

Chapter 801: DISCHARGE OF HAZARDOUS MATTER: REMOVAL AND
WRITTEN REPORTING PROCEDURES

SUMMARY: This rule specifies methods for the removal of discharges of hazardous matter and sets out requirements for reporting and investigation of such discharges.

1. Definitions

A. Board. "Board" means Board of Environmental Protection.

B. Commissioner. "Commissioner" means Commissioner of the Department of Environmental Protection.

C. Department. "Department" means Department of Environmental Protection.

D. Remove or removal. "Remove or removal" means the mitigation of the danger created by hazardous matter by either:

- (1) Treatment or cleanup of a discharge of hazardous matter; or
- (2) Any action necessary to prevent or minimize danger from discharge or threatened discharge.

E. Responsible party. "Responsible party" means the person having care, custody, possession or control of hazardous matter.

2. Removal

A. The following and their isomers, if any, due to their chemical/physical characteristics, must be removed utilizing the most practical and efficient existing technology applicable to the removal of liquid hydrocarbons (oil and oil related products):

- (1) allyl
- (2) amyl acetate
- (3) benzene
- (4) cyclohexane
- (5) ethylbenzene
- (6) isoprene

(7) methyl methacrylate

(8) styrene

(9) toluene

(10) xylene

A responsible party may request the Commissioner or his designee to approve, for removal of any of the above, technology that is not generally used in the removal of liquid hydrocarbons.

B. Discharges of hazardous matter, other than the substances listed in Part A above, must be removed by an appropriate procedure approved or required by the Commissioner or his designee.

NOTE: The approved procedure will be consistent with due regard to the hazard involved and protection of the public health, welfare or safety.

C. Efforts to remove a discharge of hazardous matter shall continue until the Commissioner or his designee determines that the danger or potential danger to the people of the State or its natural environment has been mitigated.

3. Reporting of a Discharge

A. Immediate reporting. The responsible party or person causing a discharge of hazardous matter in any quantity and under any circumstances must report the discharge immediately to the Department of Public Safety (State Police) unless exempted pursuant to Chapter 800 of the Department's regulations.

NOTE 1: Call 1-800-452-4664 or 207-624-7000 to notify Public Safety of a discharge. Public Safety officials will notify the Department; the responsible party is not required to do so. Discharges of hazardous matter exceeding the federal reportable quantities in Appendix A to Chapter 800 of the Department's regulations must also be reported to:

- The National response Center at 1-800-424-8802 [see 40 CFR §264.56]
- The local fire department and the local community emergency coordinator if the spill goes beyond the boundary of the facility [see 37-B MRSA § 798(1) and 40 CFR §355.4].

NOTE 2: Immediate reporting is not required if discharges are less than a reportable quantity and pursuant to 38 M.R.S.A. §1318-C, the facility has

submitted a spill prevention, control and clean-up plan to the Department, the hazardous matter and the discharge are covered by the plan, the discharge is cleaned up in accordance with the plan, and the facility maintains a record of the plan's implementation in response to the discharge.

B. Follow-up report required. The responsible party shall file a written report with the Department within 15 days after any discharge of hazardous matter. The report must include:

- (1) The name and address of the facility where the discharge occurred;
- (2) The name, address and telephone number of the facility owner or operator;
- (3) The name and amount of hazardous matter involved;
- (4) The date and time the discharge began;
- (5) The date and time the discharge was discovered;
- (6) The cause of the discharge;
- (7) The steps taken to remove the discharge;
- (8) The actual or estimated quantity of recovered material requiring disposal, and the actual or proposed disposal procedures; and
- (9) An assessment of actual or potential hazards to the environment and human health, and the extent of injuries, if any.

If the information required in paragraphs (1) through (9) above is not available by the time the report is due, the report must be filed without it, but must include a statement explaining why the information is not provided and when it is expected to be made available. The responsible party shall file an amended report as soon as the required information that was not provided with the original report becomes available. The Department may require information in addition to that required in paragraphs (1) through (9) above, as needed to administer its hazardous matter control responsibilities under Maine law.

The written response must be filed by hand delivery or mail to the Department staff person who oversaw the initial spill response or by mailing it to: Director of Response Services, DEP-BRWM, 17 SHS, and Augusta, ME 04333.

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NOTE: A written response may also be required by the Maine Emergency Response Commission. See 37-B MRSA §798(3). See also, EPA regulation 40 CFR §264.56(j) [discharges of hazardous waste]; and U.S. Department of Transportation regulation 49 CFR §171.16 [discharges of hazardous materials by carriers].

4. Access. The responsible party shall permit access by Department staff to the location of the discharge. If the location of the discharge is not under the control of the responsible party, he shall assist Department staff in obtaining access.

5. Sampling and monitoring. Department staff may inspect the location of a discharge, may make drawings, may take samples, photographs and other records and notes and may establish monitoring stations. The responsible party shall cooperate with the Department staff in such investigatory activities.

AUTHORITY: 38 M.R.S.A. §1319

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