



# 126th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2014

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Legislative Document

No. 1817

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H.P. 1304

House of Representatives, March 12, 2014

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**An Act To Amend the Law Concerning the State Cost-share  
Program for Salt and Sand Storage Facilities**

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Reported by Representative THERIAULT of Madawaska for the Joint Standing Committee on Transportation pursuant to Public Law 2013, chapter 354, Part O, section 1.

Reference to the Committee on Transportation suggested and ordered printed pursuant to Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

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

2               **Sec. 1. 23 MRSA §1851**, as repealed and replaced by PL 1999, c. 387, §1 and  
3 affected by §7, is amended to read:

4       **§1851. State cost-share program for salt and sand storage facilities**

5               The Department of Transportation may administer funds for the construction of  
6 municipal or county salt and sand storage facilities in order to reduce salt pollution of  
7 ground and surface waters. In administering these funds, the department shall provide  
8 reimbursement to municipal and county governmental entities for approved projects ~~in~~  
9 ~~the following order, according to priorities established pursuant to Title 38, section 411:~~

10              ~~**1. Priority 1 projects.** Priority 1 projects, as long as the site was registered with the~~  
11 ~~Department of Environmental Protection pursuant to Title 38, section 413 before October~~  
12 ~~15, 1997, regardless of the date the priority rating was designated;~~

13              ~~**2. Priority 2 projects.** Priority 2 projects, as long as the site was registered with the~~  
14 ~~Department of Environmental Protection pursuant to Title 38, section 413 before October~~  
15 ~~15, 1997, regardless of the date the priority rating was designated;~~

16              ~~**3. Priority 3 projects.** Priority 3 projects that were designated before October 15,~~  
17 ~~1997 and continue to be so designated on April 1, 2000 and Priority 3 projects designated~~  
18 ~~on April 1, 2000 that were designated Priority 5 projects prior to October 15, 1997; and~~

19              ~~**4. Priority 4 projects.** Priority 4 projects that were constructed before November 1,~~  
20 ~~1999 with plans and financial information submitted to the Department of Transportation~~  
21 ~~by November 1, 1999. Notwithstanding any other provision of this section, 20% of all~~  
22 ~~funds authorized by the Legislature after January 1, 1999 for municipal reimbursement of~~  
23 ~~sand and salt storage facility construction costs must be used to reimburse municipalities~~  
24 ~~with Priority 4 projects eligible under this subsection until all such eligible projects have~~  
25 ~~been fully reimbursed. The department shall reimburse municipalities eligible under this~~  
26 ~~subsection in the order in which those municipalities complete the submission of all~~  
27 ~~required documentation;~~

28              ~~**5. Priority changes.** Priority 3 projects designated on April 1, 2000 that were~~  
29 ~~designated Priority 4 projects as of October 15, 1997;~~

30              ~~**6. Priority 5 projects.** Priority 5 projects that were constructed before November 1,~~  
31 ~~1999, with plans and financial information submitted to the Department of Transportation~~  
32 ~~by November 1, 1999;~~

33              ~~**7. Other projects.** All other projects eligible for reimbursement. Priority 4 and~~  
34 ~~Priority 5 sites designated on April 1, 2000 are not eligible for reimbursement.~~

35               Allocation of funds must be based upon the sum of 25% of the expenses permitted  
36 plus 1.25 times the ratio of miles of state and state aid roads maintained for winter  
37 maintenance, as described in sections 1001 and 1003, to all miles maintained for winter  
38 maintenance by the municipality, quasi-municipal agency or county. The Department of

1 Transportation shall establish guidelines to reimburse eligible local government entities in  
2 a consistent and timely manner.

3 The Department of Transportation shall review and approve municipal and county  
4 plans and specifications pursuant to established departmental guidelines for design,  
5 construction and size before a municipality or county constructs a facility. Municipal  
6 actions inconsistent with such guidelines are reimbursed at the sole discretion of the  
7 department.

8 Reimbursable expenses under this section do not include land acquisition or debt  
9 service.

10 **Sec. 2. 23 MRSA §1852**, as amended by PL 1999, c. 387, §2, is repealed.

