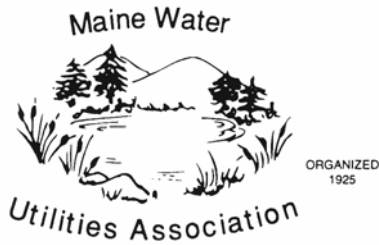


# MAINE



# WATER

# NEWS

March 2006

*A Publication of the Maine Water Utilities Association*

Number 126

## **Whose Water is it Anyway?**

*Brian Tarbuck, President*

When did Maine's water become so precious? In the last year, we've seen a group get almost 50,000 signatures on a petition that would have put a question to voters requesting a 20 cent per gallon water tax on bottled water. Who cares, we don't bottle water right? True, but why is our water any different? A person could argue that withdrawing any water from Maine's aquifers should be taxed. Paper mills, blueberry farms, public water and, heaven help us, Maine breweries. Twenty cents per gallon. This petition did not get the signatures it required, but the issue of water taxation will be back and we need to be prepared with answers.

The second reason why you need to be concerned with water taxation is that the Water Dividend Trust group believes that the people of Maine own the water under the earth, not the person who owns the land above the water. This is a direct challenge to all landowners who use groundwater. If the people of Maine own the water under the ground, then shouldn't we all have to pay ourselves something for it? It seems absurd, but the issue of water rights will be back.

Meanwhile, the Maine Legislature directed the Department of Environmental Protection to come up with water flow standards. The root of the issue appears to have been agricultural withdrawal of water from streams in The County. Though The County has apparently worked these issues out, the DEP has now reasoned that the only place for water withdrawal regulation is in the Clean Water Act. This means that when water is withdrawn from a

surface water supply that it needs to be permitted by the DEP. And if you withdraw more than you should (based on complex formulas), then you're in violation.

It doesn't matter that your charter says you can use a given source water to supply the public with potable and fire protection. The Clean Water Act trumps that altogether.

The MWUA has been working with the Department of Environmental Protection for a year to try to come to an agreement on this issue and we have reached a point where we must respectfully disagree. The science behind the proposed rule is sketchy at best and, as proposed today, many surface water suppliers would be out of compliance. Proving or disproving these nebulous water quality impacts as a function of water withdrawal could cost utilities hundreds of thousands of dollars. Curiously, the public hasn't been complaining about water withdrawal.

How about groundwater? The proposed rule suggests that groundwater withdrawals also have an impact on surface water bodies. What does that mean? It may mean that you need to install streamflow gauges upstream and downstream of your wells and prove that you're not adversely affecting the water quantity in the stream.

These challenges require action by individual utilities. If you are asked to support the MWUA, please do so. You may need to come to Augusta and testify. You may only need to call your state representatives. Better to act now and head off a bad proposal at the pass than gripe about a bad law that will cost your ratepayers real money.

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

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## The February Meeting

Once again, we had a very informative and enjoyable time as the 80<sup>th</sup> Annual Meeting and Trade Show rolled into Portland. The Super Bowl party featured foreign teams, but a good time was had by all, regardless.

With great training sessions, the traditional show preview and times of hospitality offered by vendors, Monday was a very busy time. The trade show and the opportunities to learn about products, while picking up training credits at the same time, kept the Civic Center hopping on Tuesday.

There have been a number of modifications to the show over the past few years. At the most recent Program Committee meeting it was noted that the template seems to be working pretty well. There are still opportunities to fine tune and that will happen as the committee plans for 2007. We are also confident that Belichick has his planning well underway.

### Superior Court Rules in Favor of PWD on Adverse Possession Issue - MWUA to File Amicus Curiae Brief

In November a decision was rendered in Superior Court relative to a dispute between the Town of Standish and the Portland Water District over public access to a portion of PWD's watershed property. The town lost in its argument that the public had secured the right to use the property as the result of continuous use of the property for more than 20 years. The court, in essence, ruled that political subdivisions of the state are not subject to such adverse possession claims.

Standish has appealed the decision to the Maine Supreme Judicial Court. At a special MWUA Board meeting the Directors unanimously voted to file an 'amicus curiae' (or friend of the court) brief in conjunction with the case. In arriving at their decision, the Board discussed the potential that other public water utilities could have similar claims against property ownership if Standish were successful in this case. The Maine Wastewater Control Association and the Southern Maine Regional Water Council have also agreed to join the deliberations by filing amicus briefs.

