

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Handwritten scribble

L.D. 1414

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46

DATE: 5-16-03

(Filing No. H-428)

TRANSPORTATION

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1036, L.D. 1414, Bill, "An Act To Amend the Laws Regarding Storage of Sand and Salt and To Provide Funding for State and Municipal Storage Facilities"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 38 MRSA §413, sub-§2-D, as amended by PL 1999, c. 387, §4, is further amended to read:

2-D. Exemptions; road salt or sand-salt storage piles. The commissioner may exempt any road salt or sand-salt storage area from the need to obtain a license under this section for discharges to groundwaters of the State when the commissioner finds that the exempt activity will not have a significant adverse effect on the quality or classifications of the groundwaters of the State. In making this finding, the commissioner's review must include, but is not limited to, the location, structure and operation of the storage area.

Owners of salt storage areas shall register the location of storage areas with the department on or before January 1, 1986. As required by section 411, the department shall prioritize municipal or quasi-municipal sand-salt storage areas prior to November 1, 1986.

New or existing salt or sand-salt storage areas registered after October 1, 1999 may be exempt from licensing under this section as long as such areas comply with siting, operational and best

COMMITTEE AMENDMENT

management practices adopted by rule by the department. Storage areas other than those owned by municipalities or counties and registered prior to October 1, 1999 are exempt from licensing under this section as long as such areas comply with section 451-A, subsection 1-A and with operational and best management practices adopted by rule by the department. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A 2-A.

Storage areas owned by the Department of Transportation and registered prior to October 1, 1999 are not in violation of best management practice rules adopted by the department pursuant to this subsection if the Department of Transportation complies with the reporting requirements in section 451-A.

Sec. 2. 38 MRSA §451-A, sub-§1-B is enacted to read:

1-B. Department of Transportation storage areas. A sand and salt storage area owned by the Department of Transportation and registered prior to October 1, 1999 is not in violation of a groundwater classification or reclassification adopted on or after January 1, 1980 with respect to discharges of groundwater from that area if:

A. The Department of Transportation biennially submits to the Legislature a budget request sufficient to comply with this subsection and section 413;

B. Prior to the use of funds appropriated by the Legislature to carry out the purposes of this subsection, the Department of Transportation presents to the department for comment and response a plan for the use of those funds by outlining a sand and salt storage area specific expenditure plan to prevent pollution, avoid future abatement or clean-up costs and comply with applicable federal guidelines; and

C. The Department of Transportation reports annually to the department on the status of available funds and the department determines that pursuant to this report the Department of Transportation is making timely use of the funds consistent with the plan and comments provided pursuant to paragraph B.'

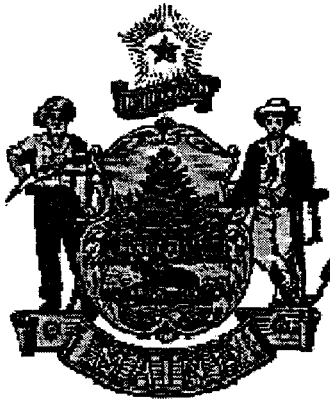
Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

2
4
6
8
10

This amendment requires the Department of Transportation to report annually to the Department of Environmental Protection regarding expenditures for sand and salt storage areas. The amendment also exempts the Department of Transportation from violation of best management practice rules governing sand and salt storage adopted by the Department of Environmental Protection if the Department of Transportation complies with the reporting requirements in the Maine Revised Statutes, Title 38, section 451-A.

FISCAL NOTE REQUIRED
(See attached)



**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1414

**An Act To Amend the Laws Regarding Storage of Sand and Salt and To
Provide Funding for State and Municipal Storage Facilities**

LR 1886(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Transportation

Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Net Cost (Savings)				
Highway Fund	\$1,600,000	\$1,400,000	\$0	\$0
Appropriations/Allocations				
Highway Fund	\$1,600,000	\$1,400,000	\$0	\$0

Fiscal Detail and Notes

This bill includes Highway Fund allocations to the Department of Transportation for the construction of sand and salt storage facilities and to reimburse municipalities for sand and salt facility construction costs; the total amounts are \$1,600,000 and \$1,400,000 in fiscal years 2003-04 and 2004-05, respectively.

The revision of certain enforcement deadlines pertaining to salt and sand storage facilities may avoid an estimated \$4,450,000 in compliance costs to the Highway Fund.