

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1583, L.D. 2192, Bill, "An Act to Reduce the Use of Toxic Substances in the Workplace and Minimize the Generation of Hazardous Waste"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Reduce Toxics Use, Toxics Release and Hazardous Waste Generation'

Further 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. 5 MRSA §12004-I, sub-§22-A is enacted to read:

<u>22-A. En-</u>	<u>Toxics</u>	<u>Expenses</u>	<u>38 MRSA</u>
<u>vironment: Nat-</u>	<u>Reduc-</u>	<u>Only</u>	<u>\$2310</u>
<u>ural Resources</u>	<u>tion</u>		
	<u>Advisory</u>		
	<u>Council</u>		

Sec. 2. 37-B MRSA §797, sub-§§6 and 7, as enacted by PL 1989, c. 464, §3, are amended to read:

6. Information withholding. An indication if the person is electing to withhold information from disclosure under section 800; and

7. Transportation. A description of the manner in which the substance is shipped to the facility; and

Sec. 3. 37-B MRSA §797, sub-§8 is enacted to read:

8. Progress toward toxics use reduction goals. For those persons required to submit a form under this section for extremely hazardous substances, a report on the progress made by the facility toward meeting the toxics use reduction goals established in Title 38, section 2303.

2 Sec. 4. 37-B MRSA §799, as enacted by PL 1989, c. 464, §3, is
amended to read:

4 **§799. Toxic chemical release forms**

6 Under this section, the owner or operator of every facility
8 with 10 or more employees and within Standard Industrial
Classification Codes 20-39 must file toxic chemical release forms
10 for routine releases with the United States Environmental
Protection Agency, the commission and the local emergency
12 planning committee by October 1, 1989, and annually thereafter
consistent with the Superfund Amendments and Reauthorization Act
14 of 1986, Public Law 99-499, Title III, Section 313, and 40 Code
of Federal Regulations, Part 372. Those forms shall must be made
16 available to the public by the commission and the local emergency
planning committee. The owner or operator of every facility
18 required to report under this section must also submit a report
on the progress made by the facility toward meeting the toxics
20 release reduction goals established in Title 38, section 2303.

22 Sec. 5. 38 MRSA §1303-C, sub-§13-A is enacted to read:

24 13-A. Generator. "Generator" means a person whose act or
process produces a waste that is hazardous.

26 Sec. 6. 38 MRSA §1319-I, sub-§2-A is enacted to read:

28 2-A. Fees for noncompliance with reduction requirements.
30 Notwithstanding subsection 8, the commissioner may assess and a
generator not in compliance with chapter 26 must pay a fee as
32 follows:

34 A. For hazardous waste that is transported off the site to
a licensed hazardous waste disposal facility for disposal,
36 18¢ a pound; and

38 B. For hazardous waste that is transported off the site to
a licensed hazardous waste treatment facility for treatment,
40 storage facility for storage or other licensed facility for
handling, including beneficial reuse, reclamation or
42 recycling, 13.5¢ a pound.

Sec. 7. 38 MRSA c. 26 is enacted to read:

CHAPTER 26

TOXICS USE AND HAZARDOUS WASTE REDUCTION

§2301. Definitions

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

1. Commercial hazardous waste facility. "Commercial hazardous waste facility" has the same meaning as in section 1303-C, subsection 4.

2. Cross-media pollution. "Cross-media pollution" means pollution that has an impact on or degrades more than one environmental resource.

3. Disposal. "Disposal" has the same meaning as in section 1303-C, subsection 12.

4. Extremely hazardous substance. "Extremely hazardous substance" has the same meaning set forth in the SARA, Title III, Section 302, and listed in 40 Code of Federal Regulations, Part 355.

5. Facility. "Facility" means the place of business or site where toxics are used, toxics are released or hazardous waste is generated.

6. Generation. "Generation" has the same meaning as in section 1303-C, subsection 13.

7. Generator. "Generator" means the owner or operator of a facility that generates more than 100 kilograms of hazardous waste in a calendar month for more than 3 months of the year.

8. Hazardous waste. "Hazardous waste" means those wastes determined by the Board of Environmental Protection to be hazardous pursuant to section 1319-O, subsection 1.

