

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 818

S.P. 273

In Senate, February 16, 2005

An Act To Specify Phosphorus Limits for Gulf Island Pond

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.

Cosponsored by Representative MAKAS of Lewiston and

Senators: COWGER of Kennebec, ROTUNDO of Androscoggin, Representatives: EBERLE of South Portland, KOFFMAN of Bar Harbor, SMITH of Monmouth, WALCOTT of Lewiston.

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

4 **Sec. 1. 38 MRSA §414-D** is enacted to read:

5 **§414-D. Phosphorus control for Gulf Island Pond**

6
7 **1. Phosphorus control for Gulf Island Pond; finding.** The
8 Legislature finds that rigorous control of phosphorus pollutants
9 discharged into Gulf Island Pond on the Androscoggin River is
10 necessary for the protection of water resources, to prevent algae
11 blooms that impair recreation in and on the water and to improve
12 dissolved oxygen levels in Gulf Island Pond.

13
14 **2. Limits on phosphorus discharge.** The cumulative
15 discharge of phosphorus at the entrance to Gulf Island Pond at
16 the Twin Bridges based upon a monthly average for May 1st to
17 September 30th from all sources requiring a waste discharge
18 license pursuant to section 413 or the federal Water Pollution
19 Control Act Amendments of 1972 may not exceed:

20
21 **A. Three hundred and seventeen pounds per day of total
22 phosphorus; and**

23 **B. Fifty pounds per day of orthophosphorus.**

24
25 **3. Waste discharge licenses.** By November 15, 2005, the
26 department shall issue waste discharge licenses pursuant to
27 section 413 or deny applications for reissuance of all expired
28 licenses for the continuation of discharges contributing
29 phosphorus to Gulf Island Pond. Each license issued on or after
30 November 1, 2005 for a discharge found to contribute to
31 nonattainment of the discharge limits under subsection 2 must
32 provide for reductions in the cumulative discharge of phosphorus
33 so that the limits on phosphorus discharges in subsection 2 are
34 met within the 5-year license period.

35
36 **4. Federal Environmental Protection Agency approval of
37 phosphorous load.** The limits on phosphorous discharges in
38 subsection 2 and license requirements in subsection 3 apply
39 unless the department issues and the federal Environmental
40 Protection Agency approves, before or after the effective date of
41 this section, a total maximum daily load of phosphorous that
42 prevents algae blooms that impair recreation in and on the water
43 and improves the dissolved oxygen levels in Gulf Island Pond.
44 The total maximum daily load approved under this subsection must
45 be implemented through the waste discharge licenses and water
46 quality certifications of all facilities that contribute to the
47 nonattainment of dissolved oxygen criteria or the nonattainment
48 of the designated use of recreation in and on the water. The
49 implementation of the total maximum daily load does not require
50

2 rulemaking. For purposes of this subsection, "total maximum
3 daily load" means the amount of phosphorus discharge permitted to
4 enter an impaired water body such that the water quality
5 standards will be met, and the impairment removed, when discharge
6 limits are held to this amount.

7 5. Effective date. This section takes effect November 1,
8 2005.

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SUMMARY

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15 This bill specifies standards for the cumulative discharge
16 of phosphorus, both in terms of phosphorus and orthophosphorus,
17 for licensed waste discharges into Gulf Island Pond. The bill
18 requires the Department of Environmental Protection to deny or
19 reissue all expired licenses for continuation of waste discharges
20 contributing phosphorus to Gulf Island Pond by November 15,
21 2005. Each licensee found to contribute to nonattainment of the
22 standards contained in this bill must provide for phosphorus
23 reductions so the standards are met within the 5-year license
24 period. Alternatively, the bill allows the department to specify
a standard based upon an EPA-approved total maximum daily load
that does not cause algae blooms in Gulf Island Pond.