

MAINE STATE LEGISLATURE

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L.D. 1268

(Filing No. H-156)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 945, L.D. 1268, Bill, "AN ACT to Clarify and Amend the Treatment of Overboard Effluent Discharges into the Waters of the State."

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Amend the bill by inserting after the enacting clause the following:

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'Sec. 1. 38 MRSA §352, sub-§4, TABLE I, 22nd, 23rd and 24th lines, as repealed and replaced by PL 1985, c. 746, §14, are amended to read:

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413, Waste Discharge license
A. Residential ~~5-00~~ 45.00 ~~15-00~~ 30.00 10.00
B. Commercial ~~10-00~~ 200.00 ~~30-00~~ 400.00 160.00'

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Further amend the bill in section 3, paragraph A, subparagraph (6), by adding at the end the following:

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'Notwithstanding the provisions of this subparagraph, an increase in the volume or quantity of domestic pollutants in a licensed discharge of domestic pollutants emanating from an existing commercial or industrial business is not prohibited so long as, in addition to all other provisions of applicable law, all the following conditions are met:

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(a) The board finds that, based on the past record of compliance by the licensee with all requirements of its existing discharge licenses, the licensee is likely to comply with the requirements of any subsequent license governing the increased discharge. The board shall not make this finding if there

COMMITTEE AMENDMENT "A" to H.P. 945, L.D. 1268

1 have been significant, numerous or re-
2 peated violations of any standard, lim-
3 it or condition of the existing li-
4 licenses;

5 (b) The licensee agrees, as a license
6 condition, to retain qualified employ-
7 ees or independent consultants to en-
8 sure that the overboard discharge sys-
9 tem is meeting all requirements of the
10 license and to test, monitor and main-
11 tain the system. The board shall re-
12 quire, as a license condition, that the
13 licensee test the effluent on a weekly
14 basis to ensure that the license re-
15 quirements are being met and that the
16 licensee promptly submit reports of
17 these tests to the department; and

18 (c) The board finds that all require-
19 ments of paragraph G have been met with
20 respect to the proposed increase in the
21 overboard discharge.'

22 Further amend the bill in section 4 in paragraph
23 G by striking out all of the first 5 lines (page 4,
24 lines 34 to 38 in L.D.) and inserting in their place
25 the following:

26 'G. The board shall not license, relicense or
27 allow any transfer of any license for any over-
28 board discharge licensed or in existence prior to
29 the effective date of this paragraph, unless the
30 board finds that the discharge meets all waste
31 discharge licensing requirements of state law.'

32 Further amend the bill in section 4 in paragraph
33 G in subparagraph (1) in division (b) in the first
34 line (page 5, line 8 in L.D.) by striking out the
35 following: "Implemented" and inserting in its place
36 the following: 'Fully investigated and implemented'
37 and in the 2nd line (page 5, line 9 in L.D.) by

COMMITTEE AMENDMENT "A" to H.P. 945, L.D. 1268

1 striking out the underlined word "available" and in-
2 serting in its place the underlined word 'proven'

3 Further amend the bill in section 4 in paragraph
4 G in subparagraph (1) in division (c) in the first
5 line (page 5, line 17 in L.D.) by striking out the
6 following: "Implemented" and inserting in its place
7 the following: 'Fully investigated and implemented'
8 and in the 2nd line (page 5, line 18 in L.D.) by
9 striking out the underlined word "available" and in-
10 serting in its place the underlined word 'proven'

11 Further amend the bill in section 4 in paragraph
12 G in subparagraph (1) by striking out all of division
13 (d) and inserting in its place the following:

14 '(d) Shown that the discharge will not
15 adversely affect aquatic life or cause
16 or contribute to the new or expanded
17 closure of a shellfish area by the De-
18 partment of Marine Resources.'

19 Further amend the bill by inserting before the
20 emergency clause the following:

21 'Sec. 6. Allocation. The following funds are
22 allocated from the Maine Environmental Protection
23 Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
24		
25	<u>ENVIRONMENTAL PROTECTION, DE-</u>	
26	<u>PARTMENT OF</u>	
27	Bureau of Water Quality	
28	Control	
29	Positions (3)	(3)
30	Personal Services \$75,681	\$82,090
31	All Other 12,900	9,450
32	Capital Expenditures 2,235	

COMMITTEE AMENDMENT "A" to H.P. 945, L.D. 1268

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STATEMENT OF FACT

2 The purpose of this amendment is to make clear
3 provisions for the expansion of certain licensed
4 overboard discharges which are necessary for the con-
5 tinued operation of existing businesses along the
6 coast, including such industrial and commercial es-
7 tablishments as manufacturing or seafood processing
8 facilities, hotels and restaurants. It is the intent
9 of the Legislature that such expansions be subject to
10 investigation of the facility's compliance record and
11 to assurances of adequate monitoring and maintenance
12 of the expanded discharge. The expansion will also
13 be subject to the same provisions applied to the
14 relicensing of existing overboard discharges under
15 the terms of the original bill. It is the intent of
16 the Legislature that this provision not apply to ex-
17 panded discharges from residential dwelling units.

18 The amendment makes the transfer of existing
19 overboard discharge licenses and the licensing of ex-
20 isting, unlicensed overboard discharges subject to
21 the relicensing provisions of the original bill.

22 The amendment also requires that an overboard
23 discharge not adversely affect aquatic life in the
24 receiving waters.

25 Finally, the amendment adds the allocation neces-
26 sary for implementation of this law and, through in-
27 creases in the license fees for the affected dis-
28 charges, provides revenues adequate to cover the al-
29 location. There is no net fiscal impact from this
30 bill.

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