

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth Legislature

OF THE

# STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1969

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
ONE HUNDRED AND FOURTH LEGISLATURE  
1969

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## Chapter 431

### AN ACT Revising the Water and Air Environmental Improvement Laws.

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

**Sec. 1. R. S., T. 38, § 363, amended.** The 6th to the 15th paragraphs of section 363 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, are amended to read as follows:

**B-1.** Waters of this class shall be considered the higher quality of the Class B group and shall be acceptable for recreational purposes, including ~~bathing water contact recreation~~, for use as potable water supply after adequate treatment and for a fish and wildlife habitat. The dissolved oxygen of such waters shall be not less than 75% of saturation, ~~subject, however, to normal natural variations~~ and not less than 5 parts per million at any time ~~and contain no more than 300 coliform bacteria per 100 milliliters~~. The total coliform bacteria count is not to exceed 300 per 100 milliliters. The fecal coliform bacteria shall not exceed 60 per 100 milliliters.

These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum. There shall be no disposal of any matter or substance in these waters which imparts color, turbidity, taste or odor which would impair the usages ascribed to this classification nor shall such matter or substance alter the temperature or hydrogen-ion concentration of these waters so as to render such waters harmful to fish or other aquatic life. ~~There shall be no discharge to these waters which will cause the hydrogen-ion concentration or "pH" of these waters to fall outside of the 6.0 to 8.5 range.~~ There shall be no disposal of any matter or substance that contains chemical constituents which are harmful to humans, animals or aquatic life or which adversely affect any other water use in this class. ~~No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life, and there shall be no disposal of any matter or substance which would result in radio nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption.~~ No radioactive matter or substances shall be discharged to these waters which will raise the radio-nuclide concentrations above the standards as established by the United States Public Health Service as being acceptable for drinking water. These waters shall be free of any matter or substance which alters the composition of bottom fauna, which adversely affects the physical or chemical nature of bottom material, or which interferes with the propagation of fish.

There shall be no disposal of sewage, industrial wastes or other wastes in such waters, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

**B-2.** Waters of this class shall be acceptable for recreational purposes including ~~bathing water contact recreation~~, for industrial and potable water supplies after adequate treatment, and for a fish and wildlife habitat. The dissolved oxygen of such waters shall not be less than 60% of saturation, ~~subject, however, to normal natural variations~~ and not less than 5 parts per million at any time and ~~contain no more than 1,000 coliform bacteria per 100 milliliters~~. The total coliform bacteria is not to exceed 1,000 per 100 milliliters. The fecal coliform bacteria is not to exceed 200 per 100 milliliters.

These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum. There shall be no disposal of any matter or substance in these waters which imparts color, turbidity, taste or odor which would impair the usages ascribed to this classification, nor shall such matter or substance alter the temperature or hydrogen-ion concentration of the waters so as to render such waters harmful to fish or other aquatic life. There shall be no disposal of any matter or substance that contains chemical constituents which are harmful to humans, animal or aquatic life, or which adversely affect any other water use in this class. There shall be no discharge to these waters which will cause the hydrogen-ion concentration or "pH" of these waters to fall outside of the 6.0 to 8.5 range. ~~No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life, and there shall be no disposal of any matter or substance which would result in radio nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption.~~ No radioactive matter or substance shall be discharged to these waters which will raise the radio-nuclide concentrations above the standards as established by the United States Public Health Service as being acceptable for drinking water. These waters shall be free of any matter or substance which alters the composition of bottom fauna, which adversely affects the physical or chemical nature of bottom material, or which interferes with the propagation of fish.

There shall be no disposal of sewage, industrial wastes or other wastes in such waters except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

Class C waters, the 3rd highest classification, shall be of such a quality as to be satisfactory for recreational boating and fishing, for a fish and wildlife habitat and for other uses except potable water supplies and ~~swimming water contact recreation~~, unless such waters are adequately treated.

