

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1784

H.P. 1269

House of Representatives, May 28, 2019

An Act To Increase Land Permit by Rule Application Fees

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BLUME of York.

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

2 **Sec. 1. 38 MRSA §352, sub-§5-A**, as amended by PL 2009, c. 374, §1, is further
3 amended to read:

4 **5-A. Accounting system.** In order to determine the extent to which the functions set
5 out in this section are necessary for the licensing process or are being performed in an
6 efficient and expeditious manner, the commissioner shall require that all employees of the
7 department involved in any aspect of these functions keep accurate and regular daily time
8 records. These records must describe the matters worked on, services performed and the
9 amount of time devoted to those matters and services, as well as amounts of money
10 expended in performing those functions. Records must be kept for a sufficient duration
11 of time as determined by the commissioner to establish to the commissioner's satisfaction
12 that the fees are appropriate.

13 TABLE I

14 MAXIMUM FEES IN DOLLARS

15	TITLE 36	PROCESSING FEE	CERTIFICATION
16	SECTION		FEE
17			
18	656, sub-§1, ¶E, Pollution Control		
19	Facilities		
20	A. Water pollution control facilities	\$250	\$20
21	with capacities at least 4,000 gallons		
22	of waste per day and §1760, sub-§29,		
23	water pollution control facilities		
24	B. Air pollution control and §1760,	250	20
25	sub-§30, air pollution control facilities		
26			
27	TITLE 38	PROCESSING FEE	LICENSE
28	SECTION		FEE
29			
30	344, sub-§7, Permit by rule	\$50 <u>\$250</u>	\$0
31	413, Waste discharge licenses	See section 353-B	
32	420-D, Storm water management		
33	A. If structural means of storm water	\$400 for the first	\$100 for the first
34	control are used	acre of disturbed	acre of disturbed
35		area, plus \$200 for	area, plus \$50 for
36		each additional	each additional
37		whole acre of	whole acre of
38		disturbed area	disturbed area

1	B. If solely vegetative means of storm	\$200 for the first	\$50 for the first acre
2	water control are used	acre of disturbed	of disturbed area,
3		area, plus \$100 for	plus \$25 for each
4		each additional	additional whole
5		whole acre of	acre of disturbed
6		disturbed area	area
7	C. When a permit by rule is required	\$55	none
8	If a project described in paragraph A or B is reviewed and approved by a		
9	professional engineer at a soil and water conservation district office that has a		
10	memorandum of understanding with the department concerning review of projects		
11	pursuant to this section, the total applicable fee is reduced to a processing fee of		
12	\$100 for the first acre of disturbed area, plus a license fee of \$50 for each		
13	additional whole acre of disturbed area.		
14	480-E, Natural resources protection		
15	A. Any alteration of a protected	140	50
16	natural resource, except coastal		
17	wetlands and coastal sand dunes,		
18	causing less than 20,000 square feet of		
19	alteration of the resource		
20	B. Any alteration of a coastal wetland	240	60
21	causing less than 20,000 square feet of		
22	alteration of the resource		
23	C. Any alteration of a protected	.015/sq. ft. alteration	.005/sq. ft. alteration
24	natural resource, except coastal sand		
25	dunes, causing 20,000 square feet or		
26	more of alteration of the resource		
27	C-1. Significant groundwater well	4,577	1,961
28	C-2. Activity within a community	183	64
29	public water supply primary protection		
30	area		
31	D. Any alteration of a coastal sand	3,500	1,500
32	dune		
33	E. Condition compliance	84	0
34	F. Minor modification	184	0
35	485-A, Site location of development		
36	A. Residential subdivisions		
37	1. Affordable housing	50/lot	50/lot
38	2. On public water and sewers	175/lot	175/lot
39	3. All Other	250/lot	250/lot
40	B. Industrial parks	460/lot	460/lot
41	C. Mining	1,500	1,000
42	D. Structures	4,000	2,000

1	E. Other	1,000	1,000
2	543, Oily waste discharge	40	160
3	560, Vessels at anchorage	125	100
4	587, Ambient air quality or emissions	5,050	50
5	standards variances		
6	590, Air emissions licenses	See section 353-A	
7	633, Hydropower projects		
8	A. New or expanded generating	450/MW	50/MW
9	capacity		
10	B. Maintenance and repair or other	150	150
11	structural alterations not involving an		
12	increase in generating capacity		
13	33 United States Code, Chapter 26, Water		
14	Quality Certifications, in conjunction with		
15	applications for hydropower project		
16	licensing or relicensing		
17	A. Initial consultation	1,000	0
18	B. Second consultation	1,000	0
19	C. Application		
20	1. Storage	1,000	0
21	2. Generating	300/MW	50/MW
22	1304, Waste management		
23	A. Septage disposal		
24	1. Site designation	50	25
25	B. Land application of sludges and		
26	residuals program approval		
27	1. Industrial sludge	400	400
28	2. Municipal sludge	300	275
29	3. Bioash	300	275
30	4. Wood ash	300	75
31	5. Food waste	300	75
32	6. Other residuals	300	175
33	C. Landfill		
34	1. Closing plans for secure	1,500	1,500
35	landfills		
36	2. Closing plans for attenuation	500	500
37	landfills		
38	3. Post-closure report	175	175
39	4. Preliminary information reports	175	175
40	5. License transfers	500	175
41	6. Special waste disposal		