11 **Sec. 3. 38 MRSA §451-A, sub-§1-A**, as amended by PL 1999, c. 387, §5, is  
12 further amended to read:

13 **1-A. Time schedule for salt and sand-salt storage program.** An owner or  
14 operator of a salt or sand-salt storage area is not in violation of any groundwater  
15 classification or reclassification adopted on or after January 1, 1980 with respect to  
16 discharges to the groundwater from those facilities, if the owner or operator has  
17 completed all steps required to be completed by the schedules set forth in this subchapter.  
18 The commissioner shall administer this schedule according to the project priority list  
19 adopted by the board pursuant to section 411 and the provisions of this subsection. A  
20 municipal or county site classified as Priority 4 or Priority 5 as of April 1, 2000, which  
21 was registered pursuant to section 413 prior to October 15, 1997, ~~may is~~ is not ~~be~~ in  
22 violation of any groundwater classification or reclassification with respect to discharges  
23 to the groundwater from those facilities.

24 A. Preliminary notice for municipal and county Priority 3 projects must be  
25 completed and submitted to the Department of Transportation ~~by the following dates:~~  
26 within 2 months of receipt of a certified letter from the Department of Transportation  
27 notifying the municipality or county of funds available for the construction of a  
28 facility.

29 ~~(1) For Priority 1 and 2 projects, the latest of the following dates:~~

30 ~~(a) One year from a designation under section 411;~~

31 ~~(b) One year from notice of availability of a state grant, if eligible; or~~

32 ~~(c) January 1996.~~

33 ~~(2) For municipal, state and county Priority 3 projects, the later of the following~~  
34 ~~dates:~~

35 ~~(a) One year from notice of availability of a state grant, if eligible; or~~

36 ~~(b) January 2003.~~

37 ~~(3) For other Priority 3 projects, the later of the following dates:~~

38 ~~(a) One year from a designation under section 411; or~~

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~~(b) January 1997.~~

D. For municipal and county ~~sites only~~ Priority 3 projects, review of final plans with the Department of Transportation must be completed within ~~12~~ 14 months of ~~the dates established in paragraph A for each priority category~~ receipt of a certified letter from the Department of Transportation notifying the municipality or county of funds available for the construction of a facility.

E. Construction of municipal and county Priority 3 projects must be completed and the facility must be in operation within ~~24~~ 26 months of ~~the dates established in paragraph A for each priority category~~ receipt of a certified letter from the Department of Transportation notifying the municipality or county of funds available for the construction of a facility.

In no case may violations of the lowest groundwater classification be allowed. In addition, no violations of any groundwater classifications adopted after January 1, 1980, may be allowed for more than ~~3 years~~ 26 months from the date of an offer of a state grant for the construction of those facilities.

The department may not issue time schedule variances under subsection 1 to owners or operators of salt or sand-salt storage areas.

An owner or operator of a salt or sand-salt storage area who is in compliance with this section is exempt from the requirements of licensing under section 413, subsection 2-D.

An owner or operator is not in violation of a schedule established pursuant to this subsection if the owner or operator is eligible for a state grant to implement the schedule and the state grant is not available.

**SUMMARY**

This bill provides the state share for the remaining Priority 3 salt and sand storage facility project sites by creating a final process to notify a municipality or county of available funds and for that entity to respond to an offer of funding from the Department of Transportation.

The bill requires that a municipality or county with a Priority 3 project respond within 2 months of receiving a certified letter from the Department of Transportation notifying the municipality or county of funds available to construct a facility for the storage of salt and sand. The bill requires that final plans for a Priority 3 project be reviewed with the Department of Transportation within 14 months of the notification of funds. The bill also requires that construction of a Priority 3 project be completed within 26 months of the notification of funds.

The bill changes the time frame during which a municipality or county would be exempt from meeting groundwater classifications adopted after January 1, 1980 with respect to salt and sand storage facilities from 3 years to 26 months from the date of an offer of a state grant for the construction of those facilities. If a municipality or county fails to meet any of the deadlines, it is no longer exempt from licensing requirements for waste discharges.

1           The bill makes technical changes by removing language applying to funding  
2 priorities that are no longer applicable because they have already been funded or a new  
3 mechanism is being proposed in the bill.