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## **An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection**

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

### **PART A**

**Sec. A-1. 32 MRSA §4171, sub-§2-A** is enacted to read:

**2-A. Commissioner.** "Commissioner" means the Commissioner of Environmental Protection.

**Sec. A-2. 32 MRSA §4174**, as amended by PL 2011, c. 206, §2, is further amended to read:

#### **§ 4174. Examination; criteria; standards**

The commissioner shall hold at least one examination each year for the purpose of examining candidates for certification at a time and place designated by the commissioner.

The ~~board~~commissioner shall establish the criteria and conditions for the classification of wastewater treatment plants or systems, using as a basis the standards established by the New England Water Pollution Control Association.

The ~~board~~commissioner shall establish by rule the qualifications, conditions and licensing standards and procedures for the certification of individuals to act as operators.

The Department of Environmental Protection may allow an operator to review with department staff an operator certification test that the operator has completed in order to identify subject areas for which questions were answered incorrectly and further study is advisable.

**Sec. A-3. 32 MRSA §4179, first ¶**, as amended by PL 1989, c. 890, Pt. A, §7 and affected by §40, is further amended to read:

The ~~Board of Environmental Protection~~commissioner shall adopt rules ~~which~~that include, but are not limited to, provisions establishing the basis for classification of treatment plants in accordance with section 4172 and provisions establishing requirements for certification and procedures for examination of candidates.

**Sec. A-4. 38 MRSA §342, sub-§11-B**, as amended by PL 2011, c. 538, §2, is further amended to read:

**11-B. Revoke or suspend licenses and permits.** ~~After~~Notwithstanding Title 5, section 10051, after written notice and opportunity for a hearing pursuant to Title 5, chapter 375, subchapter 4, the commissioner may ~~act to~~ revoke or suspend a license whenever the commissioner finds that:

A. The licensee has violated any condition of the license;

- B. The licensee has obtained a license by misrepresenting or failing to disclose fully all relevant facts;
- C. The licensed discharge or activity poses a threat to human health or the environment;
- D. The license fails to include any standard or limitation legally required on the date of issuance;
- E. There has been a change in any condition or circumstance that requires revocation or suspension of a license;
- F. There has been a change in any condition or circumstance that requires a corrective action or a temporary or permanent modification of the terms of the license;
- G. The licensee has violated any law administered by the department; or
- H. The license fails to include any standard or limitation required pursuant to the federal Clean Air Act Amendments of 1990.

For the purposes of this subsection, "license" includes any license, permit, order, approval or certification issued by the department and "licensee" means the holder of the license.

**Sec. A-5. 38 MRSA §347-C**, as amended by PL 1997, c. 794, Pt. A, §6, is repealed and the following enacted in its place:

**§ 347-C. Right of inspection and entry**

Employees and agents of the department may:

**1. Property.** Enter any property at reasonable hours in order to inspect the property to take samples, inspect records relevant to any regulated activity or conduct tests as appropriate to determine compliance with any laws administered by the department or the terms and conditions of any order, regulation, license, permit, approval or decision of the commissioner or of the board; and

**2. Buildings.** Enter any building with the consent of the property owner, occupant or agent, or pursuant to an administrative search warrant, in order to inspect the property or structure, including the premises of an industrial user of a publicly owned treatment works, and to take samples, inspect records relevant to any regulated activity or conduct tests as appropriate to determine compliance with any laws administered by the department or the terms and conditions of any order, regulation, license, permit, approval or decision of the commissioner or of the board.

**Sec. A-6. 38 MRSA §361-A, sub-§1-J**, as amended by PL 2009, c. 121, §6, is further amended to read:

**1-J. Code of Federal Regulations.** "Code of Federal Regulations" means the codification of regulations published in the Federal Register by the Federal Government, and includes those regulations effective on or before July 1, 2009~~2016~~.

**Sec. A-7. 38 MRSA §361-A, sub-§1-K**, as amended by PL 2009, c. 121, §7, is further amended to read:

**1-K. Federal Water Pollution Control Act.** "Federal Water Pollution Control Act" means federal Public Law 92-500 or 33 United States Code, Sections 1251 et seq., including all amendments effective on or before July 1, ~~2009~~2016.

**Sec. A-8. 38 MRSA §411, 5th ¶**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §24, is further amended to read:

State grant-in-aid participation under this section is limited to grants for waste treatment facilities, interceptor systems and collector systems and outfalls. The word "expense" does not include costs relating to land acquisition or debt service, unless allowed under federal statutes and regulations.

