

# MAINE STATE LEGISLATURE

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**NATURAL RESOURCES**

Reported by: Senator Treat

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**STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 10, L.D. 2, Bill, "An Act to Allow Municipalities to Enact Stricter Standards Regulating Sewer or Septic Sludge"

Amend the bill by striking out the title and substituting the following:

**'An Act to Clarify Municipal Review and Enforcement of Sludge Spreading and Storage Permits'**

Further amend the bill by inserting after the title the following:

**'Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**'Sec. 1. 30-A MRSA §4452, sub-§6,** as enacted by PL 1991, c. 732, §4, is amended to read:

**6. Septage and sludge permits issued by the Department of Environmental Protection.** A municipality, after notifying the Department of Environmental Protection, may enforce the terms and conditions of a septage land disposal or storage site permit or a sludge land application or storage site permit issued by the

Department of Environmental Protection pursuant to Title 38,  
chapter 13, subchapter 1.

Sec. 2. 38 MRSA §1305, sub-§8, as enacted by PL 1991, c. 732,  
§5, is amended to read:

**8. Septage and sludge permits; municipal enforcement.**  
Pursuant to Title 30-A, section 4452, subsection 6, a  
municipality, after notifying the department, may enforce the  
terms and conditions of a septage land disposal or storage site  
permit or a sludge land application or storage site permit issued  
by the department under this subchapter.

Sec. 3. 38 MRSA §1305, sub-§9 is enacted to read:

**9. Coordination between municipality and department.** Prior  
to approving an application for a sludge land application site or  
storage facility, the department shall consult with the municipal  
officers or their designees in the municipality in which the site  
or facility is proposed and provide them with an opportunity to  
suggest conditions to be imposed on a permit or license. If the  
department does not impose conditions on a permit or license that  
have been suggested in writing by the municipal officers, the  
department shall provide a written explanation to the municipal  
officers.

Sec. 4. 38 MRSA §1305, as amended by PL 1991, c. 732, §5, is  
further amended by adding at the end a new paragraph to read:

For purposes of this section, the term "sludge" includes  
municipal, commercial or industrial wastewater treatment plant  
sludge.'

Further amend the bill by inserting at the end before the  
summary the following:

#### FISCAL NOTE

This bill requires municipalities to provide certain  
notifications to the Department of Environmental Protection. The  
additional costs of this state mandate are relatively  
insignificant. Pursuant to the Mandate Preamble, the 2/3 vote of  
all members elected to each House exempts the State from the  
constitutional requirement to fund 90% of the additional local  
costs.'

#### SUMMARY

This amendment replaces the bill and changes the title.

COMMITTEE AMENDMENT "A" to S.P. 10, L.D. 2

2 Under current law, municipalities are authorized to enforce the  
terms and conditions of a septage land disposal or storage site  
4 permit issued by the Department of Environmental Protection.  
This amendment extends that authority to sludge land application  
6 or storage site permits issued by the department, and requires  
that a municipality notify the department prior to enforcing a  
septage or sludge permit.

8  
10 The amendment also requires the department to consult with  
the municipal officers prior to approving an application for a  
sludge land application or storage site. If the department does  
12 not impose conditions on a permit that have been suggested in  
writing by the municipal officers, the department shall provide a  
14 written explanation.

16 The amendment adds a mandate preamble and a fiscal note.