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ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 751, L.D. 1015, Bill, “An Act To Reduce Unnecessary Reporting Requirements for the Department of Environmental Protection”

Amend the bill by striking out the title and substituting the following:

'An Act To Reduce Unnecessary Reporting Requirements Related to Natural Resources'

Amend the bill by inserting after section 4 the following:

'Sec. 5. 38 MRSA §470-C, sub-§§8 and 9, as enacted by PL 2001, c. 619, §1, are amended to read:

8. In-stream storage ponds. A water withdrawal from an artificial pond constructed in a stream channel ~~provided that it~~ is subject to a minimum-flow release requirement in an existing permit, ~~and if~~ the water user files a notice of intent to be covered by this exemption on a form to be provided by the department; ~~and~~

9. Duplication of reporting. A water withdrawal that is reported to any other state agency under any program requiring substantially similar data ~~provided that if~~ the other agency has entered into a memorandum of agreement with the department for the collection and sharing of that data; ~~and~~

Sec. 6. 38 MRSA §470-C, sub-§10 is enacted to read:

10. Agricultural producers. An agricultural producer that is subject to rules adopted under section 470-H and the provisions of Title 7, section 353.

Sec. 7. 38 MRSA §470-D, 2nd ¶, as enacted by PL 2001, c. 619, §1 and amended by PL 2003, c. 689, Pt. B, §§6 and 7, is further amended to read:

Water withdrawal reports must be submitted to either the Commissioner of Environmental Protection, the Commissioner of Conservation, or the Commissioner of Health and Human Services ~~or the Commissioner of Agriculture, Food and Rural Resources~~ in a form or manner prescribed by that commissioner. No later than January

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1 1, 2003, those commissioners shall jointly publish a list indicating which classes of users
2 are to report to which department. The form and manner of reporting must be determined
3 by each commissioner, ~~provided~~ except that the required information ~~is~~ must be collected
4 from each user above the threshold and in a manner that allows that data to be combined
5 with data collected by the other commissioners. The reports must include information on
6 actual and anticipated water use, the identification of the water source, the location of the
7 withdrawal including the distance of each groundwater withdrawal from the nearest
8 surface water source, the volume of the withdrawals that might be reasonably anticipated
9 under maximum high-demand conditions and the number of days those withdrawals may
10 occur each month and the location and volume of each point of discharge. The reporting
11 may allow volumes to be reported in ranges established by the commissioners and
12 reported volumes may be calculated estimates of volumes. The board, ~~the Department of~~
13 ~~Agriculture, Food and Rural Resources,~~ the Department of Conservation and the
14 Department of Health and Human Services may adopt routine technical rules as defined
15 in Title 5, chapter 375, subchapter ~~H-A~~ 2-A as necessary to implement the reporting
16 provisions of this article.'

17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
18 section number to read consecutively.

19 **SUMMARY**

20 This amendment exempts agricultural producers from the water withdrawal reporting
21 program and removes the Commissioner of Agriculture, Food and Rural Resources from
22 the list of commissioners to whom a water withdrawal report may be submitted.