

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1635

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H.P. 1219

House of Representatives, April 28, 2021

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**An Act To Make Minor Changes and Corrections to Statutes  
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 Environment and Natural Resources suggested and ordered  
printed.

*Robert B. Hunt*

ROBERT B. HUNT  
Clerk

Presented by Representative TUCKER of Brunswick.

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

2 **Sec. 1. 29-A MRSA §2054, sub-§1, ¶G**, as enacted by PL 1993, c. 683, Pt. A, §2  
3 and affected by Pt. B, §5, is amended to read:

4 G. "Hazardous material response vehicle" means a vehicle equipped for and used in  
5 response to reports of emergencies resulting from actual or potential releases, spills or  
6 leaks of, or other exposure to, hazardous substances that is authorized by a mutual aid  
7 agreement pursuant to Title 37-B, section 795, subsection 3 and approved by the local  
8 emergency planning committee or committees whose jurisdiction includes the area in  
9 which the vehicle operates. "Hazardous material response vehicle" includes vehicles  
10 used by employees of the division of response services within the Department of  
11 Environmental Protection to respond to oil and hazardous materials incidents within  
12 the State.

13 **Sec. 2. 32 MRSA §10008**, as amended by PL 2001, c. 231, §9, is further amended  
14 to read:

15 **§10008. Reciprocity**

16 A person who ~~is a resident of the State and~~ has been certified in another state as an  
17 underground oil storage tank installer or underground oil storage tank inspector may, upon  
18 payment of a fee as established under section 10012, obtain a certification as an  
19 underground oil storage tank installer or underground oil storage tank inspector, if that  
20 person submits satisfactory evidence of certification as an underground oil storage tank  
21 installer or underground oil storage tank inspector in another state under qualifications  
22 equivalent to those specified in this chapter.

23 **Sec. 3. 38 MRSA §352, sub-§5-A**, as amended by PL 2019, c. 374, §1 and c. 526,  
24 §2, is further amended by amending Table II to read:

25 TABLE II

26  
27 WASTE MANAGEMENT FEES - ANNUAL LICENSE

28  
29 MAXIMUM FEES IN DOLLARS

30

31 TITLE 38 SECTION	32 PROCESSING FEE	33 ANNUAL LICENSE FEE
34 1278, Asbestos abatement		
35 A. Asbestos abatement contractor	\$0	\$650
36 B. Asbestos abatement worker	0	50
37 C. Asbestos consultant	0	650
38 D. Asbestos analytical laboratory	0	400
39 E. Training provider	0	500
40 F. Other categories of asbestos professionals 41 except asbestos abatement workers	0	100
G. Notification		

1	1. Project size greater than 100 square feet	100	0
2	or 100 linear feet and less than 500 square		
3	feet or 2,500 linear feet		
4	2. Project size 500 square feet or 2,500	150	0
5	linear feet, or greater, and less than 1,000		
6	square feet or 5,000 linear feet		
7	3. Project size 1,000 square feet or 5,000	300	0
8	linear feet, or greater		
9	1304, Waste management		
10	A. Septage disposal		
11	1. Landspreading	\$550	\$250
12	2. Storage	50	75
13	B. Residuals compost facility		
14	1. Type I	150	150
15	3. Type II and Type III less than 3,500 cubic	700	500
16	yards		
17	5. Type II and Type III 3,500 cubic yards or	1,400	850
18	greater		
19	C. Land application of sludges and residuals		
20	1. Sites with program approval		
21	a. Industrial sludge	150	250
22	b. Municipal sludge	75	200
23	c. Bioash	75	200
24	d. Wood ash	50	125
25	e. Food waste	50	125
26	f. Other residuals	50	125
27	2. Sites without program approval		
28	a. Industrial sludge	300	550
29	b. Municipal sludge	150	250
30	c. Bioash	150	250
31	d. Wood ash	75	200
32	e. Food waste	75	200
33	f. Other	75	200
34	1310-N, Solid waste facility siting		
35	A. Landfill		
36	1. Existing, nonsecure municipal solid waste	3,500	1,000
37	landfills accepting waste from fewer than		
38	15,000 people		
39	2. Existing, nonsecure municipal solid waste	3,500	3,500
40	landfills accepting waste from more than		
41	15,000 people		
42	3. New or expanded for secure landfill	5,000	8,500
43	5. Nonsecure wood waste or demolition	700	750
44	debris landfills, or both, if less than or equal		
45	to 6 acres		
46	B. Incineration facilities		
47	1. New or expanded for the acceptance of	3,500	5,000
48	municipal or special wastes, or both		

1	2. Municipally owned and operated solid	3,500	1,000
2	waste incinerators with licensed capacity of		
3	10 tons per day or less		
4	C. Transfer station and storage facility	750	175
5	D. Tire storage facility	400	450
6	F. Processing facility other than municipal solid	700	700
7	waste composting		
8	G. Beneficial use activities other than		
9	agronomic utilization		
10	3. Fuel substitution	700	500
11	4. Beneficial use without risk assessment	700	200
12	5. Beneficial use with risk assessment	1,400	500
13	H. Permit by rule for ongoing activities	100	100
14	<del>3109, Redemption centers</del>	<del>0</del>	<del>100</del>

15 **Sec. 4. 38 MRSA §353, sub-§4-A**, as enacted by PL 1993, c. 332, §1, is repealed.

