



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

To: Board of Environmental Protection

From: Jeffrey S. Crawford, Deputy Director of Policy

Date: March 5, 2015

Re: Chapter 2 Rules Concerning the Processing of Applications and Other Administrative Matters (Amendments)

BACKGROUND:

Chapter 2 governs various administrative activities of the Department of Environmental Protection. Included within this rule are sections which apply to the processing of applications, appeals of Commissioner licensing decisions to the Board of Environmental Protection, petitions to modify, revoke or suspend a license, and license surrenders. The rule also addresses advisory opinions, inspections and public access to information.

On February 5, 2015, the Board and the Department¹ posted proposed amendments to the Chapter 2 rule for a 30-day public comment period ending on March 20, 2015. The proposed amendments will allow the submission of electronic signatures in a form acceptable to the Department, and eliminate the requirement to submit an original paper document within five working days of an electronic submission. This proposal also corrects a typographical error, thereby aligning Chapter 2 with the Department's Chapter 305, Natural Resources Protection Act Permit-by-Rule Standards.

Since posting this rule to public comment, the Department subsequently identified additional changes to Chapter 2 that will help to ensure the protection of human health and the environment. The Department is now proposing to clarify the transfer of ownership provisions in sections 1(R) and 21(C)(2) of the rule to allow for a more complete assessment of both the financial and technical capacity of a prospective licensee, before any license for a hazardous waste facility, solid waste disposal facility, waste oil facility, and biomedical waste facility license is transferred.

¹ Since Chapter 2 specifies procedural rules for both the Board and Commissioner, this is a joint rulemaking proceeding before the Board and the Commissioner

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REQUESTED ACTION:

Pursuant to 5 M.R.S. § 8052(5)(B), the Board is being asked to post the additional changes to the proposed rule for an additional comment period ending on March 30, 2015.

ESTIMATED TIME OF AGENDA ITEM:

10 minutes