Testimony of the Maine Water Environment Association
Before the Joint Standing Committee on Environment and Natural Resources

In Opposition of LD 1707, An Act to Ensure Accuracy and Reliability of Environmental Testing by Requiring Compliance Testing by 3rd Parties

May 15, 2019

Good morning Senator Chair Carson, Representative Chair Tucker, and members of the Joint Standing Committee on Environment and Natural Resources. My name is Leonard Blanchette and I am offering this testimony on behalf of the Maine Water Environment Association (MEWEA). I am also the general manager of the Brunswick Sewer District which serves the Towns of Brunswick and Topsham.

MEWEA represents more than 700 members, including municipalities, sewer, sanitary and combined utility districts throughout Maine, who are at the forefront of keeping the waters of Maine safe and clean. The mission of MEWEA is to support and enhance Maine’s water environment community. One way we achieve this is by supporting balanced environmental policy and practice to protect and improve the waters and related environments of the State of Maine. As such, we offer this testimony in opposition of LD 1707.

Currently, in order to have a licensed discharge, treatment facilities are designed by licensed Professional Engineers to remove pollutants, have this design checked and confirmed through MaineDEP permitting by licensed professionals, operated to meet these pollutant removal standards by licensed professionals, who then have a licensed laboratory scientist test and report testing back to the MaineDEP. There are already several levels of checks to confirm that individual facilities are maintaining accurate records and working to protect the environmental health of receiving waters. Furthermore, there are also several penalties for individuals falsifying these documents - Attached is a copy of Title 38, §349 for your reference, noting the criminal and civil penalties (including fines and jail times) to which licensed operators are subject for false and misleading testing and reporting.

The proposed modifications would also incur substantial costs to Maine’s citizens. Most WWTP’s do over 2,000 lab tests per year. A conservative cost estimate per facility for duplicate sampling, packaging, shipping and in-house labor is about $200,000 a year. With some 161 WWTP’s in Maine, this is an estimated 28 million dollar annual unfunded mandate for municipalities and districts. This cost does not include the testing that would also be required for DEP-issued stormwater treatment permits. Given that the state has a billion-dollar need for clean water infrastructure improvements, we would advocate that available funds be used to support public water quality improvements instead of funding unnecessary private testing operations.

To confirm the information associated with these costs, attached to this testimony are the following documents from Brunswick Sewer District’s Waste Discharge Permit from MDEP. Pages 5 & 6 note all the daily, weekly, and monthly testing the facility must do in-house. Pages 7 & 8 is for the annual Whole Effluent Toxicity Test, which is performed out-of-house at a cost of $3,000. Annually we and our outside labs must participate in EPA’s QA/QC testing. Followed by page 2 of the Standard Conditions Applicable to All Permits. The Standard Condition’s Duty to Comply not only invokes Maine’s Title 38, §349, referenced in LD 1707, but also section 307 of the Clean Water Act, which also has its own enforcement action requirements.

We hope the Committee will clearly and loudly vote an Ought-Not-To-Pass for LD 1707.
May 9, 2019

Commissioner Gerald D. Reid
17 State House Station
28 Tyson Drive
Augusta, ME 04333-0017

Dear Commissioner Reid,

Thank you for taking the time to speak with us regarding the biosolids handling issue. We are committed to working with the Department on this very complicated matter.

In the spirit of sharing information and working cooperatively, we wanted to bring to your attention a solid waste bill LD 112, if enacted, may have the potential for further negative impacts on the already difficult sludge handling situation, if enacted. MEWEA will be opposing LD 112, on several grounds, but more importantly the bill is an example of how much a cooperative and comprehensive solid waste handling policy is needed to avoid additional unintended consequences.

As you know numerous facilities are still trying to sort out the current land spreading and compost use restrictions. Ultimately, many facilities could be forced to rely on landfill disposal for management of these materials. There is a growing concern over the existing capacity for sludges and biosolids at landfills and whether long-term capacity would be available. Further reduction in landfill capacity would only exacerbate an existing difficult situation for biosolids producers and the state-wide solid waste situation.

