

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1982

6 S.P. 789

In Senate, February 7, 1986

7 Approved for introduction by a majority of the Legislative Council  
8 pursuant to Joint Rule 26.

9 Reference to the Committee on Energy and Natural Resources suggested  
and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

Cosponsored by Representative Coles of Harpswell and Representative  
Mitchell of Freeport.

11  
12 STATE OF MAINE  
13

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

17 AN ACT Amending the Water Quality and  
18 Hazardous Waste Laws.  
19

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

22 Sec. 1. 30 MRSA §3221, sub-§4, as amended by PL  
23 1979, c. 627, is further amended to read:

24 4. Subsurface sewage disposal system. "Subsur-  
25 face sewage disposal system" shall mean any system  
26 for disposing of wastes or waste waters on or beneath  
27 the surface of the earth including, but not limited  
28 to, septic tanks, drainage fields, cesspools, holding  
29 tanks, surface ditches or any other fixture, mecha-  
30 nism or apparatus used for such purposes, but shall  
31 not include any discharge system licensed under Title  
32 38, section 414, surface waste water disposal system  
33 or any municipal or quasi-municipal sewer or sewage  
34 treatment system.

1 No person may erect a structure that requires a sub-  
2 surface sewage disposal system until documentation  
3 has been provided to the municipal officers that the  
4 disposal system can be constructed in compliance with  
5 regulations promulgated under Title 22, section 42,  
6 and this section.

7 For purposes of this section, "expansion" is the en-  
8 largement or change in use of a structure using an  
9 existing subsurface sewage disposal system that  
10 brings the total structure into a classification that  
11 requires larger subsurface sewage disposal system  
12 components under regulations promulgated by Title 22,  
13 section 42, and this section.

14 No person may expand a structure using a subsurface  
15 sewage disposal system until documentation has been  
16 provided to the municipal officers that, in the event  
17 of future malfunction of the system, the disposal  
18 system can be replaced and enlarged to comply with  
19 the regulations promulgated under Title 22, section  
20 42, and this section. No requirements of these regu-  
21 lations may be waived for an expanded structure.

22 The location of any subsurface sewage disposal system  
23 and well shall be described on a deed of conveyance  
24 of real estate as provided by Title 33, section  
25 151-B.

26 Sec. 2. 33 MRSA §151-B is enacted to read:

27 §151-B. Location of underground facilities

28 A deed of conveyance of real estate executed af-  
29 ter January 1, 1987, shall contain a clear descrip-  
30 tion of the location of any underground storage tank,  
31 subsurface sewage disposal system and well. The lo-  
32 cation may be described by means of a site plan at-  
33 tached to the deed.

34 Sec. 3. 38 MRSA §401, 6th ¶, as enacted by PL  
35 1979, c. 472, §12, is repealed and the following en-  
36 acted to read:

37 The Legislature further finds that there are nu-  
38 merous programs and activities at the federal, state  
39 and local level which affect or address ground water

1 quality and that those programs will be more effec-  
2 tively managed to the benefit of the people of this  
3 State if they are coordinated through one central of-  
4 fice. Because of the importance of ground water to  
5 the safety and well-being of the State, there is an  
6 urgent need for the development and coordination of  
7 those programs and activities to assess the quality  
8 and quantity of and to protect ground water.

9           Sec. 4. 38 MRSA §401-A is enacted to read:

10 §401-A. Ground water coordinator

11           1. Coordinator. The Governor shall appoint a  
12 person as state ground water coordinator. The ground  
13 water coordinator shall be housed in the Governor's  
14 Office or an appropriate department of the Executive  
15 Branch. The ground water coordinator shall:

16           A. Work to improve communication and coordina-  
17 tion among the various state agencies having  
18 ground water related programs and responsibili-  
19 ties;

20           B. Provide a central point within State Govern-  
21 ment for contact with federal agencies and offi-  
22 cial on ground water issues;

23           C. Facilitate communication and education ef-  
24 forts on ground water quality concerns aimed at  
25 local governments, quasi-governmental agencies  
26 and the public; and

27           D. Conduct review, assessment and planning ef-  
28 forts, both short-term and long-term, to assure  
29 continued availability of adequate ground water  
30 supplies.

31           Sec. 5. 38 MRSA §§404 and 404-A are enacted to  
32 read:

33 §404. Location of underground storage tank described  
34 in deed

35           The location of any underground storage tank  
36 shall be described on a deed of conveyance of real  
37 estate as provided by Title 33, section 151-B.

