



PAUL R. LEPAGE
GOVERNOR

JAMES P. BROOKS
ACTING COMMISSIONER

MEMORANDUM

Date: February 3, 2011
To: Board of Environmental Protection
From: Scott Whittier, Bureau of Remediation and Waste Management
Re: Chapter 693 Operator Training for Oil and Hazardous Substance Storage Facilities /
New: Post for Additional Public Comment

Background:

The proposed rule establishes training requirements for operators of oil storage facilities and hazardous waste storage facilities to satisfy minimum training requirements required by Section 1524 of the U.S. Energy Policy Act. The Board held a public hearing on proposed Chapter 693 on October 7, 2010. The proposed rule was posted for additional public comment on December 16, 2010 with a comment deadline of January 28, 2011.

Applicable Standards:

On January 10, 2011 Governor LePage issued Executive Order 09 FY 11/12 An Order to Improve Review of the Rulemaking Process. Paragraph 2 of the Executive Order states:

“With respect to those proposed agency rules which already have been published for public review and comment, but which have not yet taken effect pursuant to 5 M.R.S. 8056, the agency proposing the rule shall extend the period for receipt of public comment on the proposed rule, if an extension of the public comment period can be made pursuant to 5 M.R.S. 8052(7), for at least 90 days, and shall submit the proposed rule to the Governor’s Office for review.”

Section 8052(7) of the Maine Administrative Procedure Act provides: “The final date for comments may be extended if notice of doing so is published within 14 days after the most recently published comment deadline, in the consolidated notice referred to in section 8053.

Given that the comment deadline for proposed Chapter 693 was January 28, 2011, it is possible to extend the comment deadline in accordance with the Executive Order.

Requested Action:

The Board is asked to extend the public comment period for proposed Chapter 693 in accordance with Executive Order 09 FY 11/12 for an additional 90 days. The new comment deadline would be Wednesday, May 11, 2011 at 5 pm.

A copy of the Executive Order and proposed Chapter 693 are enclosed.

Estimated time of presentation: 5 minutes.