

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1832

H.P. 1303

House of Representatives, June 4, 2019

**An Act To Ensure Adequate Funding for the Maine Pollutant
Discharge Elimination System and Waste Discharge Licensing
Program**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TUCKER of Brunswick.

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

2 **Sec. 1. 38 MRSA §353-B, sub-§2, ¶A**, as corrected by RR 2011, c. 2, §43, is
3 amended to read:

4 A. The fees for waste discharge license groups are the 2018 bill amounts increased
5 by a factor of 1.4 as follows.

6	Discharge		Basis for	Median fee for	Water quality
7	group		annual fee	discharge group	improvement
8					surcharge
9					
10	Publicly	annual fee	2011	\$306- <u>\$529</u>	
11	owned		<u>2018</u> bill		
12	treatment		amount		
13	facilities,				
14	10,000 gallons				
15	per day or less				
16					
17	Publicly	annual fee	2011	\$400- <u>\$672</u>	
18	owned		<u>2018</u> bill		
19	treatment		amount		
20	facilities, more				
21	than 10,000				
22	gallons per day				
23	to 0.1 million				
24	gallons per day				
25					
26	Publicly	annual fee	Average of	\$617- <u>\$1,036</u>	
27	owned		2009, 2010		
28	treatment		and 2011		
29	facilities, more		<u>2018</u> bill		
30	than 0.1		amounts		
31	million gallons		<u>amount</u>		
32	per day to 1.0				
33	million gallons				
34	per day				
35					
36	Publicly	annual fee	Average of	\$1,300- <u>\$2,184</u>	
37	owned		2009, 2010		
38	treatment		and 2011		
39	facilities, more		<u>2018</u> bill		
40	than 1.0		amounts		
41	million gallons		<u>amount</u>		
42	per day to 5.0				
43	million gallons				
44	per day				

1				
2	Publicly	annual fee	Average of	\$4,553- <u>\$7,648</u>
3	owned		2009, 2010	
4	treatment		and 2011	
5	facilities,		<u>2018</u> bill	
6	greater than 5		amounts	
7	million gallons		<u>amount</u>	
8	per day or with			
9	significant			
10	industrial			
11	waste			
12				
13	Major	annual fee	Average of	\$19,672- <u>\$33,042</u>
14	industrial		2009, 2010	
15	facility,		and 2011	
16	process		<u>2018</u> bill	
17	wastewater		amounts	
18	(based on EPA		<u>amount</u>	
19	list of major			
20	source			
21	discharges)			
22				
23	Other	annual fee	2011	\$1,214- <u>\$2,040</u>
24	industrial		<u>2018</u> bill	
25	facility,		amount	
26	process			
27	wastewater			
28				
29	Food handling	annual fee	2011	\$659 - <u>\$1,106</u>
30	or packaging		<u>2018</u> bill	
31	wastewater		amount	
32				
33	Fish-rearing	annual fee	2011	\$312 - <u>\$524</u>
34	facility 0.1		<u>2018</u> bill	
35	million gallons		amount	
36	per day or less			
37				
38	Fish-rearing	annual fee	2011	\$794 - <u>\$1,333</u>
39	facility over		<u>2018</u> bill	
40	0.1 million		amount	
41	gallons per day			
42				

1	Marine	annual fee	2011	\$308 <u>\$515</u>	
2	aquaculture		<u>2018</u> bill		
3	facility		amount		
4					
5	Noncontact	annual fee	2011	\$192 <u>\$322</u>	
6	cooling water		<u>2018</u> bill		
7			amount		
8					
9	Industrial or	annual fee	2011	\$363 <u>\$609</u>	
10	commercial		<u>2018</u> bill		
11	sources,		amount		
12	miscellaneous				
13	or incidental				
14	nonprocess				
15	wastewater				
16					
17	Municipal	annual fee	2011	\$413 <u>\$693</u>	
18	combined		<u>2018</u> bill		
19	sewer		amount		
20	overflow				
21					
22	Sanitary	annual fee	2011	\$736 <u>\$1,731</u>	
23	wastewater,		<u>2018</u> bill		
24	excluding		amount		
25	overboard				
26	discharge				
27					
28	Sanitary	annual fee	2011	\$446	\$75
29	overboard		<u>2018</u> bill		
30	discharge,		amount		
31	commercial				
32	sources				
33					
34	Sanitary	annual fee	2011	\$231	\$75
35	overboard		<u>2018</u> bill		
36	discharge,		amount		
37	residential				
38	sources 600				
39	gallons per day				
40	or less				
41					

