

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 958, L.D. 1206, Bill,
"AN ACT to Authorize the Delegation by the Board of Environmental
Protection of Certain Actions to the Department of Environmental
Protection."

Amend said Bill by striking out everything after the amending
clause and inserting in place thereof the following:

'The Board of Environmental Protection is hereby authorized
to delegate to the Commissioner of Environmental Protection
and the department staff authority to approve, approve with
conditions or disapprove applications for approvals by the board
made pursuant to any of the laws which the board is required to
administer, provided, however, that delegation of authority under
sections 413, 414, 414-A, 481 et seq. and 590 shall be limited
to the applications meeting the following criteria:

1. The site location law. Sections 481 et seq., but only
where an application is for development of a subdivision of
less than 75 acres, with less than 25 lots and to contain less
than 25 housing units;

2. Waste discharge licenses. Sections 413, 414 and 414-A,
but only where an application is for a maximum daily discharge
of less than 50,000 gallons per day;

3. Air emission licenses. Section 590, but only where an
application is for incinerators in Classes I through IV or for
a boiler at a facility with a total boiler capacity of less than
100,000,000 B.T.U.'s.

Such delegation shall be in accordance with the standards found in the applicable statute and shall not take place until the board adopts regulations for the implementation of this delegated authority, which regulations shall include assurance that any interested person aggrieved by a decision of the commissioner or the department staff made pursuant to this section shall have a right to appeal such decision to the board.'

Statement of Fact

This amendment would permit the Board of Environmental Protection to delegate the authority to issue licenses under all the statutes it administers. This delegation must be consistent with the standards now existing in the present statutes. Delegation under the site location, waste discharge and air emission statutes is limited by the criteria outlined in the bill.

The delegation of authority permitted by the bill should enable the department to process applications in a more rapid fashion.

Reported by the Committee on Natural Resources.

Reproduced and distributed under the direction of the Clerk of the House.
5/19/75

(Filing No. H-398)