

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1669

S.P. 589

In Senate, March 4, 1999

An Act to Ensure Continuous Improvement in Pollution Prevention.

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

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator TREAT of Kennebec.
Cosponsored by Speaker ROWE of Portland and
Senators: HARRIMAN of Cumberland, NUTTING of Androscoggin, Representatives:
BRYANT of Dixfield, COWGER of Hallowell, DUPLESSIE of Westbrook, LEMONT of
Kittery, MARTIN of Eagle Lake, SAMSON of Jay.

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

2

Sec. 1. 37-B MRSA §797, sub-§8, as enacted by PL 1989, c. 929, §3, is amended to read:

4

6 **8. Progress toward toxics use reduction goals.** For those
8 persons required to submit a form under this section for
extremely hazardous substances, a report on the progress made by
10 the facility toward meeting the toxics use reduction goals
established in Title 38, section 2303. A pollution prevention
12 progress report submitted to the Department of Environmental
Protection in accordance with Title 38, section 2305-B meets the
requirements of this subsection.

14

Sec. 2. 37-B MRSA §799, as amended by PL 1993, c. 355, §2, is
16 further amended to read:

18 **§799. Toxic chemical release forms**

20 Under this section, the owner or operator of every facility
with 10 or more employees and within Standard Industrial
22 Classification Codes 20-39 must file toxic chemical release forms
for routine releases with the United States Environmental
24 Protection Agency, the Department of Environmental Protection,
the commission and the local emergency planning committee by
26 October 1, 1989 and annually thereafter consistent with the
Superfund Amendments and Reauthorization Act of 1986, Public Law
28 99-499, Title III, Section 313, and 40 Code of Federal
Regulations, Part 372. Those forms must be made available to the
30 public by the commission and the local emergency planning
committee. The owner or operator of every facility required to
32 report under this section must also submit a report on the
progress made by the facility toward meeting the toxics release
34 reduction goals established in Title 38, section 2303, except
that a pollution prevention progress report submitted to the
36 Department of Environmental Protection in accordance with Title
38, section 2305-B meets this requirement.

38

Sec. 3. 38 MRSA §2302, first ¶, as amended by PL 1991, c. 520,
40 §10, is further amended to read:

42 It is the policy of the State to reduce the amount of the
toxic substances used in the State, to reduce worker and
44 environmental exposure to the release of toxic substances, to
reduce the hazardous waste generated within the State and to
46 minimize the transfer of toxic pollutants from one environmental
medium to another. The State encourages an integrated approach
48 to toxics use reduction, toxics release reduction and hazardous
waste reduction based on the hierarchies of management strategies
50 included in this section. It is further the policy of the State
that the process of reducing the use and release of toxic
52 substances and the generation of hazardous waste is ongoing and

2 that the principles of continuous improvement in pollution
4 prevention and open, public accountability must be applied to
6 environmental quality management efforts in both the public and
8 private sectors. The State finds that attainment of these policy
objectives is only possible through rigorous, thorough planning
and analysis of manufacturing and commercial processes that use
or release toxic substances or that generate hazardous waste.

10 **Sec. 4. 38 MRSA §2303, sub-§1**, as repealed and replaced by PL
1991, c. 520, §11, is amended to read:

12 **1. Toxics use reduction goals.** Using the amount of toxics
14 used statewide in 1990 1998 as a baseline figure, the statewide
16 goals for toxics use reduction are a 10% reduction in the amount
of toxic substances used in the State by January 1, 1994 2002, a
20% reduction by January 1, 1996 2004 and a 30% reduction by
18 January 1, 1998 2006.

20 **Sec. 5. 38 MRSA §2303, sub-§§2, 3, 5 and 6**, as amended by PL
1991, c. 520, §12, are further amended to read:

