

An information digest prepared and distributed by the GEORGE J. MITCHELL CENTER, UNIVERSITY OF MAINE

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DIVISION OF HEALTH ENGINEERING, MAINE DEPARTMENT OF HUMAN SERVICES,

The digest was prepared by Catherine Schmitt and John Peckenham, assisted by Sherman Hasbrouck.

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Sebago Lake

The state of Maine has more than 2,200 public water supply systems. These provide drinking water for a substantial portion (66%) of Maine's population. About 60 of these public water systems are served by surface water supplies, and the rest are served by groundwater.

Clearly, protection of water sources—groundwater, lakes, ponds, and rivers—is essential to safeguard public health. Land use activities throughout contributing watershed areas can affect water quality, making water protection a challenge for utilities, municipalities, and private residents. In the past it has been difficult for water managers to keep track of land use changes affecting their watersheds. Since some changes can have a direct effect on water quality and public health, it is important that water suppliers participate in review of such activities.

A new law enacted in 2000 (P.L. 761) gives public water suppliers an opportunity to review proposed development projects within a given source protection area (SPA). The law gives the suppliers "abutter status" for certain activities that require a permit application review:

- automobile recycling facilities or junkyards;
- expansion of structures using subsurface waste disposal systems;
- conditional and contract rezoning;
- subdivisions; and
- other land use projects.

In each case the law requires that the water supplier be notified of certain proposed land use activities that could impact the drinking water source. This digest is intended to help municipal officers, drinking water suppliers, land-use consultants, and developers understand how the law will affect them.

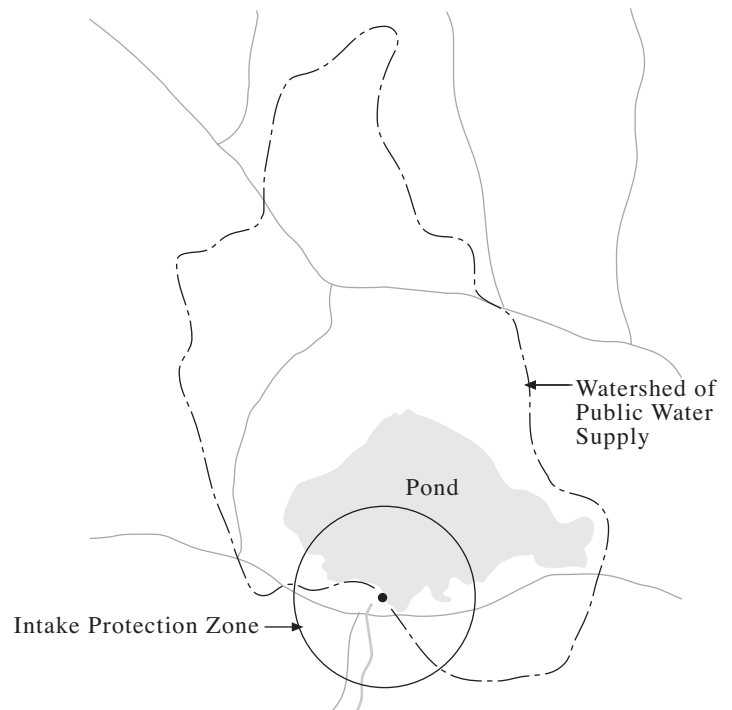
## **Water Basics:**

The **contributing area** includes all the land area which drains to a particular water body or recharges water to the groundwater. Within the boundaries of a watershed, water runs over and through the land where we live and work into our rivers, ponds, and lakes, and into the ground beneath our feet. We are all connected by water. Anything that happens at a particular location in the watershed can affect the water supply.

**Source water protection areas** are defined as those areas that contribute water to a pond, lake, stream, or well. For a pond, that portion of the land that sheds water directly into the pond is the source area. For a groundwater well, it is the area of land that provides recharge water directly to the well.

On a map, the source water protection area for a pond will include all the land directly uphill from the pond.

Source water protection areas for a well tend to be oval-shaped areas surrounding the well and have been delineated as part of the Maine Wellhead and Source Water Protection Programs.



When a water body or aquifer serves as a source of drinking water, the watershed connection becomes even more important as water returns to us when we pour a glass of water from the tap. Because activities on land can impact the public water supply, even if the activity occurs some distance from the water supply, managing human activities is necessary to assure the quality of fresh drinking water.

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## **Public Law 761:**

The new law affects those activities that occur in the source water protection area of a public water supply and that have been identified and mapped by the Drinking Water Program of the Department of Human Services as part of the Source Water Assessment Program initiated in 1996 and scheduled to be completed in 2003.

P.L. 761 was enacted in order to assure that public water suppliers are informed of those activities in the watershed that could affect drinking water quality. Drinking water treatment systems are limited in their ability to resolve contaminant problems. It is much more

economical to preserve water quality than to restore it after the source water has been polluted.