1 §404-A. Prohibition on ground water injection

2 It is unlawful for a person to inject any  
3 pollutant, as defined in section 361-A, other than  
4 heat, into the ground waters of the State or into any  
5 aquifer recharge area in the State.

6 Sec. 6. 38 MRSA §1304, sub-§4, as repealed and  
7 replaced by PL 1979, c. 383, §5, is amended to read:

8 4. Technical assistance. The department is au-  
9 thorized to establish guidelines for effective waste  
10 management, to provide technical assistance to per-  
11 sons planning, constructing or operating waste facil-  
12 ities or generating, handling or transporting hazard-  
13 ous waste, and to conduct applied research activities  
14 in the field of waste management, including methods  
15 of recycling hazardous or solid waste, sludge or  
16 septage. To further the purposes of this subsection,  
17 the department shall establish a clearinghouse of in-  
18 formation on proper handling, management, transporta-  
19 tion, storage and disposal techniques for hazardous  
20 waste.

21 Sec. 7. 38 MRSA §1304-A, sub-§3-A is enacted to  
22 read:

23 3-A. Study. The commissioner shall undertake a  
24 study to assess alternative means of dealing with  
25 small quantities of hazardous waste, particularly  
26 those generated by domestic activities and small com-  
27 mercial establishments and to investigate the poten-  
28 tial of commercial recycling of hazardous waste.  
29 Three specific concepts shall be considered in addi-  
30 tion to any others the commissioner may find appro-  
31 priate:

32 A. The establishment of an annual "Amnesty Day"  
33 during which small hazardous waste generators  
34 will be able to bring waste to central collecting  
35 points supervised by the department for ultimate  
36 disposal by the State at no cost to the genera-  
37 tor. A limit on the quantity of waste from each  
38 generator will be established;

39 B. The establishment of a system of transfer  
40 stations for small quantities of domestic and

1 commercially generated hazardous waste to facili-  
2 tate the controlled collection and disposal of  
3 the waste on an economically self-supporting ba-  
4 sis; and

5 C. The establishment of a "hazardous waste in-  
6 formation exchange" to facilitate the reuse or  
7 recycling of hazardous waste that may have fur-  
8 ther economic value.

9 The commissioner shall submit this study along with  
10 any recommendations for legislation to the joint  
11 standing committee of the Legislature having juris-  
12 isdiction over natural resources no later than January  
13 1, 1988.

14 Sec. 8. 38 MRSA §1306, sub-§4 is enacted to  
15 read:

16 4. Landfilling of hazardous waste prohibited.  
17 It is unlawful for a person to discharge or place any  
18 hazardous waste into or on any land in the State.

19 STATEMENT OF FACT

20 This bill makes a series of changes in the pollu-  
21 tion control laws to protect surface and ground water  
22 quality.

23 Sections 1, 2 and 5 require deeds transferring  
24 real estate after January 1, 1987, to identify the  
25 location of septic systems, wells and underground  
26 tanks.

27 Sections 3 and 4 establish the position of ground  
28 water coordinator in the law. The coordinator will  
29 work out of the State Planning Office. Currently, a  
30 similar position exists in that office by agreement  
31 between the Department of Environmental Protection  
32 and the State Planning Office. That position is  
33 funded with federal funds and will continue to be  
34 funded in that way under this bill as long as those  
35 funds are available. The importance of the position  
36 of ground water coordinator is so great that it mer-  
37 its statutory recognition, rather than relying on an

1 interdepartmental agreement which may be canceled  
2 anytime.

3 Section 5 also bans the injection of any  
4 pollutant except heat into the ground waters of the  
5 State.

6 Section 6 authorizes the Department of Environ-  
7 mental Protection to provide technical assistance to  
8 a person who deals with hazardous waste. This sec-  
9 tion also establishes a clearinghouse of pertinent  
10 information on subjects related to hazardous waste.

11 Section 7 calls for a study by the Department of  
12 Environmental Protection on alternative means of  
13 dealing with small quantities of hazardous waste, es-  
14 pecially those generated in the household, and on  
15 means of promoting the reuse and recycling of hazard-  
16 ous waste.

17 Section 8 bans the disposal of any hazardous  
18 waste in landfills.

19 Currently, the position created in section 4 of  
20 the bill exists as the result of an interdepartmental  
21 agreement and is wholly funded by a federal grant to  
22 the Department of Environmental Protection under the  
23 United States Clean Water Act. Those funds will con-  
24 tinue to be used to fund the ground water coordinator  
25 position and this bill will have no current impact on  
26 the General Fund.

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