L.D. 1366

(Filing No. H- 529)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 988, L.D. 1366, Bill, "An Act to Amend Certain Laws Affecting the Department of Environmental Protection"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'**Sec. 1. 29 MRSA §246-B, sub-§5,** as enacted by PL 1987, c. 750, §1, is amended to read:

5. Apportionment of fees. Fees shall be paid to the Secretary of State and, upon receipt, credited ~~to the Maine Hazardous Waste Fund. Fees collected shall be~~ and apportioned in the following manner:

A. Sixty-five percent to the Maine Hazardous Waste Fund administered by the Department of Environmental Protection;

B. Fifteen percent to the Secretary of State for the costs of administering the licensing program;

C. Ten percent to the Department of Public Safety for costs related to motor vehicle inspections and enforcement of this section; and

D. Ten percent to the State Emergency Response Commission established under the Maine Emergency Management Agency for hazardous materials training of local and state officials.

Sec. 2. 30-A MRSA §4342, sub-§3 is enacted to read:

3. Development of a computerized geographic information system. The Department of Administration, Office of Information Services, in consultation with the Department of Conservation and the Department of Economic and Community Development, shall develop an implementation strategy for a statewide geographic

information system capable of providing natural resource, demographic and economic information for local and regional comprehensive land use planning and management. The strategy shall consist of:

A. A description of computer system requirements;

B. An implementation plan and timetable;

C. The identification of state agency responsibilities;

D. A proposal for standards to ensure maximum compatibility of geographic data collected at local, regional and state levels; and

E. An estimate of the implementation costs and resource requirements.

The Office of Information Services shall report its findings, together with any legislative recommendations, to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters by February 1, 1990.

Sec. 3. 38 MRSA §342-A, sub-§2, as enacted by PL 1987, c. 816, Pt. Z, §5, is amended to read:

2. Fee schedule. The Division of Laboratory Services shall recover its costs of providing services to ~~other bureaus~~ federal, state, municipal and quasi-municipal agencies according to an established fee schedule. A fee schedule for all laboratory services shall be developed by the Director of the Division of Laboratory Services and approved by the commissioner, after appropriate consultation and modification.

Sec. 4. 38 MRSA §344, sub-§2, ¶A, as repealed and replaced by PL 1983, c. 453, §1, is amended to read:

A. All applications under ~~section 393~~ chapter 3, subchapter I, article 5-A, pertaining to great ponds permits;

Sec. 5. 38 MRSA §344, sub-§2, ¶¶D, I and J, as enacted by PL 1983, c. 453, §1, are amended to read:

D. Applications under ~~section 474~~ chapter 3, subchapter I, article 5-A pertaining to ~~coastal wetlands~~ natural resource protection permits for pile supported piers;

I. All applications under section ~~1303-A~~ 1319-O, subsection 1, paragraph C, pertaining to hazardous waste transporting licensing;

J. All applications under section ~~1304, subsection 8, paragraph A,~~ 1306, subsection 1 and section 1310-N pertaining to solid waste, sludge or septage waste facility permits except for new waste disposal facilities, expansions of waste disposal facilities and pulp and paper mill sludge utilization sites. Brush and demolition debris sites of less than 6 acres are delegated to the commissioner and the department staff; and

Sec. 6. 38 MRSA §480-R, sub-§2, as enacted by PL 1987, c. 809, §2, is amended to read:

2. **Enforcement.** ~~Inland~~ In addition to the Department of Environmental Protection, inland fisheries and wildlife game wardens, Department of Marine Resources marine patrol officers and all other law enforcement officers enumerated in Title 12, section 7055, shall enforce the terms of this article.

Sec. 7. 38 MRSA §483, as amended by PL 1983, c. 453, §6, is repealed.

Sec. 8. 38 MRSA §546, sub-§4, as amended by PL 1985, c. 496, Pt. A, §10, is further amended to read:

4. **Extent of regulatory powers.** The board shall have the power to adopt rules and regulations including but not limited to the following matters:

A. Operating and inspection requirements for facilities, vessels, personnel and other matters relating to licensee operations under this subchapter;

B. Procedures and methods of reporting discharges and other occurrences prohibited by this subchapter;

C. Procedures, methods, means and equipment to be used by persons subject to regulations by this subchapter;

D. Procedures, methods, means and equipment to be used in the removal of oil and petroleum pollutants;

E. Development and implementation of criteria and plans to meet oil and petroleum pollution occurrences of various degrees and kinds;

F. The establishment from time to time of control districts comprising sections of the Maine coast and the establishment of rules and regulations to meet the particular requirements of each such district;

G. Requirements for the safety and operation of vessels, barges, tugs, motor vehicles, motorized equipment and other equipment relating to the use and operation of terminals,

facilities and refineries and the approach and departure from terminals, facilities and refineries.;

H. Such other rules and regulations as the exigencies of any condition may require or such as may reasonably be necessary to carry out the intent of this subchapter.; and

K. Operation and inspection requirements for interstate and intrastate oil pipelines excluding natural gas and artificial gas pipelines.

