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Conference No. 478

April 14, 2005

Old Town/Orono



Welcome to Old Town

Peggy Daigle, Old Town City Manager

I want to welcome you to Old Town. I've been city manager here for about six months, and anyone who knows me knows that I hate mornings more than anything. So it's good that I'm actually up, dressed, speaking and making some sort of sense. If you get a chance, go downtown and check out what we have done. We've been doing some revitalization.

You ought to take a look at the river and what's going on there. We've got some pretty extreme flows and for those of you that like that sort of thing, it's pretty good. They're going to have a few fools on the river this weekend running a race. We hope that everything goes well. We've actually had a few people who went over the Stillwater Dam last weekend. They really had quite a ride.

Enjoy your day here today. Welcome to the Old Town and we hope to see you back here as tourists.

Overview of Old Town Water District

*Wes Haskell, Superintendent
Old Town Water District*

When I was setting this up, Jeff asked me how much time I would need on the presentation on slip lining and I said an hour, but Steve and I have run through it a number of times and it doesn't even come close to that. So, I have a brief history of the Old Town Water District. It is kind of interesting. It includes more than just the system of Old Town. Basically the system in Old Town started in 1888. A number of business men got together and they were asked to work on the construction of a public water supply. Like a lot of systems around here, it was a private system. It was put together by the Bangor Railway Electric Company. They built a system on the Penobscot River which had hydro power, pumps, and then they constructed mains and hydrants and established rates for water fixtures. They began laying pipe in 1889. According to my records, they laid 48,000 feet of main between 1889 and 1890, in just that short period of time.



Things were pretty stable for about thirty years. The system pumped about a million gallons a day – or that is what it was designed to do. We made a number of improvements in that period of time.

Interestingly, water systems for the most part seem to enjoy a low profile. When I was preparing for this, I went down to the cellar of the water district, and I ran across piles of information. I believe it was a letter to the editor. I don't know who the author is, but it was written in 1924. The heading of it is, "Is the Public Utilities Commission a Rubber Stamp?"

"In 1922, Old Town had a complete water system that functioned reasonably well, a fairly acceptable fire service and in general performed all the duties that should properly be expected from the

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average small water system in Maine or elsewhere. There was a contract with a thoroughly reliable corporation, the Bangor Railway and Electric Company which assured that Old Town could expect this water service for 11 years more until 1933 under the terms of the agreement entered in 1913. The company held an easement for right to use the water power for pumping and this easement continued for 100 years or so from 1888. The charge was low, \$8 per horsepower per year; with a \$600 minimum per year base. This was a fair charge in 1888 and one in which the then owner was willing to make to cover a 100 year period. It was a privilege that the people of Old Town might recently expect to enjoy from natural resources from their home environments. At times there was enough water flowing through their systems to produce 400-500 horsepower if the water company should require it. And all at \$8 per horsepower. In 1922 or thereabouts, this water power had a much greater marketable value than \$8 per horsepower, per year. It could only be extracted from the contractual arrangement with Old Town.

With complete disregard of all moral obligation to the inhabitants of Old Town, plans were conceived to split the water system into parts; like cracking a nut and by selling the husk it would be possible to retain the meat. To do this required the approval of the Public Utilities Commission. Although Old Town made the contract of one of the important parties thereto, she had no chance to investigate the dismemberment and disorganization of her water system. Helplessly she stood by, while the Public Utilities approved a plan as presented by the Bangor Railway and Electric Company where under it would sell the water mains and franchise to the Penobscot County Water Company, the pump station site to another purchaser and retain the water power easement. It agreed to furnish the new water company with electric power for pumping, but at quite a different rate. Last year (1923) Penobscot County Water Company paid \$4800 for power to operate their pumps - compared with \$600 the previous year. And all approved by the Public Utilities Commission.

What Old Town believed as a binding agreement with herself as the all important party thereto became, after the commission breathed on it, only a scrap of paper. The usual aftermath followed. Request for higher rates was made, a three fold increase based on an emasculated water system and no investment of additional dollar or improvement. With pumps housed in a building the owners desired for his own manufacturing purposes, assured of cheap water power, the water system presents a sorry site. And yet because the commission had validated securities issue, it nearly doubled the price of water mains and franchise. There was no other course open, except to approve rates which would assure a fair return on these water securities and this it did by a decree issued last December in which the rates would double. So now, Old Town enjoys the same water that it has had since 1888, but the magic wand of the Utilities Commission has waved over the waterfalls and made the water worth twice as much to Old Town because the Utilities Commission must protect their investors.”

I thought that was pretty interesting from way back then. That was part of the issue going on at the time. They lost the issue regarding rates. Penobscot Company Water Company owned Old Town, Orono-Veazie and Brewer, and also the Ellsworth system. They had purchased those systems and they wanted to consolidate the source for getting water. Old Town was getting its water from the River. What they were using in Orono was Chemo Pond. I think it's been described as Chemo Beer. There was this choice of river water or Chemo water and as far as I can tell, it was pretty much choosing between rotten apples or oranges.

The people of Old Town would have none of it, and they began a fight. Expert witnesses were brought in, testimony was given. I have stacks of testimony transcribed that was given to us. Some of it you might find quite interesting. Mr. Metcalf, of Metcalf and Eddy, was on the owner's side. Mr. Weston, of Weston & Sampson, was brought in on the citizen side. There were engineers and accountants on the stand for days at a time being grilled on the costs and benefits, or lack thereof of using Chemo vs. Penobscot. Well that began in about 1924 and in 1925 the District was established by an Act of the Maine Legislature. In the end, Penobscot Water Company agreed to sell the Old Town system to the District. The District obtained the system as of January 1926, but financial settlement wasn't made until April 1928 and a deed was obtained July 20, 1928. So it was four years of battle.

Today we serve the towns of Milford, Bradley, portions of Orono, the University of Maine and also the Penobscot Nation on Indian Island. Our system has changed somewhat. Our sources are now

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wells and our treatment is different. We have a greensand treatment. We have different standpipes and so forth. It is interesting how it involved. One last thing, when this was sold, the owners of course wanted to get every dime that they could. They hired two University of Maine professors to survey and inventory our system. They documented every foot of pipe, every valve, every fitting, hydrant – how much was in ledge, how much was in gravel. They documented it in this book, which I found. Although it is quite old, there is still a lot of pipe still in service in it. I still use it today. It really is an amazing document.

I'll close by saying that I also found records in the cellar from 1936 when the Superintendent of the Old Town Water District, whose name was Fred Sparks, spoke at a meeting of the Maine Water Utilities Association in Old Town. It's 69 years later and we're here. I hope it's not quite so long next time. Thank you.



Maine Drinking Water Program Update

Nate Saunders

Good Morning. I have kind of a mixed bag of updates here. First off, Dave Robbins our, compliance manager, has accepted a position with the Indian Health Services in southern, California. He will be with us until early May. We had an EPA data verification audit on our files for approximately sixty systems and there were about 120 deficiencies found. We thought that was a little scary, but when we asked them, they said that it was pretty much average for an audit like that. So we will be taking the findings that

they have and making adjustments and improvements as we can.

The DWP will be working with the EPA and Dept. of Education on lead issues, specifically related to schools served by public water systems. For the utilities who are serving public schools, if you could help them with their lead testing that would be very helpful.

On the Bond, I have actually very little information here. At this time, due to the lack of a Bond, the SRF Program has been reduced. We have developed a project list using repayment money (we still do have \$7.5 million dollars for projects this year) but it's a significantly reduced project set and there's no principal forgiveness available for this year. There is a glimmer of hope. Maybe Jeff can elaborate on that in a little bit.

The real good news is that Denise Doulin, our field engineer for District II, had her baby Cameron. She is at home and both are doing well. If you're in District II, for example, please call me. I can work with you on the issues that you have or delegate appropriately to our great staff, like Rod Hanscom, for example. Thank you.

Public Utilities Commission Update

Stephani Morancie

I wanted to give you an update on some things that you are hopefully aware of. The first one is that the annual reports were due on April 1st. So if you haven't gotten them in, you're late. If you have your total revenue, call us and give us that and we'll give you an extension.

The second thing is the ever popular Chapter 140. I put a handout at the front table so that everybody could please take one and see where your system falls. For instance, any utility



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who has more than 3000 accounts was suppose to provide us with service area maps of April of last year. So if you have more than 3000 accounts, you need to get us the service area maps or send us a letter as to why you didn't. It's really easy to get an extension on this rule. This one we're really easy on, so please just call us or write us a letter and let us know what's going on. I'm sure that all the other systems like Bangor, or Camden/Rockland or Kennebec can tell you how easy we're going on this one.

Also, Chapters 81 & 86 are open for comments right now. If you have any comments on disconnects or meters or anything like that, it's open. Send a letter to the commission. It's docket number 2005-05. So if you have any comments, provide them while the docket is open. Thank you.

Jeff McNelly
Maine Water Utilities Association

On your agenda, you'll note that David Parent is going to give an update. I'm going to give that for him. David is our Legislative and Regulatory Affairs Committee chair. He took the job over this year and he's been doing a tremendous job. Like some of you, he has to stay back in the shop and get some work done once in a while. So that's where he is.

LD 315, which would prohibit the privatization of drinking supply sources, is being heard tomorrow. That's a bill by representative Eder of Portland. There's another bill that is very similar and that is LD 1489, An Act to Establish Citizen Ownership of Maine's Groundwater. I talked to Representative Eder about this bill a couple of months ago, and he really didn't even know what the bill was about. He has submitted 40 bills. I have spoken to some of the people on the Natural Resources Committee and I don't think it really has much of a chance, but we will be following it. Nancy Beardsley will be there at the hearing tomorrow and perhaps others will be following up with written testimony. We will be at the work session. LD 1489 basically says that groundwater resources are owned by the people of the state and those of you who have them know that's not the case.

LD 643 would have authorized DEP to issue emergency permits for the application of herbicides. That was voted out as Ought Not to Pass. It was determined that they did not need that bill as they apparently have that authority already.

LD 658 An Act to Protect Maine's Natural Resources for Maine Residents includes severance fees for extracting natural resources from Maine's natural resources. That hearing is also tomorrow. In other words, if you're extracting natural resources from the ground, the concept is to have a royalty like there is on oil in Alaska. The only difference between the commodities is that one is renewable, and one is not.

LD 775 - This is the SRF match. We put this bill in which would obtain the SRF match. The bill specifies that the 20% match that we need to secure the SRF capitalization grant would come from General Fund allocation or appropriations. The hearing was on Monday. Representative Trahan was the sponsor. A number of us testified. Nancy was not able to testify, but she spent a lot of time answering questions. That went very well. The Appropriations and Financial Affairs Committee was relaxed. They had just listened to probably two hours of people trying to get money for social service activities – not that those are not good things. I think it was refreshing for hear us ask for money to actually construct drinking water system improvements.

Nate alluded to the fact that we do not have the match, so here's the story with that. We did not have a bond issue to vote on last November. The DWP has spent a lot of time working in concert with our Legislative and Regulatory Affairs Committee, primarily, to come up with contingency plans, because we knew last April this was going to happen.

The plan is to use a bond anticipation note so that we can get started with the 2005 season - and that needs to happen by June or July. There is at least three ways to pay that note off. One avenue would be if a bond were to be approved in November. Another way would be to use accrued interest in the SRF fund and another method would be to get a revenue bond. The Administration was very reluctant to use this contingency because everything revolves around the political web, and there's concern that if that were to happen it might impact the Environmental Bond in total. The DEP is in that. We make that bond

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look good in total because we have a 5 to 1 match. There's concern that if we go with a bond anticipation note and if the word leaks out that we can use revenue sources to secure the grant, the legislature might ask why we need a bond anyway.

We have had some dicey dealings with the Governor's office and, if anybody wants the details, I can provide them.

We have made a lot of progress and have learned a lot. We've still got a ways to go and hopefully you'll be hearing more about this. We might even be on the news. This has been a very interesting process.

LD 781 would have created a Sebago Lake Village State Park. That was voted out as Ought Not to Pass. One thing that we did on that bill was to offer an amendment to statute because the Director of the Bureau Parks and Lands currently can condemn property to build a state park. However the Director can't take more than 200 acres, or any developed or undeveloped mill site or water power privilege or any land being used for industrial purposes. We tried to amend that statute to include land used for water supply protection. That amendment didn't go anywhere but the bill got killed anyway. We may submit that amendment in the future as a stand alone bill.

LD 848 was An Act to Restore to Maine Citizens Responsible Access to Sebago Lake. That proposed to scuttle Portland Water District's authority to inspect subsurface wastewater disposable systems that are within 200' of Sebago Lake. That came out of committee as Ought Not to Pass.

LD 849 would have required all systems serving more than 40,000 customers to install sand filter and pay for it by selling its watershed land. That came ought of committee as Ought Not to Pass.

LD 861 would have required the services of an arborist to conduct, essentially, any trimming of any limbs. The committee made an attempt to amend it but they realized that, when they were done, there wouldn't be anything left to the bill. So, they killed it. That was actually initiated by the City of Augusta arborist who was concerned that people were trimming trees and the end result was that the trees were not really that pretty when they were done. She later said that it was a safety issue. The CMP lobbyist made a very good point, stating that he would like to think that his people, who are trained to work around high voltage lines, are probably as qualified to trim limbs as is a licensed arborist.

LD 1001 is the Environmental Bond. That's in process. There is going to have to be a 2/3 vote because of the fact that the legislature adopted a majority budget. The Republicans are not happy about that, of course. Right now the Governor's total bond package is at \$197 million. We heard in our meetings with the governor's office that it will probably be pared down to \$150 million. We hear from Republican leadership that \$150 million is too much. We have to ensure that our match money survives the process.

LD 1051 would have created a study commission on public water fire protection fees. A number of people testified against that. That came out with an ought not to pass, but the chairs of the Utilities and Energy Committee will be sending a letter to the PUC asking for educational sessions for municipal officials which will involve us, Maine Rural Water Association and the Maine Municipal Association.

The hearing for LD 1162, the regional water council legislation, went pretty well. There are a number of issues that were raised. The various parties involved are working on that. My sense is that it will work out pretty well.

There are a couple of Dig Safe bills. We have not heard as to when they are going to be heard. It will probably be after the break. We'll be following those.

LD 1328 An Act to Amend the Maine Tree Growth Tax Law to Encourage Public Access would prohibit land to which public access for recreational purposes is restricted or prohibited from being under Tree Growth Tax Law. It also prohibits parcels of 100 acres or more from being under TGTL if the recreational uses of the land are being leased and the value of the lease exceeds the TGTL value of the property. A task force is studying TGTL issues, but they have not completed their report/recommendations. Senator Martin submitted that bill and Representative Troy Jackson and someone else spoke in favor of it. Everybody else spoke against it. We spoke against it. I don't think that's going anywhere

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There also was a bill to strip the exemption that you have if you have treatment facilities located outside the corporate limits of your district. As quasi municipal entities, you're currently exempt from taxation. There was an attempt to remove that exemption. The sponsor actually withdrew that.

