# MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)

## (New Draft of H.P. 296, L.D. 382) FIRST REGULAR SESSION

### ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

1

2

3

4 5

6 7

8

9

10

11

12

13 14 15

NO. 1749

H.P. 1278 House of Representatives, June 5, 1987 Reported by Representative MITCHELL from the Committee on Energy and Natural Resources and printed under Joint Rule 2. EDWIN H. PERT, Clerk Original bill sponsored by Representative MITCHELL of Freeport.

#### STATE OF MAINE

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

AN ACT to Establish a Compliance Schedule for

Owners and Operators of Salt Storage

Areas. Be it enacted by the People of the State of Maine as follows:

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

Time schedule for salt and sand-salt storage program. An owner operator of a salt or sand-salt storage area is not in violation of any ground water classification reclassification or adopted on or after January 1, 1980, at any time prior to October 1, 1996, with respect to discharges to the ground water from those facilities, if by that time the owner or operator has completed all steps

2	forth in this subchapter.
3 4 5 6	A. Preliminary plans and engineers' estimates shall be completed and submitted to the Department of Transportation on or before January 1, 1989.
8	B. Arrangements for administration and financing shall be completed on or before January 1, 1990.
9 .0 .1	C. Detailed engineering and final plan formulation shall be completed on or before January 1, 1992.
.2 .3 .4 .5 .6	D. Review of final plans with the Department of Transportation shall be completed and construction commenced on or before January 1, 1994. The Department of Transportation shall consult with the department in reviewing final plans.  E. Construction shall be completed and in operation on or before January 1, 1996.
9 20 21 22 23 24 25	In no case shall violations of the lowest ground water classification be allowed. In addition, no violations of any ground water classifications adopted after January 1, 1980, may be allowed for more than 3 years from the date of an offer of a state grant for the construction of those facilities or after January 1, 1996, whichever is earlier.
26 27 28	The board shall not issue time schedule variances under subsection 1 to owners or operators of salt or sand-salt storage areas.
29 30 31 32	An owner or operator of a salt or sand-salt storage area who is in compliance with this section is exempt from the requirements of licensing under section 413, subsection 2-D.
33 34 35 36	An owner or operator who is eligible for a state grant is not in violation of a schedule established pursuant to this subsection if the owner or operator is eligible for a state grant to implement the schedule and the state grant is not available.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

#### STATEMENT OF FACT

The Maine Revised Statutes, Title 38, section 413 requires anyone who discharges pollutants to the waters of the State to first obtain a license from the Board of Environmental Protection. In 1985, realizing that virtually all of the salt storage areas in the State were, and still are, polluting ground water, the Legislature enacted Public Law 1985, chapter 479, requiring owners and operators of sand-salt storage areas to register those areas with the Department of Environmental by January 1, 1986. The same law also required the department to prioritize all the salt storage areas by November 1987. Both requirements have now been met.

This new draft will give owners and operators sand-salt storage areas up to 9 years to bring their areas into compliance. Assuming the State cost-share money becomes available, it will enable towns counties to raise matching funds and build the necesstorage buildings. The program will be managed primarily by the Department of Transportation consultation on environmental matters with the Department of Environmental Protection. An owner operator of a facility will not violate this schedule it is eligible for a state grant and no grant is available.

27

3060052987