

MAINE STATE LEGISLATURE

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L.D. 2507

(Filing No. S- 708)

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to S.P. 1011, L.D. 2507, Bill, "An Act to Clean the Environment by the Reduction of Toxics Use, Waste and Release"

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.

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

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

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

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

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

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

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

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

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

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

- 40 11. Practicable. "Practicable" means available and capable
- 42 of accomplishment after taking into consideration the existing
- 44 state of technology and economic feasibility for the facility
- involved.

- 46 12. Production unit. "Production unit" means a measure of
- 48 output of a manufactured product or a quantifiable service by a
- facility.

- 50 13. Recycle. "Recycle" has the same meaning as in section
- 52 1303-C, subsection 21.

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

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

6
8 16. Toxic substance or toxics. "Toxic substance" or "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.

10
12 17. Toxics releaser. "Toxics releaser" means an owner or operator of a facility that is required to report under the SARA, Title III, Section 313.

14
16 18. Toxics use reduction. "Toxics use reduction" means front-end substitution, product reformulation or in-plant changes in production processes or raw materials that reduce, avoid or eliminate the use of toxic or hazardous substances or the generation of hazardous by-products per unit of product to reduce risks to the health of workers, consumers or the environment, without shifting risks among workers, consumers or parts of the environment.

18
20 19. Toxics user. "Toxics user" means a person that is required to report the presence of extremely hazardous substances under the SARA, Title III, Section 312.

22
24 20. Treatment. "Treatment" has the same meaning as in section 1303-C, subsection 39.

26
28 21. Waste assessment. "Waste assessment" means a systematic planned procedure to identify ways to reduce or eliminate waste. The assessment consists of the review and evaluation of a facility's operations and waste streams and the selection of specific waste streams to be evaluated.

30 **§2302. Toxics use reduction and hazardous waste management policy**

32
34 It is the policy of the State to reduce the volume of the toxic materials used in the State, to reduce worker and environmental exposure to the release of toxic materials and to reduce the hazardous waste generated within the State. The State encourages an integrated approach to toxics use reduction, toxics release reduction and hazardous waste reduction based on the hierarchies of management strategies included in this section.

36
38 1. Toxics use reduction. The State encourages reducing the use of toxic materials through changes in production or other processes or operations, in products or in raw materials that reduce, avoid or eliminate the use or production of toxic

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2 substances without creating substantial new risks to public
3 health, safety and the environment. These changes may be made
4 through the application of any of the following techniques:

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

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

14 C. Production or other process or operation redesign or
15 modification;

16 D. Production or other process or operation modernization,
17 which refers to upgrading or replacing existing equipment
18 and methods; and

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

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

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

38 A. Improved operation and maintenance controls of
39 production or other process or operation equipment and
40 methods including, but not limited to, improved housekeeping
41 practices, system adjustments, product and process
42 inspections or production or other process or operation
43 control equipment or methods; and

44 B. Upgrading, redesigning or replacing existing equipment
45 and methods with other equipment and methods.

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

- 2 A. Recovery of toxics from production and other processes
3 for reuse;
- 4
- 5 B. On-site recycling of hazardous waste;
- 6
- 7 C. Off-site recycling of hazardous waste;
- 8
- 9 D. Treatment of hazardous waste to reduce volume or
10 toxicity or both; and
- 11
- 12 E. Safe disposal.

13 §2303. Toxics use, toxics release and hazardous waste reduction
14 goals

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

18

19 1. Toxics use reduction goals. The goals for toxics use
20 reduction are a 10% reduction in the volume of toxic substances
21 used in the State by July 1, 1993, a 20% reduction by July 1,
22 1995, and a 30% reduction by July 1, 1997. Owners or operators
23 of facilities subject to reporting requirements for extremely
24 hazardous substances under the SARA, Title III, Section 312, are
25 not required to meet these goals, but must examine, plan and
26 implement means of reducing the use of toxics within their
27 facilities without impairing the production or quality of their
28 products or services.

29

30 2. Toxics release reduction goals. Using an average of the
31 aggregate volumes of toxics released at a facility in 1990 and
32 1991 as a base line figure, the goals for reducing the aggregate
33 volume of toxics released to the environment at the facility are
34 a 10% volume reduction by July 1, 1993, a 20% volume reduction by
35 July 1, 1995 and a 30% volume reduction by July 1, 1997. Those
36 owners and operators required to report under the SARA, Title
37 III, Section 313, are required to meet these goals. These
38 reduction requirements do not apply for toxics regulated by the
39 department through a toxics releaser's air emissions or
40 wastewater discharge license. Until a base year and measurement
41 techniques are established, there are no specific goals for
42 worker exposure to toxics releases, but owners or operators of
43 those facilities regulated by this chapter must examine means to
44 reduce exposure. For purposes of this subsection, toxics refers
45 to substances listed pursuant to the SARA, Title III, Section
46 313. To assist facilities in complying with this subsection, the
47 Commissioner of Environmental Protection shall develop a
48 methodology to measure volume reductions for toxics releases.
49

2 This methodology may be based on reports filed with the Maine
3 Emergency Management Agency pursuant to the SARA, Title III,
4 Section 313, and other available data.

