

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1721, L.D. 2407, Bill, "An Act to Amend the Date for Compliance with the State's River 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, sub-§§4-A and 4-B are enacted to read:

4-A. Compliance deadlines. Notwithstanding subsection 4, the schedule for compliance with this section is governed by this subsection. On or before July 1, 1994, the commissioner shall determine whether or not any proposed revisions published in the Federal Register and currently under consideration by the federal Environmental Protection Agency to existing effluent limitation guidelines for the pulp and paper industry under the federal Clean Water Act, 33 United States Code, Sections 1311(b) and 1314(b) are equal to or more stringent in their cumulative effect than the requirements of this section.

A. If the commissioner makes this determination in the affirmative, kraft pulp mills licensed and in existence prior to July 1, 1989 must be in compliance with subsection 2, paragraph A or subsection 3 on or before July 1, 1998 unless the revisions adopted by the federal Environmental Protection Agency require earlier compliance.

B. If the commissioner makes no determination or the federal Environmental Protection Agency has not published any proposed effluent limitation guideline revisions for the pulp and paper industry by July 1, 1994 or the commissioner makes the determination in the negative, kraft pulp mills licensed and in existence prior to July 1, 1989 must be in compliance with subsection 2, paragraph A or subsection 3 on or before December 1, 1996.

2 Upon making the determination, the commissioner shall submit a
4 written report to the joint standing committee of the Legislature
having jurisdiction over natural resources matters that includes
6 a written justification of the reasons for the determination.

8 4-B. Progress report. On or before March 31, 1993, the
10 commissioner shall report in writing to the joint standing
12 committee of the Legislature having jurisdiction over natural
14 resources matters on the actual level of performance of each
16 kraft pulp mill in comparison with the standards under subsection
2, paragraph A or subsection 3. The commissioner may require a
person holding a waste discharge license for a kraft pulp mill
under section 413 to submit information as necessary to make the
evaluation required under this subsection.

18 FISCAL NOTE

20 The Department of Environmental Protection will incur some
22 minor additional administrative costs to implement this bill
24 including submitting a progress report to the Joint Standing
Committee on Energy and Natural Resources. These costs can be
absorbed within the department's existing budgeted resources.'

26 STATEMENT OF FACT

28 This amendment replaces the original bill. The amendment
30 defers compliance with the color pollution standards by a minimum
of one and a half years and a maximum of 5 years depending on the
32 progress of the federal Environmental Protection Agency in
adopting new, comprehensive air, water and solid waste pollution
34 standards for pulp and paper mills and the substantive effect of
these proposed revisions.

36 The Commissioner of Environmental Protection is directed to
38 evaluate the federal proposals by July 1, 1994. If the
commissioner determines that the Federal Government has proposed
40 revised pollution standards for pulp and paper mills that would
result in the overall control of water pollution effluent at each
42 mill to a level that would meet Maine color pollution standards,
whether or not the federal proposal includes an actual color
44 standard, compliance with the state standards is deferred until
1998, consistent with the expected federal compliance schedule.
46 If the commissioner determines that the federal proposals will
not result in compliance with state color pollution standards,
48 kraft pulp mills in Maine must comply with the state standards by
December 1, 1996. This is also the compliance date in the event
50 that the commissioner makes no determination or the Federal

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2 Government issues no proposed revisions to its pollution
standards for pulp and paper mills.

4 The amendment also requires the commissioner to report to
6 the Legislature in 1993 on the level of progress toward meeting
state color pollution standards.

8 This amendment also adds a fiscal note to the bill.

Reported by the Committee on Energy and Natural Resources
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COMMITTEE AMENDMENT