

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1434

S.P. 518

In Senate, April 7, 2009

An Act Regarding Asbestos Abatement Work

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 CRAVEN of Androscoggin.
Cosponsored by Senator: BRYANT of Oxford, Representatives: HINCK of Portland,
WAGNER of Lewiston.

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

2 **Sec. 1. 38 MRSA §352, sub-§5-A**, as amended by PL 2007, c. 558, §1, is further
3 amended to read:

4 **5-A. Accounting system.** In order to determine the extent to which the functions set
5 out in this section are necessary for the licensing process or are being performed in an
6 efficient and expeditious manner, the commissioner shall require that all employees of the
7 department involved in any aspect of these functions keep accurate and regular daily time
8 records. These records must describe the matters worked on, services performed and the
9 amount of time devoted to those matters and services, as well as amounts of money
10 expended in performing those functions. Records must be kept for a sufficient duration
11 of time as determined by the commissioner to establish to the commissioner's satisfaction
12 that the fees are appropriate.

13

TABLE I

MAXIMUM FEES IN DOLLARS

14	TITLE 36	PROCESSING FEE	CERTIFICATION
15	SECTION		FEE
16			
17	656, sub-§1, ¶E, Pollution Control		
18	Facilities		
19	A. Water pollution control facilities	\$250	\$20
20	with capacities at least 4,000 gallons		
21	of waste per day and §1760, sub-§29,		
22	water pollution control facilities		
23	B. Air pollution control and §1760,	250	20
24	sub-§30, air pollution control facilities		
25			
26	TITLE 38	PROCESSING FEE	LICENSE
27	SECTION		FEE
28			
29	344, sub-§7, Permit by rule	\$50	\$0
30	413, Waste discharge licenses	See section 353-B	
31	420-D, Storm water management		
32	A. If structural means of storm water	\$400 for the first	\$100 for the first
33	control are used	acre of disturbed	acre of disturbed
34		area, plus \$200 for	area, plus \$50 for
35		each additional	each additional
36		whole acre of	whole acre of
37		disturbed area	disturbed area

1	B. If solely vegetative means of storm	\$200 for the first	\$50 for the first acre
2	water control are used	acre of disturbed	of disturbed area,
3		area, plus \$100 for	plus \$25 for each
4		each additional	additional whole
5		whole acre of	acre of disturbed
6		disturbed area	area
7	C. When a permit by rule is required	\$55	none
8	If a project described in paragraph A or		
9	B is reviewed and approved by a		
10	professional engineer at a soil and		
11	water conservation district office that		
12	has a memorandum of understanding		
13	with the department concerning review		
14	of projects pursuant to this section, the		
15	total applicable fee is reduced to a		
16	processing fee of \$100 for the first acre		
17	of disturbed area, plus a license fee of		
18	\$50 for each additional whole acre of		
19	disturbed area.		
20	480-E, Natural resources protection		
21	A. Any alteration of a protected	140	50
22	natural resource, except coastal		
23	wetlands and coastal sand dunes,		
24	causing less than 20,000 square feet of		
25	alteration of the resource		
26	B. Any alteration of a coastal wetland	240	60
27	causing less than 20,000 square feet of		
28	alteration of the resource		
29	C. Any alteration of a protected	.015/sq. ft. alteration	.005/sq. ft. alteration
30	natural resource, except coastal sand		
31	dunes, causing 20,000 square feet or		
32	more of alteration of the resource		
33	C-1. Significant groundwater well	4,577	1,961
34	C-2. Activity within a community	183	64
35	public water supply primary protection		
36	area		
37	D. Any alteration of a coastal sand	3,500	1,500
38	dune		
39	E. Condition compliance	84	0
40	F. Minor modification	184	0
41	485-A, Site location of development		
42	A. Residential subdivisions		

