**State of Maine: Notice of Agency Rulemaking – October 6, 2021**

**PROPOSALS**

AGENCY: **12-179** - Department of Labor (DOL), **Occupational Safety and Health Board**

CHAPTER NUMBER AND TITLE: **Ch. 2**, Occupational Safety and Health Standards for General Industry Employment in the Public Sector

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P181**

**BRIEF SUMMARY**: To update the rule to incorporate changes to the Federal Occupational Safety and Health Administration regulations, 29 CFR Part 1910, in particular, the COVID-19 Emergency Standard contained in Subpart U, released on June 10, 2021 and corrected on July 14, 2021.

**DETAILED SUMMARY**: To update the rule to incorporate changes to the Federal Occupational Safety and Health Administration regulations, 29 CFR Part 1910, in particular, the COVID-19 Emergency Standard released on June I0, 2021 and corrected on July 14, 2021.

Key provisions in the COVID-19 Emergency Standard are the following, which would be applicable to settings where any public sector employee provides healthcare services or healthcare support services:

• Development and implementation of a COVID-19 plan

• Patient screening and management

• Standard and Transmission-based Precautions

• Personal protective equipment

• Aerosol-generating procedures on a person with suspected or confirmed COVID-19

• Physical distancing and physical barriers

• Cleaning and disinfection

• Ventilation

• Health screening and medial management

• Paid leave for vaccinations

• Training

• Anti-retaliation

• Recordkeeping and reporting

The Standard also addresses mini respiratory protections. [**https://www.osha.gov/coronavirus/ets**](https://www.osha.gov/coronavirus/ets)

PUBLIC HEARING: None, unless requested pursuant to 5 MRS §8052(1).

COMMENT DEADLINE: November 8,2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / AGENCY RULEMAKING LIAISON: Isaac H. Gingras, Department of Labor, 54 State House Station, Augusta, Maine 04333-0054. Telephone: (207) 626-6232. Email: [Isaac.H.Gingras@Maine.gov](mailto:Isaac.H.Gingras@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*:

STATUTORY AUTHORITY FOR THIS RULE: 26 MRS §565

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

DOL WEBSITE: <http://www.maine.gov/labor> .

AGENCY: **94-649 - Maine Commission on Indigent Legal Services (MCILS)**

CHAPTER NUMBER AND TITLE: **Ch. 301**, Fee Schedule

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2021-P182**

BRIEF SUMMARY: This proposed rule amendment makes permanent the emergency rule adopted in July 2021 which raised the hourly rate paid to counsel to $80.00 per hour. The proposed rule would also provide for some discretion for the Executive Director to authorize payment of a voucher submitted after 90 days of the triggering date upon a showing of good cause. The rule also clarifies what constitutes a triggering event for billing purposes and sets the fee amounts that trigger presumptive review for specific case types.

PUBLIC HEARING: October 29, 2021 at 9:00 a.m., Room 228, State House, Augusta

COMMENT DEADLINE: November 8, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION: Justin Andrus, Executive Director, MCILS, 154 State House Station, Augusta, ME 04333. Telephone: (207) 287-3254. Email: [Justin.Andrus@Maine.gov](mailto:Justin.Andrus@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: no fiscal impact

STATUTORY AUTHORITY FOR THIS RULE: 4 MRS §1804(2)(F), (3)(B), and (4)(D)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

MCILS WEBSITE: [www.maine.gov/mcils](http://www.maine.gov/mcils) .

MCILS RULEMAKING LIAISON: [Eleanor.Maciag@Maine.gov](mailto:Eleanor.Maciag@Maine.gov) .

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #11-21**

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2021-P183**

BRIEF SUMMARY: The principal reason for this rule is the need to respond to Federal Order changes and to certain other conditions affecting prevailing Class I, II and III milk prices in Southern New England in accordance with 7 MRS §2954.

