

**FINAL**

**MWWCA EXECUTIVE BOARD MEETING  
MAY 20, 2011  
Ellsworth City Hall  
1 City Hall Plaza, Ellsworth, ME  
9:00 A.M.**

**MINUTES**

**Attendance:** Paul Rodriguez, Al Jellison, Travis Peaslee, André Brousseau, Mary Waring, David Anderson, Chuck Applebee, June Mooney, Steve Lane, Darold Wooley, Joan Kiszely.

**Invited Guests:** Terry Savage-Mount Desert Island; Bill Taylor-Attorney, Pierce Atwood; Mike Harris-Ellsworth; Margaret Noel-MMA.

**Absent:** Dan Bisson, Alex Buechner, John Leslie, Tom Wiley, Mac Richardson, Dan Welch, Brian Kavanah, Terry Campbell, Aubrey Strause, Ryan Wadsworth, Jeff McBurnie, Doug Howard.

**Call to Order:** President Paul Rodriguez called the meeting to order at 9:25 a.m.

Bill Taylor, Attorney-Pierce Atwood: Bill Taylor gave a brief update on the following:

- LD 515 – An Act to Review State Water Quality Standards: He distributed a handout on LD 515 and gave an update on the LD. The key part of LD 515 was the arsenic criteria. Upon passage by the legislature, the proposed changes would go through the new “routine technical” rulemaking process.
- Major Rivers update. Most major rivers are getting metal’s limits that are driven by the ME DEP’s Toxics Rule.

**Correspondence Folder:** President Paul Rodriguez made the correspondence folder available on the literature table.

**Approval of Minutes:** Motion made by Al Jellison, seconded by Travis Peaslee, all approved the minutes of March 18, 2011.

**Treasurer’s Report:** Al Jellison reported on the February & March financial reports. He noted that the reports were updated to reflect the approved budget. We are in good shape at this time. Motion made by Travis Peaslee, seconded by André Brousseau, all approved the February & March financial reports.

Al Jellison noted that we have some receivables that go back two years ago that are still on the books. He reviewed the procedure of the billing and back payments and mentioned a past due invoice for Katahdin Analytical that owes \$60.00 for a spring convention that they attended two years ago. Motion made by André Brousseau, seconded by Travis Peaslee, all approved to waive the \$60.00 fee past due from Katahdin. Al Jellison will draft a policy for outstanding debts and bring a draft back to the Board for approval.

**DEP Representative:** Brian Kavanah distributed the following written **COMMITTEE REPORT:**

***DEP Update for MWWCA Meeting 5/20/11***

*Submitted by:*

**Brian Kavanah, Director-Division of Water Quality Management (DWQM)**

[brian.w.kavanah@maine.gov](mailto:brian.w.kavanah@maine.gov) 287-7700

***DEP Commissioner Update***

*Jim Brooks is still serving as Acting Commissioner. No word yet on any replacement.*

***Nitrogen Criteria Stakeholder Meeting***

*Stakeholder meeting to be held June 9, 2011, 10:00 AM at DEP Response Building in Augusta. Meeting is being led by DEP Marine Biologist Angie Dubois who will provide updates on Department work to develop draft marine nitrogen criteria by July 2012. A subcommittee from MWWCA as well as other interested parties has been invited. Actual criteria have not yet been developed.*

***Vacant Positions***

*There are currently 3 vacant positions for DEP DWQM staff. These are on hold pending approval from State Budget Office.*

- *Environmental Specialist IV – Enforcement Section Manager (vacant since 8/28/09)*
- *Assistant Engineer for SRF program (vacant since 10/4/10)*
- *Environmental Engineer for SRF program (vacant since 2/25/11)*

