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**MWWCA Executive Board Meeting
Friday, March 18, 2011
Maine Municipal Association
Augusta, ME**

MINUTES

Attendance: Paul Rodriguez, Jeff McBurnie, Al Jellison, Travis Peaslee, André Brousseau, Mary Waring, Mac Richardson, David Anderson, Chuck Applebee, June Mooney, Aubrey Strause, Doug Howard, Dan Welch, Terry Campbell, Joan Kiszely.

Absent: Ryan Wadsworth, Tom Wiley, Brian Kavanah, Dan Bisson, Steve Lane, Alex Buechner, John Leslie.

Call to Order: President Paul Rodriguez called the meeting to order at 9:20 a.m.

Correspondence Folder: President Paul Rodriguez distributed the correspondence folder.

Approval of Minutes: Motion made by Mac Richardson, seconded by Al Jellison, all approved the minutes of February 17, 2011 with minor revisions. Unanimous.

Treasurer's Report: Al Jellison reported on the January financial reports. He noted that the 2011 Budget line (numbers) on the financial report were reflecting the 2010 budget numbers. He reported that this will be corrected and Joan Kiszely will resend the correct January financial report. Motion made by Mac Richardson, seconded by Jeff McBurnie, all approved the January financial reports with the stipulation that the 2011 Budget line get corrected.

DEP Representative: Brian Kavanah absent. Paul Rodriguez reported Brian Kavanah called him yesterday to note that he could not make the meeting, and will send Joan Kiszely a written report.

NEWEA – Chuck Applebee distributed the following written COMMITTEE REPORT:

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I will be busy the next three weeks attending and representing Maine at various NEWEA events.

March 21-22, 2011, the annual NEWEA Planning Session will be held at the Regency in Portland, ME.

March 30-31, 2011, Executive Committee Meeting is in Worcester, MA at the NEWEA Conference and Trade Show.

The Washington, DC briefing is coming up April 4-5, 2011. This is an excellent time to come represent Maine and visit with our delegates.

Final preparations are being finalized by Brad Moore, Paul Rodriguez and Chuck Applebee. Visits with all Maine Delegates have been arranged. We will also be participating in both NEWEA and WEF

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events as scheduled during the Washington visit. A large number (10 plus) Maine WasteWater Control Association members are planning to attend.

I will be preparing the article for the upcoming NEWEA Journal. If you have issues and you would like to report, please get information to me in the next few days.

Upcoming NEWEA Events:

2011 Congressional Briefing
Washington, DC
April 4-5, 2011

Operations Challenge Practice Day
Holyoke, MA
April 22, 2011

Young Professionals Fundraiser for WFP
Student Paper Competition
Northeastern Campus
April 23, 2011

Joint NEWEA/NYWEA Spring Meeting & Exhibit
Bolton Landing, NY
June 5-8, 2011

Asset Management/EPA Seminar
Boston, MA
April 26, 2011

Microconstituents/Laboratory Seminar
Lawrence, MA
September 14, 2011

AWWA-WEF Joint Water Matters! Fly-In NEWEA Congressional Briefing
Marriott Metro Center Hotel-Rayburn House Office Building
775 12th Street NW, Washington, DC-Room 2168 (Gold Room)-Washington, DC

MWWCA Delegate Visits

April 4-5, 2011

Draft Agenda

Monday, April 4

7:30 – 8:15 a.m.	Fly-In Registration/Breakfast
8:30 a.m.	Welcome
8:40 a.m.	Capitol Hill Outlook: Roundtable Discussion
9:30 a.m.	Issues Discussion
	1. Water Infrastructure Bank
	2. Chemical Security
	3. Farm Bill Water Conservation Provisions
	4. Appropriations Issues
10:45 a.m.	How to Do It: A Play in Three Acts
11:00 a.m.	State Delegation Discussion and Preparation
11:45 a.m.	Conclude Morning Session
Noon	Fly-In Lunch
6:30-8:00 p.m.	Safe and Clean Water Reception Please try to attend
8:00 p.m.	NEWEA Dinner (location to be announced)

