

MAINE STATE LEGISLATURE

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H.S.

L.D. 1136

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DATE: 4-29-97

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NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 831, L.D. 1136, "Resolve, Regarding Legislative Review of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality"

Amend the resolve in section 1 in the last line (page 1, line 30 in L.D.) by inserting after the following: "authorized" the following: ', with the following amendments to the rule.

1. The rule must require that storm water quality standards appropriate for the area apply to variances for externally drained excavation pits.

2. The rule must require that the owner or operator of an excavation site or rock quarry where petroleum products will be stored submit a spill prevention, control and countermeasures plan to the department for review at least 45 days before beginning operations. The rule must authorize the department to require that the plan include provisions for monitoring groundwater quality as the department determines appropriate; and be it further

Sec. 2. Informational meeting. Resolved: That the Department of Environmental Protection shall adopt rules that set forth the procedural requirements for the conduct of a public informational meeting. These rules are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

The department shall develop an interim policy to provide guidance in the conduct of the public informational meetings required to be held by applicants for a variance pursuant to the

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 831, L.D. 1136

2 Maine Revised Statutes, Title 38, section 490-E. The interim
policy is in effect until rules relating to the conduct of public
informational meetings are finally adopted.'

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

8 **FISCAL NOTE**

10 The Department of Environmental Protection will incur some
12 minor additional costs to revise and adopt certain rules. These
costs can be absorbed within the department's existing budgeted
resources.'

16 **SUMMARY**

18 This amendment requires that prior to final adoption of
20 Chapter 378: Variance Criteria for the Excavation of Rock,
Borrow, Topsoil, Clay or Silt and Performance Standards for the
22 Storage of Petroleum Products, a major substantive rule of the
Department of Environmental Protection, the rule must be amended
24 as follows: to require that storm water quality standards
appropriate for the area apply to variances for externally
26 drained excavation pits; to require that owners or operators of
excavation sites where petroleum products will be stored submit a
28 spill prevention, control and countermeasures plan to the
department for review prior to beginning operations; and to
30 authorize the department to require that such a plan include
provisions for monitoring groundwater quality.

32 The amendment also requires the department to adopt major
34 substantive rules that set forth the procedural requirements for
the conduct of a public informational meeting. Finally, the
36 amendment requires the department to develop an interim policy to
provide guidance in the conduct of the public informational
38 meetings required to be held by applicants for a variance
pursuant to the Maine Revised Statutes, Title 38, section 490-E.

40 The amendment is intended to ensure that Chapter 378
42 conforms with the statutory requirement that variances from the
performance standards for excavations must not adversely affect
44 natural resources or the health, safety and general welfare of
the public. The amendment is also intended to ensure that rules
46 relating to public information meetings are in conformity with
the legislative intent that the public is adequately informed
48 about certain applications submitted to the department, including
applications for variances under Chapter 378. The amendment also
adds a fiscal note to the resolve.

COMMITTEE AMENDMENT