

Maine Water News

A Publication of the Maine Water Utilities Association

March 2015, Number 180

Where Do We Go From Here?

Alan Hitchcock, 2015 President

This is my first article as President of the Maine Water Utilities Association for 2015. The route has been circuitous, but here I am. My time on the Board has been interesting, informative, and most of all enlightening. The Association does important work for all its members, some of which may go unnoticed. One thing that strikes me about the MWUA is the tremendous efforts of the numerous volunteers who make up the various committees. Without these tireless folks the good work that gets done would not get done. They all deserve our praise. The organizations that allow these folks to participate also deserve our thanks. I believe that this investment is well worth the effort and will benefit everyone in the long term. And I cannot forget the tireless efforts of Executive Director Jeff McNelly and assistant Barb Farrell. These folks make everything dovetail together and work extremely well.

On January 21, 2015 the Executive Director, along with several Board members, committee members and other interested persons attended a Strategic Planning Session at the Governor Hill Mansion in Augusta. The intent is to produce an action plan for the future of the Association. A review of previous planning sessions was followed by a good discussion of future goals and strategies. Another meeting is planned for March to finalize the efforts and to produce a document to move forward for the 90th year of the MWUA. This visioning is important to guide us into the future, as the only constant in the future is change. Many new and some old challenges are already on the horizon. PUC regulation, gas utilities, DIG-SAFE, SRF Funding, Drinking Water regulations to name a few. Some of these seem like they have been around forever but do not yet have a final solution. We will need to deal with all of these issues and more in the coming months.

The 89th Annual Meeting and Trade Show in Portland was well attended despite the weather. Mother Nature has plagued the southern part of the State with an

abundance of snow this year. I talked with many attendees and vendors and all were very supportive of the efforts made for this year's show. The training sessions were interesting, timely, and were well attended.

Up in my neck of the woods winter is usually a time for planning for the next construction season, which will soon be upon us. I have to remind myself up here near the North Pole that those nearer the South Pole often perform construction all through the winter and in fact prefer to work in winter to avoid all those summer crowds. Not so for us in the far north. We will still be dealing with frost continuing downward until the first part of May. During the short construction season we have to hurry to get all that important work done prior to freeze-up in mid-November.

Our district recently reviewed its short and long range plans to update them and make any needed changes. An added impetus for this is a result of new asset management requirements from the lending agencies. This forward planning is important for several reasons including timely replacement of infrastructure and taking precautions to head off problems before they occur. Coordination with the City, MDOT, and other utilities can also influence the planning schedule.

Well, think spring, although that is just a continuation of winter here in the County, and before you know it the trees will be leaving out and the grass will need mowing. And all that summer work awaits.



Time for the melt...

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Jeffrey L. McNelly, Editor

150 Capitol Street, Suite 5

Augusta, Maine 04330

(207) 623-9511 TEL ♦ (207) 623-9522 FAX

website: www.mwua.org

Material of interest to the water supply profession will be considered for publication. Copy deadline is the 15th day of month preceding publication.

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The February Meeting

On all fronts, the 2014 February Meeting and Trade Show was a success.

There was a significant snowstorm on Monday but on Tuesday, the first day of the show, the skies had cleared. Because of the snowbanks there were challenges with parking in a city that has parking issues on a summer day. Fortunately most attendees were able to find parking.

There were about 650 attendees overall, many new exhibitors at the trade show and a broad variety of topics spread over 21 technical sessions. It was encouraging to hear people say that they wished they didn't have to choose between two or three classes that were scheduled in the same time frame.

MWUA's Program Committee makes great use of the evaluation forms that attendees fill out. That process of assessment enables them to evaluate changes that can be made from year to year. It is not an easy thing to accommodate the needs of a significant number of exhibitors, a luncheon that most facilities in Portland cannot house and concurrent training sessions that sometimes stress the physical limitations of the available meeting rooms.

Once again, Maine Water Environment Association and New England Water Works Association were co-sponsors. They both provide excellent training opportunities. In the case of MEWEA, their involvement over the past several years has strengthened the relationships between water and wastewater professionals.

The exhibitors, as always, play a vital role in this conference. The product demonstrations on the trade show floor provide them the opportunity to showcase new products. They always step up and volunteer to participate in that aspect of the show. Whether it be an event conducted by a particular company, sponsorship of the Meet and Greet and other social activities, or advertising in the conference brochure, their willingness to support the event is greatly appreciated.

April Meeting to Feature MS4 Discussion

Municipalities that are large enough to fall under the USEPA Municipal Separate Storm Sewer System (MS4) program are being required to obtain NPDES permit coverage and develop a stormwater management program for their stormwater discharges. For a number of months now, water utilities that are located in those MS4 areas have been collaborating with those municipalities, in an effort to manage the impact of discharges of potable water to storm sewer systems.

