# MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)

### (EMERGENCY) FIRST SPECIAL SESSION

#### ONE HUNDRED AND SEVENTH LEGISLATURE

#### Legislative Document

No. 2136

H. P. 1950 House of Representatives, January 29, 1976
Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Pierce of Waterville. Cosponsor: Mr. Carter of Winslow.

#### STATE OF MAINE

## IN THE YEAR OF OUR LORD NINETEEN HUNDRED SEVENTY-SIX

AN ACT to Allow the Board of Environmental Protection to Grant Limited Variances to Statutory Time Schedules.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature has set October 1, 1976 as the date when waste water treatment facilities must be completed and in operation; and

Whereas, the Maine Statutory Time Schedule is earlier than that required by federal law; and

Whereas, it is possible that some licensees may, for reasons beyond their control, find that they will be unable to meet the statutory time schedule; and

Whereas, the only way to meet the statutory time schedule may be by eliminating the source of the discharge; and

Whereas, to eliminate the source could result in severe disruption to the economy and employment opportunities of the State; and

Whereas, the Legislature finds that a limited variance procedure is necessary to prevent such potential disruption; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the fol-

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.

enda, in in profesional de la compressión de la compressión de la defendada de la compressión de la compressió En aprecia de la compressión de la comp

A control of single suggestion of the factor of the first of the control of single processor.

es environe eta vir entrollo escribito presidentis con entrollo de verigio (escribito). Per entrollo (escribit Per la litoración de la porta la los enclasións de la seta de participam esto está bla enceny.

County, and the other is borner to all an elaborations of the county