

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 987, L.D. 1432, Bill, "An Act to Establish and Implement the Maine Nonpoint Source Pollution Control Program"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'38 MRSA c. 3, sub-c. I, art. 1-F is enacted to read:

Article 1-F

NONPOINT SOURCE POLLUTION PROGRAM

§410-H. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

1. Best management practice guidelines. "Best management practice guidelines" means recommended techniques or procedures or a combination of techniques or procedures that are determined by the appropriate agency identified in section 410-J to be the most effective practicable means of preventing or reducing pollution generated by nonpoint sources.

2. Nonpoint source. "Nonpoint source" means any source, excluding any source defined as a direct discharge in section 466, that discharges pollutants into the surface or ground waters of the State, including, but not limited to, sources related to agriculture, construction and maintenance of bridges, railways and roads, forest management and commercial, industrial or residential development.

COMMITTEE AMENDMENT

§410-I. Cooperation with agencies

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1. Agency cooperation. The commissioner shall cooperate and coordinate with the Commissioner of Agriculture, Food and Rural Resources; the Commissioner of Conservation; the Commissioner of Transportation; the Commissioner of Economic and Community Development; the Commissioner of Human Services; the Commissioner of Marine Resources; and the Director of the State Planning Office to ensure a coordinated approach to nonpoint source pollution control for agriculture, forestry, transportation and development.

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2. Ranking of watersheds. In cooperation with the commissioner, the agencies identified in subsection 1 shall identify those watersheds that should receive highest priority for corrective action for nonpoint source pollution.

18 §410-J. Program implementation

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1. Agriculture. The Department of Agriculture, Food and Rural Resources shall develop best management practice guidelines to reduce and prevent nonpoint source pollution from agricultural activities. The Department of Agriculture, Food and Rural Resources may recommend to farmers the use of best management practice guidelines.

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2. Forestry. The Department of Conservation, Bureau of Forestry in cooperation with the commissioner shall develop best management practice guidelines to reduce and prevent nonpoint source pollution from wood harvesting and forest management activities. The Bureau of Forestry may publish best management practice guidelines for use by landowners and wood harvesters. Landowners and wood harvesters must be notified of these guidelines and assisted in their efforts to implement the guidelines in accordance with the Bureau of Forestry advisory programs under Title 12, sections 8611 and 8612.

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3. Transportation. The Department of Transportation in cooperation with the commissioner shall develop best management practice guidelines to reduce and prevent nonpoint source pollution from transportation-related activities. The Department of Transportation shall encourage all state or federally funded projects to use the best management practice guidelines. The Department of Transportation may provide technical assistance to municipalities.

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4. Development. The commissioner shall develop best management practice guidelines to reduce and prevent nonpoint source pollution from development-related activities. The commissioner shall provide guidance and technical assistance to the Department of Economic and Community Development and municipalities to support implementation through growth

management programs required by the growth management laws, Title 30-A, chapter 187, subchapter II and municipal subdivision ordinances.

**§410-K. Program review**

Prior to January 1, 1993 the commissioner shall submit to the joint standing committee of the Legislature having jurisdiction over energy and natural resources matters a report detailing the effectiveness of the program and making recommendations for program improvements. The commissioner shall make recommendations on the advisability of enacting statutory or regulatory exemptions from the water quality discharge licensing requirements of section 413 for those activities conducted in compliance with best management practice guidelines under this article. The commissioner shall submit with these recommendations an analysis of the legal and enforcement issues raised by these exemptions, specifically, the need to adopt by rule best management practice guidelines.

**FISCAL NOTE**

Costs associated with the Department of Environmental Protection implementing a nonpoint source pollution program, including the submittance of a report to the Legislature, will be absorbed by the department utilizing existing budgeted resources. In addition, the Department of Agriculture, Food and Rural Resources; the Department of Conservation; the Department of Transportation; and the Department of Economic and Community Development will absorb the costs associated with providing assistance to the Department of Environmental Protection in developing best management practices.'

**STATEMENT OF FACT**

This amendment revises the bill to delete any provisions for exemptions from the water pollution discharge license requirements of the Maine Revised Statutes, Title 38, section 413. The amendment also revises the provisions of the bill that direct various state agencies to develop best management practice guidelines for activities that may affect water quality. The report by the Commissioner of Environmental Protection to the Legislature is expanded to include recommendations on possible exemptions for waste discharge licensing requirements. The amendment also adds a fiscal note to the bill.