The dissolved oxygen content of such waters shall not be less than 5 parts per million for trout and salmon waters, ~~subject, however, to normal natural variations~~, and not less than 4 parts per million for non-trout and non-salmon waters ~~subject, however, to normal natural variations~~. ~~The number of coliform bacteria allowed in these waters shall be only those amounts which will not, in the determination of the Commission, indicate a condition harmful to the public health or impair any usages ascribed to this classification.~~ The total coliform bacteria is not to exceed 5,000 per 100 milliliters. The fecal coliform bacteria is not to exceed 1,000 per 100 milliliters.

These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum. There shall be no disposal of any matter or substance in these waters which imparts color, turbidity, taste or odor which would impair the usages ascribed to this classification, nor shall such matter or substance alter the temperature or hydrogen-ion content of the waters so as to render such waters harmful to fish or other aquatic life. **There shall be no discharge to these waters which will cause the hydrogen-ion concentration or "pH" of these waters to fall outside of the 6.0 to 8.5 range.** There shall be no disposal of any matter or substance that contains chemical constituents which are harmful to humans, animal or aquatic life or which adversely affect any other water use in this class. ~~No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which would result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption.~~ No radioactive material or substance shall be discharged to these waters which will raise the radio-nuclide concentrations above the standards as established by the United States Public Health Service as being acceptable for drinking water.

There shall be no disposal of sewage, industrial wastes or other wastes in such waters, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

**Sec. 2. R. S., T. 38, § 363, amended.** The 3rd sentence of the 16th paragraph of section 363 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, is amended to read as follows:

Dissolved oxygen of these waters shall not be less than 2.0 parts per million ~~subject, however, to normal natural variations, and shall always be present.~~

**Sec. 3. R. S., T. 38, § 364, amended.** The first 10 paragraphs of section 364 of Title 38 of the Revised Statutes, as repealed and replaced by section 4 of chapter 475 of the public laws of 1967, are repealed and the following enacted in place thereof:

The commission shall have 5 standards for classification of tidal or marine waters as follows:

Marine waters shall include the waters of the Atlantic Ocean, its bays, inlets, etc., to mean high tide within 3 nautical miles from the coast line and all other tidal waters within the State generally subject to the rise and fall of the tides. In estuaries or coastal streams subject to the rise and fall of the tides, tidal or marine water classifications shall apply unless otherwise specified by statute.

Class SA, shall be suitable for all clean water usages, including water contact recreation, and fishing. Such waters shall be suitable for the harvesting and propagation of shellfish and for a fish and wildlife habitat. These waters shall contain not less than 6.0 parts per million of dissolved oxygen at all

times. The median numbers of coliform bacteria in any series of samples representative of waters in the shellfish growing area or non-shellfish growing area shall not be in excess of 70 per 100 milliliters, nor shall more than 10% of the samples exceed 230 coliform bacteria per 100 milliliters.

The median numbers of fecal coliform bacteria in any series of samples representative of waters in the shellfish growing area or non-shellfish growing area shall not be in excess of 15 per 100 milliliters, nor shall more than 10% of the samples exceed 50 fecal coliform bacteria per 100 milliliters.

There shall be no floating solids, settleable solids, oil or sludge deposits attributable to sewage, industrial wastes or other wastes and no deposit of garbage, cinders, ashes, oils, sludge or other refuse. There shall be no discharge of sewage or other wastes, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

There shall be no toxic wastes, deleterious substances, colored or other waste or heated liquids discharged to waters of this classification either singly or in combinations with other substances or wastes in such amounts or at such temperatures as to be injurious to edible fish or shellfish or to the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor or sanitary condition thereof; and otherwise none in sufficient amounts to make the waters unsafe or unsuitable for bathing or impair the waters for any other best usage as determined for the specific waters assigned to this class. There shall be no discharge which will cause the hydrogen-ion concentration or "pH" of these waters to fall outside of the 6.7 to 8.5 range.

There shall be no disposal of any matter or substances that contains chemical constituents which are harmful to humans, animal or aquatic life or which adversely affect any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which would result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption. These waters shall be free of any matter or substance which alters the composition of bottom fauna, which adversely affects the physical or chemical nature of bottom material, or which interferes with the propagation of fish or shellfish if indigenous to the area.