It is our belief that secondary impacts of this bill could negatively impact biosolids landfill capacity in the State of Maine. We feel the bill could limit disposal options for some processing facilities and impact waste streams that replace purchased soil as daily cover and crucial bulking agents for biosolids disposal. If these cover and bulking materials are not available, it is likely even existing volumes of biosolids would have to be reduced at receiving facilities. This does not take into consideration the thousands of yards of material currently stockpiled. The ability of landfills to accept sludge at the current volumes is critical to service the wastewater treatment industry in Maine – especially given the uncertainty faced by many biosolids producers.

In our sincere interest of open communication and cooperation we wanted to share our concerns, prior to the hearing on Friday, and provide you with advanced notice so our opposition wouldn’t be a surprise to the Department. We would be happy to share our concerns directly with you or your staff if you would like.

Sincerely,

Stacy Thompson, 2019 MEWEA President
Tim Haskell, MEWEA Government Affairs
André Brousseau, PFAS Task Force
Jeff McBurnie, MEWEA State Director, PFAS Task Force
Andy Rudzinski, Director City of Bangor Wastewater Treatment Facility
Testimony of the Maine Water Environment Association
Before the Joint Standing Committee on Environment and Natural Resources

In Opposition of LD 112, An Act to Implement Changes to Maine’s Solid Waste Laws Pursuant to a Review of the State Waste Management and Recycling Plan

May 10, 2019

Good morning Senator Chair Carson, Representative Chair Tucker, and members of the Joint Standing Committee on Environment and Natural Resources. My name is Leonard Blanchette and I am offering this testimony on behalf of the Maine Water Environment Association (MEWEA). I am also the general manager of the Brunswick Sewer District which serves the Towns of Brunswick and Topsham and serves as a septic receiving facility for more than 20 area communities.

MEWEA represents more than 700 members, including municipalities, sewer, sanitary and combined utility districts who are at the forefront of keeping the waters of Maine safe and clean. The mission of MEWEA is to support and enhance Maine’s water environment community. As such, we offer this testimony in opposition of LD 112.

We anticipate that LD 112 will cause secondary impacts from the limitation on disposal of construction and demolition debris fines (C&D Fines) and oversized bulky waste (OBW) that will negatively affect biosolids landfill capacity in the State of Maine. Oversized Bulky Waste is a crucial bulking agent for biosolids disposed of at Juniper Ridge Landfill. Without the OBW, Casella, the primary contractor for our members biosolids disposal, will likely have to reduce the volumes of biosolids received at Juniper Ridge Landfill. The ability of our members to distribute biosolids to landfills is crucial to the wastewater treatment facilities in Maine. Inability to distribute biosolids appropriately will negatively affect the ability to recycle biosolids and treatment process byproducts, and will further impact fees associated with septic receiving, as well as increased costs to rate payers.

Concern at the state level regarding emerging contaminants, which has temporarily suspended the beneficial reuse of biosolids, has already limited additional landfill capacity, and further constrictions are of paramount concern. Additional reduction in the available capacity for biosolids management will create a situation where Maine generated biosolids may not have a home within Maine. One generator noted that their next best option could be shipping biosolids to an Ohio landfill.

We hope the Committee will join us to oppose the sponsor’s amendment to LD 112.

Thank you for listening to us.
April 2, 2019

Stacy Thompson
60 Community Dr.
Augusta, ME 04330

Dear Stacy,

We are incredibly grateful for your letter of support for LD 959, *An Act to Increase Funding for the Maine Lakes Society "LakeSmart" Program and the Lake Stewards of Maine Volunteer Lake Monitoring Program*. Your letter, along with over 80 other verbal and written testimonies, helped inform legislative members of the Environment and Natural Resources (ENR) Committee about the importance and value of volunteers participating in MLS LakeSmart and LSM Citizen Lake Science monitoring programs. The message was clear that volunteer efforts have a positive impact on the health and quality of Maine’s lakes for all who use them, and that the bill will be a cost-effective, force-multiplying investment in protecting our cherished public resource.

