

§470-C. Exemptions

The following are exempt from the reporting requirements of this article: [PL 2001, c. 619, §1 (NEW).]

1. Nonconsumptive uses. Nonconsumptive uses. Dams are explicitly exempt as nonconsumptive uses, including hydropower dams licensed by the Federal Energy Regulatory Commission, storage dams and dams subject to a water level setting order pursuant to sections 840 to 843; [PL 2001, c. 619, §1 (NEW).]

2. Household uses. A water withdrawal for ordinary household uses; [PL 2001, c. 619, §1 (NEW).]

3. Public water systems. A public water system that is regulated by the Department of Health and Human Services pursuant to Title 22, chapter 601; [PL 2001, c. 619, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

4. Subject to existing reporting requirements. Water withdrawals subject to water withdrawal reporting requirements established in any state permitting or licensing program prior to the effective date of this article, including, but not limited to, the site location of development laws, natural resources protection laws, Maine Land Use Regulation Commission laws and Maine waste discharge laws, provided that the water user files a notice of intent to be covered by this exemption on a form to be provided by the department; [PL 2001, c. 619, §1 (NEW).]

5. Public emergencies. A water withdrawal from surface or groundwater for fire suppression or other public emergency purposes; [PL 2001, c. 619, §1 (NEW).]

6. Commercial or industrial storage ponds. A water withdrawal from a storage pond or water supply system in existence prior to the effective date of this article provided that the withdrawal is for a commercial or industrial use, the water user has filed a water use plan as part of a state license application and the water user files a notice of intent to be covered by this exemption on a form to be provided by the department; [PL 2001, c. 619, §1 (NEW).]

7. Off-stream storage ponds. A water withdrawal from an artificial storage pond that does not have a river, stream or brook as an inlet or outlet, constructed for the purpose of storing water for crop irrigation or other uses; [PL 2001, c. 619, §1 (NEW).]

8. In-stream storage ponds. A water withdrawal from an artificial pond constructed in a stream channel that is subject to a minimum-flow release requirement in an existing permit if the water user files a notice of intent to be covered by this exemption on a form to be provided by the department; [PL 2011, c. 120, §5 (AMD).]

9. Duplication of reporting. A water withdrawal that is reported to any other state agency under any program requiring substantially similar data if the other agency has entered into a memorandum of agreement with the department for the collection and sharing of that data; and [PL 2011, c. 120, §5 (AMD).]

10. Agricultural producers. An agricultural producer that is subject to rules adopted under section 470-H and the provisions of Title 7, section 353. [PL 2011, c. 120, §6 (NEW).]

SECTION HISTORY

PL 2001, c. 619, §1 (NEW). PL 2003, c. 689, §B6 (REV). PL 2011, c. 120, §§5, 6 (AMD).

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