

DEP Revises Proposed TURA Rules

Monday, February 27, 2012

On October 18, 2011, Maine DEP (the Department) held a public hearing on proposed regulations to implement Maine's Priority Toxic Chemical Use Reductions laws (the successor to "TURA"). In response to comments provided at the public hearing and during the subsequent public comment period, the Department has revised the proposed rules (Chapters 81 - Designation of Priority Toxic Chemicals and 82 - Priority Toxic Chemical Reporting and Pollution Prevention Planning) and has posted the revised proposed rules for additional public comment.

October 2011 - Original Proposed Chapters 81 and 82

As originally proposed in October 2011, Chapters 81 and 82 would have:

- Defined the list of "priority toxic chemicals" as follows: cadmium, formaldehyde, hexavalent chromium, perchloroethylene, styrene, and trichloroethylene.
- Required facilities that use 1,000 lbs. or more of a listed priority toxic chemical to report annually to the Department and develop pollution prevention plans. The plans would need to be updated every 2 years.

February 22, 2012 - Key Changes Proposed By the Department to Proposed Chapters 81 and 82

The more significant changes to the October 2011 proposed rules are:

- Delete styrene from the list of "priority toxic chemicals;" leaving only cadmium, formaldehyde, hexavalent chromium, perchloroethylene, and trichloroethylene.
- Exclude the following from determining whether the 1,000 lbs/hr threshold is met:
- Chemicals resulting from activities or processes which result in the handling or disposal of a priority toxic chemical (e.g., laundering of materials containing such chemicals).
- Air emissions subject to Section 112(d) or (k) of the Clean Air Act or Sections 301, 307, or 311 of the Clean Water Act.
- Naturally-occurring priority toxic chemicals below the de minimis percentages (1% for non-carcinogens, 0.1% for carcinogens) in raw materials (e.g., biomass, wood, etc.), fuels (e.g., natural gas, etc.), and intermediary materials (e.g., wood pulp, etc.).
- Laboratory chemicals.

March 23, 2012 is the deadline for comments on the revised proposed Chapters 81 and 82.

If you have any questions about the potential impacts of proposed Chapters 81 and 82 on your facility or on the opportunity to submit public comments on the proposed regulations, please do not hesitate to contact Dixon Pike (207-791-1374 or dpike@pierceatwood.com) or Ken Gray (207-791-1212 or kgray@pierceatwood.com).