Class SB-1 shall be suitable for all clean water usages including water contact recreation, and fishing. Such waters shall be suitable for the harvesting and propagation of shellfish, and for a fish and wildlife habitat. These waters shall contain not less than 6.0 parts per million of dissolved oxygen at all times. The median numbers of coliform bacteria in any series of samples representative of waters in the shellfish growing area shall not be in excess of 70 per 100 milliliters, nor shall more than 10% of the samples exceed 230 coliform bacteria per 100 milliliters. The median numbers of fecal coliform bacteria in any series of samples representative of waters in the shellfish growing area shall not be in excess of 15 per 100 milliliters, nor shall more than 10% of the samples exceed 50 fecal coliform bacteria per 100 milliliters. In a

non-shellfish growing area the median numbers of coliform bacteria in a series of samples representative of the waters shall not exceed 240 per 100 milliliters, nor shall more than 10% of the samples exceed 500 coliform bacteria per 100 milliliters. In a non-shellfish growing area the median numbers of fecal coliform bacteria in a series of samples representative of the waters shall not exceed 50 per 100 milliliters, nor shall more than 10% of the samples exceed 150 fecal coliform bacteria per 100 milliliters.

There shall be no floating solids, settleable solids, oil or sludge deposits attributable to sewage, industrial wastes or other wastes and no deposit of garbage, cinders, ashes, oils, sludge or other refuse. There shall be no discharge of sewage or other wastes, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

There shall be no toxic wastes, deleterious substances, colored or other wastes or heated liquids discharged to waters of this classification, either singly or in combination with other substances or wastes in such amounts or at such temperatures as to be injurious to edible fish or shellfish or to the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor or sanitary condition thereof; and otherwise none in sufficient amounts to make the waters unsafe or unsuitable for bathing or impair the waters for any other best usage as determined for the specific waters which are assigned to this class. There shall be no waste discharge which will cause the hydrogen-ion concentration or "pH" of these waters to fall outside of the 6.7 to 8.5 range. There shall be no disposal of matter or substance that contains chemical constituents which are harmful to humans, animal or aquatic life or which adversely affects any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which would result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption. These waters shall be free of any matter or substance which alters the composition of bottom fauna, which adversely affects the physical or chemical nature of bottom material or which interferes with the propagation of fish or shellfish if indigenous to the area.

Class SB-2 shall be suitable for recreational usages, including water contact, and fishing. Such waters shall be suitable for the harvesting and propagation of shellfish, for a fish and wildlife habitat, and suitable for industrial cooling and process uses. These waters shall contain not less than 6.0 parts per million of dissolved oxygen at all times. The median numbers of coliform bacteria in any series of samples representative of waters in the shellfish growing area shall not be in excess of 70 per 100 milliliters, nor shall more than 10% of the samples exceed 230 coliform bacteria per 100 milliliters. The median numbers of fecal coliform bacteria in any series of samples representative of waters in the shellfish growing area shall not be in excess of 15 per 100 milliliters, nor shall more than 10% of the samples exceed 50 fecal coliform bacteria per 100 milliliters. In a non-shellfish growing area the median numbers of coliform bacteria in a series of samples representative of the waters shall not exceed 500 per 100 milliliters, nor shall more than 10% of the samples exceed 1,000 coliform bacteria per 100 milliliters. In a non-shellfish growing area the median numbers of fecal coliform bacteria in a series of



samples representative of the waters shall not exceed 100 per 100 milliliters, nor shall more than 10% of the samples exceed 200 fecal coliform bacteria per 100 milliliters. There shall be no floating solids, settleable solids, oil or sludge deposits attributable to sewage, industrial wastes or other wastes and no deposit of garbage, cinders, ashes, oils, sludge or other refuse. There shall be no discharge of sewage or other wastes, except those which have received treatment for the adequate removal of waste constituents including but not limited to, solids, color, turbidity, taste, odor or toxic material, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

