

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 801

S.P. 263

In Senate, March 4, 1993

**An Act to Amend the Charter of the Lewiston-Auburn Water Pollution
Control Authority.**

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BERUBE of Androscoggin.
Cosponsored by Senator: CLEVELAND of Androscoggin, Representatives: DORE of Auburn,
POULIOT of Lewiston.

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

Sec. 1. P&SL 1967, c. 92, §6 is amended to read:

Sec. 6. **Inspection, rules and regulations.** The authority shall prevent, ~~insofar as much~~ as practicable, the discharge into the sewers of substances which might damage the sewage treatment facilities or interfere with their maintenance and operation, pass through to the receiving waters, or endanger the health and safety of any authority employee. ~~Its~~ The authority's officers and agents shall have free access to all premises served by the sewage treatment facilities at reasonable times in order to inspect the sewers, drains, sewage pumping stations, tanks or treatment works, and determine the amount and character of sewage, drainage or other wastes flowing ~~therefrom~~ from the sewers, drains, sewage pumping stations, tanks or treatment works and whether such sewage, drainage or other wastes are do, or are likely to, damage or impair the sewage treatment facilities or, interfere with their maintenance and operation, pass through to the receiving waters or endanger the health and safety of any authority employee.

The authority may, for the proper operation of ~~its~~ the sewage treatment facilities, issue administrative orders, rules and regulations which shall ~~be~~ are binding on the Auburn Sewerage District and the City of Lewiston and the inhabitants of each, as to the quantity and character of any sewage, drainage or other waste distribution into any sewer connected with said the plant. These orders, rules and regulations may incorporate industrial pretreatment requirements including, without limitation, reporting, monitoring and other requirements imposed on the authority by federal or state law or regulations or requirements adopted by the authority, and the authority may require industrial pretreatment of wastes discharged into the sewage treatment facilities or into any system connecting with the sewage treatment facilities.

Sec. 2. P&SL 1967, c. 92, §7-A is enacted to read:

Sec. 7-A. Permits. The authority may, through its rules and regulations, issue permits or other control mechanisms to individual users of the sewage treatment facilities, for the purposes of controlling the amount and character of the wastes discharged into the sewage treatment plant, and for other requirements imposed on the authority by federal or state law, rules or regulations.

Sec. 3. P&SL 1967, c. 92, §14, as amended by P&SL 1979, c. 70, §1, is further amended to read:

Sec. 14. Lewiston-Auburn Water Pollution Control Board. The

2 authority ~~shall-be~~ is under the management and direction of a
3 board of directors, which ~~shall---be~~ is known as the
4 Lewiston-Auburn Water Pollution Control Board, also referred to
5 herein as "the board" or "the board of the authority." The board
6 ~~shall---consist~~ consists of 7 members. The director of the
7 Lewiston Department of Public Works, the City Administrator of
8 the City of Lewiston, the superintendent and the president of the
9 Auburn Sewerage District and the Manager of the City of Auburn
10 ~~shall-be~~ are members of the board by virtue of their respective
11 offices and in the event of the termination of their respective
12 offices they continue as members of the board of the authority
13 until their replacements are elected or appointed. If the
14 president of the Auburn Sewerage District Trustees ~~should-decline~~
15 declines to serve or ~~should-resign~~ resigns as a member of the
16 board of the authority, he ~~the president~~ shall select another
17 trustee to ~~replace-him~~ serve for the remainder of his ~~the~~ term.
18 Notice of such ~~the~~ appointment shall must be given in writing by
19 the clerk of the Auburn Sewerage District to the board of the
20 authority. The Mayor of Lewiston shall appoint, subject to
21 confirmation of the city council, a qualified voter of the City
22 of Lewiston to serve for a 2-year term on the board of the
23 authority and thereafter until his a successor takes office. In
24 the event that either the Lewiston resident so selected or the
25 appointee of the president of the Auburn Sewerage District ~~should~~
26 ceases to be a resident of his ~~that person's~~ respective
27 city, or ~~should---die~~ dies, ~~become~~ becomes incapacitated, or
28 otherwise ~~ceases~~ ceases to be a member of the Auburn Sewerage
29 District Trustees, or if the president of the Auburn Sewerage
30 District ~~should-die~~ dies or ~~become~~ becomes incapacitated while
31 serving on the board of the authority, a successor shall must be
32 elected to serve out the remainder of his ~~the~~ term by the Mayor
33 and City Council of Lewiston or the Auburn Sewerage District
34 Trustees, as the case may be.

