LAW WITHOUT GOVERNOR'S SIGNATURE

JUNE 9, 2015

CHAPTER

22

RESOLVES

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND FIFTEEN

S.P. 535 - L.D. 1427

Resolve, Regarding the Department of Environmental Protection's Rule Chapter 500: Stormwater Management

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, on January 8, 2015, the Department of Environmental Protection submitted for legislative review portions of Chapter 500: Stormwater Management, a major substantive rule of the department; and

Whereas, on April 29, 2015, the legislative instrument approving final adoption by the department of this major substantive rule submitted for legislative review became effective following approval by the Governor; and

Whereas, pursuant to the Maine Revised Statutes, Title 5, section 8072, subsection 8, final adoption by the department must occur within 60 days of the effective date of that legislative instrument; and

Whereas, the additional rule change directed in this legislation was inadvertently omitted from that enacted legislative instrument and must be incorporated in the rule prior to final adoption; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Resolve 2015, c. 12, §1, amended. Resolved: That Resolve 2015, c. 12, §1 is amended to read:

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 500: Stormwater Management, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in section 4, subsection E to clarify, for the purposes of the urban impaired stream standard, that where there is a department-approved management and monitoring plan in place and monitoring demonstrates that a stressor in the watershed, which may be either a pollutant or a failure to meet a water quality standard, is contributing to the impairment of the urban impaired stream, the department may require the applicant to use alternative or additional stormwater treatment measures to address the identified stressor; and

2. The rule must be amended in ~~section~~ sections 14 and 15 to extend the permit shield provision to the implementation of innovative measures to increase the probability that low-impact development measures will be installed.

; and be it further

Sec. 2. Department of Environmental Protection; stormwater management rule; final adoption. Resolved: That notwithstanding the Maine Revised Statutes, Title 5, section 8072, subsection 8, the Department of Environmental Protection may finally adopt Rule Chapter 500 as authorized for final adoption by Resolve 2015, chapter 12 as amended by this resolve, as long as final adoption occurs within 60 days of the effective date of this resolve.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.