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An Act To Sustain Maine's Core Wastewater Licensing Program and Adjust Related Provisions

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

Sec. 1. 38 MRSA §352, sub-§5-A, as amended by PL 2007, c. 399, §9, is further amended to read:

5-A. Accounting system. In order to determine the extent to which the functions set out in this section are necessary for the licensing process or are being performed in an efficient and expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions keep accurate and regular daily time records. These records must describe the matters worked on, services performed and the amount of time devoted to those matters and services, as well as amounts of money expended in performing those functions. Records must be kept for a sufficient duration of time as determined by the commissioner to establish to the commissioner's satisfaction that the fees are appropriate.

TABLE I
 MAXIMUM FEES IN DOLLARS

TITLE 36 SECTION	PROCESSING FEE	CERTIFICATION FEE
656, sub-§1, ¶E, Pollution Control Facilities		
A. Water pollution control facilities with capacities at least 4,000 gallons of waste per day and §1760, sub-§29, water pollution control facilities	\$250	\$20
B. Air pollution control and §1760, sub-§30, air pollution control facilities	250	20
TITLE 38 SECTION	PROCESSING FEE	LICENSE FEE
344, sub-§7, Permit by rule	\$50	\$0
413, Waste discharge licenses	See section 353-B	
420-D, Storm water management		
A. <u>If structural means of storm water control are used</u>	<u>\$400 for the first acre of disturbed area, plus \$200 for each additional whole acre of disturbed area</u>	<u>\$100 for the first acre of disturbed area, plus \$50 for each additional whole acre of disturbed area</u>

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<u>B. If solely vegetative means of storm water control are used</u>	<u>\$200 for the first acre of disturbed area, plus \$100 for each additional whole acre of disturbed area</u>	<u>\$50 for the first acre of disturbed area, plus \$25 for each additional whole acre of disturbed area</u>
<u>C. When a permit by rule is required</u>	<u>\$55</u>	<u>none</u>

If a project described in paragraph A or B is reviewed and approved by a professional engineer at a soil and water conservation district office that has a memorandum of understanding with the department concerning review of projects pursuant to this section, the total applicable fee is reduced to a processing fee of \$100 for the first acre of disturbed area, plus a license fee of \$50 for each additional whole acre of disturbed area.

480-E, Natural resources protection		
A. Any alteration of a protected natural resource, except coastal wetlands and coastal sand dunes, causing less than 20,000 square feet of alteration of the resource	140	50
B. Any alteration of a coastal wetland causing less than 20,000 square feet of alteration of the resource	240	60
C. Any alteration of a protected natural resource, except coastal sand dunes, causing 20,000 square feet or more of alteration of the resource	.015/sq. ft. alteration	.005/sq. ft. alteration
C-1. Significant groundwater well	4,577	1,961
C-2. Activity within a community public water supply primary protection area-	183	64
D. Any alteration of a coastal sand dune	3,500	1,500
E. Condition compliance	84	0
F. Minor modification	184	0
485-A, Site location of development		
A. Residential subdivisions		
1. Affordable housing	50/lot	50/lot
2. On public water and sewers	175/lot	175/lot
3. All Other	250/lot	250/lot
B. Industrial parks	460/lot	460/lot
C. Mining	1,500	1,000
D. Structures	4,000	2,000
E. Other	1,000	1,000
543, Oily waste discharge	40	160
560, Vessels at anchorage	125	100
587, Ambient air quality or emissions standards variances	5,050	50
590, Air emissions licenses	See section 353-A	
633, Hydropower projects		

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A. New or expanded generating capacity	450/MW	50/MW
B. Maintenance and repair or other structural alterations not involving an increase in generating capacity	150	150
33 United States Code, Chapter 26, Water Quality Certifications, in conjunction with applications for hydropower project licensing or relicensing		
A. Initial consultation	1,000	0
B. Second consultation	1,000	0
C. Application		
1. Storage	1,000	0
2. Generating	300/MW	50/MW
1304, Waste management		
A. Septage disposal		
1. Site designation	50	25
B. Land application of sludges and residuals program approval		
1. Industrial sludge	400	400
2. Municipal sludge	300	275
3. Bioash	300	275
4. Wood ash	300	75
5. Food waste	300	75
6. Other residuals	300	175
C. Landfill		
1. Closing plans for secure landfills	1,500	1,500
2. Closing plans for attenuation landfills	500	500
3. Post-closure report	175	175
4. Preliminary information reports	175	175
5. License transfers	500	175
6. Special waste disposal		
a. One-time disposal of quantities of 6 cubic yards or less	50	50
b. One-time disposal of quantities greater than 6 cubic yards	100	100
c. Program approval for routine disposal of a special waste	300	300
7. Minor revision for secure landfills	600	100
8. Minor revision for attenuation landfills	100	100
9. Public benefit determination	175	175
D. Incineration facility		
2. License transfer	175	175