1	1. Affordable housing	50/lot	50/lot
2	2. On public water and sewers	175/lot	175/lot
3	3. All Other	250/lot	250/lot
4	B. Industrial parks	460/lot	460/lot
5	C. Mining	1,500	1,000
6	D. Structures	4,000	2,000
7	E. Other	1,000	1,000
8	543, Oily waste discharge	40	160
9	560, Vessels at anchorage	125	100
10	587, Ambient air quality or emissions standards variances	5,050	50
11			
12	590, Air emissions licenses	See section 353-A	
13	633, Hydropower projects		
14	A. New or expanded generating capacity	450/MW	50/MW
15			
16	B. Maintenance and repair or other structural alterations not involving an increase in generating capacity	150	150
17			
18			
19	33 United States Code, Chapter 26, Water Quality Certifications, in conjunction with applications for hydropower project licensing or relicensing		
20			
21			
22			
23	A. Initial consultation	1,000	0
24	B. Second consultation	1,000	0
25	C. Application		
26	1. Storage	1,000	0
27	2. Generating	300/MW	50/MW
28	1304, Waste management		
29	A. Septage disposal		
30	1. Site designation	50	25
31	B. Land application of sludges and residuals program approval		
32			
33	1. Industrial sludge	400	400
34	2. Municipal sludge	300	275
35	3. Bioash	300	275
36	4. Wood ash	300	75
37	5. Food waste	300	75
38	6. Other residuals	300	175
39	C. Landfill		
40	1. Closing plans for secure landfills	1,500	1,500
41			

1	2. Closing plans for attenuation	500	500
2	landfills		
3	3. Post-closure report	175	175
4	4. Preliminary information reports	175	175
5	5. License transfers	500	175
6	6. Special waste disposal		
7	a. One-time disposal of	50	50
8	quantities of 6 cubic yards or		
9	less		
10	b. One-time disposal of	100	100
11	quantities greater than 6 cubic		
12	yards		
13	c. Program approval for	300	300
14	routine disposal of a special		
15	waste		
16	7. Minor revision for secure	600	100
17	landfills		
18	8. Minor revision for attenuation	100	100
19	landfills		
20	9. Public benefit determination	175	175
21	D. Incineration facility		
22	2. License transfer	175	175
23	E. License transfer other than for	100	100
24	landfills and incinerators		
25	F. Minor revision for septage facilities	100	100
26	and solid waste facilities other than		
27	landfills		
28	G. Permit by rule for one-time	100	100
29	activities		

30

TABLE II

WASTE MANAGEMENT FEES - ANNUAL LICENSE

MAXIMUM FEES IN DOLLARS

31	TITLE 38	PROCESSING FEE	ANNUAL LICENSE
32	SECTION		FEE
33	<u>1278. Asbestos abatement</u>		
34	<u>A. Asbestos abatement contractor</u>	<u>\$0</u>	<u>\$1,000</u>
35	<u>B. Asbestos abatement worker</u>	<u>0</u>	<u>75</u>
36	<u>C. Asbestos consultant</u>	<u>0</u>	<u>1,000</u>
37	<u>D. Asbestos analytical laboratory</u>	<u>0</u>	<u>500</u>

1	E. Training provider	0	500
2	F. Other categories of asbestos	0	150
3	professionals except asbestos		
4	abatement workers		
5	G. Notification	0	
6	1. Project size greater than 100	100	0
7	square feet or 100 linear feet and		
8	less than 500 square feet or 2,500		
9	linear feet		
10	2. Project size 500 square feet or	250	0
11	2,500 linear feet, or greater, and		
12	less than 1,000 square feet or		
13	5,000 linear feet		
14	3. Project size 1,000 square feet	400	0
15	or 5,000 linear feet, or greater		
16	1304, Waste management		
17	A. Septage disposal		
18	1. Landspreading	\$550	\$250
19	2. Storage	50	75
20	B. Residuals compost facility		
21	1. Type I	150	150
22	3. Type II and Type III less than	700	500
23	3,500 cubic yards		
24	5. Type II and Type III 3,500	1,400	850
25	cubic yards or greater		
26	C. Land application of sludges and		
27	residuals		
28	1. Sites with program approval		
29	a. Industrial sludge	150	250
30	b. Municipal sludge	75	200
31	c. Bioash	75	200
32	d. Wood ash	50	125
33	e. Food waste	50	125
34	f. Other residuals	50	125
35	2. Sites without program approval		
36	a. Industrial sludge	300	550
37	b. Municipal sludge	150	250
38	c. Bioash	150	250
39	d. Wood ash	75	200
40	e. Food waste	75	200
41	f. Other	75	200
42	1310-N, Solid waste facility siting		

1	A. Landfill		
2	1. Existing, nonsecure municipal	3,500	1,000
3	solid waste landfills accepting		
4	waste from fewer than 15,000		
5	people		
6	2. Existing, nonsecure municipal	3,500	3,500
7	solid waste landfills accepting		
8	waste from more than 15,000		
9	people		
10	3. New or expanded for secure	5,000	8,500
11	landfill		
12	5. Nonsecure wood waste or	700	750
13	demolition debris landfills, or		
14	both, if less than or equal to 6		
15	acres		
16	B. Incineration facilities		
17	1. New or expanded for the	3,500	5,000
18	acceptance of municipal or special		
19	wastes, or both		
20	2. Municipally owned and	3,500	1,000
21	operated solid waste incinerators		
22	with licensed capacity of 10 tons		
23	per day or less		
24	C. Transfer station and storage	750	175
25	facility		
26	D. Tire storage facility	400	450
27	F. Processing facility other than	700	700
28	municipal solid waste composting		
29	G. Beneficial use activities other than		
30	agronomic utilization		
31	3. Fuel substitution	700	500
32	4. Beneficial use without risk	700	200
33	assessment		
34	5. Beneficial use with risk	1,400	500
35	assessment		
36	H. Permit by rule for ongoing	100	100
37	activities		

38 **Sec. 2. 38 MRSA §353, sub-§3-B** is enacted to read:

39 **3-B. Certification fee for asbestos professionals.** A person applying for
40 certification as an asbestos professional under more than one category under section 352,
41 subsection 5-A shall pay the highest fee among the categories for which certification is
42 sought and \$50 for each additional category.

1 **Sec. 3. 38 MRSA §1272, sub-§2**, as amended by PL 1993, c. 355, §26, is further
2 amended to read:

3 **2. Asbestos abatement activity.** "Asbestos abatement activity" means activity
4 involving the removal, demolition, enclosure, repair, encapsulation, handling,
5 transportation or disposal of friable asbestos-containing materials in an amount greater
6 than 3 square feet or 3 linear feet. "Asbestos abatement activity" includes associated
7 activities such as design, monitoring, analysis and inspection of any friable asbestos-
8 containing material in an amount greater than 3 square feet or 3 linear feet, and
9 conducting training for persons seeking a state certificate or license.

10 **Sec. 4. 38 MRSA §1273, sub-§2**, as amended by PL 2001, c. 626, §17, is further
11 amended to read:

12 **2. Notification required.** A person, owner or operator may not engage in any
13 asbestos abatement activity over 3 linear feet or 3 square feet of friable asbestos-
14 containing material unless that person, owner or operator notifies the commissioner in
15 writing. This notification must be postmarked at least 10 calendar days before or
16 delivered to the department at least 5 working days prior to beginning any on-site work,
17 including on-site preparation work. The department may approve a reduction in the
18 number of days required for notification on a case-by-case basis when unforeseeable
19 circumstances or compliance with standard notification procedures may cause a threat to
20 the environment or human health.

21 **Sec. 5. 38 MRSA §1278, sub-§1**, as amended by PL 1993, c. 355, §43, is
22 repealed.

23 **Sec. 6. 38 MRSA §1278, sub-§1-A** is enacted to read:

24 **1-A. License and certification fees.** Fees for each license and certification category
25 are established under section 352. The fees must be paid upon application and annually
26 thereafter.

27 **Sec. 7. 38 MRSA §1278, sub-§2**, as amended by PL 1993, c. 355, §44, is further
28 amended to read:

29 **2. Notification fees.** Notification of asbestos abatement activities pursuant to
30 section 1273, subsection 2, must be accompanied by a the notification fee established
31 under section 352 unless the activity occurs in single-unit residential buildings.
32 Notification fees are based on the total linear or square feet of asbestos-containing
33 material involved in the activity.

34 A.—The fees are:

35 ~~(1) Projects involving more than 100 square feet or 100 linear feet, but less than~~
36 ~~1,000 square feet or 5,000 linear feet: \$100; and~~

37 ~~(2) Projects involving more than 1,000 square feet or 5,000 linear feet: \$200.~~