**Sec. A-9. 38 MRSA §420, sub-§1-B, ¶C**, as enacted by PL 2001, c. 418, §3, is amended to read:

C. The department may establish a site-specific bioaccumulation factor for mercury when there is sufficient information to indicate that a site-specific bioaccumulation factor will be protective of human health and wildlife. A site-specific bioaccumulation factor may only be established:

(1) As part of a licensing proceeding pursuant to section 413 by the ~~board~~department; or

(2) As part of a remediation or corrective action plan, license or order approved either by the department pursuant to section 1301, 1304, 1319, 1364 or 1365, or by the United States Environmental Protection Agency under federal law with the concurrence of the department.

**Sec. A-10. 38 MRSA §420, sub-§2**, as amended by PL 2011, c. 194, §2, is further amended to read:

**2. Toxic or hazardous substances.** Any other toxic substance in any amount or concentration greater than that identified or regulated, including complete prohibition of such substance, by the ~~board~~department. In identifying and regulating such toxic substances, the ~~board~~department shall take into account the toxicity of the substance, its persistence and degradability, the usual or potential presence of any organism affected by such substance in any waters of the State, the importance of such organism and the nature and extent of the effect of such substance on such organisms, either alone or in combination with substances already in the receiving waters or the discharge. As used in this subsection, "toxic substance" ~~shall mean~~means those substances or combination of substances, including ~~disease-causing~~disease-causing agents, ~~which~~that after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the ~~board~~department either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or ~~their~~its offspring.

A. Except as naturally occurs or as provided in paragraphs B and C, the ~~board~~department shall regulate toxic substances in the surface waters of the State at the levels set forth in federal water quality criteria as established by the United States Environmental Protection Agency pursuant to the Federal Water Pollution Control Act, Public Law 92-500, Section 304(a), as amended.

B. The ~~board~~department may change the statewide criteria established under paragraph A for a particular toxic substance established pursuant to the Federal Water Pollution Control Act, Public Law 92-500, Section 304(a), as amended, as follows:

(1) By adopting site-specific numerical criteria for the toxic substance to reflect site-specific circumstances different from those used in, or any not considered in, the derivation of the statewide criteria. The ~~board~~department shall adopt site-specific numerical criteria only as part of a licensing proceeding pursuant to sections 413, 414 and 414-A; or

(2) By adopting alternative statewide criteria for the toxic substance. The alternative statewide criteria must be adopted by rule.

The ~~board~~department may substitute site-specific criteria or alternative statewide criteria for the criteria established in paragraph A only upon a finding that the site-specific criteria or alternative statewide criteria are based on sound scientific rationale and are protective of the most sensitive designated use of the water body, including, but not limited to, human consumption of fish and drinking water supply after treatment.

C. When surface water quality standards are not being met due to the presence of a toxic substance for which no water quality criteria have been established pursuant to the Federal Water Pollution Control Act, Section 304(a), as amended, the ~~board~~department shall:

(1) Adopt statewide numerical criteria by rule; or

(2) Adopt site-specific numerical criteria as part of a licensing proceeding under sections 413, 414 and 414-A.

Nothing in this section restricts the authority of the ~~board~~department to adopt, by rule, statewide or site-specific numerical criteria for toxic substances that are not presently causing water quality standards to be violated.

D. For any criteria established under this subsection, the ~~board~~department shall establish the acceptable level of additional risk of cancer to be borne by the affected population from exposure to the toxic substance believed to be carcinogenic.

E. In regulating substances that are toxic to humans, including any rulemaking to regulate these substances, the boarddepartment shall consider any information provided by the Department of Health and Human Services.

F. The Department of Health and Human Services may request that the boarddepartment adopt or revise the statewide or site-specific criteria for any toxic substance based on the need to protect public health. If the request is filed with the boarddepartment, the boarddepartment may propose a rule and initiate a rule-making proceeding. The boarddepartment shall incorporate in its proposal for rulemaking under this paragraph the statewide or site-specific criteria recommended by the Department of Health and Human Services.

G. Numeric water quality criteria for 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin established by the United States Environmental Protection Agency under the Federal Water Pollution Control Act, Public Law 92-500, Section 304(a), as amended, do not apply until June 1, 1991, and only apply on that date if the boarddepartment has not adopted through rulemaking or individual licensing proceedings under this section alternative numeric water quality criteria for 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin. Pursuant to section 414-A, subsection 2, the boarddepartment shall establish schedules for compliance with criteria established under this section. These schedules must be consistent with the compliance deadlines established under the Federal Water Pollution Control Act, Public Law 92-500, Section 304(l), as amended.

H. Notwithstanding paragraphs D and G, the boarddepartment may not adopt any numeric water quality criteria for, or acceptable level of additional cancer risk from exposure to, 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin prior to January 1, 1994.

I. Notwithstanding any other provision of this section, the following standards apply only to a bleach kraft pulp mill, referred to in this paragraph as a "mill."

(1) After July 31, 1998, a mill may not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin as measured in any internal waste stream of its bleach plant. For purposes of compliance, the detection level is 10 picograms per liter, unless the department adopts a lower detection level by rule, which is a routine technical rule pursuant to Title 5, chapter 375, subchapter 2-A, or a lower detection level by incorporation of a method in use by the United States Environmental Protection Agency.

