**06-096**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

*(including* **90-564, Clean-Up and Response Fund Insurance Review Board***)*

2020 – 2021 Regulatory Agenda

June 25, 2020

*(Chapter 100 added October 20, 2020.)*

*(Chapter 167 renumbered as Chapter 155; new Chapter 167 inserted May 6, 2021.)*

*(Chapters 4 and 853 added May 26, 2021.)*

*(Chapter 168 added August 10, 2021.)*

*(Chapter 169 added August 20, 2021.)*

**RULEMAKING LIAISON: Mark Margerum,** Office of the Commissioner, Maine DEP, 17 State House Station, Augusta, ME 04333-0017. Telephone: (207) 287-7842. Email: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

*Chapter 4 added May 25, 2021.*

**CHAPTER** **4**: Rule Governing Hearings on Appeals of Certain Emergency or Administrative Commissioner Orders

STATUTORY AUTHORITY: 5 MRS §8051; 38 MRS §§ 341-D and 341-H

PURPOSE: The Department is proposing a new rule, Chapter 4, *Rule Governing Hearings on Appeals of Certain Emergency or Administrative Commissioner Orders*, to govern proceedings in which hearings are held by the Board of Environmental Protection on appeals of certain emergency or unilateral administrative orders issued by the Commissioner. Currently, the Department does not have in place procedural rules governing the conduct of such Board hearings. The proposed Chapter 4 rule would establish procedures similar in nature to those set forth in the existing Department rule Chapter 3, Rules Governing the Conduct of Licensing Hearings. Chapter 3 does not apply to emergency or unilateral administrative orders issued by the Commissioner.

SCHEDULE: Post for comment: 5/20/2021; comment deadline: 7/6/2021; anticipated date of adoption: 8/19/2021

AFFECTED PARTIES: This is a proposed procedural rule affecting the conduct of hearings by the Board of Environmental Protection, appellants, and appellees of certain emergency or unilateral administrative orders issued by the Commissioner.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

CONTACT PERSON FOR CHAPTER 4: William F. Hinkel, Board of Environmental Protection - Executive Analyst, Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017. Telephone: (207) 314-1458. Email: [Bill.Hinkel@Maine.gov](mailto:Bill.Hinkel@Maine.gov) .

**CHAPTER 100: Definitions Regulation**

STATUTORY BASIS: 38 MRS §585-A

PURPOSE: The amendments will clarify the geographic extent of the Ozone Transport Region within the State of Maine.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and Operators of licensed facilities.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

**CHAPTER 102: Open Burning**

STATUTORY BASIS: 38 MRS §585-A

PURPOSE: The existing rule regarding open burning will be updated to clarify permissible open burning activities including fire safety training exercises.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Parties who engage in open burning activities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 104: Incinerator Particulate Emission Standard**

STATUTORY BASIS: 38 MRS §§ 585 and 585-A

PURPOSE: The existing rule regarding particulate emissions from incinerators will be updated to establish prohibitions on certain homemade incinerators and better address small and medium sized incinerators.

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: Operators of incinerators.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 106: Low Sulfur Fuel**

STATUTORY BASIS: 38 MRS §§ 585 and 585-A

PURPOSE: The existing rule regarding the sulfur content of fossil fuels will be amended to eliminate obsolete regulatory requirements.

ANTICIPATED SCHEDULE: Summer 2020

AFFECTED PARTIES: Parties who distribute, import, offer for sale, or blend fossil fuels in Maine and certain fuel burning sources.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 115: Major and Minor source Air emission License Regulation**

STATUTORY BASIS: 38 MRS §§ 590 and 585-A

PURPOSE: The existing rule will be amended to incorporate financial and technical capacity requirements along with stack testing protocol submission requirements.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Applicants, owners and operators of new and amended air emission licenses.

ONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 118: Gasoline Dispensing Facilities Vapor Control**

STATUTORY BASIS: 38 MRS §§ 585 and 585-A

PURPOSE: The existing rule will be amended to update and clarify compliance requirements and eliminate Stage II vapor control requirements repealed by statute.

ANTICIPATED SCHEDULE: Summer 2020

AFFECTED PARTIES: Applicants for new and amended air emission licenses.

ONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 143: New Source Performance Standards**

STATUTORY BASIS: 38 MRS §§ 590, 585-A, and 585-B

PURPOSE: The existing rule regarding the New Source Performance Standards for air emissions will be amended as necessary to incorporate recent updates to federal new source performance standards for which Maine has already accepted delegation.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Applicants for air emissions permits.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY BASIS: 38 MRS §§ 590, 585-A, and 585-B

PURPOSE: The existing rule regarding emissions standards for hazardous air pollutants will be amended as necessary to incorporate recent updates to National Emission Standards for Hazardous Air Pollutants regulations for which Maine has previously accepted delegation.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Applicants for air emissions permits.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 149: General Permit for Nonmetallic Mineral Processing Plants**

STATUTORY BASIS: 38 MRS §§ 585 and 585-A

PURPOSE: The existing rule regarding portable nonmetallic mineral processing plants will be amended to clarify regulatory requirements, better address particulate emissions, and provide greater consistency between Chapter 115 air emission licenses and Chapter 149 general permits for these sources.

