

MAINE STATE LEGISLATURE

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m
R. of S.

L.D. 1884

DATE: 4/7/94

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M A J O R I T Y
ENERGY & NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1385, L.D. 1884, Bill, "An Act to Ensure Proper Funding of the Department of Environmental Protection"

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

'Sec. 1. 38 MRSA §342, sub-§16 is enacted to read:

16. Receipt of funds. Through the Department of Administrative and Financial Services, the commissioner may establish accounts as necessary for the administration of funds held temporarily by the department and restricted to specific purposes by court order or otherwise, such as escrow funds, funds from court decrees and intervenor fees. The State Budget Officer may provide for allotment of the funds as requested. Funds received must be deposited with the Treasurer of State to the credit of the appropriate account and be invested, as provided by law, with interest credited to the account.

Sec. 2. 38 MRSA §352, sub-§2, ¶F is enacted to read:

F. Waste discharge license fees assessed under section 352 for facilities licensed under section 413 must be used to support activities for water quality control operations, including licensing, compliance evaluation, monitoring, data acquisition, data management and administration.

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2	B. Commercial		
	<u>(10-year term)</u>		
4	1. Flow of less than		
	2,000 gallons per day	2,400	640
		<u>4,800</u>	<u>1,280</u>
6	2. Flow of 2,000 to		
	20,000 gallons per		
8	day inclusive	2,400	2,000
		<u>4,800</u>	<u>4,000</u>
10	3. Flow of greater		
	than 20,000 gallons		
12	per day	2,400	4,800
		<u>4,800</u>	<u>9,600</u>
14	C. Industrial minor		
	(based upon EPA list		
16	of major and minor		
	source discharges)		
18	1. Discharges of	1,500	480
	cooling water,		
20	sanitary wastewater		
	or treated storm water		
22	only		
	2. All others	1,500	6,000
24	D. Industrial major		
	(based upon EPA list of		
26	major source discharges)		
28	1. Discharge of	4,800	3,000
	cooling water or		
30	sanitary wastewater		
	only		
	2. All others	4,800	8,800
32	E. Publicly owned		
	treatment works		
34	1. Flow of less	100	400
	than or equal to		
36	50,000 gallons per		
	day and no significant		
38	industrial component		
	2. Flow of greater	100	1,400
40	than 50,000 gallons		
	per day, but less		
42	than 0.5 million		
	gallons per day and		
44	no significant		
	industrial component		
46	3. Flow of at least	100	3,600
	0.5 million gallons		
48	per day, but less		
	than 5 million		
50	gallons per day and		

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2	no significant industrial component		
4	4. Flow of at least 5 million gallons per day or a significant industrial component	300	5,400
6	F. Special discharges		
8	1. Aquatic pesticides	130	75
	2. Dredge spoils	130	75
10	418, Log storage	55	25
	451, Mixing zones	1,200	2,200
12	451-A, Time schedule variances	25	25
14	480-E, Natural resources protection		
16	A. Great-ponds	75	50
18	B. Alteration of rivers, streams or brooks	150	50
20	C. Freshwater wetlands	100	50
22	D. Coastal wetlands and sand dunes	3,500	1,500
24	A. Any alteration of a protected natural resource, except coastal wetlands and coastal sand dunes, causing less than 20,000 square feet of alteration of the resource	140	50
26	B. Any alteration of a coastal wetland causing less than 20,000 square feet of alteration of the resource	240	60
28	C. Any alteration of a protected natural resource, except coastal sand dunes, causing 20,000 square feet or more of alteration of the resource	.015/sq. ft. alteration	.005/sq. ft. alteration
30	D. Any alteration of a coastal sand dune	3,500	1,500
32	E. Condition compliance	84	0
34	F. Minor modification	184	0
36	485-A, Site location of development		
38	A. Affordable housing subdivisions	50/lot	50/lot
40	A-1. Other subdivisions with public water and sewers	175/lot	175/lot
42	A-2. Other subdivisions	250/lot	250/lot
44	B. Structures	4,000	2,000

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2	C---Mining	1,500	1,000
	D---Other	1,000	1,000
4	<u>A. Residential subdivisions</u>		
	<u>1. Affordable housing</u>	134/lot	50/lot
6	<u>2. On public water or sewer</u>	320/lot	175/lot
8	<u>3. All others</u>	460/lot	250/lot
	<u>B. Industrial parks</u>	460/lot	460/lot
10	<u>C. Mining, except metallic mineral mining. The owner or operator of a licensed mining operation, excluding metallic mineral mining, must pay an annual fee of \$620 by March 1st of each year, beginning the year following the calendar year the license is issued</u>	3,600	1,800
18	<u>D. All other developments</u>	5,600	2,000
20	<u>E. Condition compliance</u>	100	0
	<u>F. Minor modification</u>	184	0
	<u>G. Transfer</u>	100	0
22	543, Oily waste discharge	40	160
	560, Vessels at anchorage	125	100
24	587, Ambient air quality or emissions standards	5,050	50
26	variances		
	590, Air emissions licenses	See section 353-A	
28	633, Hydropower projects		
	A. New or expanded generating capacity	450/MW	50/MW
30	B. Maintenance and repair or other structural alterations not involving an increase in generating capacity	150	50
36	1101, Sanitary districts	150	50
38	33 United States Code, Chapter 26, Water Quality Certifications, in conjunction with applications for hydropower project licensing or relicensing		
40	A. Initial consultation	1,000	0
42	B. Second consultation	1,000	0
44	C. Application		
46	1. Storage		1,000
48	2. Generating		300/MW
0			