(2) After December 31, 1999, a mill may not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-furan as measured in any internal waste stream of its bleach plant. The commissioner may extend this time frame up to 6 months for a mill if the commissioner determines, based on information presented by the mill, that compliance is not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons. For purposes of compliance, the detection level is 10 picograms per liter, unless the department adopts a lower level of detection by rule, which is a routine technical rule pursuant to Title 5, chapter 375, subchapter 2-A, or a lower detection level by incorporation of a method in use by the United States Environmental Protection Agency. If a mill fails to achieve

this requirement, as documented by confirmatory sampling, it shall conduct a site-specific evaluation of feasible technologies or measures to achieve it. This evaluation must be submitted to the commissioner within 6 months of the date of confirmatory sampling and include a timetable for implementation, acceptable to the commissioner, with an implementation date no later than December 31, 2002. The commissioner may establish a procedure for confirmatory sampling.

(3) After December 31, 2002, a mill may not discharge dioxin into its receiving waters. For purposes of this subparagraph, a mill is considered to have discharged dioxin into its receiving waters if 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan is detected in any of the mill's internal waste streams of its bleach plant and in a confirmatory sample at levels exceeding 10 picograms per liter, unless the department adopts a lower detection level by rule, which is a routine technical rule pursuant to Title 5, chapter 375, subchapter 2-A, or a lower detection level by incorporation of a method in use by the United States Environmental Protection Agency, or if levels of dioxin, as defined in section 420-B, subsection 1-A, paragraph A detected in fish tissue sampled below the mill's wastewater outfall are higher than levels in fish tissue sampled at an upstream reference site not affected by the mill's discharge or on the basis of a comparable surrogate procedure acceptable to the commissioner. The commissioner shall consult with the technical advisory group established in section 420-B, subsection 1, paragraph B, subparagraph (5) in making this determination and in evaluating surrogate procedures. The fish-tissue sampling test must be performed with differences between the average concentrations of dioxin in the fish samples taken upstream and downstream from the mill measured with at least 95% statistical confidence. If the mill fails to meet the fish-tissue sampling-result requirements in this subparagraph and does not demonstrate by December 31, 2004 and annually thereafter to the commissioner's satisfaction that its wastewater discharge is not the source of elevated dioxin concentrations in fish below the mill, then the commissioner may pursue any remedy authorized by law.

(4) For purposes of documenting compliance with subparagraphs (1) and (2) the internal waste stream of a bleach plant must be sampled twice per quarter by the mill. The department may conduct its own sampling and analysis of the internal waste stream of a bleach plant. Analysis of the samples must be conducted by a 3rd-party laboratory using methodology approved by the United States Environmental Protection Agency. A mill shall report to the department for informational purposes the actual laboratory results including sample detection limits on a frequency to be established by the commissioner.

The commissioner shall assess the mill for the costs of any sampling performed by the department and any analysis performed for the department under this paragraph and credit funds received to the Maine Environmental Protection Fund.

The commissioner may reduce the frequency of sampling required by a mill after 3 consecutive years of sampling have demonstrated the mill does not have a detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan.

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. A-11. 38 MRSA §490-Y, first ¶**, as amended by PL 2007, c. 297, §9, is further amended to read:

Except as provided in section 484-A, a person intending to create or operate a quarry under this article must file a notice of intent to comply before the total area of excavation of rock or overburden on the parcel exceeds one acre excavated since January 1, 1970. Both reclaimed and unreclaimed areas are added together in determining whether this one-acre threshold is exceeded. A notice filed under this section must be complete, submitted on forms approved by the department and mailed to the municipality where the quarry is located, the department, the Maine Historic Preservation Commission and each abutting property owner. The notice that is mailed to the municipality and each abutting property owner must be sent by certified mail at least 7 days before the notice of intent to comply is filed with the regulator. The notice that is mailed to the department must be sent by certified mail, return receipt requested. Upon receiving the postal receipt, the owner or operator may commence operation of the quarry. The municipality where the proposed quarry is located may submit comments to the department if the proposed quarry may pose an unreasonable adverse impact under the standards in section 490-Z. Within 30 days of receipt of the notice of intent to comply, the department shall respond to the comments made by the municipality. Abutting property owners, the Maine Historic Preservation Commission or other interested persons may submit comments directly to the department.

**Sec. A-12. 38 MRSA §496-A, 2nd ¶**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §104, is further amended to read:

The commission may administer programs of training and certification for such personnel, and may make classifications thereof. Any certificate issued by the commission ~~shall~~must be accepted by this State and all agencies and subdivisions ~~thereof of the State~~ as conclusive evidence that the holder has the training, education and experience necessary for certification for the class of position or responsibility described ~~therein in the certificate~~. ~~The Board of Environmental Protection may impose and the Commissioner of Environmental Protection may administer any other requirements for certification within any applicable provisions of law, but the commissioner shall~~may not reexamine or reinvestigate the applicant for a certificate with respect to the applicant's training, education or experience qualifications.