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 155** *(renumbered May 6, 2021)***: Control of Emissions from Fumigation Operations**

STATUTORY BASIS: 38 MRS §585-B

PURPOSE: This new rule will establish emission control requirements for hazardous air pollutant and toxic air pollutant emissions from bulk, chamber, and container fumigation operations.

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: Owners and operators of agricultural and forestry products fumigation operations.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 159: Control of Volatile Organic Compounds from Adhesives and Sealants**

STATUTORY BASIS: 38 MRS §585-B

PURPOSE: The existing rule will be amended to address volatile organic compound concentrations of adhesives used in fiberglass boat building operations.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Fiberglass boat manufacturers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 162: Control for Fiberglass Boat Manufacturing Materials**

STATUTORY BASIS: 38 MRS §585-A

PURPOSE: The existing rule will be amended to correct and clarify compliance requirements.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Fiberglass boat manufacturers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 164: General Permit for Concrete Batch Plants**

STATUTORY BASIS: 38 MRS §585-A

PURPOSE: The existing rule will be amended to provide greater consistency between Chapter 115 air emission licenses and Chapter 164 general permits for these sources.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of concrete batch plants.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*Chapter 167 inserted May 6, 2021.)*

**CHAPTER 167: Tracking and Reporting Gross and Net Annual Greenhouse Gas Emissions**

STATUTORY AUTHORITY: 38 MRS §576-A(4)

PURPOSE: 38 MRS §576-A(4) requires the Department to adopt rules by July 1, 2021, to track and report to the Legislature gross and net annual greenhouse gas emissions in the State. This rule establishes methods for measuring and estimating greenhouse gas emissions from various source categories, and for calculating gross and net annual greenhouse gas emissions for the State as a whole.

SCHEDULE: The Department plans to post the proposed rule to public comment in April, to hold a public hearing in May, and adopt the final rule in late June, 2021.

AFFECTED PARTIES: The proposed rule will define how the Department will collect and aggregate GHG emissions data from all sources in the State. The data will be compiled and incorporated into the biennial report to the Legislature on the State GHG inventory.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

CONTACT PERSON FOR THIS CHAPTER: Stacy Knapp, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-2235. Email: [Stacy.R.Knapp@Maine.gov](mailto:Stacy.R.Knapp@Maine.gov) .

***Chapter 168 added August 10, 2021.***

CHAPTER: **Chapter 168, Statewide Greenhouse Gas Emissions Regulation**

STATUTORY AUTHORITY: 38 MRS §576-A

PURPOSE: 38 MRS §576-A(4) requires the Department to adopt rules to ensure compliance with the levels established by subsections 1 to 3 of §576-A. This rule establishes the amount by which statewide greenhouse gas emissions must be reduced in order to achieve that compliance.

SCHEDULE: The Department plans to post the proposed rule to public comment in August and adopt the final rule in late September, 2021.

AFFECTED PARTIES: The proposed rule defines the overall reductions in GHG emissions that the State must achieve by both 2030 and 2050. Department staff will use these reduction targets to document progress in emissions reductions in the biennial report to the Legislature on the State GHG inventory.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

CONTACT PERSON FOR THIS CHAPTER: Stacy Knapp, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-2235. Email: [Stacy.R.Knapp@Maine.gov](mailto:Stacy.R.Knapp@Maine.gov) .

***Chapter 169 added August 20, 2021.***

**CHAPTER 169: Stationary Generators**

STATUTORY AUTHORITY: 38 MRS §585 and 585-A

PURPOSE: The purpose of this regulation is to ensure that the operation of new stationary generators does not negatively impact air quality or public health in the vicinity of a facility operating such a generator. The standards and requirements proposed are based on standards and requirements in Federal and State regulations applicable to similar equipment when used in other applications.

SCHEDULE: Rulemaking anticipated Summer/Fall 2021

AFFECTED PARTIES: Owners and operators of stationary generators installed after January 1, 2022, that are powered by engines subject to licensure requirements pursuant to Major and Minor Source Air Emission License Regulations, 06-096 CMR ch. 115, or Part 70 Air Emission License Regulations, 06-096 CMR ch. 140.

