

Report to the 128th Maine Legislature

2017 State Government Evaluation Act Report

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Paul Mercer, Commissioner



MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 State House Station | Augusta, Maine 04333-0017
www.maine.gov/dep

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Acronyms Used in This Report

ACM	Asbestos Containing Materials
ACOE	Army Corps of Engineers
AHERA	Asbestos Hazard Emergency Response Act
BAQ	Bureau of Air Quality
BEP	Board of Environmental Protection
BLR	Bureau of Land Resources
BRWM	Bureau of Remediation and Waste Management
BWQ	Bureau of Water Quality
CAA	Clean Air Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
CWSRF	Clean Water State Revolving Fund
CZMA	Coastal Zone Management Act
DACF	Department of Agriculture, Conservation and Forestry
DEA	Division of Environmental Assessment
DECD	Department of Economic and Community Development
DEP	Department of Environmental Protection
DHHS	Department of Health and Human Services
DMR	Department of Marine Resources
DOD	Department of Defense
EAP	Environmental Audit Program
EPA (US EPA)	Environmental Protection Agency
EJ	Environmental Justice
FAME	Finance Authority of Maine
FERC	Federal Energy Regulatory Commission
FOAA	Freedom of Access Act
GEA	Maine Government Evaluation Act
GHG	Greenhouse Gas
HAT	Highest Annual Tide
ICIS	Integrated Compliance Information System
IF&W	Department of Inland Fisheries and Wildlife
IMPROVE	Interagency Monitoring of Protected Visual Environments
IT	Information Technology
LUPC	Land Use Planning Commission
MANE-VU	Mid Atlantic/Northeast Visibility Union
MATI	Maine Air Toxics Initiative
MDOT	Maine Department of Transportation
MEMA	Maine Emergency Management Agency
MGS	Maine Geological Survey
MICA	Maine Interagency Climate Adaption

MABB	Maine Municipal Bond Bank
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MCP	Maine Coastal Program
MPDES	Maine Pollutant Discharge Elimination System
MSGP	Multi-Sector General Permit
MREA	Maine Renewable Energy Association
MRS	Maine Revised Statutes
NAAQS	National Ambient Air Quality Standards
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NOAA	National Oceanic and Atmospheric Association
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NPS	Nonpoint Source
NRPA	Natural Resource Protection Act
NRPA PBR	Natural Resource Protection Act Permit by Rule
NSPS	New Source Performance Standards
NSR	New Source Review
OC	Office of the Commissioner
OIA	Office of Innovation and Assistance
OTC	Ozone Transport Commission
P&C	Priorities and Commitments
PBR	Permit by Rule
PCB	Polychlorinated Biphenyls
PFC	Polyfluorinated Compounds
PFOA	Perfluorooctanoic Acid
PFOS	Perfluorooctane Sulfonate
PPA	Performance Partnership Agreement
PPG	Performance Partnership Grant
PSD	Prevention of Significant Deterioration
RAINE	Resilience and Adaption in New England
RCRA	Resource Conservation and Recovery Act
RCRA-C	Resource Conservation and Recovery Act subpart C
RFP	Request for Proposals
RGGI	Regional Greenhouse Gas Initiative
RSS	Really Simple Syndication
SEP	Supplemental Environmental Projects
SIP	State Implementation Plan
SLZ	Shoreland Zoning
SPO	State Planning Office
SRSNS	Scenic Resource of State or National Significance
SWAT	Surface Water Ambient Toxics

TSCA	Toxic Substances Control Act
UBOL	Uniform Bill of Lading
US EPA	United States Environmental Protection Agency
UST	Underground Storage Tank
VLMP	Volunteer Lake Monitoring Program
VP SAMP	Vernal Pool Special Area Management Plan
WEA	Wind Energy Act

About the Government Evaluation Act Report

This report is mandated by the Maine Government Evaluation Act (GEA) under 3 MRS §§ 951 – 963. The enacting of legislation, review of agency rules, and the appropriation of funds by the Legislature are some of the ways the Legislature directs and provides oversight of executive branch functions. The GEA establishes a method specifically structured to assist the Legislature in its duty to serve as a check and balance on those who administer the laws of the State.

The contents of this report are organized by the requirements outlined in 3 MRS § 956 (A) – (Q)¹. Each section is further broken down by bureau within the Department of Environmental Protection (DEP).

Since most GEA reporting requirements are fully addressed through the daily work performed by the DEP, this report relies on a number of appendices to provide greater detail on DEP programs, including the DEP’s Work Plans.

Program Areas at the DEP

The purpose and most of the authorities of the DEP are established in Maine Revised Statutes, Title 38. The DEP is administratively organized into four Bureaus: Air Quality, Land Resources, Remediation and Waste Management, and Water Quality. The Department also includes four regional offices, the Office of the Commissioner, the Board of Environmental Protection, and the Board of Underground Storage Tank Installers. The DEP’s organizational charts are provided in Appendix F of this report.

The DEP’s budget programs relate to, but do not necessarily match, the DEP’s organizational units. See Section P of this report for a list of the DEP’s eight budget program areas.

A. 3 MRS § 956(2)(A): Enabling Laws and Mandates

“Enabling or authorizing law or other relevant mandate, including any federal mandates”

1. State Authorities.

Maine’s Legislature has codified the environmental protection laws administered by the DEP under Title 38 of Maine’s Revised Statutes. Those statutory provisions are listed in Appendix J. As appropriate, references to these laws have been incorporated into the program descriptions provided in other sections of this report.

¹ Since its enactment, certain sections of the GEA have been repealed; those sections are noted in this report to maintain continuity.

2. Federal Authorities and Mandates.

The State of Maine has applied for and accepted delegation as the responsible in-state authority for certain federal environmental protection programs. As a result, numerous federal laws and mandates are administered in Maine by the DEP on the federal government's behalf. This streamlines the process for the regulated community, which formerly would have been required to obtain both federal and state permits.

Summaries of the DEP's federal mandates are listed below:

a. Clean Air Act (CAA)

- i. **Stationary Source Licensing.** The DEP has authorization from the United States Environmental Protection Agency (US EPA) to implement certain aspects of the CAA through delegation of air pollution control programs which are embedded in the State Implementation Plan (SIP). The SIP is the repository of state rules and requirements that ensure Maine's air quality meets the National Ambient Air Quality Standards (NAAQS).
- ii. **National Emissions Standards for Hazardous Air Pollutants (NESHAP).** The DEP has authorization from the US EPA to implement Maine's laws regarding licensing, compliance and enforcement for 122 of the 221 NESHAPs promulgated by the US EPA under Section 112 of the CAA. The DEP has not requested delegation for all NESHAPs because many do not apply to sources in Maine, and some require excessive resources to implement such as 40 CFR Part 63, Subpart JJJJJ: Industrial, Commercial and Institutional Boilers (area sources). The DEP has incorporated these standards in Chapter 144 of the DEP's rules by reference.
- iii. **New Source Performance Standards (NSPS).** The DEP has authorization from the US EPA to implement Maine's laws regarding licensing, compliance and enforcement for certain NSPSs promulgated by the US EPA through Chapter 143, New Source Performance Standards rule.

b. Clean Water Act (CWA)

Maine has been the delegated administrator of the CWA since 2001. Delegation requires the DEP to issue and enforce licenses for wastewater discharges. Those licenses must ensure Maine waters meet federally approved water quality standards. This work requires a statewide program of water quality monitoring and assessment for all the State's fresh, estuarine, and marine waters.

Maine has also been delegated authority for administering federal industrial stormwater requirements through its Multi-Sector General Permit (MSGP). The MSGP provides basic and source-specific stormwater standards for a number of industrial source categories, and authorizes the direct discharge or point source discharge of stormwater associated with an industrial activity to waters of the

state or to a municipal separate storm sewer. Under this program, an applicant must file a Notice of Intent, indicating their intent to comply with all general permit requirements and to reduce or eliminate pollutants in the stormwater discharge.

c. Resource Conservation and Recovery Act (RCRA)

- i. Hazardous Waste. RCRA subpart C (RCRA-C) establishes comprehensive requirements for all aspects of the management and oversight of hazardous wastes. The DEP received base program authorization in 1988, corrective action program authorization in 1997, and universal waste program authorization in 2005. As a result of these program authorizations, the DEP has primary administrative responsibilities for the federal program in Maine. Regulated entities may receive permits and authorizations covering all applicable state and federal requirements from the DEP.
- ii. Petroleum Underground Storage Tanks (UST). RCRA subpart I, and Code of Federal Regulations (CFR), Title 40, Part 280, establish federal requirements for all aspects of the management, operation, and oversight of underground storage systems for petroleum and hazardous substances. The DEP application for program authority overseeing underground tank systems storing petroleum was approved in 1992. The DEP currently has primary administrative responsibilities for federal programs regulating underground tank systems storing petroleum, including the requirement that owners and operators provide financial assurance for the clean-up of petroleum releases and third-party damages. Maine provides the financial assurance required under federal law through administration of the Maine Ground and Surface Waters Clean-Up and Response Fund. The US EPA has endorsed this state fund as meeting federal requirements, thereby assuring compliance for all affected petroleum storage tank owners in Maine. Due to changes in the federal requirements promulgated in 2015, Maine must re-apply for and receive delegation of administrative responsibility for the federal program from the US EPA before October 13, 2018.

d. Toxic Substances Control Act (TSCA)

- i. Asbestos Hazard Emergency Response Act (AHERA). In accordance with TSCA Title II, the US EPA has delegated administration of the AHERA to the DEP. The AHERA activities include providing technical assistance and conducting compliance inspections in all Maine schools to ensure asbestos-containing materials are managed to prevent the release of asbestos fibers into the school environment.
- ii. Lead Abatement. In accordance with TSCA Title IV, section 404(g), the US EPA has authorized the DEP to administer Maine's Lead Management Regulations in lieu of the federal 402(c) regulations under 40 CFR Part

745. This includes certification and licensing of persons engaged in residential lead-based paint activities in residential dwellings and child-occupied facilities, enforcing work practice standards for performing such activities, licensing of lead training providers, and accreditation of lead training programs. However, the DEP has not requested delegation of the US EPA's Lead Renovation, Repair and Painting Rule. DEP does not have the resources necessary to administer EPA's rule, in which EPA assumes that states require all renovation contractors to be licensed by the state.

- e. Appendix M contains the Performance Partnership Agreement (PPA) which includes the priorities and commitments (P&C) list that the DEP has established with the US EPA.
- i. The PPA is an agreement documenting the commitments of the US EPA and the DEP regarding implementation of federally delegated environmental programs, designed to promote flexibility, accountability and innovation in state/federal agreements. This agreement serves as the work plan for grants from the US EPA to the state, which cover a portion of the operating costs of the DEP's programs, as well as pass-through funds for other related projects.
 - ii. Maine's current PPA covers fiscal years 2015-2017 and includes general statements about how the State of Maine and the US EPA will work together as partners, and identifies joint priorities that will be addressed. Maine's PPA is also used as the primary multi-year planning document for the DEP. Every two years, the DEP and the US EPA negotiate a new P&C list that serves as the annual work plan for the use of the US EPA funds granted through the Performance Partnership Grant (PPG). The P&C list may be reopened periodically by either the DEP or the US EPA if changes are needed.
 - iii. The federally funded program elements in the DEP's PPA include: air quality and water pollution control; licensing and enforcement related to hazardous waste and underground storage tanks; lead and asbestos management; wetlands; toxic substances; pollution prevention;

In May 2016, US EPA – Region 1 recognized Maine DEP for outstanding efforts in preserving New England's environment through participation in the State Performance Partnership Improvement Team made up of members from each New England State.

compliance, and small business assistance. Brownfields site reclamation projects, Superfund site mitigation projects, and remediation of federal facility sites are funded by the US EPA under separate agreements.

B. 3 MRS § 956(2)(B): Programs and Priorities

“A description of each program administered by the agency or independent agency, including the following for each program:

- (1) Established priorities, including the goals and objectives in meeting each priority;**
- (2) Performance measures or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and**
- (3) An assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance measures. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet the goals and objectives”**

1. Overview.

The following descriptions provide an overview of the DEP’s responsibilities from the *Maine State Government Annual Report*².

- a. Department of Environmental Protection. The DEP is charged by statute with protecting and improving the quality of the natural environment and the resources which constitute it, and with enhancing the public’s opportunity to enjoy the environment by directing growth and development in a sustainable fashion. The DEP, through authority vested in the Commissioner and the Board of Environmental Protection, exercises the policy powers of the State to prevent pollution of the natural environment. It recommends to the Legislature measures for the improvement of environmental protection, administers grants, issues licenses, and initiates enforcement actions. The DEP negotiates agreements with federal, state and municipal agencies, administers laws relating to the environment, and educates the public and regulated community on environmental issues and obligations.
- b. Office of the Commissioner. The Office of the Commissioner (OC) provides coordination of management and planning efforts across the DEP, develops and staffs intra-agency initiatives, and provides overall strategic direction for the DEP.
- c. Bureau of Air Quality. The Bureau of Air Quality (BAQ) implements state air pollution laws and the federal Clean Air Act, and administers the DEP’s accounts

² Maine State Government Annual Report 2015-2016, <http://www.maine.gov/budget/annualreport/>.

and environmental data management systems. The Bureau issues air emissions licenses, assesses ambient air impacts from emissions, ensures compliance with state and federal air emissions regulations, monitors ambient air quality, manages data systems to measure environmental impacts and program performance, and manages financial transactions for the implementation of environmental protection programs. The BAQ receives federal funding under the federal Clean Air Act for the administration of many of its programs.

- d. Bureau of Water Quality. The Bureau of Water Quality (BWQ) is responsible for administering environmental laws designed to protect and improve the quality of Maine's water resources. The BWQ administers the state water quality laws, as well as the delegated federal National Pollutant Discharge Elimination System (NPDES) program that includes the Phase I and Phase II stormwater programs. The BWQ receives federal funding under the federal Clean Water Act in return for state-level administration of core laws.
- e. Bureau of Land Resources. The Bureau of Land Resources (BLR) is responsible for administering environmental laws designed to protect and improve the quality of Maine's land resources; for reviewing land development projects that may impact the natural environment; and for providing guidance and compliance assistance to the regulated community. The BLR administers many laws, including the Site Location of Development Act; the Natural Resources Protection Act; the Mandatory Shoreland Zoning Act; the Maine Waterway Development and Conservation Act; the Stormwater Management Law; the Erosion and Sedimentation Control Law; the Maine Metallic Mineral Mining Law; the Performance Standards for Excavations for Borrow Pits, Clay, Topsoil, or Silt; the Performance Standards for Quarries; and the Maine Wind Energy Act. The BLR receives some federal funding from the National Oceanic and Atmospheric Administration under the Coastal Zone Management Act in return for state-level administration of the state's core environmental laws in the coastal zone. The BLR is also responsible for the completion of Federal Consistency Reviews in conjunction with the Maine Coastal Program at the Maine Department of Marine Resources (DMR).
- f. Bureau of Remediation and Waste Management. The Bureau of Remediation and Waste Management (BRWM) administers Maine's oil, hazardous material, and solid waste management programs, including: emergency response for oil and hazardous materials spills; regulation of aboveground and underground oil storage facilities; certification of underground oil storage facility installers and inspectors; licensing of waste facilities, waste transporters, oil terminals, and land spreading sites for septage, sludge and other residuals; oversight of asbestos and lead management and disposal; investigation and clean-up of uncontrolled hazardous substances sites; coordination with the US EPA on investigation and clean-up of Superfund sites; and implementation of the Brownfields and Voluntary Response Action Programs. The BRWM provides staff support to the Clean-Up and Response Fund Review Board and the Board of Underground Storage Tank

Installers. A number of the Bureau's programs, including those administering the Resource Recovery and Conservation Act (RCRA), and materials management programs such as asbestos abatement, receive federal funding. The BRWM also administers the Product Stewardship programs and associated recycling efforts; the Beverage Container Redemption Program; and the organics management initiative, which was transferred from the BLR to the BRWM in 2017.

2. Detailed Work Plans.

The BAQ, the BWQ, the BLR, the BRWM, and the OC are broken down into divisions, sections, and specific programs; each of which is described in the Work Plan for the appropriate bureau or office. Each bureau or office develops an annual work plan to document achievements for the previous year, program goals for the upcoming year, performance measures, and assessment of the progress made toward achieving the previous year's goals. Those work plans are attached in appendices as follows:

- a. BAQ Work Plan – Appendix A
- b. BWQ Work Plan – Appendix B
- c. BLR Work Plan – Appendix C
- d. BRWM Work Plan – Appendix D
- e. OC Work Plan – Appendix E

This GEA report is only an overview of some of the work done by the DEP; the Work Plans are a comprehensive review of all programs within the DEP.

C. 3 MRS § 956(2)(C): Organizational Charts

“Organizational structure, including a position count, a job classification and an organizational flow chart indicating lines of responsibility”

While each work plan provides an informal organizational chart, Appendix F contains the detailed organizational structure and flow chart for the DEP as a whole. The charts in Appendix F were created as part of the DEP's Fiscal Years 2018-2019 Biennial Budget, to show the job classification for each position authorized for the DEP. The legend shows the three funding sources from which staff salaries are paid: General Fund, Federal Funds, or Other Special Revenue. The first three digits of the position number – located at the bottom of each position description – corresponds to the fund source for the position. See Figure 1 for an example. As of September, 2017, the DEP has 374 Legislatively authorized positions.

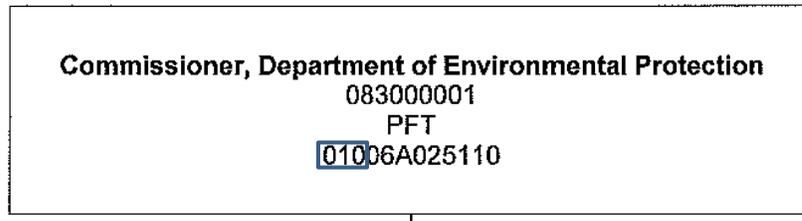


Figure 1: Funding source can be seen as the first three digits of the position number; 010 means this position is funded from the General Fund.

D. 3 MRS § 956(2)(D): Repealed

This section of the GEA has been repealed.

E. 3 MRS § 956(2)(E): 10-Year Finance Report

“Financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 10 years”

Appendix G contains the DEP expenditure report as well as the budget allocation report from fiscal year 2008 – 2017. The financial report is broken down by the eight program areas identified in Section P of this report. Additionally, it breaks down the three funding sources, similar to the organizational chart in Appendix F of this report.

F. 3 MRS § 956(2)(F): Repealed

This section of the GEA has been repealed.

G. 3 MRS § 956(2)(G): Coordinated Efforts

“Identification of those areas where an agency has coordinated its efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements, including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements”

The DEP is currently engaged in a number of cooperative efforts, as discussed throughout the work plans (Appendices A – E). Additionally, Appendix H includes a list of all memoranda of

understanding (MOU) that the DEP has entered into with federal agencies, other state agencies, and municipalities. A few particularly noteworthy efforts include:

1. Bureau of Air Quality

- a. Regional Greenhouse Gas Initiative (RGGI). Nine Northeast and Mid-Atlantic states (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont) currently participate in RGGI, the first market-based, mandatory cap-and-trade program in the US to reduce greenhouse gas (GHG) emissions. The program is designed to reduce carbon dioxide (CO₂) emissions from fossil fuel-fired power plants. The program began in 2009 and has resulted in a 45% reduction in regional CO₂ emissions from regulated power plants. A review of the program by participating states has recently been concluded. Participating states are proposing to reduce the regional cap annually by 2.5% of the 2014 RGGI cap baseline, which is 81,931.5 tons, starting from the 2022 cap and continuing through the year 2030. The base annual budgets for 2021 through 2025 will be further reduced by an amount equivalent to the quantity of banked allowances in excess of that required for compliance at the end of 2020. Proceeds from quarterly auctions are distributed to the Efficiency Maine Trust to fund strategic energy projects in Maine. Programs funded with RGGI auction proceeds have benefitted a wide range of consumers, providing services and improvements to private homes, local businesses, low-income housing, industrial facilities, community buildings, and retail customers.
- b. Interagency Monitoring of Protected Visual Environments (IMPROVE). Many breathtaking views at national parks and wilderness areas may be lost or diminished due to the haze formed by air pollutants. These light-scattering hazes cause discoloration, loss of visual texture, and reduced visual range. Congress included language in the Clean Air Act to prevent and remedy pollution-related visual impairment, and the IMPROVE program was initiated in 1985. In Maine, the National Park Service, the US Fish and Wildlife Service, the Penobscot and Micmac tribes, and the DEP each operate sites as part of this nationally administered network.
- c. Ozone Transport Commission (OTC). The OTC is a multi-state organization created under Section 184 of the Clean Air Act. The OTC is responsible for advising the US EPA on ozone migration issues, and for developing and implementing regional solutions to the ground-level ozone problem in the Northeast and Mid-Atlantic regions. The OTC brings together the states from Virginia to Maine to coordinate reductions in air pollution that benefit the whole region. The OTC provides air pollution assessment, technical support, and a forum through which states can work together to harmonize their pollution reduction strategies with Good Neighbor State Implementation Plans. OTC members include: Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

- d. Mid-Atlantic/Northeast Visibility Union (MANE-VU). The DEP is an active participant in the activities of MANE-VU, a group of Mid-Atlantic and New England states tribes, and federal agencies focused on regional haze planning activities. Through MANE-VU, experts from represented states collaborate on regional modeling efforts and technical assessments. The data from this work is used to better understand regional issues related to ozone and regional haze, and is included in State Implementation Plans (SIPs), such as the Regional Haze SIP that DEP must submit by 2021. The collaborative approach of MANE-VU eliminates duplication of effort and significantly reduces the workload required for member states to produce SIPs for submission to the US EPA.

2. Bureau of Water Quality

- a. Clean Water State Revolving Fund (CWSRF). The DEP manages the Clean Water State Revolving Loan Fund in partnership with the Maine Municipal Bond Bank (MMBB). The CWSRF program provides low-interest loans to municipalities and quasi-municipal corporations for the construction of wastewater infrastructure projects. The long-term goal of the CWSRF is to establish a self-sustaining loan program that will maintain and improve Maine's inventory of municipal sewage facilities in perpetuity. By working toward a self-sustaining fund, Maine's municipal sewage treatment facilities can be better maintained, resulting in better water quality throughout the state.
- b. DHHS, DMR and Shellfish. The DEP works closely with the Maine Department of Health and Human Services (Subsurface Wastewater Program) and the Maine Department of Marine Resources (Shellfish Management Program) to identify and correct malfunctioning septic systems that impact surface waters or shellfish areas.
- c. IF&W and the Invasive Aquatic Species Program. The DEP administers the Invasive Aquatic Species Program in collaboration with outside partners, including the Department of Inland Fisheries & Wildlife (IF&W). Funding for the program is provided by a dedicated, non-lapsing fund, generated from \$10 fees on in-state boat registrations and \$20 fees for out-of-state boats using inland waters. The DEP works with outside partners to carry out major objectives, such as boat inspections, plant survey training, and provision of small grants. The IF&W's Warden Service provides enforcement of the law pertaining to the spread of invasive aquatic plants. The DEP also coordinates with the IF&W on the issuance of temporary surface-use restrictions of watercraft to prevent the spread of known infestations. The DEP and the IF&W have both participated in a grant program through the US Fish & Wildlife Service. The DEP is the conduit for this grant because of its role in leading the development of the state invasive species plan. The funds typically include a small amount that goes to the IF&W for response to nuisance fish issues.
- d. DMR and Shellfish. The DEP coordinates with the DMR on lobster and shellfish tissue sampling for Surface Water Ambient Toxics (SWAT) reporting for the

state. This information is important to the DEP for water quality monitoring, while it is important for the DMR for purposes of managing the harvest and sale of these resources.

- e. DACF and NPS Management. The DEP coordinates with the Department of Agriculture, Conservation and Forestry (DACF) on the protection of water quality subject to agricultural runoff. The DACF has oversight of the Nutrient Management Law and conducts compliance inspections of farms. The DACF is listed as a partner in the DEP's Nonpoint Source (NPS) Management Plan. The DACF reports annually to the DEP on its progress working with farmers to prevent NPS pollution.

3. Bureau of Land Resources

- a. Licensing and Compliance. The DEP reviews permit applications under the Natural Resources Protection Act, Stormwater Management Law, and Site Location of Development Act to ensure that the applicable environmental standards are met. The DEP coordinates application reviews with various state entities including the DMR, IF&W, and the Maine Historic Preservation Commission, as well as other DEP programs, engineers, and scientists (solid waste, geology). Once a permit is issued, DEP staff provides assistance to help licensees stay in compliance with their permit.
- b. Shoreland Zoning (SLZ). The state's Mandatory Shoreland Zoning Act requires municipalities to adopt ordinances that regulate land use activities in the shoreland zone. DEP staff assist municipalities with shoreland zoning-related questions and issues, as well as provide technical assistance and training on the shoreland zoning rules. Other state agencies, including the Maine Geological Survey and the Maine Forest Service, provide DEP staff with technical expertise on shoreland zoning issues.
- c. Hydropower Dams. The DEP issues Water Quality Certifications to certify that operation of hydropower dams will not cause or contribute to non-attainment of state water quality standards. The DEP works with other state agencies (DMR, IF&W, Maine Historic Preservation Commission, Land Use Planning Commission) during the certification process.
- d. Vernal Pool Special Area Management Plan. The Maine Vernal Pool Special Area Management Plan (VP SAMP) was developed to provide for the permitting of projects with vernal pool impacts in municipally-designated development areas in exchange for compensation in municipally-identified rural areas.
 - i. The primary purpose of the Maine VP SAMP is to increase the mitigation options available for vernal pool protection using an approach that balances aquatic resource protection and economic development. The underlying goal is to preserve a network of vernal pools embedded in a relatively undeveloped landscape, in order to adequately support the life

cycle needs of pool-breeding amphibians through a strategic approach, coordinating permitting and mitigation. This approach relies on: municipalities receiving partial delegated authority from the DEP under the Natural Resources Protection Act (NRPA) for issuing vernal pool permits in specified areas; identification and conservation suitability assessment of vernal pools in rural areas; and municipal partnership with a third-party organization that will undertake long-term conservation of high-functioning vernal pools and surrounding terrestrial landscapes.

- ii. A robust stakeholder collaboration led to the development of the VP SAMP, including the US Army Corps of Engineers, the IF&W, the DEP, the University of Maine, municipalities and landowners, real estate associations and developers, and non-profit land protection groups.
- e. The Maine Wind Energy Act (WEA) provides a statutory framework to address multiple aspects of wind energy development in Maine. The DEP and LUPC have permitted a number of wind energy developments since the WEA became effective in 2008. The DEP also coordinates review of wind energy project applications with IF&W and DMR for certain wildlife impact determinations.
- i. Wind energy projects are potentially a highly visible feature on the landscape that will have an impact on views. The WEA considers wind energy development impacts on scenic character and existing uses of Scenic Resources of State and National Significance (SRSNSs). The scenic impacts from portions of the development's generating facilities located more than eight miles from an SRSNS are considered insignificant by the WEA.
 - ii. The WEA establishes that wind energy developments provide significant tangible benefits to the people of the state, including but not limited to the communities that host the wind energy facilities. As part of any permit application for a wind energy development, the applicant must include information regarding tangible benefits.

4. Bureau of Remediation and Waste Management

- a. Unorganized Territory and Solid Waste Issues. The Land Use Planning Commission (LUPC) administers zoning and permitting requirements in Maine's unorganized territories. The DEP and the LUPC have a memorandum of understanding (MOU) concerning the review of applications and the issuing of licenses for solid waste facilities and activities in the unorganized territories. The MOU ensures that regulatory processes and requirements are clearly presented, fully coordinated between the agencies, and not duplicative.
- b. Oil Storage Facility Low-Interest Loan. The DEP, the Finance Authority of Maine (FAME) and the Maine Municipal Bond Bank (MMBB) have created a low-interest loan program for owners and operators of certain oil storage

facilities. The *Compliance Assistance Loan Program* will provide low-interest loans of up to \$400,000 per applicant for owners and operators of 15 or fewer locations that are used for the storage and distribution of motor fuels. Rulemaking for the loan program was completed in October of 2017. FAME anticipates being ready to receive applications for funding by the end of 2017. The MMBB has allotted \$10 million for loan funding through the end of calendar year 2019. From September, 2017, through December 31, 2019, 629 underground tanks at 294 locations are scheduled to be removed. Many of these tanks will be replaced with new tanks. Owners and operators of certain aboveground oil storage tanks are also eligible to participate. The timing for this new loan program is critical, as a former loan program administered by FAME stopped accepting new applications in the fall of 2016 due to insufficient funds.

- c. Hazard Response. The DEP works with federal, state, county and local counterparts to ensure coordinated and effective responses to discharges and potential discharges of oil and hazardous materials, as well as responses to incidents involving weapons of mass destruction.
 - i. On the federal level, the DEP works primarily with the US Coast Guard and the US EPA. These agencies serve as the Federal On-Scene Coordinator at spills within their jurisdiction. The DEP's Director of Response Services serves as the State On-Scene Coordinator and works with his or her federal counterparts and the responsible party within the Unified Command Post.
 - ii. At the state level, the DEP works primarily with the MEMA, and is a member of the State Emergency Planning Commission and the State HAZMAT Team Chief's Working Group. The DEP also works with the DHHS's Drinking Water Program to ensure continued safe drinking water for the citizens of Maine.
 - iii. At the county level, the DEP has established partnerships with county emergency management officials through frequent exercises, and attendance at Local Emergency Planning Committee meetings.
 - iv. At the local level, the DEP works with municipal authorities and public safety officials, and frequently responds to incidents in collaboration with local police, fire, and rescue. The DEP also works with industries that use extremely hazardous substances in their manufacturing processes by providing advice, conducting inspections, and participating in organizational preparedness exercise programs. The DEP has also established Mutual Aid Agreements for incident response with many of these facilities throughout the State.

- d. Natural Resource Damages. The DEP works with other state and federal agencies to resolve claims for damages to the state's natural resources. Two examples are:
 - i. In a claim resulting from the discharge of oil from underground distribution piping, the DEP worked with IF&W, the DACF, and the DMR. The responsible party provided \$70,000 for the restoration of public resources, the contract for which was awarded through a competitive bid process.
 - ii. In a claim resulting from the investigation and clean-up of oil released from two adjacent marine oil terminal facilities located on the banks of the Penobscot River, the DEP worked with the US Department of Interior, the US Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, IF&W, the DACF, and the DMR. The responsible party provided \$800,000 for use in funding restoration projects designed to restore and conserve riverine ecosystems and associated wetlands and floodplains, and improve and conserve fish and wildlife habitat.

H. 3 MRS § 956(2)(H): Constituencies Served

“Identification of the constituencies served by the agency or program, noting any changes or projected changes”

1. 38 MRS § 341-A (1) states: “The department shall protect and enhance the public’s right to use and enjoy the State’s natural resources and may educate the public on natural resource use, requirements and issues.” The DEP serves not only the residents and regulated business entities of Maine, it also serves all visitors to Maine.
2. For certain remediation, waste management, land use, and water quality issues, the DEP regulates only the organized territories of the state while the LUPC regulates the unorganized territories. The DEP and the LUPC work together on wind power projects and other large developments in the unorganized territories.
3. Within the regulated community, the DEP issues licenses and permits, conducts inspections; and also conducts outreach, assistance, and training.
 - a. The Director of Innovation and Assistance periodically visits businesses throughout the state. Based on the topics discussed during these visits, the director makes recommendations for improvements to Department processes, to establish clear communications with the regulated community, and to facilitate the regulatory process and foster relationships where ever possible.
 - b. The DEP’s Small Business Ombudsman position within the OC serves as the DEP’s overall multi-media assistance liaison to the regulated community. Key

responsibilities include serving as the Department's Small Business Ombudsman, required under the Clean Air Act; staffing the Department's Assistance Hotline; working with various DEP staff to develop training materials to promote regulatory compliance and provide technical assistance for regulated entities (including newsletters, webinars, and seminars); and coordinating with Federal, State, and/or local Agencies to develop compliance strategies.

- c. The Nonpoint Source Training and Resource Center staff develops and provides training workshops in erosion and sediment control for contractors, landscapers, well drillers, and other appropriate members of the regulated community. This is the only training of its kind available in the state for contractors to become certified.
 - d. Each municipality that has a shoreland zoning ordinance is provided with assistance and outreach from the Shoreland Zoning unit. That unit also provides training annually to the code enforcement officers of the municipalities.
4. As a regulatory agency, the DEP must deal with violators appropriately. When a regulated entity egregiously violates an environmental regulation, the DEP may respond with the enforcement authority granted under statute. Maine law allows for violators to choose to do supplemental environmental projects (SEPs) in lieu of paying up to 80% of enforcement penalties. The DEP encourages projects that bring environmental benefit to communities in the area where the violations occurred. There are seven project categories that a violator may choose from:
1. Pollution prevention;
 2. Pollution reduction;
 3. Environmental enhancement;
 4. Environmental awareness;
 5. Scientific research and data collection;
 6. Emergency planning and preparedness; and
 7. Public health.
- a. For example, a project scheduled for completion in 2018 was for stormwater violations in multiple locations throughout the state, including Topsham, and the enforcement fines assessed were totaled in the amount of \$83,060. The violator worked with and provided \$58,627 to the Topsham Fiar Mall Watershed Restoration Project, which included the replacement of two undersized hanging culverts with a large, open bottom, natural stream bed and arched culvert. This project directly benefited the town by allowing upstream mobility for fish, removal of decades of accumulated sediment, regeneration of vegetation and the overall restoration of the aquatic habitat in the stream to attain the Class B water quality standard.
 - b. Although the SEP process is more detailed and involved than the traditional alternative of paying a monetary penalty, the direct benefit to the environment

is a force multiplier. These SEPs directly benefit municipalities throughout the state.

- c. One restriction of the SEP statutory language is that if a violator has previously violated the same law whose violation has resulted in the current enforcement action, that violator is ineligible to conduct an SEP to mitigate enforcement penalties. Statutory language also restricts the mitigation potential of an SEP to no more than 80% of a violator's monetary penalty. The DEP recommends the Committee consider relaxing these statutory restrictions in order to encourage more SEPs to occur in the future.

Currently, under 38 MRS § 349(2-A), if a violator has previously violated an environmental law, the violator is ineligible to complete a supplemental environmental project (SEP) in lieu of paying a portion of a fine. The DEP recommends allowing repeat violators the opportunity to complete a SEP at the discretion of the DEP.

I. 3 MRS § 956(2)(I): Alternative Delivery Systems

“A summary of efforts by an agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives”

1. Bureau of Air Quality

- a. Permit by Rule (PBR) Regulations. Over the past several years, the BAQ has adopted regulations allowing certain types of air emissions sources to obtain PBR licenses when specific requirements can be met. Abbreviated permitting regulations have been adopted for rock crushing operations, concrete batch plant operations, and crematoria. This eliminates the need to follow the standard license application process for these types of sources, which saves time and resources.
- b. Integrated Compliance Information System (ICIS). In 2015, the BAQ began utilizing the US EPA's web-based database, ICIS - Air, to track compliance activities conducted at licensed facilities. This cooperative arrangement with the US EPA eliminated the need for the BAQ to use its resources to maintain a separate database to track this type of information. The DEP works cooperatively with the US EPA to generate reports from the database that are useful to both agencies.
- c. Maine Air Emissions Inventory Reporting System (MAIRIS). In 2010, the BAQ implemented the use of MAIRIS, a web-based reporting system developed by the

DEP to assist Maine facilities with their annual air emissions reporting requirements. MAIRIS is pre-populated with facility and equipment details at the beginning of each inventory-reporting year, and retains the emissions factors each facility used in previous years. This streamlining of the reporting process allows efficient entry of emissions data. A comprehensive user's guide and a series of detailed training videos provide clear step-by-step guidance to MAIRIS users. These are easily accessible by all facility contacts on the Maine DEP website. Once all facility inventories are submitted, MAIRIS allows the DEP to efficiently package and submit the reported emissions data to EPA electronically.

2. Bureau of Water Quality

- a. Innovative Uses of the Clean Water State Revolving Fund (CWSRF). While the primary purpose of the CWSRF is to fund publicly-owned wastewater treatment infrastructure, the DEP has developed and promoted many innovative uses of the fund to improve water quality in other areas, such as landfill closures, sand/salt storage facilities, septic system repair and replacement, stormwater projects, agricultural best management practices, specific silvicultural equipment purchases, underground tank removal, climate adaptation, and fiscal sustainability plans for wastewater treatment facilities.
- b. The Division of Environmental Assessment (DEA) relies heavily on data collected by volunteers, and has a rigorous training and certification program to ensure that data meet quality control requirements. The best example of this is the DEA's long-term relationship with the Volunteer Lake Monitoring Program (VLMP), which provides data on over 400 lakes. This is a vast enhancement of the DEA's capability to collect data, which only has the staff time to monitor roughly 100 lakes in a year. The DEA has agreements with marine and riverine groups for collecting data as well.
- c. The DEA has partnered with local groups to deliver services to prevent the spread of invasive aquatic plants, as well as to remediate sites where invasive plants have been found. Grant agreements, funded by fees collected through the "Preserve Maine Water" stickers program (assessed at the time a boat is registered), have been entered with VLMP and with the Lakes Environmental Association to deliver these services.
- d. The DEA conducts an annual Request for Proposals (RFP) through its Nonpoint Source (NPS) Program to distribute approximately \$800,000 annually to local and regional non-profit organizations working to prevent NPS pollution, or to restore waters previously impaired by NPS pollution. These organizations are required to provide at least 40% match in dollars or in kind services. The DEP typically awards funds to eight or more organizations during each annual grant cycle.

2. Bureau of Land Resources

- a. Natural Resources Protection Act (NRPA) Permit-by-rule (PBR). The NRPA PBR provides a simplified permitting process for projects that are expected to have minimal environmental impact. It is a notification process, whereby applicants submit a one-page permit application and agree to conform to the PBR standards. Unless an applicant is informed by DEP staff that a project does not qualify for a permit by rule, or that additional information is required, the applicant may undertake the project described in the application 14 days after filing the PBR notice. The DEP currently accepts and processes 17 types of PBR under the NRPA and one PBR under the stormwater management program.
- b. Third-Party Inspector Program. Many new Site Location of Development permit projects require a third-party inspector. Third-party inspectors are individuals who understand construction and erosion control issues, and have been approved by the DEP. They monitor compliance with DEP permit conditions on site during construction.
- c. Shoreland Zoning (SLZ) Education and outreach. The SLZ unit provides regular training sessions and presentations throughout the year to educate municipal officials and Code Enforcement Officers on SLZ matters. SLZ staff assists both town officials and landowners of the water quality benefits of maintaining natural buffers around Maine's lakes and streams.

BLR staff participate in an "On-Call" assistance hotline. They answer thousands of calls annually from consultants, developers, Maine citizens and landowners. This creates a convenient forum for the regulated community to get assistance from the DEP.

d. BLR On-Call. Unlike most other DEP programs, land use issues and regulations can apply to every landowner and developer in the state. Since the regulated community for the BLR is large and not a known list of entities, the DEP fields many questions about the land use laws from landowners. To ensure the best customer service to the regulated community and citizens of Maine, the BLR maintains an "On-Call" system. During normal business hours, anyone can call the DEP and speak with a member of our BLR staff. Some issues can be answered within the timeframe of that call; however, many issues are more complex and may take several days or weeks to resolve.

- e. In Lieu Fee Program. The In Lieu Fee program is a voluntary program that allows parties that impact wetlands to make a payment as an alternative to the traditional mitigation process. The In Lieu Fee program is a cooperative program between DEP and the US Army Corps of Engineers (USACE), and is administered by The Nature Conservancy. This program has become a model for other states.

3. Bureau of Remediation and Waste Management

- a. **Organics Management.** The DEP's 2014 Materials Management Plan identified increased utilization of organics as a sustainable materials management priority over the 2014-2018 period. Further, 2016 legislation (PL 2015, c. 461) included several provisions intended to prevent and divert food scraps from land disposal or incineration. Interest in organics collection and use has been growing steadily among municipalities, regions, businesses, and institutions. The Materials Management Plan identified several specific strategies to use in addressing the organics utilization goal, including the provision of technical and regulatory assistance. In response, the DEP has issued guidance on regulatory requirements for organics collection sites and facilities. The guidance describes the types of collection activities and facilities that require a license, as well as those that are exempt. Importantly, the guidance also describes a streamlined regulatory approach, developed by the DEP, for stand-alone organics collection containers or kiosks that are becoming quite popular, particularly in urban settings. This approach should facilitate the establishment of numerous, convenient collection points for organics bound for composting, anaerobic digestion, or other processing technology.
- b. **Compost School.** The DEP provides and participates in the Maine Compost School, through a longstanding cooperative arrangement with the DACF and the Maine Cooperative Extension. This school offers regularly scheduled training to mid-sized and larger composting operations, training the operators in the art and science of composting, to increase the effectiveness and correctness of composting efforts. Through this school, the DEP reaches out to municipal and private operators with assistance from the DACF and University of Maine, allowing increased efficiency of our composting outreach and training.
- c. **Recycling.** DEP works closely with the Maine Renewable Energy Association (MREA), the only state-wide organization that aids municipalities with solid waste management and recycling issues. MREA offers marketing of recyclables for municipalities, and hosts an annual solid waste conference. The DEP has a seat on MREA's education committee. This partnership provides a forum for the DEP to present various topics of immediate, short-term and long-term interest to Maine's municipalities and private solid waste service providers.
- d. **Food Processing Waste Permit by Rule.** A PBR provision for the agronomic utilization of digested food processing residuals was added to the DEP's rule, 06-096 CMR ch. 419 (*Agronomic Utilization of Residuals*). This provision streamlines the permitting process for use of food processing residuals that are of a known and consistent quality, and that represent a low risk regarding nuisance odor and water quality impacts. Introduction of this permitting approach reduces application processing times and associated costs, and provides industry with increased flexibility in terms of the timing of utilization activities.

- e. **Online Training for UST Operators & Oil Delivery Drivers.** Operators of nearly 2,500 underground storage tanks (USTs) need cost-effective training to help them prevent petroleum releases to the environment. In addition, home heating oil delivery drivers can benefit from training, as overfilling at the time of delivery is the second leading cause of petroleum releases in Maine. The DEP has developed a comprehensive, easy to access, on-line training program for UST operators, and is developing a training module to educate delivery drivers about the types of overfill prevention equipment and tank systems they may encounter. The UST operator training and certification program meets both state and federal regulatory requirements for operator training. The delivery driver on-line training will be voluntary.
 - f. **Oil Spill Reporting Agreements.** State law prohibits the discharge of petroleum to the ground or to waters. The same law exempts the spiller from all civil penalties and fines if the spill is reported within two hours; cleanup is performed by the spiller to the Commissioner's satisfaction; and the DEP is reimbursed for any costs incurred. To alleviate the reporting burden on qualified facilities and reduce unnecessary emergency responses by the state, certain facilities can now sign a memorandum of agreement (MOA) with the DEP allowing them to clean up certain spills of less than 10 gallons without immediate reporting. The MOA allows periodic reporting of such small volume spills that are promptly and appropriately cleaned up. There are now 35 facilities across the state with signed MOAs, and more are in process. Partners in these MOAs benefit from reduced spill reporting requirements, saving them time and money, and the state benefits by being able to concentrate on cleaning up spills with higher risks to Maine people and the environment.
 - g. **Oil Spill Cleanup & Remediation.** When investigating and mitigating risks posed by the release of petroleum products the DEP frequently partners with spill cleanup contractors to ensure protection of water and air quality, natural resources, and public health and safety. The DEP also contracts for other services required during spill cleanup and remediation, including soil excavation, well drilling, installation of water filters, radon testing, water and soil testing, and replacement or removal of leaking aboveground and underground oil storage tanks. The DEP maintains lists of pre-qualified vendors and contractors to expedite site cleanup and remediation activities.
4. Department-wide Efforts
- a. **Education of the Public.** The DEP participates in environmental educational events, such as Maine's annual Envirothon, BugMaineia, Maine Earth Science Day, the Maine Water Festival, and the Common Ground Fair. The DEP is also working to develop an educational program for presentation at public schools throughout the state. These venues give the DEP an opportunity for outreach, assistance and visibility to the general public.

- b. **Online Updates.** Over the last several years, the DEP has started taking online comments for rulemaking, hearings, and other document review. This streamlines the process, and allows for more organized and timely responses. The DEP also sends out important updates through Twitter, email, and the Really Simple Syndication (RSS) feeds available on the DEP website. Also, many updates and newsletters are sent out through the Maine GovDelivery system.
- c. **Website Development.** The DEP website is constantly being reviewed by DEP staff to ensure that the most up-to-date information is available to the regulated community, policy makers, and citizens of Maine. The DEP is always looking for ways to make the website more user-friendly, and to allow users to answer questions without having to call in to the DEP.

J. 3 MRS § 956(2)(J): Emerging Issues

“Identification of emerging issues for the agency or program in the coming years”

1. Bureau of Air Quality

- a. **Transportation Transformation.** As air emissions from stationary sources such as pulp and paper mills continue to decline, air emissions from the transportation sector will become a greater percentage of the overall statewide emissions inventory. DEP will continue to monitor and evaluate transportation sector emissions, and identify reduction strategies as appropriate to meet national ambient air quality standards.

2. Bureau of Water Quality

- a. **Sustainable Wastewater Infrastructure Funding.** There are currently 162 municipal and quasi-municipal wastewater treatment facilities in Maine that have a known combined need of approximately \$1 billion for essential upgrades. Some of these facilities cannot affordably finance needed upgrades without grant funds due to their relatively small user base. Existing sources of federal and state grants are insufficient to meet the need, and are unpredictable due to policy shifts as administrations change. A source of sustainable funding is needed for the upgrades of these treatment facilities to prevent discharges into Maine’s waters. Authorization of bonds through LD 1510 would address some of this need.
- b. **Water Classification of Maine Waterbodies.** The DEP is required to periodically conduct classification studies, and consult with the public and interested state and federal agencies, to review the appropriateness of assigned water quality classifications and propose changes in water classification for Maine waterbodies, as appropriate. The last reclassification initiative was completed in 2009. On August 1, 2017, the DEP informed interested parties that it is now embarking on the process to prepare a Water Quality Reclassification proposal for the 129th Legislature, and is soliciting proposals from the public through November 30,

2017. A public review process of proposed changes will be conducted through the first half of 2018, with stakeholder meetings and a public hearing by the Board of Environmental Protection anticipated by mid-summer of 2018.

3. Bureau of Land Resources

- a. Large Scale Energy Projects. Due to requests from other New England states for clean energy projects to meet their renewable energy standards, there has been an increased interest in siting large-scale wind, solar and transmission line projects in Maine. These projects often generate significant public interest and may become very controversial. Also, one or more of these energy projects consumes significant staff time and department resources to review applications, which makes management of staff workloads a challenge.

4. Bureau of Remediation and Waste Management

- a. Increase in Illicit Drug Production. The production of illicit drugs, primarily methamphetamines, has increased over the past several years, and is expected to continue to increase in the coming years. Hazardous substances are often used in the production of these drugs, and some of the by-products are also hazardous. In recent years, the production of illicit drugs has moved away from large, complex, static labs, to simple, smaller and more portable production methods. This has had a direct impact on the frequency of requests from law enforcement agencies for the DEP to assist with the proper handling and disposal of hazardous materials.

The numbers below show number of methamphetamine incidents DEP staff have responded to each year:

2011 – 5 incidents
 2012 – 10 incidents
 2013 – 17 incidents
 2014 – 32 incidents
 2015 – 41 incidents
 2016 – 121 incidents

- b. Ultra-Low Sulfur Heating Oil. Beginning July 1, 2018, Maine law (38 MRS § 603-A(2)(A)(3)) will prohibit the importation, distribution, or sale of any distillate fuel with a sulfur content greater than 0.0015% by weight (15 ppm). Although the potential impacts are unknown, the use of ultra-low sulfur heating oil may contribute to accelerated tank corrosion and clogging of oil tank filters, resulting in an increase in the amount of home heating oil spills. The DEP is coordinating with colleagues across the country to learn more about this product.
- c. Recycling and Organics Recovery. With a concerted focus by the Legislature on improving recycling and organics recovery efforts by municipalities, schools, and institutions, there will be increased interest in not just what is being implemented by these entities and their successes, but also where improvements may be made. Anticipated activities would be beyond the scope of the education, outreach and

technical assistance currently provided by the DEP, and could include funding for various programs or projects, or other tools for implementation.

- d. Bottle Bill. Due to its wide range of interested parties, Maine’s beverage container redemption program is frequently a topic of interest, with various parties wishing to expand, reduce, or change it. Recent proposals include reducing the maximum size container covered by the program, while simultaneously expanding the program to include smaller containers. DEP staff has worked with the Bureau of Alcoholic Beverages and Lottery Operations to expand their on-line beverage reporting and registration portal to include the data required by the bottle bill. The portal should be operational by the end of 2017, removing the work associated with annual registration.

K. 3 MRS § 956(2)(K): Other Information Requested

“Any other information specifically requested by the committee of jurisdiction”

The Environment and Natural Resources Committee has requested that in this report:

“...consideration be given to the impacts of the regulatory changes by the 125th Legislature as part of LD 1, An Act To Ensure Regulatory Fairness and Reform, including, but not limited to, and where known by the Department, the impact of the State’s environmental regulations on businesses and development in the state, any regulatory inefficiencies or areas of uncertainty that have been or could further be improved or addressed and any difficulties with or issues in the State’s environmental regulatory process that have been communicated to or otherwise raised with the Department by members of the regulated community.”³

1. Application Approval Rates. Figure 2 shows the DEP’s permit application approval rates from calendar year 1970 through April 13, 2017. This chart clearly shows that although the number of applications has increased over the last 40 years, the DEP’s approval of applications has consistently been above 93% since 1976.
2. LD 1 Impacts (Public Law 2011, c. 304 “An Act to Ensure Regulatory Fairness and Reform”).
 - a. A copy of Public Law 2011, c. 304, known informally as LD1, can be found in Appendix I. The most significant impact of LD 1 on the DEP has been the rulemaking authority. Prior to the passing of LD 1, the Board of Environmental

³ The full letter from the Environment and Natural Resources Committee to the DEP Commissioner can be found in Appendix I of this report.

Protection (BEP) conducted all rulemaking hearings. LD 1 limited the BEP authority to major substantive rulemakings and procedural rules affecting the BEP. Since most of the DEP rulemakings are now routine technical, the administrative burden is reduced, saving time and money.

- b. AS a result of the retrospective review of agency rules required under LD 1, the DEP repealed five rules, which reduced unnecessary regulatory burdens: Chapter 122, Chlorine and Chlorine Dioxide; Chapter 135, Hexavalent Chromium; Chapter 141, Conformity of General Federal Actions; Chapter 155, Fuel Containers; Chapter 374, Traffic Movement Standards for Site Law. LD 1 directed the DEP to conduct 2 additional rulemakings (Chapter 418, Beneficial Use of Solid Wastes; Chapter 850, Identification of Hazardous Wastes) to ensure Maine's regulations regarding isopropyl alcohol and wood ash standards better align with the US EPA standards. Ch. 418 rules are being revised now through the BEP major substantive rulemaking process. DEP intends to have this rule in front of the Legislature in 2018.
 - c. Section G-1 of LD 1 amended 5 M.R.S. § 8002(9) to clarify that DEP guidelines must be included as part of a rule if they are to be judicially enforceable. The DEP is more deliberate about seeking public comments and input regarding documents that could be seen as guidelines. For instance, DEP recently revised two BLR manuals that provide guidelines and best management practices for dealing with erosion and sediment control issues. Prior to the final release of those documents, they were made available to the public for review and comment. This is the standard procedure for all DEP guidance documents.
3. Improvements for the Regulated Community.
- a. The intent of the Environmental Audit Program (EAP) was to allow companies to self-disclose certain environmental violations, and in turn receive certain incentives for participating in the program. LD 1 reframed the compliance model for the DEP; however, since the EAP became available, the program has not been utilized. This shows that there is still work to be done to increase regulatory transparency, to increase fairness across businesses, and to increase participation in compliance assistance programs run by the DEP. Since the risk of penalty still exists within the self-disclosure audit program, there is a reluctance among potential participants to sign on to the policy.
 - b. To maintain better communication with the regulated community, the DEP is planning to amend Chapter 2, Rules Concerning the Processing of Applications and Other Administrative Matters, in 2018 to require an applicant to be personally involved in one or more pre-application, application, and/or permitting meetings with DEP staff, as opposed to being represented by an agent, as is currently allowed. The current practice has occasionally caused confusion for applicants who have relied on a third party that has failed to adequately or accurately explain DEP's directions. The DEP intends to clarify through rulemaking.

DEP Application Approval Ratings				
Year	Total Applications Processed	Applications Approved	Applications Disapproved	Approval Rate
1970	19	19	0	100.0%
1971	76	73	3	96.1%
1972	98	83	15	84.7%
1973	170	130	40	76.5%
1974	450	376	74	83.6%
1975	873	811	62	92.9%
1976	1,280	1,192	88	93.1%
1977	1,272	1,203	69	94.6%
1978	1,442	1,388	54	96.3%
1979	997	957	40	96.0%
1980	1,068	1,015	53	95.0%
1981	919	892	27	97.1%
1982	1,031	991	40	96.1%
1983	1,101	1,073	28	97.5%
1984	1,378	1,332	46	96.7%
1985	2,211	2,139	72	96.7%
1986	1,840	1,752	88	95.2%
1987	1,961	1,875	86	95.6%
1988	1,690	1,620	70	95.9%
1989	3,319	3,233	86	97.4%
1990	3,917	3,862	55	98.6%
1991	4,259	4,227	32	99.2%
1992	3,910	3,887	23	99.4%
1993	3,815	3,798	17	99.6%
1994	3,992	3,924	68	98.3%
1995	3,588	3,553	35	99.0%
1996	3,827	3,762	65	98.3%
1997	3,644	3,552	92	97.5%
1998	3,854	3,774	80	97.9%
1999	4,226	4,122	104	97.5%
2000	4,102	3,980	122	97.0%
2001	3,999	3,821	178	95.5%
2002	3,968	3,781	187	95.3%
2003	4,048	3,805	243	94.0%
2004	4,457	4,177	280	93.7%
2005	5,460	5,194	266	95.1%
2006	4,628	4,350	278	94.0%
2007	4,589	4,304	285	93.8%
2008	5,052	4,823	229	95.5%
2009	4,192	4,013	179	95.7%
2010	5,245	5,070	175	96.7%
2011	5,145	5,012	133	97.4%
2012	3,657	3,539	118	96.8%
2013	3,535	3,372	163	95.4%
2014	3,770	3,629	141	96.3%
2015	3,948	3,836	112	97.2%
2016	4,043	3,871	172	95.7%
2017*	1,730	1,703	27	98.4%

*through April 13, 2017

Figure 2: DEP Application Approval Rates from 1970 – April 13, 2017

4. Improvements for DEP.

- a. Since LD 1 changed many of the responsibilities of the BEP, the DEP has identified an unnecessary step

that still remains in the permitting process: board stamping. Once a license or permit is signed by the appropriate DEP authority, it then must go to the BEP staff member to be stamped. This information is not logged or tracked anywhere; however, the stamp date begins the appeal timeline. The DEP proposes this unnecessary step be removed from 38 MRS §341-D, and that the signature date of an applications or permit begin the appeal timeline.

Under 38 MRS § 341-D, a permit appeal timeline starts when the BEP staff member stamps and files that permit. This is an unnecessary step; instead, the appeal timeline should start the date the permit is signed by DEP.

L. 3 MRS 956(2)(L): Comparison of Fed. & State Laws

“A comparison of any federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program”

As a general matter, Maine’s environmental laws are significantly more comprehensive than their federal counterparts. The following is an overview of these differences:

1. Bureau of Air Quality

- a. Hazardous Air Pollutants. The DEP implements Sections 112 and 129 of the Clean Air Act, which affect stationary sources of hazardous air pollutants. The BEP adopted by reference and accepted delegation of federal National Emission Standards for Hazardous Air Pollutants (NESHAPs) in Chapter 144 of DEP’s rules. Maine adopted requirements exceeding federal standards for perchloroethylene dry cleaning facilities in Chapter 125, including a prohibition on the co-location of affected facilities with residences, childcare or elder care facilities, and other facilities associated with sensitive populations. Chapter 121 includes mercury emission limitations for municipal waste combustors that are more stringent than federal standards.
- i. In 2005, the Maine Legislature established a mercury emissions limit for all facilities in the state, prohibiting emissions in excess of 35 pounds through 2009, and in excess of 25 pounds beginning in 2010. This limitation exceeds the mercury emissions reductions that would have been achieved by the US EPA’s vacated Clean Air Mercury Rule by affecting all source categories.

- ii. The DEP monitors for toxic air pollutants at several sites across the state, and is developing the capability to apportion combustion byproducts to identify ambient quantities contributed by motor vehicles as opposed to wood burning.
 - b. Chapter 143, New Source Performance Standards (NSPS). The DEP implements Section 111 of the Clean Air Act, which affects specific categories of new stationary sources of air pollutants. The BEP adopted by reference and accepted delegation of federal New Source Performance Standards (NSPS) in Chapter 143.
 - c. Air Emissions Licensing. The most recent review of the New Source Review (NSR) for larger air emissions facilities was done in 2006. The DEP, along with US EPA, determined that the state NSR is at least as stringent as the federal NSR program as revised on December 31, 2002. Utilizing the US EPA guidance, the DEP examined baseline emissions, applicability tests and other provisions of the federal NSR rule in comparison with the Maine program, and determined that Maine's current program provides a level of environmental protection that is at least as stringent as the US EPA's NSR program, while maximizing operational flexibility and efficiency for Maine's major and minor sources. The DEP continues to implement this NSR program.
 - d. Criteria Pollutants. Maine's ambient air quality standards for criteria pollutants, which include tropospheric (ground-level) ozone, sulfur dioxide, carbon monoxide, nitrogen oxides, lead and fine particulates (PM_{2.5}), are identical to the current Federal standards.
2. Bureau of Water Quality
- a. Surface Waters. Maine has had a classification and permitting program for its state waters since the 1940s. However, with the enactment of the Federal Water Pollution Control Act ("Clean Water Act") in 1972, the state system began to be more closely integrated with federal requirements. Since 2001, the state has been granted formal authority to issue Clean Water Act permits. As part of that delegation of authority all of the standards, criteria, and classifications are subject to final review and approval by the US EPA. This delegation of authority has created a significant degree of consistency between Maine's requirements and federal water quality statutes.
 - b. Point Source Discharges. The state of Maine has assumed the NPDES program from the federal government. The wastewater discharge law requires that a license be obtained for the discharge of pollutants to a stream, river, wetland, or lake of the state, or to the ocean. Typical discharges include sanitary waste water and process water from industrial or commercial activities. A license is also required for the discharge of pollutants to groundwater, except for subsurface disposal systems installed under the State Plumbing Code.

3. Bureau of Land Resources

- a. The regulation of hydropower dam operations in Maine is achieved through a coordinated process between the DEP and the Federal Energy Regulatory Commission (FERC), while construction and maintenance activities at hydropower dams on Maine's waterways are regulated through the Maine Waterway Development and Conservation Act. Both levels of governmental oversight apply a conservation ethic that ensures the water quality of our rivers, lakes and streams is protected; access and use is preserved or enhanced; and opportunities exist for commercial use of public resources. The DEP works with FERC and with the owners of hydropower dams to evaluate impacts of dam operations on the resource, and to certify that such operations meet the State's water quality standards, in accordance with the provisions of Section 401 of the Clean Water Act.
- b. The regulation of wetland impacts is still regulated by two separate programs. The DEP reviews and allows impacts via permits issued under the state's Natural Resources Protection Act; and the US Army Corp of Engineers regulates the placement of fill into waters of the United States. These two programs have different jurisdictional thresholds and different approval standards, as well as compensation requirements for unavoidable impacts to wetlands. For the most part, these two programs have been coordinated as closely as is feasible, particularly with regard to smaller projects with minimal wetland impacts.

4. Bureau of Remediation and Waste Management

- a. Hazardous Waste. Federal hazardous waste requirements provide a baseline standard for the management, treatment and disposal of hazardous wastes. The Maine Legislature determined that to adequately protect public health, some

In 2016, 12,043,049 pounds of hazardous waste was generated in Maine from manufacturing and commercial activities, as well as from cleanup/remediation projects, and a total of 10,741,063 pounds of hazardous waste was exported.

wastes not identified by the US EPA as hazardous, such as Polychlorinated biphenyls (PCBs), should be identified and managed as hazardous waste. The BEP identified PCBs in concentrations of 50 parts per million or greater as state listed hazardous wastes. Maine's hazardous waste program also differs from the federal program in other areas. For example, the Maine hazardous waste management regulations require that shipments of hazardous waste be accompanied by a hazardous waste manifest, and that

universal hazardous waste be accompanied by a manifest or Uniform Bill of Lading (UBOL). The state also has not adopted some of the federal exemptions for certain activities involving the treatment of hazardous wastes. Maine has demonstrated that the state program is at least as stringent as the federal program and that Maine has sufficient resources and authority to administer the federal program at the state level. The US EPA has delegated program authority to the

state for the base program, as well as administration of the universal hazardous waste and corrective action programs.

- b. **Asbestos.** Federal law regulates a wide variety of activities related to asbestos abatement. Maine law is structured to cover those activities at least as stringently as federal law. The federal requirements for inspection, notification, training, accreditation of workers, and work practices for asbestos abatement activities are all encompassed within the scope of Maine's asbestos law and regulations, but in a greatly simplified manner. The applicability of Maine's law is broader than the federal law, as it applies in all buildings and when a smaller amount of asbestos-containing materials (ACM) is disturbed than is required by the federal regulations. Maine's asbestos laws and regulations do not include requirements for asbestos identification and management in schools; however, the US EPA has delegated authority to the DEP to oversee implementation of federal requirements regarding asbestos in Maine schools.
- c. **Lead.** Federal law regulates a wide variety of activities related to lead abatement. Maine law is structured to cover many, but not all, of the federal provisions. Maine requires that professionals performing lead based paint abatement activities in residential dwellings and child-occupied facilities be properly trained and certified, and sets forth work practice standards to ensure that lead in the environment is accurately identified and lead hazards are properly abated. Commercial buildings, public buildings, and superstructures are not regulated by Maine's rule. The scope of this rule is narrower than the federal rule as it does not include licensing, certification and work practice standards for renovation, repair and painting projects conducted in target housing and child-occupied facilities.
- d. **Hazardous Substances.** Federal law imposes investigation and clean-up liability for past releases of hazardous substances on persons who own or operate sites after the hazardous substances arrived at the site, on persons who generated the hazardous substances, and on persons who transported the hazardous substances to the site. While this federal law is not delegated to Maine, Maine has a similar law, and the US EPA defers to state action at most contaminated sites. Maine law also implements a Voluntary Response Program, funded in part with federal Brownfields grants, to clear liability due to hazardous substance or petroleum releases so that properties can be quickly returned to productive use. The DEP works cooperatively with the US Department of Defense (DOD) to investigate and remediate contamination at sites that are or were operated by the DOD. Often, at sites where hazardous substances will remain in place, deed restrictions are a necessary component of a site remedy to ensure protection of public health. The DEP administers a law to ensure that these deed restrictions are consistent, enforceable, and remain in effect as long as necessary.
- e. **Landfills.** The DEP has promulgated comprehensive rules governing the siting, design, construction, and operation of landfills for the disposal of non-hazardous

solid waste. Federal rules at 40 CFR Parts 239, 257 and 258 establish certain baseline standards for “municipal solid waste landfills” only. The federal law required states to obtain “consistency determinations” from the US EPA regarding their landfill permitting programs. States achieving a consistency determination were authorized to use the many areas of potential regulatory flexibility in the federal rules to tailor programs to address specific state needs and circumstances. Maine obtained a consistency determination and has established its rules in accordance with the provisions of federal rules.

- f. **Sludge and Septage.** The DEP has promulgated rules governing the handling of sludge and septage, including its agronomic use (06-096 CMR ch. 419-420), which differ from their federal counterparts in several respects. The Maine rules establish siting standards for land application; the federal rules do not. The federal rule at 40 CFR Part 503 (Standards for the Use or Disposal of Sewage Sludge) was adopted in 1993. More recent risk assessment data was available at the time Maine’s Chapter 419 rule was developed, resulting in certain pollutant screening concentrations being more stringent than those in Part 503. Also, Chapter 419 establishes standards for the agronomic utilization of residuals in addition to sewage sludge (e.g., fish and food waste, liming agents, drinking water residuals), which the federal rule does not. Maine’s rules seek to achieve appropriate protections of the environment and public health, while encouraging the beneficial use of a variety of residuals that would otherwise require disposal.
- g. **Other Solid Waste/Materials Handling.** The DEP has promulgated rules governing the siting, design and operation of all other types of solid waste handling facilities and activities (e.g., transfer and storage facilities, waste to energy incinerators, processing facilities, beneficial use other than agronomic, composting sites). There are no corresponding federal rules, and the federal government defers to states on the establishment of these standards.
- h. **Groundwater and Underground Storage Tanks.** Maine statute and regulations that govern underground storage tanks, particularly underground petroleum storage tanks, are broader and more stringent than federal law and US EPA regulations. Maine’s fund (Maine Ground Water Oil Clean Up Fund) providing pollution liability insurance to UST owners and operators is also broader and more generous than that required by federal law and regulations. This is in large part because Maine is far more dependent on groundwater as a drinking water resource than the rest of the nation. Approximately 50% of Maine’s population drinks water obtained from groundwater. Maine’s UST installation standards differ significantly from those of the US EPA, in part because Maine’s requirements have included improvements in hazardous material storage technology, while the US EPA’s regulations still rely on late 1980s technology. For example, Maine requires all new tanks and piping to have secondary containment with electronic leak sensors to catch leaks before they reach ground water.

M. 3 MRS 956(2)(M): Information Management Policies

“Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency’s implementation of information technologies and an evaluation of the agency’s adherence to the fair information practice principles of notice, choice, access, integrity and enforcement”

In general, implementation of the laws administered by the DEP does not require the collection or management of personal information. In the rare situations where the receipt of personal information is necessary, such as when grant eligibility is being determined, that data, regardless of format, is separated from other information in the DEP’s files, and is not produced in response to a Freedom of Access (FOA) Law request. The DEP FOA standard operating procedure (SOP) includes the removal and redaction of information identified by the law as being confidential by individual employees. This is meant to protect confidential business and personal information. More specifically, the DEP maintains a standard operating procedure concerning “Communication with Outside Parties During Enforcement” to maintain the privacy of a violator during enforcement proceedings, as well as maintaining diligence in protecting applicants’ banking information when checks accompany permit applications.

The following are the state-level information technology (IT) laws, policies and procedures which apply to electronic information management at the DEP:

General State Law interpreted for IT purposes:

<http://www.maine.gov/oit/policies/privacypolicy.html>

OIT Policy which the DEP follows regarding products and services developed by the state which manage personal information:

<http://www.maine.gov/oit/policies/SecurityPolicy.pdf>

OIT Policy which the DEP follows regarding products and services developed by contractors for the state which manage personal information:

<https://www1.maine.gov/oit/policies/RemoteHostingPolicy.pdf>

The DEP is currently developing a SOP for information technologies (IT) solution planning and implementation to achieve the DEP’s strategic goals and to comply with federal auditing requirements. The federal guideline applies to the personal information mentioned above and is satisfied by the policies cited above.

N. 3 MRS 956(2)(N): Reports Filed by the Public

“A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:

- 1) The statutory authority for each filing requirement;**
- 2) The date each filing requirement was adopted or last amended by the agency;**
- 3) The frequency that filing is required;**
- 4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and**
- 5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication”**

1. Depending on the scope and complexity of a project, the DEP requires the regulated community to file different types of reports, applications and other similar paperwork. Appendix J contains a chart listing all the statutory requirements.
2. Unlike financial numbers, which are closely tracked and used for decision-making purposes, many of the application and filing numbers in Appendix K are interpretations of certain assumed data (i.e. number of vehicles registered or number of businesses registered). This can lead to different interpretations of the data over time, which could skew the data set. Additionally, the numbers are pulled from many different computer tracking systems, filing locations, and/or are based on an estimate, as there may be no tracking mechanisms.

O. 3 MRS § 956(2)(O): Legislative Reports

“A list of reports required by the Legislature to be prepared or submitted by the agency or independent agency”

1. Appendix L contains the reports required by the Legislature to be prepared and submitted by the DEP along with the statutory reference for the report mandate.
2. The DEP has worked with the Legislature’s Environment and Natural Resources Committee and interested parties to review the legislative reports required by statute. Over the past eight years, with agreement on both sides, several reports have been discontinued; those reports were shown to no longer contain information useful for the Committee.
3. After reviewing the current list of reports, the DEP would like to propose a statutory change the reporting timeframe for the solid waste generation and disposal capacity report. Currently, under 38 MRS § 2124-A, the DEP is required to submit this report to

the Legislature annually. Since the information does not vary greatly year-to-year, the DEP proposes that this report be required biennially.

P. 3 MRS § 956(2)(P): DEP Organizational Units

“A copy of the single-page list of organizational units and programs within each organizational unit required pursuant to section 955, section 1, placed at the front of the report”

Chart A below lists DEP’s organizational units, as utilized for DEP’s budget and account management.

Program Area	Organizational Unit
Remediation	0247
Water	0248
Air	0250
Administration	0251
Performance Partnership	0851
Maine Environmental Protection Fund (MEPF)	0421
Board of Environmental Protection	0025
Land Resources	Z188

Chart A: DEP Program Areas and Organizational Unit Identification Codes

Q. 3 MRS § 956(2)(Q): Legislative Review Required

“Identification of provisions contained in the agency’s or independent agency’s enabling or authorizing statutes that may require legislative review to determine the necessity of amendment to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.”

1. Legislative Review of Statutes Related to Chapter 691, Rules for Underground Oil Storage Facilities. In 2015, the US EPA updated their regulations for underground storage tanks. The implementation timeframes for these changes vary from ‘immediately’ to ‘within three years’, beginning in 2018. To become compliant with all the federal regulations by 2018, the DEP requires legislative review and changes to 38 MRS §563-B, 38 MRS §564, 38 MRS §566-A, and 38 MRS §570. Due to changes in the

federal requirements (2015), Maine must re-apply for and receive federal program delegation from the US EPA before October 13, 2018. Without authorization of Maine's program, owners of underground storage tanks storing petroleum will need to contact both state and federal regulators to ensure compliance with applicable requirements. In order to make things simpler for the regulated community, minor changes need to be made in Maine's statute.

2. Legislative Review of Statutes Related to Ch. 117, Source Surveillance - Emissions Monitoring. In 1993, the Maine Legislature enacted 38 MRS § 589(3), which limited the DEP's authority to initiate enforcement actions for failure to operate a continuous emissions monitoring system at all times. This exemption provides that the DEP may not take enforcement action against any person for failure to operate a continuous emissions monitoring system for gaseous emissions as long as the system is recording accurate and reliable data at least 90% of the source-operating time in each quarter of the calendar year. A similar exemption is provided for continuous opacity monitoring systems, which must operate at least 95% of the source-operating time in each quarter of the year. Unfortunately, these exemptions conflict with the federal continuous monitoring system requirements in 40 CFR 60.13, which does not provide a routine exemption for monitor downtime. Thus, although the DEP cannot initiate an enforcement action against a source that meets these statutory criteria, this prohibition does not apply to the US EPA.

Recommendations

Following is a list of recommendations for the DEP to focus on in order to improve agency efficiency and customer service for the future, as provided throughout this report.

1. Legislative Changes to Update Ch. 691, Rules for Underground Oil Storage Facilities. The DEP has proposed an emergency bill during the second session of the 128th Legislature to make updates to the Underground Storage Tank law in order to better align with EPA's 2015 updates. Without this legislative change, DEP may lose certain EPA funding. To become compliant with all the federal regulations by 2018, the DEP requires legislative review and changes to 38 MRS §563-B, 38 MRS §564, 38 MRS §566-A, and 38 MRS §570. Due to changes in the federal requirements (2015), Maine must re-apply for and receive federal program delegation from the US EPA before October 13, 2018. Without authorization of Maine's program, owners of underground storage tanks storing petroleum will need to contact both state and federal regulators to ensure compliance with applicable requirements. In order to make things simpler for the regulated community, minor changes need to be made in Maine's statute.
2. Legislative Changes to Update Ch.117, Source Surveillance - Emissions Monitoring.
 - a. In 1993, the Maine Legislature enacted 38 MRS § 589(3), which limited the DEP's authority to initiate enforcement actions for failure to operate a continuous emissions monitoring system at all times. This exemption provides that the DEP may not take

- enforcement action against any person for failure to operate a continuous emissions monitoring system for gaseous emissions as long as the system is recording accurate and reliable data at least 90% of the source-operating time in each quarter of the calendar year. A similar exemption is provided for continuous opacity monitoring systems, which must operate at least 95% of the source operating time in each quarter of the year. Unfortunately, these exemptions are in conflict with the federal continuous monitoring system requirements in 40 CFR 60.13, which does not provide a routine exemption for monitor downtime. Although the DEP cannot initiate an enforcement action against a source that meets these statutory criteria, this prohibition does not apply to the US EPA.
- b. The DEP proposes that a similar exemption (e.g., 95% data capture for both gaseous emissions and opacity) combined with a requirement that sources must affirmatively demonstrate that monitoring systems were not intentionally idled could better address the needs of our regulated community while more closely adhering to federal requirements, thereby reducing or eliminating the state/federal conflict.
3. **Statutory Review of Supplemental Environmental Projects Legislative Language.** SEPs provide environmental benefits to municipalities throughout the state from the environmental violators in the surrounding area. There are two major changes in the SEP law that are necessary to allow more SEPs to occur throughout the state:
 - a. Currently statute provides that if a violator has previously violated the same environmental law, the violator is ineligible to conduct any SEP to mitigate enforcement penalties. In most instances, this does not give the violator or the DEP the opportunity or discretion to perform these environmentally beneficial projects after the first violation. The DEP proposes that repeat violators be given the option to conduct SEPs upon DEP approval.
 - b. Currently statute provides that a violator may offset 80% of the value of a monetary penalty with a SEP. The DEP would like to increase the amount a violator may mitigate with a SEP from up to 80% of the penalty to up to 100% of the penalty.
 4. **Statutory Review and Consultation with BEP on Omitting Board Stamping of Licenses.** Since LD 1 changed many responsibilities of the BEP, the DEP has identified an unnecessary step which still remains in the permitting process: board stamping. Once a license or permit is signed by the appropriate DEP authority, it then must go to the BEP staff member to be date stamped. This information is not logged or tracked anywhere. The only purpose of the board stamp date is to begin the appeal timeline, as specified in 38 MRS §341-D(4). The DEP proposes that this unnecessary step be removed by modifying the statute to specify that the licensing appeal timeline begins on the DEP signature date for an application or a permit. The DEP sees this improvement as reducing an unnecessary administrative step, while preserving the important timeline for licensing appeals.

5. **Reduced Reporting Time for Legislative Report.** After reviewing the current list of reports due to the Legislature, the DEP would like to propose a statutory change to the reporting timeframe for the solid waste generation and disposal capacity report. Currently under 38 MRS § 2124-A, DEP is required to submit this report to the Legislature annually. Since the information does not vary greatly year-to-year, the DEP proposes that this report be required biennially.



2017

Work Plan - Bureau of Air Quality



Marc Cone, Director

Bureau of Air Quality

December 2016

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I. Executive Summary

The Bureau of Air Quality is made up of three divisions: Air Quality Assessment, Licensing and Compliance, and Resource Administration. The main responsibilities of the Bureau are to administer regulations that ensure that air quality in the state is meeting ambient air quality standards and to be a resource for the entire Department to manage financial and technology information needs.

The Division of Air Quality Assessment is composed of three program sections: the Ambient Air Monitoring Section, the Laboratory & Quality Assurance Section, and the Atmospheric Science & Analysis Section. The Ambient Air Monitoring Section is responsible for all ambient air quality monitoring conducted and the data collected throughout the state, which is carried out by the 4 regional offices in Presque Isle, Bangor, Augusta and Portland. The data obtained is submitted to the Environmental Protection Agency (EPA), is used for issuing Bureau of Air Quality's daily air quality forecasts, making attainment demonstrations, tracking trends, among other multiple uses. The Laboratory & Quality Assurance Section is responsible for the operation of the Air Laboratory, which supports the monitoring program by performing various analyses of collected air samples, conducts performance audits of all monitoring equipment, creates and maintains the Division's Quality Assurance Project Plans (QAPPs) and Standard Operating Procedures (SOPs), and manages and maintains all of the monitoring program's and Air Lab's data management systems and their applications. The Atmospheric Science & Analysis Section performs sophisticated technical analyses of a variety of complicated data sets, draft regulatory proposals and final promulgations, and provides comments, notes potential issues and makes recommendations to Division and Bureau management based on results of and conclusions from completed assessments.

The Division of Licensing and Compliance, is composed of four sections, the Licensing Section, the Compliance and Enforcement Section, the Mobile Sources Section, and the Emissions Inventory. The Licensing Section is primarily responsible for administering the licensing program within the Bureau of Air Quality for institutional, commercial, and industrial sources. The Compliance and Enforcement Section is primarily responsible for evaluating the compliance status of regulated facilities in the State of Maine and determining and implementing appropriate enforcement actions for any non-compliance events. The Mobile Sources Section is primarily responsible for administering Maine's laws and regulations relative to cars and trucks sold and operated within the state. The Emissions Inventory Section is primarily responsible for collecting, compiling, and sharing air emissions inventory data from point, non-point, and mobile sources.

The Division of Resource Administration is composed of four sections: Collections, Claims and Recovery Section; Environmental Information Management Section; Administrative Support Section; and Fiscal Operations Section. The Collections, Claims and Recovery Section focuses on billing, collections and resolving environmental damage claims. The Environmental Information Management Section provides support for Department licensing and compliance programs, provides Office of Information and Technology Application Development staff with priorities for the Department's needs and oversees technology improvement projects throughout the Department. Fiscal Operations Section manages and prepares the Department's budget, processes invoices, manages travel, prepares the Department fee schedules and provides fiscal information to the Department. The Administrative Support Section provides administrative support to the agency,

provides reception and mailing services for the agency, maintains the Bureau of Remediation and Waste Management (BRWM) files and coordinates public access to those files, and provides general administrative support of BRWM program operations.

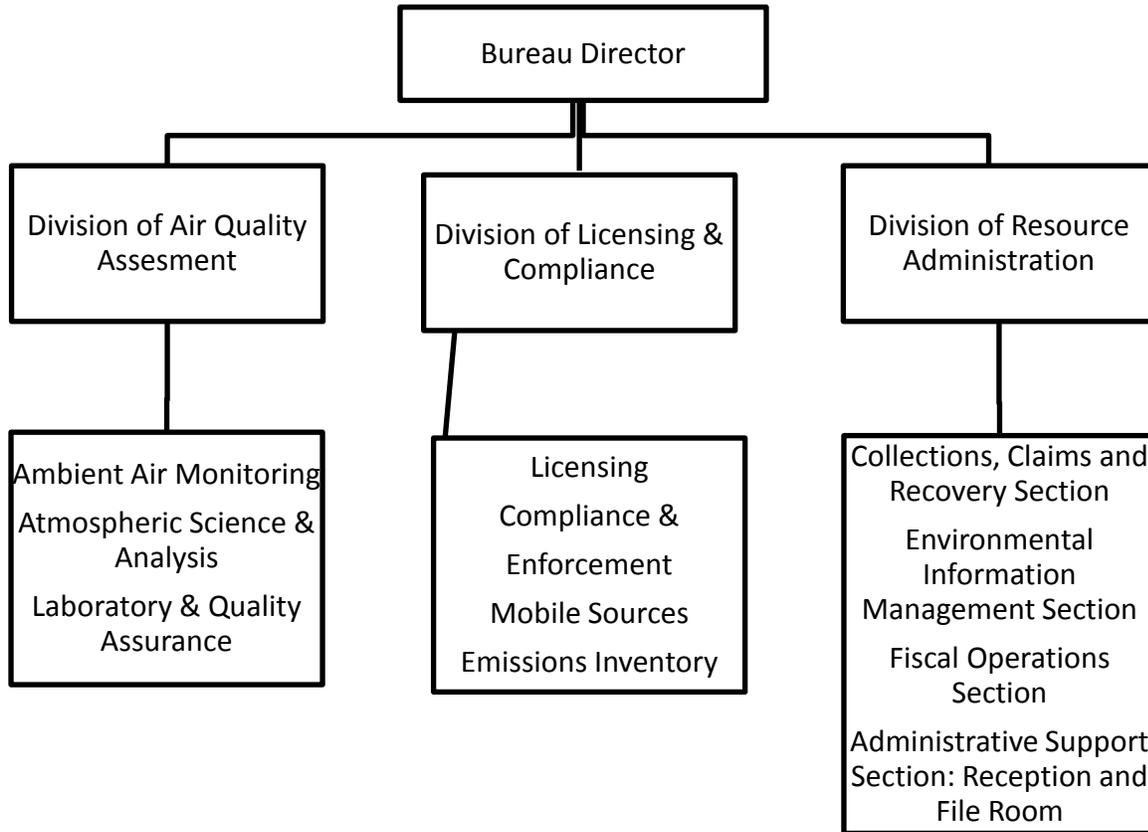
II. Acronyms List

AAPCA	Association of Air Pollution Control Agencies
ACA	Administrative Consent Agreements
AMPD	Air Markets Program Data
APU	Auxiliary Power Unit
AQI	Air Quality Index
AQS	Air Quality System
ASA	Atmospheric Science and Analysis
ATS	Application Tracking Software
BAQ	Bureau of Air Quality
BAM	Beta Attenuation Monitor
BLR	Bureau of Land Resources
BMT	Bureau Management Team
BRWM	Bureau of Remediation and Waste Management
BWQ	Bureau of Water Quality
CAMD	Clean Air Market Division
CARB	California Air Resources Board
CBI	Courtesy Boat Inspections
CCR	Collections, Claims & Recovery
CDC	Centers for Disease Control
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality
CPI	Consumer Price Index
CPP	Clean Power Plan
CTS	Complaint Tracking System
CY	Calendar Year
DAFS	Department of Agriculture, Conservation & Forestry
DEP	Department of Environmental Protection
DERA	Diesel Emission Reduction Act
DMU	Data Management Unit
DOT	Department of Transportation
DWQM	Division of Water Quality Management
ECHO	Enforcement and Compliance History Online
eDMR	Electronic Discharge Monitoring Report
EFIS	Environmental Facility Information System
EIMS	Environmental Information Management Section
EIS	Enforcement Information System
EPA	Environmental Protection Agency
ERT	Electronic Reporting Tool
EV	Electric Vehicle
FCE	Full Compliance Evaluation
FED	Federal Land Manager Environmental Database
GAAP	Generally Accepted Accounting Principles
GC/FID	Gas Chromatography/Flame Ionization Detector
GC/MS	Gas Chromatography/Mass Spectrometry

GHG	Greenhouse Gas
GIS	Geographic Information System
GLIMS	Gravimetric Laboratory Information System
HAP	Hazardous Air Pollutant
HPV	High Priority Violations
ICIS	Integrated Compliance Information System
IMPROVE	Interagency Monitoring of Protected Visual Environments
IT	Information Technology
KPI	Key Performance Indicators
LEV	Low Emission Vehicle
LIMS	Laboratory Information Management System
LOW	Letters of Warning
MAIRIS	Maine Air Emissions Inventory Reporting System
MANE-VU	Mid-Atlantic Northeast Visibility Union
MARAMA	Mid-Atlantic Region Air Management Association
MEPDES	Maine Pollution Discharge Elimination System
MOU	Memorandum of Understanding
MOVES	Motor Vehicle Emissions Simulator
MRSA	Maine Revised Statutes Annotated
NAAQS	National Ambient Air Quality Standards
NADP	National Atmospheric Deposition Program
NATTS	National Air Toxics Trends Stations
NEC	No Exposure Certifications
NEI	National Emissions Inventory
NESHAP	National Emissions Standards for Hazardous Air Pollutant
NESCAUM	Northeast States for Coordinated Air Use Management
NetDMR	Network Discharge Monitoring Report
NMOG	Non-Methane Organic Gas
NO _x	Nitrogen Oxides
NOAA	National Oceanic and Atmospheric Administration
NOI	Notices of Intent
NOMAD	NONpoint Method Advisory
NOV	Notices of Violation
NPDES	National Pollutant Discharge Elimination System
NRPA	Natural Resources Protection Act
NSPS	New Source Performance Standards
OBD	Onboard Diagnostics
OC	Office of the Commissioner
OIT	Office of Information Technology
OTC	Ozone Transport Commission
PAH	Polycyclic Aromatic Hydrocarbons
PAMS	Photochemical Assessment Monitoring Stations
PM	Particulate Matter
PPA	Performance Partnership Agreement
PPCP	Pharmaceuticals and Personal Care Products
PPG	Performance Partnership Grant

PQAO	Primary Quality Assurance Organizations
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plan
RGGI	Regional Greenhouse Gas Initiative
RFG	Reformulated Gasoline
RFP	Request for Proposal
SIP	State Implementation Plan
SMT	Senior Management Team
SO ₂	Sulfur Dioxide
SOP	Standard Operating Procedure
TAMS	Time and Attendance Management System
VES	Virtual Exchange Services
VOC	Volatile Organic Compound
VRAP	Voluntary Response Action Program
XRF	X-ray fluorescence
ZEV	Zero Emission Vehicle

III. Bureau of Air Quality Organization



IV. Division of Air Quality Assessment

Contact: Andrew Johnson, Division Director, Public Services Manager II
(Andy.Johnson@maine.gov)

This Division is responsible for all ambient air quality monitoring conducted and the data collected throughout the state, which is carried out by the four regional offices in Presque Isle, Bangor, Augusta, and Portland. The data obtained is submitted to EPA and is used for issuing Bureau of Air Quality's (BAQ) daily air quality forecasts, making attainment demonstrations, and tracking trends, among other multiple uses. The Division is also responsible for the operation of the Air Laboratory that supports the monitoring program by performing various analyses of collected air samples, conducting performance audits of all monitoring equipment, the creation and/or upkeep of the Division's QAPPs and SOPs, and managing and maintaining all of the monitoring program's and Air Lab's data management systems and their applications. The Division also performs sophisticated technical analyses of a variety of complicated data sets, draft regulatory proposals and final promulgations, and provides comments, notes potential issues and makes recommendations to Department management based on results of and conclusions from completed assessments.

Ambient Air Monitoring Section

Contact: Richard Marriner, Air Monitoring Section Manager, Environmental Specialist IV
(Richard.Marriner@maine.gov)

The Air Monitoring Section within the DEP Bureau of Air Quality (BAQ) operates and maintains a network of air samplers in the state to evaluate ambient air quality in Maine. Ambient air quality monitoring is required by the Code of Federal Regulations (CFR) and the U.S. Environmental Protection Agency (EPA) to determine whether the ambient concentrations of any of several pollutants in the state exceed established standards. The data also documents trends that may be occurring in the concentrations of these pollutants, supports the Maine DEP in providing background information for the licensing program and, when necessary, the development of pollution control strategies. Much of the ambient air data is collected hourly with automated polling and reporting technology to provide near real-time information to the public and scientific community that is used for timely forecasting of regional air quality conditions for Maine citizens and visitors to the state.

