

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 909

S.P. 328

In Senate, March 21, 1995

**An Act to Establish Temperature Limits for Certain Existing Discharges.**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator CASSIDY of Washington.

Cosponsored by Senators: FERGUSON of Oxford, HALL of Piscataquis, LORD of York,  
PARADIS of Aroostook, Representatives: DRISCOLL of Calais, STROUT of Corinth.

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

4  
6           **Whereas,** certain industrial dischargers may be affected by  
the application of an existing temperature rule in June 1995 that  
was not intended to apply to them; and

8  
10           **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  
12 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

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

18           I. Notwithstanding any rule of the department to the  
20           contrary, discharges licensed by the department prior to  
22           January 11, 1989 that raise the temperature of the receiving  
24           water more than 0.5°F when the receiving water temperature  
          is above 66°F, as measured outside a mixing zone, are  
26           limited to discharging heat in an amount not exceeding the  
          heat that has been discharged since January 11, 1989. The  
28           quantity of heat discharged during any 7-day period may not  
          exceed the heat discharged in any 7-day period between  
30           January 11, 1989 to January 11, 1995. The 7-day maximum  
          quantity of heat discharged must be used to establish the  
          license effluent limit that protects existing uses.

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

34  
36                           **STATEMENT OF FACT**

38           This bill is derived from a Department of Environmental  
Protection proposed rule to clarify that its current temperature  
40 rule was not intended to apply to certain existing discharges.  
The Department of Environmental Protection has deferred action on  
42 water rule amendments pending completion of national pollutant  
discharge elimination system delegation. This bill is necessary,  
44 however, to clarify the applicability of chapter 582 of the rules  
of the Department of Environmental Protection prior to June 1995.