

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1348

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H.P. 1011

House of Representatives, March 5, 2001

**An Act to Ensure the Financial Stability and Effectiveness of Certain  
Pollution Abatement Programs Administered by the Department of  
Environmental Protection.**

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Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.  
Reference to the Committee on Natural Resources suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TWOMEY of Biddeford.  
Cosponsored by Representative DUPLESSIE of Westbrook, Senator: MARTIN of Aroostook.

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

Sec. 1. 38 MRSA §353-B, sub-§2, as enacted by PL 1997, c. 794, Pt. B, §7, is amended to read:

2. **Maximum fee amounts and rates.** Waste discharge license fees are as set out in this section.

A. The base and maximum fees that may be assessed to categories of discharge activities are as follows:

Discharge Group	Base fee not to exceed	Maximum fee for individual in group
Publicly owned annual fee treatment facilities, greater than 6,000 gallons per day but less than 5 million gallons per day and no significant industrial waste	\$175	none
<u>Publicly owned annual fee</u> <u>treatment facilities,</u> <u>6,000 gallons per day</u> <u>or less</u>	<u>\$60</u>	<u>\$180</u>
Publicly owned annual fee treatment facilities, greater than 5 million gallons per day or with significant industrial waste	\$770	none
Major industrial annual fee facility, process wastewater (based on EPA list of major source discharges)	\$1,850	none
Other industrial annual fee facility, process wastewater	\$630	none
Food handling or annual fee packaging waste- water	\$315	\$2,100

2	Fish rearing facility	annual fee	\$230	\$1,400
4				
6	Noncontact cooling water	annual fee	\$90	\$7,000
8	Industrial or commercial sources,	annual fee	\$115	\$2,100
10	miscellaneous or			
12	incidental non-process wastewater			
14	Municipal combined sewer overflow	annual fee	\$115	\$1,400
16				
18	Sanitary wastewater, commercial sources <u>excluding</u>	annual fee	\$60	\$1,200
20	<u>overboard discharge</u>			
22	Sanitary wastewater, residential sources-600-gallons-per day-and-less	annual-fee	\$45	---
24				
26	Sanitary wastewater, residential sources-more-than-600 gallons-per-day	annual-fee	\$60	\$600
28				
30	Sanitary wastewater, public sources-less-than 6,000-gallons per-day	annual-fee	\$60	\$180
32				
34	Sanitary <u>overboard discharge, commercial sources</u>	annual fee	\$85	\$1,200
36				
38	Sanitary <u>overboard discharge, residential sources</u>	annual fee	\$50	---
40				
42	Sanitary <u>overboard discharge, residential sources</u>	annual fee	\$50	---
44				
46	Sanitary <u>overboard discharge, residential sources</u>	annual fee	\$60	\$600
48				
50	Sanitary <u>overboard discharge, residential sources</u>	annual fee	\$60	\$600

2	<u>more than 600 gallons</u> <u>per day</u>			
4	<u>Sanitary</u>	<u>annual fee</u>	<u>\$75</u>	<u>\$500</u>
6	<u>overboard discharge,</u> <u>public sources</u>			
8	Aquatic pesticide	annual fee*	\$200	---
10	application			
12	Snow dumps	annual fee*	\$125	---
14	Salt and sand	annual fee*	\$150	---
16	storage pile			
18	Log storage permit	annual fee*	\$200	---
20	General permit	annual fee*	\$100	---
22	coverage <del>for storm</del> water discharges			
24	Experimental	license fee*	\$500	---
26	discharge license			
28	Mixing zone, in	flat fee*	\$4,000	---
30	addition to other			
32	applicable fees			
34	Formation of	flat fee*	\$300	---
36	sanitary district			
38	Transfer of license	flat fee*	\$100	---
40	for residential or			
42	commercial sanitary			
44	wastewater			
46	*Discharge or license quantity fees do not apply to these			
48	categories.			
	When a license authorizes multiple discharge points in			
	different categories in the same license, the total maximum			
	fee for the license may not exceed the maximum fee for the			
	most significant category plus 1/2 of the maximum fee for			
	each of the other applicable categories.			
	B. The annual rate per unit for various pollutants and			
	groups of discharges used in computing discharge and license			
	quantity fees may not exceed the limits set out in this			
	paragraph. When a license authorizes the discharge of			

2 pollutants fitting more than one category, the appropriate  
fee is due for each group and type of pollutant.

4	License group or type of pollutant	Rate
6	Conventional pollutants, license rate	\$1.25 per pound
8	Conventional pollutants, discharge rate	\$2.40 per pound
10	Conventional pollutants, primary treatment only	\$0.55 per pound
12	Conventional pollutants, food handling or packing facilities	\$0.05 per pound
14	Nonconventional or toxic pollutants	Variable*
16	Heat (as licensed flow x temperature x 8.34)	\$0.045 per million BTU
18	Flow: fish rearing facilities	\$45 per million gallons
20	Flow: combined sewer overflows (based on treatment facility design)	\$55 per million gallons
22	Flow: nonprocess from industrial or commercial sources	\$175 per million gallons
24	Flow: publicly owned treatment facilities, <u>greater than 6,000</u> <u>gallons per day</u>	\$630 per million gallons
26	Flow: process from industrial or commercial sources	\$630 per million gallons
28	Flow: treated storm water	\$17.50 per million gallons
30	Flow: sanitary, from commercial sources <u>excluding overboard</u> <u>discharge</u>	\$0.02 per gallon

2        ~~Flow--sanitary-from~~                                \$0.02-per-gallon  
      ~~residential-sources~~

4  
6        Flow: sanitary from                                \$0.02 per gallon  
      publicly owned facilities,  
      less-than 6,000 gallons  
8        per day or less

10       Flow: sanitary from                                \$0.05 per gallon  
12       overboard discharge

14                \*The license rate per pound is \$10.50 divided by the  
16                licensed effluent concentration in milligrams per liter. The  
              discharge rate per pound is \$21 divided by the licensed  
              effluent concentration in milligrams per liter.

18                For the purposes of this section, the term "conventional  
20                pollutant" means oxygen-demanding compounds, suspended or  
22                dissolved solids, oil and grease. The term "nonconventional  
24                pollutants" means other chemical constituents subject to  
26                fees. Excluded from fees are the following: pH, residual  
              chlorine, settleable solids, bacteria, whole effluent  
              toxicity tests, color, any compound without numeric license  
              limitations and effluent concentrations reported as being  
              below acceptable detection limits.

28                Annual discharge or license quantity fees may be calculated  
30                using either pounds of pollutants or allowable flow, as is  
32                most appropriate for the circumstances of a particular  
34                discharge category, situation or location. License limits  
              may be supplemented by applications and related supporting  
              materials when necessary to calculate effluent quantities or  
              concentrations.

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## SUMMARY

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40                The bill increases the annual license fees for overboard  
42                discharges throughout the State. The base fee is increased for  
44                all overboard discharges, and the discharge fee per gallon of  
46                wastewater is raised from \$0.02 per gallon to \$0.05. A reference  
48                to storm water discharges is removed from the general permit fee  
              coverage. A small number of nonsubstantive clarifications and  
              corrections to inconsistent language are also made. Proposed  
              language also clarifies that the units of measurement for  
              nonconventional and toxic pollutants are to be in milligrams per  
              liter.