16 **Sec. 5. 38 MRSA §480-E, sub-§14** is enacted to read:

17 **14. Minor expansion of structures in a coastal sand dune system.** The department  
18 may authorize a one-time expansion of an existing residential or commercial structure in a  
19 coastal sand dune system through permit by rule if:

20 A. The footprint of the expansion is contained within an impervious area that existed  
21 on January 1, 2021;

22 B. The footprint of the expansion is no further seaward than the existing structure;

23 C. The height of the expansion is within the height restriction of any applicable law or  
24 ordinance; and

25 D. The expansion conforms to the standards for expansion of a structure contained in  
26 the municipal shoreland zoning ordinance adopted pursuant to article 2-B.

27 For the purposes of this subsection, "structure" does not include a seawall, retaining wall,  
28 closed fence or other structure used to stabilize the shoreline or to prevent the movement  
29 of sand or water. For the purposes of this subsection, expansion of an existing structure  
30 does not include a change from one type of structure to another.

31 **Sec. 6. 38 MRSA §480-Q, sub-§31**, as amended by PL 2011, c. 538, §9, is  
32 repealed.

33 **Sec. 7. 38 MRSA §1303-C, sub-§38**, as enacted by PL 1989, c. 585, Pt. E, §4, is  
34 amended to read:

35 **38. Transport.** "Transport" means the movement of hazardous or solid waste, waste  
36 oil, sludge or septage from the point of generation to any intermediate points and finally to  
37 the point of ultimate disposition. Movement of hazardous waste on the site where it is  
38 generated or on the site of a licensed waste facility for hazardous waste is not "transport."  
39 Movement of waste oil on the site where it is generated or on the site of a licensed waste  
40 oil dealer's facility is not "transport."

41 **Sec. 8. 38 MRSA §1303-C, sub-§43**, as enacted by PL 1989, c. 585, Pt. E, §4, is  
42 repealed.

1           **Sec. 9. 38 MRSA §1319-H, sub-§1, ¶A**, as amended by PL 1989, c. 878, Pt. H,  
2 §9, is further amended to read:

3           A. Any person who applies for a license for a hazardous waste or waste oil facility  
4 shall pay the appropriate fee. An application for a license will not be considered  
5 complete and will not be processed until this fee is received. Application fees are as  
6 follows.

- 7           (1) Disposal facility..... \$10,000
- 8           (2) Commercial treatment facility.....7,000
- 9           (3) On-site treatment facility.....4,000
- 10          (4) Other waste facility for hazardous waste, including storage facilities ....2,500
- 11          (5) Waste oil ~~storage~~ facility.....2,500
- 12          (6) Treatment facility under license by rule provisions where the hazardous waste  
13 treated is 1,000 kilograms or less per calendar month.....75
- 14          (7) All other facilities for hazardous waste under license by rule  
15 provisions.....400
- 16          (8) Facility post-closure license.....2,000

17           **Sec. 10. 38 MRSA §1319-H, sub-§2**, as amended by PL 1989, c. 878, Pt. H, §10,  
18 is further amended to read:

19           **2. Annual fees.** Licensed hazardous waste and waste oil facilities are subject to the  
20 following annual fees.

- 21          A. Disposal facility ..... \$1,500
- 22          B. Commercial treatment facility and on-site treatment facility ..... 1,000
- 23          C. Other waste facilities for hazardous waste, including storage facilities  
24 .....500
- 25          D. Waste oil ~~storage~~ facility .....500
- 26          E. Treatment facility under license by rule provisions where the hazardous waste  
27 treated is 1,000 kilograms or less per calendar month.....100
- 28          F. All other facilities for hazardous waste under license by rule  
29 provisions.....200
- 30          G. Facility post-closure license.....500

31           **Sec. 11. 38 MRSA §1319-I, sub-§3**, as amended by PL 2005, c. 549, §4, is further  
32 amended to read:

33           **3. Fee for transportation into Maine from out of state.** If hazardous waste or waste  
34 oil is transported into Maine from out of state, the person who first transports the hazardous  
35 waste or waste oil into Maine shall pay the fee indicated by the schedules outlined in  
36 subsection 2 for hazardous waste or subsection 4-A for waste oil, ~~as if that person were the~~  
37 ~~waste oil dealer.~~

38           **Sec. 12. 38 MRSA §1319-I, sub-§4-A**, as amended by PL 2005, c. 549, §5, is  
39 further amended to read:

1           **4-A. Fee on waste oil sale or disposal.** A fee of 2¢ a gallon on each gallon of waste  
2 oil transported, collected or stored must be paid by the waste oil ~~dealer~~ handler or  
3 transporter that first transports, collects or stores that waste oil. ~~Waste A waste oil dealers~~  
4 handler and transporter shall maintain records sufficient to determine whether the ~~dealer~~  
5 handler or transporter is liable for any and all fees imposed pursuant to this subsection and  
6 shall submit such records to the commissioner as required by rule of the board.