We are happy to report that the ENR committee members unanimously voted 13-0 “ought to pass” for LD 959. Next stops are a House floor vote, which should be coming up soon, followed by engrossment by the Senate. From there the bill goes to the Special Appropriations Table, where it will sit until the Appropriations and Financial Affairs Committee works it into the annual budget and the Senate votes to officially enact the bill at the end of the session in June. Please consider contacting your representative today to urge them to support this important funding bill so essential to the health of Maine's lakes! We will be in touch to let you know when the time comes for contacting your senator.

THANK YOU for taking the time to share your stories, volunteer efforts and support for Maine Lake Society and Lake Stewards of Maine. It made a difference!

Sincerely,

Susan Gallo
MLS Executive Director

Scott Williams
LSM Executive Director

Maggie Shannon
MLS LakeSmart Program Director

Roberta Hill
LSM Invasive Species Program Director
May 10, 2019

RE: Maine Pollutant Discharge Elimination System/Waste Discharge License (MEPDES/WDL) Permit Limits for Marine Dischargers - Fecal coliform & Enterococcus bacteria

To all MEPDES/WDL marine discharges,

On January 30, 2018, the Department of Environmental Protection (Department) issued a letter to the Maine Rural Water Association (MRWA) and the Maine Water Environment Association (MeWEA) informing the associations of updates to then proposed revisions to Maine water quality standards. The letter (attached) provided information on potential changes to bacteria standards for fresh waters and marine waters as well as how the Department would implement those changes in future MEPDES/WDL permit renewals. Changes to the water quality standards were formally promulgated into State law (38 M.R.S. §465 and §465-B) in the fall of 2018. This letter provides more information on how and why the Department is incorporating bacteria limits into MEPDES/WDL for dischargers to marine waters. This letter also provides information related to changes for the establishment of bacteria limits based on recent comments from the Environmental Protection Agency (EPA) that are unrelated to the statutory changes noted above.

Summary of Changes:
Future MEPDES/WDL will now contain limits for both fecal coliform (as is current practice) to protect the designated use of “propagation and harvesting of shellfish”, and newly established limits for enterococcus bacteria, based on current Maine criteria, to protect the designated use of “recreation in and on the water”. The seasonality of these limits may be different than previous permits as noted below.

Background Information on Bacteria:
Specific types of non-pathogenic bacteria, such as enterococcus bacteria and fecal coliform, are indicator organisms, or surrogates, for waterborne pathogens (bacteria, viruses, etc.) which enter surface waters from a variety of sources, including human sewage and the feces of warm-blooded wildlife. These pathogens can pose a risk to human health due to gastrointestinal illness through different exposure routes, including contact with and ingestion of waters and consumption of shellfish. These indicator bacteria also highlight the efficacy of disinfection of wastewater.
Recent EPA Decisions:

Enterococcus bacteria

The EPA is reissuing NPDES permits for eight-primary treatment [301(h)] wastewater treatment plants in Maine.¹ These permits will include seasonal monthly average (geometric mean) and daily maximum limitations and monitoring requirements for enterococcus bacteria based on current Maine criteria. Within these permits, the EPA takes the position that for discharges to Class SB and SC waters, in addition to fecal coliform limits to protect the designated use of “propagation and harvesting of shellfish”, it is appropriate to require end-of-pipe limits for enterococcus bacteria, based on current Maine criteria, to protect the designated use of “recreation in and on the water”.

The EPA is establishing permit limits as follows:

<table>
<thead>
<tr>
<th>Class SB: (38 M.R.S. §465-B, sub-§2(B)) enterococcus bacteria</th>
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<td>Monthly Average</td>
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<td>8 CFU/100 ml</td>
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<tr>
<td>Monthly Average</td>
</tr>
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The EPA is establishing a deadline of April 15, 2020, for compliance with the enterococcus limitations and monitoring requirements in the eight NPDES permits for the 301(h) facilities.

