

MAINE STATE LEGISLATURE

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L.D. 2604
(Filing No. H-745)

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

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COMMITTEE AMENDMENT "A" to H.P. 1907, L.D. 2604,
Bill, "AN ACT to Implement the Recommendations of the
Study of the Department of Environmental Protection."

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Amend the bill in section 9 in subsection 4 in the
first paragraph in the last line (page 5, line 38 in
L.D.) by inserting after the underlined word and
punctuation "appropriate." the following: 'The
following table is repealed on May 1, 1991.'

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Further amend the bill in section 9 in subsection
4 in TABLE I in TITLE 38 in that part relating to
section 483, Site location (page 7, line 45 in L.D.)
by striking out all of paragraph A and inserting in
its place the following:

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<u>'A. Affordable housing</u>	<u>50/lot</u>	<u>50/lot</u>
<u>subdivisions</u>		
<u>A-1. Other subdivisions</u>	<u>175/lot</u>	<u>175/lot</u>
<u>with public water and</u>		
<u>sewers</u>		
<u>A-2. Other subdivisions</u>	<u>250/lot</u>	<u>250/lot</u>

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Further amend the bill in section 9, in subsection
4, in TABLE I, in Title 38, by striking out all of the
last paragraph (page 9, lines 14 to 20 in L.D.) and
inserting in its place the following:

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'United States Code, Title 33,
Chapter 26, Water Quality
Certifications, in conjunction
with applications for hydro-
power project relicensing'

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

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1 'Sec. 10. 38 MRSA §352, sub-§§5 and 6 are
2 enacted to read:

3 5. Maximum fees after 1991. Beginning May 1,
4 1991, the following maximum fees shall be in effect:

5 TABLE I

6 MAXIMUM FEES IN DOLLARS

7	<u>TITLE 36</u>	<u>PROCESSING</u>	<u>CERTIFICATION</u>
8	<u>SECTION</u>	<u>FEE</u>	<u>FEE</u>
9	<u>656, sub-§1, WE, Pollution</u>		
10	<u>Control Facilities</u>		
11	<u>A. Water pollution</u>	<u>\$250</u>	<u>\$20</u>
12	<u>control facilities</u>		
13	<u>with capacities at</u>		
14	<u>least 4,000 gallons</u>		
15	<u>of waste per day and</u>		
16	<u>\$1760, sub-§29, water</u>		
17	<u>pollution control</u>		
18	<u>facilities</u>		
19	<u>B. Air pollution</u>	<u>250</u>	<u>20</u>
20	<u>control and \$1760,</u>		
21	<u>sub-§30, air pollution</u>		
22	<u>control facilities</u>		
23	<u>TITLE 38</u>	<u>PROCESSING</u>	<u>LICENSE</u>
24	<u>SECTION</u>	<u>FEE</u>	<u>FEE</u>
25	<u>362-A, Experiments</u>	<u>\$40</u>	<u>\$160</u>
26	<u>393, Great Ponds</u>	<u>75</u>	<u>50</u>
27	<u>410-E, Freshwater wetlands</u>	<u>100</u>	<u>50</u>
28	<u>413, Waste discharge license</u>		
29	<u>A. Residential</u>	<u>75</u>	<u>25</u>
30	<u>B. Commercial</u>		
31	<u>1. Flow of less than</u>		
32	<u>2,000 gallons per day</u>	<u>600</u>	<u>160</u>
33	<u>2. Flow of 2,000 to</u>		
34	<u>20,000 gallons per</u>		
35	<u>day inclusive</u>	<u>600</u>	<u>500</u>

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1	3. <u>Flow of greater</u>		
2	<u>than 20,000 gallons</u>		
3	<u>per day</u>	<u>300</u>	<u>1,200</u>
4	C. <u>Industrial minor</u>		
5	<u>(based upon EPA list</u>		
6	<u>of major and minor</u>		
7	<u>source discharges)</u>		
8	1. <u>Discharges of</u>	<u>500</u>	<u>160</u>
9	<u>cooling water,</u>		
10	<u>sanitary waste water</u>		
11	<u>or treated storm water</u>		
12	<u>only</u>		
13	2. <u>All others</u>	<u>500</u>	<u>2,000</u>
14	D. <u>Industrial major</u>		
15	<u>(based upon EPA list of</u>		
16	<u>major source discharges)</u>		
17	1. <u>Discharge of</u>	<u>1,200</u>	<u>750</u>
18	<u>cooling water or</u>		
19	<u>sanitary waste water</u>		
20	<u>only</u>		
21	2. <u>All others</u>	<u>1,200</u>	<u>2,200</u>
22	E. <u>Publicly owned</u>		
23	<u>treatment works</u>		
24	1. <u>Flow of less</u>	<u>100</u>	<u>200</u>
25	<u>than or equal to</u>		
26	<u>50,000 gallons per</u>		
27	<u>day and no significant</u>		
28	<u>industrial component</u>		
29	2. <u>Flow of greater</u>	<u>55</u>	<u>1,200</u>
30	<u>than 50,000 gallons</u>		
31	<u>per day, but less</u>		
32	<u>than 0.5 million</u>		
33	<u>gallons per day and</u>		
34	<u>no significant</u>		
35	<u>industrial component</u>		
36	3. <u>Flow of at least</u>	<u>100</u>	<u>1,800</u>
37	<u>0.5 million gallons</u>		
38	<u>per day, but less</u>		
39	<u>than 5 million</u>		
40	<u>gallons per day and</u>		
41	<u>no significant</u>		
42	<u>industrial component</u>		
43	4. <u>Flow of at least</u>	<u>100</u>	<u>1,800</u>

