

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

Legislative Document

No. 2237

S.P. 876

In Senate, January 28, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator TITCOMB of Cumberland  
Cosponsored by Representative MARSH of West Gardiner and Representative LUTHER of  
Mexico.

STATE OF MAINE

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

**An Act to Implement a Comprehensive Ambient Toxics Monitoring  
Program.**



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

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Sec. 1. 38 MRSA §352, sub-§2, ¶F is enacted to read:

F. An annual monitoring fee is assessed to implement an ambient water toxics monitoring program as described in section 420-B.

Sec. 2. 38 MRSA §352, sub-§5-C is enacted to read:

5-C. Monitoring fees. Annual monitoring fees are assessed as follows to implement an ambient water toxics monitoring program under section 420-B.

<u>TITLE 38</u>	<u>MONITORING</u>
<u>SECTION</u>	<u>FEES</u>
<u>413, Waste discharge license</u>	
<u>A. Residential</u>	<u>\$ 2</u>
<u>B. Commercial</u>	
<u>1. Flow of less than</u>	
<u>2,000 gallons per day</u>	<u>155</u>
<u>2. Flow of 2,000 to</u>	
<u>20,000 gallons per</u>	
<u>day inclusive</u>	<u>326</u>
<u>3. Flow of greater</u>	
<u>than 20,000 gallons</u>	
<u>per day</u>	<u>864</u>
<u>C. Industrial minor</u>	
<u>(based on EPA list</u>	
<u>of major and minor</u>	
<u>source discharges)</u>	
<u>1. Discharges of</u>	<u>65</u>
<u>cooling water,</u>	
<u>sanitary wastewater</u>	
<u>or treated storm water</u>	
<u>only</u>	
<u>2. All others</u>	<u>938</u>
<u>D. Industrial major</u>	
<u>(based on EPA list of</u>	
<u>major source discharges)</u>	
<u>1. Discharge of</u>	<u>1,104</u>
<u>cooling water or</u>	
<u>sanitary wastewater</u>	
<u>only</u>	
<u>2. All others</u>	<u>3,087</u>
<u>E. Publicly owned</u>	
<u>treatment works</u>	
<u>1. Flow of less</u>	<u>5</u>
<u>than or equal to</u>	
<u>50,000 gallons per</u>	

2	<u>day and no significant</u>	
	<u>industrial component</u>	
4	<u>2. Flow of greater</u>	<u>38</u>
	<u>than 50,000 gallons</u>	
6	<u>per day, but less</u>	
	<u>than 0.5 million</u>	
8	<u>gallons per day and</u>	
	<u>no significant</u>	
	<u>industrial component</u>	
10	<u>3. Flow of at least</u>	<u>229</u>
	<u>0.5 million gallons</u>	
12	<u>per day, but less</u>	
	<u>than 5 million</u>	
14	<u>gallons per day and</u>	
	<u>no significant</u>	
16	<u>industrial component</u>	
	<u>4. Flow of at least</u>	<u>542</u>
18	<u>5 million gallons per</u>	
	<u>day or a significant</u>	
20	<u>industrial component</u>	
	<u>F. Special discharges</u>	
22	<u>1. Aquatic pesticides</u>	
	<u>2. Dredge spoils</u>	

Sec. 3. 38 MRSA §420-B is enacted to read:

**§420-B. Ambient water toxics monitoring program**

1. Monitoring program established. The department shall implement an ambient water toxics monitoring program for waters throughout the State on an ongoing basis to:

A. Characterize water resources and identify water quality trends and problems, such as ambient levels of toxics that may have an adverse impact on aquatic life or human health;

B. Develop water quality management priorities and plans that direct pollution control resources toward the most significant water quality problems;

C. Develop and implement water quality management programs, such as establishing license limits for point sources; and

D. Evaluate the effectiveness of management action to reveal instances where enforcement action, tighter controls or different approaches may be warranted.

2. Funding. Annual monitoring fees collected under section 352, subsection 5-C for those facilities licensed under section 413 must be used to support the ambient water toxics monitoring program.

2 3. Elements of program. The ambient water toxics  
monitoring program must include:

4 A. The collection and laboratory analysis of fish tissue  
6 and sediment for the types and concentrations of toxic  
substance;

8 B. The collection and laboratory analysis of ambient water  
10 column samples, including, but not limited to, chemical  
specific and whole effluent toxicity analysis; and

12 C. Biomonitoring.

14 4. Sample sites. In identifying sample sites, the  
16 department shall select sample locations in at least all of the  
major drainage basins and take into account the number and types  
18 of wastewater discharges in determining the periodicity of  
sampling and types of monitoring at sites.

20 5. Use of data. The data collected through the ambient  
22 water toxics monitoring program must be used to assist the  
department in implementing section 420 to supplement data on the  
24 toxic substances contained in and the overall toxicity of  
wastewater discharges collected through wastewater licenses and  
26 to assist the State in identifying toxic hot spots in the State's  
rivers.

### STATEMENT OF FACT

30 This bill establishes an ambient water toxics monitoring  
32 program within the Department of Environmental Protection, Bureau  
of Water Quality Control to periodically sample and analyze the  
34 water quality, sediments and fish species in Maine's rivers at  
risk from toxic pollution. This ongoing monitoring program  
36 assists the department in identifying the impacts of toxic  
substances on the environment and their risks to human health and  
38 in measuring the effectiveness of controls to prevent the  
discharge of toxic substances into the State's surface waters.

40 This program is funded solely through wastewater discharge  
42 monitoring fees assessed according to the nature and amount of  
wastewater discharge.