

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

CHAPTER 929

S.P. 1011 - L.D. 2507

An Act to Clean the Environment by the Reduction of Toxics Use, Waste and Release

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

Sec. 1. 5 MRSA §12004-I, sub-§22-A is enacted to read:

<u>22-A. En- vironment: Nat- ural Resources</u>	<u>Toxics Reduc- tion Advisory Council</u>	<u>Expenses Only</u>	<u>38 MRSA §2310</u>
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Sec. 2. 37-B MRSA §797, sub-§§6 and 7, as enacted by PL 1989, c. 464, §3, are amended to read:

6. Information withholding. An indication if the person is electing to withhold information from disclosure under section 800; and

7. Transportation. A description of the manner in which the substance is shipped to the facility; and

Sec. 3. 37-B MRSA §797, sub-§8 is enacted to read:

8. Progress toward toxics use reduction goals. For those persons required to submit a form under this section for extremely hazardous substances, a report on the progress made by the facility toward meeting the toxics use reduction goals established in Title 38, section 2303.

Sec. 4. 37-B MRSA §799, as enacted by PL 1989, c. 464, §3, is amended to read:

§799. Toxic chemical release forms

Under this section, the owner or operator of every facility with 10 or more employees and within Standard Industrial Classification Codes 20-39 must file toxic chemical release forms for routine releases with the United States Environmental Protection Agency, the commission and the local emergency planning committee by October 1, 1989, and annually thereafter consistent with the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, Title III, Section 313, and 40 Code of Federal Regulations, Part 372. Those forms shall must be made available to the public by the commission and the local emergency planning committee. The owner or operator of every facility required to report under this section must also submit a report on the progress made by the facility toward meeting the toxics release reduction goals established in Title 38, section 2303.

Sec. 5. 38 MRSA §1303-C, sub-§13-A is enacted to read:

13-A. Generator. "Generator" means a person whose act or process produces a waste that is hazardous.

Sec. 6. 38 MRSA §1319-I, sub-§2-A is enacted to read:

2-A. Fees for noncompliance with reduction requirements. Notwithstanding subsection 8, the commissioner may assess and a generator not in compliance with chapter 26 must pay a fee as follows:

A. For hazardous waste that is transported off the site to a licensed hazardous waste disposal facility for disposal, 18¢ a pound; and

B. For hazardous waste that is transported off the site to a licensed hazardous waste treatment facility for treatment, storage facility for storage or other licensed facility for handling, including beneficial reuse, reclamation or recycling, 13.5¢ a pound.

Sec. 7. 38 MRSA c. 26 is enacted to read:

CHAPTER 26

TOXICS USE AND HAZARDOUS WASTE REDUCTION

§2301. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Commercial hazardous waste facility. "Commercial hazardous waste facility" has the same meaning as in section 1303-C, subsection 4.

2. Cross-media pollution. "Cross-media pollution" means pollution that has an impact on or degrades more than one environmental resource.

3. Disposal. "Disposal" has the same meaning as in section 1303-C, subsection 12.

4. Extremely hazardous substance. "Extremely hazardous substance" has the same meaning set forth in the SARA, Title III, Section 302, and listed in 40 Code of Federal Regulations, Part 355.

5. Facility. "Facility" means the place of business or site where toxics are used, toxics are released or hazardous waste is generated.

6. Generation. "Generation" has the same meaning as in section 1303-C, subsection 13.

7. Generator. "Generator" means the owner or operator of a facility that generates more than 100 kilo-

grams of hazardous waste in a calendar month for more than 3 months of the year.

8. Hazardous waste. "Hazardous waste" means those wastes determined by the Board of Environmental Protection to be hazardous pursuant to section 1319-O, subsection 1.

9. Manifest. "Manifest" has the same meaning as in section 1303-C, subsection 19.

10. Pilot plant or pilot production unit. "Pilot plant or pilot production unit" means a small scale model or a temporary change in the production process undertaken to test or develop a new technology.

11. Practicable. "Practicable" means available and capable of accomplishment after taking into consideration the existing state of technology and economic feasibility for the facility involved.

