

MAINE



WATER

NEWS

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Number 136

What! Again?

William G. Alexander, Jr., President

The end of Maine Water Utilities Association's fiscal year has arrived. Two months remain in my term as President and completion of many tasks remains before the beginning of the new year.

While working on the association's budget for 2008 and reviewing the income and expenses for 2007, I paused for a few minutes to think about the year to date. Specifically, how this year differs from previous years and if we are keeping with the association's mission statement of education, legislation, policy, and networking.

Bountiful opportunities for education and networking continue to spring forth. Most recently, MWUA held a managers' forum that provided an opportunity to either improve skills or develop techniques for dealing with employees. The training consisted of a lively discussion and Power Point presentation. This educational opportunity complemented the technical training required to operate a water and/or waste water system. I certainly hope to see more of these events in the future.

Legislative activities will increase as the One Hundred and Twenty Third Legislature's Second Session spins up to speed. During the First Session, and after many hours of effort, many contentious issues arrived at a mutually agreeable conclusion. However, the one event that remains with me today, as if it happened yesterday, was when the match for the SRF program had not been included in the original bond as proposed by the current state administration. Thankfully, due to an 11th hour effort the MWWCA, MWUA, its members and DWP staff enabled the creation of a bond that the voters eventually received and approved.

Water utilities are tax exempt right? While public non profit utilities do not pay property taxes like our for profit brethren, we all will receive increases in the

assessments (tax) water utilities pay to fund and staff operations of the MPUC and DWP. Of particular interest is the AFM and SRF set aside used by the DWP.

What is so significant about these issues, one might ask? "This is old news, how about something new and more pertinent to current issues?"

While moving some files around my office the other day I came upon a Maine Water News from September of 1997. In that issue, then President Norman Cyr spelled out in detail the efforts that MWUA undertook to assist the DWP in retaining primacy. Specifically EPA wanted to create six new positions at the DWP to manage the SRF funds over and above the additional staff positions created five years earlier and funded by the "interim" AFM.

There were three objectives that year. The first was to ensure the State's allocation of SRF funds. Secondly, create emergency legislation to perform a management study of the DWP and finally, to find long term and equitable funding of the DWP. Norm also noted that: "Without benefit of the DWP advocating for stronger state support it will be extremely difficult to achieve."

In 2000, DHS and DEP initiated a study to determine if the DWP should stay within DHS or if the DWP should combine with the DEP to create a new program all together. Many of the recommendations have been brought to fruition with the exception of improving the visibility of DWP within State government. The report also recommended that DHS and DEP remain as separate entities specifically due to the differences in mission and methodology of funding resulting in a financial loss if combined. Ten years have passed since Norm wrote his article and the Maine Water Utilities Association, through its staff, members and volunteer committees, are still working diligently on these same issues.

Discussion of moving the DWP into the DEP is, again, taking place. We are still striving for a strong advocacy and increased visibility of the DWP. Work on

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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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obtaining the State match of the SRF for 2009 will continue. What will we do when the federal funding for the SRF program ends in a few years? Will we have a viable program? What of those many positions supported by the SRF in the DWP? Will the "interim" AFM require adjustment to enable the great work that the staff of DWP does in protecting the public health? Where we will be ten years from now?

I do not have any answers to these questions at this time. I do know that the safety and public health of consumers must be protected. Answers to these questions will be accomplished by the continued support of the volunteers and staff who work many hours in support of this Association in fulfilling its mission statement of education, legislation, policy, and networking.

December 6th Bimonthly Meeting in North Yarmouth

The Yarmouth Water District will host the December 6th Bimonthly meeting being held at the First Congregational Church in North Yarmouth. The church is conveniently located at the intersection of Routes 115 and 231.

Regulatory and legislative updates are on the agenda, as well as the Association's annual business meeting and annual committee reports.

The morning technical program includes presentations on HDPE Pipe. HDPE is a relatively new product that has experienced a lot of use, and much in the way of improvements in recent years. The morning technical program will feature a discussion of HDPE piping systems and that will be followed by a session that features trenchless applications.

The afternoon technical program is a two hour session on chainsaw safety. This presentation will focus on what you need to know and what you need to do (or not) to be safe when working with a chainsaw. A segment on respect for pipe saws will be incorporated into this program.

A full buffet luncheon (catered by Keeley the Katerer) will be provided.