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1	<u>5 million gallons per</u>		
2	<u>day of a significant</u>		
3	<u>industrial component</u>		
4	<u>F. Special discharges</u>		
5	<u>1. Aquatic pesticides</u>	130	25
6	<u>2. Dredge spoils</u>	130	25
7	<u>418, Log storage</u>	55	25
8	<u>421, Solid waste disposal areas</u>	1,400	100
9	<u>427, Alteration of rivers,</u>	150	50
10	<u>streams and brooks</u>		
11	<u>451, Mixing zones</u>	1,200	2,200
12	<u>451-A, Time schedule</u>	25	25
13	<u>variances</u>		
14	<u>471, Coastal wetlands and</u>	200	100
15	<u>sand dunes</u>		
16	<u>483, Site location</u>		
17	<u>A. Subdivisions</u>	30/lot	25
18	<u>B. Structures</u>	1,100	500
19	<u>C. Mining</u>	775	500
20	<u>D. Other</u>	775	500
21	<u>543, Oily waste discharge</u>	40	160
22	<u>560, Vessels at anchorage</u>	125	100
23	<u>587, Ambient air quality</u>	5,050	50
24	<u>or emissions standards</u>		
25	<u>variances</u>	5,050	50
26	<u>590, Air emissions licenses</u>		
27	<u>A. Greater than or</u>	10,050	1,200
28	<u>equal to 1,000 tons</u>		
29	<u>per year of any</u>		
30	<u>criteria air</u>		
31	<u>pollutant</u>		
32	<u>B. Greater than or</u>	5,050	400
33	<u>equal to 100 tons</u>		
34	<u>per year, but less</u>		
35	<u>than 1,000 tons per</u>		
36	<u>year of any criteria</u>		
37	<u>air pollutant</u>		
38	<u>C. Greater than or</u>	1,050	100
39	<u>equal to 50 tons per</u>		
40	<u>year, but less than</u>		
41	<u>100 tons per year of</u>		
42	<u>any criteria air</u>		
43	<u>pollutant</u>		

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1	<u>D. Less than 50</u>	<u>525</u>	<u>50</u>
2	<u>tons per year of</u>		
3	<u>any criteria air</u>		
4	<u>pollutant</u>		
5	<u>633, Hydropower projects</u>		
6	<u>A. New or expanded</u>	<u>450/MW</u>	<u>50/MW</u>
7	<u>generating capacity</u>		
8	<u>B. Maintenance and</u>	<u>50</u>	<u>25</u>
9	<u>repair or other</u>		
10	<u>structural alterations</u>		
11	<u>not involving an</u>		
12	<u>increase in generating</u>		
13	<u>capacity</u>		
14	<u>1101, Sanitary districts</u>	<u>150</u>	<u>50</u>
15	<u>1304, Nonhazardous waste</u>		
16	<u>facilities</u>		
17	<u>A. Septage facilities,</u>	<u>300</u>	<u>250</u>
18	<u>other than landfill or</u>		
19	<u>landspreading sites</u>		
20	<u>B. Sludge facilities,</u>	<u>550</u>	<u>500</u>
21	<u>other than landfill or</u>		
22	<u>landspreading sites</u>		
23	<u>C. Landspreading sites</u>	<u>50</u>	<u>35</u>
24	<u>D. Transfer stations</u>	<u>550</u>	<u>500</u>
25	<u>E. Landfills</u>	<u>1,575</u>	<u>1,500</u>
26	<u>F. Resource recovery and</u>	<u>1,575</u>	<u>1,500</u>
27	<u>volume reduction facilities</u>		
28	<u>G. Other, including</u>	<u>550</u>	<u>250</u>
29	<u>land-applied utiliza-</u>		
30	<u>tion programs</u>		
31	<u>H. Septage disposal site</u>	<u>50</u>	<u>25</u>
32	<u>designation</u>		
33	<u>United States Code, Title 33,</u>		
34	<u>Chapter 26, Water Quality</u>		
35	<u>Certifications, in conjunction</u>		
36	<u>with applications for hydro-</u>		
37	<u>power project relicensing</u>	<u>450/MW</u>	<u>50/MW</u>
38	<u>6. Reporting requirements. The department shall</u>		
39	<u>report, before February 1st of each year, to the joint</u>		
40	<u>standing committee of the Legislature having</u>		
41	<u>jurisdiction over natural resources on the effects of</u>		

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1 the license fee increases on department efficiency and
2 license and permit processing time.

