

2011
SUMMARY OF BILLS

MAINE DEPARTMENT
OF
ENVIRONMENTAL PROTECTION

125TH LEGISLATURE
FIRST REGULAR SESSION
DECEMBER 1, 2010 TO JUNE 29, 2011

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
ACTING COMMISSIONER

2011
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
SUMMARY OF BILLS
125TH LEGISLATURE
FIRST REGULAR SESSION

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Appendix I Bills tracked by the department but not enacted by the Legislature

**Appendix II Bills tracked by the department but which have no direct impact on
department responsibilities**

Appendix III Bills tracked by the department and carried over by the Legislature

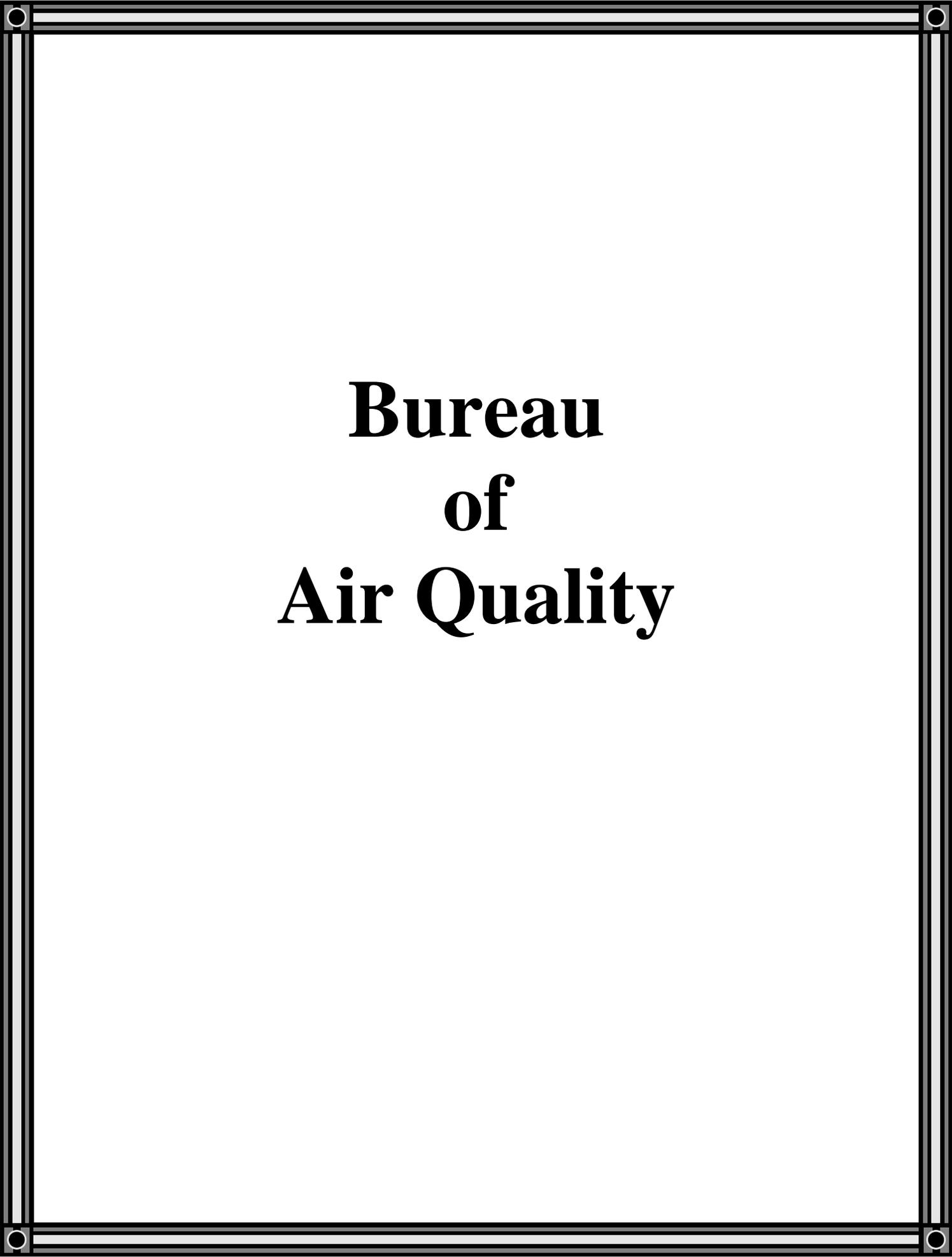
Appendix IV Bills requiring DEP rulemaking

Note: The general effective date for non-emergency laws enacted in the First Regular Session is September 28, 2011.

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(This summary is intended for general information only. It is not intended for use as a legal
reference.)

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**Bureau
of
Air Quality**

Bureau of Air Quality

LD	TITLE	COMMITTEE	RESULT	REFERENCE
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1348 An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013

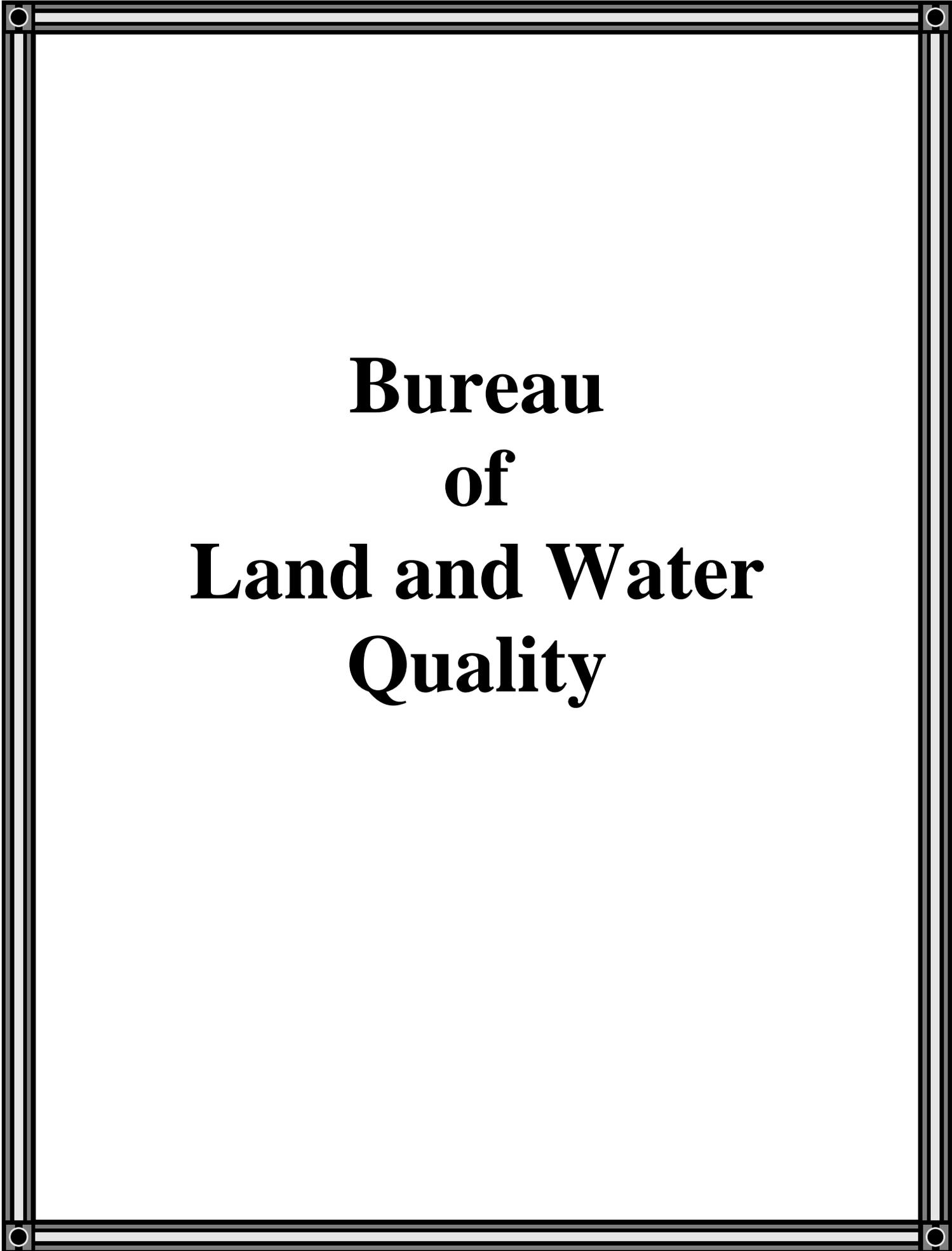
Summary: This law establishes All Other Highway Fund allocations to the DEP in the amount of \$33,054 in FY 2012 and again in FY 2013.

