

Maine State Library
Digital Maine

Environmental Protection Documents

Environmental Protection

10-1-2008

Performance Partnership Agreement Between the Environmental Protection Agency New England and the Maine Department of Environmental Protection and Consolidated DEP Program Plan for Federal Fiscal Years 2009-2011

Malcom C. Burson

Follow this and additional works at: https://digitalmaine.com/dep_docs

Recommended Citation

Burson, Malcom C., "Performance Partnership Agreement Between the Environmental Protection Agency New England and the Maine Department of Environmental Protection and Consolidated DEP Program Plan for Federal Fiscal Years 2009-2011" (2008). *Environmental Protection Documents*. 92.

https://digitalmaine.com/dep_docs/92

This Text is brought to you for free and open access by the Environmental Protection at Digital Maine. It has been accepted for inclusion in Environmental Protection Documents by an authorized administrator of Digital Maine. For more information, please contact statedocs@maine.gov.

PERFORMANCE PARTNERSHIP
AGREEMENT

between

THE ENVIRONMENTAL PROTECTION AGENCY
– NEW ENGLAND

and

THE MAINE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

and

CONSOLIDATED DEP PROGRAM PLAN
FOR FEDERAL FISCAL YEARS 2009 - 2011

October 1, 2008

SIGNATURES

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

TABLE OF CONTENTS

I.	MONITORING AND ASSESSMENT	7
A.	Monitoring	7
B.	Assessment	9
C.	Information Management	11
D.	Quality Management	13
II.	STANDARDS SETTING	15
A.	Legislation	15
B.	Rulemaking	15
C.	Licensing, certification, etc.	17
D.	Best Management Practices	19
E.	Advisory committees and cooperative efforts	19
F.	Environmental Justice	22
G.	Information Management	22
III.	ENVIRONMENTAL STEWARDSHIP AND POLLUTION PREVENTION	25
A.	Regulatory Assistance	25
B.	Technical Assistance	28
C.	Funds Distribution	29
D.	Supporting Voluntary Efforts	30
E.	State Lead by Example Activities	32
F.	Public Outreach	32
G.	Quality Management	34
IV.	REGULATED ACTIVITY OVERSIGHT	35
A.	Compliance Evaluations	35
B.	Enforcement	40
C.	Information Management	42
D.	Quality Management	43
V.	POLLUTION RESPONSE AND ENVIRONMENTAL RESTORATION	45
A.	Response	45
B.	Remediation and Restoration	45
C.	Coordination with Other Response Providers	46
D.	Information Management	46
VI.	PROGRAM MANAGEMENT	49
A.	Organizational Development	49
B.	Financial Stewardship	52
C.	Consistency	52
D.	Information Management	53
E.	Planning	54
G.	Coordination with EPA	55
	APPENDIX A: Priorities and Commitments, FFY 2009	57

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

I. MONITORING AND ASSESSMENT

GOAL: To develop the information needed to understand environmental and public health conditions and issues of concern, and support the development of standards that protect or restore the environment and public health.

BACKGROUND. Maine citizens expect the DEP to maintain objective data regarding environmental conditions in the State. In order to fulfill this expectation, which is codified in State law, DEP must gather and analyze a wide range of data to produce information used to make environmental decisions.

A. Monitoring. DEP has a number of ongoing programs to monitor the health of Maine's people and natural resources.

1. Water Quality. Representative samples of each water resource type are monitored on an ongoing basis to determine ambient conditions. DEP will continue existing monitoring programs and participate in pilot studies and special projects as needs, funding and staffing allow.

a) Wetlands.

(1) Conduct annual bio-monitoring on a 5-year rotating basin schedule.

b) Coastal Waters.

(1) Continue to participate in National Coastal Condition Assessment, State Planning Office Coastal Program, and Maine Healthy Beach Initiative monitoring programs.

(2) Monitor toxic contaminants coast-wide as a partner in the Gulfwatch program.

c) Lakes.

(1) Conduct baseline monitoring on selected lakes statewide.

(2) Train volunteers to increase the number of volunteers and/or the number of parameters sampled by individual monitors.

d) Rivers and Streams.

(1) Concentrate river and stream monitoring activities on a 5-year rotating basis for bio-monitoring and associated water chemistry monitoring.

(2) Conduct biological assessment of small streams suspected of having agricultural impacts and/or urban impacts.

(3) Assess rivers and streams for nutrient status/impact in conjunction with developing nutrient criteria.

(4) Continue study of pesticide contamination in Downeast salmon waters in cooperation with University of Maine.

(5) Continue to develop algal indicators of non-point source pollution.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- e) Invasive Species. Monitor for the occurrence of new invasive plants in cooperation with the Maine Center of Invasive Aquatic Plants.

2. Air Quality. DEP maintains and supports a statewide network of ambient air quality monitors for ground level ozone, fine particulates, air toxics, and criteria pollutants, along with an emissions inventory program for greenhouse gases, in order to accumulate data sufficient to understand Maine's air quality.

- a) Greenhouse Gases. Use the greenhouse gas inventory program to monitor the greenhouse gas emissions listed in Chapter 137 of the Department's regulations.
- b) Ozone.
 - (1) Monitor outdoor air for ozone and its precursors (volatile organic compounds and nitrogen oxides) through a statewide network of air quality monitors.
 - (2) Replace monitoring equipment on a five-year schedule to upgrade technical capacity.
- c) Regional Haze. Develop and implement a monitoring strategy for measuring, characterizing and reporting regional haze visibility impairment that is representative of Class I areas in Maine and utilize the Interagency Monitoring of Protected Visual Environments [IMPROVE] network.
 - (1) Report visibility data as obtained from the IMPROVE monitoring network to EPA for each Class I area on an annual basis.
 - (2) Evaluate the regional haze monitoring network periodically and work with federal land managers to make any necessary changes required to assess whether reasonable progress goals are being achieved in Maine's Class I areas.
- d) Air Toxics. Develop and implement a monitoring program for hazardous air pollutants as listed in Chapter 137 of the Department's regulations.
 - (1) Provide lab assistance on toxic monitoring method TO 15 in Portland and Rumford and in the expanded network that includes Lewiston, Bangor, Presque Isle and Biddeford.
 - (2) Secure EPA assistance in developing monitoring techniques and quality control guidance for the national list of toxic compounds and for compounds that we are finding to be unique to Maine as part of our toxics program.
 - (3) Hotspot Monitoring. Develop and implement a program to monitor local areas of special concern.
- e) Outdoor Air Quality. Monitor Maine's air for lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, fine particulates, toluene, and perchloroethylene.
 - (1) Participate in EPA's air monitoring network for these pollutants. Annual commitments related to this work are found in Appendix A, nos. 45-51.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (2) Actively participate in the regional assessment of monitoring networks and work with EPA on implementation recommendations.
- (3) Operate the air monitoring station at Wolfs Neck State Park in cooperation with EPA.
- (4) Develop and implement a program to monitor local areas of special concern.

3. Materials Handling. Maine DEP, utilizing its own staff resource and that of outside contractors, directs monitoring at a wide variety of sites where petroleum or hazardous substance releases threaten public health, welfare, or the environment.

- a) Petroleum and Hazardous Substance Releases. Direct the collection and analysis of samples of various media to assess the need and progress of remedial action.
 - (1) Routine monitoring of oil-contaminated private drinking water supply wells that have been provided with temporary point-of-entry water treatment.
 - (2) Routine monitoring of private drinking water wells deemed at risk of oil or hazardous substance contamination.
 - (3) Routine sampling of groundwater monitoring wells associated with investigations of oil or hazardous substance discharges to soil and groundwater.
- b) Solid Waste. Conduct environmental monitoring activities to ensure that solid waste handling sites are not adversely affecting surface water, ground water, soils, or air quality, and are in compliance with applicable environmental monitoring standards.
 - (1) Review environmental data submitted by licensed solid waste facilities to identify trends and to determine compliance with standards.
 - (2) Conduct sampling and analysis of groundwater, surface water, wastes, soil, and/or gas at selected solid waste facilities.
 - (3) Evaluate environmental monitoring plans submitted by solid waste facility applicants and licensees.

B. Assessment. DEP is continually striving to improve the methods used to assess the condition of Maine's natural resources and the health of its citizens.

1. Water Quality. DEP has developed a comprehensive water monitoring strategy covering lakes, rivers, wetlands, and estuaries. Assessments are reported biannually in Maine's Integrated Water Quality Assessment Report and reported electronically in the Assessment Database (ADB).

- a) Wetlands.
 - (1) Numeric Biological Criteria.
 - i. Continue development of macro-invertebrate biological assessment methods.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- ii. Continue algal biological criteria development for wetlands. EPA will work with Department to ensure that their methods and the interpretive approach for all REMAP monitoring are compatible with and complementary to the biological monitoring methods established by the Department.
- b) Coastal Waters.
 - (1) Develop estuarine and marine TMDL's based on the priorities established in the 303(d) list of impaired waters.
- c) Lakes.
 - (1) Numerical Biological Criteria. Develop numerical biological criteria for input into the Trend Detection Methodology, which is used to identify and select lakes for baseline monitoring.
- d) Rivers and Streams.
 - (1) Biomonitoring Program. Use macroinvertebrates as a primary assessment tool for reporting attainment of water quality classification standards. Watersheds are monitored on a 5-year rotation.
 - (2) Surface Water Ambient Toxics Program (SWAT) and Dioxin Monitoring Program. Monitor toxic substances in fish/shellfish tissues and report findings for use in fish consumption advisories.
 - (3) Participate as feasible in EPA national Wadeable Streams Assessment and national Lakes and Ponds Assessment.
 - (4) Atlantic Salmon. Assist with assessment of Downeast salmon rivers.
- e) Watersheds. Continue to work with EPA and other agencies to identify priority watersheds and waterbodies in order to focus efforts at protecting and improving water quality.
- f) Other.
 - (1) Cumulative Effects Assessment of Fish Populations. Evaluate new methods for assessment of endocrine disruption of fish populations.
 - (2) Assessment of the Adequacy of Groundwater Protection Programs. If possible, develop additional tools for use in local groundwater protection and regulation of groundwater withdrawal.

2. Air Quality DEP works closely with EPA to assess air monitoring data used to determine Maine's air quality status and any needs for special designation.

- a) Continue air quality assessment activities with NAMS/SLAMS/PAMS/SPM [Special Purpose Monitoring Station] data
 - (1) Prepare multi-pollutant periodic inventory required under the Consolidated Emission Reporting Rule which requires reporting of criteria pollutant emissions from point sources on

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

an annual basis, and reporting of criteria pollutant emissions from point, area and mobile sources every three years.

3. Materials Handling. DEP uses a wide variety of field and laboratory procedures to assess waste handling sites and sites where petroleum or hazardous substances have been released, with particular attention to threats to groundwater.

- a) Evaluate assessment monitoring plans and data to address water quality issues at solid waste handling facilities, including landfills, to provide a basis for development of corrective action plans.
- b) Review sampling and analytical approaches to determining the extent of petroleum contamination at spill sites and the effectiveness of removal and treatment operations.

