

MAINE STATE LEGISLATURE

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REPORT TO THE ENVIROMENTAL & NATURAL
RESOURCES COMMITTEE

128TH LEGISLATURE

FIRST REGULAR SESSION - 2017

STAKEHOLDER GROUP RECOMMENDATIONS
FOR CONSIDERATION REGARDING

L.D. 881

“AN ACT TO INCREASE WASTEWATER
MANAGEMENT RESPONSIBILITY BY LICENSING
CERTAIN MUNICIPAL SEWAGE COLLECTION
SYSTEMS”

SUBMITTED BY THE L.D. 881 SATELLITE SEWER
COLLECTION SYSTEMS STAKEHOLDER GROUP

JANUARY 29, 2018

Executive Summary

During the 128th Legislature session, L.D. 881 “An Act to Increase Wastewater Management Responsibility by Licensing Certain Municipal Sewage Collection Systems” (Exhibit A) came before the Joint Environmental & Natural Resources Committee. The Committee voted to submit an Ought Not to Pass (ONTP) recommendation to the full Legislature. While it was voted ONTP, Committee leadership accepted the recommendation of interested municipal wastewater systems associations to form a stakeholder group to review the legislation and provide a recommendation or recommendations for the Committee’s consideration. The stakeholder group was asked to report back to the E&NR Committee in January 2018.

The Maine Water Environment Association (MEWEA), Maine Rural Water Association (MRWA), and Maine Water Utilities Association (MWUA) formed the L.D. 881 Satellite Sewer Collection System Stakeholder Group (SSCS). The Maine Municipal Association (MMA) agreed to representation through the municipal representatives from the satellite sewer collection systems. Brian Kavanah volunteered on behalf of the Maine Department of Environmental Protection.

Stakeholder Group Recommendations

L.D. 881: SUMMARY “*This bill requires municipal satellite collection systems to be licensed by the Department of Environmental Protection as subpermittees under the licenses of publicly owned treatment works. It requires the department to issue a license to a municipal satellite collection system if the municipal satellite collection system meets operation and maintenance standards established in rules adopted by the department.*”¹

L.D. 881 Satellite Sewer Collection System Stakeholder Group recommendation:

- Recommend consideration of the proposed “registration form” developed by the SSCS Stakeholder Group
 - Require all municipal and quasi-municipal satellite collection systems to register with the Department;
 - Recommend adoption of the sample form, attached as Exhibit B, to accomplish said registration;
 - Registration form to be updated as needed.
- Recommend no other action be taken at this time.

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¹ 128th Maine Legislature First Regular Session-2017 Legislative Document No. 881, March 7, 2017 (Exhibit A).

L.D. 881 Satellite Sewer Collection System Stakeholder Group

The L.D. 881 Satellite Sewer Collection System Stakeholder Group was comprised of representatives from four (4) of the publicly owned treatment works (POTW) that provide treatment of the wastewater from the municipal satellite sewer collection systems, representatives from ten (10) of the municipal satellite sewer collection systems, the three major Maine water/wastewater associations, MDEP, and the Maine Municipal Association through the municipal satellite sewer collection systems representatives. The Stakeholder Group was chaired by Leonard Blanchette. Several efforts were made to reach out to northern Maine municipalities for representation on the Stakeholder Group. A conference call / video conferencing system was made available at the MDEP office in Presque Isle to serve in that regard. The goal was to have a majority of the group's membership from the municipal satellite sewer collection systems.

Municipal Wastewater Treatment System:

- Phyliss Rand, Greater Augusta Utility District
- Amanda Smith, Wastewater Treatment Facility, City of Bangor
- Scott Firmin, Director of Wastewater Services, Portland Water District
- Leonard Blanchette, General Manager, Brunswick Sewer District

Municipal Satellite Sewer System:

- Boyd Snowden, Superintendent, Sewer Department, Town of Oakland
- Dan Wells, Superintendent, Winthrop Utilities District
- John Jansen, Superintendent, Waterville Sewerage District
- Mark Holt, Superintendent, Sewer Department, Town of Jay
- Paul Fongemie, Public Works Director, Town of Winslow
- Paul Roupp, Trustee, Monmouth Sanitary District
- Robert Gasper, Trustee, Manchester Sanitary District
- Sean Currier, Public Works Director, Town of Hampden
- Stuart Kay III, Superintendent, Topsham Sewer District
- Tammy Murray, Town Administrative Assistant, Town of Anson

