

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

Sec. 1. 38 MRSA §352, sub-§5-A, as amended by PL 2007, c. 558, §1, is further amended to read:

5-A. Accounting system. In order to determine the extent to which the functions set out in this section are necessary for the licensing process or are being performed in an efficient and expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions keep accurate and regular daily time records. These records must describe the matters worked on, services performed and the amount of time devoted to those matters and services, as well as amounts of money expended in performing those functions. Records must be kept for a sufficient duration of time as determined by the commissioner to establish to the commissioner's satisfaction that the fees are appropriate.

TABLE I

MAXIMUM FEES IN DOLLARS

| TITLE 36 SECTION | PROCESSING FEE | CERTIFICATION FEE |
|--|---|--|
| 656, sub-§1, ¶E, Pollution Control Facilities | | |
| A. Water pollution control facilities with capacities at least 4,000 gallons of waste per day and §1760, sub-§29, water pollution control facilities | \$250 | \$20 |
| B. Air pollution control and §1760, sub-§30, air pollution control facilities | 250 | 20 |
| | | |
| TITLE 38 SECTION | PROCESSING FEE | LICENSE FEE |
| 344, sub-§7, Permit by rule | \$50 | \$0 |
| 413, Waste discharge licenses | See section 353-B | |
| 420-D, Storm water management | | |
| A. If structural means of storm water control are used | \$400 for the first acre of disturbed area, plus \$200 for each additional whole acre of disturbed area | \$100 for the first acre of disturbed area, plus \$50 for each additional whole acre of disturbed area |

| | | | |
|----|--|-------------------------|-------------------------|
| 1 | B. If solely vegetative means of storm | \$200 for the first | \$50 for the first acre |
| 2 | water control are used | acre of disturbed | of disturbed area, |
| 3 | | area, plus \$100 for | plus \$25 for each |
| 4 | | each additional | additional whole |
| 5 | | whole acre of | acre of disturbed |
| 6 | | disturbed area | area |
| 7 | C. When a permit by rule is required | \$55 | none |
| 8 | If a project described in paragraph A or | | |
| 9 | B is reviewed and approved by a | | |
| 10 | professional engineer at a soil and | | |
| 11 | water conservation district office that | | |
| 12 | has a memorandum of understanding | | |
| 13 | with the department concerning review | | |
| 14 | of projects pursuant to this section, the | | |
| 15 | total applicable fee is reduced to a | | |
| 16 | processing fee of \$100 for the first acre | | |
| 17 | of disturbed area, plus a license fee of | | |
| 18 | \$50 for each additional whole acre of | | |
| 19 | disturbed area. | | |
| 20 | 480-E, Natural resources protection | | |
| 21 | A. Any alteration of a protected | 140 | 50 |
| 22 | natural resource, except coastal | | |
| 23 | wetlands and coastal sand dunes, | | |
| 24 | causing less than 20,000 square feet of | | |
| 25 | alteration of the resource | | |
| 26 | B. Any alteration of a coastal wetland | 240 | 60 |
| 27 | causing less than 20,000 square feet of | | |
| 28 | alteration of the resource | | |
| 29 | C. Any alteration of a protected | .015/sq. ft. alteration | .005/sq. ft. alteration |
| 30 | natural resource, except coastal sand | | |
| 31 | dunes, causing 20,000 square feet or | | |
| 32 | more of alteration of the resource | | |
| 33 | C-1. Significant groundwater well | 4,577 | 1,961 |
| 34 | C-2. Activity within a community | 183 | 64 |
| 35 | public water supply primary protection | | |
| 36 | area | | |
| 37 | D. Any alteration of a coastal sand | 3,500 | 1,500 |
| 38 | dune | | |
| 39 | E. Condition compliance | 84 | 0 |
| 40 | F. Minor modification | 184 | 0 |
| 41 | 485-A, Site location of development | | |
| 42 | A. Residential subdivisions | | |