C. Information Management. DEP's monitoring and assessment activities are dependent on managing the information generated by data accumulation and analysis.

1. Water Quality. Develop, maintain and provide data systems, publications, and other means that make environmental and public health information available so that decisions are informed by the best available data and information.

- a) Information Systems. Develop and maintain systems that organize data and information in standard and secure ways.
 - (1) Update the Assessment Database System (ADB) for electronic 305(b) water body assessments and submit the water body files that have been updated since the last electronic reporting through the ADB.
- b) Data and Information Availability.
 - (1) Submit narrative 305(b) and 303(d) (Integrated Report) as well as updated Consolidated Assessment and Listing Methodology (CALM) by April 2010.
 - (2) Provide annual (at minimum) uploads of physical, chemical and biological data to WQX.
 - (3) Submit final 2010 electronic database and narrative report by April 1, 2010 (Integrated Water Quality Monitoring and Assessment Report).
 - (4) Present wetland bio-monitoring and research results from assessment activities conducted in Maine wetlands.
 - (5) Provide EPA with available DEP surface/groundwater GIS data. Because demand for maps, tables, and other information from the groundwater database is expected to increase, DEP will explore the use of software to allow internet access to the database in order to address this demand.
 - (6) Continue development of GoogleEarth application for web-based access to ground water status.
- c) Information Technology Infrastructure.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (1) Continue development of comprehensive surface water database (ESWAD) with Water Quality Exchange (WQX) interface.

2. Air Quality In order to meet EPA requirements, DEP has developed and maintains a number of air quality databases and emissions inventories, and assists EPA to assure that Maine data included in national inventories are complete and accurate.

a) Database Development and Assessment.

- (1) Continue development of comprehensive emission inventories and air quality databases along with technical analyses of ambient air quality and emissions

- (2) Develop and provide online access to databases and technical analyses

b) Ozone. Maintain databases on ozone air quality along with inventories of volatile organic compound and nitrogen oxides emissions from new and existing area, point and mobile sources.

c) Regional Haze. Develop and maintain an inventory of pollutants contributing to regional haze. Pollutants include, but are not limited to, volatile organic compounds, nitrogen oxides, fine particulates (PM_{2.5}), coarse particulates (PM₁₀), ammonia, and sulfur dioxide.

d) Air Toxics. Develop and maintain an inventory of the hazardous air pollutants listed in Chapter 137 of the Department's regulations.

e) Outdoor Air Quality Standards. Maintain databases on lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, fine particulates, toluene and perchloroethylene emissions and ambient air quality standards in Maine.

f) Climate Change. Develop and maintain a statewide emissions inventory of greenhouse gas emissions.

3. Materials Handling. DEP assesses environmental data in accordance with applicable guidance extensive experience, utilizing GIS, Access, and other software systems. Data are made available in site-specific reports available in a centralized filing system, and in some cases, also available through the EGAD database.

a) Solid Waste.

- (1) Maintain ground and surface water data in the EGAD database.

- (2) Continue to maintain appropriate databases to manage data related to solid waste fees, waste streams and waste volumes handled in Maine.

- (3) Initiate planning with the State Planning Office for development of a consolidated waste stream handling database.

b) Petroleum and Hazardous Substances Remediation.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (1) Maintain the Hazardous and Oil Spill System [HOSS] – spill report and investigation database
- (2) Maintain a database of Underground Storage Tanks (UST's), the Spill Site Tracking System [SSTS], to track site clean-up progress and expenditures.

D. Quality Management. DEP implements the full range of its monitoring and assessment activities by developing and maintaining systems that continuously improve data quality. The two significant components of this system are the EPA-approved Quality Management Plan (QMP), most recent version approved 8/30/06, and a variety of Quality Assurance Program/Project Plans.

1. Water Quality.

- a) Maintain oversight of QAPP's developed by external groups for water quality sampling and analysis, in cooperation with EPA.

2. Air Quality

- a) Revise the criteria pollutant QAPP to meet current requirements in *EPA Requirements for Quality Assurance Project Plans (QA/R-5)* ; prepare to revise and re-submit the HAPS QAPP in 2009; and update the PAMS QAPP as necessary.

3. Materials Handling

- a) Hazardous Waste. Hazardous waste licensing and enforcement program staff operate in accordance with the EPA-approved RCRA Quality Assurance Plan (QAP) (2007) to ensure the highest quality of information used in making decisions in the program. Periodic revisions will be made to the QAP, as may be deemed necessary based upon periodic program reviews.
- b) Asbestos and Lead. All samples will be collected, handled and analyzed in conformance with the Quality Assurance Project Plan, as approved by EPA (9/04).
- c) Petroleum and Hazardous Substance Remediation. Remediation division program staff operate in accordance with the EPA-approved Quality Assurance Plans (QAPs) as required by various federal grants. These QAPs ensure that the highest quality of information is used in making decisions in the program. Periodic revisions will be made to the QAPP, as may be deemed necessary based upon periodic program reviews.
- d) Solid Waste. The Division of Solid Waste continues to develop and implement standard operating procedures related to its monitoring and assessment activities.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

II. STANDARDS SETTING

GOAL: To establish standards that protect environmental and public health; protect and improve environmental quality; and provide guidance to the regulated community and the general public.

BACKGROUND. As a regulatory agency, Maine DEP carries out its responsibilities with reference to standards established through legislative action (statute), rule making, and permitting and licensing requirements affecting the regulated community. In addition, the Department makes information about non-regulatory standards that promote good environmental practice and prevent environmental degradation available to the general public. Finally, through its participation in state and Federal committees, work-groups, inter-agency task forces and advisory groups, and other cooperative efforts, DEP assures that environmental standards of all sorts are maintained and enhanced.

A. Legislation. DEP submits and supports legislation, as necessary, to keep standards current with scientific and legal knowledge regarding emerging environmental issues.

1. Water Quality.

- a) Continue to refine water quality standards and classifications.

2. Air Quality.

- a) Update the state ozone and PM_{2.5} standards to be consistent with the new federal ambient air quality standards.

3. Materials Handling.

- a) Amend the law governing UST facilities to require that operators complete a Department training program in conformity with federal law (2005) to assure eligibility for federal funding.
- b) Continue to upgrade statutory regulation of mercury products.
- c) Lead. Maine's *Lead Management Regulations* were most recently updated in 2004 to maintain consistency with existing EPA TSCA 402 regulation. In the context of Maine's planning for the elimination of childhood lead poisoning, DEP will explore whether to seek a statutory change to gain authority to implement a program that will meet EPA's 402(c) authorization criteria, or build on an available federal revision.

B. Rulemaking. Through the rule-making process, which requires the endorsement of the Board of Environmental Protection, DEP evaluates, develops, and upgrades regulatory requirements based in statutory authority.

1. Water Quality.

- a) Evaluate the potential issues and benefits associated with applying state water quality standards to wetlands and/or developing wetland-specific water quality standards.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- i. Continue to investigate status of state wetland laws and rules for consistency with other surface water quality standards, and recommend changes to address any significant inconsistencies.
- b) Review current regulatory requirements to control mercury discharges including: review of current Maine Pollutant Discharge Elimination Standards / Waste Discharge License interim discharge limits, implementation of facility specific pollution prevention plans, and Chapter 519, Interim Effluent Limitations and Controls for the Discharge of Mercury.
- c) Amend Chapter 555, Standards for the Addition of Septage and Fluid Hazardous Waste to Municipal Wastewater Treatment Facilities, to amend the septage limits for Publicly Owned Treatment Works.
- d) Continue to refine freshwater nutrient criteria and consider adopting Chapter 583, Nutrient Criteria for Fresh Surface Waters.
- e) Complete rule changes for Shoreland Zoning regulations.

2. Land Quality.

- a) Update several chapters adopted pursuant to the Site Location of Development Law and the Storm Water Management Law.
- b) Continue to refine implementation of Chapter 335, Significant Wildlife Habitat. Adopt minor amendments to reflect recent statutory changes and make minor corrections and updates.
- c) Adopt Chapter 342, Significant Groundwater Wells, to provide a fee structure to support contracts to assist with review and assessment of groundwater monitoring information, and to address requirement related to public information, pre-application, and pre-submission meetings.
- d) Amend a section of Chapter 310, Wetlands and Waterbodies, that concerns wetlands of special significance.

3. Air Quality.

- a) Air Toxics. Reduce emissions of high-priority air toxics as identified by the Maine Air Toxics Initiative [MATI] and other community-based air toxics projects through the implementation of state and federal control requirements.
 - (1) Continue delegation and implementation of Maximum Achievable Control Technology [MACT] standards.
- b) Outdoor Air Quality.
 - (1) Continue to implement programs for reducing on-road emissions from the light, medium and heavy-duty vehicle fleet, including the Low Emission Vehicle (LEV) program.

4. Materials Handling.

- a) Petroleum.
 - (1) Adopt rules governing the siting of oil storage facilities near drinking water wells.
 - (2) Adopt rules requiring operators of oil storage facilities to complete a training program that meets the requirements of the Federal Energy Policy Act of 2005 and associated guidelines from EPA.
- d) Solid Waste Management. Amend the Solid Waste Management Rules to modify the regulatory requirements for vehicle crushing, landfill gas management, composting and beneficial use.
- e) Septage Management. Amend the Septage Management Rules to update the regulatory requirements.
- f) Hazardous Waste. Amend the Maine Hazardous Waste Management Rules (DEP chapters 850-857) to, among other things, streamline licensing requirements and incorporate changes in corresponding federal regulations.
- g) Toxics in Products. Develop and publish a list of chemicals of high concern, and a draft protocol for designation of priority chemicals, in order to designate a least two (2) priority chemicals by 1/1/2011 and commence rulemaking.

C. Licensing, Certification, and Related Programs. DEP regulates a variety of facilities and activities through the issuance of “Department Orders” that specify the terms and limits of pollutant discharge/emission; land use changes; and the transportation and management of waste.

1. Water quality.

- a) Waste discharge.
 - (1) Review all license applications submitted to the Department for waste discharge licenses under the Maine Pollutant Discharge Elimination System [MPDES].
 - i. Develop new general permits for emerging wastewater discharge sectors.
 - (2) Overboard Discharge (OBD).
 - i. Finalize a general permit for overboard discharges in FFY09.
 - ii. By end of FFY 2011 maintain expired OBD backlog at no more than 10%.
 - iii. Develop and implement a plan to expedite the removal of Overboard Discharge wastewater systems in order to open closed shellfish areas.
 - (3) Dams and Hydro. Process pending applications for 401 water quality certifications and water level hearing requests.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

b) Pre-treatment.

- (1) Review municipal annual pretreatment reports, proposed technology-based industrial discharge limits, legal authority, enforcement response plans, industrial discharge permits and any "substantial modification" listed under 40 CFR 403.18.
- (2) Maintain frequent contact with the fourteen EPA-approved pre-treatment programs by visiting all programs once per year.

