



## **117th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-1995

Legislative Document

No. 288

S.P. 113

In Senate, January 27, 1995

An Act Preventing the Increase of Any Processing or Permitting Fees in the Department of Environmental Protection.

(EMERGENCY)

Reference to the Committee on Natural Resources suggested and ordered printed.

Thay Th.

MAY M. ROSS Secretary of the Senate

Presented by Senator LORD of York.

Cosponsored by Senators: CAREY of Kennebec, CARPENTER of York, FERGUSON of Oxford, PENDEXTER of Cumberland, Representatives: AHEARNE of Madawaska, BAILEY of Township 27, GOULD of Greenville, HICHBORN of LaGrange, KNEELAND of Easton, RICE of South Bristol, STROUT of Corinth. **Emergency preamble. Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, increases in certain processing and permitting fees for the Department of Environmental Protection are scheduled to go into effect on July 1, 1995; and

Whereas, the purpose of this Act is to reduce certain10processing and permitting fees for the Department of<br/>Environmental Protection that will go into effect on July 1,121995; and

14 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of 16 Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 18 safety; now, therefore,

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

Sec. 1. 38 MRSA §352, sub-§5-A, as amended by PL 1993, c. 735, §§3 and 4 and affected by §13, is further amended by amending TABLE I to read:

26 TABLE I

4

8

28 MAXIMUM FEES IN DOLLARS

30	TITLE 36 SECTION	PROCESSING FEE	CERTIFICATION FEE
32			
	656, sub- $\S1$ , ¶E, Pollution		
34	Control Facilities A. Water pollution	<b>\$2</b> 50	\$20
36	control facilities with capacities at	¥	
38	least 4,000 gallons of waste per day and		
40	§1760, sub-§29, water pollution control		
42	facilities B. Air pollution	250	20
44	control and §1760, sub-§30, air pollution		
46	control facilities		
48	TITLE 38	PROCESSING FEE	LICENSE FEE
50	SECTION	Г ЦЦ	r BE
50	344, sub-§7, Permit by rule	\$50	\$0
52	362-A. Experiments	175	175

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	413,	Waste discharge licenses		
2		A. Residential	450	7 5 0
4		(10-year term) B. Commercial	450	150
4		(10-year term)		
6		1. Flow of less than		
		2,000 gallons per day	4,800	1,280
8		2. Flow of 2,000 to		
		20,000 gallons per		
10		day inclusive	4,800	4,000
12		3. Flow of greater than 20,000 gallons		
12		per day	4,800	9,600
14		C. Industrial minor		
		(based upon EPA list		
16		of major and minor		
		source discharges)		
18		1. Discharges of	1,500	480
20		cooling water,		
20		sanitary wastewater or treated storm water		
22		only		
22		2. All others	1,500	6,000
24		D. Industrial major		
		(based upon EPA list of		
26		major source discharges)		
		1. Discharge of	4,800	3,000
28		cooling water or		
2.0		sanitary wastewater		
30		only 2. All others	4,800	8,800
32		E. Publicly owned	7,000	0,000
52		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		
40		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		
50		than 5 million		
50		gallons per day and no significant		
52		industrial component		
		Industriat component		

