

(S-300)