

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 475

H. P. 385

House of Representatives, February 16, 1977

On Motion of Mr. Blodgett of Waldoboro referred to the Committee on Natural Resources. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Ms. Benoit of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Regulate the Dumping of Snow in Waters of the State.

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

Sec. 1. 38 MRSA § 361-A, sub-§ 4-B is enacted to read:

4-B. Snow dumps. "Snow dumps" means land areas within 250 feet of the normal high water mark of the waters of the State, frozen or unfrozen, which are used for the disposal of snow collected from public and private ways including parking lots.

Sec. 2. 38 MRSA § 420, sub-§ 4 is enacted to read:

4. Contaminated snow from snow dumps. Snow or seepage from melting snow except at municipal snow dumps registered with the Department of Environmental Protection by May 1, 1978.

Prior to October 1, 1980, municipal officers shall file with the Commissioner of Environmental Protection a phase-out implementation plan reflecting the earliest practicable closing date, this date in no case shall be later than July 1, 1985.

The Board of Environmental Protection may, after opportunity for hearing, order the closing of any snow dump before July 1, 1985 upon finding that the disposal of snow at the snow dump has resulted in substantial water quality degradation or a significant harm due to sedimentation, salinity or the accumulation of trash or other refuse in the waters.

Sec. 3. 38 MRSA § 478, 2nd sentence, as enacted by PL 1975, c. 595, § 3, is amended to read:

Nothing in this subchapter shall prohibit the minor repair of existing permanent structures which would require less than a total of one cubic yard of material to be filled, deposited, dredged, moved or removed in any coastal wetland or normal maintenance or repair of presently existing ways, roads or railroad beds nor maintenance and repair of installations and facilities of any utility as defined in Title 23, section 255, abutting or crossing the coastal wetlands, provided no watercourse is substantially altered or snow dumps registered under section 420.

STATEMENT OF FACT

The dumping of snow from clean-up efforts into the waters of the State or into the wetland areas at the present time is illegal under the water quality laws and the wetlands control law. This proposal would exempt municipal snow dumps from the provisions of existing laws if the municipality registers the location of the snow dump with the Department of Environmental Protection prior to May 1, 1978. This also requires municipal officers to file a plan with the Department of Environmental Protection stating the earliest practicable date they believe that their snow dump can be phased out. This date cannot be later than July 1, 1985. The 1985 date is consistent with the no-discharge provisions of the Federal Water Quality Act.

This proposal authorizes the Board of Environmental Protection, after hearing, to order the closing of a snow dump if it finds that the snow dump is causing environmental harm.