12. Production unit. "Production unit" means a measure of output of a manufactured product or a quantifiable service by a facility.

13. Recycle. "Recycle" has the same meaning as in section 1303-C, subsection 21.

14. SARA. "SARA" means the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499.

15. Storage. "Storage" has the same meaning as in section 1303-C, subsection 36.

16. Toxic substance or toxics. "Toxic substance" or "toxics" means any substance in a gaseous, liquid or solid state listed pursuant to the SARA, Title III, Section 313, and any extremely hazardous substance.

17. Toxics releaser. "Toxics releaser" means an owner or operator of a facility that is required to report under the SARA, Title III, Section 313.

18. Toxics use reduction. "Toxics use reduction" means front-end substitution, product reformulation or in-plant changes in production processes or raw materials that reduce, avoid or eliminate the use of toxic or hazardous substances or the generation of hazardous by-products per unit of product to reduce risks to the health of workers, consumers or the environment, without shifting risks among workers, consumers or parts of the environment.

19. Toxics user. "Toxics user" means a person that is required to report the presence of extremely hazardous substances under the SARA, Title III, Section 312.

20. Treatment. "Treatment" has the same meaning as in section 1303-C, subsection 39.

21. Waste assessment. "Waste assessment" means a systematic planned procedure to identify ways to reduce

or eliminate waste. The assessment consists of the review and evaluation of a facility's operations and waste streams and the selection of specific waste streams to be evaluated.

§2302. Toxics use reduction and hazardous waste management policy

It is the policy of the State to reduce the volume of the toxic materials used in the State, to reduce worker and environmental exposure to the release of toxic materials and to reduce the hazardous waste generated within the State. The State encourages an integrated approach to toxics use reduction, toxics release reduction and hazardous waste reduction based on the hierarchies of management strategies included in this section.

1. Toxics use reduction. The State encourages reducing the use of toxic materials through changes in production or other processes or operations, in products or in raw materials that reduce, avoid or eliminate the use or production of toxic substances without creating substantial new risks to public health, safety and the environment. These changes may be made through the application of any of the following techniques:

A. Input substitution, which refers to replacing a toxic substance or raw material used in a production or other process or operation with a nontoxic or less toxic substance;

B. Product reformulation, which refers to substituting for an existing end product an end product that is nontoxic or less toxic upon use, release or disposal;

C. Production or other process or operation redesign or modification;

D. Production or other process or operation modernization, which refers to upgrading or replacing existing equipment and methods; and

E. Improved operation and maintenance controls of production or other process or operation equipment and methods including, but not limited to, improved housekeeping practices, system adjustments, product and process inspections or production or other process or operation control equipment or methods.

Toxics use reduction includes proportionate changes in the usage of a particular toxic substance by any of the methods set forth in this subsection as a result of production changes or other business changes.

2. Toxics release reduction. The State encourages reducing the release of toxics during manufacturing and other processes through, in addition to toxics use reduction techniques, in-plant changes in production or other processes or operations that reduce or avoid exposure of workers and the environment to toxics through the application of the following techniques:

A. Improved operation and maintenance controls of production or other process or operation equipment and methods including, but not limited to, improved housekeeping practices, system adjustments, product and process inspections or production or other process or operation control equipment or methods; and

B. Upgrading, redesigning or replacing existing equipment and methods with other equipment and methods.

3. Hazardous waste reduction. The State encourages reducing the generation of hazardous waste through, in addition to toxics use and release reduction techniques, the application of the following techniques:

A. Recovery of toxics from production and other processes for reuse;

B. On-site recycling of hazardous waste;

C. Off-site recycling of hazardous waste;

D. Treatment of hazardous waste to reduce volume or toxicity or both; and

E. Safe disposal.

§2303. Toxics use, toxics release and hazardous waste reduction goals

The State's goals for reduction of the volume of toxics used and released and hazardous waste that is generated within the State are as follows.

