

Compilation of Commission Member Recommendations from 10/19/22 Meeting

Subject matter	Recommendations	Staff notes
Oversight, data collection, data reporting	<ol style="list-style-type: none"> 1. The Water Resources Planning Committee be given additional jurisdiction to provide enhanced coordination and oversight between the Maine Department of Environmental Protection, the Maine Geological Survey, and the Maine Department of Health and Human Services - specifically, the Drinking Water Program (Dubois). 2. That the Water Resources Planning Committee be tasked with promoting public access to information about Maine’s water landscape and consolidate access to public resources for groundwater users (Dubois). 3. Require more regular publication of the MGS Watershed Risk Assessment (e.g., biannual) and expand the assessment to include projections of how future economic, demographic, and climate trends will impact medium- and long-term groundwater and surface water sustainability in Maine (Wood). 4. Consolidate all reporting of groundwater and surface water use into one annual publication, housed at Maine Geological Survey (Wood). 5. Consider draft legislation to authorize and fund: an expansion of State monitoring and data collection with respect to groundwater resources; the creation of a centralized repository to comprehensively maintain State data on groundwater; and the ongoing analysis of such centralized data through annual reports prepared by the Maine Geological Survey (Boak). 6. Resume annual water use reporting, discontinued in approximately 2010, by an appropriate State agency (Boak). 	<p><u>Water Resources Planning Committee; potential legislative option:</u> could amend the charges of that committee in 5 MRSA §6401 to incorporate any additional oversight/parameters/goals. Note that committee is charged with "Coordinating state water resources information" and includes members from DEP, MGS and the DWP.</p> <p><u>Watershed risk assessment; additional information:</u> unclear if assessments undertaken by MGS pursuant to a statutory requirement or voluntarily. 12 MRSA §542(2) requires MGS to identify and map significant groundwater aquifers and certain aquifer recharge areas. Watershed mapping and assessment was conducted as part of the one-time study that resulted in the 2007 Report of the Land & Water Resources Council. If not a statutory requirement, Commission could consider enacting such a requirement with specifications/guidance regarding the conduct of these assessments.</p> <p><u>Water resource information reporting; potential legislative option:</u> could direct MGS to acquire all relevant water use data that is currently collected or produced by any state (or federal?) agency; maintain that data (make data available on its public website?); report annually/biennially on that data to Water Resources Planning Committee, relevant legislative committees or other recipient(s). Consider whether funding will be required for this and, if so, consider whether to identify potential funding sources?</p> <p><u>Water use reporting; additional information and potential legislative option:</u> water use reporting was required pursuant to 38 MRSA §470-G, which was repealed in 2012. Prior to the repeal the water use data was collected and reported by DEP to the Water Resources Planning Committee – a body also repealed in 2012. Could direct DEP or another agency to resume reporting of this data. Consider to what entity should the report be provided to (state agency, Water Resources Planning Committee, Legislature or some other entity)? Consider frequency of reporting (annual, biennial)?</p>

Compilation of Commission Member Recommendations from 10/19/22 Meeting

Subject matter	Recommendations	Staff notes
Drought planning, agricultural issues	<ol style="list-style-type: none"> 1. Provide state funding for residential drought preparedness and relief to supplement federal drought relief programs (similar to the state’s Farmers’ Drought Relief Program) (Wood). 2. Key is water isn’t always where needed during drought/low-flow – this was continually mentioned, there needs to be strategies put in place to eliminate not accept it as the way it is (Jordan). 3. Identify areas and opportunities to leverage high water flow times to create irrigation water sources (above and below ground) (Jordan). 4. Make it easier to create water sources for irrigation – at the municipal level is straightforward, Land Use Commission more cumbersome (Jordan). 5. Take action regarding known low-flow areas and make them more drought resilient. Assume drought, not rain (Jordan). 6. Capture water during rain events to add to reservoirs (Jordan). 7. Create mechanisms to notify pertinent growers that flows are below the minimum levels (Jordan). 8. Ensure citizens have access to clean potable water that are not impacted by low-flow events (Jordan) 	<p><u>Drought relief program; additional notes:</u> Farmers Drought Relief Grant Program was established in 2022 at 7 MRSA §220-A but no dedicated or one-time funding source was identified or provided (i.e., program currently unfunded). Could establish parallel structure for residential drought relief. Consider oversight authority (farm program overseen by DACF) and funding options (dedicated vs. one-time funding)?</p> <p><u>Drought issues; potential legislative options:</u> could amend the charges of the Water Resources Planning Committee in 5 MRSA §6401 and/or the Maine Agricultural Water Management Board in 5 MRSA §352 to incorporate any of these charges/parameters/goals. Alternatively, other statutory approaches to addressing these identified issues may be available if additional guidance is provided.</p>
Water rights and ownership	<ol style="list-style-type: none"> 1. Recommend the Legislature further examine absolute dominion versus reasonable use, including a further review of the <i>Maddocks v. Giles</i> case (Gramlich). 2. Clarify that water used for household/community food production qualifies as a “beneficial domestic use” of groundwater under Title 38 section 404 (Wood). 3. We ask that the Committee report include a recommendation that there be no changes to Maine’s existing water rights structure (Berger). 	<p><u>Amendment to Section 404; additional notes:</u> consider whether to amend definition of “beneficial domestic use” to incorporate this change or create secondary category of protected use? Consider providing additional definition for what constitutes “household/community food production”?</p>