9. Manifest. "Manifest" has the same meaning as in section 1303-C, subsection 19.

10. Pilot plant or pilot production unit. "Pilot plant or pilot production unit" means a small scale model or a temporary change in the production process undertaken to test or develop a new technology.

2 11. Practicable. "Practicable" means available and capable
4 of accomplishment after taking into consideration the existing
state of technology and economic feasibility for the facility
involved.

6 12. Production unit. "Production unit" means a measure of
8 output of a manufactured product or a quantifiable service by a
facility.

10 13. Recycle. "Recycle" has the same meaning as in section
12 1303-C, subsection 21.

14 14. SARA. "SARA" means the Superfund Amendments and
14 Reauthorization Act of 1986, Public Law 99-499.

16 15. Storage. "Storage" has the same meaning as in section
18 1303-C, subsection 36.

20 16. Toxic substance or toxics. "Toxic substance" or
22 "toxics" means any substance in a gaseous, liquid or solid state
listed pursuant to the SARA, Title III, Section 313, and any
extremely hazardous substance.

24 17. Toxics releaser. "Toxics releaser" means an owner or
26 operator of a facility that is required to report under the SARA,
Title III, Section 313.

28 18. Toxics use reduction. "Toxics use reduction" means
30 front-end substitution, product reformulation or in-plant changes
in production processes or raw materials that reduce, avoid or
32 eliminate the use of toxic or hazardous substances or the
generation of hazardous by-products per unit of product to reduce
34 risks to the health of workers, consumers or the environment,
without shifting risks among workers, consumers or parts of the
environment.

36 19. Toxics user. "Toxics user" means a person that is
38 required to report the presence of extremely hazardous substances
under the SARA, Title III, Section 312.

40 20. Treatment. "Treatment" has the same meaning as in
42 section 1303-C, subsection 39.

44 21. Waste assessment. "Waste assessment" means a systematic
46 planned procedure to identify ways to reduce or eliminate waste.
The assessment consists of the review and evaluation of a
48 facility's operations and waste streams and the selection of
specific waste streams to be evaluated.

§2302. Toxics use reduction and hazardous waste management policy

2
4 It is the policy of the State to reduce the volume of the
6 toxic materials used in the State, to reduce worker and
8 environmental exposure to the release of toxic materials and to
10 reduce the hazardous waste generated within the State. The State
12 encourages an integrated approach to toxics use reduction, toxics
14 release reduction and hazardous waste reduction based on the
16 hierarchies of management strategies included in this section.

18 1. Toxics use reduction. The State encourages reducing the
20 use of toxic materials through changes in production or other
22 processes or operations, in products or in raw materials that
24 reduce, avoid or eliminate the use or production of toxic
26 substances without creating substantial new risks to public
28 health, safety and the environment. These changes may be made
30 through the application of any of the following techniques:

32 A. Input substitution, which refers to replacing a toxic
34 substance or raw material used in a production or other
36 process or operation with a nontoxic or less toxic substance;

38 B. Product reformulation, which refers to substituting for
40 an existing end product an end product that is nontoxic or
42 less toxic upon use, release or disposal;

44 C. Production or other process or operation redesign or
46 modification;

48 D. Production or other process or operation modernization,
50 which refers to upgrading or replacing existing equipment
52 and methods; and

E. Improved operation and maintenance controls of
production or other process or operation equipment and
methods including, but not limited to, improved housekeeping
practices, system adjustments, product and process
inspections or production or other process or operation
control equipment or methods.

Toxics use reduction includes proportionate changes in the usage
of a particular toxic substance by any of the methods set forth
in this subsection as a result of production changes or other
business changes.

