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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

2014 - 2015 Regulatory Agenda

August 11, 2014

*(as amended September 17, 2015)*

**LIAISON FOR AGENCY RULE-MAKING: Michael Karagiannes**, Office of the Commissioner, 17 State House Station, Augusta, ME 04333-0017. Telephone: (207) 287.7024. E-mail: Mike.Karagiannes@Maine.gov .

**CONTACT PERSON FOR FOLLOWING CHAPTERS**: Marc Cone, Bureau of Air Quality, 17 State House Station, Augusta, ME 04333-0017. Tel: 207.287.1932

**CHAPTER 100:** Definitions Regulation

STATUTORY BASIS: 38 M.R.S. §585-A

PURPOSE: This existing rule will be amended to incorporate additional federal greenhouse gas (Tailoring Rule) requirements and federal new source review (NSR) requirements for particulate matter.

ANTICIPATED SCHEDULE: 2014.

AFFECTED PARTIES: These administrative changes will not have a direct impact on the regulated community or the environment.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 113:** Growth Offset Regulation

STATUTORY BASIS: 38 M.R.S. §585-A.

PURPOSE: The existing rule will be amended to further clarify the process for offset generation when a facility closes, or shuts down. The proposed amendments will also simplify the offset substitution process.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: General public and regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 115:** Major and Minor Source Air Emission License Regulations

STATUTORY BASIS: 38 M.R.S. §§ 585, 585-A, 590.

PURPOSE: This existing rule will be amended to incorporate new federal new source review (NSR) requirements for PM2.5.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Owners and operators of licensed facilities

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 119:** Motor Vehicle Fuel Volatility Limit

STATUTORY BASIS: 38 M.R.S. §§ 585, 585-A and 585-C

PURPOSE: This rule is being amended to require the use of federal reformulated gasoline in Maine’s seven southern counties. It was provisionally adopted by the Board of Environmental Protection June 5, 2014.

ANTICIPATED SCHEDULE: 2015

AFFECTED PARTIES: General public and regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 127:** New Vehicle Emission Standards

STATUTORY BASIS: 38 M.R.S. §§ 585, 585-A and 585-D

PURPOSE: The Chapter 127 New Motor Vehicle Standards rule is periodically updated to incorporate changes to the Low Emission Vehicle (LEV) program.

AFFECTED PARTIES: General public and regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 129:** Surface Coating Regulations

STATUTORY BASIS: 38 M.R.S. §§ 583-B, 585-A

PURPOSE: The existing rule will be amended to incorporate federal control technique guidelines (CTG) requirements for metal furniture, miscellaneous metal and plastic parts, and flatwood paneling coatings.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: General public and regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 130:** Solvent Cleaners

STATUTORY BASIS: 38 M.R.S. §§ 583-B, 585-A

PURPOSE: The Department is updating Chapter 130 to incorporate federal Control Technique Guidelines (CTG) requirements for industrial cleaning solvents.

ANTICIPATED SCHEDULE: 2015

AFFECTED PARTIES: General public and regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 134:** Reasonably Available Control Technology for Facilities that Emit Volatile Organic Compounds

STATUTORY BASIS: 38 M.R.S. §§ 585-A

PURPOSE: May need to be amended to reflect Maine’s partial Opt-out of OTC requirements

ANTICIPATED SCHEDULE: 2015

AFFECTED PARTIES: Major sources of Volatile Organic Compounds

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 137:** Emission Standards

STATUTORY BASIS: 38 M.R.S. §§ 585-A, 585-C and 575

PURPOSE: The rule will be updated to incorporate changes in federal law and international standard.

ANTICIPATED SCHEDULE: 2015

AFFECTED PARTIES: General public and regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 140:** Part 70 Air Emission License Regulations

STATUTORY BASIS: 38 M.R.S. §§ 585, 585-A, 590.