Sponsor: Rep. Cebra

TRA

**Signed:
06/21/11
(Emerg.)**

**PL 2011
C. 392**



**Bureau
of
Land and Water
Quality**

Bureau of Land and Water Quality

LD	TITLE	COMMITTEE	RESULT	REFERENCE
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49 An Act To Allow Storage of Lobster Traps on Docks

Summary: This law removes the DEP's authority under the Natural Resources Protection Act (NRPA) to regulate lobster trap storage on docks. It provides that a NRPA permit is not required for the storage of lobster traps and related trap lines, buoys and bait bags on a dock. The law also clarifies the definition of "dock."

Sponsor: Rep. McKane

ENR

**Signed:
03/31/11**

**PL 2011
C. 12**

159 An Act To Foster Economic Development by Improving Administration of the Laws Governing Site Location of Development and Storm Water Management

Summary: This law:

1. Exempts trail management activities from review under the laws governing storm water management on snowmobile trails developed as part of the Maine Trails System under the Maine Revised Statutes, Title 12, section 1892;
2. Provides that rules adopted by the DEP after January 1, 2010 pursuant to the laws governing storm water management are major substantive rules, with certain limited exceptions in the rules governing storm water management for minor clerical corrections and technical clarifications;
3. Creates consistency between the laws governing site location of development and the Natural Resources Protection Act (NRPA) in standards pertaining to a development's effects on existing uses, scenic character and protected natural resources. It requires the DEP to apply the standards adopted in rule pursuant to the Natural Resources Protection Act for significant vernal pool habitat to significant vernal pool habitat reviewed under the laws governing the site location of development. It prohibits the department from requiring a buffer strip adjacent to significant vernal pool habitat under the laws governing site location of development unless the buffer strip is established for another protected natural resource;
4. Provides that rules related to standards for development adopted by the DEP after January 1, 2010 pursuant to the laws governing site location of development are major substantive rules, except for standards for blasting and wind energy development or offshore wind power projects;
5. Directs the DEP to adopt rules to allow activities in, on or over high and moderate value waterfowl and wading bird habitat to be eligible for permit by rule under NRPA; and

Bureau of Land and Water Quality

LD	TITLE	COMMITTEE	RESULT	REFERENCE
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515 An Act To Review State Water Quality Standards

Summary: This law allows mercury testing once per year for licensed waste discharge facilities that maintain at least 5 years of mercury testing data. The law establishes a new risk level for inorganic arsenic when the DEP is calculating ambient water quality criteria and it provides that the department may use any unallocated assimilative capacity that the department has set aside for future growth if use of the unallocated assimilative capacity would avoid an exceedance or reasonable potential to exceed ambient water quality criteria. The law also provides that metals limits must be expressed as mass-based limits.

Sponsor: Sen. Saviello	ENR	Signed: 06/01/11	PL 2011 C. 194
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552 An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone

Summary: This law provides that a municipal ordinance may exempt a cupola, dome, widow's walk or similar feature added to a legally existing conforming structure if the structure is not located in a Resource Protection District or a stream protection district and the cupola, dome, widow's walk or similar feature: 1.) does not extend beyond the exterior walls of the existing structure, 2.) has a floor area of 53 square feet or less; and 3.) does not increase the height of the existing structure by more than 7 feet.

Sponsor: Rep. Harvell	ENR	Signed: 06/06/11	PL 2011 C. 231
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862 Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid

Summary: This law requires the DEP to amend its rules relating to the Natural Resources Protection Act, Site Location of Development Law and Stormwater Management Law to provide that permits issued with respect to these laws are valid for 4 years after they are issued and that a person who holds such a permit has 7 years to complete a project pursuant to that permit.

Sponsor: Sen. Collins	ENR	Signed: 05/23/11	Res. 2011 C. 46
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Bureau of Land and Water Quality

LD	TITLE	COMMITTEE	RESULT	REFERENCE
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1444 Resolve, To Enhance Agriculture and Farming

Summary: This law requires the DEP to review statutes and rules including setbacks and forage and pasture regulations that restrict the use of certain lands for agricultural purposes, to consult with the Department of Agriculture, Food and Rural Resources, to solicit data from farmers and agricultural associations and to report to the Joint Standing Committee on Agriculture, Conservation and Forestry on its findings by no later than January 15, 2013. The law takes effect July 1, 2012 and provides a \$3,000 General Fund appropriation to the DEP in FY 13 to conduct its review.

Sponsor: Rep. Crockett	ACF	Signed: 07/06/11	Res. 2011 C. 101
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1483 An Act To Amend the Charter of the Sanford Sewerage District

Summary: This law amends the charter of the Sanford Sewerage District to make it consistent with applicable provisions of the Maine Revised Statutes, Title 38. The law also provides that, prior to proposing any amendment to the charter to the Legislature, the trustees must present the amendment to the town council of the Town of Sanford for review and comment.

