

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-427)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1185, L.D. 1458, Bill, "AN ACT to Allow Approved Conservation Plans to Satisfy the Requirements of the Water Pollution Abatement Licensing Program."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 38 MRSA §361-A, sub-§1#3 is enacted to read:

1-B. Agricultural activities. "Agricultural activities" means the growing of vegetables, fruits, seeds, nursery crops, poultry, livestock, field crops, cultivated or pasture hay and farm woodlot products, including christmas trees.

Sec. 2. 38 MRSA §413, sub-§2, as amended by PL 1973, c. 788, § 208 is further amended by adding at the end the following new paragraphs:

No person shall be deemed in violation of this section for the discharge of rock, sand, dirt or other pollutants resulting from erosion related to agricultural activities, subject to the following conditions.

- A. The appropriate Soil and Water Conservation District has recommended an erosion and sedimentation control plan or conservation plan for the land where this erosion originates.
- B. The board has certified that the plan meets the objectives of this chapter.
- C. The department determines that the agricultural activities are in compliance with the applicable portion of the plan, or the Soil and Water District has certified that funds from

existing federal and state programs are not available to implement the applicable portion of the plan.'

Statement of Fact

This amendment will clarify that the role of the Maine Soil and Water Conservation Districts to recommend plans and the Board of Environmental Protection will determine that the portion of the plan intended to limit sedimentation will satisfy the water quality program of the State. In addition, the Department of Environmental Protection is charged with the responsibility of determining if the plan is being complied with if the plan is to be substituted for a waste discharge license. It also makes it clear that only agricultural activities are to be allowed to substitute a suitable increase or conservation plan for a waste discharge license.

Reported by the Committee on Energy and Natural Resources
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