

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1712

H.P. 1171

House of Representatives, April 25, 1991

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.  
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative LORD of Waterboro.

Cosponsored by Representative MICHAUD of East Millinocket, Senator KANY of  
Kennebec and Representative JACQUES of Waterville.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

**An Act to Clarify Provisions of and Provide Funding for Toxics Use,  
Toxics Release and Hazardous Waste Reduction Programs.**

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

2           Sec. 1. 38 MRSA §1303-C, sub-§13-A, as enacted by PL 1989, c.  
4           929, §5, is repealed.

6           Sec. 2. 38 MRSA §2301, sub-§7, as enacted by PL 1989, c. 929,  
8           §7, is amended to read:

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

16           Sec. 3. 38 MRSA §2301, sub-§11-A is enacted to read:

18           11-A. Product. "Product" means an output of a production  
20           process or a quantifiable service by a facility.

22           Sec. 4. 38 MRSA §2301, sub-§12, as enacted by PL 1989, c. 929,  
24           §7, is repealed and the following enacted in its place:

26           12. Production unit. "Production unit" means a process,  
28           line, method, activity or technique, or a combination or series  
30           thereof, used to produce a product.

32           Sec. 5. 38 MRSA §2301, sub-§§16, 18 and 21, as enacted by PL  
34           1989, c. 929, §7, are amended to read:

36           16. **Toxic substance or toxics.** "Toxic substance" or  
38           "toxics" means any substance in a gaseous, liquid or solid state  
40           listed pursuant to the SARA, Title III, Section 313, and listed  
42           in 40 Code of Federal Regulations, Part 372.65 and any extremely  
44           hazardous substance as listed in 40 Code of Federal Regulations,  
46           Part 355.

48           18. **Toxics use reduction.** "Toxics use reduction" means  
50           front-end substitution, product reformulation or in-plant changes  
52           in production processes or raw materials that reduce, avoid or  
eliminate the use of ~~toxic or hazardous substances~~ toxics or the  
generation of hazardous toxic 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.

          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.~~

          Sec. 6. 38 MRSA §2302, as enacted by PL 1989, c. 929, §7, is  
amended to read:

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

It is the policy of the State to reduce the volume amount of the toxic materials substances used in the State, to reduce worker and environmental exposure to the release of toxic materials and substances, to reduce the hazardous waste generated within the State and to minimize the transfer of toxic pollutants from one environmental medium to another. 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.

**1. Toxics use reduction.** The State encourages reducing the use of toxic materials substances 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 substances without creating substantial new or increased risks to public health, safety and the environment. These changes may be made through the application of any of the following techniques:

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

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

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

D. Production or other process or operation modernization, which refers to upgrading or replacing existing equipment 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 requires reducing the release of toxics during manufacturing and other processes through, in addition to toxics use reduction techniques specified in subsection 1, 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:

A. 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; and

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

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

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

B. On-site recycling of hazardous waste;

C. Off-site recycling of hazardous waste; and

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

E. Safe disposal.

Sec. 7. 38 MRSA §2303, sub-§1, as enacted by PL 1989, c. 929, §7, is repealed and the following enacted in its place:

1. Toxics use reduction goals. Using the amount of toxics used at a facility in 1992 as a baseline figure, the goals for toxics use reduction are a 10% reduction in the amount of toxic substances used in the State by January 1, 1994, a 20% reduction by January 1, 1996 and a 30% reduction by January 1, 1998.

Sec. 8. 38 MRSA §2303, sub-§§2 to 6, as enacted by PL 1989, c. 929, §7, are amended to read:

2. Toxics release reduction goals. Using an average of the aggregate volumes amounts of toxics released at a facility in 1990 and 1991 as a base-line baseline figure, the goals for reducing the aggregate volume amount of toxics released to the environment at the facility are a 10% volume amount reduction by July 1, 1993 January 1, 1994, a 20% volume amount reduction by July 1, 1995 January 1, 1996 and a 30% volume amount reduction by July 1, 1997 January 1, 1998. These owners and operators required to report under the SARA, Title III, Section 313, are required to meet these goals. These reduction requirements do

~~not apply for toxics regulated by the department through a toxics~~  
2 ~~releaser's air emissions or wastewater discharge license.~~ Until  
4 a base year and measurement techniques are established, there are  
6 no specific goals for worker exposure to toxics releases, but  
8 owners or operators of those facilities regulated by this chapter  
10 must examine means to reduce exposure. For purposes of this  
12 subsection, toxics refers to substances listed pursuant to the  
14 SARA, Title III, Section 313. To assist facilities in complying  
with this subsection, the Commissioner of Environmental  
Protection shall develop a methodology to measure volume  
reductions for toxics releases. This methodology may be based on  
reports filed with the Maine Emergency Management Agency pursuant  
to the SARA, Title III, Section 313, and other available data.