| | | | |
|----|---|-------------------|---------|
| 1 | 1. Affordable housing | 50/lot | 50/lot |
| 2 | 2. On public water and sewers | 175/lot | 175/lot |
| 3 | 3. All Other | 250/lot | 250/lot |
| 4 | B. Industrial parks | 460/lot | 460/lot |
| 5 | C. Mining | 1,500 | 1,000 |
| 6 | D. Structures | 4,000 | 2,000 |
| 7 | E. Other | 1,000 | 1,000 |
| 8 | 543, Oily waste discharge | 40 | 160 |
| 9 | 560, Vessels at anchorage | 125 | 100 |
| 10 | 587, Ambient air quality or emissions | 5,050 | 50 |
| 11 | standards variances | | |
| 12 | 590, Air emissions licenses | See section 353-A | |
| 13 | 633, Hydropower projects | | |
| 14 | A. New or expanded generating | 450/MW | 50/MW |
| 15 | capacity | | |
| 16 | B. Maintenance and repair or other | 150 | 150 |
| 17 | structural alterations not involving an | | |
| 18 | increase in generating capacity | | |
| 19 | 33 United States Code, Chapter 26, Water | | |
| 20 | Quality Certifications, in conjunction with | | |
| 21 | applications for hydropower project | | |
| 22 | licensing or relicensing | | |
| 23 | A. Initial consultation | 1,000 | 0 |
| 24 | B. Second consultation | 1,000 | 0 |
| 25 | C. Application | | |
| 26 | 1. Storage | 1,000 | 0 |
| 27 | 2. Generating | 300/MW | 50/MW |
| 28 | 1304, Waste management | | |
| 29 | A. Septage disposal | | |
| 30 | 1. Site designation | 50 | 25 |
| 31 | B. Land application of sludges and | | |
| 32 | residuals program approval | | |
| 33 | 1. Industrial sludge | 400 | 400 |
| 34 | 2. Municipal sludge | 300 | 275 |
| 35 | 3. Bioash | 300 | 275 |
| 36 | 4. Wood ash | 300 | 75 |
| 37 | 5. Food waste | 300 | 75 |
| 38 | 6. Other residuals | 300 | 175 |
| 39 | C. Landfill | | |
| 40 | 1. Closing plans for secure | 1,500 | 1,500 |
| 41 | landfills | | |

| | | | |
|----|--|-----|-----|
| 1 | 2. Closing plans for attenuation | 500 | 500 |
| 2 | landfills | | |
| 3 | 3. Post-closure report | 175 | 175 |
| 4 | 4. Preliminary information reports | 175 | 175 |
| 5 | 5. License transfers | 500 | 175 |
| 6 | 6. Special waste disposal | | |
| 7 | a. One-time disposal of | 50 | 50 |
| 8 | quantities of 6 cubic yards or | | |
| 9 | less | | |
| 10 | b. One-time disposal of | 100 | 100 |
| 11 | quantities greater than 6 cubic | | |
| 12 | yards | | |
| 13 | c. Program approval for | 300 | 300 |
| 14 | routine disposal of a special | | |
| 15 | waste | | |
| 16 | 7. Minor revision for secure | 600 | 100 |
| 17 | landfills | | |
| 18 | 8. Minor revision for attenuation | 100 | 100 |
| 19 | landfills | | |
| 20 | 9. Public benefit determination | 175 | 175 |
| 21 | D. Incineration facility | | |
| 22 | 2. License transfer | 175 | 175 |
| 23 | E. License transfer other than for | 100 | 100 |
| 24 | landfills and incinerators | | |
| 25 | F. Minor revision for septage facilities | 100 | 100 |
| 26 | and solid waste facilities other than | | |
| 27 | landfills | | |
| 28 | G. Permit by rule for one-time | 100 | 100 |
| 29 | activities | | |