### MWUA Sustainable Water Legislation Approved by Legislative Council

Anyone who is even a casual reader of Maine Water News is aware of the fact that the association has been engaged in deliberations with the Maine DEP relative to sustainable water use rulemaking. In the January issue, 2005 President Kelley noted that the rules, as currently drafted, could require surface water systems to conduct extensive and expensive studies in order to justify the continued use of resources that have been used for the past 100+ years.

That concern has become reality. The Executive Director and members of the Legislative and Regulatory Affairs Committee have had several meetings with DEP staff over this issue and, while staff have tried to create rules that, in effect, maintain status quo for water systems,

the inflexibility inherent in having these rules under the water quality statues appears to preclude that possibility.

On March 2<sup>nd</sup> an association bill, An Act to Ensure the Availability of Public Drinking Water Supplies, was brought before the Legislative Council by Senator Carol Weston, as a request to introduce legislation. This was a necessary step given the fact that this is Special Session and after deadline legislation. With little discussion, the legislation was unanimously approved for submittal to the full Legislature.

The legislation is fairly straightforward in that it specifies that the withdrawal of water by a water utility from any water resource from which the utility is allowed to withdraw is protective of water quality and permitted under the rules provided the withdrawal is consistent with the sustainable yield of the resource. Sustainable yield would be determined by the Drinking Water Program, in conjunction with the DEP and the PUC.

The next steps will proceed fairly quickly. A sponsor and cosponsors will be selected and there will be a hearing and deliberations in work sessions. As Judy mentioned in her column, "it may involve legislation, where we will need to call for the entire MWUA membership's help".

That's where we are – it's time to make a call to your local representatives. If you are a ground water supply this is not an occasion to breathe easy as the proposed rules, as applicable to rivers and streams, specifically state that withdrawal includes groundwater extraction.

Additional information will be forthcoming. In the meantime, if there are any questions, please contact the office.

### Recipients of Recognition at the MWUA 80<sup>th</sup> Annual Trade Show & Conference



Dick Berry, Adam Yanulis and Peter Prescott

Congratulations to Peter Prescott on receiving the Jim Doherty Excellence in Volunteerism Award and to Dick Berry who received the Presidents Award.

### Pertinent Training Topics on the Near Horizon.

MWUA, in conjunction with various partners, has been able to develop a series of training sessions for 2006. Sessions running through the end of May can be found on the schedule provided with this issue of the newsletter; a more complete list is available on the website at [www.mwua.org/calendar.htm](http://www.mwua.org/calendar.htm).

Upcoming sessions of note include operational type sessions at various locations and a session focusing on the management and protection of lakes and reservoirs. This latter session will be of interest to anyone who wants to better understand lake dynamics in order to develop a practical lake management plan. This program, to be held on April 6<sup>th</sup> at the Kennebec Water District Treatment Plant in Vassalboro, will feature speakers from the University of Maine, the Volunteer Lakes Monitoring Program, the Maine Drinking Water Program and the Portland Water District.

Additional classes are being developed for the fall season.

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### 2006 Photo Contest Draws Interest

With more than twenty entries and one-hundred and thirty-four ballots cast, the 2006 People, Places and Things photo contest organized and administered by the Association's Public Awareness Committee proved to be a great success. In only its second year, the contest sparked a great deal more interest than previously. Congratulations to the winners!

Many thanks to Julia Coes of Bath Water District and Mary Gilbertson of Portland Water District for their extraordinary efforts in putting this event together – and to Paul Hunt, also of Portland Water District, for putting together the display of old water district photos. And what we can say about President Tarbuck's neat Tiki Bar – just be sure to have some liquid refreshments flowing next year!! ☺

To view the photos in color, log onto [www.mwua.org](http://www.mwua.org).



Doc Avery, York Water District, 1<sup>st</sup> Place People  
*Kids dancing and running through hydrant flushing*  
 (This photo was the overall favorite & garnered the most votes)



Mark Courtenay, Bath Water District – 1<sup>st</sup> Place in Places  
*Snow capped mountains*



Jeff LaCasse, Kennebec Water District, 1<sup>st</sup> Place Things  
*Main Break in Snowstorm*

## Water Treatment & Distribution System Operator Position

The Dover and Foxcroft Water District is accepting résumés for the establishment of an applicant pool in anticipation of filling a newly created operation and maintenance position in the spring of 2006. The district operates a Class IV direct filtration facility and a Class II distribution system.