There is a lot going on. At this time I will turn this over to Scott Clukey, a member of the Program Committee, who is going to moderate the technical program.

Thank you.

Business Meeting

TECHNICAL SESSION

Moderated by Scott Clukey

Brewer Water Department

Good morning. I am Scott Clukey from the Brewer Water Department. We're now going to get to the technical program session of this meeting. We have three presentations this morning. Wes Haskell is Superintendent of Old Town and is going to do a presentation on slip-lining a bridge crossing. John Rice from the Efficiency Maine Business Program will be speaking about what they can do for water systems and Mark Margerum from the DEP will be discussing the water withdrawal rules.

Wes has been Superintendent of Old Town for the last eight years. He graduated from UMO in 1993 with a mechanical engineering degree. Wes went down to Massachusetts for a few years before he returned to Maine to be the Superintendent of Old Town Water District. With him today also is Steve Murray from the James W. Sewall Company. He's been with the Sewall Company for thirty-eight years and will be helping with that presentation.

Slip-Lining Bridge Crossings

Wes Haskell, Superintendent

Old Town Water District

Steve Murray and I put this presentation together on slip-lining a water main. It's a project that makes engineers look good. I'm going to describe the problem, some of the options we considered and the eventual decisions we made. Steve will go over the work that Sewall did for us. I have some slides of the construction. At the end any of you that are awake can ask some questions.

This system map of our distribution system depicts the problem we had which I will characterize as the "all your eggs in one basket" problem. The basket is on one side of the river and the market is on the other side of the river. Our wells, which serve as our source of supply, are tied into the filter plant. On the opposite side of the river is where the majority of our consumers reside and where our largest customers are: Indian Island, the G-P Mill, carwashes, bakeries and others.

Between our source and customers were two pipes, one being a 6 inch, 110 year old cast iron river crossing and the other a 45 year old 14" steel pipe suspended from the bridge. We pump over 1 million gallons every day into the distribution system and we backwash our greensand filters every 24- 40 hours. When we do this we draw water back from the standpipes at a rate of approximately 1000 gpm. Water could be flowing in one direction or the other at 700-1000 gpm. So, clearly these connections are vital to our system.

One Sunday in the year 2001, my wife and I were kayaking down the Stillwater River. We came to the Stillwater Avenue Bridge. There are two spans of the bridge with an island in between. We went under the southern span. I looked up at the water main, which is suspended from the upstream side, to inspect it. It's a typical underbridge arrangement where you've got this pipe attached to the bridge. On the outside there is an aluminum jacket, insulation underneath and then the actual pipe.

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It didn't look too bad. I looked some more and I saw that some of the insulation wrap had come off, and in fact some of the insulation was missing. I was concerned that there was the possibility of freezing.

The next day I inspected the pipe more closely to see how much insulation was missing. What I discovered was flaking rust and decomposing steel everywhere. I wondered what was holding this together. What would happen if there were a sudden water hammer or a large truck vibrated the bridge?

I tried to figure out why it was so rusted. It seems pretty apparent that the salt used on the bridge is plowed, splashed, or drips on the outer jacket and settles in the space between the pipe and the insulation. The material is cement lined schedule 30 carbon steel with steel Dresser couplings, so we have an ideal environment for corrosion.

We looked at it also with the Department of Transportation bridge truck. It was a really slick item and they loaned it to us for free, so our operators could get a real good look at it from the underside.

The bolts on the steel Dresser couplings were in tough shape. It was interesting to note though, that as bad as the bolts were is, the center is not rusted. It really just had surface rust on it.

Clamps suspend the pipe from the bridge. Some of them were in poor condition while others were in pretty good shape.

So, short term, the first order of business was to purchase emergency repair supplies. I ordered two 20'+ lengths of 12" ductile iron pipe class 52 (outside diameter of 13.20"), four transition couplings, capable of accepting 14.10" O.D. on one end and 13.20" O.D. on the other, and four stainless steel repair clamps 12" long, 14.10" O.D.

This was just to get us by in an emergency. This gave us some breathing room to consider our next move. Other than repairing the pipe that is currently there I saw the alternatives as (1) replace the existing pipe with 14" cement lined steel pipe, (2) replace the existing pipe with new 12" ductile pipe, (3) replace the existing pipe with new HDPE pipe, (4) install a new river crossing immediately, or (5) do nothing at all.

Looking at these options in a little more detail, I investigated the steel pipe replacement. It is available in 38'- 42' lengths. We wouldn't need to change the hangers that are there. But of course, it would be susceptible to deterioration. It seemed like a rather odd pipe to keep in stock. There was also the uncertainty of the future of the bridge.

We elected to go with a river crossing first. We replaced that 6" with a 16". We were fortunate that we could fast track the replacement. It was installed and in service by the end of 2001. Now, we had an adequately sized and dependable connection.

We believed that inserting a HDPE pipe inside the 14" steel pipe would be a good way to resolve the stagnated water dead end issue. At this point we contacted Steve Murray to work with us. The Sewall Company did hydraulic calculations, prepared construction drawings, bid documents, and as-builts. I'll let Steve tell you more.



Steve Murray

James W. Sewall Company

Good morning. My father was John Murray. Some of you with gray hair may remember him. At the time of his death, he was Program Chair of MWUA.

We had previous experience with slip lining gravity sewers and we had used HDPE in pressure pipe and applications. However, this was the first application we had considered to slip line a pressure line. We gravitated towards as HDPE, as Wes said,

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because of its light weight, its flexibility, the butt fused joints (which means the whole line including the joints were of the same strength – we didn't have to be concerned with strength issues) and toughness.

HDPE pipe is a pretty resilient material. It can take quite a lot of punishment without creating a problem. One of the big benefits of HDPE is the butt fused joint which is basically the same diameter as the inside of the pipe.

We would have preferred to install a 12" liner inside the 14" steel pipe, but the 14" steel pipe has an I.D. of about 13.25" and the O.D. of a 12" HDPE is 12.75" so we would have had a half inch to play with. We didn't think that was enough. If there were a misalignment, old corporations or tuberculation debris, it would have caused us a lot of problems. So, we reluctantly went back to 10" HDPE. The 10" has an O.D. of 10.75" which gives us about 1 1/4" to work with, which we felt was plenty adequate.

The pressure at the bridge location ordinarily is about 80 PSI. There are a number of pressure classes available. There are 9 different classes, ranging from 265 PSI down to 60 PSI. Generally they leave the OD exactly the same for all of the pressure classes and simply thicken the walls. The higher pressure class, the smaller the hole you have. So we were again torn between keeping the largest waterway we could and making sure we had adequate pressure for both normal pressure and for water hammer. We chose to use a safety factor of about two to allow for water hammer and wound up with about 160 PSI, 10" pipe. It left us with an I.D. of only 8.8" so we had gone from 13.25" watermain all the way down to 8.8".

One of the concerns with industrial applications is that HDPE tends to lose strength rather rapidly as it warms up. So we thought about that a bit. The pressure rating of the 160 PSI that we chose is at a temperature of 73.4 degrees Fahrenheit. Old Town well water never reaches that and even if it lay static on that bridge inside the casing for some amount of time, it probably would not even reach that temperature. Even if the HDPE pipe reached 93 degrees, it would lose 10% according to the manufacturer. So unless you're working in an industrial application where you're up over 100 degrees Fahrenheit you really don't have to worry about the rating for temperature.

We were going from a hydraulically fairly rough pipe to a hydraulically fairly smooth pipe with a much smaller diameter and we were concerned as to what sort of friction loss penalty we were going to pay for doing that. We very roughly worked it through and it turned out that, even with a smaller diameter, because of the difference in roughness we were only sacrificing less than 4 PSI, at a 1000 gallon per minute flow rate. We discussed this with Wes and he saw no problem with that.

The next thing that we were concerned about is that the line on the bridge was a 14" steel line. At some point, there was a transition to 16" cast iron. We knew we would be opening up the cast iron portion. We had to work out a retaining system so that nothing would move, basically. We didn't want to allow the reducers from the 10" liner to move towards the bridge, as they normally would. Because the HDPE has a much higher change of length in temperature than steel or iron we wanted to be sure that we restrained it from putting stress on the cast iron in the opposite direction, should there be a big temperature change. What we intended to do was to install a couple of very large thrust anchors and immobilize the reducers so that they could not go in either direction. At the point of transition we specified a mechanical joint adapter. Another thing was that, right at the end of the mechanical joint adapter, there is an option to put in a thin stainless steel ring immediately before making the joint. That is to ensure that over time the plasticity of the HDPE doesn't become egg shaped. The stainless steel ring merely makes the pipe stay round so that 5-10 years down the road the thing doesn't start leaking on us.

We included in the specifications a provision that before the contractor began lining, he would run a closed circuit TV camera through the pipe and provides a film to the owner. We were concerned that there could be corporations that we didn't know about. We knew that some dresser couplings have a set of fins that could foul us up. There could any number of things that could foul us up, offset joints and so forth. We wanted to be aware of that in advance, rather than get the wire in there half way and then have to pull it out because we couldn't get it through. As it turned out, it was pretty much gun barrel smooth. We didn't have any obvious problems. We did stipulate that any corrections of that type of problem were not in the contract because we didn't want the contractors loading their bids for unknown. You should try not to unfairly put risks on the contractor or you wind up paying for it.

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We received 5 bids and there was quite a price range; from a low of \$ 40,644 up to \$94, 500. The low bidder was Sergeant and Sergeant of Camden. That price worked out to about \$53 a foot.

Wes Haskell (Continued):

This slides shows the material laid out and ready to go. The pipe comes in 40 foot lengths. We weren't really sure where the transition was. We could assume that it was right there by the abutment but we weren't really sure. We had a main line valve and a blow off, so there was limited room to set this operation up. They exposed the 16" pipe and removed a section; the piece they took out wasn't in that bad shape.

The fusion welding machine is pretty interesting. The machine actually faces the surface of each piece of pipe; it's heated up and then it's hydraulically pushed together to fuse.

I had visions early on that we would run cables through and then pull the pipe through. But we left it up to the contractor, as it's his job to get it done. What he basically did was chop a slice out of the end of it, and folded it together and made a nose cone. He took his excavator, fitted it in there, and just shoved it. It moved very slick.

It went very quickly, and took less than a day. There was a transition where you have a reducer, an increaser and a 16" main. There is also is a restraint. Steve will talk about that a little later.

Steve Murray (Continued):

We had main line valves at each end so we could isolate the bridge, which made it great because no one was out of water during the time. But we had to be sure that we didn't blow those valves off. In the specification in the project, we gave the contractor limits of how much he could overlap and still stay 20 feet off each of those valves. We limited his room, but it turned out that he had plenty.

The area that the reducers wound up in was underlain by fairly shallow ledge. There wasn't any way we were going to be able to put much of a thrust anchor there. However, the main thrust (because of the reducers) would be towards the bridge and that would be the way this joint or any joint upstream would try to go, or would try to separate. So what we ended up doing was using the old, now unused, cast iron as the main thrust anchor and poured concrete against it. Basically, on both sides of the bridge we used a clevis and enclosed that clevis in concrete. It has turned out quite well. The installation has been in there now for two winters and it has not been a problem.

Wes Haskell (Continued):

I took some pictures of it the other day to see if anything has really changed here and the insulation is still missing. Much of the jacket is missing. It is interesting to see how corrosion is very, very extensive in some places and not so much in others. After viewing this one, I drove over to the Milford Bridge and saw that the whole pipe had no installation on it whatsoever. But, it was in great shape, because it was only surface rust.

I'll just mention that we learned a lot from this. I would say that you should inspect those connections and know the weakness of your system. Consider this method as an alternative to replacing the main.

Steve Murray (Continued):

Concerning the mechanical joint adapters, that has to be done down in the trench. The electro fusion coupling is like a solid sleeve which fits over the mechanical joint adapter which is a piece of pipe with a mechanical joint on one end of it and a plain end on the other. Add the liner pipe. You slip the electro fusion coupling over and it has a heating element built into it. It fuses the mechanical joint adapter, or whatever fitting you're trying to put on, right in the trench so you don't have to put it all together on top and make it fit down in the trench. Those make the whole system a lot more user friendly for the water industry.

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Efficiency Maine Business Program

John Rice

Efficiency Maine Small Business



Good morning. My name is John Rice. Some of you know me from my past life. I'm here today with Efficiency Maine. I'm going to be talking about money and opportunity. It's not quite as exciting as the slip lining crossing we heard about earlier. That was fascinating.

Efficiency Maine was established by the Maine Legislature. It's a program to promote statewide efficient use of electricity. It's funded by everybody who pays an electric bill in the State of Maine. It's administered by the Maine Public Utilities Commission. It takes the place of the old utility program, which Central Maine Power, Bangor Hydro, Maine Public Service and others previously had. Now, it is all funneled through the Maine Public Utilities Commission. I'm a field representative. I work with businesses from Fort Kent, Van Buren, down to Eastport, Lubec, Bar Harbor and over to Bangor and Jackman. I cover a lot of territory. There are four field reps in the State of Maine. We're trying to keep overhead low, so we can provide more incentives for you.

I want to mention several programs that you may already be familiar with. Our programs include the Business Program, the Residential Program, our Low Income Program, the Maine High Performance Schools Program (New School Construction) and the Education Program.

There are upcoming sessions on pump training, compress air training, and motor training programs that help you look for efficiency improvement.

Any business, farm, non-profit, local or county government, K-12 school system, water/wastewater facilities plant, etc. qualifies. Pretty much everybody, except state buildings, qualifies. Small businesses are defined as 50 full time employees or less. Everybody else falls into the other category.

Let me discuss the money aspect. It's available to all Maine businesses for renovation projects, new construction projects and replacement of existing or failed equipment. Individual business (or water utilities in conjunction with their towns) can receive up to \$50,000 per calendar year. Pre-approval is required for all custom and pre-established incentives with a few exceptions for small businesses. The incentives include lighting, motors, HVAC and variable frequency drive for HVAC systems.

A couple of districts are looking at installing adjustable speed drives or variable speed drives as part of their upgrade. They're looking at Efficiency Maine to help fund a portion of that.

The Business Program has custom incentives. The incentive levels include a retrofit incentive of 35% of the installed cost of the equipment replacement (equipment and labor) and a new construction incentive amounting to 75% of the incremental cost of the premium efficiency equipment.

