

MAINE STATE LEGISLATURE

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

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 bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. 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. 2. 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 requirement that the applicant publish the approved transportation route of the dredge spoils in a newspaper of general circulation in the area adjacent to the route.

Sec. 3. 38 MRSA §480-E, as enacted by PL 1987, c. 809, §2, is repealed and the following enacted in its place:

§480-E. Permit processing requirements

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

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

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

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

22 A. The applicant has collected and tested the dredge spoils
24 in accordance with a protocol approved by the commissioner.
26 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.

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

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

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

40 4. Deferrals. When winter conditions prevent the board or
42 municipality from evaluating a permit application, the board or
44 municipality, upon notifying the applicant of that fact, may
46 defer action on the application for a reasonable period. The
 applicant may not alter the resource area in question during the
 period of deferral .

48 **Sec. 4. 38 MRSA §413. sub-§2-C.** as enacted by PL 1983, c. 566,
 §17, is amended to read:

50 2-C. Dredge spoils. Holders of a permit obtained pursuant
52 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

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2 the dredged material is disposed of in an approved United States
Army Corps of Engineers disposal site. Disposal of all dredged
4 materials is governed by the natural resource protection laws,
sections 480-A to 480-S.

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STATEMENT OF FACT

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10 This amendment differs from the original bill in that it
places the requirements for permit approval of dredging projects
12 under the natural resource protection laws. In addition, the
amendment requires the applicant to do any required testing of
14 dredge spoils, file a copy of the application with each
municipality along the route and adjacent to a proposed disposal
site and publish the proposed and approved route in a local
16 newspaper.

Reported by the Committee on Energy and Natural Resources
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