1. Toxics use reduction goals. The goals for toxics use reduction are a 10% reduction in the volume of toxic substances used in the State by July 1, 1993, a 20% reduction by July 1, 1995, and a 30% reduction by July 1, 1997. Owners or operators of facilities subject to reporting requirements for extremely hazardous substances under the SARA, Title III, Section 312, are not required to meet these goals, but must examine, plan and implement means of reducing the use of toxics within their facilities without impairing the production or quality of their products or services.

2. Toxics release reduction goals. Using an average of the aggregate volumes of toxics released at a facility in 1990 and 1991 as a base line figure, the goals for reducing the aggregate volume of toxics released to the environment at the facility are a 10% volume reduction by July 1, 1993, a 20% volume reduction by July 1, 1995 and a 30% volume reduction by July 1, 1997. Those owners and operators required to report under the SARA, Title III, Section 313, are required to meet these goals. These reduction requirements do not apply for toxics regulated by the department through a toxics releaser's air emissions or wastewater discharge license. Until a base year and measurement techniques are established, there are no specific goals for worker exposure to

toxics releases, but owners or operators of those facilities regulated by this chapter must examine means to reduce exposure. For purposes of this subsection, toxics refers to substances listed pursuant to the SARA, Title III, Section 313. To assist facilities in complying with this subsection, the Commissioner of Environmental Protection shall develop a methodology to measure volume reductions for toxics releases. This methodology may be based on reports filed with the Maine Emergency Management Agency pursuant to the SARA, Title III, Section 313, and other available data.

3. Hazardous waste generation minimization goals. The goals for minimizing the amount of hazardous waste generated at a facility are a 10% volume reduction by January 1, 1993, a 20% volume reduction by July 1, 1995, and a 30% volume reduction by July 1, 1997. Reductions must be based on a facility's average generation rate for the years 1987, 1988 and 1989.

4. Establishment of production units. When tracking the percent reduction achieved by a facility, the Commissioner of Environmental Protection shall work with the Department of Labor to establish a uniform production unit measure for each standard industrial code to account accurately for changes in toxics use, toxics release and hazardous waste generation due to business growth or decline. When production units are not easily established, such as when a facility provides a service rather than a product, the commissioner and the Department of Labor shall work with industry representatives to establish an acceptable accounting method for business activity.

5. Progress evaluation. Progress toward meeting the toxics release and hazardous waste reduction goals must be evaluated annually by the commissioner based on manifest data, progress reports submitted under Title 37-B, sections 797 and 799, annual hazardous waste generator reports and other appropriate available information.

6. New facilities. Facilities constructed after the effective date of this chapter must be designed to minimize toxics use, toxics release and hazardous waste generation in accordance with the State's policies as set forth in section 2302 and must be evaluated on the basis of production units for the volume of toxics use, toxics release and hazardous waste generated.

7. Petition. A toxics releaser may petition the commissioner to eliminate a substance from the total volume of toxics release subject to the reductions required under subsection 2 when the toxics releaser demonstrates that release of the substance does not pose an unreasonable threat to occupational health, public health or the environment.

§2304. Regulated community

Toxics users, toxics releasers and generators must meet the applicable requirements under this chapter.

1. Hazardous waste reduction exemptions. The following are exempt from the hazardous waste reduction goal requirements for large-quantity generators:

A. Commercial hazardous waste treatment or storage facilities;

B. Pilot plants or pilot production units;

C. Hazardous waste transporters;

D. Hazardous waste generated as a result of remedial or corrective actions or facility closures required by law or undertaken to protect employee health and safety, public health and safety or the environment;

E. Households;

F. Agricultural operations; and

G. Generators exempted under this paragraph. To qualify for an exemption under this paragraph, a generator must demonstrate to the commissioner that all practicable reduction has been implemented or scheduled for implementation. The commissioner may establish alternate hazardous waste reduction goals for the facility when appropriate.

(1) A generator must receive an exemption from the requirement of meeting state reduction goals from the commissioner if the generator proves that:

(a) Practicable hazardous waste reduction methods do not exist;

(b) All practicable reductions or actions have been previously implemented or are being implemented and will be completed on a schedule acceptable to the commissioner;

(c) Practicable steps necessary to reduce hazardous waste would have an unreasonable adverse impact on product quality; or

(d) Legal or contractual obligations prohibit steps necessary to reduce hazardous waste generation.