2. Toxics release reduction. The State encourages reducing
the release of toxics during manufacturing and other processes
through, in addition to toxics use reduction techniques, in-plant
changes in production or other processes or operations that
reduce or avoid exposure of workers and the environment to toxics
through the application of the following techniques:

2 A. Improved operation and maintenance controls of
4 production or other process or operation equipment and
6 methods including, but not limited to, improved housekeeping
practices, system adjustments, product and process
inspections or production or other process or operation
control equipment or methods; and

8 B. Upgrading, redesigning or replacing existing equipment
10 and methods with other equipment and methods.

12 3. Hazardous waste reduction. The State encourages
14 reducing the generation of hazardous waste through, in addition
to toxics use and release reduction techniques, the application
of the following techniques:

16 A. Recovery of toxics from production and other processes
18 for reuse;

20 B. On-site recycling of hazardous waste;

22 C. Off-site recycling of hazardous waste;

24 D. Treatment of hazardous waste to reduce volume or
toxicity or both; and

26 E. Safe disposal.

28 §2303. Toxics use, toxics release and hazardous waste reduction
30 goals

32 The State's goals for reduction of the volume of toxics used
and released and hazardous waste that is generated within the
34 State are as follows.

36 1. Toxics use reduction goals. The goals for toxics use
38 reduction are a 10% reduction in the volume of toxic substances
40 used in the State by July 1, 1993, a 20% reduction by July 1,
42 1995, and a 30% reduction by July 1, 1997. Owners or operators
44 of facilities subject to reporting requirements for extremely
hazardous substances under the SARA, Title III, Section 312, are
not required to meet these goals, but must examine, plan and
implement means of reducing the use of toxics within their
facilities without impairing the production or quality of their
products or services.

46 2. Toxics release reduction goals. Using an average of the
48 volumes of toxics released in the State in 1988 and 1989 as a
50 base line figure, the goals for reducing the volume of toxics
52 released to the environment are a 10% volume reduction by July 1,
1993, a 20% volume reduction by July 1, 1995 and a 30% volume
reduction by July 1, 1997. Those owners and operators required
to report under the SARA, Title III, Section 313, are required to

2 meet these goals. These reduction requirements do not apply for
3 toxics regulated by the department through a toxics releaser's
4 air emissions or wastewater discharge license. Until a base year
5 and measurement techniques are established, there are no specific
6 goals for worker exposure to toxics releases, but owners or
7 operators of those facilities regulated by this chapter must
8 examine means to reduce exposure. For purposes of this
9 subsection, toxics refers to substances listed pursuant to the
10 SARA, Title III, Section 313.

11 3. Hazardous waste generation minimization goals. The
12 goals for minimizing the amount of hazardous waste generated at a
13 facility are a 10% volume reduction by January 1, 1993, a 20%
14 volume reduction by July 1, 1995, and a 30% volume reduction by
15 July 1, 1997. Reductions must be based on a facility's average
16 generation rate for the years 1987, 1988 and 1989.

17 4. Establishment of production units. When tracking the
18 percent reduction achieved by a facility, the Commissioner of
19 Environmental Protection shall work with the Department of Labor
20 to establish a uniform production unit measure for each standard
21 industrial code to account accurately for changes in toxics use,
22 toxics release and hazardous waste generation due to business
23 growth or decline. When production units are not easily
24 established, such as when a facility provides a service rather
25 than a product, the commissioner and the Department of Labor
26 shall work with industry representatives to establish an
27 acceptable accounting method for business activity.

28 5. Progress evaluation. Progress toward meeting the toxics
29 release and hazardous waste reduction goals must be evaluated
30 annually by the commissioner based on manifest data, progress
31 reports submitted under Title 37-B, sections 797 and 799, annual
32 hazardous waste generator reports and other appropriate available
33 information.

34 6. New facilities. Facilities constructed after the
35 effective date of this chapter must be designed to minimize
36 toxics use, toxics release and hazardous waste generation in
37 accordance with the State's policies as set forth in section 2302
38 and must be evaluated on the basis of production units for the
39 volume of toxics use, toxics release and hazardous waste
40 generated.

41 §2304. Regulated community

42 Toxics users, toxics releasers and generators must meet the
43 applicable requirements under this chapter.

44 1. Hazardous waste reduction exemptions. The following are
45 exempt from the hazardous waste reduction goal requirements for
46 large-quantity generators:

- 2 A. Commercial hazardous waste treatment or storage
3 facilities;
- 4
- 5 B. Pilot plants or pilot production units;
- 6
- 7 C. Hazardous waste transporters;
- 8
- 9 D. Hazardous waste generated as a result of remedial or
10 corrective actions or facility closures required by law or
11 undertaken to protect employee health and safety, public
12 health and safety or the environment;
- 13
- 14 E. Households;
- 15
- 16 F. Agricultural operations; and
- 17
- 18 G. Generators exempted under this paragraph. To qualify
19 for an exemption under this paragraph, a generator must
20 demonstrate to the commissioner that all practicable
21 reduction has been implemented or scheduled for
22 implementation. The commissioner may establish alternate
23 hazardous waste reduction goals for the facility when
24 appropriate.

