

# Maine Water News

*A Publication of the Maine Water Utilities Association*

September 2010, Number 153

## **MWUA Has Moved!**

*Kathy Moriarty, President*

Have you heard the news? Our address has changed! The office of Maine Water Utilities Association is now located at 150 Capitol Street in Augusta. (Hats off to Jeff and everyone who helped in the effort.)

This move is significant for several reasons, not the least being improved value for your membership. Our new site provides a central, easily reached location (with parking) for members - and a permanent setting for various meetings. It's also a short walk to the State House and many agencies.

Perhaps most importantly, we believe establishing a presence in the State's capitol city enhances our association's mission as an "advocate for the water supply profession," a serious player in the regulatory and statutory process that governs much of what we do and how we do it. And it allows expanded collaboration with other association and organizations for training and legislative coordination.

Our association continues to strive to make participation relevant to its members' needs. Later this year, the Board will host a planning roundtable to brainstorm MWUA's future path. We welcome all members to attend the session with their ideas. As examples, we might review training needs, website development and use, potential partners for collaboration. Who knows what inspiration may strike? Stay tuned for more details.

In the meantime, consider this my personal invitation to join us at our new headquarters on Thursday, Oct. 7 for an Open House between one and four p.m. Come meet your fellow water supply professionals - and bring a friend.

If you would like directions to the new MWUA office, please to go [www.mwua.org](http://www.mwua.org), and click on the "General Info" tab. Then select the "Contact Information" tab on the right side of the "General Info" page.



## **I Don't Feel 100**

*From the Editor's Desk*

It's hard to believe, but this issue of Maine Water News is my 100<sup>th</sup>. I came on board in January of 1994; Pat Grady edited and sent that January issue to the printer. I still remember sitting down with him and discussing ad sizes and costs. The revised newsletter had to at least pay for itself and that's still the case today.

Later that year Pat asked me how I was doing on the 1995 calendar and I said: "what calendar"? What a resource, and what a support staff he has.

I was a Director for much of the 80's and was President in 1990, so going to Board meetings again was very much the norm. We all had hair - a lot of it. You should see some of the pictures. I still smile when I watch Sanford & Son reruns.

The memories are tremendous. The look I got when I mentioned that I used to work for the DEP - the same look I got that morning when we pulled into Rockabema and asked: "ever eat frog legs"?

The bimonthly meetings, including the trade shows and the clambakes have been really good times.

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 is published bimonthly by  
**Maine Water Utilities Association**  
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Material of interest to the water supply profession will be considered for publication. Copy deadline is the 15<sup>th</sup> day of month preceding publication.

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Working with the committees and the Board has been, well, work, so I guess that's why they pay me. But it's not work you can find just anywhere. And even the sad times – and we have had too many of those, some of them premature as we measure time – have to be considered special. Think of what we would have missed if we had never known that person.

I have heard it said that life is all about relationships; hence my one piece of advice is founded in that fact. The next time you go to a meeting, sit down and have lunch with someone you don't know. At the very least, it will be an experience you would have missed had you not taken the initiative.

**Golf and Clambake Go off Without a Hitch**

Unlike last summer (what summer?) this year has been one of blessed weather. The string of beautiful days has extended into September and the days of the golf tournament the clambake were no exception.

The golf event was once again held at the Val Halla Country Club. Brian Mitchell was the recipient of the Master Scrambler Jacket – and that was a tight fit. Once again, Steve Sloan and Bruce Berger coordinated the event and that is certainly much appreciated. The Casino Hole and the 50/50 raffle brought in over \$450.

There were nearly 500 people at the clambake, and everyone enjoyed the great weather, the food and the opportunity to catch up with old friends.

Once again, sincere gratitude is extended to the Brunswick & Topsham Water District for hosting the event, setting up the tents and, likely, attending to many tasks that we are not even aware of.

