

MAINE STATE LEGISLATURE

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND REGULAR SESSION**

SENATE 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 in section 13 in paragraph B in subparagraph (2) by striking out all of division (b) and inserting in its place the following:

'(b) The commissioner shall review exemptions under this paragraph subparagraph at 3-year intervals. Renewals must be granted for toxics releasers that demonstrate that they still meet the requirements set forth in division (a), subdivisions (i) to ~~(iv)~~ (v). ~~If an exemption has been granted based on legal or contractual obligations, the 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 releaser that has received an exemption based on legal or contractual obligations may apply for a renewal based on division (a), subdivision (i), (ii), (iii) or (iv).~~'

Further amend the amendment in section 15 in paragraph B in subparagraph (2) by striking out all of division (b) and inserting in its place the following:

'(b) The commissioner shall review exemptions under this paragraph subparagraph at 3-year intervals. Renewals may be granted for hazardous waste generators that demonstrate that they still meet the requirements set forth in division (a), subdivisions (i) to ~~(iii)~~ (iv). ~~If an exemption~~

2 ~~has been granted based on legal or contractual~~
3 ~~obligations, the exemption is only for the term of~~
4 ~~that obligation. An exemption or renewal for a~~
5 ~~new or renewed legal or contractual commitment may~~
6 ~~not be granted by the commissioner. A generator~~
7 ~~that has received an exemption based on legal or~~
8 ~~contractual obligations may apply for a renewal~~
9 ~~based on division (a), subdivision (i), (ii) or~~
10 ~~(iii).~~

11 Further amend the amendment in section 26 in that part
12 designated "§2307-A." in subsection 6 in paragraph C in the last
13 line (page 14, line 29 in amendment) by inserting after the
14 following: "disclosed." the following: 'An owner or operator
15 aggrieved by a decision of the commissioner under this paragraph
16 may apply to the department for a 30-day stay of the decision
17 pending a petition for judicial review. The department shall
18 issue the 30-day stay.'

20 FISCAL NOTE

21 The Department of Environmental Protection will incur some
22 minor additional costs to administer an expanded exemption
23 process for toxics releasers or hazardous waste generators and to
24 administer a stay process for certain confidentiality decisions
25 reached by the department. These costs can be absorbed within
26 the department's existing budgeted resources.

30 SUMMARY

31 This amendment requires the Commissioner of Environmental
32 Protection to review at 3-year intervals an exemption granted to
33 a toxics releaser or a hazardous waste generator for legal or
34 contractual obligations that prohibit steps necessary to reduce
35 toxics release or hazardous waste generation and authorizes the
36 commissioner to grant a renewal of the exemption.

37 The amendment also authorizes an owner or operator that is
38 aggrieved by a decision of the commissioner regarding the
39 confidentiality of information in a plan summary to apply to the
40
41
42

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L.D. 2111

Department of Environmental Protection for a 30-day stay of the
decision pending a petition for judicial review and requires the
department to issue the stay.

SPONSORED BY:

(Senator HARRIMAN)

COUNTY: Cumberland

SENATE AMENDMENT