

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

## An Act Regarding Asbestos Abatement Work

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

**Sec. 1. 38 MRSA §352, sub-§5-A**, as amended by PL 2007, c. 558, §1, is further amended to read:

**5-A. Accounting system.** In order to determine the extent to which the functions set out in this section are necessary for the licensing process or are being performed in an efficient and expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions keep accurate and regular daily time records. These records must describe the matters worked on, services performed and the amount of time devoted to those matters and services, as well as amounts of money expended in performing those functions. Records must be kept for a sufficient duration of time as determined by the commissioner to establish to the commissioner's satisfaction that the fees are appropriate.

TABLE I  
MAXIMUM FEES IN DOLLARS

| TITLE 36 SECTION   | PROCESSING FEE    | CERTIFICATION FEE |
|--|-------------------|-------------------|
| 656, sub-§1, ¶E, Pollution Control Facilities  |                   |                   |
| A. Water pollution control facilities with capacities at least 4,000 gallons of waste per day and §1760, sub-§29, water pollution control facilities | \$250             | \$20              |
| B. Air pollution control and §1760, sub-§30, air pollution control facilities  | 250               | 20                |
|  |                   |                   |
| TITLE 38 SECTION   | PROCESSING FEE    | LICENSE FEE       |
| 344, sub-§7, Permit by rule  | \$50              | \$0               |
| 413, Waste discharge licenses  | See section 353-B |                   |

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420-D, Storm water management

|   |   |  |
|---|---|--|
| A. If structural means of storm water control are used        | \$400 for the first acre of disturbed area, plus \$200 for each additional whole acre of disturbed area | \$100 for the first acre of disturbed area, plus \$50 for each additional whole acre of disturbed area |
| B. If solely vegetative means of storm water control are used | \$200 for the first acre of disturbed area, plus \$100 for each additional whole acre of disturbed area | \$50 for the first acre of disturbed area, plus \$25 for each additional whole acre of disturbed area  |

C. When a permit by rule is required \$55 none

If a project described in paragraph A or B is reviewed and approved by a professional engineer at a soil and water conservation district office that has a memorandum of understanding with the department concerning review of projects pursuant to this section, the total applicable fee is reduced to a processing fee of \$100 for the first acre of disturbed area, plus a license fee of \$50 for each additional whole acre of disturbed area.

480-E, Natural resources protection

|   |                         |                         |
|---|-------------------------|-------------------------|
| A. Any alteration of a protected natural resource, except coastal wetlands and coastal sand dunes, causing less than 20,000 square feet of alteration of the resource | 140                     | 50                      |
| B. Any alteration of a coastal wetland causing less than 20,000 square feet of alteration of the resource   | 240                     | 60                      |
| C. Any alteration of a protected natural resource, except coastal sand dunes, causing 20,000 square feet or more of alteration of the resource                        | .015/sq. ft. alteration | .005/sq. ft. alteration |
| C-1. Significant groundwater well   | 4,577                   | 1,961                   |
| C-2. Activity within a community public water supply primary protection area  | 183                     | 64                      |
| D. Any alteration of a coastal sand dune  | 3,500                   | 1,500                   |
| E. Condition compliance   | 84                      | 0                       |
| F. Minor modification   | 184                     | 0                       |

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485-A, Site location of development

A. Residential subdivisions

|   |                   |         |
|---|-------------------|---------|
| 1. Affordable housing                                     | 50/lot            | 50/lot  |
| 2. On public water and sewers                             | 175/lot           | 175/lot |
| 3. All Other  | 250/lot           | 250/lot |
| B. Industrial parks                                       | 460/lot           | 460/lot |
| C. Mining   | 1,500             | 1,000   |
| D. Structures   | 4,000             | 2,000   |
| E. Other  | 1,000             | 1,000   |
| 543, Oily waste discharge                                 | 40                | 160     |
| 560, Vessels at anchorage                                 | 125               | 100     |
| 587, Ambient air quality or emissions standards variances | 5,050             | 50      |
| 590, Air emissions licenses                               | See section 353-A |         |

