

MAINE STATE LEGISLATURE

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L.D. 909

DATE: June 8, 1995

(Filing No. S- 231)

NATURAL RESOURCES

Reported by: Senator LORD of York for the Committee.

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STATE OF MAINE SENATE 117TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 328, L.D. 909, Bill, "An Act to Establish Temperature Limits for Certain Existing Discharges"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, industrial dischargers may be affected by the application of an existing temperature rule in June 1995 with which, after application of best practicable treatment, they are unable to comply; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §464, sub-§4, ¶I is enacted to read:

I. Temperature limits for certain facilities are governed by the following provisions.

(1) Dischargers licensed by the department prior to January 11, 1989 that raise the temperature of the receiving water more than 0.5°F when the receiving water temperature is above 66°F, as measured outside a

mixing zone, and that have demonstrated to the satisfaction of the department that they are unable to meet the standards in the existing temperature rule after application of best practicable treatment, are limited to discharging heat in an amount not exceeding the heat that has been discharged since January 11, 1989. The quantity of heat discharged during a 7-day period may not exceed the maximum heat discharged in any 7-day period between January 11, 1989 and January 11, 1995. The 7-day maximum quantity of heat discharged must be used to establish the interim license effluent limit that protects existing uses. The amount of heat discharged on any single day may not exceed 1.15 times the maximum 7-day average.

(2) The department shall develop, in consultation with the affected dischargers, facility-specific solutions and, no later than January 1, 1996, appropriate amendments to the license of the affected dischargers must be proposed. Until the facility-specific solutions are implemented, which in no case may be later than January 1, 1999, the criteria for temperature are the criteria established in subparagraph (1).

(3) This paragraph is repealed January 1, 1999.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.'

Further amend the bill by inserting at the end before the statement of fact the following:

'FISCAL NOTE

The Department of Environmental Protection will incur some minor additional costs to develop certain solutions for specific water discharging facilities. These costs can be absorbed within the department's existing budgeted resources.'

STATEMENT OF FACT

This amendment replaces the bill. It establishes interim temperature discharge limits for certain facilities that are not able to meet standards in the current Department of Environmental Protection rule after application of best practicable treatment.