

MAINE



WATER

NEWS

November 2008

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Number 142

Trick or Treat

Gordie Johnson, President

The leaves aren't the only thing falling these days....The news brings word of another bad day on the global financial market. At least with haunted hay rides and Halloween encounters with ghostly beings, one can wake up the next day and enjoy the candy! Maybe that is just what we are experiencing....we have to sleep off a world-wide sugar buzz.

We certainly have gotten a lesson in how connected the world economies are and the impact that events far away have on local issues. Exactly what the lesson is may take more time to understand. For example, the chain of events that tightened foreign processors' ability to obtain credit and in turn jeopardized the livelihoods of many who play a role in one of Maine's signature products was a surprise for many of us outside the lobstering industry. If much of the current crisis started with supporting an unsustainable amount of mortgage borrowing, one might want to identify other potential overextended segments of the economy. An unscientific review of what is on peoples' minds suggests that health care and the college loan industries might be larger topics of discussion in the future. What about the water industry?

The AWWA has just published their fifth annual State of the Industry report which summarizes the responses of 1,800 of water industry professionals across the United States and Canada on the current and future status of the industry. For the first time, respondents were more positive on the current situation than they were on the view five years in the future. Fourteen major issues were identified ranging from source water protection to wastewater impacts. The New England region put source water protection at a lower than average concern, reflecting the general abundance of supply and generally rural landscape more than any lack of issues around

source water protection and utilization. The top categories included Regulatory, Business Factors (funding, rates, financial viability), and Infrastructure.

Do the concepts of Triple Bottom Line and sustainability offer any help in addressing some of these issues? I believe they do.

First of all what do the terms mean and where do they come from? While there are many variations on the definitions and how they are used, the basic premise is to recognize that many decisions based wholly on simple financial evaluations do not fully reflect the total impact of the choice. Hence the term Triple Bottom Line (TBL) where economic, environmental and social impacts are considered in decision making. The terms sustainability and TBL were first defined in this context in the 1980's and 90's.

While some of the discussion around these topics can seem a little over-the-top and extreme, it is important to recognize that many of these concepts have been part of the water industry approach for a very long time. In an industry which utilizes long-lived, high-value capital assets to meet our focus on public health and fire protection, there are many examples available. Anyone involved in groundwater or surface water source protection understands the struggles to quantify the huge long-term benefits that may not seem to be justifiable on a cost-basis alone. Similarly many alternative design, bidding and construction methods have been developed to address limitations associated with projects constructed under a traditional design-bid-construct method. A simple low bid evaluation may not always reflect the best solution with respect to long-term costs and environmental impact.

The challenge for our industry and the Association is to help support these discussions to ensure that the benefits of evaluating decisions in this way don't get too complicated and die under their own weight. Whether we are talking about potential multiple-use of

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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)

sourcewater resources, water efficiency and future rate structures, or even how better coordination of utility and transportation infrastructure work benefits ratepayers/taxpayers in the long-term, the concepts of sustainability can be used to help better solutions. Who knows....maybe the mortgage lending model that got the world to where it is now would have benefited from a TBL/sustainability evaluation!

The Association will pass a notable milestone on December 4th when the 500th meeting of members will take place in Alfred. Talk about sustainable efforts!

Have a great Thanksgiving and make sure to mark your calendar to reserve February 10&11 for the annual Trade Show and Meeting which will include features highlighting Energy and Operations.

Quiland Inc. V. Public Utilities Commission Supreme Court Decision Has Implications for Water Utilities

An August 28th decision of the Maine Supreme Court over a metering policy dispute has many water utilities evaluating their service policies and contemplating whether they need to modify or otherwise tighten up their processes.

In 1990, Kennebunk, Kennebunkport and Wells Water District (KKW) adopted a metering policy that requires individual water meters for each individual unit such as in mobile home parks or when multiple units, either commercial or residential, are located in the same building.

The policy was amended in 2002 to allow multi-unit seasonal campgrounds and RV parks to be master-metered.