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

CONTACT PERSON: Lynn Muzzey, Maine Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-2229. Email: [Lynn.Muzzey@Maine.gov](mailto:Lynn.Muzzey@Maine.gov)

**CHAPTER 305: Natural Resources Protection Act - Permit by Rule Standards**

STATUTORY BASIS: 38 MRS §344(7)

PURPOSE: The existing rule will be updated as necessary, including but not limited to road crossing standards, emergency exemptions for certain improvements, seaweed removal from beaches, utilization of the latest information in NOAA tables, and to simplify the standards for public boat launches.

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: Applicants for permits under the Permit-by-Rule program.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**Chapter 335: Significant Wildlife Rules**

STATUTORY BASIS: 38 MRS §341-H

PURPOSE: The existing rule will be updated as necessary to ensure consistency with state statutory requirements.

ANTICIPATED SCHEDULE: Spring 2021

AFFECTED PARTIES: Applicants for permits involving Significant Wildlife Habitat.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY BASIS: 38 MRS §§ 341-H and 1304(1 & 1-B)

PURPOSE: The prohibitive siting criteria of the existing rule for construction/demolition debris; land clearing debris; and wood waste landfills that are less than 6 acres will be amended to allow the importation of soil to achieve the required separation thickness for existing landfills.

SCHEDULE: Spring 2021

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY BASIS: 38 MRS §1304

PURPOSE: The existing rule regarding licenses to transport solid waste, special waste or septage will be amended to incorporate updated licensing procedures and standards.

ANTICIPATED SCHEDULE: Spring 2021

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 420: Septage Management Rules**

STATUTORY BASIS: 38 MRS §§ 341-H and 1304(1)

PURPOSE: The existing rule will be amended to update the standards, requirements and licensing procedures for septage management facilities.

SCHEDULE: Winter 2021

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 424: Solid Waste Management Rules: Lead Management Regulations**

STATUTORY BASIS: 38 MRS §1295

PURPOSE: The existing rule regarding the certification and licensing of persons engaged in residential lead-based paint mitigation activities will be amended to incorporate recent federal EPA rule changes impacting DEP’s delegated program.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Parties involved in residential lead-based paint mitigation.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 426: Responsibilities under the Returnable Beverage Container Law**

STATUTORY BASIS: 38 MRS §§ 3101 through 3117

PURPOSE: The existing rule regarding the Returnable Beverage Container Law will be updated in accordance with legislative changes adopted in PL 2019, Chapter 526 (An Act to Implement Recommendations of the Department of Environmental Protection Regarding the State’s Container Redemption Laws).

ANTICIPATED SCHEDULE: Spring 2021

AFFECTED PARTIES: Bottle redemption businesses, initiators of deposits, and bottling companies.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTERS 520-529: Waste Discharge Permitting Program Rules**

STATUTORY BASIS: 38 MRS §§ 341-H, 413

PURPOSE: These existing rules will be amended as necessary to incorporate current requirements under the US EPA’s National Pollutant Discharge Elimination System (NPDES) rules.

ANTICIPATED SCHEDULE: Winter 2021

AFFECTED PARTIES: Licensed waste dischargers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 531:** **Regulations for Wastewater Operator Certification**

STATUTORY BASIS: 32 MRS §§ 341-H and 4179

PURPOSE: The existing rule will be amended to update various provisions of the operator training and certification requirements.

ANTICIPATED SCHEDULE: Fall-Winter 2020-2021

AFFECTED PARTIES: Certified wastewater operators and treatment plants.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 583: Nutrient Criteria Rule**

STATUTORY BASIS: 38 MRS §§ 341-H and 464(5)

PURPOSE: The proposed new rule will provide standards for identifying and managing waterbodies impaired by nutrient enrichment by establishing numeric criteria for phosphorus and describing a decision framework for determining whether a waterbody has impaired water quality standards and if so, whether nutrients caused the impairment.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Licensed waste dischargers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 584: Surface Water Quality Criteria for Toxic Pollutants**

STATUTORY BASIS: 38 MRS §§ 341-H and 420

PURPOSE: The existing rule will be amended to ensure consistency with national water quality criteria promulgated by the Environmental Protection Agency and to adopt ambient water quality criteria for aluminum and ammonia.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Licensed waste dischargers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 600: Oil Discharge Prevention and Pollution Control Rules for Marine Oil Terminal Facilities, Transportation Pipelines and Vessels**

STATUTORY BASIS: 38 MRS §§541 *et seq*.

PURPOSE: The Rule is being updated to improve clarity and ensure consistency with statutory amendments (2020).

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Licensed Marine Oil Terminal Facilities, Maine Energy Marketers Association; Municipal Officials, City of South Portland; Local citizens.