30
TABLE II

WASTE MANAGEMENT FEES - ANNUAL LICENSE

MAXIMUM FEES IN DOLLARS

| | | | |
|----|---|----------------|----------------|
| 31 | TITLE 38 | PROCESSING FEE | ANNUAL LICENSE |
| 32 | SECTION | | FEE |
| 33 | <u>1278, Asbestos abatement</u> | | |
| 34 | <u>A. Asbestos abatement contractor</u> | <u>\$0</u> | <u>\$1,000</u> |
| 35 | <u>B. Asbestos abatement worker</u> | <u>0</u> | <u>75</u> |
| 36 | <u>C. Asbestos consultant</u> | <u>0</u> | <u>1,000</u> |
| 37 | D. Asbestos analytical laboratory | 0 | 500 |

| | | | |
|----|-------------------------------------|------------|------------|
| 1 | E. Training provider | <u>0</u> | <u>500</u> |
| 2 | F. Other categories of asbestos | <u>0</u> | <u>150</u> |
| 3 | professionals except asbestos | | |
| 4 | abatement workers | | |
| 5 | G. Notification | <u>0</u> | |
| 6 | 1. Project size greater than 100 | <u>100</u> | <u>0</u> |
| 7 | square feet or 100 linear feet and | | |
| 8 | less than 500 square feet or 2,500 | | |
| 9 | linear feet | | |
| 10 | 2. Project size 500 square feet or | <u>250</u> | <u>0</u> |
| 11 | 2,500 linear feet, or greater, and | | |
| 12 | less than 1,000 square feet or | | |
| 13 | 5,000 linear feet | | |
| 14 | 3. Project size 1,000 square feet | <u>400</u> | <u>0</u> |
| 15 | or 5,000 linear feet, or greater | | |
| 16 | 1304, Waste management | | |
| 17 | A. Septage disposal | | |
| 18 | 1. Landspreading | \$550 | \$250 |
| 19 | 2. Storage | 50 | 75 |
| 20 | B. Residuals compost facility | | |
| 21 | 1. Type I | 150 | 150 |
| 22 | 3. Type II and Type III less than | 700 | 500 |
| 23 | 3,500 cubic yards | | |
| 24 | 5. Type II and Type III 3,500 | 1,400 | 850 |
| 25 | cubic yards or greater | | |
| 26 | C. Land application of sludges and | | |
| 27 | residuals | | |
| 28 | 1. Sites with program approval | | |
| 29 | a. Industrial sludge | 150 | 250 |
| 30 | b. Municipal sludge | 75 | 200 |
| 31 | c. Bioash | 75 | 200 |
| 32 | d. Wood ash | 50 | 125 |
| 33 | e. Food waste | 50 | 125 |
| 34 | f. Other residuals | 50 | 125 |
| 35 | 2. Sites without program approval | | |
| 36 | a. Industrial sludge | 300 | 550 |
| 37 | b. Municipal sludge | 150 | 250 |
| 38 | c. Bioash | 150 | 250 |
| 39 | d. Wood ash | 75 | 200 |
| 40 | e. Food waste | 75 | 200 |
| 41 | f. Other | 75 | 200 |
| 42 | 1310-N, Solid waste facility siting | | |

| | | | |
|----|---|-------|-------|
| 1 | A. Landfill | | |
| 2 | 1. Existing, nonsecure municipal | 3,500 | 1,000 |
| 3 | solid waste landfills accepting | | |
| 4 | waste from fewer than 15,000 | | |
| 5 | people | | |
| 6 | 2. Existing, nonsecure municipal | 3,500 | 3,500 |
| 7 | solid waste landfills accepting | | |
| 8 | waste from more than 15,000 | | |
| 9 | people | | |
| 10 | 3. New or expanded for secure | 5,000 | 8,500 |
| 11 | landfill | | |
| 12 | 5. Nonsecure wood waste or | 700 | 750 |
| 13 | demolition debris landfills, or | | |
| 14 | both, if less than or equal to 6 | | |
| 15 | acres | | |
| 16 | B. Incineration facilities | | |
| 17 | 1. New or expanded for the | 3,500 | 5,000 |
| 18 | acceptance of municipal or special | | |
| 19 | wastes, or both | | |
| 20 | 2. Municipally owned and | 3,500 | 1,000 |
| 21 | operated solid waste incinerators | | |
| 22 | with licensed capacity of 10 tons | | |
| 23 | per day or less | | |
| 24 | C. Transfer station and storage | 750 | 175 |
| 25 | facility | | |
| 26 | D. Tire storage facility | 400 | 450 |
| 27 | F. Processing facility other than | 700 | 700 |
| 28 | municipal solid waste composting | | |
| 29 | G. Beneficial use activities other than | | |
| 30 | agronomic utilization | | |
| 31 | 3. Fuel substitution | 700 | 500 |
| 32 | 4. Beneficial use without risk | 700 | 200 |
| 33 | assessment | | |
| 34 | 5. Beneficial use with risk | 1,400 | 500 |
| 35 | assessment | | |
| 36 | H. Permit by rule for ongoing | 100 | 100 |
| 37 | activities | | |

