

§349-M. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2011, c. 304, Pt. A, §1 (NEW).]

1. Compliance management system. "Compliance management system" means a system implemented by a regulated entity appropriate to the size and nature of its activities to prevent, detect and correct violations of environmental requirements through all of the following:

A. Compliance policies, standards and procedures that identify how employees and agents of the regulated entity are to meet environmental requirements and the conditions of permits, enforceable agreements and other sources of authority for environmental requirements; [PL 2011, c. 304, Pt. A, §1 (NEW).]

B. Assignment of overall responsibility within a regulated entity for overseeing compliance with policies, standards and procedures and assignment of specific responsibility for ensuring compliance at each facility or operation of the regulated entity; [PL 2011, c. 304, Pt. A, §1 (NEW).]

C. Mechanisms for systematically ensuring that compliance policies, standards and procedures of the regulated entity are being carried out, including monitoring and auditing systems reasonably designed to detect and correct violations, periodic evaluation of the overall performance of the compliance management system and a means for employees or agents of the regulated entity to report violations of environmental requirements without fear of retaliation; [PL 2011, c. 304, Pt. A, §1 (NEW).]

D. Procedures to communicate effectively the regulated entity's standards and procedures to all employees and agents of the regulated entity; [PL 2011, c. 304, Pt. A, §1 (NEW).]

E. Appropriate incentives to managers and employees of the regulated entity to perform in accordance with the compliance policies, standards and procedures of the regulated entity, including consistent enforcement through appropriate disciplinary mechanisms; and [PL 2011, c. 304, Pt. A, §1 (NEW).]

F. Procedures for the prompt and appropriate correction of any violations and any necessary modifications to the regulated entity's compliance management system to prevent future violations. [PL 2011, c. 304, Pt. A, §1 (NEW).]

[PL 2011, c. 304, Pt. A, §1 (NEW).]

2. Environmental audit program. "Environmental audit program" means a systematic, documented, periodic and objective review by a regulated entity of facility operations and practices that are related to meeting environmental requirements.

[PL 2011, c. 304, Pt. A, §1 (NEW).]

3. Environmental audit report. "Environmental audit report" means the documented analysis, conclusions and recommendations resulting from an environmental audit program, but does not include data obtained in, or testimonial evidence concerning, the environmental audit.

[PL 2011, c. 304, Pt. A, §1 (NEW).]

4. Environmental requirement. "Environmental requirement" means any law or rule administered by the department.

[PL 2011, c. 304, Pt. A, §1 (NEW).]

5. Gravity-based penalty. "Gravity-based penalty" means the punitive portion of a penalty for a violation of an environmental requirement that exceeds the economic gain from noncompliance with the requirement; and

[PL 2011, c. 304, Pt. A, §1 (NEW).]

6. Regulated entity. "Regulated entity" means an entity subject to environmental requirements. [PL 2011, c. 304, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2011, c. 304, Pt. A, §1 (NEW).

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