PUBLIC HEARING:October 21, 2021, Thursday, starting at 10:30 a.m. Room 101, Department of Agriculture, Conservation & Forestry, Deering Building, Hospital Street, Augusta, Maine

COMMENT DEADLINE:October 21, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MMC RULEMAKING LIAISON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: [Tim.Drake@Maine.gov](mailto:Tim.Drake@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: 5 MRS §8054; 7 MRS §2954

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

MMC WEBSITE: <http://www.maine.gov/dacf/milkcommission/index.shtml> .

AGENCY: **17-229 - Department of Transportation (MDOT)**

CHAPTER NUMBER AND TITLE: **Ch. 305**, Rules and Regulations Pertaining to Traffic Movement Permits

TYPE OF RULE: Major Substantive

PROPOSED RULE NUMBER: **2021-P184**

**BRIEF SUMMARY**: This amendment to the rule will rescind and replace the current rules. The changes include updated definitions and sections added to the rule to provide for multi-modal trips and to address the developer review process. Included are updates providing general clarifications to the content of the rule.

**DETAILED SUMMARY:**

**1.** This proposed rulemaking action completely rescinds and replaces the existing rule.

**2.** The existing Traffic Movement Permit rule was formatted in the same way as the MDEP Site Law Rules. As a result, the application process and key permitting requirements were not set out in a user-friendly format with terms adequately defined, causing much confusion for applicants. The following changes improve the rule and make it easier to follow and enforce:

**a.** The new rule has been reformatted in a way that places the requirements in logical order, making them clearer and easier to follow.

**b.** To clear up inconsistencies and superfluous terms, certain definitions that came with the MDEP umbrella have been eliminated in the revised rule, and pertinent definitions have been added for terms such as Common Scheme of Development and Interested Person. New definitions dealing with multi-modal trips have also been added.

**c.** The revised rule updates and replaces references to seven MaineDOT Regional Divisions with references to the current structure of five MaineDOT Regional Offices.

**d.** The revised rule removes engineering standard references from the rules. Those references will be handled through the development of the MaineDOT Traffic Analysis Guidelines which will contain the methodologies used to analyze the TMP submittals.

**e.** The revised rule creates an expedited review process for those projects that have known or negligible impacts and codifies the term “Pre-scoping meeting,” which was previously undefined.

**f.** The revised rule creates a defined study area for multi-modal trips which is adjusted depending on whether the study area is rural or urban.

**g.** The revised rule refers to the Highway Safety Manual when discussing high crash location solutions and requires that multi-modal solutions be considered before widening a roadway.

**h.** The revised rule includes a section on the Developer Review Process, introduces a Developer Right of Way Committee, and gives time frames for when the ROW process needs to happen. For projects that require applicants to acquire rights to add turn lanes or to install traffic signals, this section will insure that developers convey acquired ROW to MaineDOT after they complete the required mitigation.

**PUBLIC HEARING**: November 1, 2021 - 1:00 p.m.

Virtual Hearing to be held via Zoom:

<https://mainedot.zoom.us/j/99374320934?pwd=SzU4V08xendkZlFjaDZKRC82T21idz09> .

Meeting ID: 993 7432 0934

Passcode: 461850

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 993 7432 0934

Please contact [Dawn.Payne@Maine.gov](mailto:Dawn.Payne@Maine.gov) if you would like the meeting link forwarded to you directly

COMMENT DEADLINE: November 15, 2021

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / MDOT RULEMAKING LIAISON: James Billings, MaineDOT, 16 State House Station, Augusta, Maine 04333. Telephone: (207) 624-3020. Email: [James.Billings@Maine.gov](mailto:James.Billings@Maine.gov) .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: Negligible

STATUTORY AUTHORITY FOR THIS RULE: 23 MRS §704-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:

MDOT RULEMAKING WEBSITE: <https://www.maine.gov/mdot/rulemaking/> .

MDOT WEBSITE: <https://www.maine.gov/mdot/> .

**ADOPTIONS**

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order #10-21**

ADOPTED RULE NUMBER: **2021-192** *(Emergency)*

CONCISE SUMMARY: Minimum October 2021 Class I price is $20.33/cwt. plus $1.63/cwt. for Producer Margins, an over-order premium of $1.04/cwt as being prevailing in Southern New England and $0.93/cwt. handling fee for a total of $24.13/cwt. that includes a $0.20/cwt Federal promotion fee.

EFFECTIVE DATE:October 3, 2021

MMC CONTACT PERSON / MMC RULEMAKING LIAISON: Tim Drake, Maine Milk Commission, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email: [Tim.Drake@Maine.gov](mailto:Tim.Drake@Maine.gov) .

MMC WEBSITE: <http://www.maine.gov/dacf/milkcommission/index.shtml> .

AGENCY: **18-125** – Department of Administrative & Financial Services (DAFS), **Bureau of Revenue Services (Maine Revenue Services - MRS)**

CHAPTER NUMBER AND TITLE: **Ch. 803**, Income Tax Withholding Reports and Payments

ADOPTED RULE NUMBER: **2021-193**

CONCISE SUMMARY: Maine Revenue Services (MRS) is amending Rule 803 ("Withholding Tax Reports and Payments") to make various clarification and formatting changes. MRS is making the following substantive changes:

**\*** MRS is changing the title of Rule 803 from "Withholding Tax Reports and Payments" to "Income Tax Withholding Reports and Payments."

**\*** MRS is adding a definition of “foreclosure sale."

**\*** MRS is adding a new subsection to section .03, "Persons required to withhold Maine income tax."

**\*** MRS is updating subsection .07(E) of the rule to require a payer to electronically file annual Wage and Tax Statements and federal information statements with the Assessor when that payer is required to electronically file those forms with the Social Security Administration (for Form W-2) or with the IRS (for any type of Form 1099).

**\*** MRS is updating section .08, "Form W-4ME," to reflect changes to the federal Form W-4, which no longer uses allowances to determine the amount of withholding. Due to this federal change, section .08 must be updated to no longer use the number of federal allowances as a starting point for calculating the number of Maine allowances an individual may claim.

**\*** Finally, MRS is removing subsections .09(F) and .09(G) of the rule to reflect changes in MRS and Maine Department of Labor processes that have occurred since Rule 803 was last updated.

EFFECTIVE DATE: October 3, 2021

MRS CONTACT PERSON / RULEMAKING LIAISON: Alex Weber, General Counsel, Maine Revenue Services, 24 State House Station, Augusta, Maine 04333. Telephone: (207) 624-9712. Email: [Alexander.J.Weber@Maine.gov](mailto:Alexander.J.Weber@Maine.gov) .

MRS WEBSITE: <https://www.maine.gov/revenue/> .

AGENCY: **02-318** - Department of Professional and Financial Regulation (PFR), Office of Professional and Occupational Regulation (OPOR), **Electricians’ Examining Board**

CHAPTER NUMBER AND TITLE: **Ch. 160**, Power Generation Systems as Electrical Installations

ADOPTED RULE NUMBER: **2021-194**

CONCISE SUMMARY: The adopted rule creates a new chapter that explains when installations of power generation systems are, and are not, considered “electrical installations” as that term is defined in statute. The proposed rule provides that a complete installation of a photovoltaic, fuel cell, or wind power generation system is an “electrical installation” as that term is defined by statute, and describes when installing portions of a photovoltaic power generation system that constitute less than a complete installation are not “electrical installations” as that term is defined by statute.

EFFECTIVE DATE: October 4, 2021

BOARD CONTACT PERSON: Catherine M. Carroll, Board Administrator, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Electricians’ Examining Board, 35 State House Station, Augusta, ME 04333. Telephone: (207) 624-8605. TTY users call Maine Relay 711. [Catherine.M.Carroll@Maine.gov](mailto:Catherine.M.Carroll@Maine.gov) .

BOARD WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/electricians> .

OPOR RULEMAKING LIAISON: [Kristin.Racine@Maine.gov](mailto:Kristin.Racine@Maine.gov) .

AGENCY: **19-100 - Department of Economic and Community Development (DECD)**

CHAPTER NUMBER AND TITLE: **Ch. 100**, Pine Tree Development Zone Program

ADOPTED RULE NUMBER: **2021-195**

CONCISE SUMMARY: The rule change has four primary components:

**1.** Excludes remote employees working outside of a Pine Tree Development Zone (PTDZ) from the definition of qualified employee, excepting temporary remote work due to emergencies.

