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An Act To Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing

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

Whereas, shellfish processing facilities only generate organic arsenic, which is generally accepted to be harmless to humans and the environment; and

Whereas, current state rules only establish limits for inorganic arsenic; and

Whereas, testing protocols for distinguishing between organic and inorganic arsenic are not widely available and are expensive; 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:

Sec. 1. 38 MRS §424-C is enacted to read:

§ 424-C. Shellfish processing facility; arsenic

The department may not require a shellfish processing facility to comply with testing and reporting requirements for arsenic discharges and may not limit the discharge of arsenic from a shellfish processing facility into waters of the State or into publicly owned treatment works.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill exempts shellfish processing facilities from testing and reporting requirements and discharge limits concerning arsenic.