Tuesday, April 5

7:30 a.m.	Continental Breakfast and “Early Bird” Regulatory
7:45-10 am	NEWEA Congressional Briefing (location above)
8:30 a.m.	Updates (or Roundtables)
12:00 p.m.	Fly-In Concluding Lunch and Debrief

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12:00 p.m.	Congresswoman Chellie Pingree
1:30 p.m.	Congressman Michael Michaud
1:30 p.m.	Closing Remarks
3:45 p.m.	Senator Susan Collins
4:45 p.m.	Senator Snowe

Chuck Applebee verbally gave an update on his written report. There was dialogue from the Board to him with questions and answers regarding the NEWEA Congressional briefing in Washington, DC. If there is another opportunity, they might set up a meeting with EPA but it was noted that there is not a lot of down time.

Old Business:

- Critique of Legislative Breakfast: Paul Rodriguez asked the Board if they had any suggestions on doing the Legislative Breakfast. Jeff McBurnie felt that presenting them with shorter issues went over better this year. It was the consensus.
- Terry Campbell reported that Rep. Keschl was present at the breakfast. Pat Flood and Bernard Ayotte were also present at the breakfast. Joan Kiszely will add these officials' names to the list of legislatives.
- It was suggested that we develop a sign-up sheet for Representatives who wish to be contacted about a certain issue. It was also suggested that when we send out the "thank you" cards, we add something to that letting them know if they have a certain question or concern have them feel free to contact a Board member.
- Another suggestion was to give legislators a postcard that they could send in advance or bring to the Legislative Breakfast. They could then write down their question on this postcard. Then MWWCA could address the issue and open up the dialogue to those who may not wish to stand up and speak at the Breakfast.

New Business – Committee Reports:

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

SRF Match Money.

Jeff McNelly and Drew Gilmore met with the Finance Commissioner, Sawin Millett, regarding our SRF match request(s). It was a good meeting and he was familiar with the programs and the match requirement.

The impression I got was that he is not 100% in agreement with the Governor regarding the currently stated "no bonding" position. He described it as the Governor's "initial position" on bonding this session, and he plans to have a meeting with him very soon to clarify what the Administration's official position will be moving forward.

Aside from bonding, he said there is really no way to commit to more than finding the balance of the 2011 match without knowing where the next State budget is headed and what the federal allocations will be for 2012 and 2013. He said it would be too much of a "struggle" to put in solid State appropriation numbers in the next biennial budget based on very loose projections for 2012 and 2013.

One area he really focused on was the use of existing fund "interest" payments to be used towards meeting the balance of the 2011 match. He referred to an email he received from Al

Hodgdon suggesting there is \$800,000 in “interest money” for Drinking Water (DWSRF) that can and should be used this year to get projects out on the street this construction season. Commissioner Millett plans to follow up himself with each department to get a clearer answer on whether or not DHHS and DEP can find funds which can be used for the State 20% match for both CWSRF and DWSRF.

Of course the remaining, more global question is what the 2011 federal allocation will be. We won't have that answer until Congress ends the current 2-week extensions to avoid shutdown and they hammer out the rest of the budget. Getting solid 2012 and 2013 federal allocation numbers are even further off on the horizon at this point which makes both our General Fund or G.O. Bond financing request for 2012 and 2013 even more challenging. Commissioner Millett was very specific in his questions as to how solid our numbers were at this point. We're of course obligated to answer, “they aren't solid at all – they are based on historic funding levels and all the best information we have to date.”

In the past we have been opposed to using “seed” money to fund the match. However, if DHHS and DEP find that such an approach is needed to get the 2011 match in time for the construction season, we will consider the proposal.

LD 261 Elimination of CSO Licenses.

*At the work session of the ENR Committee there were nine (9) committee members present at the time of the vote and they voted 8-1 **Ought NOT to pass.***

After reading the annual CSO update from DEP, all but one legislator decided that CSO's are already being addressed both at the state and federal level, and it is unreasonable to force an accelerated schedule without identifying major new sources of funding. Sen. Saviello was the only member to vote in favor of the bill as written. For all intents and purposes, the bill is now dead unless there is an unforeseen attempt later to bring it back in some form. However, the overwhelming writing on the wall really suggests to me that the matter is resolved...until the next CSO Bill comes down the pike.