Sec. 9. 38 MRSA §562, sub-§8, as enacted by PL 1985, c. 496, Pt. A, §14, is amended to read:

8. Oil. "Oil" means oil, petroleum products, oil additives and their by-products of any kind and in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other waste, crude oils and all other liquid hydrocarbons regardless of specific gravity.

Sec. 10. 38 MRSA §582, as amended by PL 1989, c. 197, §§1 and 2, is further amended to read:

§582. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms ~~shall~~ have the following meanings.

1. Air contaminants. "Air ~~contaminant~~ contaminants" includes, but is not limited to, dust, fumes, gas, mist, particulate matter, smoke, vapor or any combination thereof.

2. Air contamination source. "Air contamination source" means any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores; heating and power plants and stations; buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings; garages and vending and service locations and stations, railroad locomotives, ships, boats and other water-borne craft; portable fuel-burning equipment, indoor and outdoor incinerators of all types, refuse dumps and piles; and any machinery, equipment, stack, conduit, flue, duct, vent, chimney or other apparatus leading out of any of the foregoing.

3. Air pollution. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which

unreasonably interfere with the enjoyment of life and property throughout the State or throughout such areas of the State as shall be affected thereby.

4. Air pollution control apparatus. "Air pollution control apparatus" means and includes any ~~means, method, process or equipment~~ appliance, equipment or machinery which removes, reduces controls, eliminates, disposes of or renders less noxious the emission of air contaminants into ambient air.

5. Ambient air. "Ambient air" means all air outside of buildings, stacks or exterior ducts.

5-A. Best practical treatment. "Best practical treatment" means that method which controls or reduces emissions of air contaminants to the lowest possible level considering:

A. The then existing state of technology;

B. The effectiveness of available alternatives for reducing emissions from the source being considered; and

C. The economic feasibility for the type of establishment involved.

6. Board. "Board" means the Board of Environmental Protection.

6-A-1. Bulk gasoline plant. "Bulk gasoline plant" means, except for gasoline service stations, any gasoline storage and distribution facility or bulk gasoline terminal with a daily throughput of 76,000 liters, or 20,000 gallons, or less, that receives gasoline from refineries, bulk gasoline terminals or through direct import.

6-B. Bulk gasoline terminal. "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries, primarily by pipeline, ship or barge, and delivers gasoline to bulk gasoline plants or commercial or retail accounts primarily by tank truck, and has a daily throughput of more than 76,000 liters, or 20,000 gallons, of gasoline.

7. Emission. "Emission" means a release of air contaminants into ambient air or the air contaminants so released.

7-A. Emission source. "Emission source" means any and all sources of emissions of air contaminants, whether privately or publicly owned or operated.

7-A-1. External floating roof. "External floating roof" means a storage vessel cover in an open-top tank consisting of a double deck or pontoon single deck which rests upon and is

supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

7-B. Fuel-burning equipment. "Fuel-burning equipment" means any furnace, boiler, or apparatus, ~~stack~~ and all appurtenances thereto, used in the process of burning fuel ~~for the primary purpose of producing heat or power by indirect heat transfer. "Fuel-burning equipment" as defined herein does not include solid waste fuel-burning equipment as defined in subsection 11-B~~ including stationary internal combustion engines.

7-C-1. Fugitive emissions. "Fugitive emissions" means ~~particulate matter emitted by an air pollution source other than from a stack or flue~~ emissions of air contaminants which do not pass through a stack, flue, chimney or vent.

7-D. General process source. "General process source" means any emission source, except fuel-burning equipment, incinerators, mobile sources, open burning sources and sources of fugitive dust emissions.

7-E. Incinerator. "Incinerator" means any device, apparatus, or equipment ~~or structure~~ used for destroying, reducing or salvaging by fire any material or substance, ~~and shall be classified as follows:~~.

