**06-096**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

2018 – 2019

Regulatory Agenda

August 10, 2018

*Amended January 14 and March 21, 2019*

**LIAISON FOR AGENCY RULE-MAKING: Jeffrey Crawford,** Office of the Commissioner, 17 State House Station, Augusta, ME 04333-0017. Telephone: (207) 287-7647. E-mail: Jeff.S.Crawford@Maine.gov .

**CHAPTER 100:** Definitions Regulation

STATUTORY BASIS: 38 M.R.S. §585-A.

PURPOSE: This existing rule will be amended as necessary to more closely align Maine’s rules with the US EPA’s New Source Review (NSR) program.

ANTICIPATED SCHEDULE: 2019.

AFFECTED PARTIES: Owners and operators of licensed facilities.

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: 2019.

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, 585-A and 590.

PURPOSE: This existing rule will be amended to more closely align Maine’s rules with the US EPA’s New Source Review (NSR) program.

ANTICIPATED SCHEDULE: 2019.

AFFECTED PARTIES: Owners and operators of licensed facilities.

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 more closely align Maine’s rules with the US EPA’s New Source Review (NSR) program.

ANTICIPATED SCHEDULE: 2019.

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

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

PURPOSE: This existing rule will be amended to incorporate new federal requirements for resource recovery facilities.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Owners and operators of resource recovery facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 140:** Part 70 Air Emission License Regulations

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

PURPOSE: This existing rule will be amended to more closely align Maine’s rules with the US EPA’s New Source Review (NSR) program.

ANTICIPATED SCHEDULE: 2019.

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 150:** Control of Emissions from Outdoor Wood Boilers

STATUTORY BASIS: 38 M.R.S. **§**§ 585-A and 610-B; P.L. 2007 c. 442.

PURPOSE: The existing rule will be amended to reflect new federal standards for wood burning appliances.

ANTICIPATED SCHEDULE: 2019.

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

***Added January 14, 2019***

**CHAPTER 156**: CO2 Budget Trading Program

STATUTORY AUTHORITY: 38 M.R.S. §580-B

PURPOSE: The proposal updates the Maine CO2 Budget Trading Program Rules that guide Maine’s participation in the Regional Greenhouse Gas Initiative. 38 M.R.S. §580-B authorizes the Department to make Maine’s CO2 Budget Trading Program consistent with changes to the Regional Greenhouse Gas Initiative’s CO2 Budget Trading Program Model Rule. The proposed amendments include updates to the CO2 allowance allocation provisions, changes to definitions supporting the updates, and the deletion of the SF6 (sulfur hexafluoride) and end-use energy efficiency offset categories.

The proposed CO2 allowance allocation amendments include:

• CO2 budget trading program new base budget (in tons) for 2019 through 2030, and provides for establishing a base budget for 2031 and beyond.

• Cost containment reserve (CCR) trigger prices: $10.51 in 2019, $10.77 in 2020, $13.00 in 2021, $13.91 in 2022, $14.88 in 2023, $15.92 in 2024, $17.03 in 2025, $18.22 in 2026, $19.50 in 2027, $20.87 in 2028, $22.33 in 2029, and $23.89 in 2030. Each year after 2030, the CCR trigger price is 1.07 multiplied by the CCR trigger price from the previous calendar year, rounded to the nearest whole cent.

• Provisions to determine a third adjustment for banked allowances for allocation years 2021 through 2025.

Over 15 definitions are being added or amended to support and clarify the proposal.

SCHEDULE: Summer 2019

AFFECTED PARTIES: Owners and operators of environmental testing/analytical laboratories and state agencies performing these services

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

**CHAPTER 158**: CO2 Budget Trading Program Auction Provisions

STATUTORY AUTHORITY: 38 M.R.S. §580-B

PURPOSE: The proposal updates the Maine CO2 Budget Trading Program Auction Provisions rules that provide for the administration and implementation by the Department of CO2 allowance auctions and programs to promote the purposes of the Consumer Benefit Account as provided by the 06-096 C.M.R. ch. 156, *CO2 Budget Trading Program*. This regulation complements the provisions of the CO2 Budget Trading Program, which is also being amended to make Maine’s CO2 Budget Trading Program consistent with changes to the Regional Greenhouse Gas Initiative’s CO2 Budget Trading Program Model Rule.

SCHEDULE: Summer 2019

AFFECTED PARTIES: Owners and operators of environmental testing/analytical laboratories and state agencies performing these services

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

**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: 2019.

AFFECTED PARTIES: Fiberglass boat manufacturers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 305:** Natural Resources Protection Act - Permit by Rule Standards

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

PURPOSE: This existing rule will be amended to incorporate emergency exemptions for certain improvements, seaweed removal from beaches, utilize updated information in NOAA tables and simplify the standards for public boat launches.

ANTICIPATED SCHEDULE: 2018.

AFFECTED PARTIES: Regulated community.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**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: 2019.

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

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: 2019.

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

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 500**: Stormwater Management Rules

STATUTORY BASIS: 38 M.R.S. §420-D.

PURPOSE: These rules will be updated to modify certain mitigating banking standards in urban impaired watersheds.

ANTICIPATED SCHEDULE: 2019.

AFFECTED PARTIES: Landowners in urban impaired watersheds.

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: 2019.

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: 2019.

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: 2019.

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 693:** Operator Training for Underground Oil and Hazardous Substance Storage Facilities

STATUTORY BASIS: 38 M.R.S. §§ 341-H, 564(2-A)(1) and 1364(2).

PURPOSE: The existing rule will be amended to update the requirements for the placement of underground oil and hazardous storage facilities in watersheds.

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 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: 2019.

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: 2019.

AFFECTED PARTIES: Generators of hazardous matter.

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.

***Updated March 21, 2019***

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

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

PURPOSE: The proposed rule would designate PFOS as a priority chemical and requires manufacturers or distributors of certain children’s products and consumer products, which are available for sale in the State of Maine, to report this use when PFOS is intentionally added to product categories specified in the rule.

ANTICIPATED SCHEDULE: Spring 2019.

AFFECTED PARTIES: Manufacturers of consumer products which contain intentionally added amounts of perfluorooctane sulfonic acid.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? Yes. There are no applicable federal standards.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

AGENCY UMBRELLA-UNIT NUMBER: **90-564**

AGENCY NAME: **Clean-Up and Response Fund Insurance Review Board**

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The Clean-Up and Response Fund Insurance Review Board is not proposing any rulemaking at this point in time.