LD 781 “An Act to Establish Flushability Standards for Consumer Products Advertised as Flushable.”

The public hearing is scheduled for Friday, March 25th at 9:00 a.m. in Room 216 of the Cross Office Building. MMA has agreed to put this issue (LD) in front of their Legislative Policy Committee (LPC) on March 17th. Drew is forwarding background information, and the Bill to MMA's legislative advocacy staff and we are asking for their active support for this Bill. Now is the time to reach out to as many other groups as possible and ask for their support of this Bill, as well. Drew will prepare another Legislative Alert for our membership to be sent from Paul as well as the newsletter articles for MMA and the MWWCA website. Through their lobbyist, we know that Proctor & Gamble and Kimberly Clark are opposed to the Bill as written. They are looking for a technical solution as opposed to a legislative one. There is also an issue with enforcement. Will it be added to DEP rules?

Arsenic.

On March 2, 2011, some MWWCA members met with Bill Taylor (Pierce Atwood and representatives of FMC in Rockland and Verso Paper. We heard a presentation by Toxicologist, Dr. Rosalind Schoof whose research has shown that there is no relationship between arsenic in the water column and arsenic in fish tissue and that basing a criterion on arsenic concentrations, whether organic or inorganic in fish tissue is, therefore, not scientifically defensible. The group decided to request that water quality criterion be set at the drinking water MCL of 10 ppb. This would eliminate all arsenic permitting requirements for discharges both in marine waters and fresh water. Then some of the group drove to Augusta to

meet with Commissioner Brown, Brian Kavanah, and other DEP staff. They seemed receptive and will get back to Bill Taylor with their questions.

A request from Mr. Taylor: If each of you could put together a brief paragraph or two on potential economic impacts, as a result of the application of outdated arsenic criteria, we can compile them into a cohesive document that I think would have significant positive impact on this process. Please be aware that the arsenic legislation referred to is not only the change in the ambient water quality criteria to 10 ppb but is also a change in the arsenic biosolids screening level from 10 to 41 mg/kg. John Delahanty and Andrew Gilmore are working on a communication strategy to be used by your district for this purpose.

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.” We were surprised to see another bonding bill for our industries submitted this session and none of us knew anything about it. Of course, we expressed our appreciation to Sen. Alfond for his support and asked about the origins and intent of the Bill. He explained that the intent is to have a new source of funding (not SRF) made available to rural communities only (no level 1 or 2 service center communities would be eligible for funds). He also said he submitted the bonding bill “to see if there was any appetite from the second floor” (the Governor) for this type of infrastructure bonding. My strong sense is that this particular Bill has little chance of going anywhere. Also, my sense is that the Bill is more of a trial balloon to test the political waters for bonding rather than a serious push for \$30,000,000 in new funds. As you all know, we also have LD 359, Rep. Flood’s SRF bonding bill for \$15.5 million in the works and also, the lingering LD 650 (PL2009/CH 377) sustainable funding law in place for other funding mechanisms already in the works and available should the Legislature decide to fund either or both. I think we need to support LD 741 because on its surface it seeks to provide additional infrastructure funding to our members. Why wouldn’t we support such a Bill? However, I don’t believe it is a Bill we ought to pour a lot of energy into, as I believe it will likely die on the vine with or without us, and we have other areas of focus with much more of a chance of broad support and passage.

LD 510 Exclude Shellfish Processing Facilities from Arsenic Wastewater Testing. Testimony in opposition has been prepared by Vivian Matkivich. The public hearing is scheduled for March 23 at 1:00, Room 216, Cross Office Building.

LD 1129 An Act to Provide the DEP with Regulatory Flexibility Regarding the Listing of Priority Chemicals.