There shall be no toxic wastes, deleterious substances, colored or other wastes or heated liquids discharged to waters of this classification either singly or in combination with other substances or wastes in such amounts or at such temperatures as to be injurious to edible fish or shellfish or to the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, odor or sanitary condition thereof; and otherwise none in sufficient amounts to make the waters unsafe or unsuitable for bathing or impair the waters for any other best usage as determined for the specific waters assigned to this class. There shall be no waste discharge which will cause the hydrogen-ion concentration or "pH" of the receiving waters to fall outside of the 6.7 to 8.5 range. There shall be no disposal of any matter or substance that contains chemical constituents which are harmful to humans, animal or aquatic life or which adversely affects any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animal or aquatic life and there shall be no disposal of any matter or substance which would result in radio-nuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption. These waters shall be free of any matter or substance which alters the composition of bottom fauna, which adversely affects the physical or chemical nature of bottom material, or which interferes with the propagation of fish or shellfish if indigenous to this area.

Class SC, the 4th highest classification, shall be of such quality as to be satisfactory for recreational boating, fishing and other similar uses except primary water contact. Such waters may be used for the propagation of indigenous shellfish to be harvested for depuration purposes, for a fish and wildlife habitat, and for industrial cooling and process uses. The dissolved oxygen content of such waters shall not be less than 5 parts per million at any time. The median numbers of coliform bacteria in any series of samples representative of waters in the shellfish growing area shall not be in excess of 700 per 100 milliliters, nor shall more than 10% of the samples exceed 2,300 coliform bacteria per 100 milliliters. The median numbers of fecal coliform bacteria in any series of samples representative of waters in the shellfish growing area shall not be in excess of 150 per 100 milliliters, nor shall more than 10% of the samples exceed 500 coliform bacteria per 100 milliliters. In a non-shellfish growing area the median number of a series of samples representative of the waters shall not exceed 1,500 per 100 milliliters nor shall more than 10% of the samples exceed 5,000 per 100 milliliters.

In a non-shellfish growing area the median numbers of fecal coliform bacteria in a series of samples representative of the waters shall not exceed 300 per 100 milliliters, nor shall more than 10% of the samples exceed 1,000 fecal coliform bacteria per 100 milliliters.

There shall be no floating solids, settleable solids, oil or sludge deposits attributable to sewage, industrial wastes or other wastes, and no deposit of garbage, cinders, ashes, oils, sludge or other refuse. There shall be no discharge of sewage or other wastes, except those which have received treatment for the adequate removal of waste constituents including, but not limited to, solids, color, turbidity, taste, odor or toxic materials, such that these treated wastes will not lower the standards or alter the usages of this classification, nor shall such disposal of sewage or waste be injurious to aquatic life or render such dangerous for human consumption.

There shall be no toxic wastes, deleterious substances, colored or other wastes or heated liquids discharged to waters of this classification either singly or in combinations with other substances or wastes in such amounts or at such temperatures as to be injurious to edible fish or shellfish or to the culture or propagation thereof, or which in any manner shall adversely affect the flavor, color, or odor thereof or impair the waters for any other usage ascribed to waters of this classification. There shall be no waste discharge which will cause the hydrogen-ion concentration or "pH" of the receiving waters to fall outside the 6.7 to 8.5 range. There shall be no disposal of any matter or substance that contains chemical constituents which are harmful to humans, animal or aquatic life or which adversely affects any other water use in this class. No radioactive matter or substance shall be permitted in these waters which would be harmful to humans, animals or aquatic life and there shall be no disposal of any matter or substance which would result in radionuclide concentrations in edible fish or other aquatic life thereby rendering them dangerous for human consumption.

**Sec. 3-A. R. S., T. 38, § 414, sub-§ 3, amended:** The first sentence of subsection 3 of section 414 of Title 38 of the Revised Statutes is amended to read as follows:

Any license to so discharge granted by the commission may contain such terms or conditions with respect to the discharge as in the commission's determination will best achieve the standards set forth in sections 363 and 364.