PURPOSE: This existing rule will be amended to incorporate new federal new source review (NSR) requirements for PM2.5.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Owners and operators of licensed facilities

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 143:** New Source Performance Standards

STATUTORY BASIS: 38 M.R.S. §§ 590, 585-A and 585-C

PURPOSE: Regularly updated to reflect changes in federal regulations

ANTICIPATED SCHEDULE: 2015

AFFECTED PARTIES: General public and regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 144:** National Emission Standards for Hazardous Air Pollutants

STATUTORY BASIS: 38 M.R.S. §§ 590, 585-A and 585-C

PURPOSE: Regularly updated to reflect changes in federal regulations

ANTICIPATED SCHEDULE: 2015

AFFECTED PARTIES: General public and regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CONTACT PERSON FOR FOLLOWING CHAPTERS:** Michael Kuhns, Bureau of Land and Water Quality, 17 State House Station, Augusta, ME 04333-0017. Tel: 207.287.2827.

**CHAPTER 305:** Permit By Rule Standards

STATUTORY BASIS: 38 M.R.S §341-D

PURPOSE: This existing rule will be amended to address any updates as needed.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 355:** Coastal Sand Dune Rules

STATUTORY BASIS: 38 MRSA §§ 341-D (1-B) and 480-A-480-Z

PURPOSE: This existing rule will be amended to address any updates as needed.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 371:** Definitions of Terms Used in Site Location of Development Law and Regulations

STATUTORY BASIS: 38 MRS §482, (2-C) and §343

PURPOSE: This existing rule will be amended to address any updates as needed.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 382**: Review of Wind Power Projects under the *Wind Energy Act*

STATUTORY BASIS: 38 MRSA §§ 341-D and 481 *et seq*. and 35-A MRSA §34

PURPOSE: A new rule may be proposed to address issues unique to wind power projects which are not addressed in existing Department rules.

ANTICIPATED SCHEDULE: 2015

AFFECTED PARTIES: Regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable

*Amendment received September 17, 2015:*

**CONTACT PERSON FOR THE FOLLOWING CHAPTERS:** Mark Margerum, Office of the Commissioner, 17 State House Station, Augusta, ME 04333-0017. Telephone: (207) 287-7842.

**CHAPTER 373:** Financial Capacity Standard of Site Location Law

STATUTORY BASIS: 38 M.R.S. §343

PURPOSE: This existing rule will be amended to reflect changes in nomenclature and Department practice, and provide greater clarity for the applicant.

ANTICIPATED SCHEDULE: Fall 2015

AFFECTED PARTIES: Regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 375:** No Adverse Environmental Effect Standard of the Site Location Law

STATUTORY BASIS: 38 M.R.S. §343

PURPOSE: This existing rule will be amended to incorporate and update solid waste, odor control and water supply standards that are currently contained in Chapter 373 of the Department’s rules.

ANTICIPATED SCHEDULE: Fall 2015

AFFECTED PARTIES: Regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 380:** Long-Term Construction Projects (Site Law)

STATUTORY BASIS: 38 M.R.S. §§ 343 and 341-D(1)

PURPOSE: This existing rule will be repealed and replaced with a new rule describing requirements associated with long-term construction projects permitted under the Site Location of Development Law.

ANTICIPATED SCHEDULE: FALL 2015

AFFECTED PARTIES: Regulated community

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CONTACT PERSON FOR THE FOLLOWING CHAPTERS:** **Melanie Loyzim**, Bureau of Remediation and Waste Management, 17 State House Station, Augusta, ME 04333-0017. Tel: 207.287.7890.