Sponsor: Sen. Courtney	EUT	Signed: 06/01/11	P&SL 2011 C. 11
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1534 Resolve, To Reform the Land Use and Planning Authority in the Unorganized Territory

Summary: This law establishes the Commission on Reform of the Governance of Land Use Planning in the Unorganized Territory. It requires the commission to meet with the Agriculture, Conservation and Forestry Committee (ACF) no later than October 28, 2011 to provide an update on its progress and a final report no later than January 4, 2012. The law requires the ACF committee to submit legislation to the Second Regular Session of the 125th Legislature.

Sponsor: Rep. Gifford	ACF	Signed: 07/08/11	Res. 2011 C. 113
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Bureau of Land and Water Quality

LD	TITLE	COMMITTEE	RESULT	REFERENCE
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1561 An Act To Create the Nickerson Lake Sewer District

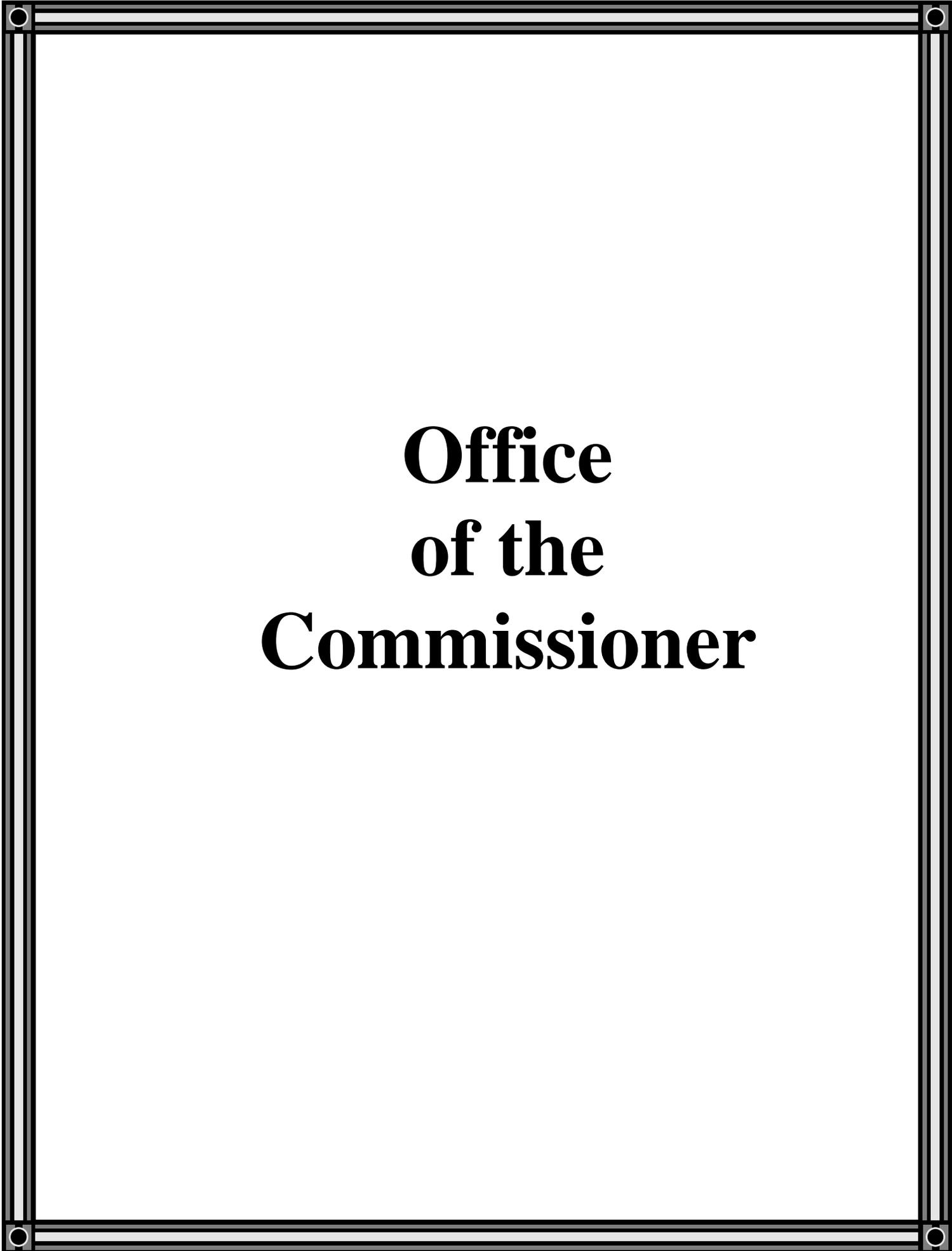
Summary: This law establishes the Nickerson Lake Sewer District and clarifies that the purpose of the district is to provide wastewater treatment services, including subsurface wastewater collection, treatment and disposal services. It also provides that, within the territory of the district and in areas outside the territory of the district located within the Town of Linneus or the Town of New Limerick, the district may exercise the powers specified under the Maine Revised Statutes, Title 38, section 1151 regarding locating its pipes and facilities and may also locate one or more septic fields.

Sponsor: Sen. Sherman

EUT

**Signed:
06/09/11
(Emerg.)**

**P&SL 2011
C. 14**



**Office
of the
Commissioner**

Office of the Commissioner

LD	TITLE	COMMITTEE	RESULT	REFERENCE
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1 An Act To Ensure Regulatory Fairness and Reform

Summary: This law does the following as it affects the functions of the Department of Environmental Protection (the “department”) and the Board of Environmental Protection (the “board”).

Part A establishes a voluntary environmental audit program within the department that provides incentives, including reduced penalties, to regulated entities that discover, disclose and correct environmental violations through an environmental audit program or a compliance management system.

Part B authorizes agencies to conduct a cost-benefit analysis of proposed rules in instances in which the consideration of costs is permitted and when the agency determines that sufficient staff expertise and budgeted resources exist within the agency to complete the analysis. Part B lists the minimum elements to be included in a cost-benefit analysis, requires the agency to provide any such analysis to any person requesting a copy of the proposed rule and states that the cost-benefit analysis is not subject to judicial review.

Part E requires agencies to include citations for up to 3 primary sources of information relied upon by an agency when proposing or adopting rules, except for emergency rules. Professional judgment may be cited as one of those primary sources of information. Citations to primary sources of information are not subject to judicial review.

Part F requires the Commissioner of DEP to adopt routine technical rules or amend rules as necessary that, consistent with rules adopted by the United States Environmental Protection Agency, provide that isopropyl alcohol and wood ash are not hazardous waste or solid waste if being used, reused or recycled as effective substitutes for commercial products. Part F also requires the BEP to adopt major substantive rules or amend rules as necessary that, consistent with rules adopted by the United States Environmental Protection Agency governing the transfer, management, reclamation and reuse of hazardous and solid waste, allow and encourage the beneficial reuse of hazardous and solid wastes, consistent with the protection of public health and the environment, in order to preserve resources, conserve energy and reduce the need to dispose of such wastes.