25 (1) A generator must receive an exemption from the
26 requirement of meeting state reduction goals from the
27 commissioner if the generator proves that:

28 (a) Practicable hazardous waste reduction methods
29 do not exist;

30 (b) Previously implemented reductions or actions
31 have already resulted in all practicable waste
32 reduction;

33 (c) Steps necessary to reduce hazardous waste
34 would have a significant adverse impact on product
35 quality; or

36 (d) Legal or contractual obligations prohibit
37 steps necessary to reduce hazardous waste
38 generation.

39 (2) The commissioner shall review exemptions under
40 this paragraph at 3-year intervals. Renewals may be
41 granted for hazardous waste generators that demonstrate
42 that they still meet the requirements set forth in
43 subparagraph (1). If an exemption has been granted
44 based on legal or contractual obligations, the
45 generator may be granted an exemption for the term of

2 that obligation only. An exemption or renewal for a
4 new or renewed legal or contractual commitment may not
6 be granted by the commissioner.

8 2. Toxics release reduction exemptions. The following are
10 exempt from the reduction requirements for toxics release:

12 A. Water supply treatment facilities;

14 B. Municipal wastewater treatment facilities;

16 C. Retail and wholesale motor fuel and heating oil
18 distributors;

20 D. Agricultural operations; and

22 E. Toxics releasers exempted under this paragraph. To
24 qualify for an exemption under this paragraph, a toxics
26 releaser must demonstrate to the commissioner that all
28 practicable reductions have been implemented or scheduled
30 for implementation. The commissioner may establish
32 alternate toxics release reduction goals for the facility
34 when appropriate.

36 (1) A toxics releaser must receive an exemption from
38 the requirement of meeting state reduction goals from
40 the commissioner if the generator proves that:

42 (a) Practicable toxics release reduction methods
44 do not exist;

46 (b) Previously implemented reductions or actions
48 have already resulted in all practicable toxics
50 release reduction;

52 (c) Steps necessary to reduce toxics release
would have a significant adverse impact on product
quality or quantity; or

(d) Legal or contractual obligations prohibit
steps necessary to reduce toxics release.

(2) The commissioner shall review exemptions under
this paragraph at 3-year intervals. Renewals must be
granted for toxics releasers that demonstrate that they
still meet the requirements set forth in subparagraph
(1). If an exemption has been granted based on legal
or contractual obligations, the toxics releaser may be
granted an exemption for the term of that obligation
only. An exemption or renewal for a new or renewed
legal or contractual obligation may not be granted by
the commissioner.

2 §2305. Guidelines for toxics use reduction, toxics release
4 reduction and hazardous waste reduction plans

6 Those facilities subject to regulation under this chapter
8 shall develop and update every 2 years plans for their own use in
10 meeting the State's goals. The board may establish by rule,
12 guidelines for toxics use, toxics release and hazardous waste
14 reduction plans to be prepared pursuant to this section. A plan
16 must include:

18 1. Management policy. A statement of facility-wide
20 management policy regarding toxics use, toxics release and
22 hazardous waste reduction:

24 2. Production unit analysis. The following information for
26 each production unit:

28 A. Identification and characterization of the types and
30 amounts of all toxics used, toxics released and hazardous
32 wastes generated at the facility:

34 B. Identification, analysis and evaluation of any
36 appropriate technologies, procedures, processes, equipment
38 or production changes that may be utilized by the facility
40 to reduce the amount or toxicity of toxics used, toxics
42 released or hazardous wastes generated by that facility:

44 C. A strategy and schedule for implementing practicable
46 reduction options for each production process utilized to
48 meet reduction goals:

D. Identification of any reasonably available markets or
recycling opportunities for hazardous waste generated by the
facility; and

E. A program for maintaining records on toxics use, toxics
release and hazardous waste generation rates and management
costs:

3. Internal plan approval. The signature of a principal
executive officer of at least the level of vice-president, if the
toxics user, toxics releaser or generator is a corporation; a
general partner or a proprietor, if the toxics user, toxics
releaser or generator is a partnership or sole proprietorship; or
a principal executive officer or ranking elected official, if the
toxics user, toxics releaser or generator is a municipal, state,
federal or other public agency; and

2 4. Employee awareness and training. An employee awareness
3 and training program to involve employees in toxics use, toxics
4 reduction and hazardous waste reduction planning and
5 implementation to the maximum amount feasible.