**CHAPTER 400:** General Provisions

STATUTORY BASIS: 38 M.R.S. §1304(1)

PURPOSE: The existing rule will be amended to revise the schedule for submission of solid waste facility annual reports.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Solid waste facility operators

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 401:** Solid Waste Management Rules: Landfill Siting, Design and Operation

STATUTORY BASIS: 38 M.R.S. §1304(1)

PURPOSE: The existing rule will be amended to revise the schedule for submission of solid waste facility annual reports.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Solid waste facility operators

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 402:** Solid Waste Management Rules: Transfer Stations and Storage Sites for Solid Waste

STATUTORY BASIS: 38 M.R.S. §1304(1)

PURPOSE: The existing rule will be amended to revise the schedule for submission of solid waste facility annual reports.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Solid waste facility operators

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 403:** Solid Waste Management Rules: Incineration Facilities

STATUTORY BASIS: 38 M.R.S. §1304(1)

PURPOSE: The existing rule will be amended to revise the schedule for submission of solid waste facility annual reports.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Solid waste facility operators

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 405:** Solid Waste Management Rules: Water Quality Monitoring, Leachate Monitoring and Waste Characterization

STATUTORY BASIS: 38 M.R.S. §1304(1)

PURPOSE: The existing rule will be amended to revise the schedule for submission of solid waste facility annual reports.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Solid waste facility operators

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 409:** Solid Waste Management Rules: Processing Facilities

STATUTORY BASIS: 38 M.R.S. §1304(1)

PURPOSE: The existing rule will be amended to revise the schedule for submission of solid waste facility annual reports.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Solid waste facility operators

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 410:** Solid Waste Management Rules: Composting Facilities

STATUTORY BASIS: 38 M.R.S. §1304(1)

PURPOSE: The existing rule will be amended to revise the schedule for submission of solid waste facility annual reports.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Solid waste facility operators

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 411:** Solid Waste Management Rules: Non-Hazardous Waste Transporter Licenses

STATUTORY BASIS: 38 M.R.S. §1304(1-A) and (1-B)

PURPOSE: The chapter will be revised to update and clarify the rules related to the transportation of non-hazardous waste.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Businesses and individuals who transport solid waste

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 415:** Solid Waste Management Rules: Reasonable Costs for Handling and Recycling of Electronic Waste

STATUTORY BASIS: 38 M.R.S.A. §1610(5) (D) (1)

PURPOSE: The existing rule will be amended to incorporate statutory changes enacted under PL 2011, c. 250.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Manufacturers of consumer electronics covered by the rule (e.g. TVs and computer monitors) and persons in the business of collecting, consolidating and transporting those electronics for recycling

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 418:** Solid Waste Management Rules: Beneficial Use of Solid Wastes

STATUTORY BASIS: 38 M.R.S. §1304(1) and (13)

PURPOSE: The existing rule will be amended for clarity, consistency and any other changes determined necessary and appropriate in response to the directive of PL 2011, c. 304, sec. F-2.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Persons who process solid waste for use as fuel and persons who use fuel made from solid waste.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 419:** Solid Waste Management Rules: Agronomic Utilization of Residuals.

STATUTORY BASIS: 38 M.R.S.A. §1304(1)

PURPOSE: The existing rule will be amended to add a permit-by-rule process for land application of certain residuals, e.g., leaf and yard waste, wood chips, manure, vegetable waste and fish waste.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Generators and handlers of the targeted residuals, owners of landspreading sites and neighbors of those sites

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 420:** Solid Waste Management Rules: Septage Management Rules

STATUTORY BASIS: 38 MRS §1304(1)

PURPOSE: The chapter will be updated generally.

ANTICIPATED SCHEDULE: 2014

Affected Parties: Septage handlers; owners and neighbors of septage disposal sites

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 424:** Lead Management Regulations

STATUTORY BASIS: 38 MRS §1295

PURPOSE: The existing rule will be amended to update certain work practice standards to current standards of professional practice.

ANTICIPATED SCHEDULE: 2015

AFFECTED PARTIES: Lead abatement professionals.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 450:** Administrative Regulations for Hydropower Projects

STATUTORY BASIS: 5 MRS §§ 8001-11008; 12 MRS §§ 401-409; 38 MRS §§ 630-637; and 38 MRS. §341-H.

PURPOSE: Revisions to bring rule current with statute and Department administrative rules.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Owners and operators of hydropower projects, including wave and tidal energy projects.