Maine Department of Environmental Protection (Bureau of Water Quality):

- Brian Kavanah, Director, Division of Water Quality Management

Maine Water Environment Association:

- Scott Firmin, Immediate Past President
- Leonard Blanchette, Government Affairs Committee

Maine Rural Water Association:

- Kirsten Hebert, Executive Director
- Alex Wong, Project Manager

Maine Water Utilities Association:

- Bruce Berger, Executive Director

Report of the L.D. 881 Satellite Sewer Collection System Stakeholder Group

Introduction

The introduction of L.D. 881 “An Act to Increase Wastewater Management Responsibility by Licensing Certain Municipal Sewage Collection Systems”, grabbed the attention of the Maine water and wastewater associations and their members. Just the fact that this became an issue brought to the Maine Legislature, told of its significance. Even if the bill was killed, this was an emerging issue that was not going away.

As it went through the public hearing and work session phases of the Joint Environmental & Natural Resources Committee, these associations understood the need to be not just a part of the solution, but to help determine a solution. As such, a recommendation went to the E&NR Committee for the creation of a stakeholder group to review the legislation and provide a recommendation or recommendations for consideration by the E&NR Committee. The E&NR Committee requested a report be submitted in January 2018.

The Maine Water Environment Association, Maine Rural Water Association, Maine Water Utilities Association, and the Department of Environmental Protection formed the L.D. 881 Satellite Sewer Collection System Stakeholder Group (SSCS). The Maine Municipal Association (MMA) was represented by the municipal representatives from several satellite sewer collection systems.

Topics of Discussion

L.D. 881 proposed “municipal satellite collection systems to be licensed by the Department of Environmental Protection as subpermittees under the licenses of publicly owned treatment works. It required the department to issue a license to a municipal satellite collection system if the municipal satellite collection system meets operation and maintenance standards established in rules adopted by the department.”²

While these requirements are already included in the licenses of the POTWs, and applied to the POTW systems that also own or operate a sewer collection system; it was felt by the Sanitary Sewer Collection System (SSCS) communities to be an overreach. That it would be a foot in the door for MDEP. The POTW communities felt this would place all the systems on an equal playing field. The SSCS communities believe they are not a problem. That they operate and maintain their systems as any prudent entity should. That this was a ‘solution looking for a problem’. And that MDEP already had the authority and means to deal with a ‘problem’ municipal SSCS.

It is important to note that MDEP did not submit L.D. 881. At the request of Chair Blanchette, Mr. Kavanah provided a memo summarizing Satellite Collection System Issues for consideration by the L.D. 881 Stakeholder Group (Exhibit C). In summary the memo noted:

“Satellite collection systems (SCS)...are currently treated as unregulated entities in Maine. There are no requirements for licensing, maintenance, asset management, or reporting of illegal discharges.”³

² 128th Maine Legislature First Regular Session-2017 Legislative Document No. 881 Summary, March 7, 2017 (Exhibit A).

³ Memorandum, LD 881 – Satellite Collection System Issues, Brian Kavanah, May 30, 2017.

L.D. 881 would allow MDEP to regulate municipal SSCSs as it currently regulates POTWs and their collection systems.

Through numerous meetings the Stakeholder Group determine these two concepts to be the basis for any recommendation:

Concept 1-Instead of a license, simply have the municipal SSCS register with MDEP. Have a short form listing key information pertinent to the system. This concept was voice by Superintendent Snowden (Oakland) and Superintendent Holt (Jay). Supt. Snowden volunteered to draft a sample form.

Concept 2 – MDEP Licensing. The Group asked Mr. Kavanah if he could provide a draft SSCS license for review and discussion.

The draft SSCS license document contained several elements which became the basis for numerous group discussions:

- A license by MDEP. Renewal every five (5) years.
- Operation certification (by year five of the first license)
- O&M Manual (by year five of the first license)
- Asset management (by year five of the first license)
- Spill/SSO reporting
- System Operations and Management
- Description of System (i.e. system map)
- Back-up power for pump stations
- Fee structure

Chair Blanchette proceeded to poll the group members to determine consensus/non-consensus elements. Supt. Holt suggested that instead of looking at all these items, why not simply start with something simple. Require the municipal satellite sewer collection systems to register with MDEP. Have a one-page registration form noting system name, owner, operator (if different from the owner), and contact information. To include a brief system description (and map if available), and the system would agree to report spills/SSO's as licensed systems are now required. Supt. Snowden agreed, as he has been advocating this approach.