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|   |        |       |
|---|--------|-------|
| 633, Hydropower projects  |        |       |
| A. New or expanded generating capacity  | 450/MW | 50/MW |
| B. Maintenance and repair or other structural alterations not involving an increase in generating capacity  | 150    | 150   |
| 33 United States Code, Chapter 26, Water Quality Certifications, in conjunction with applications for hydropower project licensing or relicensing |        |       |
| A. Initial consultation   | 1,000  | 0     |
| B. Second consultation  | 1,000  | 0     |
| C. Application  |        |       |
| 1. Storage  | 1,000  | 0     |
| 2. Generating   | 300/MW | 50/MW |
| 1304, Waste management  |        |       |
| A. Septage disposal   |        |       |
| 1. Site designation   | 50     | 25    |
| B. Land application of sludges and residuals program approval   |        |       |
| 1. Industrial sludge  | 400    | 400   |
| 2. Municipal sludge   | 300    | 275   |
| 3. Bioash   | 300    | 275   |
| 4. Wood ash   | 300    | 75    |
| 5. Food waste   | 300    | 75    |
| 6. Other residuals  | 300    | 175   |
| C. Landfill   |        |       |
| 1. Closing plans for secure landfills   | 1,500  | 1,500 |
| 2. Closing plans for attenuation landfills  | 500    | 500   |
| 3. Post-closure report  | 175    | 175   |
| 4. Preliminary information reports  | 175    | 175   |
| 5. License transfers  | 500    | 175   |
| 6. Special waste disposal   |        |       |
| a. One-time disposal of quantities of 6 cubic yards or less   | 50     | 50    |
| b. One-time disposal of quantities greater than 6 cubic yards   | 100    | 100   |
| c. Program approval for routine disposal of a special waste   | 300    | 300   |
| 7. Minor revision for secure landfills  | 600    | 100   |
| 8. Minor revision for attenuation landfills   | 100    | 100   |
| 9. Public benefit determination   | 175    | 175   |
| D. Incineration facility  |        |       |
| 2. License transfer   | 175    | 175   |
| E. License transfer other than for landfills and incinerators   | 100    | 100   |
|   | 100    | 100   |

|  |     |     |
|--|-----|-----|
| F. Minor revision for septage facilities<br>and solid waste facilities other than<br>landfills |     |     |
| G. Permit by rule for one-time activities  | 100 | 100 |

TABLE II  
WASTE MANAGEMENT FEES - ANNUAL LICENSE  
MAXIMUM FEES IN DOLLARS

| TITLE 38 SECTION | PROCESSING FEE | ANNUAL<br>LICENSE FEE |
|------------------|----------------|-----------------------|
|------------------|----------------|-----------------------|

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|  |            |              |
|--|------------|--------------|
| <u>1278, Asbestos abatement</u>  |            |              |
| A. Asbestos abatement contractor   | <u>\$0</u> | <u>\$650</u> |
| B. Asbestos abatement worker   | <u>0</u>   | <u>50</u>    |
| C. Asbestos consultant   | <u>0</u>   | <u>650</u>   |
| D. Asbestos analytical laboratory  | <u>0</u>   | <u>400</u>   |
| E. Training provider   | <u>0</u>   | <u>500</u>   |
| F. Other categories of asbestos professionals except asbestos abatement workers  | <u>0</u>   | <u>100</u>   |
| <u>G. Notification</u>   |            |              |
| 1. Project size greater than 100 square feet or 100 linear feet and less than 500 square feet or 2,500 linear feet     | <u>100</u> | <u>0</u>     |
| 2. Project size 500 square feet or 2,500 linear feet, or greater, and less than 1,000 square feet or 5,000 linear feet | <u>150</u> | <u>0</u>     |
| 3. Project size 1,000 square feet or 5,000 linear feet, or greater   | <u>300</u> | <u>0</u>     |
| <u>1304, Waste management</u>  |            |              |
| <u>A. Septage disposal</u>   |            |              |
| 1. Landspreading   | \$550      | \$250        |
| 2. Storage   | 50         | 75           |
| <u>B. Residuals compost facility</u>   |            |              |
| 1. Type I  | 150        | 150          |
| 3. Type II and Type III less than 3,500 cubic yards  | 700        | 500          |
| 5. Type II and Type III 3,500 cubic yards or greater   | 1,400      | 850          |
| <u>C. Land application of sludges and residuals</u>  |            |              |
| 1. Sites with program approval   |            |              |
| a. Industrial sludge   | 150        | 250          |
| b. Municipal sludge  | 75         | 200          |
| c. Bioash  | 75         | 200          |
| d. Wood ash  | 50         | 125          |
| e. Food waste  | 50         | 125          |
| f. Other residuals   | 50         | 125          |
| 2. Sites without program approval  |            |              |
| a. Industrial sludge   | 300        | 550          |
| b. Municipal sludge  | 150        | 250          |
| c. Bioash  | 150        | 250          |
| d. Wood ash  | 75         | 200          |
| e. Food waste  | 75         | 200          |
| f. Other   | 75         | 200          |
| <u>1310-N, Solid waste facility siting</u>   |            |              |
| <u>A. Landfill</u>   |            |              |
| 1. Existing, nonsecure municipal solid waste landfills accepting waste from fewer than 15,000 people                   | 3,500      | 1,000        |
|  | 3,500      | 3,500        |

