

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2038

S.P. 716

In Senate, March 24, 1999

**An Act to Amend the Water Quality Laws to Establish a New Standard
for Mercury Discharges.**

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KONTOS of Cumberland.
Cosponsored by Representative: DAIGLE of Arundel.

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

2
4 **Sec. 1. 38 MRSA §420, first ¶**, as affected by PL 1989, c. 890,
Pt. A, §40 and amended by Pt. B, §37, is further amended to read:

6 No A person, firm, corporation or other legal entity shall
7 may not place, deposit, discharge or spill, directly or
8 indirectly, into the ground water, inland surface waters or tidal
9 waters of this State, or on the ice thereof, or on the banks
10 thereof so that the same may flow or be washed into such waters,
11 or in such manner that the drainage therefrom may flow into such
12 waters, any ~~of the following~~ substances: as provided in this
13 section.

14
16 **Sec. 2. 38 MRSA §420, sub-§1**, as amended by PL 1997, c. 722,
§§1 and 2, is repealed.

18 **Sec. 3. 38 MRSA §420, sub-§1-A** is enacted to read:

20 1-A. Mercury. Any person, firm, corporation or other legal
21 entity that on January 1, 1971 was discharging mercury or any
22 compound containing mercury, whether organic or inorganic, in
23 connection with an industrial process and on or before December
24 31, 1971 filed with the board a statement indicating the amount
25 of the substance discharged on that date shall, after January 1,
26 2000, discharge less than 454 grams, or one pound, per year and,
27 after January 1, 2002, less than 45 grams, or 0.1 pound, per year.

28 Discharges of mercury or any compound containing mercury, whether
29 organic or inorganic, by other persons, firms, corporations or
30 other legal entities are regulated as provided in subsection 2.

31 Notwithstanding the other provisions of this subsection, whenever
32 the commissioner finds that a concentration of 10 parts per
33 billion or greater of mercury is present in any waters of this
34 State or that danger to public health exists due to mercury
35 concentrations of less than 10 parts per billion in any waters of
36 this State, the commissioner may issue to all persons discharging
37 to such waters an emergency order prohibiting or curtailing the
38 further discharge of mercury or compounds containing mercury.
39 These findings and the order must be served in a manner similar
40 to that described in section 347-A, subsection 3 and the parties
41 affected by that order have the same rights and duties as are
42 described in section 347-A, subsection 3.

43
44
46 **Sec. 4. 38 MRSA §420, sub-§2**, as amended by PL 1997, c. 444,
§7, is further amended by amending the first paragraph to read:

2 2. It amends existing law governing the discharge of
mercury and regulates the discharge of mercury in accordance with
4 the levels set forth in federal water quality criteria as
established by the United States Environmental Protection Agency
6 pursuant to the Clean Water Act; and

8 3. It preserves the Board of Environmental Protection's
authority to regulate any toxic substance, including mercury, in
10 any amount or concentration, including the complete prohibition
of such substance based on sound risk assessment through its
12 rulemaking powers.