7           **Sec. 13. 38 MRSA §1319-J, first ¶**, as enacted by PL 1981, c. 478, §7, is amended  
8 to read:

9           Any person who permits, causes or is responsible for a discharge or threatened  
10 discharge of hazardous waste or waste oil shall reimburse the State for all costs incurred,  
11 including personnel costs, in the removal of the discharge or threatened discharge. Funds  
12 recovered under this section ~~shall~~ must be deposited to the account from which they were  
13 expended. Requests for reimbursement, if not made within 30 days of demand, ~~shall~~ must  
14 be turned over to the Attorney General for collection.

15           **Sec. 14. 38 MRSA §1319-O, sub-§2, ¶A**, as amended by PL 2019, c. 315, §12, is  
16 further amended to read:

17           A. The department may adopt rules relating to the transportation, collection and  
18 treatment, storage and disposal of waste oil to protect public health, safety and welfare  
19 and the environment. The rules may include, without limitation, rules requiring  
20 licenses for waste oil ~~dealers and transporters and waste oil facilities including waste~~  
21 oil management facilities, the location of waste oil treatment, storage and disposal sites  
22 ~~that are operated by waste oil dealers~~, evidence of financial capability and manifest  
23 systems for waste oil. ~~A person licensed by the department to transport or handle~~  
24 ~~hazardous waste is not required to obtain a waste oil dealer's license, but the hazardous~~  
25 ~~waste license must include any terms or conditions determined necessary by the~~  
26 ~~department relating to the transportation or handling of waste oil.~~

27           **Sec. 15. 38 MRSA §1319-X**, as enacted by PL 1993, c. 383, §38, is amended by  
28 amending the section headnote to read:

29 **§1319-X. Criteria for development of waste oil ~~storage~~ facilities and biomedical waste**  
30 **facilities**

31           **Sec. 16. 38 MRSA §1319-X, first ¶**, as enacted by PL 1993, c. 383, §38, is  
32 amended to read:

33           The following criteria for facility development apply to an application for a waste oil  
34 ~~storage~~ facility or a new or substantially modified biomedical waste treatment or disposal  
35 facility in addition to other criteria established by law or rule for those facilities.

36           **Sec. 17. 38 MRSA §1319-X, last ¶**, as enacted by PL 1993, c. 383, §38, is amended  
37 to read:

38           The department may not issue a license for a waste oil ~~storage~~ facility if the proposed  
39 facility overlies a significant ground water aquifer or a primary sand and gravel recharge  
40 area.

41           **Sec. 18. 38 MRSA §1611, sub-§3, ¶A**, as amended by PL 2019, c. 617, Pt. J, §1,  
42 is further amended to read:

1 A. Beginning January 15, 2021 a retail establishment may ~~use~~ provide a recycled paper  
2 bag or a reusable bag made of plastic to bag products at the point of sale as long as the  
3 retail establishment charges a fee of at least 5¢ per bag.

4 (1) All amounts collected pursuant to this paragraph are retained by the retail  
5 establishment and may be used for any lawful purpose.

6 (2) A retail establishment may not rebate or otherwise reimburse a customer any  
7 portion of the fee charged pursuant to this paragraph.

8 **Sec. 19. 38 MRSA §3113, sub-§1-A** is enacted to read:

9 **1-A. Licensing fees.** An applicant under this section shall include the following fees  
10 with a license application and an annual license renewal application.

11 A. An applicant for approval of a redemption center shall submit a \$100 license fee with  
12 an initial application and subsequent annual applications.

13 B. An applicant for approval as an initiator of deposit:

14 (1) Of a small brewery as defined in Title 28-A, section 2, subsection 29 or a small  
15 winery as defined in Title 28-A, section 2, subsection 29-B that produces no more  
16 than 50,000 gallons of its product or a bottler of water that annually sells no more  
17 than 250,000 containers, each containing no more than one gallon of its product,  
18 shall submit an annual license fee of \$50;

19 (2) Of a small beverage producer whose total production of all beverages from all  
20 combined manufacturing locations is less than 50,000 gallons annually shall  
21 submit an annual license fee of \$50; and

22 (3) Other than under subparagraphs (1) or (2) shall submit an annual license fee  
23 of \$500.

24 C. An applicant for approval as a contracted agent for the collection of beverage  
25 containers shall submit a \$500 annual license fee with each application.

## 26 SUMMARY

27 This bill makes changes to the laws administered by the Department of Environmental  
28 Protection relating to hazardous material response vehicles; underground oil storage tank  
29 installer and inspector certification; the Maine Environmental Protection Fund; waste  
30 management fees; the Natural Resources Protection Act; waste oil; recycled paper bags and  
31 reusable plastic bags; and beverage containers.