Air Monitoring Staff are assigned to four regional offices in Maine at Presque Isle, Bangor, Augusta, and Portland. Each office is responsible for all aspects of ambient air monitoring in that region. The network of ambient air quality monitors in Maine includes instruments that measure concentrations of ozone, fine particulates, sulfur dioxide, oxides of nitrogen, carbon monoxide, mercury deposition, benzene, and other hazardous air pollutants, as well as meteorological parameters such as wind speed and direction, air temperature, and solar radiation. The instrumentation requires constant surveillance, frequent calibration checks, and maintenance to ensure the recorded data meets the stringent quality standards established by EPA and the state. Monitoring staff review the data for quality assurance and then upload records to the EPA Air Quality System, a national database of ambient air pollutant information available to the

public. The public can also access hourly raw values posted to state and federal websites. Most of the monitoring is conducted at established sites in the state to determine regional or neighborhood background levels of pollutant levels. Occasionally staff will be called upon to respond to specific complaints by setting up temporary monitoring equipment when it is deemed in the public interest to collect specific pollutant information quickly.

Calendar Year 2016 Accomplishments

- Conducted the annual Maine Air Monitoring Committee Meeting, on March 9, 2016 with representatives from EPA Region 1, Acadia National Park, Maine tribes, Maine Center for Disease Control, American Lung Association of the Northeast, and BAQ staff.
- Closed out the current §103 air monitoring PM_{2.5} (particulate matter 2.5 microns in diameter or smaller) grant project on March 31st, and applied for new PM_{2.5} funds, as appropriate and available.
- Certified to EPA that all Calendar Year (CY) 2015 data in their Air Quality System (AQS) database met regulatory requirements on May 2nd.
- Developed, submitted for public comment, and received final EPA approval of the DEP 2017 Air Monitoring Network Plan (approval date: September 16th).
- Developed a budget, purchasing schedule, and established priorities for capital equipment purchases for the current fiscal year (FY) 2017 and next two state fiscal years.
- Replacement shelters were installed at the Freeport, Wolf Neck Farm; Bar Harbor, McFarland Hill; and Kennebunkport, Parsons Way sites (figure 1).
- A new ozone monitoring site was established in Bethel, Smith Farm Road, and new meteorological equipment was added to the Rumford site.
- The Bridgton Interagency Monitoring of Protected Visual Environments (IMPROVE) site, the Lovell ozone site, and the Presque Isle and Owls Heads meteorological sites were all decommissioned.



Figure 1. McFarland Hill ambient air monitoring station in Acadia National Park

Routine tasks:

- Operate and maintain all of the monitoring sites identified in the EPA-approved Air Monitoring Network Plans and endeavor to act upon suggestions from Air Monitoring Committee meetings.
- Ensure that high quality continuous air quality monitoring results are updated hourly and made available to the public through the DEP web page and forwarded to EPA's AirNow webpage.
- Enter fully quality assured gaseous and particulate matter sample data, and precision and accuracy results into the EPA AQS database within 90 days (180 days for Photochemical

Assessment Monitoring Stations (PAMS)) of the end of each calendar quarter as required by 40 CFR (Code of Federal Regulations) 58.12, 58.14 & 58.16.

- Continue to improve monitoring efforts to reduce costs and increase data recovery rates;
- Division Director and Monitoring Section Chief meet with field staff at each of the regional offices once a quarter to discuss activities, set goals, acknowledge accomplishments, and establish pathways to correct any deficiencies.
- Respond to emergency monitoring needs.
- Maintain open lines of communication with Region 1 EPA Air Monitoring staff, Northeast States for Coordinated Air Use Management and air monitoring personnel in other New England State's through regular correspondence, attendance at meetings and phone conferences.
- Continue participation in Bureau and Department Safety Committees.
- Continue participation in the Department Quality Management Steering Committee.
- Continue to assist the Division of Licensing and Compliance with complaint investigations and compliance issues as needed.
- The following map is the air quality monitoring network as proposed for CY 2017 (figure 2):

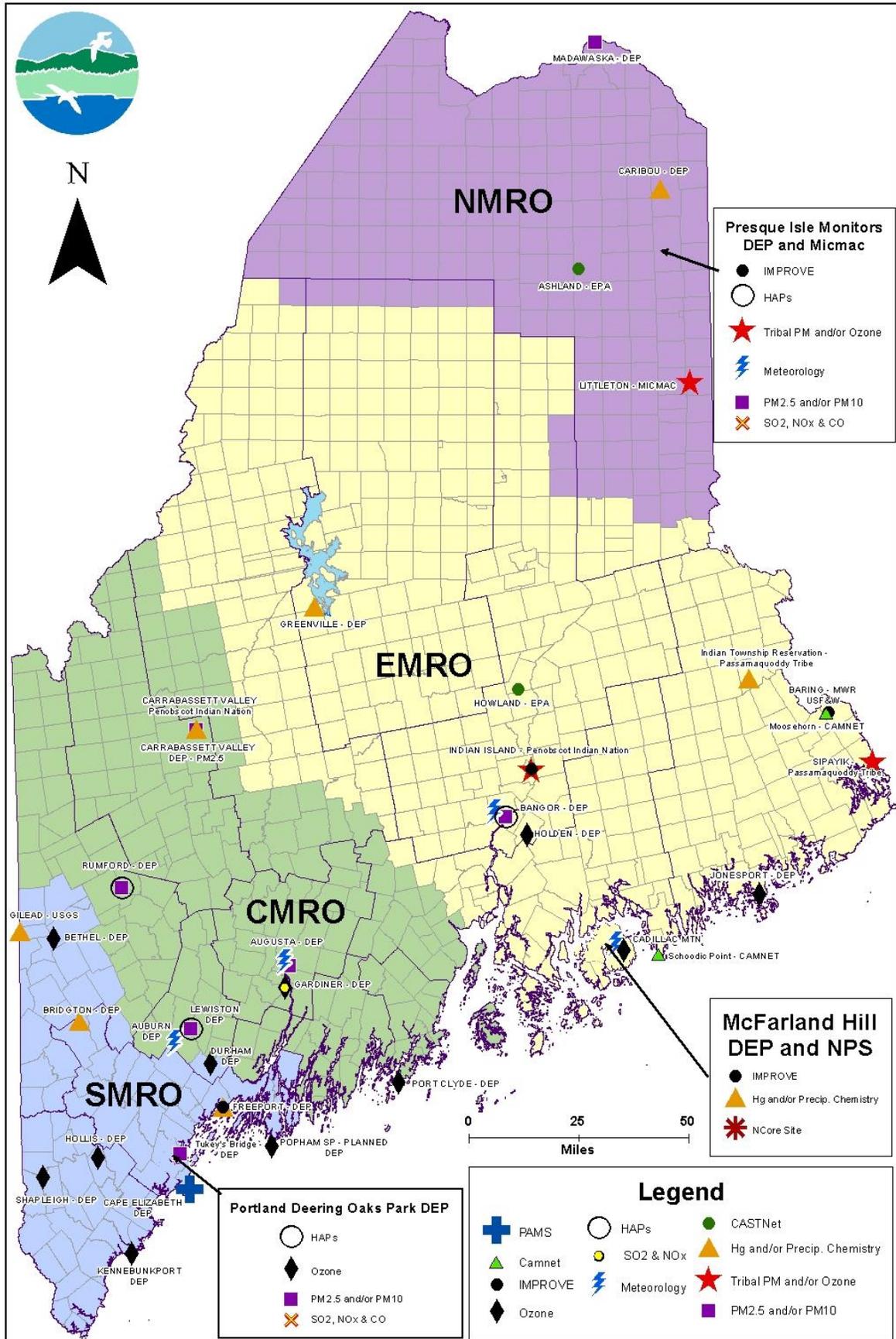


Figure 2. Maine's air monitoring sites by parameter

Data Source: MEGIS and MEDEP; created by Martha Webster revised 4/26/2016

Calendar Year 2017 Work Plan

- Operate and maintain all of the monitoring sites identified in the EPA approved Air Monitoring Network Plans, and endeavor to act upon suggestions from Air Monitoring Committee meetings.
- Ensure that high quality continuous air quality monitoring results are updated hourly and made available to the public through the DEP web page and forwarded to EPA's AirNow webpage.
- Enter fully quality assured gaseous and particulate matter sample data, and precision and accuracy results into the EPA AQS database within 90 days (180 days for PAMS) of the end of each calendar quarter as required by 40 CFR (Code of Federal Regulations) 58.12, 58.14 & 58.16.
- Continue to improve monitoring efforts to reduce costs and increase data recovery rates;
- Division Director and Monitoring Section Chief to meet with field staff at each of the regional offices once a quarter to discuss activities, set goals, acknowledge accomplishments, and establish pathways to correct any deficiencies.
- Respond to emergency monitoring needs.
- Maintain open lines of communication with Region One EPA Air Monitoring staff, Northeast States for Coordinated Air Use Management and air monitoring personnel in other New England State's through regular correspondence, attendance at meetings and phone conferences.
- Continue participation in Bureau and Department Safety Committees.
- Continue participation in the Department Quality Management Steering Committee.
- Continue to assist the Division of Licensing and Compliance with complaint investigations and compliance issues as needed.

Atmospheric Science & Analysis Section

Contact: Tom Downs, Chief Meteorologist (Tom.Downs@maine.gov)

The Atmospheric Science and Analysis (ASA) Section within the DEP Bureau of Air Quality (BAQ) provides air quality forecasts for the public, support for the Emissions Inventory Section and technical analyses for state implementation plan (SIP) submittals, monitor network assessments, national ambient air quality standards (NAAQS) designations, regional planning organizations, public inquiries and as requested by the BAQ Director.

Atmospheric Science and Analysis Staff are responsible for disseminating daily (including weekends) ozone and particle pollution forecasts via the web and an Air Quality Hotline. The primary responsibility of the section is to analyze monitoring, emission inventory and meteorological data that potentially will be used in a variety of reports, presentations, and EPA submittals (SIP's, NO_x waivers, NAAQS designations, etc.). Examples of the monitoring data staff analyze include criteria pollutants, hazardous air pollutants, meteorological data, mercury and acid deposition and regional haze related data in Maine and other eastern states. Meteorological data analyses the section creates include trajectory analyses, wind roses and verifications of NWS/NOAA model outputs. The section also helps the emission inventory section review the air toxics emission inventory. Other responsibilities include making sure the

ASA Section web pages are current, creating GIS maps as requested, responding to public inquiries and reviewing and commenting on EPA's proposed rules.

Calendar Year 2016 Accomplishments

- Issued daily pollutant forecasts and, as warranted, air quality alerts to the public when unhealthy levels of ozone or particulate matter (PM) were expected.
- Updated on a weekly basis, Eliot-Kittery-Portsmouth, Maine (ME)-New Hampshire (NH) data analyses and a PowerPoint presentation of historical and current sulfur dioxide (SO₂) emissions and monitoring trends for the Eliot-Kittery-Portsmouth, ME-NH area in response to Sierra Club and the Town of Eliot concerns;
- Provided frequent updates to ozone data analyses and maps for Eastern states that were used in presentations for Ozone Transport Commission (OTC) Committee meetings.
- Performed regional haze analyses using data from the Interagency Monitoring of Protected Visual Environments (IMPROVE) network for use in the Mid-Atlantic Northeast Visibility Union (MANE-VU) regional haze five-year progress report State Implementation Plan (SIP) template, in Maine's 5-year Progress Report SIP, and in presentations at MANE-VU State Caucus and Public meetings.
- Downloaded final 2015 quality assured monitoring data, updated all historical criteria pollutant and meteorological data analyses, updated Air Bureau key performance indicators (KPI's) for the Commissioner's Office and reposted results on the lobby plots (examples in figure 3).

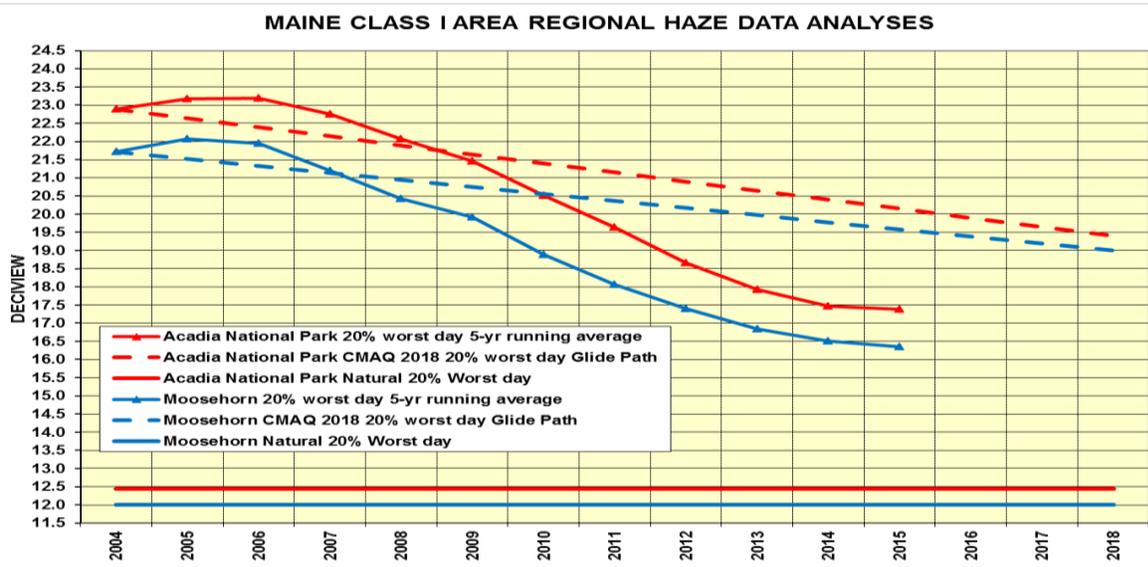
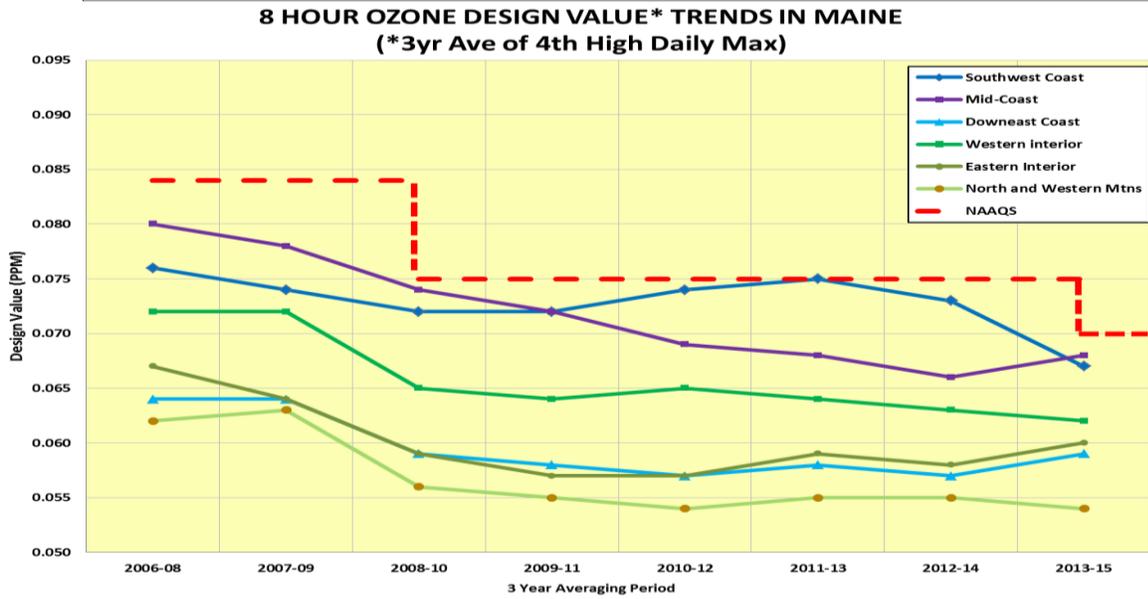
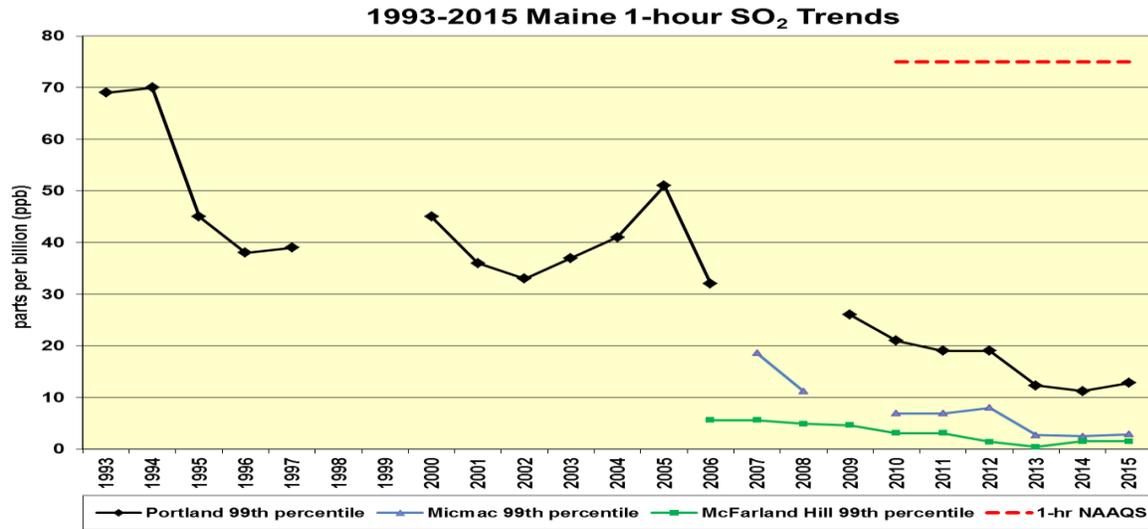


Figure 3. Air Bureau key performance indicators

Calendar Year 2017 Work Plan

- Complete all technical analyses for nitrogen oxide and volatile organic compound regulatory considerations in regards to the 2015 ozone standard and write a draft submittal to EPA for DEP Senior Management review.
- Participate on all MANE-VU Technical Support Committee conference calls and complete, review or submit comments on technical analyses when requested.
- The Chief Meteorologist will participate in the Regional Haze State Implementation Plans consultation process webinars and meetings.
- Analyze all applicable data for the Farmington wood smoke study.
- Prepare presentations and maps as requested for the Annual DEP Monitoring meeting.
- When available, download all 2016 quality assured monitored toxics data, update historical trends, update the benzene plot on the lobby poster and send the revised benzene key performance indicator (KPI) chart to the Commissioner's office.
- Download preliminary 2016 and 2017 ozone data from all eastern states and update analyses that will be used for presentations on the Ozone Transport Commission (OTC) Modeling Committee conference calls.
- Download 2016 Clean Air Market Division (CAMD) Air Markets Program Data (AMPD) emissions data for all states identified in the MANE-VU region Regional Haze SIPs as contributing to haze in MANE-VU Class I areas once the 2016 4th quarter emissions are final. Update the 167 stack analysis spreadsheet and update analyzes on the <http://www.maine.gov/dep/ftp/MVTSC/> ftp site.
- After May 1, download from EPA's database, all 2016 quality assured National Ambient Air Quality Standards (NAAQSs) and meteorological monitoring data and download all 2016 deposition data from the National Atmospheric Deposition Program (NADP) web site. Update all historical trends analyses, update the sulfur dioxide, nitrogen dioxide, ozone, particle pollution and deposition plots on the lobby poster and send the revised ozone, particle pollution and deposition KPI updates to the Commissioner's office. Update the historical ozone, particle pollution and visibility trends on the DEP website and on DEP's ftp site.
- Prepare presentations and maps as requested for the April and September OTC Committee meetings, May and October OTC Directors meetings and the June and November OTC State Caucus and public meetings.
- The Senior Meteorologist will attend the Annual EPA-NESCAUM (Northeast States for Coordinated Air Use Management) and states forecasting/outreach meeting if scheduled.
- Download from the Federal Land Manager Environmental Database (FED) and EPA's new method website all 2016 IMPROVE regional haze data when available. Update visibility trends analysis spreadsheets, update all analyses and presentations on the <http://www.maine.gov/dep/ftp/MVTSC/> ftp site, update the regional haze analysis on the lobby poster and send the regional haze KPI chart to the commissioner's office.
- Download 2016 Photochemical Assessment Monitoring Stations (PAMS) data from OTC states and update the trends analysis.
- Assist in the analysis of data collected to evaluate pollutants associated with transportation fuels.

- Review EPA's 120 day notification of proposed 2017 Ozone designations and complete analyses as requested (if necessary) if DEP Senior Management disagrees with EPA's proposal.
- Participate in the annual National Oceanic and Atmospheric Administration (NOAA) Air Quality Forecaster Focus Group Workshop. Keep track of forecast model performance and present the results at the Workshop.

The routine daily/weekly/monthly tasks expected to be undertaken by the Atmospheric Science & Analysis Section include:

- Conduct daily routine tasks of analyzing current and forecast model meteorological and air quality conditions. Submit Ozone and Particle Pollution forecasts daily before 3:00 PM on DEP's website, hotline and AirNow-Tech's website.
- Participate on daily (May – September) EPA-NESCAUM and States Ozone/Particle Pollution forecast calls and occasionally be the lead forecaster on the call.
- Keep up to date on NAAQS and monitoring EPA guidance and rulemaking activities. Review the Federal Register daily and advise DEP management on any proposed rules, final rules or notices of significance related to NAAQS, monitoring or modeling.
- Download model output from the National Oceanic and Atmospheric Administration (NOAA) National Weather Service experimental and operational ozone (March 1 to October 31) and PM_{2.5} (all year) forecast models. Update model performance analyses.
 - At least once a week review all recent DEP air monitoring data and notify the site operators and Division staff managers of any suspicious data.
 - By 8:00 AM every Thursday complete and submit, as specified in the A-ASA-0008 SOP, the Air Quality Index (AQI) analyses chart and any other important Section highlights to the weekly highlights coordinator.
 - Update all criteria pollutant analyses and forecast reconciliation spreadsheets as specified in the A-ASA-0008 SOP.
 - Once a week (from March 1 to October 31) download all Eastern States Preliminary 2016 Ozone data from the AirNow-Tech web site as specified in the A-ASA-0008 SOP. Analyze data in comparison with both the 2008 Ozone NAAQS and the current 2015 Ozone NAAQS. Update the analyses on the http://www.maine.gov/dep/ftp/DEP_OZONE/OTC/ ftp site for OTC Modeling Committee members to review.
 - Attend all applicable AAPCA (Association of Air Pollution Control Agencies), OTC Modeling Committee, OTC Directors, MANE-VU Technical Support Committee, MANE-VU Directors, NESCAUM Attainment Planning Committee and NESCAUM Air Toxics and Public Health monthly committee conference calls.
 - Attend all monthly AirNow steering committee conference calls.
 - Keep all SOPs up to date.
 - Help the Emission Inventory Section on special projects when requested.
 - Advise/train new Emission Inventory Section staff on toxics emission inventory tasks if requested.
- The Senior Meteorologist will attend Maine Asthma Coalition Meetings and Maine Centers for Disease Control's (CDC) Maine Tracking Network Workgroup meetings when scheduled

to represent the Bureau in this forum for appropriate state entities and healthcare professionals.

- Create geographic information system (GIS) maps for the Department as needed.
- Conduct other activities as assigned by Bureau and Department Management.

Laboratory and Quality Assurance Section

Contact: Danielle Twomey, Laboratory and Quality Assurance Section Manager, Chemist III (Danielle.O.Twomey@maine.gov)

The Laboratory and Quality Assurance Section consists of two chemists, a senior monitoring specialist, a field equipment auditor, and a quality assurance and data applications specialist. The section operates the Air Laboratory, which supports the ambient air monitoring program by performing various analyses of collected air samples, conducts performance audits of all monitoring equipment, creates and maintains the Division's Quality Assurance Project Plans (QAPPs) and Standard Operating Procedures (SOPs), and manages and maintains all of the monitoring program's and Air Lab's data management systems and applications.

Responsibilities of the Laboratory and Quality Assurance Section include laboratory analysis for air toxics using gas chromatography/mass spectrometry (GC/MS), laboratory certification of calibration standards, laboratory support of atmospheric deposition and precipitation chemistry measurements, development and documentation of Quality Assurance Project Plans (QAPPs), quality assurance/quality control (QA/QC) oversight of and support services for all monitoring programs, performance audits of field monitoring equipment, Photochemical Assessment Monitoring Stations (PAMS) site operation & support for ozone precursors, and coordination with the state's Metrology Lab to provide gravimetric analyses of Bureau of Air Quality's particulate matter filter samples. The section conducts X-ray fluorescence (XRF) analysis for special projects and other states needing such analysis, and completes laboratory sample analysis, data analysis, and report drafting for many special projects, such as the wood smoke study and the reformulated gasoline study.

Calendar Year 2016 Accomplishments

- Acquired Photochemical Assessment Monitoring System (PAMS)-like data at five Hazardous Air Pollutants (HAPs) sites and at the Cape Elizabeth Two Lights PAMS site to allow for an assessment of potential air quality changes to the pollutant load associated with the introduction of reformulated gasoline (RFG) in seven counties in the state (figure 4).
- Prepared and presented at the Air and Waste Management Association's Annual meeting on the Pharmaceuticals and Personal Care

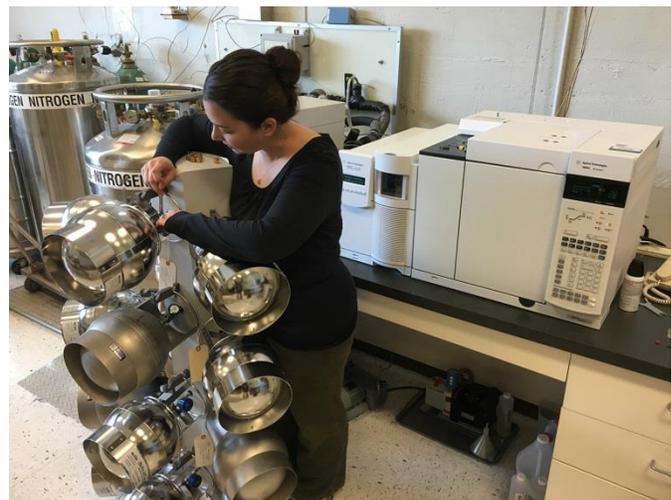


Figure 4. Air Laboratory chemist prepping sample canisters for GC/MS HAPs and PAMS-like analysis

Products (PPCP) sampling project performed at ecomaine, as well as completed abstracts on the project for publication in a national journal.

- Continued support to internal DEP groups on chemistry and specialty analyses that are not available through the private sector.
- Completed analyses of levoglucosan samples from the Greenville wood smoke study as well as the first phase of the wood smoke apportionment study report.
- Continued X-ray Fluorescence (XRF) analyses for the Rhode Island Department of Environmental Management lead monitoring program.

Calendar Year 2017 Work Plan

- The GC/MS Air Toxics laboratory analytical activities will continue to monitor for potential emerging air toxics, and enhance our biogenics detection, along with collecting PAMS-like data at the five HAPs sites and at the Cape Elizabeth Two Lights site to monitor for potential changes to the pollutant load with the introduction of new RFG regulations. Perform data analyses, modeling and statistical interpretations working with multiple groups within the BAQ.
- The GC/MS Air Toxics laboratory voluntarily participates in the US EPA National Air Toxics Trends Stations (NATTS) QA/QC over-sight program to help ensure that all DEP air quality data is defensible by meeting all federal and state requirements for data quality and integrity. The State of Maine continues to be a top performer in the National Program.
- The GC/MS Air Toxics laboratory will be participating in the 2016-2017 winter Wood Smoke study. The laboratory will be analyzing the additional HAPs samples along with field support. The laboratory operation will also include the method development, calibration and verification for in-house analysis of polycyclic aromatic hydrocarbons (PAHs) by tube desorption on the reconfigured Cadillac Mountain PAMS GC/FID (gas chromatograph/flame ionization detector). Perform data analyses, modeling and statistical interpretations working with multiple groups within the BAQ.
- The GC/MS Air Toxics laboratory will be participating in volatile organic compound (VOC) sample analysis that are expected to be collected during aircraft flights over Long Island Sound for the 2017 ozone season. Paul J. Miller, Deputy Director & Chief Scientist at NESCAUM and the University of Maryland researchers (Russ Dickerson et al.) will be administering and collecting the VOC samples. The expected collection is 3 planned flights over 2-3 continuous days, with up to 24 canisters (5-8 canisters per flight). Perform data analyses, modeling and statistical interpretations working with multiple groups within the BAQ.
- The GC/MS Air Toxics laboratory will be developing a new analytical in house protocol to analyze for carbonyls, especially the primary air toxics, formaldehyde and acetaldehyde. Perform data analyses, modeling and statistical interpretations working with multiple groups within the BAQ.
- We have and will continue to refine our ultra-low level calibration verification and limits of operation. Continue to develop an audit plan to include both the HAPs and Beta Attenuation Monitor (BAM) programs, continue working on the audit database tracking program, and to stay current and include any changes recommended by EPA.
- All SOPs for the NAAQS will be updated to reflect changes in equipment, new operating levels, new auditing levels, equipment specific sections as attachments to the SOP's, and

electronic forms. Also to continue to work with the Office of Information Technology (OIT) to keep our working analytical list current along with the Oracle table, and Crystal report issues.

- Participate in the EPA calibration gas exchange and verification program for protocol gases.
- Continue to work with both the EPA and states to share and exchange information in the performance of low concentration audits.
- The remaining PAMS at the Cape Elizabeth Two Lights site is also being operated year round in addition to the required ozone season to monitor for potential changes to the pollutant load with the introduction of new RFG regulations and ongoing study. The PAMS is also expected to be a background site for the fence line monitoring that may occur in South Portland later in 2017, 2018.
- The X-ray Fluorescence (XRF) analyses are ongoing with our ten year back log of collected samples. We are also finishing up analysis of lead (Pb) and metals for New Hampshire and continue to reach out and establish analysis schedules for those EPA Primary Quality Assurance Organizations (PQAOs) that are interested in XRF analysis.
- Perform data analysis, modeling, and statistical interpretations working with multiple groups within the BAQ.
- Continue updating the QAPPs and SOPs, finish the review of the NAAQS Gaseous Pollutant QAPP with comments for approval to EPA by October 31, 2017, incorporate the XRF lead analyses and BAMs into the PM NAAQS Pollutant QAPP, and to begin review of the Air Toxics QAPP and associated SOPs.
- Complete writing and data presentation for the ecomaine Pharmaceutical and Personal Care Product (PPCP) paper that was submitted and presented at the Air & Waste Management Association conference in New Orleans in 2016.
- Conduct other activities as assigned by Bureau and Department Management.

V. Division of Licensing and Compliance

Contact: Eric Kennedy, P.E., Division Director, Public Services Manager II
(Eric.Kennedy@maine.gov)

The Division of Licensing and Compliance is made up of four sections, the Licensing Section, the Compliance and Enforcement Section, the Mobile Sources Section, and the Emissions Inventory Section. The Licensing Section is primarily responsible for reviewing applications from facilities that are required to obtain air emission licenses and writing the licenses to include the state and federal requirements to which each facility is subject. The Compliance and Enforcement Section is primarily responsible for reviewing and observing emission testing performed at regulated facilities, reviewing and observing continuous emission monitoring system audits, determining and implementing appropriate enforcement actions for any non-compliance events, and evaluating the compliance status of regulated facilities by conducting inspections and reviewing compliance report submittals. The Mobile Sources Section is primarily responsible for determining compliance with Maine's laws and regulations relative to mobile sources (cars and trucks), including the motor vehicle inspection and maintenance program, ensuring the vehicles sold in the State of Maine meet California emission standards,

and monitoring compliance with the heavy duty diesel truck emission standards. The Emissions Inventory Section is primarily responsible for collecting, compiling, and sharing air emissions inventory data from point, non-point, and mobile sources.

Compliance and Enforcement Section

Contact: Kurt Tidd, P.E., Senior Environmental Engineer (Kurt.Tidd@maine.gov)

The Compliance and Enforcement Section consists of four compliance inspectors (one located in each regional office), one emissions testing engineer, one enforcement and compliance engineer, and one centrally located supervisor. The primary responsibility of the section is to perform compliance and enforcement activities in all four regions of the state. The section is responsible for reviewing compliance, enforceability, and emissions testing conditions included in draft air emissions licenses as well as emissions test protocols and emission test reports. The section enters all compliance, enforcement, and emissions testing data in the EPA Integrated Compliance Information System (ICIS) database and performs quality assurance and control on the data to ensure accuracy. The section reports to a number of ME DEP databases allowing compliance status and workloads to be tracked.

The primary task of each compliance inspector is to perform inspections of regulated facilities within the state and to determine the compliance status of each facility. The compliance inspectors also review reports from licensed facilities and respond to ensure open lines of communication with the regulated community. The enforcement staff follows up on all issues of non-compliance, recommends appropriate responses, performs and tracks all enforcement activities, and follows up with EPA Region 1. The emissions testing engineer is responsible for the review of testing protocols and reports, scheduling oversight of the testing, and ensuring testing is conducted correctly and safely. This position is also responsible for all data entry involving emissions testing and reporting.

Calendar Year 2016 Accomplishments

- Completed 120 full, on-site compliance evaluations at licensed facilities.
- Completed 293 partial, off-site compliance evaluations at licensed facilities.
- Received and responded to 85 air quality related complaints throughout the state.
- Conducted over 193 Onboard Diagnostics (OBD) Program inspections at facilities that perform vehicle safety inspections in Cumberland County.

Calendar Year 2017 Work Plan

The 2017 goals of the Compliance and Enforcement Section are:

- Refine the use of EPA's Integrated Compliance Information System (ICIS) database to record and report the information needed by the Bureau to conduct its operations effectively and efficiently and satisfy EPA requirements.
- Develop facility specific inspection forms (a.k.a. inspection templates).
- Review and revise the Compliance Inspection Standard Operating Procedure (SOP).
- Discuss goals for the 2017 Performance Partnership Agreement (PPA) with EPA.

- Review the EPA interim State Review Framework data for 2017 and make corrections or comments as necessary.
- Attend training and implement EPA's electronic reporting tool (ERT) and ICIS.
- Review Semi-Annual and Annual Compliance Certifications.
- Develop procedures for replacing paper reporting processes with electronic reporting.
- Finalize all outstanding High Priority Violations (HPVs) prior to the end of the Federal Fiscal Year.
- Finalize any outstanding compliance inspections that need to be performed prior to the end of the calendar year.

The primary tasks expected to be undertaken by the Compliance and Enforcement Section include:

- Conduct Full Compliance Evaluations (FCEs) at 15 Title V facilities, including 5 of the larger and more complicated facilities in the state by September 2017 to comply with the EPA Compliance Monitoring Strategy schedule.
- Complete FCEs at approximately 10 of the larger minor facilities.
- Inspect minor licensed facilities as needed. Priority will be given to facilities with a history of or reported compliance issues, facilities which have not been inspected in 5 years, and special requests from other Bureau and Department programs.
- Review compliance monitoring reports submitted by regulated facilities.
- Represent Maine in Northeast States for Coordinated Air Use Management (NESCAUM) compliance and enforcement committee activities.
- Conduct other activities as assigned by Bureau and Department Management.
- Review draft Air Emission Licenses for enforceability and emissions testing and monitoring conditions.
- Review Emissions Test Protocols and coordinate attending emission tests with the Regional Inspectors.
- Review and enter all enforcement data and emissions testing data into EPA's ICIS database.
- Review and/or draft Letters of Warning (LOWs), Notices of Violation (NOVs), and Administrative Consent Agreements (ACAs).
- Investigate and determine if further enforcement is needed for all non-compliance issues that arise.
- Coordinate Enforcement activities with the DEP Compliance, Licensing and Enforcement Coordinator, Assistant Attorney General and EPA Region 1.
- Attend and observe emissions testing and continuous emission monitoring system audits.
- Perform compliance activities, as assigned.
- Participate in monthly High Priority Violator (HPV) calls with EPA Region 1.
- Audit quarterly, semi-annual and annual reports received from licensed facilities for accuracy on reported violations.
- Enter all enforcement data into the Commissioner's Office Enforcement Information System (EIS) database.
- Review quarterly reports from licensed facilities and respond to exemption request letters.

Licensing Section

Contact: Jane Gilbert, P.E., Environmental Engineering Services Manager
(Jane.Gilbert@maine.gov)

The Licensing Section processes, drafts, and brings to issuance required air emission licenses, amendments, and general permits for regulated facilities in the State of Maine and strives to provide outstanding customer service within regulatory agencies, to the regulated community, and to the citizens of the state.

The Licensing Section is responsible for the licensing process for the more than 600 stationary air emissions sources in the state. Each project may include a pre-application meeting; review of the application from the facility; possible ambient air dispersion modeling; a site visit to the facility; documentation of equipment, identification of emission factors, and calculation of emissions quantities; research of applicable regulations; writing the license to clearly identify applicable state and federal regulatory requirements for each emissions unit at the facility; and interaction with facility representatives, consultants, legal representation, EPA staff, and other DEP staff, as appropriate. The Licensing Section also coordinates and conducts outreach to affected facilities subject to new or modified state and federal regulations to facilitate understanding of and compliance with all applicable requirements; redrafts state rules as needed to maintain consistency with federal requirements and/or to correct oversights or omissions; and reviews annual emissions reported by licensed sources for consistency with license requirements, in collaboration with the emissions inventory section.

Calendar Year 2016 Accomplishments

- Concluded the processing of 185 air emission license applications, for a total of 144 distinct licenses or amendments issued.
- Launched an outreach/education initiative to Maine's Boat Manufacturing sector, including developing and sharing outreach materials, presenting and answering questions at a Maine Marine Trades Association meeting, and visiting individual facilities.
- Continued to participate in the Regional Greenhouse Gas Initiative program review.

Calendar Year 2017 Work Plan

The 2017 goals of the Licensing Section are:

- Submit modeling for facilities subject to EPA's Sulfur Dioxide (SO₂) Data Requirements Rule
- Continue to reduce the backlog of pending older Title V License renewal applications
- Revise Chapters 100, 113, 115, and 140 to be State Implantation Plan (SIP) approvable.
- Revise Chapter 101, *Visible Emissions Regulation*, to make it consistent with EPA guidance regarding limitations applying at all times, including periods of startup, shutdown, and malfunction.

Ongoing core tasks and responsibilities of the Licensing Section:

- Process air emission license renewals, amendments, revisions, modifications, transfers, or other changes as applicable, for minor and major sources incorporating federal and state requirements as applicable.
- Provide customer service to the regulated community and the public regarding the licensing process and other air quality inquiries.
- Proactively contact sources whose licenses are about to expire to prompt submittal of renewal applications, and address expired licenses to reach final resolution.
- Conduct site visits to facilitate the licensing process including developing a more thorough understanding of the facility and addressing any facility concerns or questions.
- Provide continued outreach, education, and compliance assistance to affected facilities on the requirements of federal New Source Review with which a source must comply.
- Provide continued outreach, education, and compliance assistance to affected facilities on the requirements of federal National Emissions Standards for Hazardous Air Pollutants (NESHAPs) and New Source Performance Standards (NSPS).
- Develop regulatory assistance materials and provide outreach/education for selected source categories of businesses.
- Review the annual Maine Air Emissions Inventory Reporting System (MAIRIS) reports as part of quality assurance for the point source emissions inventory program.
- Respond to data requests for licensing and facility information from both internal and external customers.
- Participate in the development of state rules, or revisions to state rules, as appropriate.
- Complete EPA Priorities and Commitment goals as agreed to in order to maintain federal funding.
- Complete reports to the Legislature as assigned, including the annual Regional Greenhouse Gas Initiative (RGGI) report and the air fee adequacy and adjustment report.
- Follow the development of the Clean Power Plan (CPP) and participate in development of Maine's plan to comply with applicable requirements.
- Participate in regional and national groups to stay abreast of upcoming issues and to represent the interests of DEP and the citizens of the State of Maine in policy development.
- Review and comment on proposed federal rules as appropriate.
- Continue to revise and update Licensing Standard Operating Procedures (SOPs), forms, templates, and other controlled documents as necessary.
- Participate in ongoing professional development activities and opportunities as available and appropriate to enhance the function of the licensing section.

Mobile Sources Section

Contact: Lynne Cayting, Mobile Sources Section Manager, Environmental Specialist IV
(Lynne.Cayting@maine.gov)

The Mobile Sources Section is responsible for implementing strategies and programs that help reduce emissions from mobile sources, including vehicles, vessels, engines, and equipment. The section oversees the implementation of the California Low Emission Vehicle (LEV) requirements. In addition, the section works with Public Safety to implement the annual on-board diagnostic systems requirements in Cumberland County for light duty vehicles.

The Mobile Sources Section is responsible for maintaining and operating the Environmental Protection Agency's Motor Vehicle Emissions Simulator (MOVES2014) model, which is used to generate the emissions rate tables MaineDOT uses to support \$6.5 million in funding applications for Congestion Mitigation and Air Quality (CMAQ) projects. The CMAQ Program's primary goal is to fund transportation projects that improve air quality and relieve traffic congestion. The Mobile Sources Section also tracks and administers the Oil Conveyance System and administers the Diesel Emission Reduction Act (DERA) grant fund, which is used to repower marine vessels and to consider other diesel emission reduction projects, such as locomotives.

Calendar Year 2016 Accomplishments

- Observed visible emissions from 1425 heavy-duty diesel vehicles and tested seven commercial vehicles using the snap acceleration test.
- EPA awarded \$214,213 Diesel Emission Reduction Act (DERA) grant funds with the cost match of \$321,320 for a total of \$535,533 to install auxiliary power units (APUs) on ten locomotives and repower five commercial marine vessels. The DEP partnered with Maine Marine Trades Industry to administer the Clean Marine Engine Program to replace unregulated marine engines with engines that meet the cleanest emission standards.

Calendar Year 2017 Work Plan

- Select applicants for the Clean Marine Engine Program.
- Track sales reports and Vehicle Emission Credits for Non-Methane Organic Gas (NMOG) + Nitrogen Oxides (NO_x) fleet averages and credits.
- Continue implementation of the On-board Diagnostic Program for Cumberland County.
- Draft outline of potential mitigation projects funded under the Volkswagen Partial Consent Decree.
- Track sales reports and verify credit data for the Zero Emission Vehicle (ZEV) program in the California Air Resources Board (CARB) database.
- Visit boatyards and inspect vessel repower projects.
- Amend Chapter 127 to incorporate changes to the California Low Emission Vehicle Program, if needed.
- Continue working with the Electric Vehicle Corridor Task Force on developing and implementing an Electric Vehicle (EV) corridor from Quebec City to Southern Maine.
- Administer the Oil Conveyance System and submit monthly import/export reports.
- Provide information, and compliance assistance to automotive technicians at more than 700 stations state wide which issue safety inspection stickers to meet the on-board diagnostics emission testing requirements, maintain a database of inspections and violations.
- Maintain a database for diesel opacity testing of days in the field; location, numbers of (visual) inspected vehicles, passed/failed inspections, reported repairs or summonsed violations.
- Review Onboard Diagnostics (OBD) forms for procedural accuracy and compliance with Title 29-A Maine Revised Statutes Annotated (MRSA) Sec. 1756.

- Collaborate with State Police inspectors on training and testing OBD/safety inspection technicians.
- Track ongoing federal and California legislation regarding vehicle emissions programs and requirements.
- Administer the Low Emission Vehicle Program.
- Provide compliance assistance to auto dealerships.
- Continue managing the Diesel Emission Reduction Act (DERA) grant.
- Participate in Clean Cities meetings and training, and participate in their regional efforts to promote alternative fuels and technology.
- Draft monthly import/export report of petroleum products.
- Promote the Transportation Environmental Leader Program (EPA's SmartWay program).

Emissions Inventory Section

Contact: Stacy Knapp, Emissions Inventory Section Manager, Environmental Specialist IV
(Stacy.R.Knapp@maine.gov)

The Emissions Inventory Section is responsible for developing estimates of pollutants released into the ambient air throughout the state. The group collects, compiles, and shares air emissions inventory data from point, non-point, and mobile sources. There three primary sets of estimates, or inventories, the group is responsible for developing are:

- 1.) Annual Stationary Source Emissions Inventory: Licensed facilities with the potential to emit above certain thresholds are required to report their actual emissions of criteria pollutants and greenhouse gasses (GHGs) every year. Currently 143 facilities are required to report annual emissions. Reporting is completed each year between February and May through the Maine Air Emissions Inventory Reporting System (MAIRIS). Emission Inventory Section staff provide assistance throughout the reporting season by answering questions, correcting errors in the data system, creating accounts for facility users, and resetting passwords. The group also administers and coordinates the review of the inventory submissions by unit staff and the Air Licensing Section staff. This annual stationary source inventory is compiled and uploaded to EPA by December of each year.
- 2.) Biennial Greenhouse Gas Report: This is an inventory and report submitted to the Maine Legislature every two years providing an estimate and analysis of state-wide GHG emissions. Emissions are calculated primarily from energy use data from the U.S. Department of Energy and a computer model developed by EPA.
- 3.) Triennial National Emissions Inventory (NEI): Each state is required to submit a full emissions inventory to EPA every three years. This inventory is used in planning and modeling as well as in a variety of published reports and includes criteria pollutants, hazardous air pollutants, greenhouse gases, and other chemical specific inventories for point, non-point, and mobile sources.

Calendar Year 2016 Accomplishments

- Completed 2015 point source air emissions inventory and submitted to EPA.

- Built emission rate tables from EPA’s MOVES (Motor Vehicle Emissions Simulator) model to meet Department of Transportation (DOT) modeling needs for Community Multi-scale Air Quality (CMAQ) funded projects and provided rate tables for four Maine counties (Androscoggin, Cumberland, Penobscot and York).
- Completed a project to produce MAIRIS training videos which could be posted to the website and referred to by users at any time. As of the end of the year, eight videos were completed and the written user manual was revised.
- Completed 2014 National Emissions Inventory submission for all sectors and completed the submission of data to EPA in the first quarter. Since then, we have been responding to review requests from EPA.

Calendar Year 2017 Work Plan

- Open MAIRIS for the reporting season in early February and provide support to facilities reporting to MAIRIS throughout the reporting season (i.e., through May 15, 2016).
- Submit the 2016 point source inventory to EPA.
- Administer and coordinate the review of point source inventory submissions by unit staff and Air Licensing staff.
- Document changes/updates needed in MAIRIS and contract for maintenance activities.
- Complete analysis for and compile the 7th Biennial Report on Greenhouse Gases for the Maine Legislature.
- Provide Maine DOT contracted services for mobile source data.
- Participate in conference calls and webinars with regional and national groups regarding the collection and use of Maine’s inventory data including U.S. EPA, NESCAUM (New England region), MARAMA (Mid-Atlantic Region Air Management Association), Maine DOT, NOMAD (NONpoint Method Advisory) group, and others.
- Produce a Reformulated Gasoline (RFG) Report for submission to the Maine Legislature (data analysis and report summarizing the differences between RFG and conventional fuel from an air quality perspective).

VI. Division of Resource Administration

Contact: Sherrie Kelley, Division Director of Resource Administration, Public Service Manager II (Sherrie.M.Kelley@maine.gov)

The Division of Resource Administration facilitates improved financial and technical support to the DEP in a consistent and efficient manner. The division is comprised of four sections (Environmental Information Management Section, Collections, Claims & Recovery Section, the Fiscal Operations section & the Administrative Support Section), and all four sections work very closely together to accomplish common Department goals. These “sections” overlap in many areas, and they are dependent upon each other for information and support. Data systems are an important component of all program areas, all billing and collection functions, as well as financial management tools. Business need is the cornerstone for improved processes, and the division strives to work across bureaus to improve these systems and processes. The division mission is to create efficiencies and cost savings by looking at Department-wide similarities, technology solutions, and cross training of essential general operations. We focus on automation,

streamlining, cross training, and insuring staff have the right tools to get the job done quickly and efficiently. Tough economic times force us to do more with less every day.

Fiscal Operations Section

Contact: Sherrie Kelley, Division Director of Resource Administration, Public Service Manager II (Sherrie.M.Kelley@maine.gov)

The Division of Resource Administration fiscal operations section oversees agency-wide monetary and capital resources status and management of all agency financial matters (including billing, claims and grant programs) and environmental data management. The section ensures timely collection and disbursement of funds, coordinated management of environmental data provided to and produced by Department programs, and appropriate management of agency property.

Responsibilities include personnel management, development of the agency budget, and ongoing evaluation of agency revenues and expenses. The section manages all Department purchasing including contracting, request for proposal (RFP) coordination, procurement cards, capital equipment and out-to-bid purchases. In addition, the section manages all Department travel coordination and reconciliation, cell phone coordination, E-ZPasses, SecureIDs, Department check deposit, general account management, forecasting, and Time and Attendance Management System (TAMS) management.

Calendar Year 2016 Accomplishments

Routine Tasks:

- Prepare and respond to all legislative and senior management requests for financial information in regards to Legislative proposals.
- Process all DEP invoices, procurement card transactions, contracts, check deposits etc. within established time frames.
- Reduce outstanding receivables through continued coordinated effort with the Collections, Claims & Recovery (CCR) staff resources.
- Consistent analysis of all account data to identify areas of concern or possible financial difficulty.
- Maintain a working knowledge of core service arrangements, including facility and equipment leases, and insurance coverage, in order to annually review status and confirm the propriety of existing arrangements.
- Support the development of grant applications and maintain a working knowledge of Performance Partnership Grant (PPG) cost distribution in order to discuss potential shifts with Bureau Management Teams (BMTs) and Office of the Commissioner (OC) managers.
- Scanning of all Cash Receipt (current and prior years) into Fortis.

Other 2016 Accomplishments:

- Finalized, with the Service Center, the electronic contract report that lists all DEP's open contract, amount remaining on them, start/end date etc.

- Completed an in depth financial viability assessment of the fully implemented ‘bottle bill’ program prior to renewing the Department of Agriculture, Conservation & Forestry (DACF) Memorandum of Understanding (MOU) and to suggest legislative changes to the existing program.
- Assisted with the Remediation Request for Proposal (RFP) internal electronic routing paperless process.
- Prepared the Department’s FY18/19 biennial budget.
- Assessed ongoing and new information technology (IT) needs and prepare cost analysis for inclusion in biennial budget request.
- Ensured consistent internal process for federal grant management including application tracking and ensuring compliance with all specified terms and conditions.
- Solicited changes from management and updated the Consumer Price Index (CPI) in the Department’s fee schedule and processing times and published on-line by November 1.
- Implemented the Departments’ new mobile device guidance and IT device request forms.

Calendar Year 2017 Work Plan

Continued Routine Tasks:

- Prepare and respond to all legislative and senior management requests for information in regards to Legislative proposals.
- Process all DEP invoices, procurement card transactions, contracts, check deposits etc. within established time frames.
- Reduce outstanding receivables through continued coordinated effort with the CCR staff resources.
- Consistent analysis of all account data to identify areas of concern or possible financial difficulty.
- Maintain a working knowledge of core service arrangements, including facility and equipment leases, and insurance coverage, in order to annually review status and confirm the propriety of existing arrangements.
- Support the development of grant applications and maintain a working knowledge of PPG cost distribution in order to discuss potential shifts with BMTs and OC managers.
- Scanning of all Cash Receipt (current and prior years) into Fortis.

Other 2017 Goals:

- Pilot a paperless process utilizing electronic signatures for refunds.
- Complete the Department’s FY18/19 biennial budget process.
- Manage the coordinated effort to finalize and submit the Generally Accepted Accounting Principles (GAAP) Report annually.
- Provide input for the Annual Report to the Fund Review Board for the Ground & Surface Water Clean-Up and Response Fund.
- Provide and finalize financial information for the EPA Fund Soundness Report.
- Develop process for better management of DEP capital equipment inventory.
- Identify Regional office Capital Asset Physical Inventory Managers.
- Provide ongoing education to Senior Management Team (SMT) on budgeting and current account management processes.

- Update outdated financial related SOPs with the assistance of the Office of the Commissioner's Policy Director.
- Develop and adopt a Department 'under \$5.00' refund policy.
- Assist Land Bureaus Sustainability Division with the cost saving implementation of an InforME supported portal for 'Bottle Bill' label registrations.

Environmental Information Management Section

Contact: Sam Krajewski, Environmental Information Management Section Manager,
Public Service Coordinator I (Sam.C.Krajewski@maine.gov)

The Environmental Information Management Section (EIMS) facilitates communication and implementation of solutions to IT-related challenges and strives to provide all users with sound, reliable data systems and quality environmental data.

EIMS exists in order to coordinate information and technology initiatives at the Department. Initiatives originate outside the Department, such as changes required by statewide licensing agreements, and from within the Department, such as emerging or changing needs within business units. Regardless of the source of the initiative, EIMS has a mandate to provide the solution that presents the most efficient use of Department resources, will ensure data quality, and provide transparency and accountability by providing public access to data and services whenever possible.

Embedded within the EIMS is the administration of the Department's permitting and licensing system of record, Environmental Facility Information System (EFIS) and two Data Management Units: Remediation and Waste Management, and Water Quality & Land Resources. See subsequent sections in this Work Plan for more detail on the Data Management Units.

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In 2017, EIMS will serve Department staff, business partners, and Maine citizens through the skilled tasks of business analysis, project management, data entry, information analysis, quality control, reporting, and transmission of data. The section is the liaison between the Office of Information Technology (OIT) and Department staff and works hard to identify business requirements, effectively communicate issues, and facilitate their resolution. It is a priority for the section to communicate with staff regarding changes in the information technology (IT) environment and provide training as necessary.

In addition, we have set out these Department-wide goals for 2017:

- Assist with the upgrade and transition of the Department's electronic document management system from Fortis to Docuware.
- Until the system transition is complete, EIMS will provide ad hoc support for business units with needs to transition documentation retention requirements from paper to digital format.
- Plan for the next generation solution for the Inspection, Compliance and Enforcement units in the DEP that are currently using Enforcement Information System (EIS),

Complaint Tracking System (CTS), and Field Determination.

- Assist the Courtesy Boat Inspection program with transitioning their inspection form from a paper to an electronic form.
- Plan for the next generation solution for the Licensing and Permitting units in the DEP that are currently using EFIS, Application Tracking Software (ATS), et al.
- Assist with the upgrades and transitions involved with the Division of Technology Services driven move to the solutions required by the latest State of Maine enterprise license with Microsoft. Some examples of the solutions:
 - Microsoft hosted Outlook Exchange servers
 - Microsoft's Office 2016 Productivity Suite
- Work closely with DEP-OIT Application Development staff. Begin upgrade to Oracle 12.

Air Quality Data Management Unit

Contact: Sam Krajewski, Environmental Information Management Section Manager,
Public Service Coordinator I (Sam.C.Krajewski@maine.gov)

The Air Quality Data Management Unit (DMU) provides IT support and assistance to the Bureau staff and act as the liaison between them and OIT resources. (Note: Prior to January 2017, this section was combined with the Emissions Inventory Section, which is now included within the Licensing and Compliance Division.)

Calendar Year 2016 Accomplishments

- Facilitated upgrade of air monitoring software, AirVision.
- Facilitated upgrade of Labworks laboratory information management system (LIMS)
- Initiated upgrade and development of AgileWeb, the online air quality data visualization tool linked to AirVision.

Calendar Year 2017 Work Plan

- Analyze, negotiate, and champion for updates to data management systems throughout the Bureau of Air Quality, striving for consistency, clarity, and improved functionality across all systems.
- Complete transition from the Gravimetric Laboratory Information System (GLIMS), an outdated computer system for maintaining particulate matter data, to Labworks LIMS, the database currently used in the air lab.
- Complete implementation AgileWeb, the online air quality data visualization tool.

Remediation and Waste Management Data Management Unit

Contact: Lyle Hall, Unit Manager, Environmental Specialist IV (Lyle.S.Hall@maine.gov)

The Remediation and Waste Management Data Management Unit supports the Bureau through the normal day-to-day job tasks of data entry for licensing and compliance programs, such as Manifests, Oil Conveyance System, Solid Waste and Hazardous Waste Licensing application tracking, registrations of Biomedical Waste Generators, and licensing of Hazardous and Non

Hazardous materials transporters. We provide custom report creation and data analysis and high level application and technology support.

Calendar Year 2016 Accomplishments

- Provided daily intake services, initial data entry, as well as updates, and record deletions related to the following data systems: Manifests, Oil Conveyance System, Solid Waste and Hazardous Waste Licensing application tracking, registrations of Biomedical Waste Generators, and licensing of Hazardous and Non Hazardous materials transporters.
- Provided ad hoc query and report development for spills data inquiries.
- Completed testing of the Priority list .NET application and deployed to the DEP application portal. Although issues were found post deployment, mitigation measures and additional testing by the DMU section leader lead the project to a successful conclusion.
- Phase I of the new Tanks application was completed and deployed to the DEP application portal.

Calendar Year 2017 Work Plan

- Complete new Tanks application, fully deploy to DEP application portal, and retire the existing Oracle forms application.
- Monitor EPA's progress in developing an electronic system to replace most or all of the paper Manifests in use currently and provide feedback, to EPA, as needed.
- Assist with installation and set-up of new microfilm system in the Bureau of Remediation and Waste Management (BRWM) File Room.
- As requested, provide GIS support services to any spill response drills that are held.

Water Quality and Land Resources Data Management Unit

Contact: Charlene Moore, Unit Manager, Environmental Specialist IV
(Charlene.B.Moore@maine.gov)

The Water Quality and Land Resources Data Management Unit provide resource support to Bureau staff by means of data entry into DEP's Environmental Facility Information System (EFIS), several DEP program-specific applications and EPA tools, generate queries and reports, track data trends, ensure quality data by assessing for data completeness and compliance, and by communicating results, ideas, and solutions effectively to the business user. We support the Division of Water Quality Management (DWQM), and Division of Environmental Assessment (DEA) within the Bureau of Water Quality (BWQ), and the Land Division and the Sustainability Division within the Bureau of Land Resources (BLR).

Calendar Year 2016 Accomplishments

- Successfully transitioned from Maine's Electronic Discharge Monitoring Report (eDMR) system to EPA's Network Discharge Monitoring Report (NetDMR) application for the collection of water discharge monitoring data. The decommission/retirement of the eDMR system was a major accomplishment.

- Maine became the first state to utilize EPA's Virtual Exchange Services (VES) for the flow of data from EPA to the State. This process involved working very closely with EPA, OIT Application Development staff and DWQM staff. This was a major accomplishment.
- Started to enter permittee paper DMR data directly into the Integrated Compliance Information System – National Pollutant Discharge Elimination System (ICIS-NPDES). Number of paper users dropped significantly from 80 to a total of 7. This was another milestone accomplishment.
- Provided assistance with the renewal of the Industrial Stormwater Permit by successfully entering Industrial Stormwater Notices of Intent (NOIs) and No Exposure Certifications (NECs) into EFIS for the BWQ Licensing Division. Started to code Stormwater Maine Pollution Discharge Elimination System (MEPDES) licenses into EFIS.
- Assisted the Division of Water Quality Management with the review of Clean Water Act data during the FY2015 State Data Verification process and submitted the official completion notice/caveats using the EPA's Enforcement and Compliance History Online (ECHO) Data Verification tool.
- Entered full BLR applications that came in for Site, Natural Resources Protection Act (NRPA), and Stormwater, and Permit by Rules and Notice of Intent to Comply.
- Entered Courtesy Boat Inspections (CBI) into the CBI Inspections database for the Invasive Aquatic Species Program.
- Entered Whole Effluent Toxicity Reports, Wet Chemistry, and Analytical Chemistry in the new TOXSCAN database.
- Entered air emission facility data into the EPA ICIS database for new facilities and perform quality assurance of facility data for existing facilities.
- Conducted and participated in the Maine Pollution Discharge Elimination System (MEPDES) Data Management Systems User Group meeting, the Wastewater Non-Compliance Review Committee meeting, and the Stormwater Non-Compliance Review Committee meeting; providing reports, agendas, notes and minutes to all attendees.
- Participated in EPA Headquarters and Region 1 conference calls and webinars held monthly or throughout the year.

Calendar Year 2017 Work Plan

- Provide assistance with the renewal of the Industrial Stormwater Permit by successfully entering over 1,200 Industrial Storm Water Notices of Intent (NOIs) and No Exposure Certifications (NECs) into EFIS for the BWQ Licensing Division.
- Utilize the VES tool to continue to retrieve DMR data from ICIS and populate EFIS.
- Assist the DWQM with the review of Clean Water Act data during the FY2016 State Data Verification process.
- Enter Whole Effluent Toxicity Reports, Wet Chemistry, and Analytical Chemistry in the new TOXSCAN database.
- Enter Courtesy Boat Inspections into the CBI Inspections database for the Invasive Aquatic Species Program.
- Participate in EPA Headquarters and Region 1 conference calls and webinars held monthly or throughout the year related to Water Quality, Land Resources and IT support.

- Participate in the MEPDES Data Management Systems User Group meeting, the Wastewater Non-Compliance Review Committee meeting, and the Stormwater Non-Compliance Review Committee meeting; providing reports, agendas, notes and minutes to all attendees.

Collections, Claims and Recovery Section

Contact: James Cumming, Collections, Claims and Recovery Section Manager,
Environmental Specialist IV (James.Cumming@maine.gov)

The Collections, Claims and Recovery Section takes collection action, reconciles account disputes, and maintains databases for pollution cleanup costs and program fees on a Department-wide basis. The section reviews cost documentation and processes reimbursements as appropriate to tank owners performing spill cleanups. The section administers the Third Party Damage Claim Program for damages arising from the discharge of oil.

The Collections, Claims and Recovery Section is responsible for initial billings and escalated collection action (including Notices of Violation, tax setoffs through Maine Revenue Service, and liens) for pollution cleanup costs, Insurance Fund deductibles, and program fees on a Department-wide basis as appropriate and consistent with statute and policy. The section is responsible for distributing and tracking applications, fact sheets, and other supplemental materials for potential applicants for third party damages and Insurance Fund coverage under the Maine Ground and Surface Waters Clean-up and Response Fund. The section is responsible for reviewing third party damage claims and requests for reimbursement, determining amounts that are appropriate for payment, preparing Department orders, determining the appropriate tax treatment for payments, and routing payment memos to complete them. The section is responsible for representing the Department before hearing examiners and the Clean-up and Response Fund Review Board for disputed Third Party damage and eligible cost claims, respectively. The section is responsible for maintaining and updating policy and databases for activities within its purview. The section is responsible for answering inquiries from sellers, prospective buyers, realtors, attorneys, etc. regarding the status and transferability of Insurance Fund coverage for parcels that are undergoing changes in ownership and/or redevelopment.

Calendar Year 2016 Accomplishments

- Resolved 3 Third Party Damage Claims filed against the Maine Groundwater Oil Cleanup Fund and 1 Third Party Damage Claim filed against the Maine Surface Water Fund.
- Completed settlement offers for 2 Third Party Damage Claims filed against the Maine Groundwater Oil Cleanup Fund.
- Closed 170 Maine Groundwater Oil Cleanup Fund cases by collecting Insurance Fund deductibles for cleanups and/or reimbursing applicants for eligible cleanup costs of their own.
- Completed 25 eligible cost reviews and reimbursed over \$65,600 to applicants who conducted their own cleanups.
- Assisted in 4 real estate transactions by explaining the Maine Groundwater Oil Cleanup Fund status of the sites to prospective buyers, attorneys, realtors, and/or financial institutions.

- Collected a total of \$128,461 in cost recovery cases in Groundwater Fund and Surface Water Fund cases.
- Working on 22 payment plans (not completely paid) collecting \$18,262.
- Collected Voluntary Response Action Program (VRAP), Consent Agreement, Uncontrolled Sites, and Hazardous Waste Site payments totaling \$119,565.
- Collected \$2,224 registration fees for underground oil storage tanks.
- Successfully encouraged 26 people to apply to the Aboveground Storage Tank (AST) Insurance Fund, saving applicants a total of \$259,671.
- Waived 43 cases by individual inability to pay process (IAPP) totaling \$23,417.
- Collected \$25,541 in Overboard Discharge (OBD) fees that were over 90 days past due;
- Collected \$8,504 in mining fees that were over 90 days past due.
- Collected \$3,543 in Maine Pollution Discharge Elimination System (MEPDES) fees that were over 90 days past due.
- Collected \$18,519 for the Beverage Container Redemption Program.
- Completed 27 tax setoff requests for past due Insurance Fund deductibles, resulting in the collection of \$1,564.00.

Calendar Year 2017 Work Plan

- Assist all DEP program areas with billing and collection processes, including, but not limited to: air/toxics; rock crushers; biomedical wastes; industrial stormwater; underground storage tank registration fees; overboard discharge fees; mining; and redemption center fees.
- Resolve 4 Third Party Damage Claims filed against the Maine Groundwater Oil Cleanup Fund, Surface Water Fund, or Ground and Surface Waters Clean-up and Response Fund.
- Complete eligible cost reviews and reimburse applicants as appropriate for 15 sites where applicants conducted their own cleanups.
- Close 150 Maine Groundwater Oil Cleanup Fund cases by collecting Insurance Fund deductibles for cleanups.
- Take cost recovery action for cleanup costs that are not covered by the Insurance Fund.
- Complete tax setoff requests as appropriate for past due Insurance Fund deductibles.
- Assist prospective buyers, realtors, or attorneys as needed with Fund coverage issues arising during property transfers.
- Provide input for the Annual Report to the Fund Insurance Review Board on the Groundwater Oil Cleanup Fund (January); the EPA Fund Soundness Report (October); and the Generally Accepted Accounting Principles (GAAP) Report (July).
- Provide monthly Statistics and Collections Activity report to division director for increased communication with management.
- Continue to send notices to sources regarding failure to pay licensing fees.

Administrative Support Section

Contact: Vicky Bryant, Clerk IV (Vicky.Bryant@maine.gov)

This unit provides administrative support, reception, and mailing services for the agency. The unit is tasked with general customer service needs, greeting and assisting visitors in the DEP's

Augusta campus, maintaining Bureau of Remediation and Waste Management (BRWM) files and coordinating public access to those files, managing the BRWM's vehicle fleet and printers, and providing general administrative support of BRWM program operations.

Calendar Year 2016 Accomplishments

- Assisted BRWM realignment programs with scanning to facilitate electronic availability of project files.
- Worked with the Office of the Commissioner to update retention schedules to permit electronic storage of documents.
- Reviewed usage of BRWM leased vehicles to determine adequacy of vehicle fleet.
- Scanned 12 boxes of archived underground storage tank files each quarter in addition to staying current with the scanning of routine files.
- Scanned files into the BRWM's electronic imaging system within 30 days of receipt by File Room staff, with a goal of scanning all files within one week of receipt. Filed, retrieved, and refiled about 10,000 documents.
- Ensured adequate access by staff and the public to BRWM records by providing coverage in the file room from 8 a.m. to 5 p.m. each work day.
- Typed letters, orders, reports, contracts, agendas, and other documents from draft or the original source documents into revised or final form. Processed an average of 100 Board of Environmental Protection orders and DEP orders and reviewed and adjusted formatting within two business days of receipt of a completed packet from staff.
- Answered all incoming calls to the DEP's primary telephone numbers, including reports of oil spills statewide.
- Managed incoming and outgoing mail, including assisting with mass mailings.
- Greeted and assisted visitors to the DEP's Ray Building office. Respond to all contacts with DEP staff and the public in a timely, effective, and professional manner.
- Managed centralized pool of leased passenger vehicles for BRWM.
- Reviewed inventory of voice and data lines to ensure correct accounts are being charged and to eliminate unneeded lines.
- Updated DEP internal telephone directory.

Calendar Year 2017 Work Plan

- Assist BRWM programs with scanning to facilitate electronic availability of project files.
- Work with the Office of the Commissioner to update retention schedules to permit electronic storage of documents.
- Increase the number of BRWM records available electronically to staff and the public.
- Increase the transmittal of BRWM paper files to the Maine State Archives and the Maine State Records Center.
- Review usage of BRWM leased vehicles to determine adequacy of vehicle fleet.
- Scan 12 boxes of archives underground storage tank files each quarter in 2016, in addition to staying current with the scanning of routine files.
- Scan files into the BRWM's electronic imaging system within 30 days of receipt by File Room staff, with a goal of scanning all files within one week of receipt. Over 25,000 documents are scanned into the BRWM's electronic imaging system annually in each of four document types:

- Hazardous waste manifests
- Spill reports
- Spill project files
- Underground storage tank files
- File, retrieve, and refile about 10,000 documents annually. Files that are not scanned into the imaging system will be filed within 10 days of receipt by file room staff, with a goal of completing filing within one day of receipt. File room staff manages hard copy files in the following categories:
 - Hazardous waste files, including generators and treatment/storage/disposal facilities
 - Remediation files, including Voluntary Response Action Program, Brownfields and Uncontrolled Sites
 - Solid waste and landfill files
 - Spill project files, including technical services, claims and cost recovery
 - Underground storage tank files
 - Waste oil and oil terminal files
- Ensure adequate access by staff and the public to BRWM records by providing coverage in the file room from 8 a.m. to 5 p.m. each work day.
- Continue scanning backlog of archived underground storage tank files. There are currently 190 boxes of unscanned files stored at Archives.
- Assist in developing a process for making appropriate BRWM files available electronically to the public, and all BRWM files available electronically to BRWM staff.
- Type letters, orders, reports, contracts, agendas and other documents from draft or the original source documents into revised or final form. Process an average of 100 Board of Environmental Protection orders and DEP orders each year. Review and adjust formatting within two business days of receipt of a completed packet from staff.
- Answer all incoming calls to the DEP's primary telephone numbers, including reports of oil spills statewide.
- Manage incoming and outgoing mail, including assisting with mass mailings.
- Greet and assist visitors to the DEP's Ray Building office.
- Respond to all contacts with DEP staff and the public in a timely, effective, and professional manner.
- Maintain adequate coverage of reception functions.
- Manage centralized pool of leased passenger vehicles for BRWM.
- Minimize costs of miscellaneous purchases and supplies by ordering supplies only when items are running low, and in the smallest quantity to address the need.
- Prepare leased vehicles for winter use (snow tires, supplies, etc.).
- Review inventory of voice and data lines to ensure correct accounts are being charged and to eliminate unneeded lines.
- Update DEP internal telephone directory.



2017

Work Plan - Bureau of Water Quality



Mick Kuhns, Director
Bureau of Water Quality
December 2016

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I. Executive Summary

The Bureau of Water Quality (BWQ) is comprised of two divisions, the Division of Environmental Assessment and the Division of Water Quality Management. The primary charge of BWQ is to protect and improve the State's water quality.

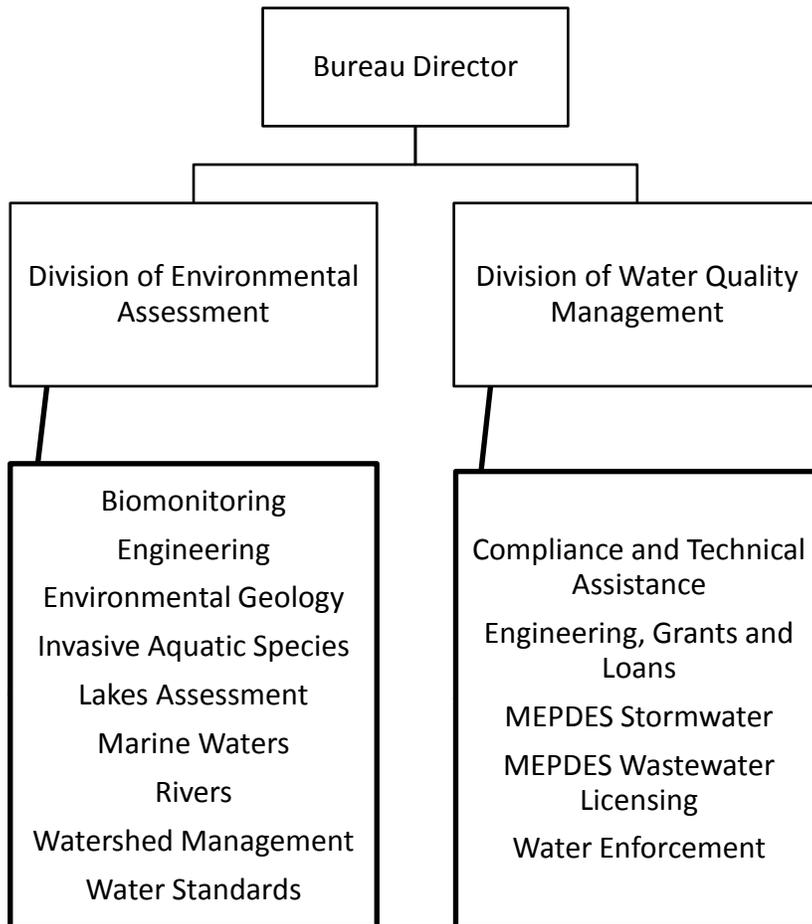
The staff of this Bureau has backgrounds as varied as the work they perform. We run the gamut from Administrative staff to Engineers, Biologists to Environmental Specialists and Planning and Research Associates to AmeriCorps Volunteers.

This document provides a look into some of what the staff accomplished in 2016 and it provides a summary of activities to be undertaken by each program in BWQ in calendar year 2017. It does not include all activities expected of BWQ staff during 2017.

Priorities for the Bureau of Water Quality in 2017 include:

- Assisting OC in promoting the 2017 Water Quality Bond with stakeholder groups and through the legislative session.
- Assisting OC in the passage of other water quality based legislative initiatives approved by the Governor's Office.
- Implement plans for eliminating as much of the permitting backlog as possible
- Develop an appropriate flow regime for assessing and permitting discharges of nutrients

II. BWQ Organization



III. Division of Environmental Assessment

Contact: Don Witherill, Division Director

The Division of Environmental Assessment (DEA) is responsible for monitoring and assessing the health of Maine's waters. DEA also develops recommendations for water quality standards pursuant to the Federal Clean Water Act (33 U.S.C. §§ 1251 et seq) and State of Maine Article 4-A, Maine's Water Classification Program (38 M.R.S. §§ 464 et seq); oversees the Invasive Aquatic Species Program (38 M.R.S. §§ 1871,1872) and administers the Watershed Management Program, which protects and restores the quality of threatened and impaired surface waters using grant funds available through § 319 of the Clean Water Act.

Biomonitoring Unit

Contact: Leon Tsomides, Biomonitoring Program Manager

The Biological Monitoring Unit assesses benthic macro-invertebrate (aquatic insects, etc.) and algal communities to evaluate the ecological health of the State's aquatic resources. Findings are used to document existing conditions, identify problems, set water management goals, assess the progress of water resource management measures, and prioritize needed remedial actions. The Program also provides scientific information to interested parties including other state and federal agencies and tribes, the Maine legislature, consultants, non-governmental organizations, universities, school groups, and the general public. Data are made available to these groups through various technical reports and a Google Earth site that can be accessed through the Biological Monitoring Program web pages:

<http://www.maine.gov/dep/water/monitoring/biomonitoring/index.html>

This unit is tasked with evaluating the health of the waters of the state based on the aquatic communities. An impossible task unless we use a rotating basin approach. The aquatic communities of the rivers, streams, and wetlands are subject to detrimental impacts from various activities that can be generally categorized as point source, non-point sources, in-place contamination, habitat and hydrologic modification. The Biological Monitoring Program functions to provide monitoring and assessment data to various programs and initiatives within the Department. Target assessments of the impacts of these activities occur as needed, but in general, the Department follows a five- year, rotating basin assessment schedule. Water bodies are prioritized for assessment within the targeted basin based on specific concerns, to obtain trend information, or to follow up on management decisions. This approach has worked well and allows us to concentrate our efforts each year in a different part of the state.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Biomonitoring Program:

- Conducted macroinvertebrate and algae sampling in the Penobscot River basin and Downeast at 55 stream and river sites, and 27 wetland sites (41 of the above stream and river sites will also be a part of the Surface Water Ambient Toxic (SWAT) monitoring).
- Participated with fish electrofishing of streams and rivers.

- Coordinated and participated in National Wetland Condition Assessment (NWCA) by attending national training about protocols and sampling 7 wetlands.
- Began data analysis for forested wetland pilot project in southern Maine.
- Processed water and biological samples (involving contracting, taxonomy, internal lab management, picking staff management, communications with outside laboratories, sample tracking, and shipping).
- Entered data associated with 2015 and 2016 sampling into Environmental and Geographical Analysis Database (EGAD).
- Managed data in EGAD and analyzed data (aquatic life use models, GIS, environmental inference models, taxa tolerance indices, watershed assessments).
- Determined attainment or non-attainment of aquatic life criteria from samples collected in 2015.
- Contributed to the 2015 SWAT Report, 2016 Integrated Water Quality Report, and wrote Wetland Grant annual status report.
- Reviewed applications, permit language revisions, and monitoring plans for the following: Natural Resources Protection Act (NRPA) and Site Location of Development Law (Site), Maine Pollutant Discharge Elimination System (MEPDES), dams and hydropower, ground water withdrawal, hazardous waste and remediation.
- Participated in watershed or restoration planning activities (evaluating point source and non-point source pollution, urban runoff, logging, impoundments, etc.).
- Provided technical assistance and data analysis to a variety of partners within and outside of DEP.
- Worked on model using algae to predict attainment of aquatic life criteria in wetlands.
- Worked on diagnostic and environmental inference models for streams and rivers.
- Coordinated development of freshwater nutrient criteria and revisions of draft rule; assist with Reasonable Potential investigations.
- Analyzed spatial data (land cover, species distributions, etc.).
- Continued long-term monitoring for possible effects of climate change and participate in associated workgroups, meetings, etc.
- Participated in Maine Water Conference and regional workgroups (NEBAWWG, NEIWPC). Planned and hosted the annual meeting of the New England Association of Environmental Biologists.
- Contributed to several technical, peer-reviewed publications and journal articles.
- Participated in monitoring and data analysis related to Reasonable Potential studies to determine if nutrients associated with licensed discharges threaten water quality standards.
- Partnered with Maine Maritime Academy to educate students on biological sampling in coastal streams.
- Participated in education events (Bug Maine-ia, the Southern Maine Children's Water Festival, and Northern Maine Children's Water Festival, DEP classroom presentation). Participated in SMRO education team.
- Began revising the Maine Wetland Program Plan for 2017-2021. Began analysis of the effects of urbanization and impervious cover on wetland quality.
- Began developing vegetative community assessment protocols for emergent/aquatic bed wetlands.

- Updated Google Earth Project and Biomonitoring website page.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Biomonitoring Program in calendar year 2017. These tasks are not listed in any specific order.

Biological Monitoring

- Conduct macroinvertebrate and algae sampling in the Kennebec River basin at 40-50 stream and river sites, and 25-35 wetland sites. 30 to 40 of the above stream and river sites will also be a part of the SWAT monitoring.
- Field test sampling methods for macrophytes in 5-10 wetlands.
- Participate in DEA electrofishing of streams and rivers.
- Process water and biological samples (involving contracting, taxonomy, internal lab management, picking staff management, communications with outside laboratories, sample tracking, and shipping).

Assessment and Reporting

- Enter a portion of data associated with 2016 and 2017 sampling into EGAD.
- Manage data in EGAD and analyze data (aquatic life use models, GIS, environmental inference models, taxa tolerance indices, watershed assessments).
- Determine attainment or non-attainment of aquatic life criteria samples collected in 2016.
- Write or contribute to the 2016 SWAT Report, 2016 Integrated Water Quality Report [305(b), 303(d)], and annual status report for wetland grants and nutrient criteria.

Regulatory Review

- Review applications, permit language revisions, and monitoring plans for the following permits and certifications for the following: NRPA and Site Law, MEPDES, dams and hydropower, water withdrawal, hazardous waste and remediation.

Restoration and Planning

- Participate in watershed or restoration planning activities upon request (evaluating point source and non-point source pollution, urban runoff, logging, impoundments, etc.).
- Finalize the Maine Wetland Program Plan for 2017-21.

Technical Assistance

- Provide technical assistance to a variety of partners within and outside of DEP.

Technical Development and Review

- Finish the model using epiphytic algae to predict attainment of aquatic life criteria in wetlands.
- Begin the model using phytoplankton to predict attainment of aquatic life criteria in wetlands.
- Revise the model using macroinvertebrates to predict attainment of aquatic life criteria in wetlands.
- Participate in development of bioassessment model for stream fish.
- Work on diagnostic and environmental inference models for streams and rivers.
- Revise and improve standard operating procedures.
- Coordinate development of freshwater nutrient criteria and revisions of draft rule; assist with Reasonable Potential investigations.
- Analyze spatial data (land cover, species distributions, etc.).
- Analyze effects of urbanization and impervious cover on wetland quality.

- Develop vegetative community assessment protocols for emergent/aquatic bed wetlands.
- Continue long-term monitoring, including biological monitoring and temperature, for possible effects of climate change and participate in associated workgroups, meetings, etc..
- Analyze plant data, metrics, and floristic quality assessment for forested wetlands sampled in 2015.
- Participate in Maine Water Conference, New England Association of Environmental Biologists annual meeting, and regional workgroups (NEBAWWG, NEIWPC).
- Participate in national meeting relating to our work, as funding allows.
- Prepare reports, technical bulletin, fact sheets, and articles for peer-reviewed journals where need/opportunity arises.
- Participate in monitoring and data analysis related to Reasonable Potential studies to determine if nutrients associated with licensed discharges threaten water quality standards.

Education and Outreach

- Participate in education events and presentations, including but not limited to Bug Maine-ia, the Southern Maine Children's Water Festival, and Envirothon.
- Explore partnering with Maine Maritime Academy again to educate students on biological sampling in coastal streams.
- Address public inquiries.
- Update Google Earth Project and Biomonitoring website page as needed.

For more information, please check DEP's website
<http://www.maine.gov/dep/water/monitoring/biomonitoring/index.html>.

Environmental Geology

Contact: John Hopeck, Environmental Geology Program Manager

The Environmental Geology Unit provides technical review of proposed development projects and other activities regulated under the Site Location Law (38 M.R.S. §§ 481 – 490), Natural Resources Protection Act (§ 480), Stormwater Management Law (§ 420-D), and Performance Standards for Excavations and Quarries (§§ 490-W to 490-EE), as well as certain wastewater disposal systems regulated under the Waste Discharge Law (§ 413 (Waste Discharge Licenses) and Article 4-A (Water Classification Program)) and large-volume subsurface disposal systems regulated by the Department of Health and Human Services (Memorandum of Agreement, Review of Subsurface Sanitary Wastewater Disposal Systems). Reviews performed by the unit address impacts of these developments on groundwater quality and quantity, soil suitability, subsurface conditions, surface-water and wetland hydrology and morphology, impacts of blasting and excavation, and other relevant factors. The Unit also provides input on proposed statutory or rule changes that affect groundwater resources or otherwise require expertise in geology, hydrology, or soil suitability as part of the analysis, and contributes maintenance and support for the EGAD of sites which are potential or actual sources of contamination to groundwater. Other staff activities include monitoring and assessment of groundwater data, hydrologic monitoring, development and testing of groundwater models and providing technical

information to local governments and private citizens.

The majority of the work performed by this unit supports other activities of the Land and Water Bureaus, principally in review of application materials, assessment of sites prior to and during construction and operation, technical support for other staff during the public hearing process and similar functions, and review and management of data. The specific projects under review or assessment vary considerably from year to year, and require use of different skills and approaches in which staff have been trained or which have been developed over time within the unit. Providing input and technical support for rulemaking and related Department activities is an ongoing task, although the level of effort required will vary considerably from year to year, and often is not predictable; if work to support specific programs, such as the recent stormwater rulemaking, can be reasonably anticipated during the year, those programs are mentioned explicitly, but the possibility of work on this task is always possible during the year and so it is included in the work plan. Some other projects, such as Chloride Risk Assessment and development of materials to support licensing units, are also ongoing and so appear over several years, but specific tasks are broken out for completion within each annual plan.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Environmental Geology Program:

- To date 113 review requests have been received; this pace is slightly ahead of 2015. With few exceptions, reviews have been completed within the 30-day schedule. Sites for most large new projects, and several older projects with monitoring or other ongoing concerns, have been inspected on at least one occasion. Work on metallic mining rules has required a substantial commitment of resources during the last several months and this is anticipated to continue through at least the first six months of 2017.
- Thus far this year 35 new sites have been researched and added to EGAD. 134 updates as part of quality control have also been made. Monthly uploads to EGAD of ongoing submissions of groundwater and surface water monitoring data mainly from Nestle's Waters pumping locations continues throughout the year.
- Developed a procedure to allow rapid access to NPDES data via EFIS in association with the Division of Resource Administration.
- Review of stored materials in the file room is nearly complete and will be completed before end of year. Development of document retention policy and application of this policy to stored files is scheduled for 2017.
- Review of project status to identify data gaps, modeling approaches, and potential future applications is scheduled for Winter – Spring 2017. This may include development of webpages to present results to date. May through September 2016: As part of statewide road salt assessment, 228 DOT sampled pre-[road] construction residential wells were located in 20 towns throughout Maine. Field work included measuring fracture planes (192 measurements) in outcrops in order to determine the hydrologic conduit effect on road salt of these features. Measured the changes in conductivity in low flow streams (44 streams measured) across DOT salted roads in relevant locations. Trained and had the assistance of an unpaid intern from Colby College for 10 weeks of the field season. Ongoing analysis of all data.
- Presentation at the Maine Water Conference highlighted applications of fracture

mapping, geophysical applications, and historical analysis at a specific site rather than chloride risk assessment more generally.

- Significant resources invested in completion of investigation and follow-up projects related to groundwater contamination associated with Winslow sand-salt storage. The unit has also met with and provided information to the town of Carmel to discuss issues regarding lot size, wastewater disposal, soils requirements for developments, and water supply. Work to assess the Limestone water utility with groundwater contamination problems and to support BRWM in work with the Castine Water District is ongoing. The need for response to inquiries regarding water levels and well issues, and analysis of data from several locations with water extraction projects, is increasing due to drought conditions and is expected to remain significant through at least the rest of this year. Staff participated in Southern Maine Childrens' Water Festival (May) and Earth Science Day (October) activities for students.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Environmental Geology Unit in calendar year 2016. These tasks are not listed in any specific order.

Regulatory Review

- Complete reviews, field inspections, technical support for development of rules and other materials, and other activities in support of BWQ and BLQ programs, and other state and municipal offices as requested and in accordance with applicable agreements. Metallic mineral mining rules and possible changes to the mining statute are expected to present a significant workload during at least the first half of the year. Requirements due to other rulemaking or Legislative actions are not known at present.

Assessment and Reporting

- Continue EGAD updates and maintenance, including addition of new sites and data, verification of existing data and other QA/QC, attendance at EGAD Oversight Committee meetings and generation of maps and other information as necessary and as soon as practical given other obligations
- Develop and implement records retention policy for Environmental Geology files
- Assess status of and additional data requirements for Chloride Risk Assessment Model

Technical Assistance

- Provide technical support and other materials to general public and municipalities, as requested
- Develop strategies and materials, if necessary, to improve service to BWQ licensing and inspection staff
- Provide input on Subsurface Wastewater Disposal Rules (DHHS), if revision is scheduled for 2017

Invasive Aquatic Species

Contact: John McPhedran, Invasive Species Program Manager

The Invasive Aquatic Species Unit was established in 2001 to: 1) prevent introductions of

invasive aquatic species through education and boat inspections; 2) facilitate early detection through the training of volunteers who survey water bodies for invasive species; and 3) manage existing infestations within state waters with efforts ranging from rapid response to small, new infestations to multi-year removal of large, established infestations. The statutory framework for DEP's invasive species program is in 38 M.R.S. §§ 410-N, 419-C, 1861-1865 and 1871-1872. The DEP concentrates on invasive aquatic plant species but also collaborates as needed with the Department of Inland Fisheries & Wildlife (DIFW) on invasive animal issues. Funded by a dedicated, non-lapsing fund generated from \$10 fees on in-state boat registrations and \$20 fees for out-of-state boats using inland waters, the program employs 3.5 full-time staff at DEP who, among their duties, collaborate with outside cooperators to execute major objectives such as boat inspections, plant survey training and provision of small grants.

