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DEPARTMENT OF ENVIRONMENTAL PROTECTION



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**TESTIMONY OF
VICTORIA ELEFThERIOU, DEPUTY DIRECTOR
BUREAU OF REMEDIATION & WASTE MANAGEMENT
AND
NICHOLAS D. LIVESAY, DIRECTOR
BUREAU OF LAND RESOURCES**

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN SUPPORT OF

**L.D. 1635, AN ACT TO MAKE MINOR CHANGES AND CORRECTIONS TO
STATUTES ADMINISTERED BY THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

PRESENTED BY REPRESENTATIVE TUCKER

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

**DATE OF HEARING:
MAY 7, 2021**

Senator Brenner, Representative Tucker, and members of the Committee, I am Victoria Eleftheriou, Deputy Director of the Bureau of Remediation & Waste Management at the Department of Environmental Protection, speaking in support of L.D. 1635. This is joint testimony with Nick Livesay that I am providing for efficiency.

L.D. 1635 proposes a number of minor clarifications and adjustments to laws administered by the Department of Environmental Protection. These changes in statute

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are considered general clean-up, non-substantive changes some of which are needed to align with other changes in federal law.

Section 1 clarifies the definition of “hazardous material response vehicle” in 29-A M.R.S. § 2054(1)(G) to include vehicles used by employees of the Division of Response Services within the Department of Environmental Protection. These vehicles respond to oil and hazardous materials incidents within the State. This clarification authorizes these vehicles to be equipped with certain colored emergency lights for safety reasons when responding to incidents.

Section 2 clarifies that underground oil storage tank installers or underground oil storage tank inspectors that have been certified in another state with equivalent certification requirements may obtain reciprocity certification in Maine regardless of which state they are a resident of.

Section 3 corrects an error whereby the maximum processing and annual license fee in 38 M.R.S. § 352 for redemption centers was placed under the Maine Environmental Protection Fund. Instead, these fees are proposed to be added as part of Section 19 of this bill in the Beverage Container Enforcement Fund under the Beverage Container Law.

Section 4 repeals language that exempts refilled water quality certification applications from otherwise required licensing or processing fees if the refiling was intended to avoid waiver of the State’s certification authority. Recent federal case law prohibits the historical practice of withdrawing and refiling water quality certification applications to avoid waiver of State authority. This section aligns State law with current federal law.

Sections 5 and 6 work in tandem to preserve the ability of owners of property in a coastal sand dune, as part of a 14-day permit-by-rule, to make a one-time expansion of

residential or commercial structures within existing impervious areas, while closing the existing loophole that allows these property owners to establish new parking areas and driveways within a coastal sand dune and then immediately expand structures to cover this new impervious area.

Sections 7 through 17 are necessary for Maine to gain state authorization from the U.S. Environmental Protection Agency to run a federally approved program for waste oil. These sections make certain adjustments and clarifications to statute to bring Maine in line with those federal requirements. The Department currently has rulemaking authority for the transportation, collection, and storage of waste oil. This bill would also add treatment and disposal to that authority. While the current language may allow for the regulation of the treatment and disposal of waste oil, it is not entirely clear. The addition of treatment and disposal to the list of covered areas of rulemaking would clarify any ambiguity.

Section 18 is a minor wording change to the Plastic Bag Reduction Law. The proposal changes the word “use” to “provide.”

Section 19 adds language for application licensing fees for redemption centers, initiators of deposit, and collection agents that was previously in 38 M.R.S. § 352 but now is consolidated under the Beverage Container Law. No changes in the amount of those fees are proposed.

Thank you for the opportunity to provide testimony. I would be happy to answer any questions that you might have. Nick Livesay is also available today to answer any questions about Sections 4 through 6 of this bill.