22 **2. Toxics release reduction goals.** Using an average of the
24 aggregate amounts of toxics released ~~at-a-facility~~ statewide in
~~calendar years 1990 and 1991~~ 1998 as a baseline figure, the goals
26 for reducing the aggregate amount of toxics released to the
environment ~~at-the-facility~~ statewide are a 10% reduction by
28 January 1, 1994 2002, a 20% reduction by January 1, 1996 2004 and
a 30% reduction by January 1, 1998 2006. ~~Until-a-base-year-and~~
~~measurement-techniques-are-established,--there-are-no-specific~~
30 ~~goals-for-worker-exposure-to-toxics-releases,--but-owners-or~~
~~operators-of-those-facilities-regulated-by-this-chapter-must~~
32 ~~examine-means-to-reduce-exposure,---For-purposes-of--this~~
subsection, ~~toxics-refers-to-substances-listed-pursuant-to-the~~
34 ~~SARA, Title III, Section 313,--To-assist-facilities-in-complying~~
with ~~this-subsection,--the-Commissioner-of-Environmental~~
36 ~~Protection-shall-develop-a-methodology-to-measure-reductions-for~~
toxics releases, ~~This methodology may be based on reports filed~~
38 ~~with-the-Maine-Emergency-Management-Agency-pursuant-to-the-SARA,~~
~~Title-III, Section 313, and other available data.~~

40 **3. Hazardous waste generation minimization goals.** The
42 goals for minimizing the amount of hazardous waste generated ~~at-a~~
facility statewide are a 10% reduction by January 1, 1994 2002, a
44 20% reduction by January 1, 1996 2004 and a 30% reduction by
January 1, 1998 2006. Reductions must be based on a ~~facility's~~
46 the average generation rate in the State for the years 1987 1996
and 1989 1998.

48 **5. Progress evaluation; annual report.** Progress toward
50 meeting the statewide toxics use, toxics release and hazardous
waste reduction goals ~~may~~ must be evaluated annually by the
52 commissioner based on manifest data, progress reports submitted

2 under ~~Title 37-B, sections 797 and 799~~ section 2305-B, annual
4 hazardous waste generator reports and other appropriate available
6 information. To determine achievement of statewide reduction
goals, the commissioner may adjust the baseline figure to account
for changes in the statutory or regulatory definitions of toxic
substances and hazardous wastes.

8 The commissioner shall report annually on the progress
10 toward meeting the statewide goals established in this section
12 and the adequacy of the goals set by facilities. The report shall
14 include a listing of all facilities subject to the requirements
16 of this chapter, the planning status of each facility, the goals
18 set by each facility and the progress made by each facility,
20 excluding any information entitled to protection as confidential
22 information or a trade secret pursuant to section 1310-B; section
24 2307, subsection 6; or Title 37-B, section 800. The commissioner
shall also include in this report, for informational purposes,
summaries of the use and release of toxic and hazardous materials
not subject to the provisions of this chapter for which the
department maintains informational, planning or regulatory
programs. The commissioner shall submit this report to the joint
standing committee of the Legislature having jurisdiction over
natural resources matters by October 1st of each year.

26 **6. New facilities.** Facilities constructed after the
effective date of this chapter should must be designed to
minimize toxics use, toxics release and hazardous waste
generation in accordance with the State's policies as set forth
in section 2302 and ~~may be evaluated on the basis of units of~~
30 ~~product for the amount of toxics used, toxics released and~~
32 ~~hazardous waste generated~~ must use the best available methods and
practices of their industries. The commissioner shall adopt rules
to establish guidelines for measuring the progress of facilities
constructed after the effective date of this Act toward
minimizing toxics use, toxics release and hazardous waste
generation, including the establishment of appropriate
benchmarks. These rules are routine technical rules under Title
5, chapter 375, subchapter II-A.

40 **Sec. 6. 38 MRS §2304**, as amended by PL 1995, c. 493, §§16 to
42 18, is repealed.

44 **Sec. 7. 38 MRS §§2304-A and 2304-B** are enacted to read:

46 **§2304-A. Regulated community**

48 Owners and operators of the following facilities shall
prepare pollution prevention plans, plan summaries and annual
progress reports consistent with the requirements of this chapter:
50

2 1. Extremely hazardous substances used. Facilities subject
to reporting requirements for extremely hazardous substances
under the SARA, Title III, Section 312;

4
6 2. Released toxics. Facilities required to report under
the SARA, Title III, Section 313; and

8 3. Hazardous waste generated. Facilities that generate 100
kilograms or more of hazardous waste in a calendar month for more
10 than 3 months of the year.

