

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "*A*" to H.P. 537, L.D. 724, Bill, "An Act to Require State Review of Chemical Spill Clean-up Plans"

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

**'Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Department of Environmental Protection adopted rules in 1981 relating to approval of chemical spill plans and has not been able due to resource constraints to approve plans in a timely manner; and

**Whereas,** due to the department's delay in approving plans, facilities subject to these rules have been required to report all hazardous releases regardless of quantity; and

**Whereas,** this Act modifies the laws to resolve this issue; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §1318, sub-§2,** as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §253, is further amended to read:

**2. Removal.** If the responsible party or person causing the discharge immediately reports and removes the discharge in accordance with this subchapter, a plan submitted under section

2 1318-C and the rules and orders of the board or commissioner, the  
party or person is not subject to criminal or civil penalties  
under this subchapter.

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6 **Sec. 2. 38 MRSA §1318-B, sub-§1, as affected by PL 1989, c.**  
8 890, Pt. A, §40 and amended by Pt. B, §254, is repealed and the  
following enacted in its place:

10 1. Reporting. Except as provided in this subsection, the  
12 responsible party or person causing the discharge shall report a  
14 discharge immediately to the Department of Public Safety, which  
16 shall immediately notify the Commissioner of Environmental  
18 Protection and the public safety agency of the municipality in  
20 which the discharge takes place. Upon submission to the  
22 commissioner of a written spill prevention control and clean-up  
24 plan that meets the criteria of section 1318-C, subsection 1, a  
discharge containing a hazardous matter that is covered by the  
plan must be reported only if the discharge equals or exceeds the  
applicable reportable quantity for that particular hazardous  
matter as specified in Code of Federal Regulations, Title 40,  
Parts 302.4, 302.5 and 302.6 (b(1)); revised as of July 1, 1990,  
or when the discharge extends or spreads beyond the area on the  
site covered by the spill prevention control and clean-up plan.

26 **Sec. 3. 38 MRSA §1318-C is enacted to read:**

28 **§1318-C. Spill prevention control and clean-up plan**

30 A responsible party may develop and submit to the  
32 commissioner spill prevention, control and clean-up plans  
referred to in this section as "the plan" to address discharges  
of hazardous matter.

34 1. Plan content. Spill prevention control and clean-up  
36 plans must include at a minimum the following information:

38 A. The hazardous matter and substances covered including  
40 the reportable quantity for each hazardous matter and  
mixture measured in pounds or gallons;

42 B. Any containment and diversionary structures or equipment  
where appropriate;

44 C. Inspection, maintenance and testing procedures for  
46 storage and containment areas;

48 D. A list of emergency response equipment and locations and  
a description of the capabilities of the equipment;

50 E. A description of employee training programs;

52 F. A description of areas in need of protection and method  
of protection;

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G. A description of discharge detection devices and emergency warning systems;

H. A list of on-site emergency coordinators and the qualifications of on-site trained employee responders;

I. A description of evacuation procedures and assembly points;

J. Notification procedures for federal, state and local officials;

K. Procedures for supplying written reports to the department;

L. General response and clean-up protocols by substance or substance class;

M. Specific on-site containment, treatment or removal plans;

N. A description of the record-keeping process for responses involving the implementation of this plan;

O. A description and copies of mutual aid agreements and any agreements with clean-up contractors; and

P. A promulgation statement and date of plan adoption.

2. Submission. The plan and all amendments to the plan must be submitted to the commissioner upon adoption or amendment.

3. Amendments. The plan must be amended as necessary to reflect current conditions at the facility or as determined appropriate by the facility or state agencies.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

**FISCAL NOTE**

This bill allows an exemption for hazardous discharge reporting requirements if the submission of a hazardous matter spill plan meets certain criteria. Costs associated with receiving, recording and filing the plans for future reference will be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.'

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STATEMENT OF FACT

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This amendment replaces the original bill to better accomplish its purposes.

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This amendment establishes minimum requirements for spill prevention control and clean-up plans and requires reporting of discharges in excess of minimum reportable quantities. Chemical discharges that can be addressed by implementing the clean-up plan and that are less than the reportable quantity are not subject to reporting under this amendment.

Reported by the Committee on Energy and Natural Resources  
Reproduced and distributed under the direction of the Clerk of the House  
(5/2/91) (Filing No. H-219)