KKW never filed its metering policy with the PUC as part of their terms and conditions because the Commission told KKW it was unnecessary to do so at the time, and instead recommended that the policy be approved by the trustees and applied uniformly by the district.

Quiland, a real estate development company, obtained site approval for a residential cottage complex consisting of 247 individually owned seasonal cottages. It applied to KKW for water service through a single, 2-inch master meter. KKW told Quiland that it would have to install and deliver water to each of the cottages through individual 5/8 inch meters, in accordance with the metering policy.

Quiland argued before the Commission that, since the District never submitted the metering policy for Commission approval as part of its terms and conditions, the metering policy was unenforceable. The Commission determined that KKW could enforce the policy because the district was advised by Commission staff that the policy didn't need to be filed with the Commission.

Quiland appealed to the Law Court.

In its ruling - and citing 35-A M.R.S. §304 - the court found that that the metering policy is, as a matter of law, a "rate, toll or charge" or "constituted a term and condition that in any manner affected rates charged or to be charged for any service." Further it stated that each public utility is mandated unambiguously to file schedules with the Commission before these schedules may be applied to utility customers.

The Court also found that these provisions are non-discretionary, giving no authority to the Commission to dispense with the statutory notification and filing requirements.

Groundwater Activists Set Stage for Interesting 124th Maine Legislature

Over the past few years surface water sources of supply have been under the microscope at the Capitol as the DEP Chapter 587 In-stream Flows and Lake and Pond Water Levels Rule was debated and finally adopted. Recent activities in the southern part of the state lead one to believe that the focus will shift to groundwater.

Earlier this summer State Representative Rick Burns of Berwick, along with Jonathon Carter of the Forest Ecology Network, held a rally in Portland at which it was announced that Burns has submitted a bill titled "An Act to Protect Maine's Groundwater".

It is unknown at this time whether just a bill title has been submitted or if specific language has been drafted. In viewing the media clip of the rally it is apparent, however, that a rallying theme of that group is what they characterize as the corporate takeover of Maine's water resources.

Their opposition to Nestle Waters North America (the parent company of Poland Spring) withdrawing water from Maine aquifers is founded largely on their belief that the multinational company's use of the resource falls under the NAFTA legal/regulatory framework and that NAFTA law supersedes local and state regulation.

In related action, and apparently in response to efforts by Poland Spring to obtain access to groundwater in their community, the York County town of Shapleigh recently overwhelmingly approved a 6 month water extraction moratorium.

The association has had several e-mail and voice mail correspondences with Rep. Burns in an effort to sit down with him and discuss our concerns relative to the negative impact their efforts could have on our groundwater systems – particularly as it relates to the acquisition and development of future sources of supply. Thus far, those discussions have not been productive.

Another recent event of interest to water suppliers is a citizen initiative petition relating to groundwater, being put forth by James Wilfong and others. This effort seeks a change in Maine law which would provide that "Maine people have the same common interest in ground water and surface water; and ground water shall be due all the same protection as surface water in our lakes and streams."

It is anticipated that this bill will be submitted to the 124th Maine Legislature. If it is not enacted without change by the Legislature at the session at which it is presented, and the requisite number of signatures is obtained via petition, the Secretary of State's office will, at that time, propose a referendum ballot question.

The proposed legislation which was filed with the Secretary of State's office was untitled. In an effort to ensure that potential petition signers have a clear understanding of what they are signing, the Maine Potato Board, the Maine Water Utilities Association, and the Maine Forest Products Council submitted two suggested titles to the Secretary of State's office for his consideration.

Each of the suggested titles makes it clear that the bill would transfer ownership in ground water from landowners to the state.

Obviously, the association will be following these events closely and will strongly advocate for the interest of the members. Individual members need to be aware of what is happening on this front. It is hoped that water supply professional throughout the state will be actively engaged in the discussions. The voting public will, hopefully, make informed decisions – but they will only be able to do that if they have all the facts.



