

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 961

7 S.P. 353

In Senate, March 8, 1985

8 Submitted by the Department of Environmental Protection pursuant to
9 Joint Rule 24.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

11 Cosponsored by Representative Michaud of Medway, Senator Trafton of
Androscoggin and Representative Mitchell of Freeport.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Implement the Recommendations of
18 the Maine Land and Water Resources Council
19 Ground Water Review Policy Committee.
20

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

23 Sec. 1. 22 MRSA §2642, sub-§1, as amended by PL
24 1979, c. 472, §5, is further amended to read:

25 1. Municipal regulations authorized. The municipi-
26 pal officers of each municipality shall have the au-
27 thority, after notice and public hearing, to adopt
28 regulations governing the surface uses of sources of
29 public water supply, portions thereof or land
30 overlying ground water aquifers and their recharge
31 areas used as sources of public water supply, located
32 within that municipality in order to protect the
33 quality of such sources of public water supply or the
34 health, safety or welfare of persons dependent upon
35 such supplies.

1 At least 15 days prior to public hearings held here-
2 under, notice of the hearing shall be published in a
3 newspaper of general circulation in the county in
4 which the municipality is located and shall be mailed
5 by registered mail to each owner of land bordering
6 the source of public water supply within that municipi-
7 pality. Regulations adopted pursuant to this section
8 shall become void upon the expiration of one year
9 from the date of the adoption unless sooner ratified
10 by vote of the legislative body of the municipality.

11 Sec. 2. 38 MRSA §361-A, sub-§4-A-2 is enacted to
12 read:

13 4-A-2. Road salt and sand-salt storage ar-
14 ea. "Road salt and sand-salt storage area" means a
15 facility that is used for the storage and handling of
16 highway deicing materials.

17 Sec. 3. 38 MRSA §413, sub-§2-D is enacted to
18 read:

19 2-D. Exemptions; road salt or sand-salt storage
20 piles. The Board of Environmental Protection may ex-
21 empt any road salt or sand-salt storage area from the
22 need to obtain a license under this section when it
23 finds that the exempt activity will not have a sig-
24 nificant adverse effect on the quality or classifica-
25 tions of the waters of the State. In making its
26 finding, the boards's review shall include, but not
27 be limited to, the location, structure and operation
28 of the storage area.

29 For any road salt or sand-salt storage area, final
30 plans for compliance with the provisions of this sub-
31 section must be reviewed and approved by the Depart-
32 ment of Environmental Protection prior to any con-
33 struction or operation. For storage areas in exis-
34 tence prior to the effective date of this paragraph,
35 plans must be submitted by January 1, 1987, and im-
36 plemented as soon as possible after approval, but in
37 no case later than January 1, 1991. Any storage area
38 not operating in accordance with its approved plan
39 shall be deemed to be in violation of this section.

40 Sec. 4. 38 MRSA §482, sub-§2-C, as amended by PL
41 1983, c. 500, §2, is further amended to read:

1 2-C. Hazardous activity. "Hazardous activity"
2 means any activity that consumes, generates or han-
3 dles any of the following:

4 A. Hazardous wastes, as defined in section 1303;

5 B. Hazardous matter, as defined in section 1317;
6 or

7 C. Oil, as defined in section 542; ~~or.~~

8 ~~D. Quantities of road salt in excess of one ton~~
9 ~~per year.~~

10 "Hazardous activity" also includes any low-level ra-
11 dioactive waste storage or disposal facility, as de-
12 fined in section 1451.

13 This definition shall not include an expansion of an
14 existing development unless that expansion by itself
15 would be a hazardous activity.

16 The board shall identify by regulation activities
17 that are exempt from this definition, including do-
18 mestic and other uses of substances in quantities too
19 small to present a significant risk of groundwater
20 ground water contamination.

21 STATEMENT OF FACT

22 This bill proposes changes in several rules which
23 address ground water protection. The changes are the
24 recommendations of the Maine Land and Water Resources
25 Council Ground Water Review Policy Committee.

26 Section 1 of this bill extends authority to pro-
27 tect public water supplies by including ground water
28 aquifer recharge areas under the jurisdiction of mu-
29 nicipal land use regulatory powers.

30 Section 2, 3 and 4 propose a regulatory approach
31 to the wide-spread ground water contamination prob-
32 lems associated with road salt and sand-salt storage
33 piles. The approach is a cooperative effort of the
34 Department of Environmental Protection and the De-

1 partment of Transportation. Section 2 defines the
2 activity, section 3 presents the regulatory provi-
3 sions, and section 4 removes road salt from the ju-
4 risdiction of the Site Location of Development Law in
5 order to avoid conflicting regulatory requirements.

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