

MAINE STATE LEGISLATURE

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DATE: 5.16.05

(Filing No. S-186)

NATURAL RESOURCES

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 229, L.D. 692, Bill, "An Act To Require That Hazardous Waste Be Removed from Junked Vehicles"

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

Sec. 1. 30-A MRSA §3754-A, sub-§5, ¶A, as enacted by PL 2003, c. 312, §9, is amended to read:

A. All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, battery--acid power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water;

Sec. 2. 30-A MRSA §3754-A, sub-§5, ¶¶C and D, as enacted by PL 2003, c. 312, §9, are amended to read:

C. Junk, scrap metal, vehicles or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters; and

D. Junkyard and automobile graveyard owners must demonstrate at the time of licensing that the facility or facilities for which they seek permits are, or are part of,

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2 a viable business entity engaged in the business of
3 salvaging, recycling, dismantling, processing, repairing or
4 rebuilding junk or vehicles for the purpose of sale, trade
or personal use;

6 Sec. 3. 30-A MRSA §3754-A, sub-§5, ¶¶E to H are enacted to
7 read:

8
9 E. A log must be maintained of all motor vehicles handled
10 that includes the date each vehicle was acquired, a copy of
11 the vehicle's title or bill of sale and the date or dates
12 upon which all fluids, refrigerant, batteries and mercury
13 switches were removed;

14
15 F. All fluids, refrigerant, batteries and mercury switches
16 must be removed from motor vehicles that lack engines or
17 other parts that render the vehicles incapable of being
18 driven under their own motor power or that are otherwise
19 incapable of being driven under their own motor power,
20 appliances and other items within 180 days of acquisition.
21 Motor vehicles, appliances and other items acquired by and
22 on the premises of a junkyard or automobile graveyard prior
23 to October 1, 2005 must have all fluids, refrigerant,
24 batteries and mercury switches removed by January 1, 2007.
25 Fluids required to be removed under this paragraph must be
26 removed to the greatest extent practicable;

27
28 G. Storage, recycling or disposal of all fluids,
29 refrigerant, batteries and mercury switches must comply with
30 all applicable federal and state laws, rules and
31 regulations; and

32
33 H. All fluids, refrigerant, batteries and mercury switches
34 must be removed from motor vehicles, appliances and other
35 items before crushing or shredding. Fluids required to be
36 removed under this paragraph must be removed to the greatest
37 extent practicable.

38
39 Sec. 4. 30-A MRSA §3754-A, sub-§6-A is enacted to read:

40
41 6-A. Relationship to state storm water requirements. After
42 October 30, 2005, municipal officers or county commissioners may
43 reject an application for an automobile graveyard or automobile
44 recycling business if the applicant has not demonstrated that:

45
46 A. A notice of intent has been filed with the Department of
47 Environmental Protection to comply with the general permit
48 provisions for storm water discharges; or

2 B. The Department of Environmental Protection has
determined that a storm water discharge permit is not
4 required.

6 **Sec. 5. 30-A MRSA §3755-A, sub-§3, ¶H,** as enacted by PL 1993,
c. 173, §6, is amended to read:

8 H. Dismantling of a vehicle must be performed in accordance
10 with the following standards.

12 (1) ~~The-battery~~ Batteries must be removed.

14 (2) ~~Engine~~ All fluids, including but not limited to
engine lubricant, transmission fluid, brake fluid and
16 power steering fluid, hydraulic fluid, engine coolant,
gasoline, diesel fuel and oil, must be drained into
18 watertight, covered containers and must be recycled or
disposed of in accordance with applicable federal ex
and state laws, rules ex and regulations.

20 (3) Fluids from a vehicle may not be permitted to flow
22 or be discharged into or onto the ground.

24 (4) ~~The--recycling--operation~~ Storage, recycling or
disposal of all fluids, refrigerant, batteries and
26 mercury switches must comply with all applicable
federal ex and state laws related--to--hazardous
28 materials, rules and regulations.

