

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

**Agency name:** Department of Defense, Veterans and Emergency Management,  
**Maine Emergency Management Agency**

**Umbrella-Unit:** **15-214**

**Statutory authority:** 37-B MRS §801

**Chapter number/title:** **Ch. 2**, Rules for Establishing Fees for Reporting under the  
*Superfund Amendments and Reauthorization Act of 1986 and*  
*Title 37-B Sec. 801, M.R.S.A., Chapter 13*

**Filing number:** **2021-255**

**Effective date:** 12/19/2021

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

The final rule is identical to the proposed rule that was submitted. This new rule would increase the fees paid by facility owners and operators for registration, inventories and releases of hazardous materials in the state of Maine as reported to the State Emergency Response Commission (SERC) pursuant to the *Superfund Amendments and Reauthorization Act of 1986 and 37-B Sec. 801 M.R.S., Chapter 13*. This rule would authorize the Director of Maine Emergency Management Agency, with the advice of the State Emergency Response Commission, to change the current fee amount and fee schedule. The fees set by the Commission have not been changed since they were implemented in 2002. Due to cost of inflation, the Commission struggles to maintain an adequate level of funding for County Emergency Management Agencies, State-funded Hazardous Materials Response Teams and local trainings for first responders. This increase in the current fee schedule would allow the State Emergency Response Commission to fund local first responder trainings, equipment, planning activities and outreach in order to help facilities prepare for and respond to hazardous material incidents. Without the increase in fees, the Commission may have to cut back on funding these critical hazardous materials response teams and first responders, potentially reducing the state's ability to prepare for and respond to hazardous materials incidents.

**Fiscal impact of rule:**

The changes in the rule will increase the facilities' cost each year dependent upon how much of a chemical they store. Each reporting facility currently pays an inventory fee based on the average daily amounts they have for each chemical. With this rate increase, MEMA and the Commission would increase the inventory fee associated with all hazardous chemical facilities. These fees have not been changed since they were implemented in 2002 and have not kept up with inflation and the rise of administrative costs of the program. Some examples of how costs will change are outlined below.

- Facility W has 8,000 pounds of an extremely hazardous chemical. Under the current rule, \$70 is the fee. Under this new rule, \$100 is the fee.
- School District M has 12,000 pounds of a hazardous chemical. Under the current rule, \$50 is the fee. Under this new rule, \$75 is the fee.