**Results of Annual Golf Tournament**

<b>1st Place Team:</b>	<b>Closest #3:</b>
Brian McGuire	Peter Goodwin - 6' 11"
Mike Pelkey	Bruce Berger - 16' 1"
Josh McGuire	Josh McGuire - 20' 0"
Porter Jervais	
	<b>Closest #11:</b>
<b>2nd Place Team:</b>	Greg Leighton - 4' 0"
Walter O'Leary	Keith Levasseur - 8' 5"
Steve Prescott	Porter Gervais - 17' 5"
Rosie Santerre	Brad Allen - 18' 0"
Jason Chadwick	
	<b>Ladies Long Drive #14:</b>
<b>3rd Place Team:</b>	1st - Nicki Pellenz
Steve Cox	
Greg Leighton	<b>Men's Long Drive #14:</b>
Jeffrey McClure	1st - Bill Boucher
Peter Goodwin	2nd - Josh McGuire
	3rd - Brad Allen

## Dig Safe Discussions Continue

On June 17 the Maine Public Utilities Commission issued a Procedural Order (Request for Additional Information) concerning the Inquiry Regarding the Commission's Underground Facilities Damage Prevention Program which was originally issued in November 2009 (Docket Number 2009-371).

Since the issuance of that original inquiry a number of Dig Safe stakeholder meetings have been held. Many of the issues which have been raised at these meetings have been listed as questions to respond to in the Procedural Order. Those issues include mandatory membership, problems associated with the 30-day renewal ticket, locating private services and sewer laterals, and administrative penalties and how they are assessed.

The association submitted comments on August 11th and addressed many of those issues.

Concerning renewal of tickets, we asked that the effective period for tickets be extended from 30 to 60 days and that there not be renewals. Rather, we suggested that there be a new ticket, and the boundary of the proposed excavation either be affirmed or redefined.

Remarking requests can impose a considerable burden on water utilities. The association commented that, when pavement is ground, the contractor should be responsible for maintaining existing markings. If, for any reasons, the operator has to remark the area, the operator should be compensated for that work. We also highlighted problems associated with requests for pre-marking which is used purely for engineering purposes.

Currently, tolerance zones are a function of whether or not operators are Dig Safe members. We commented that tolerance zones should be a function of risk and not membership/non-membership. We recommended that there be a tolerance zone of 36" on either side of water or sewer facilities.



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**COMMITMENT & INTEGRITY DRIVE RESULTS**

Concerning the imposition of administrative penalties, and the question that was asked as to how the penalties could be amended to better reflect the operators' or excavators' behavior in the past 12 months, we noted that state law actually requires that. We made the point that we are not aware of any process or protocol being used by staff which ensures that this provision of law is being appropriately administered. We also noted that, currently, staff considers a mismatch to be prima facie evidence of a reckless or negligent act.

Water services and most sewer laterals are privately owned. However, many property owners do not know the location of the facilities. In response to the question of how the burden for both owners and excavators could be adjusted to be more equitable while maintaining public safety and minimizing costs, we reiterated our position that the owner is responsible for locating them. We also noted that many private companies have the ability to locate these facilities, do it as a business every day and water/wastewater utilities cannot be expected to locate assets they do not own.

While none of the questions specifically asked if membership should be mandatory for all underground facility operators, many of the commenters stated that membership should be mandatory for all operators. The association's position has been, and continues to be, that the definition of underground facility operator in the Dig Safe law should not include water or wastewater utilities. That could, conceivably, change in the future. It is likely that amendments to the Dig Safe statute will soon be before the Maine Legislature. It is important that members make their views known on this and other Dig Safe issues over the next few months.



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### February Meeting Dates Set

The Program Committee is diligently working to develop another successful February Meeting and Trade Show and they have established the dates. The conference will again be held at the Holiday Inn By the Bay in Portland and the dates are Tuesday and Wednesday, February 8<sup>th</sup> and 9<sup>th</sup>. Mark your calendars to ensure you do not miss this great event.

### Storer Steps Down as Director; LaCasse Appointed to Fill out Remainder of Year

On August 3<sup>rd</sup> John Storer resigned from the MWUA Board of Directors, citing the fact that current job demands prevent him from effectively participating any longer.