Conclusion

The Stakeholder Group had determined early in its discussions that not only should it provide a recommendation(s), it should develop a recommended solution and, more importantly, provide a road map for the Legislature to follow. The recommended requirement for SSCS to report any illegal discharges and submit to MDEP the sample Registration Form meets that need. Given the differences of opinion within the Stakeholder Group, the group agreed this was a reasonable compromise. MDEP will require new Legislative authority to require the reporting of illegal discharges and the registration system. Recommended legislative language is provided in Exhibit D.

End.

EXHIBIT A

LEGISLATIVE DOCUMENT No. 881

March 7, 2017



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 881

S.P. 281

In Senate, March 7, 2017

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

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

A handwritten signature in cursive script, reading "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~~ the
28 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.

EXHIBIT B

SAMPLE SSCS REGISTRATION FORM

SAMPLE

Form DEPLW XXX

Revised December 4, 2017



Maine Department of Environmental Protection

**General Registration Form for
Satellite Sewer Collection System**

GENERAL INSTRUCTIONS

1. This general form is to be used to register municipal or quasi-municipal satellite sewer collection systems (SSCS) with the Maine Department of Environmental Protection.
2. In accordance with **38 MRS, Section XXX**, it shall be the responsibility of the "SSCS" listed below to provide notification of sanitary sewer discharges from the sewer system to locations other than the Wastewater Treatment Facility designated. Discharges must be reported in accordance with the Special Requirement section within this registration form.
3. The SSCS will be operated in accordance with applicable requirements of State law and Department regulations.
4. Part of this registration form includes the submission of a schematic that provides a conceptual overview of the sewer system which the SSCS operates. Submission of this schematic shall include identifying pipes and pump station locations on any of the following materials:
 - a. 7.5 min. Topographical Map published by USGS
 - b. Current system map
 - c. Google Earth image
 - d. Tax map
5. The final page of this registration includes the form for filing a written discharge notification to the Department of Environmental Protection. This form can be downloaded from the Department's website, http://www.maine.gov/dep/water/wd/municipal_industrial/#form.
6. Registration shall be completed every 5 years, or when there is a change to geographic area served, or when the point of contact changes.
7. After completing the registration in its entirety, submit 1 copy to:

**Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
State House Station 17
Augusta, Maine 04333-0017**

SAMPLE

**Maine Department of Environmental Protection
General Registration Form for Satellite Sewer Collection System**

FACILITY AND REGISTRANT INFORMATION

1. Name of SSCS: _____

Mailing Address: _____ Town: _____ Zip: _____

2. Type of SSCS: ☐ Quasi-Municipal ☐ Municipal ☐ Other (Specify) _____

3. Name of Wastewater Treatment Facility Discharging to: _____

4. Point of Contact For SSCS:

Name: _____ Title: _____ Telephone: _____

Mailing Address: _____ Town: _____ Zip: _____

Physical Street Address (if different from mailing address) _____

SSCS INFORMATION

Geographic Area Served: _____

Number of Residential & Commercial Connections: _____

Number of Industrial Connections: _____

Miles of Collector Sewers (approximate): _____

Miles of Interceptor Sewers (approximate, if applicable): _____

Miles of Force Main (approximate): _____

Number of Pump Stations (locations shown on schematic provided): _____

☐ Attach schematic of the SSCS including sewer lines and pump stations.

SAMPLE

**Maine Department of Environmental Protection
General Registration Form for Satellite Sewer Collection System**

SPECIAL REQUIREMENT

SSCS entities are required to register with MeDEP and they are required to notify MeDEP of any unauthorized discharge from the system they are responsible for. The initial report shall be provided orally within 24 hours from the time the SSCS becomes aware of the unauthorized discharge. A written submission shall also be provided within 5 days of the time the SSCS was aware of the unauthorized discharge. Refer to the Discharge Incident Report Form included with this registration form.

For the purposes of this requirement, an unauthorized discharge is a discharge of wastewater from the SSCS to any location other than the wastewater treatment facility or adjoining SSCS that accepts their effluent.

CERTIFICATION

I certify under penalty of law that this document and any attachments were prepared under my direction or supervision and are accurate and true to the best of my knowledge.

