

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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

J.S. McCarthy Company
Augusta, Maine
2001

1. Hearings or proceedings. ~~It~~ Confidential information may be released in an adjudicatory hearing or informal conference before the board or in any subsequent formal proceeding to which information is relevant; and,

2. Consent agreements or settlement. ~~It~~ Confidential information may be released in a consent agreement or other written settlement, when the information constitutes or pertains to the basis of board action.

3. During investigation. All complaints and investigative records of the board are confidential during the pendency of an investigation. Those records become public records upon the conclusion of an investigation unless confidentiality is required by some other provision of law. For purposes of this subsection, an investigation is concluded when:

A. A notice of an adjudicatory hearing as defined under Title 5, chapter 375, subchapter I has been issued;

B. A consent agreement has been executed; or

C. A letter of dismissal has been issued or the investigation has otherwise been closed.

4. Exceptions. Notwithstanding subsection 3, during the pendency of an investigation, a complaint or investigative record may be disclosed:

A. To Maine Emergency Medical Services employees designated by the director;

B. To designated complaint officers of the board;

C. By a Maine Emergency Medical Services employee or complaint officer designated by the board when, and to the extent, considered necessary to facilitate the investigation;

D. To other state or federal agencies when the files contain evidence of possible violations of laws enforced by those agencies;

E. When and to the extent considered necessary by the director to avoid imminent and serious harm. The authority of the director to make such a disclosure may not be delegated;

F. Pursuant to rules adopted by the department, when it is determined that confidentiality is no longer warranted due to general public knowledge of the circumstances surrounding the complaint or investigation and when the investigation would not be prejudiced by the disclosure; or

G. To the person investigated on request of that person. The director may refuse to disclose part

or all of any investigative information, including the fact of an investigation when the director determines that disclosure would prejudice the investigation. The authority of the director to make such a determination may not be delegated.

Sec. 11. 32 MRSA §92-A, sub-§2, as amended by PL 1991, c. 588, §23, is repealed and the following enacted in its place:

2. Confidentiality. All proceedings and records of proceedings concerning the quality assurance activities of an emergency medical services quality assurance committee approved by the board and all reports, information and records provided to the committee are confidential and may not be obtained by discovery from the committee, the board or its staff.

See title page for effective date.

CHAPTER 230

H.P. 1011 - L.D. 1348

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

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 treatment facilities, greater than 6,000 gallons per day but less than 5 million gallons per day and no significant industrial waste	annual fee \$175	none

<u>Publicly owned treatment facilities, 6,000 gallons per day or less</u>	<u>annual fee</u>	<u>\$60</u>	<u>\$180</u>	<u>600 gallons per day</u>			
				<u>Sanitary wastewater, public sources less than 6,000 gallons per day</u>	<u>annual fee</u>	<u>\$60</u>	<u>\$180</u>
Publicly owned treatment facilities, greater than 5 million gallons per day or with significant industrial waste	annual fee	\$770	none	<u>Sanitary overboard discharge, commercial sources</u>	<u>annual fee</u>	<u>\$85</u>	<u>\$1,200</u>
Major industrial facility, process wastewater (based on EPA list of major source discharges)	annual fee	\$1,850	none	<u>Sanitary overboard discharge, residential sources 600 gallons per day and less</u>	<u>annual fee</u>	<u>\$50</u>	---
Other industrial facility, process wastewater	annual fee	\$630	none	<u>Sanitary overboard discharge, residential sources more than 600 gallons per day</u>	<u>annual fee</u>	<u>\$60</u>	<u>\$600</u>
Food handling or packaging wastewater	annual fee	\$315	\$2,100	<u>Sanitary overboard discharge, public sources</u>	<u>annual fee</u>	<u>\$75</u>	<u>\$500</u>
Fish rearing facility	annual fee	\$230	\$1,400	Aquatic pesticide application	annual fee*	\$200	---
Noncontact cooling water	annual fee	\$90	\$7,000	Snow dumps	annual fee*	\$125	---
Industrial or commercial sources, miscellaneous or incidental non-process wastewater	annual fee	\$115	\$2,100	Salt and sand storage pile	annual fee*	\$150	---
				Log storage permit	annual fee*	\$200	---
Municipal combined sewer overflow	annual fee	\$115	\$1,400	General permit coverage for storm water discharges	annual fee*	\$100	---
Sanitary wastewater, commercial sources <u>excluding overboard discharge</u>	annual fee	\$60	\$1,200	Experimental discharge license	license fee*	\$500	---
				Mixing zone, in addition to other applicable fees	flat fee*	\$4,000	---
Sanitary wastewater, residential sources 600 gallons per day and less	annual fee	\$45	---	Formation of sanitary district	flat fee*	\$300	---
Sanitary wastewater, residential sources more than	annual fee	\$60	\$600	Transfer of license for residential or commercial sanitary wastewater	flat fee*	\$100	---

*Discharge or license quantity fees do not apply to these 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 pollutants fitting more than one category, the appropriate fee is due for each group and type of pollutant.

License group or type of pollutant	Rate
Conventional pollutants, license rate	\$1.25 per pound
Conventional pollutants, discharge rate	\$2.40 per pound
Conventional pollutants, primary treatment only	\$0.55 per pound
Conventional pollutants, food handling or packing facilities	\$0.05 per pound
Nonconventional or toxic pollutants	Variable*
Heat (as licensed flow x temperature x 8.34)	\$0.045 per million BTU
Flow: fish rearing facilities	\$45 per million gallons
Flow: combined sewer overflows (based on treatment facility design)	\$55 per million gallons
Flow: nonprocess from industrial or commercial sources	\$175 per million gallons
Flow: publicly owned treatment facilities, <u>greater than 6,000 gallons per day</u>	\$630 per million gallons
Flow: process from industrial or commercial sources	\$630 per million gallons

Flow: treated storm water	\$17.50 per million gallons
Flow: sanitary ₁ from commercial sources <u>excluding overboard discharge</u>	\$0.02 per gallon
Flow: sanitary from residential sources	\$0.02 per gallon
Flow: sanitary from publicly owned facilities, <u>less than 6,000 gallons per day or less</u>	\$0.02 per gallon
Flow: sanitary from <u>overboard discharge</u>	<u>\$0.05 per gallon</u>

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

For the purposes of this section, the term "conventional pollutant" means oxygen-demanding compounds, suspended or dissolved solids, oil and grease. The term "nonconventional pollutants" means other chemical constituents subject to 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.

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

See title page for effective date.

CHAPTER 231

H.P. 1225 - L.D. 1666

An Act to Improve the Inspection and Maintenance of Underground Oil Storage Tanks

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