

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 290

H.P. 254

House of Representatives, January 25, 2001

An Act to Amend the Mercury Discharge Law.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative CLARK of Millinocket.
Cosponsored by Senator SAWYER of Penobscot and
Representatives: CARR of Lincoln, DAIGLE of Arundel, TOBIN of Windham, Senator:
SHOREY of Washington.

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

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Sec. 1. 38 MRSA §420, sub-§1-A, ¶¶A and B, as enacted by PL 1999, c. 500, §2, are amended to read:

A. After October 1, 2001 2003, a person, firm, corporation or other legal entity may not discharge mercury or any compound containing mercury, whether organic or inorganic, in any concentration that increases the natural concentration of mercury in the receiving waters.

B. Until October 1, 2001 2003, a person, firm, corporation or other legal entity may not discharge mercury or any compound containing mercury in a concentration greater than ~~the concentration discharged as of the effective date of this paragraph~~ interim discharge limits established by the department.

The department shall establish interim discharge limits, based on procedures specified in rule, for each facility licensed under section 413 and subject to this paragraph. The discharge limits may not be less stringent statistically than the facility's discharge levels as of the effective date of this paragraph, except that the department shall take into account factors such as reduction in flow due to implementation of a wastewater conservation plan, seasonal variations and changes in levels of production. When the department has established an interim discharge limit for a facility, that limit is deemed to be the concentration discharged as of the effective date of this paragraph, and a facility shall comply with that interim discharge limit.

When considering an enforcement action in response to a violation of this paragraph before the department establishes an interim discharge limit for the facility, the commissioner shall consider factors such as reduction in flow due to implementation of a wastewater conservation plan, seasonal variations and changes in levels of production.

A person, firm, corporation or other legal entity that discharges mercury shall implement a mercury pollution prevention plan consistent with model plans developed by the department. The facility shall provide information concerning the status of implementation of the mercury pollution prevention plan to the department by ~~December 15, 1999 and December 15, 2000~~ September 1st of each year. A mercury pollution prevention plan must include monitoring for mercury as required by the department, and the monitoring information must be provided to the department.

2 This paragraph is repealed October 1, ~~2001~~ 2003.

4 **Sec. 2. PL 1999, c. 500, §§3, 5 and 6** are amended to read:

6 **Sec. 3. Rulemaking; interim mercury discharge limits.** The
7 Department of Environmental Protection shall promptly adopt
8 rules, including emergency rules as necessary, that specify
9 procedures, including statistically valid sampling procedures, to
10 be used in establishing interim discharge limits pursuant to the
11 Maine Revised Statutes, Title 38, section 420, subsection 1-A,
12 paragraph B. The procedures may provide for the use of sampling
13 data collected prior to adoption of the rules as long as the
14 United States Environmental Protection Agency's Methods 1631 and
15 1669 were used. It is not necessary for the department to amend
16 existing waste discharge licenses in order to establish these
17 interim discharge limits. The discharge limits remain in effect
18 until October 1, ~~2001~~ 2003. Rules adopted pursuant to this
19 section are routine technical rules under Title 5, chapter 375,
20 subchapter II-A.

22 **Sec. 5. Reports.** The Department of Environmental Protection
23 shall submit reports to the joint standing committee of the
24 Legislature having jurisdiction over natural resources matters by
25 January ~~14, 2000~~ 15, 2002 and January 15, ~~2001~~ 2003 on the status
26 of mercury discharges from facilities subject to mercury
27 discharge limits pursuant to the Maine Revised Statutes, Title
28 38, section 420, subsection 1-A, paragraph B and the status of
29 the facilities' efforts to implement mercury pollution prevention
30 plans.

32 **Sec. 6. Statewide criteria for mercury.** The Department of
33 Environmental Protection shall develop proposed statewide
34 criteria for mercury that are protective of human health, aquatic
35 life and wildlife. In developing the criteria, the department
36 shall consider all available information, including standards
37 developed by other states, the Great Lakes region and the United
38 States Environmental Protection Agency and any information
39 provided by the Department of Human Services, Bureau of Health.
40 The department shall submit its recommendations to the joint
41 standing committee of the Legislature having jurisdiction over
42 natural resources matters by January 15, ~~2001~~ 2003, together with
43 any implementing legislation. The joint standing committee of
44 the Legislature having jurisdiction over natural resources
45 matters may report out legislation regarding mercury to the First
46 Regular Session of the ~~120th~~ 121st Legislature.

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SUMMARY

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This bill extends the interim mercury discharge limits established by the Department of Environmental Protection from October 1, 2001 to October 1, 2003 and adjusts other dates to be consistent with this extension, including the date when the Department of Environmental Protection is to submit its recommendations for a new statewide criteria for mercury.