3 **Sec. 11. 38 MRSA §361-A, sub-§1-F is enacted to**
4 **read:**

5 1-F. Affordable housing. "Affordable housing"
6 means dwellings, apartments or other living
7 accommodations for households making at or below 80%
8 of the median household income as determined by the
9 Department of Economic and Community Development.

10 **Sec. 12. 38 MRSA §562, sub-§13, as enacted by**
11 **PL 1985, c. 496, Pt. A, §14, is amended to read:**

12 13. Underground oil storage facility.
13 "Underground oil storage facility," also referred to
14 as "facility," means any underground oil storage tank
15 or tanks, as defined in subsection 14, together with
16 associated piping and dispensing facilities located
17 under any land at a single location and used, or
18 intended to be used, for the storage or supply of oil,
19 as defined in this subchapter. Underground oil
20 storage facility also includes piping located under
21 any land at a single location associated with above
22 ground storage tanks and containing 10% or more of the
23 facility's overall volume capacity.

24 **Sec. 13. 38 MRSA §568, sub-§1, as repealed and**
25 **replaced by PL 1987, c. 491, §15, is amended to read:**

26 1. Removal. Any person discharging or suffering
27 a discharge of oil, petroleum products or their
28 by-products to ground water in the manner prohibited
29 by section 543 shall immediately undertake to remove
30 that discharge to the department's satisfaction.
31 Notwithstanding this requirement, the commissioner
32 commissioner may order the removal of that discharge
33 pursuant to subsection 3, or the department may
34 undertake the removal of that discharge and retain
35 agents and contractors for that purpose who shall
36 operate under the direction of the department. Any
37 unexplained discharge of oil, petroleum products or
38 their by-products to ground water within state

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1 jurisdiction shall be removed by or under the
2 direction of the department. Any expenses involved in
3 the removal of discharges, whether by the person
4 causing the same, the person reporting the same or the
5 department by itself or through its agents or
6 contractors, may be paid in the first instance from
7 the Ground Water Oil Clean-up Fund and any
8 reimbursements due that fund shall be collected in
9 accordance with section 569.

10 Sec. 14. 38 MRCA §570-G, as enacted by PL 1987,
11 c. 491, §24, is amended to read:

12 §570-G. Construction

13 This subchapter is necessary for the general
14 welfare, public health and public safety of the State
15 and its inhabitants and shall be liberally construed
16 to effect the purposes set forth under this
17 subchapter. No rule or order of the board
18 department may be stayed pending appeal under this
19 subchapter.

20 Sec. 15. 38 MRSA §1303, sub-§10-B, ¶H, as
21 enacted by PL 1987, c. 517, §6, is repealed and the
22 following enacted in its place:

23 H. Medical and other biological waste not
24 identified under section 1319-O, subsection 1,
25 paragraph A, subparagraph (4);

26 Sec. 16. 38 MRSA §1319-B, sub-§1, ¶A, as
27 amended by PL 1985, c. 746, §30, is further amended to
28 read:

29 A. Any person who applies for a license for a
30 hazardous waste facility shall pay the appropriate
31 fee. An application for a license will not be
32 considered complete and will not be processed
33 until this fee is received. Application fees are
34 as follows.

35 (1) Disposal facility..... \$10,000

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- 1 (2) Commercial treatment facility.....7,000
- 2 (3) On-site treatment facility.....4,000
- 3 (4) Other waste facility for hazardous
- 4 waste, including treatment storage
- 5 facilities other than on-site and
- 6 commercial treatment
- 7 facilities.....2,500
- 8 (5) Waste oil storage facility.....2,500
- 9 (6) Treatment facility under license by rule
- 10 provisions where the hazardous waste treated
- 11 is less than 200 1,000 kilograms or less
- 12 per calendar month.....75
- 13 (7) All other facilities for hazardous waste
- 14 under license by rule provisions.....400