For the small businesses we have some pre-established incentives. Prescriptive incentives are available up to \$5,000 without pre-approval. There are quick and easy unique pre-established applications available for lighting (i.e.: upgrading to T8 fluorescent lamps from the old T12s), for appliances, for motors (this is pretty straight forward - if a small business wants to upgrade they can get some financial incentives to help out with that) and for HVAC. Up to \$50,000 is available with pre-approval.

Project examples include: AC units, motors & pumps, variable frequency drives, LED/Solid state exit signs, high volume low speed fans, refrigeration upgrades, compressed air and lighting. Example incentives include:

- Compact Fluorescent Lights - \$4
- LED road sign - \$476

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- Paint spray booth - \$938
- T-5 lighting - \$1,521
- Refrigeration - \$7,883
- Variable frequency drive – \$14,968
- Compressed Air - \$30,323
- Spiral freezer - \$ 50,000 (Naturally Potatoes took advantage of this)

Services available include: incentives for retrofit and new construction, direct technical assistance and cost-shared technical studies, Efficiency Maine training, advice and information on purchasing energy efficient products, guidance regarding new technologies, assistance locating program allies (resources), a customer service toll free number (866) 376-2463 and additional online resources available at www.energymaine.com

There are only four of us statewide so we work with the Program Allies: electrical contractors, HVAC contractors, controls contractors, manufacturers and wholesalers and motor distributors. These are people who sell products and who know the customers. If they hear about the program, they can help the customer try and apply for some financial incentives. We work with retailers, architects and engineers, trade associations (i.e.: the electrical contractors throughout the state) and other interested parties (AG of ME, Oakhurst Dairy, etc.).

There are Program Allies benefits: new customers, information on new technologies, publicity, training, access to the most current program information and tools to help customers (such as Energy Wise tools and program materials).

At the Efficiencymaine.com website there is general program information, downloadable incentive forms, downloadable program ally forms, a searchable list of participating program allies, links to trade allies and other energy efficiency websites and energy wise tools and program materials.

To date, we have 532 participants, have paid out incentives totaling \$ 1,724,851 and have 327 program allies.

We're having a little difficulty working with the HVAC community to help them come through with some projects, but we're focusing on it. This will give you a little idea of where the participants are coming from. Skip will be real happy that there are a couple in Van Buren. We helped a customer up there with a 500 hp NEMA premium efficiency motor. He got \$700 to help defray the cost of moving up. We have quite a few customers in Fort Kent, Caribou and Presque Isle; people there and in Washington County (as one could expect) are experiencing economically tough times. People hang on, do the best they can with what they've got but the are slowly trickling in.

Program allies include HVAC contractors, electrical contractors, ANE firms and other people who have heard about the program. There is no cost. That way you get copies of the newsletter that I distributed to you. You're aware of program changes. We're working with this network throughout the state.

Other resources include the Maine State Energy Program, which is also run by the Maine Public Utilities Commission. There are several programs that they have. The funding sources are different. Efficiency Maine is funded by electrical utility rate payers. The state energy programs are partly funded by state coffers, the Department of Energy and other programs. They have an audit program for small businesses. They have limited funding. This is aimed at for-profit businesses; trying to help businesses stay in business

There are low interest loan programs: 3% money up to \$35,000 dollars to help small businesses. Nonprofit agencies don't qualify.

There's the USDA Department of Agriculture 2005 Grant Program which has an energy conservation component. It also has a renewable energy component. It's mostly for dairy farmers, the potato industry, i.e. agriculture in the state of Maine. I'm saying that to you because you may go back to your communities and you may know of somebody who doesn't know about the program. I'm asking

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you to let people in your communities know about Efficiency Maine, the other state programs and the USDA.

As we learn about new opportunities, the needs in your industry or something that we haven't addressed yet, we could take a look at the situation and maybe come up with something.

Important items to remember include the website: www.Efficiencymaine.com. It has a wealth of information; not only about Efficiency Maine, but links to the PUC and links to other programs available and information on the energy scene. We have a customer support toll free line: (866) 376-2463.

We appreciate positive feedback. We also appreciate negative feedback. That's how the Legislature and the PUC modify the program to meet the needs of the state population. Thank you very much for your time. If you have any questions, I can try and help you out.



Why We Need Water Withdrawal Rules

*Mark Margerum,
Land and Water Quality Bureau
Maine Department of Environmental Protection,*

My name is Mark Margerum and I work for the Department of Environmental Protection. I work for Andrew Fisk who was scheduled on the agenda this morning. He's actually in with the Governor this morning, so I want you to know that you were second priority, right behind the Governor.

I'm here to talk to you today about the draft water use rules that DEP has just posted on its website. I've handed out a copy of the web pages where you can download a number of documents related to the rules. You can download the rules, the draft rules themselves with a lengthy explanation of them. We also have a short explanation of how this rule making would apply and there is a second page that has links to some technical documents prepared for us by Maine Geological Survey, which is basically a study of water availability in Maine under various circumstances. Also there are some links to USGS studies on the website that USGS has completed in the last couple of years. We also try to answer that question of water availability to basically produce more accurate statistic models to predict how much water is in the streams in various seasons.

I want to give a brief historical perspective. I noticed in looking back at some of the history that in 1987 the legislature required state agencies to produce this study of use and allocation. That's the earliest reference that I know of. I'm sure others around here may have been involved in these issues even before that. Apparently in 1987, the legislature was already starting to think about planning for essentially the sustainability of water resources and in 1988 a Water Supply Study Commission was formed. Then in 1989 the Water Resource Management Board was formed which produced a stack of documents that are very interesting and detailed reports on all of the rules and regulations of water use in Maine, along with recommendations. Unfortunately it came out in 1991 when the state budget was bleak. So essentially that report has gathered dust on my shelf and probably some of yours also.

In the 1990s, we didn't have any state money, but the report kept us very interested at least. We experienced an expansion of agricultural irrigation - particularly for potatoes and blueberries. Both of those industries were finding that irrigation provides them with a much higher quality and more dependable product. Big corporations were getting involved - particularly in the blueberry area. Up north, the potato growers selling their potatoes to McCain Foods (who make Mc Donald's french-fries), found that they need irrigation to provide a high quality potato, in order to get a high quality french-fry. They've been very successful in doing that.

Other things were going on. As they expanded irrigation, the only tool that we had at DEP to address a problem had to be initiated after the fact. If a stream were drained, or in the case in Aroostook County where an entire lake was drained by a couple of different farmers irrigating from different points,

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then we could take enforcement action. We really didn't have any measure to get the environmental planning perspective at the table.

The Atlantic salmon listing was a developing issue of the 1990s and blueberry irrigation practices Down East came in direct conflict with that. We also had some drought conditions that raised interest of these issues quite a bit. We had a very significant 3 year drought which just ended in 2001/2002.

Through all of these issues we have a lack of clear regulatory standards. In response to all of these situations, DEP staff actually started to draft a rule in the late 1990s. As that rule was being rolled out to selected state holders group in 1999 it created a lot of excitement and raised a lot of questions - perhaps more questions than answers. We decided to take that rule back and put it on the shelf and implement a stakeholder process which we called the Sustainable Water Use Policy Process. That's when I actually got involved in the process.

We also have state water classification standards which include language that requires us to keep an eye on flows, particularly with respect to AA rivers and streams. The AA standards include language relative to free flowing and natural conditions and the other classifications speak to protection of natural habitat and aquatic life as it naturally occurs; flows are important components.

Obviously you have the extremes when there is no flow. All the biota get wiped out. We are trying to establish some point above that point where these natural environmental issues get taken into consideration.

As a result of the Sustainable Water Use Policy process, though not necessarily as the result of a consensus, the Maine Legislature did pass 38 MRSA Sections 470 A-G. Section 470-E directs us to develop draft water use rules and it directs us that these rules shall maintain in stream flows and lake and pond water levels that are protective of the water classifications. They must protect aquatic life and other uses as designated in the water classifications. It will be based on natural variation of flow. Obviously rivers and streams particularly, but lakes as well, have a seasonal fluctuation. We're trying to protect that natural variation. It serves various purposes like channel formations, spawning habitat and other functions. The rules are to allow variances if the protected uses are protected and it's supposed to provide criteria for most at risk waters.

Some of the general principles that the draft has been based on are to allow reasonable use of all waters. We find that even in Double AA waters, which is the most protected classification for rivers and streams, we do allow some withdrawal of water.

The rules are designed to encourage storage, conservation and planning to take into account these environmental issues. The rules are based on median flow so if you want to avoid any involvement with the rules you can just stay above that median. Of course, if you need water year round, staying above that median means either developing a ground water source or developing a storage that you can use when your stream levels are below that level. One of our principals is to provide flexibility to establish site specific flows; that will also be an option for everyone who wants to go below those medians but necessarily will need storage. One of our principals also is to avoid the need for a new regulatory system; these drafts do not require any new permit requirement and we don't plan to at this time. That would probably require legislative action again.

There are three approaches in the rules. There are exemptions for a number of things; emergency usage for fire protection is one that comes to mind but it's not limited to that. Utilities are very small users may be exempt. That's built into the rules, using the water withdrawal thresholds from the water withdrawal reporting use program which are basically 20,000 gallons per day for smaller rivers or streams. In river watersheds greater than 75 square miles you're entitled to 1% of the 7Q10 before you need to report and lake withdrawal thresholds are on a sliding scale based on the size of the lake. Obviously with numbers like that you're not going to be catching any residential users. The rule for agriculture was that you can irrigate up to 5 acres with 20,000 gallons of water a day. Even the smallest agricultural application will slip below that.

There's also the opportunity for alternative flow designations via a water use management planning use process. The seasonal flows that we built into these rules, which are the default numbers, are based on 6 seasons, which is an expansion over prior practices. The seasonal aquatic base flows in the

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rules are based on median flow in the middle of the season. You can calculate that through either actual statistics from your river or there are statistics available from USGS - you can use the USGS calculations that you can link to on the second page of our website.

For the Class AA rivers and streams the rules do allow 10% of total flow to be taken whenever the flow exceeds seasonal ABF for spring and for early winter flows. Essentially when the river is rising during those peaks of spring time flows, you're getting a lot of water coming through your system. USGS will be able to tell us how much water will be available during that peak in a stream.

There's also 10% of ABF during other seasons when the actual flow is exceeding $1.1 \times$ ABF. We've lumped class A, B, C rivers together for simplicity, hopefully not creating a standard that's more restrictive for C's than it needs to be but perhaps being a little bit more lenient for the A's and B's that otherwise might have been. However, Class A's are given special considerations in that it can't be flat lined for essentially more than 2 consecutive seasons.

Class GPA is the classification that applies to all natural lakes in Maine and manmade lakes over 30 acres. For aquifer lakes that don't have an outlet there is basically 2 feet of water available, for lakes without dams, 6 inches of drawdown is allowed and lakes used for hydropower production are subject to existing water quality certifications. They already have their numbers set outside of this rule. The public water supply lakes are dealt with on the basis of safe yield or maximum expected withdrawal.

The rules contain some specific sections dealing with public water supplies. They recognize that they are operating under legislative charters. They adopt the concept of safe yield, or long term sustainable withdrawal. I've seen that concept applied frequently in groundwater withdrawals in terms of measuring recharge rate and I understand that it's also applied to surface water bodies by some public water suppliers. Andy Tolman tells us that they will work with us and the public water utilities to refine this safe yield definition/concept

The rule also has the concept of maximum expected withdrawal based on 10 year high rates of withdrawal of public water supplies, as an alternative flow limit. That's another concept that we hope to refine with representatives of the water utilities. It has a special provision for lakes and ponds, that new or expanded withdrawals would be subject to a water use plan or have lake specific numbers developed through the water use management planning process.

Where does this rule making go from here? As I mentioned, the pre-rulemaking draft was posted about a month ago. We're asking for comments by May 1st. That's not a drop dead date because this is still in an informal process. If you're very interested in commenting but can't get them in by May 1st, just send them as soon as you can. We will be working in May and June with various stakeholders, and internally, to revise the draft in response to all of the comments we receive. We hope that by July we'll be releasing a second draft which will be posted to the Board of Environmental Protection (BEP) for the beginning of the formal rule making process. That would provide another opportunity to submit written comments; as well there will be a public hearing of the BEP - likely in September. If all goes well, then the Board would provisionally adopt these rules perhaps as early as December (hopefully), or perhaps in January.

Because these are major substantive rules, that means they have to go back to the legislature for review, approval and final adoption before they can go into affect.

Dave Courtemanch is the Director of the Division of Environmental Assessment and he's the author of the draft rule. You can find his name and contact information on our webpage. I'm the process guy and also the coordinator of the water withdrawal reporting program. If you have any questions about any of that, feel free to contact me, as well.

Thank you.

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Conference No. 479

June 09, 2005

Rangeley

Welcome to Rangeley and the History of Rangeley Water District

*Vernon Bean,
Superintendent, Rangeley Water District*

Good morning.

You might say that I'm a great grandfather in the water industry. However, with all the new rules and regulations, it's pretty hard to keep up today. I would like to welcome everybody here on behalf of Rangeley Water and give you an overview of our system.

We had a new pump station back in 1996 and went on line in December of 1996. It's capable of pumping 300 gallons per minute. Its in a 55 foot deep gravel well located in Dallas Plantation. We have 18.5 miles of water main, 420 services and just over 1000 customers. We pumped roughly 35 million gallons last year averaging 97,000 gallons per day. We also provide operators for the Oquossoc Water District. That is the large district up beyond us.

I would like to introduce our chairman, Rudolph Davis. He's also the local fire chief and does many other things in the town of Rangeley. He and his wife run Rangeley Dispatch which is the local radio service for trouble calls, etc. He's been with us for approximately 5 years.



Rudy Davis

Chairman, Rangeley Water District



Well, I've been in the water business for over 30 years – just in a different capacity. I'm chief of the fire department and I was a forest ranger for 27 years, fighting forest fires. Now that I'm fire chief here in town and chairman of the water district, there are some very interesting things I get involved in. I get into areas that you would never really think would coincide with the water district. Last year Rangeley approved five new subdivisions. Three of them are ultimately going to

be on the water district. Of course, we have to deal with that. We have to deal with fire protection, the hydrants and all that sort of stuff. This area is really growing. We're looking to the future. We want to make our operation more efficient so that we can better serve our customers. As we plan for the next 10 years, we look to take on a fair amount of new customers, overall.

The economy in this area hasn't really slowed down. The building consists of subdivisions mainly. There are 3 or 4 more proposed already. A couple of those will be tapping into the water district. Everything is relative.

I want to welcome you all here. I am chairman of the Board of Trustees. I am not a licensed operator, but I find this water business to be very interesting. I just wished that I had more time right now to learn a lot more about the system. But slowly and surely, with Vernon's help (and we have a couple of good operators in Steve and Jim), we're pushing ahead. In this day and age you can't afford to stay stagnate, anyways. I want to welcome you all here. It's a beautiful day. Thank you.