***Legislative Update***

- ***LD 515 – An Act To Review State Water Quality Standards*** - *This bill increases the current water quality criteria for inorganic arsenic by 100X by changing the cancer risk level used to calculate the criteria from 1 in 1,000,000 to 1 in 10,000. The bill also allows the DEP to reduce mercury testing to once per year if five years of testing data is available; clarifies that the DEP may use any allocation set aside for future growth where use of the allocation would avoid reasonable potential or an exceedence (this would be the 15% reserve specified in Chapter 530 Surface Water Toxics Control Program, Section 4.E.); and clarify that metal limits shall be expressed only as mass-based limits. A public hearing was held April 26<sup>th</sup> and the DEP testified in support of the bill. The bill was voted out of committee on May 11 as ought to pass with one vote in opposition. The vote included a directive to DEP to initiate rulemaking to amend current rules to be consistent with the bill and to use rulemaking process to ensure that EPA public process requirements for changes to water quality standards are met, and to ensure the package of the law and the rule are approvable by EPA. DEP plans to initiate rulemaking ASAP. This will be done as DEP rulemaking (as opposed to Board of Environmental Protection rulemaking) under the new provisions of LD1 that will change the authority of the BEP. The law and rule will not become effective for use until approved by EPA. It is expected that this could be accomplished by the end of the year. In the interim DEP will notify dischargers in writing of enforcement discretion for arsenic related issues. (On a related note, DEP solid waste staff are reviewing current sludge arsenic criteria and will be discussing any potential modifications with interested parties.)*

**DEP Representative:** Brian Kavanah distributed the following written **COMMITTEE REPORT:**

- **LD 510 – An Act To Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing** - This bill exempts shellfish processing facilities from testing and reporting requirements and discharge limits concerning arsenic. DEP opposed this bill at public hearing on March 23. Voted out of committee on May 11 as ought not to pass.
- **LD 781 – An Act To Establish Flushability Standards for Consumer Products Advertised as Flushable** - This bill prohibits the packaging or labeling of consumer products for distribution or sale in the State if the package or label states that the product is flushable or safe for sewer and septic systems unless the product meets the acceptance criteria for flushability as published in the Guidance Document for Assessing the Flushability of Nonwoven Consumer Products, published by the Association of the Nonwoven Fabrics Industry in effect on January 1, 2011. While the DEP understands that non degradable wipes is a serious infrastructure issue, the DEP opposed the bill at the public hearing on March 25 due to concerns with its enforceability. This bill will be carried over to next session to allow the wipes industry to work with dischargers on resolving the wipes issue.
- **LD 359 - An Act To Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds** - Provides funds in the amount of \$8,100,000 over 3 years for the revolving loan fund for wastewater treatment facilities to secure federal grants. Provides funds in the amount of \$7,400,000 over 3 years for the revolving loan fund for drinking water systems to secure federal grants. Not yet scheduled for public hearing as of May 18th.
- **LD 741 - An Act To Authorize a General Fund Bond Issue To Invest in Water and Sewer Infrastructure To Protect Public Health and To Facilitate the Expansion and Growth of Business** - The funds provided by this bond issue, in the amount of \$30,000,000, will be used to repair and reconstruct water and sewer systems that the Department of Environmental Protection considers in greatest need of attention and the greatest threat to the public health and the expansion of business. Not yet scheduled for public hearing as of May 18th.

**NEWEA Representative:** Chuck Applebee distributed the following written **COMMITTEE REPORT:**

5-20-2011

*I attended the annual NEWEA Planning Session in Portland Maine at the Regency on March 21 and 22<sup>nd</sup>. Participants broke up into two groups to explore the Structure of NEWEA Committees and to explore new Storm Water Regulations and NEWEA's future role and offering to members regarding Stormwater.*

*I attended the March 31, 2011 Executive Committee Meeting in Worcester Ma.*

*On April 4<sup>th</sup> and 5<sup>th</sup> Maine again stood out in Washington at the NEWEA Congressional Briefing. Ten Maine representatives from Maine attended including Paul Rodriquez, Jeff McBurnie, Chuck Applebee, Brad Moore, Howard Carter, Aubrey Strause, Greg Cataldo, Dan Bisson, Mac Richardson*

**NEWEA Representative:** Chuck Applebee distributed the following written **COMMITTEE REPORT:**

*and Phil Nadeau.*

*All New England States had representation in Washington and great effort was put forth to deliver a united message by the New England and WEF groups. AWWA and Maine Water Utilities also had representation in Washington our messages were coordinated.*

*This was the largest group that has attended from Maine. All four delegates were visited. The ten Maine Representatives broke up into groups and coordinated a united message that was delivered to the delegates. It was a very good session in Washington with a primary focus on funding followed up by stormwater regulation.*