The Invasive Aquatic Species Unit's objectives to prevent, detect and control invasive aquatic plants require ongoing program elements which remain substantively the same from one year to the next. While the basic annual work plan is largely unchanged, new elements in a given year may include tasks such as rapid response to a new infestation, outreach to a specific lake user group or improvements to the boat inspection or invasive plant monitoring programs.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Invasive Aquatic Species:

- Assisted the Office of Communications in developing the annual brochure for lake users that provides information on known infestations in Maine and emphasizes the importance of inspecting boats/gear and removing plants found.
- Contracted with Lakes Environmental Association for the 2016 Courtesy Boat Inspection Program and Cost Share Grant Program for inspections, including training inspectors and organizing of the 2016 Milfoil Summit which was held on Feb 26, 2016.
- Analyzed 2015 Courtesy Boat Inspection (CBI) data and produced a data summary for DEP website and distribution. There were a total of 87,413 inspections; 150 launch sites on 117 waterbodies had Courtesy Boat Inspections; 2,648 inspections yielded plant fragments; 94 of the intercepted fragments were "saves" (invasive plants) found primarily on boats exiting infested waters.
- Began entry of 2016 CBI data.
- Contracted with Volunteer Lake Monitoring Program for the 2016 Invasive Aquatic Plant Patrol Program.
- Provided technical assistance to lake groups battling established infestations of invasive aquatic plants (assistance typically includes visiting specific lakes with representatives of the lake group and conducting plant surveys of the infested water body).
- Contracted with Lakes Environmental Association for the 2016 Cost Share Grant Program for plant removal projects. Reviewed and revised grant application guidelines with the objective of improved planning for and documentation of management.
- Coordinated with DIFW Fisheries Division, Warden Service, and DEP OC on issues related to invasive plant spread. The temporary surface use restriction on Great Pond in Belgrade was renewed for 2016 but applied only to motorized watercraft; paddle craft were permitted to enter the restricted area.
- Continued work on management plan for the hydrilla infestation in two small private Woolwich ponds. Continued to lead plant survey efforts on Salmon Lake (Belgrade) and

Pickerel Pond (Limerick). Continued to assist Midcoast Conservancy on surveys for and removal of remnant hydrilla plants on Damariscotta Lake (Jefferson).

- Continued to discuss and refine conditions under which herbicide treatment may be considered for control of established populations of invasive aquatic plants.
- Continued the rapid response to new infestation of European naiad (*Najas minor*) in Salmon Falls River border impoundment including biweekly surveys to monitor early season plant development, contract development and oversight for diver assisted suction harvester and DEP plant removal using DEP dive team. Coordinated efforts and communicated DEP work with NHDES and local lake association and volunteers. Held multiple meetings with Town of Lebanon and public water supplies in Town of Berwick and City of Somersworth (NH) with the objective of obtaining support for herbicide treatment in Northeast Pond. Support was received from Berwick and Somersworth but not from Lebanon in time for a 2016 herbicide treatment. Support from Lebanon was received in an October 2016 meeting, opening the possibility for herbicide treatment in 2017 if deemed necessary by DEP staff.
- Staffed the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Invasive Aquatic Species Program in calendar year 2017. These tasks are not listed in any specific order.

Prevention and Early Detection

- Assist the Office of Communications in developing the annual brochure for lake users that provides information on known infestations in Maine and emphasizes the importance of inspecting boats/gear and removing plants found.
- Work with the Office of Communications to provide advertisement on invasive aquatic plant spread prevention for any revisions of DIFW fishing and boating rule books planned for 2017.
- Review literature and discuss with other states link between felt-soled waders and transport of organisms and disease. This work is needed to better understand current issues and inform discussions with DIFW on whether to seek alternatives to use of felt waders by state agencies and recreational anglers. Issue RFP and eventually award contract for 2017 Courtesy Boat Inspection Program and Cost Share Grant Program for inspections, including training inspectors and organizing of the 2017 Milfoil Summit to be held in late February or early March.
- Analyze 2016 Courtesy Boat Inspection (CBI) data and produce a data summary for DEP website and distribution. Later in 2017, begin entry of 2017 CBI data.
- Contract with Volunteer Lake Monitoring Program for the 2017 Invasive Aquatic Plant Patrol Program.

Infestations and Plant Removal

- Provide technical assistance to lake groups battling established infestations of invasive aquatic plants. Assistance typically includes visiting specific lakes with representatives of the lake group and conducting plant surveys of the infested water body.
- Meet in winter 2016-17 and work with Annabessacook Lake Improvement Association, Cobbossee Watershed District and Friends of the Cobbossee Watershed to transfer primary responsibility for plant removal on Annabessacook Lake from DEP to the local and regional groups. This process was started during 2016 and will be completed prior to the 2017 season.

- Issue RFP and eventually award contract for the 2017 Cost Share Grant Program for plant removal projects. Review 2016 grant application and reporting by grantees and determine if additional revisions to the process are required with the objective of improved planning for and documentation of management. If possible, move the grant application deadline earlier in 2017 as requested by grantees.
- Coordinate with DIFW Fisheries Division, Warden Service, and the Office of Communications on issues related to invasive plant spread, including the potential for temporary surface use restrictions.
- Continue discussions with landowner of hydrilla-infested private ponds in Woolwich regarding potential management.
- Continue to lead plant survey efforts on Salmon Lake (Belgrade) and Pickerel Pond (Limerick). Continue to assist Midcoast Conservancy on surveys for and removal of remnant hydrilla plants on Damariscotta Lake (Jefferson) and long term control of hydrilla in the “lagoon.”
- Coordinate with NH DES and Milton Three Ponds Lake Association for management of European naiad (*Najas minor*) infestation in the border impoundment of Salmon Falls River. This management effort became more complicated with the September 2016 discovery that the plant has moved downstream in this system.
- Continue to discuss and refine conditions under which herbicide treatment may be considered for control of established populations of invasive aquatic plants.
- Respond to reports of new infestations. Confirm plant identifications and conduct response as needed and as laid out in the state Rapid Response Plan.

State Task Force and Federal Funding

- Staff the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species. The focus for the Task Force will be revision of Maine’s Action Plan for Managing Invasive Aquatic Species.
- Apply for USFWS funds to help implement the state invasive species management plan.

For more information, please check DEP’s website <http://www.maine.gov/dep/water/invasives/> or email milfoil@maine.gov

Lake Assessment

Contact: Linda Bacon, Lake Assessment Program Manager

The Lake Assessment Unit is responsible for water quality monitoring of Maine lakes to evaluate attainment of classification criteria and determine if statutory “designated uses” are supported. Results of evaluations are included in the biennial Integrated Maine Water Quality Report to EPA, mandated under § 305(b) of the CWA, which also satisfies DEP’s water quality reporting mandate to the legislature. The Lake Assessment Section originates and maintains Standard Operating Procedures, an integral component of the Maine Lake Assessment Quality Assurance Program Plan on file with EPA, which are used by DEP staff and cooperators statewide to obtain reliable lake data on which management decisions are made. Staff provides quality assurance oversight for the Maine Volunteer Lake Monitoring Program (VLMP) and conducts program specific studies to answer critical questions regarding the health of Maine Lakes. The statutory basis for the Lake Assessment program is found under the following: 38 M.R.S. Chapter 3: §§

464, 465, 410-M and 480-N, and, Chapter 314. Federal CWA mandates include §§ 303, 303d, 305, 305b, 314 and 401. Federal EPA 2012-2014 PPA elements are found under Chapters I, III, V and VI.

Lake Assessment Activities have an annual cycle, thus our work plans and accomplishments look very similar from year-to-year. We collect data and work with the data collected by the volunteers in the Volunteer Lake Monitoring Program every year. The activities are the same, but the data being processed are new.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Lakes Assessment Program:

- Prepared and administered grant to Maine Volunteer Lake Monitoring Program (VLMP) for base funding to maintain network of citizen scientists certified to collect water quality data from ~450 lakes.
- Monitored priority lakes as determined from analysis of 2015 data.
- Conducted baseline monitoring on 115 lakes over a 5 week period in late summer.
- Incorporated a probabilistic component to 2015 baseline monitoring.
- Corrected errors identified in lake portions of the 2014 Integrated Report.
- Proofed, corrected and uploaded DEP and VLMP 2015 data.
- Participated in National Lake Assessment (NLA) planning activities for 2017 as requested by EPA.
- Participated in Regional Cyanotoxin Collaborative as requested by EPA.
- Continued analysis of fish tissue mercury data collected from 2010 through 2012 by assembling a dataset for preliminary evaluation.
- Continued working with University of Maine researchers on the analysis of the relationship between lake vulnerability and sediment Fe/Al/P data.
- Began proofing 2016 data.
- Continued implementing the Section's Long-Range Plan to develop tools necessary to better evaluate lake vulnerability, classification and support local watershed protection activities by working with Maine Lake Society on a review of their LakeSmart Program and improving communications with other state lake organizations
- Updated Key Performance Indicators on lake water quality for Department website.
- Performed quality assurance maintenance on ~16 DEP dissolved oxygen meters and ~35 volunteer meters.
- Recertified ~ 80 volunteers at up to 10 recertification workshops.
- Updated Standard Operating Procedures (SOP) and Lake Assessment Quality Assurance Program Plan (QAPP).

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Lakes Assessment Program in calendar year 2016. These tasks are not listed in any specific order.

Monitoring and Assessment

- Administer grant to Maine Volunteer Lake Monitoring Program for base funding to maintain network of citizen scientists certified to collect water quality data from ~450 lakes.

- Monitor priority lakes as determined from analysis of 2016 data.
- Determine which labs will be performing analyses on baseline water samples.
- Conduct baseline monitoring on 40-50 lakes over a 5 week period in late summer.
- Collect intensive sampling for EPA's National Lake Assessment from 24 lakes in 26 visits.
- Incorporate a probabilistic component (cyanotoxins) to 2017 baseline monitoring.

Data Analysis and Reporting

- Finalize lake portions of the 2016 Integrated Report.
- Proof, correct and upload DEP and VLMP 2016 data.
- Update new Access tool to produce Lake Water Quality Reports on-demand.
- Produce numerous maps, tabular and graphic products including 2016 data for DEP use and for inclusion in the 2016 Maine Lakes Report produced by the Maine Volunteer Lake Monitoring Program.
- Participate in 2017 NLA planning activities as requested by EPA.
- Participate in Regional Cyanotoxin Collaborative work sessions as requested by EPA.
- Complete analysis of fish tissue mercury data collected from 2010 through 2012.
- Continue working with researchers at the University of Maine (Orono) to analyze relationship between lake vulnerability and sediment Fe/Al/P data.
- Begin proofing 2017 data.
- Refine Long-Range Plan to develop tools necessary to better evaluate lake vulnerability, classification and support local watershed protection activities.

Technical Assistance and Outreach

- Update Key Performance Indicators on lake water quality for Department website.
- Hold the first annual Maine Lake Monitoring Summit
- Perform quality assurance maintenance on ~16 DEP dissolved oxygen meters and ~35 volunteer meters.
- Recertify ~ 80 volunteers at up to 10 recertification workshops
- Update SOPs and Lake Assessment QAPP.

Marine

Contact: Angela Brewer, Marine Program Manager

The Marine Unit monitors and assesses the health of marine waters (estuarine and coastal areas) through the collection of water, sediment, and biological tissue. State-mandated monitoring programs include the Surface Water Ambient Toxics (SWAT) program and the Marine Environmental Monitoring program for water and biological community health. The Gulfwatch program is a regional shellfish contaminants monitoring program of the Gulf of Maine Council on the Marine Environment that the Marine Unit manages for the state of Maine. Assessments and impaired listings and de-listings for marine waters are completed through the Integrated Report based on data collected by the Marine Unit and external organizations. The Marine Unit provides technical support to DEP staff administering the Maine Pollutant Discharge Elimination System program for wastewater discharges, including a substantial contribution to environmental

impacts and sampling designs surrounding the finfish aquaculture industry. Technical support is also provided for Natural Resources Protection Act applications and permits, and to volunteer water quality monitoring and other non-governmental organizations working within Maine's marine waters that engage in protection, maintenance and restoration of water and habitats. Marine Unit staff participates in impact determinations surrounding marine invasive species and emerging technologies such as wind and tidal power.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Marine Program:

Monitoring

Contaminants Programs

- Collaborated with Maine DMR to enable development of MOU and transfer of crab and lobster tissue for laboratory processing and analysis as related to Penobscot River mercury study.
- Surface Water Ambient Toxics (SWAT): In coordination with Rivers and Streams Unit, Maine DMR and CDC, collected and/or processed mussel tissue from 3 sites and lobster tissue from 120 lobsters from 12 sites in coastal Maine for contaminants analysis.
- Gulfwatch, Musselwatch: In coordination with regional Gulfwatch Contaminants Committee, collected and shipped mussel tissue from 6 coastal Maine sites for contaminants analysis. Gulfwatch mussel samples were combined with mussel samples collected from 3 sites as part of a one-time collaboration with the NOAA Musselwatch program. NOAA collaboration included regular correspondence to facilitate adoption of new methodology.

Marine Environmental Monitoring Program

- Conducted ambient water quality, nutrient and eutrophication indicator monitoring in vicinity of relevant discharges (South Portland, Yarmouth, Freeport, Machias, East Machias, Craig Brook National Fish Hatchery) based on relevant permit renewal needs. Two to seven monitoring events were completed on each of the Fore, Royal, Harraseeket, Machias/East Machias, and Narramissic/Orland Rivers. Completion of monitoring efforts involved extensive collaboration with several external partners, including the Friends of Casco Bay and City of South Portland.
- Aerial photography was acquired and ortho-rectified imagery prepared by contractor to enable eelgrass mapping on the Harraseeket and Machias/East Machias Rivers, and the area surrounding the Portland East End discharge.
- Effluent nutrient data was generated from eight wastewater treatment facilities to supplement data collected as part of 2015 effluent nutrient monitoring project and to refine nitrogen loading estimates for discharge permits. Composite sample collection and shipping by the facilities to the DEP-contracted lab was completed in three to five events from June to October 2016.
- At Simpson Point in Brunswick, participated in the final monitoring event for the 2015-2016 eelgrass transplantation and methodology project, as lead by U.S. Geological Survey staff.

Assessment/Reporting

- Completed 2014 Integrated Report marine sections after responding to public and EPA comments.

- Completed Marine Unit program SAP, QAPP and associated SOPs for Department and EPA review.
- Prepared marine section of 2016 SWAT work plan and participated in the Technical Advisory Group (TAG) meeting.

Regulatory Review

- Compiled 16 marine nitrogen Reasonable Potential (RP) analyses for MEPDES permits. Participated in meetings with internal staff and external parties regarding RP data and ambient studies, most notably based on the City of South Portland, Portland Water District, and Town of Kennebunk permits.
- Prepared formal comments on three Natural Resources Protection Act (NRPA) permits relating to avoidance and minimization of coastal wetland (eelgrass) impacts, including development of a five year monitoring plan for the Town of Cumberland and consultants. Submitted informal comments on several other NRPA applications pertaining to shoreline stabilization work with only minimal impacts on marine water quality standards.
- Reviewed technical literature, prepared comments, and edited DWQM documents relating to monitoring and analytical procedures for benthic and water column sampling for the Atlantic Salmon aquaculture industry, with a focus on sediment sulfide methods.

Technical Development/Review

- Collaborated with internal and Friends of Casco Bay staff to facilitate way forward for ambient monitoring to inform RP analyses and refine model estimates.
- Quality checked and uploaded 2015 Department and external data to EGAD.
- Began familiarization with the Water Resources Database to improve efficiency of data review and assessment procedures.
- Completed training course on R software for analysis of marine data.
- Initiated conversations with all salmon restoration partners to become familiar with current habitat restoration efforts and to develop a sampling plan for 2017.

Technical Assistance/Outreach

- Completed reviews of quality management documentation for volunteer marine water monitoring organizations including the Mount Desert Island Biological Laboratory and the Kennebec Estuary Land Trust.
- Attended Maine Ocean and Coastal Acidification working group meetings and workshops to share information on RP approach to prioritizing marine nutrient reductions and gather information regarding current and relevant research.
- Provided technical support and funding to Maine Coastal Observing Alliance to enable nitrogen analysis of surface water grab samples from nine estuaries ranging from the Harraseeket River to Vinalhaven.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Marine Program in calendar year 2017. These tasks are listed generally chronologically.

Monitoring

Contaminants Programs

- Surface Water Ambient Toxics (SWAT): Collaborate with Rivers and Streams Unit, Maine DMR and Maine CDC staff to select relevant sites and analytes for 2017 shellfish sampling. Collect and process samples accordingly during autumn 2017.
- Gulfwatch, Musselwatch: In coordination with regional Gulfwatch Contaminants Committee, prepare for, collect and transport mussel tissue from coastal Maine sites for contaminants analysis. Collaborate with NOAA staff to interpret Gulfwatch and 2016 Musselwatch data at various scales.
- Miscellaneous: Correspond with Maine DMR staff regarding further sampling and analysis needs for the Penobscot River mercury study.

Marine Environmental Monitoring Program (MEMP)

- In collaboration with the Engineering Unit, conduct ambient water quality, nutrient and eutrophication indicator monitoring in vicinity of relevant discharges (Portland East End, Kennebunk, Yarmouth) based on relevant permit renewal needs. Additionally, conduct monitoring in estuaries not affected by major point sources to determine degree of ambient water quality impairment based on natural conditions near head of tide. Monitoring efforts will be completed in collaboration with external partners, including at least the Friends of Casco Bay, Portland Water District, EPA, and Towns of Kennebunk and Yarmouth.
- Acquire aerial photography and ortho-rectified imagery of relevant waterbodies that are the subject of 2017 ambient monitoring and have previously mapped eelgrass or suitable habitat.
- Establish long term monitoring site in Portsmouth Harbor at Gerrish Island based on prior reconnaissance efforts, and repeat 2014 underwater video survey at 18 sites within Piscataqua River estuary. Regular monitoring of water, sediment and biological conditions within the selected eelgrass bed will inform the possible causes of eelgrass loss documented since the mid-1990s that motivated an impairment listing in the 2012 Integrated Report, and will create the first long term monitoring site in Maine utilizing modified SeagrassNet protocols.

Salmon Habitat Monitoring Program

- Monitor water quality in Atlantic Salmon rivers and sea run brook trout streams with US Fish & Wildlife Service, Maine DIFW and Maine DMR to assess impacts on fishery conservation efforts.

Assessment/Reporting

- Compose marine section of 2015-2016 SWAT report for legislative submission, contribute content to 2017 work plan, and participate in summer TAG meeting.
- Complete marine portions of 2016 Integrated Report, specifically pertaining to listings in the New Meadows Lakes/Estuary and Piscataqua River/Portsmouth Harbor, and respond to public and EPA comments.
- Complete Marine Unit program SAP for MEMP and Salmon Habitat Monitoring Programs.
- Revise Marine Unit QAPP and associated SOPs as necessary given modifications to MEMP activities.
- Compile, analyze and incorporate 2015 and 2016 wastewater effluent nutrient data into relevant discharge permits based on refined modeling estimates of relative nitrogen contributions.

Regulatory Review

- Review MEPDES and Natural Resources Protection Act (NRPA) permits as requested, including focused efforts on 1) Reasonable Potential (RP) applications for nitrogen in marine discharges and 2) Atlantic Salmon aquaculture monitoring reports, therapeutic reviews and stocking plans.

Technical Development/Review

- Quality check and upload Department and external data to EGAD. Work with EGAD staff to improve database reporting capabilities.
- Incorporate Water Resources Database into data manipulation and assessment procedures.
- Incorporate use of R software for analysis of marine data.

Technical Assistance/Outreach

- Fund Maine Coastal Observing Alliance and Piscataqua Region Estuaries Partnership as possible to further ambient monitoring of relevant physical, chemical, and biological parameters.
- Provide technical assistance to Casco Bay Estuary Partnership (CBEP) committees, including the Nutrient Management Workgroup.
- Review quality management documentation of volunteer marine water monitoring organizations as requested.
- Collaborate to further eelgrass restoration studies in Casco Bay via coordination of aerial photography acquisition, and assist with eelgrass monitoring and restoration planning.
- Prepare technical memorandum for Bureau of Land Resources staff to communicate marine water quality standards considerations for permit reviews.

Rivers and Streams

Contact: Barry Mower, Rivers Program Manager

The Rivers and Streams Unit assesses the impact of various activities on water quality in rivers and streams, including the review of Maine Pollution Discharge Elimination System (MPDES) permits for industrial and municipal point sources; draft hydroelectric power projects to assure collection of necessary information and evaluation of whether the project could be certified under § 401 of the US Clean Water Act (CWA) as attaining Maine's WQS; administration of the Surface Water Ambient Toxics (SWAT) monitoring program 38 M.R.S. § 420-B; assessment of impact of toxic pollutants on WQS, including researching thresholds for contaminants with no state criteria; research on contaminants of emerging concern (CEC) such as endocrine disruptors; review of miscellaneous projects such as mining, hazardous waste and oil spill remediation, power plant impacts; TMDLs for lakes and ponds, rivers and streams, development of an Index of Biotic Integrity (IBI) for fish populations in wadeable streams, assistance to lakes section; response to public inquiries; review of water quality standards.

The work plan may look similar from year to year because there are certain job responsibilities that continue each year at the program level. For example, 60-100 MPDES permits and hydropower projects are reviewed every year, but the actual permits and projects are different every year. This unit also administers the SWAT program which involves the same functions

each year, including coordinating development of an annual work plan, planning and conducting a Technical Advisory Group meeting, implementing sampling, contracting a lab, conducting field sampling, analyzing data, and producing a final report, but the details are always different each year. The unit also provides technical assistance for ecological risk assessment to the Bureau of Remediation and Waste Management each year, although the projects vary from year to year. Data from various studies such as Gulf Island Pond is also reviewed each year. The IBI project is a multi-year project.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Rivers and Streams Program:

- Reviewed and coordinated DEA of ~60 MEPDES permits.
- Reviewed and coordinated DEA of 12 Hydropower §401 certifications and 2 MWWDA permits
- Reviewed and coordinated scientific development of 2 Site-Specific Criteria projects.
- Administered SWAT monitoring program -Developed 2016 work plan, organized and held annual TAG meeting, developed contracts with labs, conducted field work.
- Gulf Island Pond-Reviewed water quality data and study plans for attainment of WQS.
- Conducted Ecological Risk Assessment of toxic pollutants for attaining WQS for BWQ and BRWM.
- IBI- Led development of a wadeable stream *Index of Biotic Integrity* including field sampling of 60 streams.
- Assisted in RP determinations.
- Assessed effects of miscellaneous projects on WQS.

Calendar Year 2017 Work Plan

Regulatory Review

- Permit reviews –
 - MPDES permits- Review and coordinate DEA review ~60-100 permits.
 - Hydropower 401 certifications- Review and coordinate DEA review as requested.
- Chapter 587 – Assist in water level and flow determinations as needed.

Monitoring

- Administer SWAT monitoring program -Develop 2017 work plan, organize and hold annual TAG meeting, develop contracts with labs, conduct field work, manage and evaluate data, prepare the biennial report due April 2017.

Data Analysis and Reporting

- Gulf Island Pond-Review water quality data and study plans for attainment of WQS.
- Conduct Ecological Risk Assessment of toxic pollutants for attaining WQS for BWQ & BRWM.

Technical Assistance and Outreach

- IBI- Lead development of a wadeable stream *Index of Biotic Integrity* including any field sampling that may be needed.

- Assist in RP determinations.
- Assess effects of miscellaneous projects on WQS.

Watershed Management

Staff Contact: Jeff Dennis, Watershed Management Unit Manager

The Watershed Management Unit is responsible for coordinating the NPS Management program, assessment of priority watersheds throughout the state and for providing assistance to local and regional groups for protecting or restoring water quality in these watersheds. The unit focuses on waters that are either threatened, or do not attain their water quality classification due to nonpoint source pollution. The staff provides support for watershed surveys to find the causes for water quality impacts and assists in developing plans for protection or restoration. Unit staff provides administrative oversight of 319 nonpoint source grant awards to develop and implement these plans. The unit also directs the Volunteer River Monitoring Program. The unit also maintains the Stormwater BMP Manual and provides guidance to manufacturers and consultants on BMP evaluation and design. The unit also develops Total Maximum Daily Loads (TMDLs) for impaired streams pursuant to Clean Water Act requirements.

The Watershed Management Unit is responsible for administering an annual Federal grant of approximately \$1.8 million dollars for the purposes of reducing or eliminating nonpoint source pollution. The funding, available through § 319 of the CWA, is awarded by EPA as part of a Performance Partnership Agreement with the Department. It is used to support watershed management work within the division. An annual competitive pass-thru grants program is administered that awards and monitors sub-grants of federal CWA §§ 319 & 604b funds for watershed projects to help restore or protect lakes, streams, rivers or coastal waters from NPS pollution. These grants help communities identify nonpoint water pollution sources, prepare watershed-based management plans (WBPs), and implement WBPs.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Watershed Management Program:

- Issued RFP for projects to help communities implement their Watershed-Based Plans (WBPs). DEP issued conditional approvals for 12 projects (\$860,000)
- Issued RFP for projects to help communities develop watershed-based plans. DEP granted \$41,600 to Presque Isle for Kennedy Brook.
- Produced the 2015 Annual Report for the Nonpoint Source (NPS) Management Program.
- Issued 10 grant agreements for NPS projects. Provided administrative and technical support for 39 implementation and planning projects. Completed & closed out 19 NPS project grant projects. Updated the 2010 NPS Grant Administration Guidelines.
- BMPs were installed to reduce polluted runoff in (# TBD) watersheds (list names TBD). NPS projects reduced pollutant loading to these waters by (TBD) pounds of phosphorus and (TBD) tons of sediment per year - equivalent to about (TBD) dump truck loads.
- Coordinated implementation of the State of Maine NPS Management Program Plan.
- Provided technical support for 5 locally-funded watershed surveys.

- Provided additional assessment and technical support needed to complete watershed-based plans for 1 impaired stream (Goosefare Brook).
- Provided watershed and water quality assessment and technical support on at least 2 new watershed based plan development projects.
- Updated the Watershed Management Unit's QAPP "Quality Assurance Project Plan for Monitoring Nonpoint Source and Total Maximum Daily Load Streams".
- Conducted preliminary water quality and watershed assessment in several Central Aroostook County and southern Maine stream watersheds in support of anticipated future plan development.
- Supported development, review and approval of 3 lake watershed protection plans.
- Began developing tools for quantifying effectiveness of protection activities.
- Provided technical support for the development of future WBP implementation projects.
- Provided technical support and guidance on other watershed planning issues and BMP selection and design as needs and/or opportunities arise.
- Hosted annual Watershed Managers Roundtable.
- Began modifying the impaired urban stream recovery potential model to provide objective identification of threatened stream watersheds.
- Identified highest priority watersheds for proactive actions under the 319 grants program.
- Developed a 303d/Total Maximum Daily Load (TMDL) vision to prioritize waters/watersheds for future TMDL, TMDL alternative and protection activities.
- Drafted the 2015 Volunteer River Monitoring Program (VRMP) Annual Report consisting of common chapters and individual group reports.
- Updated 7 Sampling and Analysis Plans (SAPs) to be consistent with the VRMP QAPP Update and volunteer groups' updates.
- Provided annual training for seven VRMP monitoring groups.
- Reviewed MS4 program Annual Reports for compliance with minimum control measures 1 & 2.
- Provided technical assistance to MS4 regulated communities.
- Developed a website for presentation of 23 NPS impaired stream reports that includes MAPSHED modelling results and watershed surveys.
- Began building partnerships with NRCS, SWCD & NGO's to use the modelling results and find paths to restore these impaired streams.. **(ONGOING)**
- Ensured that assessment of chloride impacts and strategies for addressing these impacts, if any, are included in watershed based plans. **(ONGOING)**
- Continued to review new proposed stormwater management systems that are proposed for the treatment of stormwater and revise the BMP manual as required by changing existing sections or adding new ones.
- Updated the Stormwater BMP webpage to include letters of approval for BMPs that have not yet been incorporated in the manual but have been approved as General Standard alternatives. **(ONGOING)**
- Provided technical guidance to consulting engineers and municipal officials on BMP selection and design.
- LEA was selected under a RFP to pass thru \$40,000 of state funds to help support youth conservation corps programs that install BMPs to protect lakes.

- EPA posted Pottle Brook on its NPS Success Story webpage. DEP prepared the story about decreasing instream bacterial levels (2010 -2015) associated with repairing septic systems and controlling animal wastes.

Calendar Year 2017 Work Plan

Section 319 NPS Grants Program

- Issue RFP for projects to help communities implement their WBPs.
- Issue RFP for projects to help communities develop WBPs.
- Produce the 2016 annual report for the NPS management program.
- Provide administrative and technical support for 31 active implementation and planning projects. Complete & closeout 10 NPS project grant projects.
- Coordinate implementation of the State of Maine NPS Management Program Plan.
- Scope out /identify 3 to 5 watersheds with highest potential for restoration that could qualify as WQ-10 NPS Success Story within the next 5 years. Engage stakeholders to promote continued implementation activities in those watersheds.
- Develop a NPS success story to exhibit progress toward achieving water quality goals
Produce two watershed protection success stories.

Watershed assessment and planning support

- Provide technical support for at least 4 locally-funded watershed surveys.
- Provide additional assessment and technical support needed to complete watershed-based plans for 1 impaired stream.
- Provide watershed and water quality assessment and technical support on at least 1, probably 2 watershed based plan development projects and one pre-planning assessment project.
- Conduct preliminary water quality and watershed assessment in several Aroostook County and southern Maine stream watersheds in support of anticipated future plan development.
- Support development, review and approval of 2 lake watershed protection plans.
- Complete metrics and methods to evaluate effectiveness of efforts to protect unimpaired threatened lake waters. Re-evaluate the feasibility of effectively doing the same for stream and marine watersheds.
- Complete the guidance document to help partners identify stream stressors.
- Develop guidance for updating WBPs accepted by DEP that are >10 years old.
- Conduct water quality monitoring of selected streams in the Meduxnekeag watershed, an NRCS National Water Quality Initiative (NWQI) watershed.
- Where appropriate, draft resource/watershed specific annual data reports summarizing information gathered.

Other technical assistance

- Provide technical support for the development of future WBP implementation projects.
- Oversee Youth Conservation Corps funding to LEA under Sec. 1. 38 M.R.S. § 480-II.
- Provide technical support and guidance on other watershed planning issues and BMP selection and design as needs and/or opportunities arise.

- Initiate development of a guidance document on protection of streams threatened with urbanization including investigation of alternative strategies and drafting an outline for the document.
- Host annual Watershed Managers Roundtable.

Watershed Prioritization

- Develop a tool to provide objective identification of threatened stream watersheds.
- Identify highest priority watersheds for proactive actions under the 319 grants program.
- Improve methodology to assign priority among NPS priority watersheds to progressively address protecting or restoring NPS priority watersheds.
- Offer public opportunity (October) to submit request for waterbodies to be added to the NPS Priority Watershed lists.

Volunteer River Monitoring Program (VRMP)

- Draft the 2016 VRMP Annual Report consisting of common chapters and individual group reports.
- Work with 1 to 2 new groups to develop Sampling and Analysis Plans\update existing Sampling and Analysis Plans as needed.
- Provide annual training for seven-nine monitoring groups

Regulatory Review - MEPDES Stormwater General Permit

- Review Annual Reports for compliance with minimum control measures 1 & 2.
- Provide technical assistance to regulated communities.

Assessing and Addressing Bacteria Impairments

- Sample 2 to 3 streams impaired for bacteria and develop a SAP that may include sanitary surveys to identify pollutant sources (includes collaboration with DWQM staff).
- Update and expand the Bacteria Results GIS based webpage that communicates information on bacteria impairments to the public.

303d Vision Implementation

- Follow up on MS4 streams that were dropped from the Non-Point Source (NPS) TMDL.
- Add Concord Gully Brook to the Statewide Bacteria TMDL.
- Work with the City of Bangor to develop a Penjajwoc Stream Restoration Plan, building off the recently revised watershed management plan.

Salt Impacts on Streams

- Participate in the Salt Management Task Force.
- Ensure that assessment of chloride impacts and strategies for addressing these impacts, if any, are included in watershed based plans.
- Initiate
- Develop a tool for evaluating the vulnerability of small streams to chloride driven impairments.
- Complete chloride impacts on streams document

Stormwater Best Management Practices (BMPs)

- Working with the Engineering Unit and Land Bureau engineers, review new proposed stormwater management systems that are proposed for the treatment of stormwater and revise the BMP manual as required by changing existing sections or adding new ones.
- Provide technical guidance to consulting engineers and municipal officials on BMP selection and design.

Water Quality Standards

Staff Contact: Susanne Meidel, Water Quality Standards Program Manager

The Water Quality Standards Unit provides Water Quality Standards (WQS) coordination for the Department. The unit provides oversight of the biennial Integrated Water Quality Monitoring and Assessment (305b/303d) report (CWA §§ 303 and 305; 38 M.R.S. § 464), and coordination of changes to Maine's WQS and criteria including development of recommendations for changes to Maine's water quality classification system (38 M.R.S. §§ 464-470). The unit interacts with a wide variety of entities, including other DEP staff, other state agency staff, the US Environmental Protection Agency, Maine tribes, the public and regional/national WQS workgroups. The unit is also involved in technical reviews for Quality Assurance Project Plans (QAPPs) and related materials. Furthermore, the unit provides data management support for Department staff, such as training and technical assistance for GIS software and applications, development and maintenance of department-wide data layers and Google Earth projects for the Bureau of Water Quality (BWQ), and for the Bureau Land Resources when requested. In addition, the unit is responsible for Environmental and Geographic Analysis Database (EGAD) oversight for the BWQ, including support and maintenance as well as Quality Assurance/Quality Control and technical assistance, to ensure continued system functionality. Staff is also responsible for data transfer from EGAD to EPA target databases.

As the unit that provides WQS coordination for the Department, most of the tasks are on-going. Being a unit that provides technical support for other staff, many of our tasks are repeated year to year. Maintenance and enhancements of databases or GIS functions are ongoing and the specifics may change from year to year but the general tasks do not change.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Water Quality Standards Program:

- Completed 2014 Integrated Water Quality Monitoring and Assessment Report (IR) and submitted final to EPA.
- Began compilation of 2016 IR with target date of April 1, 2017 for submission to EPA.
- Compiled omnibus bill for minor classification updates in 38 M.R.S. §§ 465-A, 467-469, 480-B.
- Participated in efforts to develop a 303(d)/TMDL vision to prioritize waters/watersheds for future TMDL, TMDL alternative and protection activities.
- Participated in regional and national workgroups (Association of Clean Water Administrators (ACWA), New England Interstate Water Pollution Control Commission (NEIWPC), EPA Region 1) and follow national/regional WQS issues to gauge effect on DEP.
- Responded to internal and external WQS enquiries.
- Assisted with quality management tasks (reviewed quality assurance/quality control documents; participated in other activities as requested).
- Provided permit reviews to DWQM.

Environmental Geographic Analysis Database (EGAD):

- Completed timely submission (by 1/31/2015) of 2015 data (~5,000 records) from the Maine Healthy Beaches program to two EPA target databases to satisfy federal reporting requirements.
- Provided ongoing database support and technical assistance to eleven DEP programs to maintain data and database functionality.
- Continued close collaboration with OIT programming staff to maintain and expand EGAD functionality.
- Transferred data from EGAD to an EPA target database as an annual resubmission for 6 programs and as a new submission for 1 program.
- Assisted DEA staff with QC data review.
- Migrated data from outside organizations into EGAD so staff can use it for e.g. assessment and criteria development.
- Began migrating Lakes data to EGAD (site information)

Geographic Information System (GIS)

- Continued to map the historical changes in the State's water classification system pre/post adoption of the Clean Water Act of 1974.
- Expanded DEP's efforts using the ArcGIS Online (AGO) mapping platform to share, analyze and collaborate on the analysis of environmental data.
- Continued to manage and expand the National Hydrography Dataset (NHD) for DEP and update and maintain data layers, Google Earth and AGO Projects.
- Continued to develop / implement electronic data collection using ArcGIS Collector.
- Provided daily support to the Division of Environmental Assessment and other DEP staff on items including spatial analysis, training, mapping, data management support and analysis.
- Responded to outside data requests.
- Updated and expanded Quick Read (QR) applications for use with smart phones, especially with regard to DEP's 2014 Pumpout Program.
- Updated sections of the 2014 Integrated Report as needed/requested.
- Monitored, supported, and enhanced Stream Connectivity Program as requested by sponsoring agencies.
- Incorporated spatial data for Maine estuaries into NHD, using salinity, habitat, and head of tide data from EGAD and other sources to delineate features.
- Contributed to interagency coastal inundation program, advised on possible avenues for GIS support, data storage, etc..
- Collaborated with staff on development of historical WQ program summary (Maine River Study, 25 Year Biomonitoring Retrospective).
- Continued to coordinate state, regional, and local WQ programs as they relate to Maine's interagency adoption of NHD and Watershed Boundaries Dataset (WBD) at the State level on behalf of the goals and interests of BWQ and DEP users at large.
- Updated 2004 GIS model of Lakes Vulnerability in order to better predict the spread of invasive aquatic plants.
- Completed draft spatial data for a statewide and comprehensive Dams, Levees, Impoundments and Barriers data base to include both historical and current features.

Calendar Year 2017 Work Plan

Water Quality Standards (WQS)

- Coordinate compilation of 2016 IR (maintain the Assessment Database - ADB and related GIS layers; prepare draft report and put out for public comment; coordinate responses to public comments; submit final report to EPA for approval).
- Begin to coordinate compilation of 2018 IR (tasks as for 2016 IR – not all items will be completed in calendar year 2017).
- Head up transition from ADB database to ATTAINS (Assessment and Total Maximum Daily Load Tracking and Implementation System) as mandated by EPA.
- Continue work on omnibus bill for minor classification updates in 38 M.R.S. §§ 465-A, 467-469, 480-B as necessary.
- Participate in the implementation of Maine's 303(d)/TMDL vision prioritizing waters/watersheds for future TMDL, TMDL alternative and protection activities as needed.
- Participate in regional and national workgroups (ACWA, NEIWPCC, EPA Region 1) and follow national/regional WQS issues to gauge effect on DEP.
- Respond to internal and external WQS enquiries.
- Assist with quality management tasks (review quality assurance/quality control documents; participate in other activities as requested).
- Provide permit reviews to DWQM.

Environmental Geographic Analysis Database (EGAD):

- Timely submission (by 1/31/2016) of 2016 data (~5,000 records) from the Maine Healthy Beaches program to two EPA target databases to satisfy federal reporting requirements.
- Provide ongoing database support and technical assistance to eleven DEP programs to maintain data and database functionality.
- Continue close collaboration with OIT programming staff to maintain and expand EGAD functionality.
- Transfer data from EGAD to an EPA target database as an annual resubmission for 6 programs.
- Develop an automated QC data review tool in EGAD, in collaboration with the Bureau of Remediation and Waste Management (BRWM) and the Office of Information Technology (OIT).
- Continue migrating the lakes data into EGAD.
- Migrate data from outside organizations into EGAD so staff can use it for e.g. assessment and criteria development.

Geographic Information System (GIS)

- Expand DEP's efforts using the ArcGIS Online (AGO) mapping platform to share, analyze and collaborate on the analysis of environmental data.
- Continue to implement electronic data collection in the field using AGO, ArcGIS Collector and tablets.
- Continue to manage and expand the National Hydrography Dataset (NHD) for DEP and update and maintain data layers, Google Earth and AGO Projects.

- Provide daily support to the Division of Environmental Assessment and other DEP staff on items including spatial analysis, training, mapping, data management support and analysis.
- Respond to outside data requests.
- Update and expand as needed QR applications for use with smart phones, especially with regard to DEP's 2015 Pumpouts Program.
- Update sections of the 2014 Integrated Report as needed/requested.
- Monitor and study coastal inundation area data for possible AGO project (sea rise).
- Collaborate with staff on development of historical WQ program summary (Maine River Study, 25 Year Biomonitoring Retrospective).
- Continue to coordinate state, regional, and local WQ programs as they relate to Maine's interagency adoption of NHD and WBD at the State level on behalf of the goals and interests of L&W and DEP users at large.

For more information please check the DEP website at: <http://www.maine.gov/dep/water/wqs/> (Water Quality Standards), <http://www.maine.gov/dep/maps-data/egad/index.html> (EGAD) and <http://www.maine.gov/dep/gis/index.html> (GIS).

Engineering

Staff Contact: Rob Mohlar, Engineering Program Manager

The Engineering Unit assesses the effects of various wastewater discharges and other activities on attainment of Maine's Water Quality Standards (WQS) at 38 M.R.S. § 464 *et. seq.* More specifically, the unit's duties include modeling the impact of pollutant discharges in order to determine limits that assure a license will meet WQS and that monitoring conditions are appropriate. The unit also provides technical assistance in support of the flow rule at Chapter 587; and provides other engineering technical assistance to program activities affecting water quality.

Much of what the Engineering Unit does is repetitive, by necessity. Permits are renewed on a proportioned rotational schedule, such that we are generally reviewing roughly the same number of permits every year. The general scope of our work is generally the same from year to year, but some of the details of where we are doing the work (i.e., Penobscot River vs. Aroostook River) will change. The overarching mission associated with our unit remains the same.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Engineering Program:

- Reviewed approximately 60 MEPDES permits.
- Reviewed approximately 12 Hydropower 401 Certifications.
- Chapter 587 – Conducted 30 water level and flow determinations and assisted with numerous drought related inquiries.

- Completed water quality monitoring to determine the attainment status of the Fore River, Piscataquis River, Sandy River, Little Androscoggin River and Wilson Stream focusing on dissolved oxygen and nutrient issues.
- Reasonable Potential Monitoring – Nutrient monitoring to support development of nutrient criteria and discharge limits was done on five rivers.
- Continued low flow monitoring on Branch Brook for Kennebunk, Kennebunkport and Wells Water District’s Water Withdrawal Certificate request.
- Gulf Island Pond - Reviewed water quality data and study plans for attainment of WQS.
- Salmon Falls River – Reviewed water quality data and study plans for attainment of WQS.
- Penobscot River Ambient Monitoring Plan – Conducted the last round of monitoring associated with this plan
- Continued embayment modeling efforts to support the development of far-field dilution factors for nitrogen associated with marine discharges.
- Reasonable Potential nutrient evaluations for freshwater and marine discharges. **(ONGOING)**
- Water Resources Data Base (WRDB) Implementation – Worked to develop a direct linkage of WRDB and EGAD to enhance access to EGAD data.
- Continued with the evaluation of NPS modeling to support MEPDES permit reviews using “basins” and “mapshed” models.
- Assisted the Marine Unit on their Fore River Monitoring Work
- Initiated water quality monitoring on two relatively undeveloped estuaries in an effort to better understand naturally occurring conditions.

Calendar Year 2017 Work Plan

Regulatory Review

- MPDES permits ~ 100 permits
- Hydropower 401 Certifications – Assist as necessary ~ 20 certifications
- Chapter 587 – Conduct water level and flow determinations as needed ~ 24, Provide rule interpretations as necessary.

Monitoring

- Water quality monitoring to determine the attainment status of unresolved rivers in the 2014 integrated report. Focusing on dissolved oxygen and nutrient related issues.
- Reasonable Potential Monitoring – Nutrient monitoring to support development of nutrient criteria and discharge limits.
- Flow velocity data collection with an Acoustic Doppler Current Profiler (ADCP) to support discharge specific near field dilution factors. Mostly marine and/or estuarine discharge locations.
- Monitoring to support Casco Bay related efforts

Data Analysis and Reporting

- Gulf Island Pond-Review water quality data and study plans for attainment of WQS
- Penobscot River Ambient Monitoring Plan – Report on results from 2016.

- Mousam River and Presumpscot River 2014 VRMP data reports.
- Salmon Falls River – Review water quality data and study plans for attainment of WQS

Technical Assistance and Outreach

- To support Reasonable Potential analyses for nitrogen and BOD limits.
- Reasonable Potential nutrient evaluations for freshwater discharges.
- Water Resources Database (WRDB) implementation – Continue to support and promote WRDB utilization.
- Miscellaneous modeling work to support DEA priorities as necessary.
- BASINS modeling of Aroostook River and Casco Bay watersheds to assess potential NPS related influences in relationship to known point source influences.
- Assist in the evaluation of manufactured and standard BMPs for their ability to meet the standards as set forth in Chapter 500. This includes evaluation of the testing site configuration, data acquisition, and data quality. This includes meeting with the manufacturer to discuss the results and requests for further information to refine product evaluation.
- Providing technical support for the 319(h) Program in evaluation of water quality impacts and solutions, review of construction and engineering plans, and onsite evaluations of sites and finished bmp construction.
- Provide Technical Assistance to other MDEP Units and individuals, on an as needed or as available basis, with work related to water quality impacts, pollutant load elimination, and treatment and evaluation.

IV. Division of Water Quality Management

Contact: Brian Kavanah, Division Director

The Division of Water Quality Management is responsible for all regulatory programs for point source wastewater dischargers and point source stormwater dischargers including: licensing, compliance, technical assistance, wastewater operator certification, enforcement, pretreatment, combined sewer overflows (CSOs), Clean Water State Revolving Loan Fund (CWSRF) and Grants, overboard discharge (OBD) regulation and removal, and Small Community Grants for the replacement of septic systems. In addition, the Division administers the boat pump out, No Discharge Area, salt-sand storage area, and underground injection control programs.

Wastewater Licensing Program

Contact: Gregg Wood, Wastewater Licensing Program Manager

The primary functions of this program are to issue Maine Pollutant Discharge Elimination System (MEPDES)/Waste Discharge Licensing (WDL) licenses to wastewater discharges

(N=391) and OBD licenses to OBDs (N=869). The program also conducts the licensing functions for the MEPDES stormwater program including the Multisector General Permit (MSGP) (N=630), the Municipal Separate Storm Sewer System General Permit (MS4) (N=40) and the Long Creek General Permit. Licensing functions are required under state and federal law. The program also includes the Underground Injection Control Program (UIC, a delegated federal program) and the Salt-sand storage Area Program (required under state law).

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Wastewater Licensing Program:

License/Permit	Number Issued	Permit Type
MEPDES/WDL	43	POTWs
MEPDES/WDL	27	Non-POTWs
OBD	5	MEPDES >2,000 gpd
OBD	113	Non-MEPDES < 2,000 gpd

- Completed 41 routine UIC inspections in Washington County as well as registered four new UIC's in the summer of 2016.
- Continued on-going Sand/Salt state wide compliance inspections, processed 1 variance request and approved 2 new sites.
- Reissued Long Creek General Permit.
- Issued Pesticide General Permit.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken in calendar year 2017. These tasks are not listed in any specific order.

- 68 MEPDES/WDL permit renewals to be issued as final.
 - 24 POTWs
 - 44 Non POTWs
- 96 OBD licenses to be issued as final.
 - 6 MEPDES (>2,000gpd)
 - 90 Non MEPDES (<2,000 gpd)
- Complete routine UIC inspections in Washington County.
- Continue to coordinate with DOT to track Priority III SSP's to the August 2017 deadline and continue overhaul of paper and digital inventories for S/S and UIC programs.

New work plan items:

- Reissuance of Multisector Stormwater General Permit (MSGP)
- Issuance of General Permit for Herbicides to Control Invasive Plants
- Review website to ensure material is current, appropriate, and links function properly.

For more information, please check the DEP website at:

<http://www.maine.gov/dep/water/wd/index.html>

MEPDES Industrial & Municipal Stormwater Program

Contact: David Ladd, MEPDES Stormwater Program Manager

The primary functions of this program are to inspect licensed MEPDES stormwater discharges under the Multisector General Permit (N=630) and the MS4 General Permit (N=40) and to implement the Long Creek General Permit, and to provide technical assistance as needed. As a NPDES delegated state, inspection functions are required under federal law.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the MEPDES Industrial & Municipal Stormwater Program:

- Conducted 319 full facility inspections.
- Reviewed and finalized existing forms and SOPs.
- The unit responded to 39 technical assistance requests
- 44 Field determinations were conducted in 2015
- Maintained EFIS database and worked with IT staff to ensure data flows to EPA.
- Converted annual report and Corrective Action Report forms to fillable forms and post on program web page.
- Participated with EPA in Quarterly Non-Compliance Review (QNCR) meetings.
- Review all (40) annual reports. 25 reports were reviewed the Unit is reviewing the remaining reports and they will be completed by February 26, 2017.
- Continued meeting with regional stormwater groups.
- Conducted 8 full MS4 audits and 1 follow-up inspection/audit.
- Municipal facility SWPPP compliance training - June 24, 2016 in South Portland 58 municipal officials/employees attended from greater than four different municipalities from the Greater Portland Area.
- Reviewed 10 MS4 SWPPPs.
- Implemented a simple database to track reporting requirements and audits.
- Continued involvement in the Long Creek PLA and track in EFIS database.
- Converted Long Creek General Permit annual report and individual application to fillable forms and post on program web page.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the MEPDES Stormwater Program in calendar year 2017. These tasks are not listed in any specific order.

Industrial Stormwater

- Conduct 300 facility inspections.
- Conduct inspections on any facility in the County that has not been seen since 2014 or before.
- Respond to and document technical assistance requests.
- Conduct field determinations as needed.
- Review facility SWPPPs and track SWPPP hours.
- Maintain EFIS database.
- Prepare program for anticipated EPA program audit.

- By January 1, 2017, ensure the program's web page is updated and accurately reflects the program's forms and information.
- Participate in monthly Stormwater Non-Compliance Review (NCR) and QNCR meetings.

Municipal Stormwater Program

- Review all (N = 40) annual reports.
- Continue meeting with regional stormwater groups.
- Conduct eight to nine MS4 audits.
- Provide one-two Municipal facility SWPPP compliance trainings.
- Respond to and document technical assistance requests.
- Review at least four MS4 SWPPPs.
- Prepare program for anticipated EPA program audit.
- Develop a simple database to track reporting requirements and audits.
- Review website to ensure material is current, appropriate, and links function properly.

Long Creek General Permit

- Continue compliance oversight and technical assistance for facilities permitted under the Long Creek General Permit and track in EFIS database.
- Oversee compliance and technical assistance for Individual Long Creek permits and track in the EFIS database.
- Provide technical assistance to the Long Creek Watershed Management District (LCWMD) for the implementation of the Watershed Management Plan.
- Review annual reports submitted to the Department from the LCWMD.
- Review website to ensure material is current, appropriate, and links function properly.

For more information, please check the DEP website at:

<http://www.maine.gov/dep/land/stormwater/multisector.html>

Compliance & Technical Assistance Program

Contact: Sterling Pierce, Compliance & Technical Assistance Program Manager

The primary functions of this program are to inspect and review monitoring data for licensed MEPDES/WDL wastewater discharges (N=391) and licensed OBDs (N=869) and to provide technical assistance as needed. The program also responds to water related complaints in the regions, assists DEA as requested with water quality monitoring issues, and helps manage DWQM data and data systems. As a NPDES delegated state, inspection and data review functions are required under federal law. The program also provides a variety of technical assistance to licensed discharges and administers the licensed wastewater operator certification program in conjunction with our contractor JETCC.

The Compliance & Technical Assistance unit has a similar work plan from year to year, for core elements, due to the fact that a number of the requirements exist in the compliance monitoring strategy (CMS) from EPA. We have commitments concerning inspections of major and minor facilities, separated and non-separated collection systems, concentrated animal feeding operations that have a discharge license, approved communities that manage their own

pretreatment programs, and facilities where Maine DEP serves as both the approval and control authority. In addition, we inspect overboard discharge licensees, administer the discharge monitoring quality assurance program (DMR QA), and implement the use of the electronic discharge monitoring report (NetDMR) system in accordance with the performance partnership agreement (PPA) with EPA. We also implement the operator certification program, which is a requirement of Maine law.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Compliance & Technical Assistance Program:

52 EPA 3560 compliance inspections at major facilities	73 EPA 3560 compliance inspections at minor facilities	1,299 compliance inspections at licensed overboard discharge systems
3 audits and 5 pretreatment compliance inspections at various communities that have their own authorized pretreatment programs	5 inspections at 6 of the large MEPDES licensed concentrated animal feeding operations	

Responded to 71 water related complaints
Staff conducted 23 single day trainings
16 Staff participated in 39 conferences
Inspectors provided technical assistance to 46 licensed facilities
Senior Environmental Engineer provided technical assistance to 15 licensed facilities

- Staff continued to assist licensed entities with submitting their compliance related monitoring results, including discharge monitoring reports, to ensure correct accurate data is submitted to Maine DEP and the EPA.
- Staff continued to maintain the operations of the electronic discharge monitoring report system to enable the electronic submittal of monitoring data.
- Staff continued to assist the Joint Environmental Training Coordinating Committee (JETCC) with operator certification training; and participate in the development of the O&M monthly newsletter (12 newsletters and two exam cycles completed).
- Staff completely implemented use of the EPA NetDMR system throughout CY 16. This involved setting up and executing 20 classroom training events across the State and executed approximately 75 on-site visits to facilities resulting in 309 facilities converted over to the new system from Maine's old eDMR system. As a result, Maine DEP has achieved the requirements of phase I of the e reporting rule.
- Staff continues to provide assistance to other DWQM program areas and DEA program areas on an as needed as able to assist approach.
- Staff participated in EPA QNCR meetings.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Compliance & Technical Assistance Program in calendar year 2017. These tasks are not listed in any specific order.

- Staff will be conducting 39 EPA 3560 compliance inspections at major facilities to achieve the mutually agreed upon targets established in the EPA PPA P&C agreement and the EPA CMS agreement.
- Staff will be conducting 65 EPA 3560 compliance inspections at minor facilities to achieve the mutually agreed upon targets established in the EPA PPA P&C agreement and the EPA CMS agreement.
- Staff will be conducting 1 compliance inspection at half of the licensed overboard discharge systems, 478 inspections, to achieve the mutually agreed upon targets established in the EPA PPA agreement.
- Staff will be conducting 2-3 audits and 5 pretreatment compliance inspections at various communities that have their own authorized pretreatment programs.
- Staff will be conducting 2 inspections at 7 of the large MEPDES licensed concentrated animal feeding operations in the State.
- Staff will be responding to water related complaints that are relayed to the regional offices of the Department.
- Staff will continue to provide training resources to various wastewater related agencies in Maine to further educate the regulated entities on current issues and upcoming issues.
- Staff will continue to provide technical assistance to licensed facilities as requested.
- Staff will continue to assist licensed entities with submitting their compliance related monitoring results, including discharge monitoring reports (DMR's), to ensure correct accurate data is submitted to Maine DEP and the EPA.
- Staff will continue to maintain the operations of the US EPA electronic discharge monitoring report system (NetDMR) to enable the electronic submittal of monitoring data.
- Staff will be transitioning electronic submittal of DMR's from the US EPA NetDMR system to the US EPA central data exchange (CDX) system. Staff will be conducting various trainings and sending information to ensure that all users are prepared to successfully operate the US EPA CDX system.
- Staff will continue to assist the Joint Environmental Training Coordinating Committee (JETCC) with operator certification training; and participate in the development of the O&M monthly newsletter.
- Staff will begin implementing phase 2 of the EPA eReporting Rule by developing work plans, scheduling the necessary trainings, and assisting all effected MEPDES facilities to be able to submit the required reports electronically using the US EPA Net system by the ultimate deadline of December 16, 2020.
- Staff will also be working with US EPA staff and Maine OIT staff to continue the data flow from the US EPA ICIS database to the Maine DEP EFIS database to support the licensing, compliance, and enforcement operations of the Division. This is necessary due to the change from Maine's eDMR system to the US EPA's NetDMR system. They will also be involved as this service is expanded to include the data that will be submitted to the US EPA via their Net system as required by phase 2 of the electronic reporting rule.

- Staff will continue to provide assistance to other DWQM program areas and DEA program areas on an as needed as able to assist approach.
- Participate in EPA QNCR meetings.
- Review website to ensure material is current, appropriate, and links function properly.
- Staff will continue to manage the US EPA discharge monitoring report quality assurance (DMR QA) program for the MEPDES facilities that are required to participate. Staff will continue to provide assistance whenever possible to those facilities that fail the test and need assistance.
- Review and consider for implementation new ABC exam questions.
- Participate in the NSF grant to develop a regional community college wastewater operator program.
- Work with JETCC and PWD to develop and teach a comprehensive wastewater operator school (WOS).

For more information, please check the DEP website at:

<http://www.maine.gov/dep/water/wwtreatment/index.html>

Engineering Grants, Loans and Combined Sewer Overflow (CSO) Abatement Programs

Contact: John True, Engineering Grants, Loans & CSO Abatement Program Manager

The primary functions of this program are to provide state and federal grant and loan funds for wastewater infrastructure projects and state grant funds for OBD removals and repair or replacement of malfunctioning septic systems. The program also oversees the abatement of CSOs. All programs are authorized by state law.

Most of our work is repetitive in nature. Our unit supports the Department's efforts to get State funding for the grant programs we administer every year. Town's must be notified of the available funds, grants set up, projects reviewed and approved, payments made, etc. each year. Each year we are required to apply for the CWSRF federal capitalization grant, develop a work plan for the grant (Intended Use Plan), solicit projects for funding, authorize loans, review payments, and prepared required annual reports, etc. As special projects come up they are added to the work plan and removed when accomplished.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Engineering Grants, Loans and Combined Sewer Overflow Abatement Programs:

- Notified municipalities of available SCG program funding, review applications and assess funding priority.
- Worked with DMR to identify potentially redeemable shellfish areas and develop priority funding list for SCG and OBD programs.
- Coordinated OBD program activities with OBD licensing personnel.
- Reviewed and approved SCG and OBD systems' eligibility, design, bidding, and contract award.

- Maintained SCG and OBD tracking databases.
- Processed 4 SCG and 5 OBD grant awards or amendments.
- Reviewed, approved and processed 2 SCG and 6 OBD payment requests.
- Reviewed and approved WCG and CWSRF projects' design, bidding, and contract award.
- Conducted construction inspections and attend construction meetings for SCG, OBD, WCG and CWSRF projects, as needed.
- Reviewed, approved and processed 6 WCG payment requests.
- Solicited and environmentally ranked projects for potential funding and developed yearly CWSRF Intended Use Plan for EPA approval.
- Applied for FFY 2016 CWSRF capitalization grant from EPA.
- Entered required CWSRF program and project information into EPA's Clean Water Benefits Reporting (CBR) database.
- Reported CWSRF compliance with the Federal Funding Accountability and Transparency Act (FFATA) through the FFATA Sub-award Reporting System (FSRS).
- Authorized CWSRF applicant loan eligibility to Maine Municipal Bond Bank (MMBB).
- Conducted environmental reviews in accordance with the National Environmental Policy Act (NEPA) for CWSRF projects.
- Reviewed, approved, and processed 107 CWSRF payment requests.
- Assisted the MMBB in the preparation of reporting required CWSRF program information through the National Information Management System (NIMS).
- Prepared, in conjunction with the Maine Municipal Bond Bank (MMBB), the CWSRF Annual Report for submission to EPA.
- Participated in EPA's annual program evaluation review of Maine's CWSRF program.
- Reviewed, negotiated and approved the updates to 13 CSO Abatement Long-Term Control Plans.
- Reviewed 14 CSO Community MEPDES permits and negotiate the inclusion of CSO abatement milestones in the permits.
- Prepared, solicited, and compiled data from the Annual CSO Progress Reports and flow data from the 31 CSO communities (34 permits).
- Reviewed and uploaded annual report information into the CSO Annual Report database and CSO Flow spreadsheet.
- Revised, edited, and distributed the Maine Combined Sewer Overflow Status Report with information from the 31 CSO communities (34 permits).
- Monitored CSO communities' abatement progress and permit compliance. Entered appropriate data in the CSO Progress Tracking database and EFIS.
- Revised, edited, and distributed for Department use the Maine Combined Sewer Overflow Community Status and Comparison report.
- Reviewed SCG, OBD, WCG, CSO and CWSRF websites to ensure material is current, appropriate, and links function properly.
- Summarized and updated year-end accomplishments for SCG, OBD, WCG, CSO and CWSRF for previous year.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Engineering Grants & Loans Program in calendar year 2017. These tasks are not listed in any specific order.

State Small Community Grant (SCG) program for the repair and replacement of malfunctioning septic systems.

- Notify municipalities of available program funding, review applications and assess funding priority.
- Review and approve systems' eligibility, design, bidding, and contract award.
- Maintain SCG tracking database.
- Process grant awards or amendments.
- Review, approve and process payment requests.
- Support Department effort to secure needed additional program funding.
- Review website to ensure material is current, appropriate, and links function properly.

State Overboard Discharge Removal Grant (OBD) program for the removal of overboard discharge wastewater treatment systems.

- Work with DMR to identify potentially redeemable shellfish areas and develop priority funding list.
- Coordinate program activities with OBD licensing personnel.
- Review and approve system designs, bidding, and contract awards.
- Process grant awards or amendments.
- Review, approve and process payment requests.
- Maintain OBD tracking database.
- Review website to ensure material is current, appropriate, and links function properly.

State Wastewater Construction Grant program (WCG) for wastewater infrastructure planning, design and construction.

- Review and approve projects' design, bidding, and contract award.
- Conduct construction inspections and attend construction meetings for projects.
- Process grant awards or amendments.
- Review, approve and process payment requests.
- Support Department effort to secure needed additional program funding.
- Review website to ensure material is current, appropriate, and links function properly.

Clean Water State Revolving Fund (CWSRF) – Revolving loan fund for wastewater infrastructure and non-point source projects that protect or improve water quality.

- Solicit and environmentally rank projects for potential funding and develop yearly CWSRF Intended Use Plan for EPA approval.
- Apply for FFY 2017 CWSRF capitalization grant from EPA.
- Enter required program and project information into EPA's Clean Water Benefits Reporting (CBR) database.
- Report compliance with the Federal Funding Accountability and Transparency Act (FFATA) through the FFATA Sub-award Reporting System (FSRS).

- Authorize applicant loan eligibility to Maine Municipal Bond Bank (MMBB).
- Conduct environmental reviews, review reports, plans and specifications, conduct construction inspections and attend construction meetings on projects, as needed.
- Review, approve and process payment requests.
- Review and approve Fiscal Sustainability Plans submitted by loan recipients.
- Review and approve Climate Adaptation Plans submitted by loan recipients.
- Review loan recipients compliance with federal requirements of Davis-Bacon Act, Utilization of Small, Minority and Women's Business Enterprises, and the American Iron and Steel provision.
- Assist the MMBB in the preparation of reporting required program information through the National Information Management System (NIMS).
- Prepare, in conjunction with the MMBB, the CWSRF Annual Report for submission to EPA.
- Participate in EPA's annual Program Evaluation Review of Maine's CWSRF program.
- Review website to ensure material is current, appropriate, and links function properly.

Combined Sewer Overflow (CSO) Program

- Review, negotiate and approve the updates to eight CSO Abatement Long-Term Control Plans.
- Review twelve CSO Community MEPDES permits and negotiate the inclusion of CSO abatement milestones in the permits.
- Prepare, solicit, and compile data from the Annual CSO Progress Reports and flow data from the 31 CSO communities (34 permits).
- Review and upload annual report information into the CSO Annual Report database and CSO Flow spreadsheet.
- Revise, edit, and distribute the Maine Combined Sewer Overflow Status Report with information from the 31 CSO communities (34 permits).
- Monitor CSO communities' abatement progress and permit compliance. Enter appropriate data in the CSO Progress Tracking database and EFIS.
- Revise, edit, and distribute for Department use the Maine Combined Sewer Overflow Community Status and Comparison report.
- Review website to ensure material is current, appropriate, and links function properly.

For more information, please check the DEP website at:

<http://www.maine.gov/dep/assistance/grants-loans/index.html>

Water Enforcement, Boat Pumpout Grant and No Discharge Area Programs

Contact: Pam Parker, Water Enforcement Program Manager

The primary function of this program is to manage water enforcement cases. The program also responds to water related complaints in the central Maine region and conducts sanitary surveys in cooperation with DMR, Maine Healthy Beaches, and DEA. As a NPDES delegated state,

enforcement actions are required under federal law and state law. The manager of the unit also implements the Boat Pumpout Grant Program that provides federal grant funds for boat pumpout stations that are required under state law or are voluntarily installed in addition to the No Discharge Area Program.

The Water Enforcement, Boat Pumpout and No Discharge Area Programs conduct tasks that often are repetitive as they are responsible for ensuring continued compliance with Federal and State laws and rules. The Enforcement Program is a reactive program in general, responding to the actions, or inaction, of the regulated community and other violators. We also have ongoing responsibilities to review other program's work product to ensure it can be effectively enforced should the need arise.

The Boat Pumpout Program provides ongoing funding and support to pumpout facilities, because of the cyclical nature of the grant process, the pass through grants must be renewed on a regular basis.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of Water Enforcement, Boat Pumpout Grant and No Discharge Area Programs:

Enforcement

- Continued to pursue resolution and follow-up of active enforcement cases and initiate new cases according to the Enforcement SOP.
- Implemented the revised Water Penalty Guidance and monitor output to ensure that it fulfills our needs.
- Continued to investigate, resolve and/or forward citizen complaints for the Augusta region in accordance with complaint system guidance.
- Continued to meet monthly to discuss and update enforcement cases and issues. Distributed the monthly case status document to DWQM staff, management and others.
- Attended approved training as relevant opportunities become available.
- Maintained working knowledge of related DEP laws, rules. Remained updated on changes to relevant policies, rules and laws.
- Met with DMR staff to develop the Coastal Water Quality Work Plan as required by 38 M.R.S.A. 410-I. Continued follow-up on existing projects. Initiated any new surveys in accordance with work plan.
- Maintained enforcement guidance manual, updating as necessary.
- Continued to review and comment on draft permits within the preliminary and proposed draft deadlines.
- Continued to participate in and support the NCR process.
- Continued to develop summary information to support the monthly performance reports as well as the annual "Status of Dischargers" report.
- Maintained bacteria testing capabilities, including SOP's and materials, to support sanitary survey and complaint investigation functions.
- Continued to work with the Maine Healthy Beaches program as requested and approved.
- Became familiar with and use Electronic Facility Information System (EFIS) database for enforcement cases.

- Provided training, on an as requested and approved basis, to organizations and public agencies.
- Assisted DEA staff in determining sources of bacterial contamination as requested.
- Participated in EPA QNCR meeting.

Boat Pumpout Grant Program

- Finalized pass through grants for 12 new or rebuilt pumpout stations. Provide operation and maintenance grants as needed.
- Ensured pumpout stations are all operable for the 2016 season and continue to be maintained.
- Inspected all pumpout stations.
- Worked with the Office of the Commissioner to develop and distribute pumpout list using new technologies.
- Wrote grant application for next year.

Special Projects

- Coordinated with USEPA on 316b delegation submission preparation
- Coordinated update of MEDES Regulations, Chapters 520-522.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Water Enforcement Program in calendar year 2017. These tasks are not listed in any specific order.

Enforcement

- Continue to pursue resolution and follow-up of active enforcement cases and initiate new cases according to the Enforcement SOP.
- Implement the Water Penalty Guidance and monitor output to ensure that it fulfills our needs.
- Continue to investigate, resolve and/or forward citizen complaints for the Augusta region in accordance with complaint system guidance.
- Continue to meet monthly to discuss and update enforcement cases and issues. Distribute the monthly case status document to DWQM staff, management and others.
- Attend approved training as relevant opportunities become available.
- Maintain working knowledge of related DEP laws, rules. Remain updated on changes to relevant policies, rules and laws.
- Meet with DMR staff to develop the Coastal Water Quality Work Plan as required by 38 M.R.S.A. 410-I. Continue follow-up on existing projects. Initiate any new surveys in accordance with work plan.
- Contribute articles to the O & M News and other publications as appropriate.
- Maintain enforcement guidance manual, updating as necessary.
- Continue to review and comment on draft permits within the preliminary and proposed draft deadlines.
- Continue to participate in and support the NCR process.
- Continue to participate in the Stormwater NCR process.
- Continue to participate in the CSO NCR process.
- Continue to develop summary information to support the monthly performance reports as well as the annual "Status of Dischargers" report.

- Maintain bacteria testing capabilities, including SOP's and materials, to support sanitary survey and complaint investigation functions.
- Continue to work with the Maine Healthy Beaches program as requested and approved.
- Continue to become familiar with and use EFIS database for enforcement cases.
- Provide training, on an as requested and approved basis, to organizations and public agencies.
- Assist DEA staff in determining sources of bacterial contamination as requested.
- Participate in EPA QNCR meeting.
- Review website to ensure material is current, appropriate, and links function properly.

Boat Pumpout Grant Program

- Finalize pass through grants for at least 10 new or rebuilt pumpout stations. Provide operation and maintenance grants as needed.
- Ensure pumpout stations are all operable for the 2017 season and continue to be maintained.
- Work with the Office of the Commissioner to finalize and distribute pumpout list using new technologies.
- Write grant application for next year.
- Review website to ensure material is current, appropriate, and links function properly.

No Discharge Area Program

- Submit Southern Maine No Discharge Area application.
- Implement coordinated compliance strategy for all No Discharge Areas.
- Review website to ensure material is current, appropriate, and links function properly.

Special Projects

- Coordinate update of MEPDES Regulations, Chapters 520-529.
- Coordinate revision of Chapter 594/596, Regulations to clarify grant funding eligibility.

For more information, please check the DEP website at:

<http://www.maine.gov/dep/water/wd/vessel/pumpout/>and

<http://www.maine.gov/dep/water/wd/vessel/nda/index.html>

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2017

Work Plan - Bureau of Land Resources



Mark Bergeron, Director

Bureau of Land Resources

October 2016

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Executive Summary

The Bureau of Land Resources (BLR) is comprised of two divisions, the Land Division and the Sustainability Division. The primary charges of BLR are to regulate certain land use activities, and to administer cross-media Department programs for a comprehensive approach to environmental stewardship and resource management.

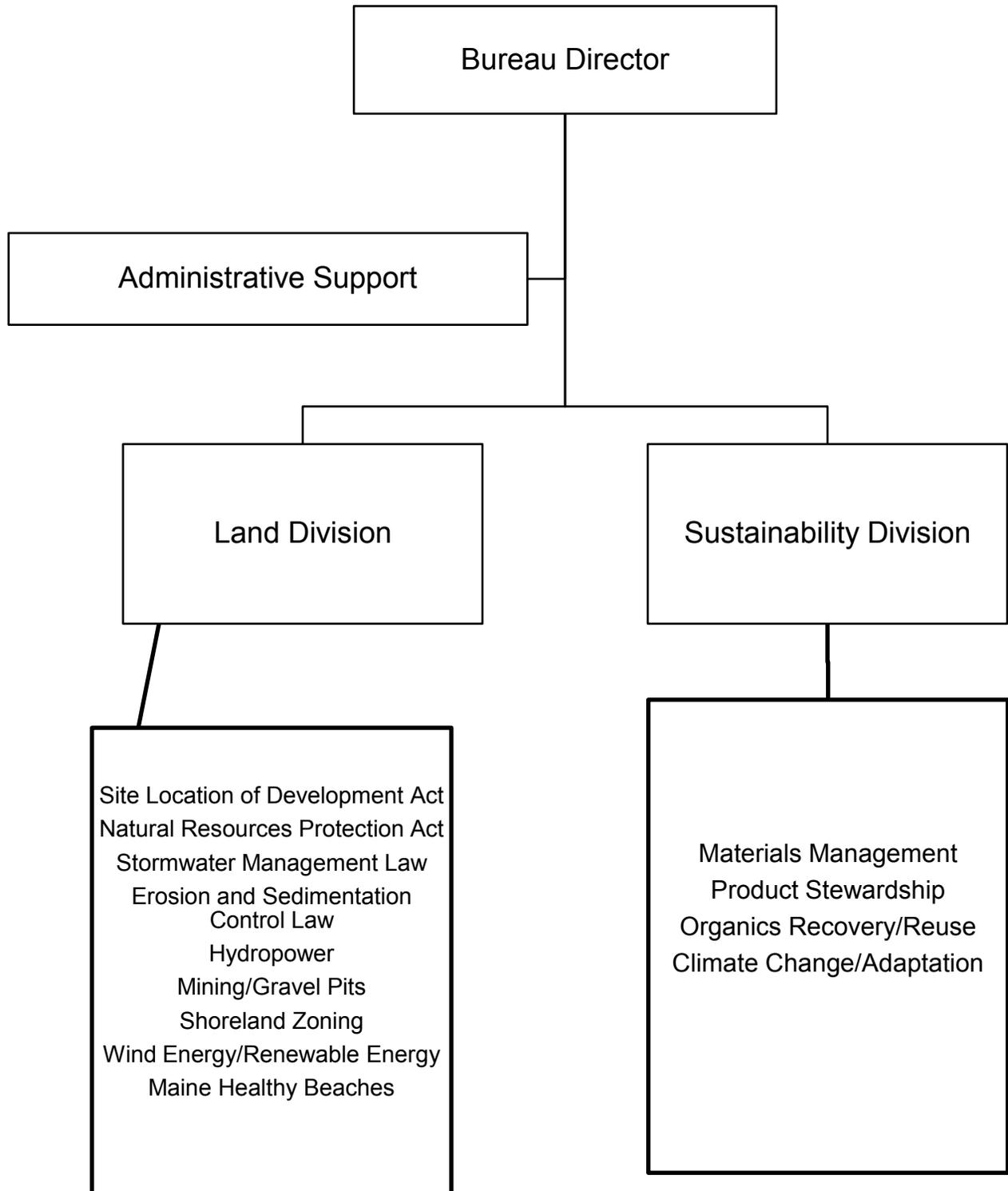
In July 2015, the Department's Bureau of Land and Water Quality was divided into the Bureau of Water Quality, and the Bureau of Land Resources. In September 2015, the Sustainability Division was moved from the Bureau of Remediation and Waste Management to the Bureau of Land Resources.

This work plan provides a summary of activities to be undertaken by each program in BLR in calendar year 2017. It does not include all activities expected of BLR staff during 2017.

2017 priorities for the Bureau of Land Resources include:

- Evaluating all applications to ensure regulatory standards are met, and to continue our practice of issuing over 95% of our licensing decisions within statutory timeframes.
- Providing quality technical assistance and education to our customers in the regulated community.
- Providing training for newer field services staff to ensure they have the necessary tools for their positions. Continue to be a solid presence for compliance and enforcement activities to ensure applicable standards are met.
- Providing assistance in the final rounds of implementation of the 2014 Question 6 bond fund bid process for stream crossing upgrades and wetland restoration.
- Continuing to seek efficiencies, for internal program staff and the regulated community, in the administration of the Bottle Bill program.
- Expanding ways the Department's climate change specialist can build relationships across Department bureaus, and across other federal, state and local organizations to address the impacts of climate change in Maine. Regularly hold meetings of the Maine Interagency Climate Change Work Group with other state agencies. Continue updates to, and outreach efforts, on the Maine Climate Change Adaptation Toolkit on the Department's website. Create a Climate Change Coordination Committee at the Department.
- Continuing to promote the paint stewardship program, along with the other product stewardship programs; perform compliance inspections at participating sites.
- Expanding efforts to encourage separation and recovery of discarded organics, aligning with the pilot project initiative outlined in Public Law 461 (2016), with efforts supporting the newly adopted 'Food Recovery Hierarchy'.

I. Bureau of Land Resources Organization



II. Land Division

Contact: Mike Mullen, Division Director (mike.mullen@maine.gov)

The Land Division is responsible for licensing, compliance, enforcement and oversight of various land development activities pursuant to several laws it administers: Natural Resources Protection Act (NRPA); Stormwater Management Law; Site Location of Development Act (Site Law); Performance Standards for Excavations and Quarries; Maine Waterway Conservation and Development Act; Mandatory Shoreland Zoning; and Erosion and Sedimentation Control Law. The Land Division also administers the Maine Healthy Beaches program, a partnership between the Department, the University of Maine, and local municipalities to help ensure Maine's salt-water beaches remain clean. The type of permit approvals issued each year range from small stream crossings, to stormwater pond construction, to residential and commercial development, to expanded hydropower production and water quality certifications, up to grid-scale wind energy developments. Land Division staff provides field determinations to assist the regulated community in determining the presence of natural resources and permitting needs and takes part in various education and training opportunities. The Land Division provides 'on-call' services every day, responding to complaints or questions from citizens either by phone or by walk-in meetings.

Dams and Hydropower Program

Contact: Kathy Howatt, Dams/Hydro Program Manager (kathy.howatt@maine.gov)

The Dams and Hydropower Program administers various statutes, rules and policies related to operation of both hydropower and non-hydropower dams. The program administers the Maine Waterway Development and Conservation Act (MWDCA) (38 M.R.S. §§630 to 637) in conjunction with the Department's hydropower rules (C.M.R. 06-096 Ch. 450 and 04-061 Ch. 11, Administrative Regulations for Hydropower Projects). Additionally, it is tasked with delegated authority from the U.S. Environmental Protection Agency to ensure that hydropower projects licensed by the Federal Energy Regulatory Commission (FERC) meet Maine's Water Quality Standards (38 M.R.S. §§464 to 468).

In addition, the program administers statutes to establish water levels on non-hydropower impoundments (38 M.R.S. §840) according to Department rules (C.M.R. 06-096 Ch. 587, In-Stream Flows and Lake and Pond Water Levels) and to assist a non-hydropower dam owner in finding a new owner for the dam, Release for Dam Ownership and Water Level Maintenance (38 M.R.S. §§901 to 909).

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Dams and Hydropower Program:

- Issued request for first consultation forms to Consolidated Hydro New Hampshire and Aclara Meters, LLC for small FERC hydropower projects (Rollinsford Hydroelectric

Project and Somersworth Hydroelectric Project), and to Brookfield for one large FERC hydropower project (Shawmut).

- Developed internal review schedules for water quality certifications using Microsoft Project software to help ensure critical application deadlines are met.
- Accepted a Water Quality Certification application for the relicensing of the Williams Dam on July 12, 2016.
- Coordinated work with Attorney General's Office on the Clary Lake appeal process and on enforcement of the water level order by developing an Administrative Consent Agreement.
- Requested second consultation forms to Black Bear Hydro, LLC for one large FERC hydropower project (Ellsworth Hydro); to Brookfield for two large FERC hydropower projects (West Buxton Hydro and Williams Hydro); and, to Great Lakes Hydro America, LLC for one large FERC hydropower project (Mattaceunk).
- Participated in consultation for five large FERC hydropower projects (Williams, West Buxton, Ellsworth, Mattaceunk, Shawmut) and five small FERC hydropower projects (Goose River Hydro, Lower Barker Hydro, American Tissue Hydro, Somersworth Hydro, Rollinsford Hydro).
- Issued minor revisions for Eustis Hydro project, Moosehead project, and Riley project.
- Issued MWDCA permits for Eel Weir Hydro eel passage designs, Eel Weir Hydro public boat access, and extensions of time to install and operate fish passage at Saccarappa Hydro and eel passage at Eel Weir Hydro.
- Conducted condition compliance inspections for the Howland Fish Bypass construction project, Great Works dam removal project and Veazie dam removal project.
- Accepted a withdrawal and resubmittal request for the Brassua Storage Dam Water Quality Certification application.
- Initiated a joint rulemaking process with the Land Use Planning Commission for the Chapter 450 Rules for Hydropower Projects to make the rule more consistent with the authorizing statutes.
- Held three internal hydropower program status review meetings.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Dams and Hydropower Program in calendar year 2017. These tasks are not listed in any specific order.

- Continue to review and evaluate all applications to ensure regulatory standards are met within statutory timeframes.
- Continue to provide guidance on compliance with Maine's water quality standards to owners and operators of non-hydropower dams.
- Continue processing one enforcement action (Clary Lake Dam).
- Process approximately two transfer applications.
- Process approximately twelve MWDCA/water quality certification applications.

- Accept five new consultation requests for small FERC hydropower Project (American Tissue, Squa Pan Hydro, Hiram Hydro, Great Falls Hydro and Pejepscot Hydro).
- Continue consultation process for two large FERC hydropower projects (Ellsworth Hydro, Shawmut Hydro).
- Continue consultation process for three small FERC hydropower projects (American Tissue Hydro, Lower Barker Hydro, Goose River Hydro).
- Accept one application for Water Quality Certification for dam removal (Saccarappa Hydro).
- Review two FERC surrender applications (Lower Mousam River dams; Kesselen Dam, Twine Mill Dam and Dane Perkins Dam, West Grand Lake Dam).
- Prepare three draft Water Quality Certifications (West Buxton Hydro, Williams Hydro, and Mattaceunk Project) and three final Water Quality Certifications (Williams Hydro, Brassua Project, Saccarappa Project).
- Maintain and update Microsoft Project schedules for water quality certification applications.
- Begin the development of a new rule, Chapter 451 Impoundment Water Quality Standards for Hydropower projects.
- Meet quarterly with the hydropower status review team to evaluate the program's workload, upcoming deadlines, new issues, etc.
- Complete hydropower webpage updates.
- Begin draft 'hydropower workbook', to include standard operating procedures, laws, rules, etc. for staff training purposes.

Licensing and Compliance Program

Contact: Mike Mullen, Division Director (mike.mullen@maine.gov)

The licensing and compliance program administers several laws regulating developments of a certain size or by virtue of their location in or adjacent to protected natural resources: Site Location of Development Act, 38 M.R.S.A. §481 et seq. and rule Chapters 371-380 (regulates large scale developments such as shopping malls, ski areas, golf courses, subdivisions, etc.); Stormwater Management Law, 38 M.R.S.A. § 420-D and rule Chapters 500, 501, and 502 (regulates only stormwater quantity and quality from projects greater than one acre in size); Natural Resources Protection Act, 38 M.R.S.A. §480-A et seq. and rule Chapters 305, 310, 315, 335, and 355 (regulates construction and alteration of landscape in and adjacent to coastal and freshwater wetlands, rivers, streams or brooks, coastal sand dunes, lakes and significant wildlife habitats); and the Wind Energy Act, 35-A M.R.S.A. §3401 et seq. (regulates both grid- and small-scale wind energy projects utilizing all or some aspects of the Site Law standards). Additionally, the program is responsible for compliance with the Erosion and Sedimentation Control Law, 38 M.R.S.A. §420-C, a non-permitting law requiring the use of erosion controls to prevent the erosion of soils off the project site or into a protected natural resource.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Licensing and Compliance Program:

- Reviewed and approved 1433 Permit by Rule (PBR) Notifications.
- Reviewed and approved 436 individual applications under the Natural Resources Protection Act.
- Reviewed and approved 158 individual applications under the Site Location of Development Act. A number of small- to medium-sized solar energy projects have been approved in the last year but we are aware of several proposed solar energy projects being proposed that will each occupy hundreds of acres. The Number Nine Wind Farm application has been put on hold to gather more information from the applicant.
- Reviewed and approved 53 individual applications under the Stormwater Management Law.
- Conducted 6 inspections of Site Law projects.
- Conducted 5 inspections of Stormwater individual permits and PBRs.
- Conducted 69 inspections of NRPA projects.
- Conducted 60 inspections of PBRs.
- Participated in 25 education and outreach opportunities involving approximately 1312 participants.
- Performed 346 field determinations.
- Received 207 complaints.
- Resolved 4 violations through consent agreements, resulting in \$12,484 of penalties.
- Initiated the development of a new rule, Chapter 382, for Wind Energy Developments.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Land Licensing and Compliance Program in calendar year 2017. These tasks are not listed in any specific order.

- Continue to evaluate all applications to ensure regulatory standards are met, and continue our practice of issuing over 95% of our licensing decisions within statutory timeframes.
- Continue to provide training for field services staff to ensure they have the necessary tools for their positions. Continue to be a solid presence for compliance and enforcement activities to ensure applicable standards are met.
- Inspect 100% of new, or significantly expanded, Site Law projects (unless third-party inspector program is in place).
- Inspect 10% of Stormwater individual permits and Permit-by-Rules (PBRs).
- Inspect 10% of stream crossing PBRs.

- Continue to assess and develop Chapter 305 PBR stream crossing standards to improve fish passage capability and stream connectivity.
- Finalize and adopt other amendments of Chapter 305 PBR in response to previously approved legislation and MaineDOT's request to modify Section 11 State transportation facilities.
- Reissue Maine Construction General Permit or seek designation as a "qualifying state program" as provided in 40 CFR 122.44(s).
- Continue to participate in the state dredging task force.
- Assist with the RFP and bid process for the Question 6 bond funds that was passed in November 2014, for the improvement of stream crossings and mitigation of wetland impacts. Two rounds of bidding have taken place and the third round should be completed in early 2017.
- It is anticipated that several large Site Law and wind energy project applications will be received in 2017 across the regional offices, in addition to the normal number of applications we process. We will coordinate staff workloads with applicants' timeframes to efficiently handle this heavy workload of applications.
- Complete the rulemaking process for the Chapter 382 Wind Energy Development rules.

Mining Program

Contact: Mark Stebbins, Mining Program Manager (mark.n.stebbins@maine.gov)

The major sections of law that are administered by the Mining Program are:

- Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt, 38 M.R.S. §§ 490-A to 490-N. These are the statutes that govern gravel, sand, clay, topsoil, and silt excavations.
- Performance Standards for Quarries, 38 M.R.S. §§ 490-W to 490-EE. These are the statutes that govern rock quarries.
- Metallic Mineral Mining Act, 38 M.R.S. §§ 490-LL to 490-TT. These are the statutes that govern metallic mineral mining.
- Chapter 378: Variance Criteria for the Excavation or Rock, Borrow, Topsoil, Clay or Silt. This chapter regulates the granting of variances from the performance standards.
- Site Location of Development Act, 38 M.R.S. §§ 481-490. Some pits and quarries that pre-date the performance standards are still operated under Site Law licenses. There are also some sections of Site Law that are used as part of the performance standards, such as noise standards.
- Natural Resources Protection Act, 38 M.R.S. §§ 480-A et seq.; Erosion and Sedimentation Control Law, 38 M.R.S. §420-C; and Storm Water Management Law, 38 M.R.S. §420-D. These laws apply generally to all land development in the state and are not superseded by the performance standards; issues related to these laws may arise at pits and quarries.

Administering these statutes and rules involves licensing, compliance inspections, enforcement, education and outreach, as well performing program administration, such as billing and resource administration.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Mining Program:

- Reviewed and approved 6 new Notice of Intent to Comply (NOITC's) for the program.
- Processed 10 variance applications.
- Inspected 250 licensed mine sites.
- Resolved 3 enforcement cases through Administrative Consent Agreement, resulting in \$11,324 of penalties.
- Resolved 2 violations through Rule 80K district court actions, resulting in \$5,000 of stipulated penalties
- Retrieved all original bonds and Letters of Credit from mining project files and placed them in a secured area in Augusta.
- Reviewed required groundwater data and developed a spreadsheet for tracking groundwater submissions.
- Worked with the Department's Collections, Claims & Recovery Unit to achieve a 95% payment rate for the annual fee requirement.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Mining Program in calendar year 2017. These tasks are not listed in any specific order.

- Continue to review and evaluate all variance applications to ensure regulatory standards are met within statutory timeframes.
- Inspect 20% of licensed mine sites.
- Continue to reduce backlog of enforcement cases by 15%.
- Respond to and document complaints.
- Maintain MINSYS database and work with Office of Information Technology staff to ensure a smooth billing process.
- Respond to and document technical assistance requests.
- Continue to evaluate / implement electronic data collection for groundwater.
- Develop updates to the Chapter 200 Metallic Mineral Mining Rules to be consistent with the 2012 statutes.
- Finalize and adopt changes to Chapter 378 to ensure consistency with Stormwater Rules.

