

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1206

H. P. 958

House of Representatives, March 20, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Wilfong of Stow.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Authorize the Delegation by the Board of Environmental Protection of Certain Actions to the Department of Environmental Protection.

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

38 MRSA § 361, as last amended by PL 1973, c. 450, § 1, is further amended by adding at the end 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 the following provisions of the law:

1. Minimum lot size variances. Title 12, section 4807-B;
2. Great ponds activity permits. Title 38, section 422;
3. Septic waste disposal site approvals. Title 30, section 4104;
4. Septic pumper and conveyor licenses. Title 30, section 4104;
5. The site location law. Title 38, section 481, 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;
6. Waste discharge licenses. Title 38, sections 413 and 414, but only where an application is for a maximum daily discharge of less than 50,000 gallons per day;

7. Air emission licenses. Title 38, 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 million B.T.U.'s.

Such delegation 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 Act would allow the Board of Environmental Protection to delegate some of its authority with regard to relatively small projects to the commissioner and Department of Environmental Protection. Aggrieved persons could appeal any staff decision to the full board. The purpose of this Act is to relieve the board of extremely time consuming work that can best be done at the staff level, thus freeing the board to concentrate on broad policy matters and the details of large projects requiring environmental approval.