

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Date: 5/20/19

(Filing No. H-340)

NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 888, L.D. 1269, Bill, "An Act To Clarify the Laws Regarding Significant Groundwater Wells"

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

'Sec. 1. 38 MRSA §480-B, sub-§9-A, as enacted by PL 2007, c. 399, §10, is amended to read:

9-A. Significant groundwater well. "Significant groundwater well" is defined as follows.

A. "Significant groundwater well" means any well, wellfield, excavation or other structure, device or method used to obtain groundwater that is:

(1) Withdrawing at least 75,000 gallons during any week or at least 50,000 gallons on any day and is located at a distance of 500 feet or less from a coastal or freshwater wetland, great pond, significant vernal pool habitat, water supply well not owned or controlled by the applicant or river, stream or brook; or

(2) Withdrawing at least 216,000 gallons during any week or at least 144,000 gallons on any day and is located at a distance of more than 500 feet from a coastal or freshwater wetland, great pond, significant vernal pool habitat, water supply well not owned or controlled by the applicant or river, stream or brook.

Withdrawals of water for firefighting or preoperational capacity testing are not applied toward these thresholds.

B. "Significant groundwater well" does not include:

(1) A public water system as defined in Title 22, section 2601, subsection 8 other than a public water system used solely to bottle water for sale; except that "significant groundwater well" includes:

(a) A public water system used solely to bottle water for sale; and

COMMITTEE AMENDMENT

R 48

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

(b) Any portion of a public water system that is:

(i) Constructed on or after January 1, 2009;

(ii) Used solely to bottle water for sale; and

(iii) Not connected to another portion of the public water system through pipes intended to convey water.

For purposes of this paragraph, a public water system that is used solely to bottle water for sale includes a public water system that bottles water for sale and may provide a de minimus amount of water for other purposes, such as employee or other use, as determined by the department;

(2) Individual home domestic supply;

(3) Agricultural use or storage;

(3-A) Dewatering of a mining operation;

(4) A development or part of a development requiring a permit pursuant to article 6, article 7 or article 8-A; or

(5) A structure or development requiring a permit from the Maine Land Use Regulation Commission.

Sec. 2. PL 2007, c. 399, §13 is amended to read:

Sec. 13. Transition. If a person who requires a permit for establishment or operation of a significant groundwater well from the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, section 480-C is authorized to transport water pursuant to Title 22, section 2660-A ~~on the effective date of this Act~~ September 20, 2007 and applies for a permit for establishment or operation of the significant groundwater well prior to expiration of the water transport authorization, the person may continue to withdraw water until final agency action on the permit application.

For purposes of this section, "significant groundwater well" has the same meaning as in the Maine Revised Statutes, Title 38, section 480-B, subsection 9-A.

Sec. 3. PL 2007, c. 399, §14 is amended to read:

Sec. 14. Rulemaking public information meetings. The Department of Environmental Protection and the Maine Land Use Regulation Commission shall amend their rules to require that a public information meeting be held prior to submission of an application for a significant groundwater well or project including a significant groundwater well unless the project already has a public information meeting requirement. The public information meeting must meet the requirements for public information meetings contained in the Department of Environmental Protection's rule concerning the processing of applications and other administrative matters. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

1 For purposes of this section, "significant groundwater well" has the same meaning as
2 in the Maine Revised Statutes, Title 38, section 480-B, subsection 9-A, except that a
3 development or part of a development requiring a permit pursuant to Title 38, chapter 3,
4 subchapter 1, article 6 or a structure or development requiring a permit from the Maine
5 Land Use Regulation Commission is not excluded from the definition of "significant
6 groundwater well."

7 This section applies to a significant groundwater well that requires approval pursuant
8 to Title 12, chapter 206-A or Title 38, chapter 3, subchapter 1, article 5-A or 6.

9 Sec. 4. PL 2007, c. 399, §15 is amended to read:

10 Sec. 15. **Rulemaking independent monitoring; fees.** The Department of
11 Environmental Protection and the Maine Land Use Regulation Commission shall
12 periodically contract with independent environmental professionals to provide a technical
13 review and assessment of monitoring information submitted to the Department of
14 Environmental Protection or the Maine Land Use Regulation Commission related to
15 significant groundwater wells that are part of projects or developments permitted under
16 the Maine Revised Statutes, Title 12, chapter 206-A or Title 38; chapter 3, subchapter 1,
17 article 5-A or 6, and each shall through rulemaking develop a fee structure to provide
18 funding for the contracts. Rules adopted pursuant to this section are routine technical
19 rules as defined in the Maine Revised Statutes; Title 5, chapter 375, subchapter 2-A.

20 For purposes of this section, "significant groundwater well" has the same meaning as
21 in the Maine Revised Statutes, Title 38, section 480-B, subsection 9-A, except that a
22 development or part of a development requiring a permit pursuant to Title 38, chapter 3,
23 subchapter 1, article 6 or a structure or development requiring a permit from the Maine
24 Land Use Regulation Commission is not excluded from the definition of "significant
25 groundwater well."

26 The Department of Environmental Protection or the Maine Land Use Regulation
27 Commission may exclude certain types of pumping or certain significant groundwater
28 wells or portions of significant groundwater wells from a fee requirement when
29 appropriate based upon considerations such as the applicability of other fees, the type or
30 amount of pumping or insignificant risk to protected natural resources or other wells.'

31 SUMMARY

32 This amendment replaces the bill. The amendment amends the definition of
33 "significant groundwater well" by:

- 34 1. Excluding withdrawals of water for preoperational capacity testing from the
- 35 determination of whether or not the significant groundwater thresholds have been met;
- 36 and
- 37 2. Clarifying when a public water system qualifies as a significant groundwater well.

38 The amendment also clarifies the changes to 3 unallocated law provisions that
39 address transition language and rule-making requirements concerning public information
40 meetings and fees intended to support independent assessment of monitoring information.

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 1269

LR 1285(02)

An Act To Clarify the Laws Regarding Significant Groundwater Wells

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Natural Resources
Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Revenue				
Other Special Revenue Funds	\$25,000	\$50,000	\$50,000	\$50,000

Fiscal Detail and Notes

This bill expands the definition of groundwater wells and adds dewatering of a mining operation to the definition. The expansion of the definition allows for additional permitting by the Department of Environmental Protection (DEP), resulting in Other Special Revenue Funds revenue of \$50,000 to be collected annually beginning in 2010-11. As the rulemaking necessary for this additional permitting will not be completed until December 2009, additional permit fees collected in FY 2009-10 will be \$25,000. Additional costs to the DEP and Land Use Regulation Commission associated with rulemaking and issuing of the permits can be absorbed within existing budgeted resources.