Part G amends the definition of the word "rule" within the Maine Administrative Procedure Act to include agency guidelines and specifies that a rule is not judicially enforceable unless it is adopted in a manner consistent with the Maine Administrative Procedure Act.

Office of the Commissioner

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Part H proposes a number of changes to the structure and functions of the board. Part H:

1. Reduces the size of the board from 10 members to 7 members and modifies the qualifications of those members to specify that at least 3 members must have technical or scientific backgrounds in environmental issues and that no more than 4 members may be residents of the same congressional district. Pursuant to the emergency clause included in this legislation, these changes do not take effect until September 16, 2011;

2. Limits the board's rule-making authority, in most instances, to the adoption of major substantive rules or amendments to existing major substantive rules. The Commissioner of DEP is authorized to adopt all other rules of the department;

3. Makes the commissioner responsible for the granting of all licenses and permits, except that the board is responsible for licenses and permits that either meet at least 3 of the 4 criteria for projects of statewide significance or that are projects in which the applicant and the commissioner jointly request that the board assume jurisdiction;

4. Requires that, prior to holding a hearing on an application over which the board has assumed jurisdiction, the board ensures that the DEP and any outside agency review staff assisting the department in its review of the application have submitted to the applicant and the board their review comments on the application and any additional information requests pertaining to the application, and that the applicant has had an opportunity to respond to those comments and requests. If additional information needs arise during the hearing, the board shall afford the applicant a reasonable opportunity to respond to those information requests prior to the close of the hearing record;

5. Authorizes the commissioner to approve consent agreements rather than the board;

6. Repeals the board's authority to revoke or suspend a license or permit and vests that authority with the commissioner. The board retains its authority to consider modifications or corrective action on a license, but only on the recommendation of the commissioner;

7. Repeals the board's authority to reconsider its action on a permit or license application;

8. Repeals the ability for interested parties to request that the board assume jurisdiction of an application;

9. Repeals the board's authority to advise the commissioner on enforcement priorities and activities, advise the commissioner on the adequacy of penalties and enforcement activities and approve administrative consent agreements. The board's authority to hear appeals of emergency enforcement orders by the commissioner is retained;

10. Adds language stating that if a rule adopted by the department is the subject of a request for legislative review of a rule under the Maine Revised Statutes, Title 5, chapter 377-A, the Executive Director of the Legislative Council shall immediately notify the department of that

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request and of the legislative committee's decision under that chapter on whether or not to review the rule; and

11. Includes transition language to provide for the orderly transition of the changes to the board and for procedures pending before the department on the effective date of this legislation. To allow the current board members time to complete work currently before the board, the transition provisions also provide for a delayed effective date in the reduction in the size of the board and to the eligibility criteria for board members to September 16, 2011 and extends the terms of the members whose terms would otherwise expire prior to September 16, 2011 to September 16, 2011.

Sponsor: President Raye	RFR	Signed: 06/13/11 (Emerg.)	PL 2011 C. 304
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100 An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011

Summary: This law authorizes a State supplemental budget for FY 2011.

Sponsor: Rep. Flood	AFA	Signed: 02/08/11 (Emerg.)	PL 2011 C. 1
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281 An Act To Create a 6-year Statute of Limitations for Environmental Violations

Summary: This law establishes a 6-year statute of limitations for actions involving civil penalties for violations of laws administered by the DEP. An action must be commenced within 6 years of when the Commissioner of DEP or the Attorney General discovers the act or omission giving rise to the violation or identifies the party responsible for the violation, or of the last day of a continuing violation, whichever occurs latest.

This amendment specifies that an enforcement action is commenced when any of the following occurs:

1. The commissioner proposes an administrative consent agreement in writing to the violator;

Office of the Commissioner

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2. The commissioner schedules an enforcement hearing on the alleged violation;
3. The commissioner, with the prior approval of the Attorney General, files a complaint in District Court; and
4. The Attorney General files a complaint in District Court or Superior Court.

The law ensures that the effect of commencing an action is to toll the statute of limitations.

Sponsor: Sen. Snowe-Mello	JUD	Signed: 06/15/11	PL 2011 C. 350
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793 An Act To Protect Ratepayers While Enhancing Energy Independence and Security

Summary: This law requires the State to withdraw from the regional greenhouse gas initiative if other states that participate in the regional greenhouse gas initiative, and in the same wholesale electricity market administered and overseen by the regional transmission organization as Maine, have a total carbon dioxide emissions budget for the calendar year 2009 that totals less than 35,000,000 tons.

Sponsor: Sen. Saviello	EUT	Signed: 06/09/11	PL 2011 C. 277
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1015 An Act To Reduce Unnecessary Reporting Requirements Related to Natural Resources

Summary: This bill does the following:

- 1.) Repeals a requirement that the Commissioner of DEP annually conduct a review related to the permit-by-rule system and make any recommendations concerning additional categories of permits to the Board of Environmental Protection,
- 2.) Repeals a requirement that the Commissioner of DEP report before February 1st of each year to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the effects of license fee increases on department efficiency and license and permit processing times.
- 3.) Repeals a requirement that the Commissioner of DEP report biennially to the Legislature on the implementation and impact of local shoreland zoning ordinances.

Office of the Commissioner

LD	TITLE	COMMITTEE	RESULT	REFERENCE
	<p>4.) Repeals a requirement that the DEP periodically evaluate whether the State should continue to implement and enforce California low-emission vehicle standards relating to the control of emissions from new motor vehicles or new motor vehicle engines.</p> <p>5.) Repeals a requirement that the DEP report annually to the Environment and Natural Resources Committee on the levels of methyl tertiary butyl ether or MTBE in gasoline brought into the State.</p> <p>6.) Removes a requirement that the Commissioner of DEP periodically hold hearings and report to the Environment and Natural Resources Committee concerning progress toward meeting with the instream color pollution standards under the Maine Revised Statutes, Title 38, section 414-C.</p> <p>7.) Exempts agricultural producers from the water withdrawal reporting program and removes the Commissioner of Agriculture, Food and Rural Resources from the list of commissioners to whom a water withdrawal report may be submitted.</p>			
<p>Sponsor: Rep. Duchesne</p>		<p>ENR</p>	<p>Signed: 05/23/11</p>	<p>PL 2011 C. 120</p>

1043 An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013

Summary: This law is the State's biennial budget for FY 2012 (July 1, 2011 – June 30, 2012) and FY 2013 (July 1, 2012 – June 30, 2013).

