

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2292

H.P. 1656

House of Representatives, February 7, 1990

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative STEVENS of Sabattus.

Cosponsored by Representative AIKMAN of Poland, Senator WEYMOUTH of Kennebec and Representative AULT of Wayne.

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STATE OF MAINE

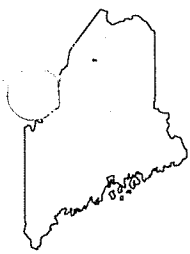
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

---

An Act to Reduce Color, Odor and Foam in Maine Rivers.

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

2  
4           **Sec. 1. 38 MRSA §361-A, sub-§3-A** is enacted to read:

6           **3-A. New sources of color.** "New sources of color" means  
8           any kraft pulping facility at a site from which there is or may  
10           be the discharge of pollutants, the construction of which site is  
          commenced after the effective date of this subsection and which  
          site has never received a waste discharge license for any  
          discharge from that site.

12           **Sec. 2. 38 MRSA §414-A, sub-§1, ¶D,** as amended by PL 1979, c.  
14           444, §5, is further amended to read:

16           D. The discharge will be subject to effluent limitations  
18           which require application of the best practicable  
20           treatment. "Effluent limitations" means any restriction or  
22           prohibition including, but not limited to, effluent  
24           limitations, standards of performance for new sources, toxic  
26           effluent standards and other discharge criteria regulating  
28           rates, quantities and concentrations of physical, chemical,  
30           biological and other ~~constitutes~~ constituents which are  
32           discharged directly or indirectly into waters of the State.  
34           "Best practicable treatment" means the methods of reduction,  
36           treatment, control and handling of pollutants, including  
38           process methods, and the application of best conventional  
40           pollutant control technology or best available technology  
42           economically achievable, for a category or class of  
          discharge sources which the board determines are best  
          calculated to protect and improve the quality of the  
          receiving water and which are consistent with the  
          requirements of the Federal Water Pollution Control Act, as  
          amended, except that best practicable treatment for color  
          control for new sources of color from the kraft pulping  
          process is the discharge of less than 75 pounds of color per  
          ton of unbleached pulp produced. In determining best  
          practicable treatment for each such category or class, the  
          board shall consider the then existing state of technology,  
          the effectiveness of the available alternatives for control  
          of the type of discharge and the economic feasibility of  
          such those alternatives; and

44           **Sec. 3. 38 MRSA §414-A, sub-§2-A** is enacted to read:

46           **2-A. Compliance with color standards.** The board may make a  
48           finding of compliance with the color standards of the assigned  
50           classification for existing sources if the discharge is subject  
52           to best achievable control technology. The commissioner may  
          establish best achievable control technology for an individual  
          kraft pulping process discharger, but the allowable discharge may  
          not be greater than 160 pounds of color per ton of unbleached  
          pulp produced. Best achievable control technology must be

2 reviewed by the department during 1994 and every 5 years  
4 thereafter. The department may modify what constitutes best  
6 achievable control technology by regulation, to reflect the state  
8 of technology then existing and the economic feasibility for  
10 those controls.

12 **Sec. 4. 38 MRSA §464, sub-§4, ¶D,** as enacted by PL 1985, c.  
14 698, §15, is amended to read:

16 D. ~~For the purpose of computing whether a~~ compliance with  
18 the color standards of a water body classification or  
20 effluent discharge will violate the classification of any  
22 river or stream limitation, color is measured as true color,  
24 and the assimilative capacity of the river or stream shall  
26 must be computed using the minimum 7-day low flow which can  
28 be expected to occur with a frequency of once in 10 years.

30 **Sec. 5. 38 MRSA §464, sub-§9** is enacted to read:

32 **9. Time schedule for color standard compliance.** Except as  
34 provided in paragraph A, every person, firm, corporation or other  
36 entity discharging into the waters of the State shall comply with  
38 the color standards established under this section by July 1,  
40 1992.

42 A. The commissioner may establish a schedule for compliance  
44 with the provisions of this subsection for waste water  
46 discharges licensed and in existence prior to July 1, 1989.  
48 The schedules must be as short as practical and the  
50 commissioner may not establish a schedule that extends  
beyond July 1, 1995. The commissioner may establish interim  
and final dates for compliance. The commissioner shall base  
the schedules on a consideration of:

(1) The technological feasibility, availability of  
equipment and economic impact of the steps necessary  
for compliance; and

(2) The impact of the discharge on the existing and  
designated uses of the receiving waters.

42 **Sec. 6. 38 MRSA §465, sub-§3, ¶C,** as enacted by PL 1985, c.  
44 698, §15, is amended to read:

46 C. Discharges to Class B waters shall must not cause  
48 adverse impact to aquatic life in that the receiving waters  
50 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 15 color units. The total

2 increase in color units caused by all discharges to a Class  
3 B water must be less than 30 color units.

4 Sec. 7. 38 MRSA §465, sub-§4, ¶C, as enacted by PL 1985, c.  
5 698, §15, is amended to read:

6  
7 C. Discharges to Class C waters may cause some changes to  
8 aquatic life, provided that the receiving waters shall be  
9 are of sufficient quality to support all species of fish  
10 indigenous to the receiving waters and maintain the  
11 structure and function of the resident biological  
12 community. An individual waste discharge may not increase  
13 the color of a Class C water by more than 18 color units.  
14 The total increase in color units caused by all discharges  
15 to a Class C water must be less than 40 color units.

16 Sec. 8. 38 MRSA §466, sub-§2-A is enacted to read:

17  
18 2-A. Color unit. "Color unit" means that measure of water  
19 color derived from comparison with a standard measure prepared  
20 according to the specifications of the current edition, adopted  
21 by the United States Environmental Protection Agency, of  
22 "Standard Methods for Examination of Water and Wastewater" or its  
23 equivalent.

## 26 27 STATEMENT OF FACT

28  
29 The purpose of this bill is to reduce color, odor and foam  
30 in the State's rivers by establishing individual and cumulative  
31 color standards for waste water discharges into surface waters.  
32 The bill establishes July 1, 1992, as the deadline for compliance  
33 with these new standards and provides for conditional extensions  
34 for compliance until July 1, 1995.

35  
36 The bill establishes technology-based color standards for  
37 new sources of color and water quality standards for Class B and  
38 Class C waters for both single point sources and multiple point  
39 sources on a common receiving water.

40  
41 The bill also authorizes the Commissioner of Environmental  
42 Protection to establish compliance schedules for existing sources  
43 of color based on equipment availability and other technological,  
44 economic and environmental factors. These compliance schedules  
45 may not extend beyond July 1, 1995.