

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

Reported by:

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 243, L.D. 665, Bill, "An Act to Protect the Environment by Phasing Out the Use of Old Transformers that are Potential Sources of PCB Pollution"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 38 MRSA §419-B is enacted to read:

§419-B. Goals for dates of removal of transformers containing polychlorinated biphenyls

The State's goals for the dates of removal of transformers owned by public utilities that contain polychlorinated biphenyls in concentrations at or above 50 parts per million are as follows. For the purposes of this section, removal of a transformer that contains polychlorinated biphenyls may be accomplished through the refilling of the transformer with oil that contains polychlorinated biphenyls in concentrations below 50 parts per million.

1. Transformers near surface waters. The goal for the date of removal of pole-mounted or pad-mounted transformers owned by public utilities that contain polychlorinated biphenyls in concentrations at or above 50 parts per million and that are located within 100 feet of any surface water or an elementary school or secondary school as defined in Title 20-A, section 1 is October 1, 2005.

For the purposes of this subsection, "surface water" means a wetland mapped by the United States Fish and Wildlife Service

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under the National Wetlands Inventory project; a great pond as defined in section 480-B; or a river, stream or brook as defined in section 480-B.

2. Remaining transformers. Subject to a utility's existing commercial storage facility license for polychlorinated biphenyls issued by the department, the goal for the date of removal of all pole-mounted or pad-mounted transformers, other than those described in subsection 1, owned by public utilities that contain polychlorinated biphenyls in concentrations at or above 50 parts per million is October 1, 2011.

3. Uninterruptible service. The dates in this section may be extended to allow for adequate planning for the removal of transformers that provide electrical service to institutions for which service may not be interrupted without extensive planning, including, but not limited to, hospitals and schools.

4. Exception. This section does not apply to transformers located in substations.

5. Voluntary goals. A public utility is not required to meet the goals in this section.

Sec. 2. Progress report. A public utility that owns a transformer that contains polychlorinated biphenyls in concentrations at or above 50 parts per million shall submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on:

1. The public utility's progress toward removing those transformers that contain polychlorinated biphenyls in concentrations at or above 50 parts per million and that are located within 100 feet of any surface water or school; and

2. A plan for the removal of those transformers that contain polychlorinated biphenyls in concentrations at or above 50 parts per million and that are located in underground vaults.

Sec. 3. Report; sources of polychlorinated biphenyls in environment. The Department of Environmental Protection shall work within its budgeted resources to gather information on sources of polychlorinated biphenyls that may be released into the environment. In gathering the information, the department shall consult with the United States Environmental Protection Agency. The department shall submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters with its findings and recommendations related to polychlorinated biphenyls in the environment.'

2 Further amend the bill by inserting at the end before the
summary the following:

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6 **FISCAL NOTE**

8 The Department of Environmental Protection will incur some
minor additional costs to submit a required report to the
10 Legislature. These costs can be absorbed within the department's
existing budgeted resources.'

12
14 **SUMMARY**

16 This amendment replaces the bill. It establishes voluntary
goals for the removal of pole-mounted and pad-mounted
18 transformers owned by public utilities that contain
polychlorinated biphenyls in concentrations at or above 50 parts
20 per million. The goal for the date of removal of such
transformers located within 100 feet of surface waters or schools
22 is October 1, 2005 and the goal for the date of removal of other
such transformers is October 1, 2011.

24
26 The amendment requires a public utility that owns
transformers subject to the goals to submit a report by January
15, 2001 to the joint standing committee of the Legislature
28 having jurisdiction over natural resources matters on its
progress toward removing those transformers and a plan for
30 removing those transformers located in underground vaults.

32 The amendment requires the Department of Environmental
Protection to gather information on sources of polychlorinated
34 biphenyls that may be released into the environment and submit a
report by January 15, 2001 to the joint standing committee of the
36 Legislature having jurisdiction over natural resources matters
with its findings and recommendations related to polychlorinated
38 biphenyls in the environment.

40 The amendment also adds a fiscal note to the bill.