

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1399

H.P. 978

House of Representatives, April 2, 2009

An Act Concerning Water Quality in Watersheds

Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TILTON of Harrington.
Cosponsored by Senator TRAHAN of Lincoln and
Representatives: EATON of Sullivan, PENDLETON of Scarborough, PERCY of Phippsburg,
PRESCOTT of Topsham, WEAVER of York, Senators: DAMON of Hancock, GERZOFSKY
of Cumberland, RAYE of Washington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 30-A MRSA §4211, sub-§5, ¶D,** as amended by PL 1999, c. 228, §3, is
3 further amended to read:

4 D. A nonengineered subsurface wastewater disposal system fee not to exceed \$100
5 may be charged, and a surcharge of \$10 must be charged. The surcharge must be paid
6 by the municipality to the Treasurer of State, who shall credit the amount to the Clean
7 Shores Fund established under Title 38, section 424-B.

8 **Sec. 2. 38 MRSA §353-B, sub-§2, ¶A,** as amended by PL 2007, c. 558, §3, is
9 further amended to read:

10 A. The base, annualized license renewal service and maximum fees that may be
11 assessed to categories of discharge activities are as follows.

12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41			
	Discharge Group		Base fee not	Maximum	Annualized	Water quality																										
			to exceed	fee for	license	improvement																										
				individual	renewal	surcharge																										
				in group	service fee																											
	Publicly owned	annual fee	\$67	none	\$150																											
	treatment																															
	facilities, 10,000																															
	gallons per day																															
	or less																															
	Publicly owned	annual fee	\$219	none	\$150																											
	treatment																															
	facilities, more																															
	than 10,000																															
	gallons per day to																															
	0.1 million																															
	gallons per day																															
	Publicly owned	annual fee	\$219	none	\$225																											
	treatment																															
	facilities, more																															
	than 0.1 million																															
	gallons per day to																															
	1.0 million																															
	gallons per day																															

1	Publicly owned	annual fee	\$219	none	\$450
2	treatment				
3	facilities, more				
4	than 1.0 million				
5	gallons per day to				
6	5.0 million				
7	gallons per day				
8					
9	Publicly owned	annual fee	\$770	none	\$650
10	treatment				
11	facilities, greater				
12	than 5 million				
13	gallons per day				
14	or with				
15	significant				
16	industrial waste				
17					
18	Major industrial	annual fee	\$1,850	none	\$650
19	facility, process				
20	wastewater				
21	(based on EPA				
22	list of major				
23	source				
24	discharges)				
25					
26	Other industrial	annual fee	\$630	none	\$300
27	facility, process				
28	wastewater				
29					
30	Food handling or	annual fee	\$315	\$2,100	\$150
31	packaging waste-				
32	water				
33					
34	Fish rearing	annual fee	\$288	\$1,753	\$300
35	facility over 0.1				
36	million gallons				
37	per day				
38					
39	Fish rearing	annual fee	\$288	\$400	none
40	facility 0.1				
41	million gallons				
42	per day or less				

1					
2	Marine	annual fee* \$288	---	none	
3	aquaculture				
4	facility				
5					
6	Noncontact	annual fee \$90	\$7,000	\$60	
7	cooling water				
8					
9	Industrial or	annual fee \$115	\$2,100	\$150	
10	commercial				
11	sources,				
12	miscellaneous or				
13	incidental non-				
14	process				
15	wastewater				
16					
17	Municipal	annual fee \$115	\$1,400	\$150	<u>25% or \$350,</u>
18	combined sewer				<u>whichever is less</u>
19	overflow				
20					
21	Sanitary	annual fee \$60	\$1,200	\$300	
22	wastewater,				
23	excluding				
24	overboard				
25	discharge				
26					
27	Sanitary	annual fee \$210	\$1,200		<u>\$75</u>
28	overboard				
29	discharge,				
30	commercial				
31	sources				
32					
33	Sanitary	annual fee \$175	---		<u>\$75</u>
34	overboard				
35	discharge,				
36	residential				
37	sources 600				
38	gallons per day				
39	and less				
40					