The effective date of the enterococcus bacteria limits has been delayed to April 15, 2020 due to the limited number of laboratories capable of evaluating enterococcus bacteria in Maine. The Department has submitted a bill (currently pending) to the state legislature to include enterococcus bacteria to the list of exceptions in Maine law at 22 M.R.S. §567, sub (1). This change will allow laboratories operated by wastewater discharge facilities licensed pursuant to Waste Discharge Licenses, 38 M.R.S. §413, to test for enterococcus bacteria. If passed, the law will become effective 90 days after the close of the legislative session (approximately late September/early October 2019.)

EPA has informed the Department that we must also include the above enterococcus bacteria limits in MEPDES/WDL to Class SB and SC waters upon renewal. The Department intends to do so.

¹ Although Maine is authorized to implement Clean Water Act requirements, EPA retains permitting authority for these 301(h) waiver facilities.
Fecal coliform bacteria
Also included in the pending renewal NPDES permits for the eight-primary treatment [301(h)] wastewater treatment plants, the EPA takes the position that for discharges to Class SB and SC waters, it is appropriate to require year-round disinfection for the protection of the designated use of “propagation and harvesting of shellfish”. The EPA is establishing permit limits in accordance with the most current National Shellfish Sanitation Program guidelines (2017) as follows:

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These limits differ slightly from the limits currently used in MEPDES/WDL of 15 CFU/100 mL as a monthly average (geometric mean) and 50 CFU/100 ml as a daily maximum. EPA has informed the Department that we must also include the above limits in MEPDES/WDL to Class SB and SC waters upon renewal. The Department intends to do so consistent with Maine law.2

It is noted that shellfish areas around regulated outfalls are closed by the Maine Department of Marine Resources as a precaution regardless of the bacteria levels in the discharge. These closures are based on the requirements of the National Shellfish Sanitation Program (NSSP). The EPA takes the position that states have a responsibility to set fecal coliform bacteria limits in the permits to protect the designated use of “propagation and harvesting of shellfish” regardless of the closure status and that establishment of year-round fecal coliform limits to protect the designated use is appropriate. EPA has informed the Department that we must also include the above limits year-round in MEPDES/WDL to Class SB and SC waters upon renewal. The Department intends to do so.

Compliance schedules to meet new bacteria and/or extended season bacteria limits:
The Department is aware these new requirements may not be able to be implemented by permittee's immediately due to the need for new analytical equipment and/or complications with dechlorination associated with cold weather operations.

If a permittee believes that a compliance schedule is necessary to make modifications to the facility, the Department will work with each permittee independently to determine an appropriate schedule that is as short as possible, based on consideration of the

2 38 M.R.S. §465-B, sub-§2(B) & 38 M.R.S. §465-B, sub-§3(B) both state in part, “The number of total coliform bacteria or other specified indicator organisms in samples representative of the waters in restricted shellfish harvesting areas may not exceed the criteria recommended under the NSSP, United States Food and Drug Administration."
technological, economic and environmental impact of the steps necessary to come into compliance with the requirements.³

**Closing Summary:**
Upon renewal of MEPDES/WDL for SB and SC waters:

- Numerical limits for both enterococcus and fecal coliform bacteria will be established as noted above.

- Enterococcus limits will be in effect from April 15 to October 30 unless otherwise specified.

- Fecal coliform limits will be in effect year-round.

- Compliance schedules may be granted as noted above.

If you have questions regarding these matters feel free to contact permit writers Gregg Wood at 287-7693, gregg.wood@maine.gov, or Cindy Dionne at 287-7823, cindy.l.dionne@maine.gov.

As always, thank you for your good work to protect and improve the waters of the great State of Maine.