The association's by-laws state that Director vacancies may be filled by the affirmative vote of a majority of the remaining Directors. At the August Board meeting the Directors appointed Jeff LaCasse of the Kennebec Water District to fill the vacancy. He will serve until the next annual meeting of the Directors.

The term which LaCasse has filled expires at the end of 2012. The terms of Kathy Moriarty and Steve Cox, which are three year terms, expire at the end of 2010. The Nominating Committee will be presenting nominations for Directors at the October meeting, for these three positions.

At the next regular election, which will be held in November, the top vote getter not elected to the regular 3 year terms shall be elected to serve the remaining 2 years of the unexpired term.

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### Profession Loses Veteran State Agency Resource

Raymond E. Hammond, 62, died early Thursday, July 1, 2010, at his Belgrade home. He was born in Belgrade on Aug. 26, 1947, and attended local schools, graduating from Belgrade High School, Class of 1965. He earned his engineering degree from New England College in Henniker, N.H.

Ray was employed for more than 30 years by the state, first as a civil engineer for the Bureau of Health and then by the Maine Public Utilities Commission. After retirement, he worked as a private engineer; he also served as a member of the Maine Army National Guard.

Hammond was a lifelong resident of Belgrade and was Scout-master for Troop 453. He enjoyed hunting and fishing and especially enjoyed skiing, having taught skiing for many years at Saddleback Mountain. He also spent much time in his woodworking shop.

He is survived by his wife, Eugena, a son, a daughter, and two grandchildren.

### Revised Total Coliform Rule out for Comment

EPA's Revised Total Coliform Rule (RTCR) is out for public comment and that comment period has

been extended an additional 30 days to October 13, 2010.

Additional information, including webcast presentation slides, can be found at: [http://water.epa.gov/lawsregs/rulesregs/sdwa/tcr/regulation\\_revisions.cfm](http://water.epa.gov/lawsregs/rulesregs/sdwa/tcr/regulation_revisions.cfm). Under Total Coliform Rule Proposed Revisions Public Information Meetings and Webcasts, click on Presentation PDF (59 pp, 356 K).

The presentation covers 8 core elements of the RTCR, Level 1 & 2 Assessment requirements, corrective action, monitoring requirements, seasonal system provisions and other aspects of the proposed rule.

Check out the MWUA website: [www.mwua.org](http://www.mwua.org) - where a discussion forum on the RTCR has been started. Read the article below for information on how to post your comments and ideas in the forum.

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### Have You Checked Out the New Website Yet?

Have you checked out our new website yet? We urge you to take a moment to try it out and see what it has to offer. You can also find us on Facebook! Just go to [www.mwua.org](http://www.mwua.org) and click "Find us on Facebook" at the top right of the page.

In the forum section of the website, you can discuss topics such as training, treatment and distribution with your fellow utilities. To get started, click on the "Forum" tab on the homepage. You will then see the different forum options.

To discuss the revised total Coliform rule, click on the "Regulations" forum. Then click on the "Revised Total Coliform Rule" topic. To post a comment in the forum, you must register by clicking on "Register" in the top right section of the forum. All that is required is a username and password, which you can use from then on to log into the forum. Try it out today.



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**Littell Appointed Commissioner at Maine PUC**

On August 2<sup>nd</sup> Governor John Baldacci nominated David Littell to Maine's Public Utilities Commission.

Littell has been Commissioner of the Department of Environmental Protection for five years and served as Deputy Commissioner for two. Before joining the Department, he was an attorney for 11 years with Pierce Atwood, where he practiced environmental law, specializing in hazardous waste cleanups, project permitting and wireless communications.

Littell received his J.D. from Harvard Law School and an A.B. from Princeton University.

The nomination will be considered by the Joint Standing Committee on Utilities and Energy. If approved by a legislative committee and the state Senate, Littell would finish out the unexpired term of Sharon Reishus, who resigned in early July. The term runs through March 2015.