38 **Sec. 2. 38 MRSA §353, sub-§3-B** is enacted to read:

39 **3-B. Certification fee for asbestos professionals.** A person applying for
40 certification as an asbestos professional under more than one category under section 352.
41 subsection 5-A shall pay the highest fee among the categories for which certification is
42 sought and \$50 for each additional category.

1 **Sec. 3. 38 MRSA §1272, sub-§2**, as amended by PL 1993, c. 355, §26, is further
2 amended to read:

3 **2. Asbestos abatement activity.** "Asbestos abatement activity" means activity
4 involving the removal, demolition, enclosure, repair, encapsulation, handling,
5 transportation or disposal of ~~friable~~ asbestos-containing materials in an amount greater
6 than 3 square feet or 3 linear feet. "Asbestos abatement activity" includes associated
7 activities such as design, monitoring, analysis and inspection of any ~~friable~~ asbestos-
8 containing material in an amount greater than 3 square feet or 3 linear feet, and
9 conducting training for persons seeking a state certificate or license.

10 **Sec. 4. 38 MRSA §1273, sub-§2**, as amended by PL 2001, c. 626, §17, is further
11 amended to read:

12 **2. Notification required.** A person, owner or operator may not engage in any
13 asbestos abatement activity over 3 linear feet or 3 square feet of ~~friable~~ asbestos-
14 containing material unless that person, owner or operator notifies the commissioner in
15 writing. This notification must be postmarked at least 10 calendar days before or
16 delivered to the department at least 5 working days prior to beginning any on-site work,
17 including on-site preparation work. The department may approve a reduction in the
18 number of days required for notification on a case-by-case basis when unforeseeable
19 circumstances or compliance with standard notification procedures may cause a threat to
20 the environment or human health.

21 **Sec. 5. 38 MRSA §1278, sub-§1**, as amended by PL 1993, c. 355, §43, is
22 repealed.

23 **Sec. 6. 38 MRSA §1278, sub-§1-A** is enacted to read:

24 **1-A. License and certification fees.** Fees for each license and certification category
25 are established under section 352. The fees must be paid upon application and annually
26 thereafter.

27 **Sec. 7. 38 MRSA §1278, sub-§2**, as amended by PL 1993, c. 355, §44, is further
28 amended to read:

29 **2. Notification fees.** Notification of asbestos abatement activities pursuant to
30 section 1273, subsection 2, must be accompanied by ~~a~~ the notification fee established
31 under section 352 unless the activity occurs in single-unit residential buildings.
32 Notification fees are based on the total linear or square feet of asbestos-containing
33 material involved in the activity.

34 ~~A. The fees are:~~

35 ~~(1) Projects involving more than 100 square feet or 100 linear feet, but less than~~
36 ~~1,000 square feet or 5,000 linear feet: \$100; and~~

37 ~~(2) Projects involving more than 1,000 square feet or 5,000 linear feet: \$200.~~

SUMMARY

This bill:

1. Clarifies that persons engaged in an activity affecting more than 3 square feet or 3 linear feet of any asbestos-containing material are subject to licensing, certification, notification and work practice requirements administered by the Department of Environmental Protection;
2. Increases the maximum fee that may be charged by the Department of Environmental Protection to license or certify asbestos professionals; and
3. Increases the maximum fee that must be paid when notifying the Department of Environmental Protection of asbestos abatement activity.