**2.** Specifies that a PTDZ business that falls below its employment baseline must notify DECD within 30 days of the lapse and has a total of 60 days to regain its baseline, after which they must submit a request for additional time to regain its new hire or the business will lose its PTDZ certification.

**3.** PTDZ businesses who fall below their employment baselines due to the effects of emergencies will automatically be granted an extension to regain their required baseline level.

**4.** Updates annual reporting due dates to comply with the authorizing PTDZ statute as amended.

EFFECTIVE DATE: October 4, 2021

DECD CONTACT PERSON: Phoenix McLaughlin, Department of Economic and Community Development, Office of Business Development, 59 State House Station, Augusta, ME 04333. Telephone: (207) 624-9813. Email: [Phoenix.McLaughlin@Maine.gov](mailto:Phoenix.McLaughlin@Maine.gov) .

DECD WEBSITE: <https://www.maine.gov/decd/> .

DECD RULEMAKING LIAISON: [Douglas.Ray@Maine.gov](mailto:Douglas.Ray@Maine.gov) .

AGENCY: **19-100 - Department of Economic and Community Development (DECD)**

CHAPTER NUMBER AND TITLE: **Ch. 400**, Employment Tax Increment Financing

ADOPTED RULE NUMBER: **2021-196**

CONCISE SUMMARY: The rule change has two primary components:

**1.** Specifies that the ETIF reimbursement rate for employees who work remotely will be defined by their physical work location, as opposed to the company’s office location, excepting employees who only work remotely temporarily within the State of Maine due to the effect of an emergency.

**2.** Updates annual reporting due dates to comply with the authorizing ETIF statute as amended.

EFFECTIVE DATE: October 4, 2021

DECD CONTACT PERSON: Phoenix McLaughlin, Department of Economic and Community Development, Office of Business Development, 59 State House Station, Augusta, ME 04333. Telephone: (207) 624-9813. Email: [Phoenix.McLaughlin@Maine.gov](mailto:Phoenix.McLaughlin@Maine.gov) .

DECD WEBSITE: <https://www.maine.gov/decd/> .

DECD RULEMAKING LIAISON: [Douglas.Ray@Maine.gov](mailto:Douglas.Ray@Maine.gov) .

AGENCY: **94-411 - Maine Public Employees Retirement System (MainePERS)**

CHAPTER NUMBER AND TITLE: **Ch. 803**, Participating Local District Consolidated Retirement Plan

ADOPTED RULE NUMBER: **2021-197**

CONCISE SUMMARY: This rule governs the Consolidated Plan for Participating Local Districts. Under the current rule, participating local district employees with optional membership who decline or terminate membership are not permitted to join or rejoin The Plan. The amendments incorporate the provisions of newly enacted Public Laws ch. 90 and 286, which extend additional membership opportunities under specific circumstances. The amendments also clarify the effective date of participation agreements entered into by local districts; exclude workers compensation earnings from wages subject to the return to work contribution payment; remove obsolete language; and correct a cross-reference.

EFFECTIVE DATE: October 4, 2021

AGENCY CONTACT PERSON / RULEMAKING LIAISON: Kathy J. Morin, Manager, Actuarial and Legislative Affairs, Maine Public Employees Retirement System, P.O. Box 349 – 46 State House Station, Augusta, ME 04332-0349. Telephone: 1 (800) 451-9800 or (207) 512-3190.

AGENCY WEBSITE: <https://www.mainepers.org/> .

AGENCY: **03-201 - Maine Department of Corrections (MDOC)**

CHAPTER NUMBER AND TITLE: **Ch. 2** *(Repeal)*, Change of Use, Downsizing, or Closure of Correctional Facilities

ADOPTED RULE NUMBER: **2021-198**

CONCISE SUMMARY: This rule will be repealed because the State Board of Corrections and its statutory authority no longer exist, and the rule is therefore unenforceable. The original purpose of the rule was to outline the process and standards governing any change of use, including the reassignment of services, downsizing, or closure of a state adult correctional facility or county jail pursuant to 34-A MRS §1803 sub-§2, which has been repealed.