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Legislative Recap for 2005

James Cohen, Esquire,

Verrill Dana, LLP

Good morning everyone. It's certainly a day we've been waiting for, for a long time. I know all of you in the water business appreciate water, but I think we've had a little too much of a good thing over the last month.

My presentation at this time is a little bit of a misnomer. I was asked by Jefferson to give a legislative recap. I think the thought was that I would be telling you everything that happened in the legislature this session. Unfortunately, the session has not ended. I can't remember a session in my tenor that has gone on this long. I think maybe 1995 was the last time a session went on this long. People are now talking - the pools are now going on, as to when the session is going to end. I'm saying July 1. People are not happy with me with that guess. It will probably be more like a week and half before the session winds up. There are about 150 bills still in the pipeline and there are some small issues still pending like a people's veto of the budget, solving the budget, Part II of the Budget (which is still in process) and bonds. We haven't had bonds for about a year and a half now and bonds are still up in the air. I'll talk about that in a minute. The unfortunate thing is that they are still in session and as long as they are still there, nobody is safe.

What I thought I would do is just run through some of the bills which I think are of the greatest interest to the membership.

I'll start with LD 264 - that's a bill that's already dead. LD 264 was proposed by Senator Perry of Bangor. The idea was to tax municipal water systems and public water districts as well. We've had the issue come up before. Senator Perry saw the light before the bill came forward, so we were able to stop that from coming forward at all. But it continues to be an issue that's out there. I put that in the dead, but not forgotten, category. It could come back.

LD 315 was An Act to Prohibit the Privatization of Drinking Water Supplies. That was proposed by Representative Eder of Portland who is the highest ranking Green Party official in the nation. Representative Eder proposed this bill which would say that nobody could own a water supply privately. Most in the legislature agreed that this probably wasn't a good thing, i.e. maybe somebody needs to own and control the supply. That bill did not go anywhere.

LD 331 is the Dig Safe bill. There were actually two bills; LD 331 was a PUC proposal and LD 1282 was a proposal brought forward by Central Maine Power. The concepts in these two bills were combined into one bill (LD 331). This allows the Public Utilities Commission, by rule, to extend drinking water well construction notification requirements to other types of excavation. It would also establish rules to reduce the incidence of damage to underground facilities in an active excavation area and establish standards for when and at what level penalties must be assessed. These are major substantive rules; hence these new rules will have to be approved by the legislature.

LD 643 was An Act to Authorize the Department of Environmental Protection to Issue Emergency Permits for the Application of Herbicides and Pesticides. That was about streamlining the application of herbicides and pesticides in order to treat invasive aquatic plants. That bill itself did not pass, but another bill - LD 1304 - did pass. That's now Public Law Chapter 182 which has streamlined the process as to how DEP issues permits to control milfoil and other aquatic plants. So that's now law.

LD 775 - I'll pay special attention to this because this bill was proposed by the Maine Water Utilities Association. That bill, whose prime sponsor was Representative Trahan of Waldoboro, went to the Appropriations Committee. That bill asked for a general fund appropriation - that's regular state tax dollars - to directly provide the match for the State Revolving Fund. As you all know, we've had a very difficult time in the last 18 months because there were no bonds at the last session and, therefore, there was no match. So we're struggling right now to try and find a way to access those available federal funds. The committee seemed to understand our argument. The bill was passed by the committee unanimously, but ultimately was pared down. Each year we need about \$1.8 to service the match. The legislature pared that down to about \$1 million dollars a year. That is now sitting at what is called the appropriations table

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and that bill will sit there until all the budget issues are worked out and, candidly, given the tight fiscal situation of the state it will be a challenge for that bill or any other bill that's on the table to get funded.

At the same time we've asked for bond funds as well. The governor has asked for bond funds. The bond funds come out of a different pocket. That's capital borrowing by the state. It has a long term debt repayment schedule and that's done in a different fashion. That's done in a way that requires 2/3 approval of the legislature, meaning that you need bipartisan support to get a bond package through. There was no bipartisan support for a bond package last year and right now there's no bipartisan support for a bond package this year. In part, if you follow the news, the budget is not in balance; I don't care what anybody says, it's not in balance. There's a \$450 million revenue note that is proposed to close the gap between state expenditures and state revenues. That has been very controversial. That is now the subject of a People's Veto and signatures are being collected as we speak. Nobody knows for sure if they'll get the signatures they need. They need to turn in those signatures by the end of the month in order to actually move the thing to referendum. The legislature is now working on trying to find a way to stem that, to head that off by reaching an agreement. But the word that we've been getting from leadership, is that there will be no bonds until we can work out the budget. It is as simple as that. I think there is going to be tremendous pressure from this group and other groups for a bond package. If it all falls apart now, the best we can hope for is a special session to address it. LD 775 may become a critical vehicle to getting the funds because you don't need bipartisan support to get a spending item through. You only need a majority of the legislature. So stay tuned on that one.

LD 781, LD 848 and LD 849 are all bills that I would describe as Standish bills as it relates to the Portland Water District. One of the bills would create a state park on the lower bay of Sebago Lake.

The second bill would eliminate the water district's oversight of certain waste water construction within 200 feet of the lake and the third one would say that the water district would need to install slow sand filtration. The bill actually spelled out what technology should be used. The theory was that if you actually installed slow sand filtration, then you wouldn't need to control the quality of the water as much, and the community could engage in more recreational activities in the vicinity of the intake. There was a lot of opposition to all three of those bills. In the end the Agricultural Committee, which heard the bill dealing with the state park, killed that one. The two other bills, which were in front of the Utilities Committee, again elicited strong testimony in opposition. The bills were heard one day and killed that same day. But again, to me that's just a sign that the relationships that you as water systems have with surrounding communities are important. Some communities are easy to deal with, some are impossible to deal with. But these things do have a way of spilling over into the legislature when they're not solved at home and this was yet another sample of that.

A little bill that kind of sneaked out of nowhere was LD 861 - the arborist bill. Apparently, the arborists licensing board decided that anyone who did tree trimming needed to be licensed. The arborists in the city of Augusta took a very active role in this. I don't think many of the utilities had this high on their radar screen but it became clear that this would have a major impact on utilities trimming around their facilities. I'm sure the Agricultural Committee had never seen so many utility lobbyists as they did for that bill. They killed the bill and my guess is that it's not going to be an issue in the future.

Let me jump ahead to LD 1162. At the December meeting we talked about regional water councils. LD 1162 was the bill that Representative Barstow of Gorham put in on behalf of 7 water utilities in southern Maine that comprised the southern Maine regional water coalition. That bill had a hearing and a work session. I don't think that there were any opponents to the bill, but there were some concerns raised by some of the parties, including Maine Rural Water Association. In the end we were able to work out all of those differences. The result is that any group of water systems in the state can voluntarily come together to form a regional water council. The entity would be a nonprofit corporation; there's some specific language that says you don't need to be a member of one of these councils in order to get grants. In fact, granting agencies would not be allowed to give special preferences in terms of grants, in terms of being a member. The powers available to these councils would be similar to the Councils of Government. The idea is that these councils would be able to do the same sorts of things. So in terms of: planning, billing, metering and other activities, there would be an opportunity to accomplish

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that through these regional water councils. That is now law. It has been signed by the Governor. So now any group of systems in the state can take advantage of this and move forward. That was very well received by the legislature, as well.

One thing that is sitting out there is LD 1328 – A tree growth bill that was supported by Senator Martin. The idea was that if you’ve got your property in tree growth, he wanted to make sure that the land was open for public recreation. That went back and forth for a while. In the end the bill has been carried over. The Department of Conservation has put together a working group to look at those issues. They had hoped to come back with something this session, but they just couldn’t do it. That issue is going to come back. I would imagine that public recreation on some of your land that might be in tree growth could be an issue. So, it’s something to look at for next session.

LD 1489, An Act to Establish Citizen Ownership of Maine’s Ground Water, that was another bill by Representative Eder of Portland. What it would say is that ground water is a natural resource and extraction is something that could be regulated and charged for. I think it’s related to the Poland Spring citizen initiative that you’re all familiar with from last Fall. That bill has not gone anywhere, but it still kind of sits out there as an issue that we probably need to pay attention to.

The last thing I’ll mention is that there were a couple of issues related to public fire protection and the question of whether or not fire suppression fees or hydrant rental fees should be lowered, particularly as an outgrowth of the Palesky initiative and the tax reform legislation that caps the growth of spending for municipalities. There is much concern amongst municipalities as to whether or not it’s appropriate for them to continue to pay the level of hydrant rental fees. The proposal that came forward was to study this. I think this would be the 3rd proposal to study this in 8 or 9 years, but in the end the Utilities Committee had no interest in studying this issue again. There is going to be education about this. I don’t know what the education is going to lead to, other than a better understanding, but perhaps the Rangeley Water District is wise to have the fire chief as the Chairman of the Board. All of you may want to consider that on a going forward basis.

There are a lot of other things that happened. The session continues to be partisan; term limits are really showing up as something that is making it hard for people to come together. I heard yesterday that the Democrats and Republicans still aren’t sitting down to wrap things up. I’m hopeful that in a week and a half, they’ll be done and that they will go home. I would be happy to answer any questions.

Thank you.

Business Meeting



**Judy Kelley, President
Maine Water Utilities Association**

Thank you very much, Jim. Obviously, a lot is going on in the legislature. I’ll put in a plug. If you have not called your local representative or senator, please do. Remind them that our bonds are important. Even though it probably will get dealt with at some last minute conversation or discussion that happens, if they remember a phone call that they got from someone at a water system, it might make a difference.

Try to get that done. We have an update on the Maine Drinking Water Program and Terry Trott is here to give that for us.

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Maine Drinking Water Program Update

*Terry Trott
Operator Licensing &
Environmental Review Coordinator*



Roger is meeting with EPA today to discuss the financing for small water systems and arsenic treatment so he sends his best, but couldn't be here. There's not a whole lot on the regulator end, but there are a lot of different things happening. Dave Robbins' position that has been vacant - there should be an advertisement going out on that this week. One of the things that Andy Tolman wanted me to discuss is a legislative issue.

The bill asking DEP to conduct some groundwater assessment was changed into a resolve and the Drinking Water Program will be preparing a report, with the assistance of the Department of Conservation, DEP, US Geological Survey and staff on groundwater protection needs in Maine.

July 29th is the deadline through MEMA for grant money. This year it's all going to go through MEMA so you're not going to compete on a county level, you'll be competing on a state level. You can check the MEMA site, as the grant specifications are there. The money can be used for material goods.

On the county level, last year there seemed to be money for mitigation of circumstances. In the water utilities industry, we don't want to mitigate, we want to strengthen our protection. We fought fairly hard to have the funds available for protection, rather than mitigating a response to an incident.

The Contaminate Candidate List II has been publicized. The comment period ended June 1st. I have a list if anyone wants to look at all the organics on it.

The Groundwater Rule, LT II and the Stage 2 Disinfection By - Product Rule are still coming our way. There have been some changes.

The Groundwater Rule is going to affect everyone. It is going to be just as serious for groundwater systems as the surface water treatment rule was for surface water systems. There's a lot in the way of source water protection. I spoke with a geologist. Probably all wells in Maine will be in the highest category so you'll have to have 12 months of bacteriological monitoring, at the source location. You'll have 7 years to complete the monitoring. You'll have to collect a sample a month. You can do it all in one year, or you can spread it out. That's what I've read so far.

Concerning LT II and the Stage 2 Disinfection By - Product Rule, the biggest thing to look for there are the consecutive system requirements. We got a report from EPA on who they felt were consecutive systems. Unfortunately, they counted emergency connections so Jen has gone through and checked those out. At this point of time, a consecutive system would have to monitor the same as the parent system which might not be good in a lot of situations. We're redoing that list and checking it out to make sure that they're true consecutive systems and not just an emergency interconnect.

Some of the items in state rules that aren't getting as much attention as we would like to see don't really affect the large utilities, but we do have a rule that the large utilities helped to draft. This concerns change in ownership and having to receive a capacity review and a general operations permit. This affects non-transient, non-community or community systems. Mobile home parks get sold pretty frequently. If you know of any of those happening, you might want to tell them that they're supposed to check with us first. We're not going to prevent the sale, but we have a lot of new system owners who don't even know they have to deal with drinking water regulations. If you hear of something happening in town, you might want to give them a heads up. It would be a big help.

Relative to security reporting, you're supposed to notify us of any tampering or security breaches. Both the DWP and the PUC have reporting requirements for that. We and the state police check to see if anything else is happening in the state. We provide the information to EPA and they look to find similar instances. They sometimes do see a familiar type of action. So let us know.

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We will be reviewing and updating the Fluoride Rule and the Cross Connection Control Rules. If you're interested in helping in the review of those, give Roger a call. He'll be reviewing those. Right now, we don't have a cross connection control person. It will take place.

Are there any questions?



Chris Curtis
Yarmouth Water District
Technical Program Moderator

Our first speaker is going to be Attorney Jim Cohen to talk about operator responsibility and liability issues.

He will be followed by Terry Trott, who will discuss contract operations.

Operator Responsibility

James I. Cohen, Verrill Dana, LLP

Thank you Chris for the introduction and hello to all of you again. I had asked for the opportunity to speak first so that I won't be standing between you and lunch.

What I was asked to talk to you about today was the question about liability and who better to talk about liability, than a lawyer. So I'm here to talk about what your duties are in a very general sense. This is more of a 30,000 foot overview of the legal responsibilities of water systems, operators, the kinds of liabilities that are out there and who can sue you and what kind of damages you might expect. It's really just intended to be a broad overview of the legal world. Part of my discussion will talk about the Maine Tort Claims Act. About 8 or years ago, I spoke to this very body in greater detail about the Maine Tort Claims Act. I'm going to be talking about it in a very much more general sense today on how it fits in, but that continues to be an important element for public water systems.

All public water systems are regulated by Maine Public Utilities Commission. All of you have a responsibility for safe, reasonable and adequate facilities and service. That is your responsibility. That's your legal responsibility as water districts - water suppliers in Maine.

There's also the Department of Human Services' Drinking Water Program. The basic responsibility is that the DWP monitors the operations and maintenance of any public water supply system. The monitoring shall include all aspects of operation and maintenance which may affect the quality of the water supply. You've got the quality assurance perspective from DHS and you have the economic perspective and terms of service perspective from the PUC.

What I will present is an outline of the essential elements you need to be aware of and consider.