**Sec. A-13. 38 MRSA §568-A, sub-§3**, as enacted by PL 1989, c. 865, §15 and affected by §§24 and 25, is amended to read:

**3. Exemptions from deductible.** The commissioner may waive the deductible requirement for an applicant's personal residence if the commissioner determines that the applicant does not have the financial resources to pay the deductible. ~~The board~~commissioner shall adopt rules to determine the standards to be used to assess an applicant's ability to pay this deductible.

**Sec. A-14. 38 MRSA §3102, sub-§9**, as enacted by PL 2015, c. 166, §14, is amended to read:

**9. Hard cider.** "Hard cider" means a beverage produced by fermentation of the juice of fruit, including, but not limited to, flavored, sparkling or carbonated cider that contains not less than 1/2 of 1% alcohol by volume and not more than ~~7%~~8.5% alcohol by volume.

## PART B

**Sec. B-1. 38 MRSA §465-A, first ¶**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §64, is further amended to read:

The department shall have one standard for the classification both of great ponds and of natural lakes and ponds less than 10 acres in size. Impoundments of rivers that are defined as great ponds pursuant to section 480-B are classified as GPA or as specifically provided in sections 467 and 468.

**Sec. B-2. 38 MRSA §465-A, sub-§1**, as amended by PL 2013, c. 193, §4, is further amended to read:

**1. Class GPA waters.** Class GPA ~~shall be~~is the sole classification both of great ponds and of natural lakes and ponds ~~and lakes~~ less than 10 acres in size.

A. Class GPA waters must be of such quality that they are suitable for the designated uses of drinking water after disinfection, recreation in and on the water, fishing, agriculture, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other aquatic life. The habitat must be characterized as natural.

B. Class GPA waters must be described by their trophic state based on measures of the chlorophyll "a" content, Secchi disk transparency, total phosphorus content and other appropriate criteria. Class GPA waters must have a stable or decreasing trophic state, subject only to natural fluctuations, and must be free of culturally induced algal blooms that impair their use and enjoyment. The number of Escherichia coli bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 29 per 100 milliliters or an instantaneous level of 194 per 100 milliliters.

C. There may be no new direct discharge of pollutants into Class GPA waters. The following are exempt from this provision:

- (1) Chemical discharges for the purpose of restoring water quality approved by the department;
- (2) Aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species;
- (3) Storm water discharges that are in compliance with state and local requirements;

(4) Discharges of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website; and

(5) Discharges of pesticides approved by the department that are:

(a) Unintended and an incidental result of the spraying of pesticides;

(b) Applied in compliance with federal labeling restrictions; and

(c) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

Discharges into these waters licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist. Materials may not be placed on or removed from the shores or banks of a Class GPA water body in such a manner that materials may fall or be washed into the water or that contaminated drainage may flow or leach into those waters, except as permitted pursuant to section 480-C. A change of land use in the watershed of a Class GPA water body may not, by itself or in combination with other activities, cause water quality degradation that impairs the characteristics and designated uses of downstream GPA waters or causes an increase in the trophic state of those GPA waters.

**Sec. B-3. 38 MRSA §467, sub-§3, ¶B**, as amended by PL 2005, c. 330, §11, is further amended to read:

B. East Machias River, tributaries - Class A unless otherwise specified.

(1) All tributaries entering below the Route 191 bridge in Jacksonville, except as specified in subparagraph (7) - Class B.

(2) Beaverdam Brook, also known as Beaverdam Stream - Class AA.

(3) Seavey Brook in Crawford - Class AA.

(4) Harmon Brook in Crawford - Class AA.

(5) Northern Stream in Township 19 Eastern Division - Class AA.

(6) Creamer Brook in Township 19 Eastern Division - Class AA.

(7) Clifford Brook, also known as Clifford Stream, in Marion Township - Class AA.

**Sec. B-4. 38 MRSA §467, sub-§5, ¶B**, as amended by PL 2003, c. 663, §3, is further amended to read:

B. Machias River, tributaries - Class A unless otherwise specified.

(1) All tributaries entering below Route 1A in Whitneyville - Class B.

(2) Mopang Stream, from the outlet of Mopang Second Lake to its confluence with the Machias River - Class AA.

(3) Old Stream, from the outlet of First Lake to its confluence with the Machias River - Class AA.

(4) West Branch of the Machias River, from the outlet of Lower Sabao Lake to its confluence with the Machias River - Class AA.

(5) New Stream, in Northfield and Wesley - Class AA.

(6) Crooked Stream, also known as Crooked River - Class AA.