6 Owners and operators of facilities shall keep a complete
7 copy of the plan and any back-up data on the premises of that
8 facility for at least 5 years and make the copy and data
9 available to the commissioner or the commissioner's designee upon
10 request.

12 **§2306. Employee notification**

14 The owner or operator of each facility must notify all of
15 its employees of the requirements for the plans, identify the
16 toxic and hazardous substances and production units for which
17 plans must be developed and solicit comments or suggestions from
18 all employees on toxics use, toxics release and hazardous waste
19 reduction options.

20 **§2307. Reporting requirements**

22
23 1. Toxics use reduction reports. As set forth in Title
24 37-B, section 797, toxics users must report their progress toward
25 meeting the toxics use reduction goals as part of their reporting
26 requirements to the State Emergency Response Commission.

27 2. Toxics release reduction reports. As set forth in Title
28 37-B, section 799, toxics releasers must report their progress
29 toward meeting the toxics release reduction goals as part of
30 their reporting requirements to the State Emergency Response
31 Commission. After January 1, 1993, the commissioner may require
32 a toxics releaser to submit a summary of the toxics release
33 reduction plan required under section 2305 within one year when:

34
35 A. A facility has not made sufficient progress in reducing
36 toxics release as evidenced by failure to meet the toxics
37 release reduction goals;

38
39 B. A facility has received an exemption under section 2304,
40 subsection 2, and has not made sufficient progress toward
41 meeting the alternate toxics release reduction goals
42 established by the commissioner in section 2304, subsection
43 2, paragraph G; or

44
45 C. A new facility has toxics release rates that are
46 significantly greater per production unit than in similar
47 facilities within the same standard industrial code category.

48
49 If a plan summary is required under this subsection, the
50 commissioner shall notify the owner or operator of that facility
51 of that requirement.
52

2 3. Hazardous waste reduction reports. After January 1,
3 1993, the commissioner may require a facility to submit a summary
4 of the hazardous waste reduction plan required under section 2305
5 within one year when:

6 A. A facility has not made sufficient progress in reducing
7 hazardous waste generated at the facility as evidenced by a
8 failure to meet the hazardous waste reduction goals:

9 B. A facility has received an exemption under section 2304,
10 subsection 1, and has not made sufficient progress toward
11 meeting the alternate hazardous waste reduction goals
12 established by the commissioner under section 2304,
13 subsection 1, paragraph G; or

14 C. A new facility generates hazardous waste in a
15 significantly greater amount per production unit than is
16 generated in similar facilities within the same standard
17 industrial code category.

18 If a plan summary is required under this subsection, the
19 commissioner shall notify the owner or operator of the facility
20 of that requirement.

21 4. Plan summary. The plan summary submitted to the
22 commissioner pursuant to subsection 2 or 3, must include, without
23 limitation, the evaluation methods used, the findings and
24 conclusions and the implementation schedule. An owner or
25 operator may designate information as confidential under section
26 1310-B.

27 5. Review of plan summary. The commissioner may review a
28 plan summary to determine whether it meets the guidelines
29 established under this chapter.

30 A. In reviewing the adequacy of any plan summary, the
31 commissioner shall base a determination on whether the plan
32 summary is complete and prepared in accordance with the
33 goals and guidelines established pursuant to this chapter.

34 B. If the commissioner determines that a plan summary is
35 inadequate, the commissioner shall notify the toxics
36 releaser or generator of the inadequacy, identifying the
37 specific deficiencies. The commissioner may specify a
38 reasonable time period of not less than 90 days within which
39 the toxics releaser or generator must submit a modified plan
40 summary addressing the specified deficiencies. The
41 commissioner may, upon request, provide technical
42 assistance, if available, to aid the toxics releaser or
43 generator in modifying the plan summary.

