

Maine Water News

A Publication of the Maine Water Utilities Association

March 2016, Number 186

Greetings, and Thank You Very Much

Frank Kearney, 2016 President

First, I want to thank all those who worked so hard to assure the annual trade show in Portland was a huge success. From my “thousand foot” view, everything was so well planned and executed and I believe we had one of the best shows ever. You people who did it, you know who you are, but I’m not naming names for fear of omission. We just sincerely thank you.

Next, I must thank our Executive Director, Jeff McNelly, his wife Laura, and our executive assistant, Barb Farrell. It seems impossible that you are able to bring the whole thing together. From the Board of Directors, thank you very much.

Finally, I’m grateful for the confidence placed in me by the MWUA Board of Directors as we move together into another productive year. I’ll do my best to live up to the high standards set by the fine people who’ve had this privilege over nearly one hundred years. And I must personally thank Al Hitchcock for his fine example. His commitment to board matters has been exemplary and his knowledge and experience are so much appreciated. Al is a MWUA board member for another year, and we are glad.

I think, as I begin the year as President of MWUA, I’d like to challenge each of you to continue learning. Yes, you can still learn, no matter what your kids tell you. I think learning is living, and learning eagerly is living large. I want to encourage each of you, whether you are a superintendent enjoying years of success, or the entry level guy or gal cleaning the bar screen and bagging the grit. Maybe you are even the superintendent bagging the grit. We are all important. Equally important. I like to think that nobody ever has an unimportant day, no matter what. Live them all to the fullest, and learn all you can along the way.

I have always asked my grandchildren what they have learned at school since I saw them last. So they’ve learned that I am going to ask, and now they save up lots of things to tell me. When I bring it out of them that way, they are amazed at how much they learned.

So try it for yourself. Ask yourself at the end of a busy day: “what have I learned today?” If it becomes a

habit, you end up congratulating yourself often and feeling quite good about work. It’s OK. We are still allowed to feel good about work.

I hope you are all having a safe ending to a nice mild winter, and are starting a promising spring. MWUA is here to speak long and strong for us all. Please don’t hesitate to talk to any board member at any time if you have an issue, no matter how small. We are all in this together and our job is to help. Please check the MWUA 2016 conference calendar. Hopefully everyone can make it to several of the great bi-monthly meetings. The company can’t be beat, and the food will bring you back over and over. You might even leave asking.... “what have I learned today ?” See how that works?

And if you are reading this newsletter, but for some reason you aren’t a member of Maine Water Utilities Association, please call the office for details on how you can gain membership status during 2016 through a special offer from the Board of Directors. We feel strongly that the benefits of membership far outweigh the minimal cost to your town or district, so we are extending this special invitation and an offer you can’t refuse!

Just a parting thought. A while ago I heard 3 things about Socrates:

He lived a long time ago.

He gave really long speeches.

His friends poisoned him.

The February Meeting

All told, about 750 people registered for the annual February Meeting and Trade Show. It was a busy place throughout the conference with a total of 30 technical and professional sessions plus 15 presentations highlighting new product technologies. We extend our thanks to the New England Water Works Association and the Maine Water Environment Association for partnering with us and delivering some quality training.

We established a training corner on the trade show floor for the new product technology sessions and, for the most part, that worked out well. The changes were implemented in order to provide more training on new products and technologies, create more traffic on the trade

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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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show floor and expand the nature and scope of the conference offerings for water professionals and also the vendors. Generally, we were pleased with the response and feel that we have a solid platform to build on for the future.

The social and other activities were well received. Portland is a great city for a conference. There are ample venues to take advantage of and the attendees did just that.

We would be remiss not to recognize the diligent efforts of everyone who was involved in pulling this off. NEWWA staff, MEWEA volunteers and, particularly, the Program Committee members make it all happen.

April Meeting to Focus on High Profile Lead Concerns

Anyone following the news is certainly aware of the controversy the exceedance of the lead in drinking water standard in Flint, Michigan has created. Public officials are ducking for cover, thousands of lead service lines are targeted for replacement, residents have bona fide health concerns and progress in rectifying the problems is very slow.

Other communities in the nation have been in the national spotlight as well. Resolution of lead or copper corrosion issues is not something that is easily, and certainly not immediately, rectified. As a result, stories of violations of the lead and Copper Rule can be tasty fodder for the media.