*I will be attending the joint NEWEA/NTWEA Spring Meeting and Conference at Bolton Landing NY from June 5-8, 2011. As part of this conference I will be attending several committee meetings including the Awards Committee and Government Affairs Committee. Please forward to me any issues or information we would like presented at these Committee Meetings.*

*Awards:*

*Annually MWWCA makes recommendations for the Alfred Pelouquin Award and Operator of the Year Award from Maine. The criteria is listed below:*

***Alfred E. Pelouquin Award***

*Established in 1990 as the NEWEA Operations Award and renamed the Alfred E. Pelouquin Award in 1992, the award is given annually to an individual who has shown a high level of interest and performance in wastewater operations in each of the six New England states, and who has made a significant contribution to the wastewater field in such areas as improvements to the environment, cost effective plant operations, public relations, innovative process controls, industrial pretreatment, training, Association contributions and related activities. The award honors NEWEA's former Executive Director for his initiatives in training programs for wastewater treatment and his many years of dedicated service to the New England Water Environment Association.*

*The purpose of the award is to recognize an individual whose personal service has contributed to excellence in plant operations either directly at a treatment plant, or indirectly through assistance to plant operations personnel.*

***Operator Award***

*The NEWEA Operator Award is given annually to an individual who has shown a high interest and performance in wastewater operations and has made a significant contribution to the wastewater field. One or more of the following areas should be discussed in the nomination form to serve as a basis for selection of the award recipient:*

- 1. Improvement to the environment*
- 2. Cost effective operations*

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**NEWEA Representative:** Chuck Applebee distributed the following written **COMMITTEE REPORT:**

3. *Cost effective maintenance procedures*
4. *Public relations*
5. *Safety*
6. *Innovative process controls*
7. *Solids handling and disposal*
8. *Industrial Pretreatment*
9. *Collection systems/pumping stations*
10. *Training*
11. *Odor control*
12. *Association contributions*

*Nominations can be made by supervisors, co-workers, state officials or members of the local Associations. Self-nominations are acceptable. The award recipients will be chosen from each of the six New England states by the local State Association. Nomination forms should be sent to the Awards Selection Committee for each member association.*

Nominations were discussed briefly. Chuck’s requested Joan Kiszely send out an email to the Executive Committee soliciting nominations for the Alfred E. Peloquin Award & Operators Award.

**NEWEA AWARDS & CRITERIA**

2010/11 Awards Worksheet							
AWARD	Recipient	Award Order	Award Rec	Award Letter Sent	Photo Rec.	RSVP Lunch	Bio
NEWEA							
Chase							
Sawyer							
Founders							
Courchaine/Collection Sys.							
Peloquin, CT							
Peloquin, MA							
Peloquin, ME							
Peloquin, NH							
Peloquin, RI							
Peloquin, VT							
Operator, CT							
Operator, MA							
Operator, ME							
Operator, NH							
Operator, RI							
Operator, VT							
Operator Safety Award							
Paul Keough Award							
Paul Keough Award							
NEWEA Public Educator							



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**Government Affairs Committee: David Anderson distributed the following written COMMITTEE REPORT:**