52

2 C. If the commissioner determines that a modified plan
3 summary is inadequate, the commissioner may either require
4 further modification or assess fees as provided in section
5 2312. If the generator fails to submit a modified plan
6 summary within the required time period, the commissioner
7 may assess additional fees as established in section 1319-I,
8 subsection 2-A.

9
10 6. Confidentiality. Upon a satisfactory showing to the
11 commissioner by the owners or operators of a facility required to
12 submit information under this chapter that a plan summary
13 developed under this chapter, if made public, would divulge
14 methods, processes or other information entitled to protection,
15 the commissioner shall hold as confidential that plan summary, or
16 a portion of that plan summary, pursuant to section 1310-B.

17 7. Additional information. This chapter does not prohibit
18 the commissioner from seeking additional information from a
19 toxics releaser or generator in order to review the adequacy of a
20 plan or plan summary required by this chapter.

21 §2308. Cross-media pollution control

22
23 1. Prohibition. A facility subject to regulation under
24 this chapter is prohibited from using any change in a process or
25 material that results in new or increased toxics release or
26 hazardous waste generation to meet the goals as set forth in
27 section 2303.

28
29 2. Exemptions. A facility subject to regulation under this
30 chapter may apply to the commissioner for an exemption from
31 subsection 1 if the owner or operator demonstrates that the
32 change resulting in the toxic release or hazardous waste increase
33 results in a long-term benefit to public health and the
34 environment that outweighs the benefits of other reduction
35 techniques and:

36
37 A. The increase in the toxic release does not cause a
38 violation of the facility's existing wastewater discharge or
39 air emission license or permit limits; or

40
41 B. If the toxics release is new to a facility's existing
42 air or wastewater stream, or both, the facility possesses
43 and complies with all necessary federal, state and local
44 licenses or permits applicable for the release.

45
46 3. Exemption renewal. If granted, the exemption is valid
47 for a 3-year period. Renewal of the exemption may be granted
48 only if the toxics releaser or generator meets the criteria set
49 forth in subsection 2.
50

2 4. Department authority. This section does not diminish
3 the existing authority of the Department of Environmental
4 Protection, pursuant to any laws, to establish by rule, permit,
5 license or order, any treatment technology standards, emission or
6 discharge limits, operation and maintenance requirements or
7 management practices for abating, controlling or preventing a
8 release or threat of release of hazardous substances to the
9 environment.

10 §2309. Program: powers and duties

12 The Toxics Use, Toxics Release and Hazardous Waste Reduction
13 Program is established within the department in the office of the
14 commissioner to assist toxics users, toxics releasers and
15 hazardous waste generators to eliminate or reduce the amounts,
16 toxicity and adverse environmental and public health effects of
17 toxics used, toxics released and hazardous wastes generated.

18 1. Data collection. The commissioner shall develop the
19 necessary information base and data collection programs to
20 establish program priorities and evaluate the progress of toxics
21 use, toxics release and hazardous waste reduction goals.

22 2. Technical services. The commissioner may disseminate
23 information concerning toxics use, toxics release and hazardous
24 waste reduction through various means including publications,
25 seminars, model plans, recommended waste assessment procedures
26 and lists of consultants on toxics use, toxics release and
27 hazardous waste reduction technologies.

28 3. Grant program. The commissioner shall evaluate the need
29 for a grant program to provide financial and technical assistance
30 for a facility subject to this chapter.

31 4. Information exchange. The commissioner may participate
32 in existing state, federal and industrial networks of individuals
33 and groups actively involved in toxics use, toxics release and
34 hazardous waste reduction. Subject to available funding, the
35 commissioner may contract with technical information centers to
36 assist the department in carrying out the provisions of this
37 chapter.

38 5. Production units. On or before June 15, 1991, the
39 commissioner shall publish a list of the production units to be
40 used in meeting reporting requirements for each standard
41 industrial code category for which there are toxics releasers or
42 generators required to meet state reduction goals.

43 6. Contracts. The commissioner may enter into contracts to
44 carry out the purposes of this chapter.

