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

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

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

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

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

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

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

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

1. Develop a conceptual plan to establish appropriate nutrient standards for all coastal areas of the State;
2. Develop a work plan and timeline leading to approved nutrient standards for coastal waters;
3. Prepare a report on possible technological approaches to nutrient reduction, including projected costs on a per unit basis; and
4. Provide an inventory of significant point and nonpoint sources of nutrients in coastal waters; and be it further

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

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

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

## SUMMARY

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