**06**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

2017 – 2018

Regulatory Agenda

November 6, 2017 *(amended February 9, April 10, 23, 25, May 30, 2018)*

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**CHAPTER 2:** Rules Concerning the Processing of Applications and Other Administrative Matters *(Amendments)*

STATUTORY BASIS: 5 M.R.S. §8051 and 38 M.R.S. §341-H.

PURPOSE: The existing rule will be amended to incorporate recent statutory changes along with minor updates as necessary.

ANTICIPATED SCHEDULE: 2017-2018.

AFFECTED PARTIES: License applicants, appellants and petitioners.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 100:** Definitions Regulation

STATUTORY BASIS: 38 M.R.S. §585-A.

PURPOSE: This existing rule will be amended to incorporate additional federal greenhouse gas (Tailoring Rule) requirements and federal new source review (NSR) requirements for particulate matter.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: These administrative changes will not have a direct impact on the regulated community or the environment.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 101:** Visible Emissions Regulation

STATUTORY BASIS: 38 M.R.S. §585.

PURPOSE: Incorporate federal requirements for startups, shutdowns and malfunctions.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Major and minor sources of air emissions.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 110:** Ambient Air Quality Standards

STATUTORY BASIS: 38 M.R.S. §585-A

PURPOSE: Incorporate updated National Ambient Air Quality Standards (NAAQS).

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Major and minor sources of air emissions.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 113:** Growth Offset Regulation

STATUTORY BASIS: 38 M.R.S. §585-A.

PURPOSE: The existing rule will be amended to further clarify the process for offset generation when a facility closes, or shuts down. The proposed amendments will also simplify the offset substitution process.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: General public and regulated community.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 115:** Major and Minor Source Air Emission License Regulations

STATUTORY BASIS: 38 M.R.S. §§ 585, 585-A and 590.

PURPOSE: This existing rule will be amended to incorporate new federal new source review (NSR) requirements for PM2.5.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*(Chapter 117 through 150: amendments added April 25, 2018)*

**CHAPTER 117:** Source Surveillance *(Amendments)*

STATUTORY AUTHORITY: 38 M.R.S. §§ 590 and 585-A

PURPOSE: This rule is being proposed for amendment to incorporate greenhouse gas emission standards and cross reference a new Greenhouse Gas Emission Standards rule proposed by petitioners pursuant to 5 M.R.S. §8055.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Sources subject to the proposed Greenhouse Gas Emission Standards rule.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 121:** Emission Limitations and Emission Testing of Resource Recovery Facilities (Amendments)

STATUTORY AUTHORITY: 38 M.R.S. §§ 585, 585-A, and 590

PURPOSE: This rule is being proposed for amendment to incorporate greenhouse gas emission standards and cross reference a new Greenhouse Gas Emission Standards rule proposed by petitioners pursuant to 5 M.R.S. §8055.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Resource recovery facilities subject to the proposed Greenhouse Gas Emission Standards rule.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 137:** Emission Statements (Amendments)

STATUTORY AUTHORITY: 38 M.R.S. §§ 575, 585-A, and 585-C

PURPOSE: This rule is being proposed for amendment to incorporate greenhouse gas emission standards and cross reference a new Greenhouse Gas Emission Standards rule proposed by petitioners pursuant to 5 M.R.S. §8055.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Resource recovery facilities subject to the proposed Greenhouse Gas Emission Standards rule.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 140:** Part 70 Air Emission Licensing Regulations (Amendments)

STATUTORY AUTHORITY: 38 M.R.S. §§ 590 and 585-A

PURPOSE: This rule is being proposed for amendment to incorporate greenhouse gas emission standards and cross reference a new Greenhouse Gas Emission Standards rule proposed by petitioners pursuant to 5 M.R.S. §8055.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Title V stationary sources subject to the proposed Greenhouse Gas Emission Standards rule.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 146:** Diesel-Powered Motor Vehicle Emissions Standards (Amendments)

STATUTORY AUTHORITY: 38 M.R.S. §585-A and 29 M.R.S. §2114

PURPOSE: This rule is being proposed for amendment to incorporate greenhouse gas emission standards proposed by petitioners pursuant to 5 M.R.S. §8055.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Heavy-duty on-road diesel motor vehicles.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 148:** Emissions from Smaller-Scale Electric Generating Facilities *(Amendments)*

STATUTORY AUTHORITY: 38 M.R.S. §§ 585 and 585-A

PURPOSE: This rule is being proposed for amendment to incorporate greenhouse gas emission standards proposed by petitioners pursuant to 5 M.R.S. §8055.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Owners, operators and sellers of non-mobile generators having a capacity equal to or greater than 50 kilowatts.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 150:** Control of Emissions from Outdoor Wood Boilers *(Amendments)*

