



DEP FACT SHEET

An Overview of An Act to Prevent Contamination of Drinking Water Supplies

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Contact:

David McCaskill or (207) 287-2651
George Seel

Introduction

Governor Baldacci signed An Act to Prevent Contamination of Drinking Water Supplies into law on April 4, 2008. This new law will help reduce pollution risks to private and public drinking water supply wells from future development of underground and aboveground oil storage facilities, and from businesses that commonly generate hazardous wastes. This latter group includes auto graveyards and recycling businesses, automobile repair and body shops, metal finishers, dry cleaners using the solvent perchlorethylene, and commercial hazardous waste handling facilities. After September 30, 2008, the construction of one of these facilities in a *well head protection zone* will be prohibited in most cases. This new law also provides additional protection to the future public drinking water supplies for Maine's cities and towns, our sand and gravel aquifers. It also calls for special home heating oil tank installation standards near community public drinking water system wells.

What is a Well Head Protection Zone?

Well head protection zones are areas in proximity to a private or public well from which the well draws ground water. In the case of a private well, it is the area within 300 feet of the actual well. Private wells include home wells, and wells serving small businesses. No maps are available for private wells. There's no substitute for getting the tape measure out in the field. In the case of a public drinking water supply well, the area from which the well draws water is larger and therefore the wellhead protection zone is larger. A public supply well is a well which provides water for human consumption and serves 15 service connections (e.g. homes, housing units, etc.), serves an average of at least 25 individuals daily 60 days of the year or more, or bottles water for sale. The protection zone is the area within 1000 feet of the well, or the *source water protection area* mapped by the Maine Drinking Water Program (DWP), whichever is greater.

Maps of source water protection areas are available in many town offices and on the State of Maine website http://www.maine.gov/dep/gis/datamaps/DWP_Wells/index.htm

If you need assistance on how to use this Google Earth based mapping tool, do not hesitate to contact one of the DEP or DWP contacts listed below. This web based tool is especially helpful since you can enter the location of a prospective facility and those areas where oil or hazardous wastes will be stored or handled, showing their location on the map, and compare it to the location of any nearby public wells and mapped source water protection areas. You can enter either longitude/latitude or Universal Transverse Mercator (UTM) coordinates. To obtain just a general location, you can also enter the street address. The maps include a ruler feature to assist with measurements. A word of caution - so-called transient public wells, associated with motels, campgrounds, restaurants and other businesses providing food or beverages to the public, are often just that, transient. They may not always appear on the State maps. Again, canvass the neighborhood of the location of your proposed facility carefully to identify and locate the transient public wells.

How does this law apply to underground and above ground oil storage facilities?

The law restricts the location of new underground (UST) and above ground (AST) oil storage facilities in well head protection zones of private and public drinking water wells. The requirements are very similar to those already in law for siting new UST facilities and that have been incorporated here. After September 30, 2008, the law prohibits the installation of new UST and AST facilities in wellhead protection areas unless a variance is first obtained from the DEP's Commissioner.

What other types of businesses are effected by this law?

Commercial businesses which commonly generate hazardous wastes and have often contaminated ground water and drinking water supplies in Maine in the past are also affected. These include automobile graveyards and recycling facilities, auto body or repair shops, dry cleaners that use the solvent perchloroethylene, metal finishing or plating facilities, and larger commercial hazardous waste facilities. These businesses may not be constructed after September 30, 2008 within a *well head protection zone*, unless they have a variance from the Department's Commissioner.

Does the law effect existing businesses?

No, the law does not affect existing businesses listed above unless they are located in a well head protection zone and wish to expand onto a different parcel of land.

How and when do I apply for a variance if I wish to locate in a well protection zone?

If you wish, you may apply for a variance from the Department. The required burden of proof depends on the type of well that would be placed at risk from a discharge of oil or hazardous waste from a prospective facility. This can range from having to demonstrate that there is no ground water connection between your proposed location and nearby wells, to additional engineering to prevent discharges. An opportunity for public notice and comment is part of the variance application process.

What restrictions will apply to sand and gravel aquifers?

Significant sand and gravel aquifers are Maine's most cost effective public drinking water resources of the future. We need to ensure the water is clean for when we need it. The law asks the Department to develop regulations to protect significant sand and gravel aquifers, mapped by the Maine Geologic Survey (MGS). Sand and gravel aquifer maps are available from the MGS (207-287-2801) or through their website. <http://www.maine.gov/doc/nrimc/mgs/pubs/online/aquifers/aquifers-ad.htm>
The law requires these regulations to be submitted to the Legislature in 2009. Subsequently, we do not expect them to go into effect until the summer of 2009.

How is the installation of home heating oil tanks affected?

The location of new home heating oil tanks is not limited by the law, but how they are constructed is. After July 1, 2009 new tanks to be installed within the source water protection area of a community public well, or within 1000', whichever is greater, must be double-walled to catch corrosion leaks. They also must be installed by a professional, certified by the Maine Oil and Solid Fuel Board. Home owner installations are prohibited. A community public drinking water well is a water system that serves 15 year round service connections (e.g. homes, housing units, etc.) or 25 year round residents. Common examples include municipal and water district water systems, or wells serving mobile home parks.

What are the potential consequences for failing to comply with this law?

The Commissioner can issue an administrative order ceasing operation of a facility constructed within a well head protection zone in violation of this law. If an oil facility violates the siting standards of the law, in the event of a discharge, that facility is not eligible for coverage of any clean up costs or third party damage claims by the Maine Ground Water Oil Clean-up Fund. The Department can also pursue other enforcement actions allowed by State law. Municipal code enforcement officers may also enforce the law.

Who do I contact for more information?

For answers to general questions, contact David McCaskill or George Seel at the Department's Bureau of Remediation and Waste Management at (207) 287-2651. Questions on applying for a variance should be directed to John Dunlap or Rick Kaselis at the above telephone number. For assistance using the web based maps of source water protection areas, call Beth Pratt at the Maine Drinking Water Program (207-287-2070) or Christian Halsted at Maine DEP (207-287-8754).