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Overview of Regulation of Public Water Systems

A. PUC Regulation

“Every public utility shall furnish safe, reasonable and adequate facilities and service”
35-A M.R.S.A. §301

B. DHS Regulation

DHS “shall monitor the operation and maintenance of any public water supply system. Such monitoring shall include all aspects of operation and maintenance which may affect the quality of the water supply.”
22 M.R.S.A. §2612(2)

- Owners must “place the direct supervision” over system “under the responsible charge” of a licensed operator. DHS Rules Chap. 231, Section 1(C)(1) and (2)
- “The operator(s) in responsible charge or equivalent” must be licensed.
DHS Rules Chap. 231, Section 1(C)(3)
- “All operating personnel making process control system integrity decisions about water quality or quantity that affect public health must be licensed” DHS Rules Chap. 231, Section 1(C)(4)
- “A designated licensed operator must be available for each operating shift.”
DHS Rules Chap. 231, Section 1(C)(5)
- Failure to employ a licensed operator is a Type 2 violation (maximum administrative penalty of \$1,500/violation/day) DHS Rules Chap. 231, Section 1-C(I)(2)(a)
- Whenever a Supplier is not in compliance with DHS rules or orders, the Supplier shall notify DHS (and other municipal, state and federal officials) of non-compliance. DHS may assess a penalty and order the Supplier to correct the violation. 22 M.R.S.A. §§2615, 2617, 2619

C. Regulation by Maine Board of Licensure of Water Treatment Plant Operators

- “The Board shall license persons to serve as operators of public water systems”.
Board Rules, Chap. 1, Section 1(3)

Overview of Liability of Public Water Systems

A. Criminal Liability vs. Civil Liability

- Criminal Liability - Fines and/or imprisonment
- Civil Liability - Financial payments and/or injunctions (cease and desist)

B. Civil Penalties vs. Civil Damages

- Civil Penalties - government assessed penalties or fines and/or injunctions
- Civil Damages - monetary damages paid as compensation to injured victims and/or injunctions to prevent further harm to injured victims

C. Administrative Penalties v. Judicial Penalties

- Administrative Penalties - Imposed by administrative agency (Safe Drinking Water Act maximum is \$2,000/violation/day)
- Judicial Penalties - Imposed by Judge (Safe Drinking Water Act maximum is \$5,000/violation/day)

D. Negligence Per Se

Conduct which is deemed to be negligence simply because it is a violation of a statute or regulation and not because of the particular facts or circumstances. - Black’s Law Dictionary

E. Maine Tort Claims Act

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- Government Entities are immune from many types of law suits claiming civil damages, including decisions to withhold public water service. 14 M.R.S.A. §8103, 8104-B
- Government Entities remain liable for:
 - negligence in construction operation or maintenance of buildings, dams, machinery or equipment
 - sudden and accidental discharge of contaminants or pollutants
 - claims covered by insurance14 M.R.S.A. §§8104-A, 8116
- Cap on liability is \$400,000 - 14 M.R.S.A. §8105
- Employee Liability
 - only immune from claims based upon discretionary acts
 - no immunity for intentional acts undertaken in bad faith
 - cap on liability is \$10,00014 M.R.S.A. §§8104-D and 8111
- Employer's duty to indemnify employee
 - in most cases employer must pay employee's attorneys' fees and pay any judgment against employee - 14 M.R.S.A. §8112(1) and (8)
- Duty to indemnify independent contractor
 - Governmental entity may, in its discretion, assume the defense of and indemnify any person providing services to the governmental entity pursuant to a written contract 14 M.R.S.A. §8112(7)

Overview of Licensing of Water System Operators

- Unlawful for any person to operate a water system without a license issued by Board of Licensure of Water Treatment Plant Operators - 22 M.R.S.A. §2623
- DHS Commissioner may exempt classes of water systems from requirement that operator be licensed 22 M.R.S.A. §2622
- DHS has limited jurisdiction over operators
- Only individuals may receive a license - 22 M.R.S.A. §2625
- "Operator" is defined as an individual assigned the responsibility for operational activities that will directly impact the quality and/or quantity of water provided to consumers -22 M.R.S.A. §2601(5)
- "Supplier" is defined as any person who controls, owns or generally manages a public water system 22 M.R.S.A. §2601(9)
- Board may revoke a license if:
 - The operator has engaged in fraud or deception
 - The operator has not exercised reasonable care or judgment or has not applied reasonable knowledge or ability
 - The operator is incompetent or unable to perform his/her duties22 M.R.S.A. §2625
- If a supplier loses its licensed operator, it shall secure a new licensed operator or enter into a contract with a licensed operator until a new operator is employed 22 M.R.S.A. §2630

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Operator Liability: Employee vs. Independent Contractor

A. Distinction Between Employee and Independent Contractor

Employee – When “person for whom services are performed has right to control and direct individual who perform service not only as to result to be accomplished by work but also as to details and means by which result is accomplished, individual subject to direction is an employee” - Black’s Law Dictionary

Independent Contractor - “One who, exercising an independent employment, contracts to do a piece of work according to his own methods and without being subject to the control of his employer, except as to the result of the work.” Black’s Law Dictionary

B. Operator As An Independent Contractor

- Operator – “An individual either employed or retained by a Public Water System, who, as part of their job duties, is assigned the responsibilities for operational activities that will directly impact the quality and/or quality of water provided to consumers.”
Board Rules, Chap. 1, Section 2
- Licensed operator must be available for each operating shift (“Operating Shift” is defined as “that period of time during which operator decisions that affect public health are necessary for proper operation of the system”) - Chap. 231, Section 1(C)(5)
- Water system may temporarily enter into a contract with a licensed operator until a new operator is employed - 22 M.R.S.A. §2630
- It is unlawful for any person to operate a water system without a license “except as provided in Section 2630” - 22 M.R.S.A. §2623

C. Employees are Partially Protected under Maine Tort Claims Act

- No liability for discretionary acts
- \$10,000 cap on damages
- Employer reimburses employee

D. Independent Contractors Liability Depends Upon the Terms of the Contract

- Water System and Contractor can waive right to sue each other
- Injured victim may sue if he/she is a third party beneficiary of contract
- Water System may agree to indemnify Contractor

Sorting Out The Mess

Who Can Be Sued by State of Maine for Violations?

- The Water District
- The Trustees
- The Superintendent
- The Operator(s)

Who Can Be Sued by Injured Victims?

- The Water District
- The Trustees
- The Superintendent
- The Operator(s) (full time employee)
- The Operators(s) (independent contractor)

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That, basically, in light of a summer day, is the quick overview of the responsibilities of water systems and the regulators, of your duties and what you're liable for.

Thank you.

Contract Operation for Maine Public Water Systems

Terry Trott, Operator Licensing Officer, Maine Drinking Water Program

Now that everybody is scared, I'm going to tell you that there is a need for contract operators. All surface water systems –including transients - need operators, as provided for in the in the Surface Water Treatment Rules. There is a guidance document that requires the DWP to ensure that there are water operators in all community systems and all non-transient non-community systems. Compliance with that is a requirement of our SRF funding. So, if we don't have an acceptable program, then we stand to lose part of our SRF funding.

In 2003 our compliance rate was 99%. That was because a lot of those operations could use the grandparenting provision. As of December 2004, we were at 91% compliance. In the last six months, we've been able to bring a few more operators on line. They've either passed exams or the biggest help in bringing the systems into compliance has been contract operations. To date in 2005, we're at 96% compliance.

There are lots of different types of contract operations. Systems like this system have mutual aid agreements with other systems. You might have weekend duty help or distribution help. You might have vacation coverage help, sometimes through a pay for services arrangement. Small systems have a lot of other requirements. They need a primary operator. That primary operator has certain duties. We'll go over some of those. You need to build trust between the owner and the operator.

Insurance coverage can be a big problem. Availability can also be an issue.

The major responsibilities are communications and the quality and quantity from the source to the tap. Source water protection is the first line of defense. An operator is an advisor for not only compliance concerns but future issues that may come up with that water system. And the operator may be responsible for customer service.

I get calls from the owners and I get calls from the operators. What are the owner's expectations of the operators? They think because they have hired an operator (who has never seen the system) that they already know it. The owner is the one who installed it. Likely it's some large or small mobile home park, the owner knows where the pipes are, but the operator doesn't. Sometimes the owners still wants to do everything, but the operator needs to have some responsibility. I am seeing a trend. We did have owners, that said "OK, I'll just hire the operators and then I'll be covered". The operator comes in once a month, starts to learn the system and starts to talk to the owner. Pretty soon I'll be getting a call from the owner saying, "This is really a good deal. This guy takes care of everything." So I'm seeing a little bit of customer satisfaction, which is really good.

The operators want the owner's actions to be limited. The owner says, "Well I've been taking the sample all along, why can't I continue to take the samples?" They can. There's no requirement that you have to be a licensed operator to take a sample. But the operators might not want the owners taking samples that may judge how well the operator does his job. So we have limits of actions. The operator and owner should communicate as to who is responsible for what.

We get calls from consumers asking who is operating the system. They want to complain about the quality of the water they are receiving. So, there are consumer expectations as well as owner and operator expectations.

The direct supervision of the water system is in the operator's hands. The owners have to accept that. The operators are responsible for process control and integrity decisions relative to water quality or quantity that affect public health. Operators may come by once every two weeks, in order to take residual measurements. There has to be a standard operating procedure, such as a sign on the wall, or an agreement specifying that the operator should be notified if anything is amiss. The operator needs to be

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available for all operating shifts - most systems distribute water 24 / 7. Non transient, non-community systems like schools are on shifts. If there's nobody at the school system, there's no need for water.

Source protection is a big issue. People do not always think about residents who are changing oil in their car or overhauling engines or the fact that a new football field is being built at the school. I got a great e-mail yesterday. Someone complained about a urine smell in the water. The owners ran a kennel. They had built a dog kennel around the well.

Contract operators have really turned some systems around. For example, they find leaks. We've got wells that are going to die because of leaks. Those are the owners who are really thankful to have a good operator. And water quality is good.

Facility maintenance is important. Who is going to check the oil in the equipment? Who is going to take care of stuff? We have a contract operator where the owner was supposed to take care of all of the mechanical stuff. The owner put used oil in a bleach bottle, but the contract operator picked up the chlorine beach bottle to mix up the chemicals; luckily the operator checked it first. But is the owner keeping other things that shouldn't be there in that area? So, make sure everyone knows who is going to do what. The operator has to be the professional. They are the licensed one. I can't stress that enough.

Concerning controls and alarms, in a lot of contract situations in other states, larger utilities contract out to the small systems and they install SCADA systems. That way they have to visit the system less frequently than being there all of the time. The new Groundwater Rule will call for daily chlorine residuals, so those are things to be thinking about

The distribution systems need to be maintained. Try to be proactive. Owners of small systems have been reactive for years. If your system had a lot of freeze ups this prior year, you really want to get some of that taken care of before the next winter.

The licensed operator doesn't have to be the person sampling, but be aware that you want the person sampling to know what they're doing. The janitor may have been taking samples for the last 10 years and everything is fine, so if you can go over the sampling procedures you may be comfortable with that. However, if the janitor goes on vacation and the sample hasn't been taken or the substitute takes the sample and doesn't take it right, you could find yourself in trouble. You know what positive samples can mean to the system - it could require a chlorination system.

It's really important to discuss this with the owner. Some contractors want the sample results sent to the operator and sometimes they want it sent right back to the owner. When you sign up as the designated operator, that's all you're signing up for on that form. You're not signing up to change where the sample bottles or results are being sent. If that's going to happen we need to know that in a separate note. You want to make sure that the samples are identified with the public water system. If we have contract water operators that have 30 systems, they may have a bucket of boxes with bottles. If they mess that up, and take it from the wrong system, the owners are going to be pretty upset with them. Those are things that I try to tell contractors to be aware of. I also tell owners that, if the bottles are sitting on your window sill, you know that the contractor is doing their job because they have to come in and pick up the bottles.

As a licensed operator, your duties should include assisting in interpreting regulations, helping with future planning and capacity issues. Capacity is a really big thing. Technical capacity is probably the most important. Many systems do not need to concentrate on managerial or financial capacity.

The Drinking Water Program is going to be putting out a Public Water System Emergency Response notebook. In the back of it, we have left lots of room for record keeping where you can keep sampling results and other information. All systems serving populations of less than 3300 will be getting one notebook per system. We will be having training sessions on the book.

We've had a lot of vandalism in small systems. The police come in to find the well house vandalized. There should be a sign posted, indicating who to call, whether it be the owner or the operator. Many owners do not live in Maine.

Operators are trained and licensed. They should have proper equipment available to them, or at least know where to get it. Operators should understand the regulations or at least know who to ask if help

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is needed. Even if the operators change, there should be a consistency in service. You need to ensure that there are emergency response capabilities.

Some of the challenges of contract operations include owner reluctance and the “Paper” operators. There are operators who passed the test, but they may not be helping improve the system. We also have poorly trained operators but we’re hoping that the training contact requirements will help improve that situation. We have some of the “Not My Job” syndrome, i.e. “I only signed on to do the bacterial samples and check the chlorine, I don’t take care of leaks”. That’s OK as long as that’s what you marked on the designated operator form.

This actually saved an operator from a complaint. An operator had only marked treatment, there was a situation at a system, and a former operator was called to take care of a very bad leak. That former contract operator made a complaint to the Board about the first operator. The check mark saved the first operator from having a complaint processed against him. So, that’s really important.

Contract operator insurance is a big problem. When I first started doing this I had an operator tell me that he was covered through his car insurance. I said, “I don’t think so”. We have gone full circle. Now I have plumbers calling me because they feel they need to be a licensed operator to install a water treatment system so their insurance will cover them. That’s not the case.

There is a bright future. We have high quality water in Maine, and a lot of that is due to our source water protection efforts. We also have degrading distribution system, however with the licensed operator requirements those systems will get more attention. We have a lot of complex treatment processes such as arsenic treatment processes and radiological removal processes. Those are going to be complex issues, especially when it gets to the disposing of backwash waters. But, I think we can handle it.

How does one become a contract operator? Many of you are already on the list; I have the list with me, if you want to check. I have forms if you want to become a contract operator, or if you want your name taken off the list of contract operators. The list is also on the website. Please take your name off of the list if you aren’t interested anymore. We have that individual operator list and I’ve also developed a contractor firm list, which includes companies that have more than two operators available for contract operations. If you want to be added to that, let me know.

I wanted to provide an operator update. We now have direct entry exams. Just walk in take 180 questions, and walk out. I think it is going to work. The direct entry pass rate seems to be higher than the standard exam rate. I’ve actually advised some people who have not passed the sequential one to step ahead and take the direct entry one. The entry level exams are seeing a little better pass rate than we were seeing a couple of years ago. Either they’ve all given up, or the training is getting done.

