

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 744

S. P. 305

In Senate, February 9, 1967

Referred to Committee on Natural Resources. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Ferguson of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Surface Water Classification.

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

Sec. 1. R. S., T. 38, § 363, amended. Section 363 of Title 38 of the Revised Statutes is amended to read as follows:

§ 363. Standards of classification of fresh waters

The commission shall have 4 standards for the classification of fresh surface waters.

Class A shall be the highest classification and shall be of such quality that it can be used for bathing and for public water supplies after disinfection, and the dissolved oxygen content of such waters shall not be less than 75% saturation at **all times** and contain not more than 100 coliform bacteria per 100 milliliters.

There shall be no discharge of sewage or other wastes into water of this classification and no deposits of such material on the banks of such waters in such a manner that transfer of the material into the waters is likely. ~~Such waters may be used for log driving or other commercial purposes which will not lower its classification.~~ **The natural water quality characteristics of these waters shall not be altered.**

Class B, the 2nd highest classification, shall be divided into 2 designated groups as B-1 and B-2.

B-1. Waters of this class shall be considered the higher quality of the Class B group and shall be acceptable for recreational purposes and after adequate treatment for use as a potable water supply. The dissolved oxygen of such

waters shall be not less than 75% of saturation at all times and contain no more than 300 coliform bacteria per 100 milliliters.

There shall be no disposal of sewage or industrial wastes in such waters except those which have received adequate treatment to prevent lowering of the standards for this classification for the removal of solids, color, turbidity, taste, odor or toxic material, and which do not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption to the public health.

B-2. Waters of this class shall be acceptable for all recreational boating, purposes including fishing, and industrial and potable water supplies after adequate treatment. The dissolved oxygen of such waters shall not be less than 60% of saturation at all times and contain no more than 1,000 coliform bacteria per 100 milliliters.

There shall be no disposal of sewage or industrial wastes in such waters to lower its classification except those which have received adequate treatment for the removal of solids, color, turbidity, taste, odor or toxic material, and which do not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or dangerous for human consumption to the public health.

Class C, the 3rd highest classification, shall be of such a quality as to be satisfactory for recreational boating, fishing and other uses except including potable water supplies and swimming unless if adequately treated, to meet standards

Waters of this classification shall be free from scums, slicks, odors and objectionable floating solids, and shall be free from chemicals and other conditions inimical to aquatic life. The dissolved oxygen content of such waters shall not be less than 5 parts per million for trout and salmon waters and not less than 4 parts per million for non-trout and non-salmon waters.

There shall be no disposal of sewage or industrial wastes in such waters except those which have received adequate treatment for the removal of solids, color, turbidity, taste, odor or toxic material, and which do not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or dangerous to the public health.

The commission may take such actions as may be appropriate for the best interests of the public when it finds that a "C" classification is temporarily lowered due to abnormal conditions of temperature and stream flow for that season involved.

Class D waters, the lowest classification, shall be considered as primarily devoted to the transportation of sewage and industrial wastes without causing a public nuisance as defined in Title 17, section 2802, by the creation of odor producing sludge banks and deposits of other nuisance condition and such waters shall contain dissolved oxygen at all times.

~~During a period of temporary reduction in the dissolved oxygen content in this class water, due to abnormal conditions of temperature or stream flow for the particular season involved, the commission, provided a nuisance condition has not then been created in such water and in the opinion of the commission is not likely to be created during such season, shall take no action to reduce the amount of pollution from any source which is allowed in such class water under normal conditions.~~

Class D waters shall be assigned only where a higher water classification cannot be attained after utilizing the best practicable treatment or control of sewage or other wastes. Waters of this class may be used for power generation, navigation, and industrial process waters after adequate treatment. Dissolved oxygen of these waters shall not be less than 2.0 parts per million at any time. Treated wastes discharging to these waters shall not create a public nuisance as defined in Title 17, section 2802, by the creation of odor producing sludge banks and deposits or other nuisance conditions.

