

MAINE



WATER

NEWS

March 2008

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Number 138

As the World Turns....

Gordie Johnson, President

The 82nd February MWUA Trade Show is behind us. By the time this gets to you, the final number crunching will have been completed, the session critiques compiled and the last of the training certificates forwarded to attendees. While we could have done without the sleet and snow on Wednesday, it was a great way to catch up with colleagues, learn more about current topics of interest and see a wide range of products available to help us get our jobs done. Now it is the time to start planning for how to make next year's event even better. Please get your thoughts on what you would like to see changed and what should be kept the same back to the Program Committee, Jeff or any of the Directors so they can be addressed. In these times of limited time and resources and 24/7 communication, the nature of events like these will continue to evolve. As one who is a true believer in the power of technology to improve the way we do our work, I never-the-less become more appreciative each year of the value of face-to-face communication and hands-on evaluation of products.

While the Trade Show delivered on two of the primary missions of the Association; Education and Networking, the third (Advocacy) was being addressed simultaneously. Jeff McNelly provided testimony in support of a bond issue to generate the 20% State match for the federal water and wastewater State Revolving Loan Fund (CWSRF/DWSRF) allocations. We are happy to report that this bill – LD 2169 – was reported out of committee with an Ought to Pass recommendation; however it now faces a long and uncertain road and it may or may not end up on the ballot in November.

And this is where the daytime television reference comes in.....At the time of this writing, the state has not identified a method of putting up the state match to be eligible to receive 5:1 federal match money.

The ending of the television writers strike has had no impact on this rerun! In the ten years of the DWSRF program, no stable source of generating the state match has been agreed on and adopted.

Given the current state budget outlook, it is not hard to understand why there is uniform resistance to adding the match to the annual state budget. However, with more that \$94 million successfully loaned out to utilities in the 10 year history of the DWSRF and a need estimated to be on the order of \$900 million over the next 20 years, every opportunity must be taken to stretch ratepayer dollars to the greatest extent possible.

Federal contributions to the CWSRF and DWSRF are currently due to end in 2011 and 2018, respectively. While there may be a potential to extend these programs or develop an alternative financing method in the future, the current picture is not a happy one. A state that has difficulty supporting \$3.4 million dollars to match with federal dollars will have a major challenge coming up with \$15-\$25 million on its own.

Are there any bright points in this discussion? Definitely!

First of all, this is clearly an area where the power of the many Association members working toward a common goal has huge value. No one utility or industry player could hope to influence the outcome of state-wide infrastructure funding on their own.

Secondly, it gets us out of our comfort zone. At the risk of sounding like a parent recommending finishing up the green vegetables on your plate before tackling the cheesecake..... while we can recognize what needs to be done in terms of advocacy, outreach and continuous presentation of our message, it is often pretty far from the reason we got interested in this industry. Heck, if we wanted to do this every day we would have been politicians, not water professionals. Well... a quick review of the history of the water field shows that it has always been political and will likely only become more so! Still we are lucky in several ways to be practicing in Maine;

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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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(Continued from Page 1)

the political process is very accessible and people can contribute in many different ways depending on their background and comfort level.

Finally, the constant struggle for funding forces us to prioritize and to recognize that State and Federal money is not and never will be the only game in town. We have to ensure that we can justify the expenditures of ratepayers' money, which will inevitably force some projects, which we view as important, to the bottom of our lists. Water rates must be set to be affordable, but at the same time high enough to support a sustainable infrastructure utility. Private financing is also available and will remain an important component of supporting our infrastructure requirements.

On another legislative note, for those systems that fall under the newly adopted Chapter 587 in-stream flow rules (generally surface water supplied systems), don't forget that the System Design Capacity numbers will be required this year. It is important to understand the definition particularly with respect to the meaning of existing system infrastructure and the annual (not daily) units of measure of the reporting requirement. We will shoot to have more information available on the website and through educational forums.

So if you getting the feeling that you are on a bad reality TV show, take a minute and share frustrations, accomplishments, thoughts and ideas with another member of the Association. The power of the Association is members helping members and it looks like it will be a great year for it!

