

# 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)

P. of S.

L.D. 1970

(Filing No. S-669 )

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT " C " to COMMITTEE AMENDMENT "B" to H.P. 1418, L.D. 1970, Bill, "An Act to Regain Full Use of Maine Waters through the Establishment of Color Standards"

Amend the amendment by striking out everything after the first paragraph after the title and before the fiscal note and inserting in its place the following:

'Sec. 1. 38 MRSA §414-C is enacted to read:

§414-C. Color pollution control

1. Color pollution control; finding. The Legislature finds that further, rigorous control of color, odor and foam pollutants is consistent with modernization of the State's kraft pulp industry and that process technologies to accomplish this objective will enhance the competitive position of this industry.

2. Best practicable treatment; color pollution. For the purposes of section 414-A, subsection 1, paragraph D, "best practicable treatment" for color pollution control for discharges of color pollutants from the kraft pulping process is:

A. For discharges licensed and in existence prior to July 1, 1989, 225 pounds or less of color pollutants per ton of unbleached pulp produced, measured on a quarterly average basis; and

B. For discharges licensed for the first time after July 1, 1989, 150 pounds or less of color pollutants per ton of unbleached pulp produced, measured on a quarterly average basis.

A discharge from a kraft pulp mill that is in compliance with this subsection is exempt from the provisions of subsection 3.

11. of 8

2       3. Instream color pollution standard. An individual waste  
3       discharge may not increase the color of any water body by more  
4       than 20 color pollution units. The total increase in color  
5       pollution units caused by all waste discharges to the water body  
6       must be less than 40 color pollution units. Color increases are  
7       measured on a calendar quarterly basis. A discharge that is in  
8       compliance with this subsection is exempt from the provisions of  
9       subsection 2.

10       4. Schedule of compliance. No standard for color pollution  
11       control established under subsection 2, paragraph A or subsection  
12       3 applies prior to July 1, 1993. The commissioner may establish  
13       a schedule for compliance with those provisions. The schedules  
14       must be as short as practicable and the commissioner may not  
15       establish a schedule that extends beyond July 1, 1995. The  
16       commissioner may establish interim and final dates for  
17       compliance. The commissioner shall base the schedules on a  
18       consideration of:

19               A. The technological feasibility, availability of equipment  
20               and economic impact of the steps necessary for compliance;  
21               and

22               B. The impact of the discharge on the existing and  
23               designated uses of the receiving waters.

24       5. Interstate waters. For the purposes of the  
25       commissioner's responsibilities under the Federal Water Pollution  
26       Control, Public Law 92-500, Section 401(a)(2), as amended, the  
27       commissioner shall find that the discharge of color pollution in  
28       excess of the standard established under subsection 2, paragraph  
29       A, into any surface water that subsequently enters the State  
30       affects the quality of the State's waters so as to violate the  
31       water quality requirements of the State.

32       6. Monitoring established; commissioner's report. The  
33       commissioner shall incorporate as part of the department's  
34       ongoing water quality monitoring program, monitoring of color,  
35       odor and foam pollutants. The commissioner shall report to the  
36       joint standing committee of the Legislature having jurisdiction  
37       over natural resources matters on the progress achieved to meet  
38       the requirements of this section. The commissioner shall  
39       determine whether the standards established under this section  
40       permit the attainment of the designated uses of the surface  
41       waters receiving discharges from kraft pulp mills. If these  
42       designated uses are not being attained, the commissioner shall  
43       recommend standards sufficient to attain these uses and an  
44       estimate of any further costs required to implement the  
45       recommended standards. As part of this report, the commissioner  
46       shall hold hearings within each river basin affected by the  
47       discharge of color, odor and foam pollutants. The report must be  
48       given to the joint standing committee of the Legislature having  
49       jurisdiction over natural resources matters.

P. of S.

2 jurisdiction over natural resources matters on or before January  
3 1, 1994, and periodically thereafter as part of the review of  
4 water quality classifications under section 464, subsection 3,  
5 paragraph B.

6 Sec. 2. 38 MRSA §466, sub-§§2-A and 9-C are enacted to read:

8 2-A. Color pollution unit. "Color pollution unit" means  
9 that measure of water color derived from comparison with a  
10 standard measure prepared according to the specifications of the  
11 current edition of "Standard Methods for Examination of Water and  
12 Wastewater," adopted by the United States Environmental  
13 Protection Agency, or an equivalent measure.

14 9-C. Pounds per ton as unit of measure. "Pounds per ton"  
15 means the unit for measurement of color in the discharge from the  
16 production of wood pulp. The numerator of this unit is the  
17 product of the number of color pollution units multiplied by 8.34  
18 multiplied by the volume of effluent discharged measured in  
19 millions of gallons. The denominator of this unit is measured in  
20 tons of actual production of unbleached wood pulp as measured on  
21 an air dried basis.'

24  
26 **STATEMENT OF FACT**

28 The purpose of this amendment is to reduce color, odor and  
30 foam pollution in the State's rivers by establishing a best  
32 practicable treatment standard for new and existing mills and by  
34 establishing individual and cumulative color pollution ambient  
36 water quality standards for wastewater discharges into surface  
38 waters. This amendment establishes July 1, 1993, as the deadline  
for compliance with these new standards and provides for  
conditional extensions for compliance until July 1, 1995.

38 (Senator PEARSON)  
40 SPONSORED BY: Michael Pearson

42 COUNTY: Penobscot

44 Reproduced and Distributed Pursuant to Senate Rule 12.  
(4/6/90) (Filing No. S-669)