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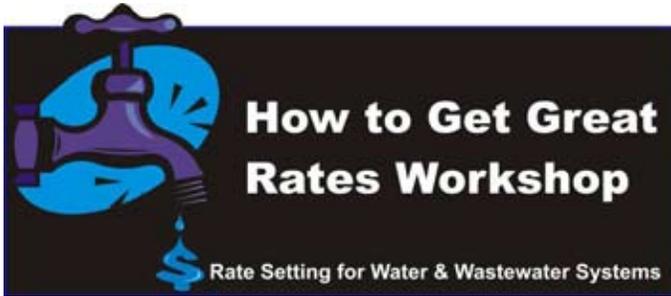
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Great Rates Workshop to be Center Stage on November 18th & 19th

“Never compare the proposed rate increase to the cost of a cable TV package. They will reject your proposed rate increase and toss you out into the street for even suggesting they give up that HBO, Showtime or sports package.”

That’s the advice offered by Carl Brown in Chapter 8 of his book titled *How to Get Great Rates*. Mr. Brown, who hails from the State of Missouri, has been doing water, sewer and storm water rate analysis and infrastructure asset management, finance and related work since 1991.

He has created several rate analysis do-it yourself spreadsheet applications that small systems can use to analyze their own rates, one of them being the "Show-me Ratemaker", which is distributed by the National Drinking Water Clearinghouse.

Mr. Brown will bring his road show to Maine this month. On November 18th at the Black Bear Inn & Conference Center in Orono and on November 19th at the Portland Water District, the **How to Get Great Rates Workshop: Rate Setting for Water and Wastewater Systems** will feature the “straightforward approach for setting water, sewer and other utility rates that properly support the utility and treat ratepayers fairly”.

During these trying economic times, it is important that water and wastewater rates be properly structured and that they also address all the short and longer term needs of the system.

For additional information and a brochure, check out the MWUA website at www.mwua.org.

In addition, his website can found at: <http://carlbrownconsulting.com/general/homepage.shtml>.

Fundamentals of Water System Hydraulics

Maine Water Utilities Association and New England Water Works Association jointly present a two day seminar, “*The Fundamentals of Water System Hydraulics*.” The session will take place on December 11th - 12th at the Nixon Development Center in Portland, Maine. The program has been developed to provide an

introduction and overview of essential hydraulic concepts encountered in water systems from “source to tap”. The course will focus on developing a sound understanding of these concepts as well as a strong foundation for their application to real-world, in-the-field problem solving.

The cost to attend is \$100. Earn 1.2 CEUs (equivalent to 12 Contact Training Hours). To register, call NEWWA at (508) 893-7979.

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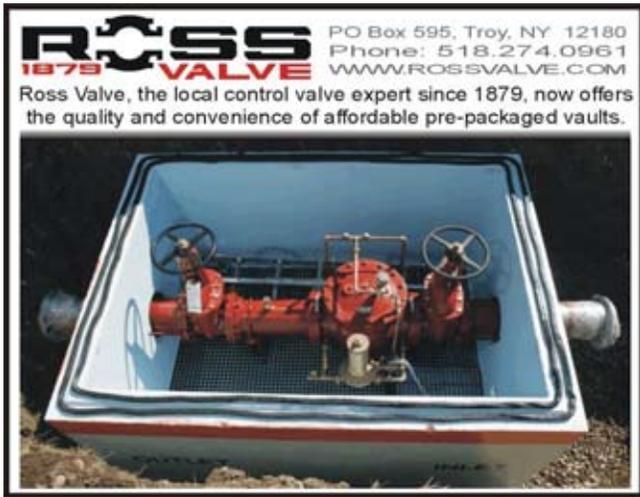
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Two New Directors to Join the Board in January

At the end of this year the terms of Directors Gordon Johnson, William Alexander, Jr. and Daniel Wells expire. Gordie Johnson decided to run for reelection. He and Donald Gobeil, of the Kennebunk, Kennebunkport and Wells Water District, and Jonathon Ziegler, of the Boothbay Region Water District, were nominated by the association's Nominating Committee.