2. Land Quality.

- a) The Department evaluates all license applications for regulated activities under the Site Location of Development Law, Stormwater Law and Natural Resources Protection Act to ensure that permitted activities will not have an unreasonable negative impact on the standards contained in those laws and applicable regulations. Compliance protocols have been established for all permitted activities and that information is monitored through a data management system.
- b) Mining activities are regulated under a performance standard notification program. Operators provide notice to the Department that their operations will be conducted in accordance with statutory standards. Variations from the statutory standards are allowed upon application and approval as set forth in regulatory requirements. Regulated facilities are monitored at least once every three years to ensure continued compliance with statutory and regulatory requirements.
- c) Shoreland Zoning. The Department is responsible for certifying that all organized municipalities have adopted the Guidelines for Municipal Shoreland Zoning Ordinances, Chapter 1000 at a minimum. Department staff is actively involved with working with individual municipalities in developing these ordinances and accompanying zoning maps. The minimum guidelines are imposed on those municipalities that fail to adopt consistent ordinances.

3. Air Quality. The Department evaluates and processes applications for minor and major sources of air emissions under the Chapter 115 Major and Minor Source Air Emission License Regulations and the Chapter 140 Part 70 Air Emission License Regulations. It also manages a general permit program for nonmetallic mineral processing (rock crushers) and a registration-based program for activities subject to air emission control requirements that do not require air emission licenses (e.g., dry cleaners and stationary generators).

4. Materials Handling.

- a) Hazardous Waste. A variety of operations associated with hazardous waste management require licensing, including waste recycling and unused product recovery.
- b) Petroleum. A wide range of facilities are required to be licensed or registered by the DEP, including oil terminals and used oil collection centers.
 - (1) UST registration and removal activities. Evaluate and process underground oil storage facility removal notices and new facility registrations.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (2) Revise procedures for certification of underground tank installers and inspectors to ensure the knowledge required remains current and the experience required through apprenticeship is thorough yet attainable.
- c) Asbestos. Maine law requires asbestos abatement project designers, workers, supervisors, inspectors, *et al.*, to receive credentials from DEP prior to engaging in the activities. DEP issues approximately 900 such credentials in any given year.
- d) Lead. Project designers, workers, supervisors involved in lead abatement must receive credentials from DEP prior to engaging in the activities. DEP will continue to review applications for licensing and certification, and issue these credentials as appropriate.
 - (1) In 1998 the Department finalized an MOU with four Native American Tribes in Maine, with the Penobscot Indian Nation signing in 2000. This MOU addresses the areas of training, compliance, certification, and licensing for lead professionals and contractors. The Department will continue to implement the terms of this MOU in FFY 2009-2011.
- e) Solid Waste and Septage. Review all license applications submitted to the Department for waste handling facilities and activities including landfills, transfer and storage sites, waste processing facilities, incinerators, beneficial use of solid waste, agronomic use of solid waste, composting facilities, non-hazardous waste transportation, and septage handling sites.

D. Best Management Practices [BMPs]. DEP develops and maintains up-to-date technical materials for use as guidance intended for application in regulatory settings.

1. Water Quality. DEP develops and makes available to the public and regulated community BMP manuals to support water quality protection and restoration of impaired waters.

- a) Develop and implement protocols for Non Point Source-Best Management Practice evaluation.

2. Land Quality. DEP has developed the Maine Erosion and Sediment Control BMP manual (March 2003) to provide guidance to land development consultants and contractors on how to incorporate best management practices for erosion and sedimentation control into project design, planning and construction. The manual provides a menu from which project designers and contractors may choose the practices appropriate to site specific conditions to meet department standards.

3. Air Quality. DEP develops and implements projects and programs encouraging energy and production efficiency through the development of output-based emission standards. Special emphasis is placed on control programs and/or strategies providing multi-pollutant and multi-media benefits.

4. Materials Handling

- a) Contamination Clean-up. Publish Remedial Action Guidelines for hazardous substance sites on the DEP web site. Update this guidance in the near-term. Update the Petroleum Decision Tree, which is also published on the DEP web site.
- (b) Solid Waste.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (1) Continue to refine guidance for fuel and ash sampling and analysis associated with the use of waste-derived fuel substitutes.
- (2) Continue to develop guidance, pilot projects, and BMPs concerning the composting of a variety of waste materials including large animal carcasses, marine mammals, birds and organic wastes.

E. Advisory Committees, Workgroups, Partnerships, and Other Cooperative Efforts.

1. Water Quality.

- a) Participate as state coordinator for National Coastal Assessment in cooperation with the Casco Bay Estuary Partnership, which is administering the program in Maine.
- b) Wetlands.
 - (1) Continue to participate on the advisory committee for the Corporate Wetlands Restoration Program.
 - (2) Participate in national and regional workgroups related to wetland biological, functional, and landscape level assessment.
 - (3) Continue coordination with the federal agencies on all wetlands permitting efforts.
- c) Continue to work with other government agencies (Natural Resources Conservation Service through the State Technical Committee) to influence the targeting of a portion of the Farm Bill Programs (e.g., Environmental Quality Incentives Program (EQIP)) to areas of environmental concern including impaired waters, fragile waters in need of protection, and agricultural lands.

2. Air Quality.

- a) Air Toxics.
 - (1) Participate in the NESCAUM-led effort to improve the dioxin inventory for the Northeast.
 - (2) Participate in regional efforts to address diesel emissions through clean corridors projects and to address residential wood burning emissions.
- b) Climate Change.
 - (1) Continue development and implementation of regional GHG emission control programs including the Regional Greenhouse Gas Initiative (RGGI)
 - (2) Continue development and implementation of regional efforts to address diesel emissions/black carbon including clean corridor and ports initiatives.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

3. Materials Handling.

- a) Oil.
 - (1) Continue to implement the joint Department/EPA July 22, 1992, Memorandum of Agreement governing the implementation and operation of the Maine Underground Storage Tank program and the state federal program authorization.
 - (2) Assist EPA as needed to update its Program Approval to include the currently version of DEP's Rules for Underground Oil Storage Facilities, Chapter 691.
 - (3) Report to EPA semi-annually and as needed on Substantial Operational Compliance of UST facilities.
 - (4) Meet with EPA upon request and annually to review program performance.
- b) Asbestos. Participate in the Regional Consortium of Northeast States (CONES) meetings to coordinate asbestos program efforts.
- c) Lead.
 - (1) Participate in regional Consortium of Northeast States and Tribes (CONEST).
 - (2) Serve on the Lead Elimination Advisory Committee for Maine (LEAD-ME) to plan and implement initiatives to eliminate childhood lead poisoning in Maine.
 - (3) Serve on the New England Lead Coordinating Committee (NELCC) to coordinate regional lead poisoning prevention activities of state and local environmental, health and housing agencies.
- d) Brownfields. Coordinate with regional Brownfields grantees throughout the state, as well as coordinate regionally and nationally through the North East Waste Management Officials Association and Association of State and Tribal Solid Waste Management Officials.
- e) Superfund. Participate with area citizens that have received a Technical Assistance Grant (TAG) and have formed a TAG group. Currently active TAG's include the Brunswick Naval Air Station; Loring Air Force Base; Portsmouth Naval Shipyard; and Winthrop landfill sites.
- f) Other Remediation Sites. Interact with other interested party groups that have formed to assess the Department's activities at long-term remediation sites. Additionally, participate in NEWMOA workgroups to foster better, cost-effective approaches to remediating hazardous substance sites.
- g) Solid Waste. Collaborate with the following to coordinate solid waste program efforts on regional, state and national levels, and to improve and provide information and services.
 - (1) Northeast Waste Management Officials Association
 - (2) Maine Compost School
 - (3) National Residuals Managers Group

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

(4) Maine Resource Recovery Association

(5) Product Stewardship Institute.

h) Toxics in Products.

(1) Safer Chemicals. Serve as an information resource and participate in regional and national efforts through EPA roundtables and regional and national associations working on safer chemicals.

(2) Wheel Weights.

i. Coordinate with state fleets and purchasing authorities to effect the transition to lead wheel weight alternatives, and expand outreach to the school bus community.

ii. Serve as an information resource and participate in national efforts with EPA and others to phase out the use of lead wheel weights.

F. Environmental Justice. DEP is committed to ensuring that all Maine citizens, and particularly those who live in communities identified by US-EPA as communities of concern due to income, minority populations, and other factors, are fully aware of, and able to participate fully in, processes related to the issuance of environmental permits and licenses.

1. Develop and distribute information to all Maine communities in written and web-accessible formats.

G. Information Management. DEP's standards-setting activities are dependent on managing information in a way that allows conclusions to be drawn from environmental data. Much of this information is also available to the public through web-based applications.

1. Water Quality.

a) Complete the Environmental Surface Water Analysis Database (ESWAD).

b) Maintain improvements to the effluent toxics program, including full implementation of a new computer program by January 2009 that will enable permit writers to calculate toxics loading within the entire reach of a freshwater system to develop appropriate toxics permit limits in compliance with newly revised Department Regulations Chapter 530, Surface Water Toxics Control Program and Chapter 584 Surface Water Quality Criteria for Toxic Pollutants.

2. Land Quality.

a) Add vernal pools to the GIS permitting layer as applications for Natural Resources Protection Act permits for activities affecting vernal pools are received.

b) Maintain a system to track loss of wetlands from permitted activities and make it GIS-based.

3. Air Quality.

a) Collaborate with EPA to develop online access to the approved State Implementation Plan.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- b) Develop and maintain a system to provide for improved public access to quality assured ambient air quality monitoring data, along with compliance assurance data from licensed sources.
 - c) Provide information about stationary source inspections to the EPA AFS database.
4. Materials Handling.
- a) Maintain a central file room in Augusta for copies of database outputs listed below. These reports are updated monthly and are published in Adobe .pdf format.
 - (1) Transporters Reports.
 - i. Active Biomedical Transporters
 - ii. Active Hazardous Waste and Waste Oil Transporters
 - (2) Tanks Reports.
 - i. Non-Conforming Tanks Report
 - ii. Tank Installation Date & Material, install date, tank size and tank material
 - iii. Registered Underground Tanks
 - iv. Active and Out of Service Registered Underground Storage Tanks Including Tanks That Have Not Been Properly Abandoned
 - b) Provide geographic data compilation *via* GoogleEarth.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

III. ENVIRONMENTAL STEWARDSHIP AND POLLUTION PREVENTION

GOAL: To provide Maine citizens and regulated entities with information about and support toward preventing, minimizing, or eliminating pollution and improving environmental performance.

BACKGROUND: DEP has a long-standing commitment to the prevention of environmental harm and damage that it exercises by supporting the regulated community, fostering the State of Maine's "lead by example" efforts, and outreach to the public.

A. Regulatory Assistance. Maine's environmental laws are extensive. As the agency responsible for administering those laws, DEP helps the regulated community to understand and comply with their requirements.

