

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 840, L.D. 1137, Bill, "An Act Regarding Riverine Impoundments"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 38 MRSA §464, sub-§13 is enacted to read:

13. Measurement of dissolved oxygen in riverine impoundments. Compliance with dissolved oxygen criteria in existing riverine impoundments must be measured as follows.

A. Compliance with dissolved oxygen criteria may not be measured within 0.5 meters of the bottom of existing riverine impoundments.

B. Where mixing is inhibited due to thermal stratification in an existing riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured below the higher of:

(1) The point of thermal stratification when such stratification occurs; or

(2) The point proposed by the department as an alternative depth for a specific riverine impoundment based on all factors included in section 466, subsection 11-A and for which a use attainability analysis is conducted if required by the United States Environmental Protection Agency.

For purposes of this paragraph, "thermal stratification" means a change of temperature of at least one degree Celsius per meter of depth, causing water below this point in an impoundment to become isolated and not mix with water above this point in the impoundment.

C. Where mixing is inhibited due to natural topographical features in an existing riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured within that portion of the impoundment that is topographically isolated. Such natural topographic features may include, but not be limited to, natural deep holes or river bottom sills.

Notwithstanding the provisions of this subsection, dissolved oxygen concentrations in existing riverine impoundments must be sufficient to support existing and designated uses of these waters. For purposes of this subsection, "existing riverine impoundments" means all impoundments of rivers and streams in existence as of January 1, 2001 and not otherwise classified as GPA.'

SUMMARY

This amendment establishes requirements related to measurement of dissolved oxygen within riverine impoundments. The amendment provides that compliance with dissolved oxygen criteria in riverine impoundments may not be measured within .5 meters of the bottom of the riverine impoundment. Where mixing is inhibited due to thermal stratification, compliance with numeric dissolved oxygen criteria may not be measured below the higher of the point of thermal stratification or the point proposed by the Department of Environmental Protection as an alternative depth based on all factors that would be included in a use attainability analysis and for which a use attainability analysis is conducted if required by the United States Environmental Protection Agency. Where mixing is inhibited due to natural topographical features in a riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured within the portion that is isolated.