

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1794

S.P. 629

In Senate, March 9, 1999

An Act to Encourage the Implementation of Pollution Prevention in Maine.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator AMERO of Cumberland.
Cosponsored by Representative MARTIN of Eagle Lake and
Senator BENNETT of Oxford, Representatives: COWGER of Hallowell, DAIGLE of
Arundel, McKEE of Wayne.

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

2
4 **Sec. 1. 38 MRSA §2301, sub-§§3-A and 10-A** are enacted to read:

6 **3-A. Environmental management system.** "Environmental
8 management system" means integrated, structured, systematic and
10 documented approach to achieve compliance with all relevant
12 environmental regulatory and statutory requirements, improve
14 environmental performance and identify pollution prevention
16 opportunities.

18 **10-A. Pollution prevention.** "Pollution prevention" means
20 the use of processes, practices, materials or products that
22 avoid, reduce or eliminate pollution at the source.

24 **Sec. 2. 38 MRSA §2302, first ¶,** as amended by PL 1991, c. 520,
26 §10, is further amended to read:

28 It is the policy of the State to reduce the amount of the
30 toxic substances used in the public and private facilities in the
32 State, to reduce worker and environmental exposure to the release
34 of toxic substances, to reduce the hazardous waste generated
36 within the State and to minimize the transfer of toxic pollutants
38 from one environmental medium to another. The State encourages
40 an integrated approach to toxics use reduction, toxics release
42 reduction and hazardous waste reduction based on the hierarchies
44 of pollution prevention management strategies included in this
46 section.

48 **Sec. 3. 38 MRSA §2303, sub-§§1-A, 2-A and 3-A** are enacted to
50 read:

1 **1-A. Toxics use reduction goals; revised.** Facilities shall
3 establish facility-specific reduction goals for toxics use for
5 2002, 2004 and 2006. The goals must be made available to the
7 department on or before January 1, 2000. Reports must be
9 submitted to the department every 2 years thereafter describing
11 the progress made in meeting those goals.

13 **2-A. Toxics release reduction goals; revised.** Facilities
15 shall establish facility-specific reduction goals for toxics
17 release for 2002, 2004 and 2006. The goals must be made
19 available to the department on or before January 1, 2000.
21 Reports must be submitted to the department every 2 years
23 thereafter describing the progress made in meeting those goals.

25 **3-A. Hazardous waste minimization goals; revised.**
27 Facilities shall establish facility-specific reduction goals for
29 hazardous waste for 2002, 2004 and 2006. The goals must be made
31 available to the department on or before January 1, 2000.

2 Reports must be submitted to the department every 2 years
3 thereafter describing the progress made in meeting those goals.

4 **Sec. 4. 38 MRSA §2303, sub-§5**, as amended by PL 1991, c. 520,
5 §12, is further amended to read:

6
7 **5. Progress evaluation.** Progress toward meeting the toxics
8 use, toxics release and hazardous waste reduction goals may be
9 evaluated annually by the commissioner based on manifest data,
10 progress reports submitted under Title 37-B, sections 797 and
11 799, annual hazardous waste generator reports and other
12 appropriate available information. To determine achievement of
13 reduction goals, the commissioner may adjust the baseline figure
14 to account for changes in the statutory or regulatory definitions
15 of toxic substances and hazardous wastes. The progress report
16 must be made available by the department in electronic and report
17 form beginning on or before January 1, 2001.

18 **Sec. 5. 38 MRSA §2303, sub-§8** is enacted to read:

19
20 **8. Report submission.** Failure to submit reports in
21 accordance with this section may result in penalties as set forth
22 in section 2312.

23 **Sec. 6. 38 MRSA §2307, sub-§8** is enacted to read:

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25 **8. Nonperformance reports.** The department shall perform an
26 on-site technical assistance evaluation and prepare a summary
27 report for any facility failing to make reduction progress
28 following the 2002 report required by section 2303, subsections
29 1-A, 2-A and 3-A. The department shall require a plan summary
30 submission for any facility failing to make reduction progress
31 following the 2004 report required by section 2303, subsections
32 1-A, 2-A and 3-A.

33 **Sec. 7. 38 MRSA §2309, sub-§§7 and 8**, are enacted to read:

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35 **7. Performance recognition program.** The commissioner shall
36 establish a biennial performance recognition program for
37 facilities achieving a minimum reduction of 10%, 20% and 30% in
38 any category by 2002, 2004 and 2006, respectively.

39
40 **8. State facilities program.** The Commissioner of
41 Administrative and Financial Services in consultation with the
42 commissioner shall lead the development of an environmental
43 management system focusing on compliance, reduction of toxics use
44 and pollution prevention for state facilities by 2005.

45 **Sec. 8. 38 MRSA §2311, sub-§4**, as enacted by PL 1991, c. 520,
46 §23, is amended to read:

2 **4. Fee limitation.** A company facility subject to fees
under this section may not be assessed more than \$1,000 per year.

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6 **Sec. 9. Chemical lists.** The Department of Environmental
Protection shall review existing toxic chemical lists and report
8 back to the joint standing committee of the Legislature having
jurisdiction over natural resources matters its recommended
10 action regarding chemical lists, reporting thresholds and
existing toxicity information on or before January 1, 2001.

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SUMMARY

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16 This bill extends Maine's toxics use reduction laws by
establishing a goal-setting program for toxics release, toxic use
18 and hazardous waste reductions. The bill further refines the
toxics use, toxics release and hazardous waste reduction program
with a recognition program for high performers and establishes
20 the Department of Environmental Protection assistance to
nonperformers and plan-summary submission requirements for
22 nonperformers. Penalties for failure to submit reporting
documents are established. The bill further incorporates
24 pollution prevention into state policy and requires the
Commissioner of Environmental Protection to lead the development
26 of an environmental management system for state facilities.