Shoreland Zoning Program

Contact: Colin Clark, Shoreland Zoning Coordinator (colin.a.clark@maine.gov)

The Shoreland Zoning Program is charged by The Mandatory Shoreland Zoning Act, 38 M.R.S. §§ 435-449 to require all municipalities to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters; and within 75 feet of streams as defined. The purpose of the law is to promote public health, safety and the general welfare through the regulation of near-water activities to prevent unnecessary impact to the fish, wildlife, water quality and scenic quality associated with our larger waterbodies. The Program accomplishes this through the development and amendment of Chapter 1000 Guidelines for Municipal Shoreland Zoning Ordinances which establishes minimum standards that municipal ordinances must meet. The Program assists municipalities in carrying out this mandate through training opportunities, newsletters, and interaction with the public and municipal officials on specific development proposals.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Shoreland Zoning Program:

- Reviewed all 57 ordinance/maps adoptions within the required 45 days of receipt by the BLR.
- Provided assistance to approximately 172 municipalities during 2016.
- 13 trainings/workshops were held in Chelsea, Raymond, Portland, Augusta, Casco, Newry, Ellsworth, Hudson, Boothbay Harbor, Greenville, Yarmouth, Portage Lake and Auburn. These shoreland zoning trainings included a thorough review of the recent amendments to Chapter 1000, the amendment process for making local ordinances consistent with the 2015 Chapter 1000 Guidelines, and a basic overview of the shoreland zoning regulations relating to timber harvesting and other vegetation removal. Approximately 650 attendees attended the 13 workshops.
- Published one electronic issue of the Shoreland Zoning Newsletter through the Govdelivery system. The primary purpose of the Newsletter is to inform CEO's and other municipal officials of issues pertaining to shoreland zoning, including new laws, Department policies, and ordinance administration. The Newsletter this year had an open rate of 37%. The highest article open rate was an article about the Highest Annual Tide, and on average each person opened this article two times. The Shoreland Zoning News had the highest open rate of any DEP Newsletter.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Shoreland Zoning Program in calendar year 2017. These tasks are not listed in any specific order.

- Publish the Shoreland Zoning Newsletter, with a goal of publishing three times in 2017.

- Review and issue decisions on all shoreland zoning ordinances and amendments within 45 days of receipt by the BLR.
- Provide assistance to municipal officials, including advisory opinions, comments on Board of Appeals requests, site visits/field determinations, enforcement advice, and training requests within timeframes negotiated upon by parties.
- Provide a yearly CEO training presentation on shoreland zoning. Present at regional training locations and assist in the creation of presentation material, ensuring proper internal review procedures are followed.
- Update all issue profiles and training materials to reflect changes in the Chapter 1000 Guidelines, and ensure that all the amended documents are placed on the Bureau's website.
- Provide assistance to municipalities in adopting ordinance amendments consistent with the 2015 version of the Chapter 1000 Guidelines.

Maine Healthy Beaches

Contact: Alison Sirois, Program Coordinator (Alison.sirois@maine.gov)

The Maine Healthy Beaches (MHB) program is a voluntary statewide effort to monitor water quality and protect public health at Maine's coastal beaches. The MHB program is a unique partnership among municipalities, state parks, the University of Maine Cooperative Extension/Sea Grant, the Department, and other organizations. MHB staff and advisory/technical committees will continue to implement the MHB Program by following a tiered beach monitoring approach to assess risk using the U.S. Environmental Protection Agency (US EPA) recommended indicator, Enterococci; notifying beach managers and the public using established notification procedures; educating the public on the program and health risks associated with swimming in potentially contaminated water; and by continuing to conduct the program in compliance with US EPA standards.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the MHB Program:

- Educated 11 new beach managers about the program, and trained approximately 200 local staff and volunteers to collect water samples on coastal beaches spanning Kittery to Mount Desert Island.
- Successfully submitted an updated Quality Assurance Project Plan (2016-2021) that was approved by the Department and US EPA.
- Worked with its technical advisory committee and other partners on implementing US EPA's schedule for the required appropriate beach action value (BAV); submitted a robust BAV justification to partners and US EPA (in progress).
- Supported efforts to improve water quality and ecosystem health in Rockport Harbor, Willard Beach, Goosefare Brook, Kennebunk River and Ogunquit River watersheds.

- Collaborated with diverse partners to collect and analyze multiple water quality parameters in the Goosefare Brook and Willard Beach watersheds. This included forging a new applied research partnership with the University of New Hampshire to analyze samples for human and non-human DNA markers utilizing microbial source tracking techniques. Additionally, MHB transformed the data to action items for the towns and continued to serve on Watershed Steering and Restoration Committees.
- Updated the MHB Risk Assessment Matrix, an evaluation of water quality trends and potential sources of fecal bacteria impacting coastal beaches. The exercise was completed for 34 out of 60 beaches in 2016.
- Continued collaboration with biophysical and social science researchers on the New England Sustainability Consortium project “Strengthening the scientific basis for decision-making: Advancing sustainability science and knowledge-action capacities in coupled coastal systems.”
- Accepted 17 invitations to present to local, regional and national audiences. For example, at the Maine Legislative Coastal Caucus (February), the Maine Sustainability and Water Conference (March), the Penobscot Watershed Conference (April), and to a national audience of 250 people at the US EPA National Beaches Conference in New Orleans, LA. (April).

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the MHB Program in calendar year 2017. These tasks are not listed in any specific order.

- The MHB Program will continue to focus its efforts on water quality monitoring and notifying the public for users of 60 important coastal swimming beach management areas.
- Continued work on completing a Risk Assessment Matrix for all 60 beaches; collating and utilizing results to inform monitoring and management efforts.
- Because each beach is managed by local jurisdictions, we rely on an effective communication system. The MHB Program is committed to continuing the implementation of an effective public notification plan and outreach strategy to reinforce best practices at the beach and throughout the watershed.
- The MHB Program will continue to work with partners on implementing US EPA’s schedule for the required appropriate beach action value.

III. Sustainability Division

Contact: George MacDonald, Division Director (george.macdonald@maine.gov)

The Sustainability Division is comprised of four major program areas, with the first two strongly inter-linked and therefore combined in this work plan:

- Materials Management – municipal solid waste management technical assistance programs to municipalities, individuals, institutions and businesses in the areas of waste reduction, reuse, recycling, composting and disposal.
- Product Stewardship Programs - Maine has enacted product-specific laws which require producers to establish programs to recover their products from Maine’s waste stream and ensure proper handling and recycling, recovery, or disposal of these products. These products include: dry mercuric oxide and rechargeable batteries; mercury auto switches; electronic waste; mercury thermostats; mercury lamps; and architectural paint. Maine also has a product stewardship program for cellular telephones. As a result of 2015 legislation, the Department became responsible for administration of Maine’s Beverage Container Redemption Program, aka, ‘the bottle bill’.
- Organics Recovery and Reuse – providing assistance and guidance to generators of organics and potential utilization opportunities, including composting and anaerobic digestion, as well as recovery of food scraps for feeding people and animals first.
- Climate Change/Adaptation - works on cross-media issues to address climate change, which poses significant and widespread environmental and economic challenges and opportunities across many sectors.

Materials Management & Product Stewardship Program

Contact: Carole Cifrino, Product Management Programs Manager
(carole.a.cifrino@maine.gov)

The Materials Management Program administers various statutes, rules and policies related to the oversight and management of municipal solid waste, including providing technical assistance to municipalities and regional entities related to planning and implementing various components of municipal solid waste programs. (38 M.R.S. Chapter 24, §§2101 to 2144). Work includes a public outreach component, such as speaking at events and meetings, to inform and educate as to possibilities and opportunities of recovering the value in what is often called ‘waste’. The Program also tracks how municipal solid waste is managed, reused, recycled, composted, and disposed of by municipalities and businesses, and presents that information to the Legislature and the Governor in an annual report that also measures the consumption of landfill capacity. The Program is also responsible for developing the state’s five year ‘Materials Management Plan’, last updated in 2014.

The Product Stewardship Program administers various statutes, rules and policies related to specific products which require producers to establish programs to recover their products from Maine’s waste stream and ensure proper handling and recycling, recovery, or disposal of these products. These products include: dry mercuric oxide and rechargeable batteries; mercury auto switches; mercury thermostats; and mercury lamps (38 M.R.S. § 16-B, et al.) and electronic waste (38 M.R.S. §1610), in conjunction with the Department’s rules associated with these products (Chapter 415, Reasonable Costs for Handling and Recycling of Electronic Wastes; Chapter 870, Labelling of Mercury-added Products; and, Chapter 872, Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices). Maine also has a product stewardship program for cellular telephones (38 M.R.S. §2143). In October, 2015, a program for

recycling architectural paint began, provided through a recovery program provided by PaintCare (non-profit organization established by the American Coatings Association to implement product stewardship programs on behalf of paint manufacturers) and approved by the Department. In November, 2015, the Department received administrative responsibilities for the state's beverage container redemption program (38 M.R.S. § 33, et al.), and its associated rule (Chapter 360, Responsibilities of Manufacturers, Distributors, Dealers, Initiators of Deposit, Contracted Agents and Redemption Centers under the Returnable Beverage Container Law) which previously had been furnished by the Department of Agriculture, Conservation and Forestry. An annual report on the activity within these product stewardship programs is provided to the Legislature and the Governor.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Materials Management & Product Stewardship Programs:

- Completed revisions to Chapter 415 Rule – ‘Reasonable Costs for Handling, Transportation and Recycling of Electronic Wastes’.
- Completed review of submissions for ‘consolidators for Maine’s product stewardship program for covered electronic devices’, approving seven submissions.
- Completed review and approval of over 150 electronics manufacturer registrations.
- Performed coordinated reviews and approvals of triennial manufacturer mercury products notifications and of alternative labeling applications through participation in the Interstate Mercury Education & Reduction Clearinghouse.
- Oversaw collection of municipal solid waste facility materials management data, and solicited recycling data for voluntary submittal by major commercial generators and brokers. This information was used in drafting the Calendar Year 2015 Waste Generation and Disposal Capacity Report for the Governor and the Legislature, released in December.
- Continued providing operational oversight and technical assistance for six product stewardship programs, including annual report reviews and review of annual registrations.
- Provided guidance to numerous municipalities interested in adopting ‘Pay as you Throw’, ‘single stream recycling’ and other solid waste management programs.
- Administered Maine’s Beverage Container Redemption Program, including annual registration of over 36,000 beverage container labels, licensing of over 500 redemption centers and over 500 initiators of deposit, and compliance inspection coordination with the Department of Agriculture, Conservation and Forestry. We also assisted over 200 small retailers in transitioning from licensing as redemption centers to a no-cost alternative compliance option.
- Developed new proposed regulations for the Container Redemption Program, including soliciting input from interested parties through e-mail and meetings around the state.
- Engaged InforME to develop an on-line product label registration portal that will work in conjunction with the Bureau of Alcoholic Beverages and Lottery Operations (BABLO)

product registration portal to provide one-stop services for manufacturers and distributors of liquor products in Maine.

- Coordinated collection and product management data for the various product stewardship programs.
- Furnished compliance and technical assistance on the product stewardship programs to over 200 sites, through phone, e-mail and onsite visits; including manufacturers, wholesalers, contractors, consolidators, retailers, municipalities and end-of-life vehicle handlers.
- Participated in state and regional meetings and activities that further the objectives of this program, including the Northeast Waste Management Officials Association (NEWMOA), the Northeast Recycling Council (NERC), and the Maine Resource Recovery Association (MRRRA).

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Materials Management & Product Stewardship Programs in calendar year 2017. These tasks are not listed in any specific order.

- Oversee implementation of the Beverage Container Redemption Program, including product label registration, redemption center licensing and compliance, completion of initial rulemaking for this program, development of program compliance procedures and document templates, and development of an on-line registration portal that works in concert with the BABLO portal.
- Provide guidance and assistance, as resources permit, to municipalities and businesses seeking to improve their current systems related to municipal solid waste management, including waste reduction, reuse, recycling, electronic wastes, mercury containing products, paint, and other difficult-to-manage products.
- Oversee implementation of the electronics, mercury thermostat, mercury auto switch, mercury lamp, and paint stewardship programs.
- Provide support to Commissioner's Office for legislative activities related to product stewardship and recycling reporting proposals.
- Assist municipalities in developing materials management data and recycling calculations.
- Provide compliance assistance and technical assistance through phone, e-mail and onsite visits to manufacturers, wholesalers, contractors, consolidators, retailers, municipalities and end-of-life vehicle handlers.
- Maintain updated information on manufacturers of products subject to Chapter 415, Chapter 870 and Chapter 872 Rules. Track new products and changes in materials used in manufacturing processes. Monitor compliance with sales prohibitions under these chapters.
- Perform reviews of triennial mercury products notifications and annual electronics manufacturer registrations, and follow up with compliance /enforcement actions as needed.

- Monitor, assist with and report on: National Electrical Manufacturer's Association (NEMA) program for used fluorescents; Thermostat Recycling Corporation program for mercury thermostats; and, mercury vehicle switch collection and recycling program.
- Respond to reports of potentially noncompliant products.
- Participate in state and regional activities that further the objectives of this program, including the Maine Municipal Association (MMA), MRRRA, NERC, and NEWMOA.
- Participate in: Interstate Mercury Education & Reduction Clearinghouse (IMERC); and the Electronics Recycling Coordination Clearinghouse (ERCC).
- Continue reviewing other state's approaches to the development of recycling options for discarded mattresses and carpet.
- Update recycling promotional campaign materials, develop additional materials for other diversion strategies, and maintain these supporting materials online for easy and ready access by the public and the regulated community.
- Identify measurement tools for municipal and business entities to evaluate the environmental impacts of materials management systems, including greenhouse gas emissions.
- Provide for positive public recognition of entities including municipalities, regions, and businesses that have made changes in their processes and systems that result in significant diversion of materials from disposal.
- Collect, utilize and disseminate reliable data to calculate statewide recycling and diversion rates for municipal solid waste and other solid wastes.
- Implement standardized data collection and management procedures and requirements for reporting of marketed recyclables by materials processors and brokers.
- Collect data on annual waste diversion activities through beneficial use, agronomic utilization, anaerobic digestion, and waste conversion practices.
- Complete annual review and approval of up to ten companies as consolidators of the TV and computer monitor recycling program, by December 1.

Organics Recovery and Reuse Program

Staff contact: Mark King, Organics Recovery and Reuse Program (mark.a.king@maine.gov)

The Organics Recovery and Reuse Program operates under various statutes, rules and policies related to the management of municipal solid waste, as does the Materials Management Program (shown above but principally 38 M.R.S. §2133), providing guidance and assistance to residential, municipal, institutional and commercial generators of food scraps and other unwanted organics, and with potential users of those organics, including the agricultural community. The singular focus of this program illustrates the Department's commitment to diverting this particular component of the waste stream, which constitutes over 40% by weight of Maine's municipal solid waste. Added to this year's effort includes a focus on establishing various composting pilot projects, as directed through recently enacted Public Law 461 (2016). Assistance is coordinated, as appropriate, with staff within the Bureau of Remediation and Waste Management, to ensure facility and operational compliance with Department rules (Chapter 419, Agronomic Utilization of Residuals). Work includes a public outreach component, such as

speaking at events and meetings, as well as direct ‘on-site’ assistance, to inform and educate as to possibilities and opportunities of recovering the value in organic discards. Assistance is also furnished to the Department of Agriculture, Conservation and Forestry, and includes participation in the Maine Compost School and various studies and pilot projects undertaken by the program or the Maine Compost Team.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Organics Recovery and Reuse Program:

- Provided technical assistance and guidance to municipal, institutional, agricultural and commercial organics management facilities on issues ranging from acquiring appropriate feedstocks, site operations, and marketing of finished materials.
- Visited approximately 12 schools, explaining composting opportunities and methods for their consideration; several schools have established, or expanded, food scrap recovery and composting programs.
- Assisted in the identification of potential composting sites for large marine mammal carcasses. Responded to several whale carcass management calls.
- Developed case studies of various composting operations, to serve as guidance documents for future efforts.
- Updated web documents related to organics management.
- Remained connected to, and aided, an agricultural operation anaerobic digestion facility on exploring possible food scrap collection, consolidation and hauling possibilities.
- Assisted the Department’s residuals unit, as needed, in activities associated with their permitted composting sites and projects.
- As part of the Maine Compost Team, aided in the offering and teaching at two Maine Compost School classes; one in June and the other in October, training 39 people on the science and art of composting.
- As part of the Maine Compost Team, provided specialized training on composting diseased animal carcasses to 21 US Department of Agriculture Animal and Plant Health Inspection Service (USDA APHIS) veterinarians and state staff.
- Participated in and contributed to USDA APHIS effort to develop guidelines, practices and procedures for appropriate responses to disease outbreaks in poultry; remain active on the USDA APHIS Compost Technical Team.
- Aided the Maine Department of Agriculture, Conservation and Forestry in updating their 2006 ‘Emergency Disposal Plan for Dead Birds from an Outbreak of Highly Pathogenic Avian Influenza’ through a pilot project testing the efficacy of the planned composting protocol. This project will be presented at the 2017 conference hosted by the U.S. Composting Council.

Calendar Year 2017 Work Plan

The following is a list of tasks expected to be undertaken by the Organics Recovery and Reuse Program in calendar year 2017. These tasks are not listed in any specific order.

- Support and promote recovery of organics from institutions and municipalities.
- Provide technical assistance to support development of local food scrap composting operations, including on-farm operations and expansion of leaf and yard waste facilities to include food scraps. Engage the agricultural community to identify and address their needs to increase participation in food scrap composting.
- Identify and assist appropriate generators and composters of food scraps in establishing food scrap separation, composting activities and deliveries to anaerobic digesters, in accordance with the recently enacted Public Law 461 (2016).
- Continue implementing outreach and education strategies to assist food scrap generators and transporters with separation programs.
- Provide outreach to existing organics management operations to expand operations.
- Provide outreach to schools, institutions, agricultural producers and businesses to establish or expand organics management operations.
- Update organics management materials, develop additional materials for other diversion strategies, and maintain these supporting and informative materials online for easy and ready access by the public and the regulated community.
- Support and participate in the Maine Compost Team and the Maine Compost School activities, as appropriate.
- Assist with organics composting efforts with the University of Maine at Farmington, University of Maine at Presque Isle, and the University of New England.
- Coordinate with Maine Department of Agriculture, Conservation and Forestry staff with preparedness and response efforts related to possible animal disease outbreaks.
- Undertake limited project trials related to confirming compostability of certain products or related to previous work to determine confirmation of statements or outcomes.
- Assist the Bureau of Remediation and Waste Management, as requested, in their permitting and oversight of organics management programs and projects.
- Develop and provide multiple organics management trainings throughout the state, targeting separation and recovery of food scraps from institutions and municipalities with focus on establishing consolidated collection centers.
- Develop and provide multiple organics management trainings throughout the state, targeting transfer stations and their operators, with a program designed for their specific needs and opportunities.
- Present on the pilot project where staff tested the efficacy of the state's adopted HPAI composting protocol at the 2017 conference hosted by the U.S. Composting Council.

Climate Change/Adaptation Program

Contact: Nathan Robbins, Climate Change Specialist (nathan.p.robbins@maine.gov)

The Climate Change/Adaptation Program works on cross-media issues to address climate change, which poses significant and widespread environmental and economic challenges and opportunities across many sectors, including energy, fuels, transportation, and land use. Throughout the State of Maine, and within the Department, there are numerous strategies, opportunities, and ongoing activities for addressing climate change within agencies and organizations; a primary objective of this program is to assist in collecting and sharing those program's data and efforts, as well as encouraging coordination of efforts to increase efficiencies and effectiveness with climate adaptation efforts.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Climate Change/Adaptation Program:

- Review of the Department's and other state agencies' efforts on climate change adaptation and resiliency activities continued throughout the year.
- Re-established and expanded membership of the 'Environmental and Energy Resources Working Group', now referred to as 'Maine Interagency Climate Change Adaptation Partnership (MICCA), to continue work on sharing climate adaptation work being undertaken by state agencies and expand potential adoption of practices.
- Continued partnership building with and among state agencies, municipal organizations, non-governmental organizations (NGOs) and federal agencies.
- Served as a point of contact for guidance and assistance to municipalities and businesses seeking to improve their understanding of the various impacts of, and potential responses to, the changing climate on infrastructure and citizens.
- Continued work with the US Department of Homeland Security on their "Casco Bay Watershed Regional Resiliency Assessment Program (RRAP)"; reviewed draft of final report.
- Responded to numerous requests for information on climate change; provided several presentations to state associations, such as the Maine Water Environment Association, as well as to schools and universities.
- Updated the Maine Climate Change Adaptation Toolkit, which was developed and posted on the Department's website in late summer 2015, to aid climate adaptation efforts by providing a centralized source to go to for information on designing and implementing resiliency practices, as well as information on regulations and standards to integrate into a project or planning process, and opportunities to connect with state and other engaged practitioners for technical expertise.
- Worked with US EPA Region One on developing and providing content for their Resilience and Adaptation in New England database (RAINE), that is now 'live' and available on-line.

- Assisted with planning of climate change policy being considered by the New England Governors/Eastern Canadian Premiers at their 2016 meeting, and assigned to work on preparing language for consideration at their 2017 meeting.
- Connected with several statewide and Northeast regional organizations and participated in improving awareness of Maine's activities related to climate change adaptation and resilience.

Calendar Year 2017 Work Plan

The following is a list of priority tasks expected to be undertaken by the Climate Change/Adaptation program in calendar year 2017. These tasks are not listed in any specific order.

- Continue work of the Maine Interagency Climate Change Adaptation Partnership (MICCA), building relationships and sharing climate adaptation work being undertaken by state agencies, expand potential adoption of practices and coordinate implementation of recommendations for the Department from the original report.
- Formalize the Department's Climate Change Coordination Committee, and coordinate discussion among the four Department's Bureaus and Commissioner's Office on climate adaptation and resilience efforts which the Department could encourage municipalities and the regulated community to consider or adopt when undertaking various land use activities, including possible changes to rules to support climate adaptation and resilience practices.
- Track activities of federal, state and local authorities in adopting resiliency measures and to mitigate infrastructure effects of the changing climate.
- Provide guidance and assistance, as resources permit, to municipalities and businesses seeking to improve their understanding of the various impacts of, and potential responses to, the changing climate on infrastructure and citizens.
- Assist with planning of climate change policy that will be considered by the New England Governors/Eastern Canadian Premiers at their 2017 meeting.
- Continue coordinating with US EPA and other federal agencies on action items from the "Climate Leaders' Summit" and subsequent activities. Assist with updates to, and promotion of, the 'RAINE' database of resilience and adaptation practices within the northeast.
- Continue work with the US Department of Homeland Security on their "Casco Bay Watershed RRAP".
- Participate in and assist with efforts initiated by US EPA Region One states in building a coordinated regional approach for climate adaptation programs, activities and shared efforts.
- Participate in New England Interstate Water Pollution Control Commission's (NEIWPC) climate change network and ocean acidification network, coordinating participation with other Department staff, and appropriately representing Maine's efforts in these areas.

- Maintain the Department's Climate Change Adaptation Toolkit for current and supportive resources to assist municipalities and organizations in undertaking vulnerability assessments and prioritization of efforts.



2017

Work Plan - Bureau of Remediation & Waste Management



David Burns, Director

Bureau of Remediation & Waste
Management

May 4, 2017

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I. Executive Summary

The Bureau of Remediation and Waste Management (BRWM) remediates contaminated sites, responds to spills and hazardous material incidents, and administers Maine's petroleum, hazardous material and solid waste management programs in a manner that protects water and air quality, natural resources, and public health and safety. The BRWM consists of five divisions:

- The Division of Materials Management is responsible for regulatory oversight, assistance, and outreach concerning liquid residuals and solid and hazardous waste facilities and activities. The division supports and encourages the handling of materials in ways that are consistent with Maine's solid waste management hierarchy.
- The Division of Petroleum Management is responsible for regulatory oversight, assistance, and outreach for petroleum facilities, such as oil terminals, aboveground storage tanks and underground storage tank facilities. The division is responsible for investigating and mitigating risks posed by the release of petroleum. The division processes applications from owners and operators of underground oil storage facilities to the Maine Ground and Surface Waters Clean-up and Response Fund.
- The Division of Remediation is responsible for investigating and mitigating risks posed by the release of hazardous substances, monitoring and mitigating risks posed by closed landfills, administering the lead and asbestos abatement programs, coordinating with the U.S. Environmental Protection Agency (U.S. EPA) and the Department of Defense (DOD) on hazardous waste and federal Superfund and DOD remediation sites, and encouraging redevelopment of contaminated properties under the Maine Voluntary Response Action Program and the federal Brownfields program.
- The Division of Response Services responds to emergencies involving oil spills and hazardous materials releases in Maine. The division also responds to weapons of mass destruction, radiation, and clandestine drug lab incidents. Response staff coordinates with the appropriate local, state, and federal emergency responders, and provides training to local fire and hazmat teams throughout the state.
- The Division of Technical Services provides technical support to the BRWM's other divisions and programs in the areas of engineering, geology and chemistry. The division is also responsible for regulatory oversight, assistance, and outreach for active solid waste landfills.

The BRWM manages and oversees the budgets for bond accounts for uncontrolled sites and landfill closure, as well as the following dedicated accounts:

- Maine Ground and Surface Waters Clean-Up and Response Fund (38 M.R.S. § 551). Revenue is primarily from license and registration fees, fees for late payment or failure to register, penalties, transfer fees, reimbursements, assessments and other fees and charges. The balance in the fund is limited to \$18,500,000. In FY2016, Fund revenue was \$16,704,457 and expenditures were \$13,182,389.
- Maine Hazardous Waste Fund (38 M.R.S. § 1319-D). Revenue is primarily from fees, including transporter and facility application and license fees, fees on the off-site transfer of hazardous waste and waste oil, toxic use and release fees, medical waste fees, and fees on the over-the-rail transportation of hazardous materials. Revenue also includes hazardous waste penalties, costs

recovered from responsible third parties, and interest earned on the fund balance. In FY2016, Fund revenue was \$883,232 and expenditures were \$1,338,141.

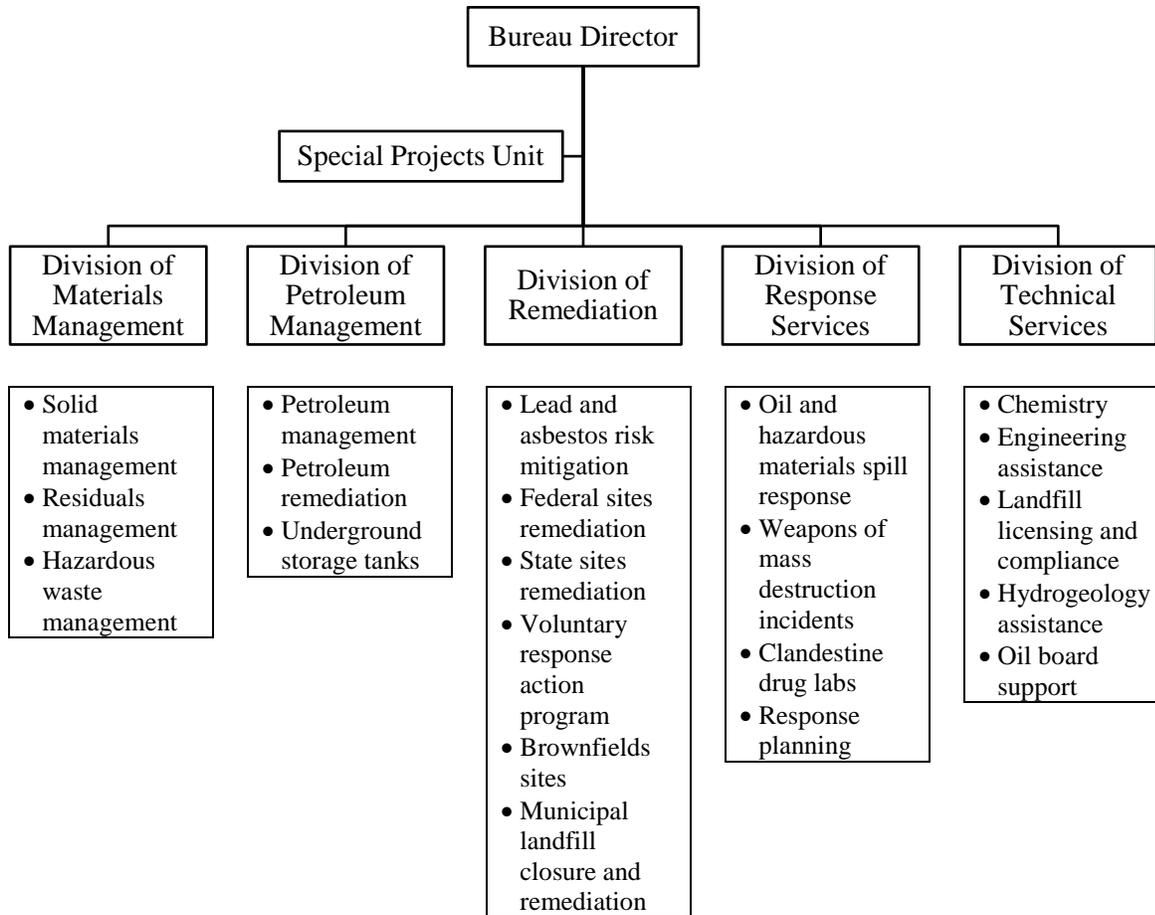
- Uncontrolled Sites Fund (38 M.R.S. §§ 1364 and 343-E). Revenue is from the assessment of costs and damages to responsible parties involved in a particular site and from interest on the fund balance, with a small amount of revenue from the Voluntary Response Action Program. In FY2016, Fund revenue was \$920,602 and expenditures were \$843,831.
- Solid Waste Management Fund (38 M.R.S. § 1310-C). Revenue is derived from fees on tires, batteries and special wastes that are received by the Maine Solid Waste Management Fund administered by the Department of Administrative and Financial Services and subsequently allocated to the Department and the State Planning Office.

The BRWM provides staff support to the following boards:

- Clean-up and Response Fund Review Board. The Board was created to hear and decide appeals from insurance claims-related decisions under 38 M.R.S. § 568-A (Fund Coverage Requirements) and to monitor income and disbursements from the Maine Ground and Surface Waters Clean-up and Response Fund. The Board consists of 14 members, two persons representing the petroleum industry, appointed by the Governor, one of whom is a representative of a statewide association of energy dealers; two persons, appointed by the Governor, who have expertise in oil storage facility design and installation, oil spill remediation or environmental engineering; four members of the public, appointed by the Governor (two members must have expertise in biological science, earth science, engineering, insurance or law; public members may not be employed in or have a direct and substantial financial interest in the petroleum industry); the commissioner or the commissioner's designee; the State Fire Marshal or the fire marshal's designee; one member representing marine fisheries interests appointed by the President of the Senate; one member familiar with oil spill technology appointed by the Speaker of the House of Representatives; one member with expertise in coastal geology, fisheries biology or coastal wildlife habitat appointed by the President of the Senate; and one member who is a licensed state pilot or a licensed merchant marine officer appointed by the Speaker of the House of Representatives.
- Board of Underground Storage Tank Installers (BUSTI). BUSTI was established to safeguard public health, safety and welfare, to protect the public from incompetent and unauthorized persons, to ensure the highest degree of professional conduct on the part of underground oil storage tank installers and inspectors and to assure the availability of underground oil storage tank installations and inspections of high quality to persons in need of those services. BUSTI consists of seven members appointed by the Governor: one from the Department of Environmental Protection; one from the Maine Energy Marketers' Association; one underground oil storage tank installer; one from the Maine Chamber of Commerce and Industry or an underground tank installer or inspector; one from the Maine Fire Chiefs Association; and two public members.

BRWM staff is located at DEP offices in Augusta, Bangor, Portland and Presque Isle. Division goals are listed for each division, followed by a summary of each division unit and their essential functions.

II. Bureau of Remediation & Waste Management Organization



III. Division of Materials Management

Contact: Paula M. Clark, Public Service Manager II (paula.m.clark@maine.gov)

The Division of Materials Management is responsible for regulatory oversight, assistance, and outreach concerning materials management and solid and hazardous waste facilities and activities. The State of Maine supports an integrated approach to waste management which includes programs to reduce the amount and toxicity of waste generated, promote reuse and recycling of waste, encourage the beneficial use of solid wastes, and process wastes to create safe and useful products. The division coordinates with the U.S. Environmental Protection Agency (U.S. EPA) on Resource Conservation and Recovery Act (RCRA) program authorization, licensing, and enforcement matters. The division, through administration of its programs, seeks to support and encourage the handling of waste and materials in ways that are consistent with Maine's solid waste management hierarchy, and ensures that solid and hazardous waste facilities and activities are conducted in such a manner that protects water and air quality, natural resources, and public health and safety.

Solid Materials Management Unit

Contact: Cynthia W. Darling, Environmental Specialist IV (Cyndi.w.darling@maine.gov)

The Solid Materials Management Unit is responsible for licensing, compliance, and assistance and outreach activities related to solid waste transfer and storage facilities, municipal universal waste facilities, processing facilities, incinerators, beneficial use projects, biomedical wastes, and non-hazardous waste transportation. The unit provides technical outreach and compliance assistance to the regulated community as well as the general public.

Calendar Year 2016 Accomplishments

- Guidelines for siting and operation of temporary disaster debris management sites were finalized, including a draft procedure for municipal notification. Information was shared with municipalities through presentations and training sessions.

Calendar Year 2017 Work Plan

The 2017 goals of the Solid Waste Management Unit are:

- Initiate and participate in the completion of draft revisions and rulemaking regarding Chapter 418, *Beneficial Use of Solid Wastes*.
- Fully implement a final procedure to provide periodic notification and information to municipalities and counties concerning identification and authorization for the use of temporary disaster debris management sites following natural disasters.
- Evaluate the biomedical waste generator registration program to ensure effective and efficient program delivery. If appropriate, draft revisions to Chapter 900, *Biomedical Waste Management Rules*.
- Draft revisions to Chapter 411, *Non-Hazardous Waste Transporter Licenses*.

The tasks expected to be undertaken by the Solid Waste Management Unit include:

- Assist with cross training of BRWM staff to help achieve bureau goals.
 - Provide assistance to the Division of Technical Services with landfill program areas.
 - Lead the development and implementation of a plan for incorporating administration of the biomedical waste registration program into the work of the unit.
- Review and process license applications, annual reports, and other submissions.
 - Including transfer stations and storage sites, incinerators, processing facilities, and beneficial uses in conformance with relevant protocols and timeframes; these include new, modification, transfer and renewal applications.
 - Complete annual report reviews and draft compliance letters in accordance with division policies within 30 days of resolution of any issues identified during the reviews.
 - Ensure the appropriate completion of quality assurance and quality control (QA/QC) reviews of laboratory results for licensed facilities.
- Conduct site assessments or inspections at all licensed processing facilities and incinerators, and at as many licensed transfer stations and storage facilities, beneficial use activities and facilities as feasible with a goal of visiting at least 75% of these facilities and activities. Also, monitor all construction-related activities at licensed sites and conduct compliance checks on as many licensed non-hazardous waste transporters as feasible.
- Evaluate hazardous and non-hazardous waste transporter and manifest programs to determine possible management and administrative efficiencies.
- Provide technical assistance and outreach to the regulated community and general public, including:
 - Conduct Transfer Station Operator Training sessions in locations throughout the state.
 - Present selected topics at the annual Maine Resource Recovery Association conference.
- Undertake compliance and enforcement measures in accordance with division policy, including:
 - Issuing Letters of Warning to owners and operators of licensed solid waste facilities that have not submitted annual reports in accordance with the timelines established by rule.
 - Respond and follow up as appropriate to all complaints received within the timeframes set by DEP and division policies.
- Update the licensing applications for solid waste facilities and activities.
- Coordinate with the Land Use Planning Commission to finalize a draft Memorandum of Understanding concerning the review of applications and the issuance of licenses for solid waste facilities and activities in the unorganized territories.
- Coordinate with other BRWM divisions to finalize the draft protocol for petroleum contaminated soils.

Residuals Management Unit

Contact: Carla J. Hopkins, Environmental Specialist IV (Carla.j.hopkins@maine.gov)

The Residuals Management Unit is responsible for licensing, compliance and assistance and outreach activities related to the utilization of residuals (e.g., sewage sludge, fish byproducts, food waste, primary and secondary paper mill sludges, lime mud, ash, cement kiln dust, flume

grit) through processing, composting, and land application; and the disposal, storage and utilization of septage. The unit provides technical outreach and compliance assistance to the regulated community as well as the general public, and has been involved in a variety of research and pilot projects concerning use of residuals and composting.

Calendar Year 2016 Accomplishments

- In conjunction with staff from the DEP Bureau of Land Regulation's Sustainability Division, a report was drafted about research conducted in 2015 which evaluated the efficacy of composting Eurasian milfoil.
- In conjunction with staff from the DEP Bureau of Land Regulation's Sustainability Division and in partnership with a Maine pharmaceutical company, research was completed to determine the efficacy of composting with respect to the destruction of certain viruses.

Calendar Year 2017 Work Plan

The 2017 goals of the Residuals Management Unit are:

- In conjunction with staff from the DEP Bureau of Land Regulation's Sustainability Division, and in partnership with a Maine pharmaceutical company, draft a report regarding the results of research conducted in 2016 to determine the efficacy of composting with respect to the destruction of certain viruses.
- In conjunction with staff from the DEP Bureau of Land Regulation's Sustainability Division, Marine Mammals of Maine, and the National Oceanic and Atmospheric Administration (NOAA), draft a plan to appropriately handle marine mammal carcasses that periodically wash up on Maine's coast.
- Update the licensing applications for composting, agronomic utilization, and septage facilities and activities.

The tasks expected to be undertaken by the Residuals Management Unit include:

- Review and process license applications, annual reports, and other submissions.
 - Including licensed composting facilities, residual utilization programs, residual agronomic utilization sites, residual processing and storage facilities, anaerobic digestion facilities, septage land application sites, septage storage facilities, septage processing facilities in accordance with relevant protocols and timeframes.
 - Draft annual report compliance letters within 90 days of receipt of the report.
 - Review analytical data received monthly, quarterly, semiannually, tri-annually or annually (depending on the facility license) as soon as possible and within 30 days of receipt.
 - Ensure the appropriate completion of QA/QC reviews of laboratory results for licensed facilities.
- Conduct site assessments and inspections at licensed composting facilities, residual utilization programs, residual agronomic utilization sites, residual processing and storage facilities, anaerobic digestion facilities, septage land application sites, septage storage facilities, and septage processing facilities, with a goal of inspecting at least 90% of these

facilities annually. Inspect 20% of Publicly Owned Treatment Works whose sludge is agronomically utilized.

- Provide technical assistance and outreach to the regulated community and general public.

Hazardous Waste Management Unit

Contact: Michael Hudson, Environmental Specialist IV (Michael.s.hudson@maine.gov)

The Hazardous Waste Management Unit is responsible for licensing, compliance, assistance, and outreach activities related to hazardous waste generators, hazardous waste transporters, hazardous waste treatment and storage facilities, and universal waste (i.e., electronic waste and mercury containing lamps) consolidators and facilities. The unit provides technical outreach and compliance assistance to the regulated community as well as the general public.

Calendar Year 2016 Accomplishments

- Four sector areas were identified for targeted outreach and education: boat builders, universal waste, small laboratories, and auto repair shops. Initial outreach materials and educational efforts were implemented for universal waste generators and boat builders.

Calendar Year 2017 Work Plan

The 2017 goals of the Hazardous Waste Management Unit are:

- As part of the RCRA authorization process, participate in hazardous waste rulemaking initiatives related to solvent-contaminated wipes, manifests, Toxic Characteristic Leaching Procedure (TCLP) for organic compounds, and Land Disposal Restriction (LDR) standards. Participate as appropriate in other aspects of the RCRA authorization process.
- Develop or revise license templates for various types of licensing actions, to ensure consistency throughout the division.
- Continue development and implementation of targeted outreach and education in priority sector areas.

The tasks expected to be undertaken by the Hazardous Waste Management Unit include:

- Train staff for hazardous waste application review and licensing, and incorporate licensing activities into the work of the unit.
- Evaluate hazardous and non-hazardous waste transporter and manifest programs to determine possible management and administration efficiencies.
- Provide compliance and technical assistance to the regulated community, consultants, and general public regarding the requirements of hazardous waste and universal waste management rules, including:
 - Participate in the evaluation and development of three sector areas for targeted outreach and education and begin development of appropriate outreach materials, with the completion and implementation of one of these areas.

- Conduct field outreach and compliance assistance inspections of licensed hazardous waste facilities and generators.
- Complete compliance evaluation inspections and complaint investigations for the following types of facilities and generators:
 - Treatment Storage Facilities
 - Federal Large Quantity Generators
 - 100 - 1,000 kg/mo Generators
 - Hazardous Waste Transporters
 - Universal Waste Facilities and Consolidators
- Review and process license applications and registrations for waste generators and transporters in accordance with relevant protocols and timeframes; these include new, modification, transfer and renewal applications.
- Complete report reviews, distribute reports to generators, and upload required data into appropriate DEP and U.S. EPA databases in accordance with division policies. These reports and data include state and generator Annual Hazardous Waste Reports, U.S. EPA Biennial Report, manifest discrepancy reports, hazardous waste manifests and uniform bills of lading, transporter quarterly reports, sampling and QA/QC data.
- Develop a timeline for the RCRA Authorization Project.

IV. Division of Petroleum Management

Contact: Scott Whittier, Public Service Manager II (scott.whittier@maine.gov)

The Division of Petroleum Management is responsible for regulatory oversight of petroleum facilities and remediation sites. The division conducts inspections and investigations, issues compliance determinations and requests for corrective action, provides technical and regulatory assistance and educational training, and oversees natural resource damage assessment and restoration planning activities.

Petroleum Licensing and Remediation Unit

Contact: Stacy Ladner, Environmental Specialist IV (stacy.a.ladner@maine.gov)

The Petroleum Licensing and Remediation Unit is responsible for the oversight of active petroleum remediation sites, and inspects and processes applications for licensure of oil terminal facilities. The unit maintains lists of pre-qualified vendors and contractors to expedite site remediation activities, and also processes variance requests pursuant to the well head protection and siting laws.

Calendar Year 2016 Accomplishments

- Staff worked closely with Central Maine Power Company (CMP) and its consultants to implement the closure of the last 4 interim licenses for the storage of hazardous wastes. CMP had previously obtained licenses for 21 facilities. The Board of Environmental Protection approved of the closures and associated termination of the interim licenses.
- Closure documentation has been completed at five major petroleum remediation sites where division staff is the project manager.
- A new remedial approach designed to enhance the natural attenuation and degradation of petroleum products was implemented at the site of a former oil terminal facility.

Calendar Year 2017 Work Plan

The 2017 goals of the Petroleum Licensing and Remediation Unit are:

- Complete closure documentation for four petroleum remediation sites where staff from the division is the project manager.
- Identification and preparation of information needed to seek authorization of the state program for underground storage tanks.
- Prepare and distribute guidance on financial assurance requirements for marine oil terminal licensees.
- Initiate formal rulemaking process for revising the *Rules for Underground Oil Storage Facilities*, 06-096 C.M.R. ch. 691.
- Identify, evaluate and implement ideas for cost savings to the Maine Ground and Surface Waters Clean-up and Response Fund. Provide leadership for the Cost Guide work group and participate in other cost savings work groups as requested.

The tasks expected to be undertaken by the Petroleum Licensing and Remediation Unit include:

- Provide regulatory, technical and compliance assistance to the regulated community and members of the public.
- Review reports, upload data, and process licenses, applications, registrations, notices, and variance requests (new, modification, transfer or renewal) for:
 - Oil terminal facilities
 - Financial assurance reviews
 - Waste oil facilities
 - Siting actions
 - Memoranda of agreements for petroleum spill reporting
 - Underground oil storage tanks and facilities
 - Certificates of proper installation for new underground storage tank facility installations and repairs.
- Complete site inspections at:
 - Oil terminals (10)
 - Siting requirements review (5)
 - Remedial sites inspection and management (80)
- Complete an average of two interim milestones per project manager per quarter at remediation sites. Milestones for remediation sites or operable units are shown in Table 1.

Initial Site Review Completed	Liability and Reimbursement Settlement Completed
Phase I ESA completed	Cost Recovery Initiated
Phase II ESA completed	Post Closure Monitoring Completed
Remedial Investigation Completed	Post Closure Operation and Maintenance Completed
Feasibility Study Completed	Post Closure Inspection
Remedial Decision Made	IC Inspection
Remediation Complete	Non-Compliance with Remedy mitigated
Closure Documents Finalized	Post Closure Remediation Review

- Review all appropriate funding sources, including potential federal sources, for project sites. Establish legal agreements initiating potentially responsible party lead or cost recovery for appropriate sites.
- Update and maintain the DEP's prequalified lists of vendors for the water treatment equipment installation and maintenance services list as well as the well driller list. Assist DEP staff using these prequalified lists in appropriate contracting procedures. Coordinate all mini-bids issued from these lists.
- Maintain updated site information on the Spill Site Tracking System and priority list databases.
- Coordinate the investigation and remediation of petroleum contaminated sites that are referred to the Petroleum Management Division from other BRWM divisions. There are currently in excess of 500 oil contaminated sites listed on the long-term priority list.
- Develop project specific work plans, schedules, budgets and contracts as needed for DEP-funded petroleum remediation projects.

- Coordinate petroleum remediation pre-planning between facility owners and BRWM staff at upcoming underground storage tank removals as requested.
- Establish electronic files for petroleum remediation projects and the division. Coordinate with the Division of Technical Services and the Division of Remediation to determine the proper storage location for electronic remediation files.
- Revise compliance assistance materials to incorporate adopted regulatory changes. Update web page and education materials as needed.

Oil Compliance and Enforcement Unit

Staff: Butch Bowie, Oil & Hazardous Materials Specialist II (butch.c.bowie@maine.gov)

The Oil Compliance and Enforcement Unit is responsible for inspecting, investigating, and overseeing enforcement at locations alleged to be out of compliance with petroleum management, clean-up, and disposal requirements. The unit also provides support for natural resources damage assessments and restoration planning, and provides technical and regulatory assistance to a wide range of businesses such as aboveground tank owners, railroads and salvage operations. Staff work closely with the Division of Response Services and the Division of Technical Services to ensure appropriate investigation, remediation and corrective actions are taken in response to the discharge or threatened discharge of petroleum products.

Calendar Year 2016 Accomplishments

- Agreements with multiple parties were reached and approved by the U.S. Federal District Court to provide for the restoration of Maine's natural resources in the Penobscot River Watershed. The Agreements provide for \$950,000 for Natural Resource Damage Restoration, \$143,000 in cost recovery and \$157,000 for on-going remedial and monitoring costs. The Department had previously recovered \$282,000 in expenditures related to the clean-up of the site and adjacent shoreline and the assessment of natural resource damages.

Calendar Year 2017 Work Plan

The 2017 goals of the Oil Compliance and Enforcement Unit are:

- Continue Natural Resource Damage Assessment process by publishing public notice and selecting natural resource restoration projects in response to a petroleum release on Main Street in Brewer.
- Participate in trustee council meetings and initiatives to solicit and select natural resources restoration plans in response to petroleum releases in Hampden.
- Participate in spill prevention and response training with oil delivery personnel.
- Continue to coordinate the implementation and evaluation of the effectiveness of the sulfate enhanced natural monitored attenuation remediation at the former oil terminal facility in Hampden.

The tasks expected to be undertaken by the Oil Compliance and Enforcement Unit include:

- Investigate, prioritize and respond to referrals and complaints at sites where petroleum discharges have occurred or there is alleged non-compliance, including but not limited to aboveground storage tank sites, rail yards and salvage operations.
- Provide regulatory, technical and compliance assistance to the regulated community and members of the public.
- Complete preparation of technical assistance document for the collection and proper management and disposal of oil by oil dealers and distributors.
- Natural Resource Damage Assessments (NRDA):
 - Provide support for NRDA and restoration planning efforts including public notice, solicitation and selection of natural resources restoration projects as a result of the Chevron NRDA settlement agreement.
 - Finalize NRDA prequalified vendor list.
 - Serve as contract administrator for NRDA ecology and economic analysis prequalified vendor list and the NRDA field contractors prequalified vendor list.
- Coordinate efforts with DEP Bureau of Water Quality and U.S. EPA to investigate and determine corrective actions at the Pan Am Waterville site.
- Provide project management and oversight of 15 remedial and corrective action projects resulting from enforcement actions.

Underground Storage Tanks Unit

Contact: Diana McLaughlin, Environmental Specialist IV (diana.m.mclaughlin@maine.gov)

The Underground Storage Tanks Unit is responsible for the overall implementation and administration of the state and federal underground oil storage tank programs pursuant to the State Program Authorization. The unit provides oversight, assistance, and technical outreach to owners of underground oil storage facilities, contractors, and industry professionals. The unit also processes applications for the coverage of eligible clean-up and third party damage costs, including the assignment of deductibles. Unit staff work closely with Maine's certified underground storage tank installers and inspectors.

Calendar Year 2016 Accomplishments

- A working group developed strategies to prepare for the removal and replacement of about 108 underground tanks in 2016 and 128 in 2017. The creation of a loan program for tank owners by establishing a partnership with FAME, the Maine Municipal Bond Bank and the State Clean Water Revolving Loan Program was explored and draft rules for program implementation are under review. A telephone survey was developed and implemented to provide technical assistance and determine efforts to gain compliance with tank replacement schedules. Staff from the underground tanks unit worked closely with numerous UST owners, certified tank installers and tank manufacturers to assist with tank replacement and upgrade projects.

Calendar Year 2017 Work Plan

The 2017 goals of the Underground Storage Tanks Unit are:

- Provide technical and compliance assistance at underground oil storage facilities and to interested parties including owners, operators, installers, inspectors, site assessors, real estate professionals and municipal officials by phone, email, letters, and in person.
- Issue assistance letters to owners of underground tanks scheduled for replacement.
- Contact by telephone and offer assistance to owners that have not submitted paperwork to document replacement plans.
- Implement recommended changes to existing process for disciplinary actions to the Board of Underground Storage Tank Installers.
- Update certified tank installer and inspector training and testing materials to incorporate relevant information from new federal rules, industry recommended practices and current technical standards from equipment manufacturers in coordination with staff from the Division of Technical Services.
- Implement outreach strategies to prepare for the removal or replacement of about 125 underground tanks at 50 facilities in 2017.

The tasks expected to be undertaken by the Underground Storage Tanks Unit include:

- Provide regulatory oversight, technical assistance, and outreach to the regulated community and members of the public.
 - Develop agenda, prepare and present annual training for certified tank installers and other UST professionals. Post presentations on DEP website after training.
 - Assist UST owners and operators with applications for coverage under the Maine Ground and Surface Waters Clean-up and Response Fund.
- Review and record reports of piping precision tests, annual inspections, statistical inventory analyses, and annual cathodic protection testing, and following up as necessary.
- Maintain the DEP's compliance with UST provisions of the federal Energy Policy Act. Submit semiannual reports on inspections, significant operational compliance and delivery prohibitions to the U.S. EPA.
- Complete 175 UST facility inspections. Provide technical assistance, determine compliance and issue response to non-compliance including schedules for corrective actions.
- Determine eligibility of and deductibles for applicants to the Maine Ground and Surface Waters Clean-up and Response Fund, write and issue DEP orders to applicants.
- Investigate and manage cases involving non-compliance by Maine's certified installers and inspectors and present information on non-compliance to the Board of Underground Tank Installers, and defend the DEP's position in response to appeals of eligibility or conditional deductibles to the Clean-up and Response Fund Review Board.

V. Division of Remediation

Contact: David Wright, Public Service Manager II (david.w.wright@maine.gov)

The Division of Remediation is responsible for investigating and mitigating risks posed by the release of hazardous substances, monitoring and mitigating risks posed by closed landfills, and administering the lead and asbestos risk reduction programs.

Lead and Asbestos Unit

Contact: Vacant, Oil and Hazardous Materials Specialist III

The Lead and Asbestos Unit is responsible for regulatory oversight, assistance, and outreach for lead and asbestos professionals.

Every year, hundreds of children in Maine are identified by the Maine DHHS Center for Disease Control and Prevention (Maine CDC) as having high lead levels in their blood. Lead can cause learning disabilities and behavioral problems. Usually, these children are less than six years old and the poisoning is caused by exposure to dust from old lead paint when repainting or remodeling is done. Exposure to lead is most common in buildings built before 1950 (when paint contained up to 50% lead), and in buildings built before 1978.

DEP assists in the mitigation of lead hazards by licensing lead professionals, and promulgating standards for inspection, risk assessment and work practices. These standards are used by lead professionals who conduct activities in response to lead-poisonings identified by the Maine CDC and by other private and public entities such as Department of Housing and Urban Development (HUD), Lead Hazard Control Grant recipients, and municipalities. DEP also provides on-site technical assistance and outreach activities to address lead hazards.

Asbestos is a naturally occurring mineral that is strong and heat resistant. It has been used in nearly 3,000 products ranging from pipe insulation, flooring mastic, roofing materials and cement wallboard. Many of these products are still in use today. Asbestos causes lung cancer, mesothelioma, and asbestosis if not handled properly. State and federal asbestos regulations administered by DEP focus on ensuring that removal or repair of asbestos, particularly in school settings, is conducted by professionals trained and licensed by DEP.

Calendar Year 2016 Accomplishments

- The lead management rules were revised to align with U.S. Housing and Urban Development (HUD) guidelines. The revised rules adopted August 30, 2016, and became effective on October 3, 2016.
- An average of 136 lead and asbestos inspections were conducted each quarter.

Calendar Year 2017 Work Plan

The 2017 goals of the Lead and Asbestos Unit are:

- Conduct 100 lead and asbestos inspections per quarter.

The tasks expected to be undertaken by the Lead and Asbestos Unit include:

- Ensure that individuals and entities conducting lead abatement activities or handling lead paint in residential properties meet specific training requirements and follow appropriate work practices to protect public health and property.
- Train and certify or license 125 individuals per quarter for the proper handling of asbestos or lead in Maine.
- Complete 60 asbestos and lead compliance inspections, including:
 - Asbestos Hazard Emergency Response Act (AHERA) inspections (the asbestos in schools rule)
 - National Emission Standards for Hazardous Air Pollutants (NESHAP) asbestos inspections
 - HUD-funded lead abatement inspections
 - Inspections under state authorities
 - Training provider audits
- Provide technical assistance and outreach to 350 individuals in the regulated community and general public each quarter through phone responses, email responses and other activities.
- Audit lead and asbestos certification training providers.

Federal Sites Unit

Contact: Chris Swain, Environmental Specialist IV (chris.swain@maine.gov)

The Federal Sites Unit is responsible for coordinating the state response with the federal government at sites being cleaned up under Superfund (the 1980 *United States Comprehensive Environmental Response, Compensation, and Liability Act*, 42 U.S.C. §§ 9601-9675). The U.S. EPA leads the clean-up on sites that are ranked high enough to be placed on the National Priorities List. At sites where the contamination is solely from past military activity, the Department of Defense (DOD) conducts the clean-up using the superfund process regardless of whether or not the site is on the National Priorities List. Since 1982, 16 sites in Maine have been placed on the National Priorities List and hundreds of formerly used defense sites have been identified in the state.

The Unit also implements the *Resource Conservation and Recovery Act*, 42 U.S.C. §§ 6901-6992 (RCRA). Under this law, Unit staff work with the U.S. EPA, responsible parties, facilities, and communities to design remedies to clean up hazardous waste sites. Corrective action sites include many current and former manufacturing plants, wood preservers, and a variety of other entities. The U.S. EPA and DEP work with facilities and communities to design remedies based on the laws, contamination, geology, and risks at each site.

Calendar Year 2016 Accomplishments

- Pre-remedial actions for the Superfund Pre-Remedial Grant were completed at four sites: Hancock Ellsworth, Smith’s Junkyard, Steven’s Scrapyard, and Yankee Stripper.
- The goal of completing two interim milestones per project manager per quarter at remediation sites was exceeded, with an average of 4.25 milestones completed per project manager per quarter.

Calendar Year 2017 Work Plan

The 2017 goals of the Federal Sites Unit are:

- Complete an average of two interim milestones per project manager per quarter at remediation sites. Coordinate with U.S. EPA on selection of state milestones to accomplish federal milestones. State milestones for remediation sites or operable units are shown in Table 1.

Initial Site Review Completed	Liability and Reimbursement Settlement Completed
Phase I ESA completed	Cost Recovery Initiated
Phase II ESA completed	Post Closure Monitoring Completed
Remedial Investigation Completed	Post Closure Operation and Maintenance Completed
Feasibility Study Completed	Post Closure Inspection
Remedial Decision Made	IC Inspection
Remediation Complete	Non-Compliance with Remedy mitigated
Closure Documents Finalized	Post Closure Remediation Review

- Continue reviewing the current application processing time frames for hazardous waste closure and corrective action, as well as the application review process, to develop and implement procedures to reduce processing times.
- Achieve eight environmental indicators for RCRA corrective action projects for FFY 2017, and work to complete the backlog from FFY2016. The environmental indicators for corrective actions are: 1) current human exposures under control; and 2) migration of contaminated groundwater under control.

The tasks expected to be undertaken by the Federal Sites Unit include:

- Obtain and implement the Multi-Site Cooperative Agreement for Remediation (“MSCA-I”) and State and Indian Tribe Superfund Core Program (“Core”) grants, including filing quarterly reports.
- Oversee 10 ongoing superfund site clean-ups in Maine, along with long-term operations and maintenance. Coordinate with U.S. EPA to divide tasks at superfund sites.
- Provide oversight of DOD clean-up of former and active bases in Maine, including the clearing of areas for civilian use at the former Brunswick Naval Air Station and Loring Air Force Base, along with oversight at 115 other DOD sites. There are 221 active DOD sites in Maine.

- Oversee cleanup at the Mallinckrodt corrective action site, coordinate with the responsible party, and provide timely responses in accordance with the project timeline and orders.
- Complete financial reviews for hazardous waste closure and corrective action sites.
- Review submissions and provide timely responses and assistance to responsible parties to complete hazardous waste generator and facility closures.

State Sites Remediation Unit

Contact: Brian Beneski, Environmental Specialist IV (brian.beneski@maine.gov)

The State Sites Remediation Unit is responsible for administering the Uncontrolled Hazardous Substance Sites Program, which was created by the Maine Legislature in 1983 in response to potential threats to human health and the environment posed by abandoned hazardous substances sites. (The Uncontrolled Sites Program is the state equivalent of the federal Superfund Program.) The law authorizes DEP to compel responsible parties to investigate and remediate these sites. If there are no viable responsible parties, DEP conducts the investigation and clean-up, subject to the availability of bond money. To date, more than \$20 million has been spent on state-lead site clean-ups, although a bond has not been passed since 2009. There are over 479 active sites which require investigation or clean-up, but few of them have viable responsible parties to undertake the work.

Calendar Year 2016 Accomplishments

- The goal of completing two interim milestones per project manager per quarter at remediation sites was exceeded, with an average of 4.25 milestones completed per project manager per quarter.

Calendar Year 2017 Work Plan

The 2017 goals of the State Sites Remediation Unit are:

- Complete an average of two interim milestones per project manager per quarter at remediation sites. Milestones for remediation sites or operable units are shown in Table 1 above.
- Complete quarterly reimbursement for the Landfill Closure and Remediation Program within 4 weeks of fee receipt.
- Complete pre-remedial actions for the Superfund Pre-Remedial Grant at three sites by September 30, 2017.

The tasks expected to be undertaken by the State Sites Remediation Unit include:

- Investigate and direct remediation of sites under the Uncontrolled Sites Law.
- Investigate and direct closure or remediation under the Municipal Landfill Closure and Remediation law. (There are 422 closed municipal landfills requiring maintenance, 70 of which require environmental monitoring and 39 that need investigation or remediation.)

- Process reimbursement payments to municipalities for closure and remediation of eligible landfills.
- Track state obligations and payments.
- Review environmental monitoring reports from municipalities to monitor contaminant migration.
- Conduct inspections with appropriate follow-up to ensure that closed municipal landfill caps are being properly maintained.
- Review and approve the redevelopment of landfills by municipalities for photovoltaic and solar projects, recreational fields, and other beneficial re-use opportunities.
- Obtain and implement the Multi-Site Cooperative Agreement II grant for Pre-Remedial Activities.
- Establish legal agreements initiating potentially responsible party lead or cost recovery for appropriate sites.
- Assist Federal Facilities Unit with federal site activities as requested.

VRAP/Brownfields Unit

Contact: Nick Hodgkins, Oil and Hazardous Materials Specialist III
(nick.hodgkins@maine.gov)

This unit works with parties who seek to voluntarily investigate and clean-up contaminated properties in exchange for protections from DEP enforcement actions. The Voluntary Response Action Program (VRAP) was established in 1993 to encourage the cleanup and redevelopment of contaminated properties in Maine. The unit also works with applicants under the federal Small Business Liability Relief and Brownfields Revitalization Act (“Brownfields”) program to clean-up properties where redevelopment is impeded because of contamination or the perception of contamination. The benefits of Brownfields redevelopment include protection of public health and the environment through cleanup of commercial and industrial properties, revitalizing downtown areas by encouraging reuse of properties, increased tax revenues, use of existing infrastructure (e.g., roads, rail, water, and sewer), creation of new jobs, and revitalization of declining commercial and industrial based communities. Maine historically receives the highest per-capita amount of Brownfields funding in the nation.

Calendar Year 2016 Accomplishments

- Maine received \$7.34 million in Brownfields grants, the most of any state. The awards were broken down by assessment (\$3.7 million), site-specific cleanups (\$1.2 million) and revolving loan funds (\$2.44 million). This was the highest award received by Maine since U.S. EPA began issuing awards. Maine has received an average of \$4 million in Brownfields each year for the past 18 years.
- The goal of completing two interim milestones per project manager per quarter at remediation sites was exceeded, with an average of 4.25 milestones completed per project manager per quarter.

Calendar Year 2017 Work Plan

The 2017 goals of the VRAP/Brownfields Unit are:

- Complete an average of 3 interim milestones per project manager per quarter at remediation sites. Milestones for remediation sites or operable units are shown in Table 1 above.
- Assist municipalities and regional organizations in obtaining and implementing Brownfields funding for assessment and cleanup.

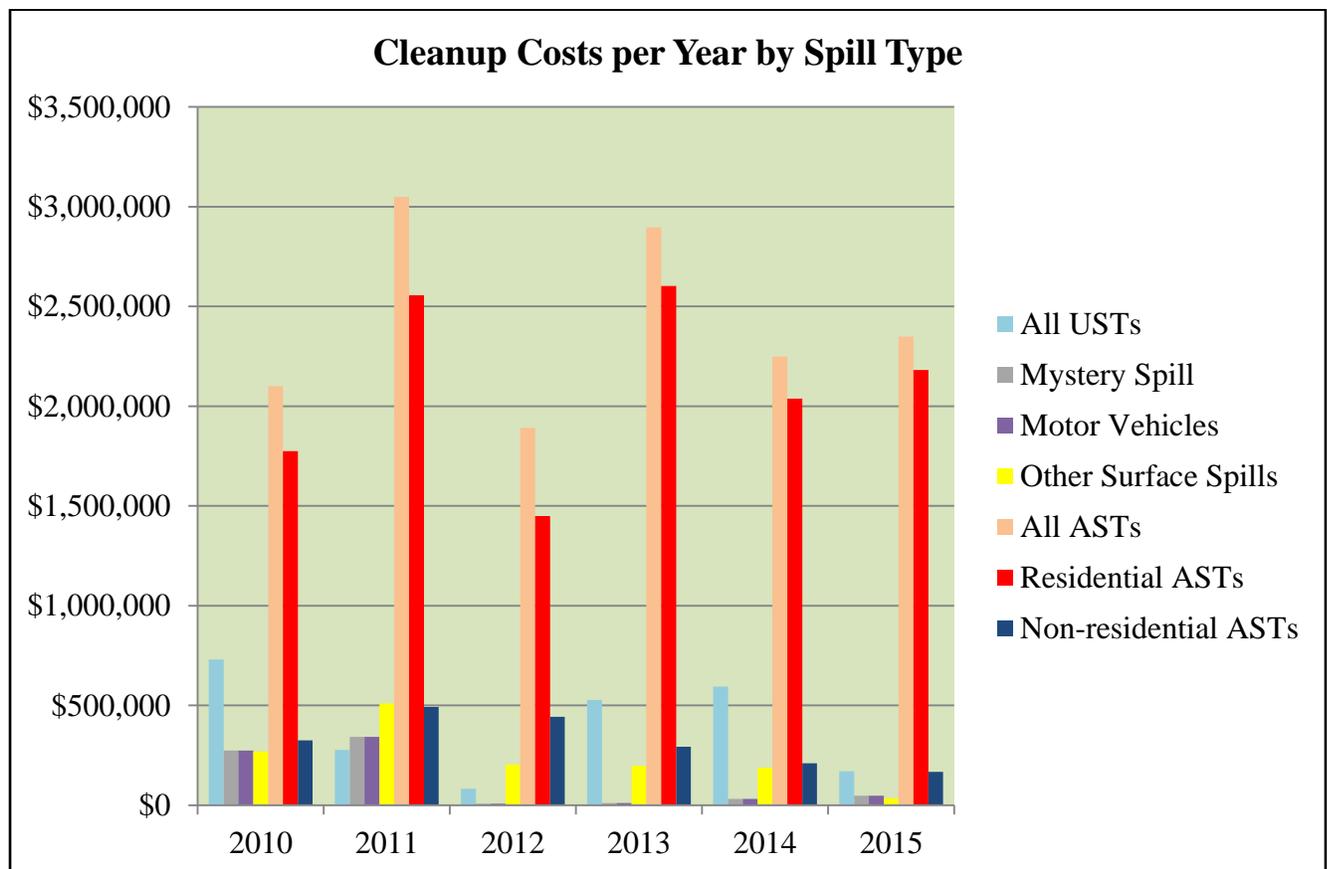
The tasks expected to be undertaken by the VRAP/Brownfields unit include:

- Process all VRAP applications received by the DEP.
- Obtain and manage federal grants under the Brownfields Act.
 - File quarterly reports.
 - File for Brownfields grants where appropriate.
 - Implement grants obtained under the competitive process.

VI. Division Response Services

Contact: Jeff Squires, Public Service Manager II (jeff.squires@maine.gov)

The Division of Response Services consists of 23 staff who are certified HazMat Technician-level Responders, that provide 24/7 response capabilities throughout the State. The division is the lead entity for response to oil spills in Maine, and is the co-lead, along with the appropriate public safety agency, for the assessment and remediation of hazardous materials releases in Maine. This division responds to reports of spills and threatened releases of petroleum products and hazardous materials, responds to reports of incidents involving weapons of mass destruction and clandestine drug labs, coordinates emergency clean up, and provides training to local fire departments and to the state's hazardous materials teams. The chart below provides a history of cleanup costs at spill sites in Maine.



Field Response Units

The Division of Response Services is comprised of three response teams based out of the DEP's Regional Offices.

Southern Maine Regional Office

Contact: Stephen Flannery, Oil & Hazardous Materials Responder III

Central Maine Regional Office

Contact: Jon Woodard, Oil & Hazardous Materials Responder III

Eastern & Northern Maine Regional Offices

Contact: Robert Shannon, Oil & Hazardous Materials Responder III

Calendar Year 2016 Accomplishments

- Completed two 4-day training sessions to review the appropriate response to an anhydrous ammonia release at an industrial food processing facility. Division staff partnered with McCain Foods in Easton to develop the training, which was attended by over 70 participants including DEP Responders, Regional Response Team members, local firefighters, Decon Strike Team members, emergency management personnel, and staff from several private sector companies that utilize anhydrous ammonia in their food processing facilities.

Calendar Year 2017 Work Plan

The tasks expected to be undertaken by the Field Response Units include:

- Develop in-house annual hazardous materials safety training for 2017 with an emphasis on coastal marine oil spill response. Include coordination with commercial business, county, and local first responders.
- Participate in planning and execution of the Maine and New Hampshire Area Committee full scale oil spill response exercise in Casco Bay with oil terminals, U.S. Coast Guard, contractors, and state, local, and non-profit agencies.
- Eliminate backlog of spill reports dated prior to 2015.
- Provide 24 hour emergency response to discharges of oil and hazardous materials from underground and above ground storage tanks, transportation incidents, coastal marine and inland surface incidents, clandestine drug labs, biomedical waste incidents, and weapons of mass destruction incidents.
- Maintain state owned oil and hazardous materials response equipment including oil skimmers, containment boom, spill response vessels, petroleum pumps, chemical pumps, compressors, hydraulic power units, railroad specific fittings, transfer hoses and other task specific equipment.
- Assist residential and commercial property owners with applications for coverage under the Maine Ground and Surface Waters Clean-Up and Response Fund.
- Monitor the anchorage and transfer of oil-carrying vessels to ensure mitigation and prevention of threats and hazards posed by vessels at anchor in the waters of the State.
- Respond to inquiries from the public and media concerning DEP oversight of spills of oil or hazardous materials.
- Maintain safety training under Maine Department of Labor Standards for oil, hazardous materials, biomedical, and weapons of mass destruction at the technician and specialist level. Training to include “In-Service Training Week”, division and unit level trainings, and other training outlined in the Division Training Matrix.

- Review suitability of leased space for storage of spill response equipment and dock space for the oil recovery barge *Netepenawesit*. Work with the Bureau of General Services' Leased Space Division to secure suitable leased space as well as lease terms, as necessary.

Response Planning Unit

Contact: Ginger McMullin, Response Support Specialist (ginger.c.mcmullin@maine.gov)

Calendar Year 2016 Accomplishments

- Deployed a coastal geographic response strategy in each of the three coastal zones (southern, central, and eastern) to ensure proficiency in boom deployment, anchoring, and small boat handling. The feasibility and effectiveness of each strategy was evaluated in comparison with written plan and expected tidal flows.
- Updated the Marine Oil Spill Contingency Plan, including corrections to notification telephone numbers as well as updating equipment lists.
- Deploy at least one coastal geographic response strategy in each of the three coastal zones (southern, central, and eastern) to ensure proficiency in boom deployment, anchoring, and small boat handling. Evaluate the feasibility and effectiveness of each strategy in comparison with the written plan and expected tidal flows.

Calendar Year 2017 Work Plan

The tasks expected to be undertaken by the Response Planning Unit include:

- Review and update the [Marine Oil Spill Contingency Plan](#) to ensure current personnel and equipment are properly documented.
- Participate in exercises and functional drills with outside agencies, industry and local first responders. The primary focus is to practice operating within the Incident Command System (ICS) per Presidential Executive Order. Along with ICS, practice integration and cooperation between responding assets and agencies.
- Participate with interagency leadership to ensure preparedness for emergency response with the following groups: Maine and New Hampshire Port Safety Forum, Joint Response Team, Regional Response Team, State Emergency Response Commission, Hazardous Materials Team Chiefs, Maine and New Hampshire Area Committee, and Maine Pilotage Commission.
- Continue to participate as a member of 16 county-based local emergency planning committees (LEPC).
- Maintain updated information on the DEP web site and on the future cloud-based backup Internet access site.

VII. Division of Technical Services

Contact: Victoria Eleftheriou, Public Service Manager II
(Victoria.c.elftheriou@maine.gov)

The Division of Technical Services consists of four units providing technical support to the BRWM's other divisions and programs in the areas of engineering, geology and chemistry. The division is responsible for licensing and compliance of solid waste landfills, planning and implementing the cleanup of long term petroleum remediation sites, providing technical assistance to all BRWM programs (RCRA, uncontrolled sites, VRAP, Brownfields, solid waste, and petroleum), providing technical assistance to the business community and the general public, managing environmental sampling data through the use and administration of the Environmental and Geographic Analysis Database (EGAD), inspecting underground piping at facilities that have an aboveground storage tank, administering a program to replace home heating oil tanks that are at high risk of leaking, and providing staff support to the Cleanup and Response Fund Review Board and the Board of Underground Storage Tank Installers.

Engineering Unit

Contact: Vacant, Environmental Engineering Services Manager

The Engineering Unit provides technical assistance to all BRWM programs, including: providing engineering investigation and remediation support during the clean-up of oil discharge sites; providing technical assistance and administration of a low income home heating oil tank replacement program in conjunction with the state's Community Action Programs; administering the licensing program for solid waste landfills, including compliance assistance and enforcement functions; and providing engineering reviews and technical assistance to the municipal landfill closure and remediation program housed in the Division of Remediation. The BRWM Environmental and Geographic Analysis Database (EGAD) data manager resides in this unit. The EGAD data manager is responsible for ensuring that the database is performing satisfactorily, serves as an interface between staff and OIT when improvements are necessary, and provides technical assistance to laboratories and consultants to correct EGAD data submittals.

Calendar Year 2016 Accomplishments

- Executed contracts with seven of Maine's Community Action Programs for the replacement and upgrade of sub-standard home heating oil tanks in low income single family residences, and provided technical assistance and oversight.
- Participated in an audit and program review of the Home Heating Oil Tank Replacement Program. The audit resulted in the generation of three corrective action requests, which will include generation of several standard operating procedures.

Calendar Year 2017 Work Plan

The 2017 goals of the Engineering Unit are:

- Address the corrective action requests required by the audit and program review of the Home Heating Oil Tank Replacement Program.
- Implement and evaluate ideas for cost savings to the Maine Ground and Surface Waters Cleanup and Response Fund from documents drafted by the Smart Sampling work group. The documents include interim procedures for water supply sampling at home heating oil spill sites, monitoring water treatment systems and monitoring vapor mitigation systems. Continue participation in other work groups.
- Continue to identify and implement potential efficiencies and improvements that could be made within the landfill licensing and engineering units. Evaluate project management work flow and assess need for filling the vacant Environmental Specialist III position.
- Contract with Maine's Community Action Programs for the replacement and upgrade of sub-standard home heating oil tanks in low income single family residences, providing technical assistance and oversight.
- Assist the Division of Petroleum Management with underground storage tank replacement strategies and review technical services programs funded by the Maine Ground and Surface Waters Clean-up and Response Fund to evaluate possible management and administrative efficiencies.

The tasks expected to be undertaken by the Engineering Unit include:

Petroleum Engineering Assistance

- Provide engineering investigation and remediation support during the clean-up of oil discharge sites.
- Review and assess alternative approaches in mitigating and remediating home heating oil spills in order to improve program efficiency and effectiveness.
- Coordinate technical discussions and address internal review comments regarding the draft "Vapor Source Assessment, Remediation and Closure Guide for Residential Heating Oil Spills".
- Complete the review of 25 UST closure site assessments per quarter.
- Manage, maintain, and update fleet of trailers designed to recover free product and treat groundwater as needed. Review status of trailer maintenance program and produce brief written summary quarterly.
- Participate in the Interstate Technology & Regulatory Council's committee on total petroleum hydrocarbon risk evaluation at petroleum-contaminated sites. Attend one planning meeting in person and participate in quarterly conference calls.
- Transition to the use of electronic formats for documentation of petroleum remediation site information, such as site maps of sampling locations, diagrams of treatment systems, etc., for the affected homeowner as well as the Department's files.

Tanks Engineering Assistance and Education

- Contract with Maine's Community Action Programs for the replacement and upgrade of sub-standard home heating oil tanks in low income single family residences, providing technical assistance and oversight.
- Replace leaking home heating oil tank systems for low income eligible households reported by the Division of Response Services and responsible for an oil discharge to the environment
- Provide technical assistance to certified underground tank installers and inspectors, BUSTI, the State Fire Marshal's Office and other agencies regarding the proper management of petroleum and hazardous substances. In collaboration with the State Fire Marshal's Office, review aboveground storage tank permit applications for compliance with the well head protection law and regulations governing siting of new oil storage facilities.
- Conduct technical research to determine if using heat pump systems are a viable cost effective and efficient alternative to tank replacements using conventional home heating oil tanks and propane furnaces.
- Research the implications of using low sulfur home heating oil and provide recommendations regarding its use within existing tank systems and its fate and transport in the environment in terms of spill clean-up strategies.
- Review registration and annual inspection reports for 40-45 aboveground motor fuel storage facilities with underground product piping per quarter.
- Develop technical expertise in the design of public water systems. Formalize lessons learned from previous projects including design and installation recommendations into a preliminary specification.

Superfund/Federal Facilities/Uncontrolled Sites/RCRA Engineering Assistance

- Provide engineering assistance to the Division of Remediation through the review and analysis of superfund, federal facilities, uncontrolled sites, and RCRA site applications.
- Complete 20-40 engineering reviews of superfund, federal facilities and RCRA site applications by the end of the 4th quarter, averaging 5-10 per quarter.
- Complete 35-70 engineering reviews of uncontrolled hazardous site remediation plans, including dry cleaners, by the end of the 4th quarter, averaging 5-17 per quarter.

Solid Waste Engineering Assistance

- In conjunction with project managers conduct at least 20 operational compliance assistance inspections at solid waste facilities.
- Provide engineering oversight during construction of solid waste landfills, transfer stations and storage sites, processing facilities and composting facilities. At sites where engineering assistance is requested, conduct inspections at least monthly during construction and at project completion for conformance with approved plans and specifications.

- Provide technical assistance to Commissioner's office, BRWM director, and licensing programs regarding waste conversion and bio-fuels technology assessment and implementation as requested.
- Develop a standard operating procedure for landfill gas investigations at closed or abandoned landfills in conjunction with the landfill closure and remediation program in the Division of Remediation.
- Provide engineering reviews and technical assistance to the landfill closure program at 4-8 landfills with emphasis on: 1) landfill gas issues and guidance at previously closed sites under the closure and remediation program; 2) closure reimbursement costs at eligible landfills; and 3) siting of renewable energy systems on cover systems or construction of other structures within the 100-foot buffer zone around closed landfills.
- Provide engineering assistance to the Division of Materials Management through the review and analysis of site-specific applications for solid waste transfer stations and storage sites, processing facilities and composting facilities.
- Provide oversight of landfill active gas collection and control systems (GCCS) monitoring and reporting at landfills for conformance with license requirements including data management in EGAD and subsequent data analyses. Provide an opinion of system performance for each active GCCS.

Landfill Licensing and Compliance Assistance

- Review and process landfill license applications in conformance with applicable standards and timeframes.
- Complete landfill annual report reviews in a timely manner and develop a system to efficiently track and report facility compliance.
- Further develop and maintain the electronic cost database to assist in required annual financial assurance reviews of solid waste landfills.
- Update the licensing application forms for solid waste landfills.
- Conduct annual compliance assistance inspections at all landfill projects and inspections at all approved landfill construction projects at least monthly during construction and at project completion for conformance with approved plans and specifications.
- Respond to inquiries and requests received from the regulated community, consultants and other applicable parties regarding landfill standards and requirements within the Solid Waste Rules.

EGAD Management

- Provide technical assistance to laboratories and consultants to correct EGAD data submittals and answer data users' questions, about 3-5 times per quarter.
- Develop automated validation checks and reports using EGAD. Tool expected to be available by late 2016 or early 2017.
- Respond to 10-20 requests for water quality data by the public through the Google Earth map application on the DEP website, averaging 2-5 per quarter.
- Receive Electronic Data Deliverables (EDD) and upload the EDDs into EGAD.

- Coordinate with Department IT staff, program staff in other DEP bureaus, and OIT on needed changes and improvements to EGAD.
- Assist Department staff with data entry, data extraction, and needed improvements to EGAD.

Hydrogeology Unit

Contact: Troy Smith, Environmental Hydrogeology Manager (troy.t.smith@maine.gov)

The Hydrogeology Unit provides technical assistance to all BRWM programs. The unit provides hydrogeological investigation and remediation support during the clean-up of oil discharge sites. The unit manages the BRWM's priority list of long-term oil remediation sites. Technical assistance to all BRWM programs includes reviewing or writing work plans for investigations, overseeing field work, analyzing sample field parameters or collecting samples for laboratory analysis, reviewing reports and evaluating models, and collecting Geographic Information System (GIS) location data for sampling points and producing maps from site data. This unit also provides guidance regarding EGAD, meeting with staff of the EGAD oversight committee regularly to prioritize requests for new or improved analytical modules within EGAD.

Calendar Year 2016 Accomplishments

- Developed revised sampling guidelines for the Bureau's petroleum program. The Smart Sampling Workgroup, one of several workgroups created to identify cost savings for the Maine Ground and Surface Waters Clean-Up and Response Fund, developed an interim procedure for water supply sampling at home heating oil spill sites. The most notable change in the interim procedure is the use of the Total EPH test instead of the EPH test to screen water supplies for fuel oil impact. This interim procedure results in a health risk-based approach to screening water supplies for fuel oil impacts while reducing the annual spending on water supply sampling at home heating oil spill sites by about \$125,000 annually. If the interim procedure proves to be effective, it will be incorporated into the BRWM Petroleum Remediation Guidelines.
- Reviewed environmental monitoring results for more than 55 licensed solid waste facilities, including uploading annual results into the database and evaluating the data using a graphical analysis.

Calendar Year 2017 Work Plan

The 2017 goals of the Hydrogeology Unit are:

- Complete closure of at least 135 long-term oil discharge cases in collaboration with the Division of Petroleum Management.
- Review environmental monitoring results for 25-45 licensed solid waste facilities annually or more frequently if the situation requires additional evaluation. The review will consist of uploading annual results into the database and evaluating the data using a graphical analysis. Data will be compared to regulatory limits and guidelines.

The tasks expected to be undertaken by the Hydrogeology Unit include:

Petroleum Hydrogeology Assistance

- Investigate and remediate 10-15 long-term oil remediation sites (requiring more than \$10,000/site) in collaboration with the Division of Petroleum Management. Complete project specific budgets and work plans.
- Investigate and remediate 300-500 oil discharge sites requiring less than \$10,000/site.
- Implement the well head protection law and regulations (Chapter 692) governing the siting of new oil facilities in collaboration with the Division of Petroleum Management and the State Fire Marshal's Office, including completing the review of new proposed oil storage facilities.
- Replace private drinking water supply wells contaminated with oil in special circumstances when there is a place to drill a well where it is not likely to be contaminated.
- Manage BRWM's "priority list" of long-term oil remediation sites, listing 75-150 new oil contamination sites per year requiring long-term remediation of drinking water supplies, indoor air or ground water.
- Enter environmental data into the Spill Site Tracking System and EGAD.

Management of Equipment Warehouse

- Keep the warehouse clean and organized to make it efficient for staff to borrow equipment and pack sample bottles when going in the field.
- Maintain the decontamination room to allow staff to decontaminate their equipment when returning from a field sampling event.
- Maintain geological field investigation equipment including photo ionization detectors, pumps, meters, transducer and generators.
- Send the Lumex mercury monitoring instrument to the manufacturer annually for maintenance and calibration.

Hydrogeology Assistance for Dry Cleaner, Uncontrolled Sites, RCRA Corrective Action and Federal Facility Programs

- Review or write work plans for the investigation of 10-15 dry cleaner sites. Provide assistance for sampling soil and groundwater to analyze the threats to health nearby.
- Assist uncontrolled sites managers at 25-35 uncontrolled sites. Help in the planning of budgets. Review reports by consultants who have completed site investigations. Collect soil and groundwater samples when necessary.
- Provide assistance at 3-8 RCRA corrective action sites.
 - Review and comment on reports submitted by responsible parties.
 - Provide technical assistance at meetings with company representatives and consultants to reach agreement on the next steps of investigation or remediation.
- Provide assistance at 4-8 federal facilities with Loring Air Force Base, Brunswick Naval Air Station and Portsmouth Naval Shipyard being the largest sites. Review and respond

to reports submitted by the Department of Defense. Write comments and recommendations to assist the project manager making the remedial decisions. Oversee field work and collect split samples when needed. Represent DEP at meetings with the Department of Defense and the public.

- Provide technical assistance to project managers and applicants for Chapter 700 Hazardous Facility Siting cases, including work plan development, site evaluation, data review and hydrogeological evaluation. The annual number of cases of this type is highly variable. Work on 1-2 cases per year.

VRAP Program Hydrogeology Assistance

- Review 15-25 applications to the VRAP program.
- Review phase 1 and phase 2 work plans to determine if the contaminants of concern are correct and the sampling protocol represents the scale of the contaminant distribution.
- Oversee the field work to ensure compliance with the work plan and regulations.
- Assist the project manager with writing environmental covenants when the work is complete.

Brownfields Program Hydrogeology Assistance

- Review 25-35 applications to the Brownfields program.
- Review the Phase 1 report and work closely with the responsible party to write the Phase 2 report to assess the best cleanup alternative.
- Assist the project manager in writing and carrying out the phase 1 and phase 2 work plans where Brownfields grants are being used.
- Sample soils, construct monitoring wells and sample groundwater according to the 128A work plans.
- Evaluate the results of the fieldwork to select the best cleanup alternative at the Brownfields grant sites.
- Assess the need for environmental covenants at the Brownfields grant sites and help to write them.

Solid Waste Program Hydrogeology Assistance

- Review Solid Waste landfill license applications and hydrogeological reports related to the license. Evaluate groundwater models, identify receptors that could be at risk from the proposed landfill and develop a monitoring plan.
- Review environmental monitoring results for 20-40 licensed solid waste facilities annually or more frequently if the situation requires additional evaluation.
 - Upload annual results into the database and evaluate the data using a graphical analysis.
 - Compare the data to regulatory limits and guidelines.
- Evaluate 10-20 private drinking water supply wells at risk of contamination surrounding 4-8 closed municipal solid waste landfills.

- Evaluate performance of environmental monitoring programs associated with 20-40 closed municipal solid waste landfills.

Data Management Support

- Provide direction to the State's Office of Information Technology for new or improved analytical modules in EGAD. Meet with staff of the EGAD Oversight Committee on a 5 week cycle. Prioritize and forward staff requests to OIT programmers at bi-weekly meetings.
- Provide assistance to staff for GIS mapping.
- Take representative environmental samples of soil, ground water, surface water and drinking water supplies at petroleum sites. Collect GIS location data for sampling points.
- Improve the ability of BRWM staff to apply up-to-date statistical methods to environmental data by mentoring and giving presentations.
- Represent the State of Maine on the Interstate Technology Regulatory Council's (ITRC) Geostatistics for Remedial Optimization Team.

Chemistry Unit

Contact: Kelly Perkins, Chemist III (Kelly.perkins@maine.gov)

The Chemistry Unit provides technical assistance to all BRWM programs, and the unit leader serves as the BRWM's Quality Assurance/Quality Control (QA/QC) officer. This includes review of project sampling plans and Quality Assurance Plans (QAP), QA/QC reviews of laboratory results, and data validation checks. This unit also administers the DEP's laboratory services pre-qualified contractor list.

Calendar Year 2017 Work Plan

The 2017 goals of the Chemistry Unit are:

- Provide formal data review training to newer BRWM staff who did not previously receive training.

The tasks expected to be undertaken by the Chemistry Unit include:

Quality Assurance/Quality Control

- Serve as the BRWM QA/QC officer, including the completion of the following tasks.
 - Monitor performance of contract laboratories providing environmental sampling analyses to BRWM.
 - Review of project sampling plans and quality assurance plans (QAP) for RCRA, uncontrolled sites, solid waste, and oil remediation program sites as needed.
 - Review of BRWM project QAPs as needed.

- QA/QC reviews of laboratory results for all BRWM programs and staff, and follow-up with laboratory to obtain corrective actions.