(2) The commissioner shall review exemptions under this paragraph at 3-year intervals. Renewals may be granted for hazardous waste generators that demonstrate that they still meet the requirements set forth in subparagraph (1). If an exemption has been granted based on legal or contractual obligations, the exemption is for the term of that obligation only. An exemption or renewal for

a new or renewed legal or contractual commitment may not be granted by the commissioner. A generator that has received an exemption based on legal or contractual obligations may apply for a renewal based on subparagraph (1), division (a), (b) or (c).

2. Toxics release reduction exemptions. The following are exempt from the reduction requirements for toxics release:

A. Water supply treatment facilities;

B. Municipal wastewater treatment facilities;

C. Retail and wholesale motor fuel and heating oil distributors;

D. Agricultural operations; and

E. Toxics releasers exempted under this paragraph. To qualify for an exemption under this paragraph, a toxics releaser must demonstrate to the commissioner that all practicable reductions have been implemented or scheduled for implementation. The commissioner may establish alternate toxics release reduction goals for the facility when appropriate.

(1) A toxics releaser must receive an exemption from the requirement of meeting state reduction goals from the commissioner if the toxics releaser proves that:

(a) Practicable toxics release reduction methods do not exist;

(b) All practicable reductions or actions have been previously implemented or are being implemented and will be completed on a schedule acceptable to the commissioner;

(c) Practicable steps necessary to reduce toxics release would have an unreasonable adverse impact on product quality or quantity;

(d) Practicable means of measuring a toxics release do not exist; or

(e) Legal or contractual obligations prohibit steps necessary to reduce toxics release.

(2) The commissioner shall review exemptions under this paragraph at 3-year intervals. Renewals must be granted for toxics releasers that demonstrate that they still meet the requirements set forth in subparagraph (1). If an exemption has been granted based on legal or contractual obligations, the

exemption is for the term of that obligation only. An exemption or renewal for a new or renewed legal or contractual obligation may not be granted by the commissioner. A toxics releaser that has received an exemption based on legal or contractual obligations may apply for a renewal based on subparagraph (1), division (a), (b), (c) or (d).

3. Report. The commissioner shall report annually by January 1st to the joint standing committee of the Legislature having jurisdiction over natural resource matters listing all exemptions granted under this section.

§2305. Guidelines for toxics use reduction, toxics release reduction and hazardous waste reduction plans

Those facilities subject to regulation under this chapter shall develop and update every 2 years plans for their own use in meeting the State's goals. The board may establish by rule, guidelines for toxics use, toxics release and hazardous waste reduction plans to be prepared pursuant to this section. A plan must include:

1. Management policy. A statement of facility-wide management policy regarding toxics use, toxics release and hazardous waste reduction;

2. Production unit analysis. The following information for each production unit:

A. Identification and characterization of the types and amounts of all toxics used, toxics released and hazardous wastes generated at the facility;

B. Identification, analysis and evaluation of any appropriate technologies, procedures, processes, equipment or production changes that may be utilized by the facility to reduce the amount or toxicity of toxics used, toxics released or hazardous wastes generated by that facility;

C. A strategy and schedule for implementing practicable reduction options for each production process utilized to meet reduction goals;

D. Identification of any reasonably available markets or recycling opportunities for hazardous waste generated by the facility; and

E. A program for maintaining records on toxics use, toxics release and hazardous waste generation rates and management costs;

3. Internal plan approval. The signature of a principal executive officer of at least the level of vice-president, if the toxics user, toxics releaser or generator is a corporation; a general partner or a proprietor, if the toxics user, toxics releaser or generator is a partnership or sole proprietorship; or a principal executive officer or ranking elected official, if the toxics user, toxics releaser

or generator is a municipal, state, federal or other public agency; and

4. Employee awareness and training. An employee awareness and training program to involve employees in toxics use, toxics reduction and hazardous waste reduction planning and implementation to the maximum amount feasible.

Owners and operators of facilities shall keep a complete copy of the plan and any back-up data on the premises of that facility for at least 5 years and make the copy and data available to the commissioner or the commissioner's designee upon request.

