

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1686

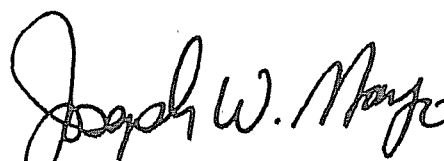
H.P. 1259

House of Representatives, January 11, 1994

**An Act to Exempt Publicly Owned Treatment Works from Certain Rules
Adopted by the Board of Environmental Protection.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BIRNEY of Paris.
Cosponsored by Senator HANLEY of Oxford and
Representatives: AIKMAN of Poland, BAILEY of Farmington, CAMPBELL of Holden,
FARNUM of South Berwick, KETTERER of Madison, LIBBY of Kennebunk, MURPHY of
Berwick, RUHLIN of Brewer, TARDY of Palmyra, Senators: CARPENTER of York,
CIANCHETTE of Somerset, DUTREMBLE of York, KIEFFER of Aroostook, WEBSTER of
Franklin.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Board of Environmental Protection has adopted rules establishing a surface water toxics control program; and

Whereas, those rules contain provisions that are not consistent with the water toxics standards established by the United States Environmental Protection Agency pursuant to the Federal Water Pollution Control Act; and

Whereas, those inconsistent provisions create financial and administrative burdens for the State's publicly owned treatment works; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §420, sub-§2-A is enacted to read:

2-A. Publicly owned treatment works discharges; federal criteria apply. For publicly owned treatment works, the department may not enforce those portions of chapter 584 of the board's rules, or of successor rules pertaining to control of toxic substances in surface waters, that differ from or are more stringent than the applicable criteria and standards established by the United States Environmental Protection Agency pursuant to the Federal Water Pollution Control Act, Public Law 92-500, Section 304, as amended.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill exempts publicly owned treatment works from those portions of the Board of Environmental Protection's surface water toxics control program that differ from or are more stringent

2 than the requirements established by the United States
Environmental Protection Agency under the Federal Water Pollution
4 Act, also known as the "Clean Water Act."

6
8 **This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
10 amendments to conform existing law to current drafting standards.**