

MAINE STATE LEGISLATURE

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L.D. 515

MAJORITY

Date: 5-19-11

(Filing No. S-130)

ENVIRONMENT AND NATURAL RESOURCES

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STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 148, L.D. 515, Bill, "An Act To Review State Water Quality Standards"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 38 MRSA §420, sub-§1-B, ¶F is enacted to read:

F. The department may require mercury testing once per year for facilities that maintain at least 5 years of mercury testing data.

Sec. 2. 38 MRSA §420, sub-§2, ¶J is enacted to read:

J. Notwithstanding any other provision of law to the contrary, the department shall use a one in 10,000 risk level when calculating ambient water quality criteria for inorganic arsenic.

Sec. 3. 38 MRSA §464, sub-§4, ¶¶J and K are enacted to read:

J. For the purpose of calculating waste discharge license limits for toxic substances, the department may use any unallocated assimilative capacity that the department has set aside for future growth if the use of that unallocated assimilative capacity would avoid an exceedance of applicable ambient water quality criteria or a determination by the department of a reasonable potential to exceed applicable ambient water quality criteria.

K. Unless otherwise required by an applicable effluent limitation guideline adopted by the department, any limitations for metals in a waste discharge license may be expressed only as mass-based limits.'

SUMMARY

This amendment replaces the bill. The amendment allows mercury testing once per year. It establishes a new risk level for inorganic arsenic when the Department of Environmental Protection is calculating ambient water quality criteria. It provides that

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the department may use any unallocated assimilative capacity that the department has set aside for future growth if use of the unallocated assimilative capacity would avoid an exceedance or reasonable potential to exceed ambient water quality criteria. It provides that metals limits must be expressed as mass-based limits.

FISCAL NOTE REQUIRED

(See attached)



125th MAINE LEGISLATURE

LD 515

LR 1939(02)

An Act To Review State Water Quality Standards

Fiscal Note for Bill as Amended by Committee Amendment "A" 5-130

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Requiring the Department of Environmental Protection (DEP) to use a 10^{-4} risk level when calculating ambient water quality criteria for inorganic arsenic and to express permit limitations for metals only as mass-based limits unless otherwise required by an applicable effluent limitation guideline of the DEP may result in minor increased costs to the DEP that can be absorbed within existing budgeted resources.