§2306. Employee notification

The owner or operator of each facility must notify all of its employees of the requirements for the plans, identify the toxic and hazardous substances and production units for which plans must be developed and solicit comments or suggestions from all employees on toxics use, toxics release and hazardous waste reduction options.

§2307. Reporting requirements

1. Toxics use reduction reports. As set forth in Title 37-B, section 797, toxics users must report their progress toward meeting the toxics use reduction goals as part of their reporting requirements to the State Emergency Response Commission.

2. Toxics release reduction reports. As set forth in Title 37-B, section 799, toxics releasers must report their progress toward meeting the toxics release reduction goals as part of their reporting requirements to the State Emergency Response Commission. After January 1, 1993, the commissioner may require a toxics releaser to submit a summary of the toxics release reduction plan required under section 2305 within one year when:

A. A facility has not made sufficient progress in reducing toxics release as evidenced by failure to meet the toxics release reduction goals;

B. A facility has received an exemption under section 2304, subsection 2, and has not made sufficient progress toward meeting the alternate toxics release reduction goals established by the commissioner in section 2304, subsection 2, paragraph G; or

C. A new facility has toxics release rates that are significantly greater per production unit than in similar facilities within the same standard industrial code category.

If a plan summary is required under this subsection, the commissioner shall notify the owner or operator of that facility of that requirement.

3. Hazardous waste reduction reports. After January 1, 1993, the commissioner may require a facility to submit a summary of the hazardous waste reduction plan required under section 2305 within one year when:

A. A facility has not made sufficient progress in reducing hazardous waste generated at the facility as evidenced by a failure to meet the hazardous waste reduction goals;

B. A facility has received an exemption under section 2304, subsection 1, and has not made sufficient progress toward meeting the alternate hazardous waste reduction goals established by the commissioner under section 2304, subsection 1, paragraph G; or

C. A new facility generates hazardous waste in a significantly greater amount per production unit than is generated in similar facilities within the same standard industrial code category.

If a plan summary is required under this subsection, the commissioner shall notify the owner or operator of the facility of that requirement.

4. Plan summary. The plan summary submitted to the commissioner pursuant to subsection 2 or 3, must include, without limitation, the evaluation methods used, the findings and conclusions and the implementation schedule. An owner or operator may designate information as confidential under section 1310-B.

5. Review of plan summary. The commissioner may review a plan summary to determine whether it meets the guidelines established under this chapter.

A. In reviewing the adequacy of any plan summary, the commissioner shall base a determination on whether the plan summary is complete and prepared in accordance with the goals and guidelines established pursuant to this chapter.

B. If the commissioner determines that a plan summary is inadequate, the commissioner shall notify the toxics releaser or generator of the inadequacy, identifying the specific deficiencies. The commissioner may specify a reasonable time period of not less than 90 days within which the toxics releaser or generator must submit a modified plan summary addressing the specified deficiencies. The commissioner may, upon request, provide technical assistance, if available, to aid the toxics releaser or generator in modifying the plan summary.

C. If the commissioner determines that a modified plan summary is inadequate, the commissioner may either require further modification or assess fees as provided in section 2312. If the generator fails to submit a modified plan summary within the required time period, the commissioner may assess additional fees as established in section 1319-I, subsection 2-A.

6. Confidentiality. Upon a satisfactory showing to the commissioner by the owners or operators of a facility required to submit information under this chapter that a plan summary developed under this chapter, if made public, would divulge methods, processes or other information entitled to protection, the commissioner shall hold as confidential that plan summary, or a portion of that plan summary, pursuant to section 1310-B.

7. Additional information. This chapter does not prohibit the commissioner from seeking additional information from a toxics releaser or generator in order to review the adequacy of a plan or plan summary required by this chapter.

§2308. Cross-media pollution control

1. Prohibition. A facility subject to regulation under this chapter is prohibited from using any change in a process or material that results in new or increased toxics release or hazardous waste generation to meet the goals as set forth in section 2303.

