

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)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

L.D. 1868

(Filing No. H-383)

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

HOUSE AMENDMENT "^b" to S.P. 641, L.D. 1868,
Bill, "AN ACT to Amend the Laws Administered by the
Department of Environmental Protection."

Amend the bill by inserting after the title and
before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

Whereas, certain changes in the environmental
laws of the State are required for effective adminis-
tration and enforcement for protection of public wel-
fare and the environment; and

Whereas, in the judgment of the Legislature,
these facts create an emergency within the meaning of
the Constitution of Maine and require the following
legislation as immediately necessary for the preser-
vation of the public peace, health and safety; now,
therefore,'

Further amend the bill by striking out all of
section 1.

Further amend the bill by striking out all of
sections 10 to 13 and 15 to 17.

Further amend the bill by striking out all of
section 18 and inserting in its place the following:

'Sec. 18. 38 MRSA §464, sub-§4, ¶A, as amended
by PL 1987, c. 180, §4, is further amended to read:

A. Notwithstanding section 414-A, the board
shall not issue a water discharge license for any

HOUSE AMENDMENT "B" to S.P. 641, L.D. 1868

1 of the following discharges:

2 (1) Direct discharge of pollutants to wa-
3 ters having a drainage area of less than 10
4 square miles, except that discharges into
5 these waters which were licensed prior to
6 January 1, 1986, shall be allowed to contin-
7 ue only until practical alternatives exist;

8 (2) New direct discharge of domestic
9 pollutants to tributaries of Class-GPA wa-
10 ters;

11 (3) Any discharge into a tributary of GPA
12 waters which, by itself or in combination
13 with other activities, causes water quality
14 degradation which would impair the charac-
15 teristics and designated uses of downstream
16 GPA waters or causes an increase in the
17 trophic state of those GPA waters;

18 (4) Discharge of pollutants to waters of
19 the State which imparts color, taste,
20 turbidity, toxicity, radioactivity or other
21 properties which cause those waters to be
22 unsuitable for the designated uses and char-
23 acteristics ascribed to their class;

24 (5) Discharge of pollutants to any water of
25 the State which violates sections 465, 465-A
26 and 465-B, except as provided in section
27 451; causes the "pH" of fresh waters to fall
28 outside of the 6.0 to 8.5 range; causes the
29 "pH" of estuarine and marine waters to fall
30 outside of the 7.0 to 8.5 range; or causes
31 fish for human consumption to be injurious
32 to human health as determined by the United
33 States Food and Drug Administration under
34 the procedures established by United States
35 Code, Title 21, section 342 or as determined
36 by the Department of Human Services. The
37 Department of Human Services shall establish

HOUSE AMENDMENT "B" to S.P. 641, L.D. 1868

1 a protocol for determining risk in these
2 situations. The protocol shall be promul-
3 gated as a rule in accordance with the Maine
4 Administrative Procedure Act, Title 5, chap-
5 ter 375; and

6 (6) New discharges of domestic pollutants
7 to the surface waters of the State which are
8 not conveyed and treated in municipal or
9 quasi-municipal sewage facilities. "New
10 discharge" means any overboard discharge
11 which is licensed after the effective date
12 of this section. For purposes of licensing,
13 the board shall treat an increase in the li-
14 censed volume or quantity of an existing
15 discharge or an expansion in the months dur-
16 ing which the discharge will take place as a
17 new discharge of domestic pollutants.

18 Notwithstanding the provisions of this sub-
19 paragraph, an increase in the volume or
20 quantity of domestic pollutants in a li-
21 censed discharge of domestic pollutants ema-
22 nating from an existing commercial or indus-
23 trial business or from an existing state or
24 federal facility is not prohibited so long
25 as, in addition to all other provisions of
26 applicable law, all the following conditions
27 are met:

28 (a) The board finds that, based on the
29 past record of compliance by the li-
30 censee with all requirements of its ex-
31 isting discharge licenses, the licensee
32 is likely to comply with the require-
33 ments of any subsequent license govern-
34 ing the increased discharge. The board
35 shall not make this finding if there
36 have been significant, numerous or re-
37 peated violations of any standard, lim-
38 it or condition of the existing li-
39 censes;

HOUSE AMENDMENT "**B**" to S.P. 641, L.D. 1868

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

14 (c) The board finds that all require-
15 ments of paragraph G have been met with
16 respect to the proposed increase in the
17 overboard discharge.'

18 Further amend the bill by inserting after section
19 18 the following:

20 'Sec. 19. 38 MRSa §466, sub-§9-B, as enacted by
21 PL 1987, c. 180, §6, is amended to read:

22 9-B. Quasi-municipal "Quasi-municipal" means
23 any form of ownership and management by a governmen-
24 tal unit embracing a portion of a municipality, a
25 single municipality or several municipalities which
26 is created by law to deliver public waste water
27 treatment services, but which is not a ~~general~~
28 purpose state governmental unit.'

29 Further amend the bill by striking out all of
30 sections 19 to 25, 27 to 29 and 31 to 33.

31 Further amend the bill by renumbering the sec-
32 tions to read consecutively.

33 Further amend the bill by inserting before the
34 statement of fact the following:

