

Maine Water News

A Publication of the Maine Water Utilities Association

March 2011, Number 156

February Meeting – Lots of Good Stuff

Steve Cox, President

I sensed a lot of positive energy around the Maine Water Utilities Association (MWUA) Annual February Conference and Trade Show last month. I actually had two different individuals track me down to tell me they had just attended the best training session of their water operator career. They both were in different sessions.

Quick show statistics:

- Between 650 - 700 people attended
- 400 +/- people at the Luncheon
- 67 Trade Show booths representing over 70 companies

A big congratulations and thank you are in order for Elizabeth, Jeff and the Program Committee... well done! Also, thank you New England Water Works Association, a great partner. Thank you to Maine Waste Water Control Association (MWWCA) for being a great contributor to this year's event. Even though they fall under the environmental umbrella, their work is very important to public health.

Conversely, we are primarily charged with public health and safety, yet clearly we need to be leaders in environmental stewardship for self preservation. Beyond those small differences, we both share funding challenges for aging infrastructure, common rights of way corridors, similar mechanical and equipment challenges and process goals of making the water a little bit better before we send it on its way. We look forward to a cooperative 2011 with MWWCA.

Our luncheon speaker, Dr. Habib Daghar, got everyone's attention as he spoke about the great things going on in the Advanced Structures & Composites Center at the University of Maine. His captivating presentation on the deepwater offshore wind initiative left everyone with an important message. We all need to be aware of opportunities! As the world of technology changes so rapidly, those unwilling to seek out new opportunities will be left behind.

In an ever increasing regulatory environment, it is easy to be critical and negative every time a new regulation is proposed, but many times it should simply be viewed as an opportunity. An opportunity for Maine's water utilities to educate the public and lawmakers about what we do. Our message needs to be supported with sound science and over a century of practical experience. It is important that we minimize any unintended consequences from legislation directed at others, and assure that water utilities of all sizes can effectively provide safe, reliable drinking water to their customers.

In 2011, MWUA will continue our excellent professional development programs, improve communications to the public and to our members, and continue to represent their common interests in Augusta.



Lake Auburn

LAWPC Receives Exemplary Source Water Protection Award From NEWWA

The Lake Auburn Watershed Protection Commission (LAWPC) received a 2010 Exemplary Source Water Protection Award from the New England Water Works Association. The LAWPC was created in 1993 by the Auburn Water District and the Lewiston Water Division to focus specifically on protecting Lake Auburn, the sole drinking water supply for the cities of Auburn and Lewiston.

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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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In implementing its source water protection program, LAWPC has partnered with such organizations as the Auburn Land Lab, Maine Volunteer Lake Monitoring Program, and Androscoggin Land Trust to educate the public about water quality issues.

The commission has also worked with other local groups, such as the Auburn Comprehensive Plan Committee and the Town of Turner Planning Board to coordinate proposed zoning changes with water supply protection needs.

The February Meeting

There was no Super Bowl party the night before the conference, as the 2011 February meeting was held on a Tuesday and Wednesday; however many arrived on Monday evening and were settled in that night.

As is noted in the President's column, the conference was well attended and met or exceeded the expectations of participants. One of the most satisfying aspects of the conference was the quality of the training. The Program Committee, and the cosponsors – the New England Water Works Association, and the Maine Wastewater Control Association – did an exemplary job of developing and presenting sessions of interest to the attendees.

Water Words That Works' Eric Eckl finally made it to Maine, after being stranded by two feet of snow in Virginia last February. Those who attended his session felt it was worth the wait, as they thoroughly enjoyed it. The other MWUA sessions, dealing with daily operational challenges, the Coliform Rule, trustee issues, communications skills, social networking, hiring service providers and the product demonstrations provided for a variety of engaging topics.

NEWWA offered up some excellent topics dealing with disinfection contact times, energy management, and ensuring public safety during times of high distribution system demand. On Tuesday MWWCA provided a range of topics for their members and others.

The Business Luncheon featured the presentation of annual recognition awards, with Dana Ayers of Aqua Maine receiving the Sid Anthony Award, and Peter Garrett receiving the Jim Doherty Award. The Wiscasset Water District received one of the Excellence in Operations Awards and it was announced that the Presque Isle Water District was chosen for another one. It was also announced that Dan Wells of the Winthrop Utilities District was the recipient of the Jeff Nixon Award. His and Presque Isle's award presentations will be made at some point in the near future. Mary Jane Dillingham was the well deserved recipient of the President's Award

Following the awards presentation, UMO's Dr. Habib Dagher delivered a very interesting overview of the offshore wind energy initiative he is working on. The challenges of harnessing this resource are significant; watching this unfold will be intriguing, to say the least, and those who took in his presentation will be following this with a little more insight relative to all that is involved.

Verrill Dana Welcomes New Partner



Verrill Dana, LLP is pleased to announce that Nora R. Healy has become a Partner in the firm. Nora, a resident of Freeport, works in Verrill Dana's Portland office.

Nora is a member of the firm's Water & Wastewater Utilities and

Energy Groups. She advises public utilities on all aspects of utilities regulation and appears regularly before the Maine Public Utilities Commission on behalf of utilities.


Prior to joining Verrill Dana in 2004, Nora served as a law clerk to Justices Howard H. Dana, Jr. and Susan Calkins, both of the Maine Supreme Judicial Court. Nora attended Oberlin College and graduated *magna cum laude* from the University of Maine School of Law.

lands. For more information, please visit the "Events" page on our website: www.mwua.org.

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In Memoriam

Rubye Clyde Webb Grady, 86, passed away peacefully in the presence of her family on December 5, 2010. Rubye was born on May 5, 1924, in Robinsonville, Mississippi.

Rubye and her husband Pat served as secretary and assistants to the Maine Water Utilities Association for a number of years. She enjoyed her work for the Association and putting out the Journal and the Maine Water News. Her greatest joy, however, was dealing with the members at the meetings, especially the clambake. Rubye had a remarkable talent for remembering names and could greet almost everyone she encountered on the job. She was recognized by the Maine Water Utilities Association with an Honorary Membership which she cherished.

Jacqueline Louise (Gilson) Morgan, 26, of Pittston, Maine died unexpectedly on January 24, 2011 at the Norwood Hospital in Norwood, Mass. She was born in Augusta on May 18, 1984. Jacqueline had been employed by the Greater Augusta Utility District. She

Take a Stand: Introduction to Hemlock Woolly Adelgid Identification and Monitoring

The Maine Forest Service is offering a workshop on April 6th in Freeport, on the Hemlock Woolly Adelgid, an aphid-like insect from Asia that causes decline and mortality of eastern hemlock. This insect can be hard to see until its population explodes; however, early detection is possible. Participants will learn how to look for and identify adelgid, and also become familiar with ways to reduce risk of spreading this insect.

We encourage you to attend this workshop to learn what you can do to prevent this harmful insect from spreading into your watersheds and protected

was a graduate of Hall-Dale High School, and had attended the University of Maine at Augusta.

Ulyesse J. Bernier, 63, passed away unexpectedly at his residence on Feb. 27, 2011. He was born Nov. 21, 1947, in Caswell, the son of Odule and Yvonne (Ouelette) Bernier. He attended Caswell and Limestone schools, graduating from Limestone High School in 1966.

He was employed from 1999 to present by Loring Development Authority of Maine as a water treatment plant operator. Mr. Bernier was a fun loving man who loved and was good to everyone he met. He will be remembered by his family as a wonderful son, husband, father and brother.

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available prior to the Valentine’s Day hearing was the 6 page document - Phase I of Governor’s Regulatory Reform Proposals.

That proposal called for moving the Drinking Water Program from DHHS to the DEP. The association developed and delivered testimony in opposition to that. On the day of the hearing the Administration delivered a 48 page amendment which, apparently, replaces the original reform proposal. However, three weeks later, the amendment is still not available on the legislature’s website or at the Document Office. The amendment,

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**Legislative Hearings and Deliberations on Bills
Start in Earnest**

LD 1, An Act to Ensure Regulatory Fairness and Reform, was the first shot out of the box for the LePage administration. The bill is a concept draft; therefore no text was available at the time the bill was printed. The summary does state that: “this bill proposes to amend the laws to improve the business climate in the State and encourage job creation and retention and expand opportunities for Maine people.” The only document

which is believed to be the current working document, has been reviewed and there do not appear to be any issues of concern for the water supply profession. However, the association will continue to monitor the situation.

