



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 that reads "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.