The April Bi-Monthly meeting, to be held in Lewiston on April 9th, will feature a comprehensive discussion of the MS4 stormwater management programs.

The Technical Program, titled: ***MS4 GENERAL PERMIT REQUIREMENTS: WATER QUALITY STANDARDS & IMPACT ON WATER UTILITIES*** will feature presentations from those who are working on this issue on a daily basis.

It's an excellent opportunity to learn more about MS4 requirements, the environmental issues that are being addressed and local collaboration efforts that are being implemented. Join us in Lewiston for an interesting and informative discussion!

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Maine Legislature Off to Slow Start

The recent onslaught of event-cancelling snowstorms, coupled with legislative committee orientation sessions and other activities, has resulted in a slow start to the legislative session.

The association has monitored a Tree Growth Tax Law bill and has testified on a couple of cell phone prohibition bills, an invasive milfoil funding bill, and a bill which adds public utility emergency service vehicles to the list of stationary vehicles for which a motorist must move to a nonadjacent lane, if possible, or slow down.

In the Energy, Utilities and Technology Committee the Association provided testimony concerning two bills which address the lien process as a means to collect overdue sewer bills, one for sanitary districts and the other for municipalities.

LD 192 adds clarity to timing and notice legal issues surrounding sanitary district liens by modifying terms that are vague in existing statute. One amendment would remove the requirement for the commitment of rates/tolls/charges to the treasurer, as "commitment" was copied from the tax lien statute. Reportedly, many districts were unclear as to whether they were properly "committing", if at all, and there was a question about when that commitment occurred. The amendment makes it clear that the commitment occurs when the service is provided.

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Two additional changes to the notice provisions would ensure legal due process for the customer. The first would require the district to provide a copy of the sewer lien certificate to an owner of record if that owner did not receive a demand notice. The second would provide 3 more months for mortgage holders or owners who did not receive a copy of the lien certificate to pay in full before the lien automatically forecloses.

Finally, a change was made to address the fact that when the property owner files for bankruptcy, the district's sewer lien has to be established before the bankruptcy filing for the district to have "priority" as a creditor. This amendment states that the sewer lien arises and is perfected when the sewer service is provided.

LD 430 is a concept draft bill that seeks to initiate dialogue that might lead to strengthening the enforcement

tools that are available to municipalities to collect sewer debts. At the hearing, the discussion focused on the current lien process and the fact that only joint utilities can disconnect water for the non-payment of sewer charges. The concept of inter-local agreements between water and sewer operations that are not under the same governance structure, which would allow for disconnection of water for non-payment of sewer, was discussed. The lack of practicable alternatives to address violations of sewer ordinances was also a topic of conversation.

The Association testified against LD 169 An Act To Amend the Laws Governing Groundwater Rights at the recent hearing. This bill calls for the imposition of an excise tax for the privilege of extracting groundwater. While the bill, as proposed, applies only to bottled water operators that extract more than 1,000,000 gallons of water in a calendar year it does, as the title indicates, amend Maine’s groundwater law. At the hearing, the sponsor and one other person testified in support of the bill. The remainder of the testimony was in opposition; the hearing lasted a little more than two hours.

The Association is awaiting the legislation we have submitted which seeks to adopt more comprehensive standards for the installation of natural gas facilities. That language is at the Revisor’s Office; that bill is expected to be scheduled for a public hearing within the next few weeks.

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Proposal to Transfer DWP to DEP Draws Much Interest, Related Dialogue

At the end of February it was announced that the Governor’s change package, which is to be presented to the Legislature, includes a proposal to transfer the Drinking Water Program (including Subsurface Wastewater), the Radiation Control Program and all the Boards and Commissions associated with them, to the DEP. The rationale behind the change is to “create efficiencies, help consumers and share the values of public health”. If approved by the Legislature, the changes would take effect at the end of June or the beginning of July.

It has been stated that this move is not expected to result in any significant changes in the structure of the Program. If the proposal passes, the DWP will remain for the time being at the same physical location, i.e. 286 Water Street. It is not anticipated that the transfer will result in the elimination of jobs. It is unknown how the Program would ultimately be integrated into the DEP’s structure.

Directly following the Association’s March 5th Board meeting the Directors met with DEP Commissioner Patricia Aho to discuss the proposed reorganization. She indicated that she and DHHS Commissioner Mayhew have collaborated on the concept and are in agreement concerning the proposed move.

Aho stated that she felt the move would provide



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greater access to DEP resources, address overlap between the two agencies, and help the Program continue to provide its excellent level of service.

Restructuring at the DEP will result in the Land Division of the Land and Water Quality Bureau being elevated to its own bureau. It is anticipated that the DWP would be located in the Water Quality Bureau, along with the wastewater group.

Aho and the Board discussed a number of key issues, including the SRF Program, Primacy, opportunities for efficiencies, and set-aside programs such as education and outreach.