§2310. Toxics Reduction Advisory Committee

2 The Toxics Reduction Advisory Committee, as authorized in
4 Title 5, section 12004-I, subsection 22-A, shall serve as a
6 review body to assess the progress in implementation of this
8 chapter and shall advise the department in carrying out the
policies and purposes of this chapter.

10 1. Membership. The Governor shall appoint the chair of the
committee. The committee consists of 12 voting members.

12 A. The Governor shall appoint 4 representatives from the
14 business community and 2 representatives of organized labor.

16 B. The President of the Senate shall appoint one member
18 from a public health organization, one member from an
environmental organization and one public member.

20 C. The Speaker of the House of Representatives shall
22 appoint one member from a public health organization, one
member from an environmental organization and one public
member.

24 D. The Commissioner of Environmental Protection, the
26 Commissioner of Labor, the Director of the Maine Emergency
Management Agency and the Executive Director of the Maine
28 Waste Management Agency shall serve as ex officio members
and do not vote on committee matters.

30 2. Terms. All appointed members are appointed for
32 staggered terms of 3 years. The President of the Senate and the
34 Speaker of the House of Representatives shall appoint each one
36 member for a one-year initial term, one member for a 2-year
initial term and one member for a 3-year initial term. The
38 Governor shall appoint 2 members for one-year initial terms, 2
members for 2-year initial terms and 2 members for 3-year initial
terms. A vacancy must be filled by the same appointing authority
which made the original appointment. No appointed member may
serve more than 2 4-year terms.

40 3. Compensation. Members are entitled to compensation for
42 expenses according to Title 5, section 12004-I, subsection 22-A.

44 4. Quorum; actions. A quorum is a majority of the voting
46 members of the committee. An affirmative vote of the majority of
the members present at a meeting is required for any action.
48 Action may not be considered unless a quorum is present.

50 5. Meetings. The committee shall meet at least 4 times per
year and at any time at the call of the chair or upon written
52 request to the chair by 4 of the voting members.

2 6. Staff support. The commissioner shall provide the
committee with staff support.

4 7. Duties; powers. The committee may:

6 A. Review priorities for toxics use, toxics release and
hazardous waste reduction and may identify user groups as
8 priorities for department activities;

10 B. Review the criteria for the submission of toxics use,
toxics release and hazardous waste reduction plans;

12 C. Study and evaluate the practicability of achieving
14 reductions in the use or release of specific substances
through the use of substitutes, alternate procedures or
16 processes, or other means of achieving toxics use, toxics
release and hazardous waste reduction;

18 D. Recommend revisions to the department, if appropriate,
20 to toxics use, toxics release and hazardous waste reduction
goals and to the Toxics Use, Toxics Release and Hazardous
22 Waste Reduction Program;

24 E. Evaluate existing programs relating to chemical
production and use, hazardous waste generation, industrial
26 hygiene, worker safety, public exposure to toxics and toxics
releases and recommend coordination of information and
28 program changes or development; and

30 F. Submit any recommendations for statutory changes to the
joint standing committee of the Legislature having
32 jurisdiction over energy and natural resources matters.

34 §2311. Fees

36 The commissioner shall deposit all money received in payment
of fees under this section in a separate account within the Maine
38 Hazardous Waste Fund to cover expenses incurred by the department
in the administration of this chapter.

40 1. Hazardous waste generators. All owners or operators of
42 facilities that generate hazardous waste other than households
and agricultural operations shall register annually with the
44 commissioner. Registration forms and an accompanying fee of \$50
are due to the commissioner by March 1, 1991. Subsequent
46 registration forms and fees are due on March 1st of each year.

48 2. Toxics user. All toxics users must submit \$25 per
facility in addition to fees assessed under Title 37-B, section
50 801, when submitting reports required under the SARA, Title III,
Section 312, for extremely hazardous substances to the State

2 Emergency Response Commission. These funds must be transferred
3 by the State Emergency Response Commission to the Maine Hazardous
4 Waste Fund within 60 days of receipt.

5 3. Toxics releaser. All toxics releasers must submit \$25
6 per facility in addition to fees assessed under Title 37-B,
7 section 801, when submitting reports required under the SARA,
8 Title III, Section 313, to the State Emergency Response
9 Commission. These funds must be transferred by the State
10 Emergency Response Commission to the Maine Hazardous Waste Fund
11 within 60 days of receipt.