Support

- Review sampling plans, analytical data reports, and other project-related material as requested.
- Research protocol used for field photoionization detector correction factor determination.
- Determine correction factors for new instrumentation owned by DEP.
- Assist division director in implementation of laboratory services audit corrective actions for those findings relevant to the BRWM, with the state's Office of Information Technology to develop EGAD program to evaluate data quality by end of 4th quarter and the preparation of laboratory contract language regarding performance monitoring.
- Annual review of leaking underground storage tank and RCRA Quality Assurance Program Plans for inclusion in annual report to the U.S. EPA.

Oil Board Support Unit

Contact: Theresa Scott, Planning and Research Associate II (Theresa.j.scott@maine.gov)

The Oil Board Support Unit provides support to two citizen advisory boards, the Board of Underground Storage Tank Installers (BUSTI), and the Clean-up and Response Fund Review Board. This support is in the form of meeting planning, administrative guidance, maintaining information, databases, documents, and websites of the boards; coordinating membership requests for gubernatorial appointments; and drafting annual reports for the boards. The unit administers a certified underground storage tank installer and inspector program for BUSTI.

Calendar Year 2016 Accomplishments

- Held three certified tank installer and inspector examinations.
- Organized and held the annual continuing education seminar for certified underground storage tank inspectors, installers, and interested parties.

Calendar Year 2017 Work Plan

The 2017 goals of the Oil Board Support Unit are:

- Finalize duties for the new Planning and Research Assistant to provide backup support to the Unit.
- Offer regularly scheduled certified tank installer and inspector examinations in order to maintain or increase the number of CTIs available to address the increase in the upcoming number of tank removals and replacements due to warranty expirations. The minimum number of examination offerings by BUSTI statute is two; the goal is to offer a minimum of three examinations in 2017.

- Work with Department management and administrative staff of the Maine Senate President and the Speaker of the House of Representatives to obtain full membership on the Clean-up and Response Fund Review Board. The goal is to fill the remaining vacancies before the end of the year.

The tasks expected to be undertaken by the Oil Board Support Unit include:

Board Support

- Coordinate annual BUSTI/DEP continuing education seminar for certified underground storage tank installers, inspectors, and interested parties. Manage all logistics with attendees and presenters, and coordinate planning meetings and speakers for the training event. Compile all training materials into packets for attendees and present agenda to BUSTI to obtain authorization for continuing education credits.
- Provide administrative guidance and support to BUSTI, the Clean-up and Response Fund Review Board, the regulated community of certified tank installers, and interested parties.
- Plan all meetings, notify applicable parties for agenda items and deadline for materials and distribute packets of materials to Board of Environmental Protection members at least one week in advance of meeting. Transcribe meeting minutes for inclusion of the Board's packet for approval at their next meeting.
- Maintain the information, databases, documents, and websites of the Boards to ensure information is accessible and current.
- Coordinate Board membership requests for Gubernatorial Appointments with the Commissioner's Office and the Director of Boards and Commissions for the Office of the Governor.
- Draft Annual Report of the BUSTI due to the Commissioner by August 1, as well as reports to the Secretary of State's office and provide input and assistance with development of the annual Clean-up and Response Fund Review Board (formerly FIRB) report.

UST Installer/Inspector Certification Program

- Provide regulatory guidance to certified persons, applicants and others interested in the tank installer and inspector certification programs. Provide applications to individuals interested in being certified as underground storage tank installers or inspectors. Receive and review applications and ensure applicable paperwork is received.
- Schedule examinations, register exam applicants, and provide study packets to applicants. Notify applicants within 10 business days of their completion of the examination, and provide opportunities for examination reviews for those who failed. Solicit feedback from program staff on exam question quality and conformance with current standards.
- After successful completion of initial underground storage tank installer and inspector examination, track apprenticeship points for each relevant job he or she assists on for a total of 1,000 points.
- Issue "Application for Underground Storage Tank Installer/Inspector Certificate Recertification" to certified tank installers about 1 month prior to certificate expiration. Upon receipt of the application, ensure continuing education requirements are being met

before issuance of certificate and identification card. If lacking continuing education credits, notify certified tank installers of educational opportunities in order to ensure compliance with the Board statute and rules.

- Maintain list of approved continuing education courses and training for certified underground storage tank installers and inspectors. Monitor continuing education requirements for all certified underground storage tank installers and inspectors.
- Maintain certified tank installer and inspector training and testing materials.

DEP Staff Assistance

- Assist Underground Storage Tank Unit with processing of complaints against certified tank installers and inspectors that will be included in the Board packet and presented to the BUSTI board.
- Manage the electronic inbox for underground storage tank inspections. Print out and process form and follow-up on any issues as requested by underground storage tanks staff.
- Process all underground storage tank inspections via incoming mail to provide for processing from underground storage tanks unit staff.
- Assist BRWM director and division director with special assignments as requested.

VIII. Special Projects Unit

Contact: Mary James, Environmental Specialist IV (mary.r.james@maine.gov)

This unit assists the BRWM director in improving efficiencies within BRWM and DEP by streamlining administrative processes.

Calendar Year 2016 Accomplishments

The following is an overview of the 2016 accomplishments of the Special Projects Unit:

- Maintained the BRWM work plan, including mid-year updates.
- Reviewed the usage of BRWM leased vehicles to determine the adequacy of the vehicle fleet. As a result of the review, one vehicle was eliminated in the Southern Maine Regional Office and one less seasonal vehicle will be requested from Central Fleet Management for summer 2017.
- Renewed the health monitoring contract with MaineGeneral Workplace Health for 2017.
- Held First Aid/CPR training for all BRWM staff requiring certification.

Calendar Year 2017 Work Plan

The 2017 goals of the Special Projects Unit are:

- Maintain the BRWM work plan.
- Review usage of BRWM leased vehicles to determine adequacy of vehicle fleet.

The tasks expected to be undertaken by the Special Projects Unit include:

- Assist the Bureau Director with special projects and day-to-day activities.
- Review documents such as travel requests, performance management forms, and licensing orders to ensure consistency between BRWM divisions.
- Coordinate BRWM hiring, including drafting FJAs, hiring justifications, vacancy announcements, interview questions, and hiring letters.
- Administer contract for Health Monitoring.
- Coordinate intern program for BRWM.

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2017

Work Plan – Office of the Commissioner



Christina Zabierek
Policy Director
December 2016

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I. Office of Innovation and Assistance

Director of the Office of Innovation and Assistance

Bill Longfellow, Public Service Executive I

The Office of Innovation and Assistance (OIA) is home to the Small Business Ombudsman and the Non-Point Source Training and Resource Center. The Director of the OIA also manages the Wetland Grants and serves as the Quality Assurance Manager.

The Director of the Office of Innovation and Assistance coordinates the activities of three staff members, makes recommendations for improvements to Department processes, establishes clear communications with the regulated community, and facilitates the regulatory process and fosters relationships where ever possible. The Director also undertakes special projects for the Commissioner, serves as the Quality Assurance Manager, and participates as a member of the Safety Committee.

Calendar Year 2016 Accomplishments

- Met with members of the regulated community to establish collaborative relationships and gain a broader understanding of the needs of the regulated community and ways to work together to accomplish shared goals.
- Performed outreach to colleges, universities, and other educational institutions to mobilize the resources of these entities, finding synergy to achieve environmental goals.
- Provided training for staff in quality management, safety, and business and management skills.
- Undertook special projects and tasks identified by the Commissioner; examples include: finding beneficial reuse solutions to environmental issues at various sites and identifying ways to improve the delivery of information to the regulated community.

Calendar Year 2017 Goals

- Meet in-person with a minimum of twelve individuals or entities of the regulated community; establish relationships with a minimum of twenty-four individuals or entities seeking collaboration, create a dialogue, and gain understanding of the needs of the regulated community.
- Develop relationships with colleges, universities, and other educational institutions to mobilize the resources of these entities to find synergy to achieve environmental goals.
- Plan and provide training opportunities for Department staff through classes and workshops which will provide professional development, recertification opportunities and enhance staff abilities.
- Improve delivery and content of training while providing classes to train, certify, and re-certify excavation contractors in erosion and sediment control practices through classes around the state.

Non-Point Source Training and Resource Center

The Non-Point Source Training and Resource Center staff develops and provides training

workshops in erosion and sediment control for contractors, landscapers, well drillers, and other appropriate members of the regulated community. Staff is also responsible for oversight of the Culverts Grant Program which through multiple request for proposals (RFPs), provides 5.4 million of dollars in funding for the replacement of culverts and road crossings for Maine municipalities.

Calendar Year 2016 Accomplishments

- Provided training for excavation contractors in erosion and sediment control practices by offering 24 classes for over 800 people.
- Developed improved delivery methods and updated content to increase efficiency in the certification and re-certification of contractors.
- Coordinated the review of grant proposals for culvert/crossing replacements and awarded to 2.1 million dollars in grants through two rounds of grant funding.
- Developed an on-line course in Shoreline Stabilization for continuing education credits for certified contractors.

Calendar Year 2017 Goals

- Continue to train, certify, and re-certify excavation contractors in erosion and sediment control practices by offering 24 classes.
- Develop procedures to increase efficiency in the certification and re-certification of contractors and update certification policies.
- Develop on-line courses in other areas of training and recertification need, one example being Shoreline Stabilization.
- Convene the Nonpoint Source (NPS) Training Center Advisory Committee to develop the next years training program using feedback from industry and program participants.

Small Business Ombudsman

This position serves as the DEP's overall assistance liaison to the regulated community. Key responsibilities include serving as the Department's Small Business Ombudsman, staffing the Department's Assistance Hotline, working with various DEP staff to develop training materials to promote regulatory compliance and technical assistance for regulated entities (including newsletters, webinars, and seminars), coordinating with Federal, State, and/or local Agencies to develop compliance strategies.

Calendar Year 2016 Accomplishments

- Provided timely and thorough technical assistance to Maine's regulatory Community through the Assistance phone hotline, InfoDEP (Assistance web portal).
- Served as DECD's and Kennebec Regional Development Authority environmental assistance coordinator to the Governor Account Executives with the goal of assisting with new business startup and business expansion.
- Finalized the Sustainability Brewers Guide and promoted awareness through the Maine Brewers Guild, personal outreach, and informational site visits.
- Facilitated outreach, education and adoption of EPA's Solvent Wipers Rule.
- Developed and launched the Firing Range Best Management Practices Guidance, met

- with firing range staff, distributed the guidance, and provided compliance assistance.
- Coordinated, developed, and assisted with Hazardous Waste education and outreach efforts.

Calendar Year 2017 Goals

- Provide timely and thorough technical assistance to Maine's regulatory Community through the Assistance phone hotline and InfoDEP web portal.
- Continue to serve as DECD's and Kennebec Regional Development Authority environmental assistance coordinator to the Governor Account Executives.
- Work with industry sectors promoting best management practices and sustainability.
- Develop and launch the Environmental Leader Transportation Program including coordinating the Web based certification process.
- Update the strategy for the continuation and management of the Environmental Leader Programs (Hospitality, Restaurants, and Grocery) including partnering with Maine non-profits and higher education institutions.
- Identify areas in regulations and permitting processes that could be streamlined to assist Maine businesses; possible solutions may include Abbreviated License Applications for Beneficial Use or Reuse of a Hazardous Waste On-Site.

II. Office of Policy Development and Implementation

Director of Policy Development and Implementation

Christina Zabierek, Public Service Executive I

The Office of Policy Development and Implementation primarily focuses on rulemaking, record management, compliance assistance, legislative activities and formal enforcement. The Office of Policy also oversees the Safer Chemicals in Children's Products and the Toxic Use Reduction programs. Office of Policy staff works with all bureaus within the Department to enhance Maine's environmental laws and regulations. This is an ever-changing landscape, as these policies are often dependent upon external factors such as, but not limited to, federal laws, public opinion, legislative activities, and industrial development.

The Office of Policy is also responsible for writing and revising rules; assisting with the rule development process; preparing for, and holding rulemaking meetings; providing public notice of rulemaking; and explaining Department rules to the public.

This work plan is not intended to include all activities expected of Office of Policy staff but is an overview of the major goals.

Calendar Year 2016 Accomplishments

- Improved the rulemaking process by soliciting more stakeholder input prior to initiating formal rulemaking processes
- Updated eight internal Department SOPs and guidance documents to increase consistency in work across the Department
- Coordinated with Department staff to respond to 78 FOAA requests within all statutory timeframes
- Started rulemaking for designation of two flame retardants as priority chemicals
- Tracked and received reporting and fees for four members of the chemical class of phthalates as priority chemicals
- Coordinated with Bureaus and programs to manage global license transfers
- Coordinated with the Financial Authority of Maine (FAME) on loan applications, and updated the filing system
- Participated in committees, coalitions, and work groups:
 - Oversaw Integrated Beach Management Program Working Group
 - Ex-Officio membership in the Citizens Trade Policy Commission
 - Participated with DEP's internal Aboveground Storage Tanks Work Group
 - Participated in Regional Greenhouse Gas Initiative (RGGI) program review

Calendar Year 2017 Goals

- Create a prioritized, two-year rulemaking schedule and Regulatory Agenda
- Improve internal tracking for rules in progress
- Continue reviewing and updating existing Department-wide policies, SOPs and guidance documents
- Continue to respond within the Freedom of Access Act (FOAA) timeframes and submit FOAA reports twice per month to Office of the Governor
- Review record retention schedule with Bureaus to identify updates to be implemented in 2018

Legislative Activities

The Office of Policy Development and Implementation is responsible for developing and implementing the Department's legislative agenda, preparing paperwork for the bills assigned to DEP. The Office of Policy is also responsible for communicating with Department staff regarding pertinent legislative developments and ensuring proper implementation of new laws.

To execute legislative activities in a timely and effective manner, the Office of Policy works in concert with the Office of Communications, which includes the Department's Legislative Liaison. Many of the Department's legislative responsibilities are shared between the two Offices.

Calendar Year 2016 Accomplishments

- Tracked, wrote testimony for and analyzed the policy decisions of 67 bills on which the Department was the lead agency
- Developed language for eight Department initiated bills to help the Department better execute laws within our jurisdiction

Calendar Year 2017 Goals

- Work with Bureau Directors and Department staff to draft proposed legislation and testimony
- Submit legislative request and appraisal forms to Office of the Governor in a timely manner; review and edit legislative reports as necessary
- Prepare and train Department staff for briefings, hearings and work session testimony
- Develop and maintain an updated database of relevant federal and state laws
- Ensure proper implementation of new laws under the DEP's jurisdiction

Safer Chemicals in Children's Products and Toxic Use Reduction Program

The Safer Chemicals Program requires facilities to report the use of certain chemicals in children's products sold in Maine. The Toxic Use Reduction program requires manufacturers to report to the Department their use of five chemicals designated as Priority Toxic Chemicals.

Calendar Year 2016 Accomplishments

- Monitored all Federal and State legislation which may impact the Safer Chemicals Program, particularly developments regarding the Toxic Substances Control Act (TSCA)
- Tracked reporting for and billed entities that reported in compliance with the Department's Chapter 888, Designation of Four Members of the Chemical Class Phthalates as Priority Chemicals
- Began research and stakeholder outreach for the development of a rulemaking to prioritize two additional chemicals
- Partnered with Maine Center for Disease Control (CDC) to respond to public petitions seeking to prioritize chemicals or otherwise impact program implementation

Calendar Year 2017 Goals

- Administer Maine's Toxic Use Reduction (TUR) program by providing compliance assistance for businesses potentially affected by Maine's TUR reporting requirements, review annual data submitted by manufacturers, and provide determinations for TUR waiver requests
- Complete rulemaking process for prioritization of two chemicals
- Begin the research and review process of the list of chemicals of concern and chemicals of high concern for three-year review to be completed in 2018

Legal Activities

The Office of Policy is responsible for overseeing the Department's compliance and enforcement activities. The Office of Policy coordinates closely with program staff and the Office of the Attorney General (AG) on legal issues.

Calendar Year 2016 Accomplishments

- Posted all monthly enforcement summaries of completed consent agreements and 80K matters on website

- Completed reviews of 39 letters of warning and 81 notices of violations (NOVs) for Department enforcement staff prior to issuance
- Executed 15 consent agreements and three (3) consent decrees with violators to settle environmental violations
- Changed consent agreement process to present violators with the option of performing a supplemental environmental project (SEP) in laymen's terms; one violator chose to perform a SEP in 2016
- Worked with EPA and Department staff to update the internal SEP policy

Calendar Year 2017 Goals

- Continue monthly summaries of active enforcement, 80K, and 80C matters and resolve existing enforcement matters older than one year by end of year, or justify longer timelines
- Support the Office of Innovation & Assistance by developing one professional development training presentation for the regulated community and public
- Organize at least two enforcement- or compliance-based training sessions for the Department
- Develop and implement a plan for consistent initiation of enforcement actions in accordance with the Department's mission, specifically the circumstances under which notice of violations (NOVs) and letters of warning (LOWs) are issued
- Act as the Department's legal coordinator for the Americans with Disabilities Act (ADA)

III. Office of Outreach and Communication

Director of Outreach and Communication

David Madore, Public Service Executive I

The DEP Office of Outreach and Communications directs Department efforts to create and maintain public understanding and support for Departmental objectives, programs, regulatory requirements and best practices. The Director and staff in the office develop and disseminate all official agency announcements including media releases, weekly highlights, a quarterly department newsletter, educational columns and other materials of interest to the public and regulated community. The office develops and delivers regulatory and non-regulatory based environmental training to a variety of audiences, including through:

- Governor's Awards for Environmental Excellence;
- Requests for public information;
- On-demand online training modules;
- Department staff public presentations and media conferences;
- DEP's web content, including the Department website and social media presence.

In 2016 the Office of Communications and Outreach coordinated and conducted outreach to a variety of audiences, including nearly 1,400 middle-grade students at the Northern and Southern Maine Children's Water Festivals; at the DEP Earth Day open house event; to potential job

applicants during college job fairs at Maine Maritime Academy, Unity College and University of Maine at Farmington; and by increasing the DEP social media reach through Twitter. The Office of Outreach and Communications also coordinates the Maine Interagency Climate Adaptation group.

The Communications Director serves as the agency spokesperson and is the liaison for all DEP-related media inquiries and currently also serves as liaison to the Maine legislature. Communications staff created a bimonthly Department-wide system to update all staff on tracking of legislative bills and get input from staff when necessary. Staff also monitor legislative work sessions and public hearings for legislation that impacts the DEP's programs.

To execute legislative activities in a timely and effective manner, the Office of Policy works in concert with the legislative liaison in the Office of Outreach and Communications. Many of the Department's legislative responsibilities are shared between the two units.

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Department of Environmental Protection



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Account Codes:
 010 = General Fund
 013 = Federal Funds
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Commissioner, Department of Environmental Protection
 083000001
 PFT
 01006A025110

Regional Director, DEP
Public Service Executive I
 083300051
 LPFT
 01406A025114

Deputy Commissioner
Public Service Executive I
 083300161
 LPFT
 01406A025114

Office Associate I
N.M.R.O. Admin Support
 083001852
 LPFT
 01406A025114

Office Specialist II
BEP Secretary
 083301091
 LPFT
 01406A025114

Regional Director, DEP
Public Service Executive I
 005000009
 LPFT
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Regional Director, DEP
Public Service Executive I
 083301653
 LPFT
 01406A025114

Office Associate II
S.M.R.O. Admin. Support Specialist
 083100521
 LPFT
 01406A025114

Office Associate I
S.M.R.O. Receptionist
 083101543
 LPFT
 01406A025114

Office Associate II Supv
E.M.R.O. Admin. Support
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Office Assistant II
E.M.R.O. Admin. Support
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Secretary Specialist
 083300171
 PFT
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Director, Communications
Public Service Executive I
 083301443
 LPFT
 01406A025114

Executive Analyst - BD of EP
 083002056
 LPFT
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Innovation & Assistance

Bureau of Air Quality Control

Bureau of Water Quality

Bureau of Remediation & Waste Management

Policy Development & Implementation

Bureau of Land Resources

Director, Innovation & Assistance
Public Service Executive I
 083001818
 LPFT
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Director, Bureau of Air Quality Control
 083100581
 PFT
 01006A025010

Director, Bureau of Water Quality
 083200511
 PFT
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Director, Bureau of Remediation & Waste Mgmt
 083301354
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Director, Policy Development & Implementation
Public Service Executive I
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Director, Bureau of Land Resources
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 LPFT
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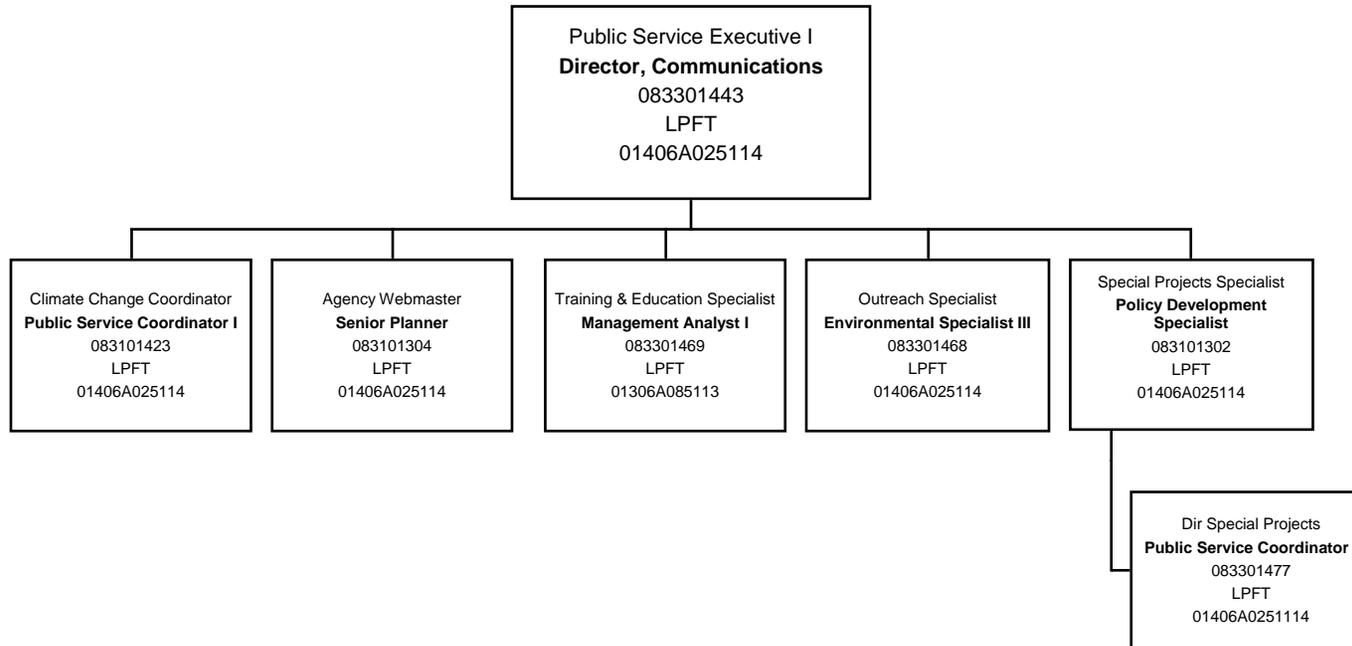
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Department of Environmental Protection
Bureau of Air Quality Control

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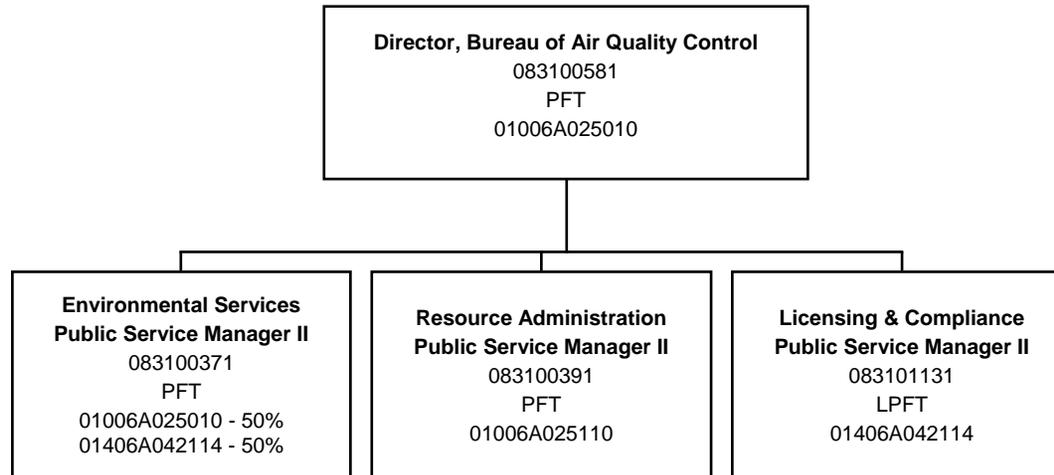
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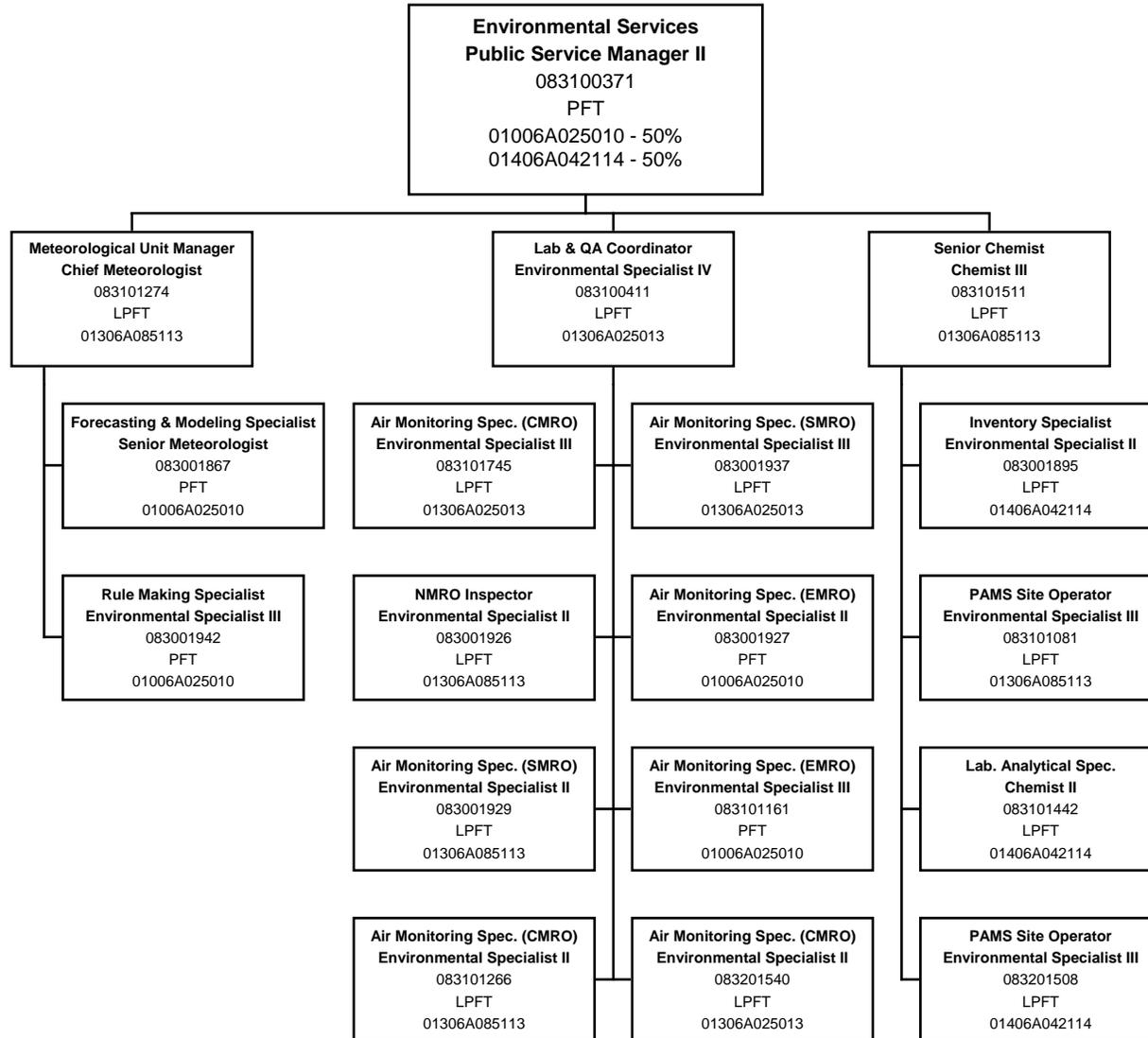


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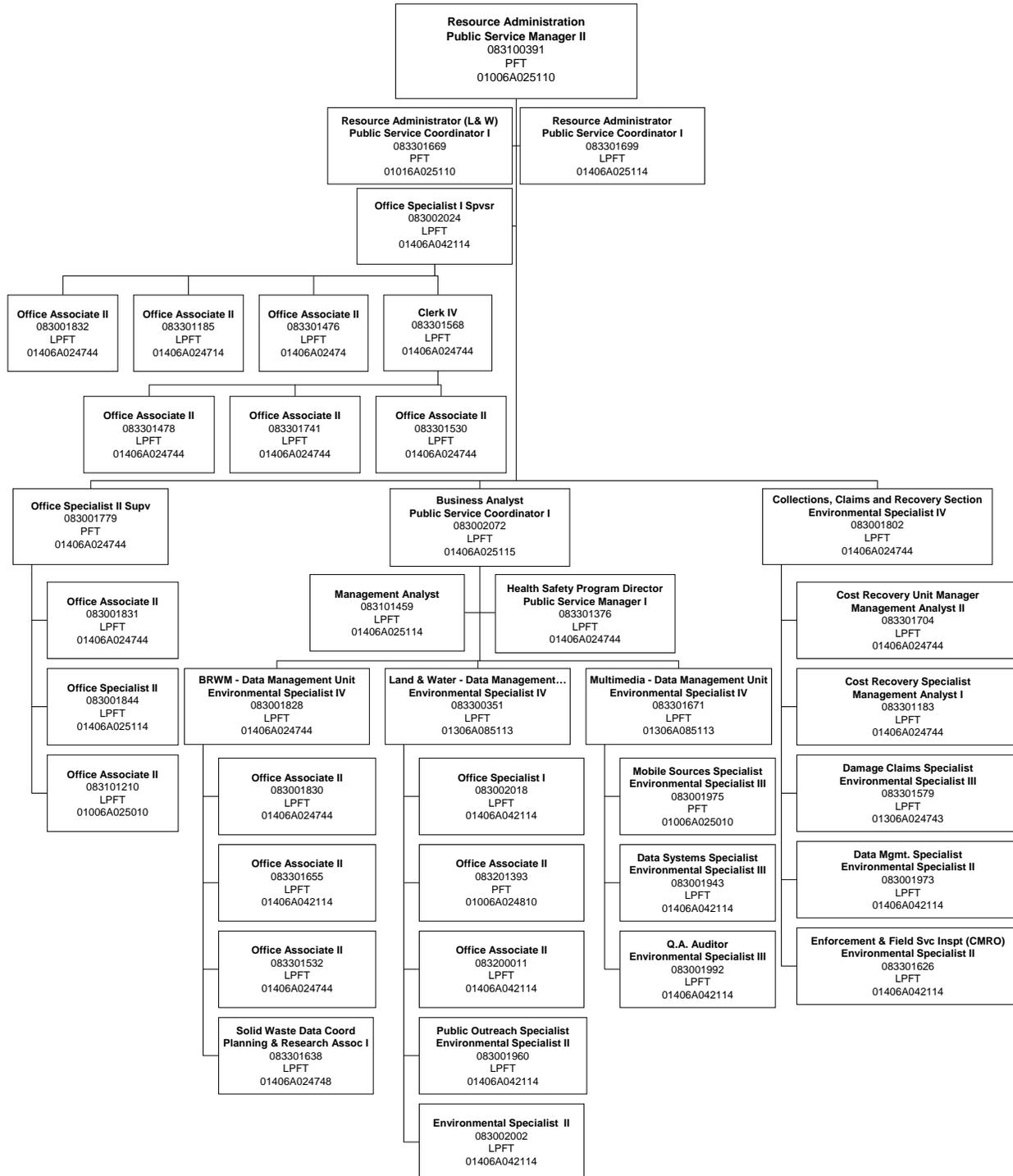




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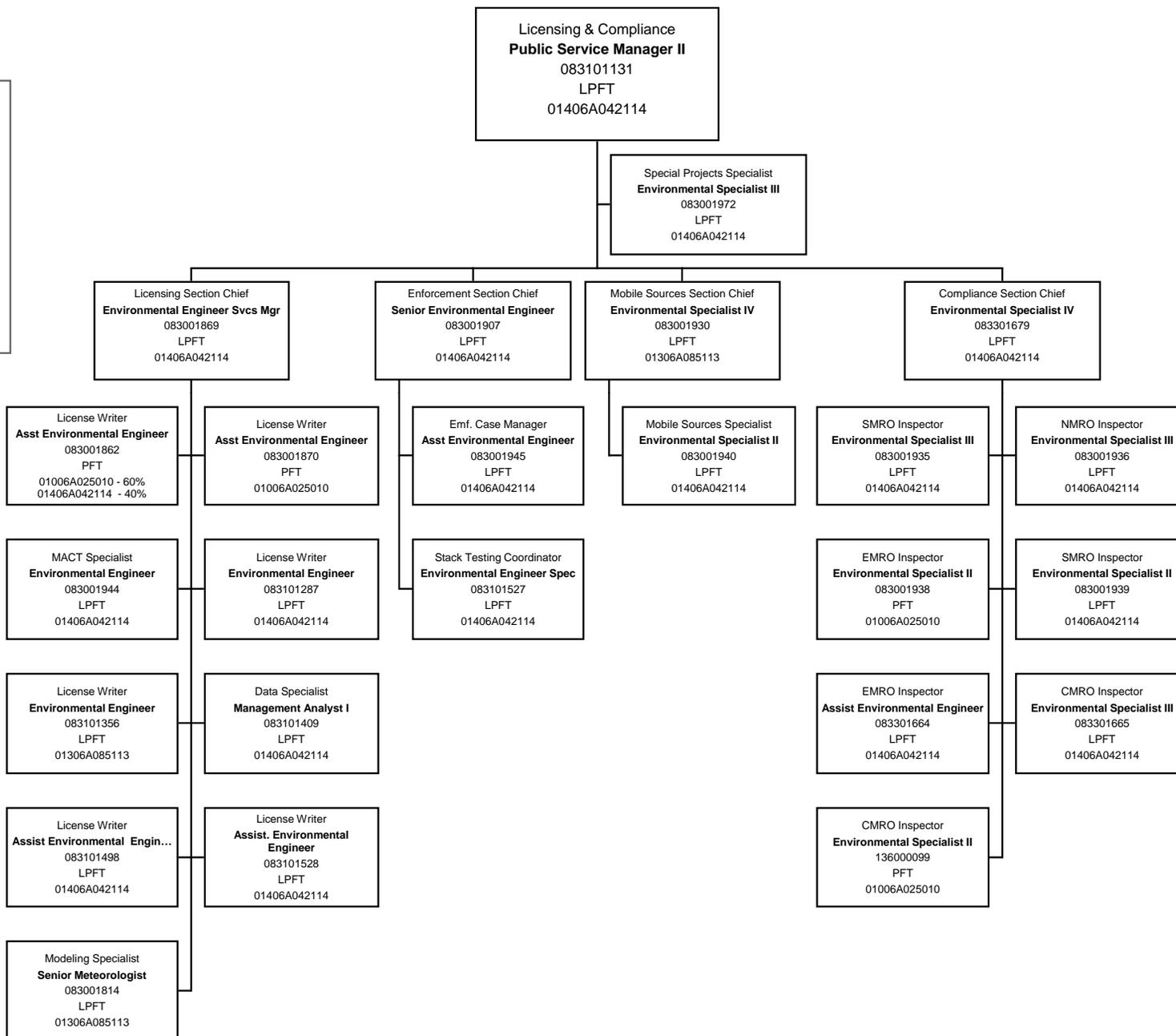
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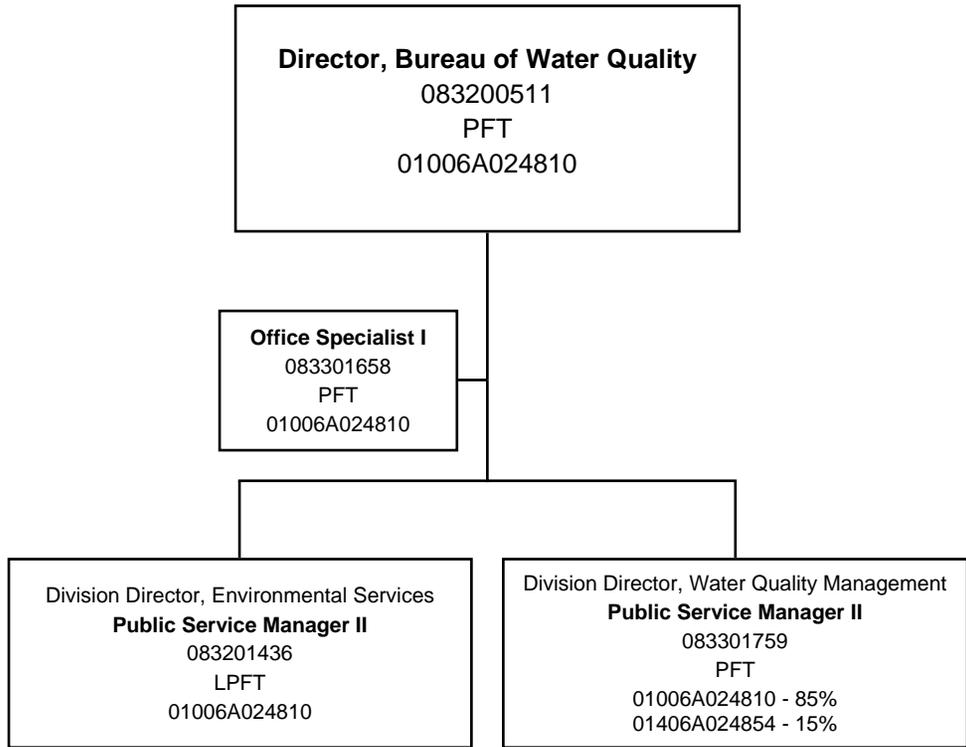


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**Department of Environmental Protection
Bureau of Water Quality
Division of Environmental Services**



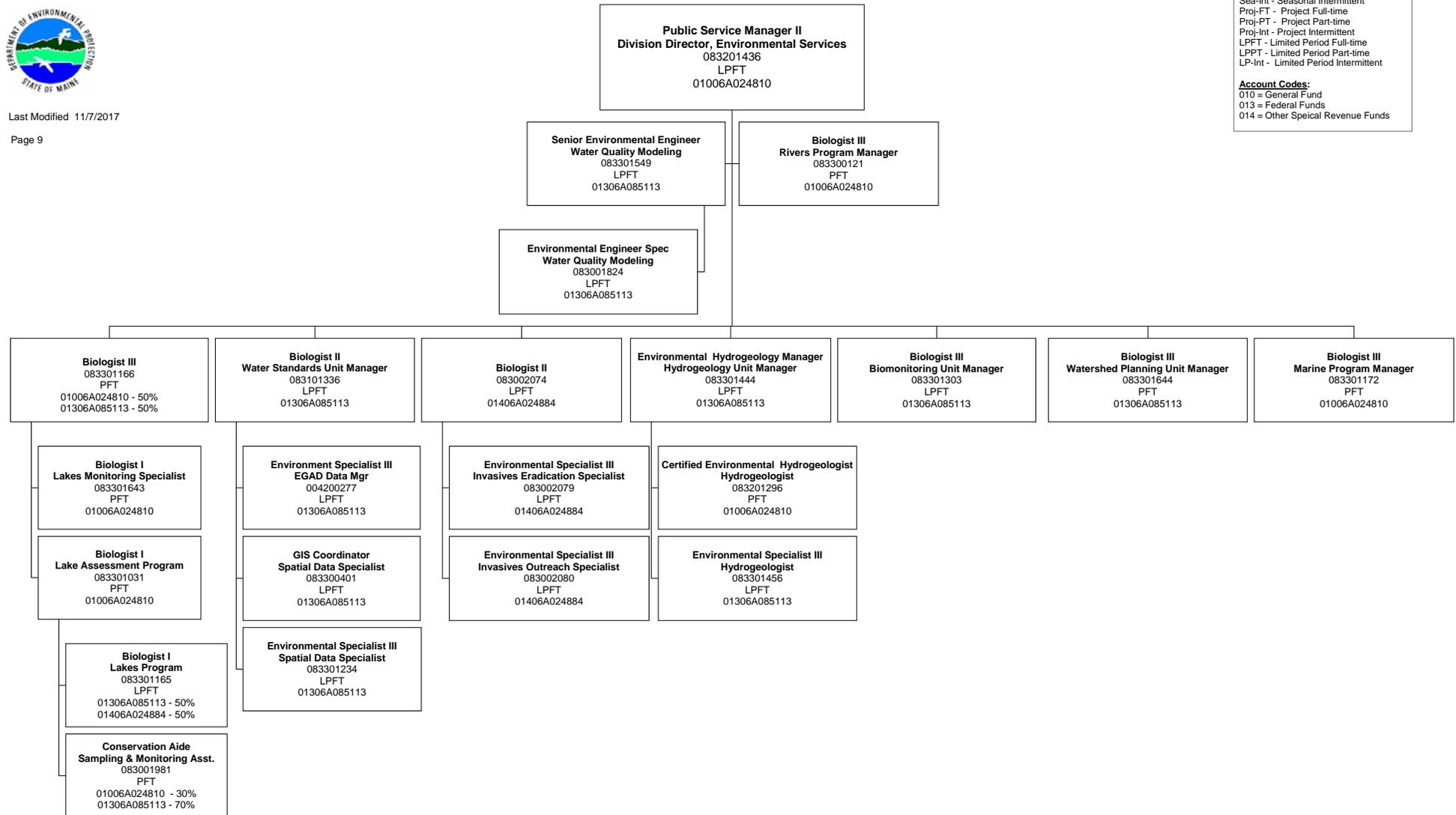
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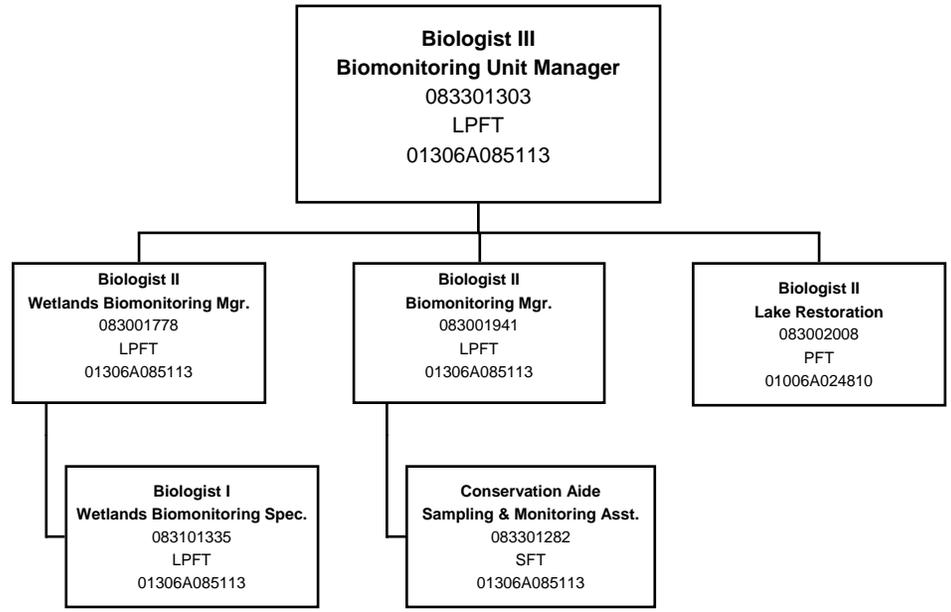


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Department of Environmental Protection
 Bureau of Water Quality
 Environmental Services - Watershed Planning Unit

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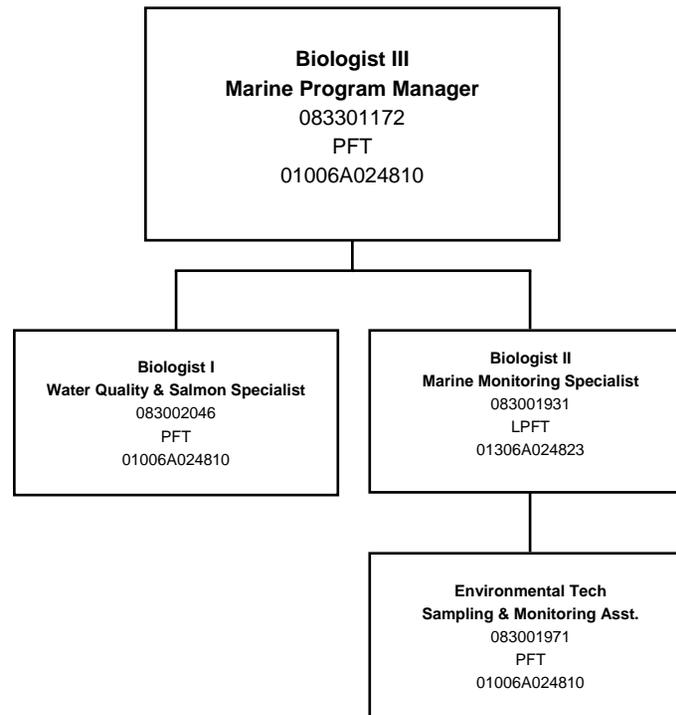
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Department of Environmental Protection
 Bureau of Water Quality
 Division of Water Quality Management

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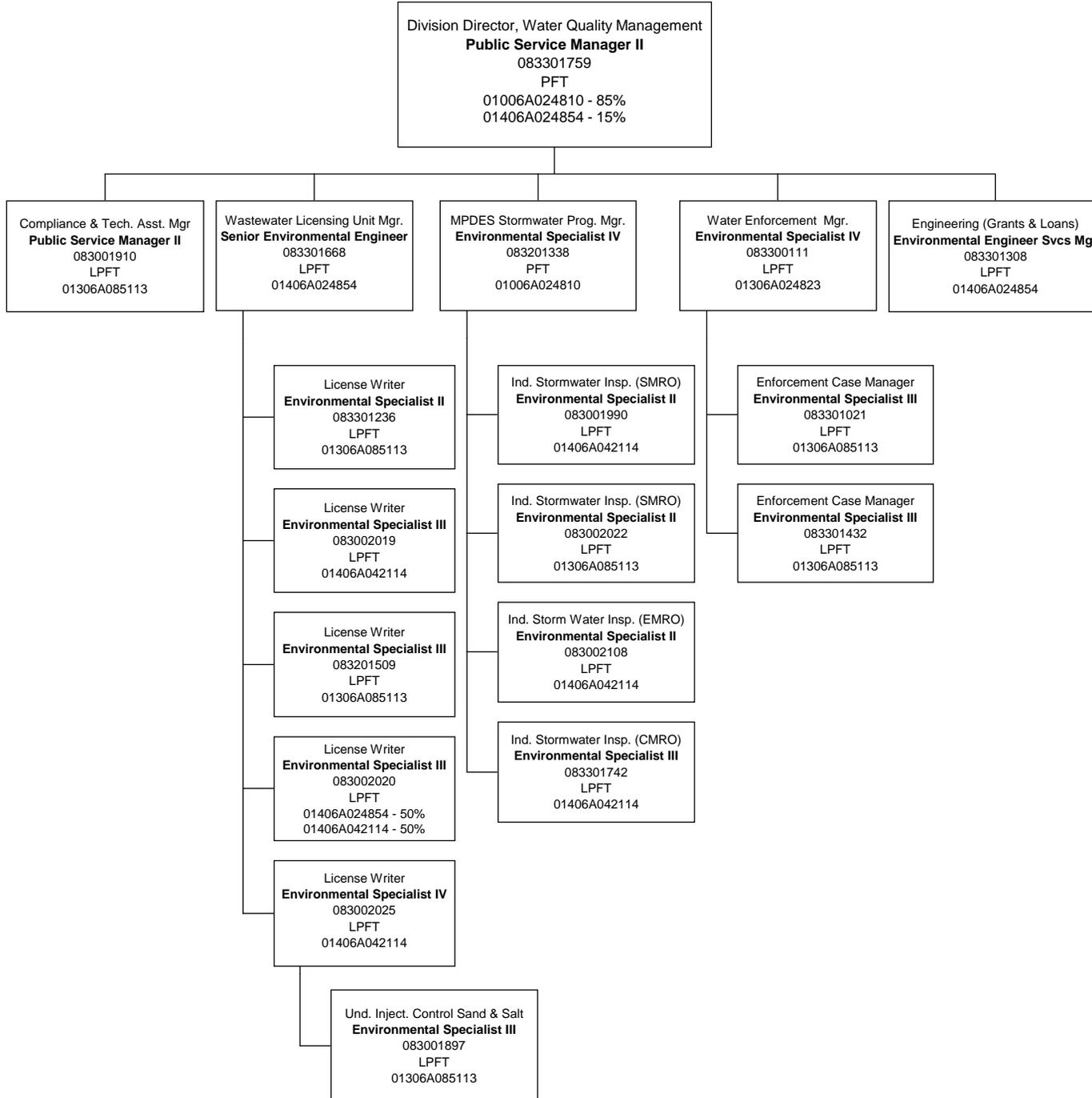


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 Proj-Int - Project Intermittent
 LPFT - Limited Period Full-time
 LPPT - Limited Period Part-time
 LP-Int - Limited Period Intermittent

Account Codes:
 010 = General Fund
 013 = Federal Funds
 014 = Other Special Revenue Funds



Department of Environmental Protection
 Bureau of Water Quality
 Water Quality Management
 Compliance & Technical Assistance

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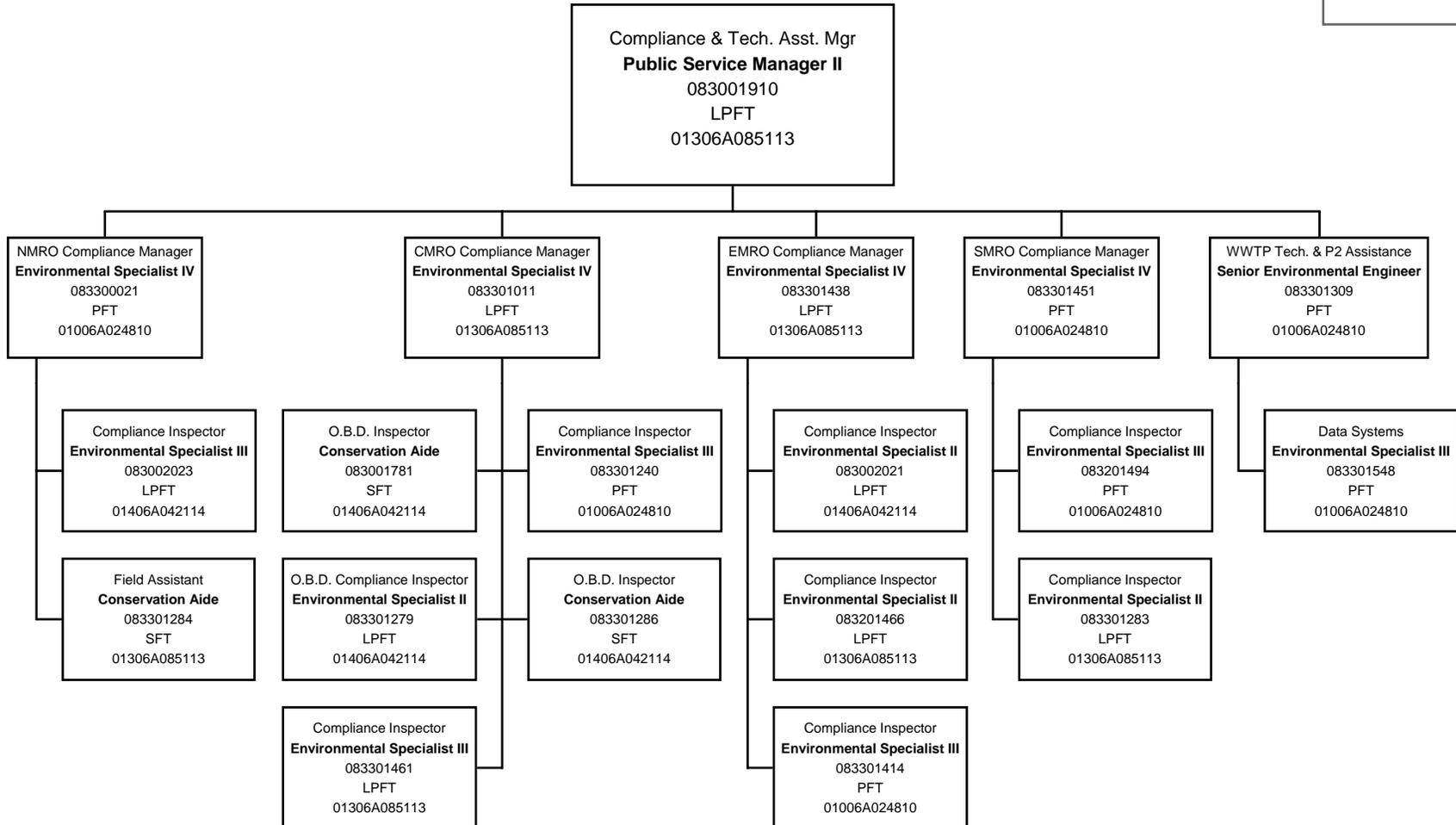


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Page 14

Position Types:
 PFT - Permanent Full-time
 PPT - Permanent Part-time
 Perm-Int - Permanent Intermittent
 SFT - Seasonal Full-time
 SPT - Seasonal Part-time
 Sea-Int - Seasonal Intermittent
 Proj-FT - Project Full-time
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 LPFT - Limited Period Full-time
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Account Codes:
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Department of Environmental Protection
 Bureau of Water Quality
 Division of Water Quality Management
 Engineering (Grants & Loans)

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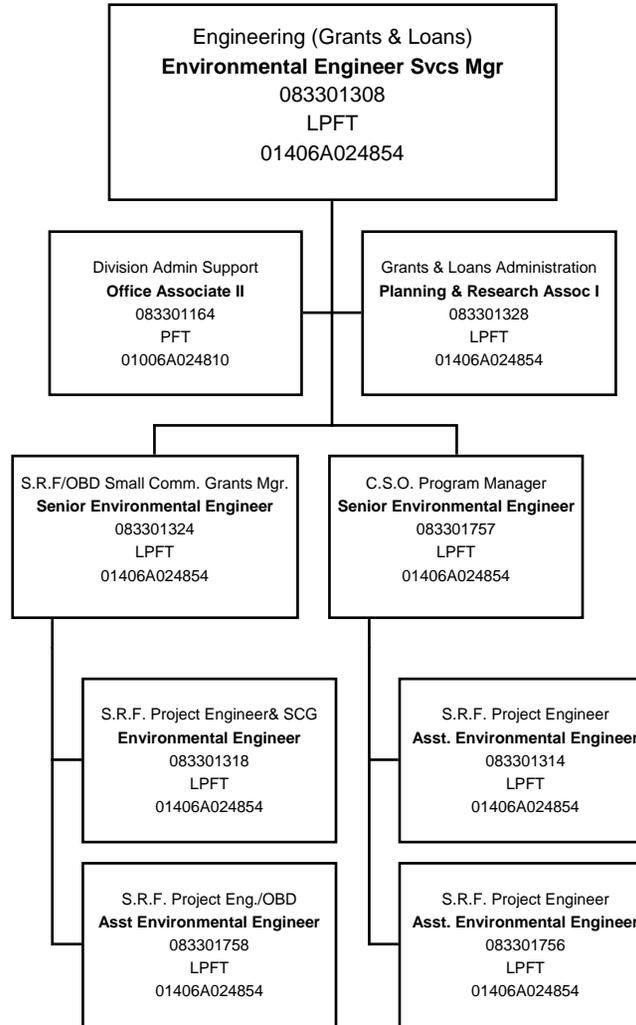


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Page 15

Position Types:
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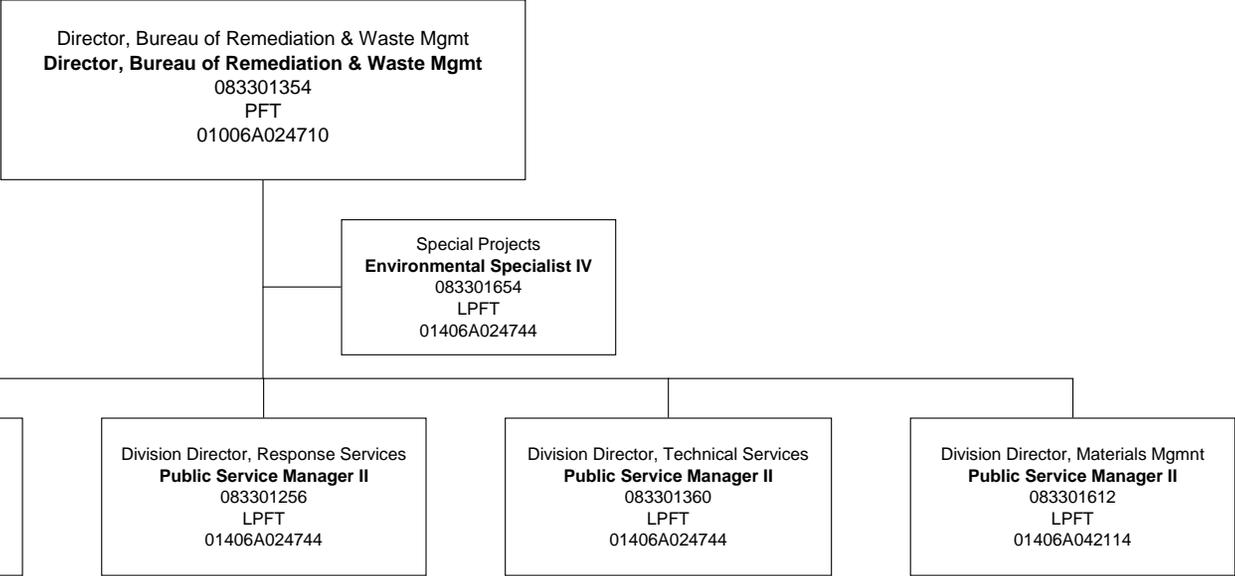


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Position Types:
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Proj-PT - Project Part-time
Proj-Int - Project Intermittent
LPFT - Limited Period Full-time
LPPT - Limited Period Part-time
LP-Int - Limited Period Intermittent

Account Codes:
010 = General Fund
013 = Federal Funds
014 = Other Special Revenue Funds



Department of Environmental Protection
 Bureau of Remediation & Waste Management
 Division of Remediation

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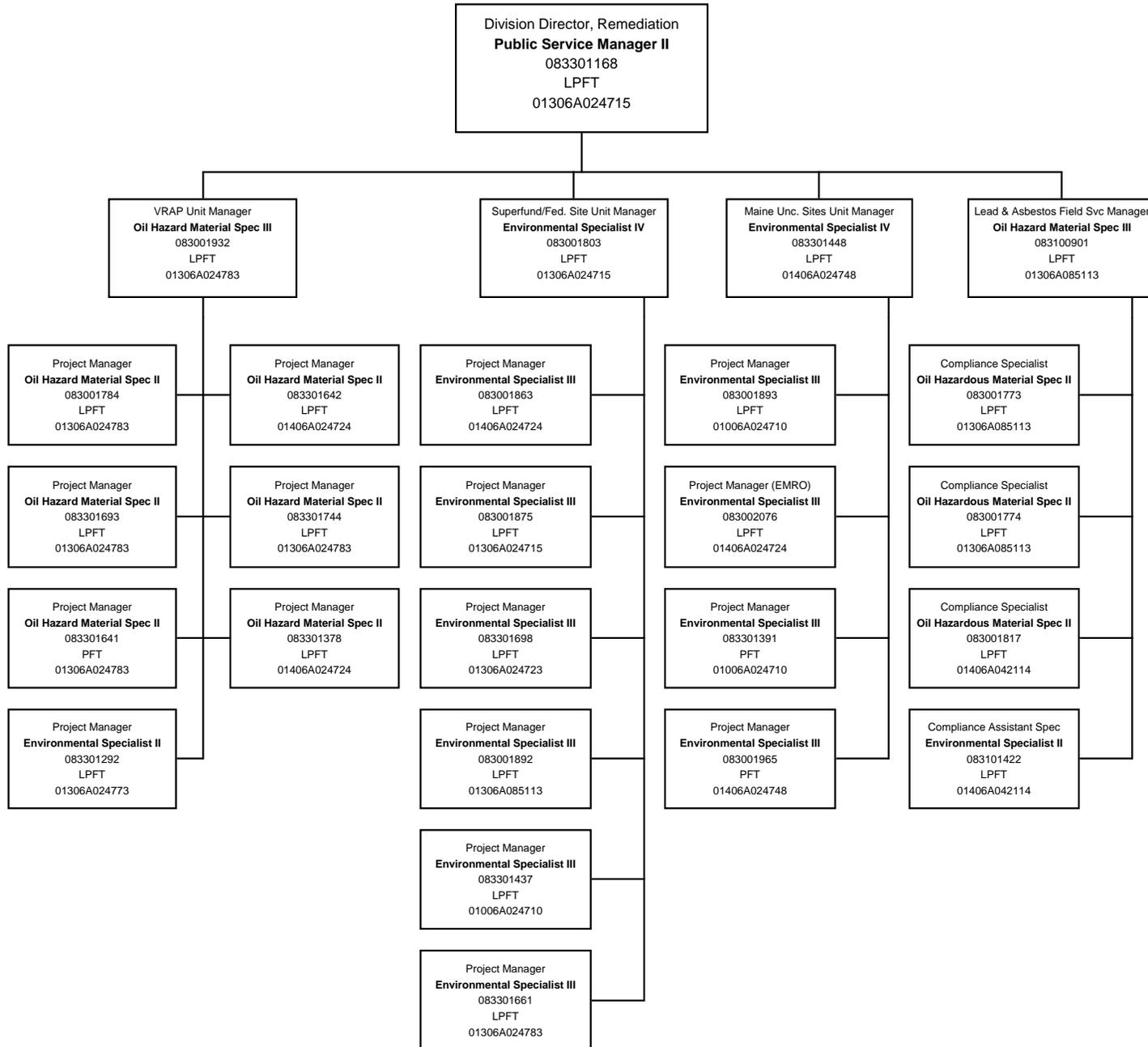


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Page 17

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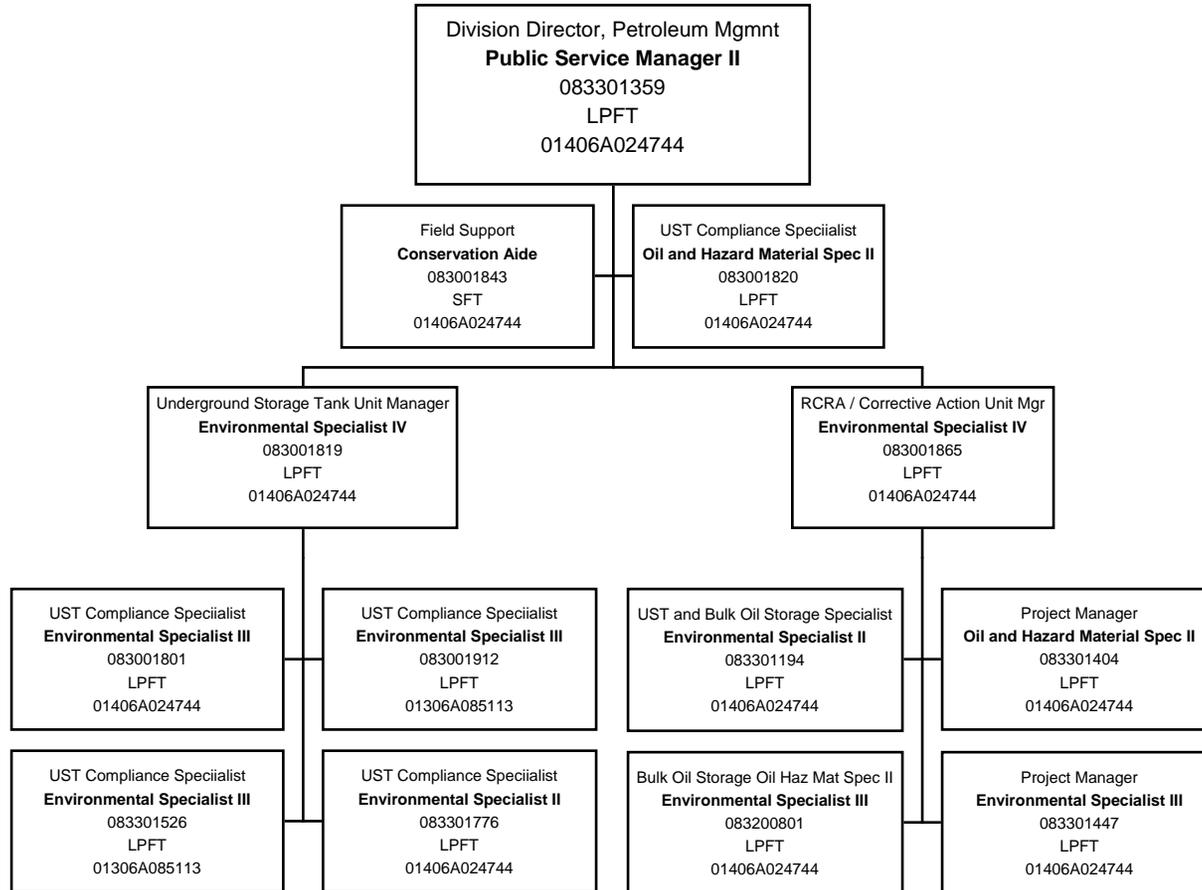


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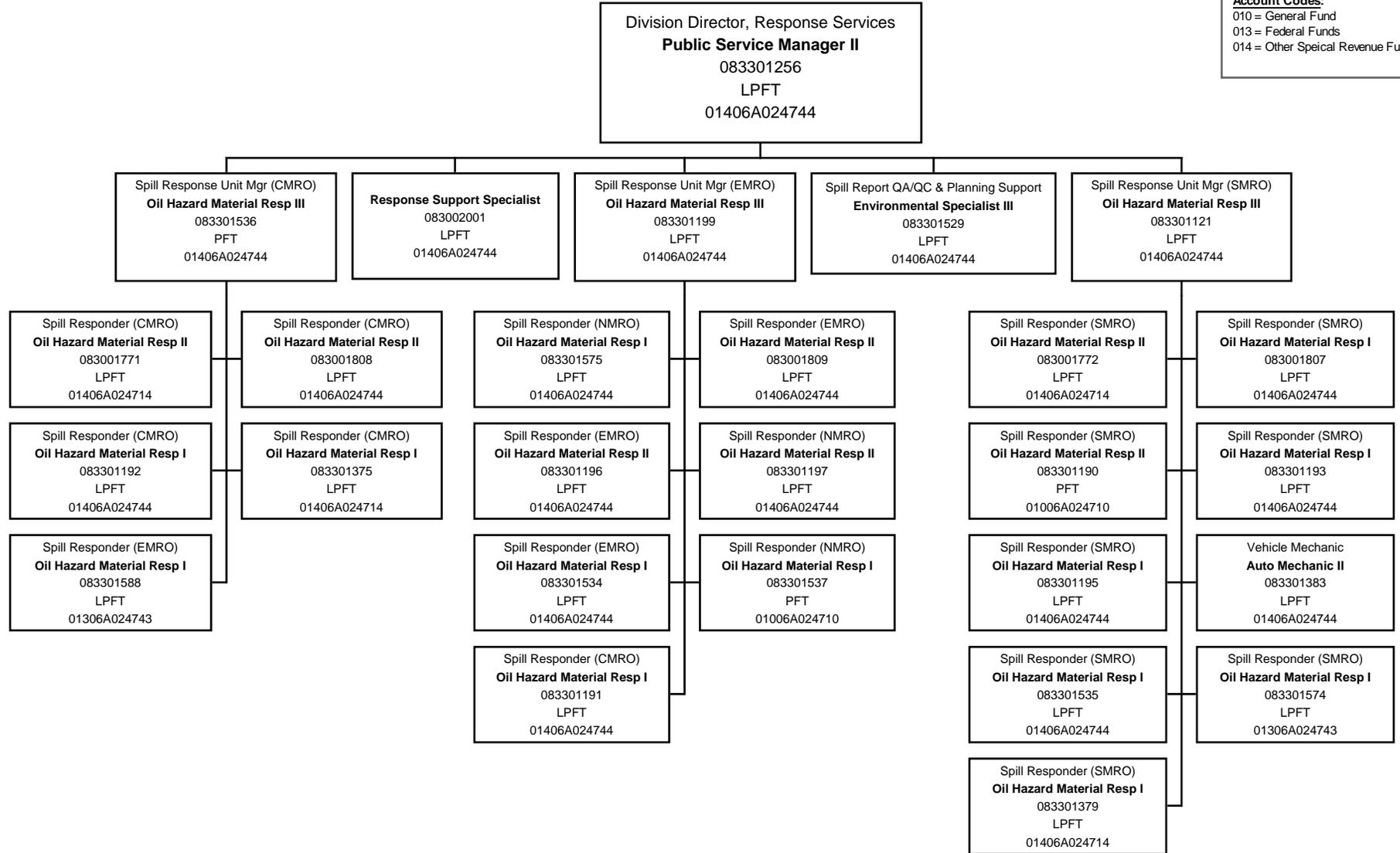
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Position Types:
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Account Codes:
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Department of Environmental Protection
 Bureau of Remediation & Waste Management
 Division of Technical Services

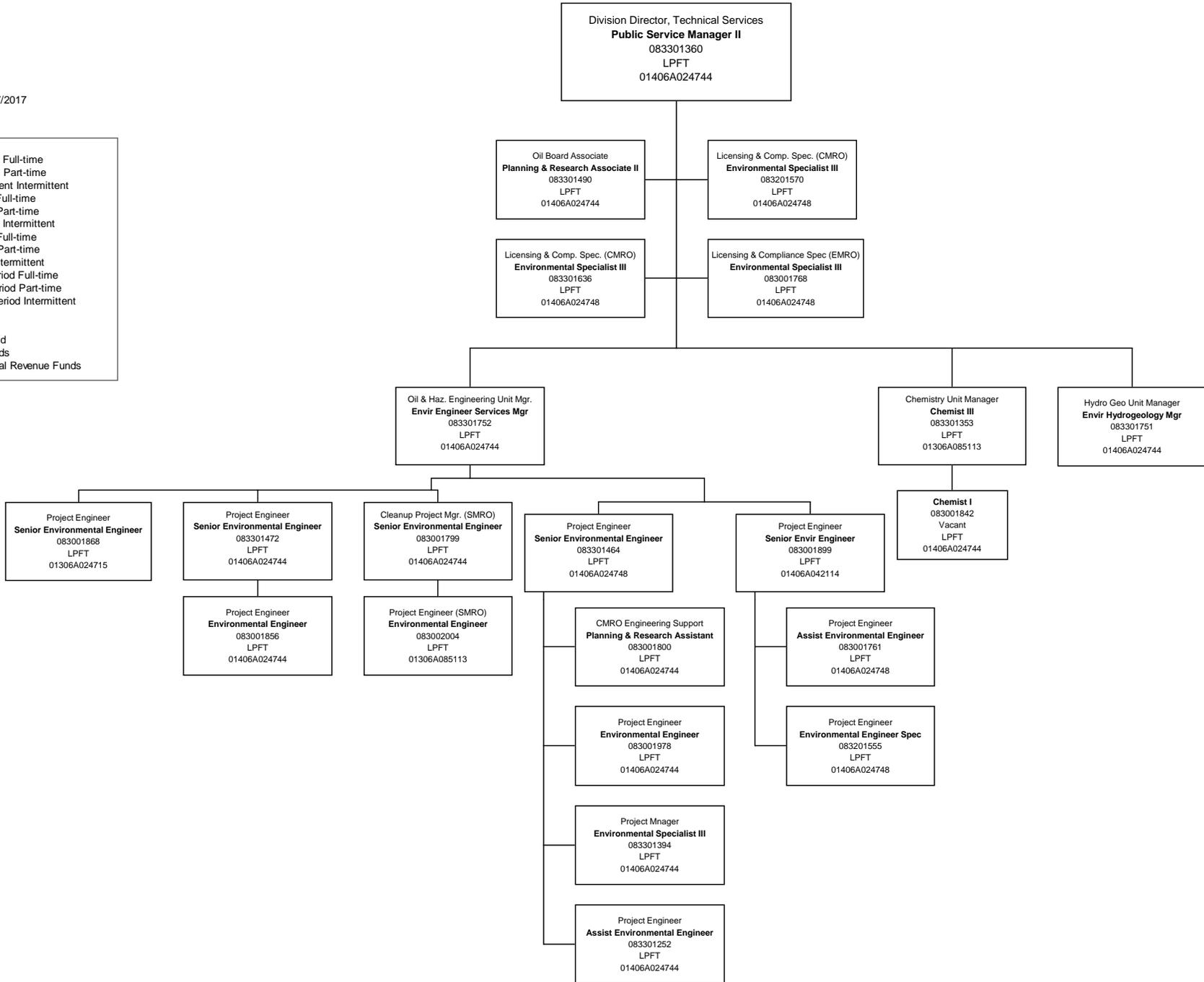


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Position Types:
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 LPPT - Limited Period Part-time
 LP-Int - Limited Period Intermittent

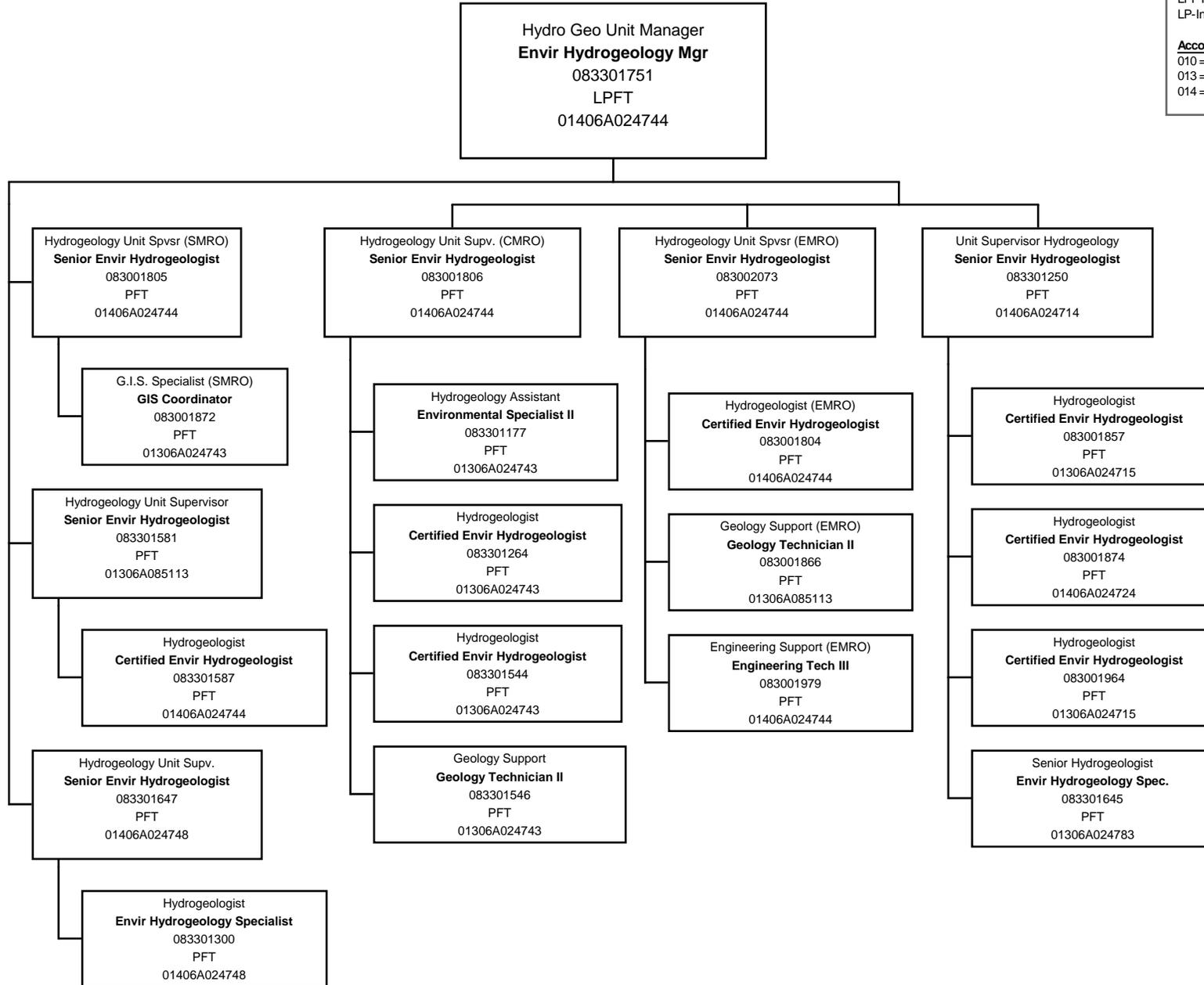
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Position Types:
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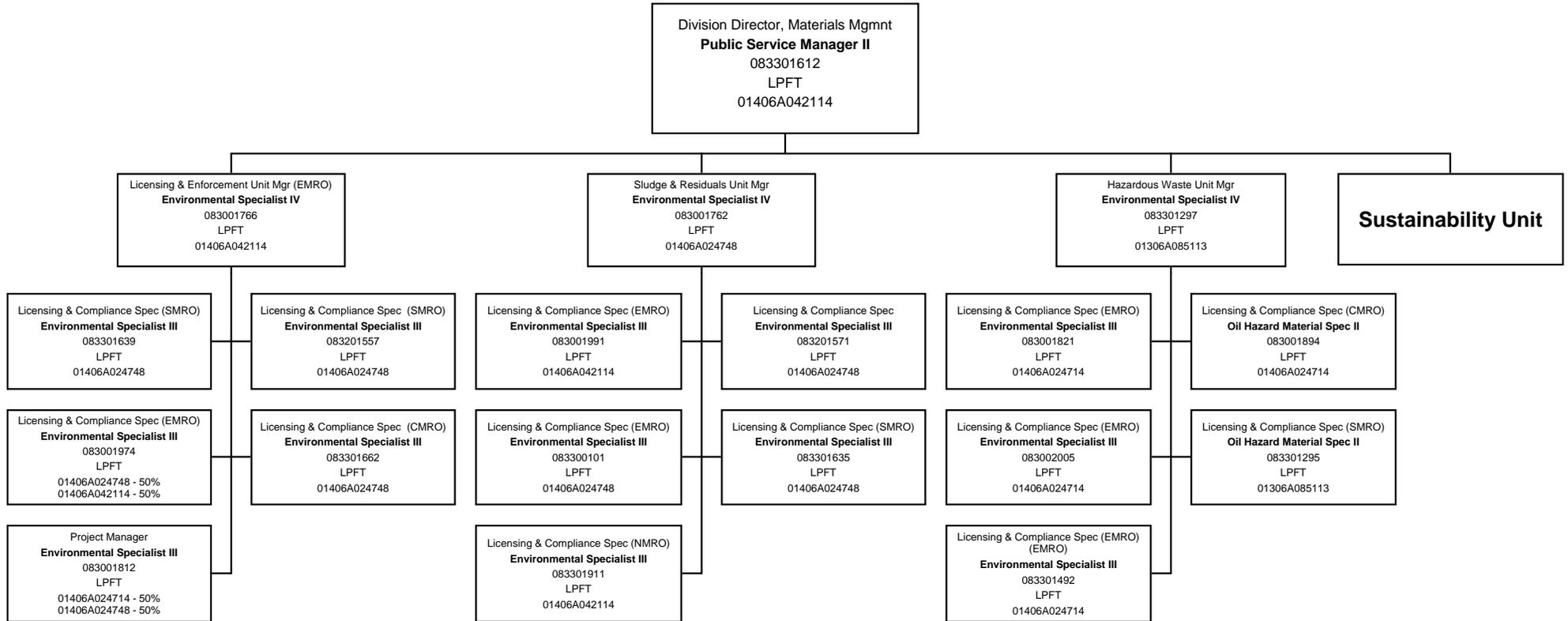


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 Perm-Int - Permanent Intermittent
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Account Codes:
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Department of Environmental Protection
 Bureau of Remediation & Waste Management
 Division of Materials Management
 Sustainability Unit

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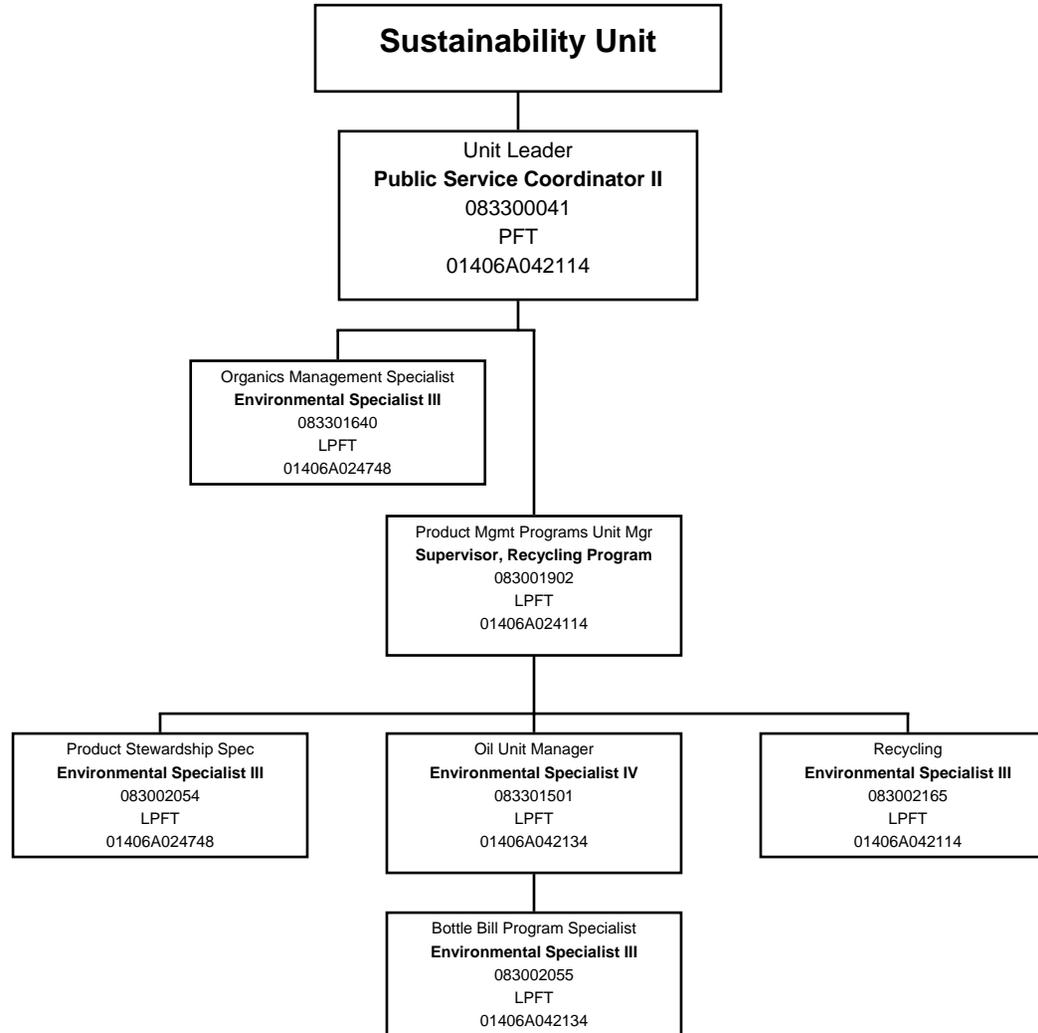
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Position Types:

- PFT - Permanent Full-time
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- SPT - Seasonal Part-time
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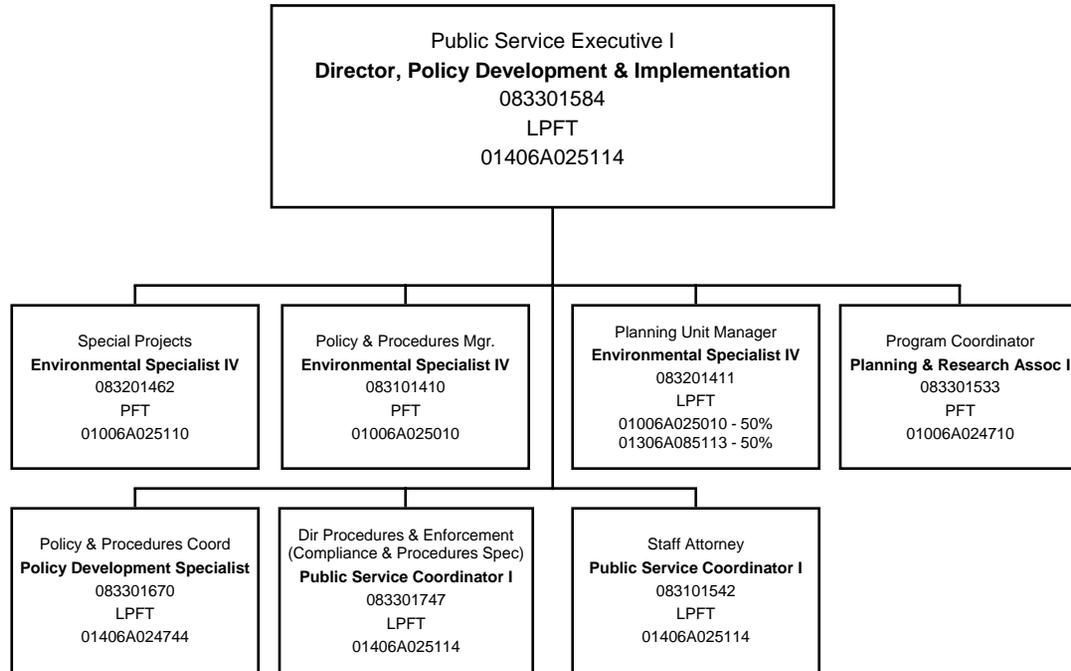


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Account Codes:
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Department of Environmental Protection
Bureau of Land Resources