The February Meeting

This year the dates for the annual February Meeting and Trade Show were dictated by the fact that Disney on Ice was in town the first week of February. As a result, there was no Super Bowl party – which was welcomed by many judging the comments received and probably a good thing given the game's outcome – and the conference started on Tuesday instead of Wednesday. The conference *was* held the week which contains the second Thursday of the month, which has been the tradition in the past.

All things considered, both the technical sessions and the trade show went very well. There was a variety of training opportunity on Tuesday and nearly 400 people attended the luncheon. The Trade Show Preview was well attended, as system personnel checked out what's new in the business and exhibitors took advantage of the opportunity to speak to their customers.

Wednesday brought a mixed bag of precipitation, not unlike what has been rolling through the state every 3 days or so all winter. In spite of the weather, which did cause some to stay in camp on Wednesday, there was good attendance at the Operator Forums throughout the day.

For the most part it can be said that people made the best of the situation. On exhibitor remarked: "we were obviously disappointed that we had the storm on Wednesday but we came here with the goal of speaking to 14 clients or potential clients and we were able to do that."

Insurance Issues for Water Utilities Managers Breakfast Forum

This next Managers Breakfast forum will present water utility managers with specific information regarding potential liability issues that might arise during typical water utility operations. 3.0 Maine Drinking Water Program Training Contact Hours will be issued.

The session is intended to be highly interactive with specific issues discussed from both the water utility perspective and the insurance company perspective. What are the utility's liabilities, what should the utility have for coverage to protect against those liabilities and what protections are already in place to protect against potential liabilities?

Questions to be considered are:

- We have a dam we own and maintain. What do we need for insurance?
- Why should I buy terrorism insurance & what does it cover?
- When do I need to file a police report and when should I call the insurance company?
- I need to get a certificate of insurance before hiring a contractor. What kinds and dollar value of coverage do I need to have?
- In an emergency situation, we assist a neighboring utility. Are we covered by our insurance policy during the repair process?
- We regularly sponsor tours of our facility. Are we covered under our current policy or do we need additional coverage?
- What is the utility's liability and what coverage should be in place to protect us against personnel issues such as: sexual harassment, employee benefits and embezzlement?
- Maine Tort Claims Act: What coverage does my utility need to have to protect employees and/or trustees against bad decisions/actions?
- How does the Maine Tort Claims Act protect my utility in the event of a water main break, a utility meter break, vehicle damage and property damage?

The forum will be held on March 28th at the Senator Inn in Augusta. The technical presenters are Chris McCauley and Marcus Ballou of the Maine Municipal Association. Jeff LaCasse, Superintendent of the Kennebec Water District will facilitate the forum. The cost is \$30 per attendee and includes a hot deluxe breakfast of blueberry peach stuffed French toast with blueberry maple syrup and scrambled eggs. Breakfast will be served at 7:30 AM. The program will be from 8:00 AM to 11:00 AM.



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Legislative Short Session Includes Many Issues for Water Utilities

Although the Second Regular Session of the Maine Legislature is supposed to be a short session, consisting of bills of an emergency nature, there has been plenty of action of importance to water utilities.

L.D. 2104, An Act to Provide for Fairness and Accuracy in Utility Rate Setting would have, among other things, required that the Public Utilities Commission, upon a finding that a regulated utility made a material misrepresentation or omission or engaged in any other misconduct in the course of a previous rate proceeding, apply a penalty against the utility.

MWUA testified against this bill, citing the fact that any number of intentional or unintentional actions, oversight, or other undefined circumstance could be construed as an "omission". Further, the association stated that it would be very unfortunate for a water utility to be subject to a mandatory penalty for an oversight or some similar situation that is of little or no consequence. Ultimately the bill was amended to be specific to the

telecom industry, which was the original target of the legislation.

L.D. 2073, An Act to Prevent Contamination of Drinking Water Supplies, is a bill submitted by the DEP. The intent is to prevent contamination of water supplies by oil or other hazardous substances by prohibiting the installation of such facilities within the wellhead protection zone of a water supply. This bill is currently being debated in work sessions. The Maine Oil Dealers Association has raised a number of points of opposition. The association has been actively involved in these discussions and will continue to be so.