12 **§2312. Enforcement; penalties**

13 1. Toxics users. Toxics users are not subject to penalties
14 pursuant to this chapter, except for the requirement to pay the
15 fee under section 2311, subsection 2.

16 2. Toxics releasers. Toxics releasers that fail to meet
17 any requirements set forth in this chapter including, but not
18 limited to, achievement of toxics release reduction goals and the
19 preparation and submission of required plan summaries, are
20 subject to enforcement action and penalty fees. Toxics releasers
21 are subject to the general penalties in chapter 2.

22 3. Hazardous waste generators. Generators that fail to
23 meet any requirements set forth in this chapter including, but
24 not limited to, achievement of hazardous waste reduction goals
25 and the preparation and submission of required plans, may be
26 subject to enforcement action, civil or criminal penalties and
27 fees assessed in section 1319-I, subsection 2-A.

28 **Sec. 8. Allocation.** The following funds are allocated from the
29 Maine Hazardous Waste Fund to carry out the purposes of this Act.

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31
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35
36 **1990-91**

37 **ENVIRONMENTAL PROTECTION,**
38 **DEPARTMENT OF**

39 **Maine Hazardous Waste Fund**

40		
41	Positions	(4)
42	Personal Services	\$110,417
43	All Other	21,821
44	Capital Expenditures	10,000

45 Provides funds for an Environmental
46 Specialist IV, an Environmental Specialist
47 III, a Data Control Clerk, a Civil Engineer

II and general operating expenses to
implement the Toxics Use, Toxics Release and
Hazardous Waste Reduction Program.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
TOTAL

\$142,238

FISCAL NOTE

If enacted, this bill will result in:

1. An increase in dedicated revenue to the State Emergency Response Commission in the amount of \$25,000 for fiscal year 1990-91. These funds would be collected by the State Emergency Response Commission and transferred to the Department of Environmental Protection to be deposited in the Maine Hazardous Waste Fund;

2. An increase in dedicated revenue to the Department of Environmental Protection, Maine Hazardous Waste Fund, in the amount of \$150,000 for fiscal year 1990-91. This increase in dedicated revenue will be derived from the proposed \$25 fee on toxics users and toxics releasers and a \$50 registration fee on hazardous waste generators. These fees will be collected in March of each year and could result in a potential cash flow problem; and

3. An allocation of Other Special Revenue to the Department of Environmental Protection, Maine Hazardous Waste Fund, in the amount of \$142,238 for fiscal year 1990-91. This allocation will provide funds for required staff, advisory committee expenses and other general operating expenses.'

STATEMENT OF FACT

This amendment replaces the original bill with a program to reduce toxics use, toxics release and hazardous waste generation. The amendment establishes a hierarchy of techniques and goals to reduce the use and release of toxic substances as well as the generation of hazardous waste. Facilities are required to develop plans to meet these goals. The amendment applies to those facilities that use extremely hazardous substances, release more than 10,000 pounds of toxic substances to the environment annually and are in specific manufacturing sectors or generate more than 100 kilograms of hazardous waste for 3 or more months per year.

COMMITTEE AMENDMENT "A" to H.P. 1583, L.D. 2192

2 If a facility does not meet the goals set for toxics release
or hazardous waste reduction by 1993, the Commissioner of
4 Environmental Protection may require a facility to submit a
summary of its reduction plan within one year. Plans remain
6 confidential and only summaries are submitted to the
commissioner. A number of exemptions are established in
8 recognition that some facilities may not be able to reduce or may
have already instituted the maximum reductions currently
available.

10
12 If a hazardous waste generator does not comply with
requirements under this program, the commissioner may assess
higher fees for disposing of hazardous waste.

14
16 The Toxics Use, Toxics Release and Hazardous Waste Reduction
Program is established under the Commissioner of Environmental
18 Protection to collect data, exchange information and provide
technical services. The Toxics Reduction Advisory Committee is
20 established to advise the Department of Environmental Protection
on the implementation of this program.

22 This program is funded through fees assessed on hazardous
waste generators, toxics users and toxics releasers.

24

Reported by the Majority of the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the House
4/5/90 (Filing No. H-1082)