Auburn Wards Off Attack on Ordinance

On September 25th the Auburn Planning board considered a petition from a Lake Auburn watershed resident challenging the Lake Auburn Watershed Overlay District ordinance, which specifies that private sewage disposal system subsurface absorption areas not be permitted on sites on which the highest seasonal groundwater table, bedrock or other impervious layer is less than 36 inches below the bottom of the organic horizon.

Recently, the MWUA Water Resources Committee has been actively discussing the appropriate depth to the limiting factor in subsurface wastewater disposal installations necessary in order to effectively attenuate pathogens, nutrients and pharmaceuticals found in the human waste stream. This discussion has been sparked by the petition in Auburn and the fact that a task force of site evaluators is recommending that the current requirement of a minimum of 15 inches of suitable soil in the shoreland zone and a minimum of 12 inches of

suitable soil outside the shoreland zone be reduced to 7 inches (whether within or outside the shoreland zone).

The Lake Auburn watershed requirements, which have been in place since 1983, were based on a 1980 EPA design document. A 2002 update of that document states that a 2 – 4 foot layer of suitable soil is adequate to remove pathogens. Information presented at the Planning Board hearing revealed that 87% of 45 states, for which information was obtained, require 24 inches or more of vertical separation in subsurface absorption areas.

Testimony in support of the current ordinance requirements was presented by many at the hearing, including Norm Lamie of the Auburn Water District, David Jones from the City of Lewiston, Carlton Gardner of the Maine Drinking Water Program, Dan Bisson of Camp Dresser & McKee and Jeff McNelly of the Maine Water Utilities Association.

State Soil Scientist David Rocque, who has been involved in this Lake Auburn discussion for several months, apparently at the request of the petitioner, was also present. While he made it clear that he was not advocating for any particular outcome, he did provide information for the Planning Board to consider.

The Planning Board voted unanimously to recommend to the City Council that the ordinance not be changed.

The City Council, at their next meeting, followed the recommendation of their Planning Board.

2008 Directors Ballots Due November 15th

Stephen Cox, Engineer, Aqua Maine, Inc. and Kathy Moriarty, General Manager of the Bangor Water District, are on the ballot for 2008 Directors of the Maine Water Utilities Association.

The election is to fill three year terms. Ballots must be received by November 15th at the MWUA office, PO Box P, Waldoboro, ME. 04572.

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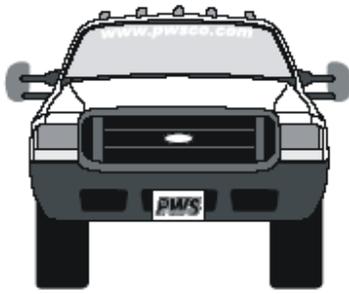


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MICROSOFT Word® Planned for November

An Intermediate-Advanced MICROSOFT Word® class is scheduled for November 14th. The hands-on, user friendly training is being offered at the State of Maine's Cross Computer Lab in Augusta. 5.5 Training Contact Hours will be awarded. The cost of attendance is \$50. There is limited space and early registration is

encouraged. To download a registration form, visit <http://mwua.org/calendar.htm>.

The October Meeting

The Maine Water Utilities Association, Oxford County EMA and the Maine Drinking Water Program provided an overview of what happened to the Bethel water supply during a recent crisis, discussed how different organizations played a role and considered ideas for improvement at the October 11th bimonthly meeting.

The disaster, which occurred when the Bethel Water District's raw water impoundment was inundated with rocks, trees and other debris, was the result of an estimated 9-12 inches of rain that fell on the watershed the evening of July 11-12.

Scott Parker, of the Oxford County Emergency Management Agency, discussed the coordination of efforts that was handled by his office. Carlton Gardner of the Maine Drinking Water Program reviewed his agency's involvement and John Storer explained the Auburn Water District's response with staff and materials, in order to lend assistance.

District staff and their trustees performed yeoman service in responding to and dealing with the crisis. The district is now in the process of developing a new groundwater supply and connecting it to the system.

Input Sought in Developing Office Staff Sessions For 2008

MWUA's Education & Operations Committee is seeking recommendations for office personnel training sessions for next year.

Would you like to see a Water 101 session focusing on operational and technical issues or a Water 102 session to focus on the administration of regulatory requirements such as the Safe Drinking Water Act or PUC regulations? Perhaps you're interested in metering and billing systems and their nuances. Do you need training on Word and Excel 2007?

Send Becky an email at info@mwua.org with your requests for training.

Water Operator Board Lists Vacancies

The Board of Licensure of Water System Operators consists of nine members appointed by the Governor. The members serve 3 year terms. The primary duties of the Board are to license persons to serve as operators of all or part of any public water system and to design and hold at least one examination each year.

