

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2097

H.P. 1485

House of Representatives, January 7, 1992

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.

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

EDWIN H. PERT, Clerk

Presented by Representative MARSH of West Gardiner.  
Cosponsored by Representative MICHAUD of East Millinocket.

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STATE OF MAINE

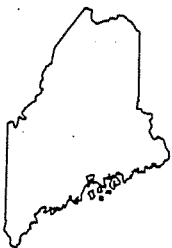
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

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**An Act to Implement a Toxic Control Strategy for Maine Waters.**

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

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4       **Sec. 1. 38 MRSA §420-A**, as amended by PL 1991, c. 66, Pt. A, §9 and affected by §43, is repealed.

6       **Sec. 2. 38 MRSA §420-B** is enacted to read:

8       **§420-B Toxics monitoring program**

10       In order to determine the nature of toxic contamination in the waters and fisheries of the State, the department shall conduct a one-year monitoring program as described in this section.

14       **1. Toxics defined.** As used in this section, the term "toxics" means any chlorinated organic compound or other toxic compound as listed in the United States Environmental Protection Agency water quality criteria.

20       **2. Monitoring locations and subjects.** The department shall:

22       **A.** Select a representative sample of wastewater treatment plant effluents from municipal wastewater treatment plants, bleached pulp mills and other industries in the State. These facilities must be selected on the basis of known or likely toxic contamination of their discharged effluent. The total number of facilities may not exceed 100;

28       **B.** Sample and test the effluents of these facilities for toxic contamination at least once during each month of the year. The department shall specify which toxics will be analyzed; and

34       **C.** Sample and test for toxics contamination a selection of fish representative of those species present in the receiving waters. Sufficient numbers of fish must be analyzed to provide a reasonable estimate of the level of contamination in the population of each water body affected.

40       **3. Coordination of monitoring.** The commissioner shall coordinate the monitoring program established under this section with other toxic monitoring programs conducted by the department, the United States Environmental Protection Agency or dischargers of wastewater and other programs determined relevant. The commissioner shall seek to integrate the results of these other programs, as relevant, into the reports required by this section.

48       **4. Fees assessed.** The commissioner shall assess the selected facilities for the costs of sample collection and analysis. Fees received under this section must be credited to

2 the Maine Environmental Protection Fund. Payment of these fees  
3 is a condition of the discharge license issued under this Title  
4 for continued operation of the selected facilities.

5 5. Discharge limitations. Information gained during the  
6 toxics study may be used to determine allowable effluent  
7 concentration of discharges of toxic substances to the State's  
8 waters. Discharge limitation must be established and required in  
9 accordance with Title 38, sections 413 and 420.

10 **Sec. 3. Report.** The department shall report by December 31,  
11 1993, on the results of the monitoring program under Title 38,  
12 §420-B to the joint standing committee of the Legislature having  
13 jurisdiction over natural resources. The final report must  
14 contain the department's conclusions as to the levels of toxics  
15 contamination in the sample subjects and the likely scope of  
16 toxics contamination in the State's waters.

17 **Sec. 4. Allocation.** The following funds are allocated from the  
18 Maine Environmental Protection Fund to carry out the purposes of  
19 this Act.

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21  
22 **1992-93**

23  
24 **ENVIRONMENTAL PROTECTION,**  
25 **DEPARTMENT OF**

26  
27 **Water Quality Control**

28  
29 All Other \$1,000,000

30  
31 Provides funds to conduct the  
32 toxics monitoring program in  
33 Maine rivers.

34  
35  
36 **STATEMENT OF FACT**

37  
38 This bill provides funds to enable the Department of  
39 Environmental Protection to collect wastewater discharges and  
40 fish taken from surface waters associated with wastewater  
41 discharges. These samples will be analyzed in order to assess  
42 levels of toxic pollutants being discharged to the waters of the  
43 State. Waste discharges associated with the use of chlorine may  
44 result in the formation or discharge of complex chlorinated  
45 compounds that may have toxic environmental effects if their  
46 concentrations in rivers and streams are excessive. The bill is  
47 an extension of legislative efforts to assess the impact of  
48 dioxin discharges in Maine waters. Costs of sampling and  
49 analysis are assessed to selected industrial and municipal  
50 wastewater treatment plants that have been shown in previous  
51 studies to discharge chemicals such as dioxin or other toxics.  
52