By:

Signature: _____ Date: _____

Printed Name: _____

Title: _____

EXHIBIT C

MEMORANDUM TO THE LD 881 STAKEHOLDER
GROUP, MAY 30, 2017



MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

Memorandum

5/30/17

From: Brian Kavanah, Director, Division of Water Quality Management
To: LD 881 Stakeholder Group

RE: LD 881 - Satellite Collection System Issues

At the request of Lenny Blanchette, (Chair of the LD 881 stakeholder group) I've summarized some issues for consideration. It is noted that LD 881 was not a Department bill.

Summary:

Satellite collection systems (SCS) {a community or district that owns a wastewater collection system but not a treatment facility and that ultimately discharges through another entities wastewater treatment facility} are currently treated as unregulated entities in Maine¹. There are no requirements for licensing, maintenance, asset management, or reporting of illegal discharges. There are currently 45 SCS that discharge to 27 Publicly Owned Treatment Works (POTWs).

Currently the Department only licenses wastewater discharges such as POTWs. These licenses contain, among other requirements, certain limited operation and maintenance requirements for the POTW and the collection system that is operated by the POTW.

Some issues to consider when discussing potential regulation of SCS include the following:

1. No Oversight of Public Funds to Ensure Proper Management of Public Investment in SCS:

Since 1970, \$187,993,836 in public funds has been invested in the 45 SCS. 40 of the 45 SCS (89%) have accepted money from one or more of the funds listed below.

Source	Amount	Years
Clean Water State Revolving Fund	\$157,410,679	1993 - 2017
MEDEP State Grants	\$12,237,696	1970 - 2017
Community Development Block Grants (DECD)	\$1,862,361	2000 - 2011
USDA – Rural Development	\$16,483,100	2000 - 2013
TOTAL	\$187,993,836	

¹ It is noted that authority to license SCS may exist through existing authority in the Clean Water Act and regulation as noted in the Charles River Pollution Control District case summarized in item # 6 below.



Since there is no regulation of SCS, there is no public oversight of the infrastructure to ensure the investment of public funds is managed for the best long term effect through the use of proper operation and maintenance and asset management.

2. No Reporting Requirements for Illegal Discharges:

Licensed wastewater discharges such as POTWs are required to report any illegal discharges (such as sanitary sewer overflows, treatment facility bypasses, etc.) to the Department within 24 hours and follow up with a written report within five days.

However, while any discharge from a SCS to waters of the state is illegal, there is currently no requirement for these illegal discharges to be reported to the Department. While some illegal discharges have been voluntarily reported by the SCS, or have been reported to the Department through citizen complaints, it is likely that the majority of illegal discharges are not reported.

The reporting of illegal discharges by POTWs allows the Department to gather facts about the discharge and take appropriate action, in conjunction with the licensed discharger. Actions may minimize or prevent a reoccurrence when possible, remediate any environmental damage or threat to public health, and analyze system vulnerabilities that may be common to other dischargers.

The Department is aware of 45 illegal discharges by 11 SCS since 2007. We expect there have been many more illegal discharges during this time period that we are not aware of.

An illegal discharge from a SCS has the potential to impact the environment and public health in the same manner as an illegal discharge from a POTW.

3. No Minimum Standards for Operation and Maintenance or Asset Management:

All POTWs are required to properly operate and maintain all facilities including collection systems. No such requirement exists for SCS.

4. Impacts to POTWs:

Improperly operated and maintained SCS can have a negative impact on their POTWs due to excess flows. Some POTWs have requested Department assistance in addressing this issue but no authority currently exists to do so.

5. Impacts to POTWs /CSOs:

Improperly operated and maintained SCS can have a negative impact on their POTWs by exacerbating CSO issues. The Department recently completed an enforcement action against a POTW for failure to complete projects in their Long Term Control Plan. However, these projects were within the SCS. The POTW had no authority to complete these projects and relied on the SCS to do so. When the SCS failed to complete the project the Department had no enforcement authority against the SCS because they were not a permitted entity. The POTW ultimately passed the enforcement penalty to the SCS



through a user agreement. The lack of regulatory oversight on the SCS resulted in a convoluted enforcement process to compel compliance and abate CSOs.

