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Date: 3/3/20 Majority

L.D. 1832
(Filing No. H-709)

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1303, L.D. 1832, Bill, "An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 38 MRSA §353-B, sub-§2, ¶A, as corrected by RR 2011, c. 2, §43, is amended to read:

A. The fees for waste discharge license groups are the 2019 bill amounts increased by a factor of 1.4 as follows.

Discharge group	annual fee	Basis for annual fee	Median fee for discharge group	Water quality improvement surcharge
Publicly owned treatment facilities, 10,000 gallons per day or less		2011 <u>2019</u> bill amount	\$306- <u>\$543</u>	
Publicly owned treatment facilities, more than 10,000 gallons per day to 0.1 million gallons per day		2011 <u>2019</u> bill amount	\$400- <u>\$689</u>	

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 1303, L.D. 1832

1				
2	Publicly	annual fee	Average of	\$617 <u>\$1,063</u>
3	owned		2009, 2010	
4	treatment		and 2011	
5	facilities, more		2019 bill	
6	than 0.1		amounts	
7	million gallons		amount	
8	per day to 1.0			
9	million gallons			
10	per day			
11				
12	Publicly	annual fee	Average of	\$1,300 <u>\$2,241</u>
13	owned		2009, 2010	
14	treatment		and 2011	
15	facilities, more		2019 bill	
16	than 1.0		amounts	
17	million gallons		amount	
18	per day to 5.0			
19	million gallons			
20	per day			
21				
22	Publicly	annual fee	Average of	\$4,553 <u>\$7,850</u>
23	owned		2009, 2010	
24	treatment		and 2011	
25	facilities,		2019 bill	
26	greater than 5		amounts	
27	million gallons		amount	
28	per day or with			
29	significant			
30	industrial			
31	waste			
32				
33	Major	annual fee	Average of	\$19,672 <u>\$33,919</u>
34	industrial		2009, 2010	
35	facility,		and 2011	
36	process		2019 bill	
37	wastewater		amounts	
38	(based on EPA		amount	
39	list of major			
40	source			
41	discharges)			
42				

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1	Other	annual fee	2011	\$1,214 <u>\$2,093</u>
2	industrial		<u>2019</u> bill	
3	facility,		amount	
4	process			
5	wastewater			
6				
7	Food handling	annual fee	2011	\$659 <u>\$1,135</u>
8	or packaging		<u>2019</u> bill	
9	wastewater		amount	
10				
11	Fish-rearing	annual fee	2011	\$312 <u>\$538</u>
12	facility 0.1		<u>2019</u> bill	
13	million gallons		amount	
14	per day or less			
15				
16	Fish-rearing	annual fee	2011	\$794 <u>\$1,368</u>
17	facility over		<u>2019</u> bill	
18	0.1 million		amount	
19	gallons per day			
20				
21	Marine	annual fee	2011	\$308 <u>\$529</u>
22	aquaculture		<u>2019</u> bill	
23	facility		amount	
24				
25	Noncontact	annual fee	2011	\$192 <u>\$330</u>
26	cooling water		<u>2019</u> bill	
27			amount	
28				
29	Industrial or	annual fee	2011	\$363 <u>\$626</u>
30	commercial		<u>2019</u> bill	
31	sources,		amount	
32	miscellaneous			
33	or incidental			
34	nonprocess			
35	wastewater			
36				
37	Municipal	annual fee	2011	\$413 <u>\$711</u>
38	combined		<u>2019</u> bill	
39	sewer		amount	
40	overflow			
41				

COMMITTEE AMENDMENT

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1	Sanitary	annual fee	2011	\$736	\$1,268
2	wastewater,		<u>2019</u> bill		
3	excluding		amount		
4	overboard				
5	discharge				
6					
7	Sanitary	annual fee	2011 bill	\$446	\$75
8	overboard		amount		
9	discharge,				
10	commercial				
11	sources				
12					
13	Sanitary	annual fee	2011 bill	\$231	\$75
14	overboard		amount		
15	discharge,				
16	residential				
17	sources 600				
18	gallons per day				
19	or less				
20					
21	Sanitary	annual fee	2011 bill	\$313	\$75
22	overboard		amount		
23	discharge,				
24	residential				
25	sources more				
26	than 600				
27	gallons per day				
28					
29	Sanitary	annual fee	2011 bill	\$315	\$75
30	overboard		amount		
31	discharge,				
32	public sources				
33					
34	Aquatic	annual fee	2011	\$644	\$1,110
35	pesticide		<u>2019</u> bill		
36	application		amount		
37					
38	Snow dumps	annual fee	2011	\$319	\$550
39			<u>2019</u> bill		
40			amount		
41					