~~A. Class I. Portable, packaged, completely assembled, direct fed incinerators 5 to 15 cubic feet primary chamber volume or a burning rate of 25 to 100 pounds per hour of type 1 or type 2 waste or a burning rate of 25 to 75 pounds per hour of type 3 waste;~~

~~B. Class I A. Portable, packaged or job assembled, direct feed incinerators with 5 to 14 cubic feet primary chamber volume or a burning rate of 25 to 100 pounds per hour of type 1 or type 2 waste or a burning rate of 25 to 75 pounds per hour of type 3 waste;~~

~~C. Class II. Flue fed, single chamber incinerators with more than 2 square feet burning area, for type 2 waste. This type of incinerator is served by one vertical flue functioning both as a chute for charging waste and to carry the products of combustion to atmosphere;~~

~~D. Class II A. Chute fed multiple chamber incinerators, with more than 2 square feet burning area, suitable for type 1 or type 2 waste. This type of incinerator is served by a vertical chute for charging wastes from 2 or more floors above the incinerator and a separate flue for carrying the products of combustion to the atmosphere;~~

~~E.--Class--III.--Direct-fed-incinerators-with-a-burning-rate of-100-pounds-per-hour-and-over,-suitable-for-type-3-waste;~~

~~F.--Class--IV.--Direct-fed-incinerators-with-a-burning-rate of-75-pounds-per-hour-or-over,-suitable-for-type-3-waste;~~

~~G.--Class--V.--Municipal-incinerators-suitable-for-type-0, type-1,-type-2-or-type-3-wastes,-or-a-combination-of-all-4 wastes,-with-a-rated-capacity-expressed-in-tons-per-24-hours;~~

~~H.---Class--VI.---Crematory--and--pathological--incinerators, suitable-for-type-4-waste;~~

~~I.----Class---VII.----Incinerators---designed---for---specific by-product-wastes,-type-5-or-type-6.~~

7-E-1. Internal floating roof. "Internal floating roof" means a cover or roof in a fixed-roof tank which rests upon or is floated upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

7-E-2. Lowest achievable emission rate. "Lowest achievable emission rate" means ~~for-any-source-that-rate-of-emissions-which reflects~~ the more stringent rate of emissions based on the following:

A. The most stringent emission limitation which is contained in any implementation plan of any state,~~-required under-the-United-States-Clean-Air-Act,-as-amended-by-Title 42-of-the-United-States-Code,-Section-1857,~~ for that class or category of source, unless the owner or operator of the proposed source demonstrates that those limitations are not achievable; or

B. The most stringent emission limitation which is achieved in practice by that class or category of source, whichever is more stringent. In no event may "lowest achievable emission rate" result in the emission of any pollutant in excess of those standards and limitations promulgated pursuant to Section 111 or 112 of the United States Clean Air Act, as amended, or any emission standard established by the department.

7-G. Hazardous air pollutant. "Hazardous air pollutant" means an air pollutant to which no ambient air standard is applicable and which in the judgment of the board causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness. This term includes, but is not limited to, those pollutants for which the United States Environmental Protection Agency has adopted

National Emission Standards for Hazardous Air Pollutants pursuant to 40 Code of Federal Regulations, Part 61.

7-H. Gasoline dispensing facility. "Gasoline dispensing facility" means any gasoline service station, bulk terminal or bulk plant or any other facility or organization, governmental or private, that stores gasoline in tanks having a capacity of greater than 250 gallons, and dispenses fuel for motor vehicle use.

8. Municipality. "Municipality" includes, for purposes of enacting an air pollution control ordinance, only cities, organized towns and plantations.

8-A. Opacity. "Opacity" means the degree of light obscuring capability of ~~nonblack~~ emissions of visible air contaminants expressed as a percentage. Complete ~~opacity~~ obscuration shall be expressed as 100% opacity.

8-B. Open burning. "Open burning" means the burning of any type of combustible material in the open ambient air without being completely enclosed and where the products of combustion are emitted directly into the ambient air without passing through a stack, chimney or duct or other device or structure.

9. Person. "Person" means any individual, partnership, corporation, whether private, public or quasi-municipal, municipality, state governmental agency or other legal entity.

9-A. Process weight rate. "Process weight rate" means the average total weight of all materials, not including any gaseous or liquid fuels, solid fuels or combustion air, introduced into any manufacturing, industrial or combustion process that may result in the emission of ~~particulate matter~~ any regulated pollutant to the ambient air, computed on an hourly basis, and shall be expressed in terms of weight per unit of time.

9-B. Petroleum liquids. "Petroleum ~~liquid~~ liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.