STATUTORY AUTHORITY: 38 M.R.S. §§ 585-A and 610-B

PURPOSE: This rule is being proposed for amendment to incorporate greenhouse gas emission standards proposed by petitioners pursuant to 5 M.R.S. §8055.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Manufacturers, suppliers, distributors or persons intending to sell, lease, distribute, or market, an outdoor wood boiler, including an outdoor pellet boiler

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 159:** Control of Volatile Organic Compounds from Adhesives and Sealants

STATUTORY BASIS: 38 M.R.S. §§ 585 and 585-A.

PURPOSE: This existing rule will be amended to increase the allowable volatile organic compound concentration of adhesives used in fiberglass boat building operations.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Fiberglass boat manufacturers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 162:** Control of Fiberglass Boat Manufacturing Materials

STATUTORY BASIS: 38 M.R.S. §§ 585 and 585-A.

PURPOSE: This existing rule will be amended to align compliance requirements (primarily recordkeeping) with requirements under the federal NESHAPS rule for larger sources.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Fiberglass boat manufacturers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*(Chapter 164 and 165: amendments added April 25, 2018)*

**CHAPTER 164:** General Permit for Concrete Batch Plants (Amendments)

STATUTORY AUTHORITY: 38 M.R.S. §585-A

PURPOSE: This rule is being proposed for amendment to incorporate greenhouse gas emission standards proposed by petitioners pursuant to 5 M.R.S. §8055.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Owners and operators of concrete batch plants

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 165:** General Permit for Class IV-A Incinerators (Amendments)

STATUTORY AUTHORITY: 38 M.R.S. §585-A

PURPOSE: This rule is being proposed for amendment to incorporate greenhouse gas emission standards proposed by petitioners pursuant to 5 M.R.S. §8055.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Owners and operators of Class IV-A incinerators

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 166:** Industrial Solvent Cleaning

STATUTORY BASIS: 38 M.R.S. §§ 585 and 585-A.

PURPOSE: This new rule will implement the federal Control Technique Guidelines for industrial solvent cleaning operations, which include compliance standards and recordkeeping requirements.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Owners and operators of facilities performing industrial solvent cleaning.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*(Chapter 167, 168 and 305: amendments added April 25, 2018)*

**CHAPTER 167:** Greenhouse Gas Emissions Standards (New Rule)

STATUTORY AUTHORITY: 38 M.R.S. §§ 576 and 585

PURPOSE: This new rule is being proposed by petitioners pursuant to 5 M.R.S. §8055, and would establish a statewide greenhouse gas emission limit for each year beginning 2020, and requires submission of greenhouse gas reduction plans for affected stationary sources and vehicle fleets.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Stationary sources with the potential to emit greenhouse gas emissions equal to or above 10,000 tons per year, and vehicle fleets of automobiles and/or trucks registered in the State of Maine with the potential to emit 5,000 tons per year.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 168:** Sulfur Hexafluoride Emissions Standards (New Rule)

STATUTORY AUTHORITY: 38 M.R.S. §§ 576 and 585

PURPOSE: This new rule is being proposed by petitioners pursuant to 5 M.R.S. §8055, and would establish emissions standards for sulfur hexafluoride from gas-insulated switchgear operators.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Owners and operators of gas-insulated switchgear.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 305:** Natural Resources Protection Act Permit by Rule Standards *(Amendments)*

STATUTORY AUTHORITY: 38 M.R.S. §§ 480-H and 341D(1)

PURPOSE: This rule is being proposed for amendment to incorporate greenhouse gas emission standards proposed by petitioners pursuant to 5 M.R.S. §8055.

SCHEDULE: The Department has scheduled a public hearing for this proposal on May 15, 2018. The comment period closes on June 19, 2018.

AFFECTED PARTIES: Persons conducting an activity that requires a permit under the Natural Resources Protection Act (NRPA).

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes

**CHAPTER 310: Wetlands and Waterbodies Protection**

STATUTORY BASIS: 38 M.R.S. §341-D(1).

PURPOSE: This existing rule will be amended to simplify the demarcation of certain wetlands of special significance including those with critically imperiled or imperiled natural communities, significant wildlife habitat and wetlands with aquatic vegetation, emergent marsh vegetation or open water.

ANTICIPATED SCHEDULE: late 2018.

AFFECTED PARTIES: Regulated community.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 377**: Review of Roads Under the Site Location Development law

STATUTORY BASIS: Repealed.