<p>Sponsor: Rep. Flood</p>	<p>AFA</p>	<p>Signed: 06/20/11 (Emerg.)</p>	<p>PL 2011 C. 380</p>
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Office of the Commissioner

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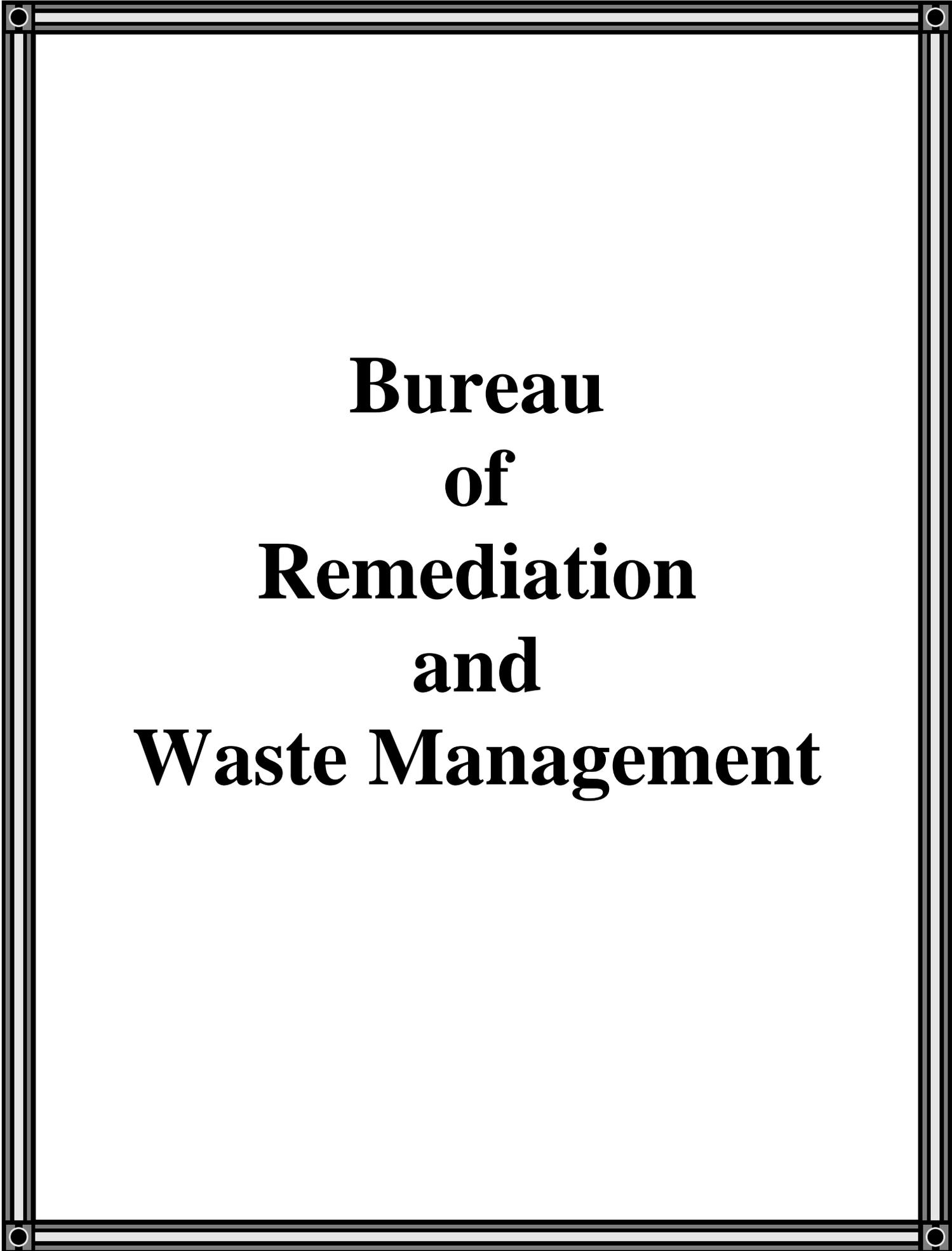
The law also requires the Governor to submit a plan for delegating the restricted duties at the time of nomination of a person for the position of Commissioner of DEP and the law makes it clear that the Commissioner of DEP is also governed by the conflict-of-interest provisions of the Maine Revised Statutes, Title 5, Section 18.

Sponsor: President Raye

ENR

**Signed:
06/15/11
(Emerg.)**

**PL 2011
C. 357**



**Bureau
of
Remediation
and
Waste Management**

Bureau of Remediation and Waste Management

LD	TITLE	COMMITTEE	RESULT	REFERENCE
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671 An Act To Amend the Laws Governing the Ground Water Oil Clean-up Fund

Summary: This law changes the membership of the Fund Insurance Review Board by:

1. Decreasing from 3 to 2 the number of members representing the petroleum industry;
2. Designating membership of 2 members who have expertise in oil storage facility design and installation, oil spill remediation or environmental engineering; and
3. Decreasing from 5 to 4 the number of public members.

The law also alters the duties of the review board to include reviewing DEP priorities for disbursements from the Ground Water Oil Clean-up Fund and making recommendations to the Commissioner of DEP on how the fund should be allocated. The law provides for the number of meetings to be held by the review board and for the annual selection of a chair. It also consolidates responsibilities for hearing appeals and reporting to the Legislature in the section of law that deals with the review board.

Sponsor: Rep. Ayotte

ENR

Signed:
06/07/11

PL 2011
C. 243

721 An Act To Extend the Use of Underground Storage Tanks

Summary: This law provides that an underground oil storage tank for which the manufacturer's warranty has expired does not need to be removed from service and properly abandoned if the tank is tested in accordance with the provisions of the Maine Revised Statutes, Title 38, section 564, subsection 1-A. The law provides that a double-walled tank may continue in service up to 10 years beyond the expiration of the warranty if precision tests are undertaken to determine the integrity of the tank.

The law also extends from 12 months to 24 months the time period after which underground oil storage tanks taken out of service must be properly abandoned. It also prohibits single-walled underground oil storage tanks that have been out of service for a period of more than 24 months from being brought back into service and it prohibits double-walled underground oil storage

Bureau of Remediation and Waste Management

LD	TITLE	COMMITTEE	RESULT	REFERENCE
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The law directs the Commissioner of DEP, in addition to the Commissioner of DAF&RR, to report to the Agriculture, Conservation and Forestry Committee with recommendations regarding oversight of agricultural composting operations and authorizes the committee to report out a bill during the Second Regular Session of the 125th Legislature pertaining to oversight of agricultural composting operations.

Sponsor: Rep. Libby	ENR	Signed: 06/03/11 (Emerg.)	Res. 2011 C. 60
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981 An Act To Increase Recycling Jobs in Maine and Lower Costs for Maine Businesses Concerning Recycled Electronics

Summary: This law expands coverage under the State’s electronic waste recycling laws to small universal waste generators and expands current coverage to small businesses and nonprofit organizations that employ 100 or fewer individuals and primary and secondary schools. The law would also limit the number of covered electronic devices that may be dropped off at municipal collection sites or consolidator-sponsored collection events to 7 devices, unless the municipal collection site or consolidator is willing to accept additional devices. Lastly, the law would allow for the controlled breakage of cathode ray tubes by licensed electronics demanufacturing facilities if the facilities demonstrate to the DEP that they meet specified environmental health and safety standards.