12 **§2304-B. Exemptions**

14 1. Exempt facilities. The following facilities are exempt
from the planning, reporting and fee requirements of this chapter:

16 A. Drinking water supply treatment facilities;

18 B. Municipal wastewater treatment facilities;

20 C. Wholesale distributors of chemicals;

22 D. Hazardous substance transporters;

24 E. Retail and wholesale distribution facilities of motor
26 fuel, aviation fuel, heating oil or other refined petroleum
products;

28 F. Pesticide distribution and application activities
30 regulated by the Board of Pesticides Control;

32 G. Commercial hazardous waste treatment or storage
facilities;

34 H. For purposes of the planning, reporting and fee
36 requirements relating to hazardous waste generation only,
pilot plants or pilot production units;

38 I. Hazardous waste transporters;

40 J. Hazardous waste generated as a result of remedial or
42 corrective actions or facility closures required by law or
44 undertaken to protect employee health and safety, public
health and safety or the environment; and

46 K. Households.

48 2. Exempt chemicals. The following chemicals, when
released in the context specified in this subsection, are exempt
50 from the planning, reporting, and fee requirements of this
chapter:

52

2 A. Zinc emission from tire burning; and

4 B. Sulfuric acid emissions from burning fuel approved by
4 the department.

6 **Sec. 8. 38 MRSA §2305**, as amended by PL 1991, c. 520, §14, is
8 further amended to read:

10 **§2305. Pollution prevention plans**

12 These Owners and operators of facilities subject to
14 regulation under the requirements of this chapter shall develop
16 by January 1, 1993 September 1, 2000 and update as necessary but
18 at least every 2 3 years thereafter pollution prevention plans
for their own use in meeting the State's goals. The board may
establish rules for toxics use, toxics release and hazardous
waste reduction plans to be prepared pursuant to this section. A
plan must include:

20 **1. Management policy.** A statement of facility-wide
22 management policy regarding toxics use, toxics release and
hazardous waste reduction;

24 **2. Production unit analysis.** The following information for
26 each production unit:

28 A. Identification and characterization and accounting of
the types and amounts of all toxics used, toxics released
and hazardous wastes generated at the facility;

30 B. Identification, analysis and evaluation of any
32 appropriate technologies, procedures, processes, equipment
or production changes that may be utilized by the facility
34 to reduce the amount or toxicity of toxics used, toxics
released or hazardous wastes generated by that facility,
36 including a thorough financial analysis of the costs and
benefits of reducing the amount of toxics used, toxics
38 released and hazardous waste generated. This portion of the
40 plan must employ the hierarchy of reduction techniques
established under section 2302;

42 C. A strategy and schedule for implementing practicable
44 reduction options for each production process utilized to
meet reduction goals;

46 D. Identification of any reasonably available markets or
48 recycling opportunities for hazardous waste generated by the
facility; and

50 E. A program for maintaining records on toxics use, toxics
52 release and hazardous waste generation rates and management
costs;

2 **2-A. Facility goals.** The facility's 3-year numeric goals
4 for reducing the aggregate amount of extremely hazardous
6 substances used, the aggregate amount of toxic substances
8 released and the aggregate amount of hazardous waste generated at
10 the facility and for reducing the amount of each extremely
 hazardous substance used, each toxic substance released and each
 hazardous waste generated. The goals must be established per
 unit of product to account for changes in the level of production
 activity from year to year;

12 **3. Internal plan approval.** The signature of a principal
14 executive officer of at least the level of vice-president, if the
16 toxics user, toxics releaser or generator is a corporation; a
18 general partner or a proprietor, if the toxics user, toxics
20 releaser or generator is a partnership or sole proprietorship; or
 a principal executive officer or ranking elected official, if the
 toxics user, toxics releaser or generator is a municipal, state,
 federal or other public agency; and

22 **4. Employee involvement, awareness and training.** An
24 employee awareness and training program consistent with the
26 requirements of section 2306 to involve employees in toxics use,
 toxics reduction and hazardous waste reduction planning and
 implementation to the maximum amount feasible.

28 The plan may include a description of any pollution
30 prevention strategies implemented at the facility after 1991 and
 before 1998.

32 Owners and operators of facilities shall keep a complete
34 copy of the plan and any back-up data on the premises of that
36 facility for at least 5 years and make the copy and data
 available to the commissioner or the commissioner's designee upon
 request.

