

MAINE STATE LEGISLATURE

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R. O. S.

L.D. 1154

DATE: 5/12/95

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 823, L.D. 1154, Bill, "An Act to Continue the State's Dioxin Monitoring Program"

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 §420-A, sub-§2, ¶A, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §40, is further amended to read:

A. Select a representative sample of wastewater treatment plant sludges from municipal wastewater treatment plants and, bleached pulp mills or other sources. These facilities must be selected on the basis of known or likely dioxin contamination of their discharged effluent. The commissioner shall develop a monitoring plan for these facilities and submit the plan, including a list of the selected facilities, to the technical advisory group established in section 420-B, subsection 1, paragraph B, subparagraph (5). At least 30 days prior to submitting the plan to the technical advisory group, the commissioner shall notify the owners or operators of each selected facility of the fact of the facility's inclusion in the plan. The technical advisory group shall review the plan and information related to the plan provided by the commissioner, by the owners or operators of selected facilities and by others, including information regarding whether the selected facilities are known or likely sources of dioxin contamination. The technical advisory group shall advise the commissioner on the plan and the choice of selected facilities. The total number of facilities monitored by the commissioner may not exceed 12;

COMMITTEE AMENDMENT

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2 **Sec. 2. 38 MRSA §420-A, sub-§5**, as enacted by PL 1987, c. 762,
§1, is amended to read:

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5. **Fees assessed.** The commissioner shall assess the
6 selected facilities for the costs of sample collection and
analysis, except that, if the selected facility is a publicly
8 owned treatment works, the commissioner may assess the primary
9 industrial generator discharging effluent into the treatment
10 facility if the generator is known or likely to be discharging
11 dioxin into the treatment facility. Fees received under this
12 section shall ~~shall~~ **must** be credited to the Maine Environmental
Protection Fund. Payment of these fees is a condition of the
14 discharge license issued under this Title for continued operation
of the selected facilities, except that, if the selected facility
16 is a publicly owned treatment works and the commissioner assesses
17 the fee on an industrial generator, payment of the fee is not a
18 condition of the discharge license of the selected facility.

20 **Sec. 3. 38 MRSA §420-A, sub-§6**, as enacted by PL 1989, c. 856,
§5 and affected by §7, is amended to read:

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6. **Repeal.** This section is repealed on December 31, 1995
24 1997.

26 **Sec. 4. Allocation.** The following funds are allocated from the
Maine Environmental Protection Fund to carry out the purposes of
28 this Act.

30 **1996-97**

32 **ENVIRONMENTAL PROTECTION,**
33 **DEPARTMENT OF**

34 **Maine Environmental Protection Fund**

36	All Other	\$168,000
38	Provides an allocation for the continuance	
40	of the dioxin monitoring program.'	

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

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FISCAL NOTE

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The Department of Environmental Protection will require a
48 Maine Environmental Protection Fund allocation of \$168,000 in
fiscal year 1996-97 to reflect the repeal of the current sunset
50 date of December 31, 1995. This bill will also result in the

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2 restoration of \$168,000 in budgeted dedicated revenue in fiscal year 1996-97 for the Maine Environmental Protection Fund.

4 The Governor's proposed current services budget incorrectly includes an allocation of \$168,000 for fiscal year 1996-97 for the dioxin monitoring program within the Maine Environmental Protection Fund.'

8

STATEMENT OF FACT

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12 This amendment strikes and replaces the bill. This amendment:

14 1. Continues the dioxin monitoring program through 1997;

16 2. Requires the Commissioner of Environmental Protection to submit the monitoring plan, including the list of facilities to be monitored, to the surface water monitoring technical advisory group for review and advice. The commissioner must notify the owners or operators of selected facilities of their inclusion in the plan at least 30 days prior to the submission of the plan to the advisory group;

24 3. Preserves that portion of the bill that allows the commissioner to assess the costs of sample collection and analysis against an industrial generator that discharges into a publicly owned treatment works. This amendment clarifies that the assessment may only be on a generator if the generator is known or likely to be discharging dioxin into the treatment facility. The amendment also clarifies that if the assessment is on the generator, nonpayment by the generator does not jeopardize the discharge license of the treatment works; and

34 4. Adds an allocation section and a fiscal note to the bill.

COMMITTEE AMENDMENT