

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1019

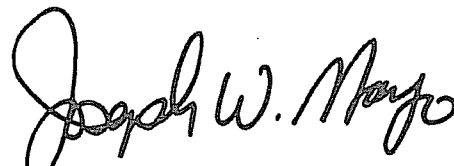
H.P. 752

House of Representatives, March 25, 1993

**An Act to Establish a Monthly Average Dissolved Oxygen Standard for Class C Waters.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative ANDERSON of Woodland.  
Cosponsored by Senator VOSE of Washington and  
Representatives: GOULD of Greenville, LORD of Waterboro.

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

2  
3 Sec. 1. 38 MRSA §465, sub-§4, ¶B, as affected by PL 1989, c.  
4 890, Pt. A, §40 and amended by Pt. B, §63, is further amended to  
5 read:

6  
7 B. The dissolved oxygen content of Class C water may be not  
8 less than 5 parts per million or 60% of saturation,  
9 whichever is higher, ~~except that in~~. In identified salmonid  
10 spawning areas where water quality is sufficient to ensure  
11 spawning, egg incubation and survival of early life stages,  
12 that water quality sufficient for these purposes must be  
13 maintained. For purposes of applying a 30-day average  
14 criterion for protection of other salmonid life stages, a  
15 dissolved oxygen content of no more than 5.5 parts per  
16 million must be used. Between May 15th and September 30th,  
17 the number of Escherichia coli bacteria of human origin in  
18 these waters may not exceed a geometric mean of 142 per 100  
19 milliliters or an instantaneous level of 949 per 100  
20 milliliters. The board shall ~~promulgate~~ adopt rules  
21 governing the procedure for designation of spawning areas.  
22 Those rules must include provision for periodic review of  
23 designated spawning areas and consultation with affected  
24 persons prior to designation of a stretch of water as a  
25 spawning area.

26  
27  
28 STATEMENT OF FACT

29  
30 Under current law, discharges to Class C waters may cause  
31 some changes to aquatic life as long as the receiving waters are  
32 of sufficient quality to support all species of fish indigenous  
33 to the receiving waters and to maintain the structure and  
34 function of the resident biological community. At a minimum,  
35 Class C waters may not have a dissolved oxygen content of less  
36 than 5 parts per million or 60% of saturation, whichever is  
37 higher. In identified salmonid spawning areas, in order to  
38 protect the embryo and larval stages of salmonids, a higher  
39 dissolved oxygen concentration may be required. In determining  
40 the appropriate dissolved oxygen levels, the Legislature and the  
41 Board of Environmental Protection have utilized the guidelines  
42 set out in the federal Environmental Protection Agency's Quality  
43 Criteria for Water, 1986, known as the "Gold Book."

44  
45 The Gold Book guidelines establish that a 5 parts per  
46 million dissolved oxygen concentration would correspond to  
47 moderate production impairment in other salmonid life stages. A  
48 6 parts per million concentration would correspond to a slight  
49 production impairment. The Environmental Protection Agency notes  
50

2 that these criteria represent worse-case conditions and the  
conditions "will be better than the criterion nearly all of the  
4 time at most sites." As a result, for Class C waters only, when  
calculating a 30-day mean average dissolved oxygen concentration,  
6 a 5.5 parts per million concentration, the average of 5 parts per  
million and 6 parts per million, has been selected.