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## An Act To Improve the Department of Environmental Protection's Annual Waste Discharge License Fee System

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

**Sec. 1. 38 MRSA §353-B, sub-§1**, as amended by PL 2007, c. 558, §2, is further 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 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. Annual waste discharge license fees for existing licensees are determined as set out in subsection 2. Annual waste discharge license fees for new licensees, or licensees that have been reclassified to a new discharge group, are determined by the discharge group to which the facility is assigned. The fee for a new waste discharge license is the median fee for the selected discharge group, and this fee must be paid at the time of application. If the application for a new license is denied, 50% of the initial annual fee must be refunded.~~

~~A. A base fee 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 and annualized license renewal service fees are assessed.~~

~~B. In addition to the base fee 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 noneconventional 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 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 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 the fee for that year must be reduced to 25% of the fee amount that would otherwise apply to that license.~~

E. If a licensee continues to discharge following expiration of the license, the licensee ~~shall~~ must 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. 2. 38 MRSA §353-B, sub-§2**, as amended by PL 2009, c. 213, Pt. FFFF, §2, is repealed and the following enacted in its place:

**2. Fee amounts.** Waste discharge license fees are determined as specified in this subsection.

**A. The fees for waste discharge license groups are as follows.**

<u>Discharge group</u>		<u>Basis for annual fee</u>	<u>Median fee for discharge group</u>	<u>Water quality improv surcharge</u>
<u>Publicly owned treatment facilities, 10,000 gallons per day or less</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$306</u>	
<u>Publicly owned treatment facilities, more than 10,000 gallons per day to 0.1 million gallons per day</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$400</u>	
<u>Publicly owned treatment facilities, more than 0.1 million gallons per day to 1.0 million gallons per day</u>	<u>annual fee</u>	<u>Average of 2009, 2010 and 2011 bill amounts</u>	<u>\$617</u>	
<u>Publicly owned treatment facilities, more than 1.0 million gallons per day to 5.0 million gallons per day</u>	<u>annual fee</u>	<u>Average of 2009, 2010 and 2011 bill amounts</u>	<u>\$1,300</u>	
<u>Publicly owned treatment facilities, greater than 5 million gallons per day or with significant industrial waste</u>	<u>annual fee</u>	<u>Average of 2009, 2010 and 2011 bill amounts</u>	<u>\$4,553</u>	

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<u>Major industrial facility, process wastewater (based on EPA list of major source discharges)</u>	<u>annual fee</u>	<u>Average of 2009, 2010 and 2011 bill amounts</u>	<u>\$19,672</u>	
<u>Other industrial facility, process wastewater</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$1,214</u>	
<u>Food handling or packaging wastewater</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$659</u>	
<u>Fish-rearing facility 0.1 million gallons per day or less</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$312</u>	
<u>Fish-rearing facility over 0.1 million gallons per day</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$794</u>	
<u>Marine aquaculture facility</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$308</u>	
<u>Noncontact cooling water</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$192</u>	
<u>Industrial or commercial sources, miscellaneous or incidental nonprocess wastewater</u>	<u>annual fee</u>	<u>2011 bill amounts</u>	<u>\$363</u>	
<u>Municipal combined sewer overflow</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$413</u>	
<u>Sanitary wastewater, excluding overboard discharge</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$736</u>	
<u>Sanitary overboard discharge, commercial sources</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$446</u>	<u>\$75</u>
<u>Sanitary overboard discharge, residential sources 600 gallons per day or less</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$231</u>	<u>\$75</u>
<u>Sanitary overboard discharge, residential sources more than 600 gallons per day</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$313</u>	<u>\$75</u>
<u>Sanitary overboard discharge, public sources</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$315</u>	<u>\$75</u>
<u>Aquatic pesticide application</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$644</u>	
<u>Snow dumps</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$319</u>	
<u>Salt and sand storage pile</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$429</u>	
<u>Log storage permit</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$422</u>	

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<u>General permit coverage for industrial storm water discharges (except construction)</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$300</u>
<u>General permit coverage for marine aquaculture facility</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$134</u>
<u>General permit coverage (other)</u>	<u>annual fee</u>	<u>2011 bill amount</u>	<u>\$164</u>
<u>Experimental discharge license</u>	<u>license fee</u>	<u>2011 bill amount</u>	<u>\$899</u>
<u>New or amended mixing zone, in addition to other applicable fees</u>	<u>flat fee</u>	<u>\$5,368</u>	<u>---</u>
<u>Formation of sanitary district</u>	<u>flat fee</u>	<u>\$402</u>	<u>---</u>
<u>Transfer of license for residential or commercial sanitary wastewater</u>	<u>flat fee</u>	<u>\$100</u>	<u>---</u>

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

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

**Sec. 3. 38 MRSA §353-B, sub-§§3 and 4**, as enacted by PL 1997, c. 794, Pt. B, §7, are amended to read:

**3. Schedule.** ~~The fee for existing licenses must be paid on the anniversary date of the license or another date initially established by the department. This date, once established, remains the scheduled date for paying the annual fee, regardless of future changes of the anniversary date. The annual fee for new applications must be estimated and paid at the time of filing the application. When the processing of the application is complete or following the first year of discharge, if applicable, the final annual fee is determined. Any additional amount due or refund of overpayment must be paid within 30 days of determination of the final fee. If the application is denied, 50% of the initial annual fee must be refunded.~~

**4. Renewals, amendments and modifications.** Except for transfers of licenses for discharges of sanitary wastewater from commercial or residential sources as provided for in subsection 2, there are no additional fees assessed for license renewals, amendments or modifications. Upon significant changes in discharge flow, a licensee may apply for modification of the license to change the licensed discharge flow. The percent change in discharge flow must be used to adjust the annual waste discharge license fee by an equivalent percentage.

## SUMMARY

This bill revises the Department of Environmental Protection's annual waste discharge fee system. It eliminates the base fee, the fee for quantities of pollutants actually discharged or licensed to be discharged, the annualized license renewal service fee, the initial dilution fee and the multiple discharge point fee. In place of these fees it establishes for existing licensees a fee based on the average of the licensee's 2009 and 2010 bill amounts or a fee based on the licensee's 2011 bill amount, depending on the discharge group. It establishes for new licensees an annual fee based on the median fee of all licensees within the new licensee's discharge group. It establishes that, if no discharge occurs for an entire year, the fee is reduced to 25% of the annual fee. It establishes that an annual fee may be modified by a percentage that is equivalent to the percentage of any change to the licensed discharge flow.