In situations like this people want to know what's up with their water system. They want to know whether they should be concerned, what they can do to minimize risk, and what the system is doing to protect their health. Unfortunately, their frames of reference are often built around what they hear from the media. It's important to communicate with the customers. Many systems have posted information on their websites. At the March Board meeting the Directors decided to ask the Maine CDC to get some information on the street so that the public knows that we do not have a "Flint like" situation in Maine, that we do sometimes see challenges associated with the Lead and Copper Rule, that we definitely take our responsibilities seriously and that we work diligently to achieve and maintain compliance with the Safe Drinking Water Act.

At the April meeting in Ellsworth, we will focus on "Lead & Copper in the News". The technical program will offer a regulatory perspective of the issues in Flint, Michigan and we will discuss treatment strategies to maintain compliance (including at least one case study). We will also consider communications and public relations strategies that can be utilized when faced with a compliance issue.

There could not be a timelier topic and it is being held in a region of the state with some of the most highly corrosive sources of supply. Join us at the April 14th bi-monthly, participate in the discussion, bring some treatment wisdom if you have any, and expect to learn something.

Association Weighing in on Legislative Initiatives

It has been a relatively slow session at the Maine Legislature; however there are bills the association is following.

LD 1566 An Act Concerning the Establishment of Water Levels was a bill heard by the Environment and Natural Resources Committee. The bill had two major components.

This bill sought to amend the laws governing the establishment of water levels to require the parties named in a petition or request to

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establish a water level regime to engage in mediation prior to the Department of Environmental Protection initiating an adjudicatory hearing to resolve the dispute.

In addition, the bill would have provided that if the department held an adjudicatory hearing, it could charge the parties named in the petition or request an appropriate licensing fee, not to exceed \$20,000, to cover the department's costs in conducting the hearing. The department would have been compelled to apportion the licensing fees equitably among the parties.

The Kennebec Water District offered testimony on behalf of the district and also the association. That testimony highlighted the potential loss of technical considerations if the mediation process did not consider evidence as is currently required by the existing statute. Concerning the proposed licensing fee, we noted that cost could be a deterrent to petitioners or participants, even to the extent that the proposed cost could actually remove some stakeholders with legitimate concerns from the process. The testimony stated that it should be the responsibility of the DEP, not two parties with focused interests, to ensure that environmental and public health impacts are thoroughly vetted in every water level setting process.

The association will be following this bill and will continue to advocate for the issues that have been communicated to the committee.

LD 1586 An Act To Implement Recommendations of the Right To Know Advisory

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Committee Concerning Remote Participation in Public Proceedings would allow members of a body subject to the Freedom of Access Act to participate remotely in meetings of the body; however, the bill would not allow members of publicly elected bodies to participate in public proceedings unless physically present.

The body would be required to adopt a prescriptive written policy authorizing remote participation.

An amendment to the bill would allow members of publicly elected bodies to participate remotely in meetings of the body; in addition the amendment would require a referendum vote in order to adopt the policy.

The association testified in opposition to LD 1586, stating that the provisions in the bill would greatly complicate current practices many districts are utilizing to govern their organizations. Specific examples were cited. MWUA emphasized that the bill presents a solution where there has been no problem and that the bill does not address any real issues, yet has the potential to create many.

Maine Water Environment Association, Southern Maine Regional Water Council, Boothbay Region Water District, Five Rivers Regional Water Council, the Maine Municipal Association and others testified in opposition.

At the work session the Judiciary Committee considered an amendment that would allow public bodies to utilize remote participation as long as the body developed a policy. The policy could be tailored to meet the need of the organization and it was thought that the FOAA Public Ombudsman could, perhaps, review the various policies and provide a report to the Right to Know Advisory Committee. After considerable discussion the committee could not come to agreement and on a 7 – 4 vote LD 1586 received an Ought Not to Pass recommendation.

NEWWA Board Appoints New Executive Director

The NEWWA Board of Directors is pleased to announce the appointment of Stephen J. Ryan as its new executive director. He will begin transitioning into his new role starting March 1, 2016, in conjunction with the retirement of NEWWA's current Executive Director Raymond J. Raposa, who is retiring on April 29, 2016, after 30 years of service and dedication to the association.



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Stephen is a long-time association executive, with more than 20 years of experience in association management, with roles at the Massachusetts Association of Realtors, where he served as both associate and general counsel, and the New England Convenience Store association, where he has served as executive director since 2012.

Stephen cites NEWWA's mission as the main reason he was attracted to the position. He stated: "As a New England resident who has spent his career as an

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association executive, attorney, and advocate, I can't think of a more exciting and rewarding opportunity than to use my skills and experience to run an organization whose efforts yield benefits for millions of people throughout the region I have always called home."