38 **Sec. 9. 38 MRSA §§2305-A and 2305-B** are enacted to read:

40 **§2305-A. Plan summaries**

42 The owner or operator of a facility required to develop a
44 pollution prevention plan pursuant to section 2305 shall submit
46 to the department a summary of the plan for that facility by
48 September 1, 2000. The owner or operator shall submit a revised
 plan summary whenever the plan for the facility is updated. The
 plan summary must include the following, excluding any
 information designated as confidential under section 2307,
 subsection 6:

50 **1. Facility identification.** The name of the facility and
52 its owner and operator;

2 **2. Production unit; description.** A description of each
production unit used to account for changes in toxics use, toxics
release or hazardous waste generation;

4
6 **3. Toxic substances and hazardous waste; amount used.** A
list of the total amount of each extremely hazardous substance
used, each toxic substance released and each hazardous waste
8 generated at the facility;

10 **4. Pollution prevention technique.** A description, for each
production unit, of the techniques the owner or operator of the
12 facility intends to undertake during the next 3 years to reduce
the use of extremely hazardous substances, the release of toxic
14 substances and the generation of hazardous waste and a schedule
for the implementation of the techniques;

16 **5. Facility goals.** Each of the facility's 3-year numeric
18 goals established in the plan;

20 **6. Employee involvement.** A description of employee
notification and involvement in the planning process; and

22 **7. Certification.** A written certification that the owner
24 or operator of the facility has prepared a pollution prevention
plan and that the plan is available on site for the department's
26 inspection.

28 **§2305-B. Progress reports**

30 Beginning in 2001, the owner or operator of a facility
identified in section 2304-A shall submit a pollution prevention
32 progress report in an electronic format to the department
annually by March 1 for the preceding calendar year. A progress
34 report must include the following:

36 **1. Progress achieved.** A quantitative statement of the
facility's progress toward achieving each of its 3-year goals and
38 an identification, in absolute amounts and per unit of product,
of the reduction or increase in the amount of each extremely
40 hazardous substance used, toxics released and hazardous waste
generated in comparison to the previous year;

42 **2. Method.** A description of the techniques used to achieve
44 each reduction identified pursuant to subsection 1;

46 **3. Explanation.** An explanation of why the facility's
annual progress is greater than or less than that anticipated in
48 the pollution prevention plan schedule for implementation; and

50 **4. Future methods.** A description of the pollution
prevention techniques that the owner or operator of the facility

2 intends to undertake during the following year for each
3 production unit.

4 A progress report may exclude any information entitled to
5 protection as confidential information or a trade secret pursuant
6 to section 1310-B; section 2307, subsection 6; or Title 37-B,
7 section 800.

8
9 **Sec. 10. 38 MRSA §2306**, as amended by PL 1991, c. 520, §15,
10 is further amended to read:

11 **§2306. Employee and host municipality notification**

12
13 Six months prior to the date when a ~~reduction~~ pollution
14 prevention plan or update must be completed, the owner or
15 operator of each facility ~~must~~ shall notify all of its employees
16 of the requirements for the plans, identify the toxic substances
17 and hazardous wastes and production units for which plans must be
18 developed and ~~solicit comments or suggestions from all employees~~
19 en involve employees in developing the pollution prevention plan
20 or update, including the identification of toxics use, toxics
21 release and hazardous waste reduction options. In a facility in
22 which employees are represented by a labor organization, employee
23 representatives who work at the facility and who are selected by
24 the labor organization must be involved in the development of the
25 plan. In a facility in which employees are not represented by a
26 labor organization, the employee involvement requirement must be
27 met through employee representation on committees or groups
28 formed to develop the plan. A description of the employee
29 notification process and employee involvement must be included in
30 the plan summary submitted in accordance with section 2305-A.

31
32 The owner or operator of a facility shall notify the
33 municipal officers of the municipality in which the facility is
34 located of the facility's pollution prevention efforts and shall
35 provide the municipal officers with a copy of the plan summary
36 when the summary is submitted to the department.

37
38 **Sec. 11. 38 MRSA §2307, sub-§1**, as enacted by PL 1989, c. 929,
39 §7, is repealed.