In addition the Board, with the advice of the Department of Health and Human Services, establishes the criteria and conditions for the classification of public water systems and water treatment plants or collection, treatment or storage facilities or structures that are part of a system, in order to classify public water systems.

There are currently two vacancies for the Board. One vacancy is for a person who represents a "very small water system," as that term is defined in rules of the Board. That person could be an owner, operator or customer of a very small water system. The other vacancy is for a person holding a Grade II level license. That person may hold a Class II treatment, Class II distribution or Class II system license.

Individuals who may be interested in serving on the Board can contact the MWUA office for additional information.

First Managers' Breakfast Update

On October 24th, a couple dozen water system managers met at the Senator Inn in Augusta for breakfast and a discussion of topics of common interest.

Ellen Blair, Human Resources Director for the City of Augusta and also the Greater Augusta Utility District, moderated this session which focused on all of those HR issues that can be so challenging for water system managers.

It was a very productive interactive discussion, with significant participation from the audience



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throughout the morning. There was a broad spectrum of managers present, representing the very small, the larger systems (by Maine's standards, at least) and those in between.

What is evident is that the issues are the same, although it is safe to say that addressing these issues at the smaller systems can be particularly difficult. The exchange of information did, however, provide much in the way of tips, tricks, and resources that anyone can take advantage of in an attempt to effectuate change.

All said, it was obviously time well spent for all who attended. Discussions are already underway to select the next topic and location(s).

Protecting Maine Water by Conserving Maine Land Seminar A Success

The Maine Water Utilities Association and the Maine Drinking Water Program seminar "Land Acquisition: Protecting Maine Water by Conserving Maine Land" was held on Thursday, September 27th at the St. Paul Center in Augusta.

This session came about as the result of a Water Resources Committee member wanting to share his system's source protection experiences. Land trust folks, foresters, surveyors and others spent the day presenting and listening to the sessions. It was an excellent networking opportunity.

The committee hopes to build on this success and develop additional source protection sessions in the future.

A thank you is in order for the committee for their diligent efforts in making this session happen.



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Valve Operator Forums Scheduled for November

An Operator Forum on Valves is scheduled for November 26th at EJP in Gardiner and again on November 30th at the South Berwick Community Center. 3 Training Contact Hours will be awarded. The cost to attend is \$20 per attendee.

Enrollment is limited and on a first come, first serve basis. Registration forms are available online at <http://mwua.org/calendar.htm> or by calling the MWUA office at (207) 832-2263.

Kittery Water District Hiring Water Treatment Plant Operator

Full time position offered with a liberal benefits package. A State of Maine – Grade IV Treatment Plant Operator License is desirable. If not licensed, the new hire must have the ability to obtain this license within one year of date of hire. The new hire must have a willingness to be on-call and live within a twenty minute response time to the plant which is located at 28 New Boston Road, York, Maine.

For an application and additional information, visit: www.kitterywater.org or pickup an application in person at the Kittery Water District Offices, 17 State Road, Kittery, Maine (M-F 7:30 AM – 4:00 PM).

Farewell to a Friend

Greg Prescott, 57, of West Gardiner died on October 12, 2007, following a long battle with cancer.

Greg worked for Everett J. Prescott, Inc. He was known throughout the region as the person to talk to when considering new metering technology. He spent countless hours assisting water system personnel in order to make their operations better. Previous to employment with EJP, he taught at two local high schools.

Greg is survived by his wife Allison, his children Brian Prescott and Katie (Prescott) Small and their spouses, Cecile and Eli. He was step dad to John Ketner and Noah French. His grandchildren, Cody and Paige and Isaac and Calvin were his John Deere copilot companions. Greg was an avid hunter and fisherman who thoroughly enjoyed his favorite haunts. He and his companions made the best of their time spent at Flagstaff, Stonington and other locations and it was not unusual to see his truck at the Dutch Neck boat launch.

Greg had the finest kind of dogs.

Donations in his memory may be made to: Ducks Unlimited, c/o Bill Brown, 61 Holmes Brook Lane, Winthrop, ME 04364.



State Imposes Fee on Oil Changes

Effective October 1, a premium is being imposed on all motor vehicle oil changes in Maine. The premium is: \$1 per oil change if the vehicle gross weight is less than

10,000 lbs; \$2 if the gross weight is 10,000 lbs to 25,999 lbs; and \$3 per oil change if the gross weight is 26,000 lbs or more.

