

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1458

H. P. 1185

House of Representatives, March 26, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Hall of Sangerville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Allow Approved Conservation Plans to Satisfy the Requirements of the
Water Pollution Abatement Licensing Program.**

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

38 MRSA § 413, sub-§ 2, as last 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 subsection 1 for the discharge by erosion to the surface waters of the State of rock, sand, dirt or other pollutants carried therewith if:

A. The discharge originated entirely from lands and activities covered by an erosion and sedimentation control plan or conservation plan:

- (1) Approved by the appropriate Maine soil and water conservation district;**
- (2) Operations are being conducted in compliance with the plan; and**
- (3) The Board of Environmental Protection certifies that the plan meets the objectives of section 414-A; or**

B. The owner of the lands from which the discharge originates has a certificate from the appropriate soil and water conservation district stating that:

- (1) The lands and activities are covered by an erosion and sedimentation control plan or conservation plan approved by the Maine soil and water conservation district;**
- (2) Funds for that portion of the plan eligible for financial assistance through an existing federal or state cost-share program are currently unavailable;**
- (3) The portion of the plan not eligible for financial assistance is being implemented; and**
- (4) The Board of Environmental Protection has certified that the plan meets the objectives of section 414-A.**

STATEMENT OF FACT

The existing water quality control statutes require all direct and indirect discharges to waters of the State to be licensed by the Department of Environmental Protection. The department has licensed most effluents that discharge to water by some type of pipe. These are generally called point sources and include industrial, municipal commercial and other private discharges. Attention must now be given to the so-called nonpoint sources of pollutants.

The existing law if applied literally to persons responsible for the discharge of pollutants from nonpoint sources would be extremely burdensome to not only the persons discharging but also to the department. The bill is to exempt persons from the licensing requirements if they are conducting their activities in accordance with prudent conservation practices. Soil and water conservation districts provide guidance and standards for the development of conservation plans. In addition, the districts may evaluate and approve plans that will control sedimentation in the waters of the State.

This expansion of the existing waste discharge license statute to provide an exemption for persons conducting activities in accordance with a conservation plan will provide the reasonable means by which these people can comply with the water pollution control statutes.