EFFECTIVE DATE: October 6, 2021

MDOC CONTACT PERSON / RULEMAKING LIAISON: Mary Lucia, Maine Department of Corrections, 111 State House Station, Augusta, ME 04333. Telephone: (207) 530-0983. Email: [Mary.A.Lucia@Maine.gov](mailto:Mary.A.Lucia@Maine.gov) .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Office for Family Independence (OFI)**

CHAPTER NUMBER AND RULE TITLE: **Ch. 301**, Food Supplement Program: Section **FS 999-3** Charts;

**EMERGENCY RULE**

**SNAP 222E** – FFY 2022 Budgeting Figures.

ADOPTED RULE NUMBER: **2021-199** *(Emergency)*

CONCISE SUMMARY: This emergency rule implements updates to: maximum and minimum allotments; the standard, homeless and maximum shelter deductions; and asset limits for the Food Supplement program as of October 1, 2021. As a result, Food Supplement benefits will change for some households.

An emergency rule change is necessary to remain in compliance with Federal regulation 7 CFR §273.9(d). 7 CFR §273.9 requires that Food Supplement Program income and asset limits, maximum and minimum allotments, standard deductions, maximum shelter deductions, homeless shelter deductions, standard utility allowances (SUAs) and income change reporting thresholds be updated each year, effective October 1. This year, the United States Department of Agriculture (USDA) COLA Memo FY2022 provided more generous income limits, maximum and minimum allotments, standard deductions, maximum shelter deduction, homeless shelter deduction, asset limits, and income change reporting thresholds. Each state agency is charged with determining standard utility allowances and having those approved by USDA. The utility allowance values were calculated to increase using The Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor, and were submitted to and approved by USDA.

Pursuant to 5 MRS §8054, the Department finds that emergency rulemaking is necessary for the health, safety, and general welfare in order to ensure that Food Supplement benefits are issued appropriately, accurately, and in a timely fashion consistent with federal law.

The USDA memoranda providing these figures were not provided in a timeframe that would allow the Department to comply with the non-emergency rulemaking process and still implement by the required date of October 1, 2020. Therefore, the Department finds that an emergency rule change is necessary to remain in compliance with Federal regulation 7 CFR §273.9(d), which requires annual calculation of federal poverty levels, the standard deduction and SUAs. Non-compliance could result in federal penalties or loss of federal funds.

See <http://www.maine.gov/dhhs/ofi/rules/index.shtml> for rules and related rulemaking documents.

EFFECTIVE DATE: October 1, 2021

OFI CONTACT PERSON: Ian Miller, Senior Program Manager – SNAP, Department of Health and Human Services, Office for Family Independence, 109 Capitol Street – 11 State House Station, Augusta, ME 04330-6841. Telephone: (207) 624-4138. Fax: (207) 287-3455. TT Users Call Maine Relay – 711. Email: Ian.Miller@Maine.gov .

OFI WEBSITE: <https://www.maine.gov/dhhs/ofi>

OFI RULEMAKING LIAISON: [Dan.Cohen@Maine.gov](mailto:Dan.Cohen@Maine.gov) .

DHHS WEBSITE: <https://www.maine.gov/dhhs/> .

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov) .

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 36**, Atlantic Herring (2021 Season 2 Closed)

ADOPTED RULE NUMBER: **2021-200** *(Emergency)*

CONCISE SUMMARY: The Days Out Commissioners have set zero landing days for Season 2 (Trimester 3; October 1 – December 31) of the Atlantic herring fishery. The Commissioner has determined that it is necessary to take emergency action to implement this harvest schedule to prevent the depletion of the supply of Atlantic herring and to comply with the changes to the interstate management of the Atlantic herring resource. The Commissioner hereby adopts this emergency regulation as authorized by 12 MRS §6171(3)(C).

EFFECTIVE DATE: October 1, 2021

DMR CONTACT PERSON: Melissa Smith, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021. Telephone: (207) 441-5040. Fax: (207) 624-6024. TTY: (207) 633-9500 (Deaf/Hard of Hearing). Email: [Melissa.Smith@Maine.gov](mailto:Melissa.Smith@Maine.gov) .