M: Monitor  
P: Proponent  
O: Opponent

P	331	Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission	ENACTED	Dig Safe bill
P	359	An Act to Authorize a General Fund Bond Issue for Wastewater and Drinking Water Revolving Loan Funds		May not be considered until budget is complete.
M	379	An Act to Stop Unfunded Mandates Concerning Waste Discharge Licenses	Committee voted Ought Not To Pass	No clear definition of "unfunded" mandate
P	407	An Act to Require Clarification of the Dig Safe Standards	Passed and signed by Gov. PL 72	Dig Safe bill
O	510	An Act To Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing (Emergency)	ONTP	The bill was illegal under current Clean Water Act Pretreatment regulations.
P	515	An Act to Review State Water Quality Standards	Divided committee report	See details below
M	732	<b>RESOLVE, DIRECTING THE PUBLIC UTILITIES COMMITTEE TO ADOPT RULES AFFECTING UTILITY DEPOSITS (NEW TITLE)</b> An Act to Reduce Costs for Businesses with Previous Utility Payment Records	RES. 32	Applies only to transmission and distribution utilities regulated by the PUC.
M	741	An Act to Authorize a General Fund Bond Issue to Invest in Water and Sewer Infrastructure to Protect Public Health and to Facilitate the Expansion and Growth of Business		May not be considered until budget is complete. Will likely go nowhere.
P	781	An Act To Establish Flushability Standards for Consumer Products Advertised as Flushable	CARRY OVER	A working group from MWWCA has been formed and will meet with INDA, the manufacturer's trade association to study the issue and report back to the Legislature
M	942	An Act To Exempt Municipalities from Indemnification Provisions in State Contracts	DEAD	
M	1129	An Act to Provide the Department of Environmental Protection with Regulatory Flexibility Regarding the Listing of Priority Chemicals	Committee voted Ought To Pass	None of the listed chemicals are used by the wastewater industry.
O	1153	An Act to Regulate the Bonded Indebtedness of the State	Public Hearing Monday, May 16 at 1:00pm	Adds additional requirements when bonds are issued by the Legislature or any authority created by the Legislature. We are uncertain to whom this applies.
M	1278	An Act to Stabilize Solid Waste Management Funding	CARRY OVER	The issue of funding solid waste landfills will be carried over to the next session. Administration expected to submit larger omnibus bill.
O	1382	An Act to Protect Homeowners Regarding Sewer Liens	Committee voted Ought Not To Pass	The bill would have prevented a district to place a lien on a property if a tenant had defaulted on payment.
P	1483	An Act to Amend the Sanford Sewerage District	Committee voted Ought To Pass	The bill came from the District to clarify language and increase the size of the Board.

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### **Government Affairs Committee:** David Anderson distributed the following written **COMMITTEE REPORT:**

#### Details on LD 515

- increases the cancer risk factor from 1 in 1,000,000 to 1 in 10,000 which would increase current arsenic effluent limits by a factor of 100
- allow for a reduction in frequency of Hg sampling to annual if 5 years of results are available
- use of reserve for future growth if its use avoids a RP finding or violation of an effluent limit
- permit limitations for metals would only be mass-based limits

#### Update on SRF matching funds

At this time, there appears to be no chance of getting the matching funds into the General Fund for 2011, or the 2012/2013 Biennial budget. We are hopeful we can get a meeting soon with the Governor and confident that we can get a November bond package with or without his approval. There are still plenty of key legislators on both sides of the aisle that would like to see an infrastructure bond this November and Leadership knows we are due and need to be funded. Provided there is no budget stalemate in the Legislature, we believe we can get it done by GO Bond this November. However there are still many "ifs".

#### **Laboratory:** June Mooney reported on the following:

- She signed up four (4) people at the North Country Convention to be on her Laboratory Committee. She also has things to add to the MWWCA web page.

#### **Membership:** Chris Higgins absent. Al Jellison reported that we have 722 paid members.

#### **Pretreatment:** Tom Wiley absent. Al Jellison reported they just had a meeting.

#### **Personnel Advancement Committee:** Travis Peaslee reported the following:

- Aubrey Strause and Travis Peaslee are drafting the Technical Sessions for the upcoming Fall Convention. They are meeting next week, and requested anyone send him any ideas. They would like to have this completed by the end of June.
- Passports: Margaret Noel reported that this works for MMA. She was able to create a report. The team will be working all next week to get information into Personify, and certificates will be going out in a couple of weeks. Margaret Noel will mail the report to Leann Hanson once it is final.

#### **Convention Committee:** André Brousseau reported the following:

- He has been working with Travis Peaslee on the Agenda for the Fall Convention. The golf tournament & activities have been planned.
- Spring Conference Composite: There were 126 attendees, and very good comments. Al Jellison requested we add some of the answers to the comments in the MWWCA newsletter, and also point them to the website with the answers.
- He thanked everyone for all the assistance for the Spring Convention.

#### **Public Relations Committee:** Ryan Wadsworth absent.

#### **Safety Committee:** Al Jellison – no report.

#### **Communications Committee:** Aubrey Strause & Mac Richardson – no report.

#### **Collection Systems:** Doug Howard absent.

#### **Residuals:** John Leslie absent.

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Paul Rodriguez reported that Thomas Doyle of Pierce Atwood was engaging the DEP on the basis for the bio solids arsenic criteria. The DEP did not have a toxicologist on hand for discussions for the meeting so did not get too in depth on the criteria. A meeting is scheduled in early June in hopes to advance the ball so that rulemaking can happen in parallel with the water rulemaking so that the bio-solids standard can be updated to reflect current science and understanding of the regulation needed to protect human health and the environment.