Last year I proposed a couple of rule changes, and I didn’t get them through all of the paperwork fast enough. One rule change has to do with an educational waiver for very small water systems - grandparenting of the very small water systems. We didn’t receive any negative comments from that so the Board decided to push that forward and will be reissuing that part of the rule. The part of the proposal that we did receive comments on was the percentage of training contact hours that could be used for safety. The Board has withdrawn that and it is not in the new rule changes. Another rule change that we also didn’t receive any comments on concerns the fact that the Board has the right to revoke or suspend any licenses but it doesn’t have a mechanism to receive and process complaints. We are working on that.

The next Board Meeting is June 16, 2005 at the Key Bank Building in Augusta.

I can’t compliment Maine Water Utilities Association enough for providing very good training. Training that comes out of this program is excellent and a lot of people work very hard to make sure its good training. The ERG funds are part of that training and we also have some capacity development funds left.

Are there any questions?

Thank you.

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Conference No. 480

August 10-11, 2005

Brunswick

**20th Annual MWUA Clambake Scramble Golf Tournament
Meadows Golf Club, August 10, 2005**




Congratulations to the winners!

| | |
|----------------------------------|--|
| Longest Drive | Don Ladd |
| Closest to Pin | Phil Reed Bruce Stevens Bruce Berger Marcel Whitney |
| 1st Place Team | Bill Dawson Peter Boccagna Don Tracy Mark Holt |
| 2nd Place Team | Jason Chadwick Walter O'Leary Dewayne Taylor Bill Hopkins |
| 3rd Place Team | Steve Clements Don Ladd Tom Holt Brian Mitchell |
| Red Jacket Winner | Bruce Berger |



The Association would like to recognize the tournament sponsors: American Flow Control, Atlantic States Cast Iron Pipe, CDM, EJP, Earth Tech, Griffin Pipe Products Co., Natgun, Sensus Metering Systems, Ti-Sales, Verrill Dana, Weston & Sampson Engineers, Woodard & Curran and Wright-Pierce Engineers.

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**Downeast Clambake
August 11, 2005
Thomas Point Beach
Brunswick, Maine**



Thank you to the Program Committee for coordinating another great clambake!

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In Memory

Douglas C. Brown

Douglas C. Brown, 81, passed away on July 12, 2005 at a Caribou hospital. He was born September 30, 1923 in New Brunswick, Canada, the son of George and Georgia (Brawn) Brown.

Doug served in the U.S. Army during World War II and worked as a plant operator at the Presque Isle Water District for 30 years.

He is survived by four sons, a daughter, nine grandchildren, four great grandchildren and several nieces and nephews. He was predeceased by his wife, Florence (Kimball) Brown in April 2003.

Donald Wyman

Donald Wyman, a former director of marketing and public relations for the Portland Water District, passed away on May 5, 2005. He was 75.

Don began working at the district as a laborer in 1950. He soon became a supervisor and was promoted to director of marketing and public relations in 1976. He worked with state and local development agencies to promote the area's water resources and supply capabilities.

A native of Massachusetts, Don graduated from Portland High School in 1947. He enlisted in the Marine Corps and served on an aircraft carrier as the admiral's orderly and an anti-aircraft gunner. He was an avid skier.

He and his wife Elnora celebrated their 50th wedding anniversary in March. In addition to his wife, he leaves three children.

Board of Directors Meeting Maine Water Utilities Association April 7, 2005

The April meeting of the Board of Directors of the Maine Water Utilities Association was held on Thursday, April 7, 2005 at the Maine Municipal Association office in Augusta, Maine. President Kelley called the meeting to order. Directors present were Nadeau, Dillingham, LaCasse, Tarbuck, Dumais and Alexander. Also present were Executive Director McNelly, Rebecca Martins, Jefferson Longfellow, Tony Alves, Jon Van Bourg and Dave Parent.

Executive Director's Report

McNelly informed the Board that he had received a call concerning the Drinking Water Program's policy on operator availability. As a follow up to that call, McNelly sent the DWP a letter expressing the importance of DWP policy being based on statutes or regulation.

McNelly and MWUA Legislative Committee members have spent numerous hours and effort advocating for the need to get the SRF match. MWUA continues to develop a contingency plan as a back up if there is no Bond Package. MWUA has scheduled a meeting with the Governor's staff on April 11, 2005.

McNelly informed the Board that the April Journal was near completion. The Public Awareness Committee continues to review the frequency of which the Maine Water News and Journal are published.

Executive Director McNelly and President Kelley presented Nadeau with a past presidents recognition plaque.

McNelly updated the Board on the nomination of Kurt Adams (who currently is a member of the Governor's staff) to the Public Utilities Commission. Adams will be invited to attend an upcoming MWUA Board meeting and will be invited to attend the New England Water Works Association's annual conference in September.

Approval of Minutes

On a motion by LaCasse and a second by Tarbuck, the minutes of March 3, 2005 were unanimously approved.

Committee Reports

Water Resource Committee - Van Bourg

The Water Resources Committee has not been very busy this winter. They had a brief meeting during the Trade Show and another brief meeting during lunch at the Annual Water Conference.

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The committee is currently reviewing the DEP draft sustainable water use rule.

They have met with representatives of the Drinking Water Program to review the status of the lead and copper rule, the current Pb and Cu compliance status of drinking water purveyors in Maine; and how the DWP EPA audit went, (compliance rules are getting tighter and less flexible.)

Jeff McNelly suggested that we consider working with the DWP on creating a mutual aid team of expert operators to go out and assist those few drinking water purveyors that are still not in compliance with the lead and copper rule.

They are partnering with the VLMP again on the second half of Ken Wagner's Algae ID course, (algal ecology and ID methodology – scheduled for some time this summer.) Also they are working to develop a Watershed Management training course with the VLMP and will coordinate with the DWP and Jennifer Hitchcock on an LT2 and DBP2 training program as soon as the new rules are promulgated.

The Erosion and Sediment control stakeholder group has completed their recommendations to the DEP, nothing very surprising. It was learned that an erosion and sediment control plan is required in the Shoreland Zone. Even the DEP didn't know that!

The George Mitchell Center is working on several new projects; a Chloride / Disinfection-by-product relationship and an emergency water quality analyzer based on easily detected raw water parameters. Also the George Mitchell Center is looking at possible training avenues for Water Operators, now that training requirements and needs are increasing but the number of available operators is aging and decreasing.

There is a meeting scheduled on April 15th in Bangor in regard to sustainable water use draft rules. The Sustainable Water Use committee will continue to look at the impacts and provide recommendations on how to improve water use standards. Public comments are due on May 1st. The committee will draft comments and distribute the comments to the Board for their approval.

Public Awareness Committee – Tarbuck

Tarbuck provided an update on the success of the Sporting Clean Water PAC booth at the Maine Sportsman Show April 1-3, 2005. Lynne Richards of the Portland Water District assisted the committee creating the display for the show. Water Resources, Program and Legislative committee members assisted PAC with coverage at their booth.

The committee is seeking Board approval to develop a permanent MWUA display which can be utilized at events and also be shared as a resource with MWUA corporate members.

The committee is seeking sponsorship for their E.coli trek to benefit the Maine Lung Association.

The committee will further investigate whether a press release is being generated in Maine for Drinking Water Week.

Education & Operations Committee – Alves

Alves provided an update on spring training sessions. The April *Excavation Safety Overview* and *Hands-On Backhoe and Front End Loader Operator Training* classes scheduled in Brewer and Portland are filled to capacity.

Bill Johnson is coordinating a June office session on front office employee emergency response training in regard to security risks and vulnerabilities.

The committee continues to seek additional committee members. At their next scheduled meeting on April 13th, the committee will vote in a vice-chair. The vice-chair will focus on operations. An educator is being sought as a committee member who will focus on educational trainings.

McNelly continues to compile information on long distance learning opportunities.

McNelly is working with Beth Campbell of the University system to coordinate computer classes in May and June.

McNelly reported his concerns of a projected shortfall in the MWUA budget due to the loss of income from fewer classes.

If there is no SRF match, future training sessions will have to go out to RFP for funding.

Legislative and Regulatory Affairs Committee – Parent

Parent provided updates on the 122nd legislative session:

LD 315 An Act to Prohibit the Privatization of Drinking Water Supply Sources is sponsored by Rep. Eder of Portland; there are no cosponsors. The hearing is April 15th

LD 643 An Act to Authorize the Department of Environmental Protection to Issue Emergency Permits for the Application of Herbicides and Pesticides was being heard the same day as the Board meeting.

LD 658 An Act to Protect Maine's Natural Resources for Maine Residents, proposes to enact severance fees for extracted natural resources. The hearing is April 15

The hearing for LD 775, An Act to Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund is on April 11. This is the bill submitted by the association as an effort to secure the DWSRF match. The sponsor is Representative Trahan. There is a need for Directors and others to call legislators and to testify

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LD 781 Resolve, to Create Sebago Lake Village State Park was heard on March 14. It was voted out of committee as Ought Not to Pass.

LD 848 An Act to Restore to Maine Citizens Responsible Access to Sebago Lake received a unanimous Ought Not to Pass recommendation.

LD 849 An Act to Require that Certain Water Districts Install Sand Filtration Systems to Ensure the Safety and Purity of the Water Supply would force Portland Water District to install a sand filter and pay for it by selling it's protection land. It also received a unanimous Ought Not to Pass recommendation.

LD 861 An Act to Amend Arborist Licensing Law, would require an arborist license for tree work done by quasi-municipal corporations that are now exempt. It received a unanimous Ought Not to Pass recommendation.

LD 940 An Act to Amend the Law Pertaining to All-terrain Vehicle Violations would remove automatic suspensions from ATV law violations and would also soften other parts of the statute. The bill was being heard the same day as the Board meeting.

LD 1001 An Act to Authorize a General Fund Bond Issue to Construct and Upgrade Water Pollution Control Facilities and Public Water Systems, Clean Up Uncontrolled Hazardous Substance Sites, Remove Hazardous Materials from Schools, Comply with Federal Storm Water Regulations, Make Public Water System Improvements, Replace Air Quality Monitoring Equipment, Establish Hospice Services, Repair State-owned Dams and Remediate Lead Paint-Environmental Bond is the bond issue containing the 20% DWSRF match. It was heard on February 24.

LD 1051 Resolve, Establishing a Study Commission to Examine Water District Fees Assessed for Fire Suppression was voted out of committee with an Ought Not to Pass recommendation; however the committee has asked the PUC to have educational programs for municipal officials relative to public fire protection.

LD 1162, An Act to Permit the Establishment of Regional Water Councils, was heard on April 5. The hearing went well. There were some concerns expressed that should be able to be addressed satisfactorily.

LD 1182, An Act to Encourage Small Water-bottling Companies, would exempt water-bottling operations that bottle less than 100,000 gallons of water a year from the laws governing nonalcoholic beverages and water for human consumption. The hearing is April 15th.

LD 1265, An Act to Protect Aquifers, bill is modeled on Connecticut law and directs the DEP Commissioner to establish by rule standards for modeling and mapping aquifers, require the mapping of aquifers and develop recommendations, including legislation if necessary, to regulate aquifer protection areas. The hearing is April 22.

LD 1282, An Act to Clarify the Process to Enforce Dig Safe Requirements, would establish guidelines as to how the PUC would determine when a fine or further education is required as a result of violations by an excavator. The hearing is scheduled for April 27.

In addition, LD 331 Act to Improve the Operation of Underground Damage Prevention Procedures, will also be heard that day. This bill proposes the following changes: 1) the PUC by rule can extend drinking water well construction notification requirements to other types of excavation; 2) establish rules to reduce the incidence of damage to underground facilities in an active excavation area; 3) allows the PUC to fine operators who don't comply with the timing and manner of marking required by law, 4) gives the commission authority to adopt routine and technical rules to implement the damage prevention laws.

LD 1328 An Act to Amend the Maine Tree Growth Tax Law to Encourage Public Access would among other things, prohibit land to which public access for recreational purposes is restricted or prohibited from being under TGTL.

LD 1489 An Act to Establish Citizen Ownership of Maine's Groundwater, would establish that groundwater is a public natural resource owned by all the people of the state and as such they have a right to regulate its extraction and use.

LD 1506 An Act to Update the Laws Governing Borrow Pits and Quarries sets additional requirements for excavation of borrow pits and quarries.

LD 1414, An Act to Authorize Municipalities to Create Municipal Fire Districts, would allow municipalities to set up fire districts and charge the cost of fire protection as fees; this would provide municipalities with the ability to recover costs from nonprofits.

Concerning the SRF Match it was reported that there were communications with the Governor's office and it was hoped that a mechanism could be enacted to provide a bridge so as to ensure that the capitalization grant would be secured for the 2005 program.

Program Committee – Longfellow

The Program Committee met as a group on March 8 to review the February Meeting, to check status on the April Meeting and to prepare for the June Meeting.

The committee has had three resignations. Bruce Burger announced that he would no longer be able to serve on the committee because of an expanded territory for his job. Bill Alexander has also resigned because of work and time spent with the Board of Directors. Bill has agreed to continue to help with the August meeting at Thomas Point since he has a working relationship with the owners, and a crew from the Brunswick-Topsham Water District will set-up and take down the tents. In addition, Mike Nadeau has resigned. These members will be missed.

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Chris Silke from KKW and Greg Cataldo from Woodard and Curran have shown interest joining the committee. These two can provide a service to the Maine Water Utilities Association, as well as expanding their own experiences.

The February meeting has had its ups and downs. Monday was well attended and the luncheon was well attended. Session A was a little late coming together, but was completed by November. Any ideas for Session A would be appreciated. Something other than a management topic? Next year it will be February 6 & 7.

The Disinfection Session was well attended, but many of the wastewater folks left at lunch. There is a need to establish goals for working with each other, if it is where we want to go as two organizations.

The technical modules on Tuesday were well attended and informative. The area that we use as a training corner was filled beyond capacity.

The show did not meet economic projections. One reason was the food and entertainment expenses on Tuesday afternoon. We need to focus on what works not what we would like it to be.

The April 14 program in Old Town is organized and no further work is needed as far as I am aware.

The June 9th program in Rangeley is in its planning stages. We have yet to have a topic. We need to measure interest in activities the day before and if anyone wants to stay after. Hopefully by the time the Board meets, I will have news that it is further along.

The committee is scheduled to meet next on April 14 after the Old Town Program.

On a motion by Dillingham and a second by LaCasse the Board voted unanimously to accept all the committee reports.

Old Business

McNelly submitted the March 2005 financial report to the Board.

Kelley will distribute her committee goals document to the committee chairs for their review, via email distribution. McNelly and Board of Directors are working on their goals.

MWUA submitted a recommendation for Bruce Berger to serve as the Maine State Director of New England Water Works Association.

