

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 566, L.D. 702, Bill, "AN ACT to Allow the Board of Environmental Protection to Grant Variances to Statutory Time Schedules."

Amend said Bill in that part designated "§451-A" in the first line of subsection 1 (2nd line of L.D.) by striking out the underlined word "may" and inserting in place thereof the underlined word 'shall'

Further amend said Bill in that part designated "§451-A" in the 4th line of subsection 1 (same in L.D.) by striking out the underlined word "may" and inserting in place thereof the underlined word 'shall'

Further amend said Bill in that part designated "§451-A" by striking out paragraph C of subsection 1 and inserting in place thereof the following:

'C. Beginning on October 1, 1976, the municipality shall collect, from each discharger into its sewage system and each discharger not connected to the sewage system which has signed an approved agreement with the municipality pursuant to subsection 2, a fee sufficient to equal their proportionate share of the actual current cost of operating the sewerage system for which preliminary plans have been completed and approved pursuant to paragraph B. Actual current costs shall include but not be limited to preliminary plans, final design plans, site acquisition, legal fees, interest fees, sewer system maintenance and rehabilitation and other administrative costs. A municipality may provide, when permitted under the federal construction grant program, that in lieu of such annual fees paid by dischargers, the municipality may apportion an appropriate amount from general revenues to cover that share of fees to be paid by dischargers.

The funds collected or apportioned pursuant to this paragraph and interest collected thereon shall be invested and expended pursuant to Title 30, chapter 241.

Any funds paid by a discharger or discharger not connected to the sewage system pursuant to this paragraph may be credited to the account of the discharger if the municipality is subsequently reimbursed by the federal construction grant program. The credit arrangement shall be determined by agreement between the municipality and the discharger.'

Further amend said Bill in that part designated "§451-A" by striking out the last 2 paragraphs before subsection 2 and inserting in place thereof the following:

'Variances shall be issued for a term certain not to exceed 3 years, and may be renewed, except that no variance shall run longer than the time specified for completion of the municipal waste treatment facility. Upon notice of the availability of federal funds, the municipality shall present to the Department of Environmental Protection for approval an implementation schedule for designing, constructing and placing the waste collection and treatment facilities in operation.

Variances may be conditioned upon reasonable and necessary terms relating to appropriate interim measures to be taken by the municipality to maintain or improve water quality.'

Further amend said Bill in that part designated "§451-A" by striking out all of subsection 2 and inserting in place thereof the following:

'2. Exemptions. Any person, other than a municipality, maintaining a discharge subject to the requirements of sections 413, 414 and 414-A shall be exempt from the requirements of section 414-A, subsection 1, paragraph D, Effluent Limitations and Best Practicable Treatment, if,

within 120 days of the effective date of this Act or on the commencement of a licensed discharge, whichever occurs later, such discharger presents to the Department of Environmental Protection and receives approval of a contract agreeing to connect to the existing or planned municipal sewage system immediately upon completion of construction and commencement of operation of such treatment plant. Such contract must insure that, in the case of a new discharge, such new discharge will not cause serious water quality problems, including but not limited to downgrading the receiving waters so as to make them unsuitable for currently existing uses. For the purpose of this section, a "new discharge" is a discharge which commences or a discharge which changes characteristics or increases licensed volume by more than 10% on or after the effective date of this Act.'

Further amend said Bill in subsection 5 of that part designated "§451-A" in the 4th line from the end before the Statement of Fact (3rd line from end in L.D.) by inserting after the underlined figure "237" the following punctuation:
'.'

Further amend said Bill in subsection 5 of that part designated "§451-A" in the 4th line from the end before the Statement of Fact (3rd line from end in L.D.) by striking out after the figure "237" the following underlined punctuation and words: ", as if the planned sewage system and waste treatment facility were funded and under construction or constructed and in operation."

Statement of Fact

This amendment requires dischargers who have an agreement with the municipality to connect to the proposed municipal sewerage system when it is completed to pay their proportionate share of actual current costs.

Reported by the Committee on Natural Resources.
Reproduced and distributed under the direction of the Clerk of the House.

4/18/75

(Filing No. H-174)