



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1686

H.P. 1238

House of Representatives, December 23, 2011

**An Act To Amend the Process for Issuing State Water Quality
Certificates to Hydropower Projects That Withdraw Water from
Great Ponds**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative SARTY of Denmark.

Cosponsored by Representatives: BRYANT of Windham, CEBRA of Naples, DAVIS of Sangerville, SHAW of Standish, Senator: HASTINGS of Oxford.

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

2 **Sec. 1. 38 MRSA §464, sub-§14** is enacted to read:

3 **14. Agency agreement; hydropower impoundments managed as great ponds.**
4 **The department may not approve a water quality certification pursuant to the Federal**
5 **Water Pollution Control Act, 33 United States Code, Section 1341 for an existing or a**
6 **proposed hydropower project, as defined in section 632, that withdraws water from a**
7 **hydropower impoundment managed as a great pond unless:**

8 **A. The department has consulted with the Department of Inland Fisheries and**
9 **Wildlife and the Department of Conservation; and**

10 **B. The department, the Department of Inland Fisheries and Wildlife and the**
11 **Department of Conservation agree that there is a reasonable assurance that the**
12 **hydropower project will not violate water quality standards of this article applicable**
13 **to the impoundment related to fishing, recreation and habitat for fish and other**
14 **aquatic life.**

15 **SUMMARY**

16 This bill prohibits the Department of Environmental Protection from issuing a water
17 quality certificate in connection with a hydropower project that withdraws water from a
18 hydropower impoundment managed as a great pond unless the Department of Inland
19 Fisheries and Wildlife and the Department of Conservation agree that the project will not
20 violate water quality standards applicable to the impoundment related to fishing,
21 recreation and habitat for fish and other aquatic life.