

MAINE STATE LEGISLATURE

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L.D. 1970

(Filing No. H-1067)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" 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 bill by striking out everything after the enacting clause and before the statement of fact 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.

2 3. Alternative means of compliance. A discharge subject to
3 this section is not in violation of this section if it is in
4 compliance with the water quality standards for color pollution
5 under section 465.

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7 4. Schedule of compliance. No standard for color pollution
8 control established under subsection 2, paragraph A or section
9 465 applies prior to July 1, 1993. The commissioner may
10 establish a schedule for compliance with those provisions. The
11 schedules must be as short as practicable and the commissioner
12 may not establish a schedule that extends beyond July 1, 1995.
13 The commissioner may establish interim and final dates for
14 compliance. The commissioner shall base the schedules on a
15 consideration of:

16 A. The technological feasibility, availability of equipment
17 and economic impact of the steps necessary for compliance;
18 and

19 B. The impact of the discharge on the existing and
20 designated uses of the receiving waters.

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22 5. Interstate waters. For the purposes of the
23 commissioner's responsibilities under the Federal Water Pollution
24 Control Act, Public Law 92-500, Section 401(a)(2), as amended,
25 the commissioner shall find that the discharge of color pollution
26 in excess of the standard established under subsection 2,
27 paragraph A or section 465 into any surface water that
28 subsequently enters the State affects the quality of the State's
29 waters so as to violate the water quality requirements of the
30 State.

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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 resource 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 and section 465 permit the attainment of the designated uses of
41 the surface waters receiving discharges from kraft pulp mills.
42 If these designated uses are not being attained, the commissioner
43 shall 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 resource matters on or before January
50 1, 1994, and periodically thereafter as part of the review
51 of the standards.

of water quality classifications under section 464, subsection 3, paragraph B.

Sec. 2. 38 MRSA §464, sub-§4, ¶H is enacted to read:

H. Notwithstanding any provision of section 465, a discharge in compliance with the provisions of section 414-C, subsection 2, meets the water quality standards for color pollutants.

Sec. 3. 38 MRSA §465, sub-§3, ¶C, as enacted by PL 1985, c. 698, §15, is amended to read:

C. Discharges to Class B waters shall may not cause adverse impact to aquatic life in that the receiving waters shall must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community. An individual waste discharge may not increase the color of a Class B water by more than 17 color pollution units. The total increase in color pollution units caused by all discharges to a Class B water must be less than 34 color pollution units.

Sec. 4. 38 MRSA §465, sub-§4, ¶C, as enacted by PL 1985, c. 698, §15, is amended to read:

C. Discharges to Class C waters may cause some changes to aquatic life, provided that the receiving waters shall-be are of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community. An individual waste discharge may not increase the color of a Class C water by more than 20 color pollution units. The total increase in color pollution units caused by all discharges to a Class C water must be less than 40 color pollution units.

Sec. 5. 38 MRSA §466, sub-§§2-A and 9-C are enacted to read:

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

9-C. Pounds per ton as unit of measure. "Pounds per ton" means the unit for measurement of color in the discharge from the production of wood pulp. The numerator of this unit is the product of the number of color pollution units multiplied by 8.34 multiplied by the volume of effluent discharged measured in

2 millions of gallons. The denominator of this unit is measured in
3 tons of actual production of unbleached wood pulp as measured on
4 an air dried basis.

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FISCAL NOTE

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It is anticipated that any costs associated with this legislation would be absorbed by the Department of Environmental Protection utilizing existing resources.'

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STATEMENT OF FACT

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The purpose of this amendment is to reduce color, odor and foam pollution in the State's rivers by establishing a best practicable treatment standard for new and existing mills and by establishing individual and cumulative color pollution ambient water quality standards for wastewater discharges into surface 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.

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This amendment will allow implementation of the requirements of existing law that direct the Board of Environmental Protection to deny a license to any waste water discharge "which imparts color... which cause(s) those waters to be unsuitable for the designated uses and characteristics ascribed to their class."

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Reported by Report A of the Committee on Energy and Natural Resources
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