

MAINE STATE LEGISLATURE

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lowing legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

38 MRSA § 451-B is enacted to read:

§ 451-B. Variances

The Board of Environmental Protection shall grant a variance from the statutory water pollution time schedule set forth in Title 38, section 451, subsection 1 to any industrial licensee, upon application by any licensee, if the board finds that:

1. Seventy-five percent completion of treatment facility. Actual construction of an approved industrial project deemed necessary in achieving statutory water quality classifications and regulatory requirement is at least 75% completed.

An approved project shall include but not be limited to a new manufacturing facility which will replace the source of the licensee's existing discharge.

2. Contractual and financial commitments. Contractual and financial commitments to complete the approved project have been made; and

3. Cause for the failure. The cause for the failure to have completed the approved project in time to meet the statutory time schedule is not directly attributable to the licensee and shall include but not be limited to acts of God, labor disputes, failure of third parties to deliver ordered construction materials, equipment or services on time.

Variances shall be issued for a term certain, not to extend past July 1, 1977, and the board shall modify any existing license to make it consistent with this variance.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

This legislation would allow for limited variances to be granted to statutory time schedules under water pollution laws under exceptional circumstances.