On Friday, March 6th the MWUA Legislative and Regulatory Affairs Committee held their regularly scheduled meeting and this subject generated much discussion.

The Directors have created an ad hoc committee, consisting of some members of the Board and some Legislative and Regulatory Affairs Committee members. Their task is to assess the proposal, develop a position paper and, ultimately, craft testimony for the legislative hearing.


The position paper is essentially completed. The major elements of the paper are summarized below:

Are there benefits and efficiencies that have been identified and quantified that would result from such a move? There is concern that staffing levels remain adequate to ensure retention of Primacy. If there is overlap between the agencies, is it best addressed by a wholesale move from a public health agency to an environmental agency? The Program is perceived to be functioning very effectively where it is. A 2001 study by Berry, Dunn, and McNeil concluded that there was no efficiency to be gained by moving the DWP to DEP.

Is there a business plan for the reorganization? Exactly which Program elements (and associated personnel) of Health Engineering would go over the DEP? MWUA is concerned that this could

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result in an unraveling of improvements that we have collectively accomplished over the past several years and a fragmentation of the structure and functioning of the Program. Better cooperation between DWP and DEP may result with the change, but there should be no diminution of programs or services. Educational outreach programs funded by DWP should continue at their current level, including training funds to MWUA and others.

The DWP within DHHS is primarily a public health agency, while DEP is primarily an enforcement agency concerned with the environment, sometimes at the expense of people. It is important that the same culture and temper within the DWP continue in the implementation of the program - wherever it is located. It is imperative that all players understand fully the immediacy of drinking water issues.

Funding is a critical aspect of the DWP given that the majority of funds come from the Federal government. Continuation of these revenue streams is extremely important to both the DWP and the customers it serves. MWUA is especially concerned that any funding from EPA not be diverted to other programs (e.g. through commingling of Federal funds) and away from drinking water.

It is anticipated that this legislative initiative will be before the Legislature the end of March or the first of April.

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Plan Now for Warm Weather Events

You know it's a rough winter when the native born have a variety of snow shovels scattered around the property as lawn ornaments – yet their complaint is not about this providentially imposed wellness program, but how cold it's been.

There is hope on that horizon that has recently been giving us the Northern Lights display. Even before we hit the Summer Solstice, we will be gathering for the June bimonthly meeting in Houlton. There are reports that the meal may be prime rib and haddock. There is even talk of activities the evening before.

Likely there will be an opportunity to play golf on Wednesday. Definitely there will be streams to fish – the problem being so many fish, so few June meetings.

Mark the calendar now for those days - June 10th and 11th. If you plan on playing golf, watch for information in the May issue of *Maine Water News*.

If you would like to get in on the fishing activities, let us know and we will factor you into the mix. We'll let you tag along even if the Shiretown is your neighborhood. In fact, we might let you drive or at least provide directions to where we could drop a fly. Us downstaters are good folk, would never divulge the location of a fishing hole. Ask anyone.

HOST: Kevin Gagne, Lewiston Public Services Water Division

LOCATION: Ramada, 490 Pleasant Street, Lewiston, ME 04240

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From North: I-95 S to Exit 80. Continue straight ahead. Follow signs for Industrial Park. At traffic light go straight, hotel is on the left.

PROGRAM

- 8:00 – 8:30 a.m. Registration & Continental Breakfast
8:30 – 8:45 a.m. Introduction / Welcome to Lewiston
8:45 – 9:45 a.m. Business Meeting
9:45 – 10:00 a.m. Break

TECHNICAL PROGRAM

MS4 GENERAL PERMIT REQUIREMENTS: WATER QUALITY STANDARDS & IMPACT ON WATER UTILITIES

- 10:00– 10:30 a.m. MS4 Overview: Applicability to Water Utilities
10:30– 11:00 a.m. Need for Compliance: Effect on the Environment
11:00 –11:30 p.m. Local Efforts by Water Utilities/Municipalities to Comply with MS4 Requirements
11:30 – 12:00 p.m. Example of Successful Remediation of Parts of an Urban-Impaired Watershed & The Role of Water Utilities in Keeping Water Clean
12:00 p.m. Lunch

Alan Hitchcock
President

Sid Hazelton, Scott Abbotoni, Rick Anair
Program Coordinators

REGISTRATION FOR APRIL 9, 2015 BI-MONTHLY MEETING

Please return registrations by: April 3, 2015

2.0 DWP Training Contact Hours / 1.5 DEP Training Contact Hours

Name(s):

Affiliation

Table with 5 columns: Description, Member, Non-Member, Late Registration Member, Late Registration Non-Member. Rows include Water Systems serving more than 4,000 Customers, Vendors / Associate Members, and Water Systems serving less than 4,000 Customers.

Total enclosed:

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