New Business

On a motion by Dumais and second by Tarbuck, by unanimous vote the MWUA Personnel Manual was approved.

The adhoc committee on the MWUA office location submitted their report to the Board of Directors.

Kelley, Alexander and Dumais will be scheduling a meeting to begin work developing a 3 year Financial Plan for the association.

Adjournment

On a motion by Tarbuck and a second by LaCasse, the meeting was adjourned.

Board of Directors Meeting Maine Water Utilities Association May 5, 2005

The May meeting of the Board of Directors of the Maine Water Utilities Association was held on Thursday, May 5, 2005 at the Augusta Water District office in Augusta, Maine. President Kelley called the meeting to order. Directors present were Nadeau, Dillingham, LaCasse, Tarbuck, and Alexander. Also present were Executive Director McNelly and Jon Van Bourg.

Communications:

LaCasse passed around a news article from the Morning Sentinel dated April 22, 2005 about a woman suing the Madison Water District after her home burnt down. She alleged that the district cause the fire when it thawed the neighbor's service.

McNelly passed around a Thank you card from one of the winners of the Lake Book at the Sportsmans Show.

McNelly also reported that Vivian Matkivich extended an invitation to members to attend the MWWCA fall convention. The Board will get together with MWWCA on October 21, 2005 at MMA at noon for a meeting of the two Boards.

McNelly read a letter from Harry Pinkham of the Boothbay Harbor Water District to the Board. The letter was concerning LD 1 and its impact on municipalities. It was suggested by the Board that the issues surrounding LD 1 be addressed by the Legislative and Regulatory Affairs Committee.

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The MMA Convention Planning Committee has asked MWUA to get involved in the planning of session for the 2005 convention. It was suggested that this task be given to the Program Committee. Jefferson Longfellow and/or McNelly will sit on this committee.

Tarback announced that the meeting room at Augusta Water District would be transformed into offices. The next meeting will be held at KWD offices on Cool Street. There will not be a July meeting.

Kelley reported that the AWWA Fly in to Washington DC went well. She and Normand Lamie from NEWWA met with Michaud, Allen, and staff of Collins and Snowe. It was clear to both Kelly and Lamie that Congressional leaders were not well informed of our existence or our needs. Newsletters will be sent to politicians in the future.

Executive Director's Report

McNelly did not have anything further to report.

Approval of Minutes

On a motion by LaCasse and a second by Alexander, the minutes of April 7, 2005 were unanimously approved.

Committee Reports

Public Awareness Committee

Stevens had sent the Directors an electronic committee report. Next meeting is May 10th in York.

Program Committee-

Longfellow has sent the Directors an electronic committee report.

The next bi-monthly meeting is set for June 9th. The meeting will be held in Rangeley.

Legislative and Regulatory Affairs Committee – McNelly

McNelly gave the Directors copies of the Legislative update date May 2005. The LDs discussed were 331, 775, 412, 1643 and 1595.

McNelly attended Kurt Adams confirmation hearing as PUC Commissioner.

Education & Operations Committee – McNelly

In June, training sessions will be held in Caribou and New Gloucester at Pineland on security in the office. There will be three computer training sessions held as well. Dan Wells is vice chair of the committee. Next meeting is May 18th at PWD. Tarback will attend to address Board concerns.

Water Resource Committee - Van Bourg

The WRC met at the Maine Farm Bureau along with representatives from the blueberry, potato, hydropower, and ski areas, Susan Breau, John Boisvert and engineering consultants to discuss DEP's In Stream Flow Standards and Sustainable Water Use. The Board approved unanimously accepting the MWUA comments on this rule. The motion was made by LaCasse and seconded by Nadeau.

Other issues for the committee include looking at organizing LT2 and DBP 2 training sessions and the second round of the contaminant candidate list (CCL2). Members will discuss tasks for future work with the Volunteer Lake Monitoring Program.

Old Business

Review of Financial Report - The Board reviewed the report. On a motion by Dillingham, seconded by Tarback, the Board unanimously approved the report.

2005 Committee Goals - The committee chairs were sent communication of 2005 committee goals by Kelley

SRF Match – update - No update

Scheduling meeting with Kurt Adams - A meeting will be scheduled after he is confirmed.

3 year financial plan - Kelley, Alexander and McNelly are meeting to put together the plan.

New Business

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Organizational structure discussion - McNelly envisioned the structure to address the educational effort since it is the Association's core function and it has a large financial impact on the organization. It was agreed that there was not enough time at this meeting to have Board discussion.

Adjournment

On a motion by Kelley and a second by Tarbuck, the meeting was adjourned.

Board of Directors Meeting Waterville, Maine June 2, 2005

The June meeting of the Board of Directors of the Maine Water Utilities Association was held on Thursday, June 2, 2005 at the Kennebec Water District, Waterville Maine. President Kelley called the meeting to order. Directors present were Dillingham, LaCasse and Tarbuck. Also present were Executive Director McNelly, Rebecca Martins, Jon Van Bourg, Greg Reed and Dave Parent.

Communications

McNelly shared a letter from the Kingfield Water District declining to join as members of the Association. The letter notes that their District's impression is that MWUA advocates on behalf of large water districts. The Program Committee has invited the Kingfield Water District to the Rangeley bimonthly June meeting, and they have accepted.

Executive Director's Report

McNelly updated the Board on the appointment of Kurt Adams to the Public Utilities Commission. Kelley will call Adams and invite him to attend a meeting with MWUA representatives.

McNelly, Andy Tolman, Jennifer Hitchcock and Nancy Beardsley had a meeting recently to discuss current strategy for the protection of source water.

Andy Tolman and McNelly have been in communication regarding the proposed revision to shoreline zoning: to extend resource protection within 1000' of intakes. A balance is needed between water quality and water supply. The proposal for revision to current regulations will go before the Board of Environmental Protection this month.

Legislation which proposed to prohibit outboards and ATV's on Halls Pond in Paris (which is the water source for Hebron's Water District) made it out of committee with a majority "ought to pass" recommendation. The majority report was enacted in the House; however Senator Bryant moved the minority Ought Not to Pass report in the Senate. The bill ultimately died.

McNelly and the Water Resources Committee will be developing a Power Point presentation for source water protection.

McNelly attended the Maine Municipal Association's Convention Planning meeting for their October 5-6 annual show. Shrinking show attendance also has affected MMA in recent years. The PAC committee has volunteered to display a MWUA booth at the MMA show.

The Maine Waste Water Control Association's Fall Convention is scheduled for September 22-23, 2005. MWUA has been asked to participate in developing joint training sessions. It was noted that it is important to partner with them where possible.

The Program Committee will meet on June 15th to discuss the logistics of the 2006 February Trade Show and Meeting. The committee is well along in planning possible training sessions.

Directors Report

Kelley reported that she had met with Steve Prescott to discuss the 2005 February Meeting and Tradeshow. A number of recommendations were discussed; the Program Committee will follow up.

Natgun, Aqua Maine, Inc. and E.J. Prescott will sponsor a September 19, 2005 party at NEWWA's fall convention at the Samoset Resort in Rockport, Maine.

E.J. Prescott Company is celebrating their 50 year anniversary with a luncheon on June 3, 2005.

Kelley reported that the Drinking Water Commission continues to define the extent and meaning of the role of the Commission as it relates to state governance and advocacy. The current statute defines their role as being one of providing oversight and for the Commission to be involved in the processes. Clarification is being sought of whether their mission is one of advocacy or more of an advisory nature. The Commission has released its Alternate Funding Mechanism budget until the year 2010.

A public meeting for the proposed Brewer Rate increase was held on June 1, 2005. There was much misinformation and criticism of the district. Greg Reed reported that a 15% rate increase had been approved, and that the district had spent \$50,000 on legal services.

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Kelley reported that the deadline for the Staff Merit Award had passed. Many nominations were submitted. A meeting will be held on June 8, 2005 to select the winner(s).

Kelley distributed an email from Greg Cataldo expressing the value of marketing the message to the public of the importance of drinking water and wastewater.

Dillingham informed the Board that Auburn Water District was complying with requests for data from the National Institute of Health, as are other districts.

Approval of Minutes

On a motion by Tarbuck and a second by LaCasse, the minutes of May 5, 2005 were unanimously approved.

Committee Reports

Program Committee – Longfellow provided a written report.

The Program Committee met as a group on May 12th at the Augusta Water District. Discussed were final plans for the June bimonthly meeting in Rangeley, the clambake and golf tournament in August and preplanning for the 2006 February Meeting and Tradeshow.

The committee continues to add to its membership. Ideally there should be about 12 members, and currently they are one member shy of ideal.

There continues to be debate on how to enhance attendance at the trade show on Tuesday. Attendance has been dropping for the last several years; the committee is exploring ways to improve that situation. The demographics of the profession seem to be changing, and the show may need to change to meet the demographics.

Longfellow reported that committee members have contacted nearby utilities to extend a welcome and encouragement to attend the Rangeley meeting.

The committee is scheduled to meet next on June 15 at the Brunswick Topsham Water District to discuss the shape and scope of the February Meeting in 2006, finalize any August needs, and start the planning for the October meeting.

Water Resource Committee - Van Bourg

The committee distributed comments in regard to the DEP draft sustainable water use rule. The committee will continue to participate in stakeholder discussions relative to source water and watershed protection.

The committee will review the CCL issued in March 2005 and submit comments.

VanBourg reported that he attended the Water Quality Symposium in Boxborough. The Lead and Copper Rule was discussed. He reported that 4% of large water systems nationally are currently in violation of the Lead & Copper rule. He was informed that funding is available for testing of schools and daycare centers.

The committee is planning future trainings including: by products of chloramination, source water protection and LT2 and DBP2 training program as soon as the new rules are promulgated.

The committee has reviewed the committee goals, and as amended, is acting upon them.

Kelley reported that Aqua Maine's Camden & Rockland Division is about to start a 6-9 month membrane filtration pilot study. Kelley will explore the feasibility of an Education & Operations session based on Aqua Maine's pilot project.

Dillingham shared the district's recent experience with source water issues. They are collecting additional water quality data in an effort to document the nature and extent of the problem.

Education & Operations Committee – McNelly

McNelly reported that he had received a written report from Alves. The committee is restructuring. Dan Wells has been elected vice-chair of the committee and will focus on the operations side. Craig Douglas has joined the committee as a co-chair and will focus on the educational aspect of the committee's mission.

McNelly reported that he had submitted the 2005-2006 Capacity Development technical Assistance work plan to Terry Trott. It includes additional outreach programs for youth and developing mutual aid programs; focusing on operations based discussion forums.

Board members suggested targeted classes. Recommended classes for operators include: Implementing laptop use in trucks, radio reads and SCADA. Recommended classes for office staff include Access, Web design and computer maintenance. An idea is to have a "Technology for Today's Water Industry" corner at the 2006 February Meeting and Trade Show.

The "Security and Emergency Response for Office Staff" sessions will be held on June 28th in Caribou and on June 29th in New Gloucester.

McNelly has requested that the Board review the Education and Operations committee goals and the committee's recommendations to provide them with assistance. The next scheduled meeting of the committee is on June 14th @ 9:30 am at the offices of Wright-Pierce in Topsham.

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Public Awareness Committee – Tarbuck

Tarbuck reported that the committee participated at the Southern Maine Children's Water Festival. Their booth included a Water Jeopardy Game which was successful in engaging the participation of teachers, students and parents.

The Bikers Against E-coli team is preparing for the Trek for Life.

The committee is developing a new, interactive display booth.

They have reviewed the committee goals from the strategic plan, and have prioritized the completion of the MWUA Brochure. In addition they will be reviewing the newsletter and journal.

Committee members have volunteered to assist other committees. Their next meeting will take place in July.

Legislative and Regulatory Affairs Committee – Parent

Parent reported that the legislative hotline has been activated. He has requested help from the Board in making calls to water utilities encouraging the systems to contact their perspective legislators advocating for the SRF match in the Bond. He has encouraged the association's membership to be pre-active to potential changes in statute opposed to being reactive after new rules and regulations have been enacted.

Parent reports, that to date, MWUA has had a successful session. The committee has reviewed their goals from the strategic plan and is fulfilling those goals.

Parent provided an update on the state's adopted budget - part 1, and the supplemental part 2 of the budget. Obstacles include a partisan legislature and leadership.

A number of bills were discussed; many of them will require ongoing attention as they will result in regulatory activity and some of them have been carried over to the next session

LD1 An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels, that was enacted in January, was described as being problematic. Among other things, it establishes caps on the growth of municipal spending. This has created problems in communities where recent water rate increases have resulted in new public fire protection service charge that cannot be accommodated under the cap. There are avenues communities can pursue to exceed or increase the cap. It was agreed to have an article in the newsletter, describing the situation, along with possible remedies.

Old Business

McNelly submitted a preliminary May 2005 financial report to the Board.

Bill Alexander is working on the 3 year financial plan. A draft plan and a draft 2006 budget will be completed prior to the August Board meeting.

Kelley reviewed the Board of Directors' strategic plan goals with BOD members.

The Committees have acknowledged receiving their committee goals. With the exception of the Education and Operations Committee, committees have reviewed and accepted their goals. Ed & Ops is reorganizing and at this time reviewing their core mission statement. The Board will assist the committee and provide oversight.

New Business

Discussion continued on the location of the Association's office. Due diligence is needed for succession planning, and for the location of the office. The consensus is that the office should ultimately be in Augusta. The adhoc committee will continue exploring the feasibility of relocating to Augusta and is asked to prepare a detailed feasibility report for the first of the year 2006.

Board of Directors meetings will be held at the Kennebec Water District, Cool St., in Waterville, for the balance of the year. The meetings are scheduled as follows: August 4th, September 1st, October 7th, November 3rd, and December 1st.

Adjournment

On a motion by Tarbuck and a second by LaCasse, the meeting was adjourned.

Board of Directors Meeting Waterville, Maine August 4, 2005

The August meeting of the Board of Directors of the Maine Water Utilities Association was held on Thursday, August 4, 2005 at the Kennebec Water District, Waterville Maine. President Kelley called the meeting to order. Directors present were Dillingham, Dumais and Tarbuck. Also present were Executive Director McNelly, Rebecca Martins, Jon Van Bourg, Greg Reed, Craig Douglas and Jefferson Longfellow.

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Communications

McNelly shared a letter from Inland, Fisheries and Wildlife commissioner Danny Martin thanking the association for his invitation to attend the clambake as a guest. While Commissioner Martin is unable to attend, Andrea Erskine and Paul Jaques will attend as representatives of the department.

Andy Frisk from the Department of Environmental Protection has also accepted the invitation to attend.