The key provision to require that the Legislature receive notification through the regulatory agenda process of any proposals to regulate chemicals pursuant to the Maine Revised Statutes, Title 38, Chapter 16D before rulemaking may be initiated. It prevents the DEP from unilaterally restricting the use of chemicals without rigorous scientific reasons (e.g., requiring use of safer alternatives). The State Chamber of Commerce has requested our support. We will listen to their case.

Regulatory Reform.

Paul Rodriguez suggested that the following areas be considered by the Regulatory Fairness and Reform Committee.

- Update Maine’s approach to arsenic to reflect the results of recent scientific studies and utilize the EPA’s ambient water quality criterion which is protective of human health and the aquatic environment.
- Continue to support the DEP in their efforts gain EPA approval to utilize site specific

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criteria in the proposed Nutrients Rule. The DEP should be commended for their efforts in this area.

- *Convene a task force to develop methods to streamline site specific methods for determining metals limits. While the DEP should be commended for the flexibility inherent in the Toxics Rule promulgated in 2005 to develop site specific standards, in several areas further study has shown that the EPA's default water quality criteria result in limits that exceed the values protective of the environment and human health.*
- *We fully support the DEP's position that current water quality standards are fully protective of Atlantic salmon and therefore, to avoid unnecessary cost burdens the State should continue efforts to streamline the regulatory issues relating to the endangered species listing. This is another area where the DEP should be commended for their recent efforts.*
- *Currently, the State's biosolids standards with respect to metals screening is much more stringent than the federal requirements. Composting and recycling biosolids for beneficial reuse is a time-tested and environmentally friendly means of handling residuals from POTWs. While we fully understand the need for close monitoring, testing and sampling to ensure proper handling of these residuals, we feel that the federal requirements are well founded and vetted through a number of peer reviewed studies over many years and therefore, suggest that any deviation from those standards be justified accordingly.*

David Anderson gave a verbal report and reviewed his written report. There was dialog from the Board to him with questions and answers on his Legislative update.

Laboratory: June Mooney – no report.

Membership: Chris Higgins absent. No report.

Pretreatment: Tom Wiley absent. Paul Rodriguez reported that Tom Wiley emailed him that the Pretreatment Committee will be meeting next Thursday at LAWPCA. They will be discussing the following items:

- Two Arsenic Bills
- Oil & Grease Survey for Orono Spectral Systems
- Dentists as Categorical Industries
- Reporting of Toxicity Testing results to DEP

Personnel Advancement Committee: Aubrey Strause reported the following:

- Spring Conference – Have all Technical Sessions and speakers confirmed
- Have DEP & Drinking Water credits confirmed
- Have most Moderators confirmed
- Have potential topics/sessions for the Fall Convention
- Passports – Travis Peaslee is drafting a Passport rather than having a sign-in sheet. They requested Joan Kiszely to have blank Passports put in the Moderator packets for the Spring Conference. Aubrey will coordinate a stamp for Moderators to use with the Passport.

Convention Committee: André Brousseau reported the following:

- Joint Conference – about 35 MWWCA attendees, turned in Evaluation from the Joint Conference
- Ski Day took place, had a great day, had 42 skiers, 6 sponsors

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- There are 28 registered to date for the upcoming Spring Conference

Public Relations Committee: Ryan Wadsworth absent. No report.

Safety Committee: Al Jellison reported on the following:

- He needs members to get involved.

Communications Committee: Mac Richardson reported on the following:

- Newsletter – Asked Chuck Applebee to advertise in his NEWEA report that if anyone wants to receive the newsletter via email let him or Aubrey Strause know.
- Next deadline for the newsletter is May – submit articles by April 15, 2011.
- It was suggested that we publicize a section in the newspaper of recognition of service for 25 years. Mac Richardson noted that maybe we have a 25-year service corner.

Collection Systems: Doug Howard – no report.

Residuals: John Leslie absent. No report.

Operations Challenge: Alex Buechner absent. No report.

Industrial Representative: Dan Welch reported on the following:

- Reported that we do not have many industrial members. His question to the Board was whether MWWCA would be willing to nominate a non-member for an award. It was noted that they do not have to be a member.