**Sec. 3-B. R. S., T. 38, § 415, amended.** The last sentence of section 415 of Title 38 of the Revised Statutes, as repealed and replaced by section 10 of chapter 475 of the public laws of 1967, is amended to read as follows:

The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution in violation of this chapter, ~~shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case shall require~~ may enter a judgment affirming or nullifying such order or decision, in whole or in part, or remanding the cause to the commission upon such terms as the court may direct.

**Sec. 4. R. S., T. 38, § 416, amended.** Section 416 of Title 38 of the Revised Statutes is amended to read as follows:

#### § 416. Deposit of refuse in streams

No person, corporation or other party shall place or deposit in the inland waters or tidal waters of this State, or on the banks thereof so that the same

shall fall or be washed into such waters, any slabs, edgings, sawdust, chips, bark, ~~slash~~ or shavings created in the manufacture of lumber or other wood products, ~~or so deposit any oil regardless of its source, or so pollute said waters.~~ The commission shall make surveys concerning pollution of said waters. Whenever said commission finds conditions inconsistent with this section, it shall attempt to correct the same through negotiation, and upon failure to procure correction, it shall apply to any Justice of the Supreme or Superior Court in an action as in equity. Said court, on due notice and hearing, may abate said condition to an extent consistent with the public interest and shall impose limitations on the nature and extent of deposit in said waters consistent with the public interest. Any person, corporation or other party aggrieved thereby may appeal therefrom to the law court as in equity.

No person, corporation or other party shall discharge into the inland waters or tidal waters of this State, any slabs, edgings, sawdust, chips, bark or shavings.

There shall be no discharge of grease, oil, gasoline, kerosene or related products into the inland waters or into the marginal sea of this State. Any person, corporation or other party that discharges, or permits to be discharged, grease, oil, gasoline, kerosene and related products into the inland waters or marginal sea of this State shall remove same from said waters. If such person, corporation or other party fails to remove grease, oil, gasoline, kerosene and related products from said waters, the Water and Air Environmental Improvement Commission may arrange for its removal. The person, corporation or other party that discharged, or permitted the discharge of said material, shall be liable to the State of Maine for all costs and expenses incurred by the commission in the removal of said waste.

Whenever the commission finds conditions inconsistent with this section, it may apply to any Justice of the Superior Court in an action in equity to abate said inconsistent conditions.

Whoever violates any provision of this section shall pay a fine of not less than \$25 nor more than \$200, and costs, for each offense.

Nothing contained in this section shall nullify, modify or in any way affect any license granted by said commission or otherwise granted pursuant to or by section 413.

If any person, corporation or other party believes it to be necessary in the prosecution of his or its business to deposit some or all of the material mentioned in this section in any of said waters, or on the banks thereof, to an extent prohibited by this section, he or it may make application to such commission, which shall give notice thereof and hold a hearing thereon, and which shall have authority to issue an order thereon granting such permit as it deems advisable or denying such application.

Any person, corporation or party aggrieved by any order or decision of the commission under this section may appeal to ~~the Administrative Hearing Commissioner according to the procedure outlined in section 415~~ the Superior Court according to the procedures outlined in section 415.

Sec. 5. R. S., T. 38, § 417, amended. Section 417 of Title 38 of the Re-

vised Statutes is amended to read as follows :

**§ 417. Deposit of potatoes into streams ; duty of commission**

No person, firm, corporation or federal agency shall deposit or cause to be deposited potatoes or any part or parts thereof ~~except the potato pulp resulting from the manufacture of potato starch~~ into any stream, pond, lake or other body of water or watercourse, or on the ice thereof, or on the banks of the same where such potatoes or any part or parts thereof may pollute such waters. ~~This section shall not apply to industries licensed under this subchapter.~~

The commission shall be charged with the duty of enforcing this section.

Whoever violates this section shall be punished by a fine of not less than \$25 nor more than \$200, and costs, for each offense.

