

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1475

H.P. 1084 House of Representatives, May 8, 1987
Submitted by the Department of Environmental Protection
pursuant to Joint Rule 24.

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

EDWIN H. PERT, Clerk
Presented by Representative DEXTER of Kingfield.

Cosponsored by Representative HOLLOWAY of Edgecomb and
Senator USHER of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Prohibit Certain Wastewater
2 Discharges to the Waters of the State.
3

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

6 38 MRSA §464, sub-§4, ¶A, as enacted by PL 1985,
7 c. 698, §15, is amended to read:

8 A. Notwithstanding section 414-A, the board
9 shall not issue a water discharge license for any
10 of the following discharges:

11 (1) Direct discharge of pollutants to wa-
12 ters having a drainage area of less than 10
13 square miles, except that discharges into
14 these waters which were licensed prior to
15 January 1, 1986, shall be allowed to contin-

1 ue only until practical alternatives exist;

2 (2) New direct discharge of domestic
3 pollutants to tributaries of Class-GPA wa-
4 ters;

5 (3) Any discharge into a tributary of GPA
6 waters which, by itself or in combination
7 with other activities, causes water quality
8 degradation which would impair the charac-
9 teristics and designated uses of down-
10 stream GPA waters or causes an increase in the
11 trophic state of those GPA waters;

12 (4) Discharge of pollutants to waters of
13 the State which imparts color, taste,
14 turbidity, toxicity, radioactivity or other
15 properties which cause those waters to be
16 unsuitable for the designated uses and char-
17 acteristics ascribed to their class; and

18 (5) Discharge of pollutants to any water of
19 the State which violates sections 465, 465-A
20 and 465-B, except as provided in section
21 451; causes the "pH" of fresh waters to fall
22 outside of the 6.0 to 8.5 range; causes the
23 "pH" of estuarine and marine waters to fall
24 outside of the 7.0 to 8.5 range; or causes
25 fish for human consumption to be injurious
26 to human health as determined by the United
27 States Food and Drug Administration under
28 the procedures established by United States
29 Code, Title 21, section 342 or as determined
30 by the Department of Human Services. The
31 Department of Human Services shall establish
32 a protocol for determining risk in these
33 situations. The protocol shall be promul-
34 gated as a rule in accordance with the Maine
35 Administrative Procedure Act, Title 5, chap-
36 ter 375-; and

37 (6) New discharges to the surface waters of
38 domestic pollutants which are not conveyed
39 or treated in municipal or quasi-municipal
40 sewerage facilities. Existing discharges of
41 domestic pollutants may continue until prac-
42 tical alternatives exist.

1

STATEMENT OF FACT

2 One of the consequences of rapid growth in Maine
3 has been a proliferation of small domestic waste wa-
4 ter disposal systems which discharge into the inland
5 and coastal surface waters of the State. This has
6 led to a number of problems. Chlorine used to disin-
7fect such discharges can have relatively severe ef-
8fects within small streams where aquatic species may
9 be sensitive and there is little opportunity for
10 dilution. Similar chlorine toxicity problems can
11 arise in sheltered coves where there is poor dilution
12 and flushing.

13 On the other hand, the uncertainty of disinfec-
14 tion by homeowners and individual business owners re-
15 sults in the risk of bacterial contamination of
16 shellfish areas. To protect public health, the De-
17 partment of Marine Resources is compelled to close
18 areas that receive such discharges to the taking of
19 shellfish. In response to the tremendous development
20 pressures along Maine's coast, the Department of En-
21 vironmental Protection has tended to issue domestic
22 waste water discharge licenses in areas already
23 closed to the taking of shellfish. The unintended
24 result has been to push the eventual reopening of
25 these potentially very valuable shellfisheries fur-
26 ther into the future.

27 This bill prohibits new discharges of domestic
28 waste water into inland and coastal surface waters of
29 Maine. It will reduce adverse impacts on
30 shellfishing, aquaculture and contact recreation uses
31 of the state waters due to the combined risks of
32 bacterial and viral contamination and chlorine
33 toxicity.

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