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	<i>.</i>		
	4. Flow of at least	300	5,400
2	5 million gallons per		
	day or a significant		
4	industrial component		
~	F. Special discharges		
б	1. Aquatic pesticides	130	75
	2. Dredge spoils	· 130	75
8	418, Log storage	55	25
	451, Mixing zones	1,200	2,200
10	451-A, Time schedule	25	25
	variances		
12	480-E, Natural resources		
	protection		
14	AAny-alteration-of-a	140	50
	protected-natural-resource,		
16	except-coastal-wetlands-and		
	eeastal-sand-dunes,-eausing		
18	less-than-20,000-square-feet		
	of-alteration-of-the-resource		
20	BAny-alteration-of-a	240	60
	eeastal-wetland-eausing-less		
22	than-20,000-square-feet-of		
	alteration-of-the-resource		
24	CAny-alteration-of-a015/sq.	-	
	protected-natural-resource,	alteration	alteration
26	except-coastal-sand-dunes,		
	eausing-20,000-square-feet		
26 28	eausing-20,000-square-feet or-more-of-alteration-of-the		
28	eausing-20,000-square-feet or-more-of-alteration-of-the resource		
	eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a	3,500	1,500
28 30	eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune		
28	eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance	84	θ
28 30 32	eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification	84 184	9 9
28 30	eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a eoastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds	84 184 <u>75</u>	ဓ ဓ <u>50</u>
28 30 32 34	eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers,	84 184	9 9
28 30 32	eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks	84 184 <u>75</u> 150	ө ө <u>50</u> 50
28 30 32 34 36	eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands	84 184 75 150 100	θ Θ <u>50</u> <u>50</u> <u>50</u>
28 30 32 34	eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands	84 184 <u>75</u> 150	ө ө <u>50</u> 50
28 30 32 34 36 38	eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands	84 184 75 150 100	θ Θ <u>50</u> <u>50</u> <u>50</u>
28 30 32 34 36	eausing-20,000-square-feet or-more-of-alteration-of-the resource DrAny-alteration-of-a coastal-sand-dune ErCondition-compliance FrMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands and sand dunes	84 184 75 150 100	θ Θ <u>50</u> <u>50</u> <u>50</u>
28 30 32 34 36 38 40	<pre>eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a eoastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands and sand dunes 485-A, Site location of development</pre>	84 184 75 150 100	θ Θ <u>50</u> <u>50</u> <u>50</u>
28 30 32 34 36 38	<pre>eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands and sand dunes 485-A, Site location of development AResidential-subdivisions</pre>	84 184 75 150 <u>100</u> 3,500	θ 50 <u>50</u> <u>50</u> 1,500
28 30 32 34 36 38 40 42	<pre>eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands and sand dunes 485-A, Site location of development AResidential-subdivisions 1+Affordable-housing</pre>	84 184 75 150 100	θ Θ <u>50</u> <u>50</u> <u>50</u>
28 30 32 34 36 38 40	<pre>eausing-20,000-square-feet or-more-of-alteration-of-the resource DrAny-alteration-of-a coastal-sand-dune ErCondition-compliance FrMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands and sand dunes 485-A, Site location of development ArResidential-subdivisions 1rAffordable-housing 2rOn-public-water-or</pre>	84 184 75 150 <u>100</u> 3,500	θ 50 50 50 1,500
28 30 32 34 36 38 40 42 44	<pre>eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a eoastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands and sand dunes 485-A, Site location of development AResidential-subdivisions 1+Affordable-housing 2On-public-water-or sewer</pre>	84 184 75 150 <u>100</u> 3,500 134/10t 320/10t	0 9 50 50 1,500 1,500 50/10t 175/10t
28 30 32 34 36 38 40 42	<pre>eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands and sand dunes 485-A, Site location of development AResidential-subdivisions 1Affordable-housing 2On-public-water-or sewer 3All-others</pre>	84 184 75 150 <u>100</u> 3,500 134/10t 320/10t 460/10t	0 50 50 <u>50</u> 1,500 50/let 175/let 250/let
28 30 32 34 36 38 40 42 44 46	<pre>eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands and sand dunes 485-A, Site location of development AResidential-subdivisions 1Affordable-housing 2On-public-water-or sewer 3All-others BIndustrial-parks</pre>	84 184 75 150 <u>100</u> 3,500 134/10t 460/10t 460/10t	0 50 50 <u>50</u> <u>1,500</u> 50/10t 175/10t 250/10t 460/10t
28 30 32 34 36 38 40 42 44	<pre>eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands and sand dunes 485-A, Site location of development AResidential-subdivisions 1Affordable-housing 2On-public-water-or sewer 3All-others BIndustrial-parks CMining,-except-metallic</pre>	84 184 75 150 <u>100</u> 3,500 134/10t 320/10t 460/10t	0 50 50 <u>50</u> 1,500 50/let 175/let 250/let
28 30 32 34 36 38 40 42 44 46 48	<pre>eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands and sand dunes 485-A, Site location of development AResidential-subdivisions 1Affordable-housing 2On-public-water-or sewer 3All-others BIndustrial-parks CMining,-except-metallic mineral-miningThe-owner</pre>	84 184 75 150 <u>100</u> 3,500 134/10t 460/10t 460/10t	0 50 50 <u>50</u> <u>1,500</u> 50/10t 175/10t 250/10t 460/10t
28 30 32 34 36 38 40 42 44 46	<pre>eausing-20,000-square-feet or-more-of-alteration-of-the resource DAny-alteration-of-a coastal-sand-dune ECondition-compliance FMinor-modification A. Great ponds B. Alteration of rivers, streams or brooks C. Freshwater wetlands D. Coastal wetlands and sand dunes 485-A, Site location of development AResidential-subdivisions 1Affordable-housing 2On-public-water-or sewer 3All-others BIndustrial-parks CMining,-except-metallic</pre>	84 184 75 150 <u>100</u> 3,500 134/10t 460/10t 460/10t	0 50 50 <u>50</u> <u>1,500</u> 50/10t 175/10t 250/10t 460/10t

