

MEMORANDUM

TO: Board of Environmental Protection
FROM: Steve McLaughlin, Bureau of Land & Water Quality, Augusta
DATE: May 21, 2009
RE: Amendment of *State Revolving Fund*, 06-096 CMR 595 – Adoption

Statutory and Regulatory Reference:

- 38-A M.R.S.A. §5959

Scope: The proposed amendments are intended to increase discretion in setting interest rates, and acknowledge possible additional federal requirements related to capitalization grants, in order to allow for receipt and administration of potential additional federal funds.

Overview: The department requests adoption of amendments to Ch. 595, State Revolving Fund. The Board previously adopted the same amendments through an emergency rulemaking. The emergency amendments took effect on April 7, 2009 and will be in effect for 90 days from that date.

Environmental issues: This rulemaking does not involve significant environmental issues directly. However, it affects how interest rates in the SRF program may be set, and supports the receipt and administration of additional federal funds that provide for the accomplishment of needed work on wastewater treatment systems.

Procedure:

- Notice of the rulemaking was published by the Secretary of State’s Office on April 1, 2009.
- The notice was mailed on March 24 and 26, 2009 to (1) the DEP rulemaking subscription list, and (2) a list of approximately 225 municipal treatment plant facilities, communities, sewer districts, consultants and other parties interested in wastewater infrastructure. This list is maintained by the Division of Water Quality Management.
- The draft amendments and notice form were made available on the DEP website.
- The comment deadline was May 5, 2009 at 5:00 pm.

Comments: No comments were received in response to the notice of this rulemaking during the comment period. No requests for a hearing were received. The draft for adoption is the same as the posted draft, except that the effective date of the emergency amendments has been added to the last page of the rule.

Although not part of the official record for this rulemaking, it should be noted that one person who submitted a comment during the comment period for the previous emergency rulemaking expressed support for the amendments “both in the emergency and longer term forms.”¹

Department Recommendation: The department requests that the Board adopt the proposed amendments.

Estimated Time of Presentation: Approximately 10 minutes.

Materials: Materials related to this rulemaking are available through:
<http://www.maine.gov/dep/blwq/rule.htm>

¹ Letter dated 1/27/2009 from Clayton Richardson, P.E., Superintendent of the Lewiston-Auburn Water Pollution Control Authority.