2. Exemptions. A facility subject to regulation under this chapter may apply to the commissioner for an exemption from subsection 1 if the owner or operator demonstrates that the change resulting in the toxic release or hazardous waste increase results in a long-term benefit to public health and the environment that outweighs the benefits of other reduction techniques and:

A. The increase in the toxic release does not cause a violation of the facility's existing wastewater discharge or air emission license or permit limits; or

B. If the toxics release is new to a facility's existing air or wastewater stream, or both, the facility possesses and complies with all necessary federal, state and local licenses or permits applicable for the release.

3. Exemption renewal. If granted, the exemption is valid for a 3-year period. Renewal of the exemption may be granted only if the toxics releaser or generator meets the criteria set forth in subsection 2.

4. Department authority. This section does not diminish the existing authority of the Department of Environmental Protection, pursuant to any laws, to establish by rule, permit, license or order, any treatment technology standards, emission or discharge limits, operation and maintenance requirements or management practices for abating, controlling or preventing a release or threat of release of hazardous substances to the environment.

§2309. Program; powers and duties

The Toxics Use, Toxics Release and Hazardous Waste Reduction Program is established within the department in the office of the commissioner to assist toxics users, toxics releasers and hazardous waste generators to eliminate or reduce the amounts, toxicity and

adverse environmental and public health effects of toxics used, toxics released and hazardous wastes generated.

1. Data collection. The commissioner shall develop the necessary information base and data collection programs to establish program priorities and evaluate the progress of toxics use, toxics release and hazardous waste reduction goals.

2. Technical services. The commissioner may disseminate information concerning toxics use, toxics release and hazardous waste reduction through various means including publications, seminars, model plans, recommended waste assessment procedures and lists of consultants on toxics use, toxics release and hazardous waste reduction technologies.

3. Grant program. The commissioner shall evaluate the need for a grant program to provide financial and technical assistance for a facility subject to this chapter.

4. Information exchange. The commissioner may participate in existing state, federal and industrial networks of individuals and groups actively involved in toxics use, toxics release and hazardous waste reduction. Subject to available funding, the commissioner may contract with technical information centers to assist the department in carrying out the provisions of this chapter.

5. Production units. On or before June 15, 1991, the commissioner shall publish a list of the production units to be used in meeting reporting requirements for each standard industrial code category for which there are toxics releasers or generators required to meet state reduction goals.

6. Contracts. The commissioner may enter into contracts to carry out the purposes of this chapter.

§2310. Toxics Reduction Advisory Committee

The Toxics Reduction Advisory Committee, as authorized in Title 5, section 12004-I, subsection 22-A, shall serve as a review body to assess the progress in implementation of this chapter and shall advise the department in carrying out the policies and purposes of this chapter.

1. Membership. The Governor shall appoint the chair of the committee. The committee consists of 12 voting members.

A. The Governor shall appoint 4 representatives from the business community and 2 representatives of organized labor.

B. The President of the Senate shall appoint one member from a public health organization, one member from an environmental organization and one public member.

C. The Speaker of the House of Representatives shall appoint one member from a public health

organization, one member from an environmental organization and one public member.

D. The Commissioner of Environmental Protection, the Commissioner of Labor, the Director of the Maine Emergency Management Agency and the Executive Director of the Maine Waste Management Agency shall serve as ex officio members and do not vote on committee matters.

2. Terms. All appointed members are appointed for staggered terms of 3 years. The President of the Senate and the Speaker of the House of Representatives shall appoint each one member for a one-year initial term, one member for a 2-year initial term and one member for a 3-year initial term. The Governor shall appoint 2 members for one-year initial terms, 2 members for 2-year initial terms and 2 members for 3-year initial terms. A vacancy must be filled by the same appointing authority which made the original appointment. No appointed member may serve more than 2 4-year terms.

3. Compensation. Members are entitled to compensation for expenses according to Title 5, section 12004-I, subsection 22-A.

4. Quorum; actions. A quorum is a majority of the voting members of the committee. An affirmative vote of the majority of the members present at a meeting is required for any action. Action may not be considered unless a quorum is present.

5. Meetings. The committee shall meet at least 4 times per year and at any time at the call of the chair or upon written request to the chair by 4 of the voting members.