E. License transfer other than for landfills and incinerators	100	100
F. Minor revision for septage facilities and solid waste facilities other than landfills	100	100
G. Permit by rule for one-time activities	100	100

TABLE II
WASTE MANAGEMENT FEES - ANNUAL LICENSE
MAXIMUM FEES IN DOLLARS

TITLE 38 SECTION	PROCESSING FEE	ANNUAL LICENSE FEE
1304, Waste management		
A. Septage disposal		
1. Landspreading	\$550	\$250
2. Storage	50	75
B. Residuals compost facility		
1. Type I	150	150
3. Type II and Type III less than 3,500 cubic yards	700	500
5. Type II and Type III 3,500 cubic yards or greater	1,400	850
C. Land application of sludges and residuals		
1. Sites with program approval		
a. Industrial sludge	150	250
b. Municipal sludge	75	200
c. Bioash	75	200
d. Wood ash	50	125
e. Food waste	50	125
f. Other residuals	50	125
2. Sites without program approval		
a. Industrial sludge	300	550
b. Municipal sludge	150	250
c. Bioash	150	250
d. Wood ash	75	200
e. Food waste	75	200
f. Other	75	200
1310-N, Solid waste facility siting		
A. Landfill		
1. Existing, nonsecure municipal solid waste landfills accepting waste from fewer than 15,000 people	3,500	1,000

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2. Existing, nonsecure municipal solid waste landfills accepting waste from more than 15,000 people	3,500	3,500
3. New or expanded for secure landfill	5,000	8,500
5. Nonsecure wood waste or demolition debris landfills, or both, if less than or equal to 6 acres	700	750
B. Incineration facilities		
1. New or expanded for the acceptance of municipal or special wastes, or both	3,500	5,000
2. Municipally owned and operated solid waste incinerators with licensed capacity of 10 tons per day or less	3,500	1,000
C. Transfer station and storage facility	750	175
D. Tire storage facility	400	450
F. Processing facility other than municipal solid waste composting	700	700
G. Beneficial use activities other than agronomic utilization		
3. Fuel substitution	700	500
4. Beneficial use without risk assessment	700	200
5. Beneficial use with risk assessment	1,400	500
H. Permit by rule for ongoing activities	100	100

Sec. 2. 38 MRS §353-B, sub-§1, as enacted by PL 1997, c. 794, Pt. B, §7, is amended to read:

1. Fees assessed. After the effective date of this section, licensees must pay annual waste discharge license fees consisting of a base or minimum ~~plus~~fee, an annualized license renewal service fee and amounts from paragraph B; reflecting the quantity of pollutants actually discharged or licensed to be discharged and from paragraph C; in consideration of the potential for water quality impact.

A. A base fee ~~is and~~ an annualized license renewal service fee are assessed for the categories of waste discharge licenses identified in subsection 2, paragraph A. When a license authorizes discharges in more than one category, only the largest base fee and the associated annualized license renewal service fee may be applied to the license. When discharge fees described in paragraph B are not applicable or appropriate for a particular license group or discharge activity, only the base fee ~~is and~~ annualized license renewal service fees are assessed.

B. In addition to the base fee ~~amount~~ and annualized license renewal service fee amounts, fees are assessed in consideration of the quantity and nature of pollutants discharged. When data are available, average daily discharge quantities are used in computing fees for conventional and nonconventional pollutants discharged from publicly owned sanitary and industrial process wastewater sources. When data are not available and for other pollutants and categories, fees are determined using the discharge limits established in a waste discharge license.

C. In addition to the base, annualized license renewal service and discharge fees described in paragraphs A and B, fees may be assessed for the following.

(1) The base fee may be increased by a factor reflecting the initial dilution of an effluent as discharged to the receiving water. This assessment is applied to ~~publicly owned sanitary nonresidential domestic wastewater~~ and industrial process wastewater sources licensed for more than 50,000 gallons per day and having initial dilutions of less than 1,000 to one, except those sources where the licensed flow is less than 50,000 gallons per day and the initial dilution is greater than 50 to one. The assessment is determined by multiplying the applicable base fee times 1.5 divided by the square root of the chronic dilution factor.

(2) When a license authorizes multiple discharge points from the same location, there is an additional fee of \$35 per discharge point.

D. If there are no discharges pursuant to a waste discharge license during an entire year, only the ~~base fee is~~ and annualized license renewal service fees are assessed for that year plus applicable water quality impact and multiple discharge points adjustments from paragraph C may be assessed.

E. If a licensee continues to discharge following expiration of the license, the licensee shall continue to pay any applicable waste discharge license fees provided for in this section. This paragraph does not authorize the discharge and does not affect the applicability of any penalty or enforcement provision.