Compilation of Commission Member Recommendations from 10/19/22 Meeting

Subject matter	Recommendations	Staff notes
Water quality; PFAS issues	<ol style="list-style-type: none"> 1. Continue to identify water sources impacted by PFAS (Jordan). 2. Continue to manage runoff from neighborhoods, construction sites, industry, and agricultural (Jordan). 3. Have mandatory testing and reporting from water bottlers on the water source levels of PFAS contaminants and drinking water post treatment. This data will also be beneficial to the state in assessing the extent of PFAS contamination (Sekera). 4. Bottled water labels should list the water source origin that the bottle contains, not multiple sources, for consumer protection and potential recall purposes (Sekera). 	<p><u>PFAS contamination; background:</u> DEP is currently working with DACF and others to identify areas affected by PFAS contamination. DEP’s investigations, to be completed by the end of 2025, are focused on and around sites on which contaminated sludge or septage was spread. Under a 2021 law, community water systems and nontransient noncommunity water systems are required to monitor and test for PFAS in water supplies. Maximum contaminant levels for PFAS in these systems are to be set by MeCDC by rule by 2024.</p> <p><u>Testing/labeling; potential legislative options:</u> PFAS testing and reporting for PFAS in bottled water and bottled water labeling requirements could be incorporated into appropriate statutes. Additional information may be required.</p>
Water extraction, generally	<ol style="list-style-type: none"> 1. Extraction of large amounts of water should not be allowed in the problem areas (Jordan). 2. Review and investigate the current groundwater levels from the pumping sites where bulk water exporters are taking more than (50 million?) gallons annually (Sekera) 	<p><u>Review of groundwater levels; potential legislative option:</u> could direct MGS or other state agency to conduct such reviews. Additional information may be required.</p>
Water extraction, contracts and permitting	<ol style="list-style-type: none"> 1. Require third-party monitoring of water levels near Significant Groundwater Wells (especially those in at-risk watersheds/basins). To the extent third-party monitoring requires additional funding, consider increasing DEP permitting fees to cover this cost (Wood). 2. Update the Site Law and Significant Groundwater Well statutes to allow the DEP to consider future groundwater needs in a given watershed/basin, as well as future climate trends, when determining whether to permit groundwater extraction activity today (Wood). 3. All permits and MPUC approved contacts with water utilities for bulk water export are not transferable in a sale or transfer of property. Permits/contracts to be renewed after an environmental and economic impact review (Sekera). 4. Cross-agency coordination in reporting all extraction permits obtained by water bottlers to be added to the GIS well database and exclusively color coded for watershed impact assessments, water budgeting, and community planning purposes (Sekera). 	<p><u>Site law/NRPA/bulk water transport law; potential legislative options:</u> could incorporate the respective proposed changes into those laws as appropriate. Additional information may be required.</p> <p><u>Contracts/permits for large-scale extraction; additional notes:</u> contracts for the large-scale extraction and transportation of water between a consumer owned water utility and another entity that are subject to the requirements of 35-A MRSA §6109-B are not currently subject to PUC approval. Additionally, requirements and restrictions governing the transferability of certain state-issued permits or licenses may already exist (e.g., DEP has a process in place to allow for the consolidated transfer of multiple DEP-issued licenses/permits held by a particular entity that requires, among other things, public notice and demonstration of the transferee's technical and financial capacity to comply with the applicable terms and conditions of the license or permit).</p>

Compilation of Commission Member Recommendations from 10/19/22 Meeting

Subject matter	Recommendations	Staff notes
<p>No changes recommended</p>	<p>1. Based on my observations I recommend that this commission allow the existing agencies and committees already empowered to oversee water quality and regulated withdraw continued to do so without adding another layer of oversight. I certainly understand that our water sources are precious but also feel both former and current legislative bodies have done an amazing job making sure that oversight is place to assure their protection and the rights of others to obtain water (Berger).</p> <p>2. We wish to thank all the State agencies that have oversight over our water recourses, as well as the Governor's office for all of their testimony before the Committee. It was truly interesting and informative. It is clear that these agencies are doing an outstanding job of managing and controlling the tracking the use, quality, and quantity of our state's water supply. The explaining of state law around the water issue was without a doubt most informative. It is our opinion that there is no need to take any action on this issue at this time. If these agencies continue to do in the future what they have done in the past, our water supply will be in good hands (Senator Stewart and Representative Hanley).</p>	