Given the fact that there were three nominees to fill three positions, the Directories voted to forgo the cost of the mailing for the election and the time it would take for staff to do that.

The new Directors have provided some biographical information which will be of interest to the members.

Don Gobeil is the Technical Services Director for the Kennebunk Kennebunkport & Wells Water District. He has a BA in Land Use Planning from the University of Maine.

Don has 30 years of water utility experience centered primarily upon the budgeting, design, construction management and post-construction financial accounting of utility infrastructure projects. He is also responsible for the management of KKW's 2,000 + acres of watershed property and is the district representative for all associated watershed land-use issues.

He is a long time MWUA member. In the past he has filled a role as a training coordinator and troubleshooter for mutual aid activities relating to water main construction projects. Don is a current member of the MDOT / Utilities Task Force, which is engaged in the comprehensive review of the issues relating to utility construction practices within MDOT roadways.

The new Directors were asked to discuss the most important issues facing the association.

Gobeil feels that the most important issues are as follows:

- The pending implementation of the Chapter 587 – minimum stream flow regulations and its effects on the historical utilization of water resources by public water providers.
- The continuing efforts needed to secure and protect the SRF funding program. At a time of rapidly escalating costs of construction, the importance of justifying the program and ensuring that it continues is vitally important. Additionally, a larger discussion is needed about how utilities can continue maintaining and expanding their infrastructure needs in the current environment of economic volatility and shrinking budgets.
- The looming battle over groundwater regulation. What effects will the recent and highly visible controversy over Poland Spring's groundwater extraction practices have for the state's water utilities? What role should MWUA play in the bottled water / tap water controversy?

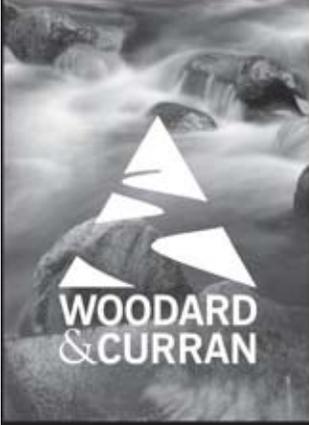
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Jon Ziegler is the Manager of the Boothbay Region Water District. He earned a B.S. in Agriculture from the University of Maine in 1986. In former lives he was an Environmental Specialist for Drinking Water and Waste

Water with the U.S. Navy and he has also served as a Trustee of the Gray Water District.

Jon has been active on the association's Water Resources Committee and the Ad Hoc In-Stream Flow Rule Sub-committee.

Concerning the most important issues facing the association, Jon had this to say:

I believe three critical issues facing the association in the upcoming years include water withdrawal, regulation and the availability of plentiful public funding. Over the past years the association has made addressing these concerns a priority and must continue to so.

The association must remain active in the implementation of the Chapter 587 In-Stream Flow Rule, helping to keep the process focused and fair for the water industry in Maine. Another issue I see of importance is the effort to restrict and regulate the state's groundwater reserves by the state and other special interest groups.

The association must maintain a presence and hard stance against further regulation of water withdrawal. Working for a small water district that has directly benefited from the State Revolving Fund, I have seen firsthand its importance. Keeping this effort funded should remain a priority for the association.

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Kingfield Welcomed Us to Town in October

The Kingfield Water District welcomed the MWUA membership to town on Thursday, October 9th. The business meeting was held at the historic Herbert Grand Hotel, which is a marvelous place to have a meeting or just spend some time.

Superintendent Alan Stewart was a terrific host. It is obvious that the town, the district and Poland Spring enjoy a mutually beneficial relationship which has resulted in a sustained level of prosperity for the community and surrounding area.

An autumn lunch was enjoyed nearby at Longfellow's Restaurant. Following lunch, Poland Spring hosted tours of their new bottling facility and the springs which supply their water.