Sec. 3. 38 MRSA §353-B, sub-§2, as amended by PL 2005, c. 602, §1, is further amended to read:

2. Maximum fee amounts and rates. Waste discharge license fees are as set out in this section.

A. The base, annualized license renewal service 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	<u>Annualized license renewal service fee</u>
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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	
Publicly owned treatment facilities, 6,000-10,000 gallons per day or less	annual fee	\$60 <u>\$67</u>	\$180 <u>none</u>	<u>\$150</u>
Publicly owned treatment facilities, more than 10,000 gallons per day to 0.1 million gallons per day	annual fee	<u>\$219</u>	<u>none</u>	<u>\$150</u>
Publicly owned treatment facilities, more than 0.1 million gallons per day to 1.0 million gallons per day	annual fee	<u>\$219</u>	<u>none</u>	<u>\$225</u>
Publicly owned treatment facilities, more than 1.0 million gallons per day to 5.0 million gallons per day	annual fee	<u>\$219</u>	<u>none</u>	<u>\$450</u>
Publicly owned treatment facilities, greater than 5 million gallons per day or with significant industrial waste	annual fee	\$770	none	<u>\$650</u>
Major industrial facility, process wastewater (based on EPA list of major source discharges)	annual fee	\$1,850	none	<u>\$650</u>
Other industrial facility, process wastewater	annual fee	\$630	none	<u>\$300</u>

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Food handling or packaging wastewater	annual fee	\$315	\$2,100	<u>\$150</u>
Fish rearing facility over 0.1 million gallons per day	annual fee	\$230 <u>\$288</u>	\$1,400 <u>\$1,753</u>	<u>\$300</u>
Fish rearing facility 0.1 million gallons per day or less	<u>annual fee</u>	<u>\$288</u>	<u>\$400</u>	<u>none</u>
Marine aquaculture facility	<u>annual fee*</u>	<u>\$288</u>	<u>---</u>	<u>none</u>
Noncontact cooling water	annual fee	\$90	\$7,000	<u>\$60</u>
Industrial or commercial sources, miscellaneous or incidental non-process wastewater	annual fee	\$115	\$2,100	<u>\$150</u>
Municipal combined sewer overflow	annual fee	\$115	\$1,400	<u>\$150</u>
Sanitary wastewater, excluding overboard discharge	annual fee	\$60	\$1,200	<u>\$300</u>
Sanitary overboard discharge, commercial sources	annual fee	\$210	\$1,200	
Sanitary overboard discharge, residential sources 600 gallons per day and less	annual fee	\$175	<u>---</u>	
Sanitary overboard discharge, residential sources more than 600 gallons per day	annual fee	\$200	\$600	
Sanitary overboard discharge, public sources	annual fee	\$210	\$500	
Aquatic pesticide application	annual fee*	\$200	<u>---</u>	<u>\$370</u>

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Snow dumps	annual fee*	\$125	---	<u>\$150</u>
Salt and sand storage pile	annual fee*	\$150	---	<u>\$225</u>
Log storage permit	annual fee*	\$200	---	<u>\$150</u>
General permit coverage for industrial storm water discharges (except construction)	annual fee*	\$300	---	
<u>General permit coverage for marine aquaculture facility</u>	<u>annual fee*</u>	<u>\$125</u>	<u>---</u>	<u>none</u>
General permit coverage (other)	annual fee*	\$100	---	<u>\$30</u>
Experimental discharge license	license fee*	\$500	---	<u>\$225</u>
Mixing <u>New or amended mixing</u> zone, in addition to other applicable fees	flat fee*	\$4,000	---	
Formation of sanitary district	flat fee*	\$300	---	
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.

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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, greater than 6,000 <u>10,000</u> gallons per day	\$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, from commercial sources excluding overboard discharge	\$0.02 per gallon
Flow: from publicly owned facilities, 6,000 <u>10,000</u> gallons per day or less	\$0.02 per gallon
Flow: sanitary from overboard discharge	\$0.05 per gallon

*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.
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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"

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.

Sec. 4. 38 MRSA §353-B, sub-§6, as enacted by PL 1997, c. 794, Pt. B, §7, is repealed.

Sec. 5. 38 MRSA §420-D, sub-§12, as enacted by PL 2005, c. 219, §7, is repealed.

SUMMARY

This bill moves storm water management law fees from the storm water management law into the Department of Environmental Protection's fee schedule and breaks existing fees into processing and certification or license fees consistent with other fees.

This bill amends wastewater discharge fees.

This bill provides that when a waste discharge licensee continues to discharge following expiration of a license, the license fees must continue to be paid. This provision is not intended to amend or affect any existing enforcement or penalty provision.

The bill repeals the Maine Revised Statutes, Title 38, section 353-B, subsection 6, which established fees that applied during the initial year after the effective date of Title 38, section 353-B.