6. Precedent in other state by EPA:

In Massachusetts, EPA has implemented requirements for co-permitting and O&M for SCS as noted in the case summarized below:

Charles River Pollution Control District, MA

- EPA issued NPDES permit 7/23/14 that included limited requirements on four SCS.
- Four SCS appealed.
- Permit upheld by Environmental Appeals Board (EAB), 2/4/15
- The EAB ruled, "The Region has authority under the Clean Water Act and EPA Regulations to include the Towns as co-permittees to the permit, and the administrative record supports the Regions decision to include the Towns as co-permittees."

EXHIBIT D

RECOMMENDED LEGISLATIVE LANGUAGE
AMENDMENTS TO
38 MRS-A, 414-B MUNICIPAL SATELLITE COLLECTION
SYSTEMS

Exhibit D

Proposed Revisions to 38 M.R.S.A., Sections. 361-A, & 414-B

Municipal Satellite Collection Systems

§361-A. Definitions

Unless the context otherwise indicates, the following words when used in any statute administered by the Department of Environmental Protection shall have the following meanings: [1973, c. 423, §1 (RPR).]

1. Discharge. "Discharge" means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of any pollutant to water of the State.

[1973, c. 450, §2 (RPR) .]

1-A. Coastal streams.

[1985, c. 698, §1 (RP) .]

1-B. Agricultural activities. "Agricultural activities" means the growing of vegetables, fruits, seeds, nursery crops, poultry, livestock, field crops, cultivated or pasture hay and farm woodlot products, including Christmas trees.

[1979, c. 380, §1 (NEW) .]

1-B. Aquifer.

[1981, c. 470, Pt. A, §163 (RP) .]

1-C. Aquifer recharge area. "Aquifer recharge area" means land composed of permeable porous material or rock sufficiently fractured to allow infiltration and percolation of surface water and transmit it to aquifers.

[1979, c. 472, §8 (NEW) .]

1-D. Aquifer. "Aquifer" means a geologic formation composed of rock or sand and gravel that stores and transmits significant quantities of recoverable water, as identified by the Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Agriculture, Conservation and Forestry.

[2013, c. 405, Pt. C, §19 (AMD) .]

1-E. Commissioner. "Commissioner" means the Commissioner of Environmental Protection.

[1985, c. 481, Pt. A, §82 (NEW) .]

1-F. Affordable housing. "Affordable housing" means dwellings, apartments or other living accommodations for households making at or below 80% of the median household income as determined by the Department of Economic and Community Development.

[1987, c. 787, §12 (NEW) .]

1-G. Board. "Board" means the Board of Environmental Protection.

[1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §18 (NEW) .]

1-H. Department. "Department" means the Department of Environmental Protection composed of the board and the commissioner.

[1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §18 (NEW) .]

1-I. Clean Water Act. "Clean Water Act" means the Federal Water Pollution Control Act, as defined in subsection 1-K.

[RR 1997, c. 2, §63 (COR) .]

1-J. Code of Federal Regulations. "Code of Federal Regulations" means the codification of regulations published in the Federal Register by the Federal Government, and includes those regulations effective on or before July 1, 2009.

[2009, c. 121, §6 (AMD) .]

Exhibit D

1-K. Federal Water Pollution Control Act. "Federal Water Pollution Control Act" means federal Public Law 92-500 or 33 United States Code, Sections 1251 et seq., including all amendments effective on or before July 1, 2009.

[2009, c. 121, §7 (AMD) .]

2. Fresh surface waters. "Fresh surface waters" means all waters of the State other than estuarine and marine waters and ground water.

[1985, c. 698, §2 (AMD) .]

2-A. Ground water. "Ground water" means all the waters found beneath the surface of the earth which are contained within or under this State or any portion thereof, except such waters as are confined and retained completely upon the property of one person and do not drain into or connect with any other waters of the State.

[1979, c. 472, §9 (NEW) .]

2-B. Handle. "Handle" means to store, transfer, collect, separate, salvage, process, reduce, recover, incinerate, treat or dispose of.

[1985, c. 496, Pt. A, §4 (NEW) .]

3. Municipality. "Municipality" means a city, town, plantation or unorganized township.

[1971, c. 470, §1 (NEW) .]

3-A. Nonferrous metal mining. "Nonferrous metal mining" means hard rock mining for base and precious metals including copper, lead, tin, zinc, gold, silver, platinum, palladium and unspecified platinoid metals. "Nonferrous metal mining" does not include thorium or uranium.

[1989, c. 874, §6 (NEW) .]

3-B. Pollution prevention. "Pollution prevention" means the application of the toxics use reduction principles in chapter 27 to manufacturing, commercial and consumer chemical use and energy production and consumption.