PURPOSE: This rule will be repealed since the responsibility for reviewing road development proposals has been consolidated under the Department of Transportation and the statutory authority for this Chapter has been rescinded.

ANTICIPATED SCHEDULE: Early 2018.

AFFECTED PARTIES: Regulated community.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 382**: Review of Wind Power Projects under the Wind Energy Act

STATUTORY BASIS: 38 M.R.S. §§ 341-D, 481 *et seq*., 35-A M.R.S. Chapter 34, and P.L. 2007, ch. 661(E-2).

PURPOSE: This rule will provide further guidance by clarifying and explaining the current review process and standards for wind energy projects under the *Wind Energy Act* (WEA).

ANTICIPATED SCHEDULE: Late 2017.

AFFECTED PARTIES: Regulated community.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*(Amendment added April 10, 2018)*

**CHAPTER 410**: Solid Waste Management Rules: Composting Facilities

STATUTORY AUTHORITY: 38 M.R.S. §§ 341-H and 1306 (1& 1-B)

PURPOSE: This rule making proposes no new language or substantive changes to Ch. 410, with the exception of a minor change to section 1(B)(1) to clarify that section so that it more accurately reflects the Department’s existing interpretation and practice. All proposed revisions, with the exception of changes to section 1(B)(1) and other minor formatting changes, were already the subject of prior Department notice and comment, and were properly adopted by the Department in those prior rulemaking proceedings. However, a footnote in a recent Maine Supreme Court decision, State of Maine v. Dubois, Inc., 2017 ME 223, ¶3 n.1, 174 A.3d 308, raises questions regarding the Department’s notice with respect to those prior adoptions, including whether all of the highlighted language was included on a single draft at the time of the Department’s prior public notice and comment. Accordingly, in an abundance of caution, and to alleviate any possible concerns regarding the adequacy of the Department’s notice, the Department is undertaking these current proceedings to allow for additional notice and public comment on the highlighted language, as set forth in a single draft version of Ch. 410.

SCHEDULE:This rule is being posted to a 30-day public comment period. The comment deadline is May 18, 2018, and the anticipated date of adoption is in June of 2018.

AFFECTED PARTIES: Owners and operators of composting facilities

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes \_\_\_ No X

**CHAPTER 411:** Solid Waste Management Rules: Non-Hazardous Waste Transporter Licenses

STATUTORY BASIS: 38 M.R.S. §1304(1 and 1-B).

PURPOSE: The existing rule will be amended to incorporate updated licensing procedures.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Transporters of solid waste, special waste or septage in the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*(Amendment added April 23, 2018)*

**CHAPTER 415**: Reasonable Costs for Handling, Transportation, and Recycling of Electronic Wastes

STATUTORY AUTHORITY: 38 M.R.S. §§ 341-D(1-B) and 1610(5)(D)(1)

PURPOSE: This rule is being amended to incorporate changes to Maine’s Electronic Waste Laws enacted by the Maine Legislature through Public Law 2018, Chapter 391.

SCHEDULE:The Department will be initiating rulemaking on this proposal in late spring of 2018.

AFFECTED PARTIES: Manufacturers and recyclers of electronic information technology equipment.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes \_\_\_ No X

**CHAPTER 418:** Solid Waste Management Rules: Beneficial Use of Solid Wastes

STATUTORY BASIS: 38 M.R.S. §1304(1).

PURPOSE: The existing rule will be amended to incorporate updated health-based screening values.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Persons engaged in reuse of solid wastes.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 420:** Solid Waste Management Rules: Septage Management Rules

STATUTORY BASIS: 38 M.R.S. §1304(1).

PURPOSE: These rules will be updated to reflect current best practices.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Persons engaged in the land application and storage of septage and municipal septage management compliance permitting.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTERS 520-529:** Waste Discharge Permitting Program Rules

STATUTORY BASIS: 38 M.R.S. §§ 341-H, 413.

PURPOSE: The existing rules will be amended to incorporate changes in federal law.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Licensed waste dischargers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 531:** Regulations for Wastewater Operator Certification

STATUTORY BASIS: 32 M.R.S. §4179, 38 M.R.S. §341-H.

PURPOSE: To revise various provisions of the rule including operator training and certification requirements.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Certified wastewater operators.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 584: Surface** Water Quality Criteria for Toxic Pollutants

STATUTORY BASIS: 38 M.R.S. §§ 341-H, 420

PURPOSE: To update water quality criteria to ensure consistency with national water quality criteria promulgated by the Environmental Protection Agency and to adopt site specific water quality criteria for certain water bodies.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Licensed waste dischargers and consumers of fish from certain Maine waters.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 691:** Rules for Underground Oil Storage Facilities

STATUTORY BASIS: 38 M.R.S. §§ 341-H and 561 *et seq*.