40
41 **Sec. 12. 38 MRSA §2307, sub-§§2 and 3**, as amended by PL 1991,
42 c. 520, §16, are repealed.

43
44 **Sec. 13. 38 MRSA §2307, sub-§§4 and 5**, as amended by PL 1989,
45 c. 929, §7, are repealed.

46
47 **Sec. 14. 38 MRSA §2307-A** is enacted to read:

48
49 **§2307-A. Authority to review; revise**

2 The commissioner has the authority to review and approve a
4 pollution prevention plan, plan summary or progress report
6 prepared pursuant to this chapter and require the owner or
8 operator of a facility to make any revisions or modifications to
10 a pollution prevention plan, plan summary or progress report
12 necessary for compliance with this chapter. In reviewing a
14 pollution prevention plan, plan summary or progress report, the
16 commissioner has the authority to require an owner or operator of
18 the facility to provide the information the commissioner finds
20 necessary to analyze the reviewed document. If the commissioner
22 requires the owner or operator of the facility to make revisions
24 to or modify a pollution prevention plan, plan summary or
26 progress report, the commissioner shall allow a reasonable time
28 period of not less than 90 days for the revisions or
30 modifications to be made and shall consider the financial impact
32 of the changes or modifications on the owner or operator of the
34 facility.

18
20 The commissioner shall review the pollution prevention plan
22 of a facility when, in the commissioner's judgment, the plan
24 summary indicates significant deficiencies in the pollution
26 prevention efforts at the facility or when the facility fails to
28 reach any of its reduction goals by more than 25%, as indicated
30 in its annual progress report.

26 The commissioner shall review the pollution prevention plan
28 of a facility upon receipt of a petition to review the plan
30 submitted by the municipal officers or 50 or more registered
32 voters in the municipality in which the facility is located. The
34 commissioner shall make a written determination on whether the
36 plan meets the goals and guidelines of this chapter and explain
38 the reasons for the determination. If the commissioner
40 determines that the plan is inadequate, the commissioner may
42 require the owner or operator of the facility to make revisions
44 or modifications pursuant to this section.

38 **Sec. 15. 38 MRSA §2309, sub-§1 and 2, as enacted by PL 1989, c.**
40 **929, §7, are amended to read:**

40 **1. Data collection and dissemination.** The commissioner
42 shall develop the necessary information base and data collection
44 programs to establish program priorities and, evaluate the
46 progress of toxics use, toxics release and hazardous waste
48 reduction goals and fully inform the public of efforts made and
50 progress achieved in reducing toxics use, toxics release and
52 hazardous waste generation. On or before January 1, 2000, the
 commissioner shall organize and store the information submitted
 to the department in annual progress reports in electronic form
 in a manner that facilitates public access including, without
 limitation, making the information available through the
 Internet. The commissioner shall take all necessary steps to
 ensure the confidentiality of any information designated as

2 confidential or a trade secret. At a minimum, the commissioner
3 shall ensure that the following information is readily available
4 to the public:

5 A. The statewide goals and the progress toward meeting them;

6 B. The name, location and contact information for each
7 facility subject to the provisions of this chapter;

8 C. An indication of the availability of the plan summary
9 for each facility;

10 D. The 3-year goals established by each facility for the
11 reduction of toxics used, toxics released and hazardous
12 waste generated at the facility; and

13 E. Each facility's progress toward meeting each of its
14 goals.

15 **2. Technical services.** The commissioner may shall
16 disseminate information concerning toxics use, toxics release and
17 hazardous waste reduction through various means including
18 publications, the Internet, seminars, model plans, recommended
19 waste assessment procedures and lists of consultants on toxics
20 use, toxics release and hazardous waste reduction technologies.
21 The commissioner shall establish a clearinghouse of technical
22 information on best-of-class methods for toxic use reduction for
23 each of the classes of facilities subject to the requirements of
24 this chapter.