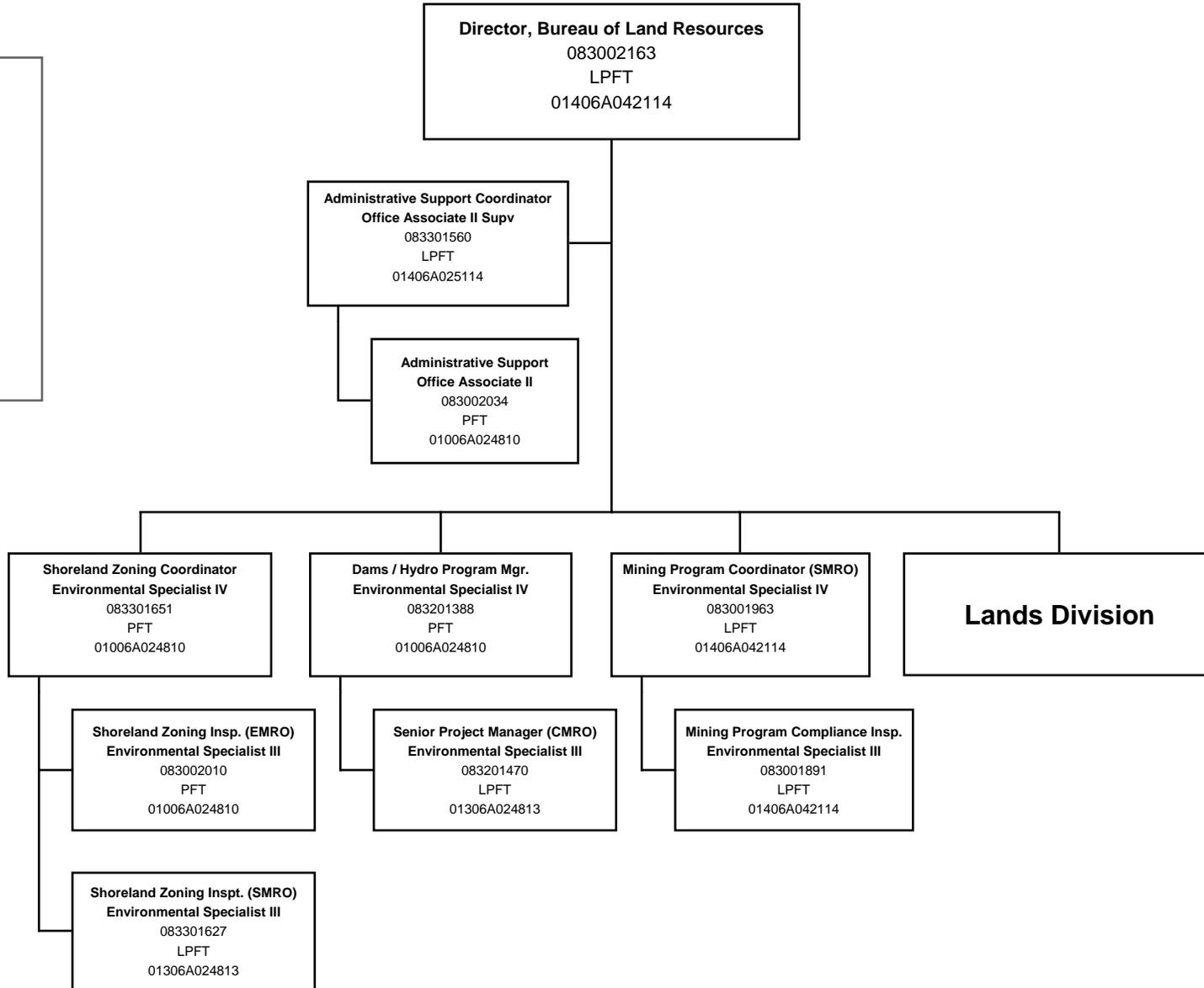
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Position Types:
PFT - Permanent Full-time
PPT - Permanent Part-time
Perm-Int - Permanent Intermittent
SFT - Seasonal Full-time
SPT - Seasonal Part-time
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Account Codes:
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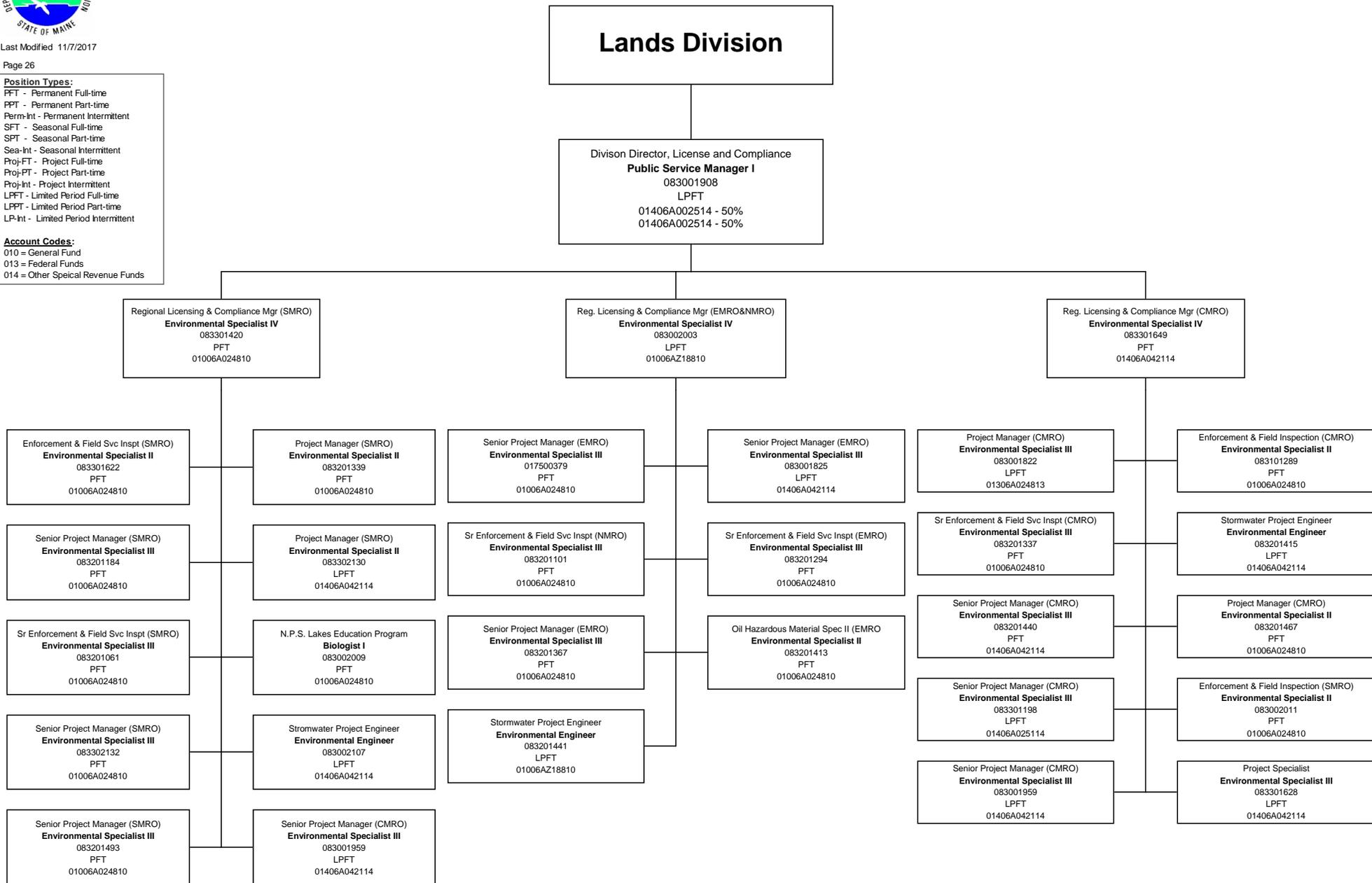


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Position Types:
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Account Codes:
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Totals: \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1,983,375 \$2,067,266

<u>Total Department</u>										
General Fund	6,736,838	6,138,373	5,883,114	5,733,054	7,097,373	5,985,439	6,300,213	6,482,046	7,454,479	7,458,406
Highway Fund	27,598	37,690	38,053	33,229	33,030	33,052	33,053	33,053	26,506	38,583
Federal Funds	10,873,634	11,806,577	13,644,986	12,950,222	13,489,898	11,637,286	11,291,212	10,658,429	11,427,581	9,647,622
Other Special Revenue	<u>40,723,583</u>	<u>35,017,968</u>	<u>33,172,467</u>	<u>35,050,443</u>	<u>31,398,171</u>	<u>29,541,094</u>	<u>32,051,431</u>	<u>34,703,318</u>	<u>33,809,630</u>	<u>32,114,569</u>
<i>Totals:</i>	<u>\$58,361,653</u>	<u>\$53,000,608</u>	<u>\$52,738,619</u>	<u>\$53,766,947</u>	<u>\$52,018,472</u>	<u>\$47,196,870</u>	<u>\$49,675,909</u>	<u>\$51,876,846</u>	<u>\$52,718,196</u>	<u>\$49,259,180</u>

Note: Water (0248) was Land & Water prior to FY 16 when they were split into 2 bureaus. (Water Quality and Land Resources)

10 Year Budget Allotment/Allocation History

	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17
Board of Environmental Protection (0025)										
General Fund	0	0	0	0	0	0	0	0	0	0
Federal Funds	0	0	0	0	0	0	0	0	0	0
Other Special Revenue	<u>298,076</u>	<u>305,242</u>	<u>320,208</u>	<u>323,243</u>	<u>291,371</u>	<u>291,687</u>	<u>307,268</u>	<u>311,595</u>	<u>323,035</u>	<u>318,487</u>
<i>Totals:</i>	<i>\$298,076</i>	<i>\$305,242</i>	<i>\$320,208</i>	<i>\$323,243</i>	<i>\$291,371</i>	<i>\$291,687</i>	<i>\$307,268</i>	<i>\$311,595</i>	<i>\$323,035</i>	<i>\$318,487</i>
Remediation and Waste Management (0247)										
General Fund	132,290	144,460	138,801	364,051	850,058	320,151	313,667	321,071	762,119	784,275
Federal Funds	4,752,490	4,842,270	4,603,391	7,651,210	5,365,976	6,248,772	6,156,326	5,281,588	4,614,260	4,446,862
Other Special Revenue	<u>37,079,759</u>	<u>36,602,014</u>	<u>36,744,927</u>	<u>37,602,185</u>	<u>36,091,823</u>	<u>36,346,171</u>	<u>30,038,281</u>	<u>31,470,228</u>	<u>29,441,798</u>	<u>28,938,789</u>
<i>Totals:</i>	<i>\$41,964,539</i>	<i>\$41,588,744</i>	<i>\$5,883,114</i>	<i>\$5,733,054</i>	<i>\$7,097,373</i>	<i>\$5,985,439</i>	<i>\$6,300,213</i>	<i>\$6,482,046</i>	<i>\$34,818,177</i>	<i>\$34,169,926</i>
Water Quality (0248)										
General Fund	4,298,195	4,103,152	4,062,474	3,820,827	4,737,935	3,746,628	4,229,681	4,876,211	2,738,532	2,748,880
Federal Funds	1,059,302	1,074,944	1,091,566	996,980	936,229	1,212,482	910,388	929,479	748,084	543,665
Other Special Revenue	<u>2,243,766</u>	<u>2,237,149</u>	<u>1,888,782</u>	<u>2,172,207</u>	<u>1,953,728</u>	<u>2,114,365</u>	<u>2,054,378</u>	<u>3,587,603</u>	<u>5,966,027</u>	<u>4,418,917</u>
<i>Totals:</i>	<i>\$7,601,263</i>	<i>\$7,415,245</i>	<i>\$7,042,822</i>	<i>\$6,990,014</i>	<i>\$7,627,892</i>	<i>\$7,073,475</i>	<i>\$7,194,447</i>	<i>\$9,393,293</i>	<i>\$9,452,643</i>	<i>\$7,711,462</i>
Air Quality (0250)										
General Fund	1,365,455	1,260,747	1,186,957	1,098,517	1,128,772	1,112,446	977,472	1,058,626	1,126,000	1,117,862
Highway Funds	36,749	36,727	33,054	33,054	33,054	33,054	33,054	33,054	33,054	33,054
Federal Funds	483,275	1,155,941	874,935	3,606,708	2,974,134	3,615,136	4,378,468	4,286,059	3,019,677	3,010,861
Other Special Revenue	<u>0</u>	<u>200,000</u>	<u>200,000</u>	<u>450,000</u>	<u>450,000</u>	<u>450,000</u>	<u>450,000</u>	<u>450,000</u>	<u>450,000</u>	<u>450,000</u>
<i>Totals:</i>	<i>\$1,885,479</i>	<i>\$2,653,415</i>	<i>\$2,294,946</i>	<i>\$5,188,279</i>	<i>\$4,585,960</i>	<i>\$5,210,636</i>	<i>\$5,838,994</i>	<i>\$5,827,739</i>	<i>\$4,628,731</i>	<i>\$4,611,777</i>
Administration - Environmental Protection (0251)										
General Fund	857,428	635,234	478,681	483,531	749,925	745,773	869,424	801,460	1,096,719	1,106,338
Federal Funds	0	0	0	0	0	0	0	0	0	0
Other Special Revenue	<u>5,772,346</u>	<u>5,992,879</u>	<u>6,328,389</u>	<u>6,329,659</u>	<u>5,709,290</u>	<u>5,722,769</u>	<u>6,036,769</u>	<u>6,124,488</u>	<u>5,984,493</u>	<u>5,967,833</u>
<i>Totals:</i>	<i>\$6,629,774</i>	<i>\$6,628,113</i>	<i>\$6,807,070</i>	<i>\$6,813,190</i>	<i>\$6,459,215</i>	<i>\$6,468,542</i>	<i>\$6,906,193</i>	<i>\$6,925,948</i>	<i>\$7,081,212</i>	<i>\$7,074,171</i>
Maine Environmental Protection Fund (0421)										
General Fund	0	0	0	0	0	0	0	0	0	0
Federal Funds	0	0	0	0	0	0	0	0	0	0
Other Special Revenue	<u>7,537,686</u>	<u>9,867,313</u>	<u>14,070,825</u>	<u>15,558,157</u>	<u>9,113,038</u>	<u>9,135,778</u>	<u>9,112,770</u>	<u>9,702,293</u>	<u>9,896,793</u>	<u>9,893,178</u>
<i>Totals:</i>	<i>\$7,537,686</i>	<i>\$9,867,313</i>	<i>\$14,070,825</i>	<i>\$15,558,157</i>	<i>\$9,113,038</i>	<i>\$9,135,778</i>	<i>\$9,112,770</i>	<i>\$9,702,293</i>	<i>\$9,896,793</i>	<i>\$9,893,178</i>

Performance Partnership Grant (0851)

General Fund	0	0	0	0	0	0	0	0	0	0	0
Federal Funds	8,782,207	9,163,562	9,290,814	9,842,887	9,015,049	9,079,666	9,297,408	9,421,311	9,574,430	9,549,225	
Other Special Revenue	0	0	0	0	0	0	0	0	0	0	
Totals:	\$8,782,207	\$9,163,562	\$9,290,814	\$9,842,887	\$9,015,049	\$9,079,666	\$9,297,408	\$9,421,311	\$9,574,430	\$9,549,225	

Land Resources (Z188)

General Fund	0	0	0	0	0	0	0	0	1,884,593	1,840,977
Federal Funds	0	0	0	0	0	0	0	0	292,453	274,426
Other Special Revenue	0	0	0	0	0	0	0	0	0	0
Totals:	\$0	$0	$0	$0	$0	$0	$0	$0	\$2,177,046	\$2,115,403

Total Department

General Fund	6,653,368	6,143,593	5,866,913	5,766,926	7,466,690	5,924,998	6,390,244	7,057,368	7,607,963	7,598,332
Highway Fund	36,749	36,727	33,054	33,054	33,054	33,054	33,054	33,054	33,054	33,054
Federal Funds	15,077,274	16,236,717	15,860,706	22,097,785	18,291,388	20,156,056	20,742,590	19,918,437	18,248,904	17,825,039
Other Special Revenue	<u>52,931,633</u>	<u>55,204,597</u>	<u>59,553,131</u>	<u>62,435,451</u>	<u>53,609,250</u>	<u>54,060,770</u>	<u>47,999,466</u>	<u>51,646,207</u>	<u>52,062,146</u>	<u>49,987,204</u>
Totals:	\$74,699,024	\$77,621,634	\$81,313,804	\$90,333,216	\$79,400,382	\$80,174,878	\$75,165,354	\$78,655,066	\$77,952,067	\$75,443,629

Note: Water (0248) was Land & Water prior to FY 16 when they were split into 2 bureaus. (Water Quality and Land Resources)

Appendix H – MDEP Memoranda of Understanding List			
PARTICIPANTS	MOU NAME/DESCRIPTION	BUREAU	COMMENTS/NOTES
Federal Agencies	States of the Ozone Transport Commission on Adoption of New Regional Control Measures toward achieving the Ozone National Ambient Air Quality Standards (NAAQS)	Air	
Federal Agencies	US Department of the Interior National Park Service	Air	Facilitate cooperative monitoring and protection of air quality by the NPS and MDEP at Acadia
Maine Agencies	Efficiency Maine	Air	Funding for the Green Schools Program is provided by an annual grant from the EPA to the DEP, administered by Efficiency Maine
Maine Agencies	ME Department of Agriculture, Food and Rural Resources/Division of Quality Assurance & Regulations	Air	Ambient Air Monitoring Program for Particulate Matter
Non-Governmental Orgs.	Northeast and Mid-Atlantic Low Carbon Fuel Standard	Air	Examine the issues surrounding a regional low-carbon fuel program, signaling their intent to forward a recommendation about how such a program might proceed to the Governors
Non-Governmental Orgs.	Eastern Climate Registry	Air	Eastern Climate Registry to support voluntary and mandatory GHG reporting programs and provide technical platform for state and regional climate change initiatives
Other States	The Transportation and Climate Initiative	Air	Declaration of Intent
Cities/Town	Augusta, City of	BRWM	Asbestos abatement assistance and agreement for reimbursement
Cities/Town	Saco, City of	BRWM	Maintenance requirements for on Lund Road, Lot 4 in Saco
Cities/Town	Lewiston, City of	BRWM	Establishes role of the MEDEP as the Brownfields Site Manager at Lewiston, ME
Federal Agencies	Department of Defense and State Memorandum of Agreement Program	BRWM	Cooperative agreement for state technical services to be funded by the US Department of Defense

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Federal Agencies	Department of Defense and State Memorandum of Agreement Cooperative Agreement	BRWM	
Federal Agencies	US Coast Guard Marine Safety Office Portland, Maine	BRWM	To ensure that a government agency will respond to spills less than 500 gallons to the maximum extent possible
Federal Agencies	US Coast Guard Marine Safety Office Portland, Maine	BRWM	ME DEP and NH DEP assume administrative responsibility for the Maine/New Hampshire Area Committee
Federal Agencies	US Department of Environmental Protection, Region 1	BRWM	Program delegation for the Underground Storage Tank Program
Maine Agencies	Maine Department of Marine Resources (ME DMR)	BRWM	Work to be undertaken by ME DMR in support of oil spill response during fiscal year 2013
Maine Agencies	ME DMR	BRWM	Reimbursement of cell phone cost for Marine Patrol Officers
Maine Agencies	ME DMR	BRWM	Advance the development of updated eelgrass mapping in Penobscot Bay
Maine Agencies	ME DMR	BRWM	Advance development of updated eelgrass mapping and to obtain georeferenced photomosaics in the area from Biddeford Pool to the NH border
Maine Agencies	ME DMR	BRWM	Advance the development of updated eelgrass mapping and to obtain georeferenced photomosaics in the area from Schoodic Point to the Canadian border
Maine Agencies	ME DMR	BRWM	Set forth the roles and responsibilities of each department regarding oil spill preparedness and response
Maine Agencies	ME Inland Fisheries and Wildlife (IF & W)	BRWM	Set forth the roles and responsibilities of each department regarding oil spills with the goal of increasing response capability to minimize the impact of oil spills to Maine's inland fish and wildlife resources

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Maine Agencies	Maine Department of Human Health and Services/Maine Center for Disease Control (ME DHHS/ME CDC)	BRWM	Memorandum provides update on toxicology and risk assessment related services performed by ME CDC's Environmental and Occupational Health Programs
Maine Agencies	ME DHHS/ME CDC	BRWM	Toxicology and risk assessment support
Maine Agencies	ME DHHS	BRWM	Funding of certain lead poisoning prevention activities
Maine Agencies	Public Drinking Water	BRWM	Selection and sizing of point-of-entry treatment equipment for public drinking water systems
Maine Agencies	Maine Pilotage Commission	BRWM	Continuing Education Program for Marine Pilots
Maine Agencies	State Fire Marshal	BRWM	ME DEP responsibility for "rules setting forth the proper procedures for abandonment of underground oil storage facilities and tanks"
Maine Agencies	Maine Department of Transportation (ME DOT)	BRWM	Develop and implement a mutually beneficial approach to deal with petroleum contaminated soil and ground water that affects State transportation projects
Maine Agencies	Maine Emergency Management Agency (MEMA)/State Fire Marshal/Oil and Solid Fuel Board	BRWM	Interagency effort to develop and support a shared database for aboveground oil storage tanks
Maine Agencies	ME DOT	BRWM	Facilitate and fund a cleanup of petroleum contaminated soil under Route 15 in the Village of Kenduskeag, ME
Maine Agencies	ME Department of Public Safety	BRWM	Law enforcement dispatching services
Maine Agencies	ME Department of Defense, Veterans and Emergency Management/MEMA	BRWM	Define DEP's role in WMD incidents in relation to MEMA and RRT and DST funded and authorized by MEMA
Non-Governmental Orgs.	The Southern Research Institute	BRWM	Assessment of Gasification Technologies for Wet Wastes

Non-Governmental Orgs.	Carpet Stewardship	BRWM	Represents a voluntary, good faith and transparent partnership between the Government Entities, members of the carpet industry and NGOs to increase the value recovered from post-consumer carpet
Tribes	British Petroleum	BRWM	MEDEP sending a total of 13,900 feet of oil containment boom and 40 anchors to BP specifically to assist in the Deep Water Horizon Oil Spill in the Gulf Coast of the US
Maine Agencies	ME Department of Agriculture, Food and Rural Resources	BRWM	Continuously improve coordination between the DAFRR and ME DEP with respect to activities related to on-farm composting
Federal Agencies	US Department of the Interior, Fish and Wildlife Service	BLR & BWQ	Federal financial assistance titled "Aquatic Nuisance Species Management Plan Implementation-FY2012 for Maine"
Federal Agencies	US Department of Environmental Protection, Region 1	BLR & BWQ	FY09 Special Appropriation Grants-3% Administration Set-Aside Provision
Federal Agencies	The National Fish and Wildlife Foundation	BLR & BWQ	Establishes a cooperative effort between the State and the Foundation allowing the Foundation to serve as the official fish and wildlife conservation foundation for the State of Maine to better accomplish the goals of the State and the Foundation
Maine Agencies	Department of Labor (DOL)	BLR & BWQ	Contract between DEP, DOL, DOC, Department of Economic and Community Development (DECD), DOT
Maine Agencies	Maine Land Use Planning Commission (LUPC)	BLR & BWQ	Describes the roles and responsibilities of DEP and LUPC in the review of projects under the

			Site Location of Development Act and the Maine Wind Energy Act
Maine Agencies	Maine Department of Agriculture, Conservation, and Forestry	BLR	Describes the roles and responsibilities of DEP and DACF in the administration of Maine's environmental laws in the coastal zone; result of funding received from the NOAA
Maine Agencies	ME Department of Agriculture, Conservation, and Forestry (DACF)/Bureau of Forestry	BLR & BWQ	Establish a joint working relationship between DEP and DACF that results in improved compliance with DEP's laws and regulation related to logging and other forestry related activities
Maine Agencies	ME DMR	BLR & BWQ	Establish a reasonable, cooperative and efficiently managed permitting and compliance program for marine finfish, aquaculture to ensure that finfish aquaculture in Maine is performed in an environmentally sound and sustainable manner
Maine Agencies	ME DOT/Maine Turnpike Authority	BLR & BWQ	Develop and implement rules specifying stormwater quality and quantity standards
Maine Agencies	Finance Authority of Maine/ME Department of Agriculture/Maine Municipal Bond Bank	BLR & BWQ	Eligible use of monies in the Clean Water State Revolving Fund is funding for agricultural best management practices for reducing non-point source pollution
Maine Agencies	ME Department of Agriculture, Conservation, and Forestry - Maine Forest Service/Maine Municipal Bond Bank	BLR & BWQ	Maine Clean Water State Revolving Loan Fund Program
Maine Agencies	ME Department of Agriculture, Conservation, and Forestry, Food and Rural Resources	BLR & BWQ	Coordination of the Maine Livestock Operation Permit Program and the Maine Pollutant Discharge Elimination System Permit Program in regards to

			concentrated animal feeding operations
Maine Agencies	ME Department of Agriculture, Conservation, and Forestry - Bureau of Forestry	BLR & BWQ	Logging and forestry related activities in Organized portions of Maine
Maine Agencies	ME IF&W	BLR & BWQ	Conduct research on the toxicity and bioaccumulation of toxic plasticizers from soft plastic lures in fish
Maine Agencies	ME IF&W	BLR & BWQ	Implementation of significant vernal pool regulation
Maine Agencies	ME DHHS-Bureau of Health-Drinking Water Program (DWP)	BLR & BWQ	Monitoring of point-of-entry treatment equipment installed by BRWM on community public water supplies regulated by DWP
Maine Agencies	Maine Emergency Management Agency (MEMA)	BLR & BWQ	Roles and responsibilities as they relate to the operation of continuous precipitation gauges and stream flow gauges through the US Department of the Interior, USGS
Non-Governmental Orgs.	Maine Natural Resources Conservation Program	BLR & BWQ	Funding allocations for the administration of an In-Lieu-Fee compensation program for wetland impacts
Non-Governmental Orgs.	Stormwater Compensation Fund Program	BLR & BWQ	Stormwater Compensation Fund Program Guidance
Non-Governmental Orgs.	Cobbossee Watershed District (CWD)	BLR & BWQ	Administration of the Lakes Stormwater Phosphorus Compensation Program
Non-Governmental Orgs.	Cumberland County Soil and Water Conservation District (CCSWCD)	BLR & BWQ	Administration of the Lakes Stormwater Phosphorus Compensation Program
Non-Governmental Orgs.	Kennebec County Soil and Water Conservation District (KCSWCD)	BLR & BWQ	Administration of the Lakes Stormwater Phosphorus Compensation Program
Non-Governmental Orgs.	Lakes Environmental Association (LEA)	BLR & BWQ	Administration of the Lakes Stormwater Phosphorus Compensation Program

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Non-Governmental Orgs.	Penobscot County Soil and Water Conservation District (PCSWCD)	BLR & BWQ	Administration of the Lakes Stormwater Phosphorus Compensation Program
Non-Governmental Orgs.	York County Soil and Water Conservation District (YCSWCD)	BLR & BWQ	Administration of the Lakes Stormwater Phosphorus Compensation Program
Non-Governmental Orgs.	Androscoggin Valley Soil and Water Conservation District (AVSWCD)	BLR & BWQ	Administration of the Lakes Stormwater Phosphorus Compensation Program
Non-Governmental Orgs.	Casco Bay Estuary Partnership (CBEP)	BLR & BWQ	Prevent the pollution of Casco Bay by involving concerned citizens and local, state and federal governments
Non-Governmental Orgs.	Joint Environmental Training Coordinating Committee	BLR & BWQ	NEIWPCC/JETCC will provide administrative services for the certification program of wastewater treatment plant operators for the ME DEP
Non-Governmental Orgs.	York County Soil and Water Conservation District (YCSWCD)	BLR & BWQ	YCSWCD must have a professional engineer with experience in stormwater management design and construction in addition to erosion and sedimentation control measures design and construction who will review the work specification information
Non-Governmental Orgs.	Cumberland County Soil and Water Conservation District (CCSWCD)	BLR & BWQ	CCSWCD must have a professional engineer with experience in stormwater management design and construction in addition to erosion and sedimentation control measures design and construction who will review the work specification information
Non-Governmental Orgs.	Androscoggin Valley Soil and Water Conservation District (AVSWCD)	BLR & BWQ	ACSWCD must have a professional engineer with experience in stormwater management design and construction in addition to erosion and sedimentation control measures design and construction who will review the work specification information

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Non-Governmental Orgs.	Oxford County Soil & Water Conservation District (OCSWCD)	BLR & BWQ	OCSWCD must have a professional engineer with experience in stormwater management design and construction in addition to erosion and sedimentation control measures design and construction who will review the work specification information
Non-Governmental Orgs.	Franklin County Soil & Water Conservation District (FCSWCD)	BLR & BWQ	FCSWCD must have a professional engineer with experience in stormwater management design and construction in addition to erosion and sedimentation control measures design and construction who will review the work specification information
Tribes	Penobscot Indian Nation	BLR & BWQ	Monitoring the water quality of the Penobscot River, including the East and West Branch, through implementation of a Penobscot Nation Water Quality Monitoring Program
Tribes	The Penobscot Nation	BLR & BWQ	Administer the National Pollutant Discharge Elimination System (NEPDES) Program throughout the State of Maine
Cities/Town	Jay, Town of	OC	Establish a process for reconciling the application and interpretation of State environmental law, regulations or permits, and the Jay Ordinance or Town permits
Federal Agencies	US EPA?	OC	The administration of certain special appropriations grants
Foreign Countries	Her Majesty the Queen in Right of the Province of New Brunswick	OC	Transboundary Environmental Cooperation
Foreign Countries	The Government Du Quebec	OC	Transboundary Environmental Impacts
Maine Agencies	ME DOT	OC	Real estate title and related services to DEP to assist it in the

			acquisition and disposition of various real property interests
Maine Agencies	ME Department of Agriculture, Conservation, and Forestry, Food and Rural Resources	OC	Set forth roles and responsibilities of each department if results in the contamination or adulteration of any marine organism intended for food
Maine Agencies	Maine State Housing Authority	OC	Fund transfers between DEP and MaineHousing for development and maintenance of the lead-related portion of the Maine Housing Search website and registry the obligations MaineHousing has regarding the expenditure of those funds
Maine Agencies	Maine Municipal Bond Bank	OC	Finance Authority with up to \$2 million from the repayment monies in the CWSRF to Finance Authority loans made for the construction or improvement of containment and handling facilities for milk room waste and manure waste, etc.
Maine Agencies	ME CDC	OC	Funding of certain lead poisoning prevention activities
Maine Agencies	ME Department of Public Safety	OC	Provide law enforcement dispatching services
Maine Agencies	Attorney General	OC	Framework for the working relationship between DEP and its lawyers at the AG office
Maine Agencies	Maine Housing Authority	OC	Terms under which DEP pays SocialServe invoices for the development and maintenance of lead-related portion of the Maine Housing Search website and registry and the obligations

			MaineHousing has regarding the registry
Maine Agencies	ME DOT	OC	Road Salt Hydrologic Analysis
Non-Governmental Orgs.	College of the Atlantic (COA)	OC	Identify areas of mutual responsibility and interest between DEP and COA to coordinate in carrying out an independent, high-quality process for the ME Environmental Priorities Project (MEPP), establish the responsibilities and activities to be performed by the DEP and COA in conduction MEPP
Non-Governmental Orgs.	Maine Outdoor Heritage Fund	OC	Grants for Damariscotta Lake Water Quality Monitoring Expansion Project and Sediment Phosphorus Cycling in Lake Auburn
Other States	South Carolina Department of Health and Environmental Control	OC	The MOU for SCDHEC and the ME DEP governs the licensing of SCDHEC's Environmental Facility Information System (EFIS) to MDEP

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STATE OF MAINE
 ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 27, 2017

Paul Mercer, Commissioner
 Department of Environmental Protection
 17 State House Station
 Augusta, Maine 04333-0017

Re: Government Evaluation Act review

Dear Commissioner Mercer:

The Joint Standing Committee on Environment and Natural Resources is writing to inform you of its decision to review the Department of Environmental Protection pursuant to the Government Evaluation Act (GEA), Title 3, chapter 35 of the Maine Revised Statutes. The objective of the GEA is to provide for the periodic review of the departments and independent agencies of State Government to evaluate their efficiency and performance in carrying out their legislative mandates.

Pursuant to 3 MRSA §955, the Department is required to submit a program evaluation report to the Environment and Natural Resources Committee **no later than November 1, 2017**. In accordance with 3 MRSA §955, this report will form the basis for the Committee's review and issuance of its findings and recommendations under the GEA during the Second Regular Session of the 128th Legislature. The information to be provided in the Department's program evaluation report can be found at 3 MRSA §956.

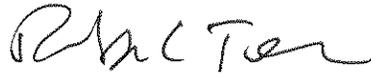
In addition to the specific information required pursuant to 3 MRSA §956, we would respectfully request that, as part of the Department's review under the GEA, consideration be given to the impacts of the regulatory changes implemented by the 125th Legislature as part of LD 1, An Act To Ensure Regulatory Fairness and Reform, including, but not limited to, and where known by the Department, the impact of the State's environmental regulations on businesses and development in the State, any regulatory inefficiencies or areas of uncertainty that have been or could further be improved or addressed and any difficulties with or issues in the State's environmental regulatory process that have been communicated to or otherwise raised with the Department by members of the regulated community.

Thank you for your attention to this matter and we look forward to working with the Department on this review. If you have any questions regarding the GEA review process, please contact our committee analyst, Dan Tartakoff by phone at 287-1670 or by email at daniel.tartakoff@legislature.maine.gov.

Sincerely,



Thomas Saviello
Senate Chair



Ralph Tucker
House Chair

cc: Members, Environment and Natural Resources Committee

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

—
S.P. 10 - L.D. 1

An Act To Ensure Regulatory Fairness and Reform

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, during the First Regular Session of the 125th Legislature, the Joint Select Committee on Regulatory Fairness and Reform held 7 public meetings throughout the State and received hundreds of recommendations for regulatory reform from the public, the regulated business community, environmental advocacy groups and other stakeholders; and

Whereas, through 2 subsequent public hearings and numerous work sessions on those recommendations, the committee reached unanimous agreement on the provisions in this Act to implement a number of significant and critical regulatory reforms; and

Whereas, these reforms must take effect immediately to ensure regulatory fairness, improve the business climate of the State, encourage job creation and retention and expand opportunities for Maine people; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 38 MRSA c. 2, sub-c. 1-A is enacted to read:

SUBCHAPTER 1-A

ENVIRONMENTAL AUDIT PROGRAM

§349-L. Scope of program

This subchapter is intended to enhance the protection of human health and the environment by encouraging regulated entities to voluntarily discover, disclose, correct and prevent violations of state and federal environmental requirements. An environmental audit program and a compliance management system developed under this subchapter may be part of a regulated entity's comprehensive environmental management system.

§349-M. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Compliance management system. "Compliance management system" means a system implemented by a regulated entity appropriate to the size and nature of its activities to prevent, detect and correct violations of environmental requirements through all of the following:

A. Compliance policies, standards and procedures that identify how employees and agents of the regulated entity are to meet environmental requirements and the conditions of permits, enforceable agreements and other sources of authority for environmental requirements;

B. Assignment of overall responsibility within a regulated entity for overseeing compliance with policies, standards and procedures and assignment of specific responsibility for ensuring compliance at each facility or operation of the regulated entity;

C. Mechanisms for systematically ensuring that compliance policies, standards and procedures of the regulated entity are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the compliance management system and a means for employees or agents of the regulated entity to report violations of environmental requirements without fear of retaliation;

D. Procedures to communicate effectively the regulated entity's standards and procedures to all employees and agents of the regulated entity;

E. Appropriate incentives to managers and employees of the regulated entity to perform in accordance with the compliance policies, standards and procedures of the regulated entity, including consistent enforcement through appropriate disciplinary mechanisms; and

F. Procedures for the prompt and appropriate correction of any violations and any necessary modifications to the regulated entity's compliance management system to prevent future violations.

2. Environmental audit program. "Environmental audit program" means a systematic, documented, periodic and objective review by a regulated entity of facility operations and practices that are related to meeting environmental requirements.

3. Environmental audit report. "Environmental audit report" means the documented analysis, conclusions and recommendations resulting from an environmental audit program, but does not include data obtained in, or testimonial evidence concerning, the environmental audit.

4. Environmental requirement. "Environmental requirement" means any law or rule administered by the department.

5. Gravity-based penalty. "Gravity-based penalty" means the punitive portion of a penalty for a violation of an environmental requirement that exceeds the economic gain from noncompliance with the requirement; and

6. Regulated entity. "Regulated entity" means an entity subject to environmental requirements.

§349-N. Incentives

Subject to section 349-Q, and notwithstanding any other provision of law relating to penalties, the department may adjust or mitigate penalties for violations of environmental requirements in accordance with this section.

1. No gravity-based penalties. If the department determines that a regulated entity satisfies all of the conditions of section 349-O, the department may not impose in any administrative proceeding or seek in any civil action any gravity-based penalty for a violation that is discovered and disclosed by the regulated entity.

2. Reduction of gravity-based penalties by 75%. If the department determines that the regulated entity satisfies the conditions of section 349-O, subsections 2 to 9, the department shall reduce by 75% gravity-based penalties that would otherwise be associated with violations discovered and disclosed by the regulated entity.

3. No recommendation for criminal prosecution. If the department determines that the regulated entity satisfies the conditions of section 349-O, subsections 2 to 9, the department may not recommend that criminal charges be brought against the regulated entity if the department determines that the violation is not part of a pattern or practice that demonstrates or involves:

A. A prevalent management philosophy or practice that conceals or condones environmental violations; or

B. High-level corporate officials' or managers' conscious involvement in, or willful blindness to, violations of state or federal environmental laws.

Whether or not the department recommends the regulated entity for criminal prosecution under this section, the department may recommend for prosecution the criminal acts of individual managers or employees under existing policies guiding the exercise of enforcement discretion.

4. No routine request for environmental audit reports. The department may not request an environmental audit report in connection with a routine inspection of a regulated entity. If the department has reason to believe that a violation by a regulated

entity of an environmental requirement has occurred, the department may seek any information relevant to identifying violations or determining liability or the extent of harm resulting from the violation.

§349-O. Conditions of discovery

The incentives established in section 349-N apply to a violation of an environmental requirement only if:

1. Systematic discovery. The violation was discovered through:

A. An environmental audit program; or

B. A compliance management system that demonstrates the regulated entity's due diligence in preventing, detecting and correcting violations. The regulated entity shall notify the department when it has a compliance management system in place and shall make available to the department upon request a copy of the system components. The regulated entity shall provide accurate and complete documentation to the department describing how its compliance management system meets the criteria specified in section 349-M, subsection 1 and how the regulated entity discovered the violation through its compliance management system. The department may require the regulated entity to make publicly available a description of its compliance management system;

2. Voluntary discovery. The violation was discovered by the regulated entity. Incentives under section 349-N do not apply to violations discovered through a legally mandated monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order or consent agreement, including:

A. Emissions violations detected through a continuous emissions monitor or an alternative monitor established in a permit where any such monitoring is required;

B. Violations of National Pollutant Discharge Elimination System discharge limits established under the federal Clean Water Act, 33 United States Code, Section 1342 (2010) detected through required sampling or monitoring;

C. Violations discovered through a compliance audit required to be performed by the terms of a consent order or settlement agreement, unless the audit is a component of agreement terms to implement a comprehensive environmental management system; and

D. Violations discovered by a department inspection;

3. Prompt disclosure. The regulated entity fully discloses the specific violation in writing to the department within 21 days after the entity discovered that the violation has, or may have, occurred, unless the amount of time to report the violation is otherwise prescribed in statute, rule or order. The time at which the regulated entity discovers that a violation has, or may have, occurred begins when a person authorized to speak on behalf of the regulated entity has an objectively reasonable basis for believing that a violation has, or may have, occurred. Persons authorized to speak on behalf of the regulated entity must be listed in the management audit by position title. The department's response to a

violation disclosed by a regulated entity under this subsection must be made in writing to the regulated entity within 3 months of the disclosure of the violation by the entity;

4. Discovery and disclosure independent of government or 3rd-party plaintiff.

The regulated entity discovers and discloses to the department the potential violation prior to:

A. The commencement of an inspection or investigation related to the violation. If the department determines that the regulated entity did not know that it was under investigation and the department determines that the entity is otherwise acting in good faith, the department may determine that the requirements of this paragraph are met;

B. The regulated entity's receipt of notice that it is the subject of a lawsuit;

C. The filing of a complaint by a 3rd party;

D. The reporting of the violation to the department or other state agency by an employee other than the person authorized to speak on behalf of the regulated entity under subsection 3; or

E. The imminent disclosure of the violation by a regulatory agency.

For regulated entities that own or operate multiple facilities, the fact that one facility is the subject of an investigation, inspection, information request or 3rd-party complaint does not preclude the department from exercising its discretion to apply the regulated entity's compliance management system to other facilities owned or operated by that regulated entity;

5. Correction and remediation. The regulated entity corrects the violation within 60 days from the date of discovery, unless the amount of time to correct is otherwise prescribed in statute, rule or order, certifies in writing to the department that the violation has been corrected and takes appropriate measures as determined by the department to remedy any environmental or human harm due to the violation. The department retains the authority to order an entity to correct a violation within a specific time period shorter than 60 days whenever correction in a shorter period of time is feasible and necessary to protect public health and the environment adequately. If more than 60 days will be needed to correct the violation, the regulated entity shall so notify the department in writing before the 60-day period has passed. To satisfy conditions of this subsection and subsection 6, the department may require a regulated entity to enter into a publicly available written agreement, administrative consent order or judicial consent decree as a condition of obtaining relief under this subchapter, particularly when compliance or remedial measures are complex or a lengthy schedule for attaining and maintaining compliance or remediating harm is required;

6. Prevent recurrence. The regulated entity agrees in writing to take steps to prevent a recurrence of the violation, which may include improvements to its environmental audit program or compliance management system;

7. No repeat violations. The specific violation, or a closely related violation, has not occurred within the past 3 years at the same facility and has not occurred within the past 5 years as part of a pattern at multiple facilities owned or operated by the same

regulated entity. For the purposes of this subsection, a violation or closely related violation is any violation previously identified in a judicial or administrative order, a consent agreement or order, a complaint, letter of warning or notice of violation, a conviction or plea agreement or any act or omission for which the regulated entity has previously received penalty mitigation from the United States Environmental Protection Agency or the department;

8. Other violations excluded. The violation did not result in serious actual harm, or present an imminent and substantial endangerment, to human health or the environment, did not violate the specific terms of any judicial or administrative order or consent agreement or was not a knowing, intentional or reckless violation; and

9. Cooperation. The regulated entity cooperates as requested by the department and provides such information requested by the department to determine the applicability of this subchapter.

§349-P. Economic benefit

1. Department discretion. In order to ensure that regulated entities that violate environmental requirements do not gain an economic advantage over regulated entities that comply with environmental requirements, this subchapter may not be construed to limit the discretion of the department to recover any economic benefit gained as a result of noncompliance by a regulated entity.

2. Waiver; insignificant economic benefit. The department may waive the entire penalty, including any penalty for economic benefit gained as a result of noncompliance, for a regulated entity that meets all the requirements of section 349-O when, in the department's opinion, the violation does not merit any penalty due to the insignificant amount of any economic benefit.

§349-Q. Application

This subchapter does not limit any authority of the department to adjust or otherwise mitigate any penalty imposed or sought by the department for a violation when the regulated entity responsible for the violation does not receive an incentive under this subchapter for the same violation.

§349-R. Rules

The board may adopt rules to implement the regulation of environmental audit programs established in this subchapter. Rules adopted under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

PART B

Sec. B-1. 5 MRSA §8063-A is enacted to read:

§8063-A. Analysis of benefits and costs

In addition to the economic impact statement required under section 8052, subsection 5-A and the fiscal impact note required under section 8063, an agency may, within existing budgeted resources and in instances in which the consideration of costs is permitted, conduct an analysis of the benefits and costs of a proposed rule to evaluate the effects of the rule on the distribution of benefits and costs for specific groups and on the overall economic welfare of the State.

1. Contents of a cost-benefit analysis. To the extent permitted within existing resources, a cost-benefit analysis conducted under this section must include, at a minimum, the following information:

A. Specification of the baseline condition for the analysis, including all required parameters for the analysis, all assumptions made in specifying the baseline condition and specification of the analysis period;

B. A description of the methods used to discount future benefits and costs, preferably based on the federal Office of Management and Budget's discount rate for federal projects;

C. An analysis of changes in the level of economic activity in the State as measured by employment, income and outputs; and

D. An estimate of the discounted benefits and costs of the proposed rule over the baseline condition, including benefits and costs to specific groups and changes in the economic welfare of the State as a whole over the baseline condition.

Prior to conducting a cost-benefit analysis under this section, an agency shall determine that sufficient staff expertise and budgeted resources exist within the agency to complete the analysis. The agency shall include a cost-benefit analysis with a copy of a proposed rule when responding to a request for the proposed rule under section 8053, subsection 3-A. When the analysis is conducted on a provisionally adopted major substantive rule, the analysis must be included with the materials submitted to the Executive Director of the Legislative Council under section 8072, subsection 2. A cost-benefit analysis conducted under this section is not subject to judicial review under section 8058.

PART C

Sec. C-1. 5 MRSA §13062, sub-§2, ¶B, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

B. In accordance with section 13063, the office shall implement a business ombudsman program ~~to assist businesses by referring businesses and persons to the proper agencies designed to provide the business services or assistance requested, and to serve as a central clearing house of information with respect to business assistance programs and services available in the State.~~

Sec. C-2. 5 MRSA §13063, as corrected by RR 1997, c. 2, §§17 and 18, is amended to read:

§13063. Business Ombudsman Program

The director shall ~~be responsible for the implementation of~~ establish and implement pursuant to this section the Business Assistance Referral and Facilitation Ombudsman Program, referred to in this section as "the program," and the director shall serve as the ombudsman for the program. The program is established to: resolve problems encountered by businesses dealing with other state agencies; facilitate responsiveness of State Government to small business needs; report to the commissioner and the Legislature on breakdowns in the economic delivery system, including problems encountered by businesses dealing with state agencies; assist businesses by referring businesses and persons to resources that provide the business services or assistance requested; provide comprehensive permit information and assistance; and serve as a central clearinghouse of information with respect to business assistance programs and services available in the State.

1. Referral and central clearinghouse service. ~~The director ombudsman~~ shall maintain and update annually a list of the business assistance programs and services and the names, locations, websites and telephone numbers of the organizations providing these programs and services that are available within the State. ~~The director ombudsman~~ may publish a guide consisting of the business assistance programs and services available from public or private sector organizations throughout the State. This program ~~shall~~ must be designed to:

- A. Respond to written and oral requests for information about business services and assistance programs available throughout the State;
- B. Obtain and compile the most current and available information pertaining to business assistance programs and services within the State;
- C. Delineate the business assistance programs and services by type of program or service and by agency; and
- D. Maintain a list, to be updated annually, of marketing programs of state agencies with a description of each program.

2. Business fairness and responsiveness. ~~The director ombudsman~~ shall implement a business ~~facilitation~~ fairness and responsiveness service ~~which shall be~~ designed to:

- A. Resolve problems encountered by ~~business persons~~ businesses with other state agencies and with certified regional and local economic development organizations;
- B. Coordinate programs and services for business among agencies and all levels of government;
- C. Facilitate responsiveness of State Government to ~~small~~ business needs; and
- D. Report to the commissioner and the Legislature any breakdowns in the economic delivery system, including problems encountered by businesses dealing with state agencies.

3. Comprehensive permit information. ~~The director ombudsman~~ shall develop and maintain a program to provide comprehensive information on permits required for

business undertakings, projects and activities and to make that information available to any person. This program must function as follows.

A. ~~Not later than 90 days from April 6, 1992~~ By December 15, 2011, each state agency required to review, approve or grant permits for business undertakings, projects and activities shall report to the office in a form prescribed by the office on each type of review, approval and permit administered by that state agency. Application forms, applicable agency rules and the estimated time period necessary for permit application consideration based on experience and statutory or regulatory requirements must accompany each state agency report.

B. Each state agency required to review, approve or grant permits for business undertakings, projects and activities, subsequent to its report pursuant to paragraph A, shall provide to the office, for information purposes only, a report of any new permit or modification of any existing permit together with applicable forms, rules and information required under subsections 1 and 2 regarding the new or modified permit. To ensure that the department's information is current, each agency shall report immediately to the office when a new permit is adopted or any existing permit is modified. "Permit," as used in this paragraph, refers to the categorical authorization required for an activity. "Permit" does not mean a permit issued to a particular individual or business.

C. The office shall prepare an information file on each state agency's permit requirements upon receipt of that state agency's reports and shall develop methods for that file's maintenance, revision, updating and ready access.

D. The office shall provide comprehensive permit information on the basis of the information received under this subsection. The office may prepare and distribute publications, guides and other materials explaining permit requirements affecting business and including requirements involving multiple permits or multiple state agencies that are based on the state agency reports and the information file for the convenience of permit applicants.

4. Permit assistance. ~~Within 90 days of April 6, 1992~~ By December 15, 2011, the ~~director~~ ombudsman shall set up procedures to assist permit applicants who have encountered difficulties in obtaining timely and efficient permit review. These procedures must include the following.

A. Any applicant for permits required for a business undertaking, project or activity must be allowed to confer with the office to obtain assistance in the prompt and efficient processing and review of applications.

B. The office shall, as far as possible, give assistance, and the ~~director~~ ombudsman may designate an officer or employee of the office to act as an expeditor with the purpose of:

- (1) Facilitating contacts for the applicant with state agencies responsible for processing and reviewing permit applications;
- (2) Arranging conferences to clarify the interest and requirements of any state agency with respect to permit applications;

- (3) Considering with state agencies the feasibility of consolidating hearings and data required of the applicant;
- (4) Assisting the applicant in the resolution of outstanding issues identified by state agencies, including delays experienced in permit review; and
- (5) Coordinating federal, state and local permit review actions to the extent practicable.

5. Retail business permitting program. By ~~July 1, 1994~~ February 1, 2012, the ~~director~~ ombudsman shall establish and administer a central permitting program for all permits required by retail businesses selling directly to the final consumer, ~~except permits including, but not limited to, permits required for the operation of hotels and motels, convenience stores and eating and lodging places, and permits required for the sale of liquor or beer, tobacco, food, beverages, lottery tickets and gasoline.~~ Permits issued by the Department of Environmental Protection, the Department of Marine Resources and the Maine Land Use Regulation Commission are not included in this program. ~~Agencies and permits referred to in subsections 5 to 7 do not include these excepted agencies or permits issued by them.~~ The ~~director~~ ombudsman shall:

- A. Create a consolidated permit procedure that allows each business to check on a cover sheet all state permits for which it is applying and to receive all permit applications from a centralized office;
- B. Total all permit fees due from a business, collect those fees on a semiannual basis, with 1/2 of the total fees due by January 1st and 1/2 of the total fees due by July 1st, and distribute the fees to the appropriate funds or permitting entities;
- C. Forward a copy of the appropriate permit application to any commission, department, municipality or other agency that has responsibility for permitting that retail business;
- D. Develop a tracking system to track permits issued by state agencies. This system must at a minimum include information on the applicant, agency involvement, time elapsed or expended on the permit and action taken;
- E. Coordinate and supervise the permitting process to ensure that all involved state agencies process the applications and complete any necessary inspections in a timely fashion; and
- F. Respond to inquiries from the business community and requests for information from the individual permitting entities, including reports on the status of an application.

A retail business is not required to participate in the retail business permitting program. An enforcement action taken against a retail business for a permit obtained through the retail business permitting program does not affect other permits issued to that same retail business through that program.

6. Municipal permitting agents. By ~~January 1, 1995~~ February 1, 2012, the ~~director~~ ombudsman shall establish a municipal centralized permitting program.

A. Upon application by the municipal officers of a municipality and upon evidence that the municipality meets all qualifications as determined by departmental rulemaking, the ~~director~~ ombudsman shall appoint the municipality as a centralized permitting agent to provide all permits for retail businesses. Upon evidence that a municipality qualified to provide permits meets the qualifications for conducting the inspection associated with any of those permits as determined by departmental rulemaking, the ~~director~~ ombudsman shall appoint that municipality as an agent to provide that inspection for retail businesses with less than 10,000 square feet of retail space. The ombudsman shall ensure that municipalities appointed as agents for purposes of inspection are qualified and capable of conducting those inspections in a manner that ensures compliance with all applicable public health and safety requirements. Retail businesses shall pay the municipality an additional fee of \$4 for each permit included in the consolidated application up to a limit of \$40. Municipalities may retain 1/2 of all fees collected for permits requiring inspection. The remaining 1/2 of those permit fees and all fees for permits not requiring inspection must be remitted to the department, which shall remit the fees to the issuing agency. A municipality with a population of less than 4,000 ~~population~~ may contract with an appointed municipality for centralized permitting and inspection services. A ~~retailer~~ retail business is not required to participate in the municipal central permitting program.

B. The ~~director~~ ombudsman shall make permitting and inspection training programs available to a municipality seeking appointment or appointed as a central permitting agent. The municipality shall pay a fee of \$25 for each person receiving permitting training and \$100 for each person receiving inspection training.

C. A business that seeks to determine why it has not received its permits must be directed to the municipal office where the application was filed. That office shall bring the matter to the attention of the department, which shall contact the appropriate issuing agency.

D. A joint standing committee of the Legislature that recommends legislation that involves a new permit for retail businesses shall indicate in the legislation whether the permit is to be included in the municipal centralized permitting program.

During a review under Title 3, chapter 35 of a permit issuing agency, the joint standing committee having responsibility for the review shall recommend whether any of the permits issued by that agency should be included in the municipal centralized permitting program.

The ~~director~~ ombudsman may extend by rulemaking, but may not curtail, the department's centralized permitting program or the municipal centralized permitting program, except that the programs may not be extended to include additional issuing agencies.

7. Goal and evaluation. It is the goal of the programs established in subsections 5 and 6 for retail businesses to obtain permits more quickly at no additional cost to the taxpayers of the State. The ~~director~~ ombudsman shall devise and implement a program of data collection and analysis that allows a determination as to whether these goals have been met. This program must include the collection of benchmark data before the initiation of the programs and an enumeration of the number of municipalities

participating in the program. ~~In analyzing costs, the director shall amortize the costs of computers or computer programs necessary for the program.~~ By January 1, ~~1994~~ 15, 2012 and every 2 years after that date, the ~~director~~ ombudsman shall prepare and submit a report to the joint standing committee of the Legislature having jurisdiction over economic development matters ~~based on this data and a recommendation regarding the effectiveness of the program and any recommendations~~ as to why the retail business program and the municipal centralized permitting program should not be expanded to other sizes or types of businesses, to other issuing agencies and to smaller municipalities. The first report must contain an assessment of the levels of willingness of municipalities to participate in the programs established by this section.

8. Report. By January 15, 2012 and at least annually thereafter, the ombudsman shall report to the Governor and the joint standing committee of the Legislature having jurisdiction over economic development matters about the program with any recommendations for changes in the statutes to improve the program and its delivery of services to businesses. The joint standing committee of the Legislature having jurisdiction over economic development matters may report out a bill relating to the program.

Sec. C-3. Report. By February 15, 2012, the ombudsman for the Business Ombudsman Program established pursuant to the Maine Revised Statutes, Title 5, section 13063 within the Department of Economic and Community Development, Office of Business Development shall provide a report to the joint standing committee of the Legislature having jurisdiction over economic development matters on the effectiveness of comprehensive permit information and assistance services to businesses within the Business Ombudsman Program, as well as the program's success in implementing the retail business and municipal centralized permitting programs required pursuant to Title 5, section 13063. In preparing the report, the ombudsman shall work with the network manager of InforMe and the director of the Office of Information Systems to identify ways to incorporate electronic commerce options into the centralized permitting programs and shall include recommendations on those options in the report. The joint standing committee of the Legislature having jurisdiction over economic development matters may report out a bill to the Second Regular Session of the 125th Legislature relating to the permitting programs within the Business Ombudsman Program.

PART D

Sec. D-1. 5 MRSA §57, as amended by PL 2007, c. 676, §1, is repealed.

Sec. D-2. 5 MRSA c. 5, sub-c. 2 is enacted to read:

SUBCHAPTER 2

SPECIAL ADVOCATE

§90-N. Bureau established

The Bureau of the Special Advocate, referred to in this subchapter as "the bureau," is established within the Department of the Secretary of State to assist in resolving

regulatory enforcement actions affecting small businesses that, if taken, are likely to result in significant economic hardship and to advocate for small business interests in other regulatory matters.

§90-O. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. Agency.** "Agency" has the same meaning as set out in section 8002, subsection 2.
- 2. Agency enforcement action.** "Agency enforcement action" means an enforcement action initiated by an agency against a small business.
- 3. Complaint.** "Complaint" means a request to the special advocate for assistance under section 90-Q.
- 4. Regulatory impact notice.** "Regulatory impact notice" means a written notice from the Secretary of State to the Governor as provided in section 90-S.
- 5. Significant economic hardship.** "Significant economic hardship" means a hardship created for a small business by a monetary penalty or license suspension or revocation imposed by an agency enforcement action that appears likely to result in the:
 - A. Temporary or permanent closure of the small business; or
 - B. Termination of employees of the small business.
- 6. Small business.** "Small business" means a business having 50 or fewer employees in the State.
- 7. Special advocate.** "Special advocate" means the person appointed pursuant to section 90-P.

§90-P. Special advocate; appointment and qualifications

The Secretary of State shall appoint a special advocate to carry out the purposes of this subchapter. The special advocate shall serve at the pleasure of the Secretary of State.

§90-Q. Small business requests for assistance

A small business may file a complaint requesting the assistance of the special advocate in any agency enforcement action initiated against that small business. The special advocate may provide assistance to the small business in accordance with section 90-R, subsection 2. The special advocate shall encourage small businesses to request the assistance of the special advocate as early in the regulatory proceeding as possible. Before providing any assistance, the special advocate shall provide a written disclaimer to the small business stating that the special advocate is not acting as an attorney representing the small business, that no attorney-client relationship is established and that no attorney-client privilege can be asserted by the small business as a result of the assistance provided by the special advocate under this subchapter.

§90-R. Powers and duties of the special advocate

1. General advocacy. The special advocate may advocate generally on behalf of small business interests by commenting on rules proposed under chapter 375, testifying on legislation affecting the interests of small businesses, consulting with agencies having enforcement authority over business matters and promoting the services provided by the special advocate.

2. Advocate on behalf of an aggrieved small business. Upon receipt of a complaint requesting assistance under section 90-Q, the special advocate may:

A. Consult with the small business that filed the complaint and with the staff in the agency that initiated the agency enforcement action to determine the facts of the case;

B. After reviewing the complaint and discussing the complaint with the small business and the agency that initiated the agency enforcement action, determine whether, in the opinion of the special advocate, the complaint arises from an agency enforcement action that is likely to result in a significant economic hardship to the small business;

C. If the special advocate determines that an agency enforcement action is likely to result in a significant economic hardship to the small business, seek to resolve the complaint through consultation with the agency that initiated the agency enforcement action and the small business and participation in related regulatory proceedings in a manner allowed by applicable laws; and

D. If the special advocate determines that an agency enforcement action applies statutes or rules in a manner that is likely to result in a significant economic hardship to the small business, when an alternative means of effective enforcement is possible, recommend to the Secretary of State that the secretary issue a regulatory impact notice to the Governor.

§90-S. Regulatory impact notice

At the recommendation of the special advocate, the Secretary of State may issue a regulatory impact notice to the Governor informing the Governor that an agency has initiated an agency enforcement action that is likely to result in significant economic hardship to a small business, when an alternative means of enforcement was possible, and asking that the Governor take action, as appropriate and in a manner consistent with all applicable laws, to address the small business issues raised by that agency enforcement action. The regulatory impact notice may include, but is not limited to, a description of the role of the special advocate in attempting to resolve the issue with the agency, a description of how the agency enforcement action will affect the interests of the small business and a description of how an alternative enforcement action, when permitted by law, would relieve the small business of the significant economic hardship expected to result from the agency enforcement action. The Secretary of State shall provide a copy of the regulatory impact notice to the agency that initiated the agency enforcement action, the small business that made the complaint and the joint standing committee of the Legislature having jurisdiction over the agency.

§90-T. Regulatory Fairness Board

The Regulatory Fairness Board, referred to in this section as "the board," is established within the Department of the Secretary of State to hear testimony and to report to the Legislature and the Governor at least annually on regulatory and statutory changes necessary to enhance the State's business climate.

1. Membership. The board consists of the Secretary of State, who shall serve as the chair of the board and 4 public members who are owners, operators or officers of businesses operating in different regions of the State, appointed as follows:

A. One public member appointed by the President of the Senate;

B. One public member appointed by the Speaker of the House;

C. Two public members appointed by the Governor, one of whom represents a business with fewer than 50 employees and one of whom represents a business with fewer than 20 employees.

The Secretary of State shall inform the joint standing committee of the Legislature having jurisdiction over business matters in writing upon the appointment of each member. Except for the Secretary of State, an officer or employee of State Government may not be a member of the board.

2. Terms of appointment. Each member appointed to the board must be appointed to serve a 3-year term. A member may not be appointed for more than 3 consecutive terms.

3. Quorum. A quorum for the purpose of conducting the board's business consists of 3 appointed members of the board.

4. Duties of board. The board shall:

A. Meet at least 3 times a year to review complaints submitted to the special advocate;

B. Review the status of complaints filed with the special advocate and regulatory impact notices issued by the Secretary of State; and

C. Report annually by February 1st to the Governor and the joint standing committee of the Legislature having jurisdiction over business matters on actions taken by the special advocate and the Secretary of State to resolve complaints concerning agency enforcement actions against small businesses. The report may also include recommendations for statutory changes that will bring more clarity, consistency and transparency in rules affecting the small business community.

5. Compensation. Board members are entitled to compensation only for expenses pursuant to section 12004-I, subsection 2-G.

6. Staff. The special advocate shall staff the board.

Sec. D-3. 5 MRSA §12004-I, sub-§2-G, as enacted by PL 2007, c. 676, §2, is amended to read:

PART F

Sec. F-1. Rules; isopropyl alcohol and wood ash. The Commissioner of Environmental Protection shall adopt or amend rules as necessary that, consistent with rules adopted by the United States Environmental Protection Agency, provide that isopropyl alcohol and wood ash are not hazardous waste or solid waste if being used, reused or recycled as effective substitutes for commercial products. Rules adopted under this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. F-2. Rules; beneficial reuse. The Board of Environmental Protection shall adopt or amend rules as necessary that, consistent with rules adopted by the United States Environmental Protection Agency governing the transfer, management, reclamation and reuse of hazardous and solid waste, allow and encourage the beneficial reuse of hazardous and solid wastes consistent with the protection of public health and the environment in order to preserve resources, conserve energy and reduce the need to dispose of such wastes. Rules adopted under this section are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

PART G

Sec. G-1. 5 MRSA §8002, sub-§9, as amended by PL 1989, c. 574, §1, is further amended to read:

9. Rule. "Rule" is defined as follows.

A. "Rule" means the whole or any part of every regulation, standard, code, statement of policy, or other agency guideline or statement of general applicability, including the amendment, suspension or repeal of any prior rule, that is or is intended to be judicially enforceable and implements, interprets or makes specific the law administered by the agency, or describes the procedures or practices of the agency.

B. The term does not include:

- (1) Policies or memoranda concerning only the internal management of an agency or the State Government and not judicially enforceable;
- (2) Advisory rulings ~~issued~~ issued under subchapter ~~III~~ 3;
- (3) Decisions issued in adjudicatory proceedings; or
- (4) Any form, instruction or explanatory statement of policy ~~which~~ that in itself is not judicially enforceable, and ~~which~~ that is intended solely as advice to assist persons in determining, exercising or complying with their legal rights, duties or privileges.

A rule is not judicially enforceable unless it is adopted in a manner consistent with this chapter.

PART H

Sec. H-1. 38 MRSA §341-B, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

§341-B. Purpose of the board

The purpose of the Board of Environmental Protection is to provide informed, independent and timely decisions on the interpretation, administration and enforcement of the laws relating to environmental protection and to provide for credible, fair and responsible public participation in department decisions. The board shall fulfill its purpose through major substantive rulemaking, decisions on selected permit applications, ~~review~~ decisions on appeals of the commissioner's licensing and enforcement actions and recommending changes in the law to the Legislature.

Sec. H-2. 38 MRSA §341-C, sub-§1, as amended by PL 1995, c. 3, §6, is further amended to read:

1. Appointments. The board consists of ~~40~~ 7 members appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over natural resource matters and to confirmation by the Legislature.

Sec. H-3. 38 MRSA §341-C, sub-§2, as amended by PL 1997, c. 346, §2, is further amended to read:

2. Qualifications and requirements. Members of the board must be chosen to represent the broadest possible interest and experience that can be brought to bear on the administration and implementation of this Title and all other laws the board is charged with administering. ~~At least 4 members must be residents of the First Congressional District and at least 4 members must be residents of the Second Congressional District.~~ At least 3 members must have technical or scientific backgrounds in environmental issues and no more than 4 members may be residents of the same congressional district. The boundaries of the congressional districts are defined in Title 21-A, chapter 15. A county commissioner, county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the board. If a county or municipality is a participant in an adjudicatory proceeding before the board, a commissioner, official or employee from that county or municipality may not participate in that proceeding.

Sec. H-4. 38 MRSA §341-D, sub-§1-B, as amended by PL 1999, c. 784, §6, is repealed.

Sec. H-5. 38 MRSA §341-D, sub-§1-C is enacted to read:

1-C. Rulemaking. The board shall adopt, amend or repeal rules in accordance with section 341-H.

Sec. H-6. 38 MRSA §341-D, sub-§2, as amended by PL 2009, c. 615, Pt. E, §1, is further amended to read:

2. Permit and license applications. Except as otherwise provided in this subsection, the board shall decide each application for approval of permits and licenses that in its judgment represents a project of statewide significance. A project of statewide significance is a project that meets at least 3 of the following 4 criteria:

- ~~A. Involves a policy, rule or law that the board has not previously interpreted;~~
- ~~B. Involves important policy questions that the board has not resolved;~~
- ~~C. Involves important policy questions or interpretations of a rule or law that require reexamination; or~~
- ~~D. Has generated substantial public interest.~~
- E. Will have an environmental or economic impact in more than one municipality, territory or county;
- F. Involves an activity not previously permitted or licensed in the State;
- G. Is likely to come under significant public scrutiny; and
- H. Is located in more than one municipality, territory or county.

The board shall also decide each application for approval of permits and licenses that is referred to it jointly by the commissioner and the applicant.

The board shall assume jurisdiction over applications referred to it under section 344, subsection 2-A; when it finds that ~~the~~ at least 3 of the 4 criteria of this subsection have been met.

The board may vote to assume jurisdiction of an application if it finds that ~~one or more of the~~ at least 3 of the 4 criteria ~~in~~ of this subsection have been met.

~~Any interested party may request the board to assume jurisdiction of an application.~~

The board may not assume jurisdiction over an application for an expedited wind energy development as defined in Title 35-A, section 3451, subsection 4, for a certification pursuant to Title 35-A, section 3456 or for a general permit pursuant to section 480-HH or section 636-A.

Prior to holding a hearing on an application over which the board has assumed jurisdiction, the board shall ensure that the department and any outside agency review staff assisting the department in its review of the application have submitted to the applicant and the board their review comments on the application and any additional information requests pertaining to the application and that the applicant has had an opportunity to respond to those comments and requests. If additional information needs arise during the hearing, the board shall afford the applicant a reasonable opportunity to respond to those information requests prior to the close of the hearing record.

Sec. H-7. 38 MRSA §341-D, sub-§3, as amended by PL 1995, c. 642, §§1 and 2, is repealed and the following enacted in its place:

3. Modification or corrective action. At the request of the commissioner and after written notice and opportunity for a hearing pursuant to Title 5, chapter 375, subchapter 4, the board may modify in whole or in part any license, or may issue an order

prescribing necessary corrective action, whenever the board finds that any of the criteria in section 342, subsection 11-B have been met.

For the purposes of this subsection, "license" includes any license, permit, order, approval or certification issued by the department.

Sec. H-8. 38 MRSA §341-D, sub-§4, ¶B, as amended by PL 2007, c. 661, Pt. B, §2, is repealed.

Sec. H-9. 38 MRSA §341-D, sub-§4, ¶D, as amended by PL 2009, c. 615, Pt. E, §2, is further amended to read:

D. License or permit decisions regarding an expedited wind energy development as defined in Title 35-A, section 3451, subsection 4 or a general permit pursuant to section 480-HH or section 636-A. In reviewing an appeal of a license or permit decision by the commissioner under this paragraph, the board shall base its decision on the administrative record of the department, including the record of any adjudicatory hearing held by the department, and any supplemental information allowed by the board ~~using the standards contained in subsection 5~~ for supplementation of the record. The board may remand the decision to the department for further proceedings if appropriate. The chair of the Public Utilities Commission or the chair's designee serves as a nonvoting member of the board and is entitled to fully participate but is not required to attend hearings when the board considers an appeal pursuant to this paragraph. The chair's participation on the board pursuant to this paragraph does not affect the ability of the Public Utilities Commission to submit information to the department for inclusion in the record of any proceeding before the department.

Sec. H-10. 38 MRSA §341-D, sub-§5, as amended by PL 1993, c. 356, §1, is repealed.

Sec. H-11. 38 MRSA §341-D, sub-§6, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is repealed and the following enacted in its place:

6. Enforcement. The board shall hear appeals of emergency orders pursuant to section 347-A, subsection 3.

Sec. H-12. 38 MRSA §341-D, sub-§7, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

7. Reports to the Legislature. The board shall report to the joint standing committee of the Legislature having jurisdiction over ~~energy and~~ natural resource matters by January 15th of the first regular session of each Legislature on the effectiveness of the environmental laws of the State and any recommendations for amending those laws or the laws governing the board.

Sec. H-13. 38 MRSA §341-E, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

§341-E. Board meetings

Board meetings held under section 341-D, ~~subsections 1 to 7~~, are governed by the following provisions.

1. Quorum. ~~Six~~ Four members of the board constitute a quorum. A quorum is required to open a meeting and for a vote of the board, 6 members constitute a quorum for rule-making hearings held by the board and 3 members constitute a quorum for other hearings held by the board.

2. Proceedings recorded. All proceedings before the board must be recorded electronically.

Sec. H-14. 38 MRSA §341-H is enacted to read:

§341-H. Departmental rulemaking

The department may adopt, amend or repeal rules and emergency rules necessary for the interpretation, implementation and enforcement of any provision of law that the department is charged with administering as provided in this section.

1. Rule-making authority of the board. Notwithstanding any other provision of this Title, and except as provided in this subsection, the board shall adopt, amend or repeal only those rules of the department designated as major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. The board shall also adopt, amend and repeal routine technical rules as necessary for the conduct of the department's business, including the processing of applications, the conduct of hearings and other administrative matters.

2. Rule-making authority of the commissioner. Notwithstanding any other provision of this Title, the commissioner shall adopt, amend or repeal only those rules of the department that are not designated as major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

3. Duties of department. The department shall:

A. Identify in its regulatory agenda under Title 5, section 8060, when feasible, a proposed rule or provision of a proposed rule that is anticipated to be more stringent than a federal standard, if an applicable federal standard exists;

B. During the consideration of any proposed rule, when feasible, and using information available to it, identify provisions of the proposed rule that the department believes would impose a regulatory burden more stringent than the burden imposed by the federal standard, if such a federal standard exists, and shall explain in a separate section of the basis statement the justification for the difference between the agency rule and the federal standard; and

C. Notwithstanding Title 5, chapter 375, subchapter 2 or 2-A, the department shall accept and consider additional public comment on a proposed rule following the close of the formal rule-making comment period at a meeting that is not a public hearing only if the additional public comment is directly related to comments

received during the formal rule-making comment period or is in response to changes to the proposed rule. Public notice of the meeting must comply with Title 1, section 406 and must state that the department will accept additional public comment on the proposed rule at that meeting.

4. Legislative review of a rule. If a rule adopted by the department is the subject of a request for legislative review of a rule under Title 5, chapter 377-A, the Executive Director of the Legislative Council shall immediately notify the department of that request and of the legislative committee's decision under that chapter on whether or not to review the rule.

Sec. H-15. 38 MRSA §342, sub-§9, as enacted by PL 1989, c. 890, Pt. A, §18 and affected by §40, is amended to read:

9. Rules. The commissioner may adopt, amend or repeal, in accordance with section 341-H, routine technical rules under Title 5, chapter 375, subchapter 2-A and shall submit to the board new or amended major substantive rules for its adoption.

Sec. H-16. 38 MRSA §342, sub-§11-A, as enacted by PL 1999, c. 784, §8, is amended to read:

11-A. Recommendations and assistance to board. The commissioner shall make recommendations to the board regarding proposed major substantive rules; permit and license applications over which the board has jurisdiction; modification, ~~revocation or suspension of~~ or corrective action on licenses; appeals of license and permit decisions; and other matters considered by the board. The commissioner shall also provide the board with the technical services of the department.

Sec. H-17. 38 MRSA §342, sub-§11-B is enacted to read:

11-B. Revoke or suspend licenses and permits. After written notice and opportunity for a hearing pursuant to Title 5, chapter 375, subchapter 4, the commissioner may act to revoke or suspend a license or recommend that the board modify or take corrective action on a license whenever the commissioner finds that:

- A. The licensee has violated any condition of the license;
- B. The licensee has obtained a license by misrepresenting or failing to disclose fully all relevant facts;
- C. The licensed discharge or activity poses a threat to human health or the environment;
- D. The license fails to include any standard or limitation legally required on the date of issuance;
- E. There has been a change in any condition or circumstance that requires revocation or suspension of a license;
- F. There has been a change in any condition or circumstance that requires a corrective action or a temporary or permanent modification of the terms of the license;

G. The licensee has violated any law administered by the department; or

H. The license fails to include any standard or limitation required pursuant to the federal Clean Air Act Amendments of 1990.

For the purposes of this subsection, "license" includes any license, permit, order, approval or certification issued by the department and "licensee" means the holder of the license.

Sec. H-18. 38 MRSA §344, sub-§2-A, ¶A, as amended by PL 2009, c. 615, Pt. E, §3, is further amended to read:

A. Except as otherwise provided in this paragraph, the commissioner shall decide as expeditiously as possible if an application meets ~~one or more~~ 3 of the 4 criteria set forth in section 341-D, subsection 2 and shall request that the board assume jurisdiction of that application. If an interested person requests that the commissioner refer an application to the board and the commissioner determines that the criteria are not met, the commissioner shall notify the board of that request. If at any subsequent time during the review of an application the commissioner decides that the application falls under section 341-D, subsection 2, the commissioner shall request that the board assume jurisdiction of the application.

(1) The commissioner may not request the board to assume jurisdiction of an application for any permit or other approval required for an expedited wind energy development, as defined in Title 35-A, section 3451, subsection 4, a certification pursuant to Title 35-A, section 3456 or a general permit pursuant to section 480-HH or section 636-A. Except as provided in subparagraph (2), the commissioner shall issue a decision on an application for an expedited wind energy development, an offshore wind power project or a hydropower project, as defined in section 632, subsection 3, that uses tidal action as a source of electrical or mechanical power within 185 days of the date on which the department accepts the application as complete pursuant to this section or within 270 days of the department's acceptance of the application if the commissioner holds a hearing on the application pursuant to section 345-A, subsection 1-A.

(2) The expedited review periods of 185 days and 270 days specified in subparagraph (1) do not apply to the associated facilities, as defined in Title 35-A, section 3451, subsection 1, of the development if the commissioner determines that an expedited review time is unreasonable due to the size, location, potential impacts, multiple agency jurisdiction or complexity of that portion of the development. If an expedited review period does not apply, a review period specified pursuant to section 344-B applies.

The commissioner may stop the processing time with the consent of the applicant for a period of time agreeable to the commissioner and the applicant.

Sec. H-19. 38 MRSA §347-A, sub-§1, ¶A, as amended by PL 2003, c. 245, §5, is further amended to read:

A. Whenever it appears to the commissioner, after investigation, that there is or has been a violation of this Title, of rules adopted under this Title or of the terms or conditions of a license, permit or order issued by the board or the commissioner, the

commissioner may initiate an enforcement action by taking one or more of the following steps:

- (1) Resolving the violation through an administrative consent agreement pursuant to subsection 4, signed by the violator and approved by the ~~board~~ commissioner and the Attorney General;
- (2) Referring the violation to the Attorney General for civil or criminal prosecution;
- (3) Scheduling and holding an enforcement hearing on the alleged violation pursuant to subsection 2; or
- (4) With the prior approval of the Attorney General, commencing a civil action pursuant to section 342, subsection 7 and the Maine Rules of Civil Procedure, Rule 3.

Sec. H-20. 38 MRSA §347-A, sub-§4, ¶D, as enacted by PL 1993, c. 204, §2, is amended to read:

D. The public may make written comments to the ~~board~~ commissioner at the ~~board's~~ commissioner's discretion on an administrative consent agreement entered into by the commissioner ~~and approved by the board~~.

Sec. H-21. 38 MRSA §353, sub-§3, as amended by PL 1997, c. 624, §2, is further amended to read:

3. License fee. The license fee must be paid at the time of filing the application. Failure to pay the license fee at the time of filing results in the application being returned to the applicant. One-half the processing fee assessed in section 352, subsection 5-A for licenses issued for a 10-year term must be paid at the time of filing the application. The remaining 1/2 of the processing fee for licenses issued for a 10-year term must be paid 5 years after issuance of the license. The commissioner shall refund the license fee if the board or commissioner denies the application or if the application is withdrawn by the applicant. Notwithstanding the provisions of this subsection, the license fee for a subdivision must be paid prior to the issuance of the license.

The license fees for nonferrous metal mining must be paid annually on the anniversary date of the license for the life of the project, up to and including the period of closure and reclamation.

The license fee for a solid waste facility must be paid annually. Failure to pay the annual fee within 30 days of the anniversary date of a license is sufficient grounds for modification, revocation or suspension of the license under section 341-D, subsection 3, ~~paragraph A~~ or section 342, subsection 11-B.

Sec. H-22. 38 MRSA §414-A, sub-§5, ¶C, as enacted by PL 1997, c. 794, Pt. A, §25, is amended to read:

C. Notwithstanding Title 5, section 10051, the board may modify, ~~revoke or suspend~~ a license and the commissioner may revoke or suspend a license when the board or

the commissioner finds that any of the conditions specified in section ~~341-D~~ 342, subsection ~~3~~ 11-B exist or upon an application for transfer of a license.

Sec. H-23. 38 MRSA §489-A, sub-§10, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §102, is further amended to read:

10. Appeal of decision by commissioner to review. An aggrieved party may appeal the decision by the commissioner to exert or not exert state jurisdiction over the proposed project to the board. Review and actions taken by the department are subject to appeal procedures governing the department under section 341-D, ~~subsections~~ subsection 4 and 5.

Sec. H-24. Transition provisions. The following transition provisions apply to changes in the membership of the Board of Environmental Protection, rulemaking and the impact on pending proceedings.

1. Board membership. Notwithstanding the Maine Revised Statutes, Title 38, section 341-C, the terms of members of the Board of Environmental Protection serving on the effective date of this Act that would otherwise expire prior to September 16, 2011 are extended to September 16, 2011 and expire on that date.

2. Effect on existing rules. All rules adopted by the Board of Environmental Protection prior to the effective date of this Act that were not adopted as major substantive rules are deemed to be routine technical rules adopted by the Commissioner of Environmental Protection and continue in effect until amended or rescinded by the commissioner; and

3. Effect on pending proceedings. All regulatory proceedings pending before the Board of Environmental Protection or the Commissioner of Environmental Protection on the effective date of this Act are subject to the Maine Revised Statutes, Title 1, section 302.

PART I

Sec. I-1. Department of Health and Human Services to amend rules. The Department of Health and Human Services shall by emergency rulemaking rescind its adoption of Rule 10-144, Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies that took effect January 1, 2011 and reinstate Rule 10-144, Chapter 30 as in effect on December 31, 2010.

Sec. I-2. New rulemaking required. In accordance with the Maine Administrative Procedure Act, the Commissioner of Health and Human Services shall adopt such amendments to the Department of Health and Human Services' Rule 10-144, Chapter 30 to avoid duplication of federal standards and preserve the authority of community agency boards. In adopting those rules, the commissioner shall work cooperatively and in consultation with the Advisory Committee to the Commissioner established in the Maine Revised Statutes, Title 5, section 1660-L. Amendments to Rule 10-144, Chapter 30 required by this Part must be provisionally adopted by the department as major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A not later than

December 31, 2011 and submitted to the Second Regular Session of the 125th Legislature for consideration. If approved by the Legislature, those rules must be finally adopted by the department and in effect on July 1, 2012. Subsequent revisions to those rules are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. I-3. Annual report. The Commissioner of Health and Human Services shall ensure that the Advisory Committee to the Commissioner is convened each year as necessary to fulfill its annual reporting requirements under the Maine Revised Statutes, Title 5, section 1660-L.

PART J

Sec. J-1. 25 MRSA §2448-A, sub-§1, as enacted by PL 2009, c. 364, §2, is amended to read:

1. Projects. A municipality registered pursuant to this section may review projects of public buildings ~~that constitute a mercantile occupancy over 3,000 square feet, a hotel, a motel or a business occupancy of 2 or more stories~~ as described in section 2448.

Sec. J-2. 25 MRSA §2448-A, sub-§7, as enacted by PL 2009, c. 364, §2, is repealed and the following enacted in its place:

7. Application review process. Upon determination by the municipal reviewing authority that an application for a permit or permit amendment under this section is complete for processing, the municipal reviewing authority shall submit to the commissioner within 14 days of that determination a copy of the project application.

Sec. J-3. 25 MRSA §2448-A, sub-§8, as enacted by PL 2009, c. 364, §2, is repealed.

PART K

Sec. K-1. Paperwork reduction working group. The Secretary of State shall convene a working group consisting of representatives of state agencies, small businesses recommended by the Maine chapter of the National Federation of Independent Businesses, other private businesses and other interested parties to examine opportunities for reducing the paperwork associated with the filing of forms with the office of the Secretary of State. The Secretary of State shall report the findings of the working group by February 1, 2012 to the Joint Standing Committee on State and Local Government.

PART L

Sec. L-1. 3 MRSA c. 36 is enacted to read:

CHAPTER 36

RETROSPECTIVE REVIEW OF AGENCY RULES

§971. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Agency. "Agency" means any body of State Government authorized by law to adopt rules under Title 5, chapter 375.

2. Committee of jurisdiction. "Committee of jurisdiction" means the joint standing committee of the Legislature having jurisdiction over the policy and subject matter of a rule.

3. Retrospective review. "Retrospective review" means a review of a rule by an agency for any change in the relevance, clarity and reasonableness of the rule between the time of its initial adoption and the time of the review.

§972. Direction from committees of jurisdiction

On or before February 1st of any first regular session of the Legislature, a committee of jurisdiction may direct an agency in writing to undertake a retrospective review of one or more rules under the jurisdiction of the committee.

§973. Agency review

When directed by a committee of jurisdiction to undertake a retrospective review of a rule under this chapter, an agency shall evaluate the continued relevance, clarity and reasonableness of the rule by examining:

1. Relevance. The extent to which the rule may have over time become redundant, inconsistent or in conflict with the original goals and objectives for which the rule was first proposed, with other rules or with any underlying federal or state law or regulation that initially served as the basis for the rule;

2. Clarity. Whether the language of the rule has retained its clarity and use of plain and clear English as required by Title 5, section 8061, continues to comply with the uniform drafting standards set forth in the drafting manual developed by the Secretary of State under Title 5, section 8056-A or whether the rule could be made less complex or more understandable to the general public;

3. Reasonableness. Whether the rule has been reasonably and consistently applied with respect to the public or particular persons and whether less costly or more limited regulatory methods of achieving the original purposes of the rule have become available; and

4. Appropriate categorization. Whether the rule should be categorized as a major substantive rule or a routine technical rule, as those terms are defined in Title 5, chapter 375.

§974. Report to the committee of jurisdiction

An agency directed to undertake a retrospective review of one or more of its rules in a first regular session of the Legislature pursuant to section 972 shall submit a written report to the committee of jurisdiction on or before February 14th of the second regular session of that Legislature. The report must address each of the criteria listed in section 973 for each rule reviewed by the agency and identify ways in which the agency proposes to amend the rule, if any, and recommend whether the legislative authority for each rule should be retained, repealed or modified.

PART M

Sec. M-1. Application for designation as a state regional center. The Commissioner of Economic and Community Development shall work collaboratively and in partnership with the Finance Authority of Maine, the Maine International Trade Center and representatives of private sector business interests in applying to the United States Department of Homeland Security, United States Citizenship and Immigration Service for the designation of the State as a state regional center for the purposes of reviewing and approving foreign investment projects under the Immigrant Investor Pilot Program enacted in federal law under Public Law 102-395, Section 610, 8 United States Code, Section 1153(b)(5). The purpose of the pilot program is to encourage immigration through the 5th employment-based preference, EB-5, immigrant visa category by immigrants seeking to enter the United States to invest from \$500,000 to \$1,000,000 in commercial enterprises that will create at least 10 full-time jobs.