Sincerely,

BRIAN KAVANAH
Director, Bureau of Water Quality

Cc: Sterling Pierce, Pam Parker, John True, Don Witherill, Susanne Meidel – DEP
Kohl Kanwit – DMR
Stacy Thompson – MeWEA
Kirsten Hebert - MRWA

³ 38 M.R.S. §414(2) Schedules of Compliance, and Department Regulation, Ch. 523, Sec. 7.
May 10, 2019

RE: Maine Pollutant Discharge Elimination System/Waste Discharge License (MEPDES/WDL) Permit Limits for Marine Dischargers - Fecal coliform & Enterococcus bacteria

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\(^1\) Although Maine is authorized to implement Clean Water Act requirements, EPA retains permitting authority for these 301h waiver facilities.
**Fecal coliform bacteria**

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DEP SB & SC bacteria limits
5/10/19
Page 4 of 4

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As always, thank you for your good work to protect and improve the waters of the great State of Maine.

Sincerely,

BRIAN KAVANAUGH
Director, Bureau of Water Quality

Cc: Sterling Pierce, Pam Parker, John True, Don Witherill, Susanne Meidel – DEP
Kohl Kanwit – DMR
Stacy Thompson – MeWEA
Kirsten Hebert - MRWA

³ 38 M.R.S. §414(2) Schedules of Compliance, and Department Regulation, Ch. 523, Sec. 7.
Maine Water Environment Association  
60 Community Drive  
Augusta, ME 04330-9486

Receipt #: 0008216544  
Donor ID: 0000886946  
Date Issued: 1/23/2019

Please retain this receipt for tax purposes.

Thank you for your recent donation to the University of Maine. Private donations, such as yours, enable us to improve the level of excellence at the University of Maine. We gratefully accept your gift as credited below.

Gift Date: 1/18/2019  
Gift Amount: $300.00

Gift Designation: Water Resources Conference  
Amount: $300.00

No goods or services were received in exchange for this gift unless noted above.

University of Maine Foundation  
Two Alumni Place, Orono, ME 04469-5792  
207.581.5100 or 800.982.8503  
umainefoundation@maine.edu • umainefoundation.org

Thank you very much!  
Jettey N. Mills, Ph.D.  
President/CEO
# NEIWPCO

## Course Schedule for March – June 2019

### Connecticut

<table>
<thead>
<tr>
<th>Date</th>
<th>Course Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 27</td>
<td>Instrumentation Measurement &amp; Control with Use of SCADA for Process Efficiency</td>
<td>Groton</td>
</tr>
<tr>
<td>Apr 9-10</td>
<td>Advanced Process Control with Eric Wahlberg</td>
<td>East Windsor</td>
</tr>
<tr>
<td>Apr 18</td>
<td>In-Field Operation &amp; Maintenance of Wastewater Collection Systems</td>
<td>Fairfield</td>
</tr>
<tr>
<td>Apr 30 – May 1</td>
<td>Laboratory Procedures with NEWEA Exam</td>
<td>Fairfield</td>
</tr>
<tr>
<td>May 2</td>
<td>Hands-On Wastewater Nutrient Removal Using Process Control Simulators</td>
<td>Cromwell</td>
</tr>
<tr>
<td>May 7-9</td>
<td>Operation and Maintenance of Collection Systems with NEWEA Exam</td>
<td>Old Lyme</td>
</tr>
<tr>
<td>May 28 – Jun 25</td>
<td>Basic Wastewater Treatment (5 Sessions)</td>
<td>East Windsor</td>
</tr>
<tr>
<td>May 30 – Jun 27</td>
<td>Preparing for Your Class 3 &amp; 4 Exam (5 Sessions)</td>
<td>East Windsor</td>
</tr>
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</table>

### Maine

<table>
<thead>
<tr>
<th>Date</th>
<th>Course Description</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Apr 10</td>
<td>What You Need to Know About FOG</td>
<td>Portland</td>
</tr>
<tr>
<td>May 21-23</td>
<td>Operation and Maintenance of Collection Systems with NEWEA Exam</td>
<td>Bangor</td>
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</tbody>
</table>

For additional NEIWPCO training activities in Maine, please visit the Joint Environmental Training Coordinating Committee at [www.jetcc.org](http://www.jetcc.org).

