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Resolve, Regarding Measures To Ensure the Continued Health and Commercial Viability of Maine's Seacoast by Establishing Nutrient Criteria 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 criteria planning process established. Resolved: That the Department of Environmental Protection, referred to in this resolve as "the department," shall initiate the development of water quality criteria for nutrients in state coastal waters by developing:

1. A conceptual plan to establish appropriate nutrient criteria for all coastal areas of the State;
2. A work plan and timeline leading to approved nutrient criteria for coastal waters;
3. A report on available technological approaches to nutrient reduction of wastewater, including projected costs on a per unit basis; and
4. An inventory of significant point and nonpoint sources of nutrients to the waters of Casco Bay; and be it further

Sec. 2 Consultation. Resolved: That, in order to identify a reasonable plan for establishing appropriate nutrient criteria, in developing the information and material under section 1, the department shall initiate a series of discussions with wastewater treatment facilities and interested organizations to solicit input and gather information. The department shall request some affected entities to suggest work plans and timelines for complying with nutrient criteria; 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:

RESOLVE Chapter 49 LD 1297, item 1, 123rd Maine State Legislature
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1. Being the receiving water for the most populated watershed in the State;
2. Bordering one of the most residentially and industrially developed regions in the State;
3. Facing the effects of future development;
4. High concentrations of nutrients; and
5. Comprehensive set of available nutrient data; and be it further

Sec. 4 Legislation authorized. Resolved: That the department shall report its findings and submit the material developed pursuant to section 1 and any necessary legislation to implement 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.