Sec. M-2. Report. The Commissioner of Economic and Community Development shall report by January 15, 2012 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development on the progress of the State's application process required under section 1. That report must include any statutory changes recommended to facilitate that application or to administer a federally designated regional center in the State.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except that those sections of this Act that amend the Maine Revised Statutes, Title 38, section 341-C take effect on September 16, 2011.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor

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DEP Authorizing State Rules

Below are chapter numbers for the Rules that the DEP administers along with the most recent date of revision:

<u>Chapter</u>	<u>Title</u>	<u>Date Last Revised</u>
2	Rules Concerning the Processing of Applications and Other Administrative Matters	October 19, 2015
3	Rules Concerning the Conduct of Licensing Hearings	February 16, 2015
40	Conduct of Enforcement Hearings	February 8, 1978
80	Reduction of Toxics in Packaging	October 28, 1998
81	Designation of Priority Toxic Chemicals	August 6, 2012
82	Priority Toxic Chemical Reporting and Pollution Prevention Planning	August 6, 2012
100	Definitions Regulation	November 27, 2016
101	Visible Emissions Regulation	May 18, 2003
102	Open Burning	April 25, 2005
103	Fuel Burning Equipment Particulate Emission Standard	November 3, 1990
104	Incinerator Particulate Emission Standard	November 3, 1990
105	General Process Source Particulate Emission Standard	November 3, 1990
106	Low Sulfur Fuel Regulation	January 12, 2016
107	Sulfur Dioxide Emission Standards for Sulfite Pulp Mills	January 31, 1972
109	Emergency Episode Regulations	November 5, 2012
110	Ambient Air Quality Standards	August 6, 2012
111	Petroleum Liquid Storage Vapor Control	September 29, 1999
112	Bulk Terminal Petroleum Liquid Transfer Requirements	February 22, 1998
113	Growth Offset Regulation	April 18, 1999
114	Classification of Air Quality Control Regions	August 29, 2012
115	Major and Minor Source Air Emission License Regulations	December 1, 2012
116	Prohibited Dispersion Techniques	October 25, 1989
117	Source Surveillance - Emissions Monitoring	May 18, 2011
118	Gasoline Dispensing Facilities Vapor Control	April 3, 2011
119	Motor Vehicle Fuel Volatility Limit	July 15, 2015
120	Gasoline Tank Truck Tightness Self-Certification	July 11, 1994
121	Emission Limitations and Emission Testing of Resource Recovery Facilities	November 14, 2007
123	Control of Volatile Organic Compounds from Paper, Film and Foil Coating Operations	May 18, 2010
124	Total Reduced Sulfur Control from Kraft Pulp Mills	April 26, 2004
125	Perchloroethylene Dry Cleaner Regulation	August 28, 2013
126	Capture Efficiency Test Procedures	June 9, 1991
127	New Motor Vehicle Emission Standards	May 19, 2015
129	Surface Coating Facilities	July 7, 2015
130	Solvent Cleaners	June 28, 2004

131	Cutback Asphalt and Emulsified Asphalt	September 15, 2009
132	Graphic Arts - Rotogravure and Flexography	February 10, 1993
133	Petroleum Liquids Transfer Vapor Recovery At Bulk Gasoline Plants	July 11, 1994
134	Reasonably Available Control Technology for Facilities That Emit Volatile Organic Compounds	February 15, 1995
137	Emission Statements	November 8, 2008
138	Reasonably Available Control Technology for Facilities that Emit Nitrogen Oxides	August 3, 1994
139	Transportation Conformity	September 19, 2007
140	Part 70 Air Emission License Regulations	December 1, 2012
143	New Source Performance Standards	April 27, 2014
144	National Emission Standards for Hazardous Air Pollutants	April 27, 2014
145	NOx Control Program	July 22, 2001
146	Diesel-Powered Motor Vehicle Emissions Standards	April 5, 2000
148	Emissions from Smaller-Scale Electric Generating Facilities	August 9, 2004
149	General Permit for Nonmetallic Mineral Processing Plants	April 27, 2014
150	Control of Emissions from Outdoor Wood Boilers	April 11, 2010
151	Architectural and Industrial Maintenance (AIM) Coatings	November 1, 2005
152	Control of Emissions of Volatile Organic Compounds from Consumer Products	December 15, 2007
153	Mobile Equipment Repair and Refinishing	February 25, 2004
154	Control of Volatile Organic Compounds from Flexible Package Printing	July 20, 2010
156	CO2 Budget Trading Program	November 26, 2013
157	CO2 Budget Trading Program Waiver and Suspension	June 14, 2008
158	CO2 Budget Trading Program Auction Provisions	November 26, 2013
159	Control of Volatile Organic Compounds from Adhesives and Sealants	June 2, 2014
161	Graphic Arts - Offset Lithography and Letterpress Printing	April 11, 2010
162	Control for Fiberglass Boat Manufacturing Materials	July 30, 2013
163	Residential Wood Stove Replacement and Rebate Program	November 26, 2013
164	General Permit for Concrete Batch Plants	April 27, 2014
165	General Permit for Class IV-A Incinerators	May 6, 2012
200	Metallic Mineral Exploration, Advanced Exploration and Mining	April 21, 2013
263	Maine Comprehensive and Limited Environmental Laboratory Certification Rules (jointly with 10-144)	April 1, 2010
305	Natural Resources Protection Act - Permit by Rule Standards	June 8, 2012
310	Wetlands and Waterbodies Protection	January 26, 2009
315	Assessing and Mitigating Impacts to Existing Scenic and Aesthetic Uses	June 29, 2003
335	Significant Wildlife Habitat	January 7, 2014
342	Significant Groundwater Wells	April 4, 2010
355	Coastal Sand Dune Rules	October 26, 2014
371	Definitions of Terms Used in Site Location of Development Law and Regulations	October 4, 1982
372	Policies and Procedures Under Site Location Law	December 27, 2011
373	Financial and Technical Capacity Standards of the Site Location of Development Act	June 2, 2016
375	No Adverse Environmental Effect Standards of the Site Location of Development Act	June 2, 2016

376	Soil Types Standard of Site Location Law	November 1, 1979
377	Review of Roads Under Site Location of Development Law	September 14, 1980
378	Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products	June 8, 2012
380	Long-Term Construction Projects under the Site Location of Development Act	June 2, 2016
400	Solid Waste Management Rules: General Provisions	April 6, 2015
401	Solid Waste Management Rules: Landfill Siting, Design and Operation	April 12, 2015
402	Solid Waste Management Rules: Transfer Stations and Storage Sites for Solid Waste	April 12, 2015
403	Solid Waste Management Rules: Incineration Facilities	April 12, 2015
405	Solid Waste Management Rules: Water Quality Monitoring, Leachate Monitoring, and Waste Characterization	April 12, 2015
409	Solid Waste Management Rules: Processing Facilities	July 27, 2014
410	Solid Waste Management Rules: Composting Facilities	April 12, 2015
411	Solid Waste Management Rules: Non-Hazardous Waste Transporter Licenses	March 13, 1991
415	Solid Waste Management Rules: Reasonable Costs for the Handling and Recycling of Electronic Wastes	March 7, 2016
418	Solid Waste Management Rules: Beneficial Use of Solid Wastes	February 8, 2012
419	Solid Waste Management Rules: Agronomic Utilization of Residuals	April 12, 2015
420	Solid Waste Management Rules: Septage Management Rules	September 8, 1997
424	Solid Waste Management Rules: Lead Management Regulations	October 26, 2016
425	Solid Waste Management Rules: Asbestos Management Regulations	April 3, 2011
426	Responsibilities under the Returnable Beverage Container Law	May 8, 2017
450	Administrative Regulations for Hydropower Projects	January 13, 2000
500	Stormwater Management	August 12, 2015
501	Stormwater Management Compensation Fees and Mitigation Credit	May 22, 2016
502	Direct Watersheds of Lakes Most at Risk from New Development, and Urban Impaired Streams	December 27, 2006
514	Use of Aquatic Pesticides	January 29, 1989
517	Certification of Persons Servicing and Repairing Sanitary Waste Treatment Facility	August 3, 1976
519	Interim Effluent Limitations and Controls for the Discharge of Mercury	October 6, 2001
520	Definitions for the Waste Discharge Permitting Program	January 12, 2001
521	Applications for Waste Discharge Licenses	March 16, 2010
522	Application Processing Procedures for Waste Discharge Licenses	January 12, 2001
523	Waste Discharge License Conditions	January 12, 2001
524	Criteria and Standards for Waste Discharge Licenses	January 12, 2001
525	Effluent Guidelines and Standards	January 12, 2001
528	Pretreatment Program	March 17, 2008
529	General Permits for Certain Wastewater Discharges	June 27, 2007
530	Surface Waters Toxics Control Program	March 21, 2012
531	Regulations for Wastewater Operator Certification	May 8, 2006
532	Large Commercial Passenger Vessels	May 25, 2005
543	Rules to Control the Subsurface Discharge of Pollutants	October 3, 2006
550	Discontinuance of Wastewater Treatment Lagoons	February 8, 1978
555	Standards for the Addition of Transported Wastes to Wastewater	March 9, 2009

Treatment Facilities		
570	Combined Sewer Overflow Abatement	February 5, 2000
573	Snow Dumps: Best Management Practices for Pollution Prevention	July 29, 2012
574	Siting and Operation of Road Salt and Sand-Salt Storage Areas	December 3, 2001
579	Classification Attainment Evaluation Using Biological Criteria for Rivers and Streams	May 27, 2003
580	Regulations Relating to Sampling Procedures and Analytic Procedures	February 18, 1989
581	Regulations Relating to Water Quality Evaluations	January 29, 1989
582	Regulations Relating to Temperature	February 18, 1989
584	Surface Water Quality Criteria for Toxic Pollutants	July 29, 2012
585	Identification of Fish Spawning Areas and Designation Salmonid Spawning Areas	February 18, 1989
586	Rules Pertaining to Discharges to Class A Waters	June 10, 2015
587	In-stream Flows and Lake and Pond Water Levels	August 24, 2007
592	The Small Community Wastewater Program	May 20, 2001
594	State Contribution to Overboard Discharge Replacement	November 28, 2004
595	State Revolving Loan Fund	July 6, 2009
596	Overboard Discharges: Licensing and Abandonment	November 27, 2004
600	Oil Discharge Prevention and Pollution Control Rules for Marine Oil Terminal Facilities, Transportation Pipelines and Vessels	April 3, 2016
680	Tanker Anchorage Rules	January 16, 1976
685	Payment and Reimbursement of Oil Transfer Fees	April 3, 2016
686	Standards for Assessing Ability to Pay Deductibles under the State Insurance Program for Oil Storage Tanks	April 3, 2016
691	Rules for Underground Oil Storage Facilities	April 3, 2016
692	Siting of Oil Storage Facilities	July 23, 2012
693	Operator Training for Underground Oil and Hazardous Substance Storage Facilities	August 4, 2012
695	Registration / Installation / Operation and Closure of Underground Hazard Substance Storage Facility	February 18, 1997
696	Oil Discharge and Pollution Control Rules for Rail Tank Cars	June 22, 2015
700	Wellhead Protection: Siting of Facilities that Pose a Significant Threat to Drinking Water	April 24, 2010
800	Identification of Hazardous Matter	September 3, 2013
801	Discharge of Hazardous Matter: Removal and Written Reporting Procedures	September 3, 2013
850	Identification of Hazardous Wastes	April 26, 2017
851	Standards for Generators of Hazardous Waste	September 3, 2013
852	Land Disposal Restrictions	March 16, 1994
853	Licensing of Transporters of Hazardous Waste	July 23, 2008
854	Standards for Hazardous Waste Facilities	January 27, 2003
855	Interim Licenses for Waste Facilities for Hazardous Waste	March 16, 1994
856	Licensing of Hazardous Waste Facilities	November 3, 2002
857	Hazardous Waste Manifest Requirements	July 23, 2008
858	Universal Waste Rules	April 28, 2017
860	Waste Oil Management Rules	November 8, 2006
870	Labeling of Mercury-added Products	October 29, 2006
872	Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices	September 21, 2007

J-225

880	Regulation of Chemical Use in Children's Products	July 21, 2012
881	Fees: Chemical Use in Children's Products	June 15, 2010
882	Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Consumer Products	August 25, 2013
883	Designation of the Chemical Class Nonylphenol and Nonylphenol Ethoxylates as a Priority Chemical	January 9, 2011
884	Designation of Cadmium as a Priority Chemical and Regulation of Cadmium in Children's Products	June 2, 2014
885	Designation of Formaldehyde as a Priority Chemical and Regulation of Formaldehyde in Children's Products	July 26, 2015
886	Designation of Mercury as a Priority Chemical and Regulation of Mercury in Children's Products	June 2, 2014
887	Designation of Arsenic as a Priority Chemical and Regulation of Arsenic in Children's Products	June 2, 2014
888	Designation of Four Members of the Chemical Class Phthalates as Priority Chemicals	June 22, 2015
889	Designation of Two Flame Retardants as Priority Chemicals	March 4, 2017
900	Biomedical Waste Management Rules	August 13, 2011
1000	Guidelines for Municipal Shoreland Zoning Ordinances	January 26, 2015

06-481 Board of Underground Storage Tank Installers

1	Administrative Rules	February 21, 2016
2	Rules of Practice and Procedure Governing Adjudicatory Proceedings	February 3, 2008
3	Certification of Underground Oil Tank Installers	February 15, 2015
6	Certification of Underground Oil Storage Tank Inspectors	February 15, 2015

09-564 Clean-Up and Response Fund Review Board

3	Appeals Procedure	May 20, 2017
4	Oil Import Fees	May 20, 2017
5	Documentation Requirements for Applications to the State Fire Marshal for Coverage by the Maine Ground and Surface Water Clean-Up and Response Fund at Above Ground Oil Storage Facilities	May 20, 2017

DEP Authorizing State Laws

Below are section designations pertinent to DEP within Title 38 of the Maine Revised Statutes:

341-A to 349-B	....	Organization and Powers
349-L to 349-R	....	Environmental Audit Program
351 to 354	....	Maine Environmental Protection Fund
355 to 357	....	Lake Environmental Protection Fund
358	....	Maine Pollution Protection Fund
361-A to 372	....	Protection and Improvement of Waters – Organization and General Provisions
401 to 404	....	Ground Water Protection Program
410-F to 410-G	....	Marine Environmental Monitoring Program
410-H to 410-K	....	Nonpoint Source Pollution Program
410-L to 410-N	....	Lakes Assessment and Protection Program
411 to 424-B	....	Pollution Control
435 to 449	....	Mandatory Shoreland Zoning
451 to 452	....	Enforcement
464 to 470	....	Water Classification Program
470-A to 470-H	....	Water Withdrawal Reporting Program
480-A to 480-JJ	....	Natural Resources Protection Act
481 to 489-E	....	Site Location of Development
490-A to 490-N	....	Performance Standards for Excavation for Borrow, Clay, Topsoil or Silt
490-W to 490-FF	....	Performance Standards for Quarries
490-LL to 490-TT	....	Maine Metallic Mineral Mining Act
491 to 501	....	Interstate Water Pollution Control – Compact
531 to 537	....	Interstate Water Pollution Control – Administrative Provisions

541 to 560	....	Oil Discharge Prevention and Pollution Control
561 to 570-M	....	Oil Storage Facilities and Ground Water Protection
571	....	Criminal Liability for Corrupting Waters
574 to 579	....	Climate Change
580 to 580-C	....	Regional Greenhouse Gas Initiative
581 to 610-D	....	Protection and Improvement of Air
611 to 612	....	Mills and Dams – General Provisions
630 to 638	....	Permits for Hydropower Projects
640	....	Mills and Dams – Public Participation in the Licensing and Relicensing of Hydroelectric Dams
651 to 659	....	Mills and Dams – Rights and Liabilities
701 to 728	....	Mills and Dams – Action for Damages
771 to 776	....	Mills and Dams – Protection of Ways from Overflow
815 to 818	....	Mills and Dams – Dam Registration and Abandonment
840 to 843	....	Mills and Dams – Water Levels
851 to 854	....	Mills and Dams – Mills and their Repair
891 to 892	....	Mills and Dams – Grist Mills
901 to 909	....	Mills and Dams – Release from Dam Ownership and Water Level Maintenance
931 to 933	....	Mills and Dams – Water Storage Reservoirs
951 to 969	....	Saco River Corridor
971 to 979	....	Floating Timber
991 to 1002	....	St. Croix International Waterway Commission
1021 to 1027	....	Wharves and Fish Weirs
1061 to 1210	....	Maine Sanitary District Enabling Act
1231 to 1234	....	Community Sanitary Districts
1271 to 1284	....	Asbestos

1291 to 1298	....	Lead Abatement
1301 to 1319-Y	....	Maine Hazardous Waste, Septage and Solid Waste Management Act
1361 to 1371	....	Uncontrolled Hazardous Substance Sites
1391 to 1400	....	Wellhead Protection
1401 to 1404	....	Liability of Persons Mitigating the Effects of Discharge of Hazardous Materials
1451 to 1497	....	Nuclear Waste Activity
1601 to 1610	....	Sale of Consumer Products Affecting the Environment
1651 to 1654	....	Nondegradable Food and Beverage Containers
1661 to 1672	....	Mercury-Added Products and Services
1681 to 1683	....	Arsenic-Treated Wood Products
1691 to 1699-B	....	Toxic Chemicals in Children's Products
1701 to 1757	....	Maine Refuse Disposal District Enabling Act
1771 to 1776	....	Product Stewardship
1801 to 1804	....	Coastal Management Policies
1841	....	Protection of Maine Lakes
1861 to 1865	....	Program to Prevent Infestation of and to Control Invasive Aquatic Plants
1871 to 1872	....	Invasive Aquatic Plants and Nuisance Species Control
1901 to 1905	....	Coastal Barrier Resources System
2001 to 2014	....	Coastal and Lake Watershed Districts
2101 to 2236	....	Solid Waste Management and Recycling
2321 to 2330	....	Priority Toxic Chemical Use Reduction
2451	....	ACE Service Center
3001 to 3013	....	Uniform Environmental Covenants Act
3101 to 3118	....	Manufacturers, Distributors and Dealers of Beverage Containers

Below are section designations pertinent to DEP within Title 35-A of the Maine Revised Statutes:

3401 to 3459 Maine Wind Energy Act and Expedited Permitting of Grid-Scale Wind Energy
Development

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Appendix K – List of Applications

REPORT TYPE / NAME	FREQUENCY REQUIRED	STATUTORY AUTHORITY	LAST AMENDMENT OF STATUTE	NUMBER RECEIVED OVER THE LAST 2 YEARS	NUMBER EXPECTED TO RECEIVE OVER NEXT 2 YEARS
Maine Construction General Permit applications	Applications submitted daily	38 M.R.S § 349 & § 309 of the U.S. Clean Water Act	2011	328	345
MEPDES/Waste Discharge License & Overboard Discharge License Renewal Applications	Every five years	38 M.R.S. §§ 413 & 414	1989 & 2003	289	289
Discharge Monitoring Reports	Monthly-quarterly	38 M.R.S. § 414(3)	1997	6,589	6,589
Combined Sewer Overflow Annual Report	Annual	38 M.R.S. § 414(3)	1997	33	33
Pretreatment Reports	Annual-Biannual	38 M.R.S. § 414(3)	1997	25	25
Stormwater Management System Recertification requirement	5 years	38 M.R.S. § 420-D	2015	114	125
Stormwater Management Act applications	Applications submitted daily	38 M.R.S. § 420-D	2015	126	135
Natural Resources Protection Act (NRPA) applications	Applications submitted daily	38 M.R.S. § 480	2015	981	1,000
Permit-by-Rule applications	Applications submitted daily	38 M.R.S. §§ 480 & 420-D	2015	3,147	3,150
Site Location of Development Law applications	Applications submitted daily	38 M.R.S. §§ 483, 481-490	2011	351	375
Groundwater Monitoring Report for Gravel Pits & Rock Quarries- variance requirement	Annual	38 M.R.S §§ 490-E & 490-CC	2005	70 sites	70 sites
Reclamation Bond Cost Changes for Gravel Pits & Rock Quarries -variance requirement	Annual	38 M.R.S §§ 490-E & 490-CC	2005	50 pits, 1,718 acres bonded \$4,331,051.00	6 new sites

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REPORT TYPE / NAME	FREQUENCY REQUIRED	STATUTORY AUTHORITY	LAST AMENDMENT OF STATUTE	NUMBER RECEIVED OVER THE LAST 2 YEARS	NUMBER EXPECTED TO RECEIVE OVER NEXT 2 YEARS
Registration of Transportation of Oil in Inland Areas	Annually	38 M.R.S. § 545-B	1989	126	126
Oil Terminal Transfer reports	Monthly	38 M.R.S. § 551(4)	2007	244	244
Annual Inspection for Underground Tanks	Annual	38 M.R.S. § 563(9)	2007	4,142	4,000
Underground Oil Tank Registration	Once, and when required info. changes.	38 M.R.S. §§ 564(1, 2, 3, 4, 5)	2009	916	1,000
Annual Statistical Inventory Report for Underground Tanks	Annual	38 M.R.S. § 564(2-A)(B)	1991	113	61
Air Emissions Inventory	Annually	38 M.R.S. § 585-C	2015	292	278
Fleet NMOG + NOx Reports (LEV)	Annually	38 M.R.S. § 585-D	2011	36	36
ZEV Emission Vehicle Credit Report	Annually	38 M.R.S. § 585-D	2011	36	36
Quarterly Monitoring Reports	Four times per year	38 M.R.S. § 589	2007	112	100
Air Emission License New/Amend Applications for Minor Sources	Varies	38 M.R.S. § 590	2001	176	176
Air Emission License Amendment Applications for Part 70 Sources	Varies	38 M.R.S. § 590	2001	77	77
Annual Title V Compliance Certification	Annually	38 M.R.S. § 590		112	106
Semi Annual Title V Compliance Certification	Twice Yearly	38 M.R.S. § 590	2007	224	212
Air Emission License Renewal Applications for Minor Sources	Every 10 Years	38 M.R.S. § 590-A	2011	147	0
Air Emission License Renewal Applications for Part 70 Sources	Every 5 Years	38 M.R.S. § 590-A	2011	4	12
Hydropower Initial Licensing, Relicensing, and Modifications	Varies – licenses issued for 30-50 years	38 M.R.S. § 633	2011	32	35
Asbestos Abatement Activities License applications	Annually	38 M.R.S. § 1274-A	1993	850	850
Lead-Based Paint Activities License applications	Annually	38 M.R.S. § 1295(1)	1997	120	120
Solid Waste Facility Water Quality Monitoring Reports	3/year unless otherwise required or approved	38 M.R.S. § 1304(1)	1989	234	234

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REPORT TYPE / NAME	FREQUENCY REQUIRED	STATUTORY AUTHORITY	LAST AMENDMENT OF STATUTE	NUMBER RECEIVED OVER THE LAST 2 YEARS	NUMBER EXPECTED TO RECEIVE OVER NEXT 2 YEARS
Solid Waste Facility Leachate Monitoring Reports (from facilities with leachate collection and/or detection systems)	3/year unless otherwise required or approved	38 M.R.S. § 1304(1)	1989	90	90
Other Environmental Monitoring Reports (including monitoring of soils, waste characteristics, air, stability, and waste derived products)	Varies in accordance with individual license requirements	38 M.R.S. § 1304(1)	1989	510	510
Annual Adjustments to Solid Waste Disposal Facility Financial Assurance Mechanisms for Closure and Post-Closure Care and Corrective Actions	Annual	38 M.R.S. § 1304(1)	1989	24	24
Septage Site Renewal Applications	Every 5 years	38 M.R.S. § 1304(1)	1989	21	21
Non-hazardous Waste Transporter Manifests	Quarterly	38 M.R.S. § 1304(1-A)	1999	90,000*	90,000 ¹
Non-hazardous Waste Transporter License Renewal Applications	Biannual	38 M.R.S. § 1304(1-A)	1999	382	382
Public Benefit Determination Applications (received from applicants for new or expanded solid waste disposal facilities, or from publicly owned solid waste landfills proposing to accept waste generated out of state)	NA	38 M.R.S. § 1310-AA	2007	0	1
Solid Waste Facility Applications (including applications for new, amended, and revised licenses related to all type of solid waste facility licenses)	NA	38 M.R.S. § 1310-N	2009	111	111
Solid Waste Facilities – Annual Reports (received from landfills, transfer and storage facilities, processing facilities, incinerators, beneficial uses, agronomic uses, composting facilities, septage disposal and utilization sites)	Annual	38 M.R.S. § 1310-N(6-D)	1995	1,090	1,110
Hazardous Waste Activity Report	Annual	38 M.R.S. § 1319-O(1)	1999	715	720

¹ Since there is no tracking mechanism for non-hazardous waste transporter manifests, this number is based only on the number of applications printed out and supplied to the regulated community over the past 2-years.

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REPORT TYPE / NAME	FREQUENCY REQUIRED	STATUTORY AUTHORITY	LAST AMENDMENT OF STATUTE	NUMBER RECEIVED OVER THE LAST 2 YEARS	NUMBER EXPECTED TO RECEIVE OVER NEXT 2 YEARS
Abbreviated License for Hazardous Waste Treatment	Once every 5 years	38 M.R.S. § 1319-O(1)	1999	36	36
Hazardous Waste Generator Notification	Once, and updates as needed	38 M.R.S. § 1319-O(1)	1999	225	245
Universal Waste Quarterly Reports	Quarterly	38 M.R.S. § 1319-O(1)	1999	136	140
Hazardous Waste and Waste Oil Transporter Activity Report	Quarterly	38 M.R.S. §§ 1319-O(1) & (2)	1999	528	545
Hazardous Waste and Waste Oil Transporter License Application or Renewal Application	Annual	38 M.R.S. §§ 1319-O(1) & (2)	1999	4934 (vehicles) 4,078 (operators)	4934 (vehicles) 4078 (operators)
Biomedical Waste Generator Registration	Annual	38 M.R.S. § 1319-O(3)	2005	232	232
Biomedical Waste Transporter Application	Annual	38 M.R.S. § 1319-O(3)	2005	745 (vehicles) 614 (operators)	745 (vehicles) 614 (operators)
E-Waste Consolidator Applications for Approval and Reports	Annually	38 M.R.S. §§ 1610(5)(B) 1610(10)	2003	24	20
Electronics Manufacturer Registrations for Product Stewardship	Annually	38 M.R.S. § 1610(6-A)	2009	250	250
Mercury-Added Product Notifications	Tri-annually	38 M.R.S. § 1661-A	2001	300	300
Vehicle Mercury Switch Recycling report	Annually	38 M.R.S. § 1665-A(9)	2007	2	2
Mercury-Added Thermostat Recycling report	Annually	38 M.R.S. § 1665-B(2)(G)	2005	2	2
Cell Phone Recycling reports	Annually	38 M.R.S. § 2143(4)	2007	12	12
Stewardship Program for Architectural Paint	Annually	38 M.R.S. § 2144	2015	2	2
Initiators of Deposit (under 'bottle bill)	Annually	38 M.R.S. § 3102(11)	2015	530	550
Beverage Container Label registration	Annually	38 M.R.S. § 3105(5)	2015	68,000	73,000
Contracted Agents (under 'bottle bill)	Annually	38 M.R.S. § 3106(8)	2015	10	12
Beverage Container Redemption Center licenses	Annually	38 M.R.S. § 3113	2015	1,300	1,100



2017

DEP Legislative Reports



October 2017

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I. DEP Reports

Department staff prepares or assists in the preparation of reports to the following entities:

DEP Commissioner

Annual

- Board of Underground Storage Tank Installers (32 M.R.S. §10004(6)) (Describes the operations and financial position of BUSTI as well as information requested by the Commissioner.)

Maine Legislature, Joint Standing Committee on Environment and Natural Resources

Annual

- Pending and Anticipated Water Quality Certification Applications for Hydropower Projects (38 MRS §638)
- Implementing Product Stewardship in Maine. This report combines all the Department's seven stewardship programs under one report (38 MRS §3101-3117) (38 MRS §2165) (38 MRS §1665-A) (38 MRS §1610) (38 MRS §1665-B) (38 MRS §1672) (38 MRS §2144)
 - The report submitted under this subsection includes updates on the performance of existing product stewardship programs
- Maine Ground and Surface Waters Clean-up and Response Fund (38 MRS §568-B(2-D))
 - Describes administration of the Fund, clean-up activities and 3rd-party damage claims, and includes an assessment of the adequacy of the Fund to cover anticipated expenses and any recommendations for statutory change
- Maine Solid Waste Generation and Disposal Capacity (38 MRS §2124(A))
 - Provides information on statewide generation of solid waste, statewide recycling rates and available disposal capacity for solid waste, as well as an analysis of how changes in available disposal capacity have affected or are likely to affect disposal prices
 - It also includes an analysis of how the rate of fill at each solid waste landfill has affected the expected lifespan of that solid waste landfill and an analysis of consolidation of ownership in the disposal, collection, recycling and hauling of solid waste
- Regional Greenhouse Gas Initiative (RGGI) (38 MRS §580-B(10))
 - The department and the trustees of the Efficiency Maine Trust established pursuant to Title 35-A, section 10103 shall submit a joint report to the joint standing committees of the Legislature having jurisdiction over natural resources matters and utilities and energy matter. The report also must include information on carbon dioxide emission reductions, revenue generated by the program and how those funds are expended to serve customers of all classes of the State's transmission and distribution utilities
- Fee Schedules
 - Annual Fee Adjustment to Department Fees (CPI)

Biennial

- Hazardous Waste Activities (38 MRS §1319(Q))
 - Contains the amount of hazardous waste by type that is generated, handled or transported within the State; the amount of hazardous waste by type that is handled at commercial hazardous waste facilities within the State; the number of hazardous waste facility permits by type currently active and the number granted and revoked in the year; the amount of hazardous waste by type generated outside the State that was handled at permitted facilities within the State, and the amount of hazardous waste generated within the State that was handled at facilities located outside the State; a list of hazardous waste facilities located within the State and those located outside the State which are available for use by generators in the State; and a list of known firms that provide testing, consulting, brokerage, waste exchange, transport or other services to hazardous waste generators
- Greenhouse Gas Emission Goals (38 MRS §578)
 - The department shall evaluate the State's progress toward meeting the reduction goals specified in section 576, review the cost-effectiveness of the actions taken toward meeting the reduction goals and shall amend the action plan as necessary to ensure that the State can meet the reduction goals
- Integrated Water Quality Monitoring and Assessment Report (38 MRS §464(3)(A))
 - Report on the quality of the State's waters: describes existing water quality, identifies waters that are not attaining their classification and states what measures are necessary for the attainment of the standards of their classification
- Surface Water Ambient Toxic (SWAT) Monitoring Program Report (38 MRS §420-B(4))
 - Lists monitoring activities carried out under the program during the past and current year, presents conclusions as to the levels of toxic contamination in the State's waters and fisheries, and describes any trends of increasing or decreasing levels of contaminants found
- Status of Licensed Discharges Report (38 MRS §464(3)(C))
 - Provides summary information for licensed discharges including: type of discharge; and licensing, compliance, enforcement and financial needs data

Every 5 years

- State Waste Management and Recycling Plan (Maine Materials Management Plan) (38 MRS §§2122, 2123-A)
 - Describes changes in waste generation trends, changes in waste recycling and disposal technologies, development of new waste generating activities and other factors affecting solid waste management as the DEP finds appropriate

Periodic

- Invasive Aquatic Species Action Plan (38 MRS §1872)
 - The DEP chairs the inter-agency Invasives Task Force. The task force is required to recommend to the department an action plan to protect the State's inland waters from invasive aquatic plants and nuisance species. In addition to the commissioner, updates to the action plan should be distributed to DIFW, DMR, DACF

Maine Legislature, Joint Standing Committee on Utilities, Energy and Technology

Annual

- Report of Oversight Activities and Funding of the Interim Spent Fuel Storage Facility Oversight Fund (22 M.R.S. §670)
 - This report, submitted by the Maine Department of Health & Human Services Radiation Control Program in consultation with the Office of the Public Advocate, the Department of Public Safety, and the Department of Environmental Protection, summarizes reviews conducted in the past year to protect public health and safety at the site of the interim spent fuel storage facility, as well as recommendations regarding funding requirements for the upcoming year

DAFS/Bureau of the Budget

Annual

- Maine State Government Annual Report (5 M.R.S. §§43 - 46)
 - Includes the date of establishment, statutory authority, agency chart, number of employees, recurring operating expenditures, fund account and identification, and a description of agency programs
- Annual Governmental Accounting Standards Board Report (GASB-49)
 - Describes outstanding liabilities on state-lead sites costing more than \$1,000,000, for inclusion in the state audit report
- Generally Accepted Accounting Principles Report
 - Describes off-budget expenses for the Municipal Solid Waste Landfill Closure and Remediation Program, for inclusion in the state audit report

Maine Coastal Program, as part of NOAA Coastal Zone Management grant funding

Annual

- Coastal Zone Management Indicator Report

Bi-annual

- 6-month Progress Report related to programs funded through the federal NOAA Coastal Zone Management grant

Secretary of State

Annual

- Board of Underground Storage Tank Installers (5 M.R.S. §12004-A(43))
 - Reports expenses of the Board
- Clean-Up and Response Fund Review Board (5 M.R.S. §12004-G(11-A))
 - Reports expenses of the Board

U.S. Environmental Protection Agency

Quarterly

- Multi-Site Cooperative Agreement for Remediation (“MSCA-I”)
- State and Indian Tribe Superfund Core Program (“Core”)
- Small Business Liability Relief and Brownfields Revitalization Act (“Brownfields”)

Mid-Year

- Leaking Underground Storage Tank Grant Activity

Annual

- State Fund Soundness Report on the Maine Ground and Surface Waters Clean-up and Response Fund
- Leaking Underground Storage Tank Grant Year-End
- Minority-owned Business Enterprise/Women-owned Business Enterprise (if DEP uses LUST Trust grant money for clean-up projects)
- Public Record for LUST Trust Grant Activity
 - Nonpoint Source Management Program Annual Report (Clean Water Act §319(h)11) Report on Maine’s progress in meeting the schedule of milestones submitted pursuant to subsection (b)(2)(C) of §319, and on reductions in nonpoint source pollutant loading and improvements in water quality for those navigable waters or watersheds within the State which were identified pursuant to subsection (a)(1)(A) of §319 resulting from implementation of the management program
- Water Quality Standards Docket Submission (40 Code of Federal Regulations §131.5)
 - Report on Water Quality Standards that have been updated by the Maine Legislature in the prior legislative session. Water Quality Standards must be reviewed and approved/disapproved by the EPA

Biennial

- Integrated Water Quality Monitoring and Assessment Report (Clean Water Act §305(5), §303(d), §314)
- Reports on the quality of the State's waters, identifies waters that are not attaining their classification and states what measures are necessary for the attainment of the standards of their classification, and reports on the Clean Lakes Program

**Performance Partnership Agreement
For Federal Fiscal Years 2015-2017**

**Between the Maine Department of Environmental
Protection**

and

**United States Environmental Protection Agency
Region I- New England**

Prepared by:

**The Maine Department of Environmental Protection
And the U.S. Environmental Protection Agency, Region I- New England**



Maine Department of Environmental Protection Performance Partnership Agreement

August 31, 2017

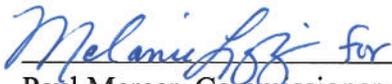
Maine Department of Environmental Protection and the U.S. Environmental Protection Agency New England – Region I

This document is the FFY 2015 - 2017 Performance Partnership Agreement (PPA) between the Maine Department of Environmental Protection (MEDEP) and the United States Environmental Protection Agency (EPA) - Region I. It is also MEDEP's Work Plan under the PPA for Federal Fiscal Years (FFY) 2015 - 2017.

The PPA/Work Plan outlines the commitments that MEDEP has made to EPA Region I for FFY15 through FFY2017 under the MEDEP-US EPA Region I Environmental Performance Partnership Agreement (PPA). These commitments are organized according to the EPA's goals and objectives for FFY15, 16 and 17.

The Maine Department of Environmental Protection and the USEPA, Region I are pleased to enter into this FFY 2015-2017 Environmental Performance Partnership Agreement. This agreement continues our efforts to establish more effective working relationships between MEDEP and EPA.

For the Maine Department of Environmental Protection:



Paul Mercer, Commissioner



Date Signed

For USEPA Region I: New England:



Deborah A. Szaro, Acting Regional Administrator



Date Signed

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Chapter 1- Performance Partnership Overview

A. Introduction

This Environmental Performance Partnership Agreement (PPA or Agreement) documents work commitments between the Maine Department of Environmental Protection (MEDEP or Department) and the U.S. Environmental Protection Agency Region I- New England (EPA). This Agreement describes EPA-funded activities carried out by the MEDEP programs that address air quality, water quality, and hazardous waste. This PPA covers the period from October 1, 2014 to September 30, 2017, and does not restrict EPA's or MEDEP's legal oversight or enforcement authority.

Decisions made by MEDEP and EPA-NE are the basis for the commitments and plans in this Agreement.

B. Purpose and Scope

The PPA is an agreement documenting the commitments of EPA and MEDEP regarding implementation of federally-delegated environmental programs, and is part of a wider effort called the National Environmental Performance Partnership System (NEPPS), a joint initiative of EPA and the Environmental Council of the States (ECOS, the association of state environmental directors). The goal of the NEPPS initiative, and of the PPA process, is to promote flexibility, accountability and innovation in state/federal agreements regarding the implementation of federally-delegated programs. The PPA is intended to enhance the protection of public health and the environment by directing limited resources towards the state's most pressing environmental concerns. The Performance Partnership Grant is the federal grant used to fund many of the PPA activities.

The Department and EPA have entered into Performance Partnership Agreements since federal fiscal year 1997. This agreement continues this process, which serves as the work plan for grants from EPA to the state covering a portion of the operating costs of MEDEP's programs, as well as pass-through funds for other related projects. The development of the combined grants simplifies grant administration, provides the opportunity to prioritize the use of these funds as set forth in the PPA, and allows a reduction in the state and federal resources devoted to grant oversight, reporting, and administration.

EPA and states, including Maine, implement performance partnerships by negotiating Performance Partnership Agreements that establish jointly-developed priorities and protection strategies outlining how EPA and the state will work together to address priority needs. Maine applies annually to combine federal environmental program grant funds in a Performance

Partnership Grant (PPG), which allows us to direct resources where they are needed most or try innovative solutions to environmental problems. In many cases, these PPG funds are used by MEDEP to carry out responsibilities under the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act that have been delegated to the state.

Maine's PPA is currently for FFY 2015-2017, and includes general statements about how the state and EPA will work together as partners as well as identifying joint priorities that will be addressed. Maine's PPA is also used as the primary multi-year planning document of the MEDEP, and every two years, MEDEP and EPA negotiate a separate Priorities and Commitments List ("P&C List"- see Appendix A) that serves as the annual work plan for the use of EPA funds granted through the PPG. The P&C List was initially developed by EPA to address both regional and national environmental priorities, and since then, MEDEP and EPA have worked together to develop the P&C lists. The P&C List is negotiated biennially but may be reopened by either MEDEP or EPA.

The Federally-funded program elements in MEDEP's PPA include air quality and water pollution control; licensing and enforcement of hazardous waste and underground storage tanks; lead and asbestos management; wetlands; toxic substances; compliance and small business assistance; and pollution prevention. Brownfields, Superfund, and remediation of federal facility sites are funded by EPA under separate agreements.

C. Performance Partnership Agreement Goals

As part of this Agreement, MEDEP and EPA recognize the following overarching goals and objectives. Although not always specifically addressed within this Agreement's details, they are still core values to the Agreement and both agencies. The goals and objectives are:

Goal 1: Conduct joint strategic planning that reflects performance partnership principles

- Identify opportunities for enhanced work sharing, resource and workload flexibility, and phased implementation of program requirements, especially where budget reductions have negatively affected the state's programs.
- Identify and pursue collaborations to improve MEDEP-EPA business practices and promote continuous improvement.
- Use this Agreement to organize and articulate mutual compliance and enforcement priorities and plans.
- Advance performance partnership principles through effective collaboration with the Department on policy and implementation issues, making full use of the issue

resolution process to ensure that requests for flexibility and innovations are expeditiously addressed and resolved.

Goal 2: Support EPA’s current priorities

- Reduce greenhouse gas emissions from cars and trucks.
- Strengthen environmental protection through business process improvements enabled by joint governance and technology.
- Advance resilience in the nation’s water infrastructure, while protecting public health and the environment, particularly high-risk and vulnerable communities.
- Clean up contaminated sites to enhance the livability and economic vitality of communities.
- Assess and reduce risks posed by chemicals and promote the use of safer chemicals in commerce.

Goal 3: Support MEDEP’s Strategic framework

- Protect and restore air, land and water.
- Prevent pollution.
- Promote healthy communities and natural resources.
- Deliver effective and efficient services.

Goal 4: Foster programmatically sound and fiscally responsible grants management practices.

D. Performance Partnership Roles and Contributions

This Agreement defines the roles that both MEDEP and EPA will undertake to meet the program commitments. MEDEP and EPA recognize the primary role of MEDEP is administering federal environmental programs delegated to the state under federal law and carrying out state programs prescribed under state law. EPA’s role in assisting MEDEP includes addressing multi-state or national issues directly, implementing programs not delegated to MEDEP, and working on targeted sectors, airsheds or watersheds in conjunction with MEDEP. Several activities are common to both MEDEP and EPA, such as permitting, compliance, enforcement, monitoring and outreach.

E. MEDEP’s Primary Programs Covered by this Agreement

Three of the Department’s programs: Air Quality, Water Quality, and Remediation and Hazardous Waste, are the primary recipients of EPA funds to carry out the work addressed in

this Agreement. These programs are either delegated or authorized by EPA pursuant to the following respective federal laws: the Clean Air Act, the Clean Water Act and the Resource Conservation and Recovery Act (RCRA).

The following federal programs are covered by this agreement:

1. Water Pollution Control (CWA Section 106, surface and ground water);
2. Nonpoint Source Management (CWA Section 319);
3. Underground Water Source Protection (UIC) (SDWA Section 1443(b));
4. Resource Conservation & Recovery (RCRA) (SWDA Section 3011(a));
5. Underground Storage Tank Grant (UST) (SWDA Section 9010); and
6. Clean Air Act Grant (CAA Section 105).

Note that Leaking Underground Storage Tank (prevention and cleanup) are funded separately from the PPA. The following federal programs may be added to the PPG with a workplan separate from this PPA:

1. Pollution Prevention Incentive Grant (PPIS) (PP Act Section 6605); and
2. Water Quality Program Development (CWA Section 104(b)(3))

F. Programs that are not covered by this Agreement

This Agreement is between MEDEP and EPA only. EPA-funded programs managed by Maine Department of Health and Human Services and the Maine Department of Agriculture, Conservation and Forestry and other agencies are not subject to this Agreement.

MEDEP and EPA will continue coordinated work on a number of other commitments not included in this Agreement. These commitments include, but are not limited to;

- Requirements under the Endangered Species Act;
- Approval of the National Pollutant Discharge Elimination System (NPDES) Program;
- State Revolving Loan Fund Operating Agreement;
- State Revolving Loan Fund Intended Use Plan;
- National Estuary Programs;
- Nonpoint Source Annual Report;
- Water Quality Management Plan to Control Nonpoint Source Pollution;
- Enforcement Response Policy for Resource Conservation and Recovery Act; and
- Resource Conservation and Recovery Act Memorandum of Agreement.

Chapter 2- Guiding Principles of the MEDEP/EPA Partnership

A. Introduction

EPA provides states the opportunity to utilize grants to fund program flexibility or alternate strategies (See 40 CFR Part 35.107(a)(2)). Part 35 allows states to propose alternative state priorities and approaches both within a single grant program, or across and among programs covered by a PPG.

PPGs provide the most flexible tool for achieving increased programmatic flexibility, as states can propose work plans that shift resources from lower to higher priority programs, and aggregate funds from multiple programs to support cross-cutting projects. Programmatic flexibility (both categorical and combined as a PPG) is essential to MEDEP's efforts to address Maine's most pressing environmental concerns in a timely and cost-effective manner.

B. Guiding Principles

MEDEP and EPA agree to the following principles as they carry out their complementary missions to protect and restore Maine's and New England's environment, as well as the health of its citizens. Both agencies will strive to:

- Continue to work as partners to build trust, openness, and cooperation;
- Manage their collective resources to meet the highest environmental and public health needs in the state and region;
- Increase the pace at which business processes are streamlined and modernized;
- Integrate *E-Enterprise for the Environment* principles into applicable new policies and regulations;
- Capitalize on each agency's strengths and expertise;
- Communicate frequently, clearly (using agreed upon measures), and openly.
- Develop and implement new and more effective environmental management approaches; and
- Promote the adoption and integration of advanced information and monitoring technologies.

In addition, MEDEP and EPA support the following concepts and approaches that are reflected throughout this Agreement:

- Joint/Co-governance;
- Service to the public;

- Cooperation and coordination with other federal, state, regional, and local government agencies, as well as other essential project partners;
- Clearly-stated expectations;
- Innovative approaches and continuous improvement; and
- Activities that demonstrate measurable environmental improvements.

C. Roles/Contributions of Each Agency

MEDEP and EPA enter into this Agreement as full partners to implement the specific actions outlined within the limits of available resources; Senior Leadership are open to review and amendment as needed. Further, the MEDEP and EPA agree that this is intended to be a “living” document, and that the Senior Leadership Teams and other appropriate staff at the two agencies will maintain close communication throughout the two-year PPA period, including all required grants, work plans, and annual reporting. Both agencies agree to participate in a joint annual evaluation process and to openly discuss progress and the need for any modifications or enhancements.

Through the PPA and PPG frameworks, the MEDEP and EPA have experienced improved communication amongst and between MEDEP leadership, program managers, and financial staff. Each year, MEDEP strives to become more effective at managing its many environmental programs within a challenging PPG environment. MEDEP and EPA-NE staff will continue to engage in productive and on-going discussions regarding state and federal priorities in order to maintain an effective framework for putting limited dollars to the most important priorities.

D. Reopening the Agreement

Although the PPA has a two-year term, either MEDEP or EPA can request reopening the PPA by notifying the other party in writing at least 60 days in advance. In general, reopening the agreement will be limited to addressing major omissions, new or unanticipated requirements, sudden and significant changes in funding levels or available resources, resolving major legal proceedings, or any combination of these. MEDEP and EPA will annually renegotiate or update all portions of the PPA. Note that EPA's Enforcement Office only negotiates its activities annually. If the adjustments are minor and are mutually agreeable, the PPA shall be revised or updated by written correspondence between the parties. If the adjustments are significant, then the parties will need to reopen the agreement.

E. Strategic Investment/Disinvestment Process

EPA continues to shift away from a time when it unilaterally leads the conversation on issues and possible solutions and towards a more collaborative, partnership effort (*i.e.*, joint

governance) where EPA and the States pool their expertise, insights, and resources and work together with the states to protect the environment and public health in New England.

In response to the New England State Commissioners' request for greater flexibility in addressing budget shortfalls and reduced staffing, the EPA, Region I Regional Administrator/Deputy Regional Administrator initiated a dialogue with the Commissioners in May 2013 resulting in an agreement for each state to submit proposals that represented high-priority, major shifts (*i.e.*, strategic investments and disinvestments) in commitments in order to provide flexibility to direct resources to their most critical environment and public health needs.

To date, the Investment/Disinvestment work has given state partners the flexibility to identify priority investments and disinvestments to support the most critical environmental and public health priorities. Investment/disinvestment activities will continue to be addressed through the P&C List.

F. Dispute Resolution

MEDEP and EPA agree that the following process will be used to resolve any disputes that cannot be settled by consensus agreement, although both parties agree that every effort will be made to resolve all issues in a timely fashion without resorting to this process.

1. The dispute shall be defined in writing by both parties, with the issues and obstacles clearly stated by both parties.
2. Written disputes shall be submitted to the Maine State Senior Program Manager and the Deputy Commissioner of MEDEP.
3. The Maine State Senior Program Manager and MEDEP Deputy Commissioner shall discuss the dispute and reach a decision within two weeks of the submission.
4. If agreement cannot be reached at this level within the two-week timeframe, the dispute shall be raised to a higher level in each organization following the same process.

Chapter 3- Grants Management

A. Introduction

In the mid-1990's Congress first authorized EPA to award Performance Partnership Grants in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 and in EPA's 1998 Appropriations Act. Unlike traditional categorical program grants, where states receive funds to implement specific air, water, waste, pesticides and toxics programs, the PPG provides streamlined administrative requirements, the flexibility to better direct resources towards the highest priorities, and facilitates funding multi-program efforts.

All state environmental grants, including PPGs, are governed by 40 CFR Part 35, *State and Local Assistance, Subpart A, Environmental program Grants*; and all state grants are subject to 40 CFR 31, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*. Following is a list of those environmental programs that are currently eligible for inclusion in the PPG¹:

- Air pollution control (section 105 of the Clean Air Act).
- Water pollution control (section 106 of the Clean Water Act).
- Public water system supervision (section 1443(a) of the Safe Drinking Water Act).
- Underground water source protection (section 1443(b) of the Safe Drinking Water Act).
- Hazardous waste management (section 3011(a) of the Solid Waste Disposal Act).
- Pesticide cooperative enforcement (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act).
- Pesticide applicator certification and training (section 23(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act).
- Pesticide program implementation (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act).
- Nonpoint source management (sections 205(j)(5) and 319(h) of the Clean Water Act).
- Lead-based paint program (section 404(g) of the Toxic Substances Control Act).
- State indoor radon grants (section 306 of the Toxic Substances Control Act).
- Toxic substances compliance monitoring (section 28 of the Toxic Substances Control Act).
- State underground storage tanks (section 2007(f)(2) of the Solid Waste Disposal Act).
- Pollution prevention state grants (section 6605 of the Pollution Prevention Act of 1990).
- Water quality cooperative agreements (section 104(b)(3) of the Clean Water Act).
- Wetlands development grants program (section 104(b)(3) of the Clean Water Act).

¹ See 40 CF (a)(2) through (20)

- State administration of construction grant, permit, and planning programs (section 205(g) of the Clean Water Act).
- Water quality management planning (section 205(j)(2) of the Clean Water Act).
- State Response Program Grants (section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)).

The Maine Department of Environmental Protection is delegated by EPA to administer the Clean Air Act, Clean Water Act and Resource Conservation and Recovery Act (RCRA) activities addressed in this agreement. Those activities are in part through EPA's consolidated "Performance Partnership" grant. The purpose of the Performance Partnership Grant is to:

- 1) Reduce administrative burden by consolidating several air, water and hazardous waste grants into one; and
- 2) Increase the flexibility to reallocate resources between grants and programs to meet the highest environmental priorities in the state.

B. Budget Narrative

This Performance Partnership Agreement (PPA) covers federal fiscal years 2015 – 2017 (October 1, 2014 to September 30, 2017). The PPA, together with work plans (as represented by the associated P&C List), set forth the goals, sub-goals, objectives, programs, activities, deliverables, and measures of progress to address the full range of cooperative federal-state environmental programs under the Department's jurisdiction. The PPG is a key vehicle for implementing the Agreement, in combination with other federal and state funding sources. The PPG currently combines the following federally-funded programs:

- Clean Air Act Section 105 Base Grant;
- Resource Conservation Recovery Act (RCRA) Grant;
- Surface Water Section 106 Base Grant;
- Underground Injection Control (UIC) Grant;
- Asbestos Grant ;
- Lead Grant;
- Wetlands Grant; and
- Section 319(H) Nonpoint Source Grant.

This Agreement does not cover all Department work funded by EPA grants. The table below lists only the grants that are included in this Agreement:

Agreement Grants- Fiscal Years 2016-2017²

PPG Grant	Estimated Grant Amount (FY2016) ³	End Date
Air Section 105	\$1,899,513	9/30/2017
RCRA	\$678,025	9/30/2017
Surface Water Section 106	\$3,536,683	9/30/2017
UIC Grant	\$88,500	9/30/2017
Asbestos Grant	\$149,016	9/30/2017
Lead Grant	\$253,328	9/30/2017
Wetlands Grant	\$251,983	9/30/2017
Nonpoint Source Section 319(H) Grant	\$2,622,004	9/30/2017

The Agreement and the associated work plans also include additional non-PPG funded work that is necessary to accomplish the environmental and public health goals set forth in the Department's and EPA's Strategic Plans. MEDEP and EPA will continue to explore opportunities for grant efficiencies, and measurement of environmental results.

Consistent with *GPI 12-06, Timely Obligation, Award, and Expenditure of USEPA Grant Funds*, for multi-year awards, MEDEP should apply for the total amount of funds expected for the period covered by the award and include any required match in the application. The work plan should also cover the same time period. EPA will fund the application incrementally as funds become available.

To be allowable under Federal awards, costs must meet the following general criteria, found in 2 CFR Part 200 (Subpart E), *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Award*:

- Be necessary and reasonable for proper and efficient performance and administration of Federal awards.
- Be allocable to Federal awards under the provisions of this Circular.
- Be authorized or not prohibited under State or local laws or regulations.
- Conform to any limitations or exclusions set forth in these principles, Federal laws, terms and conditions of the Federal award, or other governing regulations as to types or amounts of cost items.

² In 2016, EPA awarded Maine \$285,647 under its Multipurpose Grant Program. These funds were included in the "reopener" elements of the 2016-2017 P&C List (see Appendix A).

³ As of this date, final grant awards have not been made for FY2017.

- Be consistent with policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the governmental unit.
- Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- Except as otherwise provided for in this Circular, be determined in accordance with generally accepted accounting principles.
- Not be included as a cost or used to meet cost sharing or matching requirements of any other Federal award in either the current or a prior period, except as specifically provided by Federal law or regulation See also § 200.306 Cost sharing or matching paragraph (b).
- Be the net of all applicable credits.
- Be adequately documented. See also 2 CFR §§ 200.300, *Statutory and national policy requirements* through §200.309, *Period of performance of this part*.

C. Federal Regulations and Key Policies

All categorical environmental state grants, including PPGs, are governed by [40 CFR Part 35](#), State and Local Assistance, Subpart A, Environmental Program Grants (commonly referred to as Part 35); and all state grants are subject to 40 CFR Part 31, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; all grants and agreements are also subject to 2 CFR Part 200 and 2 CFR Part 1500, Subpart E, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. PPGs and PPAs do not supersede any laws, regulations, or delegation agreements. Some environmental program grants are awarded through a competitive process. An applicant and the Regional Administrator may agree to add funds available for a competitive grant to a Performance Partnership Grant. If this is done, the work plan commitments that would have been included in the competitive grant must be included in the Performance Partnership Grant work plan. After the funds have been added to the Performance Partnership Grant, the recipient does not need to account for these funds in accordance with the funds' original environmental program source, but remains accountable for delivering on work plan commitments.

Programmatic requirements. In order to include funds from an environmental program grant listed in §35.101 of this subpart in a Performance Partnership Grant, applicants must meet the requirements for award of each of the environmental programs from which funds are combined in the agency's Performance Partnership Grant, except the requirements at §35.268(b) and (c), 35.272, and 35.298 (c), (d), (e), and (g). These requirements can be found in the CFR beginning at §35.140.

PPG work plans are subject to the same requirements as any other grant work plan. The requirements can be found at [40 CFR 35.107](#). An approvable work plan must specify the following:

- The work plan components to be funded under the grant;
- The estimated work years and the estimated funding amounts for each work plan component;
- The work plan commitments for each work plan component and a time frame for their accomplishment;
- A performance evaluation process and reporting schedule in accordance with 40 CFR 35.115; and
- The roles and responsibilities of the recipient and USEPA in carrying out the work plan commitments.

The work plan must also be consistent with applicable federal statutes, regulations, circulars, Executive Orders, and EPA delegations, approvals, or authorizations. The PPA or portion thereof that serves as a grant work plan must meet the same work plan requirements as for any state program grant. The portion(s) of a PPA that serve as a work plan must be clearly identified and distinguished from the rest of the PPA. The regulation at [40 CFR 35.107\(c\)](#) states:

“An applicant may use a Performance Partnership Agreement or a portion of a Performance Partnership Agreement as the work plan for an environmental program grant if the portions of the Performance Partnership Agreement that serve as all or part of the grant work plan: (1) Are clearly identified and distinguished from other portions of the Performance Partnership Agreement; and (2) Meet the requirements in §35.107(b). A PPG work plan should be the product of joint planning, priority setting and mutual agreement between the state and USEPA. The PPG grant work plan is the result of negotiations between USEPA and state program managers and staff. Successful PPG work plan negotiations rely on a predictable process that fosters prompt resolution of issues, including elevation of issues to senior management levels if necessary. In successful work plan negotiations USEPA and the state will reach a mutual understanding and agreement about what will be accomplished under the agreement.”

Opportunities for Grant Process Streamlining (GPI 12-06, Timely Obligation, Award, and Expenditure of EPA Grant Funds):

- ***Estimating Budgets:*** Consistent with applicable National Program Managers (NPM) Guidance, USEPA should request States to develop and/or submit their work plans and applications based on the previous year’s award amount or the amount derived from the President’s budget, whichever is higher. If amounts based on the President’s budget are not known, negotiations should be based on the previous year’s award amount.
- ***Focus Negotiations on New Priorities:*** Assuming that the level of funding is not significantly different from the previous year’s grant amount, the primary focus of work

plan negotiations should be on new priorities consistent with applicable NPM guidance. Less emphasis should be placed on negotiating recurring activities/commitments where there is a satisfactory record of grant performance.

- **Multi-Year Grant Awards:** For multi-year grant awards, applicants should apply for the total amount of funds expected for the period covered by the award and include any required match in the application. The work plan should also cover the same time period. EPA will fund the application incrementally as funds become available.
- **Pen and Ink Changes:** If the final amount of funding is lower than the amount applied for, Regions will work with States to identify necessary changes. The State will not need to submit a revised work plan or new application. Regions will document and date through pen and ink changes/email correspondence, agreed-upon revisions to the work plan, budget narrative, and application forms.

Environmental Results (EPA Order 5700.7, Environmental Results Under EPA Assistance Grants)

[USEPA Order 5700.7](#) directs program offices to ensure that the work plan contains well-defined outputs and outcomes. For state assistance agreements under 40 CFR 35, Subpart A, program offices may satisfy this requirement by ensuring compliance with 40 CFR 35.107 as stated above. Prior to approving an assistance agreement work plan, program offices must ensure that they can link the work plan to EPA's Strategic Plan architecture.

The term "output" in USEPA Order 5700.7 means an environmental activity, effort, and/or associated work product related to an environmental goal or objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period.

The term "outcome" means the result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, must be quantitative and may not necessarily be achievable within an assistance agreement funding period. Note: These terms and their uses are similarly defined in 40 CFR 35.102.

D. Range of Activities

MEDEP will use the Performance Partnership Grant, subject to the requirements below, to fund any activity that is eligible for funding under at least one of the environmental programs from which funds are combined into the grant.

MEDEP will use the Performance Partnership Grant to fund multi-media activities that are eligible and have been agreed to by the Commissioner and the Regional Administrator. The range of activities vary as needed by program, but may include staff time for program design and implementation to achieve measurable environment and public health results. Examples of activities include multi-media permitting and enforcement; pollution prevention, sampling, analysis, ecosystem management, community-based environmental protection, and/or other innovative approaches and activities.

E. Work Plan Development Process

The detailed work plan (which in Maine is represented by the P&C List), is the result of a robust negotiations process between MEDEP and EPA-Region I Senior Leadership and Program Managers. These work plan-level negotiations are initially developed by EPA via the P&C List process, and MEDEP and EPA managers and staff jointly reviewing and modifying the P&C List until the document is finalized with a sign-off by the EPA-Region I Regional Administrator. In Maine, all agreed upon EPA-funded work plan items are included in the P&C List.

Starting with FFY 2016, EPA released a two-year NPM Guidance planning process as it encourages the Regions and the States to move towards multi-year work plans. For FFY 2016 and FFY 2017, EPA and the Region I States agreed to pilot an on-line (via a Microsoft SharePoint site), two-year P&C List process for documenting negotiated Performance Partnership Grant commitments for the time period FFY 2016 - 2017. Under this approach, there is an expectation that the negotiated work plan commitments will cover a two-year period absent changed circumstances, as defined below. The benefits of this approach include minimizing/eliminating the need for extensive work plan negotiations at the mid-point of a two-year cycle, with recurring commitments from year one typically carrying over into year two.

Adjustments to year-two commitments will be necessary if there are changed circumstances such as changes in Administrator/NPM priorities, revisions required by EPA's Annual Commitment process, a substantial reduction or increase in EPA funding, and similar issues experienced at the state levels.

F. Reporting & Measures for Evaluating Performance

For this Agreement, the Department will continue to produce regular (at least annual) status reports for the elements outlined in the P&C Lists, and status reports for identified Areas for Collaboration. MEDEP and EPA agree to meet as needed to discuss progress and address any areas of concern. MEDEP staff will continue to produce progress reports, and will make these available, to EPA bi-annually.

MEDEP annual assessments (also known as “End-of-Year” Progress Reports) will strive to summarize results, track progress on identified P&C List Commitments, and Areas for Collaboration, identify areas where progress met or exceeded expectations, as well as areas where there may have been difficulty in achieving projected outcomes. MEDEP will continue normal reporting of data to national databases such as PCS-ICIS, as well as required program reporting such as 305(b) and enforcement related actions.

MEDEP and EPA agree to develop (and to continuously improve) a process for jointly evaluating and reporting progress and accomplishments that comply with 40 CFR Part 31.115.

Chapter 4- Strategic Priorities

A. Introduction

EPA and MEDEP staff members were guided in their PPA negotiations by their respective program guidance's, strategic plans and priorities and other agreements. MEDEP's strategic priorities and EPA's national goals for 2014-2018 share similar objectives that achieve the requirements of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act with limited resources. MEDEP and EPA will continue to improve collaboration and integration of joint strategic planning efforts, including resources to achieve the highest overall environmental benefits specific to Maine.

B. EPA's Strategic Priorities

EPA's Strategic Plan charts the course for advancing EPA's priorities and mission to protect human health and the environment. The EPA FY 2014-2018 Strategic Plan⁴ ("EPA Plan") was developed in accordance with the Government Performance and Results Modernization Act of 2011, and identifies the measurable environmental and human health and outcomes the public can expect during the period from 2014-2018 along with describing how EPA intends to achieve those results. The EPA Plan represents a commitment to core values of science, transparency and the rule of law in managing environmental programs.

The EPA Strategic Plan identifies five strategic goals to guide EPA's work:

- Goal 1: Addressing Climate Change and Improving Air quality;
- Goal 2: Protecting America's Waters;
- Goal 3: Cleaning Up Communities and Advancing Sustainable Development;
- Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution; and
- Goal 5: Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance.

The Plan also sets forth the following four cross-agency strategies which set clear expectations for changing the way EPA does business in achieving results.

- Working towards a sustainable future- Advancing sustainable environmental outcomes and optimize economic and social outcomes through Agency decisions and actions, which include expanding the conversation on environmentalism and engaging a broad range of stakeholders.

⁴ (https://www.epa.gov/sites/production/files/2014-09/documents/epa_strategic_plan_fy14-18.pdf)

- Working to make a visible difference in communities- Aligning community-based activities to provide seamless assistance to communities, both urban and rural, while maximizing efficiency and results. Expanding support of community efforts to build healthy, sustainable, green neighborhoods and reduce and prevent harmful exposures and health risks to children and underserved, overburdened communities.
- Launching a new era of state, tribal, local and international partners- Strengthening partnerships with states, tribes, local governments, and the global community that are central to the success of the national environmental protection program through consultation, collaboration, and shared accountability. Modernizing the EPA–state relationship, including revitalizing the transformative approach to make environmental information and data more accessible, efficient, and evidence-based through advances in monitoring, reporting, and information technology.
- Embracing EPA as a high-performing organization- Maintaining and attracting EPA’s diverse and engaged workforce of the future with a more collaborative work environment. Modernizing the National Environmental Performance Partnership System and jointly pursuing E-Enterprise, modernizing our business practices, including through E-Enterprise, and take advantage of new tools and technologies. Improving the way we work as a high-performing Agency by ensuring we add value in every transaction with our workforce, our co-regulators, our partners, industry, and the people we serve.

The EPA Strategic Plan prioritizes environmental justice, continuing to focus on urban, rural, and economically disadvantaged communities, to ensure that everyone, regardless of age, race, economic status, or ethnicity, has access to clean water, clean air, and the opportunity to live, work, and play in healthy communities. In addition, the Plan also includes EPA’s Agency Priority Goals (APG), a component of the Administration’s performance management framework which supports improvement in near-term outcomes related to the Strategic Plan. More information on the Agency’s APGs is available at <https://www.performance.gov/>.

C. Maine DEP’s Strategic Priorities

In 2010, the Maine Department of Environmental Protection began to transition from a medium- (or program) based strategic planning model to a framework that stresses functional goals as part of our effort to better integrate multi-media programs and develop the cross-cutting program expertise to better meet our mission to :

- Prevent, abate and control the pollution of air, water and land;
- Preserve, improve and prevent the diminution of the natural environment of the State; and
- Protect and enhance the public’s right to use and enjoy the State’s natural resources.

The current plan has six mutually supportive and interdependent functional goals of equal importance. Spanning the breadth of the Department's operations, these goals play an integral role in ensuring that the Department protects and restores our air, land and water, prevents pollution, promotes healthy communities and natural resources, and delivers effective and efficient services:

- Goal 1- Monitoring and Assessment: Develop the information needed to understand environmental and public health conditions and issues of concern, and support the development of standards that protect or restore the environment and public health.
- Goal 2- Standards Setting: To establish standards that protect environmental and public health; protect and improve environmental quality; and provide guidance to the regulated community and the general public.
- Goal 3- Environmental Stewardship and Pollution Prevention: To provide Maine citizens and regulated entities with information about and support toward preventing, minimizing, or eliminating pollution and improving environmental performance.
- Goal 4- Regulated Activity Oversight: To maintain current and historic information regarding the environmental performance of all regulated entities that is sufficient to understand compliance status and address non-compliance in an evenhanded manner.
- Goal 5- Pollution Response and Environmental Restoration. To respond quickly and effectively to incidents of pollution, and bring necessary resources to bear on the tasks of restoring the environment to its previous state.
- Goal 6- Agency Management: To assure that the DEP's structures, systems, personnel and financial resources are sufficient to implement Maine's environmental laws, provide expected public service, maintain accountability to state and federal funding sources, and improve organizational performance.

Chapter 5- Environmental Justice

A. Introduction

The Maine Department of Environmental Protection (MEDEP), through the FFY 2015 – 2017 Performance Partnership Agreement (PPA), continues to ensure that environmental justice is an integral consideration in the development and implementation of all of its programs.

Maine is committed to the fair treatment of all of its citizens. Article 1. of the Constitution of the State of Maine – [Section 1. Natural rights.] states that “All people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.” [Section 6-A. Discrimination against persons prohibited.] goes on to state that “No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of that person's civil rights or be discriminated against in the exercise thereof.” It is these laws that lead MEDEP to provide fair and equitable treatment to all Maine citizens in the implementation of federal and state environmental laws, rules, programs, and policies, and in the management of the agency. It is the policy of the Department to, “treat its employees and the public with courtesy, respect and consideration and to be fair and honest in its dealings, and to be mindful of the special qualities that make Maine a unique place to live and work.”

The above statements guide the environmental justice (EJ) work that we do. There is a growing body of evidence that suggests that, in certain instances around the country, minority and lower income citizens or neighborhoods or communities have faced an inequitable share of the risks associated with environmental hazards. The core issue is the fairness in siting, monitoring, and/or clean-up of facilities and the regulation of activities that represent environmental hazards. The documentation on this issue suggests that for a variety of reasons, not necessarily discriminatory by intent, minority and lower income populations have sometimes borne a disproportionate share of the risks from activities which cause air, water, or soil pollution.

Much of our EJ community considerations are based on communities that are socially- and economically-vulnerable. 43% of the population in the Aroostook and Washington counties is of low-income and 20% is over the age of 64. According the EPA’s EJSCREEN Report, the EJ Index for Particulate Matter (PM 2.5), NATA* Diesel PM, Air Toxics Cancer Risk, and Respiratory Hazard Index for these counties are all above the 80th percentile for the state. This summer, Maine experienced elevated ground-level ozone concentrations and moderate levels of particle pollution. MEDEP is committed to ensuring that vulnerable communities such as the elderly and low-income are made aware of air pollution risks and how to prepare. In addition, there are 9 National Pollutant Discharge Elimination Systems and 2 Superfund sites in these

counties. MEDEP will continue to work to address the disproportionate environmental risks in these and other areas.

MEDEP has a longstanding relationship with the EPA's Brownfields Planning, Site Assessment and Clean-up Grant program. The EJ Index for Hazardous Waste Proximity for the state of Maine is in the 61st percentile for the New England Region. EPA has awarded Maine \$1.795 million in Brownfield grants for FY2017. Since 1997, Maine has received close to \$50 million in competitive grant funding for the Brownfields program, created thousands of jobs and assessed or cleaned up 1,500 acres across the state. With the use of brownfields funds, MEDEP is able to help develop abandoned and unsafe properties in vulnerable communities across the state and to put sites back on the property tax rolls. MEDEP understands the success of this program comes from working together with EPA and the applicants. In addition, The MEDEP works with industry, government and citizens to reduce, beneficially reuse and manage waste. The following example shows how MEDEP has helped an EJ community by cleaning up brownfields. Located along the Mousam River in southwestern Maine, Sanford (population 20,806) has unemployment and poverty rates that are consistently higher than the County and State rates, and the median household income is significantly lower than the County median. Many of the large mills that surround the Mousam River are abandoned and deteriorated, including the former Sanford Mill. It is estimated that there are more than 30 brownfields sites in downtown Sanford. From 2008 until 2011, MEDEP worked with EPA and other stakeholders to conduct an environmental site assessment, clean up the Sanford Mill brownfields site and redevelop the area into housing units and retail/commercial space. The Sanford Mill redevelopment is already helping downtown Sanford achieve its community vision as a livable community based on sustainability, health & wellness, and outdoor recreation.

MEDEP has a very inclusive Public Participation Policy. All individuals and legal entities have a fair and equal opportunity to participate at various points during license application processing. All license application materials are readily available for review Informational meetings are held to inform the public about environmental impacts that are anticipated from a project. Interested persons and any other member of the public may submit written comments, including technical information, at any time during the course of an application's processing.

B. Key Project Areas – Looking Ahead

Looking ahead, MDEP and EPA are committed to enhancing our EJ efforts through a number of initiatives designed to address the unique needs of Maine’s citizens. Potential projects include:

1. *EJ 2020* – Work with EPA Region I and the entire Agency to help EPA and MEDEP environmental justice into everything they do, cultivate strong partnerships to improve on-the-ground results, and chart a path forward for achieving better environmental outcomes and reducing disparities in the nation’s most overburdened communities.
2. *EJSCREEN* – Where appropriate, use EPA’s new environmental justice (EJ) mapping and screening tool called EJSCREEN to help to identify target communities and issues.
3. *Clean Air* – Continue to make sure that vulnerable populations are made aware of the risks associated with elevated ground-level ozone concentrations, moderate levels of particle pollution and any other air contamination. Work to comply with state and federal climate policies to cut the carbon pollution that is driving climate change and to prepare communities for the impacts of climate change. Work with stakeholders to provide the necessary outreach to make members of the EJ community aware of its policies and opportunities to become more resilient.
4. *Resiliency Programming* – In our current work focused on extreme weather, we are working with partner organizations to assess minority and low-income communities’ vulnerability to extremely hazardous substance facilities (CAA 112r), traffic and hazardous waste proximity.
5. *Title VI and Limited English Proficiency* – Continue to ensure that it, as well as its subrecipients, comply with Title VI of the Civil Rights Act of 1964 as well as Executive Order 13166’s Limited English Proficiency Requirements. (See LEP.gov and EPA’s civil rights webpage for additional information).
6. *Solid and Hazardous Waste* – Continue to work to ensure fairness in siting, monitoring, and/or cleanup of facilities and the regulation of activities that represent environmental hazards.
7. *Title V/Major New Source Review Permitting Programs* – Work with Prevention of Significant Deterioration (PSD) permit applicants to address potentially disproportionately high and adverse impacts to low income or minority communities during the permit process. Also, continue to promote public involvement, particularly for major permitted activities that may significantly impact overburdened communities.
8. *Clean Water* - Work with EPA to support public water systems and the most vulnerable communities with updating aging water treatment infrastructure, and with reducing stormwater

runoff and ocean dumping off the coast. Continue to take the appropriate steps to reduce exposure to contaminants.

9. Training - Work with EPA to host an EJ training that will cover EJSCREEN and Title VI, by December of 2017.

Appendix B- The 2016-2017 EPA/Maine Priorities and Commitments List with Reopeners

No.	RO (Reopener New, Reopener Revised)	FY 2016 PPA Priorities & Commitments List	FY 2017 PPA Priorities & Commitments List	ME DEP Contacts 207.XXX.XXXX	EPA Contacts 617.918.XXXX
		GOAL 1: ADDRESSING CLIMATE CHANGE AND IMPROVING AIR QUALITY	GOAL 1: ADDRESSING CLIMATE CHANGE AND IMPROVING AIR QUALITY		
		Objective 1.1: Address Climate Change	Objective 1.1: Address Climate Change		
		<i>GHG Actions in the Industrial Sector</i>	<i>GHG Actions in the Industrial Sector</i>		
1		As resources allow, work with EPA on the implementation of the Greenhouse Gas Reporting Rule. Activities may include: 1) reviewing a list of ME facilities that may be subject to reporting rule but did not report; 2) answering and/or directing questions from facilities on the rule.	As resources allow, work with EPA on the implementation of the Greenhouse Gas Reporting Rule. Activities may include: 1) reviewing a list of ME facilities that may be subject to reporting rule but did not report; 2) answering and/or directing questions from facilities on the rule.	Sherrie Kelley 287-4852, Sam Krajewski 620- 4796	Manager: Cynthia Greene - 1813, Tech: Shutsu Wong - 1078
2	RR	If not stayed, develop and submit an initial plan or request for a 2-year extension by September 6, 2016. (FY'16-17 OAR NPM Guidance: 2.11.4 Clean Power Plan, Activity 1.) As appropriate and as resources allow, Maine should participate in EPA organized conference calls, webinars and training activities related to the final Clean Power Plan.	If Maine has received approval for a 2-year extension to submit its final 111(d) plan, by September 6, 2017, provide a progress update. (FY'16-17 OAR NPM Guidance: 2.11.4 Clean Power Plan, Activity 1.)	Marc Cone 287- 1932, Eric Kennedy 287- 5412, Erle Townsend 287- 6115	Manager: Cynthia Greene - 1813, Tech: Shutsu Wong - 1078
		Objective 1.2: Improve Air Quality	Objective 1.2: Improve Air Quality		
		<i>Ozone, PM_{2.5}, PM₁₀ and CO</i>	<i>Ozone, PM_{2.5}, PM₁₀ and CO</i>	Marc Cone 287- 1932	Senior Program Manager: Dave Conroy -1661
3		Continue participation in EPA's AIRNOW program. Submit real-time pollutant data and provide forecasts and alerts. By Dec 31, 2015, enable real-time notification features of EnviroFlash. As appropriate and as resources allow, attend R1 air quality outreach and forecasting workshop, tentatively planned for Fall 2015, either in person or remotely. (FY'16-17 OAR NPM Guidance: 2.1.4.3 NAAQS Other, Activity 1, and 2.4.4 Ambient Monitoring, Activity 11.)	Continue participation in EPA's AIRNOW program. Submit real-time pollutant data and provide forecasts and alerts. As appropriate and as resources allow, attend R1 air quality outreach and forecasting workshop in 2017, if held, either in person or remotely. (FY'16-17 OAR NPM Guidance: 2.1.4.3 NAAQS Other, Activity 1, and 2.4.4 Ambient Monitoring, Activity 11.)	Andy Johnson 287-7047, Tom Downs 287- 7026, Rick Marinier 215- 7309	Manager: Anne Arnold -1047, Tech: Anne McWilliams - 1697

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4		Submit 2014 emissions data for all sectors to EPA's NEI by January 15, 2016. (FY16-17 OAR NPM Guidance: 2.1.4.3 NAAQS Other, Activity 5.)	Submit 2015 point source emissions data to EPA's NEI by December 31, 2016 for large, "Type A" sources. (FY16-17 OAR NPM Guidance: 2.1.4.3 NAAQS Other, Activity 8.)	Sherrie Kelley 287-4852	Manager: Anne Arnold -1047, Tech: Bob McConnell - 1046
5	RR	Work with EPA on annual update to 4-year SIP Plan and target date for updated plan is April 30, 2016.	Work with EPA on annual update to 4-year SIP Plan and target date for updated plan is April 30, 2017.	Jeff Crawford 287-7647	Manager: Anne Arnold - 1047
6		Submit rule revisions or a negative declaration necessary pursuant to EPA's Industrial Cleaning Solvents CTG.		Jeff Crawford 287-7647, Tom Graham 287-7598	Manager: Anne Arnold -1047, Tech: Ariel Garcia -1660
7	RR	Work with EPA on fulfilling the requirement to submit a RACT SIP for the 2008 ozone standard. SIP is due two years after designation (July 20, 2014) as stated in the implementation rule.		Jeff Crawford 287-7647, Tom Graham 287-7598	Manager: Anne Arnold - 1047, Tech: Ariel Garcia - 1660
8		Stage II Vapor Recovery: Prepare a quantitative analysis demonstrating: (1) ME is meeting the Stage II or comparable measures requirement; and (2) removal of Stage II controls does not jeopardize continued maintenance of the 1997 8-hour ozone standard. Submit this quantitative analysis along with the previously adopted Chapter 118 revisions to EPA as a SIP revision. (FY'16-17 OAR NPM Guidance: 2.1.4.1 NAAQS SIPs, Activity 1.)		Jeff Crawford 287-7647, Erle Townsend 287-6115	Manager: Anne Arnold -1047, Tech: Ariel Garcia -1660
9		Submit a transport SIP for the 2008 ozone standard in accordance with EPA guidance. (FY'16-17 OAR NPM Guidance: 2.1.4.1 NAAQS SIPs, Activity 2.)		Jeff Crawford 287-7647, Tom Graham 287-7598	Manager: Anne Arnold -1047, Tech: Rich Burkhart - 1664
10	RR	-	Submit state recommendations for area designations for the potentially revised ozone NAAQS. Recommendations are due one year after EPA issues a revised NAAQS. (FY'16-17 OAR NPM Guidance: 2.1.4.2 NAAQS Designations, Activity 1.)	Jeff Crawford 287-7647, Tom Downs 287-7026	Manager: Anne Arnold -1047, Tech: Rich Burkhart -1664
10b	RN	-	Pursuant to Multipurpose Grant (MPG) workplan, update state regulation and SIP to incorporate new ozone standards.	Jeff Crawford 287-7647, Tom Graham 287-7598	Manager: Anne Arnold -1047, Tech: Rich Burkhart - 1664

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11		Work with EPA to address any remaining issues or deficiencies related to the start-up shutdown, malfunction (SSM) SIP call and the Chapter 101 Visible Emissions rule as submitted on 5/22/2003.	Submit any additional SIP revisions addressing SSM SIP call by Nov. 22, 2016.	Eric Kennedy 287-5412, Jeff Crawford 287-7647	Manager: Anne Arnold -1047, Tech: Alison Simcox -1684
12		Submit infrastructure SIP for the 2012 PM _{2.5} NAAQS. SIP is due December 2015. (FY'16-17 OAR NPM Guidance: 2.1.4.2 NAAQS SIPs, Activity 2.)		Jeff Crawford 287-7647, Tom Graham 287-7598	Manager: Anne Arnold -1047, Tech: Alison Simcox -1684
13		As appropriate and as resources allow, attend Northeast Diesel Collaborative Stakeholders Meeting October 27-28, 2015 in Providence, RI.		Eric Kennedy 287- 5412, Lynne Cayting 287-7599	Manager Anne Arnold -1047, Tech: Gary Rennie -1525
13b	RN			Eric Kennedy 287- 5412, Lynne Cayting 287-7599	Manager Anne Arnold -1047, Tech: Gary Rennie -1525, Abby Swaine - 1841
13c	RN			Sherrie Kelley 287-4852, Bill Longfellow, 287-7883	Manager: Anne Arnold -1047, Tech: Bob McConnell - 1046
		<i>NO₂ and SO₂</i>	<i>NO₂ and SO₂</i>	Jeff Crawford 287-7647	Senior Program Manager: Dave Conroy -1661
14		Continue temporary monitoring study for SO ₂ in Eliot, ME until the end of the 1-year study period.		Andy Johnson 287-7047	Tech: Bob Judge -8387
15		Work with NH ARD to prepare a summary of the results of the monitoring study for SO ₂ in Eliot, ME.		Andy Johnson 287-7047	Tech: Bob Judge -8387 Patrick Bird - 1287
16		Develop and submit infrastructure SIP for 2010 SO ₂ NAAQS. (FY'16-17 OAR NPM Guidance: 2.1.4.1 SIPs, Activity 2.)		Jeff Crawford 287-7647, Tom Graham 287-7598	Manager: Ida McDonnell - 1653, Tech: Donald Dahl - 1657

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17	RR	Work with EPA to develop a list of source's for which Maine will characterize the ambient air impacts from the source's emissions using either a modeling analysis or ambient monitoring network in accordance with EPA's SO ₂ Data Requirements Rule. List of sources shall be submitted to EPA by January 15, 2016. (FY'16-17 OAR NPM Guidance: 2.1.4.1 SIPs, Activity 3.)	By January 13, 2017, submit air quality modeling results for the areas surrounding the sources in the list submitted to EPA. If a monitoring network is used in lieu of a modeling demonstration, Maine shall have the monitoring network operational by January 1, 2017. (FY'16-17 OAR NPM Guidance: 2.1.4.1 SIPs, Activity 3.)	Jeff Crawford 287-7647, Tom Downs 287-7026, Eric Kennedy 287-5412	Manager: Ida McDonnell - 1653, Tech: Donald Dahl - 1657
18		Develop and submit a Section 110(a)(2)(D)(i)(I) SIP, known as the good neighbor provision, for the 2010 NO ₂ NAAQS. (FY'16-17 OAR NPM Guidance: 2.1.4.1 SIPs, Activity 2.)		Jeff Crawford 287-7647, Tom Graham 287-7598	Manager: Ida McDonnell - 1653, Tech: Donald Dahl - 1657
		<i>Regional Haze</i>	<i>Regional Haze</i>		Senior Program Manager: Dave Conroy -1661
19		Provide input to EPA's Regional Haze Rule revisions and/or guidance for the second planning period. (FY'16 - 17 OAR NPM Guidance: 2.2.4 Regional Haze, Activity 4)	If the MANE-VU states plan on adhering to the current deadline of July 31, 2018 for submission of the next Regional Haze SIP, submit a draft Regional Haze SIP for the second planning period before September 30, 2017.	Jeff Crawford 287-7647, Tom Downs 287-7026	Manager: Anne Arnold -1047, Tech: Anne McWilliams - 1697
20	RR	Submit the Maine Regional Haze Interim Progress Report SIP due December 9, 2015. (FY'16 - 17 OAR NPM Guidance: 2.2.4 Regional Haze, Activity 3.)		Jeff Crawford 287-7647, Tom Downs 287-7026	Manager: Anne Arnold -1047, Tech: Anne McWilliams - 1697
		<i>Title V / NSR Permits</i>	<i>Title V / NSR Permits</i>	Eric Kennedy 287-5412	Senior Program Manager: Dave Conroy -1661
21		During FY'16, ensure that 100 percent of Title V significant modifications are issued within 18 months of receiving a complete permit application. Provide necessary data through the TOPS Tracking Form to document the goal every six months. (FY'16-17 OAR NPM Guidance: 2.3.4 Title V and NSR, Activities 1 and 2)	During FY'17, ensure that 100 percent of Title V significant modifications are issued within 18 months of receiving a complete permit application. Provide necessary data through the TOPS Tracking Form to document the goal every six months. (FY'16-17 OAR NPM Guidance: 2.3.4 Title V and NSR, Activities 1 and 2)	Eric Kennedy 287-5412	Manager: Ida McDonnell - 1653, Tech: Donald Dahl - 1657
22		During FY'16, ensure that 100 percent of new Title V operating permits are issued within 18 months of receiving a complete permit application. Provide necessary data through the TOPS Tracking Form to document the goal every six months. (FY'16-17 OAR NPM Guidance: 2.3.4 Title V and NSR, Activities 1 and 2)	During FY'17, ensure that 100 percent of new Title V operating permits are issued within 18 months of receiving a complete permit application. Provide necessary data through the TOPS Tracking Form to document the goal every six months. (FY'16-17 OAR NPM Guidance: 2.3.4 Title V and NSR, Activities 1 and 2)	Eric Kennedy 287-5412	Manager: Ida McDonnell - 1653, Tech: Donald Dahl - 1657

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23		Title V renewals: Document the number of expired Title V permits as of Oct. 1, 2015 and reduce the total universe by 10% during the fiscal year. Provide necessary data through the TOPS Tracking Form to document the goal every six months. (FY'16-17 OAR NPM Guidance: 2.3.4 Title V and NSR, Activities 1 and 2)	Title V renewals: Document the number of expired Title V permits as of Oct. 1, 2016 and reduce the total universe by 10% during the fiscal year. Provide necessary data through the TOPS Tracking Form to document the goal every six months. (FY'16-17 OAR NPM Guidance: 2.3.4 Title V and NSR, Activities 1 and 2)	Eric Kennedy 287-5412	Manager: Ida McDonnell - 1653, Tech: Donald Dahl - 1657
24		During FY'16, issue all major NSR permits within 12 months of receiving a complete permit application. Provide necessary data to document the goal every six months. (FY'16-17 OAR NPM Guidance: 2.3.4 Title V and NSR, Activity 4)	During FY'17, issue all major NSR permits within 12 months of receiving a complete permit application. Provide necessary data to document the goal every six months. (FY'16-17 OAR NPM Guidance: 2.3.4 Title V and NSR, Activity 4)	Eric Kennedy 287-5412	Manager: Ida McDonnell - 1653, Tech: Donald Dahl - 1657
25		During FY'16, ensure that data are submitted to EPA's RACT, BACT, LAER Clearinghouse for new major sources and major modifications within 90 days of permit issuance. Provide the data documenting the timeliness of the submissions every six months. (FY'16-17 OAR NPM Guidance: 2.3.4 Title V and NSR, Activities 5 and 6)	During FY'17, ensure that data are submitted to EPA's RACT, BACT, LAER Clearinghouse for new major sources and major modifications within 90 days of permit issuance. Provide the data documenting the timeliness of the submissions every six months. (FY'16-17 OAR NPM Guidance: 2.3.4 Title V and NSR, Activities 5 and 6)	Eric Kennedy 287-5412	Manager: Ida McDonnell - 1653, Tech: Donald Dahl - 1657
26	RR	Submit revised NSR rules to meet new source review reform and infrastructure SIP guidance.		Eric Kennedy 287-5412, Jeff Crawford 287-7647	Manager: Ida McDonnell - 1653, Tech: Donald Dahl - 1657
26b	RN			Eric Kennedy 287-5412	Manager: Ida McDonnell - 1653, Tech: Donald Dahl - 1657
		<i>Air Monitoring</i>	<i>Air Monitoring</i>	Andy Johnson 287-7047	Senior Program Manager: Katrina Kipp - 8309

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27		<p>Air Monitoring Network: Submit to EPA by July 1, 2016 the annual air monitoring network plan (40 CFR 58.10). State Plan should be made available for public and EPA review by May 31, 2016 at the latest. The Plan should include ensuring monitoring networks are consistent with the requirements of recent NO₂, SO₂, CO, lead and ozone NAAQS rules, in particular. (OAQPS M08)(FY'16-17 OAR NPM Guidance: 2.4.4 Air Monitoring, and 2016 Ambient Monitoring Appendix found on AMTIC: www.epa.gov/ttn/amtic/files/policy/2016NPMGuidanceMonitoringAppendix.pdf.)</p>	<p>Air Monitoring Network: Submit to EPA by July 1, 2017 the annual air monitoring network plan (40 CFR 58.10). State Plan should be made available for public and EPA review by May 31, 2017 at the latest. The Plan should include ensuring monitoring networks are consistent with the requirements of recent NO₂, SO₂, CO, lead and ozone NAAQS rules, in particular. (OAQPS M08)(FY'16-17 OAR NPM Guidance and 2017 Ambient Air Monitoring Appendix to be found on AMTIC.)</p>	<p>Andy Johnson 287-7047</p>	<p>Tech: Bob Judge -8387</p>
28		<p>Air Monitoring Network: Operate EPA-approved network (SLAMS, PAMS, PM), enter the air monitoring, precision and accuracy data into AQS within 90 days (180 days for PAMS) of the end of each calendar quarter (40 CFR 58.12, 58.14, & 58.16) (OAQPS M11, OAQPS M12)(FY'16-17 OAR NPM Guidance: 2.4.4 Air Monitoring, and 2016 Ambient Monitoring Appendix found on AMTIC) and submit the Annual Air Quality Data certification by May 1, 2016 (40 CFR 58.15) (OAQPS M06)(FY'16-17 OAR NPM Guidance: 2.4.4 Air Monitoring, and 2016 Ambient Monitoring Appendix found on AMTIC).</p>	<p>Air Monitoring Network: Operate EPA-approved network (SLAMS, PAMS, PM), enter the air monitoring, precision and accuracy data into AQS within 90 days (180 days for PAMS) of the end of each calendar quarter (40 CFR 58.12, 58.14, & 58.16) (OAQPS M11, OAQPS M12)(FY'16-17 OAR NPM Guidance: 2.4.4 Air Monitoring and Ambient monitoring Appendix to be found on AMTIC.) and submit the Annual Air Quality Data certification by May 1, 2017 (40 CFR 58.15) (OAQPS M06)(FY'16-17 OAR NPM Guidance: 2.4.4 Air Monitoring, and Ambient Monitoring Appendix to be found on AMTIC.)</p>	<p>Andy Johnson 287-7047</p>	<p>Tech: Bob Judge -8387</p>
29		<p>Quality Assurance: Ensure all approved QAPPs are reviewed by November 1, 2015, and confirm this in writing to EPA. Major changes will require a QAPP revision. Ensure adequate, independent QA audits of NAAQS monitors or participate in NPAP and PEP QA programs. (OAQPS M10)(FY'16-17 OAR NPM Guidance: 2.4.4 Air Monitoring, and 2016 Ambient Monitoring Appendix found on AMTIC.)</p>	<p>Quality Assurance: Ensure all approved QAPPs are reviewed by November 1, 2016, and confirm this in writing to EPA. Major changes will require a QAPP revision. Ensure adequate, independent QA audits of NAAQS monitors or participate in NPAP and PEP QA programs. (OAQPS M10)(FY'16-17 OAR NPM Guidance: 2.4.4 Air Monitoring, and 2017 Ambient Monitoring Appendix to be found on AMTIC.)</p>	<p>Andy Johnson 287-7047</p>	<p>Tech: Bob Judge -8387</p>
30		<p>Toxics Air Monitoring: Continue operation of the toxics air monitoring sites and enter the data into AQS. State should analyze the data collected.(OAQPS M20) (FY'16-17 NPM Guidance: 2.6.4 Air Monitoring for Toxics, and 2016 Ambient Monitoring Appendix found on AMTIC.)</p>	<p>Toxics Air Monitoring: Continue operation of the toxics air monitoring sites and enter the data into AQS. State should analyze the data collected. (OAQPS M20) (FY'16-17 NPM Guidance: 2.6.4 Air Monitoring for Toxics, and 2017 Ambient Monitoring Appendix to be found on AMTIC.)</p>	<p>Andy Johnson 287-7047</p>	<p>Tech: Bob Judge -8387</p>