Sponsor: Rep. Innes	ENR	UN-Signed: 06/08/11 (Emerg.)	PL 2011 C. 250
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1129 An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals

Summary: This law makes a number of changes to the priority chemical program.

1. It prohibits the DEP from initiating rulemaking under the Maine Revised Statutes, Title 38, chapter 16-D unless the chemical at issue has been included in a regulatory agenda disclosed to the Legislature pursuant to the Maine Administrative Procedure Act or the rulemaking is in response to a petition by a person to adopt or modify a rule pursuant to the Maine Administrative Procedure Act.

Bureau of Remediation and Waste Management

LD	TITLE	COMMITTEE	RESULT	REFERENCE
	2. It changes the name of the list of "chemicals of high concern" to "chemicals of concern." By January 1, 2012, the DEP is required to remove chemicals from the original list that are exempt from regulation. A person may petition for removal of chemicals that don't meet the listing criteria.			
	3. By July 1, 2012, a new list of up to 70 "chemicals of high concern" must be developed by the Department of Health and Human Services, Maine Center for Disease Control and Prevention (MCDCP) and published by the DEP based on a finding of strong credible evidence of toxicity and one or more indicators of likely exposure.			
	4. The DEP is required to specify, in rule, the appropriate de minimis levels for each chemical of high concern. "De minimis level" is defined. For a chemical present in a product as a contaminant, the de minimis level is 100 parts per million. For a chemical that's intentionally added to a product by a manufacturer, the de minimis level is the practical quantification limit, which is the lowest concentration of the chemical that can be reliably and accurately measured.			
	5. The Commissioner of DEP is required to review the published list of chemicals of high concern at least every 3 years and may, with the concurrence of the MCDCP, remove chemicals that no longer meet the listing criteria and may add chemicals that meet the criteria. The list of chemicals of high concern may not consist of more than 70 or fewer than 10 chemicals, unless fewer than 10 meet the listing criteria.			
	6. Effective July 1, 2012, a "priority chemical" may be designated only if the chemical has been listed on the list of chemicals of high concern.			
	7. The definition of "children's product" is amended by limiting it to those products intended, made and marketed for use by children under 12 years of age and other consumer products through which a child under 12 years of age or a fetus is likely to be exposed to a chemical of concern.			
	8. The definition of "consumer product" is narrowed to mean items sold for indoor use in a residence, child care facility or school, or for outdoor residential use if children may have direct contact with the items.			
	9. Definitions of "credible scientific evidence" and "practical quantification limit" have been added.			
	10. The criteria to be considered for designating a priority chemical are reduced from 6 to 3.			

Bureau of Remediation and Waste Management

LD	TITLE	COMMITTEE	RESULT	REFERENCE
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11. In determining whether a safer alternative is available, the DEP may presume that a safer alternative is available if another state bans that chemical only if that state based its action on the availability of safer alternatives.

12. It provides that the DEP may consider the extent to which a chemical is adequately regulated by the Federal Government or another state agency in Maine in exercising its discretionary authority under the law.

13. It provides that the following are exempt from the requirements for disclosing information for priority chemicals and from any sales prohibition:

- A. Inaccessible components, except that the DEP may adopt a rule based on a case-by-case evaluation to subject inaccessible components to those requirements; and
- B. A priority chemical that occurs in a product component only as a contaminant, if the manufacturer had a manufacturing control plan and exercised due diligence.

14. It allows a manufacturer 30 days instead of 10 days to respond to the DEP's request for a certificate of compliance.

15. It provides that any reporting requirements for products containing existing priority chemicals that have been adopted by rule by the DEP are extended to the effective date of this legislation. It makes this provision retroactive to the date the reports are currently required, July 8, 2011.

Sponsor: Rep. Hamper

ENR

**Signed:
06/13/11**

**PL 2011
C. 319**

1250 An Act To Improve Oil Storage Facility Operator Training

Summary: This law requires a DEP training program for operators of oil storage facilities to be completed every 2 years.

Sponsor: Sen. Diamond

ENR

**Signed:
06/13/11**

**PL 2011
C. 317**

Bureau of Remediation and Waste Management

LD	TITLE	COMMITTEE	RESULT	REFERENCE
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1480 An Act To Correct Errors and Inconsistencies in the Laws of Maine

Summary: This law (Part E) makes substantive changes to carry out the intent of the Environment and Natural Resources Committee concerning mercury-added thermostats. Several sections of L.D. 1398, enacted as Public Law 2011, chapter 206, were inadvertently not removed from the bill by both the majority and minority committee amendments. This Part resolves that oversight by amending the Maine Revised Statutes, Title 38, section 1665-B to reinstate the law as it existed prior to the enactment of Public Law 2011, chapter 206. Chapter 206 took effect on June 3, 2011. Part E includes a retroactive effective date provision to make the entire Part apply retroactively to June 3, 2011.

Sponsor: Rep. Nass

JUD

Signed:
07/06/11
(Emerg.)

PL 2011
C. 420

1567 Resolve, To Authorize the State To Acquire a Landfill in the Town of East Millinocket

Summary: This law authorizes the State Planning Office (the “office”) to acquire, own and cause to be operated an existing solid waste disposal facility in the Town of East Millinocket and directs the office to take those actions. The law also clarifies that a joint citizen advisory committee must be established if the type of waste permitted to be disposed of at the disposal facility changes and expressly preserves the sovereign immunity of the State with respect to any agreement authorized under this law. Lastly, the law provides that the donation of real estate associated with the disposal facility is conditioned on the execution of an agreement by a buyer for the acquisition of the pulp and paper mills in the Town of Millinocket and the Town of East Millinocket; the office's endeavoring to identify and implement measures to mitigate the State's closure costs, including the consideration of cost caps on the closure costs, including the consideration of cost caps on the closure of the Dolby Landfill; and the office's having received from the buyer an acceptable business plan, including employment projections.

Sponsor: Sen. Saviello

ENR

Signed:
06/17/11
(Emerg.)

