

Maine Department of Environmental Protection
Chapter 595 rulemaking

Correction: 2/10/2009

BASIS STATEMENT FOR EMERGENCY RULEMAKING (AMENDMENTS)

The most recent amendments to this chapter were adopted under an emergency rulemaking and are effective for 90 days from the date they take effect. The Department of Environmental Protection (department) finds that immediate adoption of this rule by procedures other than those set forth in 5 MRSA 8052 and 8053 is necessary to avoid an immediate threat to public health, safety or general welfare because:

- The economy of the State of Maine is experiencing a recession with projected increases in unemployment to reach as high as 10% in 2009;
- ~~Maine's infrastructure has in excess of \$130M in maintenance, repair, and upgrading projects available for immediate bidding;~~
- The department has over \$300 million in current requests for funding for maintenance, repair and upgrade projects of wastewater infrastructure;
- A federal economic stimulus package will make significant additional funds available in early February to help meet this need with stipulations that some or all be expended within 90 days of Congressional authorization;
- Amendments to this chapter are needed to allow expenditures to occur in line with Congressional intent;
- The speed of this federal action on economic stimulus necessitates that rule amendments be adopted under emergency rulemaking procedures other than the filing requirements described in 38 M.R.S.A. §8056.

The department intends to initiate non-emergency rulemaking to adopt amendments to this chapter within the required timeframes.

Although APA requirements as written, other than the filing requirements at 38 M.R.S.A. §8056, cannot be followed due to the time frame, the department is providing for some public comment through publication of newspaper notice and publication on the web, following by a shortened public comment period. Staff of the department will consider comments received, and suggest any needed changes in response to comments to the Board of Environmental Protection (BEP) when the BEP considers adoption of the rules.