Interested candidates should forward their résumé to The Dover and Foxcroft Water District, 105 E. Main Street, Suite A, Dover Foxcroft, ME. 04426 or may E-mail their resume to: dfwater@kynd.net. The Dover and Foxcroft Water District is an equal opportunity employer.

This Docket (No. 2005-3) involves a number of issues relative to interactions between the District and the City. The full order can be found on the PUC website at [www.state.me.us/mpuc](http://www.state.me.us/mpuc).

## Birth Announcement

Craig and Kara Douglas announce the birth of their daughter Nora Quinn Douglas. Nora was born on January 21, 2006.

## Rig & Gigs Contest Winner Announced

Congratulations go to Ron Seaman of the Freeport Division of Aqua Maine, Inc. for winning the Rigs-n-Gigs competition. Ron, who had a 3<sup>rd</sup> place entry last year, took first place this year with his economical and easy to assemble adaptation of a flapper valve pump for winterizing fire hydrants. At a cost of roughly \$60 and less than ½ hour to build, this rig will pump each hydrant out in 30 seconds. With hydrants spaced 500' to 1000', cycle time is less than 3-5 minutes per hydrant.



## PUC Finds No Conflict in Gardiner

The PUC recently received a customer complaint against the Gardiner Water District concerning an alleged conflict with the City Manager serving on the district's Board of Trustees. The PUC found that the two offices are not incompatible.



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### Cohen Elected Mayor of Maine's Largest City

We all know that Jim Cohen, the association's legislative lobbyist and council on other matters, is very much dialed into the public participation process. Jim is on the Portland City Council and has been diligently working to improve the parking situation for the MWUA February Meeting and Trade Show.

Cohen was recently reelected to his second term, with 85% of the vote from his constituents. He was elected Mayor by his fellow councilors and is starting his one year term with a very busy agenda.

Congratulations, Jim. We know it will be a busy and productive year.

### Berwick Seeks System Operator

The Town of Berwick, Maine Water Department is seeking a full time Operator for its Microfloc 1 MGD surface water treatment plant and growing distribution system. Qualified candidates will possess an ability and willingness to be involved in all facets of water system operations. The Berwick Water System is a Maine Class IV Treatment and Class II Distribution operation; the operator will be required as a condition of employment to make regular and substantial progress toward those licenses.

Applicants should send a cover letter and resume to Nelson Begin, Chief Operator, Berwick Water Department, PO Box 696, Berwick, ME 03901-0696. The fax is (207) 698-5181 and the e-mail is [berwickwaterdept@psouth.net](mailto:berwickwaterdept@psouth.net).

A more complete announcement can be found on the MWUA website. The Town of Berwick is an Equal Opportunity Employer.

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**April Bimonthly Meeting to Feature a Variety of Regulatory Topics**

It is a regulatory world that we live in – and oftentimes these requirements can chew up a significant part of the work day, or even the week.

There are a number of legislative and regulatory realities that are either in process or that have seen significant changes recently. Included in that list is what is happening in the Legislature, changes in PUC regulations, backflow prevention programs and issues (particularly as they relate to the Maine Plumbing Code) and other things.

The Farmhouse Conference Center, on Route One in Rockport, will be the site of the meeting. It should be a great program. Come learn about what’s current and what’s on the horizon.

**SRF Match Uncertain at This Point in Session**

The outlook is not promising for the prospect of obtaining the 20% match necessary to receive the Drinking Water State Revolving Fund capitalization grant.

The Fund, which finances critical water system infrastructure improvements, is also used to support

program administration (actually about half the Drinking Water Program staff), to provide technical assistance to water systems and to develop and implement source protection programs. Obtaining the match has become a perennial struggle. In response to that reality MWUA submitted legislation during the First Session of the 122<sup>nd</sup> Legislature which would have authorized a General Fund appropriation in the amount of \$3.6 Million for the 2005 - 06 and 2006 -07 biennium. A bond issue that was enacted last fall provided the match for 2005 - 06. However, there is no match for 2006 – 07. An amended version of the bill (LD 775), was passed in the House, was carried over to this session and now sits on the Special Appropriations Table. The amendment reduced the requested funding from \$1.8 to 1.0 Million for each fiscal year. If the legislature chose to consider this need a priority, the bill could serve as a vehicle for the 2006 – 07 match.

The association has written to Senator Arthur F. Mayo and Representative Hannah Pingree, Chairs of the Joint Standing Committee on Health and Human Services, reminding them of the need for the match and requesting their assistance in obtaining these funds. Members of the Appropriations and Financial Affairs Committee are also being encouraged to find ways to fund the required match.