**Cashman Named PUC Chairman**

Governor John Baldacci has named Commissioner John A. (Jack) Cashman Chairman of the Maine Public Utilities Commission, effective next Monday, 12 July. Cashman succeeded Sharon Reishus, who is left the Commission as of that date.



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**Quality Training Scheduled for September & October**

Whether your area of interest is source protection, operations or financial (or some or all of the above), there is training on the horizon for you.

On September 23<sup>rd</sup>, at the St. Paul Center in Augusta, the Water Resources Committee will present a session titled: **Forestry Farming & Filtration: Productive Lands and Water Supplies Can Coexist.** This one-day seminar will bring together professionals from the farming, forestry, and drinking water worlds to discuss how these land uses can coexist with our drinking water resources. The seminar will provide tools for forestry management, farming practices, and watershed management to work together to maintain safe and secure drinking water. The session will cover the theoretical basis of water quality and quantity alongside actual, real-world applications for farming, forestry, and watershed management.

On October 27<sup>th</sup>, the association will collaborate with the Utility Financial Officers group to bring a discussion of timely financial topics, to include new

accounting rules and regulations, managing difficult workforce issues, enterprise risk management, conservation and rate impacts and current legal issues effecting water utilities.

From October 26 – 28, New England Water Works Association will bring their **Preventative Maintenance For Centrifugal Pump Operations** class to Maine. Classes will be held Caribou, Bangor, and Portland.

Watch your mail and check out the MWUA website for more information.



### Don't Forget to Vote!

As this issue of Maine Water News is being made ready for the printer we are transitioning out of a stretch of 90 degree days and watching the track of Hurricane Earl. As we say in Maine: "if you don't like the weather just hang around for awhile".

This adage could be modified to say: "if you don't like those who represent you in the role of lawmaker, don't let them hang around any longer".

Before the November issue of this newsletter hits the streets we will all have had the opportunity to either keep many of our representatives or release them. There are numerous choices this fall – five candidates for Governor, two choices for Representative for Maine's First Congressional District, and all of the state House and Senate seats are up for grabs.

In addition there is a citizen's initiative and two bond referendums on the statewide ballot.

The freedom we have to cast the ballot should not be taken lightly. Get out and vote!

### Meeting of Chapter 587 Stakeholders Scheduled for September 30<sup>th</sup>

All community water systems which utilize surface water supplies will eventually have to

demonstrate compliance with the applicable flow and water level requirements of the recently enacted Chapter 587: In-stream Flows and Lake and Pond Water Levels. However, those requirements do not apply to an existing community water system operating within its system design capacity providing that (1) the community water system, so operating, cannot attain the applicable requirements, and (2) the community water system has received, and is operating in accordance with, or is otherwise satisfying the requirements of, a withdrawal certificate issued by the Department of Environmental Protection.

The system design capacity is a determination that is made by the Maine CDC Drinking Water Program. Most, if not all, of those have been conducted.

The intent of the certificate process is to accommodate needs of community water systems while striving to move towards achievement of water quality standards. A certificate may include appropriate conditions that take into account the economic and technical feasibility of maintaining, and restoring to the extent feasible, all water quality standards affected by the Community Water System, including all designated uses and characteristics of the assigned classification.

A number of water utilities have been contacted by the DEP for the purpose of evaluating water usage and striving to balance the system's usage and the aquatic environment. Some site visits have been made.

MWUA has extended an invitation to those systems, which are in the midst of the process, to meet at the office to discuss the deliberations to date, compare notes and share experiences. The date of the meeting is September 30. If your system has not yet been contacted relative to Chapter 587 compliance or the withdrawal process but you would still like to attend please call the office at 207 623-9511.



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### Planning Session Set for End of October

October 26<sup>th</sup> is the tentative date for the planning session mentioned in President Moriarty's column. Directors, committee members and staff will review 2010 goals and develop draft goals for 2011.

