

MAINE STATE LEGISLATURE

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L.D. 1899

DATE: 3.29.04

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NATURAL RESOURCES

Reported by: MAJORITY

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 743, L.D. 1899, Bill, "An Act To Amend the Dissolved Oxygen Standard and the Bacteria Standard for Class C Waters"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Dissolved Oxygen Standard for Class C Waters'

Further 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 §465, sub-§4, ¶B, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §63, is further amended to read:

B. The dissolved oxygen content of Class C water may be not less than 5 parts per million or 60% of saturation, whichever is higher, except that in identified salmonid spawning areas where water quality is sufficient to ensure spawning, egg incubation and survival of early life stages, that water quality sufficient for these purposes must be maintained. In addition, in order to provide additional protection for growth of indigenous fish, dischargers that were issued final discharge licenses or water quality certificates prior to March 16, 2004 that are based on a 6.5 parts per million dissolved oxygen criterion must continue to be licensed using a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. Final discharge licenses and water quality

COMMITTEE AMENDMENT

2 certificates not based on a 6.5 parts per million dissolved
3 oxygen criterion prior to March 16, 2004 must be based on a
4 6.5 parts per million dissolved oxygen criterion at a
5 temperature of 22 degrees centigrade or the ambient
6 temperature of the water body, whichever is lower. Between
7 May 15th and September 30th, the number of Escherichia coli
8 bacteria of human origin in these waters may not exceed a
9 geometric mean of 142 per 100 milliliters or an
10 instantaneous level of 949 per 100 milliliters. The board
11 shall ~~promulgate~~ adopt rules governing the procedure for
12 designation of spawning areas. Those rules must include
13 provision for periodic review of designated spawning areas
14 and consultation with affected persons prior to designation
15 of a stretch of water as a spawning area.'

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SUMMARY

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19 This amendment is the majority report. The amendment
20 provides that dischargers to Class C waters that were issued
21 final discharge licenses or water quality certificates prior to
22 March 16, 2004 that are based on a 6.5 parts per million
23 dissolved oxygen criterion must continue to be licensed using a
24 temperature of 24 degrees centigrade or the ambient temperature
25 of the water body, whichever is lower. Final discharge licenses
26 and water quality certificates that were not previously based on
27 a 6.5 parts per million dissolved oxygen criterion must, after
28 March 15, 2004, be based on a 6.5 parts per million dissolved
29 oxygen criterion at a temperature of 22 degrees centigrade or the
30 ambient temperature of the water body, whichever is lower.