

MAINE STATE LEGISLATURE

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L.D. 2032

(Filing No. H-541)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1440, L.D. 2032, Bill, "AN ACT to Clarify the Application of Water Quality Standards to Hydroelectric Projects."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'38 MRSA §363-C is enacted to read:

§363-C. Water quality certification of hydropower projects or impoundments

In evaluating requests for water quality certification for proposed hydropower projects pursuant to section 401 of the Federal Water Pollution Control Act, the board shall apply the following provisions.

Where the board determines that the impoundment of the proposed hydropower project will become thermally stratified, causing the dissolved oxygen concentrations in the lower portions of the water column, known as the hypolimnion, to fall below the water quality standards of the existing classification, those waters will not be considered to be failing to attain their classification on account of that condition, provided that the dissolved oxygen concentrations in the upper portions of the stratified impoundment, known as the epilimnion, will meet or exceed the applicable dissolved oxygen standard of the existing classification for that water in addition to all other applicable water quality standards.'

COMMITTEE AMENDMENT "A" to H.P. 1440, L.D. 2032

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STATEMENT OF FACT

2 The purpose of this amendment is to provide a
3 reasonable, administrative procedure for dealing with
4 the ambiguity of the existing water quality standards
5 when applied to hydroelectric proposals. This proce-
6 dure will allow hydroelectric developments to be ap-
7 proved when the dissolved oxygen characteristics of
8 the proposed impoundment are "lake-like" so long as
9 all other provisions of the hydrolicensing and water
10 quality laws are met.

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Reported by the Minority of the Committee on Energy and Natural Resources
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