

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 695

H.P. 1787 - L.D. 1777

**AN ACT to Clarify the Discharge Requirements
for the Processing of Certain Marine Resources.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine sardine industry is an important employer and producer of revenue for the State; and

Whereas, the wastewater discharge of a sardine plant cannot, even with the best practical treatment, be brought into compliance with certain state laws regarding wastewater treatment and water classification; and

Whereas, the sardine plants in Maine may be forced to close down if the present state laws regarding wastewater treatment and water classification are not modified; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

38 MRSA §455 is enacted to read:

§455. Sardine processing facilities

1. Legislative purpose. The purpose of this section is to provide a 2-year period during which effluent guidelines and control technologies for treatment of sardine plant wastewater discharge may be evaluated and developed.

2. Interim licenses. Notwithstanding any other provision of law, the department shall issue a wastewater discharge license to any existing sardine processing facility, whenever it finds that the facility:

A. Employs proper housekeeping and management practices normally observed by prudent operators of similar facilities, and efficient operation of all control

technology;

B. Screens all process wastewaters except retort water in a screening device with an efficiency equivalent to that obtained from a number 30 standard sieve; and

C. Separates oil in all oil-bearing wastewaters in a gravity oil separator.

Pending acceptance of the study required under subsection 3, no license issued under this subsection may contain any numerical effluent limitations, nor may any such license be issued for a period of more than 2 years, except that nothing in this section may prevent the department from issuing a license for longer than 2 years to a facility which has installed treatment methods beyond those referred to in paragraphs B and C. During the 2-year period, no state agency may impose or enforce treatment standards or requirements more stringent than those required by this subsection.

3. Study. The commissioner, in cooperation with the sardine industry, shall conduct a study of the Maine sardine industry. This study shall consider:

A. Initiation of a program to ensure quality control of industry monitoring data;

B. Other data necessary to establish effluent standards;

C. Current or proposed federal categorization and effluent limitations for the sardine industry, and their relation to practices in Maine; and

D. Determination of best practicable control technology currently available for the sardine industry, including the performance and availability of control technology, the economic impact of the implementation of this technology and any other issues deemed relevant.

The commissioner shall submit this report to the joint standing committee of the Legislature having jurisdiction over marine resources by January 15, 1984.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.