

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 382

H.P. 296 House of Representatives, February 18, 1987
Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MITCHELL of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Establish a Compliance Schedule for
2 Owners and Operators of Salt Storage
3 Areas.
4

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

7 38 MRSA §451-A, sub-§1-A is enacted to read:

8 1-A. Time schedule. An owner or operator of a
9 salt or sand-salt storage area shall not be consid-
10 ered in violation of any ground water classification
11 or reclassification adopted on or after January 1,
12 1980, at any time or times prior to October 1, 1996,
13 with respect to discharges from those storage facili-
14 ties to the ground water if, by such time or times
15 with respect to any project necessary to achieve com-
16 pliance with the applicable classification, they have

1 completed all steps required to then be completed by
2 the schedules set forth in this subchapter.

3 A. Preliminary plans and engineers' estimates
4 shall be completed and submitted to the depart-
5 ment on or before January 1, 1988.

6 B. Arrangements for administration and financing
7 shall be completed on or before January 1, 1990.

8 C. Detailed engineering and final plan formula-
9 tion shall be completed on or before January 1,
10 1992.

11 D. Review of final plans with the board shall be
12 completed and construction commenced on or before
13 January 1, 1994.

14 E. Construction shall be completed and in opera-
15 tion on or before January 1, 1996.

16 2. Violations of ground water classification.
17 In no case may violations of the lowest ground water
18 classification be allowed. No violations of any
19 ground water classifications adopted after January 1,
20 1980, may be allowed for more than 3 years from the
21 date of an offer of a state grant for the construc-
22 tion of the facilities or after January 1, 1996,
23 whichever is earlier.

24 3. No issuing of time schedules. The board
25 shall not issue time schedule variances under this
26 section to owners or operators of salt or sand-salt
27 storage areas.

28 4. License not required. An owner or operator
29 of a salt or sand-salt storage area who is in compli-
30 ance with this section shall not be required to be
31 licensed for the discharge of pollutants from the
32 sand or sand-salt storage area in accordance with
33 section 413.

1 STATEMENT OF FACT

2 The Maine Revised Statutes, Title 38, section
3 413, requires anyone who discharges pollutants to the
4 waters of the State to first obtain a license from
5 the Board of Environmental Protection. In 1985, re-
6 alizing that virtually all of the salt storage areas
7 in Maine were, and still are, polluting ground water,
8 the Legislature enacted Public Law 1985, chapter 479,
9 requiring owners and operators of sand and salt stor-
10 age areas to register those areas with the Department
11 of Environmental Protection by January 1, 1986. The
12 same law also required the Department of Environmen-
13 tal Protection to prioritize all the salt storage ar-
14 eas by November, 1987. Both requirements have now
15 been met.

16 The original version of Public Law 1985, chapter
17 479, gave owners and operators of sand and salt stor-
18 age areas a 10-year period to bring their sand and
19 salt storage areas into compliance with the law. The
20 idea was to give municipalities time to raise the
21 funds needed to match 50% matching state funds which,
22 in turn, were to become available upon approval of a
23 companion bond bill by the 112th Legislature and the
24 voters of Maine. Unfortunately, the bond bill failed
25 in the Appropriations Committee. In response to that
26 development, the Legislature removed the 10-year com-
27 pliance date. By removing the compliance date, the
28 legal basis for deferring enforcement action under
29 Title 38, section 413, was also removed. This sec-
30 tion gives owners and operators of sand and salt
31 storage areas up to 9 years to bring their areas into
32 compliance. If state cost share money becomes avail-
33 able, it will enable towns and counties time to raise
34 matching funds and build the necessary storage build-
35 ings.

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