6. Staff support. The commissioner shall provide the committee with staff support.

7. Duties; powers. The committee may:

A. Review priorities for toxics use, toxics release and hazardous waste reduction and may identify user groups as priorities for department activities;

B. Review the criteria for the submission of toxics use, toxics release and hazardous waste reduction plans;

C. Study and evaluate the practicability of achieving reductions in the use or release of specific substances through the use of substitutes, alternate procedures or processes, or other means of achieving toxics use, toxics release and hazardous waste reduction;

D. Recommend revisions to the department, if appropriate, to toxics use, toxics release and hazardous waste reduction goals and to the Toxics Use, Toxics Release and Hazardous Waste Reduction Program;

E. Evaluate existing programs relating to chemical production and use, hazardous waste generation, industrial hygiene, worker safety, public exposure to toxics and toxics releases and recommend coordination of information and program changes or development; and

F. Submit any recommendations for statutory changes to the joint standing committee of the Legislature having jurisdiction over energy and natural resources matters.

§2311. Fees

The commissioner shall deposit all money received in payment of fees under this section in a separate account within the Maine Hazardous Waste Fund to cover expenses incurred by the department in the administration of this chapter.

1. Hazardous waste generators. All owners or operators of facilities that generate hazardous waste other than households and agricultural operations shall register annually with the commissioner. Registration forms and an accompanying fee of \$50 are due to the commissioner by March 1, 1991. Subsequent registration forms and fees are due on March 1st of each year.

2. Toxics user. All toxics users must submit \$25 per facility in addition to fees assessed under Title 37-B, section 801, when submitting reports required under the SARA, Title III, Section 312, for extremely hazardous substances to the State Emergency Response Commission. These funds must be transferred by the State Emergency Response Commission to the Maine Hazardous Waste Fund within 60 days of receipt.

3. Toxics releaser. All toxics releasers must submit \$25 per facility in addition to fees assessed under Title 37-B, section 801, when submitting reports required under the SARA, Title III, Section 313, to the State Emergency Response Commission. These funds must be transferred by the State Emergency Response Commission to the Maine Hazardous Waste Fund within 60 days of receipt.

§2312. Enforcement; penalties

1. Toxics users. Toxics users are not subject to penalties pursuant to this chapter, except for the requirement to pay the fee under section 2311, subsection 2.

2. Toxics releasers. Toxics releasers that fail to meet any requirements set forth in this chapter including, but not limited to, achievement of toxics release reduction goals and the preparation and submission of required plan summaries, are subject to enforcement action and penalty fees. Toxics releasers are subject to the general penalties in chapter 2.

3. Hazardous waste generators. Generators that fail to meet any requirements set forth in this chapter including, but not limited to, achievement of hazardous

waste reduction goals and the preparation and submission of required plans, may be subject to enforcement action, civil or criminal penalties and fees assessed in section 1319-I, subsection 2-A.

Sec. 8. Allocation. The following funds are allocated from the Maine Hazardous Waste Fund to carry out the purposes of this Act.

1990-91

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Maine Hazardous Waste Fund

Positions	(4)
Personal Services	\$110,417
All Other	21,821
Capital Expenditures	10,000

Provides funds for an Environmental Specialist IV, an Environmental Specialist III, a Data Control Clerk, a Civil Engineer II and general operating expenses to implement the Toxics Use, Toxics Release and Hazardous Waste Reduction Program.

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

TOTAL \$142,238

See title page for effective date.

CHAPTER 930

H.P. 1838 - L.D. 2509

**An Act to Extend the Sunset of Special Seasonal
Liquor Stores**

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

28-A MRSA §456, sub-§3, as amended by PL 1989, c. 492 and c. 600, Pt. A, §§17 and 18, is further amended to read:

3. Sunset. This section is repealed on ~~September 30, 1990~~ January 15, 1991, before which time the commission shall evaluate the effectiveness of this section and make a written report to the joint standing committee of the Legislature having jurisdiction over legal affairs no later than ~~January 31, 1990~~ December 31, 1990.

See title page for effective date.