

MAINE STATE LEGISLATURE

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L.D. 1633

DATE: *May 23, 1997*

(Filing No. S-324)

NATURAL RESOURCES

Reported by: *Report B*

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to S.P. 528, L.D. 1633, Bill, "An Act to Make Fish in Maine Rivers Safe to Eat and Reduce Color Pollution"

Amend the bill in section 7 in paragraph I in subparagraph (2) in the 4th line (page 3, line 5 in L.D.) by inserting after the following: "plant." the following: 'The commissioner may extend this time frame up to 6 months for a mill if the commissioner determines, based on information presented by the mill, that compliance is not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.'

Further amend the bill in section 7 in paragraph I in subparagraph (3) in the 7th line from the end (page 3, line 47 in L.D.) by inserting after the following: "procedures." the following: 'The fish-tissue sampling test must be performed with differences between the average concentrations of dioxin in the fish samples taken upstream and downstream from the mill measured with at least 95% statistical confidence.'

Further amend the bill in section 7 in paragraph I by striking out all of subparagraph (4) and inserting in its place the following:

'(4) For purposes of documenting compliance with subparagraphs (1) to (3) the internal waste stream of a bleach plant must be sampled twice per quarter by the mill. The department may conduct its own sampling and analysis of the internal waste stream of a bleach

COMMITTEE AMENDMENT

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plant. Analysis of the samples must be conducted by a 3rd-party laboratory using methodology approved by the United States Environmental Protection Agency. A mill shall report to the department for informational purposes the actual laboratory results including sample detection limits on a frequency to be established by the commissioner.

The commissioner shall assess the mill for the costs of any sampling performed by the department and any analysis performed for the department under this paragraph and credit funds received to the Maine Environmental Protection Fund.

The commissioner may reduce the frequency of sampling required by a mill after 3 consecutive years of sampling have demonstrated the mill does not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan.'

Further amend the bill by inserting after section 7 the following:

'Sec. 8. 38 MRSA §420-A, sub-§4, as amended by PL 1997, c. 179, §1, is amended to read:

4. **Report.** The commissioner shall report by March 31st of each year on the results of the monitoring program to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The annual report must contain the commissioner's conclusions as to the levels of dioxin contamination in the sample subjects and the likely scope of dioxin contamination in the State's waters. The report must also contain an evaluation of the department's progress toward establishing a fish-tissue sampling test as required in section 420, subsection 2, including selection of reference sites, methods of sample standardization and the levels of detection and statistical confidence limits.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

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Allowing the Department of Environmental Protection to recover certain sampling and analysis costs will result in offsetting increases in expenditures and revenues to the Maine Environmental Protection Fund. The amounts will depend on the frequency and types of sampling done which can not be estimated at this time.

The Department of Environmental Protection and the Department of Human Services will incur some minor additional costs to submit certain reports to the Legislature. These costs can be absorbed within the departments' existing budgeted resources.

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.'

SUMMARY

This amendment, which is one of 3 reports of the committee, authorizes the Commissioner of Environmental Protection to extend the date by which a mill may not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-furan for up to 6 months if the commissioner determines, based on information presented by the mill, that compliance is not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

The amendment also requires that the fish-tissue sampling test used to determine whether a mill is discharging dioxin into its receiving waters must be performed with differences between the average concentrations of dioxin in the fish samples taken upstream and downstream from the mill measured with at least 95% statistical confidence. The amendment requires that for purposes of measuring compliance with the dioxin standards, a mill must sample the internal waste stream of its bleach plant twice per quarter. It also authorizes the Department of Environmental Protection to conduct its own sampling and analysis of the internal waste stream of a bleach plant and to assess the mill for the costs of sampling and analysis. Analysis of the samples must be conducted by a 3rd-party laboratory using methodology approved by the United States Environmental Protection Agency. The amendment authorizes the Commissioner of Environmental Protection to reduce the frequency of sampling after 3 consecutive years of sampling have demonstrated that the mill

COMMITTEE AMENDMENT "B" to S.P. 528, L.D. 1633

does not have a detectable quantity of 2, 3, 7,
8-tetrachlorodibenzo-p-dioxin or 2, 3, 7,
8-tetrachlorodibenzo-p-furan.

Finally, the amendment requires the department to include in
its annual report on the dioxin monitoring program an evaluation
of the department's progress toward establishing a fish-tissue
sampling test.