1. Publications. DEP makes guidance materials, forms, statutes and rules, maps and supplementary materials available *via* the internet. Most material is also available in hard copy. The Department's web site is www.maine.gov/dep

a) Water Quality.

(1) Provide handbooks, Issue Profiles and web materials to support understanding of regulatory requirements as these requirements change or are updated.

b) Land Quality.

(1) Provide information on core laws (Site Law, NRPA, Stormwater, Erosion and Sedimentation Control Law, Shoreland Zoning) and permitting processes.

(2) Produce fact sheets on significant wildlife habitats, wetlands and wetlands in-lieu fee program. A new fact sheet is being developed for wind power projects.

c) Materials Handling.

(1) Hazardous Waste.

i. Prepare and publish, in both hard copy and on the DEP web site, materials that assist with the understanding of Maine's hazardous waste requirements as they change or are updated

ii. Provide guidance on specific rule interpretations and applications of the Resource Conservation and Recover Act (RCRA).

iii. Assist staff from the Office of Innovation and Assistance by reviewing advisory opinions and regulatory assistance correspondence issued through the OI&A program.

(2) Petroleum.

i. Prepare and distribute to tank owners and operators educational materials, which facilitate compliance with the maintenance, leak detection and spill prevention requirements, and provide guidance on eligibility for cost reimbursement from the

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

groundwater fund.

- ii. Distribute “Plain Talk About Tanks” for both motor fuel and heating oil tanks.
- (3) Asbestos and Lead. Maintain a web site with general program, regulatory information, all program forms, and links to the EPA asbestos web site.
 - (4) Small Business Assistance Program. Provide focused compliance and pollution prevention assistance to Maine small businesses that use extremely hazardous substances, generate hazardous waste, and/or release Toxics Release Inventory (TRI) chemicals.
 - i. Publish and distribute twice annually a newsletter directed to business and sector associations covered by Maine’s Toxics Use Reduction (TUR) law providing information on recent compliance and pollution prevention issues.
 - (5) Solid Waste Management. Provide information and assistance to Maine citizens, businesses, industries, and municipalities on solid waste management regulatory issues through web site information and distribution of printed materials.
 - (6) Product Stewardship. Provide education and outreach through brochures, informational mailings, and web materials to support understanding of statutory requirements for manufacturers, retailers and consumers to recycle mercury-added products and electronics, and to ensure proper disposal of pharmaceuticals.

2. Training. DEP sponsors and participates in training to inform the regulated community and Maine citizens about requirements of, and how to comply with, existing law.

a) Water Quality.

- (1) Wastewater Treatment Plant Operator Certification. Assist the Joint Environmental Training Coordinating Committee (JETCC) with operator certification training; publish a monthly O&M monthly newsletter; and sponsor specialty training sessions (toxicity reduction evaluations; wet weather, quality assurance/quality control, clean sampling techniques, etc.) on an as needed basis and as financial resources allow.
- (2) Work with the Department of Health and Human Services to train representatives of municipalities and interested members of the public in septic inspection and sanitary surveys.
- (2) Wetlands. Collaborate with the State Planning Office to provide training on wetland regulatory issues for code enforcement officers and realtors, on request.
- (3) Non-Point Source and Stormwater pollution. Maintain the Nonpoint Source Resource and Training Center as a source of information for local officials and the general public.
 - i. Provide assistance to municipalities in updating local stormwater ordinances.
 - ii. Provide assistance to municipalities by reviewing plans related to the restoration of impaired waters including Penjajawoc Stream in Bangor and Long Creek in South Portland.
- (4) Invasive aquatic plants. Train and certify plant patrol divers in the identification and removal of invasive plant species.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

b) Land Quality.

- (1) CEO training. Provide training on all aspects of the State Mandatory Shoreland Zoning Program by Land Quality staff is provided to all Code Enforcement Officers in the state through a program administered by the State Planning Office.

c) Air Quality

- (1) Lead annual training sessions in Portland, Augusta, Bangor and Presque Isle on how to comply with DEP's Chapter 137, Emission Inventory rule.
- (2) Meet with holders of Title V licenses and renewals to review all license conditions so there is no misunderstanding about the intent or meaning of those conditions.
- (3) Host Visible Emission training sessions ("smoke school") twice *per* year for facility emissions managers and local code enforcement officers.

d) Materials Handling.

- (1) Hazardous Waste. (Note that Maine's hazardous waste laws do not require individuals managing these wastes to be professionally trained or certified. As a result, direct education is often provided by the RCRA Program.)
 - i. Participate in speaking engagements regarding the Universal Waste Rules and Small Quantity Generator Rules annually as requested by interested parties.
- (2) Petroleum.
 - i. Conduct workshops at least annually and as needed to provide regulatory and technical assistance to Certified Tank Installers and inspectors, facility owners and operators, and other interested parties.
- (3) Asbestos.
 - i. Continue to offer presentations at initial educational courses provided to the regulated community that are provided by DEP-licensed trainers to enhance compliance
 - ii. Offer presentations at meetings of professionals and the public.
- (4) Lead.
 - i. Make presentations at initial training courses, and at supervisor refresher courses as needed, provided to the regulated community to enhance compliance.
 - ii. Administer third-party course exams at all initial lead training courses taught by DEP-licensed trainers.
 - iii. Work with all Maine-licensed lead training providers to refine and update lead training course curricula and teaching methods.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- iv. Provide education, outreach and technical assistance to code enforcement officers and landlords to encourage compliance with federal programs created by Title X, including TSCA Title IV Section 402, Section 406 and Section 1018.
- (5) Solid Waste Management.
- i. Provide transfer station operator training for municipalities, regions and others to improve compliance with standards and to assist in achieving efficient and environmentally sound operations.
 - ii. Actively participate in the Maine Compost School in cooperation with the University of Maine Cooperative Extension Service, the Maine Department of Agriculture, Food and Rural Resources, and the State Planning Office, to promote composting education and research.
 - iii. Provide training to consumers and the regulated communities for end-of-life product management and handling of e-waste, mercury-containing products, household hazardous waste, and pharmaceuticals.
- B. Technical Assistance.** DEP staff has extensive expertise in helping regulated entities operate in a safe, effective, and efficient manner, frequently through on-site consultation and field determinations.
1. Water Quality.
- a) Provide pretreatment technical assistance to all POTWs on an as needed basis as resources allow.
 - b) Provide on-site technical assistance to municipal treatment plant operators and other dischargers as resources allow.
 - c) Provide technical assistance to wastewater treatment plant personnel during routine compliance inspections on an as needed basis.
 - c) Provide technical (or financial) assistance for communities in order to eliminate discharges of untreated or partially treated wastewater.
 - d) Provide technical assistance in the design and development of new stormwater management systems.
 - e) Provide technical assistance inspections to support implementation of the general permit for industrial stormwater discharges (issued in 2005).
 - f) Provide technical assistance to municipalities in the development of comprehensive plans that include consideration of water quality protection and restoration.
 - g) Continue support of the Clean Marina Initiative by providing staffing for the program board, inspections, technical support, and distribution of publications.
 - h) Provide shoreland zoning technical assistance including, but not limited to, assistance with ordinance preparation and mapping requirements; and project-specific technical assistance,

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

via email, telephone, field visits, direct assistance to planning boards and CEO's, and training sessions at the local and state level.

2. Land Quality. Provide outreach to the public, consulting community, interest groups and municipal officials on all areas of core laws, with particular attention to new and evolving issues associated with protected natural resources (significant bird habitats, significant vernal pools and wetland issues) and stormwater management requirements.

- a) Conduct field determinations and on-site assistance in determining the presence of regulated resources and permitting requirements as necessary.
- b) Provide on-call assistance to answer general and specific questions over the phone or in the office in order to explain state environment requirements and questions on permit requirements.

3. Materials Handling. Provide verbal and written interpretations of Maine law to individuals and entities upon request.

- a) Lead.
 - (1) Lead-safe child care. Provide technical assistance on request to daycare establishments identified with lead hazards through the Department of Health and Human Services program that oversees daycare facility licensing in Maine.
 - (2) Renovations. Provide on-site technical assistance on the Toxic Substances Control Act (TSCA) section 406(b) requirements to contractors and property managers performing renovation for compensation in residential houses and apartment built before 1978.
 - (3) Quality Control. Maintain a program of quality control assistance with newly licensed lead inspectors, lead risk assessors, and lead abatement contractors.
- b) On-Site Business Assistance. Provide guidance to sector-specific companies looking to maintain, and in some cases exceed, compliance requirements. Sectors include auto body and repair; dentists; boat building and repair; auto salvage; and cruise ships.
- c) Solid Waste Facilities. Provide regulatory and technical assistance through consultations, site visits and written opinions, on matters concerning regulatory requirements, facility operations, and reporting.
 - (1) Provide technical guidance in the design and implementation of landfill gas management systems.
- d) Aboveground Storage Tank (AST) Facilities. Inspect motor fuel AST facilities for Spill Prevention and Cleanup Countermeasure (SPCC) planning compliance.

C. **Funds Distribution.** DEP manages distribution and oversight of a wide range of Federal and State funds through grant and loan programs that allow Maine communities and organizations to invest in pollution prevention.

1. Water Quality. Use State Revolving Loan Fund (SRF) loans and DEP grants to replace, upgrade, and build wastewater treatment facilities, and protect surface waters.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- a) State Revolving Fund / Small Community Grants. Provide loans and grants to municipalities and homeowners for the construction and repair of infrastructure (wastewater and septic systems) to protect water quality.
- b) Clean Water Act §319. Provide financial assistance to local watershed groups to carry out activities to protect and restore waters subject to non-point source (NPS) pollution.
- c) Boat Pump-out. Provide grants to marinas to install sewage pump-out systems for recreational boaters.
- d) OBD removal. Provide grants to homeowners for the removal of Overboard Discharge systems (OBDs) to improve coastal water quality, particularly in shellfish harvesting areas.
- d) Invasive Aquatic Plants. Provide grants through cooperating non-governmental organizations to local groups for invasive plant control projects, including courtesy boat inspections and invasive plant patrol training.

2. Air Quality

- a) School Bus emissions. Manage distribution and oversight of federal funds to school districts to retrofit existing school buses, and purchase lower-emission replacement buses.

3. Materials Handling

- a) UST Replacement. Serve as the agent for federal funds distributed through Maine's Community Action Programs to subsidize the replacement of aging underground oil storage tanks for low-income citizens.
- b) Lead/Asbestos Grants to Tribes. Provide annual grants to the tribes in Maine to support training in appropriate lead and asbestos disciplines.

D. Supporting Voluntary Efforts. Maine law requires that DEP assist companies seeking to perform beyond what is needed to maintain compliance. DEP also actively supports the efforts of non-governmental organizations involved in environmental protection. Activities throughout the agency contribute to these efforts in addition to certain programs being centrally coordinated.

