

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1488

H.P. 1119

House of Representatives, March 8, 2001

**An Act to Require Major Water Users to Provide Public Information
About Their Annual Water Withdrawals from Public Water Resources.**

Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator TREAT of Kennebec and
Representatives: BAKER of Bangor, DUPLESSIE of Westbrook, HONEY of Boothbay,
McKEE of Wayne, TOBIN of Windham, VOLENIK of Brooklin, Senator: KILKELLY of
Lincoln.

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

4 **Sec. 1. 38 MRSA c. 3, sub-c. I, art. 4-B** is enacted to read:

6 **Article 4-B**

8 **WATER WITHDRAWAL REPORTING PROGRAM**

10 **§470-A. Definitions**

12 As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

14 1. **Nonconsumptive use.** "Nonconsumptive use" means any use of water that results in the water being discharged back into the same river basin at the same location in unimpaired quality.

18 2. **Water source.** "Water source" means any natural or artificial aquifer or body of surface water, including its watershed where ground and surface water sources are interconnected in a single hydrological system.

22 3. **Withdrawal; withdrawal of water.** "Withdrawal" or "withdrawal of water" means the removal or taking of water from a water source. All withdrawals of water from a particular water source that are made or controlled by a single person are considered to be a single withdrawal of water.

28 **§470-B. Water withdrawal report; filing**

30 Except as otherwise provided in this article, beginning on January 1, 2002, each person making a withdrawal in excess of the threshold volume shall file a water withdrawal report in accordance with the form specified by the department on a quarterly basis.

36 **§470-C. Contents of water withdrawal reports**

38 The department shall specify the form and required contents of a water withdrawal report. The water withdrawal report may be submitted to the department in an electronic format. The information must be available to the public. A water withdrawal report must include, at a minimum, the following:

40 1. **Use.** The use for which the water is being withdrawn;

44 2. **Water source.** An identification of the water source from which the withdrawal is being made, in sufficient detail to describe the water source adequately;

2 **3. Location.** The location of the withdrawal;

4 **4. Volume.** The withdrawal volume and any seasonal volume
4 variations; and

6 **5. Discharge.** The point or points at which the water is to
6 be discharged after use.

8
10 **§470-D. Withdrawal threshold volume**

10 The threshold volume is 20,000 gallons per month or 10,000
12 gallons on any day.

14 **§470-E. Exemptions**

16 The following are exempt from the planning, reporting and
16 fee requirements of this article:

18 **1. Nonconsumptive uses.** Nonconsumptive uses;

20 **2. Withdrawals below threshold volume.** Withdrawals below
22 the specified threshold volume, except that a withdrawal below
22 the threshold volume may be subject to the requirements of this
24 article if the department determines that a water source is in
24 need of special protection because of the nature or volume of
26 demands made upon it, and that the reporting is necessary to
26 establish a program or policies to protect the resource or to
28 protect the public health, safety and welfare and ecological
28 functions and values; and

30 **3. Household uses.** Ordinary household uses, including
32 individual household wells.

34 **§470-F. Rules**

36 Within one year of the effective date of this article, the
36 department shall adopt rules establishing procedures and forms
38 for filing water withdrawal reports. Rules established pursuant
38 to this article are routine technical rules as defined in Title
40 5, chapter 375, subchapter II-A.

42 **SUMMARY**

44 This bill establishes a system for obtaining information
46 concerning the withdrawal of water from water sources in the
46 State and providing this information to the public. It requires
48 each person who makes a withdrawal of water from a water source
48 in excess of either 20,000 gallons a month or 10,000 gallons in

2 any one day to file a water withdrawal report with the Department
of Environmental Protection.