10. Region. "Region" means an air quality region or regions established by the board pursuant to section 583.

11. Ringelmann Chart. "Ringelmann Chart" shall mean the chart published and described in the ~~U.S.~~ United States Bureau of Mines Information Circular 8333, on which are illustrated graduated shades of gray for use in estimating the light obscuring density or opacity of any black emissions or any other such device which may be approved by the board.

11-A. Solid waste fuel. "Solid waste fuel," when burned as fuel in solid waste fuel-burning equipment, means any material, other than primary fossil fuel, including, without limitation, garbage, refuse, sludge from a waste treatment plant or air pollution control facility, sawdust, shavings, chips, bark, slabs or inert fill material.

11-B. Solid waste fuel-burning equipment. "Solid waste fuel-burning equipment" means any furnace, boiler, or apparatus, ~~stack~~ and all appurtenances thereto, capable of burning solid waste fuel for the primary purpose of producing thermal energy.

11-C. True vapor pressure. "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

12. Waste. "Waste" means refuse, garbage, rubbish, trash or unwanted or discarded materials of any kind and source ~~which shall be classified as follows:~~.

~~A. Type 0, Trash, a mixture of highly combustible waste such as paper, cardboard cartons, woodboxes and combustible floor sweepings from commercial and industrial activities. The mixtures contain up to 10% by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic or rubber scraps. This type of waste contains about 10% moisture and 5% incombustible solids and has a heating value of approximately 8500 B.T.U. per pound as-fired.~~

~~B. Type 1, Rubbish, a mixture of combustible waste such as paper, cardboard cartons, weed scrap, foliage and combustible floor sweepings from domestic, commercial and industrial activities. The mixture contains up to 20% by weight of restaurant or cafeteria waste, but contains little or no treated papers, plastic or rubber wastes. This type of waste contains about 25% moisture and 10% incombustible solids and has a heating value of approximately 6500 B.T.U. per pound as-fired.~~

~~C. Type 2, Refuse, consisting of an approximately even mixture of rubbish and garbage by weight. This type of waste is common to apartment and residential occupancy, consisting of up to 50% moisture, 7% incombustible solids and a heating value of approximately 4300 B.T.U. per pound as-fired.~~

~~D. Type 3, Garbage, consisting of animal and vegetable wastes from restaurants, cafeterias, hotels, hospitals, markets and like installations. This type of waste contains up to 70% moisture and up to 5% incombustible solids and has~~

~~a. heating value of approximately 2500 B.T.U. per pound as fired.~~

~~E. Type 4. Human and animal remains, consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds and similar sources, consisting of up to 85% moisture, 5% incombustible solids and having a heating value of approximately 1000 B.T.U. per pound as fired.~~

~~F. Type 5. By-product waste, gaseous, liquid or semi-liquid, such as tar, paints, solvents, sludge, fumes, etc., from industrial operations. B.T.U. values must be determined by the individual materials to be destroyed.~~

~~G. Type 6. Solid by product waste, such as rubber, plastics, wood waste, etc., from industrial operations. B.T.U. values must be determined by individual materials to be destroyed.~~

Additional words, terms and phrases, whether used in this chapter or not, may be defined for purposes of this chapter by the board by regulation, but in no case may a definition established by this section be altered by board regulation.

Sec. 11. 38 MRSA §§590-C and 590-D are enacted to read:

§590-C. Incinerator classification

For the purposes of this chapter, incinerators shall be classified as follows.

1. Class I. Class I incinerators shall be portable, packaged, completely assembled, direct fed incinerators with 5 to 15 cubic feet primary chamber volume or a burning rate of 25 to 100 pounds per hour of type 1 or type 2 waste or a burning rate of 25 to 75 pounds per hour of type 3 waste.

2. Class I-A. Class I-A incinerators shall be portable, packaged or job assembled, direct fed incinerators with 5 to 14 cubic feet primary chamber volume or a burning rate of 25 to 100 pounds per hour of type 1 or type 2 waste or a burning rate of 25 to 75 pounds per hour of type 3 waste.

3. Class II. Class II incinerators shall be flue-fed, single chamber incinerators with more than 2 square feet burning area for type 2 waste. This type of incinerator is served by one vertical flue functioning both as a chute for charging waste and to carry the products of combustion to the atmosphere. Class II incinerators are frequently installed in apartment houses or multiple dwellings.

4. Class II-A. Class II-A incinerators shall be chute-fed multiple chamber incinerators for apartment buildings, with more than 2 square feet burning area, suitable for type 1 or type 2 waste. This type of incinerator is served by a vertical chute for charging wastes from 2 or more floors above the incinerator and a separate flue for carrying the products of combustion to the atmosphere.

