

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 951

H. P. 780

House of Representatives, March 6, 1975

Referred to the Committee on Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hall of Sangerville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Authorize the Board of Environmental Protection to Grant a Time Schedule Variance to Users and Planned Users of Proposed Municipal or Quasi-Municipal Waste Treatment Facilities.

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

38 MRSA § 451-A, as enacted by PL 1973, c. 423, § 8, is repealed and the following enacted in place thereof:

§ 451-A. Time schedule variances

The Board of Environmental Protection shall grant a variance from any statutory water pollution abatement time schedule or other requirement to any municipality or quasi-municipal entity upon application by it. Such variance shall be granted upon a finding that:

1. Federal funds unavailable. Federal funds for the construction of the municipal or quasi-municipal treatment facilities are not available, and
2. No other impediments except availability of federal funds. There are no other impediments to the municipality or quasi-municipal entity proceeding to construction of the system except the availability of federal funds.

Where any municipal or quasi-municipal entity has been granted a variance, the Board of Environmental Protection shall also grant a variance to any user, or planned user of the proposed municipal or quasi-municipal treatment facility upon a finding that the discharge from the user or planned user will be serviced by the proposed municipal or quasi-municipal treatment facilities immediately upon construction thereof and that a binding commitment exists between the user or planned user and municipal or quasi-municipal

pal entity requiring said user or planned user to utilize the services of the municipal or quasi-municipal facilities upon completion.

Variances may be conditioned upon reasonable terms relating to appropriate interim measures to be taken by the municipality or quasi-municipal entity to maintain or improve water quality.

STATEMENT OF FACT

The purpose of this bill is to require the Board of Environmental Protection to grant a time schedule or other statutory requirement variance to users or planned users of proposed municipal or quasi-municipal water treatment facilities. Under the present law, only municipalities may obtain a variance, and residential, commercial and industrial users or planned users of systems not completed by October 1, 1976 will be required to have constructed and operating their own treatment facilities by that date. The ultimate result would be duplication of treatment facilities creating a situation of burdensome costs on those required to construct their own facilities, difficulty of departmental surveillance and enforcement of many separate discharges, inordinately high user charges on small users when the systems are completed without inclusion of industries and other large discharges and needless use of energy resources in operation of many separate treatment facilities.