[2009, c. 579, Pt. B, §9 (AMD); 2009, c. 579, Pt. B, §13 (AFF) .]

3-C. Overboard discharge. "Overboard discharge" has the same meaning as in section 466, subsection 9-A.

[2003, c. 246, §2 (NEW) .]

4. Person. "Person" means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

[1971, c. 470, §1 (NEW) .]

4-A. Pollutant. "Pollutant" means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

[1973, c. 450, §3 (NEW) .]

4-A-1. Snow dump. "Snow dump" means a facility that is used for the storage of snow and incidental materials collected from public or private ways.

[1979, c. 296, §1 (NEW) .]

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.

[1985, c. 479, §2 (NEW) .]

4-B. Surface waste water disposal system. "Surface waste water disposal system" shall mean any system for disposal of waste waters on the surface of the earth, including, but not limited to, holding ponds, surface application and injection systems.

[1977, c. 271, §3 (NEW) .]

Exhibit D

5. Estuarine and marine waters. "Estuarine and marine waters" means those portions of the Atlantic Ocean within the jurisdiction of the State, and all other waters of the State subject to the rise and fall of the tide except those waters listed and classified in sections 467 and 468.

[1987, c. 402, Pt. A, §196 (AMD) .]

6. Transfer of ownership. "Transfer of ownership" means a change in the legal entity that owns a property, facility or structure that is the subject of a license issued by the department.

[1995, c. 642, §4 (RPR) .]

7. Coastal streams.

[1973, c. 625, §269 (RP) .]

7. Waters of the State. "Waters of the State" means any and all surface and subsurface waters that are contained within, flow through, or under or border upon this State or any portion of the State, including the marginal and high seas, except such waters as are confined and retained completely upon the property of one person and do not drain into or connect with any other waters of the State, but not excluding waters susceptible to use in interstate or foreign commerce, or whose use, degradation or destruction would affect interstate or foreign commerce.

8. Municipal satellite collection system. "Municipal satellite collection system" means a sewage collection system, owned or operated by a municipality, or a quasi-municipal entity, that directly or indirectly conveys wastewater to a publicly owned treatment works, that is owned or operated by a separate legal entity. A municipal satellite collection system may be a gravity sewer or a force main.

§414-B. Publicly owned treatment works and municipal satellite collection systems

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

[2001, c. 232, §12 (AMD) .]

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

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

[1997, c. 794, Pt. A, §26 (AMD) .]

Exhibit D

2-A. Prohibited discharge through publicly owned treatment works. The discharge to a publicly owned treatment works of any pollutant that interferes with, passes through or otherwise is incompatible with these works, or that is a designated toxic pollutant, is prohibited unless in compliance with pretreatment standards established for the applicable class or category of discharge. Violation of the terms and conditions of local pretreatment regulations or a user contract, permit or similar agreement between an industrial user and the owner of a publicly owned treatment works is prohibited. A violation may be enforced by the State or the owner of the treatment works or through joint action.

[1997, c. 794, Pt. A, §27 (AMD) .]

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

[1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §32 (AMD) .]

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

5. Municipal Satellite Collection System. The owner of a municipal satellite collection system must register the municipal satellite collection system with the department via forms provided by the department. Registration information shall include contact information for the system owner and operator, the licensed wastewater treatment facility the municipal satellite collection system discharges to, the geographic area served, a map of the system, and system specifications such as miles of pipe, number and location of pump stations, and number of customers.

Municipal satellite collection systems shall report to the department any unauthorized discharge. An unauthorized discharge is a discharge of wastewater from the municipal satellite collection system to any location other than the licensed wastewater treatment facility the municipal satellite collection system discharges to as reported in the system registration form. The initial report shall be provided orally within 24 hours from the time the municipal satellite collection system owner or operator becomes aware of the unauthorized discharge. A written submission shall also be provided within 5 days of the time the municipal satellite collection system owner or operator becomes aware of the unauthorized discharge. The written submission shall be submitted on forms provided by the department and shall contain a description of the unauthorized discharge including: its cause, date and time period, discharge location and any water bodies impacted, gallons discharged, and if the discharge has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the discharge.

SUMMARY

This bill defines a municipal satellite collection systems and establishes a requirement that the owner of the municipal satellite collection system register the system with the Department of Environmental Protection and report any unauthorized discharges to the department.