



125th MAINE LEGISLATURE

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Legislative Document

No. 1768

H.P. 1302

House of Representatives, January 10, 2012

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

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Environment and Natural Resources suggested and ordered
printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative KNAPP of Gorham.

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

2 **Sec. 1. 38 MRSA §353-B, sub-§1**, as amended by PL 2007, c. 558, §2, is further
3 amended to read:

4 **1. Fees assessed.** After the effective date of this section, licensees must pay annual
5 waste discharge license fees ~~consisting of a base or minimum fee, an annualized license~~
6 ~~renewal service fee and amounts from paragraph B reflecting the quantity of pollutants~~
7 ~~actually discharged or licensed to be discharged and from paragraph C in consideration of~~
8 ~~the potential for water quality impact.~~ Annual waste discharge license fees for existing
9 licensees are determined as set out in subsection 2. Annual waste discharge license fees
10 for new licensees, or licensees that have been reclassified to a new discharge group, are
11 determined by the discharge group to which the facility is assigned. The fee for a new
12 waste discharge license is the median fee for the selected discharge group, and this fee
13 must be paid at the time of application. If the application for a new license is denied, 50%
14 of the initial annual fee must be refunded.

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

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

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

31 ~~(1) The base fee may be increased by a factor reflecting the initial dilution of an~~
32 ~~effluent as discharged to the receiving water. This assessment is applied to~~
33 ~~nonresidential domestic wastewater and industrial process wastewater sources~~
34 ~~licensed for more than 50,000 gallons per day and having initial dilutions of less~~
35 ~~than 1,000 to one, except those sources where the licensed flow is less than~~
36 ~~50,000 gallons per day and the initial dilution is greater than 50 to one. The~~
37 ~~assessment is determined by multiplying the applicable base fee times 1.5 divided~~
38 ~~by the square root of the chronic dilution factor.~~

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

41 ~~D. If there are no discharges pursuant to a waste discharge license during an entire~~
42 ~~year, only the base and annualized license renewal service fees are assessed for that~~
43 ~~year plus applicable water quality impact and multiple discharge points adjustments~~

1 ~~from paragraph C may be assessed~~ the fee for that year must be reduced to 25% of
2 the fee amount that would otherwise apply to that license.

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

7 **Sec. 2. 38 MRSA §353-B, sub-§2**, as amended by PL 2009, c. 213, Pt. FFFF, §2,
8 is repealed and the following enacted in its place:

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

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

<u>Discharge</u>		<u>Basis for</u>	<u>Median fee for</u>	<u>Water quality</u>
<u>group</u>		<u>annual fee</u>	<u>discharge group</u>	<u>improvement</u>
				<u>surcharge</u>
<u>Publicly</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$306</u>	
<u>owned</u>		<u>amount</u>		
<u>treatment</u>				
<u>facilities,</u>				
<u>10,000 gallons</u>				
<u>per day or less</u>				
<u>Publicly</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$400</u>	
<u>owned</u>		<u>amount</u>		
<u>treatment</u>				
<u>facilities, more</u>				
<u>than 10,000</u>				
<u>gallons per day</u>				
<u>to 0.1 million</u>				
<u>gallons per day</u>				
<u>Publicly</u>	<u>annual fee</u>	<u>Average of</u>	<u>\$617</u>	
<u>owned</u>		<u>2009, 2010</u>		
<u>treatment</u>		<u>and 2011 bill</u>		
<u>facilities, more</u>		<u>amounts</u>		
<u>than 0.1</u>				
<u>million gallons</u>				
<u>per day to 1.0</u>				
<u>million gallons</u>				
<u>per day</u>				

1	<u>Publicly</u>	<u>annual fee</u>	<u>Average of</u>	<u>\$1,300</u>
2	<u>owned</u>		<u>2009, 2010</u>	
3	<u>treatment</u>		<u>and 2011 bill</u>	
4	<u>facilities, more</u>		<u>amounts</u>	
5	<u>than 1.0</u>			
6	<u>million gallons</u>			
7	<u>per day to 5.0</u>			
8	<u>million gallons</u>			
9	<u>per day</u>			
10				
11	<u>Publicly</u>	<u>annual fee</u>	<u>Average of</u>	<u>\$4,553</u>
12	<u>owned</u>		<u>2009, 2010</u>	
13	<u>treatment</u>		<u>and 2011 bill</u>	
14	<u>facilities,</u>		<u>amounts</u>	
15	<u>greater than 5</u>			
16	<u>million gallons</u>			
17	<u>per day or with</u>			
18	<u>significant</u>			
19	<u>industrial</u>			
20	<u>waste</u>			
21				
22	<u>Major</u>	<u>annual fee</u>	<u>Average of</u>	<u>\$19,672</u>
23	<u>industrial</u>		<u>2009, 2010</u>	
24	<u>facility,</u>		<u>and 2011 bill</u>	
25	<u>process</u>		<u>amounts</u>	
26	<u>wastewater</u>			
27	<u>(based on EPA</u>			
28	<u>list of major</u>			
29	<u>source</u>			
30	<u>discharges)</u>			
31				
32	<u>Other</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$1,214</u>
33	<u>industrial</u>		<u>amount</u>	
34	<u>facility,</u>			
35	<u>process</u>			
36	<u>wastewater</u>			
37				
38	<u>Food handling</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$659</u>
39	<u>or packaging</u>		<u>amount</u>	
40	<u>wastewater</u>			
41				

