

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Stabilize Funding for Hazardous Material Emergency Response by the Department of Environmental Protection and Enhance Response Efforts of the Maine Emergency Management Agency

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

Sec. 1. 37-B MRSA §801, sub-§1, as enacted by PL 1989, c. 464, §3, is amended to read:

1. Fees required. The operators of anya facility that is required to report to the State Emergency Response Commission under the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, Title III, Sections 311, 312 and 313;and all natural gas pipelines are subject to the fees adopted pursuant to subsection 2. All fees collected pursuant to this section ~~shall~~must be deposited in the Emergency Response Commission Fund.

Sec. 2. 37-B MRSA §801, sub-§2, as enacted by PL 1989, c. 464, §3, is amended to read:

2. Fees established. The director, with the advice of the commission and the Commissioner of Environmental Protection and subject to the Maine Administrative ~~Procedures~~Procedure Act, Title ~~5~~, chapter ~~375~~, shall ~~promulgate~~adopt rules to establish a fee schedule for:

- A. Registering facilities, not to exceed \$50 per facility; ~~and~~
- B. Reporting hazardous materials, on a weight basis per chemical; ~~and~~
- C. Natural gas pipelines, not to exceed 2¢ per 5,000 cubic feet of gas transported.

The fee on natural gas must be paid quarterly by the owner of the pipeline in which the gas is first transported in the State.

Sec. 3. 37-B MRSA §802, sub-§1, ¶C, as enacted by PL 1989, c. 464, §3, is amended to read:

C. To provide training grants; ~~and~~

Sec. 4. 37-B MRSA §802, sub-§1, ¶D, as enacted by PL 1989, c. 464, §3, is amended to read:

D. To provide for the resource needs of the local emergency planning committees; ~~;~~

Sec. 5. 37-B MRSA §802, sub-§1, ¶E is enacted to read:

E. To reimburse the Maine Hazardous Waste Fund established under Title 38, section 1319D for sums expended to pay costs, including without limitation personnel, equipment and training costs, incurred by the Department of Environmental Protection for emergency response related to the discharge of hazardous material to the extent those costs are not recovered from the responsible parties; and

Sec. 6. 37-B MRSA §802, sub-§1, ¶F is enacted to read:

F. To the Uncontrolled Sites Fund established under Title 38, section 1364, subsection 6, to be used by the Department of Environmental Protection to carry out its responsibilities related to uncontrolled hazardous substance sites.

Sec. 7. 37-B MRSA §806, sub-§1, as enacted by PL 1989, c. 464, §3, is amended to read:

1. Orders. The commission and the Commissioner of Environmental Protection may issue orders requiring the owner or operator of a facility or other responsible person at a facility to abate a violation of any section of this subchapter or rule adopted under it.

Sec. 8. 38 MRSA §347-A, sub-§1, ¶A, as amended by PL 2003, c. 245, §5, is further amended to read:

A. Whenever it appears to the commissioner, after investigation, that there is or has been a violation of this Title, ~~or~~ for rules adopted under this Title, of Title 37B, chapter 13, subchapter 3A or rules adopted under that subchapter or of the terms or conditions of a license, permit or order issued by the board or the commissioner, the commissioner may initiate an enforcement action by taking one or more of the following steps:

- (1) Resolving the violation through an administrative consent agreement pursuant to subsection 4, signed by the violator and approved by the board and the Attorney General;
- (2) Referring the violation to the Attorney General for civil or criminal prosecution;
- (3) Scheduling and holding an enforcement hearing on the alleged violation pursuant to subsection 2; or
- (4) With the prior approval of the Attorney General, commencing a civil action pursuant to section 342, subsection 7 and the Maine Rules of Civil Procedure, Rule 3.

SUMMARY

This bill establishes a fee on natural gas transported by pipeline in the State. Revenue from the fee must be deposited in the Emergency Response Commission Fund to be used by the Maine Emergency Management Agency in support of planning and training for local emergency response to hazardous material incidents.

The bill authorizes the transfer of money from the Emergency Response Commission Fund to the Maine Hazardous Waste Fund for the purpose of paying costs related to hazardous material emergency response incurred by the Department of Environmental Protection. The bill also authorizes transfers to the Uncontrolled Sites Fund to be used by the Department of Environmental Protection to carry out its responsibilities related to the oversight of uncontrolled hazardous substance sites.

HP1281, LD 1793, item 1, 124th Maine State Legislature
An Act To Stabilize Funding for Hazardous Material Emergency Response by the Department of
Environmental Protection and Enhance Response Efforts of the Maine Emergency Management Agency

The bill authorizes the Commissioner of Environmental Protection to take enforcement action against facilities with hazardous materials that fail to register with the Maine Emergency Management Agency as required under the Maine Revised Statutes, Title 37B, chapter 13, subchapter 3A.