25 **Sec. 16. 38 MRSA §2309, sub-§§7 to 9** are enacted to read:

26 **7. Reports.** In addition to the annual progress report by
27 the commissioner to the Legislature under section 2303 and after
28 public review and comment, the commissioner shall submit the
29 following reports to the joint standing committee of the
30 Legislature having jurisdiction over natural resources:

31 A. By January 1, 2001, an evaluation of and
32 recommendations for additional chemicals and classes of
33 facilities to be added to planning and reporting
34 requirements;

35 B. By January 1, 2001, an assessment of methods for
36 focusing use reduction and pollution prevention efforts on
37 the most toxic chemicals and classes of chemicals. The
38 commissioner shall base this assessment on human health and
39 ecological parameters such as toxicity, persistence in the
40 environment and bioaccumulation; and

41 C. For the preceding 2-year period, a listing of those
42 facilities that have exceeded their goals by more than 25%

2 and those that have failed to meet their goals by at least
3 25%. This report must be submitted on October 1, 2002 and
4 every 2 years thereafter.

5 **8. Additional facilities; planning requirements.** The
6 commissioner may make a finding that participation by a class of
7 facilities in toxics reduction planning pursuant to this chapter
8 could reduce the threat to public health, safety, occupational
9 exposure and risk to the environment. Such a finding must follow
10 public notice and be based on the past performance of that class
11 of facilities and the extent to which that class of facilities
12 contributes to the total amount and overall toxicity of toxics
13 used, toxics released or hazardous waste generated in the State
14 or a region of the State. If the commissioner makes such a
15 finding, the commissioner may by rule designate that class of
16 facilities as subject to this chapter. Such a rule is a major
17 substantive rule under Title 5, chapter 375, subchapter II-A.

18 **9. Future statewide goals.** By October 1, 2006, the
19 commissioner shall establish by rule new statewide goals for
20 reducing the amount of toxics used, toxics released and hazardous
21 waste generated, consistent with the principles of continuous
22 improvement in environmental management. The commissioner shall
23 base the new goals on the extent of progress achieved by
24 facilities throughout the State, the availability of new
25 reduction methods and the degree of risk and hazard to
26 occupational health, public health and safety and environmental
27 quality posed by the use or release of toxic substances in the
28 State and by the generation of hazardous waste in the State. At
29 the expiration of the time periods for the goals established
30 under this subsection, the commissioner shall repeat the
31 process. These rules are routine technical rules under Title 5,
32 chapter 375, subchapter II-A.

33 **Sec. 17. 38 MRSA §2311**, as amended by PL 1997, c. 643, Pt. L,
34 §1, is repealed and the following enacted in its place:

35 **§2311. Fees**

36 The commissioner shall deposit all money received in payment
37 of fees under this section in a separate nonlapsing account
38 within the Maine Hazardous Waste Fund to cover expenses incurred
39 by the department in the administration of this chapter.

40 **1. Toxics user.** Toxics users shall submit \$100 per toxic
41 substance reported by the facility under this chapter to the
42 department annually by August 1st.

43 **2. Toxics releaser.** Toxics releasers shall submit \$100 per
44 toxic substance reported by the facility under this chapter to
45 the department annually by August 1st.

2 3. Hazardous waste generators. Generators that ship 300
3 kilograms, 661 pounds, or more of hazardous waste in a calendar
4 year shall submit the following fees to the department annually
5 by August 1st: for generators that ship 2,268.0 kilograms, 5,000
6 pounds, or more of hazardous waste in a calendar year, the fee is
7 \$1,000; for generators that ship between 1,197.5 and 2,267.5
8 kilograms, 2,640 and 4,999 pounds, per calendar year, the fee is
9 \$500; and for generators that ship between 300 and 1,197.0
10 kilograms, 661 and 2,639 pounds, per calendar year, the fee is
11 \$100. Generators that ship less than 300 kilograms, 661 pounds,
12 of hazardous waste in a calendar year are not required to submit
13 fees under this section.

14 4. Fee limitation. A facility subject to fees under this
15 section may not be assessed more than \$5,000 per year.

16 Sec. 18. 38 MRSA §2312, as amended by PL 1991, c. 520, §§24
17 and 25, is repealed and the following enacted in its place:

20 **§2312. Penalties**

22 1. General. The owner or operator of a facility subject to
23 the requirements of this chapter that fails to meet any
24 requirement of this chapter is subject to penalties under section
25 349 and, as applicable, fees assessed under section 1319-I,
26 subsection 2-A.

28 2. Trade secrets; unlawful disclosure. It is unlawful to
29 disclose any information designated as confidential or a trade
30 secret under this chapter to an unauthorized person. A person
31 who violates this subsection is subject to the penalties
32 specified in section 1310-B, subsection 6.