1. Water Quality

- a) Continue the Stream Teams Program to assist local volunteers conducting stream stewardship activities.
- b) Establish a Volunteer River Monitoring Program (VRMP) in Maine, including:
 - (1) Develop and standardize QA/QC protocols and digital data reporting formats.
 - (2) Provide technical support, guidance, and oversight of volunteer groups, including 4-5 volunteer & equipment certification trainings / workshops annually across the state, and review, on average, two new plans per year.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (3) Provide general program administration, including development of an annual status report.
- (4) Provide data management and QA/QC services.
- (5) Publish a newsletter 3 times per year in collaboration with Maine Stream Team Program.
- (6) Establish a VRMP web page.
- (7) Purchase equipment for VRMP training and volunteers.
- c) Use the LakeSmart program to promote water quality protection of Maine Lakes through proper landscaping and management of property in lake watersheds.
- d) Provide technical and financial assistance to the Volunteer Lake Monitoring Program for training and data management of volunteer-collected lake data.
- e) Provide technical and financial assistance to Maine Center for Invasive Aquatic Plants to provide courtesy boat inspections and training for volunteer plant observers.

2. Air Quality

- a) Work cooperatively with communities and school districts in the development and implementation of voluntary no-idling school bus programs.

3. Innovation and Assistance. Provide outreach to the business sector, institutions and municipalities through Environmental Leadership programs.

- a) Certify hotels and restaurants that complete a self certification checklist and score a minimum number of points related to their environmental and energy footprint as Environmental Leaders/Hospitality.
- b) Expand the Governor's Carbon Challenge, a voluntary commitment to reduce greenhouse gas emissions, by signing on additional participants and providing resources, energy audits and technical assistance on methods to reduce energy and carbon emissions.
- c) Upgrade and enhance the historic STEP-UP (Smart Production) program to add rigor and challenges that encourage larger industrial facilities to further reduce their environmental and carbon footprint, particularly by establishing and recognizing achievement goals.
- d) Continue to use the Environmental Results Program (ERP) model with various business sectors to improve compliance rates with small sources while promoting voluntary reductions in carbon and toxic chemicals.
 - i. Pilot a joint stormwater ERP with Massachusetts to compare use of voluntary (ME) versus mandatory (MA) ERP methodologies.
- e) Work with three public swimming pools to switch from the use of chlorine treatment to safer alternatives.

f) Workshops and meetings.

- i. Hold annual energy workshops to promote further reductions in energy and carbon emissions through peer to peer learning, technical experts and panels to further explore topics of interest.
- ii. Convene meetings for environmental leaders to report significant projects including state-of-the-art source reduction technologies.
- iii. Work with sector associations and the Pollution Prevention and Small Business Compliance Advisory Panel to promote transparency in regulations and environmental stewardship/leadership activities.

E. State Lead by Example Activities. Maine's governors have exercised significant leadership through the issuance of Executive Orders directing state agencies to demonstrate high standards of environmental stewardship.

1. "Clean Government" Initiative. Assists state agencies in meeting applicable environmental compliance requirements, and incorporating environmentally sustainable practices into all state government functions.

F. Public Outreach. In addition to direct prevention efforts with the regulated community and other specific sectors, Maine DEP provides information to the general public through outreach activities and educational programs designed to enhance its awareness of resource values, pollution threats, and environmental standards.

1. Web Presence. Maintains and continually improve the DEP web site. As databases become more accessible and user-friendly, create the web tools necessary to ensure that the public can make best use of the information.

2. Outreach and Education on Specific Issues.

a) Water Quality.

- (1) Increase public awareness of resource values, pollution threats, and environmental standards through activities such as Children's Water Festivals; an advertising campaign and increased volunteer training and courtesy boat inspections to prevent infestation of invasive aquatic plants; Non-Point Source Awareness Campaign; and wetland education and outreach activities for a variety of audiences as resources permit.
- (2) Continue to provide leadership for groundwater education efforts directed toward the general public.
- (3) Provide education for the public on the marine No Discharge Area requirements and availability of pumpout facilities.
- (4) Provide outreach in the restoration of impaired waters including Penjajowoc Stream in Bangor and Long Creek in South Portland.
- (5) Promote low impact development (LID) measures both for new development and for retro-fitting existing development through support of the Maine Non Point Education for

Municipal Officials program.

b) Land Quality

- (1) Provide outreach to the public, consulting community, interest groups and municipal officials on all areas of core land use laws, with particular attention to new and evolving issues associated with protected natural resources (significant bird habitats, significant vernal pools and wetland issues) and stormwater management requirements.
- (2) Provide municipal officials and the general public information and guidance of municipal ordinance requirements to satisfy that program.

c) Air Quality.

- (1) Expand education and outreach efforts to provide greater public access to technical materials including complete online access to monitoring data, emissions inventory data and air emissions licenses.
- (2) Develop and provide environmental education activities, materials and resources online.
- (3) Develop and implement a public education program on diesel emissions reductions.
- (4) Collaborate on the expanded Clean Air Zone (no-idling) project for local communities.
- (5) Integrate ozone and particulate outreach into a general air quality education and outreach campaign that also includes regional haze.
 - i. Integrate environmental education into K-12 curricula and provide teachers with supplemental materials and classroom support.
 - ii. Develop and provide online environmental education activities, materials and resources.
- (6) Develop and implement a public education program targeting residential wood burning, including development and delivery of outreach materials on proper use of outdoor wood boilers.

d) Materials Handling.

- (1) Lead / Asbestos. Continue efforts to develop audience-specific educational materials, and to coordinate with DHHS and the Maine State Housing Authority to conduct outreach and education activities for lead poisoning prevention.
 - i. Coordinate a program to routinely offer "lead-safe renovation" training to contractors, building management, maintenance personnel, and home owners.
- (2) Petroleum. In accordance with Energy Policy Act requirements, provide web-based information on causes of motor fuel UST discharges.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (3) Solid Waste. Continue to conduct education/outreach activities related to solid waste management issues as needed or requested. These activities include presentations to solid waste professionals, local and regional governments, schools, and the public in various settings.
- (4) Product Stewardship. Develop and implement outreach initiatives to encourage consumers to appropriately recycle mercury-added products, electronics, and pharmaceuticals at the end-of-life.

3. Specialized Publications. These provide information addressed to the needs of particular identified constituencies and promote local stewardship of local resources.

a) Water Quality

- (1) Distribute information in training courses for contractors, local code enforcement officers, etc., to promote use of effective BMPs and land management practices.
- (2) Provide materials to support watershed surveys and restoration efforts.
 - i. Utilize annual watershed managers roundtable to provide information to local soil and water conservation districts, Casco Bay Estuary Project, etc.
 - ii. Provide targeted outreach to municipalities engaged in watershed planning through the Nonpoint Education for Municipal Officials program.

b) Materials Handling.

- (1) Distribute educational materials to homeowners on how to prevent oil discharges from home heating oil tanks, including *Plain Talk for Heating Oil Tank Owners*.
- (2) Distribute *Plain Talk for Motor Fuel Owners*.

G. Quality Management

1. Water Quality

- a) Ensure that all external 319 projects comply with EPA quality assurance requirements.

2. Materials Handling

a) Lead / Asbestos

- (1) Conduct five (5) asbestos training course audits annually.
- (2) Conduct audits of lead training courses offered for the first time by a training provider.

IV. REGULATED ACTIVITY OVERSIGHT

GOAL: To maintain current and historic information regarding the environmental performance of all regulated entities that is sufficient to understand compliance status and address non-compliance in an evenhanded manner.

BACKGROUND. DEP uses a variety of methods to assure that regulated entities maintain compliance. In each particular circumstance, the DEP evaluates the facts and exercises its discretion to determine which option or combination of options is appropriate to achieve compliance with environmental requirements. The result is a consistent and predictable compliance approach that retains enough flexibility to deal with the unique facts of a particular case or sector.

A. Compliance Evaluations. A core activity in all DEP regulatory programs is evaluating compliance with licensed pollutant release limits, performance standards, reporting obligations, and record keeping requirements. These evaluations are performed through on-site inspections at regulated facilities or are based on the review of data submitted to DEP by regulated entities.

1. Record Reviews. Evaluate all records submitted to DEP for compliance demonstration purposes in order to document conformity with Maine law.

a) Water Quality.

(1) Discharge Monitoring Reports. Review all data submitted by license dischargers within five working days of submission in order to discuss, as needed, any reported violations with the submitter and identify all facilities failing to submit complete or timely data.

b) Land Quality. Permitted activities and conditions of approval are recorded in the application tracking system (ATS) with due dates for compliance, and as stipulated in an order.

(1) Track compliance through inspection of permitted facilities and issuance of condition compliance orders.

c) Air Quality. Review compliance reports on subjects such as excess emissions beyond license requirements, monitoring equipment down-time, and/or process upsets to quickly identify exceedances and respond accordingly.

d) Materials Handling.

(1) Hazardous Waste.

i. Monitor shipments of hazardous waste by tracking and evaluating copies of Uniform Hazardous Waste Manifests.

ii. Issue Letters of Warning and Notices of Violation for manifest discrepancies and misuse.

(2) Petroleum. Review compliance reports submitted to the State by all petroleum retailers.

i. Annual Inspections. Track compliance with annual inspection deadlines, review annual inspections for quality control, enter results into database, and pursue enforcement action against violators.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- ii. Compliance status reviews. Evaluate the compliance status of particular facilities on request by management or other Department program staff. This function occurs in the context of multi-program enforcement efforts or to determine eligibility for state-issued awards for environmental performance.

(3) Asbestos and Lead.

- i. Review all abatement project notifications and take action to achieve compliance as needed.
- ii. Conduct records inspections of contractors and consultants prior to re-licensing as staff time allows.

(4) Solid Waste Facilities.

- i. Review annual reports submitted by all licensed landfills, incinerators, transfer/storage facilities, processing facilities, septage sites, and beneficial and agronomic use activities/sites.
- ii. Evaluate environmental monitoring data and reports submitted by solid waste facilities.

2. On-site Compliance Evaluations. Inspect regulated facilities in a strategic manner that makes best use of available resources in order to document compliance status.

a) Water Quality

- (1) Underground Injection Control. Focus inspections in the Androscoggin River Basin in FFY 2009, the Presumpscot River Basin and Casco Bay Basin in FFY 2010, and the St. John River Basin in 2010 using the existing facility inspection priority system. UIC inspection areas may be modified slightly from past years to ensure all areas of one county are done if the county boundary overlaps between two watersheds.

- i. Conduct approximately 200 to 250 UIC inspections per year in designated watershed/work areas.

(2) Permitted Discharges.

- i. O&M Compliance Evaluations. Evaluate federally-funded wastewater treatment facilities that have met all first-year project performance certification requirements, have a design capacity of less than 5 MGD, and have operation and maintenance compliance problems.

- ii. Industrial Toxic Discharges. EPA will target industrial sector(s) with the most serious toxic discharge(s) for a blend of compliance assistance and enforcement. DEP will provide the EPA with leads/tips for assistance/enforcement within the selected industrial sector(s) upon request.