36 Reasonable notice of the date of the meeting and of the
37 necessity of electing a new member of the board of the authority,
38 who may be ~~the~~ an incumbent, shall must be given to the mayor of
39 Lewiston by the secretary or clerk of the authority.

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41 At the initial meeting for organization of the authority, or
42 as soon ~~thereafter~~ after the initial meeting as practicable, the
43 6 ~~above-named~~ members of the board shall elect a 7th member who
44 shall must be a resident of Auburn or Lewiston but shall may not
45 hold any public municipal office or be a member of any municipal
46 board or committee. If the 6 members are unable to agree upon
47 the naming of a 7th member of the board, any Justice of the
48 Superior Court or Supreme Judicial Court, shall, on petition of
49 any 4 of the members, select the 7th member of the board. The
50 7th member of the board shall-serve serves for a 3-year term and

2 thereafter until his the member's successor is appointed, and may
3 be elected to serve an additional 3-year term of office. When a
4 vacancy occurs in the position of the 7th member of the board, a
5 replacement shall must be elected by the remaining members of the
6 board to serve for the remainder of the term in the same manner
7 as initial elections are held. The members of the board shall
8 serve without compensation, but shall-be are reimbursed for their
9 actual expenses incurred in the performance of their duties, on
10 approval of the board.

11 **Sec. 4. P&SL 1967, c. 92, §15,** as amended by P&SL 1979, c. 70,
12 §2, is repealed and the following enacted in its place:

13 **Sec. 15. Election of officers.** The board shall appoint and
14 determine the compensation of a superintendent who is the
15 administrative officer. The board has the power to remove the
16 superintendent at the board's pleasure. The superintendent must
17 be an individual meeting the requirements for the operator in
18 charge of a wastewater treatment plant under the Maine Revised
19 Statutes, Title 32, chapter 62, except that an uncertified person
20 or unregistered professional engineer who is nevertheless
21 eligible for certification or registration as a professional
22 engineer may be appointed as acting superintendent and serve for
23 a period of up to one year. In the board's discretion, the board
24 may reappoint the acting superintendent for additional one-year
25 terms.

26 The board may appoint, and may at the board's pleasure
27 remove, a treasurer and clerk who are not members of the board,
28 and both offices, if the board determines it advisable, may be
29 held by the same person. The treasurer shall furnish the board
30 with a bond payable to the authority issued by a surety company
31 authorized to transact business in the State and satisfactory to
32 the board as surety, in such sum as the board may prescribe and
33 conditioned on the faithful performance of the treasurer's
34 duties. The duties of the treasurer and clerk are those usually
35 appertaining to those offices, respectively, and in addition such
36 duties as may from time to time be prescribed by the board. The
37 compensation of the treasurer and of the clerk is determined by
38 the board. The superintendent, with the approval of the board,
39 shall from time to time appoint or employ such engineers and such
40 experts, agents, officers, clerks and other employees as the
41 superintendent determines necessary, and shall determine their
42 duties. The salaries or compensation of all persons appointed or
43 employed under this section, together with other expenses, are
44 paid by the authority and are considered a part of the expense of
45 operation of the authority.

46 **Sec. 5. P&SL 1969, c. 92, §17** is enacted to read:
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Sec. 17. Injury to property of the authority or interference with the operation of the authority. Any person who places, discharges, spills, leaks or leaves any offensive or injurious matter or material on or in the conduits, catch basins or receptacles of or served by the authority contrary to the authority's regulations is liable to pay twice the amount of damages to the authority, to be recovered in any proper action.

Any person who knowingly injures any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by the authority is guilty of a Class E crime.

Any industrial user of the authority, as defined by the authority, that violates any order, rule or regulation of the authority, or violates any state or federal law, order, rule or regulation pertaining to the requirements of the authority's National Pollutant Discharge Elimination Permit, including the authority's pretreatment program, is enjoined from continuing in any such violation and may be assessed, in addition to any other civil or criminal penalties provided by federal or state law, administrative penalties imposed by the authority of not more than \$1,000 a day for each violation. The authority may make provision for assessment and collection of the administrative penalties as well as procedures for the notification to industrial users of the penalties and enforcement of the administrative penalties in its rules and regulations.

STATEMENT OF FACT

The purpose of this bill is to amend the Charter of the Lewiston-Auburn Water Pollution Control Authority to:

1. Conform the charter to federal law regarding the implementation and enforcement of the Industrial Pretreatment Program;

2. Conform the charter to state law regarding the specified qualifications of the treatment plant superintendent; and

3. Correct an omitted reference to the 7th member of the Lewiston-Auburn Water Pollution Control Authority.