Res. 2011
C. 90

Appendices

APPENDIX I

BILLS TRACKED BY THE DEPARTMENT BUT NOT ENACTED BY THE LEGISLATURE

1. 72 An Act To Require State Agencies To Give Priority to State Armories When Renting Space for Meetings
2. 96 An Act To Reduce Noise and Emissions Associated with Trains
3. 132 Resolve, Directing the Department of Environmental Protection To Convene a Task Force To Develop Initiatives To Reduce Unnecessary Packaging
4. 144 An Act To Regulate the Use of Magnesium Chloride
5. 146 An Act To Prohibit the Use of Mercury Amalgams in Dental Procedures for Children, Pregnant Women and Nursing Mothers
6. 154 An Act To Change the Classification of the Lower Androscoggin River
7. 156 An Act To Clarify the Regulation of Impacts to Significant Vernal Pool Habitats under the Natural Resources Protection Act
8. 158 An Act To Improve Public Understanding in the Rulemaking of Certain Departments
9. 189 An Act To Achieve Cost Savings by Eliminating Deputy Commissioner Positions throughout State Government
10. 219 An Act To Amend the Laws Governing Shoreland Zoning
11. 222 An Act To Provide for the Appointment of Division Directors in the Department of Environmental Protection
12. 240 An Act To Allow the Removal of Gravel Bars in the Sandy River
13. 242 An Act To Prevent the Spread of Milfoil in the Songo River
14. 245 An Act To Amend the Laws Governing Waste Processing
15. 256 An Act To Amend the Law Regarding Repairing a Structure in a Coastal Sand Dune System
16. 261 An Act To Eliminate Combined Sewer Overflows in Maine Waters
17. 264 An Act Regarding Residential Chimney Lining
18. 292 An Act To Prohibit Placing the Carcass of a Dead Animal on a Frozen Body of Water for the Purpose of Baiting Coyotes
19. 339 An Act To Prohibit Municipal Ordinances More Stringent than State Guidelines
20. 341 An Act To Exempt Artificial Wetlands and Artificial Significant Vernal Pool Habitats from State Regulation
21. 357 An Act To Repeal Motor Vehicle Inspection Requirements
22. 379 An Act To Stop Unfunded Mandates Concerning Waste Discharge Licenses
23. 434 An Act To Exempt Wetlands Created by Obstructions or Barriers from the Shoreland Zoning Laws
24. 439 Resolve, To Waive the Fine That the Department of Environmental Protection Imposed on Arthur Drolet in Connection with the Removal of Underground Petroleum Storage Tanks
25. 442 An Act To Allow Year-round Placement of Cobble-trapping Fences behind Established Seawalls
26. 453 An Act To Facilitate the Establishment of a Business in Maine by Providing Assistance with Document Completion
27. 479 An Act To Prohibit the Burning of Construction and Demolition Debris at

Appendix I (cont.)

- Municipal Landfills and Transfer Stations
28. 480 Resolve, To Allow Service Stations in Maine To Use Their Inventory of Lead Wheel Weights
 29. 484 An Act To Allow the Burning of Certain Agricultural Products in Outdoor Wood Boilers
 30. 502 An Act To Place a Moratorium on Expedited Permitting of Grid-scale Wind Energy Development
 31. 510 An Act To Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing
 32. 524 An Act To Charge a Fee for Garbage Disposal To Encourage Recycling
 33. 614 An Act To Expedite the Review of Certain Maine Land Use Regulation Commission and Department of Environmental Protection Applications
 34. 615 An Act To Authorize the Rerouting of Meadow Brook into Toothaker Pond
 35. 616 An Act To Clarify Landowner Liability for Environmental Damage Caused by Others
 36. 680 Resolve, Directing the Commissioner of Environmental Protection To Convene a Task Force To Study the Effect of Additives in Gasoline
 37. 711 An Act To Regulate Noise from Wind Turbines in Residential Developments
 38. 716 An Act To Improve the Recycling Rate of Mercury-added Motor Vehicle Components
 39. 733 An Act To Allow a Person Who Has Lost a Home in a Shoreland Zone To Obtain a Building Permit
 40. 752 An Act To Provide Funding for Landfills by Imposing a Gift Package Surcharge
 41. 839 Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel
 42. 865 Resolve, To Study Motor Fuel and Fuel Additives and To Explore Alternatives to Ethanol Motor Fuel
 43. 872 An Act To Clarify the Natural Resources Protection Act
 44. 888 An Act To Allow Flexibility under Municipal Shoreland Zoning Ordinances
 45. 904 An Act To Make Changes to Boards and Commissions Concerning Membership, Appointments and Terms
 46. 1002 An Act To Encourage Affordable Housing in Municipal Zoning
 47. 1009 Resolve, Directing the Department of Environmental Protection To Work with the Town of Sanford To Develop a Plan To Clean Up Number One Pond in Sanford
 48. 1035 Resolve, To Establish Baseline Information on Health Impacts from Grid-scale Wind Energy Development
 49. 1042 An Act To Preserve and Protect Citizens' Property Rights and Values
 50. 1052 An Act To Require Equal Treatment of All Roads in a Road Association
 51. 1077 An Act To Enhance Public Participation in Decisions Relating to the Large-scale Extraction and Transportation of Water
 52. 1093 An Act To Require the State To Pay Costs and Fees in Actions against Certain State Agencies
 53. 1128 An Act To Modify the Requirements for Municipal Code Enforcement Officer Training
 54. 1135 An Act To Protect the Rights of Property Owners

Appendix I (cont.)

55. 1146 Resolve, To Direct the Department of Environmental Protection To Adopt Rules Establishing Sound Level Limits for Wind Turbines
56. 1156 An Act To Exempt from Subdivision Requirements Land Sold by 65 Years of Age or Older Persons
57. 1170 An Act To Establish a Code of Ethics for Individuals Involved in Grid-scale
58. 1172 An Act To Prohibit Enforcement of Federal Laws in Violation of the Constitution of the United States
59. 1185 An Act To Amend the Process for Prioritizing Toxic Chemicals in Children's Products
60. 1202 An Act To Equalize the Premiums Imposed on the Sale of Motor Vehicle Oil
61. 1220 An Act To Improve the Workplace for State Employees
62. 1234 An Act To Restore the Uniform Visual Permitting Standard for Wind Power
63. 1236 An Act To Amend the Legislative Findings in the Maine Wind Energy Act
64. 1255 Resolve, To Study Initiatives To Increase Recycling in Maine
65. 1258 An Act To Improve Land Use Planning and Permitting in Unorganized Territories
66. 1291 Resolve, To Promote Community Wind Energy Development
67. 1320 An Act To Increase the Recycling Rate in Maine
68. 1323 An Act To Support Solar Energy Development in Maine
70. 1362 An Act To Ensure Accurate Valuation of a Community Benefits Package for Communities That Host Wind Energy Developments
71. 1382 An Act To Protect Homeowners Regarding Sewer Liens
72. 1389 An Act To Require Certain Costly Rules To Be Approved by the Legislature
73. 1390 An Act To Revise the Reporting Requirements for Oil Spills
74. 1411 An Act To Facilitate Transparency and Accountability while Reducing Electricity Costs
75. 1433 An Act To Provide for the Recycling or Proper Disposal of Architectural Paint
76. 1443 An Act To Improve the Permitting Process for Wind Energy Developments and To Protect Maine's Quality of Place
77. 1445 An Act To Provide More Efficient Notice of Public Activities
78. 1479 An Act To Minimize Conflicts between Property Owners and Grid-scale Wind Energy Developments
79. 1564 An Act Concerning Certain Privileges Transferred to GNE, LLC by Great Northern Paper, Inc.
80. 1574 An Act To Tax Water Used by Hydroelectric Facilities