DMR RULEMAKING WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

DMR WEBSITE: <https://www.maine.gov/dmr/index.html> .

DMR RULEMAKING LIAISON: [Deirdre.Gilbert@Maine.gov](mailto:Deirdre.Gilbert@Maine.gov) .

AGENCY: **10-144** - Department of Health and Human Services (DHHS), **Maine Center for Disease Control and Prevention (Maine CDC)**

CHAPTER NUMBER AND TITLE: **Ch. 298**, Primary Care Tax Credit Certification Rule

ADOPTED RULE NUMBER: **2021-201**

CONCISE SUMMARY: The Department of Health and Human Services, Maine CDC is adopting changes to the *Primary Care Tax Credit Rule*, to clarify application requirements and eliminate any reference to specific tax years. These amendments reflect current processes and standards in a clearer way.

EFFECTIVE DATE: October 12, 2021

MAINE CDC CONTACT PERSON: Andrew Hardy, 11 State House Station - 286 Water Street, Augusta, ME 04333-0011. Telephone: (207) 287-4490. Email: [Andrew.Hardy@Maine.gov](mailto:Andrew.Hardy@Maine.gov) .

MAINE CDC RULES WEBSITE: <http://www.maine.gov/dhhs/mecdc/rules/> .

MAINE CDC RULEMAKING LIAISON: [Tera.Pare@Maine.gov](mailto:Tera.Pare@Maine.gov) .

DHHS WEBSITE: <https://www.maine.gov/dhhs/> .

DHHS RULEMAKING LIAISON: [Kevin.Wells@Maine.gov](mailto:Kevin.Wells@Maine.gov) .

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBERS AND TITLES:

**Ch. 850**, Identification of Hazardous Waste

**Ch. 851**, Standards for Generators of Hazardous Waste

**Ch. 852**, Land Disposal Restrictions

**Ch. 853**, Licensing of Transporters of Hazardous Waste

**Ch. 854**, Standards for Hazardous Waste Facilities

**Ch. 855**, Interim Licenses for Hazardous Waste Facilities

**Ch. 856**, Licensing of Hazardous Waste Facilities

**Ch. 857**, Hazardous Waste Manifest Requirements

**Ch. 858**, Universal Waste Rules

ADOPTED RULE NUMBERS: **2021-202** *thru* **210**

CONCISE SUMMARY: The Department amended Chapters 850 through 858 of the existing Hazardous Waste Management Rules, to make them consistent with federal rules promulgated pursuant to the *Resource Conservation and Recovery Act* (RCRA). The rules amended include 06-096 CMR Chapters: 850 (Identification of Hazardous Waste), 851 (Standards for Generators of Hazardous Waste), 852 (Land Disposal Restrictions), 853 (Licensing of Transporters of Hazardous Waste), 854 (Standards for Hazardous Waste Facilities), 855 (Interim Licenses for Hazardous Waste Facilities), 856 (Licensing of Hazardous Waste Facilities), 857 (Hazardous Waste Manifest Requirements), and 858 (Universal Waste Rules).

The U.S. Environmental Protection Agency (EPA) has in the past authorized Maine to implement its Hazardous Waste Management Rules and the associated program in lieu of the federal hazardous waste regulations promulgated under RCRA. In order to maintain EPA’s RCRA authorization, Maine is obligated to periodically update its rules to incorporate federal regulatory standards and changes as may be necessary to ensure Maine’s rules are as stringent as the federal program.

EFFECTIVE DATE: October 6, 2021

DEP CONTACT PERSON: Tom Graham, Department of Environmental Protection, 17 State House Station, Augusta, ME 04333. Telephone: (207) 287-7598. Email: [Tom.Graham@Maine.gov](mailto:Tom.Graham@Maine.gov) .

DEP WEBSITE: <https://www.maine.gov/dep/> .

DEP RULEMAKING LIAISON: [Mark.T.Margerum@Maine.gov](mailto:Mark.T.Margerum@Maine.gov) .