Executive Director's Report

McNelly provided updates on upcoming meetings. The New England Water Works Association's annual conference will be at the Samoset Resort in Rockport, September 18-21, 2005. Board Member Mary Jane Dillingham will participate in a session, "Two Cities – Two Disinfection Methods for the Same Water" on Monday, September 19th.

The Maine Waste Water Control Association's annual meeting will take place on September 21-23 at the Spruce Point Inn in Boothbay. Scott Minor and Dale Glidden will present a session on the Augusta Water and Sanitary District merger.

On September 14th, the Drinking Water Commission will be meeting to review their mission and define the scope of their work. Also to be discussed is expiring terms of committee members. President Kelley and Executive Director McNelly will attend the meeting.

McNelly provided details of the MWUA pre-proposal submitted for a safe yield determination research product; in partnership with the George Mitchell Center, the Drinking Water Program and the USGS.

Directors Report

Kelley reviewed the meeting with Public Utilities Chairman Kurt Adams, the other commissioners and members of staff. In attendance were Judy Kelley, Norm Lamie, Dave Parent and Jeff McNelly. The intended goal of the meeting, to familiarize the newly appointed commissioner with Maine's water industry, was accomplished.

Approval of Minutes

On a motion by Tarbuck and a second by Dumais, the minutes of June 2, 2005 were unanimously approved.

Committee Reports

Program Committee – Longfellow provided a written report.

The committee last met on July 27th at the EJP facility in Gardiner. Prior to the July meeting, the committee met at the Brunswick-Topsham Water District on June 15th.

Longfellow provided an update on the June bimonthly meeting in Rangeley, and preliminary numbers for the upcoming Augusta golf tournament and clambake.

The committee is strategically planning for the February meeting and tradeshow. The floor layout will be changed for 2006. The proposed "A Healthy & Productive Workplace" session (which focuses on strategies to reduce health care and workers compensation dollar expenditures and increasing workplace productivity) has been met with resistance from the Board of Licensure of Water System Operators. Part of the problem is that there are no guidelines from the Board of Licensure defining criteria for what is acceptable training for contact training hours. A meeting of the board is scheduled for August 18th.

Also for consideration of training for February is a MDOT coordinator session.

As a result of late registrations for bimonthly meetings, the committee requested that the BOD authorize a graduated registration fee beginning with the October bimonthly meeting in Augusta. On a motion by Dumais, and a second by Tarbuck, the board unanimously approved the motion to authorize the Program Committee to enact a graduated registration fee for MWUA programs.

The next program committee meeting is scheduled for September 18th in Yarmouth to plan for events in 2006.

Water Resource Committee - Van Bourg

Van Bourg shared that the committee had not met during the last month.

The committee is participating in the safe yield determination research project.

Van Bourg had received an invitation to attend the Environmental Technology meeting; which conflicts with the MWUA clambake scheduled for August 11th.

Education & Operations Committee – Douglas

Craig Douglas was introduced as the new co-chair of the committee. Douglas informed the Board that the committee is reviewing its mission statement and goals and regrouping at this time.

The committee is planning a session at the February meeting and trade show which will focus on alternative funding sources. Suggestions from BOD included sessions on technology and flagging programs with the D.O.T.

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The committee is proposing a security class for October.

Public Awareness Committee – Stevens provided a written report.

Tarback reviewed the priorities of the committee. They are near completion in the design of a rack card which will be utilized to familiarize the general public and legislators with the association.

The committee will be redesigning the PAC booth.

The committee is continuing to review MWUA communications/publications. Tarback provided an update that the newsletter and the journal (minus the ads) are currently posted online on MWUA's website.

Tarback will inquire to the availability of having a MWUA booth at the Maine Municipal Show in October in Augusta.

Legislative and Regulatory Affairs Committee – McNelly

McNelly reviewed the Bond progression. There was a special session of the legislature on June 29th. The final result was the approval of a \$83 million dollar bond package. The bond will go to the public for vote in November.

Alternative funding mechanisms continue to be investigated. There is the desire to have allocated funding available through general funds to avoid having to go through the bond process every two years.

McNelly will invite Nancy Beardsley of the Drinking Water Program to provide information on funding mechanisms that other states are utilizing, at the October Board meeting in Augusta.

Old Business

McNelly submitted a projected 2005 year end financial report and the draft of the 2006-2008 three year financial plan. The assumptions built into the 3 year plan were discussed. The 3 year financial plan will be voted on at the September meeting.

New Business

McNelly informed the board of the annual MWUA awards and their deadlines. The Excellence in Operations award for systems deadline is October 1st and for individuals the deadline is December 1st. Each committee will be asked to bring forward nominations.

Board of Directors meetings schedule for the balance of 2005:

| | |
|-------------|--|
| September 1 | Kennebec Water District, Cool St., Waterville |
| October 7 | University of Maine, Augusta Campus (Large Conference Room #218) |
| November 3 | Kennebec Water District, Cool St., Waterville |
| December 1 | University of Maine, Augusta Campus (Large Conference Room #218) |

McNelly shared that he has been asked to run for the House of Representatives seat for Lincoln County. He had discussed the opportunity previously with committee chairs and the members of the board of directors. There was an informal discussion on the impact that his decision would have on the association and its members. McNelly will provide an analysis of the impact on association activities, along with measures that would have to be taken if he were to run for office and be elected.

Adjournment

On a motion by Dumais and a second by Tarback, the meeting was adjourned.

Board of Directors Meeting Maine Water Utilities Association September 1, 2005

The September meeting of the Board of Directors of the Maine Water Utilities Association was held on Thursday, September 1, 2005 at the Kennebec Water District, Waterville Maine. President Kelley called the meeting to order. Directors present were Dillingham, Dumais, LaCasse, Nadeau, Alexander and Tarback. Also present were Executive Director McNelly, Rebecca Martins, Jon Van Bourg, Greg Reed, Bruce Berger, Dave Parent and Jefferson Longfellow.

Communications

McNelly shared a letter from Kurt Adams, Public Utilities Commissioner, thanking the association for meeting with him on July 19.

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McNelly shared that Verrill Dana, LLP and Wright-Pierce are sponsoring an all day symposium for water managers at the Hilton Garden in Freeport on November 3.

McNelly shared a letter from Bangor Water District thanking them for the Casino Hole benefit at the August Clambake. Three-hundred and fifty dollars was raised this year to benefit the Peter Lancaster scholarship fund.

McNelly reminded the Board of the upcoming joint meeting on October 21 at MMA with MWWCA/MWUA.

Executive Director's Report

McNelly provided an update on the August 18, 2005 Maine Board of Licensure of Water System Operators meeting. Clarification is sought for definition of acceptable courses applicable for training contact hours. The current rule states that no more than 50% of contact hours can be allocated from safety training.

McNelly informed the Board that "A Healthy and Productive Workplace" session is being developed for the Session A class at the MWUA February Meeting and Trade Show. He is awaiting word as to whether the class will be approved for training contact hours.

Directors Report

Kelley distributed a Board of Directors meeting attendance record (dating from 2002 until present) and applauded a full attendance for the September BOD meeting.

Approval of Minutes

On a motion by LaCasse and a second by Tarbuck, the minutes of August 4, 2005 were unanimously approved.

Committee Reports

Program Committee – Longfellow

Longfellow provided a written report to the Board of Directors and was present to thank Bill Alexander of the Brunswick-Topsham Water District for their continual support with setting up for the annual clambake.

Longfellow shared that the response the committee has received in regard to both the golf tournament on August 10th at the Meadows in Litchfield and the August 11th clambake in Brunswick is that both events were enjoyable. The attendance was slightly higher than last year.

There were requests during the clambake of people wanting the Program Committee hats featuring the MWUA summer mascot. The committee will look into the feasibility of purchasing a minimum run to sell the hats to the membership.

Longfellow provided an update on the October bimonthly meeting which will be held at the Augusta Country Club in Manchester. The next scheduled committee meeting is on September 28, 2005 in Yarmouth to do the planning for 2006.

Education & Operations Committee

Co Chair Craig Douglas provided a written update that the committee is presently focusing their energy on a few select classes to bring innovative classes to the profession. Potential topics include a security class for October, a grant writing session at the February Trade Show and developing a session on D.O.T. traffic control and flagging.

McNelly shared that he has been in contact with the community college system in Presque Isle to develop computer training sessions on Excel and Computer Basics. Board members shared that Access classes would be appropriate, as well.

Public Awareness Committee

Co Chair Gary Stevens had reported via e-mail that the committee had not met as a group since the last BOD meeting, no update was available.

Legislative and Regulatory Affairs Committee – Parent

Parent informed the BOD that the SRF bond had made it through the legislative process and will go to the people for vote in November. The profession needs to continue to look for means of alternative funding.

LD 775 An Act to Provide a Stable Source of Funding for the Safe Drinking Water Revolving Loan Fund has been carried over to next session.

The committee and the association's membership invested much in the way of time and resources advocating for the SRF match. Alternative funding options being discussed are: a longer term bond, borrowing the required match and designating the SRF match in the state's general fund under DHHS.

DWP Director Nancy Beardsley will be reviewing alternatives to securing the match at the October Board meeting.

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The committee will enact its hot line distribution list contacting system superintendents asking for their assistance in contacting their local legislators in support of the Bond package, and to ask them to write Op Eds in support of the Bond. Additional options are for MWUA to pay for ads highlighting the need of the SRF match, as well as doing a press release. The Public Awareness Committee will be asked to assist with a draft of a press release for distribution in October.

Water Resource Committee - Van Bourg

Van Bourg provided an update on the research project which will work to define sustainable yield of water supplies and improve the ability to monitor and manage them. Across the board, the profession is in agreement that reliable data is needed prior to DEP developing stringent rules and regulations. The DEP's proposed rules are expected to be submitted in October, with a public hearing in November. The provisionally adopted rules are scheduled to go to the legislature next year for final approval.

Van Bourg provided updates on upcoming educational sessions. A source water protection and best management practices session is being developed with the Volunteer Lake Monitoring Program. The LT 2 and Disinfection By Product session is on hold until after the rules have been promulgated.

Van Bourg informed the Board that fluoride rules are being reviewed, again.

Old Business

McNelly reviewed the current financial budget. It is anticipated that fiscal year ending 2005 will close out in the black.

McNelly distributed a copy of the proposed 2006 financial budget. On a motion by Dillingham and a second by LaCasse, the BOD voted unanimously to accept the budget as proposed. The 2006-2008 three year financial plan is still being developed.

Criteria for the annual MWUA awards and their deadlines were reviewed. The Excellence in Operations award for systems deadline is October 1st and for individuals the deadline is December 1st. There was unanimous consent to add the Chair of the Legislative and Regulatory Affairs Committee to the Selection Review Committee for award nominations.

On a motion by Alexander and a second by Dillingham the BOD voted unanimously to give Scott Minor a Jeff Nixon Distinguished Service Award at the October bimonthly meeting.

There was a preliminary discussion of what the association and its membership could do in response to Hurricane Katrina and the crisis in Louisiana, Mississippi and Alabama. Suggestions included an American Red Cross Blood Drive, a cash donation or sending resources. Board members will inquire as to what is being proposed in other organizations. In the mean time, a notation will be printed in the September newsletter informing the membership of where they can donate blood.

McNelly provided an analysis of the pros and cons of running for the House of Representatives. An open discussion followed. Kelley made a motion to go into Executive Session. After adjourning from the Executive Session, it was reported that the consensus of the Board was that the best value for the association is to have McNelly remain as the full time Executive Director of the association.

New Business

Kelley informed the Board the Newcomen Society is honoring Everett J. Prescott, Inc. at a September 23 luncheon in Augusta.

Bruce Berger, NEWWA's State Representative, provided an update on NEWWA activities and trainings. Berger shared that an additional \$350,000 has to be raised for their Project 2005 initiative. Berger welcomed Board and committee members to share their concerns and or suggestions with him to relay to NEWWA. NEWWA's annual conference will be held September 18-21 at the Samoset Resort in Rockport. The Board of Directors are encouraged to attend, and are forewarned that hotels are booked up.

Greg Reed informed the Board that Bangor area utilities have been discussing recent challenges working with DOT Utilities in the Bangor region. They are now being required and regulated to pay for permits (even when they are not doing the contracted work) and assume the liability. This appears to have been the regulation for southern Maine for years. Greg Reed asked if MWUA would like to be a stakeholder in the discussion. MWUA's Program Committee and Education and Operations Committee have been discussing a DOT topic for the February Meeting and Trade Show and will keep Reed abreast of the development of the class.

Adjournment

On a motion by Dumais and a second by Dillingham, the meeting was adjourned.

MAINE WATER UTILITIES ASSOCIATION, OCTOBER 2005

Past Presidents Deceased*

1926-50 DAVID E. MOULTON*
1951 SIDNEY S. ANTHONY*
1952 ROMIE K. NEWCOMB*
1953 ALLAN F. McALARY*
1954 LEANDER G. SMITH*
1955 FRANCIS L. HATCH*
1956 EARL A. TARR*
1957 WM. G. HARTWELL*
1958 HERMAN BURGI, JR.*
1959 DONALD P. JOHNSTON*
1960 J. ELLIOT HALE*
1961 LYNDALL K. PARKER*
1962 MAURICE H. BURR*
1963 JAMES W. BATES
1964 J. PORTER HENNINGS*
1965 CECIL W. MANN
1966 E. S. LITTLEFIELD*
1967 PAUL G. BUTLER*
1968 M. A. PACKARD, JR.
1969 W.D. MONIE*
1970 ROBERT VARNEY*
1971 JOSEPH TAYLOR
1972 SHERMAN SMITH*
1973 HARRY WOOSTER
1974 GERARD F. LAUREN*
1975 PELEG BRADFORD*
1976 LYBRAND GOLDSMITH
1977 STANLEY MELIN*
1978 ALTON JOHNSON*
1979 EARLE A. TARR, JR.
1980 JOHN E. LOMBARD
1981 FRED E. GIVEN
1982 DAVID A. SWEET
1983 R. PATRICK GRADY
1984 HECTOR LeCOURS*
1985 RONALD R. GRAY
1986 A.B. PALMER, JR.*
1987 PETER L. CALDWELL
1988 EDWARD B. BURGESS
1989 DENNIS T. KNOWLES
1990 JEFFREY L. McNELLY
1991 JEFFREY P. NIXON*
1992 GEORGE PETERS
1993 NORMAND R. LABBE
1994 NORMAND R. LAMIE
1995 DONALD L. WARE
1995 DAVID MICHNIEWICZ
1996 WAYNE ROGALSKI
1997 NORMAN J. CYR
1998 STEPHEN L. FREEMAN
1999 JAMES W. WEST
2000 RICHARD L. KNOWLTON
2001 SCOTT MINOR
2002 DAVID PARENT
2003 JEFFREY LACASSE
2004 MIKE NADEAU

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