

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

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Legislative Document

No. 1269

H.P. 888

House of Representatives, March 31, 2009

An Act To Clarify the Laws Regarding Significant Groundwater Wells

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HILL of York.
Cosponsored by Senator SIMPSON of Androscoggin.

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

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

4 B. "Significant groundwater well" does not include:

5 (1) A public water system as defined in Title 22, section 2601, subsection 8 other
6 than any portion of a public water system used solely to bottle water for sale or to
7 provide water to be bottled for sale as determined by the department;

8 (2) Individual home domestic supply;

9 (3) Agricultural use or storage;

10 (3-A) Dewatering of a mining operation;

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

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

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

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

24 For purposes of this section, "significant groundwater well" means any well,
25 wellfield, excavation or other structure, device or method used to obtain groundwater that
26 is a public water system as defined in Title 22, section 2601, subsection 8 other than a
27 public water system used solely to bottle water for sale; for individual home domestic
28 supply; for agricultural use or storage; or for dewatering of a mining operation and is:

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

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

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

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

11 For purposes of this section, "significant groundwater well" means any well,
12 wellfield, excavation or other structure, device or method used to obtain groundwater that
13 is a public water system as defined in Title 22, section 2601, subsection 8 other than a
14 public water system used solely to bottle water for sale; for individual home domestic
15 supply; for agricultural use or storage; or for dewatering of a mining operation and is:

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

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

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

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

27 **Sec. 15. Rulemaking independent monitoring; fees.** The Department of
28 Environmental Protection and the Maine Land Use Regulation Commission shall
29 periodically contract with independent environmental professionals to provide a technical
30 review and assessment of monitoring information submitted to the Department of
31 Environmental Protection or the Maine Land Use Regulation Commission related to
32 significant groundwater wells that are part of projects or developments permitted under
33 the Maine Revised Statutes, Title 12, chapter 206-A or Title 38, chapter 3, article 5-A or
34 6, and each shall through rulemaking develop a fee structure to provide funding for the
35 contracts. Rules adopted pursuant to this section are routine technical rules as defined in
36 the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

37 For purposes of this section, "significant groundwater well" means any well,
38 wellfield, excavation or other structure, device or method used to obtain groundwater that
39 is a public water system as defined in Title 22, section 2601, subsection 8 other than a
40 public water system used solely to bottle water for sale; for individual home domestic
41 supply; for agricultural use or storage; or for dewatering of a mining operation and is:

