

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 3-31-98

(Filing No. H-1135)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 784, L.D. 2111, Bill, "An Act to Reauthorize the Toxics and Hazardous Waste Reduction Laws"

Amend the amendment by inserting after section 6 the following:

Sec. 7. 38 MRSA §2302, as amended by PL 1993, c. 732, Pt. A, §12, is further amended to read:

§2302. Toxics use reduction and hazardous waste management policy

It is the policy of the State to reduce the amount of the toxic substances used in the State, to reduce worker and environmental exposure to the release of toxic 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 requires 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 requires reducing the use of toxic 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:

- 2 A. Input substitution, which refers to replacing a toxic
4 substance or raw material used in a production or other
6 process or operation with a nontoxic or less toxic substance;
8 B. Product reformulation, which refers to substituting for
10 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
16 modification;
18 D. Production or other process or operation modernization,
20 which refers to upgrading or replacing existing equipment
22 and methods; and
24 E. Improved operation and maintenance controls of
26 production or other process or operation equipment and
28 methods including, but not limited to, improved housekeeping
30 practices, system adjustments, product and process
32 inspections or production or other process or operation
34 control equipment or methods.

24 **2. Toxics release reduction.** The State requires reducing
26 the release of toxics during manufacturing and other processes
28 through, in addition to encouraging the toxics use reduction
30 techniques specified in subsection 1, in-plant changes in
32 production or other processes or operations that reduce or avoid
34 exposure of workers and the environment to toxics.

32 **3. Hazardous waste reduction.** The State requires reducing
34 the generation of hazardous waste through, in addition to any
36 toxics use and release reduction techniques employed by the
38 facility, the application of the following techniques:

- 36 A. Recovery of toxics from production and other processes
38 for reuse;
40 B. On-site recycling of hazardous waste;
42 C. Off-site recycling of hazardous waste; and
44 D. Treatment, other than incineration, of hazardous waste
46 to reduce volume or toxicity or both.'

46 Further amend the amendment in section 7 in subsection 1-A
48 in the 3rd line (page 2, line 24 in amendment) by striking out
50 the following: "statewide" and inserting in its place the
following: 'at a facility or business'

Further amend the amendment in section 9 in paragraph A in
the first and 2nd lines (page 3, lines 39 and 40 in amendment) by
striking out the following: "are not required to" and inserting
in its place the following: 'shall'

Further amend the amendment in section 9 in paragraph A in
the 3rd line (page 3, line 41 in amendment) by striking out the
following: "but shall" and inserting in its place the following:
'and shall'

Further amend the amendment by inserting after section 10
the following:

'Sec. 11. 38 MRSA §2304, sub-§1, ¶H is enacted to read:

H. To qualify for an exemption from the toxic use reduction
requirements under this paragraph, a toxics user must
demonstrate to the commissioner that all practicable
reductions have been implemented or scheduled for
implementation. The commissioner may establish alternate
toxics use reduction goals for the facility when appropriate.

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

(a) Practicable toxics use 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
use would have an unreasonable adverse impact on
product quality or quantity;

(d) Practicable means of measuring a toxics use
do not exist; or

(e) Legal or contractual obligations prohibit
steps necessary to reduce toxics use.

(2) The commissioner shall review exemptions under
this paragraph at 3-year intervals. Renewals must be
granted for toxics users that demonstrate that they
still meet the requirements set forth in subparagraph
(1), divisions (a) to (d). If an exemption has been
granted based on legal or contractual obligations, the

A.S.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

exemption is only for the term of that obligation. An exemption or renewal for a new or renewed legal or contractual obligation may not be granted by the commissioner. A toxics user 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).

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

FISCAL NOTE

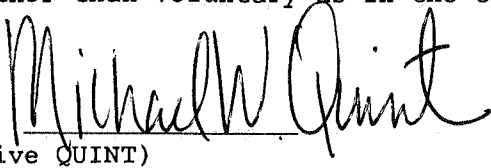
Mandating reductions in the use of toxic substances will increase significantly the enforcement role of the Department of Environmental Protection, thereby requiring significant additional General Fund appropriations for enforcement purposes beginning in fiscal year 1998-99. The amounts can not be determined at this time.

This bill may increase prosecutions for Class E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$86.45 per day per prisoner. These costs are not reimbursed by the State. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.

SUMMARY

This amendment makes the reduction in the use of toxics a requirement rather than voluntary as in the current law.

SPONSORED BY: 
(Representative QUINT)

TOWN: Portland