L.D. 2169, originally titled An Act to Amend the Laws Pertaining to Storm Water Management and to Authorize a General Fund Bond Issue for Drinking Water Management has been amended and it now has a new title: An Act to Authorize a General Fund Bond Issue for Drinking Water Management. This bill will provide the required 20% state match Maine needs in order to secure the 2009 Drinking Water and Clean Water SRF capitalization grant. Enactment of LD 2169 would send the question to Maine voters in November of this year, asking them to authorize a \$3.4 Million bond issue that would secure \$17 Million in federal funds.

The association has been cooperating with the Maine WasteWater Control Association on this matter. The two organizations, plus New England Water Environment Association sponsored a legislative breakfast in February in order to educate legislators about how the SRF programs work and the importance of those funding mechanisms in maintaining and improving Maine's water and wastewater systems. In addition, representatives of MWUA and MWWCA have met with legislative leadership and the Governor's staff in an effort to garner their support.

LD 2169 was voted out of committee with a unanimous Ought to Pass as amended recommendation. It remains to be seen whether the initiative will move forward, given the state of the budget and the general economic climate.

L.D. 2182, An Act to Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services would establish a civil penalty of \$2,500 per offense for theft of utility services or for damaging or tampering with utility property. This bill was initiated by the Portland Water District as the result of their discovering, during their meter change out program, a number of instances where meter bypasses had been opened, illegal taps prior to the meter had been installed or meters had simply been removed. In one case a customer had appropriated \$100,000 of "free" water over a number of years. That bill was heard before the Utilities and Energy Committee on February 26th. In addition to the district and the association a number of utilities spoke in favor of the bill.

The other area of concern to the Association is in the Governor's Supplemental Budget, specifically Part "YY-1" which calls for specific departments, by June 30, 2008, to implement a plan of consolidating, eliminating duplication or creating greater efficiencies. Included in that list of agencies and functions are drinking water and septic regulation administered by the Department of Environmental Protection and the Department of Health and Human Services (Drinking Water Program). The budget targets a savings of \$250,000.

This budget item has generated much dialogue relative to merging the Drinking Water Program into the DEP, an issue which has been discussed before. At the hearing before the Appropriations and Financial Affairs Committee the association and also water system representatives cautioned against meddling with programs that seem to be working fairly well.

As the Maine Legislature wrestles with the budget and related financial issues, and approaches the April 16th statutory adjournment date, it will be interesting times.



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Profession Loses Valued Trustee

Frederick D. Haskell, 75, passed away unexpectedly on February 14th in Portland, Maine. Fred, his wife and other members of the Lincoln Water District contingent were in Portland for the February meeting and were planning on driving home the day after the conference.

Fred was a very valued member of the Lincoln Water District Board of Trustees. He was a second generation trustee and had served on the Board for 25 years. He and other members of the Board always looked forward to the journey to Portland for the MWUA February meeting.

He was born May 26, 1932, in Bangor. Fred was owner and operator of Haskell Lumber Co and was a member of First Congregational Church, Lincoln, and the church's Men's Club. Fred enjoyed hunting, fishing and his apple trees. In addition to his wife, Virginia of Lincoln, he is survived by two children, four grandchildren, and several nieces and nephews.

... and an Exemplary Vendor Alfred Daigle

Alfred Daigle, 61, of South Portland died February 12, 2008. He was born in Augusta, the son of Lionel and Jeanne d'arc Arbour Daigle. He was educated at St. Augustine Elementary attended Seminary in Bucksport, graduated from Cony High School and attended the University of Maine.

For the past 20 years Al worked in the waterworks supply industry. He worked for Rila Precast, Ti-Sales and was presently employed by E. J. Prescott at their Portland office.