**Sec. 6. R. S., T. 38, § 451, amended.** The first paragraph of section 451 of Title 38 of the Revised Statutes, as repealed and replaced by section 11 of chapter 475 of the public laws of 1967, is repealed and the following paragraphs enacted in place thereof :

After adoption of any classification by the Legislature for surface waters or tidal flats or sections thereof, it shall be unlawful for any person, corporation, municipality or other legal entity to dispose of any sewage, industrial or other waste, either alone or in conjunction with another or others, in such manner as will, after due consideration for seasonal, climatic, tidal and natural variations and after reasonable opportunity for dilution, diffusion, mixture or heat transfer to the atmosphere, within mixing zones reasonably established by the commission in the manner provided by this section, lower the quality of said waters, outside such zones, below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 413 to 415.

The commission may establish a mixing zone with respect to any discharge at the time application for license for such discharge is made pursuant to section 414, and when so established shall be a condition of and form a part of the license issued. The commission may, after '30 days' notice to and a hearing with the affected party, establish by order a mixing zone with respect to any discharge for which a license has heretofore been issued pursuant to section 414, or for which no license is required by virtue of the last sentence of section 413. Prior to the issuance of any order, or commencement of any enforcement action to abate a classification violation, the commission shall establish, in the manner above provided, a mixing zone with respect to the discharge sought to be thereby affected.

In determining the extent of any mixing zone to be by it established under this section, the commission shall solicit and receive testimony concerning the nature and rate of the discharge; the nature and rate of existing discharges to the waterway and their effect upon the ability of the waterway to achieve its classification standards; the size of the waterway and the rate of flow therein; any seasonal, climatic, tidal and natural variations in such size, flow, nature and rate and the effect of such variations upon the ability of the waterway to achieve its classification standards; the uses of the waterways in

the vicinity of the discharge, and such other and further evidence as in the commission's judgment will enable it to establish a reasonable mixing zone for such discharge. An order establishing a mixing zone may provide that the extent thereof shall vary in order to take into account seasonal, climatic, tidal and natural variations in the size and flow of, and the nature and rate of discharges to, the waterway.

Where no mixing zones have been established by the commission, it shall be unlawful for any person, corporation, municipality or other legal entity to dispose of any sewage, industrial or other waste, either alone or in conjunction with another or others, into any classified surface waters, tidal flats or sections thereof, in such manner as will, after reasonable opportunity for dilution, diffusion, mixture or heat transfer to the atmosphere, lower the quality of any significant segment of said waters, tidal flats or sections thereof, affected by such discharge, below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 413 to 415.

**Sec. 7. R. S., T. 38, § 45I, amended.** The last paragraph of section 45I of Title 38 of the Revised Statutes, as repealed and replaced by section 11 of chapter 475 of the public laws of 1967, is amended to read as follows:

All orders of the commission shall be enforced by the Attorney General. If any order of the commission is not complied with within the time period specified, the commission shall immediately notify the Attorney General of this fact. Within 30 days thereafter, the Attorney General shall forthwith commence an action in the Superior Court of any county where the violation of the commission's order has occurred. ~~If the commission finds that the discharge of any material into any waters of this State constitute a substantial and immediate danger to the health, safety or general welfare of any person, persons or property, they shall in addition request the Attorney General to initiate immediate injunction proceedings to prevent such discharge.~~

**Sec. 8. R. S., T. 38, § 45I, amended.** Section 45I of Title 38 of the Revised Statutes, as repealed and replaced by section 11 of chapter 475 of the public laws of 1967 and as amended, is further amended by adding at the end, a new paragraph as follows:

If the commission finds that the discharge of any materials into any waters of this State constitutes a substantial and immediate danger to the health, safety or general welfare of any person, persons or property, they shall forthwith request the Attorney General to initiate immediate injunction proceedings to prevent such discharge. Said injunction proceedings may be instituted without recourse to the issuance of an order, as provided for in this section.

**Sec. 9. Amendatory clause.** Wherever in the Revised Statutes or public laws the words "Water and Air Environmental Improvement Commission" appear they shall mean "Environmental Improvement Commission."