

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1033

S.P. 388

In Senate, April 4, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HOLLOWAY of Lincoln.

Cosponsored by Senator DUTREMBLE of York and Representative BEGLEY of Waldoboro.

STATE OF MAINE

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

An Act to Amend the Overboard Discharge Law.



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

3 38 MRSA §464, sub-§4, ¶G, as enacted by PL 1987, c. 180, §5,
5 is repealed and the following enacted in its place:

7 G. The board shall not license or relicense or allow any
9 transfer of any license for any overboard discharge licensed
11 or in existence prior to the effective date of this
13 paragraph, unless the board finds that the discharge meets
15 all waste discharge licensing requirements of state law.
17 The board shall not impose any licensing requirements on
overboard discharges which are more stringent than those
imposed on municipal discharges of domestic pollutants. The
board shall not require the installation or use of waste
water holding tanks to replace a licensed overboard
discharge which is in compliance with the terms of its
existing license.

19 The board shall not license or relicense or allow any
21 transfer of any license for any overboard discharge licensed
23 or in existence prior to the effective date of this
paragraph, unless:

25 (1) The board finds that, based on the past record of
27 compliance by the licensee with all requirements of its
29 existing discharge licenses, the licensee is likely to
31 comply with the requirements of any subsequent license
33 governing the discharge. The board shall not make this
finding for relicensing to the same licensee if there
have been significant, numerous or repeated violations
of any standard, limit or condition of the existing
license; and

35 (2) The licensee agrees, as a license condition, to
37 retain qualified employees or independent consultants
39 to ensure that the overboard discharge system is
41 meeting all requirements of the license and to test,
43 monitor and maintain the system. For residential
45 overboard discharges, the board shall require, as a
47 license condition, that the licensee test the effluent
49 on an annual basis to ensure that the license
requirements are being met and that the licensee
promptly submit reports of these tests to the
department. For commercial overboard discharges, the
board shall require, as a license condition, that the
licensee test the effluent on a weekly basis to ensure
that the license requirements are being met and that
the licensee promptly submit reports of these tests to
the department.

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STATEMENT OF FACT

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The purpose of this bill is to amend the provisions of the overboard discharge law to treat the relicensing of existing overboard discharges in a more equitable manner. It is not the intent of this bill to affect in any way the existing prohibition on the licensing of any new overboard discharges.

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The bill prohibits the Board of Environmental Protection from imposing waste water licensing criteria on residential overboard discharges which are more strict than those imposed on other sources of similar pollution such as municipal waste water treatment plants. As the standards for all sources of domestic pollutants are tightened, residential overboard discharges will be treated the same as other polluters.

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The bill does direct the Board of Environmental Protection to consider the compliance record of an overboard discharge license holder at the time of relicensing. The board is also directed to attach certain maintenance and monitoring conditions to the renewed licenses.

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