- iii. Overboard Discharge (OBD). Inspect 50% (approximately 700) of all licensed OBD each year.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (3) Stormwater.
 - i. Inspect 50% of Maine-permitted stormwater sites and 20% of stormwater permit-by-rule sites each year.
 - (4) Erosion and Sedimentation Control. Continue to work toward improved compliance with the Erosion and Sediment Control law by determining the barriers to compliance and utilizing the appropriate tools to overcome these barriers.
 - i. Analyze results of surveys of the affected public previously conducted, including data from on-site inspections.
 - (5) Land-spreading Activity. Coordinate internally to conduct licensing, inspection and enforcement activities that ensure land-spreading activities do not adversely impact groundwater and surface water resources. Consult with EPA regarding technical issues related to pathogens and metals.
 - (6) Spill Prevention and Countermeasure Control (SPCC). EPA will conduct inspections in response to any major accidental release and will initiate enforcement actions as appropriate to ensure that compliance with Section 311 of the CWA is achieved and maintained. EPA conducts inspections and enforcement based upon release reports, region team targeting, tips, complaints, and referrals. The DEP will continue to encourage all facilities to report releases to the Federal National Response Center.
 - (7) Sand Salt Piles. Investigate complaints as needed and perform site inspections for any variance requests.
- b) Land Quality
- (1) Site Location of Development Permits. Inspect 100% of all new Site Location permits.
 - (2) Maine Wetland Permits. Inspect 100% of Tier II and III projects that were required to provide compensation.
 - (3) Borrow pits. Inspect regulated borrow pits once every three years for compliance.
- c) Air Quality.
- (1) Conduct inspections of air emission sources and review automated monitoring reports to determine compliance with state air quality regulations and license requirements
 - (2) Target on-road diesel testing efforts in urban areas.
 - (3) Continue compliance and program oversight activities for on-road heavy-duty diesel testing,
 - (4) Continue program oversight and compliance inspections of the Low Emission Vehicle Program and low-enhanced inspection and maintenance programs.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (5) Implement comprehensive area source compliance programs for consumer products, portable fuel containers and architectural and industrial maintenance coatings.
- d) Materials Handling.
- (1) Hazardous Waste.
 - i. Anticipated FFY09-11 staffing and funding will result in a total of at least 65 on-site enforcement inspections each year.
 - ii. Monitor regulatory compliance at mercury waste generators, identify the extent of any contamination, and seek out pollution prevention and compliance assistance opportunities to reduce or eliminate mercury use or mismanagement.
 - iii. Implement, administer and enforce Maine's Universal Waste Rules, including facility inspections and complaint investigations, to determine compliance with the standards for universal waste management as necessary and as resources allow.
 - iv. Conduct 10 Large Quantity Generator (LQG) inspections during each federal fiscal year. There are approximately 75 to 90 LQGs in Maine. Priority will be given to those facilities that have never been inspected or that have not been inspected in the past five years (unless other information indicates that the likelihood of waste generation and a waste management problem is low), and to those facilities that have been the subject of a complaint that has not yet been investigated or a referral from another program.
 - v. Conduct 10 federal Small Quantity Generator (SQG) inspections during each FFY. There are over 600 generators in Maine producing between 100-1000 kg of hazardous wastes *per* month
 - vi. Conduct one Treatment Storage Facility (TSF) inspection during each fiscal year. Currently, there are two RCRA TSFs and one PCB TSF licensed in Maine.
 - vii. "Environmental Leader" program inspections. During FFY09-11, conduct up to four compliance inspections in support of this program. The inspections will be conducted as part of a pre-qualification review of applicants, and will be conducted and counted as part of DEP's PPA commitments.
 - viii. Conduct approximately 30 complaint investigations each year depending upon the number of complaints received. At a minimum, address all complaints through investigation/assessment, inspection, or referral to another appropriate program at DEP.
 - ix. Identify and conduct 10 inspections at non-notifiers during each fiscal year. (A non-notifier is a facility that generates hazardous waste in small quantities (i.e. < 100 kg/mo State SQG or is a federal Conditionally-Exempt SQG) or generates larger quantities of hazardous wastes but has not notified the EPA or the Department of its hazardous waste generator activities and may not have properly manifested wastes off-site for licensed hazardous waste disposal.) There are thousands of non-notifier facilities in Maine. Although full inspections are planned, partial compliance inspections may be conducted at these facilities depending upon the status or level of compliance found at the time of inspection by the RCRA inspector.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- x. Conduct one hazardous waste transporter inspection, during each fiscal year, at a hazardous waste transportation facility based in Maine. Out of about one hundred (100) Department-licensed hazardous waste transporters, approximately ten (10) are based in Maine
 - xi. Conduct two inspections during each fiscal year at facilities that have been the subject of one or more prior enforcement actions
 - xii. Conduct one inspection at formerly active hazardous waste land disposal facilities during each fiscal year, to evaluate ground water monitoring activities related to the site. Currently, there are three such facilities in Maine.
- (2) Petroleum. There are approximately 1630 facilities storing petroleum regulated under federal UST laws.
- i. UST facility inspections. Inspect a minimum of 350 UST facilities per year, as resources allow, for compliance with applicable rules and statutes. Selection of facilities to be inspected will be based on potential environmental threat, location, compliance, and change of ownership. Some of these inspections will be conducted jointly with EPA-NE staff.
 - ii. Oil Terminal Inspections. Inspect, on average, half of Maine's 14 oil terminals *per* year.
- (3) Asbestos and Lead. Conduct targeted field inspections, investigate complaints and take enforcement actions to ensure no public health or environmental risks are created through improper abatements; that all parties are in compliance with state asbestos and lead laws; and that Local Education Agencies are in compliance with the Asbestos-Containing Materials in Schools rules, 40 CFR Part 763, Subpart E.
- (5) Multi-program Evaluations. As appropriate, DEP will conduct activities involving known or suspected high priority multi-program compliance issues.
- (6) Solid Waste Facilities.
- i. Conduct team and targeted inspections at solid waste landfills on a priority basis for a variety of purposes including: compliance determinations, construction activity review, and monitoring.
 - ii. Conduct regular inspections, on a priority basis, of waste incinerators, transfer/storage facilities, processing facilities, beneficial use activities, sludge and residuals management facilities, composting sites, and septage facilities.

B. Enforcement. When environmental violations occur at licensed facilities or in other regulated situations, the Department initiates timely and appropriate enforcement actions consistent with written non-compliance response and penalty calculation policies.

1. Agency-wide Activities

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- a) Multi-program Cases. As appropriate, case managers participate in resolving multi-program enforcement cases after consultation with appropriate bureau managers
- b) EPA Cases in Maine. EPA provides DEP regulatory programs with at least two (2) weeks notice prior to issuance of any enforceable information request or order planned for facilities in Maine. When unplanned or emergency orders are determined necessary, EPA will provide DEP with notice of the expected issuance at the earliest point practicable. The purpose of this notice is informational. This notice shall be provided to the DEP Enforcement Director for dissemination to affected programs and will be maintained as confidential information until the time of issuance.
- c) Significant Non-compliance. In accord with the U.S. EPA's national enforcement policies, DEP programs funded to enforce the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act must identify and address significant non-compliers. To this end, the DEP will: (1) undertake targeting strategies and inspection protocols designed to identify significant non-compliance; (2) identify detected significant non-compliers in national enforcement databases; (3) communicate and coordinate with EPA on enforcement actions undertaken in response to significant non-compliance; and (4) address these identified facilities when DEP efforts as lead enforcer are appropriate with enforcement responses sufficient to ensure compliance and recovery of penalties.
- d) Policy Refinement. DEP regularly reviews the policies it employs to ensure consistency when non-compliance is discovered and written resolutions are pursued..

2. Air Quality

- a) Review draft licenses and proposed regulations, and assist and coordinate to resolve technical issues as they relate to enforceability of compliance activities and license conditions.
- b) Work closely with compliance inspection staff and oversee all aspects of stack sampling, including review and approval of sampling protocols, pretest meetings and reports, observation of test programs, and review of the final report for a determination of compliance.
- c) Manage the state's Continuous Emissions Monitoring (CEM) oversight program and provide expertise on this subject to other staff, the regulated community and the public.

3. Water Quality.

- a) Major NPDES Facilities. Identify violations in a timely manner in order to continue coordinating effective monthly and quarterly Non-Compliance Review (NCR) meetings. DEP and EPA will hold four NCR meetings in each FFY.
- b) Shellfish Areas. Work with the Department of Marine Resources (DMR), shellfish harvesters, and municipalities to reopen 1.5 square miles of high value shellfish areas by the end of FFY 2011 by making these areas a priority for removal of straight pipes, Overboard Discharges (OBD), and malfunctioning septic systems.¹

¹ Shellfish area openings are contingent upon sufficient monitoring by DMR, no other unknown sources of contamination being discovered, and adequate funding from bond issues for the OBD Removal and Small Community Grant programs.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- c) Combined Sewer Overflow. Enforce CSO permit/license requirements and the prohibition against Dry Weather Overflows (DWOs). For all CSO community facilities, appropriate and approved Long Term Control Plan (LTCP) schedules will be incorporated in license renewal actions. In order to ensure the execution of approved LTCPs (and their associated implementation schedules), continue to incorporate the approved schedules in wastewater discharge licenses and/or non-penalty consent agreements.

4. Land Quality.

a) Shoreland Zoning.

- (1) Monitor the efforts of municipalities to appropriately apply local shoreland zoning standards, including taking enforcement action when necessary.
- (2) Provide assistance in all aspects of administration and enforcement.
- (3) As appropriate, take enforcement action against an individual municipality for failure to properly administer its ordinances or the offending landowner for statutory violations.

b) Mining.

- (1) Inspect facilities at least once every three years for compliance with state performance standards. Non compliance actions may be dealt with informally or formally depending on the nature and egregiousness of a particular violation.
- (2) Monitor other ongoing mining activities to determine whether they have exceeded the minimum thresholds for the program and, if so, take appropriate enforcement actions to get those facilities into the program.

5. Materials Handling.

a) Hazardous Waste.

- (1) Significant non-compliance. Classify and identify non-compliance for tracking within EPA's RCRIS database using provisions in the EPA Enforcement Response Policy (ERP, revised 2003). Classifications will include Significant Non-Compliers (SNCs) and Secondary Violators. SNCs will be addressed at a level of appropriateness and timeliness consistent with the ERP.
- (2) Follow-up on prior commitments. Follow up on enforcement cases initiated prior to the current fiscal year. The follow-up will include tracking compliance schedules and negotiating administrative consent agreements and enforcement orders to resolve cases that are carried over from the previous fiscal year.

b) Asbestos and Lead. Pursue enforcement actions as appropriate for non-compliance and to gain compliance as needed.

c) Solid Waste. Pursue enforcement actions as appropriate in response to violations of Maine's Solid Waste Management laws and rules.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- d) Product Management Issues. Pursue enforcement actions in response to non-compliance with Maine's product management laws.