3. **Hazardous waste generation minimization goals.** The  
16 goals for minimizing the amount of hazardous waste generated at a  
18 facility are a 10% volume reduction by January 1, 1993 1994, a  
20 20% volume reduction by July 1, 1995, January 1, 1996 and a 30%  
22 volume reduction by July 1, 1997 January 1, 1998. Reductions  
must be based on a facility's average generation rate for the  
years 1987, 1988 and 1989.

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

5. **Progress evaluation.** Progress toward meeting the toxics  
36 use, toxics release and hazardous waste reduction goals must ~~may~~  
38 be evaluated annually by the commissioner based on manifest data,  
progress reports submitted under Title 37-B, sections 797 and  
40 799, annual hazardous waste generator reports and other  
appropriate available information. To determine achievement of  
42 reduction goals, the commissioner may adjust the baseline figure  
to account for changes in the statutory or regulatory definitions  
44 of toxic substances and hazardous wastes.

6. **New facilities.** Facilities constructed after the  
46 effective date of this chapter must be designed to minimize  
48 toxics use, toxics release and hazardous waste generation in  
accordance with the State's policies as set forth in section 2302  
and must be evaluated on the basis of ~~production~~ units of product  
50 for the volume amount of toxics use used, toxics ~~release~~ released  
and hazardous waste generated.

2       Sec. 9. 38 MRSA §2304, as enacted by PL 1989, c. 929, §7, is  
4 repealed and the following enacted in its place:

6       §2304. Regulated community

8       Toxics users, toxics releasers and hazardous waste  
generators shall meet the applicable requirements under this  
chapter.

10       1. Toxics users. Toxics users are subject to this  
12 subsection.

14       A. Owners and operators of facilities subject to reporting  
16 requirements for extremely hazardous substances under the  
SARA, Title III, Section 312 are not required to meet the  
18 toxics use reduction goals, but shall examine, plan and  
implement means of reducing the use of extremely hazardous  
20 substances within their facilities without impairing the  
quantity or quality of their products or services. For the  
22 purpose of developing reduction plans and reporting progress  
toward meeting reduction goals, a facility is required to  
24 examine only the production process or, in the case of a  
service industry, only those extremely hazardous substances  
26 used in quantities above the threshold planning quantity  
established in 40 Code of Federal Regulations, Part 355 or  
28 such other level as may be established by the board by  
rule. A facility is not required to examine toxics use that  
is incidental to the facility's administrative functions.

30       B. The following facilities are exempt from the planning  
32 and reporting requirements for toxics use:

34       (1) Water supply treatment facilities; and

36       (2) Municipal wastewater treatment facilities.

38       2. Toxics releasers. Toxics releasers are subject to this  
40 subsection.

42       A. Owners or operators of facilities required to report  
under the SARA, Title III, Section 313 are required to meet  
44 the toxics release reduction goals. For the purpose of  
meeting reduction goals, toxics refers only to those  
46 substances listed in 40 Code of Federal Regulations, Part  
372.65 that a facility releases in an amount above the  
48 reportable quantity or such other level as may be  
established by the board by rule.

50       B. The following exemptions apply to toxics releasers.

2           (1) The following facilities are exempt from the  
3           planning and reduction requirements for toxics release:

4                   (a) Water supply treatment facilities;

6                   (b) Municipal wastewater treatment facilities;

8                   (c) Retail and wholesale motor fuel and heating  
9                   oil distributors; and

10                   (d) Agricultural activities.

12           (2) To qualify for an exemption from the toxic release  
13           reduction requirements under this paragraph, a toxics  
14           releaser must demonstrate to the commissioner that all  
15           practicable reductions have been implemented or  
16           scheduled for implementation. The commissioner may  
17           establish alternate toxics release reduction goals for  
18           the facility when appropriate.

