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**TESTIMONY OF**  
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**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING IN SUPPORT OF L.D. 401**

**AN ACT TO SUPPORT REMOVAL OF OVERBOARD DISCHARGE SYSTEMS**

**SPONSORED BY REPRESENTATIVE ALLISON HEPLER**

**BEFORE THE JOINT STANDING COMMITTEE ON  
ENVIRONMENT AND NATURAL RESOURCES**

**DATE OF HEARING:**

**February 24, 2025**

Senator Tepler, Representative Doudera, and members of the Committee, I am Brian Kavanah, Director of the Bureau of Water Quality at the Department of Environmental Protection. I am speaking in support of L.D. 401.

L.D. 401 makes a variety of changes to the existing laws that regulate overboard discharges (OBDs for short). I'm going to start by explaining what OBDs are. OBDs are defined in law at 38 M.R.S. §466 (9-A) as a discharge to the surface waters of the State of domestic pollutants not conveyed to and treated in municipal or quasi-municipal sewerage treatment facilities.

OBDs are located in areas where there is no municipal sewer system, and a traditional subsurface septic system cannot be installed due to poor soil conditions. OBDs are essentially very small wastewater treatment systems. Some are sand filters, and some are mechanical systems, and they treat wastewater to a "secondary treatment" level,

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(the same level of treatment that a municipal wastewater treatment facility must achieve) and they provide chlorine disinfection of the treated wastewater.

Most OBDs are on the rocky coast and were installed in the 1970s to replace straight pipes, straight pipes being no treatment. OBDs were the solution to a larger problem of untreated wastewater. Most OBDs are residential. Many of these are used only seasonally. Some OBDs are commercial.

Since OBDs are a discharge to waters of the state they are regulated by the Department, and they are licensed and inspected. The issue with OBDs is the presence of the discharge, regardless of the quality of the effluent, requires nearby shellfish areas to be closed by the Department of Marine Resources (DMR) to harvesting as a precautionary measure. To facilitate opening of these closed areas, current Maine law, via several triggers, requires removal of OBDs, if there is a feasible alternative. Some OBD removals are eligible for grant assistance from the Department and some OBD removals are required at the owner's expense. In the 1970s we had approximately 3,000 OBDs. We currently have approximately 700.

The purpose of this bill is to modify various aspects of the existing law to facilitate additional OBD removals with the intent of opening currently closed shellfish areas where possible. This Department bill was put forward after several discussions with DMR and the Shellfish Advisory Council (ShAC).

To be clear, most of the OBD removals that can open shellfish areas have been completed. Only the most difficult removals remain. However, based on experience over many years we believe additional OBDs may be able to be removed via the changes proposed in LD 401.

The proposed changes are varied and wide ranging and in the interest of time I will not discuss them now, other than to say they are designed to facilitate additional OBD

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removals, and they are summarized well in the bill summary. We can certainly discuss them in detail at the work session or now if you have specific questions.

Thank you.