C. Information Management. Regulated activity oversight requires the development and maintenance of information systems that assure access to current and historic performance data for comparison with license conditions.

1. Water Quality

- a) Maintain the timeliness and accuracy of Discharge Monitoring Report (DMR) data entered into the Permit Compliance System (PCS). These efforts include proper and timely coding of licenses into EFIS; complete and timely submittal of required DMR data from clients to DEP; timely and correct entry of DMR data into the eDMR system; automated reports to identify delinquent facility submissions; and automated checking of data for accuracy and completeness. eDMR data are sent electronically to EFIS, extracted from EFIS, and send electronically to PCS. EPA will forward information on potential financial resources to assist the DEP in completing this task, and will provide technical assistance and training on an as-needed basis.
- b) Continue use of the compliance tracking system and plan for its eventual migration into EFIS.
- c) Improve data management such that it will not take more than one week for either EPA or DEP to prepare for the quarterly non-compliance review (QNCR) meeting through timely and accurate coding of new licenses into PCS; timely and accurate submittal of DMR forms from MEPDES license holders to DEP; and timely and accurate compliance, inspection, and enforcement data entered in PCS.

2. Land Quality

- a) Mapping
 - (1) Vernal pools. Working with staff from the Department of Inland Fisheries and Wildlife or other qualified individuals, identify significant vernal pools and refine data layer4s for inland wading bird and waterfowl habitat.

3. Air Quality

- a) Coordinate with EPA and regional organizations on improving air emissions inventories.
- b) Issue daily air quality advisories that are instantly available to the public via the web and e-mail.
- c) Develop and implement a program for improved on-line access to air quality monitoring and air emission licenses

4. Materials Handling.

- a) Hazardous Waste. Maintain a hazardous waste manifest program and database for tracking compliance with transportation and disposal requirements and for use in compiling back-

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

ground information for compliance investigations and reviews of waste types, amounts, and disposal practices of facilities and inspection candidates

- b) Asbestos and Lead. Maintain abatement project notification data in the "Lead and Asbestos Notification System (LANS)"; licensing and certification information in EPA's "CERT" database; Asbestos and lead training course audit information in EPA's "CLASSACT" database; and staff field activities information in the "COMPTRACK" database.

D. Quality Management. In order to assure consistency in the application of compliance and enforcement tools, DEP's program areas develop and implement quality assurance measures such as standard procedures and protocols.

1. Water Quality. Licensing, compliance, and enforcement staff meet monthly to review compliance data from licensed dischargers. Compliance and enforcement actions are initiated based on the facts of each case as specified in the Division of Water Quality Management Compliance Policy (#DEPLW2001-24, 7/11/2001).
2. Materials Handling. Hazardous Waste. For the federal inspections described above (IV.A.2.d) as part of this work plan, standardized inspection checklists are used to ensure that the level of detail evaluated is consistent for inspections where full evaluations are conducted. In the case of non-notifier evaluation inspections and complaint investigations, inspectors may limit the standardized checklist to a partial checklist of those sections that concern the physical storage and handling of hazardous waste at a facility. Record reviews during the non-notifier evaluations and complaint investigations will typically be limited to those records that determine the nature and character of wastes observed during the inspection.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

V. POLLUTION RESPONSE AND ENVIRONMENTAL RESTORATION

GOAL: To respond quickly and effectively to incidents of pollution, and bring necessary resources to bear on the tasks of restoring the environment to its previous state.

BACKGROUND: The Department has statutory authority to respond to a variety of occurrences that threaten Maine's environment. The principal categories of these actions include response to unlicensed discharges of oil, petroleum products, and hazardous materials to the waters of the state; cleanup and mitigation of sites where pollutants have been released to the environment; prevention of the spread of invasive aquatic species; and prevention of hazardous air pollution.

A. Response

1. Water Quality.

- a) **Illegal discharges.** Investigate illegal discharges from licensed and unlicensed sources and works with the discharger to eliminate the illegal discharge, institute corrective actions to minimize the potential for the illegal discharge to reoccur. Initiate enforcement actions when appropriate.
- b) **Invasive Plan Species.** Respond to new documented invasions of aquatic plants through actions such as plant removal, installation of barriers, and chemical control.

2. Air Quality. Investigate complaints and restrict emissions, or issue shutdown orders in the event of an air pollution emergency.

3. Materials Handling. Responds statewide to investigate reports of discharges or threats of discharges of oil and hazardous matter, as well weapons of mass destruction (WMD), to assess threats to health and the environment on a twenty-four basis from four regional offices. Staff has the authority to immediately call for additional resources as needed. DEP also works with other New England States and the federal government to coordinate responses.

B. Remediation and Restoration

1. Water Quality.

- a) Calculate discharge license limits to assure that the volume of released pollutants will decrease over time so that water quality standards will be met and Maine's waters will improve.
- b) Collaborate with other agencies and local voluntary organizations to remove identified invasive aquatic species and restore surface waters.

2. Air Quality. To the extent that funding allows, compensate owners of documented nuisance outdoor wood boilers for up to 75 percent of the costs of a new outdoor wood boiler, including installation, not to exceed \$10,000.

3. Materials Handling.

- a) **Longer Term Remediation of Petroleum Contaminated Sites.** Contract, manage, and oversee remedial services as appropriate, hire private sector vendors for specific projects and utilize

the retained services of contractors who are skilled in many related job duties.

- b) Long Term Remediation from the Release of Hazardous Waste at Facilities Licensed After 1980 under the Resource Conservation and Recovery Act (RCRA). Investigate sites to assess hazards, oversee remediation activities carried out by responsible parties, and continue to monitor to assure that contamination is not moving off-site.
- c) Long-term Remediation of Sites Contaminated by Hazardous Substances prior to 1980. Undertake the investigation and clean-up of a site that poses a risk to public health or the environment, or compel Potential Responsible Parties to undertake the activities themselves. For more costly sites, the state also works closely with EPA Region I. At hazardous substance sites created and operated by federal defense agencies, the Army Corps of Engineers oversees remedial activities, with state input.
- d) Voluntary Programs. Provide protection from liability under the Uncontrolled Sites and Superfund laws to individuals who agree to investigation and remediation activities under Maine's Voluntary Remedial Action Plan (VRAP) and the federal Brownfields program..
- e) Landfill Closure and Remediation. Maine has about 413 municipal landfills that include current licensed operating sites, closed sites, and inactive sites that no longer take municipal waste but never went through an approved closure process. In 1998, the Maine Legislature created the Landfill Closure and Remediation Program (38 MRSA §1310-C *et seq.*) which provides for the closure & remediation of municipal landfills. The law also provides for the development of institutional controls on these sites. Its objectives are to promptly close landfills that pose hazards to public health and the environment; and to remediate existing hazards posed by closed municipal solid waste landfills. DEP regularly inspects these facilities to assure the closure requirements continue to be met.

C. Coordination with Other Response Providers

1. Materials Handling.

- a) Provide training to first responders including fire departments in the rules and response strategies such as tanker rollover classes and coastal oil spill response.
- b) Meet regularly with the Regional Response Team, the Maine New Hampshire Area Committee, Maine Emergency Management, the Civil Support Team, Local Emergency Planning Committees teams, and others for planning, coordination and training.
- c) Conduct public outreach on a site-by site basis. At each milestone in a project being coordinated by the state or federal government where the public have expressed interest, provide appropriate outreach materials and meet with the public. Provide additional information on the DEP web site.

D. Information Management

1. Materials Handling.

- a) Track all statewide reports of discharges in the Hazardous Material and Oil Spill System (HOSS) database. HOSS information includes spill type, cause, date and time, location, me-

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

dia effected or at risk, cause, material reportedly discharged as well as material identified by staff, quantity, cleanup information and more. This data is available on the Departments web site and through the internet after completion of quality assurance checks.

- b) Track remediation sites in the Institutional Controls Database (ICDB). As resources allow, update the information in the database this year, while making note of modifications needed to make it more functional.
- c) Maintain DEP's Sites List Descriptions and Database. This list represents the public record of past and current sites located in Maine that are in the Voluntary Response Action Program, the Brownfields Program, the Landfill Closure Program, the Federal Facilities Program, the Superfund Program, and/or the Uncontrolled Sites Program. Sites are listed alphabetically by the municipality they are located in, and the database includes information regarding location, status, and if the property has institutional controls.
- d) Maintain the Underground Storage Tank public record which includes: the number, sources, and causes of underground storage tank releases; the record of compliance by USTs; and data on the number of UST equipment failures in Maine.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

VI. PROGRAM MANAGEMENT

GOAL: To assure that the DEP's structures, systems, personnel and financial resources are sufficient to implement Maine's environmental laws, provide expected public service, maintain accountability to state and federal funding sources, and improve organizational performance.

BACKGROUND. DEP's organizational structure largely reflects the requirements of different statutory authorities (*e.g.*, Clean Air Act; Clean Water Act, etc.), funding sources (state General Funds; dedicated revenues; federal funds) in the context of the environmental media -- land, water, air, hazardous waste, oil -- associated with them. Regardless of the funding, many of these media distinctions are useful for planning purposes, and have been maintained. As a result, DEP is structured in three media-oriented bureaus -- Air Quality, Land and Water Quality, and Remediation and Waste Management -- and a central Office of the Commissioner that oversees agency activities. Within each bureau are two or more divisions having specific responsibilities associated with particular environmental needs (*e.g.*, solid waste; water resources) or functions (*e.g.*, engineering services).

A. Organizational Development. DEP actively maintains and enhances organizational structures and systems that support employees and promote continuous improvement.

1. Training. Ensure that DEP staff, supervisors, and managers fully develop and utilize their skills and knowledge to serve internal and external customers. Continue organization-wide efforts to promote learning, strategic conversation, and system(s) improvement.

a) **Water Quality.** Continue to train personnel on water quality standards.

b) **Land Quality.**

- (1) **Vernal pools.** Provide annual training to DEP staff on the identification of vernal pools and on identification factors to determine their level of significance for the purposes of jurisdiction
- (2) **Freshwater wetlands.** Provide periodic freshwater wetland training to all licensing and field services staff. Provide more focused wetland training to all new staff at specialized training sessions.
- (3) **Coastal wetlands.** Provide specialized training on the ecology of coastal wetlands on an unscheduled basis for staff in coordination with biologists from the Maine Department of Marine Resources.

c) **Air Quality.**

- (1) Train staff on technical aspects of air pollution control and management through training courses offered by EPA, NESCAUM and the California Air Resources Board.

d) **Materials Handling.**

(1) **Hazardous Substances.**

- i. Provide an initial 40-hour worker safety training, and 8-hour supervisors training, to staff working with sites where hazardous waste or other hazardous substances are

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

generated or released.

- ii. Provide 8-hour safety refresher training, first aid training, and technical and regulatory training, as may be necessary and available, in order to access and appropriately assess sites where hazardous waste is generated or released.
- iii. Identify opportunities for specialized training in technical and regulatory issues in order to maintain the high level of expertise required of RCRA inspectors and uncontrolled sites investigators.