(7) Fletcher Brook in Township 36 Middle Division - Class AA.

(8) Magazine Brook in Township 43 Middle Division - Class AA.

(9) Bowles Brook in Day Block Township ~~31 Middle Division~~ - Class AA.

(10) Chain Lakes Stream in Day Block Township ~~31~~ - Class AA.

(11) Pembroke Stream in Day Block Township ~~31 Middle Division~~ - Class AA.

(12) Holmes Brook in Northfield - Class AA.

(13) Bog Brook - Class AA.

(14) Pineo Brook in Wesley - Class AA.

(15) Black Brook in Township 25 Middle Division - Class AA.

**Sec. B-5. 38 MRSA §467, sub-§5-A, ¶A**, as enacted by PL 1993, c. 32, §1, is amended to read:

A. Medomak River, main stem.

(1) From its source in the Town of Liberty to the Wagner Bridge Road in the Town of Waldoboro - Class A.

(2) From the Wagner Bridge Road in the Town of Waldoboro to ~~the bridge at old Route 4~~tidewater - Class B.

**Sec. B-6. 38 MRSA §467, sub-§6-A, ¶B**, as amended by PL 2003, c. 317, §11, is further amended to read:

B. Narraguagus River, tributaries - Class A unless otherwise specified.

(1) All tributaries entering below the river's confluence with the West Branch - Class B.

(2) West Branch of the Narraguagus River in T.22 M.D. B.P.P., T.16 M.D. B.P.P., T.10 S.D. B.P.P. and Cherryfield - Class AA.

(3) Baker Brook - Class AA.

(4) Pork Brook - Class AA.

(5) Schoodic Brook - Class AA.

(6) Shorey Brook - Class AA.

(7) West Branch Stream in Township 34 Middle Division - Class AA.

(8) Gould Brook in Township 28 Middle Division - Class AA.

- (9) Rocky Brook in Devereaux Township - Class AA.
- (10) Sinclair Brook in Devereaux Township - Class AA.
- (11) Humpback Brook in Township 28 Middle Division - Class AA.
- (12) Little Narraguagus River in Township 22 Middle Division - Class AA.
- (13) Great Falls Branch downstream of Route 193 in Deblois, excluding any tributaries - Class AA.
- (14) Lawrence Brook - Class AA.

**Sec. B-7. 38 MRSA §467, sub-§7, ¶F**, as amended by PL 2009, c. 163, §6, is further amended to read:

F. Penobscot River, minor tributaries - Class B unless otherwise specified.

- (1) Cambolasse Stream (Lincoln) below the Route 2 bridge - Class C.
- (2) Great Works Stream (Bradley) and its tributaries above the Route 178 bridge - Class A.
- (3) Kenduskeag Stream (Bangor) below the Bullseye Bridge - Class C.
- (4) Mattanawcook Stream (Lincoln) below the outlet of Mattanawcook Pond - Class C.
- (5) Olamon Stream and its tributaries above the bridge on Horseback Road - Class A.
- (6) Passadumkeag River and its tributaries - Class A, unless otherwise specified.
  - (a) Passadumkeag River from the Pumpkinhill Dam to its confluence with the Penobscot River - Class AA.
  - (b) Ayers Brook - Class AA.
- (7) Souadabscook Stream above head of tide - Class AA.

(7-A) Souadabscook Stream, tributaries of - Class B, unless otherwise specified.

(a) West Branch Souadabscook Stream (Hampden, Newburgh) - Class A.

(b) Brown Brook (Hampden) - Class A.

(8) Sunkhaze Stream and its tributaries - Class AA.

(9) Birch Stream - Class A.

(10) Hemlock Stream - Class A.

(11) Mattamiscontis Stream and its tributaries - Class A.

(12) Medunkeunk Stream - Class A.

(13) Rockabema Stream - Class A.

(14) Salmon Stream - Class A.

(15) Salmon Stream in Winn - Class A.

(16) Little Salmon Stream in Medway - Class A.

(17) Narrimissic River, also known as Narramissic River, in Bucksport and Orland, including all impoundments - Class B.

**Sec. B-8. 38 MRSA §467, sub-§9, ¶B**, as amended by PL 2009, c. 163, §7, is further amended to read:

B. Presumpscot River, tributaries - Class A unless otherwise specified.

(1) All tributaries entering below the outlet of Sebago Lake - Class B.

(2) Crooked River and its tributaries, except as otherwise provided, excluding existing impoundments - Class AA.

(3) Stevens Brook (Bridgton) - Class B.

(4) Mile Brook, also known as Mill Brook, (Casco) - Class B.

**Sec. B-9. 38 MRSA §467, sub-§15, ¶C**, as amended by PL 2009, c. 163, §10, is further amended to read:

C. Aroostook River Drainage.

(1) Aroostook River, main stem.