30 (5) A log must be maintained of all motor vehicles
handled that includes the date each vehicle was
32 acquired, a copy of the vehicle's title or bill of sale
and the date or dates upon which all fluids,
34 refrigerant, batteries and mercury switches were
removed.

36 (6) All fluids, refrigerant, batteries and mercury
38 switches must be removed from motor vehicles that lack
engines or other parts that render the vehicles
40 incapable of being driven under their own motor power
or that are otherwise incapable of being driven under
42 their own motor power within 180 days of acquisition.
Motor vehicles acquired by and on the premises of an
44 automobile recycling business prior to October 1, 2005
must have all fluids, refrigerant, batteries and
46 mercury switches removed by January 1, 2007. Fluids
required to be removed under this subparagraph must be
48 removed to the greatest extent practicable.

50 (7) All fluids, refrigerant, batteries and mercury
switches must be removed from vehicles before crushing

2 or shredding. Fluids required to be removed under this
3 subparagraph must be removed to the greatest extent
4 practicable.

6 **Sec. 6. 38 MRSA §1306, sub-§5 is enacted to read:**

8 **5. Control of fluids from motor vehicles at junkyards,**
9 **automobile graveyards and automobile recycling businesses.**
10 **Fluids must be controlled in accordance with the following.**

12 A. All fluids, including but not limited to engine
13 lubricant, transmission fluid, brake fluid, power steering
14 fluid, hydraulic fluid, engine coolant, gasoline, diesel
15 fuel, oil and refrigerant, batteries and mercury switches
16 must be properly handled by junkyards, automobile graveyards
17 and automobile recycling businesses in such a manner that
18 they do not leak, flow or discharge into or onto the ground,
19 into a body of water or into the air.

21 B. All fluids, refrigerant, batteries and mercury switches
22 must be removed from motor vehicles that lack engines or
23 other parts that render the vehicles incapable of being
24 driven under their own motor power or that are otherwise
25 incapable of being driven under their own motor power,
26 appliances and other items within 180 days of acquisition by
27 a junkyard, automobile graveyard or automobile recycling
28 business. Motor vehicles, appliances and other items
29 acquired by and on the premises of a junkyard, automobile
30 graveyard or automobile recycling business prior to October
31 1, 2005 must have all fluids, refrigerant, batteries and
32 mercury switches removed by January 1, 2007. Fluids
33 required to be removed under this paragraph must be removed
34 to the greatest extent practicable.

36 C. A person may not crush, shred or otherwise process, or
37 cause to be crushed, shredded or otherwise processed, motor
38 vehicles, appliances or other items before removal of all
39 fluids, refrigerant, batteries and mercury switches. Fluids
40 required to be removed under this paragraph must be removed
41 to the greatest extent practicable.

42 **Sec. 7. Effective date.** This Act takes effect October 15, 2005.'

44

SUMMARY

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48 This amendment replaces the bill. It amends the operating
standards for junkyards, automobile graveyards and automobile
recycling businesses. It requires that logs be maintained of all

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2 motor vehicles handled by the facility. It requires that all
fluids, refrigerant, batteries and mercury switches be removed
4 from motor vehicles that are not operable, appliances and other
items within 180 days of acquisition by a junkyard, automobile
graveyard or automobile recycling business. Items acquired prior
6 to October 1, 2005, however, must have fluids, refrigerant,
batteries and mercury switches removed by January 1, 2007. It
8 requires that storage, recycling or disposal of materials comply
with federal and state laws. It requires that all fluids,
10 refrigerant, batteries and mercury switches be removed before
crushing or shredding. It also provides that a municipality or
12 county may reject an application for an automobile graveyard or
automobile recycling business if the applicant has not
14 demonstrated that certain provisions regarding storm water
management have been complied with.

16

18

FISCAL NOTE REQUIRED
(See attached)

20

COMMITTEE AMENDMENT



Approved: 05/11/05 *MAC*

122nd MAINE LEGISLATURE

LD 692

LR 1890(02)

An Act To Require That Hazardous Waste Be Removed from Junked Vehicles

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs associated with this legislation can be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.