His success with educational programs as well as trade shows, conferences, outreach, and volunteer management and growth aligns well with NEWWA's strategic plan.

"After an extensive search process NEWWA's board is thrilled to welcome such a well-rounded, experienced, and passionate professional to NEWWA's staff team," said NEWWA President Craig Douglas. "NEWWA's board is excited to welcome Stephen into his new role and we look forward to working with him to take the association to the next level."

Stephen holds an Associate's Degree in Management and a Bachelor's Degree in Marketing from Bentley College and a Juris Doctor Degree from the New England School of Law.

He resides in Canton, MA, with his wife and children.

Kearney Elected President

At their January meeting the Board elected officers for 2016. The following will serve until January of 2017:

President:

Frank Kearney, Presque Isle Utilities District

Vice President

James Wallace, Portland Water District

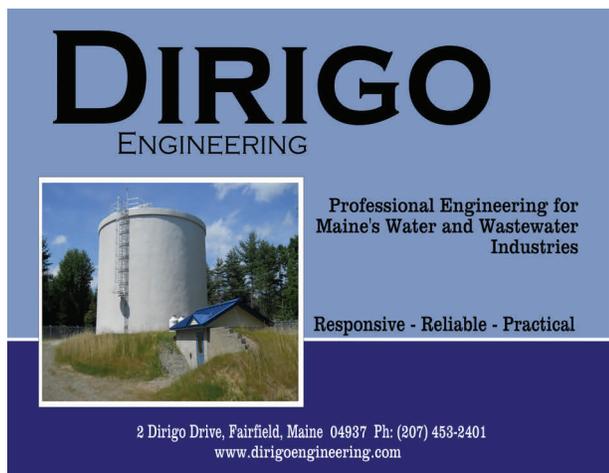
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Hall of Flags, Legislative Breakfast Successful

The association recently partnered with Maine Water Environment Association on a couple of initiatives to converse with legislators, thank them for their past efforts and remind them of the fact that we should be viewed as resources as they deliberate matters of importance to the water profession.

On January 12th we occupied the Hall of Flags at the State House and set up displays which depict what we do, from the source to the estuary. On the drinking water side the displays highlighted source protection, distribution and storage, and water treatment/water quality. Clean water displays focused on wastewater treatment, stormwater infrastructure, non-point source issues, end products, and discharges.

At noontime members of our contingent met with members of the Coastal Caucus and discussed various issues which impact coastal communities.

On March 3rd we hosted a legislative breakfast. The speakers included MEWEA Government Affairs Committee Chair Tim Haskell, MWUA President Frank Kearney, MEWEA President Scott Firmin and John Peckenham, Associate Director of the George Mitchell Center for Sustainability Solutions. A short Q&A session rounded out the program.

Both of these events were excellent opportunities to keep our issues in front of the decision makers in Augusta. Relationships that are developed at these gatherings yield dividends on many fronts.

MS 4 Discussions Elevate

Maine's Municipal Separate Storm Sewer System (MS4) Program regulates stormwater discharges. Maine's MS 4 Program captures 40 regulated entities: 30 municipalities, 8 state and federal facilities and 2 transportation entities.

Permit holders are required to prevent and



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minimize the discharge of pollutants from their permittee's stormwater conveyance system through implementation of a Stormwater Program Management Plan. For water utilities that plan has implications as it relates to hydrant flushing, water line flushing and other discharges from potable water sources.

Under the federal regulations, these necessary O & M practices are authorized non-stormwater discharges if they do not contribute to a violation of water quality standards as determined by the DEP. Additionally, operators of small regulated MS4 (typically municipalities) need address certain categories of non-storm water discharges or flows (e.g. water system discharges) only if they identify them as significant contributors of pollutants to their small MS4.

Permit holders and the DEP have been collaborating on the management plans. It is apparent that they contemplate that one aspect of the plans will be ordinances to allow enforcement of discharges that cause exceedances of water quality criteria. The discussions that water suppliers have had with the DEP and the permit holders have focused on how to prove that there might be an exceedances of water quality criteria or that discharges are significant contributors of pollutants.

In addition there are questions as to whether some of these regulatory provisions that are being incorporated into plans and ordinances have been adopted through the Maine Administrative Procedures Act.

As is the case with all regulatory oversight that water systems find themselves under, the association will strive for a risk based, balanced approach to this issue that recognizes and accommodates the need for water systems to manage their operations and provide the highest quality water possible to their customers.



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