General. With respect to "C" and "D" classifications, the number of coliform bacteria or amounts of toxic wastes or chemicals discharged into said waters shall be only those amounts which will not, in the determination of the commission, be harmful to the public health. **With respect to all classifications, thermal pollution shall be controlled and regulated by the commission if in the determination of the commission such pollution results in significant changes in water quality to impair usages or be inimicable to aquatic life.** With respect to all classifications, the commission may establish radioactivity limits, when required, with the approval of the appropriate state agency with consideration of possible adverse effects in downstream waters from the discharge of radioactive wastes; limits on interstate or international waters are to be resolved when necessary after consultation between appropriate agencies.

Sec. 2. R. S., T. 38, § 364, amended. Section 364 of Title 38 of the Revised Statutes is amended to read as follows:

§ 364. —Tidal or marine waters

The commission shall have ~~4~~ **5** standards for the classification of tidal or marine waters as follows:

Marine waters shall include the waters of the Atlantic Ocean, its bays, inlets, etc. to mean high tide within 3 nautical miles from the coast line and all other tidal waters within the State except that in the case of tidal effect estuaries the upstream limits of tidal waters shall be that point where at mean high tide the average of 3 samples taken at the bed, at mid-depth and at the surface shall show a salinity of 5,000 parts per million or greater, or where the tidal limit for purposes of pollution control statutes is specifically defined.

The commission shall have ~~4~~ **5** standards for classification of waters in the tidal area.

Class SA, **shall be suitable for all clean water usages, including bathing, and fishing; such waters shall be suitable for the propagation of shellfish.** There shall be no floating solids, settleable solids, oil or sludge deposits attributable to sewage, industrial wastes or other wastes and no deposit of garbage, cinders,

ashes, oils, sludge or other refuse. There shall be no discharge of sewage or other wastes which has not received a minimum of primary treatment and effective disinfection except those which have received adequate treatment for the removal of solids, color, turbidity, taste, odor or toxic material, and which do not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or wastes be injurious to aquatic life or dangerous to the public health.

Waters of the SA classification shall contain not less than 6.0 parts per million of dissolved oxygen at all times. There shall be no toxic wastes, deleterious substances, colored or other wastes or heated liquids discharged to waters of this classification either singly or in combinations with other substances or wastes in such amounts or at such temperatures as to be injurious to edible fish or shellfish or to the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor or sanitary condition thereof or impair the waters for any other best usage as determined for the specific waters assigned to this class.

The median MPN value in any series of samples representative of waters in the shellfish growing area shall not be in excess of 70 per 100 milliliters or the approximate equivalent by other methods of expression.

Class SB-1 ~~best usage~~; shall be suitable for all clean water usages, including bathing and fishing; these waters shall be suitable for the propagation of shellfish. ~~bathing and other clean water usages.~~ There shall be no floating solids, settleable solids, oil or sludge deposits attributable to sewage, industrial wastes or other wastes and no deposit of garbage, cinders, ashes, oils, sludge or other refuse. There shall be no discharge of sewage or other wastes which has not received a minimum of primary treatment and disinfection except those which have received adequate treatment for the removal of solids, color, turbidity, taste, odor or toxic material, and which do not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or wastes be injurious to aquatic life or dangerous to the public health.

Waters of the SB classification shall contain not less than 6.0 parts per million of dissolved oxygen at all times. There shall be no toxic wastes, deleterious substances, colored or other wastes or heated liquids discharged to waters of this classification either singly or in combination with other substances or wastes in such amounts or at such temperatures as to be injurious to edible fish or shellfish or to the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor or sanitary condition thereof; and otherwise none in sufficient amounts to make the waters unsafe or unsuitable for bathing or impair the waters for any other best usage as determined for the specific waters which are assigned to this class.

The median MPN value in any series of samples representative of waters in the shellfish growing area shall not be in excess of ~~40~~ 70 per 100 milliliters or the equivalent by other methods of expression, nor shall any sample in a non-shellfish growing area exceed 300 coliform bacteria per 100 milliliters.

