

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2032

7 H.P. 1440

House of Representatives, February 18, 1986

8 Referred to the Committee on Energy and Natural Resources. Sent up
9 for concurrence and ordered printed. Ordered sent forthwith.

EDWIN H. PERT, Clerk

10 Presented by Representative Vose of Eastport.

Cosponsored by Senator Usher of Cumberland, Representative Paradis of
Old Town and Senator Perkins of Hancock.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Clarify the Application of Water
18 Quality Standards to Hydroelectric
19 Projects.
20

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

23 Sec. 1. 38 MRSA §363-C is enacted to read:

24 §363-C. Standards of classification for certain hy-
25 droelectric impoundments

26 For hydroelectric impoundments constructed after
27 the effective date of this section that will stratify
28 thermally, the classification shall become GP-A upon
29 stratification of the impoundment. Construction of
30 the project shall be conditional on receipt of all
31 state and federal permits. For the purposes of water
32 quality certification the waters of the impoundment
33 shall be considered to be meeting their classifica-
34 tion if they will meet the standards of classifica-
35 tion for Class GP-A.

1 Sec. 2. 38 MRSA §371-A, sub-§2, as amended by PL
2 1981, c. 153, §3, is further amended to read:

3 2. Existing discharges. Existing licensed dis-
4 charges to Class GP-A and GP-B great ponds will be
5 allowed to continue until practical alternatives ex-
6 ist, but no new discharges will be permitted to Class
7 GP-A and GP-B great ponds after October 24, 1977, ex-
8 cept that any discharge that becomes a discharge to a
9 great pond after that date by operation of section
10 363-C will also be allowed to continue until practi-
11 cal alternatives exist.

12 Sec. 3. 38 MRSA §392, sub-§1, as amended by PL
13 1983, c. 566, §13, is further amended to read:

14 1. Great pond. "Great pond" shall include any
15 inland body of water which in its natural state has a
16 surface area in excess of 10 acres, and any body of
17 water artificially formed or increased which has a
18 surface area in excess of 30 acres, and any hydro-
19 electric impoundment classified pursuant to section
20 363-C.

21 STATEMENT OF FACT

22 This bill makes it clear that in evaluating new
23 hydroelectric impoundments that will have the charac-
24 teristics of lakes, the Class GP-A standards shall be
25 applied to determine whether the impoundment will
26 meet state water quality standards. Once a project
27 has received all necessary state and federal permits,
28 the project has been constructed and the impoundment
29 has filled and stratified, this provision automati-
30 cally reclassifies the impoundment GP-A. This bill
31 ensures that hydroelectric projects will not be de-
32 nied water quality certification solely because the
33 dissolved oxygen in parts of the impoundment may fall
34 below river standards. Water quality in the impound-
35 ment will be measured against the great pond stan-
36 dards more appropriate to stratified impoundments.

37 Other provisions related to great ponds are
38 amended to be consistent with this provision. Sec-
39 tion 2 makes clear that an existing discharge to a

1 river that becomes a discharge to a great pond by op-
2 eration of the Maine Revised Statutes, Title 38, sec-
3 tion 363-C will be allowed to continue until practi-
4 cal alternatives exist. Under the Maine Revised
5 Statutes, Title 38, section 363-C, the impoundment
6 with the existing discharge would have to meet GP-A
7 standards in order for the hydroelectric project to
8 receive water quality certification.

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