1	Sanitary	annual fee \$200	\$600	<u>\$75</u>
2	overboard			
3	discharge,			
4	residential			
5	sources more			
6	than 600 gallons			
7	per day			
8				
9	Sanitary	annual fee \$210	\$500	<u>\$75</u>
10	overboard			
11	discharge, public			
12	sources			
13				
14	Aquatic pesticide	annual fee* \$200	---	\$370
15	application			
16				
17	Snow dumps	annual fee* \$125	---	\$150
18				
19	Salt and sand	annual fee* \$150	---	\$225
20	storage pile			
21				
22	Log storage	annual fee* \$200	---	\$150
23	permit			
24				
25	General permit	annual fee* \$300	---	
26	coverage for			
27	industrial storm			
28	water discharges			
29	(except			
30	construction)			
31				
32	General permit	annual fee* \$125	---	none
33	coverage for			
34	marine			
35	aquaculture			
36	facility			
37				
38	General permit	annual fee* \$100	---	\$30
39	coverage (other)			
40				
41	Experimental	license fee* \$500	---	\$225
42	discharge license			

1				
2	New or amended	flat fee*	\$4,000	---
3	mixing zone, in			
4	addition to other			
5	applicable fees			
6				
7	Formation of	flat fee*	\$300	---
8	sanitary district			
9				
10	Transfer of	flat fee*	\$100	---
11	license for			
12	residential or			
13	commercial			
14	sanitary			
15	wastewater			

16 *Discharge or license quantity fees do not apply to these categories.

17 When a license authorizes multiple discharge points in different categories in the

18 same license, the total maximum fee for the license may not exceed the maximum fee

19 for the most significant category plus 1/2 of the maximum fee for each of the other

20 applicable categories.

21 A publicly owned treatment facility shall submit annually in conjunction with its

22 annual license fee an amount that represents \$2 per every ratepayer served by the

23 facility.

24 **Sec. 3. 38 MRSA §353-B, sub-§7** is enacted to read:

25 **7. Revenues derived from surcharge.** Revenues derived from a water quality

26 improvement surcharge must be paid to the Treasurer of State, who shall credit those

27 revenues to the Clean Shores Fund established under section 424-B.

28 **Sec. 4. 38 MRSA §410-I, sub-§3** is enacted to read:

29 **3. Annual water quality monitoring and remediation planning.** The department

30 shall in coordination with the public health division of the Department of Marine

31 Resources create an annual work plan outlining priorities for the monitoring and

32 classification of shellfish growing areas. The work plan must also prioritize remediation

33 projects that will improve water quality within shellfish growing areas. Staff from both

34 agencies must be assigned in determining responsibilities of the work plan. The

35 Department of Marine Resources shall solicit priorities from municipalities with

36 approved municipal shellfish programs for work within shellfish growing areas in those

37 communities. In order for municipal recommendations to be considered for inclusion in a

38 work plan, the municipality must commit to assist in the identification and remediation of

39 nonpoint source pollution, including failing subsurface wastewater disposal systems, in

40 areas affecting the water quality of shellfish growing areas.

1 The agencies shall prepare a draft work plan by February 1st of each year and make it
2 available for review at a regularly scheduled meeting of the Shellfish Advisory Council,
3 set out under Title 12, section 6038.

4 The agencies shall begin implementing the work plan by March 1st annually.

5 **Sec. 5. 38 MRSA §424-B** is enacted to read:

6 **§424-B. Clean Shores Fund**

7 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
8 following terms have the following meanings.

9 A. "Fund" means the Clean Shores Fund established in this section.

10 **2. Fund established.** The Clean Shores Fund is established as a nonlapsing fund
11 under the jurisdiction and control of the department.

12 **3. Sources of the fund.** The fund consists of:

13 A. Dedicated revenue derived from surcharges in accordance with section 353-B;

14 B. Dedicated revenue derived from surcharges in accordance with Title 30-A,
15 section 4211, subsection 5, paragraph D;

16 C. Sums that are appropriated by the Legislature or transferred to the fund from time
17 to time by the Treasurer of State;

18 D. Capitalization grants and awards made to the State or an instrumentality of the
19 State by the Federal Government for any of the purposes for which the fund has been
20 established;

21 E. Interest earned from the investment of fund balances;

22 F. Private gifts, bequests and donations made to the State for any of the purposes for
23 which the fund has been established; and

24 G. Other funds from any public or private source received for use for any of the
25 purposes for which the fund has been established.

26 **4. Distribution.** Revenue credited to the fund must be distributed as:

27 A. A transfer to fund 3 positions within the Department of Marine Resources in the
28 growing area classification program within that department's public health division;
29 and

30 B. Grants to municipalities or other qualifying applicants for the sole purpose of
31 identifying and abating pollution in shellfish growing areas.

32 **5. Grants.** The department shall establish by rule criteria for the grant application
33 process, eligibility for grants and the award and use of grants made under this section.

34 **6. Rules.** The department shall adopt rules to implement this section. Rules adopted
35 pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375,
36 subchapter 2-A.