(a) From the confluence of Millinocket Stream and Munsungan Stream to the Route 11 bridge - Class AA.

(b) From the Route 11 bridge to the Sheridan Dam - Class B.

(c) From the Sheridan Dam to its confluence with Presque Isle Stream, including all impoundments - Class B.

(d) From its confluence with Presque Isle Stream to a point located 3.0 miles upstream of the intake of the Caribou water supply, including all impoundments - Class C.

(e) From a point located 3.0 miles upstream of the intake of the Caribou water supply to a point located 100 yards downstream of the intake of the Caribou water supply, including all impoundments - Class B.

(f) From a point located 100 yards downstream of the intake of the Caribou water supply to the international boundary, including all impoundments - Class C.

(2) Aroostook River, tributaries, those waters lying within the State - Class A unless otherwise specified.

(a) All tributaries of the Aroostook River entering below the confluence of the Machias River that are not otherwise classified - Class B.

(b) Little Machias River and its tributaries - Class A.

(c) Little Madawaska River and its tributaries, including Madawaska Lake tributaries above the Caribou-Connor Township line - Class A.

(d) Machias River, from the outlet of Big Machias Lake to the Aroostook River - Class AA.

(e) Millinocket Stream, from the outlet of Millinocket Lake to its confluence with Munsungan Stream - Class AA.

(f) Munsungan Stream, from the outlet of Little Munsungan Lake to its confluence with Millinocket Stream - Class AA.

(g) Presque Isle Stream and its tributaries above the Mapleton-Presque Isle town line - Class A.

(h) St. Croix Stream from its confluence with Hall Brook in T.9, R.5, W.E.L.S. to its confluence with the Aroostook River - Class AA.

(j) ~~Squa Pan~~Scopan Stream from the outlet of ~~Squa Pan~~Scopan Lake to its confluence with the Aroostook River - Class C.

(k) Limestone Stream from the Long Road bridge to the Canadian border - Class C.

(l) Beaver Brook and its tributaries (T.14 R.6 W.E.L.S., T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Portage Lake, Ashland, Castle Hill) - Class A.

(m) Gardner Brook and its tributaries (T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Wade) - Class A.

**Sec. B-10. 38 MRSA §467, sub-§15, ¶F**, as amended by PL 2009, c. 163, §11, is further amended to read:

F. St. John River, minor tributaries, those waters lying within the State - Class A unless otherwise specified.

(1) Except as otherwise classified, all minor tributaries of the St. John River entering below the international bridge in Fort Kent, those waters lying within the State - Class B.

(2) Baker Stream and Baker Branch of the St. John River, from the headwaters at the Upper First St. John PondsPond to ~~its~~their confluence with the Southwest Branch - Class AA.

(3) Big Black River, from the international boundary to its confluence with the St. John River - Class AA.

(4) Northwest Branch, from the outlet of Beaver Pond in T.12, R.17, W.E.L.S. to its confluence with the St. John River - Class AA.

(5) Prestile Stream from its source to Route 1A in Mars Hill - Class A.

(6) Southwest Branch, from a point located 5 miles downstream of the international boundary to its confluence with the Baker Branch - Class AA.

(7) Violette Stream and its tributaries, from its source to the confluence with Caniba Brook - Class A.

**Sec. B-11. 38 MRSA §468, sub-§1**, as amended by PL 2009, c. 163, §§13 to 17, is further amended to read:

**1. Cumberland County.** Those waters draining directly or indirectly into tidal waters of Cumberland County, with the exception of the Androscoggin River Basin, the Presumpscot River Basin, the Royal River Basin and tributaries of the Androscoggin River Estuary and Merrymeeting Bay; entering above the Chops (Woolwich and Bath, Sagadahoc County) - Class B unless otherwise specified.

A. Freeport.

(1) Frost Gully Brook - Class A.

A-1. Cape Elizabeth.

(1) Trout Brook, those waters that form the town boundary with South Portland - Class C.

B. Portland.

(1) All minor drainages unless otherwise specified - Class C.

(2) Stroudwater River from its origin to tidewater, including all tributaries - Class B.

C. Scarborough.

(1) All minor drainages - Class C unless otherwise specified.

(2) Finnard Brook - Class B.

(3) Stuart Brook - Class B.

(4) Nonesuch River from the headwaters to a point 1/2 mile downstream of Mitchell Hill Road crossing - Class B.

(5) Tributaries of Stroudwater River from its origin to tidewater, including all tributaries - Class B.

D. South Portland.

(1) All minor drainages - Class C.

(2) Trout Brook downstream of the first point where the brook becomes the town boundary between South Portland and Cape Elizabeth - Class C.

J. Westbrook.

(1) Long Creek, main stem - Class C.

