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H.P. 658

House of Representatives, March 9, 2017

An Act To Protect Maine Families by Enhancing Well Water Regulation

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative FREDETTE of Newport.

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

Sec. 1. 22 MRSA §565, sub-§1, as enacted by PL 1991, c. 499, §2 and affected
by §26, is amended to read:

4 Coordination with the Department of Environmental Protection. In 1. coordination with the Department of Environmental Protection, the department shall also 5 provide laboratory services for environmental testing and analysis as necessary to 6 implement the programs and duties of the Department of Environmental Protection, 7 pursuant to Title 38, section 342, subsection 4 and Title 38, chapter 35. 8 The 9 commissioner and the Commissioner of Environmental Protection shall enter into joint 10 agreements and establish joint policies as necessary to ensure the provision of appropriate 11 laboratory services.

12 Sec. 2. 38 MRSA c. 35 is enacted to read:

CHAPTER 35

WELL WATER TESTING PROGRAM

15 **§3201. Definitions**

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

1. Basic pollutants. "Basic pollutants" means contaminants known to be a threat to
 human health and to be present in potable wells in this State, as determined by the
 department by rule.

21 2. Contaminated area. "Contaminated area" means an area in which there is a
 22 known environmental hazard or dispersal of pollutants that may contaminate potable
 23 wells, as determined by the department by rule.

3. Potable well. "Potable well" means a well that is a private water supply created
 or used to provide water for human consumption. "Potable well" does not include a
 public water system as defined in Title 22, section 2601, subsection 8 or a roadside spring
 as defined in Title 22, section 2601, subsection 8-A.

28 §3202. Testing required; schedule

- A potable well must be tested for basic pollutants in accordance with the following
 requirements.
- 1. New potable wells. A person drilling or otherwise creating a new potable well
 after July 1, 2018 shall have the well tested for basic pollutants in accordance with rules
 adopted by the department.
- 34 2. Ongoing testing. A person owning a potable well shall have the well tested for
 35 basic pollutants at least once every 5 years in accordance with rules adopted by the
 36 department.

1 §3203. Testing and fees

2 <u>The department by rule shall establish testing procedures for carrying out the</u> 3 <u>purposes of this chapter. Fees charged for testing must be calculated and deposited</u> 4 <u>according to Title 22, section 565, subsection 3 and Title 22, section 568, except that</u> 5 testing of a potable well within a contaminated area must be done free of all charges.

6 §3204. Coordination

The department shall coordinate its responsibilities under this chapter with those of
 the Department of Health and Human Services under Title 22, chapter 601. The Health
 and Environmental Testing Laboratory established under Title 22, section 565 shall
 provide all testing services required by the department under this chapter.

11 §3205. Rules

12 <u>The department shall adopt rules necessary to implement this chapter. Rules adopted</u> 13 <u>pursuant to this section are routine technical rules as defined in Title 5, chapter 375,</u> 14 <u>subchapter 2-A.</u>

Sec. 3. Funding. The Department of Environmental Protection shall determine the
 costs of implementing this Act and, in consultation with the Public Utilities Commission
 and the Efficiency Maine Trust, identify appropriate funding sources to pay those costs.
 The department shall submit its findings and recommendations to the Joint Standing
 Committee on Appropriations and Financial Affairs by January 15, 2018.

20 SUMMARY

This bill requires all private wells used to provide water for human consumption to be tested for basic pollutants in accordance with rules adopted by the Department of Environmental Protection. The wells are required to be tested at least once every 5 years, and all new wells created after July 1, 2018 are required to be tested. All fees are waived for testing a well within an area in which there is a known environmental hazard or dispersal of pollutants that may contaminate the well.

The Department of Environmental Protection is required to determine the costs of implementing this legislation and, in consultation with the Public Utilities Commission and the Efficiency Maine Trust, identify appropriate funding sources to pay those costs. The department is required to submit its findings and recommendations to the Joint Standing Committee on Appropriations and Financial Affairs by January 15, 2018.