Class SB-2 ~~best usage~~ shall be suitable for recreational usages, except including bathing and fisheries; fishing; such waters shall be suitable for the propaga-

tion of shellfish if indigenous to the region. There shall be no floating solids, settleable solids, oil or sludge deposits attributable to sewage, industrial wastes or other wastes and no deposit of garbage, cinders, ashes, oils, sludge or other refuse. There shall be no discharge of sewage or other wastes ~~which has not received a minimum of primary treatment and disinfection~~ except those which has received adequate treatment for the removal of solids, color, turbidity, taste, odor or toxic material, and which do not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or wastes be injurious to aquatic life or dangerous to the public health.

Waters of the SB-2 classification shall contain not less than 6.0 parts per million of dissolved oxygen at all times. There shall be no toxic wastes, deleterious substances, colored or other wastes or heated liquids discharged to waters of this classification either singly or in combination with other substances or wastes in such amounts or at such temperatures as to be injurious to edible fish or to the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color or odor thereof; and otherwise none in sufficient amounts to make the waters unsafe or unsuitable for any other best usage as determined for the specific waters which are assigned to this class.

The median MPN value in any series of samples representative of waters in ~~this classification~~ **shellfish growing areas** shall not be in excess of ~~1,000~~ **70** per 100 milliliters or the equivalent by other methods of expression, **nor shall any sample in a nonshellfish growing area exceed 1,000 coliform bacteria per 100 milliliters.**

Class SC, the ~~3rd~~ **4th** highest classification, shall be of such quality as to be satisfactory for recreational boating, fishing and other similar uses except bathing, **and for the propagation of shellfish if indigenous to the region.**

Waters of this classification shall be free from scums, slicks, odors and objectionable floating solids, and shall be free from chemicals and other conditions inimical to aquatic life. The dissolved oxygen content of such waters shall not be less than 5 parts per million at any time.

There shall be no discharge of sewage or other wastes except those which has received adequate treatment for the removal of solids, color, turbidity, taste, odor or toxic material, and which do not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or wastes be injurious to aquatic life or dangerous to the public health.

The median MPN value in any series of samples representative of waters in a **shellfish growing area** shall not be in excess of 70 per 100 milliliters or the equivalent by other methods of expression.

The commission may take such action as may be appropriate for the best interests of the public when it finds that an "SC" classification is temporarily lowered due to abnormal conditions of temperature and flow for that season involved.

~~Class SD waters, the lowest classification, shall be considered as primarily devoted to the disposal of sewage and industrial wastes without causing a public nuisance as defined in Title 17, section 2802, by the creation of odor~~

producing sludge banks and deposits or other nuisance conditions and such waters shall contain dissolved oxygen at all times. During a period of temporary reduction in the dissolved oxygen content in this class water, due to abnormal conditions of temperature or flow for the particular season involved, the commission, provided a nuisance condition has not then been created in such water and in the opinion of the commissioner is not likely to be created during such season, shall take no action to reduce the amount of pollution from any source which is allowed in such class water under normal conditions.

Class SD waters shall be assigned only where a higher water classification cannot be attained after utilizing the best practicable treatment or control of sewage or other wastes. Waters of this class may be used for power generation, navigation, and industrial process waters or cooling waters. Dissolved oxygen of these waters shall not be less than 3.0 parts per million at any time. Treated wastes discharging to these waters shall not create a public nuisance as defined in Title 17, section 2802, by the creation of odor producing sludge banks and deposits or other nuisance conditions.

General. With respect to "SC" and "SD" classifications, the number of coli-form bacteria, or amounts of toxic wastes or chemicals discharged into said waters shall be only those amounts which will not, in the determination of the commission, be harmful to the public health. With respect to all classifications, thermal pollution shall be controlled and regulated by the commission if in the determination of the commission such pollution results in significant changes in water quality to impair usages or be inimicable to aquatic life. With respect to all classifications, the commission may establish radioactivity limits, when required, with the approval of the appropriate state agency with consideration of possible adverse effects in adjacent waters from the discharge of radioactive wastes; limits on interstate or international waters are to be resolved when necessary after consultation between appropriate agencies.