### Massachusetts

<table>
<thead>
<tr>
<th>Date</th>
<th>Course Description</th>
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<tbody>
<tr>
<td>Mar 7</td>
<td>Sampling Procedures &amp; Laboratory Techniques for NPDES Reporting</td>
<td>Lakeville</td>
</tr>
<tr>
<td>Apr 10-12</td>
<td>Operation and Maintenance of Collection Systems with NEWEA Exam</td>
<td>New Bedford</td>
</tr>
<tr>
<td>May 7-8</td>
<td>Laboratory Procedures with NEWEA Exam</td>
<td>Amherst</td>
</tr>
<tr>
<td>Jun 3-5</td>
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<td>Stockbridge</td>
</tr>
</tbody>
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### Massachusetts Wastewater Operator Training (MWOT) Program Courses

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>Basic Wastewater Math</td>
<td></td>
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<tr>
<td>Basic O&amp;M of Municipal WWTPs</td>
<td></td>
</tr>
<tr>
<td>Intermediate O&amp;M of Municipal WWTPs</td>
<td></td>
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<tr>
<td>Wastewater Pumps &amp; Hydraulics</td>
<td></td>
</tr>
<tr>
<td>Basic Wastewater Laboratory</td>
<td></td>
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<tr>
<td>Advanced O&amp;M of Municipal WWTPs</td>
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The MWOT program has been coordinated by NEIWPCO since 2005. For more information about the MWOT program and a link to our training calendar, which includes details about the courses above, visit [www.neiwpc.org/training/mwot.asp](http://www.neiwpc.org/training/mwot.asp).

### New Hampshire

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>Apr 17</td>
<td>Extreme Weather in the Forecast: Is Your Facility Prepared?</td>
<td>Portsmouth</td>
</tr>
<tr>
<td>May 23</td>
<td>Managing Septage at Your Facility</td>
<td>Franklin</td>
</tr>
</tbody>
</table>

### New York

<table>
<thead>
<tr>
<th>Date</th>
<th>Course Description</th>
<th>Location</th>
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<tbody>
<tr>
<td>Mar 12-13</td>
<td>Train the Trainer</td>
<td>Buffalo</td>
</tr>
<tr>
<td>Mar 26-27</td>
<td>Train the Trainer</td>
<td>Syracuse</td>
</tr>
<tr>
<td>Apr 9-10</td>
<td>Train the Trainer</td>
<td>Albany</td>
</tr>
<tr>
<td>Apr 23-24</td>
<td>Wastewater Pumps and Hydraulics</td>
<td>Syracuse</td>
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### Rhode Island

<table>
<thead>
<tr>
<th>Date</th>
<th>Course Description</th>
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<tbody>
<tr>
<td>Mar 18 – Apr 29</td>
<td>Principles and Practices of Wastewater Treatment</td>
<td>Providence</td>
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<tr>
<td>May 1</td>
<td>Extreme Weather in the Forecast: Is Your Facility Prepared?</td>
<td>Warwick</td>
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<tr>
<td>May 15</td>
<td>Pretreatment and Pollution Prevention of Brewery Discharges</td>
<td>Warwick</td>
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### Vermont

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<thead>
<tr>
<th>Date</th>
<th>Course Description</th>
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<tbody>
<tr>
<td>Apr 9</td>
<td>What You Need to Know About FOG</td>
<td>Montpelier</td>
</tr>
<tr>
<td>May 14</td>
<td>Care of Emergency Generators</td>
<td>Montpelier</td>
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</table>

Access the details on these courses, registration information, a complete Spring 2019 Course Catalog, plus a full course directory at [https://portal.neiwpc.org/training-calendar.asp](https://portal.neiwpc.org/training-calendar.asp)