The state of the art bottling facility and attention to detail concerning the source of supply are certainly a source of inspiration for anyone in the drinking water business.

The morning technical program featured a welcome and presentations on developing a back-up water source, sustainable aquifer harvesting, working through seasonal flows, and other discussions.

There was light rain the morning of the meeting, but all in all, the weather cooperated and there was ample opportunity for the attendees to enjoy the great venue.



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Flow and Liquid Assets Are Two Flicks Worthy of Viewing

Two films which have recently hit the streets are manifestations of the increasingly bright spotlight being shone on water resources – and they come at the issues from two very different angles.

Flow is Irena Salina's award-winning documentary investigation into what experts label the most important political and environmental issue of the 21st Century - The World Water Crisis.

The summary "About the Film" on the movie's website states the following:

Salina builds a case against the growing privatization of the world's dwindling fresh water supply with an unflinching focus on politics, pollution, human rights, and the emergence of a domineering world water cartel.

Interviews with scientists and activists intelligently reveal the rapidly building crisis, at both the global and human scale, and the film introduces many of the governmental and corporate culprits behind the water grab, while begging the question:

"CAN ANYONE REALLY OWN WATER?"

Beyond identifying the problem, **FLOW** also gives viewers a look at the people and institutions providing practical solutions to the water crisis and those developing new technologies, which are fast becoming blueprints for a successful global and economic turnaround.

Check it out at <http://www.flowthefilm.com/trailer>.

Liquid Assets "is a public media and outreach initiative that seeks to inform the nation about the critical role that our water infrastructure plays in protecting public health and promoting economic prosperity. Combining a ninety-minute documentary with a community toolkit for facilitating local involvement, **Liquid Assets** explores the history, engineering, and political and economic challenges of our water infrastructure, and engages communities in local discussion about public water and wastewater issues."

Liquid Assets will be shown on MPBN on November 2nd from 1 – 2:30 PM, which will likely happen before the arrival of this newsletter. The trailer for **Liquid Assets** can be viewed at: <http://liquidassets.psu.edu/>

The plan is for MWUA to purchase copies of **Liquid Assets** and loan them out. For additional information, contact the office.



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December Meeting to be 500th Business Meeting

December 4th will mark the association's 500th Business Meeting, to be hosted by the Alfred Water District.

A light continental breakfast will greet the morning crowd. The business meeting will start at 8:30 AM with a welcome from Sid Anthony Award Winner and Alfred Water District Trustee, George Dugovic. A Regulatory Update from Roger Crouse, Director of the Maine Drinking Water Program, will follow. The association's Committee Chairs will provide their annual reports to the membership.

Michelle Clements, of the Portland Water District, will present on building relationships with the media and your public. This program will introduce you to the media, provide tips for relationship building, and suggest ideas to maintain contacts.

Representatives of the Maine Public Utilities Commission will provide information on handling complaints through their Consumer Assistance Division Process (CAD).

The registration deadline is November 25th. Sign up now to ensure you are there to take advantage of this great event and the opportunity to learn about how things used to be in the good old days.

Drinking Water Week Supplement Underway

The association's Public Awareness Committee has embarked on a very ambitious project, the fruits of which will be seen on May 2, 2009, which just happens to be the Saturday immediately preceding Drinking Water Week. The *Special Edition for a Drinking Water Week* supplement will run in the weekend edition of the six major newspapers in Maine; reaching nearly 800,000 adult readers.

The theme: DRINKING WATER FOR ME was developed to not only highlight the importance of water systems in the state but to also educate the general public about the related issues and activities that public water system professionals deal with on a daily basis.

A number of topics will be discussed in the supplement. The current short list includes articles on Maine's watersheds, the need to protect our drinking water sources of supply, energy and water efficiency, the history of water supply in Maine, the cost of producing and delivering safe water, state and federal regulations and the role of those who administer them and how healthy forests safeguard water quality. Authors have received their assignment to draft these articles and work with Bangor Daily News staff writers.

