

MAINE STATE LEGISLATURE

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H. of S.

L.D. 1218

(Filing No. H-274)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION.

HOUSE AMENDMENT "A" to H.P. 903, L.D. 1218, Bill, "An Act Related to Unavoidable Equipment Malfunctions"

Amend the bill by striking out all of section 2 and inserting in its place the following:

Sec. 2. 38 MRSA §414, sub-§§8 and 9 are enacted to read:

8. Bypasses. The licensee may allow any bypass to occur that does not cause effluent limitations contained in the license to be exceeded, but only if it is necessary to ensure efficient operation or prevent damage to equipment.

9. Upsets. A licensee is not subject to penalty for discharge in excess of technology-based license effluent limitations if the excessive discharge was caused by an upset and the licensee demonstrates that:

A. The upset occurred and the licensee can identify the cause or causes of the upset;

B. The licensed facility was being properly operated at the time of the upset;

C. The licensee provided oral notice of exceeding those limitations within 24 hours to the department and a follow-up written notice within 5 working days to the department; and

D. The licensee took all reasonable steps to minimize or prevent any discharge in excess of license limits.'

HOUSE AMENDMENT

R. of S.

HOUSE AMENDMENT "A" to H.P. 903, L.D. 1218

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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 numbering conflict and technical error.

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Filed by Rep. Kontos of Windham
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5/11/93 (Filing No. H-274)