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

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

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

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

38 7. Petition. A toxics releaser may petition the
39 commissioner to eliminate a substance from the total volume of
40 toxics release subject to the reductions required under
41 subsection 2 when the toxics releaser demonstrates that release
42 of the substance does not pose an unreasonable threat to
43 occupational health, public health or the environment.

46 **§2304. Regulated community**

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

50

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

A. Commercial hazardous waste treatment or storage facilities;

B. Pilot plants or pilot production units;

C. Hazardous waste transporters;

D. Hazardous waste generated as a result of remedial or corrective actions or facility closures required by law or undertaken to protect employee health and safety, public health and safety or the environment;

E. Households;

F. Agricultural operations; and

G. Generators exempted under this paragraph. To qualify for an exemption under this paragraph, a generator must demonstrate to the commissioner that all practicable reduction has been implemented or scheduled for implementation. The commissioner may establish alternate hazardous waste reduction goals for the facility when appropriate.

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

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

(b) All practicable reductions or actions have been previously implemented or are being implemented and will be completed on a schedule acceptable to the commissioner;

(c) Practicable steps necessary to reduce hazardous waste would have an unreasonable adverse impact on product quality; or

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

(2) The commissioner shall review exemptions under this paragraph at 3-year intervals. Renewals may be granted for hazardous waste generators that demonstrate that they still meet the requirements set forth in

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subparagraph (1). If an exemption has been granted based on legal or contractual obligations, the exemption is for the term of that obligation only. An exemption or renewal for a new or renewed legal or contractual commitment may not be granted by the commissioner. A generator that has received an exemption based on legal or contractual obligations may apply for a renewal based on subparagraph (1), division (a), (b) or (c).

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

- A. Water supply treatment facilities;
- B. Municipal wastewater treatment facilities;
- C. Retail and wholesale motor fuel and heating oil distributors;
- D. Agricultural operations; and
- E. Toxics releasers exempted under this paragraph. To qualify for an exemption under this paragraph, a toxics releaser must demonstrate to the commissioner that all practicable reductions have been implemented or scheduled for implementation. The commissioner may establish alternate toxics release reduction goals for the facility when appropriate.

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

- (a) Practicable toxics release reduction methods do not exist;
- (b) All practicable reductions or actions have been previously implemented or are being implemented and will be completed on a schedule acceptable to the commissioner;
- (c) Practicable steps necessary to reduce toxics release would have an unreasonable adverse impact on product quality or quantity;
- (d) Practicable means of measuring a toxics release do not exist; or
- (e) Legal or contractual obligations prohibit steps necessary to reduce toxics release.

2 (2) The commissioner shall review exemptions under
4 this paragraph at 3-year intervals. Renewals must be
6 granted for toxics releasers that demonstrate that they
8 still meet the requirements set forth in subparagraph
10 (1). If an exemption has been granted based on legal
12 or contractual obligations, the exemption is for the
14 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. A toxics
 releaser that has received an exemption based on legal
 or contractual obligations may apply for a renewal
 based on subparagraph (1), division (a), (b), (c) or
 (d).

16 3. Report. The commissioner shall report annually by
18 January 1st to the joint standing committee of the Legislature
 having jurisdiction over natural resource matters listing all
 exemptions granted under this section.

20 §2305. Guidelines for toxics use reduction, toxics release
22 reduction and hazardous waste reduction plans

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

30 1. Management policy. A statement of facility-wide
32 management policy regarding toxics use, toxics release and
 hazardous waste reduction;

34 2. Production unit analysis. The following information for
36 each production unit:

38 A. Identification and characterization of the types and
40 amounts of all toxics used, toxics released and hazardous
 wastes generated at the facility;

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

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

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

6 E. A program for maintaining records on toxics use, toxics
7 release and hazardous waste generation rates and management
8 costs;

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

18 4. Employee awareness and training. An employee awareness
19 and training program to involve employees in toxics use, toxics
20 reduction and hazardous waste reduction planning and
21 implementation to the maximum amount feasible.

22 Owners and operators of facilities shall keep a complete
23 copy of the plan and any back-up data on the premises of that
24 facility for at least 5 years and make the copy and data
25 available to the commissioner or the commissioner's designee upon
26 request.