1	a. One-time disposal of	50	50
2	quantities of 6 cubic yards or		
3	less		
4	b. One-time disposal of	100	100
5	quantities greater than 6 cubic		
6	yards		
7	c. Program approval for	300	300
8	routine disposal of a special		
9	waste		
10	7. Minor revision for secure	600	100
11	landfills		
12	8. Minor revision for attenuation	100	100
13	landfills		
14	9. Public benefit determination	175	175
15	D. Incineration facility		
16	2. License transfer	175	175
17	E. License transfer other than for	100	100
18	landfills and incinerators		
19	F. Minor revision for septage facilities	100	100
20	and solid waste facilities other than		
21	landfills		
22	G. Permit by rule for one-time	100	100
23	activities		

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TABLE II

25

WASTE MANAGEMENT FEES - ANNUAL LICENSE

26

MAXIMUM FEES IN DOLLARS

27	TITLE 38	PROCESSING FEE	ANNUAL LICENSE
28	SECTION		FEE
29	1278, Asbestos abatement		
30	A. Asbestos abatement contractor	\$0	\$650
31	B. Asbestos abatement worker	0	50
32	C. Asbestos consultant	0	650
33	D. Asbestos analytical laboratory	0	400
34	E. Training provider	0	500
35	F. Other categories of asbestos	0	100
36	professionals except asbestos		
37	abatement workers		
38	G. Notification		

1	1. Project size greater than 100	100	0
2	square feet or 100 linear feet and		
3	less than 500 square feet or 2,500		
4	linear feet		
5	2. Project size 500 square feet or	150	0
6	2,500 linear feet, or greater, and		
7	less than 1,000 square feet or		
8	5,000 linear feet		
9	3. Project size 1,000 square feet	300	0
10	or 5,000 linear feet, or greater		
11	1304, Waste management		
12	A. Septage disposal		
13	1. Landspreading	\$550	\$250
14	2. Storage	50	75
15	B. Residuals compost facility		
16	1. Type I	150	150
17	3. Type II and Type III less than	700	500
18	3,500 cubic yards		
19	5. Type II and Type III 3,500	1,400	850
20	cubic yards or greater		
21	C. Land application of sludges and		
22	residuals		
23	1. Sites with program approval		
24	a. Industrial sludge	150	250
25	b. Municipal sludge	75	200
26	c. Bioash	75	200
27	d. Wood ash	50	125
28	e. Food waste	50	125
29	f. Other residuals	50	125
30	2. Sites without program approval		
31	a. Industrial sludge	300	550
32	b. Municipal sludge	150	250
33	c. Bioash	150	250
34	d. Wood ash	75	200
35	e. Food waste	75	200
36	f. Other	75	200
37	1310-N, Solid waste facility siting		
38	A. Landfill		
39	1. Existing, nonsecure municipal	3,500	1,000
40	solid waste landfills accepting		
41	waste from fewer than 15,000		
42	people		

1	2. Existing, nonsecure municipal	3,500	3,500
2	solid waste landfills accepting		
3	waste from more than 15,000		
4	people		
5	3. New or expanded for secure	5,000	8,500
6	landfill		
7	5. Nonsecure wood waste or	700	750
8	demolition debris landfills, or		
9	both, if less than or equal to 6		
10	acres		
11	B. Incineration facilities		
12	1. New or expanded for the	3,500	5,000
13	acceptance of municipal or special		
14	wastes, or both		
15	2. Municipally owned and	3,500	1,000
16	operated solid waste incinerators		
17	with licensed capacity of 10 tons		
18	per day or less		
19	C. Transfer station and storage	750	175
20	facility		
21	D. Tire storage facility	400	450
22	F. Processing facility other than	700	700
23	municipal solid waste composting		
24	G. Beneficial use activities other than		
25	agronomic utilization		
26	3. Fuel substitution	700	500
27	4. Beneficial use without risk	700	200
28	assessment		
29	5. Beneficial use with risk	1,400	500
30	assessment		
31	H. Permit by rule for ongoing	100	100
32	activities		

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SUMMARY

34

This bill increases the processing fee for a Board of Environmental Protection permit

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by rule application from \$50 to \$250.