A “motor vehicle oil change” is defined as “the changing of any lubricating oil classified for use in an internal combustion engine, transmission, gearbox, differential or hydraulics in a motor vehicle.” Any person engaged in the service of providing changes of any of the above-mentioned lubricating oils must pay the premiums to the State Tax Assessor. Any person who owns a fleet of vehicles (defined as 3 or more registered to the same person) and who performs their own oil changes also must pay the premium.

In a September 20, 2007 bulletin, Maine Revenue Services announced that the sales tax return (Form ST-7) will be modified, beginning with the October 2007 return, to add an additional line to report these premiums. The use tax return (Form ST-7-U) will also be modified for use by fleet owners who change their own oil.

Revenue from the premium will be used to help pay cleanup costs at four sites contaminated by a company that collected waste oil for recycling. The company—Portland-Bangor Waste Oil Services—went out of business in 1980 before the contamination was discovered. Under both state and federal law, responsibility for the cleanup costs now falls to the company's customers, i.e., the hundreds of businesses and individuals who generated the waste oil that was mishandled by the company. Those customers include auto dealerships, garages, municipalities and school districts, among others.

Last session, legislation to address this situation was put forward by State Senator John Martin. That legislation resulted in Public Law 2007, Chapter 464. Revenues from the premium are deposited in the Waste Motor Oil Revenue Fund administered by the Finance Authority of Maine (FAME). FAME, in turn, is required to issue bonds to pay cleanup costs by or on behalf of eligible responsible parties at the four sites and to use the revenue from the premiums to make the bond payments.

The four sites covered by the program are located in Casco, Ellsworth, Plymouth and Presque Isle. Total cleanup costs at these sites are expected to approach \$30 million. The premium on oil changes will remain in effect until at least June 30, 2018, after which it will be discontinued when FAME notifies the State Tax Assessor that all costs have been paid.

A copy of the enacted bill that established the premium on motor oil changes can be found at: <http://janus.state.me.us/legis/ros/lom/LOM123rd/PUBLIC464.asp>.

If you are subject to the premium and have questions about how to collect it and remit it to the Maine Revenue Service, call Darrell Lombard at (207) 624-9653.

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Municipal Financing Expert Hired by Woodard & Curran

Woodard & Curran recently announced that municipal financing expert John L. Daniels has joined the firm as a Vice President in its Northeast Municipal Market.

Daniels will serve as Senior Consultant to staff and state and municipal clients, assisting in the development of long-term capital improvement and project financing plans and working to maximize the capture of agency funding.

Daniels has been a member of the Steering Committee for the Massachusetts Clean Water Council and the New England Water Environment Association’s Government Affairs Committee, as well as a long-time member of the Water Environment Federation and American Public Works Association.



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November 14th Webcast to Include Discussion of TCR Revisions, Lunch and Other Acronyms

The American Water Works Association has scheduled a webcast on November 14th titled “Total Coliform Rule Revisited”.

MWUA has made arrangements to host the webinar (i.e. web seminar) at three locations. In addition, and in recognition of the linkage between the new Groundwater Rule and the current Total Coliform Rule, the webinar will be preceded by a discussion of the GWR, the current monitoring, reporting and compliance requirements of the TCR - as we know it - and what might be expected when we see a new TCR.

Also, at the Lewiston location, the Water Resources Committee will hold their monthly committee meeting in the morning. They are extending an invitation to anyone who would like to sit in on that discussion.

Lunch will be provided at each location - Portland, Lewiston and Presque Isle – with pizza on the



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menu at the first two locations and a cafeteria meal ticket for the UMPI venue.

The logistics are varied, based on location, but the particulars and schedules are as follows:

9:30 am	Lewiston only: Water Resources Committee meeting
11:00 am	Arrival & registration
11:30 am	Lunch
12 noon	A discussion of the relationship between the GWR and the TCR – facilitated by Drinking Water Program personnel
1:00 pm	AWWA TCR webcast
2:30 pm	Follow up discussion

There will be a total of 2.5 Training Contact Hours granted for the session. Registration is limited, based on space at each location; the deadline for registration is November 9th.

For registration information, check out the website calendar at: <http://mwua.org/calendar.htm>. If there are questions or one needs additional information, call the MWUA office.

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Discussion of Moving DWP to DEP Crops up Again

In his President's column, Bill Alexander makes mention of the fact that there is, once again, discussion concerning the prospect of moving the Drinking Water Program to the Department of Environmental Protection.

