§451. Enforcement generally

After adoption of any classification by the Legislature for surface waters or tidal flats or sections thereof, it is unlawful for any person, firm, corporation, municipality, association, partnership, quasi-municipal body, state agency or other legal entity to dispose of any pollutants, either alone or in conjunction with another or others, in such manner as will, after reasonable opportunity for dilution, diffusion or mixture with the receiving waters or heat transfer to the atmosphere, lower the quality of those waters below the minimum requirements of such classifications, or where mixing zones have been established by the department, so lower the quality of those waters outside such zones, notwithstanding any exemptions or licenses which may have been granted or issued under sections 413 to 414-B. [PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §50 (AMD).]

The department may establish a mixing zone for any discharge at the time of application for a waste discharge license. The department shall attach a description of the mixing zone as a condition of a license issued for that discharge. After opportunity for a hearing in accordance with section 345-A, the department may establish by order a mixing zone with respect to any discharge for which a license has been issued pursuant to section 414 or for which an exemption has been granted by virtue of section 413, subsection 2. [PL 1997, c. 794, Pt. A, §29 (AMD).]

The purpose of a mixing zone is to allow a reasonable opportunity for dilution, diffusion or mixture of pollutants with the receiving waters before the receiving waters below or surrounding a discharge will be tested for classification violations. In determining the extent of any mixing zone to be established under this section, the department may require from the applicant testimony concerning the nature and rate of the discharge; the nature and rate of existing discharges to the waterway; the size of the waterway and the rate of flow therein; any relevant seasonal, climatic, tidal and natural variations in such size, flow, nature and rate; the uses of the waterways in the vicinity of the discharge, and such other and further evidence as in the department's judgment will enable it to establish a reasonable mixing zone for such discharge. An order establishing a mixing zone may provide that the extent thereof varies in order to take into account seasonal, climatic, tidal and natural variations in the size and flow of, and the nature and rate of, discharges to the waterway. [PL 1991, c. 824, Pt. A, §85 (AMD).]

Where no mixing zones have been established by the department, it is unlawful for any person, corporation, municipality or other legal entity to dispose of any pollutants, either alone or in conjunction with another or others, into any classified surface waters, tidal flats or sections thereof, in such manner as will, after reasonable opportunity for dilution, diffusion, mixture or heat transfer to the atmosphere, lower the quality of any significant segment of those waters, tidal flats or sections thereof, affected by such discharge, below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 413 to 414-B. [PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §50 (AMD).]

1. Time schedule.

[PL 1983, c. 566, §25 (RP).]

2. Revocation, modification or suspension of licenses.

[PL 1977, c. 300, §26 (RP).]

SECTION HISTORY

PL 1967, c. 475, §11 (RPR). PL 1967, c. 528, §§1,2 (AMD). PL 1969, c. 431, §§6-9 (AMD). PL 1969, c. 499, §§11-13 (AMD). PL 1969, c. 590, §72 (AMD). PL 1971, c. 359, §§1-3 (AMD). PL 1971, c. 461, §6 (AMD). PL 1971, c. 618, §12 (AMD). PL 1973, c. 450, §19 (AMD). PL 1977, c. 300, §§25,26 (AMD). PL 1979, c. 127, §211 (RPR). PL 1979, c. 444, §§11,12 (AMD). PL 1979, c. 663, §231 (AMD). PL 1983, c. 566, §§24,25 (AMD). PL 1989, c. 878, §B39 (AMD). PL 1989, c. 890, §§A40,B50 (AMD). PL 1991, c. 66, §A11 (AMD). PL 1991, c. 824, §A85 (AMD). PL 1997, c. 794, §A29 (AMD).

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