PURPOSE: The existing rule will be amended to reflect statutory changes pursuant to PL2015 Chapter 319 and incorporate requirements of federal rules regarding registration, installation, operation, monitoring, testing and removal of underground storage facilities as applicable.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Underground petroleum storage tank owners, operators, and Maine certified oil storage inspectors and installers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 692:** Siting of Oil Storage Facilities

STATUTORY BASIS: 38 M.R.S. §341-H and P.L. 2007, ch. 569 §7.

PURPOSE: The existing rule will be amended to clarify the variance provisions for siting new oil storage facilities on high yield aquifers.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Aboveground oil storage facility owners and operators and installers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 700:** Wellhead Protection: Siting of Facilities that Pose a Significant Threat to Drinking Water

STATUTORY BASIS: 38 M.R.S. §341-D(1-B); PL 2001, c. 302, §3 and PL 2007, c. 569, §7

PURPOSE: The existing rule will be amended to clarify the variance provisions for siting of facilities posing a significant threat to groundwater on high yield aquifers.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Aboveground oil storage facility owners and operators and installers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 800:** Identification of Hazardous Matter

STATUTORY BASIS: 38 M.R.S. §1319(1)(A).

PURPOSE: The Department is proposing to amend this rule in conjunction with the repeal of Chapter 801. These amendments will incorporate revised written reporting requirements for the discharge of hazardous matter.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Generators of hazardous matter.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 801:** Discharge of Hazardous Matter: Removal and Written Reporting Procedures

STATUTORY BASIS: 38 M.R.S. §1319.

PURPOSE: The Department is proposing to repeal this rule because these reporting requirements are largely redundant with those in other rules governing the handling of hazardous matter.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Generators of hazardous matter.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 850:** Identification of Hazardous Wastes

STATUTORY BASIS: 38 M.R.S. §1301 *et seq*.

PURPOSE: Revise state regulation to incorporate federal and state statutory changes.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Generators of wipers contaminated by hazardous waste.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 852:** Land Disposal Restrictions

STATUTORY BASIS: 38 M.R.S. §1301 *et seq*.

PURPOSE: Revise state regulation to incorporate requirements of federal rule regarding land disposal restrictions as applicable.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Generators of hazardous waste.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 857:** Hazardous Waste Manifest Requirements

STATUTORY BASIS: 38 M.R.S. §1301 *et seq*.

PURPOSE: This rule establishes requirements for the use of manifests to track the movement of hazardous waste and will be updated too incorporate the most recent federal program references and testing requirements.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Generators of hazardous waste who transport, or offer for transportation, hazardous waste.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*(Amendment added February 9, 2018)*

**CHAPTER 858**: Universal Waste Rules

STATUTORY AUTHORITY: 38 M.R.S. §§ 1319-O(1) and 2144

PURPOSE: This existing rule is being revised to incorporate revised and new regulations promulgated by the U.S. EPA under the *Solid Waste Disposal Act*, as amended by the *Resource Conservation and Recovery Act of 1976* (RCRA), as amended.

SCHEDULE: This rule is being posted to a 30-day public comment period with an opportunity to request a public hearing. The proposed comment deadline is March 23, 2018, and the anticipated date of adoption is in late April or early May of 2018.

AFFECTED PARTIES: Generators and facilities managing universal wastes

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

**CHAPTER 890:** Designation of a Chemical of High Concern as a Priority Chemical

STATUTORY BASIS: 38 M.R.S. §1694

PURPOSE: This new rule will designate a chemical of high concern as a priority chemical and require reporting for certain product categories that contain one or more of the regulated chemicals.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Manufacturers and distributors of products containing the chemical of high concern.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*(Amendment added May 30, 2018)*

**CHAPTER 890:** Designation of PSOF as a Priority Chemical

STATUTORY BASIS: 38 M.R.S. §§ 341-H, 1694

PURPOSE: The proposed rule will designate perfluorooctane sulfonic acid and its salts ("PFOS") as a priority chemical and require reporting for certain product categories that contains this regulated chemical. The proposal applies to manufacturers of specified product categories that contain intentionally added amounts of PFOS, which is often used to make clothing water repellant, among many other uses, and will clarify the prevalence of uses of the listed chemical.

SCHEDULE: The Department will be initiating rulemaking on this proposal during the summer of 2018.

AFFECTED PARTIES: Manufacturers and distributors of certain children’s products.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? – Yes.