

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 881

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S.P. 281

In Senate, March 7, 2017

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**An Act To Increase Wastewater Management Responsibility by  
Licensing Certain Municipal Sewage Collection Systems**

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Senator: DAVIS of Piscataquis.

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

2           **Sec. 1. 38 MRSA §361-A, sub-§§3-D and 3-E** are enacted to read:

3           **3-D. Municipal satellite collection system.** "Municipal satellite collection system"  
4           means a sewage collection system that is owned or operated by a municipality or a quasi-  
5           municipal entity and that directly or indirectly conveys wastewater to a publicly owned  
6           treatment works that is owned or operated by a separate legal entity.

7           **3-E. Publicly owned treatment works.** "Publicly owned treatment works" means a  
8           device or system for the treatment of pollutants that is owned by the State or a political  
9           subdivision thereof, a municipality, a district, a quasi-municipal corporation or another  
10           public entity. "Publicly owned treatment works" includes sewers, pipes or other  
11           conveyances only if they convey wastewater to a publicly owned treatment works  
12           providing treatment.

13           **Sec. 2. 38 MRSA §414-B**, as amended by PL 2001, c. 232, §12, is further  
14           amended to read:

15           **§414-B. Publicly owned treatment works; municipal satellite collection systems**

16           ~~**1. Definition.** "Publicly owned treatment works" means any device or system for the~~  
17           ~~treatment of pollutants owned by the State or any political subdivision thereof, any~~  
18           ~~municipality, district, quasi-municipal corporation or other public entity. "Publicly~~  
19           ~~owned treatment works" includes sewers, pipes or other conveyances only if they convey~~  
20           ~~wastewater to a publicly owned treatment works providing treatment.~~

21           **2. Pretreatment standards.** The department may establish pretreatment standards  
22           for the introduction into publicly owned treatment works of pollutants that interfere with,  
23           pass through or otherwise are incompatible with those treatment works. In addition, the  
24           department may establish pretreatment standards for designated toxic pollutants that may  
25           be introduced into a publicly owned treatment works. In order to assume and properly  
26           administer the authority to issue and enforce permits under the Federal Water Pollution  
27           Control Act, the department may adopt rules as necessary, ~~provided that~~ as long as  
28           the rules comply with the Federal Water Pollution Control Act or 40 Code of Federal  
29           Regulations, Part 403.

30           The department may require that any license for a discharge from a publicly owned  
31           treatment works include conditions to require the identification of pollutants, in terms of  
32           character and volume, from any significant source introducing pollutants subject to  
33           pretreatment standards, and to assure compliance with these pretreatment standards by  
34           each of these sources.

35           **2-A. Prohibited discharge through publicly owned treatment works.** The  
36           discharge to a publicly owned treatment works of any pollutant that interferes with,  
37           passes through or otherwise is incompatible with these works, or that is a designated toxic  
38           pollutant, is prohibited unless in compliance with pretreatment standards established for  
39           the applicable class or category of discharge. Violation of the terms and conditions of  
40           local pretreatment regulations or a user contract, permit or similar agreement between an

1 industrial user and the owner of a publicly owned treatment works is prohibited. A  
2 violation may be enforced by the State or the owner of the treatment works or through  
3 joint action.

4 **3. User charges.** The department may impose as a condition in any license for the  
5 discharge of pollutants from publicly owned treatment works appropriate measures to  
6 establish and insure compliance by users of such treatment works with any system of user  
7 charges required by state or federal law or rules or regulations adopted or promulgated  
8 thereunder.

9 **4. Acceptance of wastewater.** Municipal and quasi-municipal wastewater treatment  
10 facilities constructed wholly or in part with funding allocated pursuant to section 411  
11 shall accept for treatment holding tank wastewater from any watercraft sewage pump-out  
12 facilities required pursuant to section 423-B. Municipal and quasi-municipal wastewater  
13 treatment facilities may charge an annual or per visit fee for this service to be approved  
14 by the commissioner.

15 **5. Municipal satellite collection system.** After the adoption of rules pursuant to this  
16 subsection, the owner or operator of a municipal satellite collection system shall obtain a  
17 license from the department for operation of the municipal satellite collection system.  
18 The department shall issue a license to a municipal satellite collection system under this  
19 subsection if the municipal satellite collection system meets operation and maintenance  
20 standards established in rules adopted by the department. The department shall issue the  
21 license to the owner or operator as a subpermittee under the license of the publicly owned  
22 treatment works to which the municipal satellite collection system conveys wastewater.  
23 The department shall adopt rules to implement this subsection. Rules adopted pursuant to  
24 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter  
25 2-A.

26 **Sec. 3. Currently existing municipal satellite collection systems.** Within  
27 one year after the adoption of rules pursuant to the Maine Revised Statutes, Title 38,  
28 section 414-B, subsection 5, an owner or operator of a municipal satellite collection  
29 system operating on the effective date of this Act shall obtain a license from the  
30 Department of Environmental Protection pursuant to Title 38, section 414-B, subsection  
31 5.

## 32 SUMMARY

33 This bill requires municipal satellite collection systems to be licensed by the  
34 Department of Environmental Protection as subpermittees under the licenses of publicly  
35 owned treatment works. It requires the department to issue a license to a municipal  
36 satellite collection system if the municipal satellite collection system meets operation and  
37 maintenance standards established in rules adopted by the department.