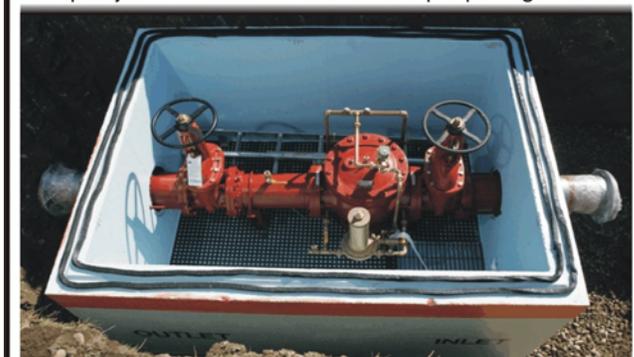
Al was a member of the Thornton Heights Lions Club, in South Portland. He held many posts within the organization working his way up to being Deputy District Governor.

Survivors include his wife of 40 years, Catherine Griffin Daigle of South Portland; two sons, Alfred Peter Daigle and wife Barbara of Lewiston, Andrew Paul Daigle of South Portland; one grandson, Alfred James Daigle and his wife Jennifer of Auburn, granddaughter Natasha Daigle and great-granddaughter Alyssa Daigle.

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Companion Excavation Safety & Equipment Operation Classes Set for Bangor and Portland

Two very popular New England Water Works Association classes – Competent Person Training: Excavation and Trenching *and* Hands-On Backhoe and Front End Loader Operator Training will be held in Bangor on April 29th and 30th and in Portland on May 1st and 2nd.

As a prerequisite for the Hands-On Backhoe and Front End Loader Operator Training a person must have completed the Competent Person Training: Excavation and Trenching course or NEWWA's "Excavation Safety: Are You a Competent Person?" (or equivalent) course.

For the Hands-On Backhoe and Front End Loader Operator session registration is limited to twelve participants per session to optimize the learning experience. Early registration is advised.

Brochures have been mailed. Registration is through New England Water Works Association. For additional information contact either NEWWA or the MWUA office.

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PWD Receives Favorable Ruling From Supreme Court, Subsequently Condemns Road to Boat Launch

Editor's note: following is summary of materials from the Portland Water District website and recent e-mail communications

The Portland Water District has recently been involved in a couple of actions relative to their dispute with the Standish Town Council over the Standish boat launch.

On January 31, 2008, the Maine Supreme Judicial Court ruled that the Town of Standish could not expand their Northeast Road Extension right-of-way by accepting an additional 32 feet as part of the Road. This decision ends a chapter in the long debate between the Portland Water District (PWD) and the Town Council over the use of PWD land at the boat launch.

The debate over the use of PWD land near the Standish Boat Launch entered the court in 2004 after the Standish Town Council denied a PWD permit to install structures needed to create a park in the area. In doing so, they reasoned that the public had acquired prescriptive rights to use PWD land. In June of 2004, PWD sought a declaration from the Maine Superior Court that this claim was inaccurate. While waiting for a ruling from the Supreme Court, the Standish Town Council took actions to take PWD land by expanding their 99 foot right-of-way along Northeast Road. The Supreme Court ruling came after three and a half years of filings, motions, hearings, and appeals on two separate court cases.

"We are very pleased with the decision," stated Portland Water District General Manager Ronald Miller. "Of course it is disappointing that the issue had to be resolved in the courts, but we took necessary actions to defend our landowner rights and protect our customers' source of drinking water."

On February 25th, the District Trustees voted to take an old property interest owned by the "Heirs of the Proprietors of Pearsontown to Northeast Road and to land adjacent to the road," by eminent domain. The identity and location of the Heirs is unknown. This action will not affect the public's right-of-way or access to the boat launch, but would only clarify "who owns the dirt" under the road by eliminating the property interests of these unknown Heirs.

All of these related court cases, to date, have not eliminated the interest of the Heirs. Eliminating the interest of the Heirs is important to the PWD because owning the 'dirt' would open up options for the PWD to finally mitigate pollution draining from the Standish Brook. It would also protect water quality, should the Heirs of Pearsontown or anyone with their rights, decide to claim the road.

This is the first proposed taking from the Portland Water District since the 1980s.