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 1303, L.D. 1832

1	Salt and sand	annual fee	2011	\$429- <u>\$738</u>
2	storage pile		<u>2019</u> bill	
3			amount	
4				
5	Log storage	annual fee	2011	\$422- <u>\$727</u>
6	permit		<u>2019</u> bill	
7			amount	
8				
9	General permit	annual fee	2011	\$300- <u>\$588</u>
10	coverage for		<u>2019</u> bill	
11	industrial		amount	
12	storm water			
13	discharges			
14	(except			
15	construction)			
16				
17	General permit	annual fee	2011	\$134- <u>\$230</u>
18	coverage for		<u>2019</u> bill	
19	marine		amount	
20	aquaculture			
21	facility			
22				
23	General permit	annual fee	2011	\$164- <u>\$283</u>
24	coverage		<u>2019</u> bill	
25	(other)		amount	
26				
27	Experimental	license fee	2011	\$899- <u>\$1,550</u>
28	discharge		<u>2019</u> bill	
29	license		amount	
30				
31	New or	flat fee	\$5,368	---
32	amended		<u>\$9,254</u>	
33	mixing zone,			
34	in addition to			
35	other			
36	applicable fees			
37				
38	Formation of	flat fee	\$402- <u>\$693</u>	---
39	sanitary			
40	district			
41				

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1	Transfer of	flat fee	\$100- \$140	---
2	license for			
3	residential or			
4	commercial			
5	sanitary			
6	wastewater			

7 On an annual basis, municipalities and publicly owned treatment works whose
8 combined sewer overflows have the potential to affect shellfish harvesting areas as
9 determined by the department by virtue of their locations within estuarine or marine
10 waters of the State must be assessed a surcharge on their wastewater discharge
11 licenses in a total amount of \$12,000. This amount must be allocated among the
12 municipalities and publicly owned treatment works according to their prior 3-year
13 average annual flows as reported to the department.

14 On an annual basis, publicly owned treatment works whose outfalls licensed for the
15 discharge of treated effluent cause adjacent shellfish growing areas to be closed for
16 the purposes of harvesting shellfish must be assessed a license surcharge in a total
17 amount of \$25,000. This amount must be allocated among the publicly owned
18 treatment works according to the acreage that each licensed outfall closes. This
19 acreage must be determined by the Department of Marine Resources in consultation
20 with the department.

21 **Sec. 2. Appropriations and allocations.** The following appropriations and
22 allocations are made.

23 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

24 **Maine Environmental Protection Fund 0421**

25 Initiative: Allocates funds for expenditures associated with license or permit activities
26 such as application reviews, public hearings and appeals, the actual license or permit
27 processing activities and associated post-license or post-permit compliance activities and
28 enforcement activities as a result of license or permit noncompliance.

29	OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
30	All Other	\$0	\$340,077
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$340,077
33			

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
35 section number to read consecutively.

36 **SUMMARY**

37 This amendment is the majority report of the committee. Like the bill, it increases
38 the annual waste discharge license fee for certain categories of existing discharges by
39 40%; however, unlike the bill, it bases this increase on the 2019 bill amount. Like the

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COMMITTEE AMENDMENT "A" to H.P. 1303, L.D. 1832

1 bill, the amendment also increases the annual waste discharge license fee for certain
2 categories of new discharges by 40%; however, unlike the bill, it bases this increase on
3 the amount indicated in the Department of Environmental Protection fee schedule
4 effective November 1, 2019 to October 31, 2020. The amendment also adds an
5 appropriations and allocations section.

6

FISCAL NOTE REQUIRED

7

(See attached)

COMMITTEE AMENDMENT



129th MAINE LEGISLATURE

LD 1832

LR 2404(02)

An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-709)
Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$340,077	\$455,974	\$455,974
Revenue				
Other Special Revenue Funds	\$0	\$340,077	\$455,974	\$455,974

Fiscal Detail and Notes

This bill increases the annual waste discharge license fee for specific categories of existing discharges by 40% of the 2019 bill amount. It also increases the annual waste discharge license fee for specific categories of new discharges by 40% of the amount indicated in the Department of Environmental Protection (DEP) fee schedule effective November 1, 2019, to October 31, 2020. These fee increases will result in additional Other Special Revenue Funds revenue of \$340,077 starting in fiscal year 2020-21 and increasing to \$455,974 in fiscal year 2021-22 to the Maine Environmental Protection Fund within the DEP. The bill includes allocations of \$340,077 in fiscal year 2020-21 and \$455,974 in fiscal year 2021-22 to allow for expenditure of the additional revenue.