28 **§2306. Employee notification**

30 The owner or operator of each facility must notify all of
31 its employees of the requirements for the plans, identify the
32 toxic and hazardous substances and production units for which
33 plans must be developed and solicit comments or suggestions from
34 all employees on toxics use, toxics release and hazardous waste
35 reduction options.

38 **§2307. Reporting requirements**

40 1. Toxics use reduction reports. As set forth in Title
41 37-B, section 797, toxics users must report their progress toward
42 meeting the toxics use reduction goals as part of their reporting
43 requirements to the State Emergency Response Commission.

44 2. Toxics release reduction reports. As set forth in Title
45 37-B, section 799, toxics releasers must report their progress
46 toward meeting the toxics release reduction goals as part of
47 their reporting requirements to the State Emergency Response
48 Commission. After January 1, 1993, the commissioner may require
49 a toxics releaser to submit a summary of the toxics release
50 reduction plan required under section 2305 within one year when:
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2 A. A facility has not made sufficient progress in reducing
toxics release as evidenced by failure to meet the toxics
release reduction goals;

4
6 B. A facility has received an exemption under section 2304,
subsection 2, and has not made sufficient progress toward
meeting the alternate toxics release reduction goals
established by the commissioner in section 2304, subsection
2, paragraph G; or

10
12 C. A new facility has toxics release rates that are
significantly greater per production unit than in similar
facilities within the same standard industrial code category.

14
16 If a plan summary is required under this subsection, the
commissioner shall notify the owner or operator of that facility
of that requirement.

18
20 3. Hazardous waste reduction reports. After January 1,
1993, the commissioner may require a facility to submit a summary
of the hazardous waste reduction plan required under section 2305
within one year when:

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

26
28 B. A facility has received an exemption under section 2304,
subsection 1, and has not made sufficient progress toward
meeting the alternate hazardous waste reduction goals
established by the commissioner under section 2304,
subsection 1, paragraph G; or

30
32
34 C. A new facility generates hazardous waste in a
significantly greater amount per production unit than is
generated in similar facilities within the same standard
industrial code category.

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38
40 If a plan summary is required under this subsection, the
commissioner shall notify the owner or operator of the facility
of that requirement.

42
44 4. Plan summary. The plan summary submitted to the
commissioner pursuant to subsection 2 or 3, must include, without
limitation, the evaluation methods used, the findings and
conclusions and the implementation schedule. An owner or
operator may designate information as confidential under section
1310-B.

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

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

10 B. If the commissioner determines that a plan summary is
12 inadequate, the commissioner shall notify the toxics
14 releaser or generator of the inadequacy, identifying the
16 specific deficiencies. The commissioner may specify a
 reasonable time period of not less than 90 days within which
 the toxics releaser or generator must submit a modified plan
 summary addressing the specified deficiencies. The
 commissioner may, upon request, provide technical
 assistance, if available, to aid the toxics releaser or
 generator in modifying the plan summary.

18 C. If the commissioner determines that a modified plan
20 summary is inadequate, the commissioner may either require
22 further modification or assess fees as provided in section
24 2312. If the generator fails to submit a modified plan
 summary within the required time period, the commissioner
 may assess additional fees as established in section 1319-I,
 subsection 2-A.

26 6. Confidentiality. Upon a satisfactory showing to the
28 commissioner by the owners or operators of a facility required to
30 submit information under this chapter that a plan summary
32 developed under this chapter, if made public, would divulge
 methods, processes or other information entitled to protection,
 the commissioner shall hold as confidential that plan summary, or
 a portion of that plan summary, pursuant to section 1310-B.

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

40 §2308. Cross-media pollution control

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

48 2. Exemptions. A facility subject to regulation under this
50 chapter may apply to the commissioner for an exemption from
 subsection 1 if the owner or operator demonstrates that the
 change resulting in the toxic release or hazardous waste increase

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2 results in a long-term benefit to public health and the
3 environment that outweighs the benefits of other reduction
4 techniques and:

6 A. The increase in the toxic release does not cause a
7 violation of the facility's existing wastewater discharge or
8 air emission license or permit limits; or

10 B. If the toxics release is new to a facility's existing
11 air or wastewater stream, or both, the facility possesses
12 and complies with all necessary federal, state and local
13 licenses or permits applicable for the release.

14 3. Exemption renewal. If granted, the exemption is valid
15 for a 3-year period. Renewal of the exemption may be granted
16 only if the toxics releaser or generator meets the criteria set
17 forth in subsection 2.

18 4. Department authority. This section does not diminish
19 the existing authority of the Department of Environmental
20 Protection, pursuant to any laws, to establish by rule, permit,
21 license or order, any treatment technology standards, emission or
22 discharge limits, operation and maintenance requirements or
23 management practices for abating, controlling or preventing a
24 release or threat of release of hazardous substances to the
25 environment.