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31		Programmatic forum: EPA Region 1 will work with NESCAUM and the states to establish a programmatic forum to discuss ambient air monitoring issues, initiatives and new requirements. Topics to be discussed include implementation of changes due to revised ozone rule, including PAMS, national priorities such as near road monitoring, regional priorities such as wood smoke /elevated PM in areas of concern, and fiscal limitations and constraints.		Andy Johnson 287-7047	
32		Technical forum: EPA Region 1 will help facilitate scheduling of at least one technical forum during FY '16 to help ensure the technical air monitoring staff are properly trained and best practices are shared among all air staff in each State and tribe in EPA Region 1.		Andy Johnson 287-7047	Tech: Bob Judge -8387
33			Air Monitoring Network: Implement requisite changes to air monitoring network consistent with final ozone NAAQS rule from October, 2015. Anticipated changes could include lengthened ozone season and revisions to PAMS program. (FY'16-17 OAR NPM Guidance, and Ambient Monitoring Appendix to be found on AMTIC.)	Andy Johnson 287-7047	Tech: Bob Judge -8387
34		Investigate and resolve field operational and remote data telemetry issues being experienced with the existing newly deployed continuous PM _{2.5} monitors (Beta Attenuation Monitors by Met One) that have resulted in low data capture rates, sometimes below the minimum requirement. Subject to CFR, reduce the frequency of filter-based Federal Reference Method PM _{2.5} sampling at the Augusta Lincoln Street School and the Portland Tukey's Bridge sites by changing the current required every third day frequency to an every sixth day frequency without purchasing and installing required continuous PM _{2.5} monitors (i.e. two BAMs).		Andy Johnson 287-7047	Tech: Bob Judge -8387
34b	RN			Andy Johnson 287-7047	Tech: Bob Judge -8387
34c	RN			Andy Johnson 287-7047	Tech: Bob Judge -8387
34d	RN			Andy Johnson 287-7047	Tech: Bob Judge -8387

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34e	RN			Andy Johnson 287-7047	Tech: Bob Judge -8387, Susan Lancey -1656, John Rogan - 1645
34f	RN			Andy Johnson 287-7047	Tech: Bob Judge -8387
34g	RN			Andy Johnson 287-7047	Tech: Bob Judge -8387
		<i>Air Toxics</i>	<i>Air Toxics</i>	Marc Cone 287- 1932	Senior Program Manager: Dave Conroy -1661
35		As appropriate and as resources allow, participate in a regional air toxics workshop if held by EPA Region 1 in FY 2016 to discuss various NESHAP implementation issues.	As appropriate and as resources allow, participate in a regional air toxics workshop if held by EPA Region 1 in FY 2017 to discuss various NESHAP implementation issues.	Eric Kennedy 287-5412, Lisa Higgins 287- 7023	Manager: Ida McDonnell - 1653, Tech: Susan Lancey - 1656
36		Continue implementation of hazardous air requirements for delegated regulations under section 112, 129, and 111(d), as appropriate, for major sources rules, area source rules, and residual risk rules. (FY'15-16 OAR NPM Guidance: 2.5.4 Air Toxics, Activities 3 & 4.)	Continue implementation of hazardous air requirements for delegated regulations under section 112, 129, and 111(d), as appropriate, for major sources rules, area source rules, and residual risk rules. (FY'15-16 OAR NPM Guidance: 2.5.4 Air Toxics, Activities 3 & 4.)	Eric Kennedy 287-5412, Tom Graham 287- 7598, Lisa Higgins 287- 7023	Manager: Ida McDonnell - 1653, Tech: Susan Lancey - 1656
37	RR	During FY 2016, EPA Region 1 will work with Maine to continue outreach activities with wood stove retailers on EPA's new and amended wood heater requirements, and on potential partial and/or temporary delegation options of the wood heater NSPS rules, Subparts QQQQ and AAA.	If ME takes delegation of the wood heater NSPS rules, work with EPA on developing an implementation strategy for enforcing the delegable prohibitions. By Dec 31, 2016, submit a brief summary of implementation activities completed. (FY'16-17 OAR NPM Guidance: 2.5.4 Air Toxics, Activity 3.)	Eric Kennedy 287-5412, Tom Graham 287- 7598, Lisa Higgins 287- 7023	Manager: Ida McDonnell - 1653, Tech: Susan Lancey - 1656
38	RR	Work with EPA in early FY'16 to discuss strategies for addressing wood smoke, as well as potential monitoring activities. (FY'16-17 OAR NPM Guidance: 2.1.4.3 NAAQS Other, Activity 2.)	Pursuant to discussions with EPA, develop a list of wood smoke strategies and monitoring activities that ME DEP will consider pursuing in FY'17 and will incorporate into the FY'17 P&C List. (FY'16-17 OAR NPM Guidance: 2.1.4.3 NAAQS Other, Activity 2.)	Eric Kennedy 287-5412, Andy Johnson 287- 7047	Manager: Anne Arnold -1047, Tech: Bob Judge -8387, Alison Simcox -1684

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39		Review the final revised Commercial and Industrial Solid Waste Incinerators (CISWI) rule published February 7, 2013, and work with EPA to assess options to fulfill the State Plan requirements. If no facilities exist, submit the appropriate negative declaration to EPA. (FY'16-17 OAR NPM Guidance: 2.5.4 Air Toxics, Activity 3.)		Eric Kennedy 287-5412, Lisa Higgins 287-7023, Tom Graham 287-7598	Manager: Ida McDonnell - 1653, Tech: Patrick Bird - 1287
40		Review and comment on the draft 2011 National Air Toxics Assessment (NATA) when it is available for comment.	Review and comment on the draft 2014 National Air Toxics Assessment (NATA) if it is available for comment.	Andy Johnson 287-7047	Manager: Ida McDonnell - 1653, Tech: Susan Lancey - 1656
41		Support EPA's efforts to produce an accurate National Emissions Inventory (NEI) for Hazardous Air Pollutants (HAPs). This includes collecting HAP data from sources and reporting this data to EPA's 2014 NEI for HAPs due January 15, 2016. (FY'16-17 OAR NPM Guidance: 2.5.4 Air Toxics, Activity 1.)		Andy Johnson 287-7047	Manager: Anne Arnold -1047, Tech: Bob McConnell - 1046
41b	RN			Eric Kennedy 287-5412	Manager: Ida McDonnell - 1653, Tech: Susan Lancey - 1656
41c	RN			Eric Kennedy 287-5412	Manager: Ida McDonnell - 1653, Tech: Patrick Bird - 1287
		Objective 1.3: Restore and Protect the Ozone Layer	Objective 1.3: Restore and Protect the Ozone Layer		
		No specific PPA related action for the State	No specific PPA related action for the State		
		Objective 1.4: Minimize Exposure to Radiation	Objective 1.4: Minimize Exposure to Radiation		
		No specific PPA related action for the State	No specific PPA related action for the State		
		Objective 1.5: Professional Development	Objective 1.5: Professional Development		
42		Professional Development: As appropriate and as resources allow, ensure managers and staff remain current on air quality issues and activities and engaged with federal, state, tribal and other intergovernmental agencies and groups involved in these program areas via staff participation in workgroups, committees, conferences and training opportunities sponsored by EPA-NE, NESCAUM, MANE-VU and other officially sanctioned organizations. EPA -NE may provide additional funds to support these activities.	Professional Development: As appropriate and as resources allow, ensure managers and staff remain current on air quality issues and activities and engaged with federal, state, tribal and other intergovernmental agencies and groups involved in these program areas via staff participation in workgroups, committees, conferences and training opportunities sponsored by EPA-NE, NESCAUM, MANE-VU and other officially sanctioned organizations. EPA -NE may provide additional funds to support these activities.	Marc Cone 287-1932	Dave Conroy - 1661

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No	RO (Reopener New, Reopener Revised)	2016 PPA Priorities & Commitments List	2017 PPA Priorities & Commitments List	ME DEP Contacts 207.XXX.XXXX	EPA Contacts 617.918.XXXX
		GOAL 2: PROTECTING AMERICA'S WATERS	GOAL 2: PROTECTING AMERICA'S WATERS		
		Objective 2.1: Protect Human Health	Objective 2.1: Protect Human Health		
		<i>UIC</i>	<i>UIC</i>	Brian Kavanah 287-7700	Senior Program Manager: Jane Downing-1571
1		Continue to identify and to close or permit identified High Priority Class V Wells. Continue to identify, close, permit or convert motor vehicle waste disposal wells and large capacity cesspools. Continue to report UIC activities (e.g., number of inspections conducted, number of permits issued, number of wells closed, UIC enforcement activity, etc.) to EPA per 7520 forms.	Continue to identify and to close or permit identified High Priority Class V Wells. Continue to identify, close, permit or convert motor vehicle waste disposal wells and large capacity cesspools. Continue to report UIC activities (e.g., number of inspections conducted, number of permits issued, number of wells closed, UIC enforcement activity, etc.) to EPA per 7520 forms.	Brian Kavanah 287-7700, Enid Mitnik 592-2068	Manager: Denise Springborg- 1681; Reporting: Gevon Solomon-1513
2		Review existing procedures and implement improvements for registering UIC Class V wells. To the extent practical, update the existing data base(s) design to include fields for electronic recording of inventory data in accordance with 40 CFR 144.26(a). Electronically record required inventory data for all newly registered UIC wells.	Review existing procedures and implement improvements for registering UIC Class V wells. To the extent practical, update the existing data base(s) design to include fields for electronic recording of inventory data in accordance with 40 CFR 144.26(a). Electronically record required inventory data for all newly registered UIC wells.	Brian Kavanah 287-7700, Enid Mitnik 592-2068	Manager: Denise Springborg- 1681; Reporting: Gevon Solomon-1513
		Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems	Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		

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		<i>Water Monitoring</i>	<i>Water Monitoring</i>	Don Witherill 215-9751	Senior Program Manager Katrina Kipp - 8309
3		Continue implementing final comprehensive water monitoring strategy covering lakes, rivers, estuaries and wetlands. Develop and submit to EPA a draft coastal monitoring plan by January 31, 2016.	Continue implementing final comprehensive water monitoring strategy covering lakes, rivers, estuaries and wetlands. Implement the final coastal monitoring plan.	Don Witherill 215-9751	Manager: Katrina Kipp - 8309 Tech: Diane Switzer - 9377
4		Conduct statewide probabilistic survey (over multiple years) and assessment of at least one water resource and at least one designated use with applicable water quality standard. Provide schedule and progress report for multi-year surveys and include in IR.	Conduct statewide probabilistic survey (over multiple years) and assessment of at least one water resource and at least one designated use with applicable water quality standard. Provide schedule and progress report for multi-year surveys and include in IR.	Don Witherill 215-9751, Linda Bacon 441-0462	Manager: Katrina Kipp - 8309 Tech: Diane Switzer - 9377
5		Report on outcomes of monitoring activities using FY2015 106 supplemental funding for monitoring by Dec. 31, 2016, and prepare workplan for FY2016 106 supplemental funds by April 15, 2016.	Report on outcomes of monitoring activities using FY2016 106 supplemental funding for monitoring by Dec. 31, 2017, and prepare workplan for FY2017 106 supplemental funds by April 15, 2017.	Don Witherill 215-9751	Manager: Katrina Kipp - 8309 Tech: Diane Switzer - 9377
6		As appropriate and as resources allow, participate in New England-wide projects and activities, and attend relevant regional meetings/conferences (e.g., NEAEB, NEERS).	As appropriate and as resources allow, participate in New England-wide projects and activities, and attend relevant regional meetings/conferences (e.g., NEAEB, NEERS).	Don Witherill 215-9751, Leon Tsomides 215- 4787	Manager: Katrina Kipp - 8309, Tech: Hilary Snook - 8670
7		As appropriate and as resources allow, participate in or coordinate with EPA Office of Water's National Aquatic Resource Surveys (NARS) and submit work plan reflecting level of participation.	As appropriate and as resources allow, participate in or coordinate with EPA Office of Water's National Aquatic Resource Surveys (NARS) and submit work plan reflecting level of participation.	Don Witherill 215-9751	Manager: Katrina Kipp - 8309, Tech: Hilary Snook - 8670

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8		Continue development of biological assessment techniques for lakes/ponds and wetlands.	Continue development of biological assessment techniques for lakes/ponds and wetlands.	Don Witherill 215-9751, Linda Bacon 441-0462	Manager: Katrina Kipp - 8309, Tech: Hilary Snook - 8670
		<i>303(d)/305(b)</i>	<i>303(d)/305(b)</i>	Don Witherill 215-9751	Senior Program Managers: Katrina Kipp - 8309 & Ralph Abele -1629
9		Provide to EPA the final 2014 305(b)/303(d) submissions by December 1, 2015. Provide the 2016 305(b)/303(d) submissions to EPA by April 1, 2016.	Submit any necessary electronic updates to the 305(b)/303(d) Integrated Report by April 1, 2017.	Don Witherill 215-9751; Susanne Meidel 441-3612	Senior Program Manager Katrina Kipp - 8309 & Ralph Abele -1629
10		Update the CALM for the 2016 assessments as needed by Oct. 31, 2015.	Update CALM for 2018 assessments as needed by Oct. 31, 2017.	Don Witherill 215-9751; Susanne Meidel 441-3612	Senior Program Manager Katrina Kipp - 8309 & Ralph Abele -1629
11		Continue updates and edits to maintain statewide NHD (1:24K) that has been adopted for water classification, attainment status, monitoring and MePDES and OBD discharge sites.	Continue updates and edits to maintain statewide NHD (1:24K) that has been adopted for water classification, attainment status, monitoring and MePDES and OBD discharge sites.	Don Witherill 215-9751, Becky Schaffner 441-2773	Manager: Katrina Kipp - 8309 Tech: Diane Switzer - 9377
	RN			Don Witherill 215-9751; Susanne Meidel 441-3612	Manager: Katrina Kipp - 8309 Tech: Diane Switzer - 9377

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		<i>STORET/WQX (Water Quality Exchange)</i>	<i>STORET/WQX (Water Quality Exchange)</i>	Don Witherill 215-9751	Senior Program Manager Katrina Kipp - 8309
12		Provide annual uploads of physical, chemical and biological data to WQX (formerly STORET)	Provide annual uploads of physical, chemical and biological data to WQX (formerly STORET)	Don Witherill 215-9751, Emily Zimmerman 446-1003	Manager: Katrina Kipp - 8309 Tech: Diane Switzer - 9377
		<i>Water Quality Standards - Biological, Nutrient</i>	<i>Water Quality Standards - Biological, Nutrient</i>	Don Witherill 215-9751	Senior Program Manager: Ralph Abele - 1629
13		Continue efforts toward addressing flow quantity and water level issues through implementation of Chapter 587 to ensure protection of instream waters uses.	Continue efforts toward addressing flow quantity and water level issues through implementation of Chapter 587 to ensure protection of instream waters uses.	Don Witherill 215-9751, Barry Mower 215-0291	Manager & Tech: Ralph Abele -1629
14		Continue ongoing WQS reviews, activities, and work with EPA to resolve outstanding issues. (WQ-03a, WQ-04a)	Continue ongoing WQS reviews, activities, and work with EPA to resolve outstanding issues. (WQ-03a, WQ-04a)	Don Witherill 215-9751, Barry Mower 215-0291	Manager: Ralph Abele -1629, Tech: TBD
15		Work with EPA to facilitate adoption of numeric phosphorus and nitrogen criteria for lakes/ponds/impoundments, rivers/streams, and estuaries at the earliest possible time. (WQ-01a, WQ-01d)	Work with EPA to facilitate adoption of numeric phosphorus and nitrogen criteria for lakes/ponds/impoundments, rivers/streams, and estuaries at the earliest possible time. (WQ-01a, WQ-01d)	Don Witherill 215-9751, Tom Danielson 441-7430; Angie Brewer 592-2352	Manager: Ralph Abele -1629 Tech: TBD
16		Provide any necessary schedule updates and progress report on nutrient criteria development to EPA annually, by December 31st. The schedule and progress report shall address the development, proposal and adoption of numeric water quality standards for total phosphorus and total nitrogen for lakes/ponds/impoundments; rivers/streams; and estuaries. (WQ-01)	Provide any necessary schedule updates and progress report on nutrient criteria development to EPA annually, by December 31st. The schedule and progress report shall address the development, proposal and adoption of numeric water quality standards for total phosphorus and total nitrogen for lakes/ponds/impoundments; rivers/streams; and estuaries. (WQ-01)	Don Witherill 215-9751, Tom Danielson 441-7430; Angie Brewer 592-2352	Manager: Ralph Abele -1629 Tech: TBD

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	RN				Manager: Ralph Abele -1629 Tech: TBD
		<i>TMDL Development</i>	<i>TMDL Development</i>	Don Witherill 215-9751	Senior Program Manager: Ralph Abele - 1629
17		Work toward completion of any remaining prior year TMDL commitments.	Work toward completion of any remaining prior year TMDL commitments.	Melissa Evers 215-3879, Don Witherill 215-9751	Manager: Ralph Abele -1629 Tech: Jennie Bridge -1685
18		During FY16, submit for approval a list of 35 listed segments addressed by the NPS TMDL. [Note: 63 TMDLs for 21 listed NPS-impaired segments were submitted and approved by EPA on 8/9/16. DEP has stated intent to submit remaining 14 listed (NPS/SW) segments in the future.]		Don Witherill 215-9751, Melissa Evers 215-3879	Manager: Ralph Abele -1629 Tech: Jennie Bridge -1685
19		By 07/31/15, provide EPA R1 with a draft list of 303(d) Vision priority waters, scheduled for 2016-2020 timeframe, and electronic data for entry into ATTAINS database by EPA HQ. (WQ27)		Don Witherill 215-9751, Melissa Evers 215-3879	Manager: Ralph Abele -1629 Tech: Jennie Bridge -1685

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20		By 09/30/15, agree on FY16 waterbody commitments for TMDL development (future substitutions allowed), TMDL alternatives, and protection plans, as appropriate. During FY16 and before 09/30/16, submit TMDLs to EPA for review and approval, along with TMDL alternatives and protection plans as per the state's schedule for 303(d) Vision priorities (WQ-27) and other planned activities. (WQ-28)	By 09/30/16, agree on FY17 waterbody commitments for TMDL development (future substitutions allowed), TMDL alternatives, and protection plans, as appropriate. During FY17 and before 09/30/17, submit TMDLs to EPA for review and approval, along with TMDL alternatives and protection plans as per the state's schedule for 303(d) Vision priorities (WQ-27) and other planned activities. (WQ-28)	Don Witherill 215-9751, Melissa Evers 215-3879	Manager: Ralph Abele -1629 Tech: Jennie Bridge -1685
21		By 11/30/15, complete public review of 303(d) Vision priorities (WQ-27) and other planned activities (WQ-28), and schedule; By 05/31/16, submit to EPA the final list of 303(d) Vision priorities (WQ-27) and other planned activities (WQ-28), schedule, and response to public comments. (EPA anticipates an "open season" in the ATTAINS database to accommodate 303(d) Vision priority updates/revisions circa May 2016.)	Circa fall 2016, if needed, and following public and EPA review, submit electronic data to EPA during the FY17 "open season" in ATTAINS to accommodate any essential revisions to 303(d) Vision priorities (WQ-27) and other planned activities. (WQ-28)	Don Witherill 215-9751, Melissa Evers 215-3879	Manager: Ralph Abele -1629 Tech: Jennie Bridge -1685
22		If the State chooses to pursue partial credit for progress on priority TMDLs, TMDL alternatives, and protection plans, then notify EPA R1 of milestones achieved (planning, developing) for entry into ATTAINS by October 31, 2016.	If the State chooses to pursue partial credit for progress on priority TMDLs, TMDL alternatives, and protection plans, then notify EPA R1 of milestones achieved (planning, developing) for entry into ATTAINS by October 31, 2017.	Don Witherill 215-9751, Melissa Evers 215-3879	Manager: Ralph Abele -1629 Tech: Jennie Bridge -1685
23		Participate in Region 1/State/NEIWPC TMDL efforts to improve environmental effectiveness of the TMDL program.	Participate in Region 1/State/NEIWPC TMDL efforts to improve environmental effectiveness of the TMDL program.	Don Witherill 215-9751, Melissa Evers 215-3879	Manager: Ralph Abele -1629 Tech: Jennie Bridge -1685
		<i>Watershed Approach</i>	<i>Watershed Approach</i>	Don Witherill 215-9751	Senior Program Manager: Johanna Hunter - 1041
24		Submit a list of water bodies and HUC-12 watersheds to EPA by 9/30/15 that the state is working to fully or partially restore by 2016. (SP-10, SP-11, SP-12)	Submit a list of water bodies and HUC-12 watersheds to EPA by 9/30/16 that the state is working to fully or partially restore by 2017. (SP-10, SP-11, SP-12)	Don Witherill 215-9751, Jeff Dennis 215-6376	Manager: Johanna Hunter - 1041 Tech: Sandra Fancieullo - 1566

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25		<p>In these priority water bodies and watersheds, work to leverage existing tools and resources such as the state's TMDL, nonpoint source, water quality, permit, SRF, and source water assessment programs to concentrate implementation efforts and to measure improvements. Report progress on restoring these priority waters and watersheds by 1/30/2016. (SP-10, SP-11, SP-12)</p>	<p>In these priority water bodies and watersheds, work to leverage existing tools and resources such as the state's TMDL, nonpoint source, water quality, permit, SRF, and source water assessment programs to concentrate implementation efforts and to measure improvements. Report progress on restoring these priority waters and watersheds by 1/30/2017. (SP-10, SP-11, SP-12)</p>	<p>Don Witherill 215-9751, Jeff Dennis 215-6376</p>	<p>Manager: Johanna Hunter - 1041 Tech: Sandra Fanciuillo - 1566</p>
		<p><i>NPS 319</i></p>	<p><i>NPS 319</i></p>	<p>Don Witherill 215-9751</p>	<p>Senior Program Manager: Johanna Hunter - 1041</p>
23		<p>National Guidelines: Use the Nonpoint Source Program and Grants Guidelines for States and Territories released on April 12, 2013, to identify eligible activities, program priorities, programmatic conditions, and reporting requirements. At least 50% of 319 funding will be used for watershed-based plan (WBP) implementation. One nine-element WBP per state will be submitted annually to the Region for review; all alternative watershed-based plans will be submitted to the Region for review and approval. States will target 319 funding toward restoration of priority segments, waters bodies or watersheds, and protection of documented high priority healthy and threatened waters.</p>	<p>National Guidelines: Use the Nonpoint Source Program and Grants Guidelines for States and Territories released on April 12, 2013, to identify eligible activities, program priorities, programmatic conditions, and reporting requirements. At least 50% of 319 funding will be used for watershed-based plan (WBP) implementation. One nine-element WBP per state will be submitted annually to the Region for review; all alternative watershed-based plans will be submitted to the Region for review and approval. States will target 319 funding toward restoration of priority segments, waters bodies or watersheds, and protection of documented high priority healthy and threatened waters.</p>	<p>Don Witherill 215-9751, Norm Marcotte 215- 6277</p>	<p>Manager: Johanna Hunter - 1041, Tech: Sandra Fanciuillo - 1566</p>
24		<p>Attendance at NPS meetings/training: As appropriate and as resources allow, a representative of the state's NPS program is expected to attend NPS and GRTS national and regional meetings convened by EPA unless prevented by state-wide travel bans. States shall utilize s.319 funds to cover travel expenses for NPS program staff to participate in regional and national GRTS training meetings, national NPS conferences, and regional meetings and conferences, unless other state funds are available for this purpose. State work plans should ensure that adequate 319 funding is set aside annually for this purpose.</p>	<p>Attendance at NPS meetings/training: As appropriate and as resources allow, a representative of the state's NPS program is expected to attend NPS and GRTS national and regional meetings convened by EPA unless prevented by state-wide travel bans. States shall utilize s.319 funds to cover travel expenses for NPS program staff to participate in regional and national GRTS training meetings, national NPS conferences, and regional meetings and conferences, unless other state funds are available for this purpose. State work plans should ensure that adequate 319 funding is set aside annually for this purpose.</p>	<p>Don Witherill 215-9751, Norm Marcotte 215- 6277</p>	<p>Manager: Johanna Hunter - 1041, Tech: Sandra Fanciuillo - 1566</p>

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25		<p>Working with USDA and Other Agencies: Continue to work with government agencies to address and improve areas of environmental concerns; e.g., impaired waters, depleted or altered stream flows, etc. Cooperate with USDA through participation on the State Technical Committee to look for opportunities to leverage Farm Bill funds for high priority water restoration projects, including 319-related projects. In FY16 participate in the NRCS Water Quality Initiative. Collaborate on planning for monitoring one small NRCS WQI watershed (contingent upon NRCS providing adequate information to develop a targeted monitoring plan). Coordinate with partners to implement the NWQI monitoring plan contingent on the continued participation and support of NRCS in this initiative.</p>	<p>Working with USDA and Other Agencies: Continue to work with government agencies to address and improve areas of environmental concerns; e.g., impaired waters, depleted or altered stream flows, etc. Cooperate with USDA through participation on the State Technical Committee to look for opportunities to leverage Farm Bill funds for high priority water restoration projects, including 319-related projects In FY17, participate in the National Water Quality Initiative with NRCS, identify results from the previous year’s participation in it, and identify next steps. Collaborate on planning for monitoring one small NRCS WQI watershed (contingent upon NRCS providing adequate information to develop a targeted monitoring plan). Coordinate with partners to implement the NWQI monitoring plan contingent on the continued participation and support of NRCS in this initiative.</p>	<p>Don Witherill 215-9751, Norm Marcotte 215-6277</p>	<p>Manager: Johanna Hunter - 1041, Tech: Sandra Fancieullo - 1566</p>
26		<p>Success Stories: Submit success stories for waterbodies that have been fully or partially delisted in previous years, and/or that show improvement in water quality or demonstrate ecological restoration (Tier 1 {WQ-10}, Tier 2, and Tier 3). To do this, identify water bodies that were recently partially or fully delisted or that demonstrate water quality or habitat improvement, and investigate whether local, state, federal or private NPS mitigation occurred that might make these waterbodies a candidate for a NPS Success Story. Using EPA's guidance (http://water.epa.gov/polwaste/nps/success319/info.cfm#cat1), prepare and submit to EPA a success story for all candidate water bodies by June 1st. See http://water.epa.gov/polwaste/nps/success319/ for examples of success stories and other information.</p>	<p>Success Stories: Submit success stories for waterbodies that have been fully or partially delisted in previous years, and/or that show improvement in water quality or demonstrate ecological restoration (Tier 1 {WQ-10}, Tier 2, and Tier 3). To do this, identify water bodies that were recently partially or fully delisted or that demonstrate water quality or habitat improvement, and investigate whether local, state, federal or private NPS mitigation occurred that might make these waterbodies a candidate for a NPS Success Story. Using EPA's guidance (http://water.epa.gov/polwaste/nps/success319/info.cfm#cat1), prepare and submit to EPA a success story for all candidate water bodies by June 1st. See http://water.epa.gov/polwaste/nps/success319/ for examples of success stories and other information.</p>	<p>Don Witherill 215-9751, Norm Marcotte 215-6277</p>	<p>Manager: Johanna Hunter - 1041, Tech: Sandra Fancieullo - 1566</p>

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27		<p>GRTS: Within 90 days of receipt of a categorical grant or receipt of final 319 funding under a PPG award, enter into the Grants Reporting Tracking System (GRTS) all 319 grant mandatory data elements except for best management practices data and load reduction model and data. By February 15th, complete annual GRTS reporting by entering all remaining mandatory BMP and load reduction data (if applicable). Provide timely review of national GRTs reports prepared for the state.</p>	<p>GRTS: Within 90 days of receipt of a categorical grant or receipt of final 319 funding under a PPG award, enter into the Grants Reporting Tracking System (GRTS) all 319 grant mandatory data elements except for best management practices data and load reduction model and data. By February 15th, complete annual GRTS reporting by entering all remaining mandatory BMP and load reduction data (if applicable). Provide timely review of national GRTs reports prepared for the state.</p>	<p>Don Witherill 215-9751, Norm Marcotte 215- 6277</p>	<p>Manager: Johanna Hunter - 1041, Tech: Sandra Fancieullo - 1566</p>
28		<p>Annual Report: In accordance with the CWA and following the current Nonpoint Source Program and Grants Guidelines, report annually on progress made in implementing the state’s NPS Management Program, including a summary of major accomplishments and completed milestones, a description of 319-funded statewide programs and completed 319-funded watershed projects, a list of active 319 projects with expected completion dates, a brief summary of water quality improvements (e.g. restoration of impaired waters or other notable environmental results) and NPS pollutant load reductions (total phosphorus, nitrogen, and sediment reductions for the state, from the previous February’s GRTS reporting). Where information is not yet available on load reductions and water quality improvement where implementation is underway, surrogate measures of environmental progress should be used.</p>	<p>Annual Report: In accordance with the CWA and following the current Nonpoint Source Program and Grants Guidelines, report annually on progress made in implementing the state’s NPS Management Program, including a summary of major accomplishments and completed milestones, a description of 319-funded statewide programs and completed 319-funded watershed projects, a list of active 319 projects with expected completion dates, a brief summary of water quality improvements (e.g. restoration of impaired waters or other notable environmental results) and NPS pollutant load reductions (total phosphorus, nitrogen, and sediment reductions for the state, from the previous February’s GRTS reporting). Where information is not yet available on load reductions and water quality improvement where implementation is underway, surrogate measures of environmental progress should be used.</p>	<p>Don Witherill 215-9751, Norm Marcotte 215- 6277</p>	<p>Manager: Johanna Hunter - 1041, Tech: Sandra Fancieullo - 1566</p>
29		<p>Work Plan: Submit an annual work plan that is responsive to Regional guidance and that describes 319-related work, including how the state is organized to implement the NPS management plan and achieve its broad goals (e.g., staffing, training, technology transfer, financial assistance, public outreach, etc.), as well as proposed projects and activities for the year consistent with management plan priorities and milestones.</p>	<p>Work Plan: Submit an annual work plan that is responsive to Regional guidance and that describes 319-related work, including how the state is organized to implement the NPS management plan and achieve its broad goals (e.g., staffing, training, technology transfer, financial assistance, public outreach, etc.), as well as proposed projects and activities for the year consistent with management plan priorities and milestones.</p>	<p>Don Witherill 215-9751, Norm Marcotte 215- 6277</p>	<p>Manager: Johanna Hunter - 1041, Tech: Sandra Fancieullo - 1566</p>

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30		Progress and Performance Review: EPA will use information provided by the state (annual report, workplan, GRTS entry, success stories) to determine whether the State has made satisfactory progress in implementing its NPS Management Program in accordance with CWA Section 319(h)(8). If appropriate, EPA will request additional information to assist with the determination. EPA will complete an annual checklist on Progress and Performance and document its findings.	Progress and Performance Review: EPA will use information provided by the state (annual report, workplan, GRTS entry, success stories) to determine whether the State has made satisfactory progress in implementing its NPS Management Program in accordance with CWA Section 319(h)(8). If appropriate, EPA will request additional information to assist with the determination. EPA will complete an annual checklist on Progress and Performance and document its findings.	Don Witherill 215-9751, Norm Marcotte 215-6277	Manager: Johanna Hunter - 1041, Tech: Sandra Fanciullo - 1566
		<i>NPDES Development</i>	<i>NPDES Development</i>	Brian Kavanah 287-7700	Senior Program Managers: David Webster -1791
31		EPA will ensure that DEP is notified of draft policies and regulations that may impact licensing, compliance, and enforcement activities.	EPA will ensure that DEP is notified of draft policies and regulations that may impact licensing, compliance, and enforcement activities.	Brian Kavanah 287-7700, Gregg Wood 287-7693	Managers: David Webster 1791
32		The State will continue its progress to reduce and maintain the non-stormwater NPDES permit backlog to a level of no greater than 10 %.		Brian Kavanah 287-7700, Gregg Wood 287-7693	Managers: David Webster 1791
33		The State will make every effort to assure that it will issue and maintain current the "Priority Permits" that it has identified for each fiscal year since FY 05. The State will participate in identifying priority permits. The target number of priority permits for issuance in FY2016 will be identified in the last months of FY2015 - with approximately 2 priority permits for FY16.	The State will make every effort to assure that it will issue and maintain current the "Priority Permits" that it has identified for each fiscal year since FY 05. The State will participate in identifying priority permits. The target number of priority permits for issuance in FY2017 will be identified in the last months of FY2016 - with approximately 2 priority permits for FY17.	Brian Kavanah 287-7700, Gregg Wood 287-7693	Managers: David Webster 1791
34		Perform 2 audits and 4 PCI's of the 11 pre-treatment facilities. EPA may, in coordination with DEP, perform PCIs, Audits, IU inspections and both informal and formal enforcement and will copy DEP on all reports. EPA will coordinate with DEP on all such actions.	Perform 2 audits and 4 PCI's of the 11 pre-treatment facilities. EPA may, in coordination with DEP, perform PCIs, Audits, IU inspections and both informal and formal enforcement and will copy DEP on all reports. EPA will coordinate with DEP on all such actions.	Brian Kavanah 287-7700, Gregg Wood 287-7693	Senior Program Manager: Mark Spinale -1547; Tech: Jay Pimpare -1531

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35	Note: EPA removed the item regarding issuing CAFO permits since MEDEP issued the CAFO permits.	Note: EPA removed the item regarding issuing CAFO permits since MEDEP issued the CAFO permits.	Brian Kavanah 287-7700, Gregg Wood 287-7693	Manager: David Webster -1577,
36	Note: EPA removed the item regarding issuing CAFO permits since MEDEP issued the CAFO permits.	Note: EPA removed the item regarding issuing CAFO permits since MEDEP issued the CAFO permits.	Brian Kavanah 287-7700, David Ladd 215-7168, Gregg Wood 287-7693	Manager: David Webster -1577,
	Reissue Industrial Storm Water GP that expires on 4/25/16, if not issued in FY2015.	Reissue Industrial Storm Water GP that expires on 4/25/16, if not issued in FY2015.	Brian Kavanah 287-7700, Gregg Wood 287-7693	Manager: David Webster -1577, Tech: Thelma Murphy -1615
37	Submit to EPA a strategy for reissuance of Construction Storm Water GP that expired 1/20/08, including in the reissued permit any new ELGs for the Construction and Development industry. Then reissue Construction Storm Water GP if not issued in FY2015.	Reissue Construction Storm Water GP that expired 1/20/08, including any new ELGs for the Construction and Development industry, if not issued in FY2016.	Mark Bergeron 215-4397, Mike Mullen 446-1611	Manager: David Webster -1577,
38	Continue to implement delegated NPDES storm water program, including Phase II MS4 permits, construction permits, and industrial permits.	Continue to implement delegated NPDES storm water program, including Phase II MS4 permits, construction permits, and industrial permits.	Brian Kavanah 287-7700, Mike Mullen 446-1611, David Ladd 215-7168	Manager: David Webster -1577, Tech: Thelma Murphy -1615
39	Implement Action Item: When developing new MS4 permits, document state's ability to fulfill all requirements specified in federal MS4 regulatory requirements under either MCGP or Chapter 500, Stormwater Management, or directly in the MS4 permit.	Implement Action Item: When developing new MS4 permits, document state's ability to fulfill all requirements specified in federal MS4 regulatory requirements under MCGP or Chapter 500, Stormwater Management, or directly in the MS4 permit.	Mark Bergeron 215-4397, Brian Kavanah 287-7700, David Ladd 215-7168	Manager: David Webster -1577, Tech: Thelma Murphy -1615
40	As priorities and resources allow, implement Action Item: DEP and EPA will take the necessary steps to obtain authorization to regulate cooling water intake structures	As priorities and resources allow, implement Action Item: DEP and EPA will take the necessary steps to obtain authorization to regulate cooling water intake structures	Gregg Wood 287-7693, Brian Kavanah 287-7700, Pam Parker 287-7905	Manager: David Webster -1791

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41		As resources permit, provide draft and final general permits on public web-site. Make available state-issued GPs, the covered GP permittees, the dates of authorization for each permittee, and possibly the NOIs for each GP.	As resources permit, provide draft and final general permits on public web-site. Make available state-issued GPs, the covered GP permittees, the dates of authorization for each permittee, and possibly the NOIs for each GP.	Brian Kavanah 287-7700, Gregg Wood 287-7693	Manager: David Webster -1791
42		As priorities and resources allow, work with EPA to complete an acceptable and current application for NPDES authorization CWA 316(b), including appropriate rules, (all Maine MEPDES rules updated to be consistent with federal requirements), an updated Program Description, a revised NPDES MOA, and a updated AG Statement.	As priorities and resources allow, work with EPA to complete an acceptable and current application for NPDES authorization CWA 316(b), including appropriate rules, (all Maine MEPDES rules updated to be consistent with federal requirements), an updated Program Description, a revised NPDES MOA, and a updated AG Statement.	Gregg Wood 287-7693, Brian Kavanah 287-7700, Pam Parker 287-7905	Manager: David Webster -1791
43		Participate in a EPA-conducted Permit Quality Review (PQR) of selected ME DEP NPDES permits based on EPA guidance during FY2015 and/or FY2016.	Participate in a EPA-conducted Permit Quality Review (PQR) of selected ME DEP NPDES permits based on EPA guidance during FY2015 and/or FY2016.	Brian Kavanah 287-7700, Gregg Wood 287-7693	Manager: David Webster -1791
44		After DEP's CWA §316(b) implementation rules are approved by EPA, for permittees subject to CWA §316(b), ME DEP will provide timely information to the federal Endangered Species Act (ESA) Services (NOAA and USFWS), or to EPA to forward to the Services, including permit applications for a 60 day review, as provided in the new Cooling Water Intake Structure (CWIS) Existing Facility Rule. Prior to EPA approval of Maine's implementation rules, DEPs obligation under this requirement is limited to providing any cooling water discharge applications to EPA as they may trigger 316(b) requirements.	After DEP's CWA §316(b) implementation rules are approved by EPA, for permittees subject to CWA §316(b), ME DEP will provide timely information to the federal Endangered Species Act (ESA) Services (NOAA and USFWS), or to EPA to forward to the Services, including permit applications for a 60 day review, as provided in the new Cooling Water Intake Structure (CWIS) Existing Facility Rule. Prior to EPA approval of Maine's implementation rules, DEPs obligation under this requirement is limited to providing any cooling water discharge applications to EPA as they may trigger 316(b) requirements.	Brian Kavanah 287-7700, Gregg Wood 287-7693	Manager: David Webster -1791
	RN			Charlene Moore 485-2920	Manager: Denny Dart - 1850 Technical: Neil Handler - 1334
		<i>Wetlands</i>	<i>Wetlands</i>	Don Witherill 215-9751	Senior Program Manager Jackie Leclair - 1549

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45		Continue administration of the In-lieu fee mitigation program	Continue administration of the In-lieu fee mitigation program	Mark Bergeron 215-4397, Mike Mullen 446-1611	Manager: Jackie Leclair -1549, Tech: Mark Kern-1589
46		Continue to participate in EPA's National Wetlands Monitoring and Assessment Work Group, including travel to national meetings, as funding and state travel restrictions permit.	Continue to participate in EPA's National Wetlands Monitoring and Assessment Work Group, including travel to national meetings, as funding and state travel restrictions permit.	Don Witherill 215-9751, Jeanne DiFranco 699-8345	Manager: Jackie Leclair -1549, Tech: Beth Alafat-1399
47		As appropriate and as resources allow, continue to participate in the NEBAWWG, NEAEB, NEERS, NEIWPC biological monitoring and assessment efforts.	As appropriate and as resources allow, continue to participate in the NEBAWWG, NEAEB, NEERS, NEIWPC biological monitoring and assessment efforts.	Don Witherill 215- 9751; Jeanne DiFranco 699- 8345	Manager: Jackie Leclair -1549, Tech: Beth Alafat-1399
48		Continue to implement and expand wetlands monitoring and assessment component of statewide comprehensive surface water monitoring program. Continue development of water quality standards for wetlands.	Continue to implement and expand wetlands monitoring and assessment component of statewide comprehensive surface water monitoring program. Continue development of water quality standards for wetlands.	Don Witherill 215-9751; Jeanne DiFranco 699- 8345	Manager: Jackie Leclair -1549, Tech: Beth Alafat-1399
49		As appropriate and as resources allow, participate in annual meeting with EPA to discuss progress of the state wetland program, WPDG's, and Wetland Program Plan.	As appropriate and as resources allow, participate in annual meeting with EPA to discuss progress of the state wetland program, WPDG's, and Wetland Program Plan.	Mike Mullen 446-1611, Jeanne Difranco 699- 8345	Manager: Jackie Leclair -1549, Tech: Trish Garrigan - 1583
50		Support the Region 1 wetland program priority in 2016 and 2017: Ensure that wetland complexes of high ecological value, blocks of unfragmented habitat, and/or areas that provide resilience for wetland impacts from climate change are protected, and that natural stream flow regimes and riparian corridors are maintained and connected to protect aquatic resources across New England.	Support the Region 1 wetland program priority in 2016 and 2017: Ensure that wetland complexes of high ecological value, blocks of unfragmented habitat, and/or areas that provide resilience for wetland impacts from climate change are protected, and that natural stream flow regimes and riparian corridors are maintained and connected to protect aquatic resources across New England.	Mike Mullen 446-1611, Jeanne Difranco 699-8345	Manager: Jackie Leclair -1549, Tech: Trish Garrigan - 1583
51		Ensure that progress and final reports for any Wetland Program Development Grants are transmitted to the wetland program in addition to the relevant Project Officer.	Ensure that progress and final reports for any Wetland Program Development Grants are transmitted to the wetland program in addition to the relevant Project Officer	Mike Mullen 446-1611, Jeanne Difranco 699-8345	Manager: Jackie Leclair -1549, Tech: Trish Garrigan - 1583

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		<i>Dredged Material Management</i>	<i>Dredged Material Management</i>	Mark Bergeron 215-4397	Senior Program Manager: Mel Côté - 1553
53		As appropriate and as resources allow, participate on State Dredging Team to coordinate with ME Coastal Program and other relevant federal and state agencies that regulate dredging and dredged material disposal in Maine coastal waters.	As appropriate and as resources allow, participate on State Dredging Team to coordinate with ME Coastal Program and other relevant federal and state agencies that regulate dredging and dredged material disposal in Maine coastal waters.	Mark Bergeron 215-4397, Robert Green 615-2214, Marybeth Richardson 592-1692	Manager: Mel Cote -1553, Tech: Olga Guza -1542
54		Coordinate with the Army Corps of Engineers, EPA, and the state of New Hampshire, on planning and regulatory activities associated with dredging and dredged material management, including the possible designation of a long-term ocean dredged material disposal site to serve the NH-southern Maine coastal region.	Coordinate with the Army Corps of Engineers, EPA, and the state of New Hampshire, on planning and regulatory activities associated with dredging and dredged material management, including the possible designation of a long-term ocean dredged material disposal site to serve the NH-southern Maine coastal region.	Mark Bergeron 215-4397, Robert Green 615-2214, Marybeth Richardson 592-1692	Manager: Mel Cote -1553, Tech: Olga Guza -1542
		<i>No Discharge Zones</i>	<i>No Discharge Zones</i>	Brian Kavanah 287-7700	Senior Program Manager: Mel Côté - 1553
55		Implement outreach and enforcement strategies in support of current NDZs (Casco Bay, Kennebunk/Kennebunkport/Wells, Boothbay Harbor, western Penobscot Bay, southern MDI), and future NDZs.	Implement outreach and enforcement strategies in support of current NDZs (Casco Bay, Kennebunk/Kennebunkport/Wells, Boothbay Harbor, western Penobscot Bay, southern MDI), and future NDZs.	Mark Bergeron 215-4397	Manager: Mel Cote -1553, Tech: Ann Rodney -1538
56		Coordinate with ME Coastal Program to seek EPA approval of NDZ for Kittery/York and identify additional areas on the coast for future NDZ designation.	Coordinate with ME Coastal Program to seek EPA approval of NDZ for Kittery/York and identify additional areas on the coast for future NDZ designation.	Mark Bergeron 215-4397	Manager: Mel Cote -1553, Tech: Ann Rodney -1538
		<i>Beaches</i>	<i>Beaches</i>	Mark Bergeron 215-4397, Colin Clark 441-7419	Senior Program Manager: Mel Côté - 1553

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57		As resources are available, implement beach monitoring program, including meeting performance criteria established by federal BEACH Act to remain eligible for FY16 Beach grant.	As resources are available, implement beach monitoring program, including meeting performance criteria established by federal BEACH Act to remain eligible for FY17 Beach grant.	Mark Bergeron 215-4397, Colin Clark 441-7419	Manager: Mel Cote -1553, Tech: Alicia Grimaldi - 1806
		Coordinating with the designated state Department of Health if necessary, adopt new or revised recreational water quality standards by 2016 as required for the state to remain eligible for the FY16 beach program grant.	Coordinating with the designated state Department of Health if necessary, adopt new or revised recreational water quality standards by 2016 as required for the state to remain eligible for the FY17 beach program grant.	Don Witherill 215-9751, Melissa Evers 215-3879	
58		As resources are available, coordinate with Maine Cooperative Extension when necessary to investigate/enforce chronic beach closures due to bacteria. If state funding/staffing constraints become an issue, DEP will notify EPA and discuss strategies to address the shortfall.	As resources are available, coordinate with Maine Cooperative Extension when necessary to investigate/enforce chronic beach closures due to bacteria. If state funding/staffing constraints become an issue, DEP will notify EPA and discuss strategies to address the shortfall.	Mark Bergeron 215-4397, Colin Clark 441-7419	Manager: Mel Cote -1553, Tech: Alicia Grimaldi - 1806
		<i>National Estuary Program</i>	<i>National Estuary Program</i>	Don Witherill 215-9751	Senior Program Manager: Mel Coté-1553
59		EPA to provide administrative, technical, and financial support to the National Estuary Programs in your state.	EPA to provide administrative, technical, and financial support to the National Estuary Programs in your state.	Don Witherill 215-9751, Angie Brewer 592-2352	Manager: Mel Cote, -1553, Tech: Margherita Pryor, -1597
60		EPA to disseminate national and regional guidance and award grants and cooperative agreements in a timely fashion.	EPA to disseminate national and regional guidance and award grants and cooperative agreements in a timely fashion.	Don Witherill 215-9751, Norm Marcotte 215- 6277	Manager: Mel Cote, -1553, Tech: Margherita Pryor, -1597
61		As appropriate and as resources allow, provide technical assistance and information to committees of the Casco Bay Estuary Partnership, as requested by the committees, and support implementation of Casco Bay CCMP.	As appropriate and as resources allow, provide technical assistance and information to committees of the Casco Bay Estuary Partnership, as requested by the committees, and support implementation of Casco Bay CCMP.	Don Witherill 215-9751, Angie Brewer 592-2352	Manager: Mel Cote -1553, Tech: Matt Liebman -1626

RO (Reopener New, Reopener Revised)	GOAL 3: CLEANING UP COMMUNITIES AND ADVANCING SUSTAINABLE DEVELOPMENT	GOAL 3: CLEANING UP COMMUNITIES AND ADVANCING SUSTAINABLE DEVELOPMENT		
	Objective 3.1: Promote Sustainable and Livable Communities	Objective 3.1: Promote Sustainable and Livable Communities		
	<i>Environmental Justice</i>	<i>Environmental Justice</i>	Jeff Crawford 287-7647	Senior Program Manager: Sharon Wells - 1007
1	In coordination with EPA New England, identify any ongoing and implement new activities that will advance environmental justice within state programs. Continue to participate in the EJ state quarterly calls. Document EJ success stories and activities and share with the community as resources allow.	In coordination with EPA New England, identify any ongoing and implement new activities that will advance environmental justice within state programs. Continue to participate in the EJ state quarterly calls. Document EJ success stories and activities and share with the community as resources allow.	Jeff Crawford 287-7647	Manager: Sharon Wells- 1007 Tech: Deborah Brown-1706
	Objective 3.2: Preserve Land	Objective 3.2: Preserve Land		
	<i>Sustainable Materials Management</i>	<i>Sustainable Materials Management</i>	George MacDonald 287- 2870	Senior Program Manager: Thomas D'Avanzo - 1801
2	ME will continue to work on projects that reduce or divert municipal solid waste from disposal while supporting a sustainable materials approach. This approach, emphasizing the value of materials, will lead to increasing source reduction, reuse, recycling and composting. As part of this work, the state will evaluate entering solid waste data into the State/EPA SMM Data Measurement pilot.	ME will continue to work on projects that reduce or divert municipal solid waste from disposal while supporting a sustainable materials approach. This approach, emphasizing the value of materials, will lead to increasing source reduction, reuse, recycling and composting. As part of this work, the state will evaluate entering solid waste data into the State/EPA SMM Data Measurement pilot.	George MacDonald 287- 2870, Carole Cifrino 485-8160	Senior Program Manager: Thomas D'Avanzo - 1801

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		<i>RCRA Authorization</i>	<i>RCRA Authorization</i>	Scott Whittier 287-7674	Senior Program Manager: Beth Deabay - 1343
3		Submit final authorization application for LDR, the manifest rule and updates to the TC rule (approximately 40+ rules). Any changes to the current RCRA regulations, including an explanation of any impacts on the current RCRA base program, will be included with draft regulations for EPA review.	Submit final authorization application for LDR, the manifest rule and updates to the TC rule (approximately 40+ rules). Any changes to the current RCRA regulations, including an explanation of any impacts on the current RCRA base program, will be included with draft regulations for EPA review.	Scott Whittier 287-7674, Stacy Ladner 287-2651	Manager: Beth Deabay -1343, Tech: Sharon Leitch -1647
		<i>RCRA Permit Renewals</i>	<i>RCRA Permit Renewals</i>	Scott Whittier 287-7674	Senior Program Manager: Beth Deabay - 1343
4		<i>Renew two (2) TSDf permits on 14-18 permit renewal baseline. (HWO)</i>	<i>Renew zero (0) TSDf permits on 14-18 permit renewal baseline. (HWO)</i>	Scott Whittier 287-7674, Stacy Ladner 287-2651	Manager: Beth Deabay -1343, Tech: Sharon Leitch -1647
		<i>UST</i>	<i>UST</i>	Scott Whittier 287-7674	Senior Program Manager: Beth Deabay -1343
		<i>STAG funds are included in the PPG to cover costs for UST Program activities that are ineligible with LUST Prevention (LP) Funds. LP funds are not PPG eligible - funds are in separate cooperative agreement.</i>	<i>STAG funds are included in the PPG to cover costs for UST Program activities that are ineligible with LUST Prevention (LP) Funds. LP funds are not PPG eligible - funds are in separate cooperative agreement.</i>		
5		Improve UST Operational Compliance: (a) Perform state lead field inspections to determine significant operational compliance.	Improve UST Operational Compliance: (a) Perform state lead field inspections to determine significant operational compliance.	Scott Whittier 287-7674, Diana McLaughlin 287-7856	Manager: Beth Deabay -1343, Tech: Kim Schweisberg - 1307

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6	Improve UST Operational Compliance: (b) continue to improve operational compliance .5% over rate of previous year. (ACS Code: ST6 / 3.2)	Improve UST Operational Compliance: (b) continue to improve operational compliance .5% over rate of previous year. (ACS Code: ST6 / 3.2)	Scott Whittier 287-7674, Diana McLaughlin 287-7856	Manager: Beth Deabay -1343 Tech: Kim Schweisberg - 1307
7	Continue to inspect regulated UST facilities at least once every 3 years.	Continue to inspect regulated UST facilities at least once every 3 years.	Scott Whittier 287-7674, Diana McLaughlin 287-7856	Manager: Beth Deabay -1343 Tech: Kim Schweisberg - 1307
8	Work toward reducing the number of Confirmed UST Releases Annually - Regional target of <300 (<4% of National total). (ACS Code: ST1 / 3.2)	Work toward reducing the number of Confirmed UST Releases Annually - Regional target of <300 (<4% of National total). (ACS Code: ST1 / 3.2)	David Burns 287-7166	Manager: Beth Deabay -1343 Tech: Kim Schweisberg - 1307
9	Continue toward the requirement that all federally-regulated UST operators are trained.	Continue toward the requirement that all federally-regulated UST operators are trained.	Scott Whittier 287-7674, Diana McLaughlin 287-7856	Manager: Beth Deabay -1343 Tech: Kim Schweisberg - 1307
10	Post USTCA public record which includes: the number, sources, and causes of underground storage tank releases; the record of compliance by USTs; and data on the number of UST equipment failures in State.	Post USTCA public record which includes: the number, sources, and causes of underground storage tank releases; the record of compliance by USTs; and data on the number of UST equipment failures in State.	David Burns 287-7166	Manager: Beth Deabay -1343 Tech: Kim Schweisberg - 1307
	Objective 3.3: Restore Land	Objective 3.3: Restore Land		
	<i>Emergency Preparedness</i>	<i>Emergency Preparedness</i>	Peter Blanchard 287-7190	Senior Program Manager: Carol Tucker - 1221
12	EPA will continue to work with the New England states on Homeland Security and emergency response readiness issues through routine, day-to-day coordination and the existing Regional Response Team mechanism.	EPA will continue to work with the New England states on Homeland Security and emergency response readiness issues through routine, day-to-day coordination and the existing Regional Response Team mechanism.	Peter Blanchard 287-7190	Managers: Bill Lovely -1240, Ted Bazenas - 1230

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		<i>RCRA Training & Meetings</i>	<i>RCRA Training & Meetings</i>	Scott Whittier 287-7674	Senior Program Manager: Beth Deabay - 1343
13		As appropriate and as resources allow, attend EPA sponsored regional and national RCRA meetings and training. as appropriate.	As appropriate and as resources allow, attend EPA sponsored regional and national RCRA meetings and training. as appropriate.	Scott Whittier 287-7674, Stacy Ladner 287-2651	Manager: Beth Deabay -1343, Tech: Sharon Leitch - 1647
		<i>Corrective Action Sites</i>	<i>Corrective Action Sites</i>	Scott Whittier 287-7674	Senior Program Manager: Beth Deabay -1343
14		Achieve Human Exposures Controlled Under Current Conditions at two (2) facilities. (CA1)	Achieve Human Exposures Controlled Under Current Conditions at one (1) facility.	Scott Whittier 287-7674,Stacy Ladner 287-2651	Manager: Dan Wainberg - 1283, Tech: Juan Perez - 1354
15		Achieve Contaminated Ground Water Migration Under Control at two (2) facilities. (CA2)	Achieve Contaminated Ground Water Migration Under Control at two (2) facilities. (CA2)	Scott Whittier 287-7674,Stacy Ladner 287-2651	Manager: Dan Wainberg - 1283, Tech: Juan Perez - 1354
16		Achieve site-wide Remedy Selection at two (2) facilities.	Achieve site-wide Remedy Selection at two (2) facilities.	Scott Whittier 287-7674,Stacy Ladner 287-2651	Manager: Dan Wainberg - 1283, Tech: Juan Perez - 1354
17		Achieve Construction Complete at two (2) facilities. (CA5)	Achieve Construction Complete at two (2) facilities. (CA5)	Scott Whittier 287-7674,Stacy Ladner 287-2651	Manager: Dan Wainberg - 1283, Tech: Juan Perez - 1354

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18		Assessment of financial assurance current status for all new remedies.	Assessment of financial assurance current status for all new remedies.	Scott Whittier 287-7674, Stacy Ladner 287-2651	Manager: Dan Wainberg - 1283, Tech: Juan Perez - 1354
19		Verify adequacy of financial assurance instrument for all remedies.	Verify adequacy of financial assurance instrument for all remedies.	Scott Whittier 287-7674, Stacy Ladner 287-2651	Manager: Dan Wainberg - 1283, Tech: Juan Perez - 1354
		<i>LUST</i>	<i>LUST</i>	Dave Burns 287-7166	Senior Program Manager: Beth Deabay -1343
		<i>Not PPG eligible - funds are in separate LUST Trust Cooperative Agreement.</i>	<i>Not PPG eligible - funds are in separate LUST Trust Cooperative Agreement.</i>		
20		Contribute to the national target for reducing the percent of open sites awaiting cleanup at LUST facilities (target is 13%). Annually, reduce the number of confirmed releases not yet cleaned up by 1 percent. (ACS Code: 111 / 3.3)	Contribute to the national target for reducing the percent of open sites awaiting cleanup at LUST facilities (target is 13%). Annually, reduce the number of confirmed releases not yet cleaned up by 1 percent. (ACS Code: 111 / 3.3)	Dave Burns 287-7166	Manager: Beth Deabay -1343, Tech: Kim Schweisberg - 1307
21		Contribute to the national target for annual cleanups completed of releases from leaking underground storage tanks (LUSTs) (target is 8,600). Specific number of LUST cleanups completed for Maine in FY16 will be negotiated separately. (ACS Code: 112 / 3.3)	Contribute to the national target for annual cleanups completed of releases from leaking underground storage tanks (LUSTs) (target is 8,600). Specific number of LUST cleanups completed for Maine in FY17 will be negotiated separately. (ACS Code: 112 / 3.3)	Dave Burns 287-7166	Manager: Beth Deabay -1343, Tech: Kim Schweisberg - 1307

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No.	RO (Reopener New, Reopener Revised)	2016 PPA Priorities & Commitments List	2017 PPA Priorities & Commitments List	ME DEP Contacts 207.XXX.XXXX	EPA Contacts 617.918.XXXX
		GOAL 4: ENSURING THE SAFETY OF CHEMICALS AND PREVENTING POLLUTION	GOAL 4: ENSURING THE SAFETY OF CHEMICALS AND PREVENTING POLLUTION		
		Objective 4.1: Ensure Chemical Safety	Objective 4.1: Ensure Chemical Safety		
		<i>Lead Program</i>	<i>Lead Program</i>	David Wright 446-4366	Senior Program Manager: Sharon Hayes - 1328
1		Maintain ME State Lead Program. Additional measures specified in state specific workplan.	Maintain ME State Lead Program. Additional measures specified in state specific workplan.	David Wright 446-4366, Jamie Tansey 287-7722	Manager: Sharon Hayes - 1328 Tech: James Bryson - 1524
	RN			David Wright 446-4366	Manager: Sharon Hayes - 1328 Tech: James Bryson - 1524
		<i>Asbestos Program</i>	<i>Asbestos Program</i>	David Wright 446-4366	Senior Program Manager: Sharon Hayes - 1328

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2		Maintain ME State Asbestos Program. Additional measures specified in state specific workplan.	Maintain ME State Asbestos Program. Additional measures specified in state specific workplan.	David Wright 446-4366, Jamie Tansey 287-7722	Manager: Sharon Hayes - 1328 Tech: Jonathan Britt - 1563
		Objective 4.2: Promote Pollution Prevention	Objective 4.2: Promote Pollution Prevention		
3		As appropriate and as resources allow, as a follow up to the June OES planning meeting, participate in the fall New England Pollution Prevention and Assistance Forum.	As appropriate and as resources allow, as a follow up to the June OES planning meeting, participate in the fall New England Pollution Prevention and Assistance Forum.	Leslie Anderson 287-2821	Manager: Tom D'Avanzo 8- 1801

	RO (Reopener New, Reopener Revised)	GOAL 5: PROTECTING HUMAN HEALTH AND THE ENVIRONMENT BY ENFORCING LAWS AND ASSURING COMPLIANCE	GOAL 5: PROTECTING HUMAN HEALTH AND THE ENVIRONMENT BY ENFORCING LAWS AND ASSURING COMPLIANCE		
		Objective 5.1: Enforce Environmental Laws to Achieve Compliance	Objective 5.1: Enforce Environmental Laws to Achieve Compliance		
1		Submit annual Compliance Plans containing descriptions of the state's, assistance and innovative programs, including projections for priority activities.	Submit annual Compliance Plans containing descriptions of the state's, assistance and innovative programs, including projections for priority activities.	Peter Carney 287-4305	Manager: Tom D'Avanzo 8-1801
2		Submit annual End of Year 2015 report on Compliance, assistance and innovation program accomplishments, activities and results.	Submit annual End of Year 2015 report on Compliance, assistance and innovation program accomplishments, activities and results.	Peter Carney 287-4305	Manager: Tom D'Avanzo 8-1801
3		Identify/address/resolve HPVs in accordance with EPA's Timely and Appropriate Enforcement Response to High Priority Violators (the HPV policy), August 2014. Inform the EPA Region 1 liaison in person, by phone, or by email within 45 days of identifying/addressing/ resolving an HPV.	Identify/address/resolve HPVs in accordance with EPA's Timely and Appropriate Enforcement Response to High Priority Violators (the HPV policy), August 2014. Inform the EPA Region 1 liaison in person, by phone, or by email within 45 days of identifying/addressing/ resolving an HPV.	Eric Kennedy 287-5412, Kurt Tidd 287-9064	Manager: Steve Rapp -1551

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<p>4</p>		<p>Enter/send information necessary to satisfy the inspection, testing, compliance monitoring, and enforcement minimum data requirements (MDRs) that are currently required by rule to EPA's national data systems of record, every 60 days, or as specified in program guidance. Once the e-Reporting Rule is promulgated, Maine DEP will comply with the reporting requirements of the rule.</p> <p>For a list of CAA required data elements, see http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-cao-stationary-sources-compliance</p> <p>For a list of RCRA required data elements, see: http://www.epa.gov/waste/inforesources/data/index.htm</p> <p>For a list of CWA currently required data elements, see: http://echo.epa.gov/resources/echo-data/data-entry-requirements. If, and when, the proposed electronic reporting rule is finalized, the MEDEP must satisfy the required MDRs listed in the new rule. For a list of MDRs in the proposed rule see: http://www.gpo.gov/fdsys/pkg/FR-2013-07-30/pdf/2013-17551.pdf (TABLE 2—REQUIRED NPDES DATA) (this list will become applicable only when it is promulgated in rule and only in accordance with the timelines specified in the final rule)</p>	<p>Enter/send information necessary to satisfy the inspection, testing, compliance monitoring, and enforcement minimum data requirements (MDRs) that are currently required by rule to EPA's national data systems of record, every 60 days, or as specified in program guidance. Once the e-Reporting Rule is promulgated, Maine DEP will comply with the reporting requirements of the rule.</p> <p>For a list of CAA required data elements, see http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-cao-stationary-sources-compliance</p> <p>For a list of RCRA required data elements, see: http://www.epa.gov/waste/inforesources/data/index.htm</p> <p>For a list of CWA currently required data elements, see: http://echo.epa.gov/resources/echo-data/data-entry-requirements. If, and when, the proposed electronic reporting rule is finalized, the MEDEP must satisfy the required MDRs listed in the new rule. For a list of MDRs in the proposed rule see: http://www.gpo.gov/fdsys/pkg/FR-2013-07-30/pdf/2013-17551.pdf (TABLE 2—REQUIRED NPDES DATA) (this list will become applicable only when it is promulgated in rule and only in accordance with the timelines specified in the final rule)</p>	<p>Eric Kennedy 287-5412, Jeff Crawford 287-7647</p> <p>Scott Whittier 287-7674 Sterling Pierce 287-4868, David Ladd 215-7168, Mike Mullen 446-1611, Brian Kavanahn 287-7700, Mark Bergeron 215-4397</p>	<p>Manager: Mary Jane O'Donnell 1371</p> <p>Manager: Denny Dart 1850</p>
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5		<p>As soon as possible in the year, but no later than July 30, 2016, submit a draft FY17 Alternative Compliance Monitoring Strategy. This is only required if the state is seeking flexibility under an alternative CMS plan.</p> <p>By September 30, 2016 submit a final FY17 Compliance Monitoring Plans for CAA, RCRA and CWA containing descriptions of the state's compliance program including projections for inspections and other priority activities. See the most recent OECA National Program Manager's Guidance Addendum and the CAA, CWA and RCRA Compliance Monitoring Strategies.</p> <p>The Compliance Monitoring Plans for FY16 are prepared and finalized in FY15.</p> <p>http://www2.epa.gov/planandbudget/national-program-manager-guidances</p> <p>http://www.epa.gov/compliance/resources/policies/monitoring/</p>	<p>As soon as possible in the year, but no later than July 30, 2017, submit a draft FY18 Alternative Compliance Monitoring Strategy. This is only required if the state is seeking flexibility under an alternative CMS plan.</p> <p>By September 30, 2017 submit a final FY18 Compliance Monitoring Plans for CAA, RCRA and CWA containing descriptions of the state's compliance program including projections for inspections and other priority activities. See the most recent OECA National Program Manager's Guidance Addendum and the CAA, CWA and RCRA Compliance Monitoring Strategies.</p> <p>The Compliance Monitoring Plans for FY17 are prepared and finalized in FY16.</p> <p>http://www2.epa.gov/planandbudget/national-program-manager-guidances</p> <p>http://www.epa.gov/compliance/resources/policies/monitoring/</p>	<p>Eric Kennedy 287-5412, Jeff Crawford 287-7647</p> <p>Scott Whittier 287-7674 Sterling Pierce 287-4868, David Ladd 215-7168, Mike Mullen 446-1611, Brian Kavanahn 287-7700, Mark Bergeron 215-4397</p>	<p>Manager: Steve Rapp 1551</p> <p>Manager: Mary Jane O'Donnell 1371</p> <p>Manager: Denny Dart 1850</p>
6		<p>Develop a small quantity generator outreach and training program, including an interactive web-based training system. System to focus on appropriate handling, storage and disposal of hazardous materials and wastes, including waste reduction and reuse strategies, and waste reduction calculation methodologies</p>	<p>Develop a small quantity generator outreach and training program, including an interactive web-based training system. System to focus on appropriate handling, storage and disposal of hazardous materials and wastes, including waste reduction and reuse strategies, and waste reduction calculation methodologies</p>	<p>Scott Whittier 287-7674, Mike Hudson 207-287-7884</p>	<p>Manager: Mary Jane O'Donnell 1371</p>

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7		By November 30, 2015 submit the FY15 annual End-of-Year reports for CAA, CWA and RCRA CMS accomplishments. Include reporting on alternative plans, where applicable.	By November 30, 2016 submit the FY16 annual End-of-Year reports for CAA, CWA and RCRA CMS accomplishments. Include reporting on alternative plans, where applicable.	Eric Kennedy 287-5412, Jeff Crawford 287-7647 Scott Whittier 287-7674 Sterling Pierce 287-4868, David Ladd 215-7168, Mike Mullen 446-1611, Brian Kavanah 287-7700, Mark Bergeron 215-4397	Manager: Steve Rapp 1551 Manager: Mary Jane O'Donnell 1371 Manager: Denny Dart 1850
8		By September 30, 2016 report on progress in addressing any recommendations identified by the State Review Framework (SRF).	By September 30, 2017 report on progress in addressing any recommendations identified by the State Review Framework (SRF).	Jeff Crawford 287-7647 Peter Carney 287-4305, Eric Kennedy 287-5412 Scott Whittier 287-7647 David Ladd 215-7168, Brian Kavanah 287-7700	Manager: Steve Rapp 1551 Manager: Mary Jane O'Donnell 1371 Manager: Denny Dart 1850

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9		<p>Professional Development: ensure compliance and enforcement staff and managers remain current on issues and activities within the compliance and enforcement arenas and engaged with federal, state, and inter-governmental agencies and groups involved in these programs areas via staff participation, as appropriate and as resources allow, in workgroups, committees, conferences and training opportunities sponsored by EPA-NE, NESCAUM, NEEP, NETI and other officially sanctioned organizations as approved by DEP management. EPA-NE or NESCAUM will provide additional funds as available to support this. Compliance and Enforcement managers shall participate in NESCAUM Compliance and Enforcement Committee meetings and attend at least one committee meeting in person annually.</p>	<p>Professional Development: ensure compliance and enforcement staff and managers remain current on issues and activities within the compliance and enforcement arenas and engaged with federal, state, and inter-governmental agencies and groups involved in these programs areas via staff participation, as appropriate and as resources allow, in workgroups, committees, conferences and training opportunities sponsored by EPA-NE, NESCAUM, NEEP, NETI and other officially sanctioned organizations as approved by DEP management. EPA-NE or NESCAUM will provide additional funds as available to support this. Compliance and Enforcement managers shall participate in NESCAUM Compliance and Enforcement Committee meetings and attend at least one committee meeting in person annually.</p>	<p>Peter Carney 287-4305 , Eric Kennedy 287- 5412</p>	<p>Managers: Susan Studlien -1701 and Steve Rapp - 1551</p>
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	RO (Reopener New, Reopener Revised)	EVALUATION, REPORTING & QUALITY ASSURANCE	EVALUATION, REPORTING & QUALITY ASSURANCE		
		<i>Re-Opener Clause</i>	<i>Re-Opener Clause</i>	Jeff Crawford 287-7647	Senior Program Manager: Lois Adams -1591
1		The Regional Office will strive to honor the spirit of the PPA. In keeping with this spirit the Region will work with EPA HQ to limit the impact of unexpected demands on the states. To address new, very high priority issues that might emerge a re-opener clause will be included as part of this process permitting the Regional Office and/or the state to introduce necessary changes to the PPA.	The Regional Office will strive to honor the spirit of the PPA. In keeping with this spirit the Region will work with EPA HQ to limit the impact of unexpected demands on the states. To address new, very high priority issues that might emerge a re-opener clause will be included as part of this process permitting the Regional Office and/or the state to introduce necessary changes to the PPA.	Jeff Crawford 287-7647	Kristi Rea -1595 & Michael Ochs-1066
		<i>Performance Partnership</i>	<i>Performance Partnership</i>		Senior Program Manager: Lois Adams -1591
2		A process for jointly evaluating and reporting progress and accomplishments under the workplan must be developed and described in the workplan. The process must be based on a negotiated schedule.	A process for jointly evaluating and reporting progress and accomplishments under the workplan must be developed and described in the workplan. The process must be based on a negotiated schedule.	Jeff Crawford 287-7647	Kristi Rea -1595 & Michael Ochs-1066
3		An annual written progress report must be submitted within 90 days after the end of the annual grant period. EPA encourages DEP to use columns G & H of this List for such reporting purposes.	An annual written progress report must be submitted within 90 days after the end of the annual grant period. EPA encourages DEP to use columns G & H of this List for such reporting purposes.	Jeff Crawford 287-7647	Kristi Rea -1595 & Michael Ochs-1066
4		Grant funding is conditional on Maine DEP staff participating in meetings and training events identified by EPA NE as necessary to fulfill obligations specified in the Performance Partnership Agreement and the annual Priorities and Commitments list.	Grant funding is conditional on Maine DEP staff participating in meetings and training events identified by EPA NE as necessary to fulfill obligations specified in the Performance Partnership Agreement and the annual Priorities and Commitments list.	Jeff Crawford 287-7647	kristi Rea -1595 & Michael Ochs-1066
		<i>QMP QAPP</i>	<i>QMP QAPP</i>	Leslie Anderson 287-7890	Senior Program Manager: Art Johnson -8301

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5		Continue to implement the State Quality Management Plan (QMP) and submit an Annual Quality System Status Report to the EPA NE Quality Assurance Unit documenting progress, activities, and status of the organization's quality system. The report is comprised of three parts, as described below. The individual parts of the report may either be submitted together at one time or individually over the course of the year. Document, in Part A of the Report, assessments conducted during the past year; identify areas for improvement within the system; and describe, as applicable, other relevant quality-related topics such as training, development of guidance, and best practices.	Continue to implement the State Quality Management Plan (QMP) and submit an Annual Quality System Status Report to the EPA NE Quality Assurance Unit documenting progress, activities, and status of the organization's quality system. The report is comprised of three parts, as described below. The individual parts of the report may either be submitted together at one time or individually over the course of the year. Document, in Part A of the Report, assessments conducted during the past year; identify areas for improvement within the system; and describe, as applicable, other relevant quality-related topics such as training, development of guidance, and best practices.	Andy Johnson 287-7047	Manager: John Smaldone-8312, Tech: Robert Reinhart - 8633
		Review the State QMP and summarize changes made to the QMP in Part B of the Annual Quality System Status Report.	Review the State QMP and summarize changes made to the QMP in Part B of the Annual Quality System Status Report.		Manager: John Smaldone-8312, Tech: Robert Reinhart - 8633
6		Update the State Quality Assurance Quality Assurance Project Plan inventory list, in Part C of the Annual Quality System Status Report, with new and active QAPPs, including Sampling and Analysis Plans/QAPP Addendums approved under generic Program QAPPs. Refer to 7/24/09 revised MOU on QAPP approvals.	Update the State Quality Assurance Quality Assurance Project Plan inventory list, in Part C of the Annual Quality System Status Report, with new and active QAPPs, including Sampling and Analysis Plans/QAPP Addendums approved under generic Program QAPPs. Refer to 7/24/09 revised MOU on QAPP approvals.	Andy Johnson 287-7047	Manager: John Smaldone-8312, Tech: Robert Reinhart - 8633
7		All projects that involve environmental data produced from models, compiled from secondary data sources such as databases or literature, or collected directly from measurements to describe environmental processes and conditions shall have approved Quality Assurance Project Plans before the initiation of any work.	All projects that involve environmental data produced from models, compiled from secondary data sources such as databases or literature, or collected directly from measurements to describe environmental processes and conditions shall have approved Quality Assurance Project Plans before the initiation of any work.	Andy Johnson 287-7047	Manager: John Smaldone-8312, Tech: Robert Reinhart - 8633

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8		<p>The US EPA and the New England states have established a quarterly meeting, the QA Roundtable Meeting, for the Quality Assurance (QA) representatives from EPA and the states. The group meets in various locations, depending on whether a state or EPA is hosting the meeting. The meetings are opportunities to share and discuss common approaches to implementing quality assurance. As appropriate and as resources allow, each state is expected to attend in order to establish effective QA programs in each state and meet the obligations of the PPA.</p>	<p>The US EPA and the New England states have established a quarterly meeting, the QA Roundtable Meeting, for the Quality Assurance (QA) representatives from EPA and the states. The group meets in various locations, depending on whether a state or EPA is hosting the meeting. The meetings are opportunities to share and discuss common approaches to implementing quality assurance. As appropriate and as resources allow, each state is expected to attend in order to establish effective QA programs in each state and meet the obligations of the PPA.</p>	<p>Andy Johnson 287-7047</p>	<p>Manager: John Smaldone-8312, Tech: Robert Reinhart - 8633</p>
	RN		<p>Pursuant to MPG, develop education initiative designed to address succession planning and to promote healthy communities and ecosystems. The final product would be an educational program appropriate for 6th grade science classes available to Maine middle schools. The program would consist of a comprehensive look at the DEP with subsequent “modules,” each being equivalent to one class session, that would cover work done by each Bureau: Air, Land, Water, and Waste and Remediation.</p>	<p>Marybeth Richardson 592-1692</p>	

Appendix B- Overview of Maine Programs

Overview of Maine Programs

The Department is organized by environmental media into four bureaus – Air Quality, Land Resources, Remediation & Waste Management, Water Quality – and the Office of the Commissioner, which includes the Office of Communications & Education, the Policy Development & Implementation Unit and the Office of Innovation and Assistance. Within this structure, Department leadership continues to implement organizational improvements that will enhance the agency’s effectiveness in providing protections for the state’s air, land and water while enacting efficiencies to strengthen customer service and operations.

Bureau of Air Quality

The Bureau of Air Quality (BAQ) is comprised of three divisions: the Division of Air Quality Assessment; the Division of Licensing and Compliance; and the Division of resource Administration.

I. Division of Air Quality Assessment

The Division of Air Quality Assessment is responsible for all ambient air quality monitoring conducted and the data collected throughout the state, which is carried out by the 4 regional offices in Presque Isle, Bangor, Augusta and Portland. The data obtained is submitted to EPA, is used for issuing BAQ’s daily air quality forecasts, making attainment demonstrations, tracking trends, among other multiple uses. The Division is also responsible for the operation of the Air Laboratory that supports the monitoring program by performing various analyses of collected air samples, conducting performance audits of all monitoring equipment, the creation and/or upkeep of the Division’s QAPPs and SOPs, and managing and maintaining all of the monitoring program’s and Air Lab’s data management systems and their applications. The Division also performs sophisticated technical analyses of a variety of complicated data sets, draft regulatory proposals and final promulgations, and provides comments, notes potential issues and makes recommendations to Division and Bureau management based on results of and conclusions from completed assessments.

II. Division of Licensing & Compliance

The Division of Licensing and Compliance is currently made up of four sections, the Licensing Section, the Compliance Section, the Enforcement Section, and the Mobile Sources Section. The Licensing Section is primarily responsible for reviewing applications from facilities that are required to obtain air emission licenses and writing the licenses to include the state and federal requirements to which each facility is subject. The Compliance Section is primarily responsible for evaluating the compliance status of regulated facilities. The Enforcement Section is primarily responsible for determining and implementing the appropriate enforcement action for any non-compliance events. The Mobile Sources Section is primarily responsible for determining compliance with Maine’s laws and regulations relative to mobile sources, including the motor vehicle inspection and maintenance program,

the sale of motor vehicles that meet California emission standards, and the heavy duty diesel truck emission standards. A significant task of 2016 is to fully evaluate functions and duties in relation to resources.

III. Division of Resource Administration

The Division of Resource Administration facilitates improved financial and technical support to the DEP in a consistent and efficient manner. The division is comprised of four sections (Environmental Information Management Section, Collections, Claims & Recovery Section, the Fiscal Operations section & the Administrative Support Section), and all four sections work very closely together to accomplish common Department goals. These “sections” overlap in many areas, and they are dependent upon each other for information and support. Data systems are an important component of all program areas, all billing and collection functions, as well as financial management tools. Business need is the cornerstone for improved processes, and the division strives to work across bureaus to improve these systems and processes. The division mission is to create efficiencies and cost savings by looking at Department-wide similarities, technology solutions, and cross training of essential general operations.

Bureau of Land Resources

The Bureau of Land Resources (BLR) is comprised of two divisions, the Land Division and the Sustainability Division. The primary charges of BLR are to regulate certain land use activities, and to administer cross-media Department programs for a comprehensive approach to environmental stewardship and resource management.

In July 2015, the Department’s Bureau of Land and Water Quality was divided into the Bureau of Water Quality, and the Bureau of Land Resources. In September 2015, the Sustainability Division was moved from the Bureau of Remediation and Waste Management to the Bureau of Land Resources.

I. Land Division

The Land Division is responsible for licensing, compliance, enforcement and oversight of various land development activities pursuant to several laws it administers: Natural Resources Protection Act (NRPA); Stormwater Management Law; Site Location of Development Act (Site Law); Performance Standards for Excavations and Quarries; Maine Waterway Conservation and Development Act; Mandatory Shoreland Zoning; and Erosion and Sedimentation Control Law. The Land Division administers the Maine Healthy Beaches program, a partnership between the Department, the University of Maine, and local municipalities to help ensure Maine’s salt-water beaches remain clean. The type of permit approvals issued each year range from small stream crossings, to stormwater pond construction, to residential and commercial development, to expanded hydropower production and water quality certifications, up to grid-scale wind energy developments. Land Division staff provides field determinations to assist the regulated community in determining the presence of natural resources and permitting needs and takes part in various education and training opportunities. The Land Division provides ‘on-call’ services every

day, responding to complaints or questions from citizens either by phone or by walk-in meetings. The Land Division also establishes sound environmental standards that will prevent the degradation of and encourage the enhancement of Maine's natural resources.

II. Sustainability Division

The Sustainability Division is comprised of four major program areas, with the first two strongly inter-linked and therefore combined in this work plan: 1) Materials Management – municipal solid waste management technical assistance programs to municipalities, individuals, institutions and businesses in the areas of waste reduction, reuse, recycling, composting and disposal; 2) Product Stewardship Program - Maine has enacted product-specific laws which require producers to establish programs to recover their products from Maine's waste stream and ensure proper handling and recycling, recovery, or disposal of these products. These products include: dry mercuric oxide and rechargeable batteries; mercury auto switches; electronic waste; mercury thermostats; mercury lamps; and architectural paint. Maine also has a product stewardship program for cellular telephones. As a result of 2015 legislation, the Department became responsible for administration of Maine's Beverage Container Redemption Program, aka, 'the bottle bill'; 3) Organics Recovery and Reuse – providing assistance and guidance to generators of organics and potential utilization opportunities, including composting and anaerobic digestion; and 4) Climate Change/Adaptation - works on cross-media issues to address climate change, which poses significant and widespread environmental and economic challenges and opportunities across many sectors.

Bureau of Remediation and Waste Management

The Bureau of Remediation and Waste Management (BRWM) remediates contaminated sites, responds to spills and hazardous material incidents, and administers Maine's petroleum, hazardous material and solid waste management programs in a manner that protects water and air quality, natural resources, and public health and safety. The BRWM consists of five divisions:

I. Division of Materials Management

The Division of Materials Management consists of three units responsible for regulatory oversight, assistance, and outreach concerning materials management and solid and hazardous waste facilities and activities. The State of Maine supports an integrated approach to waste management which includes programs to reduce the amount and toxicity of waste generated, promote reuse and recycling of waste, encourage the beneficial use of solid wastes, and process wastes to create safe and useful products. The division coordinates with the U.S. Environmental Protection Agency (U.S. EPA) on Resource Conservation and Recovery Act (RCRA) program authorization, licensing, and enforcement matters. The division, through administration of its programs, seeks to support and encourage the handling of waste and materials in ways that are consistent with Maine's solid waste management hierarchy, and ensures that solid and hazardous waste facilities and activities are conducted in such a manner that protects water and air quality, natural resources, and public health and safety.

II. Division of Petroleum Management

The Division of Petroleum Management is responsible for regulatory oversight, assistance, and outreach for petroleum facilities, such as oil terminals and aboveground storage tank and underground storage tank facilities. The division is responsible for investigating and mitigating risks posed by the release of petroleum. The division processes applications from owners and operators of underground oil storage facilities to the Maine Ground and Surface Waters Clean-up and Response Fund.

III. Division of Remediation

The Division of Remediation is responsible for investigating and mitigating risks posed by the release of hazardous substances, monitoring and mitigating risks posed by closed landfills, administering the lead and asbestos abatement programs, coordinating with the U.S. Environmental Protection Agency (U.S. EPA) and the Department of Defense (DOD) on hazardous waste and federal Superfund and DOD remediation sites, and encouraging redevelopment of contaminated properties under the Maine Voluntary Response Action Program and the federal Brownfields program.

IV. Division of Response Services

The Division of Response Services consists of 23 staff who are certified HazMat Technician-level Responders, that provide 24/7 response capabilities throughout the State. The division is the lead entity for response to oil spills in Maine, and is the co-lead, along with the appropriate public safety agency, for the assessment and remediation of hazardous materials releases in Maine. This division responds to reports of spills and threatened releases of petroleum products and hazardous materials, responds to reports of incidents involving weapons of mass destruction and clandestine drug labs, coordinates emergency clean up, and provides training to local fire departments and to the state's hazardous materials teams.

V. Division of Technical Services

The Division of Technical Services consists of four units providing technical support to the BRWM's other divisions and programs in the areas of engineering, geology and chemistry. The division is also responsible for licensing and compliance of solid waste landfills. The division plans and implements the cleanup of long term petroleum remediation sites, provides technical assistance to all BRWM programs (RCRA, uncontrolled sites, VRAP, Brownfields, solid waste, and petroleum), and provides technical assistance to the business community and the general public. The division is also responsible for inspecting underground piping at facilities that have an aboveground storage tank, and administering a program to replace home heating oil tanks that are at high risk of leaking. The division provides staff support to the Cleanup and Response Fund Review Board and the Board of Underground Storage Tank Installers.

The BRWM manages and oversees the budgets for the Maine Ground and Surface Waters Clean-Up and Response Fund, the Hazardous Waste Fund, the Uncontrolled Sites Fund, and

the Solid Waste Management Fund, as well as bond accounts for uncontrolled sites and landfill closure. The BRWM also provides staff support to the Clean-up and Response Fund Review Board, the Oil Spill Advisory Committee, and the Board of Underground Storage Tank Installers.

Bureau of Water Quality

The Bureau of Water Quality (BWQ) is comprised of two divisions, the Division of Environmental Assessment and the Division of Water Quality Management. The primary charge of BWQ is to protect and improve the State's water quality.

I. Division of Environmental Assessment

The Division of Environmental Assessment (DEA) is responsible for monitoring and assessing the health of Maine's waters. DEA also develops recommendations for water quality standards pursuant to the Federal Clean Water Act (33 U.S.C §§ 1251 et seq) and State of Maine Article 4-A, Maine's Water Classification Program (38 M.R.S. §§ 464 et seq); oversees the Invasive Aquatic Species Program (38 M.R.S. §§ 1871,1872) and administers the Watershed Management Program, which protects and restores the quality of threatened and impaired surface waters using grant funds available through Section 319 of the Clean Water Act.

II. Division of Water Quality Management

The Division of Water Quality Management is responsible for all regulatory programs for point source wastewater dischargers and point source stormwater dischargers including: licensing, compliance, technical assistance, wastewater operator certification, enforcement, pretreatment, combined sewer overflows (CSOs), Clean Water State Revolving Loan Fund (CWSRF) and Grants, overboard discharge (OBD) regulation and removal, and Small Community Grants for the replacement of septic systems. In addition, the Division administers the boat pump out, No Discharge Area, sand & salt pile, and underground injection control programs.

Office of the Commissioner

The Office of the Commissioner provides coordination of management and planning efforts across the Department, develops and staffs intra-agency initiatives and provides overall strategic direction for the Department. The Office of the Commissioner consists of the Commissioner, Deputy Commissioner, Office of Innovation and Assistance, Office of Education and Outreach, the Office of Policy Development and Implementation, and Regional Directors in the northern, eastern, and southern regions of the State.

I. Office of Innovation and Assistance

The Office of Innovation and Assistance was established to review Departmental initiatives and make recommendations to the Commissioner on how to integrate pollution prevention and technical assistance into programs. The Office of Innovation and Assistance administers the Toxic Use Reduction (TUR) Law, the Small Business Technical Assistance Program, and the Non-Point Source Training and Resource Center.

II. The Office of Education and Outreach

The Office of Education and Outreach develops and coordinates departmental communications. Staff engages with the media, state and federal agencies, the Legislature and the general public through a team approach that includes designated staff liaisons with the programs in the bureaus. The Office is responsible for the Department's media relations and for delivery of proactive, integrated and professional quality educational initiatives.

III. Office of Policy Development and Implementation

The Office of Policy Development and Implementation develops departmental policies and procedures in the areas of rule-making, licensing and enforcement and coordinates strategic planning and the development of the Performance Partnership Agreement that funds various departmental programs through the US Environmental Protection Agency (USEPA). The Office is also the Department's liaison with the Attorney General's office. The Policy Unit staff is responsible for overall development and assurance of proper implementation and enforcement of the laws, rules, guidelines, policies, and procedures of the Department, and also administers the Safer Chemicals in Children's Products program.

IV. Regional Directors

The three regional directors serve as the Commissioner's representatives in the three regions not directly served by the Department's Augusta headquarters. The regional directors keep abreast of local issues, provide input to the Office of the Commissioner, and are active in instances where issues relating to more than one program area are involved.