15 Sec. 17. 38 MRSA §1319-H, sub-§2, as enacted by
16 PL 1985, c. 746, §31, is amended to read:

- 17 2. Annual fees. Licensed hazardous waste
- 18 facilities are subject to the following annual fees.
- 19 A. Disposal facility.....\$1,500
- 20 B. Commercial treatment facility and on-site
- 21 treatment facility.....1,000
- 22 C. Other waste facilities for hazardous waste,
- 23 including treatment storage facilities other
- 24 than on-site and commercial treatment facilities
- 25500
- 26 D. Waste oil storage facility.....500
- 27 E. Treatment facility under license by rule
- 28 provisions where the hazardous waste treated is
- 29 less than 200 1,000 kilograms or less per
- 30 calendar month.....100

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1 F. All other facilities for hazardous waste under
2 license by rule provisions.....200

3 Sec. 18. 38 MRSA §1319-I, sub-§3, as repealed
4 and replaced by PL 1987, c. 491, §25, is amended to
5 read:

6 3. Fee for transportation into Maine from out of
7 state. If hazardous waste or waste oil is transported
8 into Maine from out of state, the person who first
9 transports the hazardous waste or waste oil into Maine
10 shall pay a fee equal to twice the amount indicated by
11 the schedules outlined in subsection 2 for hazardous
12 waste or ~~subsection 5~~ subsection 4-A for waste oil,
13 as if that person were the waste oil dealer.

14 The commissioner may waive up to 50% of the fee
15 imposed under this subsection if the state from which
16 the hazardous waste or waste oil is transported to
17 Maine observes the same reciprocity with regard to
18 hazardous waste transported to that state from Maine.

19 Sec. 19. 38 MRSA §1478, sub-§3, as enacted by
20 PL 1983, c. 500, §5, is amended to read:

21 3. Municipal participation. The municipality in
22 which the proposed facility would be located may
23 participate in the departmental site review using
24 procedures conformed to the procedures for municipal
25 participation in siting ~~or~~ of hazardous waste
26 facilities under ~~section 1305-A,~~ subsection 2
27 section 1319-R, subsection 3.

28 Further amend the bill by inserting before the
29 statement of fact the following:

30 'FISCAL NOTE

31 If enacted, the bill would increase fees which are
32 currently deposited in the Maine Environmental
33 Protection Fund. It is anticipated that the proposed
34 fee increases would result in a maximum increase in

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1 dedicated M.E.P.F. revenue to the Department of
2 Environmental Protection of approximately \$2,440,893
3 in fiscal year 1988-89. In view of funding actions
4 needed to implement the Peat Marwick Study
5 recommendations, the department is requesting an
6 M.E.P.F. allocation in the amount of \$346,850 for
7 fiscal year 1987-88 and \$1,177,700 for fiscal year
8 1988-89 in L.D. 2156, the Governor's supplemental
9 budget. It should be understood that appropriations
10 and allocations resulting from the above mentioned
11 study have been included in the supplemental budget,
12 L.D. 2156.

13 Finally, this bill would provide a new decreased
14 fee category for hazardous waste activities in which
15 the exact loss of revenue to the Maine Hazardous Waste
16 Fund cannot be determined at this time.'

17 STATEMENT OF FACT

18 This amendment establishes a decreased fee for
19 permitting subdivisions including affordable housing.
20 It also establishes a 3-year sunset provision on the
21 increases and a reporting requirement for the
22 department to detail how these fee increases are
23 resolving permitting and licensing delays.

24 Also included in this amendment are several
25 amendments to other laws under the purview of the
26 department.

27 Section 12 expands the definition of "underground
28 oil storage facility" found in the Maine Revised
29 Statutes, Title 38, section 562 to include piping
30 associated with those facilities and makes the
31 definition consistent with the federal definition
32 found in Subtitle 1, of the Solid Waste Disposal Act.

33 Section 13 corrects an error enacted by the Public
34 Law 1987, chapter 491. The word "comission" should
35 read "commissioner."

36 Section 14 substitutes "department" for "board"

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1 since under this subchapter the commissioner and the
2 board are authorized to issue orders. The statutory
3 definition of "department" includes the board and the
4 commissioner.

5 Section 15 amends the Maine Revised Statutes,
6 Title 38, section 1303, subsection 10-B, by changing
7 the language defining medical wastes.

8 Sections 16 and 17 provide for a new fee category
9 for hazardous waste activities licensed by the
10 department by rule. Currently, those activities are
11 required to pay \$2,500 and \$500 in application and
12 annual fees. The change will reduce the fees to \$400
13 and \$200, respectively. It also raises the allowable
14 volume of hazardous waste treated from 200 kilograms
15 to 1,000 kilograms under license by rule without
16 requiring a larger fee assessment.

17 Section 18 alters an incorrect reference.

18 Section 19 corrects minor language errors in Title
19 38, section 1478.

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