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2	50/MW		
	1304, Waste management		
	A. Septage disposal		
4	1. Site designation	50	25
	B. Land application of		
6	sludges and residuals		
	program approval		
8	1. Industrial sludge	400	400
	2. Municipal sludge	300	275
10	3. Bioash		300
	275		
12	4. Wood ash		300
	75		
14	5. Food waste		300
	75		
16	6. Other residuals	300	175
	C. Landfill		
18	1. Closing plans for	1,500	1,500
	nonmunicipal landfills		
20	2. Closing plans for	500	500
	municipal landfills		
22	3. Variance requests	175	175
	for attenuation land-		
24	fills		
26	4. Preliminary	175	175
	information reports		
28	5. License transfers	500	175
	6. Special waste		
30	disposal		
	a. One-time	50	50
32	disposal of		
	quantities of		
34	6 cubic yards or		
	less		
36	b. One-time	100	100
	disposal of		
38	quantities greater		
	than 6 cubic yards		
40	c. Program approval	300	300
	for routine disposal		
42	of a special waste		
	D. Incineration facility		
44	1. Fuel substitution	1,575	1,500
	activities		
46	2. License transfer	175	175
	E. License transfer other	100	100
48	than for landfills and		
	incinerators		

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2 Sec. 5. 38 MRSA §352, sub-§5-B, as amended by PL 1993, c. 356,
§4; c. 370, §2; c. 378, §3; and c. 410, Pt. G, §1 and affected by
4 §2, is repealed.

6 Sec. 6. 38 MRSA §352, sub-§6, as amended by PL 1989, c. 890,
Pt. B, §12, is further amended to read:

8 6. Reporting requirements. The commissioner shall report,
10 before February 1st of each year, to the joint standing committee
of the Legislature having jurisdiction over natural resources
12 matters on the effects of the license fee increases on department
efficiency and license and permit processing time. That report
14 must include a summary for the previous fiscal year of revenues
and expenses by activity within the Maine Environmental
16 Protection Fund.

18 Sec. 7. 38 MRSA §353, sub-§2, as amended by PL 1993, c. 410,
Pt. G, §3, is further amended to read:

20 2. Processing fee. Except for annual air emission fees
pursuant to section 353-A, a processing fee must be paid at the
22 time of filing the application. Failure to pay the processing
fee at the time of filing the application results in the
24 application being returned to the applicant. One-half the
processing fee assessed in section 352, subsection 5-B 5-A for
26 licenses issued for a 10-year term must be paid at the time of
filing the application. The remaining 1/2 of the processing fee
28 for licenses issued for a 10-year term must be paid 5 years after
issuance of the license. The commissioner may not refund the
30 processing fee if the application is denied by the board or the
commissioner. If the application is withdrawn by the applicant
32 within 30 days of the start of processing, the processing fee
must be refunded, except in the case of nonferrous metal mining
34 applications. If an application for nonferrous metal mining is
withdrawn by the applicant within 30 days of the date of filing,
36 1/2 of the application fee must be refunded.

38 Sec. 8. Allocation. The following funds are allocated from the
Federal Expenditure Fund to carry out the purposes of this Act.

40 1994-95

42 ENVIRONMENTAL PROTECTION,
44 DEPARTMENT OF

46 Water Quality Control

48	Positions	(-5.5)
	Personal Services	(\$187,297)
50	All Other	(3,839)

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2	TOTAL		(\$191,136)
4	Provides for the deallocation of funds for		
6	the transfer, from the Federal 106 Water		
8	Quality Control Program, of 3 part-time		
10	Conservation Aide positions and one		
12	Environmental Specialist III position to the		
14	Maine Environmental Protection Fund program;		
16	one Assistant Environmental Engineer		
18	position, one Environmental Specialist II		
20	position, one Environmental Specialist III		
22	position and one Environmental Specialist IV		
24	position to the General Fund as provided in		
26	other legislation and the transfer of 2		
28	part-time Biologist I positions from the		
30	Maine Environmental Protection Fund program		
32	to the Federal 106 Water Quality Control		
34	Program.		
36	Water Quality Control		
38	Positions		(-1.5)
40	Personal Services		(\$29,721)
42	All Other		(594)
44	TOTAL		(\$30,315)
46	Provides for the deallocation of funds for		
48	the transfer of one Conservation Aide		
50	position and one part-time Conservation Aide		
	position from the Federal 604(b) Water		
	Quality Program to the Maine Environmental		
	Protection Fund program.		
36	Oil and Hazardous Materials Control		
38	Positions		(1.0)
40	Personal Services		\$31,810
42	All Other		563
44	TOTAL		\$32,373
46	Provides for the allocation of funds for the		
48	transfer of one former Oil and Hazardous		
50	Materials Specialist I position, upgraded to		
	an Environmental Specialist II position,		
	from the Maine Environmental Protection Fund		
	program to the Federal Defense Facilities		
	Clean-up Program.		

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2 DEPARTMENT OF ENVIRONMENTAL
 4 PROTECTION
 4 TOTAL (\$189,078)

6 **Sec. 9. Allocation.** The following funds are allocated from
 8 Other Special Revenue to carry out the purposes of this Act.

10 1994-95
 12 ENVIRONMENTAL PROTECTION,
 12 DEPARTMENT OF

14 **Air Quality Control**

16	Positions	(-21.0)
	Personal Services	(\$766,480)
18	All Other	(252,972)
	Capital Expenditures	(380,511)
20		
	TOTAL	(\$1,399,963)

22 Provides for the deallocation of funds for
 24 the consolidation of this dedicated fund
 26 program with the air activity function
 28 within the Maine Environmental Protection
 Fund program.

30 **Maine Environmental Protection Fund**

32	Positions	(21.0)
	Personal Services	\$766,480
34	All Other	252,972
	Capital Expenditures	380,511
36		
	TOTAL	\$1,399,963

38 Provides for the allocation of funds for the
 40 consolidation of air licensing fees
 expenditure authority.

42 **Maine Environmental Protection Fund**

44	Personal Services	(\$60,439)
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46 Provides for the deallocation of funds for
 48 the transfer of one Conservation Aide
 position and 4 part-time Conservation Aide
 50 positions to the Maine Environmental
 Protection Fund program from federal funds;
 the transfer of 2 Environmental Specialist

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2 II positions from the Maine Environmental
3 Protection Fund to the General Fund as
4 provided in other legislation and for the
5 transfer of 2 part-time Biologist I
6 positions and one former Oil and Hazardous
7 Materials Specialist I position, upgraded to
8 an Environmental Specialist II position,
9 from the Maine Environmental Protection Fund
10 program to federal funds.

11 DEPARTMENT OF ENVIRONMENTAL
12 PROTECTION
13 TOTAL

(\$60,439)

14
15 Sec. 10. Effective date. Those changes in section 4 of this Act
16 pertaining to fees for residential and commercial waste discharge
17 licenses issued under the Maine Revised Statutes, Title 38,
18 section 413 take effect retroactively beginning July 1, 1993.'

19 Further amend the bill by inserting at the end before the
20 statement of fact the following:

21 FISCAL NOTE

1994-95

22 APPROPRIATIONS/ALLOCATIONS

23 Other Funds (\$249,517)

24 REVENUES

25 Other Funds \$184,000

26 This bill includes various allocations and deallocations
27 from the Maine Environmental Protection Fund program, the Bureau
28 of Air Quality Control and the Bureau of Hazardous Materials and
29 Solid Waste Control for fiscal year 1994-95 to transfer funding
30 responsibilities and realign program activities. The overall
31 result is a \$189,078 net deallocation of federal funds and a
32 \$60,439 net deallocation of dedicated revenue. A total of 6
33 positions that are eliminated in this bill are reestablished as
34 General Fund positions at a total cost of \$300,000 for fiscal
35 year 1994-95 in the committee amendment to the supplemental
36 budget bill (LD 1761).

37 The increase of various fees charged by the Department of
38 Environmental Protection will increase certain fee collections.
39 The estimated annual increases of dedicated revenue to the
40 Department of Environmental Protection are \$184,000 beginning in
41 fiscal year 1994-95.'

2
4 **STATEMENT OF FACT**

6 This is the majority report of the Joint Standing Committee
8 on Energy and Natural Resources. This amendment replaces the
bill.

10 This amendment strikes those provisions of the bill that
12 proposed to increase waste discharge license fees. The amendment
also revises downward the fee increases proposed in the bill for
14 site location and natural resource protection permits.

16 The amendment also retains those provisions of the bill that
combine air licensing fees into the Maine Environmental
18 Protection Fund and the provision allowing the Commissioner of
Environmental Protection to create a separate account for holding
20 escrow funds and other special purpose funds.

22 The amendment also corrects a conflict created by the
enactment of 2 conflicting laws during the First Regular Session
24 of the 116th Legislature. That conflict pertained to the fees
and licensing term for residential and commercial overboard
26 discharge licenses. Changes necessary to correct that conflict
are made retroactive to July 1, 1993, the date the Legislature
28 intended those changes to take effect.

30 The amendment also adds 2 allocation sections and a fiscal
note to the bill.