

15 DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT

214 MAINE EMERGENCY MANAGEMENT AGENCY

Chapter 2: RULES FOR ESTABLISHING FEES FOR REPORTING UNDER THE  
*SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986* AND  
TITLE 37-B Sec. 801, M.R.S.A., CHAPTER 13.

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**Summary:** This chapter establishes the amounts to be paid by facility owners and operators for registration, inventories and releases of hazardous materials in the State of Maine as reported to the State Emergency Response Commission pursuant to the *Superfund Amendments and Reauthorization Act of 1986* and Title 37-B Sec. 801 , M.R.S.A., Chapter 13.

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### Section 1: Fees for Reporting Hazardous Materials

#### A. Definitions

1. **Extremely hazardous substance:** "Extremely hazardous substance" shall have the meaning set forth in the *Superfund Amendments and Reauthorization Act of 1986*, Public Law 99-499, Title III, Section 302, and listed in *40 Code of Federal Regulations*, Part 355.
2. **Hazardous chemical:** "Hazardous chemical" shall mean all chemicals defined as such under, *40 Code of Federal Regulations*, Part 355.20.
3. **Hazardous material:** "Hazardous material" shall mean all chemicals and chemical categories defined as extremely hazardous substances and hazardous chemicals in *40 Code of Federal Regulations* Part 355.20 and toxic chemicals in *40 Code of Federal Regulations*, Part 372.3.
4. **MEMA:** Maine Emergency Management Agency.
5. **SARA:** *Superfund Amendments and Reauthorization Act of 1986*, Public Law 99-499, Title III, known as the *Emergency Planning and Community Right-to-Know Act*.
6. **SERC:** State Emergency Response Commission.
7. **Threshold planning quantity:** "Threshold planning quantity" shall have the meanings set forth in the *Superfund Amendments and Reauthorization Act of 1986*, Public Law 94-499, Title III, Sections 302 and 313, and listed in *40 Code of Federal Regulations*, Parts 355, 370, and 372.
8. **Title 37-B:** Title 37-B, M.R.S.A., Chapter 13, Public Law 464.

9. **Toxic chemical:** "Toxic chemical" shall have the meaning set forth in the *Superfund Amendments and Reauthorization Act of 1986*, Public Law 94-499, Title III, Section 313, and listed in *40 Code of Federal Regulations*, Part 372.

**B. Reporting Fee Rules**

The Director of MEMA establishes by rule the following reporting fee guidelines for hazardous materials reported to the SERC under SARA and Title 37-B.

1. **Reporting Fees:** The reporting fee shall consist of the following, sections:

a. **Registration Fee**

All facility owners and operators who must comply with Sections 311, 312, and/or 313 of SARA, and Section 796, 797, and/or 799 of Title 37-B shall annually, on or before March 1, pay a registration fee of ~~\$50~~ \$100, for the previous calendar year.

b. **Section 312/Section 797 Extremely Hazardous Substance Fees**

All facility owners and operators who maintain inventories of extremely hazardous substances and must report those inventories pursuant to SARA §312 and Title 37-B, §797 shall pay a fee for each extremely hazardous substance based upon the weight of the total average daily amounts present at their facility during the previous calendar year. The following scale shall be used for assessing those fees:

< 99 lbs.	\$30
100-999 lbs.	\$75
1,000-9,999 lbs.	\$100
10,000-99,999 lbs.	\$150
100,000-999,999 lbs.	\$225
> 1,000,000 lbs.	\$300

Fees will be paid at the time of reporting, on or before March 1 annually, for the previous calendar year.

c. **Section 312/Section 797 Hazardous Chemical Fees**

All facility owners and operators who maintain inventories of hazardous chemicals and must report those inventories pursuant to SARA §312 and Title 37-B, §797 shall pay a fee for each hazardous chemical based upon the weight of the total average daily amounts present at their facility during the previous calendar year. The following scale shall be used for assessing those fees:

0-9,999 lbs.	\$0
10,000-99,999 lbs.	\$75
100,000-999,999 lbs.	\$100
> 1,000,000 lbs.	\$200

Fees will be paid at the time of reporting, on or before March 1 annually, for the previous calendar year.

Retail marketers of petroleum products reporting inventories of petroleum products shall enjoy a fee exemption for all products with average daily amounts which total 75,000 pounds or less present at their facility during the previous calendar year. For retail petroleum marketers, the following scale shall be used for assessing hazardous-chemical fees:

0-75,000 lbs.	\$0
75,001-99,999 lbs.	\$75
100,000-999,999 lbs.	\$100
> 1,000,000 lbs.	\$200

Fees will be paid at the time of reporting, on or before March 1 annually, for the previous calendar year.

For the purposes of this rule, "retail marketer of petroleum products" shall mean facility owner and operators who sell petroleum products at retail for consumer use.

d. **Section 313/Section 799 Toxic Release Fees**

All facility owners and operators who manufacture, process, or otherwise use toxic chemicals above established threshold planning quantities and must annually report their routine and accidental releases and amount transferred off-site on the Toxic Release Inventory Reporting Form R shall pay a fee for each toxic chemical based upon total amount released to the environment, released to the publicly-owned treatment works, and transferred off-site as a waste during the previous calendar year. The following scale shall be used for assessing those fees:

0 lbs.	\$0
1-499 lbs.	\$30
500-999 lbs.	\$75
1,000-9,999 lbs.	\$100
10,000-99,999 lbs.	\$150
100,000-999,999 lbs.	\$225
> 1,000,000 lbs.	\$300

Fees will be paid at the time of reporting, on or before July 1 annually, for the previous calendar year.

2. **Fee Cap:** Facility owners and operators shall be subject to maximum fees of \$5,000 per facility for reporting inventories and releases of hazardous materials under sections (B)(1) (a-d) of this rule for the previous calendar year.
3. **Exemptions:** Owners and operators of commercial agricultural operations shall be exempt from the fee requirements of this rule for registering agricultural facilities and for

inventories and releases of hazardous materials used in the commercial production of farm products as defined in Title 17, M.R.S.A. Section 2805, Subsection 1, Paragraph C.

**Farm product processing facilities are not exempt from the fee requirements.** For the purposes of this rule, "processing" shall not include the packaging of raw commodities or farm products for resale.

4. **Emergency Response Commission Fund:** All fees collected under this rule shall be paid to the Emergency Response Commission Fund. Checks are to be made payable in U.S. Funds and made out to "Treasurer - State of Maine". Checks are to be mailed separately from reporting forms to Maine Emergency Management Agency, Attn: SERC, State House Station 72, Augusta, Maine 04333.

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**STATUTORY AUTHORITY:**

37-B M.R.S. §801

**HISTORY:**

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**AMENDED:**

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**AMENDED:**

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