

MAINE STATE LEGISLATURE

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L.D. 1955

(Filing No. H-759)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1407, L.D. 1955, Bill, "An Act to Regulate the Dumping of Dredged Materials in Maine Waters"

Amend the amendment by striking out everything after the first paragraph and before the statement of fact and inserting in its place the following:

Sec. 1. 38 MRSA §413, sub-§2-C, as enacted by PL 1983, c. 566, §17, is amended to read:

2-C. **Dredge spoils.** Holders of a permit obtained pursuant to the United States Clean Water Act, Public Law 92-500, Section 404, are exempt from the need to obtain a waste discharge license for disposal of dredged material into waters of the State when the dredged material is disposed of in an approved United States Army Corps of Engineers disposal site. Disposal of all dredged materials is governed by the natural resource protection laws, sections 480-A to 480-S.

Sec. 2. 38 MRSA §480-B, sub-§2-A is enacted to read:

2-A. **Dredge spoils.** "Dredge spoils" means sand, silt, mud, gravel, rock or other sediment or material that is moved from coastal wetlands.

Sec. 3. 38 MRSA §480-D, sub-§9 is enacted to read:

9. **Dredging.** If the proposed activity involves dredging, dredge spoils disposal or transporting dredge spoils by water, the applicant shall demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable. The department shall consult with the Department of Marine Resources in assessing the impacts on the fishing industry. The permit must include a

2 requirement that the applicant publish the approved
transportation route of the dredge spoils in a newspaper of
4 general circulation in the area adjacent to the route.

6 **Sec. 4. 38 MRSA §480-E**, as enacted by PL 1987, c. 809, §2, is
repealed and the following enacted in its place:

8 **§480-E. Permit processing requirements**

10 The department shall process all permits under this article
in accordance with chapter 2 and the following requirements.

12
14 1. Municipal notification. The board may not issue a
permit without notifying the municipality in which the proposed
activity is to occur and considering any comments filed by the
16 municipality within a reasonable period as established by the
board.

18
20 2. Water supply notification. If the resource subject to
alteration or the underlying ground water is utilized by a water
company, municipality or water district as a source of supply,
22 the applicant for the permit shall, at the time of filing an
application, forward a copy of the application to the water
24 company, municipality or water district by certified mail and the
board shall consider any comments concerning the application
26 filed with the department within a reasonable period, as
established by the board.

28
30 3. Dredge spoils disposal. The commissioner may not accept
an application for dredge spoils disposal in a coastal wetland
unless the following requirements are met.

32
34 A. The applicant has collected and tested the dredge spoils
in accordance with a protocol approved by the commissioner.
36 The collection, testing and forwarding of the results of the
tests to the commissioner must occur within one year before
the submission of a completed application.

38
40 B. The applicant has published notice of the proposed route
by which the dredged materials are to be transported to the
42 disposal site in a newspaper of general circulation in the
area adjacent to the proposed route.

44 C. The application has been submitted to each municipality
adjacent to any proposed marine and estuarine disposal site
46 and route.

48 Any public hearing held pursuant to this application must be held
in the municipality nearest to the proposed disposal site.

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HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1407,
L.D. 1955

2 4. Deferrals. When winter conditions prevent the board or
3 municipality from evaluating a permit application, the board or
4 municipality, upon notifying the applicant of that fact, may
5 defer action on the application for a reasonable period. The
6 applicant may not alter the resource area in question during the
7 period of deferral.'

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STATEMENT OF FACT

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This amendment is being presented on behalf of the Committee
on Bills in Second Reading to correct a technical error.

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This amendment reorders the statutory sections in the proper
order.

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Filed by Rep. Tammaro of Baileyville
Reproduced and distributed under the direction of the Clerk of the
House
2/7/90 (Filing No. H-759)