

### §343-C. Technical and Environmental Assistance Program

The Technical and Environmental Assistance Program, referred to in this section as the "program," is administered by the Office of Pollution Prevention. Participation in the program by any person is voluntary. The department may not require any person to participate in the program. [PL 1991, c. 804, Pt. C, §3 (NEW).]

**1. Program components.** The program must:

- A. Provide for the development, collection and coordination of information concerning compliance methods and technologies; [PL 1991, c. 804, Pt. C, §3 (NEW).]
- B. Provide for the encouragement of lawful cooperation among persons engaged in activities regulated by the department; [PL 1991, c. 804, Pt. C, §3 (NEW).]
- C. Provide assistance with pollution prevention and accidental release detection and prevention; [PL 1991, c. 804, Pt. C, §3 (NEW).]
- D. Ensure that a person engaging in an activity that is subject to regulation by the department is informed of that person's rights and obligations under environmental programs administered by the department, and assist persons in determining the applicable permitting and programmatic requirements of the department; and [PL 1991, c. 804, Pt. C, §3 (NEW).]
- E. Develop procedures to consider requests from regulated persons to modify work practice or technological compliance methods or the milestones for implementing those methods. [PL 1991, c. 804, Pt. C, §3 (NEW).]

Any instance of noncompliance identified as a result of a person requesting assistance through the program must be corrected by that person. The commissioner is not required to initiate a formal enforcement action against a person found to be in noncompliance as a result of a request for assistance through the program. The commissioner, in cooperation with the Attorney General and in conformity with federal requirements, shall develop a written enforcement policy for responding to violations identified as a result of a small business requesting assistance through the program. The policy must outline conditions under which the department will forego civil penalties when the violation is not a recurrence of a violation for which a prior formal or informal enforcement response has been taken, the violation was inadvertent and did not result in significant environmental harm or risk to human health and the business acts promptly and responsibly to correct the violation. [PL 1995, c. 234, §1 (AMD).]

**2. Other duties.** In administering the program, the Office of Pollution Prevention shall:

- A. Operate a telephone hotline to enhance accessibility of the program; and [PL 2013, c. 300, §7 (AMD).]
  - B. [PL 2013, c. 300, §8 (RP).]
  - C. Periodically review the program with trade associations, municipal organizations and regulated persons. [PL 1991, c. 804, Pt. C, §3 (NEW).]
- [PL 2013, c. 300, §§7, 8 (AMD).]

**3. Staffing.** The commissioner shall establish adequate staffing to effectively carry out the duties of the Technical and Environmental Assistance Program. [PL 1993, c. 500, §1 (NEW); PL 1993, c. 500, §5 (AFF).]

#### SECTION HISTORY

PL 1991, c. 804, §C3 (NEW). PL 1993, c. 500, §1 (AMD). PL 1993, c. 500, §5 (AFF). PL 1995, c. 234, §1 (AMD). PL 2013, c. 300, §§7, 8 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--