**Sec. B-12. 38 MRSA §468, sub-§4**, as amended by PL 2009, c. 163, §18, is further amended to read:

**4. Lincoln County.** Those waters draining directly or indirectly into tidal waters of Lincoln County ~~entering above the Chops~~, with the exception of the Sheepscot River Basin and tributaries of the Kennebec River Estuary and Merrymeeting Bay entering above the Chops (Woolwich and Bath, Sagadahoc County) - Class B unless otherwise specified.

D. Bristol.

(1) Pemaquid River and its tributaries, all freshwater sections below Pemaquid Pond - Class A.

**Sec. B-13. 38 MRSA §468, sub-§5, ¶C**, as enacted by PL 1999, c. 277, §23, is repealed.

**Sec. B-14. 38 MRSA §468, sub-§6**, as repealed and replaced by PL 1989, c. 764, §21, is amended to read:

**6. Sagadahoc County.** Those waters draining directly or indirectly into tidal waters of Sagadahoc County ~~entering above the Chops~~, with the exception of tributaries of the Androscoggin River Estuary, the Kennebec River Estuary and Merrymeeting Bay entering above the Chops - Class B unless otherwise specified.

**Sec. B-15. 38 MRSA §468, sub-§7, ¶G** is enacted to read:

G. Winterport.

(1) Cove Brook, those waters above head of tide - Class AA.

**Sec. B-16. 38 MRSA §469, sub-§1**, as amended by PL 2011, c. 206, §11, is further amended to read:

**1. Cumberland County.** All estuarine and marine waters lying within the boundaries of Cumberland County and that are not otherwise classified are Class SB waters.

A. Cape Elizabeth.

(1) Tidal waters of the Spurwink River system lying north of a line at latitude 43°-33'-44" N. - Class SA.

B. Cumberland.

~~(1) Tidal waters located within a line beginning at a point located on the Cumberland-Portland boundary at approximately latitude 43°41'-18"N., longitude 70° - 05'-48"W. and running northeasterly to a point located on the Cumberland-Harpswell boundary at approximately latitude 43° - 42'-57"N., longitude 70° - 03'-50" W.; thence running southwesterly along the Cumberland-Harpswell boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running northeasterly along the Cumberland-Portland boundary to point of beginning - Class SA.~~

B-1. Chebeague Island.

(1) Tidal waters of the Town of Chebeague Island located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 00'-20" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 01'-28" W.; thence running northwesterly to a point located at latitude 43° - 41'-17" N., longitude 70° - 05'-43" W.; thence running northeasterly to a point located at latitude 43° - 42'-57" N., longitude 70° - 03'-48" W.; thence running southeasterly to point of beginning - Class SA.

C. Falmouth.

(1) Tidal waters of the Town of Falmouth located westerly and northerly, to include the Presumpscot estuary, of a line running from the southernmost point of Mackworth Island; thence running northerly along the western shore of Mackworth Island and the Mackworth Island Causeway to a point located where the causeway joins Mackworth Point - Class SC.

#### D. Harpswell.

(1) Tidal waters of the Town of Harpswell located within a line beginning at a point located on the Cumberland-Harpswell boundary at approximately latitude 43° - 42'-57" N., longitude 70° - 03'-50" W. and running northeasterly to a point located at latitude 43° - 43'-08" N., longitude 70° - 03'-36" W.; thence running southeasterly to a point located at latitude 43° - 42'-02" N., longitude 70° - 00'-00" W.; thence running due south to the Harpswell-Portland boundary; thence running northwesterly along the Harpswell-Portland boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running northwesterly along the Cumberland-Harpswell boundarythe area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 00'-00" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 00'-20" W.; thence running northwesterly to a point located at latitude 43° - 42'-57" N., longitude 70° - 03'-48" W.; thence running northeasterly to a point located at latitude 43° - 43'-08" N., longitude 70° - 03'-36" W.; thence running southeasterly to a point located at latitude 43° - 42'-02" N., longitude 70° - 00'-00" W.; thence running due south to point of beginning - Class SA.

#### D-1. Long Island.

(1) Tidal waters of the Town of Long Island located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 05'-00" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 08'-52"; thence running northwesterly to a point located at latitude 43° - 38'-27" N., longitude 70° - 08'-58" W.; thence running northeasterly to a point located at latitude 43° - 40'-08" N., longitude 70° - 07'-03" W.; thence running southeasterly to point of beginning - Class SA.

#### E. Portland.

(1) Tidal waters of the City of Portland located within a line beginning at a point located on the Cumberland-Portland boundary at approximately latitude 43° - 41'-18" N., longitude 70° - 05'-48" W. and running southeasterly along the Cumberland-Portland boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running southeasterly along the Harpswell-Portland boundary to longitude 70° - 00'-00" W.; thence running due south to a point located at latitude 43° - 38'-21" N., longitude 70° - 00'-00" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 09'-06" W.; thence running northeasterlythe area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 01'-28" W.; thence running due west to a point located at latitude

43° - 38'-21" N., longitude 70° - 05'-00" W.; thence running northwesterly to a point located at latitude 43° - 40'-08" N., longitude 70° - 07'-03" W.; thence running northeasterly to a point located at latitude 43° - 41'-17" N., longitude 70° - 05'-43" W.; thence running southeasterly to point of beginning - Class SA.