	metellin minerel minium		
2	metallie-mineral-mining,		
2	must-pay-antannual-fee-of		
٨	\$620-by-March-1st-of-each		
4	year,-beginning-the-year		
~	following-the-calendar		
б	year-the-license-is-issued		
	DAll-other-developments	5,600	2,000
8	ECondition-compliance	100	θ
	FMiner-medification	184	θ
10	GTransfer	100	θ
	A. Affordable housing	<u>50/lot</u>	<u>50/lot</u>
12	<u>subdivisions</u>		
	<u>A-1. Other subdivisions</u>	<u>175/lot</u>	<u>175/lot</u>
14	with public water and		
	sewers		
16	A-2. Other subdivisions	<u>250/lot</u>	<u>250/lot</u>
	B. Structures	4,000	2,000
18	<u>C. Mining</u>	1,500	1,000
	D. Other	1,000	1,000
20	543, Oily waste discharge	40	160
	560, Vessels at anchorage	125	100
22	587, Ambient air quality	5,050	50
	or emissions standards		
24	variances		
	590, Air emissions licenses	See section 353-A	
26	633, Hydropower projects		
	A. New or expanded	450/MW	50/MW
28	generating capacity	2007110	507110
20	B. Maintenance and	150	50
30	repair or other	150	50
50	structural alterations		
32	not involving an		
54	increase in generating		
34	capacity		
34	1101, Sanitary districts	150	50
36	1101, Sanitary districts	150	50
30	33 United States Code,		
38			
20	Chapter 26, Water Quality		
40	Certifications, in conjunction		
40	with applications for		
42	hydropower project licensing		
42	or relicensing	1 000	0
4.4	A. Initial consultation	1,000	0
44	B. Second consultation	1,000	0
16	C. Application	7 666	~
46	1. Storage	1,000	0
	2. Generating	300/MW	50/MW
48	1304, Waste management		
	A. Septage disposal		
50	1. Site designation	50	25
	B. Land application of		

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2	sludges and residuals		
2	program approval l. Industrial sludge	400	400
4	2. Municipal sludge	300	275
1	3. Bioash	300	275
6	4. Wood ash	300	75
-	5. Food waste	300	75
8	6. Other residuals	300	175
	C. Landfill		
10	1. Closing plans for	1,500	1,500
	nonmunicipal landfills		
12	2. Closing plans for	500	500
	municipal landfills		
14	3. Variance requests	175	175
1.0	for attenuation land-		
16	fills	175	175
18	4. Preliminary	175	175
10	information reports 5. License transfers	500	175
20	6. Special waste	500	175
20	disposal		
22	a. One-time	50	50
	disposal of		
24	quantities of		
	6 cubic yards or		
26	less		
	b. One-time	100	100
28	disposal of		
	quantities greater		
30	than 6 cubic yards		
	c. Program approval	300	300
32	for routine disposal		
2.4	of a special waste		
34	D. Incineration facility 1. Fuel substitution	1,575	1,500
36	activities	1,575	1,500
50	2. License transfer	175	175
38	E. License transfer other	100	100
	than for landfills and		
40	incinerators		
42	Sec. 2. PL 1993, c. 735, §9 is repealed.	•	
	~		
44	Sec. 3. Appropriation. The following		
	from the General Fund to carry out the p	ourposes of this	Act.
46			1995-96
48			1772-70
40	ENVIRONMENTAL PROTECTION,		
50	DEPARTMENT OF		
<b>U</b> V			

## Ground Water Oil Clean-up Fund

All Other

2

4

6

8

10

16

20

22

\$184,000

Provides for the appropriation of funds to reimburse the Ground Water Oil Clean-up Fund for a transfer in fiscal year 1994-95 of \$184,000 from the fund to the Maine Environmental Protection Fund.

Sec. 4. Fee legislation. The Commissioner of Environmental Protection may not request the Governor or any Legislator to submit a bill in the Second Regular Session or any special sessions of the 117th Legislature that seeks an increase in any fee.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect on July 1, 1995.

## **STATEMENT OF FACT**

bill strikes increases in processing This fees and certification fees under the Natural Resources Protection Act and 24 the Site Location of Development Law. Under Public Law 1993, chapter 735, these fee increases are scheduled to go into effect 26 July 1, 1995 and are set to raise an additional \$184,000 for the 28 Maine Environmental Protection Fund. In fiscal year 1995-96, this \$184,000 must be transferred from the Maine Environmental 30 Protection Fund to the Ground Water Oil Clean-up Fund. The purpose of the transfer is to reimburse the Ground Water Oil 32 Clean-up Fund for \$184,000 transferred in fiscal year 1994-95 from the fund to the Maine Environmental Protection Fund to 34 support 3 positions.

This bill amends the fee schedule by replacing the increased fees with those fees in effect on June 30, 1995. This bill also
includes a \$184,000 General Fund appropriation for 1995-96 to reimburse the Ground Water Oil Clean-up Fund for the fiscal year
1994-95 transfer to the Maine Environmental Protection Fund. It also repeals the requirement in Public Law 1993, chapter 735
that, in fiscal year 1995-96, \$184,000 be transferred from the Maine Environmental Protection Fund to the Ground Water Oil
Clean-up Fund.

46 The bill also prohibits the Department of Environmental Protection from requesting any fee increases from the 117th 48 Legislature in its second regular session or any special sessions.