19                   (a) A toxics releaser must receive an exemption  
20                   from the requirement of meeting state reduction  
21                   goals from the commissioner if the toxics releaser  
22                   proves that:

23                           (i) Practicable toxics release reduction  
24                           methods do not exist;

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

29                           (iii) Practicable steps necessary to reduce  
30                           toxics release would have an unreasonable  
31                           adverse impact on product quality or quantity;

32                           (iv) Practicable means of measuring a toxics  
33                           release do not exist; or

34                           (v) Legal or contractual obligations  
35                           prohibit steps necessary to reduce toxics  
36                           release.

37                   (b) The commissioner shall review exemptions  
38                   under this paragraph at 3-year intervals.  
39                   Renewals must be granted for toxics releasers that  
40                   demonstrate that they still meet the requirements  
41                   set forth in division (a), subdivisions (i) to  
42                   (iv). If an exemption has been granted based on  
43                   legal or contractual obligations, the exemption is  
44                   only for the term of that obligation. An



2                   exemption or renewal for a new or renewed legal or  
3                   contractual obligation may not be granted by the  
4                   commissioner. A toxics releaser that has received  
5                   an exemption based on legal or contractual  
6                   obligations may apply for a renewal based on  
7                   division (a), subdivision (i), (ii), (iii) or (iv).

8                   3. Hazardous waste generators. Hazardous waste generators  
9                   are subject to this subsection.

10                   A. All facilities that generate 100 kilograms or more of  
11                   hazardous waste in a calendar month for more than 3 months  
12                   of the year are required to meet the state hazardous waste  
13                   reductions goals. For the purpose of developing reduction  
14                   plans, a facility must examine all hazardous waste generated  
15                   in the production process and related operations and  
16                   maintenance activities or, in the case of a service  
17                   industry, all hazardous waste generated in the performance  
18                   of the service, including hazardous wastes that are  
19                   recycled. Progress toward meeting the reduction goals is  
20                   based on the amount of hazardous waste that is either  
21                   shipped off site or disposed of on site.

22                   B. The following exemptions apply to hazardous waste  
23                   generators.

24                   (1) The following are exempt from the planning and  
25                   reduction requirements for hazardous waste:

26                   (a) Commercial hazardous waste treatment or  
27                   storage facilities;

28                   (b) Pilot plants or pilot production units;

29                   (c) Hazardous waste transporters;

30                   (d) Hazardous waste generated as a result of  
31                   remedial or corrective actions or facility  
32                   closures required by law or undertaken to protect  
33                   employee health and safety, public health and  
34                   safety or the environment;

35                   (e) Households; and

36                   (f) Agricultural activities.

37                   (2) To qualify for an exemption from the hazardous  
38                   waste reduction requirement under this paragraph, a  
39                   generator must demonstrate to the commissioner that all  
40                   practicable reductions have been implemented or  
41                   scheduled for implementation. The commissioner may

2 establish alternate hazardous waste reduction goals for  
3 the facility when appropriate.

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

8 (i) Practicable hazardous waste reduction  
9 methods do not exist;

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

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

17 (iv) Legal or contractual obligations  
18 prohibit steps necessary to reduce hazardous  
19 waste generation.

20 (b) The commissioner shall review exemptions  
21 under this paragraph at 3-year intervals.  
22 Renewals may be granted for hazardous waste  
23 generators that demonstrate that they still meet  
24 the requirements set forth in division (a),  
25 subdivisions (i) to (iii). If an exemption has  
26 been granted based on legal or contractual  
27 obligations, the exemption is only for the term of  
28 that obligation. An exemption or renewal for a  
29 new or renewed legal or contractual commitment may  
30 not be granted by the commissioner. A generator  
31 that has received an exemption based on legal or  
32 contractual obligations may apply for a renewal  
33 based on division (a), subdivision (i), (ii) or  
34 (iii).

35 4. Report. The commissioner shall report annually by  
36 January 1st to the joint standing committee of the Legislature  
37 having jurisdiction over energy and natural resource matters  
38 listing all exemptions granted under this section.

