

# MAINE STATE LEGISLATURE

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R. of S.

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L.D. 139

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(Filing No. H- 216 )

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

5

113TH LEGISLATURE

6

FIRST REGULAR SESSION

7

COMMITTEE AMENDMENT "A" to H.P. 114, L.D. 139,  
8 Bill, "AN ACT to Increase Local Control of Certain  
9 Waste Water Discharges."

10

Amend the bill in section 3 in subsection 8 by  
11 striking out all of the 2nd and 3rd paragraphs and  
12 inserting in their place the following:

13

'Authority shall only be given to a municipality af-  
14 ter a finding by the board that the municipality has  
15 the capability and will fully execute all responsi-  
16 bilities under applicable state law, will routinely  
17 inspect and monitor licensed discharges within its  
18 jurisdiction and will take enforcement action against  
19 those persons who violate discharge permit require-  
20 ments.

21

Upon issuance of a license, a municipality shall for-  
22 ward a copy of that license to the department within  
23 5 working days. Within 30 days of the receipt of the  
24 license by the department, any person aggrieved by  
25 the decision of the municipality, or the department,  
26 may appeal to the board to reverse the decision of  
27 the municipality.

28

Municipalities delegated authority pursuant to this  
29 subsection may prescribe, by ordinance, standards for  
30 the issuance of waste discharge licenses and for min-  
31 imum performance and maintenance of treatment systems  
32 as may be necessary to carry out the intent of this  
33 subsection. No ordinance or other municipal law may  
34 establish standards and procedures that are less  
35 stringent than those required under relevant state  
36 and federal law and departmental rule.

37

The Board of Environmental Protection may promulgate  
38 rules governing the minimum requirements that shall

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1 control the licensing and enforcement of discharges  
2 by the municipalities. Included in these rules shall  
3 be a model ordinance which, if adopted by municipali-  
4 ties, will satisfy the requirements of the rules.'

5 STATEMENT OF FACT

6 The original bill allowed municipalities to exer-  
7 cise an option to assume the responsibility for li-  
8 censing, inspecting and enforcing certain waste water  
9 discharges currently regulated by the Department of  
10 Environmental Protection. This amendment clarifies  
11 the original bill by:

- 12 1. Specifying general criteria which the municipi-  
13 pality must satisfy before authority is dele-  
14 gated;
- 15 2. Providing for an appeal from a municipality's  
16 decision on a discharge license;
- 17 3. Requiring municipal ordinances to be at least  
18 as stringent as state and federal law; and
- 19 4. Providing for adoption of rules by the board,  
20 including a model ordinance for municipalities.

21 3011052987

Reported by the Committee on Energy and Natural Resources  
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