LD 331, the Resolve to adopt the Underground Facility Damage Prevention (Dig Safe) major substantive rule revisions has had a hearing and work session. MWUA, and many others, testified in opposition to the proposed rule, stating that the rule would prohibit emergency excavation for four hours, once the Dig Safe System is notified. In addition, the fact that PUC staff considers a miscalculation to be prima facie evidence of a reckless or negligent act was characterized as an inappropriate rush to judgment, which potentially could create problems for consumer owned water and wastewater systems from a Tort Claims Law immunity standpoint.

At the work session the committee posed several questions to the PUC staff and took comments from utility representatives. The outcome was that the committee adopted modified versions of a few of the staff recommendations and decided to establish a work group to work with the commission and report back next year with proposed changes to the rule and, as necessary, law.



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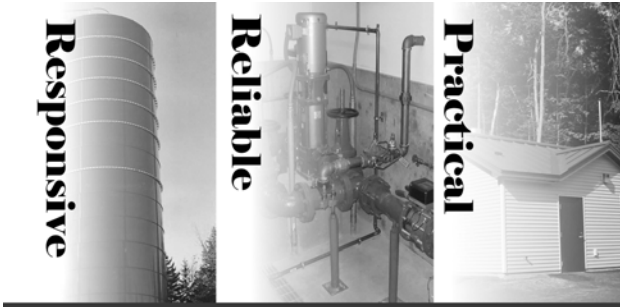
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LD 219, An Act To Amend the Laws Governing Shoreland Zoning, proposes to reduce the width of land that is subject to shoreland zoning and land use controls from 250 feet to 75 feet from the normal high-water line or upland edge of any body of water, river or wetland. A hearing has not been scheduled for this bill as of yet; however, it has generated much dialogue amongst the membership. As a result, a number of insightful and useful comments have been received.

Maine Water Utilities Association will request that the 250 foot zone not be reduced for sources of public water supply or the protected resources specified in 38 MRSA §435 which are in the direct watersheds of public water supplies. Additional comments/requests/etc., with accompanying justification, will be in the testimony, which is being formulated as this issue of Maine Water News goes to press.

Revisions to Chapter 140 Proposed

The PUC is proposing amendments to its Chapter 140 Utility Service Area and Infrastructure Maps requirements (Docket - 2010-412). The hearing was held on March 1 and written comments are due by

March 15. The proposed amendments would result in a number of changes.

It would require utilities to which the rule applies to submit the data described in definitions of "Key Infrastructure" and "Key Infrastructure Attributes" using the Electronic Data Deliverables (EDD) template described in the Technical Specifications which will be adopted simultaneously with the order adopting the rule. The Notice of Rulemaking states that: "EDD will allow utilities to submit their infrastructure data in a variety of electronic formats, allowing for greater flexibility in the submission of data to the Commission, while simultaneously providing the Commission with a uniform set of data fields".

The association has asked specific questions about this template in an effort to determine the impact of the rule. For example, will utilities need to purchase hardware or software, or will they need to hire outside professional services in order to complete the EDD submittals? Answers have not been forthcoming. It is reported that the Technical Specifications and EDD template have not been finalized yet and are not available for review.

Another important change is that infrastructure maps and data will initially be treated as "confidential".

If a filer believes that the infrastructure data meets the standards for confidential treatment as defined in statute, it will be necessary to file a statement and justification with the filing.

The existing rule includes a \$500,000 major construction project threshold, which then requires the utility to submit updated geo-referenced data. The change would require that any construction project would require the submittal of updated information.

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PROGRAM

- 8:30 AM – 9:00AM Registration, Continental Breakfast
9:00 AM – 9:15 AM Introduction/Welcome to Sanford
9:15 AM – 9:30 AM System Overview
9:30 AM – 9:45 AM Regulatory Update
9:45AM – 10:00 AM Legislative Update
10:00 AM – 10:15 AM Presentation of Jeff Nixon Award
10:15 AM Break

TECHNICAL PROGRAM

- 10:30 AM – 11:15 AM FCC 2013 Mandate: What it Means for SCADA Wireless Communications
11:15AM – 12:15PM After the Thaw
12:15PM Buffet Luncheon

Steve Cox
President

Rick Anair, Chris Curtis, Keith Levasseur
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2.0 Training Contact Training Hours will be granted for this session.
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