Material suppliers, engineers, accountants, consultants, contractors, banks and other financial institutions and other vendors play a vital role in keeping Maine's water systems running. These organizations will have the opportunity to support the supplement and showcase what they do through advertising. If your organization is interested in placing a display ad, please Linda Sue Hayes, the Bangor Daily News Advertising Representative, at (207) 990-8136.

It's a big project. It's the first time this has been done but it is something that's long overdue. The association believes that the benefits of making the public aware of all it takes to provide them with the service they expect and deserve will be significant and will accrue not just to the system but all to all those who play a role in making it happen.



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**February Meeting to Feature a
New Look, More Defined Focus**

Mark your calendars. February 10th and 11th are the dates of the annual February Meeting and Trade Show. The 2009 meeting will include some changes designed to accommodate a broader spectrum of attendees and to also highlight issues which are on the front burner of the profession – and indeed the everyday world we live in.

Each day will be an approximately equal blend of training and exhibit time and the second day will feature a mini-conclave addressing infrastructure and energy.

On Tuesday the 10th the morning will start off with training at the Holiday Inn by the Bay. The finishing touches are now being applied to the training sessions being developed by the NEWWA and the MWUA Program Committee. The traditional business luncheon will be held at noontime. This year the plan is to have a speaker provide an overview of alternative energy technologies and to weave that presentation into a discussion of some unique and innovative business ventures.

At 2 PM we will move across the street to the Cumberland County Civic Center for the kickoff of the Trade Show, which will once again include the traditional clam chowder, beverages, hors d'oeuvres and related festivities. At 6 pm the show will close for the day, giving attendees time to avail themselves of all that Portland has to offer.

On Wednesday morning the trade show will open at 7:30 and will run until noontime. The full morning of activities will include coffee and donuts for those arriving early and a “brunch on the run” later on in the morning.

The venue for that afternoon will shift back across the street to the Holiday Inn. A Water Works Math session will give operators the opportunity to hone their skills and still allow them to get back to the shop in time to punch out. From 1 – 4:30 attendees will be able to immerse themselves in the world of infrastructure and energy. It will be all about prudent management and utilization of their system resources.

The idea on the infrastructure front is to encourage system managers, trustees and others to quantify the magnitude and quality of their pipes, buildings, structures and other facilities and establish measurable means of maintaining or replacing them.

The energy track will take at least some of the mystery out of alternative technologies. Geothermal, solar, wind and other energy sources will be covered in depth during training sessions and a number of displays will be staffed by the experts who deal with these technologies every day.

It's a great opportunity for system managers to consider and perhaps incorporate these processes and technologies into their operations. We are looking forward to the new format, the focus on issues which have become increasingly important recently and the chance to better understand how to manage resources in the future.

Trade Show Brochure Advertising

The association is currently accepting advertising for the 2009 February Meeting and Trade Show brochure. Ad rates remain the same as 2008.

If your company is interested in placing a display ad, contact the MWUA office at (207) 832-2263 or submit an ad (prior to November 7th) via email at: info@mwua.org.

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Farewell to Friends

James Eloin Guyton

James Eloin Guyton, 79, died Sept. 21, 2008, at his home. He was born Aug. 28, 1929, in Harrod, Ohio. Jim served in the U.S. Navy actively for twenty-three years, with an additional ten years in the Navy Reserves, retiring in 1977. He worked as a loan officer at a local bank, was a lobster fisherman for several years, served as selectman for the town of Gouldsboro and was owner/operator of J&B Trap Company. Most recently Jim was employed at Long Pond Water District, as district manager, for almost ten years.

He is survived by his beloved wife of thirty-five years, Bernice E. Guyton.

John R. Dartnall

John R. Dartnall, 68, died Sept. 27, 2008, at Miles Memorial Hospital in Damarsicotta, after an extended illness.