39 Sec. 10. 38 MRSA §2305, first ¶, as enacted by PL 1989, c. 929,  
40 §7, is amended to read:

41 Those facilities subject to regulation under this chapter  
42 shall develop by January 1, 1993 and update every 2 years  
43 thereafter plans for their own use in meeting the State's goals.  
44 The board may establish by-rule, -guidelines rules for toxics use,

toxics release and hazardous waste reduction plans to be prepared pursuant to this section. A plan must include:

Sec. 11. 38 MRSA §2306, as enacted by PL 1989, c. 929, §7, is amended to read:

**§2306. Employee notification**

The Six months prior to the date when a reduction plan or update must be completed, the owner or operator of each facility must notify all of its employees of the requirements for the plans, identify the toxic substances and hazardous substances wastes and production units for which plans must be developed and solicit comments or suggestions from all employees on toxics use, toxics release and hazardous waste reduction options.

Sec. 12. 38 MRSA §2307, sub-§§2 and 3, as enacted by PL 1989, c. 929, §7, are amended to read:

2. **Toxics release reduction reports.** As set forth in Title 37-B, section 799, toxics releasers must report their progress toward meeting the toxics release reduction goals as part of their reporting requirements to the State Emergency Response Commission. After January 1, 1993 1994, the commissioner may require a toxics releaser to submit a summary of the toxics release reduction plan required under section 2305 within one year 60 days when:

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

B. A facility has received an exemption under section 2304, subsection 2, paragraph B, subparagraph (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 B, subparagraph (2); or

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

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

3. **Hazardous waste reduction reports.** After January 1, 1993 1994, the commissioner may require a facility to submit a summary of the hazardous waste reduction plan required under section 2305 within one-year 60 days when:

- 2 A. A facility has not made sufficient progress in reducing  
4 hazardous waste generated at the facility as evidenced by a  
failure to meet the hazardous waste reduction goals;
- 6 B. A facility has received an exemption under section 2304,  
subsection 1 3, paragraph B, subparagraph (2), and has not  
8 made sufficient progress toward meeting the alternate  
hazardous waste reduction goals established by the  
10 commissioner under section 2304, subsection 1 3, paragraph C  
B, subparagraph (2); or
- 12 C. A new facility generates hazardous waste in a  
14 significantly greater amount per ~~production~~ unit of product  
than is generated in similar facilities within the same  
16 standard industrial code category.

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

22 Sec. 13. 38 MRSA §2308, sub-§§1 and 2, as enacted by PL 1989,  
c. 929, §7, are amended to read:

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

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

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

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

48 Sec. 14. 38 MRSA §2309, sub-§5, as enacted by PL 1989, c. 929,  
§7, is amended to read:

50 5. **Unit of product.** On or before June 15, 1991, the  
52 commissioner shall publish a list of the ~~production-units~~ unit of

product to be used in meeting reporting requirements for each standard industrial code category for which there are toxics releasers or generators required to meet state reduction goals.

Sec. 15. 38 MRSA §2310, sub-§2, as enacted by PL 1989, c. 929, §7, is amended to read:

2. **Terms.** All appointed members are appointed for staggered terms of 3 years. The President of the Senate and the Speaker of the House of Representatives shall appoint each; one 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 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 3-year terms.

Sec. 16. 38 MRSA §2310, sub-§7, ¶A, as enacted by PL 1989, c. 929, §7, is amended to read:

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

Sec. 17. 38 MRSA §2311, sub-§§1 to 3, as enacted by PL 1989, c. 929, §7, are amended to read:

1. **Hazardous waste generators.** All owners or operators of facilities that generate hazardous waste other than households and agricultural operations activities shall register annually with the commissioner. Registration forms and an the accompanying fee of ~~\$50~~ are due to the commissioner by March 1, 1991 and annually thereafter. ~~Subsequent registration forms and fees are due on March 1st of each year.~~ For facilities that generate 100 kilograms or more of hazardous waste in a calendar month for more than 3 months of the year, the fee is \$100 per facility. For all other generators, the fee is \$50 per facility.

2. **Toxics user.** All toxics users must submit ~~\$25~~ \$100 per facility up to a maximum of \$1,000 per company 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.~~ Fees assessed under this subsection must be submitted annually by March 1st to the Department of Environmental Protection.