34 **SUMMARY**

36 This bill amends the laws relating to toxics use and
38 hazardous waste reduction in the following ways.

40 1. It adds to the State's toxics use reduction and
41 hazardous waste management policy the objectives of continuous
42 improvement in pollution prevention and open, public
43 accountability.

44 2. It revises the toxics use, toxics release and hazardous
45 waste reduction goals by establishing statewide goals of a 10%
46 reduction by January 1, 2002, a 20% reduction by January 1, 2004
47 and a 30% reduction by January 1, 2006.

50 3. It requires the Commissioner of Environmental Protection
51 to submit an annual report to the joint standing committee of the
52 Legislature having jurisdiction over natural resources matters on

2 the progress toward meeting the statewide goals for toxics use,
toxics release and hazardous waste reduction and the adequacy of
the reduction goals set by facilities.

4
6 4. It requires the Commissioner of Environmental Protection
to adopt rules to establish guidelines for measuring the progress
of new facilities toward minimizing toxics use, toxics release
8 and hazardous waste generation.

10 5. It clarifies which facilities are required to prepare
pollution prevention plans, plan summaries and annual progress
12 reports and which facilities are exempt from planning, reporting
and fee requirements.

14
16 6. It requires facilities to prepare pollution prevention
plans by September 1, 2000 and every 3 years thereafter. In
18 addition to the current plan requirements, a plan must include a
financial analysis of the costs and benefits of reducing the
20 amount of toxics used, toxics released and hazardous waste
generated and the facility's goals for reducing the amount of
22 extremely hazardous substances used, toxics released and
hazardous waste generated.

24 7. It requires facilities to submit summaries of their
pollution prevention plans to the Department of Environmental
26 Protection and specifies what must be included in plan summaries.

28 8. It requires facilities to submit annual pollution
prevention progress reports to the department.

30
32 9. It requires facilities to involve employees in
developing pollution prevention plans and plan updates. It also
34 requires facilities to notify the municipal officers in the
municipality in which a facility is located of pollution
prevention efforts and to provide the municipal officers with a
36 copy of plan summaries.

38 10. It authorizes the Commissioner of Environmental
Protection to review pollution prevention plans, plan summaries
40 and progress reports and to require the owners or operators of a
facility to revise or modify a plan, plan summary or progress
42 report. It requires the commissioner to review a pollution
prevention plan in the following situations: if the plan summary
44 indicates significant deficiencies in the facility's pollution
prevention efforts; if the facility fails to reach any of its
46 reduction goals by more than 25%; or if the municipal officers or
50 registered voters in the municipality in which the facility is
48 located submit a petition to review the plan.

50 11. It requires the Commissioner of Environmental
Protection to organize and store in electronic form the

2 information submitted to the department in annual progress
reports, in order to facilitate public access.

4 12. It requires the Commissioner of Environmental
Protection to offer technical services over the Internet and to
6 establish a clearinghouse of technical information on toxic use
reduction.

8
10 13. It requires the Commissioner of Environmental
Protection to submit the following reports to the joint standing
12 committee of the Legislature having jurisdiction over natural
resources matters: a one-time report with recommendations for
14 additional chemicals and classes of facilities to be added to
planning and reporting requirements; a one-time report with an
16 assessment of methods for focusing pollution prevention efforts
on the most toxic chemicals; and a biennial report listing those
18 facilities that exceed their goals and those facilities that fail
to meet their goals by at least 25%.

20 14. It authorizes the Commissioner of Environmental
Protection to designate by rule a class of facilities as subject
22 to planning and reporting requirements if the commissioner makes
a finding that participation by that class of facilities could
24 reduce threats to public health and the environment. Adding such
a class of facilities requires review by the Legislature.

26
28 15. It requires the Commissioner of Environmental
Protection to establish, by October 1, 2006, new statewide goals
30 for reducing the amount of toxics used, toxics released and
hazardous waste generated.

32 16. It revises the fees required to be paid to the
department by toxics users, toxics releasers and hazardous waste
34 generators.

36 17. It clarifies the penalties for failure to meet
requirements under the toxics use and hazardous waste reduction
38 laws.