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Contact Superintendent Dennis Knowles at the Sanford Water District (207) 324-2312 for more information. The District offers competitive wages and an excellent benefits package. Please forward resume to the Sanford Water District, PO Box 650, Sanford, ME 04073 or email to dknowles@sanfordwater.org

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**Portland Water District Hires
Transmission/Distribution Supervisor**

Kyle Jackson started as Transmission/Distribution Supervisor for the Portland Water District November 30th. Kyle has a wide background in utility infrastructure design, construction and maintenance. He is a licensed Professional Engineer and most recently served as a Project Manager for a highway construction company in Maine. Previous experience includes project development and coordination at the state Department of Transportation, and utility infrastructure management at a municipality and an engineering consultant. The Transmission/Distribution group is responsible for maintenance of close to 1,000 miles of water mains and associated valves and services.



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Sanford Water Announces Position Opening

The Sanford Water District has an opening for a technical position. The job will involve working with and editing ArcGIS data and maps, creating and editing

Mark Your Calendars for May Training Sessions

It's a ways out on the horizon, but it's also a good idea to mark one's calendars for two informative NEWWA sessions, to be held back to back on the same day.

Creating A Flushing Program To Meet SDWA Requirements *and* Water Main Disinfection – each a three hour class – will be held in Presque Isle, Belfast and Portland on May 20, 21 and 22, respectively. The plan is for one class to run from 8:00 – 11:30 and the other to go from 12:30 to 4:00. One can register for one class or for both of them.

The Education and Operations Committee is very pleased that NEWWA has agreed to hold both of these classes on the same day. This is usually not possible; however given the related topics they decided they can make it happen.



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Sizing Services & Meters Operator Forum

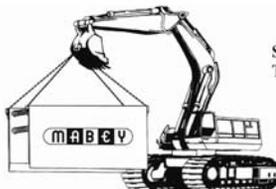
This Operator Forum will focus on sizing services and meters. Topics covered will include: methods to size water services and meters, fixture values, head loss and sample calculations.

The course will be held in Kennebunk on March 18th, in West Paris on March 19th and in Houlton on April 3rd. The forum in Newport (which was scheduled for March 5th and postponed due to inclement weather) is being

rescheduled. To register call the MWUA office at 832-2263.

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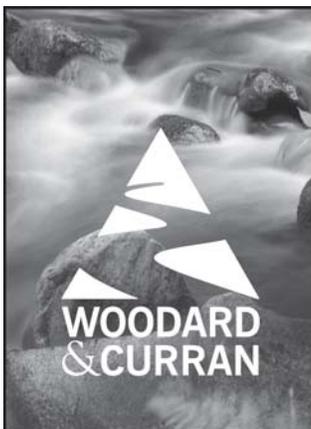
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Winners Announced in 2008 Contests

The Public Awareness Committee is pleased to announce the winners in this fourth year round of the photo and rigs-n-gigs contests.

While there were not as many entries this year as last, the competition was still strong.

Trade show attendees cast their ballots for their favorite photos as follows:



1st Place - Don Neumann, York Water District

Section of replaced 100+ year old water pipe showing massive tuberculation (one wisecracker who voted for this photo said that he knew whose colonoscopy this represented!)



2nd Place - Jamie Holyoke, Hampden Water District



3rd Place – Gary Stevens – York Water District

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Rigs-N-Gigs Competition

We would like to thank Roger Crouse of the Drinking Water Program, Frank Meader of Portland Water District and Wes Haskell of Bangor Water District for loaning us their water utility expertise to judge this year's entries in the rigs-n-gigs competition. New innovative and creative ideas continue to flow from our membership.

Rigs-N-Gigs Contest Winners



1st Place winner was Cam Torrey of Hampden Water District for his Valve Stem Rethread (New Operating Nut) Tool. Total cost to build estimated at \$48.00. HWD figures they saved \$1,000-2,000 last year alone by not having to excavate valves when replacing rounded or worn gate valve operating nuts.



The **2nd** Place winner – for the second year in a row -- was Dave Beaulieu of Aqua Maine for his Valve Box Lifting Device at an assembly cost of \$75.00.



3rd Place went to Dana Ayers, also of Aqua Maine for his Panel Bulb Replacement

Device at a cost of \$0.015 using a 2" section of 1/2" OD Plastic Chemical Feed Tubing.

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