There will be time devoted to a discussion of the value to the individual involved in the association - one of the primary benefits being the professional development opportunity that participation and networking provides. A brainstorming session will focus on education, training and outreach.

Participants will also evaluate the value which is being provided to the membership in general. That value, largely, is the result of the activities of the committees, the Board, and our NEWWA State Director, plus the efforts we undertake with our partners.

Communication is key for all organizations; hence we will discuss the newsletter, the Journal and the newly revised website and ask the question as to how effective those are in getting the word out. The plan is for the website discussion to include an electronic tour.

If you are a Director or a committee member, mark your calendar. If you currently are not serving in one of those capacities but are perhaps interested in committee work or would just like to know more about the association, you are welcome to attend. Contact the office for more information.

### October Meeting to Focus on Groundwater

South Berwick is the place for the October bimonthly and the groundwater theme topics will feature a rather detailed look at some specifics - which is how management of a resource often needs to be.

State Geologist Bob Marvinney will discuss the Maine Water Resources Planning Committee, which was established by the Legislature in 2007 to consider water resource issues on a watershed basis. Recently the committee has collaborated with the Office of the Attorney General and the Citizen Trade Policy Commission to examine the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources.

Carlton Gardner of the Maine CDC Drinking Water Program will discuss the challenges of dealing with a source that contains uranium. It's not just a matter of removing it; rather there is the issue of health effects at every step of the process, communicating and managing those risks and related aspects.

There is a chance to play golf after the meeting. Check out the registration; we hope to see you there.



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**HOST:** John Leach, Superintendent, South Berwick Water District

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**South-** Take I-95 Exit 3 (ME-236 N/S Berwick), 10.6 miles on ME-236, turn right on ME-4 2.5 miles, arrive at The Red Barn on right.

**PROGRAM**

- 8:00 AM – 8:30 AM **Registration, Continental Breakfast**
- 8:30 AM – 8:45 AM **Introduction/Welcome to Berwick**  
*Town Manager or Trustee of Berwick*
- 8:45 AM – 9:00 AM **Overview of South Berwick Water District**  
*John Leach, Superintendent, South Berwick Water Department*
- 9:00 AM – 9:30 AM **Regulatory Update**  
*Maine Drinking Water Program*
- 9:30 AM – 9:45 AM **Business Meeting**  
*Report of Nominating Committee; 2011 Budget*
- 9:45 AM – 10:00 AM **Break**

**TECHNICAL PROGRAM**

*Robert G. Marvinnay, Ph. D., State Geologist & Director, Maine Geological Survey;  
Carlton Gardner, Compliance & Enforcement Team, Maine Drinking Water Program*

- 10:00 AM – 11:00 AM **Water Resources Planning Committee**  
*- Origins, watersheds at risk analysis and detailed work in select watersheds  
- Collaboration with citizen Trade Policy Commission regarding international trade agreements as they relate to regulation of groundwater withdrawals*
- 11:00AM – 11:45 AM **Uranium 238 – Prevalence/Treatment/Regulation/Health Effects/Disposal of Waste**
- 11:45 AM – 12:00 PM **Question & Answer, Wrap Up of Technical Program**
- 12:00PM **Lunch**

Kathy Moriarty  
*President*

Erin Smith, Keith Levasseur & Chris Curtis  
*Program Coordinators*

**2.0 Training Contact Hours will be granted for this session.**  
*PLEASE RETURN RESERVATIONS BY October 11, 2010*

**GOLFING AT “The Links at Outlook”:** If you are interested in golfing after the bi-monthly meeting, please contact John Leach of South Berwick Water District at (207) 384-2257. Golf takes place at 1:30, and the fee is \$20.00 for 9 holes. Payment is required at the golf course on the day of the outing. The deadline to sign up for golf is October 5<sup>th</sup>.

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*Registration for MWUA October 14, 2010 Membership Meeting*

**Name(s):** \_\_\_\_\_

**Mail or Fax Registration to:**

**Affiliation** \_\_\_\_\_

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