Awards Committee: Mary Waring reported on the following:

- JETTCC will be doing the Lee Agger Award
- She will pick up the Past President's Award
- Charles Perry – no nominations have come in
- Pretreatment Award – Mary Waring will contact TomWiley
- Service Awards or Thank You Awards – Let Mary Waring know if someone knows of anyone that should receive one of these
- NEWEA & WEF Awards – Representation of these awards – They will ask Howard Carter or Dan Bisson to do this presentation

JETCC REP.: Leeann Hanson distributed the following written **COMMITTEE REPORT:**

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- Spring 2011 Training Calendar

There are 21 registrants in the 6-week Basic WW class taking place in Gorham which starts on March 25. This class has attracted potential new operators from as far away as Eastport!

This class is being held at USM as the first step in working with USM to create an online component of a Basic WW program that could be offered in conjunction with a hands-on segment. Details are still in the works, but we'll keep you posted.

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Space remains in many upcoming courses including the half-day Energy Conservation workshop with EPA on March 23, 2011.

- **North Country Convention**
NCC is set for April 13-14, 2011. Still a couple Vendor tables remain. Registration forms are available at www.jetcc.org. The agenda is being updated weekly and posted on JETCC website. EJ Prescott will forgo their usual Spring Training event in Northern Maine to support the NCC. They are sponsoring the full buffet breakfast on April 14, 2011 and will provide two training sessions.

- **Management Candidate School (MCS)**
Now's the time to think about logistics and costs for graduation at the Fall Convention. We have 22 students. *Can MWWCA provide meeting room at Conference for last MCS class and also provide Leeann with lunch costs for graduation day?* We can work with MWW for best date as dictated by agenda. JETCC will likely have one award to present at Fall Convention and will want someone to announce the graduating class.

It's also time for preliminary discussion about next MCS in Fall 2011 and whether associations and state agencies can provide support as in the past.

- **Award at Spring Convention**
Leeann would like to present Lee Agger Award at Spring Convention, if possible. (?) Leeann will also have the usual JETCC report. May we provide, as in recent years...copies at the table with President reading significant points?

- **JETCC Funding**
On Tuesday, March 22, 2011, Leeann will be back at the Appropriations Committee to emphasize importance of the JETCC program and will bring copies of all letters of support received by Monday, March 21, 2011. LH wants to thank everyone who has forwarded a letter so far! After overcoming a second proposed curtailment to the current year's budget allocation, the goal is to emphasize the importance of the JETCC program and to hold on to as much as possible of the \$8,248 per year General Fund allocation. Since 2003, JETCC's funds have gone from \$40,000 to the current appropriation. With curtailments in FY 2010, JETCC received \$7,757. Registration fees have increased on classes for 2011, and more effort is being made to obtain sponsors for various program elements.

- **Next Wastewater Exam**
The next WW exam is scheduled for May 11, 2011. Applications are due by Friday, April 1, 2011.

WEB Developer: Steve Lane absent. No report.

MMA Rep: Joan Kiszely wanted to confirm who would be attending the April 8th Affiliate Groups meeting. André Brousseau noted that he will be attending.

1st Vice President Report: Jeff McBurnie – no report.

2nd Vice President Report: Travis Peaslee – no report.

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

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- Young Professionals Group – Paula Drouin from LAWPCA will work with André Brousseau on this. He had a conversation with Terry Desmarais on the requirements. They have a couple of different avenues for setting up the requirements.

Other New Business:

- Ad Hoc Committee/Social Media – Aubrey Strause reported that she sent out the “Content & Rules” suggested guidelines, and “Why is MWWCA using Twitter?” suggested disclaimers. She suggested that the Board read the two papers she sent out. She proposes that we talk about this more at the next meeting. Members suggested comments to both documents. The Communications committee will blend these two documents into a final policy and vote on it May 20th. This Ad Hoc Committee now falls under the Communications Committee.

Adjournment: Motion made by Jeff McBurnie, seconded by Al Jellison, all approved to adjourn the meeting at 11:57 a.m.