

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2151

S.P. 761

In Senate, April 5, 1999

An Act to Revise the State's Water Quality Standards.

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 RUHLIN of Penobscot.
Cosponsored by Senators: CAREY of Kennebec, MITCHELL of Penobscot, Representatives:
BERRY of Belmont, CAMERON of Rumford, MARTIN of Eagle Lake.

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

2 **Sec. 1. 38 MRSA §420, sub-§1**, as amended by PL 1997, c. 722,
4 §§1 and 2, is further amended to read:

6 1. **Mercury.** Mercury, and any compound containing mercury,
8 whether organic or inorganic, in any concentration which that
10 increases the natural concentration of mercury in the receiving
12 waters; except that any mercury discharge that is in compliance
14 with the levels set forth in federal water quality criteria as
16 established by the United States Environmental Protection Agency
18 pursuant to the federal Water Pollution Control Act, Public Law
20 92-500, Section 304(a), as amended, is deemed to be in compliance
22 with this section.

24 A. Except as otherwise provided in this subsection, any
26 person, firm, corporation or other legal entity who, on
28 January 1, 1971, was discharging any of the substances
30 mentioned in this subsection in connection with an
32 industrial process may not be considered in violation of
34 this subsection if, on or before December 31, 1971, it filed
36 with the board a statement indicating the amount of the
38 substance so discharged on that date. This paragraph is
40 repealed January 1, 2004.

42 A-1. Notwithstanding paragraph A, after January 1, 2000 a
44 discharge from any facility subject to paragraph A must be
46 less than 454 grams, or one pound, per year and after
48 January 1, 2002 such a discharge must be less than 45 grams,
50 or 0.1 pound, per year. This paragraph is repealed January
1, 2004.

2 B. Notwithstanding paragraph A, whenever the commissioner
4 finds that a concentration of 10 parts per billion of
6 mercury or greater is present in any waters of this State,
8 or that danger to public health exists due to mercury
10 concentrations of less than 10 parts per billion in any
12 waters of this State, the commissioner may issue an
14 emergency order to all persons discharging to such waters
16 prohibiting or curtailing the further discharge of mercury,
18 and compounds containing mercury, thereto. These findings
20 and the order must be served in a manner similar to that
22 described in section 347-A, subsection 3, and the parties
24 affected by that order have the same rights and duties as
26 are described in section 347-A, subsection 3.

SUMMARY

50 This bill establishes a new in-stream water quality standard
for mercury.