

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 527

H.P. 406

House of Representatives, February 6, 2001

**An Act to Amend Certain Laws Administered by the Department of  
Environmental Protection.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative COWGER of Hallowell.  
Cosponsored by Representative DAIGLE of Arundel.

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

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**Sec. 1. 38 MRSA §344-B, sub-§1**, as enacted by PL 1991, c. 804, Pt. B, §4 and affected by §7, is amended to read:

**1. Publication of timetables.** No later than August November 1st of each year, the commissioner shall publish processing timetables for each permit and license issued by the department. Permit and license processing timetables must be published simultaneously in all newspapers designated by the Secretary of State as papers of record under Title 5, section 8053, subsection 5. The commissioner shall enter the published processing timetables into the record of the board at the first meeting of the board following publication.

Except as provided in this section, the deadline governing the processing of an application is determined by the timetable in effect on the date the application is determined to be complete.

**Sec. 2. 38 MRSA §352, sub-§3**, as amended by PL 1999, c. 243, §2, is further amended to read:

**3. Maximum fee.** The commissioner shall set the actual fees and shall publish a schedule of all fees by August November 1st of each year. If the commissioner determines that a particular application, by virtue of its size, uniqueness, complexity or other relevant factors, is likely to require significantly more costs than those listed on Table I, the commissioner may designate that application as subject to special fees. A special fee may not exceed \$75,000. Such a designation must be made at, or prior to, the time the application is accepted as complete and may not be based solely on the likelihood of extensive public controversy. All department staff who have worked on the review of the application shall submit quarterly reports to the commissioner detailing the time spent on the application and all expenses attributable to the application. The processing fee for that application must be the actual cost to the department. The applicant must be billed quarterly and all fees paid prior to receipt of the permit.

**Sec. 3. 38 MRSA §569-A, sub-§5-A**, as enacted by PL 1999, c. 334, §3, is amended to read:

**5-A. Penalty for late payment of fees.** Fees assessed under subsection 5, paragraph A are due to the department on or before the last day of the month immediately following the month in which the oil was transferred or first transported in Maine. Licensees or registrants who fail to pay the fee by that date shall pay an additional amount equal to 10% of the amount assessed under subsection 5. The department may waive the

2 penalty for good cause shown by the licensee or registrant. Good  
3 cause may include, without limitation, events that may not be  
4 reasonably anticipated or events that were not under the control  
5 of the licensee or registrant.

6 **Sec. 4. 38 MRSA §1310-D, first ¶**, as amended by PL 1991, c.  
7 759, §1, is further amended to read:

8  
9 The provisions of this ~~article~~ section govern open-municipal  
10 solid waste landfills.

11 **Sec. 5. 38 MRSA §1310-N, sub-§6-D**, as amended by PL 1995, c.  
12 642, §9, is further amended to read:

13 **6-D. Solid waste facilities licensed under rules valid on**  
14 **or after May 24, 1989.** A solid waste facility license issued  
15 under applicable solid waste management rules valid on or after  
16 May 24, 1989 remains in effect unless modified, revoked or  
17 suspended under section 341-D, subsection 3. These licensees  
18 must:

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22 A. Comply with applicable operating rules adopted by the  
23 board;

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25 B. Comply with annual facility reporting rules adopted by  
26 the board; and

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28 C. Beginning 5 years after the date of issuance of the  
29 license, pay an annual facility reporting fee established by  
30 the commissioner. The annual fee established in this  
31 paragraph must be an amount equal to 20% of the relicensing  
32 fee that would have applied to that facility.

33  
34 Notwithstanding the terms of this subsection, ~~sludge-or-residual~~  
35 ~~utilization-licenses~~ a license issued to a solid waste facility  
36 that is not a solid waste landfill may be voluntarily surrendered  
37 by the license holder upon department approval.

38  
39 **Sec. 6. 38 MRSA §1319-D, first ¶**, as amended by PL 1987, c.  
40 750, §4, is further amended to read:

41  
42 The Maine Hazardous Waste Fund is established to be used by  
43 the department as a nonlapsing, revolving fund for carrying out  
44 the department's responsibilities under this subchapter and  
45 subchapter III. All fees, penalties, interest and other charges  
46 under this subchapter shall must be credited to this fund. This  
47 fund shall must be charged with the expenses of the department  
48 related to this subchapter and subchapter III, including costs of  
removal or abatement of discharges and costs of the inspection or

2 supervision of hazardous waste activities and hazardous waste  
handlers.

4 **Sec. 7. 38 MRSA §2304-A, sub-§1, ¶C**, as enacted by PL 1999, c.  
348, §7, is amended to read:

6 C. Facilities that ~~generate 100 kilograms, or 220 pounds,~~  
8 ~~or more of hazardous waste in a calendar month for more than~~  
10 3 months of the ship more than 2,640 pounds of hazardous  
waste in a calendar year.

12 **Sec. 8. 38 MRSA §2311-A, sub-§§1, 2 and 3**, as enacted by PL  
1999, c. 348, §16, are amended to read:

14 **1. Toxics users.** Toxics users shall submit \$100 for each  
16 extremely hazardous substance reported by the facility under this  
chapter to the department annually by ~~April 15th~~ October 1st.

18 **2. Toxics releasers.** Toxics releasers shall submit \$100  
20 for each toxic substance reported by the facility under this  
chapter to the department annually by ~~July 1st~~ October 1st.

22 **3. Hazardous waste generators.** Generators that ship 300  
24 kilograms, or 661 pounds, or more of hazardous waste in a  
calendar year shall pay the following fees to the department  
26 annually by ~~April 15th~~ October 1st: for generators that ship  
2,268.0 kilograms, or 5,000 pounds, or more of hazardous waste in  
28 a calendar year, the fee is \$1,000; for generators that ship  
between 1,197.5 kilograms and 2,267.5 kilograms, or 2,640 pounds  
30 and 4,999 pounds, per calendar year, the fee is \$500; and for  
generators that ship between 300 kilograms and 1,197.0 kilograms,  
32 or 661 pounds and 2,639 pounds, per calendar year, the fee is  
\$100. Generators that ship less than 300 kilograms, or 661  
34 pounds, of hazardous waste in a calendar year are not required to  
pay fees under this section.

## 38 SUMMARY

40 This bill does the following.

42 1. It changes the date on which the Department of  
Environmental Protection must publish its annual fee schedule  
44 from August 1st to November 1st.

46 2. It gives the Department of Environmental Protection  
authority to waive the penalty on late payment of the oil import  
48 fees that make up the Ground Water Oil Clean-up Fund.

2           3. It clarifies the requirements applicable to closure and  
remediation of municipal landfills.

4           4. It provides for the voluntary surrender of solid waste  
facility licenses.

6           5. It clarifies the permissible uses of the Maine Hazardous  
8 Waste Fund.

10          6. It makes certain administrative changes to Maine's  
12 toxics use reduction laws by changing the dates for fees from  
April and July to October 1st, beginning in 2002, and by creating  
14 a flat poundage amount of 2,640 pounds for identifying companies  
subject to the hazardous waste reporting portion of the law.