**Operations Challenge:** Alex Buechner absent.

**Industrial Representative:** Dan Welch absent.

**Awards Committee:** Mary Waring – no report.

**JETCC:** Darold Wooley distributed the following written **COMMITTEE REPORT:**



### Maine Wastewater Control Association Convention JETCC Report for May 27, 2011

#### Fall Convention

*JETCC will likely have 1 award to present at Fall Convention and would like to announce names of graduating MCS class.*

#### Management Candidate School (MCS)

*We're planning for MCS graduation in September. With 22 students about half are DW Operators. Last year the final class and Graduation announcement took place during the MWWCA Convention. We needed a separate meeting room during conference for class.*

*Leeann has polled students about holding last class & Graduation in conjunction with convention. The majority had no preference or were content to remain in Bangor with a separate event.*

*Does the Association feel strongly that Graduation should be in conjunction with the conference?*

*JETCC really wants to make sure the class is tied to the sponsoring associations and does not want to offend anyone!*

#### Next MCS

*Plans are in the works for the next MCS to start in Fall 2011. Location will be southern Maine. The subsidies provided by MWWCA have helped significantly and we hope that same will continue (\$2500). As always JETCC would not bill for subsidy until we are certain that we have enough people to run class. (November).*

*\* Last year's MCS graduated 17 people. This year we will be graduating 22!*

**JETCC:** Darold Wooley distributed the following written **COMMITTEE REPORT:**

*A suggestion has been made about the possibility of including a 1-year membership in sponsoring associations (MWWCA & MWUA) for students who enroll in future MCS. Considerations are:*

- 1. Is this something that would benefit MWWCA or MWUA?*
- 2. What is additional burden on the associations?*
- 3. Is there any other incentive that would make sense to help tie the students to the trade associations?*

***JETCC still has space in 2 great classes next week***

- *Tuesday, May 24 EPA New England, Maine Power Options & Portland Water District have pulled together another great roundtable session on to save on Energy Consumption. Today 5/20/11 is the last day to register*
- *Thursday, May 26 “Emerging Issues with Flushables” led by Aubrey Strause & Tim Levasseur in Fairfield*

**Exam Dates**

*The Fall exam is **November 16**. Applications are due by September 30. For operators planning to take the Fall exam, we will likely have another 6-week Basic WW course to help them study.*

**\*\*\*Through the summer we will be working on the Fall Training Calendar**

***Please contact Leeann directly if you have any ideas, training needs or would like to assist with hosting or teaching a class.***

**JETCC  
PO Box 487  
Scarborough, ME 04070  
253-8020  
www.jetcc.org**

Darold Wooley wanted feedback on the Management Candidate School Awards, and if MWWCA wanted to recognize them. It was the consensus that the candidates should be recognized at the Fall Convention Business Meeting. Travis Peaslee noted that they will incorporate their last session at the Fall Convention, and will plan on getting them a room.

Motion made by Mary Waring, seconded by André Brousseau, all approved that we expend the additional \$2,500 for the JETCC Management Training School.

**WEB Developer:** Steve Lane reported on the following:

- Posting a fair amount of job postings.
- Looking for content & new items to post and conference photos.

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**MMA Rep:** Joan Kiszely – no report.

**1<sup>st</sup> Vice President Report:** Jeff McBurnie – absent.

**2<sup>nd</sup> Vice President Report:** Travis Peaslee – no report.

**Immediate Past President Report:** André Brousseau reported on the following:

Attended the MMA Affiliate Group meeting - Liked the history of MMA and gave an update about the meeting.

### **Other New Business:**

- Invited Guest Margaret Noel and she gave a demonstration on the MMA new E-learning Center.
- Mike Harris thanked MWWCA for inviting him to this meeting.
- Terry Savage thought this was a nice opportunity.

**Adjournment:** Motion made by Travis Peaslee, seconded by Al Jellison, all approved to adjourn the meeting at 12:50 p.m.