(2) Tidal waters of the City of Portland lying ~~northwesterly~~westerly of a line beginning at Spring Point Light in South Portland to the easternmost point of Fort Gorges Island, thence running northerly to the southernmost point of Mackworth Island - Class SC.

(3) Tidal waters of the City of Portland located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 08'-52"; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 09'-06"; thence running northeasterly to a point located at latitude 43° - 38'-27" N., longitude 70° - 08'-58" W.; thence running southeasterly to point of beginning - Class SA.

#### E-1. Scarborough.

(1) Tidal waters of the Scarborough River system lying north of a line running easterly from a point where the old Boston and Maine Railroad line intersects the marsh at latitude 43°-33'-06" N., longitude 70°-20'-58" W. to a point of land north of Black Rock at latitude 43°-33'-06" N., longitude 70°-19'-25" W., excluding those tidal waters of Phillips Brook lying upstream of a point 500 feet south of U.S. Route 1 - Class SA.

(2) Tidal waters of the Spurwink River system lying north of a line extending from Higgins Beach at latitude 43°-33'-44" N. to the town line - Class SA.

#### F. South Portland.

(1) Tidal waters of the City of South Portland lying westerly of a line beginning at Spring Point Light to the easternmost point of Fort Gorges Island in Portland - Class SC.

**Sec. B-17. 38 MRSA §469, sub-§2, ¶A-1**, as enacted by PL 2003, c. 317, §23, is amended to read:

#### A-1. Brooksville.

(1) Tidal waters of the Bagaduce River lying ~~southerly~~easterly of a line running due south from the westernmost point of Young's Island (Penobscot) - Class SA.

[PL 2003, c. 317, § 23 (NEW).]

**Sec. B-18. 38 MRSA §469, sub-§2, ¶D**, as amended by PL 1999, c. 277, §28 and affected by §31, is further amended to read:

D. Mount Desert.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44° - 16'-36" N. and easterly of longitude 68° - 13'-08" W. - Class SA.

(2) Tidal waters of Somes Sound lying northerly of a line beginning at a point located at the Acadia National Park boundary at latitude 44° - 18'-18" N., longitude 68° - 18'-42" W. and running northeasterly to a point located at the Acadia National Park boundary at latitude 44° - 18'-54" N., longitude 68° - 18'-22" W., except those waters of Broad Cove lying west of a line running from the point of land immediately south of the cove northerly to Navigation Can #7 and those waters lying within 500 feet of overboard discharges licensed as of January 1, 1999 - Class SA.

~~(3) Tidal waters of Somes Sound lying within 500 feet of overboard discharges licensed as of January 1, 1999 - Class SA.~~

**Sec. B-19. 38 MRSA §469, sub-§3, ¶¶B and C**, as enacted by PL 1985, c. 698, §15, are amended to read:

B. Owls Head.

(1) Tidal waters lying westerly of a line running between the southernmost point of land on Jameson Point, Rockland and the northernmost point of land on Battery Point - Class SC.

C. Rockland.

(1) Tidal waters lying westerly of a line running between the southernmost point of land on Jameson Point and the northernmost point of land on Battery Point, Owls Head - Class SC.

**Sec. B-20. 38 MRSA §469, sub-§5, ¶B**, as amended by PL 2011, c. 206, §11, is further amended to read:

B. Phippsburg.

(1) Offshore waters east of longitude 69°-50'-05" W. and west of longitude 69°-47'-00" W., including the tidal waters of the Morse River and the Sprague River; - Class SA.

(2) Tidal waters of The Basin, including The Narrows east of ~~a line drawn between~~ longitude 69°-51'-57" W. and 43°-48'-14" N. - Class SA.

(3) Tidal waters of the Kennebec River in Phippsburg within 500 feet of shore, beginning at a point of land at the head of Atkins Bay located at longitude 69°-48'-14" W. and latitude 43°-44'-40.4" N. and extending along the southeast shore of Atkins Bay to a point 500 feet off Fort Popham located at longitude 69°-47'-00" W. and latitude 43°-45'-23.89" N. - Class SA.

## **SUMMARY**

This bill clarifies the Department of Environmental Protection's right of inspection in reaction to recent litigation. It further clarifies the jurisdiction of the department and the Board of Environmental Protection in the laws regulating discharges into the waters of the State. It also clarifies the names of various bodies of water. The bill updates federal publication references and allows collector systems to be included in state grants for pollution abatement. It increases the limit on the alcohol volume allowed in hard cider.