5. Class III. Class III incinerators shall be direct-fed incinerators with a burning rate of 100 pounds per hour or over suitable for type 3 waste.

6. Class IV. Class IV incinerators shall be direct-fed incinerators with a burning rate of 75 pounds per hour or over suitable for type 3 waste.

7. Class V. Class V incinerators shall be municipal incinerators suitable for type 0, type 1, type 2 or type 3 wastes, or a combination of all 4 wastes, and are rated in tons per 24 hours.

8. Class VI. There are 2 types of Class VI incinerators:

A. Class VI-A, crematory or pathological waste incinerators suitable for type 4 waste; and

B. Class VI-B, infectious waste incinerators, suitable for type 7 waste.

9. Class VII. Class VII incinerators shall be incinerators designed for specific by-product wastes, type 5 or type 6.

§590-D. Waste classification

For the purposes of this chapter, waste shall be classified as follows.

1. Type 0. Type 0 waste is trash, a mixture of highly combustible waste such as paper, cardboard cartons, wooden boxes and combustible floor sweepings from commercial and industrial activities. The mixtures contain up to 10% by weight of plastic bags, coated paper, laminated paper, treated corrugated cardboard, oily rags and plastic or rubber scraps. This type of waste contains about 10% moisture and 5% incombustible solids and has a heating value of approximately 8,500 British Thermal Units per pound as fired.

2. Type 1. Type 1 waste is rubbish, a mixture of combustible waste such as paper, cardboard cartons, wood scrap, foliage and combustible floor sweepings from domestic, commercial and industrial activities. The mixture contains up to 20% by weight of restaurant or cafeteria waste, but contains little or

no treated papers, plastic or rubber wastes. This type of waste contains about 25% moisture and 10% incombustible solids and has a heating value of approximately 6,500 British Thermal Units per pound as fired.

3. Type 2. Type 2 waste is refuse, consisting of an approximately even mixture of rubbish and garbage by weight. This type of waste is common to apartment and residential occupancy, consisting of up to 50% moisture, 7% incombustible solids and a heating value of approximately 4,300 British Thermal Units per pound as fired.

4. Type 3. Type 3 waste is garbage, consisting of animal and vegetable wastes from restaurants, cafeterias, hotels, hospitals, markets and similar installations. This type of waste contains up to 70% moisture and up to 5% incombustible solids and has a heating value of approximately 2,500 British Thermal Units per pound as fired.

5. Type 4. Type 4 waste is human and animal remains, consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds and similar sources, consisting of up to 85% moisture, 5% incombustible solids and having a heating value of approximately 1,000 British Thermal Units per pound as fired.

6. Type 5. Type 5 waste is by-product waste, gaseous, liquid or semi-liquid, such as tar, paints, solvents, sludge and fumes. British Thermal Unit values must be determined by the individual materials to be destroyed.

7. Type 6. Type 6 waste is solid by-product waste, such as rubber, plastics and contaminated wood waste. British Thermal Unit values must be determined by individual materials to be destroyed.

8. Type 7. Type 7 waste is infectious waste, including surgical, obstetrical, biological, isolation, blood and blood product, renal dialysis, serum and vaccine, laboratory and sharps waste. Type 7 waste also includes animal carcasses and body parts, bedding and other wastes from animals reexposed to pathogens and human tissues and anatomical parts which emanate from surgery, surgical procedures, autopsy and laboratories. This term does not include radiologically contaminated materials.

Sec. 12. 38 MRSA §608-A is enacted to read:

§608-A. Soil decontamination

Any rotary drum mix asphalt plant may process up to 5,000 cubic yards of soil contaminated by gasoline or #2 fuel oil per year. The 5,000 cubic yards per year limit may be exceeded with

written authorization from the Department of Environmental Protection. The plant owner or operator shall notify the department at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil. The owner or operator shall maintain records of these activities for 6 years.

Sec. 13. 38 MRSA §1319-D, as amended by PL 1987, c. 750, §4, is further amended by inserting at the end a new paragraph to read:

The department shall submit budget recommendations for disbursements from the fund in accordance with section 1319-E, subsection 1, paragraphs C and E for each biennium. The budget shall be submitted in accordance with Title 5, sections 1663 to 1666. The State Controller shall authorize expenditures therefrom as approved by the commissioner. Expenditures pursuant to section 1319-E, subsection 1, paragraphs A and D may be made as authorized by the State Controller following approval by the commissioner.

