



JANET T. MILLS
GOVERNOR



MELANIE LOYZIM
COMMISSIONER

To: Board of Environmental Protection

From: Paula M. Clark, Director, Division of Materials Management

Date: September 16, 2021

Re: Hazardous Waste Management Rules, 06-096 C.M.R. Chapters 850 through 858

Background and Purpose:

The Department recommends that the Board adopt amendments to Chapters 850 through 858 of the existing Hazardous Waste Management Rules, in order to make them consistent with federal rules promulgated pursuant to the Resource Conservation and Recovery Act (RCRA): 40 C.F.R. 260-273, 40 C.F.R. 279, and 40 C.F.R. 761. The rules proposed to be amended include 06-096 C.M.R. Chapters: 850 (Identification of Hazardous Waste), 851 (Standards for Generators of Hazardous Waste), 852 (Land Disposal Restrictions), 853 (Licensing of Transporters of Hazardous Waste), 854 (Standards for Hazardous Waste Facilities), 855 (Interim Licenses for Hazardous Waste Facilities), 856 (Licensing of Hazardous Waste Facilities), 857 (Hazardous Waste Manifest Requirements), and 858 (Universal Waste Rules).

The U.S. Environmental Protection Agency (EPA) has in the past authorized Maine to implement its Hazardous Waste Management Rules and has delegated administration of the associated RCRA program to the Department. In order to maintain EPA's RCRA authorization, Maine is obligated to periodically update its rules to incorporate federal regulatory standards and changes as may be necessary to ensure Maine's rules are as stringent as, and consistent with, the federal program.

The rule amendments presented today address or incorporate federal standards and updates for: new hazardous waste listings (ch. 850), waste exclusions (ch. 850), drip pads for wood preservative wastes and waste munitions (chs. 851, 854, 855 and 856), land disposal restrictions (ch. 852), hazardous waste air emissions (chs. 851, 854, 855, and 856), landfills, surface impoundments, and incinerators (chs. 854, 855, and 856), hazardous waste manifests, including EPA's e-Manifest rules (chs. 851 and 857), and import/export of hazardous waste (chs. 851, 853, 857, and 858). These updates to Maine's rules generally incorporate by reference the 2019 version of the Code of Federal Regulations (C.F.R.), which is the most recent published version.

The rule amendments also include updates to regulatory citations throughout the rules to conform with the Department's "Legal Citation Standard Operating Procedure", corrections and/or clarifications to certain existing provisions, and incorporation of consistent language throughout the chapters.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Memo to the Board of Environmental Protection
Re: Hazardous Waste Management Rules
September 16, 2021
Page 2 of 2

The Board voted, at its May 6, 2021 meeting, to post the proposed rule amendments for public comment. A public notice of rulemaking was posted by the Department on May 10, 2021, providing for a 30-day comment period which closed on June 18, 2021. The Department received 4 comments from 2 interested persons prior to the close of the comment period. These comments are summarized, and the Department's responses are set forth in the Basis Statement and Response to Comments included in the Board packet.

There were no changes to the proposed rule amendments based on the public comments. One minor clarification was made (ch. 850, § 3(A)(5)(d)(vii)(a)) and one typographical error of omission was corrected (ch. 850, § 3(B)(2)(a)(iv)(1)(a)) following posting of the proposed rules.

Regulatory Framework:

General statutory authority for the Hazardous Waste Management Rules, Chapters 850 through 858 is provided by 38 M.R.S. §§ 341-D(1-C), 341-H, 1304(1), and 1319-O.

Requested Action:

The Department recommends that the Board adopt the rule amendments as proposed, including the two minor changes described above.

Estimated time of agenda item:

15 minutes