1	<u>Fish-rearing</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$312</u>	
2	<u>facility 0.1</u>		<u>amount</u>		
3	<u>million gallons</u>				
4	<u>per day or less</u>				
5					
6	<u>Fish-rearing</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$794</u>	
7	<u>facility over</u>		<u>amount</u>		
8	<u>0.1 million</u>				
9	<u>gallons per day</u>				
10					
11	<u>Marine</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$308</u>	
12	<u>aquaculture</u>		<u>amount</u>		
13	<u>facility</u>				
14					
15	<u>Noncontact</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$192</u>	
16	<u>cooling water</u>		<u>amount</u>		
17					
18	<u>Industrial or</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$363</u>	
19	<u>commercial</u>		<u>amounts</u>		
20	<u>sources,</u>				
21	<u>miscellaneous</u>				
22	<u>or incidental</u>				
23	<u>nonprocess</u>				
24	<u>wastewater</u>				
25					
26	<u>Municipal</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$413</u>	
27	<u>combined</u>		<u>amount</u>		
28	<u>sewer</u>				
29	<u>overflow</u>				
30					
31	<u>Sanitary</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$736</u>	
32	<u>wastewater,</u>		<u>amount</u>		
33	<u>excluding</u>				
34	<u>overboard</u>				
35	<u>discharge</u>				
36					
37	<u>Sanitary</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$446</u>	<u>\$75</u>
38	<u>overboard</u>		<u>amount</u>		
39	<u>discharge,</u>				
40	<u>commercial</u>				
41	<u>sources</u>				
42					

1	<u>Sanitary</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$231</u>	<u>\$75</u>
2	<u>overboard</u>		<u>amount</u>		
3	<u>discharge,</u>				
4	<u>residential</u>				
5	<u>sources 600</u>				
6	<u>gallons per day</u>				
7	<u>or less</u>				
8					
9	<u>Sanitary</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$313</u>	<u>\$75</u>
10	<u>overboard</u>		<u>amount</u>		
11	<u>discharge,</u>				
12	<u>residential</u>				
13	<u>sources more</u>				
14	<u>than 600</u>				
15	<u>gallons per day</u>				
16					
17	<u>Sanitary</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$315</u>	<u>\$75</u>
18	<u>overboard</u>		<u>amount</u>		
19	<u>discharge,</u>				
20	<u>public sources</u>				
21					
22	<u>Aquatic</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$644</u>	
23	<u>pesticide</u>		<u>amount</u>		
24	<u>application</u>				
25					
26	<u>Snow dumps</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$319</u>	
27			<u>amount</u>		
28					
29	<u>Salt and sand</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$429</u>	
30	<u>storage pile</u>		<u>amount</u>		
31					
32	<u>Log storage</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$422</u>	
33	<u>permit</u>		<u>amount</u>		
34					
35	<u>General permit</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$300</u>	
36	<u>coverage for</u>		<u>amount</u>		
37	<u>industrial</u>				
38	<u>storm water</u>				
39	<u>discharges</u>				
40	<u>(except</u>				
41	<u>construction)</u>				
42					

1	<u>General permit</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$134</u>
2	<u>coverage for</u>		<u>amount</u>	
3	<u>marine</u>			
4	<u>aquaculture</u>			
5	<u>facility</u>			
6				
7	<u>General permit</u>	<u>annual fee</u>	<u>2011 bill</u>	<u>\$164</u>
8	<u>coverage</u>		<u>amount</u>	
9	<u>(other)</u>			
10				
11	<u>Experimental</u>	<u>license fee</u>	<u>2011 bill</u>	<u>\$899</u>
12	<u>discharge</u>		<u>amount</u>	
13	<u>license</u>			
14				
15	<u>New or</u>	<u>flat fee</u>	<u>\$5,368</u>	<u>---</u>
16	<u>amended</u>			
17	<u>mixing zone,</u>			
18	<u>in addition to</u>			
19	<u>other</u>			
20	<u>applicable fees</u>			
21				
22	<u>Formation of</u>	<u>flat fee</u>	<u>\$402</u>	<u>---</u>
23	<u>sanitary</u>			
24	<u>district</u>			
25				
26	<u>Transfer of</u>	<u>flat fee</u>	<u>\$100</u>	<u>---</u>
27	<u>license for</u>			
28	<u>residential or</u>			
29	<u>commercial</u>			
30	<u>sanitary</u>			
31	<u>wastewater</u>			

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

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