APPENDIX II

BILLS TRACKED BY THE DEPARTMENT BUT WHICH HAVE NO DIRECT IMPACT ON DEPARTMENTAL RESPONSIBILITIES

1. 84 An Act To Improve the Sewer District Rate Collection Procedures (Rep. Fitts)
PL Ch. 26
2. 112 An Act To Discourage Illegal Dumping in the State (Rep. Shaw) **PL Ch. 208**
3. 286 An Act To Allow the Operation of Crematoriums at Oak Grove Cemetery and the Kelley Family Cemetery (Rep. Hanley) **P&SL Ch. 10**
4. 300 An Act To Increase the Availability of Lead Testing for Children (Sen. Craven)
PL Ch. 183
5. 301 An Act Relating to Abandoned Vehicles (Sen. Diamond) **PL Ch. 46**
6. 310 Resolve, Regarding Legislative Review of Portions of Chapter 232: Well Drillers and Pump Installers Rules, a Major Substantive Rule of the Maine Water Well Commission (Rep. Hamper) **Res. Ch. 13**
7. 367 An Act To Amend the Laws Regarding Noncommercial Foreign Vessels (Rep. Cebra) **PL Ch. 14**
8. 431 An Act To Require the Efficiency Maine Trust To More Effectively Administer Funds (Sen. Thibodeau) **PL Ch. 84**
9. 437 An Act Relating to Inspection Requirements for New Motor Vehicles (Sen. Thomas) **PL Ch. 191**
10. 1008 Resolve, To Encourage State Agencies To Limit Their Use of Social Security Numbers (Rep. Knapp) **Res. Ch. 56**
11. 1521 An Act To Amend the InforME Public Information Access Act (Sen. Thomas)
PL Ch. 321
12. 1545 An Act To Authorize the Public Utilities Commission To Exercise Jurisdiction over Private Natural Gas Pipelines To Ensure Safe Operation (Pres. Raye)
PL Ch. 110
13. 1557 An Act To Raise the Speed Limit on Interstate 95 between the City of Old Town and the Town of Houlton (Rep. Willette) **PL Ch. 415**

APPENDIX III

BILLS TRACKED BY THE DEPARTMENT AND CARRIED OVER BY THE LEGISLATURE

1. 287 An Act To Provide Savings to the State by Contracting Out Certain Services (Rep. Winsor)
2. 359 An Act To Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds (Rep. Flood)
3. 425 An Act To Stimulate Demand for Renewable Resources (Sen. Rosen)
4. 470 An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Bulkhead at the Gulf of Maine Research Institute (Rep. H. Clark)
5. 543 An Act To Protect Legislative Intent in Rulemaking (Rep. Prescott)
6. 651 An Act To Improve Tribal-State Relations (Rep. Priest)
7. 693 An Act Concerning Solid Waste Facility Citizen Advisory Committees (Rep. Duchesne)
8. 741 An Act To Authorize a General Fund Bond Issue To Invest in Water and Sewer Infrastructure To Protect Public Health and To Facilitate the Expansion and Growth of Business (Sen. Alford)
9. 781 An Act To Establish Flushability Standards for Consumer Products Advertised as Flushable (Rep. Innes)
10. 879 An Act To Ensure Adequate Landfill Capacity in the State for Solid Waste (Rep. Curtis)
11. 1278 An Act To Stabilize Solid Waste Management Funding (Rep. Duchesne)
12. 1335 An Act Relating to the Authority of the Legislative Council over the Fiscal Note Process (Sen. Alford)
13. 1408 An Act To Amend Water Quality Standards for Fish Hatcheries (Sen. Trahan)
14. 1412 An Act To Promote the Proper Disposal of Used Medical Sharps (Rep. Innes)
15. 1458 An Act To Transfer Recycling Technical Assistance and Solid Waste Policy Responsibilities from the State Planning Office to the Department of Environmental Protection (Rep. Moulton)
16. 1465 An Act To Amend the Laws Governing Freedom of Access (Sen. Rosen)
17. 1546 An Act To Amend the Laws Governing the Deference Afforded to Agency Decisions (Sen. Plowman)

APPENDIX IV

BILLS REQUIRING DEP RULEMAKING (per bureau)

BUREAU OF LAND AND WATER QUALITY

- LD 311** An Act To Improve Harbor Safety by Clarifying Requirements for Maintenance Dredging Permits (**PL 2011 Ch. 65**)
- LD 333** Resolve, Directing the Department of Environmental Protection To Evaluate and Amend Its Rules Regarding Snow Dumps (**Res. 2011 Ch. 44**)
- LD 387** An Act To Amend the Natural Resources Protection Act Regarding Coastal Sand Dune Systems (**PL 2011 Ch. 64**)
- LD 411** Resolve, Regarding Legislative Review of Portions of Chapter 305: Permit by Rule Standards, Section 16, Activities in Coastal Dunes, a Major Substantive Rule of the Department of Environmental Protection (**Res. 2011 Ch. 27**)
- LD 515** An Act To Review State Water Quality Standards (**PL 2011 Ch. 194**)
- LD 552** An Act To Exclude Cupolas from the Measurement of Height for Structures in the Shoreland Zone (**PL 2011 Ch. 231**)
- LD 862** Resolve, Directing the Department of Environmental Protection To Amend Its Rules Governing the Length of Time Certain Permits Are Valid (**Res. 2011 Ch. 46**)

BUREAU OF REMEDIATION AND WASTE MANAGEMENT

- LD 721** An Act To Extend the Use of Underground Storage Tanks (**PL 2011 Ch. 276**)
- LD 969** Resolve, To Adjust Composting Limits for Farms (**Res. 2011 Ch. 60 – Emerg.**)
- LD 1129** An Act To Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals (**PL 2011 Ch. 319**)
- LD 1250** An Act To Improve Oil Storage Facility Operator Training (**PL 2011 Ch. 317**)

Appendix IV (cont.)

OFFICE OF THE COMMISSIONER / BUREAU OF REMEDIATION AND WASTE MANAGEMENT

LD 1 An Act To Ensure Regulatory Fairness and Reform (**PL 2011 Ch. 304 – Emerg.**)

BUREAU OF LAND AND WATER QUALITY / BUREAU OF REMEDIATION AND WASTE MANAGEMENT

LD 253 Resolve, To Establish a Single Construction Permit for Certain Aboveground Oil Storage Tanks in Gravel Pits and Quarries (**Res. 2011 Ch. 26**)

BUREAU OF AIR QUALITY / BUREAU OF LAND AND WATER QUALITY / BUREAU OF REMEDIATION AND WASTE MANAGEMENT

LD 1398 An Act To Amend the Laws Administered by the Department of Environmental Protection (**PL 2011 Ch. 206 – Emerg.**)