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**June Meeting to be in Island Falls  
 Plan Now for Activities**

Well, we are finally back to the County for a June bimonthly meeting and the planning is well underway. Phone calls are being made to line things up.

The plan is to have golf and other activities on Wednesday June 7<sup>th</sup>, a cookout that evening as well, and the meeting will be held on Thursday. The cookout on Wednesday evening is something that you will not want to miss. It will hopefully include lobsters and clams (depending on logistical factors) but it will certainly include steak, burgers or whatever else anyone wants to throw on the grill. We will likely be at Birch Point on Pleasant Pond.

By the time the May issue of Maine Water News hits the street it will really be too late for folks in the region to make reservations for lodging on Wednesday evening. It is recommended that, if you plan on attending the cookout and staying over for the meeting on Thursday, you contact the office at your earliest convenience in order to secure accommodations. The program has not been

finalized, but the plans are to have a session on SCADA and "all the pieces that go with it". There is the possibility of it being a 3 hour class and if that happens we will start a little earlier than usual – all the more reason to get there the night before.

Call the office or send us an e-mail (mwua@midcoast.com) for additional details.

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CONFERENCE NO. 484

April 13, 2006

Rockport

HOST: Aqua Maine, Inc.

Location: The Farmhouse Conference Center; located @ at 399 Commercial St. (ROUTE 1) Rockport, ME. (207) 236-3700 www.thefrmhse.com/index2.htm

Directions: The Farmhouse Conference Center is located on Route 1 in Rockport at The Farmstead complex. It is located 8/10 mile after the intersection of Route 90 and Route 1.

PROGRAM

- 8:30AM - 9:00AM Registration
9:00AM - 9:10AM Welcome to Rockport
9:10AM - 9:20AM System Overview
9:20AM - 9:30AM Regulatory Update
9:30AM - 10:15AM Business Meeting
10:15AM - 10:30AM Break

TECHNICAL PROGRAM

- 10:30AM - 11:15AM Back Flow Prevention Case Study
11:15AM - 12:00PM 2005 Plumbing Codes
12:00 NOON Buffet Luncheon

Brian Tarbuck
President

Steve Cox, Bruce Goucher, Scott Clukey
Program Coordinators

2.0 Training Contact Training Hours will be granted for this session.

PLEASE RETURN RESERVATIONS BY Wednesday, April 5, 2006
PREPAYMENT IS APPRECIATED. RESERVATIONS MUST BE HONORED.

Registration form for MWUA April 13, 2006 Membership Meeting

Name: \_\_\_\_\_ Company Name \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Table with 2 columns: Register by April 5, Registrations Received After April 5

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**Training Calendar**

03/14/06	Impacts of Water Treatment Practices on Waste Water Treatment Plant Operations
03/16/06	AWWA Satellite Teleconference: Innovative Operator Tools: SCADA, AMR, GIS University of Maine, Presque Isle & The Portland Water District
3/21/06	Basics of Water Treatment & Distribution Systems Brunswick-Topsham Water District, Topsham
03/28/06	Distribution System Water Quality The Captain's Galley, Old Orchard Beach
03/28/06	Coagulation & Filtration Kennebec Water Treatment Plant, Vassalboro
03/29/06	Pressure Testing & Disinfection Bangor Water District
04/06/06	Managing Lakes & Reservoirs / Source Water Protection Kennebec Water District Treatment Plant, Vassalboro
04/19/06	NEWWA "Hands-On Quality Assurance and Testing For Bulk Chemical Deliveries" Bangor Water District
04/20/06	NEWWA "Hands-On Quality Assurance and Testing For Bulk Chemical Deliveries" Portland Water District
04/26/06	Excavation & Trenching Safety - Instructor J.D. Warren, ME DOL SafetyWorks Franklin Street Armory & Community Center, Saco
04/27/06	Excavation & Trenching Safety - Instructor J.D. Warren, ME DOL SafetyWorks Bangor Water District
05/02/06	NEWWA "External Corrosion Control for Operators" Bangor Water District
05/03/06	NEWWA "External Corrosion Control for Operators" Caribou Recreation Center
05/09/06	Excavation & Trenching Safety Brunswick-Topsham Water District, Topsham
05/11/06	Basics of Water Treatment & Distribution Systems Northern Maine Community College, Presque Isle

**[www.mwua.org/calendar.htm](http://www.mwua.org/calendar.htm)**