1	Sanitary	annual fee	2011	\$313	\$75
2	overboard		<u>2018</u> bill		
3	discharge,		amount		
4	residential				
5	sources more				
6	than 600				
7	gallons per day				
8					
9	Sanitary	annual fee	2011	\$315	\$75
10	overboard		<u>2018</u> bill		
11	discharge,		amount		
12	public sources				
13					
14	Aquatic	annual fee	2011	\$644 <u>\$1,082</u>	
15	pesticide		<u>2018</u> bill		
16	application		amount		
17					
18	Snow dumps	annual fee	2011	\$319 <u>\$536</u>	
19			<u>2018</u> bill		
20			amount		
21					
22	Salt and sand	annual fee	2011	\$429 <u>\$719</u>	
23	storage pile		<u>2018</u> bill		
24			amount		
25					
26	Log storage	annual fee	2011	\$422 <u>\$708</u>	
27	permit		<u>2018</u> bill		
28			amount		
29					
30	General permit	annual fee	2011	\$300 <u>\$573</u>	
31	coverage for		<u>2018</u> bill		
32	industrial		amount		
33	storm water				
34	discharges				
35	(except				
36	construction)				
37					
38	General permit	annual fee	2011	\$134 <u>\$224</u>	
39	coverage for		<u>2018</u> bill		
40	marine		amount		
41	aquaculture				
42	facility				

1				
2	General permit	annual fee	2011	\$164 <u>\$274</u>
3	coverage		<u>2018</u> bill	
4	(other)		amount	
5				
6	Experimental	license fee	2011	\$899 <u>\$1,509</u>
7	discharge		<u>2018</u> bill	
8	license		amount	
9				
10	New or	flat fee	\$5,368	---
11	amended		<u>\$8,966</u>	
12	mixing zone,			
13	in addition to			
14	other			
15	applicable fees			
16				
17	Formation of	flat fee	\$402 <u>\$675</u>	---
18	sanitary			
19	district			
20				
21	Transfer of	flat fee	\$100 <u>\$140</u>	---
22	license for			
23	residential or			
24	commercial			
25	sanitary			
26	wastewater			

27 On an annual basis, municipalities and publicly owned treatment works whose
28 combined sewer overflows have the potential to affect shellfish harvesting areas as
29 determined by the department by virtue of their locations within estuarine or marine
30 waters of the State must be assessed a surcharge on their wastewater discharge
31 licenses in a total amount of \$12,000. This amount must be allocated among the
32 municipalities and publicly owned treatment works according to their prior 3-year
33 average annual flows as reported to the department.

34 On an annual basis, publicly owned treatment works whose outfalls licensed for the
35 discharge of treated effluent cause adjacent shellfish growing areas to be closed for
36 the purposes of harvesting shellfish must be assessed a license surcharge in a total
37 amount of \$25,000. This amount must be allocated among the publicly owned
38 treatment works according to the acreage that each licensed outfall closes. This
39 acreage must be determined by the Department of Marine Resources in consultation
40 with the department.

41 **SUMMARY**

42 This bill increases the annual waste discharge license fee for certain categories of
43 existing discharges by 40% from the 2018 bill amount, and the annual discharge license

1 fee for certain categories of new discharges by 40% from the amount indicated in the
2 Department of Environmental Protection fee schedule effective November 1, 2018 to
3 October 31, 2019.