The association has been able to obtain some information concerning this proposal. Towards the end of the summer, the Legislature's Joint Standing Committee on Appropriation and Financial Affairs was actively surveying people, in an effort to seek ideas to streamline government. The responses, posted on the committee's website, revealed that Maine residents have a whole host of ideas of how to accomplish that.

Several weeks ago the Department of Administrative and Financial Services (DAFS) asked the Department of Health and Human Services and the DEP to help analyze what might be expected in the way cost of savings and regulatory impact if such a move were to happen.

As President Alexander indicated, this is not a new idea. In October of 2000, the DEP and (then) DHS

initiated a study of Mainer's drinking water and plumbing control programs to determine if any benefits could be realized from the integration and coordination of the programs within the DEP.

From what the association has been able to determine, it appears that this current proposal is similar in nature. Initial discussions have focused on moving those two programs to the DEP and eliminating two drinking water and two plumbing control positions. Other projected efficiencies that have been discussed include having the DEP integrate rulemaking, GIS and other processes and functions into their operation.

The previous study, released in January of 2001, concluded that related DEP and DHS programs and activities would benefit through improved communication and cooperation between the departments without the need for formal program consolidation. The report can be found at: www.maine.gov/dep/blwq/report/repdrinking.pdf.

The association is attempting to obtain more information and to determine how seriously this proposal is being considered.



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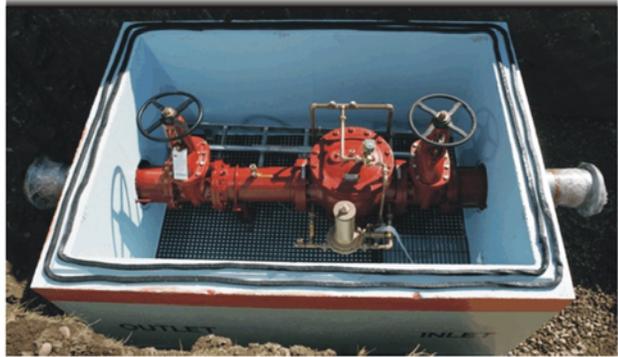
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Impact of Water Operator Board Rulemaking Becomes Evident

In March of 2007, the Board of Licensure of Water System Operators (Board) conducted rulemaking in order to revise their rules.

One of the most significant changes made was to add a provision concerning the relevancy of training. This new provision states that in order for training to be approved by the Board and count as Training Contact Hours (TCHs) it must comply with the following criteria:

- The training show a direct link to water quality, water supply or protection of public health; and
- The training is relevant to managing the operation or maintenance of public water systems; or
- The training is relevant to the operation or maintenance of public water systems.

The association commented on the rulemaking earlier this year. Specifically, MWUA requested that the and after the first bullet be changed to or. It was cautioned that if that change was not made, management classes or other training that does not show a direct link to water quality, water supply or protection of public health might not qualify for TCH approval. It was stated that such an outcome would not be appropriate.

The Board responded as follows:

“The Board strongly feels that continuing education topics should be relevant to the purpose of the licenses – treating and distributing drinking water. The “and” allows operational or managerial topics related to drinking water to be used for continuing education. An “or” would remove the water related topics and allow approval of courses not directly related to the purpose of the licenses. The language reflects the Board’s intent to encourage and only approve training that enhances capacity development; managerial, technical and financial aspects. Therefore the Board chooses to keep the language as it is.”

Recently TCHs were denied for a managers’ breakfast forum that the association conducted. The session was a facilitated interactive discussion covering the major human resources issues that managers face on a regular basis.

It appears that the outcome that the association expressed concerns about has indeed happened. One of the duties of the Board, as established in statute, is to license persons to serve as operators of all or part of any public water system. The Board has defined “operator” as one who is assigned the responsibilities for operational

activities that will directly impact the quality and/or quantity of water provided to consumers.

It appears that TCHs will only be allowed for training directly related to the duties of an operator, as defined, and that TCHs either may not or will not be allowed for management training, sessions developed specifically for office and/or financial personnel – and perhaps safety training such as the use of personal protective equipment, work zone traffic control or other safety training.

However, given the response that it is “the Board’s intent to encourage and only approve training that enhances capacity development; managerial, technical and financial aspects” there is still some uncertainty as to what is worthy of TCHs and what isn’t.



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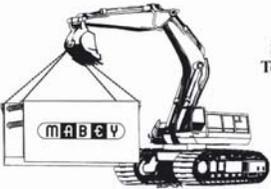
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