28 **§2309. Program; powers and duties**

30 The Toxics Use, Toxics Release and Hazardous Waste Reduction
31 Program is established within the department in the office of the
32 commissioner to assist toxics users, toxics releasers and
33 hazardous waste generators to eliminate or reduce the amounts,
34 toxicity and adverse environmental and public health effects of
35 toxics used, toxics released and hazardous wastes generated.

36 1. Data collection. The commissioner shall develop the
37 necessary information base and data collection programs to
38 establish program priorities and evaluate the progress of toxics
39 use, toxics release and hazardous waste reduction goals.

40 2. Technical services. The commissioner may disseminate
41 information concerning toxics use, toxics release and hazardous
42 waste reduction through various means including publications,
43 seminars, model plans, recommended waste assessment procedures
44 and lists of consultants on toxics use, toxics release and
45 hazardous waste reduction technologies.

46 3. Grant program. The commissioner shall evaluate the need
47 for a grant program to provide financial and technical assistance
48 for a facility subject to this chapter.

52

2 4. Information exchange. The commissioner may participate
3 in existing state, federal and industrial networks of individuals
4 and groups actively involved in toxics use, toxics release and
5 hazardous waste reduction. Subject to available funding, the
6 commissioner may contract with technical information centers to
7 assist the department in carrying out the provisions of this
8 chapter.

9
10 5. Production units. On or before June 15, 1991, the
11 commissioner shall publish a list of the production units to be
12 used in meeting reporting requirements for each standard
13 industrial code category for which there are toxics releasers or
14 generators required to meet state reduction goals.

15
16 6. Contracts. The commissioner may enter into contracts to
17 carry out the purposes of this chapter.

18 **§2310. Toxics Reduction Advisory Committee**

19
20 The Toxics Reduction Advisory Committee, as authorized in
21 Title 5, section 12004-I, subsection 22-A, shall serve as a
22 review body to assess the progress in implementation of this
23 chapter and shall advise the department in carrying out the
24 policies and purposes of this chapter.

25
26 1. Membership. The Governor shall appoint the chair of the
27 committee. The committee consists of 12 voting members.

28
29 A. The Governor shall appoint 4 representatives from the
30 business community and 2 representatives of organized labor.

31
32 B. The President of the Senate shall appoint one member
33 from a public health organization, one member from an
34 environmental organization and one public member.

35
36 C. The Speaker of the House of Representatives shall
37 appoint one member from a public health organization, one
38 member from an environmental organization and one public
39 member.

40
41 D. The Commissioner of Environmental Protection, the
42 Commissioner of Labor, the Director of the Maine Emergency
43 Management Agency and the Executive Director of the Maine
44 Waste Management Agency shall serve as ex officio members
45 and do not vote on committee matters.

46
47 2. Terms. All appointed members are appointed for
48 staggered terms of 3 years. The President of the Senate and the
49 Speaker of the House of Representatives shall appoint each one
50 member for a one-year initial term, one member for a 2-year
51 initial term and one member for a 3-year initial term. The
52 Governor shall appoint 2 members for one-year initial terms, 2

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2 members for 2-year initial terms and 2 members for 3-year initial
3 terms. A vacancy must be filled by the same appointing authority
4 which made the original appointment. No appointed member may
5 serve more than 2 4-year terms.

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

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

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

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

17 7. Duties; powers. The committee may:

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

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

23 C. Study and evaluate the practicability of achieving
24 reductions in the use or release of specific substances
25 through the use of substitutes, alternate procedures or
26 processes, or other means of achieving toxics use, toxics
27 release and hazardous waste reduction;

28 D. Recommend revisions to the department, if appropriate,
29 to toxics use, toxics release and hazardous waste reduction
30 goals and to the Toxics Use, Toxics Release and Hazardous
31 Waste Reduction Program;

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

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

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§2311. Fees

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

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

2. Toxics user. All toxics users must submit \$25 per facility in addition to fees assessed under Title 37-B, section 801, when submitting reports required under the SARA, Title III, Section 312, for extremely hazardous substances to the State Emergency Response Commission. These funds must be transferred by the State Emergency Response Commission to the Maine Hazardous Waste Fund within 60 days of receipt.

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

§2312. Enforcement; penalties

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

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

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

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STATEMENT OF FACT

6 This amendment replaces the original bill and establishes a
8 program to reduce toxics use, toxics release and hazardous waste
10 generation. The amendment establishes a hierarchy of techniques
12 and goals to reduce the use and release of toxic substances as
14 well as the generation of hazardous waste. Facilities are
16 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.

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

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

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

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

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(Senator DUTREMBLE)

SPONSORED BY:



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COUNTY: York

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