



# **117th MAINE LEGISLATURE**

### FIRST REGULAR SESSION-1995

Legislative Document

No. 952

S.P. 347

In Senate, March 23, 1995

## An Act to Ensure Consistency Between State and Federal Environmental Requirements.

Reference to the Committee on Natural Resources suggested and ordered printed.

May Th.

MAY M. ROSS Secretary of the Senate

Presented by President BUTLAND of Cumberland. Cosponsored by Speaker GWADOSKY of Fairfield and Senators: ABROMSON of Cumberland, AMERO of Cumberland, BEGLEY of Lincoln, BENOIT of Franklin, BERUBE of Androscoggin, CAREY of Kennebec, CARPENTER of York, CASSIDY of Washington, CIANCHETTE of Somerset, ESTY of Cumberland, FERGUSON of Oxford, GOLDTHWAIT of Hancock, HALL of Piscataguis, HANLEY of Oxford, HARRIMAN of Cumberland, HATHAWAY of York, KIEFFER of Aroostook, LORD of York, MILLS of Somerset, PENDEXTER of Cumberland, RUHLIN of Penobscot, SMALL of Sagadahoc, STEVENS of Androscoggin, Representatives: AHEARNE of Madawaska, AULT of Wayne, BAILEY of Township 27, BARTH of Bethel, BIGL of Bucksport, BIRNEY of Paris, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, CHICK of Lebanon, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DAMREN of Belgrade, DEXTER of Kingfield, DiPIETRO of South Portland, DRISCOLL of Calais, FARNUM of South Berwick, GIERINGER of Portland, GOULD of Greenville, GREENLAW of Standish, HARTNETT of Freeport, HEINO of Boothbay, HICHBORN of LaGrange, JACQUES of Waterville, JOY of Crystal, JOYCE of Biddeford, JOYNER of Hollis, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KNEELAND of Easton, LEMONT of Kittery, LIBBY of Kennebunk, LOOK of Jonesboro, LOVETT of Scarborough, MARSHALL of Eliot, MARVIN of Cape Elizabeth, McALEVEY of Waterboro, MERES of Norridgewock, MURPHY of Berwick, NADEAU of Saco, NICKERSON of Turner, O'GARA of Westbrook

PINKHAM of Lamoine, PLOWMAN of Hampden, POULIN of Oakland, POULIOT of Lewiston, REED of Falmouth, RICKER of Lewiston, ROSEBUSH of East Millinocket, SPEAR of Nobleboro, STEDMAN of Hartland, STROUT of Corinth, TAYLOR of Cumberland, TRIPP of Topsham, TRUE of Fryeburg, TUFTS of Stockton Springs, UNDERWOOD of Oxford, VIGUE of Winslow, WATERHOUSE of Bridgton, WHITCOMB of Waldo.

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

#### Sec. 1. 5 MRSA §8052-A is enacted to read:

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#### <u>§8052-A. Agencies administering environmental laws; consistency</u> with federal requirements

8 In addition to any other requirements of law, state agencies that administer environmental laws must ensure that their rules, as defined in section 8002, subsection 9, interpretations, 10 opinions and other requirements are no more burdensome or 12 stringent than federal requirements relating to the same or comparable subjects, except to the extent the rule implements a 14 state law that is more stringent than the comparable federal law. The requirements that may not be more burdensome or 16 stringent than federal requirements may include, but are not limited to: licensing and exemption requirements; substantive 18 requirements; numerical standards; analytical methods; record-keeping and reporting requirements; and self-monitoring 20 and inspection requirements.

22 To the extent that any agency, consistent with state law, proposes to adopt, amend or reissue any rule, opinion, 24 interpretation or other requirement that is more burdensome or more stringent than the comparable federal requirement, the 26 agency shall provide to the public, at the same time as notice of the proposed rulemaking or other action, a written explanation 28 setting forth the purpose of the rule, interpretation, opinion or other requirement; the reasons the agency believes the 30 requirement is necessary to protect the environment; and a detailed analysis of the expected costs to persons who will be 32 required to comply with the requirement that also supports the fact that the proposed requirement is achievable under currently 34 accepted technology.

36 This section applies to all rules, interpretations and opinions or other requirements adopted, amended or reissued on or 38 after the effective date of this section by the Department of Environmental Protection or any other state agency that 40 administers environmental laws.

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#### STATEMENT OF FACT

46 This bill provides that state agencies that administer environmental laws must ensure that their respective rules, 48 interpretations, opinions and other requirements are consistent with and no more stringent than federal requirements dealing with

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the same or comparable subjects. Agencies seeking to impose these inconsistent or more stringent requirements must provide 2 the public with a written explanation of the purpose of the requirement, all reasons why an inconsistent or more stringent 4 requirement is necessary to protect the environment and an analysis of the expected costs of the requirement to persons who 6 will be subject to it that supports the fact that the proposed standard is achievable under current technology. The bill 8 applies to all requirements adopted, amended or reissued after the effective date of this bill. 10