

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 632

H.P. 462

House of Representatives, February 11, 2003

### **An Act to Establish a Process to Classify Water Bodies as Impaired**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative McLAUGHLIN of Cape Elizabeth.  
Cosponsored by Representatives: BARSTOW of Gorham, DAIGLE of Arundel, KETTERER  
of Madison, STONE of Berwick, SUSLOVIC of Portland, Senator: HALL of Lincoln.

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

4 **Sec. 1. 38 MRSA §464, sub-§2-C** is enacted to read:

6 **2-C. Procedure for redesignation as impaired water body.** A  
8 water body may be classified as impaired or nonattainment by the  
10 board by rule after a hearing. All affected property owners must  
12 receive notice of the hearing, which, if requested by the  
14 property owners, must also serve as a hearing for a  
16 use-attainability analysis consistent with 40 Code of Federal  
18 Regulations, Part 131. The board may designate a water body as  
20 impaired or nonattainment if the preponderance of evidence  
22 demonstrates that the water body is not meeting the  
24 classification criteria and that the designation will not  
26 contribute to sprawling patterns of development and will not have  
28 an unreasonable impact on the local economy. Rules adopted  
30 pursuant to this subsection are major substantive rules as  
defined in Title 5, chapter 375, subchapter 2-A.

## SUMMARY

22 This bill establishes a procedure to classify a body of  
24 water as impaired or nonattainment. Under the bill, the Board of  
26 Environmental Protection within the Department of Environmental  
28 Protection may so designate a water body if the preponderance of  
30 the evidence demonstrates that the water body is not meeting  
classification criteria, that the designation will not contribute  
to sprawl and that the designation will not have an unreasonable  
impact on the local economy.