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|  |       |       |
|--|-------|-------|
| 2. Existing, nonsecure municipal solid waste landfills accepting waste from more than 15,000 people          |       |       |
| 3. New or expanded for secure landfill   | 5,000 | 8,500 |
| 5. Nonsecure wood waste or demolition debris landfills, or both, if less than or equal to 6 acres            | 700   | 750   |
| <b>B. Incineration facilities</b>  |       |       |
| 1. New or expanded for the acceptance of municipal or special wastes, or both                                | 3,500 | 5,000 |
| 2. Municipally owned and operated solid waste incinerators with licensed capacity of 10 tons per day or less | 3,500 | 1,000 |
| C. Transfer station and storage facility   | 750   | 175   |
| D. Tire storage facility   | 400   | 450   |
| F. Processing facility other than municipal solid waste composting   | 700   | 700   |
| <b>G. Beneficial use activities other than agronomic utilization</b>   |       |       |
| 3. Fuel substitution   | 700   | 500   |
| 4. Beneficial use without risk assessment  | 700   | 200   |
| 5. Beneficial use with risk assessment   | 1,400 | 500   |
| H. Permit by rule for ongoing activities   | 100   | 100   |

**Sec. 2. 38 MRSA §353, sub-§3-B** is enacted to read:

**3-B. Certification fee for asbestos professionals.** A person applying for certification as an asbestos professional under more than one category under section 352, subsection 5-A shall pay the highest fee among the categories for which certification is sought and \$50 for each additional category.

**Sec. 3. 38 MRSA §1272, sub-§2,** as amended by PL 1993, c. 355, §26, is further amended to read:

**2. Asbestos abatement activity.** "Asbestos abatement activity" means activity involving the removal, demolition, enclosure, repair, encapsulation, handling, transportation or disposal of friable asbestos-containing materials in an amount greater than 3 square feet or 3 linear feet. "Asbestos abatement activity" includes associated activities such as design, monitoring, analysis and inspection of any friable asbestos-containing material in an amount greater than 3 square feet or 3 linear feet, and conducting training for persons seeking a state certificate or license.

**Sec. 4. 38 MRSA §1273, sub-§2,** as amended by PL 2001, c. 626, §17, is further amended to read:

**2. Notification required.** A person, owner or operator may not engage in any asbestos abatement activity over 3 linear feet or 3 square feet of friable asbestos-containing material unless that person, owner or operator notifies the commissioner in writing. This notification must be postmarked at least 10 calendar days before or delivered to the department at least 5 working days prior to beginning any on-site work, including on-site preparation work. The department may approve a reduction in the number of days required for notification on a case-by-case basis when unforeseeable circumstances or compliance with standard notification procedures may cause a threat to the environment or human health.

**Sec. 5. 38 MRSA §1278, sub-§1,** as amended by PL 1993, c. 355, §43, is repealed.

**Sec. 6. 38 MRSA §1278, sub-§1-A** is enacted to read:

**1-A. License and certification fees.** Fees for each license and certification category are established under section 352. The fees must be paid upon application and annually thereafter.

**Sec. 7. 38 MRSA §1278, sub-§2,** as amended by PL 1993, c. 355, §44, is further amended to read:

**2. Notification fees.** Notification of asbestos abatement activities pursuant to section 1273, subsection 2; must be accompanied by athe notification fee established under section 352 unless the activity occurs in single-unit residential buildings. Notification fees are based on the total linear or square feet of asbestos-containing material involved in the activity.

A. ~~The fees are:~~

~~(1) Projects involving more than 100 square feet or 100 linear feet, but less than 1,000 square feet or 5,000 linear feet: \$100; and~~

~~(2) Projects involving more than 1,000 square feet or 5,000 linear feet: \$200.~~

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

## ENVIRONMENTAL PROTECTION, DEPARTMENT OF

### Maine Environmental Protection Fund 0421

Initiative: Provides funding for increased processing and certification fees and allows asbestos abatement expenditures.

| OTHER SPECIAL REVENUE FUNDS       | 2009-10  | 2010-11   |
|-----------------------------------|----------|-----------|
| All Other                         | \$75,000 | \$100,000 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$75,000 | \$100,000 |



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Effective September 12, 2009