Born in Woodsford, England, on Feb. 14, 1940, he was the son of Robert E. and Irene V. Arnold Dartnall.

For the past forty years, John has resided in the United States. For more than twenty years, he worked as superintendent of the Camden/Rockport Water Company. He later established his own consulting company for backflow systems.

On March 6, 1982, he married Carol A. Hutt Hanson in Rockland.

John is survived by his wife, Carol, of Thomaston.



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*Happy
Thanksgiving*

*In the spirit of the season of thanksgivings, we
would like to thank the association's committee
members for their efforts, service and time.*



Date: December 4th, 2008
Host: Alfred Water District
Location: Alfred Town Hall, 16 Saco Rd, Alfred (207) 324-5872
Parking is available next door at the Alfred Parish Church

PROGRAM

- 8:00 AM - 8:30 AM Registration & Continental Breakfast
- 8:30 AM - 8:45 AM Welcome to Alfred, *John Silvester, Town of Alfred, Board of Selectman*
Alfred Water District System Overview, *George Dugovic, Alfred Water District Trustee*
- 8:45 AM - 9:00 AM Regulatory Update
Roger Crouse – Director, Maine Drinking Water Program
- 9:00 AM - 9:45 AM Business Meeting and Annual Committee Reports
- 9:45 AM - 10:00 AM Break

TECHNICAL PROGRAM

- 10:00 AM - 11:00 AM Building Relationships with the Media and Your Public
Michelle Clements, Public Relations Manager, Portland Water District
- 11:00 AM - 12:00 PM The Maine Public Utilities Consumer Assistance Division Process
Brad King and Shawn Brooks, Senior Consumer Assistance Specialists, Maine PUC
- 12:00 PM - 1:00 PM Buffet Lunch provided by Keeley the Katerer

Gordon Johnson
President

Nate Johnson, Stephani Morancie, Chris Curtis
Program Coordinators

2.0 Training Contact Hours will be granted for this session.

PLEASE RETURN RESERVATIONS BY WEDNESDAY, NOVEMBER 25, 2008
PREPAYMENT IS APPRECIATED. RESERVATIONS MUST BE HONORED.

Registration form for MWUA December 4, 2008 Membership Meeting

Name: _____ Company Name _____

Address: _____ City _____ State _____ Zip _____

Telephone _____ Fax _____ Email _____

Water Systems serving more than 4000 Customers \$ 40
Or Water Works Supply Vendors/Others

Water Systems serving less than 4000 Customers \$ 30

Total enclosed: _____

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MWUA Training Calendar

| | |
|---------------|---|
| Nov. 18, 2008 | How to Get Great Rates Workshop - Orono |
| Nov. 19, 2008 | How to Get Great Rates Workshop - Portland |
| Dec. 2, 2008 | Utility Safety Forum - Brunswick & Topsham Water District |
| Dec. 4, 2008 | MWUA Conference #500 - Alfred Town Hall |
| Dec. 11, 2008 | Fundamentals of Water System Hydraulics - Portland |
| Dec. 12, 2008 | Fundamentals of Water System Hydraulics - Portland |
| Dec. 16, 2008 | Utility Safety Forum - Kennebunk |
| Dec. 17, 2008 | Utility Safety Forum - Searsport |
| Jan. 13, 2009 | Ethics & Drinking Water System Operations - Presque Isle |
| Jan. 14, 2009 | Ethics & Drinking Water System Operations - Belfast |
| Jan. 15, 2009 | Ethics & Drinking Water System Operations - Portland |
| Feb. 10, 2009 | 83rd Annual February Meeting & Trade Show - Portland |
| Feb. 11, 2009 | 83rd Annual February Meeting & Trade Show - Portland |
| Mar. 10, 2009 | Fundamentals of Reading Blueprints - Caribou |
| Mar. 11, 2009 | Fundamentals of Reading Blueprints - Brewer |
| Mar. 12, 2009 | Fundamentals of Reading Blueprints - Portland |

www.mwua.org/calendar.htm

