

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1297

H.P. 915

House of Representatives, March 9, 2007

Resolve, Regarding Measures To Ensure the Continued Health and Commercial Viability of Maine's Seacoast by Establishing Nutrient Standards for Coastal Waters

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ADAMS of Portland.
Cosponsored by Senator BARTLETT of Cumberland and
Representatives: Speaker CUMMINGS of Portland, DILL of Cape Elizabeth, HILL of York,
HOGAN of Old Orchard Beach, MacDONALD of Boothbay, MAZUREK of Rockland,
PINGREE of North Haven, RAND of Portland.

1 **Preamble. Whereas,** nutrient pollution is a source of marine pollution,
2 contributing to nuisance algal growth, harmful red tide, habitat impacts and oxygen
3 depletion in Maine's coastal waters; and

4 **Whereas,** nutrient pollution is attributable to several forms of nitrogen entering
5 Maine's coastal waters from diverse sources, including industrial, municipal, residential,
6 atmospheric and nonpoint sources, as well as offshore inputs from natural phenomena;
7 and

8 **Whereas,** bays and estuaries in states south of Maine already suffer significant
9 water quality degradation from nutrient pollution; and

10 **Whereas,** as an example of known nutrient conditions in Maine, of 655 water
11 samples collected over 6 years at a site in Casco Bay, 12% collected during the critical
12 summer months exceeded the threshold for medium risk for impairment due to nutrients,
13 as defined in national coastal assessments; and

14 **Whereas,** in 2001, the United States Environmental Protection Agency requested
15 the State to establish nutrient criteria for state waters; and

16 **Whereas,** good progress has been made by the Department of Environmental
17 Protection toward establishing freshwater criteria; however, little progress has been made
18 toward establishing nutrient criteria for marine waters; now, therefore, be it

19 **Sec. 1. Nutrient standards established. Resolved:** That the Department of
20 Environmental Protection, referred to in this resolve as "the department," shall develop
21 nutrient standards for coastal waters. The standards must take into account the fact that
22 nutrient pollution is a leading source of pollution contributing to algae growth, red tide
23 outbreaks and oxygen depletion in marine waters. In developing the nutrient standards,
24 the department shall:

25 1. Develop a conceptual plan to establish appropriate nutrient standards for all
26 coastal areas of the State;

27 2. Develop a work plan and timeline leading to approved nutrient standards for
28 coastal waters;

29 3. Prepare a report on possible technological approaches to nutrient reduction,
30 including projected costs on a per unit basis; and

31 4. Provide an inventory of significant point and nonpoint sources of nutrients in
32 coastal waters; and be it further

33 **Sec. 2. Consultation. Resolved:** That, in developing the nutrient standards
34 under section 1, the department shall consult with affected entities concerning nutrients in
35 coastal waters to solicit input and gather information. The department shall consult with
36 wastewater treatment facilities and interested organizations to ascertain compliance with
37 the standards; and be it further

1 **Sec. 3. Casco Bay priorities. Resolved:** That the department shall initially
2 focus on the waters of Casco Bay due to its being the most populated watershed in the
3 State, its bordering one of the most residentially and industrially developed regions in the
4 State, its high concentrations of nutrients and its comprehensive set of available nutrient
5 data. Once nutrient standards are established for Casco Bay, the department shall work to
6 implement appropriate standards for the rest of the State's waters; and be it further

7 **Sec. 4. Legislation authorized. Resolved:** That the department shall report its
8 findings to the Joint Standing Committee on Natural Resources no later than January 31,
9 2008. The Joint Standing Committee on Natural Resources is authorized to submit
10 legislation to the Second Regular Session of the 123rd Legislature.

11

SUMMARY

12 This resolve directs the Department of Environmental Protection to establish nutrient
13 standards for coastal waters by January 31, 2008 to reduce marine pollution. It also
14 directs the department to first focus on Casco Bay and then the rest of the State's coastal
15 waters and to consult with affected entities in developing the standards. The department
16 shall report its findings to the Joint Standing Committee on Natural Resources, which is
17 authorized to submit legislation to the Second Regular Session of the 123rd Legislature.