

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1833

H.P. 1358

House of Representatives, January 27, 2004

An Act To Amend Water Quality Laws To Aid in Wild Atlantic Salmon Restoration

Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative KOFFMAN of Bar Harbor. (GOVERNOR'S BILL)
Cosponsored by Senator MARTIN of Aroostook and
Representatives: DAIGLE of Arundel, DUNLAP of Old Town, KAELIN of Winterport,
PERCY of Phippsburg, PINGREE of North Haven, Senators: DAMON of Hancock, HALL of
Lincoln, SAWYER of Penobscot.

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

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Sec. 1. 38 MRSA §465, sub-§1, ¶C, as amended by PL 1999, c. 243, §8, is further amended to read:

C. There may be no direct discharge of pollutants to Class AA waters, except storm water discharges that are in compliance with state and local requirements. A discharge to these waters for the purpose of restoring a river or tributary that is or was populated with Atlantic salmon to a state that is closer to its historically natural physical, chemical and biological quality is allowed if approved by the department.

Sec. 2. 38 MRSA §465, sub-§2, ¶C, as amended by PL 2003, c. 318, §3, is further amended to read:

~~C. Direct~~ Except as provided in this paragraph, direct discharges to these waters licensed after January 1, 1986, are permitted only if, in addition to satisfying all the requirements of this article, the discharged effluent will be equal to or better than the existing water quality of the receiving waters. A discharge to these waters for the purpose of restoring a river or tributary that is or was populated with Atlantic salmon to a state that is closer to its historically natural physical, chemical and biological quality, if approved by the department, is allowed, and, in such cases, the discharged effluent need not be equal to or better than the existing water quality of the receiving waters. Prior to issuing a discharge license, the department shall require the applicant to objectively demonstrate to the department's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available. Discharges into waters of this classification licensed prior to January 1, 1986, are allowed to continue only until practical alternatives exist. This paragraph does not apply to the discharge of storm water.

SUMMARY

The purpose of this bill is to aid in the restoration of wild Atlantic salmon in the State. This bill allows discharges into state waters for the purpose of restoring rivers or tributaries to a state that is closer to their historically natural physical, chemical and biological qualities.