

MAINE STATE LEGISLATURE

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Date: 5/20/13

Minority

L.D. 336
(Filing No. H-208)

ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 241, L.D. 336, Bill, "An Act Relating to Clean Water Certification by the Department of Environmental Protection"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 38 MRSA §640, sub-§5 is enacted to read:

5. Water quality certifications; substantial revisions. The following provisions apply to public participation in the department's review and approval of applications for water quality certifications pursuant to the Federal Water Pollution Control Act, 33 United States Code, Section 1341 for all existing hydropower projects located in the State currently licensed under the Federal Power Act and for all proposed hydropower projects requiring a license to operate under the Federal Power Act.

A. The department shall notify the public, municipalities, interested persons and applicable state agencies whenever the department accepts an application for a water quality certification, receives a substantial revision to an application or makes a substantial revision to a draft decision of the department.

(1) The department shall publish the notice at least 2 times in a newspaper that has a general circulation in the municipalities adjacent to a water body potentially affected by the hydropower project that is the subject of the water quality certification. The date of the first notice must be on the earliest date practicable.

(2) The department shall send the notice by regular mail to each municipality adjacent to a water body potentially affected by the hydropower project that is the subject of the water quality certification.

(3) The department shall send the notice by regular mail to each person that contacts the department with an interest in the matter.

(4) The department shall notify in writing all state agencies that review, comment on and consult in the water quality certification process.

COMMITTEE AMENDMENT

ROFS

1 B. If requested, the department shall hold a public meeting on an application for a
2 water quality certification, a substantial revision to an application or a substantial
3 revision to a draft decision of the department.

4 The department shall adopt major substantive rules as defined in Title 5, chapter 375,
5 subchapter 2-A to define "substantial revision" as used in this subsection.

6 **Sec. 2. Appropriations and allocations.** The following appropriations and
7 allocations are made.

8 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

9 **Land and Water Quality 0248**

10 Initiative: Provides an annual General Fund appropriation to the Department of
11 Environmental Protection for notifying the public, municipalities, interested persons and
12 applicable state agencies whenever a water certification application is received by the
13 department and for holding a public meeting, if one is requested.

14	GENERAL FUND	2013-14	2014-15
15	All Other	\$3,000	\$3,000
16			
17	GENERAL FUND TOTAL	<u>\$3,000</u>	<u>\$3,000</u>
18			

19 **SUMMARY**

20 This amendment, which is the minority report of the committee, replaces the bill.
21 The amendment requires the Department of Environmental Protection to notify the
22 public, municipalities, interested persons and applicable state agencies whenever the
23 department accepts an application for a water quality certification for an existing or
24 proposed hydropower project under the licensing jurisdiction of the Federal Energy
25 Regulatory Commission, receives a substantial revision to an application or makes a
26 substantial revision to a draft decision of the department. The amendment requires the
27 department to hold a public meeting if one is requested and it directs the department to
28 adopt major substantive rules to define "substantial revision." It also adds an
29 appropriations and allocations section.

30 **FISCAL NOTE REQUIRED**

31 **(See attached)**



126th MAINE LEGISLATURE

LD 336

LR 232(02)

An Act Relating to Clean Water Certification by the Department of Environmental Protection

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-208)

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

Fiscal Note

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Net Cost (Savings)				
General Fund	\$3,000	\$3,000	\$3,000	\$3,000
Appropriations/Allocations				
General Fund	\$3,000	\$3,000	\$3,000	\$3,000

Fiscal Detail and Notes

The bill includes an annual General Fund appropriation of \$3,000 to the Department of Environmental Protection to notify the public, municipalities, interested persons and applicable state agencies whenever a water certification application is received and, if requested, to hold public meetings.