Relying on treatment-based solutions alone is expensive. Also, new and existing laws intended to improve drinking water quality will require better controls on water quality at the watershed level. These laws include the Groundwater Rule, Surface Water Treatment Rule, Disinfection By-Products Rule, and the Interim Enhanced Surface Water Treatment Rule. That is, water managers will have a difficult time complying with water-safety regulations *if land use activities in the watershed continue to degrade water quality.*

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## **Public Law 761** (Cont.)

P.L. 761 mandates a greater level of involvement for public water suppliers to ensure the highest quality drinking water for their commu-

nities. Drinking water quality was not previously considered during approval of land use activities. Yet these activities can have a direct effect on the drinking water source.

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### **Common drinking water pollutants and their sources**

These include

- Hericides/Pesticides: home and agricultural use
- Petroleum/Hydrocarbons: underground and aboveground storage tank leaks, vehicle and boating accidents, vehicle maintenance/repair facilities, junkyards, road and parking lot runoff, industrial and commercial development
- Sedimentation/Nutrients: construction sites, erosion, land clearing

- Bacteria/Pathogens: animal waste, wastewater treatment plants, septic systems

If an activity on one individual lot can lower the quality of the drinking water source, then it impacts everyone who drinks water from that source. Source water protection is the most efficient and cost-effective tool to insure that future generations have safe, clean drinking water. This is why it is important that Public Water Suppliers be notified of activities that have the potential to affect the water supply and that the suppliers be given the opportunity to comment on the proposal in the interests of the public.

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### **How P.L. 761 affects you if you are a Municipal officer or county commissioner:**

Under the law, the Public Water Supplier is to be treated as an abutter to all properties that fall within the Source Water Protection Area of the water body. The Supplier must be notified of certain activities occurring on nearby properties. It is important that the water supplier be made aware of activities that could potentially impact the quality of the drinking water. As a municipal officer, preservation of water quality is of utmost importance for protection of public health. The costs for towns of restoring drinking water quality after it has been degraded are much greater than the costs of preventing pollution of the source before it happens. The economic and ecological benefits of preserving water quality extend to other areas as well, including recreational activities like fishing and boating, aesthetics and enhanced property values, and supporting diverse and healthy ecosystems.

Public water suppliers must be notified if certain proposed projects will occur within the Source Water Protection Areas of their water supplies:

- Automobile graveyard, automobile recycling business, or junkyard (30-A MRSA §3754)
- Rezoning ordinances (30-A MRSA §4352)
- Subdivisions (30-A MRSA §4403)
- Septic system expansions or replacements (30-A MRSA §4211, sub-§3, ¶B)
- Other land use projects (30-A MRSA §4358-A)
- Natural Resources Protection Act permitted activities and Stormwater (38 MRSA §420-D)

Also, if abutter notification is required as part of an application process (*i.e.* for activities governed by local ordinances), the Public Water Supplier must also be notified as an abutter.

## **Public Water Supplier:**

It is important that Public Water Suppliers be informed of activities occurring in the contributing area of the drinking water source. Significant costs can be saved when the Supplier has the opportunity to be involved in land use decisions about activities that could potentially impact the drinking water source. Providing notification to the Public Water Supplier enables identification of concerns before they become a water pollution problem.

Public Water Suppliers can expect to receive notification if the projects outlined above fall within their Source Water Protection Areas. The Public Water Supplier will also be notified as an abutter for any proposal for which abutter notification is required as part of the application process. Notification will

inform Water Suppliers of proposed activities in the watershed and permit them to attend public hearings, ask questions, and voice concerns regarding the protection of the public water supply.

Furthermore, P.L. 761 includes the following requirements for Public Water Suppliers (22 MRSA §2612, sub-§1):

- Plans for any new construction, additions, or alterations involving the source, treatment, or storage of water must be submitted to the Department of Human Services and approved.
- Records of construction, plans, and descriptions of existing public water systems must be maintained and made available upon request.

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## **Property owner:**

The manager of the public water supply should be considered as a neighbor when proposing certain activities. If you are applying to expand or replace your septic system, and your lot is located within the Source Water Protection Area of a public water supply, the Public Water Supplier or Utility must be notified of the proposed activity. Also, the Public Water Supplier will be included as an abutter for any other applications that require abutter notification.

For most of the activities now impacted by P.L. 761, abutter notification is already a part of the application process, so an additional notification is not

incurring a significant cost on the municipality or property owner. The costs of not notifying the Public Water Supplier, however, could be much higher should the activity contribute to or result in pollution of the water supply.

**Individual choices, collective consequences:** The decisions we make as individuals regarding land use can impact the greater community by affecting our source of drinking water. P.L. 761 makes it possible for public water suppliers to be involved in individual land use choices in order to benefit the collective human health of the served community.

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For information and assistance contact

The Maine Department of Human Services  
Manager, Source Protection  
Maine Drinking Water Program

207-287-6196

The Maine Municipal Association

207-623-8428

and the

Senator George J. Mitchell Center for  
Environmental and Watershed Research  
University of Maine  
Orono, Maine 04469

207-581-3254

email: [UMGMC@maine.edu](mailto:UMGMC@maine.edu)

web page: [www.umaine.edu/Water Research](http://www.umaine.edu/WaterResearch)

