

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

CHAPTER 479

S.P. 353 - L.D. 961

AN ACT to Implement the Recommendations of
the Maine Land and Water Resources Council
Ground Water Review Policy Committee.

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

Sec. 1. 22 MRSA §2642, sub-§1, as amended by PL 1979, c. 472, §5, is further amended to read:

1. Municipal regulations authorized. The municipal officers of each municipality shall have the authority, after notice and public hearing, to adopt regulations governing the surface uses of sources of public water supply, portions thereof or land overlying ground water aquifers and their recharge areas used as sources of public water supply, located within that municipality in order to protect the quality of such sources of public water supply or the health, safety or welfare of persons dependent upon such supplies.

At least 15 days prior to public hearings held hereunder, notice of the hearing shall be published in a newspaper of general circulation in the county in which the municipality is located and shall be mailed by registered mail to each owner of land bordering the source of public water supply within that municipality. Regulations adopted pursuant to this section shall become void upon the expiration of one year from the date of the adoption unless sooner ratified by vote of the legislative body of the municipality.

Sec. 2. 38 MRSA §361-A, sub-§4-A-2 is enacted to read:

4-A-2. Road salt and sand-salt storage area. "Road salt and sand-salt storage area" means a facility that is used for the storage and handling of highway deicing materials.

Sec. 3. 38 MRSA §411, as amended by PL 1983, c. 566, §15, is repealed and the following enacted in its place:

§411. State contribution to pollution abatement

The department may pay an amount at least 15%,

but not to exceed 45%, of the expense of a municipal or quasi-municipal pollution abatement construction program. The department may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program in which the construction cost of the project does not exceed \$100,000 so long as total expenditures for the small projects do not exceed \$1,000,000 in any fiscal year and not more than one grant is made to any applicant each year.

The department, consistent with funding provided for the purpose of abating pollution from salt and sand-salt storage areas, may pay up to 50% of the expense of a municipal or quasi-municipal salt or sand-salt storage pollution abatement construction program as long as total expenditures for salt or sand-salt storage buildings do not exceed \$2,500,000 per fiscal year and no municipal or quasi-municipal entity receives more than \$50,000 for salt or sand-salt storage buildings. Municipalities may be reimbursed for salt or sand-salt storage buildings constructed after July 1, 1985 in accordance with rules promulgated by the department. State grant-in-aid participation under this section shall be limited to grants for waste treatment facilities, interceptor systems, outfalls and salt or sand-salt storage buildings. The word "expense" shall not include costs relating to land acquisition or debt service, unless allowed under federal statutes and regulations.

The department shall develop a project priority list, for approval by the board, for pollution abatement construction and salt or sand-salt storage building projects. The factors to be considered in developing the priority lists shall include, but not be limited to, protection of ground and surface water supplies, shellfish, general public health hazards and water contact activities.

All proceeds of the sale of bonds for the construction and equipment of pollution abatement facilities to be expended under the direction and supervision of the Department of Environmental Protection shall be segregated, apportioned and expended as provided by the Legislature.

Sec. 4. 38 MRSA §413, sub-§2-D is enacted to read:

2-D. Exemptions; road salt or sand-salt storage piles. The Board of Environmental Protection may exempt any road salt or sand-salt storage area from the

need to obtain a license under this section when it finds that the exempt activity will not have a significant adverse effect on the quality or classifications of the waters of the State. In making its finding, the board's review shall include, but not be 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.

Sec. 5. 38 MRSA §482, sub-§2-C, as amended by PL 1983, c. 500, §2, is further amended to read:

2-C. Hazardous activity. "Hazardous activity" means any activity that consumes, generates or handles any of the following:

- A. Hazardous wastes, as defined in section 1303;
- B. Hazardous matter, as defined in section 1317; or
- C. Oil, as defined in section 542, et.
- D. ~~Quantities of road salt in excess of one ton per year.~~

"Hazardous activity" also includes any low-level radioactive waste storage or disposal facility, as defined in section 1451.

This definition shall not include an expansion of an existing development unless that expansion by itself would be a hazardous activity.

The board shall identify by regulation activities that are exempt from this definition, including domestic and other uses of substances in quantities too small to present a significant risk of ~~groundwater~~ ground water contamination.

Effective September 19, 1985.