3. **Toxics releaser.** All toxics releasers must submit ~~\$25~~ \$300 per facility in addition to fees assessed under Title 37-B,

2 section 801, ~~when submitting reports required under the SARA,~~  
3 Title ~~III, Section 313, to the State Emergency Response~~  
4 Commission. ~~These funds must be transferred by the State~~  
5 ~~Emergency Response Commission to the Maine Hazardous Waste Fund~~  
6 ~~within 60 days of receipt. Fees assessed under this subsection~~  
7 ~~must be submitted annually by July 1st to the Department of~~  
8 ~~Environmental Protection.~~

10 Sec. 18. 38 MRSA §2312, sub-§1, as enacted by PL 1989, c. 929,  
§7, is repealed and the following enacted in its place:

12 1. Toxics users. Toxics users that fail to meet any  
13 requirements set forth in this chapter except the achievement of  
14 the toxics use reduction goals are subject to enforcement action  
15 and penalty fees. Toxics users are subject to the general  
16 penalties in chapter 2.

18 Sec. 19. 38 MRSA §2312, sub-§§2 and 3, as enacted by PL 1989,  
c. 929, §7, are amended to read:

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

28 3. Hazardous waste generators. Generators that fail to  
29 meet any requirements set forth in this chapter including, but  
30 not limited to, achievement of hazardous waste reduction goals  
31 and the preparation of plans and submission of required plans  
32 plan summaries, may be subject to enforcement action, ~~civil or~~  
33 ~~criminal penalties and penalty fees.~~ Hazardous waste generators  
34 are subject to the general penalties in chapter 2 and fees  
assessed in section 1319-I, subsection 2-A.

36 Sec. 20. Allocation. The following funds are allocated from  
38 the Maine Hazardous Waste Fund to carry out the purposes of this  
Act.

1991-92

42 ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
44 Maine Hazardous Waste Fund

46 All Other \$90,000

48 Provides funds to establish new and  
50 integrate existing databases for the purpose  
of tracking toxics use, toxics release and  
52 hazardous waste reduction. Provides funds

2 to pay expenses of the Toxics Reduction  
Advisory Committee.

## 6 STATEMENT OF FACT

8 This bill repeals a definition of "generator" and amends  
another to make it consistent with existing law. The bill also  
10 adds a definition of "product" and amends other definitions to  
clarify their meaning.

12 The bill amends the policy statement to include a statement  
14 on cross-media pollution prevention, ensures consistent use of  
terminology for toxics and toxics reduction techniques and  
16 eliminates "safe disposal" as a hazardous waste reduction  
technique.

18 The bill includes a base year for toxics use reduction,  
20 changes the dates for achievement of reduction goals, clarifies  
use of the terms "product" and "production unit," eliminates the  
22 exemption for licensed toxics releases and deletes provisions  
identifying the regulated community. Identification of and  
24 specific requirements for the regulated community are relocated  
to the Maine Revised Statutes, Title 38, section 2304. It also  
26 provides a mechanism for adjustment of the baseline figure.

28 The bill repeals and replaces Title 38, section 2304, to  
consolidate provisions identifying the regulated community, add  
30 exemptions from toxics use requirements and clarify provisions  
pertaining to toxics and hazardous waste subject to planning and  
32 reporting requirements.

34 The bill specifies timetables, corrects wording to ensure  
consistent use of terms referring to toxics and hazardous waste  
36 and corrects cross-references.

38 The bill clarifies the prohibition on cross-media pollution  
control.

40 The bill corrects an error in the length of term of the  
42 Toxics Reduction Advisory Committee and amends a duty of the  
committee to specify that it pertains to identifying priorities  
44 for assistance, not enforcement.

46 The bill increases the annual fee on toxics users, toxics  
releasers and hazardous waste generators to provide funds to  
48 assist in implementation of these components of the program and  
requires that the fees be submitted to the Department of  
50 Environmental Protection rather than the State Emergency Response  
Commission.

2       The bill amends the enforcement and penalty provisions of  
the law to include penalties if toxics users do not prepare  
4       reduction plans or submit reports and eliminates the criminal  
penalties under this chapter for hazardous waste generators.

6       The bill allocates funds from the Maine Hazardous Waste Fund  
to provide expenses for the Toxics Reduction Advisory Committee  
8       and to the Department of Environmental Protection for development  
of a tracking system.

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