Sec. 14. 38 MRSA §1319-E, sub-§1, as amended by PL 1987, c. 517, §26, is further amended to read:

1. Money disbursed. Money in the Maine Hazardous Waste Fund may be disbursed by the department for the following purposes, but for no other:

A. Costs incurred in the removal or abatement of an unlicensed discharge or threatened discharge of hazardous waste or waste oil. Whenever practical, the department shall offer the responsible party the opportunity to remove or abate the discharge or threatened discharge;

~~B. Notwithstanding paragraph A, disbursements to remove discharges of hazardous waste, which are not sudden and which involve costs exceeding $10,000, may only be expended in accordance with an allocation approved by the Legislature;~~

C. Costs incurred for the purchase of necessary hazardous waste and waste oil testing, response, inspection and monitoring equipment and supplies, response and compliance personnel and training of personnel in accordance with an allocation approved by the Legislature;

D. Amounts necessary to reimburse municipalities as required by section 1319-R, subsection 3; and

E. Costs incurred in the inspection or supervision of hazardous waste activities and hazardous waste handlers.

~~For the purposes of this subsection, "sudden" means an unexpected or abrupt discharge which occurs after September 1, 1981.~~

Sec. 15. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1989-90

ADMINISTRATION, DEPARTMENT OF

Office of Information Services

All Other $60,000

This appropriation provides funds for contractual services in support of a study to design an integrated, geographic-based information system that would fulfill the needs of the state agencies, regional councils and municipalities in the growth management program.'

STATEMENT OF FACT

This amendment makes several changes to the laws administered by the Department of Environmental Protection.

Section 1 of the bill streamlines the process of apportioning fees collected as a result of Public Law 1987, chapter 750, and prevents unnecessary paperwork.

Section 2 requires the Department of Administration to develop a strategy to implement a statewide, integrated geographic-based information system. It is the intent of the Legislature that such a system should fully support the State's efforts to implement Public Law 1987, chapter 766, the growth management legislation enacted during the 113th Legislature. It is further the Legislature's intent that the efforts of all state agencies to collect and manage social, economic and natural resource data should be compatible with the implementation of such a system.

The implementation strategy, developed with the cooperation of the Department of Conservation and the Department of Economic and Community Development, will be submitted to the Joint Standing Committee on Energy and Natural Resources for review during the Second Regular Session of the 114th Legislature.

Section 3 clarifies that the Department of Environmental Protection's laboratory may provide service to governmental

agencies. There are some special laboratory tests that only the department lab is capable of performing.

Sections 4 and 5 delete several provisions containing cross-references to sections of law that have been repealed.

Based on the present wording of the Maine Revised Statutes, Title 38, section 480-R, subsection 2, a defense has been raised by an alleged violator that the department has no jurisdiction to enforce the natural resource protection laws. Section 6 clarifies that the department's staff has the power to enforce these laws.

Section 7 repeals a section of law that was replaced last year by the Maine Revised Statutes, Title 38, sections 485-A and 487-A. Section 8 specifically includes jurisdiction of the department over oil pipelines.

Section 9 amends the Maine Revised Statutes, Title 38, section 562, by clarifying the definition of oil to specifically include oil additives.

Section 10 amends and updates definitions in the chapter regulating air quality.

Section 11 enacts a classification scheme for incinerators and waste that was removed from the definitions portion of the air quality laws.

Section 12 allows small amounts of soil contaminated by petroleum from leaking tanks or spills to be processed in asphalt plants after notice to the department.

Section 13 provides that the Commissioner of Environmental Protection may authorize expenditures from the Maine Hazardous Waste Fund for the cleanup of discharges of hazardous waste as they occur. Unlike the coastal and inland surface oil and ground water oil clean-up funds, the fund's "All Other" category may be spent only according to projected allocations established for each fiscal quarter. Since the discharges cannot be predicted, this has resulted in the department either delaying cleanup of hazardous waste discharges or being unable to pay contractors for clean-up work until the next quarter or until a new allocation could be secured. This provision does not change the budget approval process for "Personal Services" or "Capital Expenditures." This provision would make the discharge clean-up mechanism identical to those now authorized for the oil clean-up funds.

Section 14 deletes language which is no longer necessary due to the enactment of the Maine Revised Statutes, Title 38, chapter

13-B, the uncontrolled hazardous substance sites program, which pertains to the cleanup of nonsudden spills.

Section 15 adds an appropriation to cover the geographic information system study.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the House
6/14/89 (Filing No. H-529)