(2) Petroleum

- i. Train staff in delivery of technical assistance and regulatory guidance for UST owners and operators.
- ii. Provide initial 40-hour and annual 8-hour refresher Superfund Amendments and Reauthorization Act safety training.

(3) Asbestos and Lead. Provide annual training to maintain professional credentials appropriate to performing their work, including RCRA HazMat, First Aid and CPR, and asbestos/lead inspector and/or supervisor training..

(4) Response.

- i. Provide training that includes technician level hazardous material response, National Incident Management System (NIMS) Incident Command System (ICS) 300 level, Coastal Oil Spill Response, technician level WMD, and more.
- ii. Provide refresher training through weekly meeting topics, bimonthly division meetings and an annual one week refresher as well as participation in numerous drills to ensure staff maintains the ability to respond safely and efficiently.

(5) Solid waste. Solid waste staff receive regular training including 8 hour safety refresher, first aid and CPR. Solid waste staff also receive specialized training in various aspects of solid waste management offered by EPA, NEWMOA, ASTSWMO, SWANA and others.

2. Performance Reviews. Assure that all staff performance reviews are done by the annual “due dates” and that the goals and expectations in those plans include specific references to ongoing professional development.

3. Customer Service/Satisfaction. Track external customer satisfaction, particularly among members of the regulated community, to identify how well we are meeting the needs of the public.

a) Water Quality.

- (1) Continue to conduct market research related to water quality issues to help direct education efforts.

b) Air Quality.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (1) Continue to distribute and evaluate customer service cards provided to licensees.

B. Financial Stewardship. Maintain financial approaches that assure that program funding strategies provide revenue sufficient to support ongoing program operations. Further, as managers of, and agents for, Federal funds used for Department activities and granted to outside entities, DEP and the Natural Resources Service Center of the Department of Administrative and Financial Services maintain systems to assure proper use of, and accounting for, funds DEP receives.

1. Central Administration.

- a) During the state budgeting process, evaluate past spending and available resources to determine how best to allocate resources for the state fiscal biennium.
- b) When legislation requires new staffing and other resources to be carried out, adjust the budget accordingly to assure that fundamental environmental protection is not jeopardized.

2. Water Quality.

- a) Identify funding sources for future refinement of the groundwater vulnerability methodology and development of a user interface.
- b) Identify funding to support use of Residual Designation Authority under the Clean Water Act to regulate stormwater discharges to urban impaired streams.

3. Materials Handling.

- a) Review applications for coverage by the Ground Water Oil Clean-up Fund and approve those that meet the criteria for Fund coverage in accordance with statute.
- b) Determine deductibles based on a review of compliance with specific requirements, and issue Department Orders to those who qualify as eligible applicants.
- c) Present information to the Fund Insurance Review Board at appeal hearings as necessary.

C. Performance Measures and Quality Assurance. Coordinate efforts to assure that consistent approaches exist for objectives and projects implemented throughout the agency, and that the public is informed of Department performance.

1. Performance Measures. DEP has adopted several measures of performance to inform the public and Maine decision makers about progress toward public service and environmental improvement goals. These are publically reported at least annually, and are generally based on quarterly reviews of performance data. Trend data for some measures extend back ten or more years.

- a) Customer Service Measures.
 - (1) The Department will issue licensing decisions as quickly as possible while appropriately addressing all applicable environmental criteria and procedural requirements. Metric, reported annually: average aggregate processing time for all permit types.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (2) Percentage of public requests for service to all program areas (*e.g.*, information requests; reports of spills; requests for field determination) responded to at time of initial contact, or by return call by the close of the second business day.
- b) Environmental Indicators. These demonstrate that the quality of Maine's land, water, and air is safe and improving.
 - (1) Number of days on which ambient air quality is at least moderately healthy for all Maine citizens.
 - (2) Total amount of regulated pollutant discharges into Maine's air and waters.²
 - (3) Acres of previously contaminated land brought back into productive use.
 - (4) Number of all land sites affected by pollution remediated.

2. Quality Improvement.

- a) Quality Management Plan (QMP). Abide by the terms of the January 2002, "Memorandum of Agreement" with EPA-NE which specifies the mutual responsibilities and expectations between the parties for Quality Management, as further elaborated in the 6/29/06 MOU that recognizes the delegation of some Quality Assurance Project/Program Plan review responsibilities to DEP.
- b) Utilize the internal auditing regimen specified in the QMP, and external EPA-NE audits, to identify and take advantage of opportunities for continuous quality improvement.

D. Information Management. Making environmental and public health information accessible to enable Maine citizens to make decisions informed by the best available data.

1. Environmental Information Management System. Continue development of DEP's Environmental Facility Information System (EFIS), which is to be the authoritative source of the core facility/site and regulated activity data. The next major effort will include integrating Air licensing and the National Emissions Inventory data. Future phases will address adding Enforcement and Compliance, Complaints, Violations and Inspection data for these programs.
2. Electronic Data Collection
 - a) Continue to develop a software package to support the collection of Electronic Discharge Monitoring Reports (eDMR) and operating data from wastewater treatment plants.
 - b) Continue to add programs to the EGAD (Environmental Geospatial Analysis Database) for surface and groundwater analysis.
 - c) Convert DEP systems to utilize the National Environmental Information Network (NEIEN) to exchange data with USEPA programs.

² Water discharges are represented by pounds of BOD and TSS from 116 facilities comprised of all POTWs with a flow greater than 100,000 GPD, and the 16 largest industrial (non-POTW) facilities.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- d) Develop and maintain systems that organize air quality data and information in standard and secure ways.
 - e) Expand the number and functions of the air quality monitoring stations to support internet reporting of particulates, N₂O and CO₂ in addition to ozone.
 - f) Implement a Laboratory Information System (LIMS) to manage air quality test results.
 - g) Report hazardous waste inspection and enforcement activities, including inspections, violations, and enforcement actions, to the US EPA database manager for inclusion in the RCRA Oversight and Implementer databases. In addition, coordinate with EPA on biennial report data needs and develop and issue annual report forms for generators and facilities to complete, review and submit.
 - (1) Provide compliance and enforcement, and biennial report information for inclusion in the National Resource Conservation and Recovering Information System RCRIS database.
 - (2) Continue supporting RCRIS (RCRA info) and RCRA Rep (Reference Compliance section).
 - h) Continue to upgrade the TANKS database to provide for the tracking of past and current facility information.
 - (1) Develop database reports to easily provide compliance status of all facilities in real time.
 - (2) Maintain the TANKS database to enable staff to track trends in tank population, compliance, enforcement cases, and inspection results.
 - (3) Where possible, obtain and maintain laptop computers with the TANKS database for use in the field.
 - i) Maintain several asbestos and lead databases to ensure accurate program tracking and to provide up-to-date information to the public and regulated community. The databases include: Compliance Tracking (includes tracking of field activities and education and outreach efforts); CERT; LEADNET; and CLASSACT.
3. Geospatial Information System (GIS).
- a) Implement department-level activities and initiatives
 - (1) Complete the migration of projects from ArcView to the new ArcGIS technology.
 - (2) Continue to collect spatial locations for priority environmental features to enable GIS access including priority sites in the new Environmental Information System.
 - (3) Implement a program to capture locations of all new Permit by Rule (PBR) sites.
 - (4) Provide central coordination and standards for GIS data collection and data management.
 - (5) Use GIS tools to enable spatial access to existing departmental data.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- (6) Continue to build program staff GIS skills by providing consulting and training in GIS tools and analysis techniques.
- (7) Complete and maintain standard metadata describing the scope and accuracy of GIS datasets.
- b) Materials Handling.
 - (1) Develop and deploy web-based application in coordination with Maine Drinking Water Program mapping tool to assist in siting locations of new oil UST and AST facilities and hazardous waste generators that avoid public drinking water wells, their source water protection areas and significant sand and gravel aquifers.
- 4. Data Availability. Expand capacity to make the Department's data holdings as widely available to staff, interested parties and the public as possible.

E. Planning.

1. Water Quality.

- a) Design a long-term lakes monitoring program. Initiate and participate in the identification and resolution of emerging land and water quality issues, and development of methods of land and water quality protection.
- b) Work with local, regional and state watershed organizations to identify opportunities and actions that can be taken collaboratively and individually to protect or restore water resources within any of the listed Non-Point Source (NPS) Priority Watersheds.
- c) Participate in an interagency effort to implement the Atlantic Salmon Conservation Plan, including developing, refining, and implementing existing watershed plans created by watershed councils on all salmon rivers.
- d) Participate in needed planning efforts related to wetlands issues in order to increase inter-agency coordination and to better prioritize use of available resources.
- f) Partner with the Department of Agriculture, Food & Rural Resources, the Natural Resources Conservation Service and with industry to ensure that preventing soil erosion from crop land is a priority for these agencies and growers (this will involve exploring education and funding opportunities).

2. Land Quality

- a) Participate on a growth management focus group with the Maine State Planning Office to evaluate changes to the State's growth management act and all related statutes administered by the DEP, including the Site Location of Development Act.

3. Air Quality.

- a) Coordinate with EPA and regional organizations on air toxics risk reduction policies.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

- b) Participate in regional planning organizations to reduce transported pollutants.
- c) Develop and implement programs to meet the Maine Air Toxics Initiative recommendations for reducing hazardous air pollutants.
- d) Coordinate with EPA and regional planning organizations in the development of State Implementation Plans for ozone, PM, mercury, greenhouse gases and other air contaminants.
- e) Coordinate with EPA in the development of State Implementation Plan elements addressing national ambient air quality standards and required program elements.

4. Materials Handling

- a) Coastal Waters.
 - (1) Update and maintain the Maine Oil Spill Contingency Plan, and with the US Coast Guard and New Hampshire maintains the Maine and New Hampshire Area Plan.
 - (2) Maintain the Marine Oil Spill Contingency Plan which includes Geographic Response Plans and Environmental Vulnerability Index Maps for the entire coast of Maine.
- b) Hazardous Substance Sites. As funding permits, continue to work regionally and nationally to develop innovative approaches to investigate and remediate hazardous substance sites.
- c) State Solid Waste Management and Recycling Plan. Provide information to and consult with the Maine State Planning Office as it revises the Plan.

F. Coordination with EPA. The Office of the Commissioner is responsible for assuring that the Performance Partnership Agreement and corresponding Performance Partnership Grant are developed and submitted to EPA to meet Federal requirements for completeness and timeliness; for maintaining a mutually beneficial liaison relationship with EPA-NE; and for assuring that the Department's program managers meet requirements for reporting and accountability.

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011

APPENDIX A: Priorities and Commitments for FFY 2009

PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN EPA-NE AND MAINE DEP, AND
CONSOLIDATED DEP PROGRAM PLAN FOR FEDERAL FISCAL YEARS 2009 - 2011