CONSENSUS BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 691: Rules for Underground Oil Storage Facilities**

STATUTORY BASIS: 38 MRS §§ 341-H and 561 *et seq.*

PURPOSE: The rule will be amended to correct errors and omissions and to clarify certain portions of the recently revised rule (September 26, 2018).

SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 850: Identification of Hazardous Waste**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be amended to complete incorporation of relevant federal standards including waste exclusions.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities, and generators of hazardous waste.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 851: Standards for Generators of Hazardous Waste**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be amended to incorporate certain relevant federal standards related to hazardous waste manifests.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities, and generators of hazardous waste.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 852: Land Disposal Restrictions**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be updated to complete incorporation of relevant federal Land Disposal Restrictions and waste listing rules.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

*Chapter 853 added May 26, 2021.*

**CHAPTER 853: Licensing of Transporters of Hazardous Waste**

STATUTORY AUTHORITY: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be amended to incorporate certain relevant federal standards related to Licensing of Transporters of Hazardous Waste.

SCHEDULE: Rulemaking Anticipated Spring 2021

AFFECTED PARTIES: Licensed Transporters of Hazardous Waste

IS ANY PROVISION OF THE PROPOSED RULE ANTICIPATED TO BE MORE STRINGENT THAN APPLICABLE FEDERAL STANDARDS? No.

CONTACT PERSON FOR CHAPTER 853: Mike Hudson, Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017. Telephone: (207) 287-7884. Email: [Michael.S.Hudson@Maine.gov](mailto:Michael.S.Hudson@Maine.gov) .

**CHAPTER 854: Standards for Hazardous Waste Facilities**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be updated to incorporate all relevant federal standards for the licensing of hazardous waste facilities.

SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 855: Interim Licenses for Waste Facilities for Hazardous Waste**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be amended to incorporate all relevant federal standards for the licensing of hazardous waste facilities.

SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 856: Licensing of Hazardous Waste Facilities**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be updated to incorporate all relevant federal standards for the licensing of hazardous waste facilities.

SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 857: Hazardous Waste Manifest Requirements**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule establishes requirements for the use of manifests to track the movement of hazardous waste and will be updated to incorporate the most recent federal program requirements and procedures.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Generators of hazardous waste who transport, or offer for transportation, hazardous waste.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 858: Universal Waste Rules**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The existing rule will be amended to incorporate relevant federal standards related to hazardous waste manifests.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Owners and operators of licensed facilities, universal waste transporters.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 859: Remediation Derived Hazardous Waste**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: Establish requirements for the treatment, storage, disposal, closure, post-closure care, and handling of Hazardous Wastes during remedial activities.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Generators and handlers of hazardous waste during contaminated site investigation and remediation.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 860: Waste Oil Management Rules**

STATUTORY BASIS: 38 MRS §§ 1301 *et seq.*

PURPOSE: The rule is being revised to improve clarity and consistency with federal rule.

ANTICIPATED SCHEDULE: Fall 2020

AFFECTED PARTIES: Facilities that generate, store, collect, transport, treat or sell waste oil.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 891: Designation of a Chemical of High Concern as a Priority Chemical**

STATUTORY BASIS: 38 MRS §1694

PURPOSE: This new rule will designate a chemical of high concern as a priority chemical and require reporting for certain product categories that contain one or more of the regulated chemicals.

ANTICIPATED SCHEDULE: 2020

AFFECTED PARTIES: Manufacturers and distributors of products containing the chemical of high concern.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

**CHAPTER 900: Biomedical Waste Management Rules**

STATUTORY BASIS: 38 MRS §§ 341-H, 1303-C(34)(K) and 1319-0(3)

PURPOSE: The existing rule will be amended to update and clarify standards, requirements and licensing/registration procedures for biomedical waste facilities.

SCHEDULE: Spring 2021

AFFECTED PARTIES: Owners and operators of licensed facilities.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

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

STATUTORY BASIS: 38 MRS §438-A(1)

PURPOSE: The existing rule will be amended to clarify the existing guidelines regarding float haul-outs and to make other miscellaneous technical updates and corrections.

SCHEDULE: Fall 2020

AFFECTED PARTIES: Municipalities and applicants for piers and accompanying float haul-outs.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated.

AGENCY UMBRELLA-UNIT NUMBER: **90-564**

AGENCY NAME: **Clean-Up and Response Fund Insurance Review Board**

**CONTACT PERSON FOR FOLLOWING CHAPTERS:** Mark Margerum, Office of the Commissioner, Maine D.E.P., 17 State House Station, Augusta, ME 04333-0017. Telephone: (207) 287-7842. E-mail: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING ACTIVITY:**

The Clean-Up and Response Fund Insurance Review Board is not proposing any rulemaking at this time.