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CONTACT PERSON FOR FOLLOWING CHAPTER:** Michael Kuhns, Bureau of Land and Water Quality, 17 State House Station, Augusta, ME 04333-0017. Tel: 207.287.2827.

**CHAPTER 500:** Stormwater Management

**CHAPTER 502:** Direct Watersheds of Water bodies Most at Risk from New Development

STATUTORY BASIS: 38 MRS §§ 341-D, 420-D

The existing rules will be amended to address issues relating to standards for redevelopment and best management practices, and update the lists of most impaired lakes and urban impaired streams based on the most current data.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Land developers and businesses

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CHAPTER 520 -529:** Waste Discharge Permitting Programs Rules

STATUTORY BASIS: 38 MRS §413 (1)

The existing rules will be amended to incorporate changes in federal law.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Licensed Waste Discharger

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

**CONTACT PERSON FOR THE FOLLOWING CHAPTERS:** **Melanie Loyzim**, Bureau of Remediation and Waste Management, 17 State House Station, Augusta, ME 04333-0017. Tel: 207.287.7890.

**CHAPTERS 850-857:** Hazardous Waste Management Rules

STATUTORY BASIS: 38 MRSA §1319-O (1)

PURPOSE: These existing chapters will be amended to incorporate changes in corresponding state and federal requirements, such as creating a new product stewardship program for paint.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Hazardous waste generators

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 881:** Fees: Chemical Use in Children’s Products

STATUTORY BASIS: 5 MRS §8055; 38 MRS §§ 1691 through 1699(B)

PURPOSE: To clarify how reporting fees are determined.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Manufacturers of children’s products that have reported the use of a priority chemical to the Department.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CHAPTER 888:** Designation of Phthalates as a Priority Chemical and Regulation of Phthalates in Children’s Products

STATUTORY BASIS: 5 MRS §8055; 38 MRS §§ 1691 through 1699(B)

PURPOSE: The proposed rule, put forward by citizen petition, would designated four members of the chemical class phthalates as priority chemicals (di(2-ethylhexyl) phthalate (DEHP); dibutyl phthalate (DBP); benzyl butyl phthalate (BBP); and diethyl phthalate (DEP)). The proposed rule would require manufacturers using intentionally added amounts of these chemicals in children’s products, which are sold in Maine, to report certain product categories to the Department.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Manufacturers intentionally adding any of the four proposed chemicals to certain categories of children’s products which are sold in the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

**CONTACT PERSON FOR FOLLOWING CHAPTER:** Michael Kuhns, Bureau of Land and Water Quality, 17 State House Station, Augusta, ME 04333-0017. Tel: 207.287.2827.

**CHAPTER 1000:** Guidelines for Municipal Shoreland Zoning Ordinances

STATUTORY BASIS: 38 MRS §438-A

PURPOSE: The existing rule will be amended to update the rule in accordance with the results of the stakeholder process undertaken in accordance with the direction of the May 31, 2011 letter from the Joint Standing Committee on Environment and Natural Resources.

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Shoreland property owners and municipal officials

CONSENSUS-BASED RULE DEVELOPMENT: Not applicable.

AGENCY UMBRELLA-UNIT NUMBER: **06-481**

AGENCY NAME: **Board of Underground Storage Tank Installers**

**CONTACT PERSON:** Theresa Scott, Staff to the Board of Underground Storage Tank Installers, c/o DEP-BRWM, 17 State House Station, Augusta ME 04333-0017. Telephone: (207) 287-7889.

**CHAPTER 3**: Certification of Underground Oil Tank Installers*(Amendments)*

STATUTORY BASIS: 32 M.R.S.A. §10010.3-A.B

PURPOSE:

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Applicants for certification as underground storage tank installers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 6**: Certification of Underground Oil Tank Inspectors

STATUTORY BASIS: 32 M.R.S.A. §10010.2

PURPOSE:

ANTICIPATED SCHEDULE: 2014

AFFECTED PARTIES: Applicants for certification as underground storage tank inspectors.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.