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# Service Connection: The Maine Drinking Water Program Newsletter, Volume 17, Issue 3 (Fall 2009)

Maine Department of Health and Human Services

Maine Center for Disease Control and Prevention

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Maine Center for Disease  
Control and Prevention

An Office of the  
Department of Health and Human Services

John E. Baldacci, Governor

Brenda M. Harvey, Commissioner

# Service Connection

THE DRINKING WATER PROGRAM NEWSLETTER  
"Working Together for Safe Drinking Water"

Volume 17 Issue 3  
Fall 2009

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## American Recovery and Reinvestment Act of 2009

Roger Crouse, Director

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA). The Maine CDC Drinking Water Program received \$19.5 million for the Drinking Water State Revolving Fund (DWSRF). Combining ARRA funding with standard DWSRF funding made \$40 million available to Maine public water systems for capital improvements. Water systems receiving funding in 2009 will generally receive at least 30 percent of the project cost as a grant. The remaining is issued as a loan with no interest.

The Maine CDC Drinking Water Program was the first program in New England to receive the ARRA grant award. On April 10, EPA Region 1 Acting Deputy Regional Administrator Stephen Perkins officially announced the \$19.5 million award to the Drinking Water Program. Governor Baldacci and Congresswoman Chelli Pingree participated in the event.

To encourage states to spend the money quickly, Congress set a goal of using at least half of the funds on projects that can be initiated within 120 days of enactment. The Maine CDC Drinking Water Program was one of two states in the country to meet this goal.

On June 29th Governor Baldacci

participated in a groundbreaking ceremony for the Aqua Maine water treatment facility in Rockport. Aqua Maine received \$3.6 million from the Drinking Water Program to construct a new membrane treatment plant at their existing Mirror Lake facility.

The current status of all projects is available at the Drinking Water Program website: [www.medwp.com](http://www.medwp.com)

Thanks to the DWSRF staff at the Drinking Water Program and at the Maine Municipal Bond Bank for their incredible efforts to make our program so successful. Thanks also to water systems owners, operators and consultants.



Ground-breaking at AquaMaine, Rockport

Left to right-front row: Sen. Chris Rector, Rep. Wes Richardson, Governor John E. Baldacci, Rep. Ed Mazurek, Aqua Maine President Judy Kelley, Rep. Joan Welsh, Rockport Town Manager Robert Peabody, Maine CDC Drinking Water Program Director Roger Crouse.

Back row: Rep. Chuck Kruger, Brian Whitney for US Sen. Olympia Snowe. Not pictured, Bill Card for US Sen. Susan Collins.

*Caring.. Responsive.. Well-Managed.. We are DHHS.*

## Director's Corner Preparedness

Disaster preparedness, emergency response planning, pandemic flu planning, continuity of operations planning, vulnerability assessments, succession planning .... the list goes on. The safety and reliability of the water you provide depends on your ability to prepare for the unknown.

On June 11, 2009 the World Health Organization declared that H1N1 Influenza had reached pandemic status. Whether this flu will directly affect you or your water system remains to be seen.

Each of us should be taking the time to prepare

For more information on security and emergency response planning please visit the EPA website: <http://cfpub.epa.gov/safewater/watersecurity/index.cfm>

For more information about the H1N1 virus, visit the Maine CDC website [www.mainepublichealth.gov](http://www.mainepublichealth.gov)

ourselves and our businesses for unforeseen circumstances. Often times, during an event, it is difficult or impossible to access the resources you need if you haven't planned ahead.

Safe and reliable water is essential to the protection of public health. Therefore, it is essential that public water suppliers are able to continue operation during adverse situations. Please take the time to assess your vulnerabilities and begin planning now.

Yours for safe water,

*Roger*



## Flu season is on its way!

Be one step ahead by dusting off and reviewing your water system's Pandemic Influenza Plan before the flu strikes and leaves you unprepared.

## Service Connection THE DRINKING WATER PROGRAM NEWSLETTER

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# Drinking Water State Revolving Fund Annual Project Request for 2010

Andy Begin, Chief Engineer

It's that time of year again. The DWP is accepting applications for Drinking Water State Revolving Fund (DWSRF) projects. The application deadline is October 16, 2009.

### New this year

The DWP will adopt some of the American Recovery and Reinvestment Act (ARRA) requirements for all 2010 projects.

If you demonstrate that your project is ready to proceed you may earn additional points.

The DWSRF program will likely have a 20% green reserve requirement similar to the ARRA requirement. This means that projects that can demonstrate support to the green reserve will likely receive bonus priority points and be ranked higher on the primary project list. In general, green reserve projects include any/all of the following: water or energy efficiency or environmental innovation. Applicants are encouraged to integrate components into their projects that support the intent of the Green Reserve.

Also, with the implementation of ARRA, the SRF program is administering new requirements

including: Buy American Provisions, Davis-Bacon Wages, Shovel Ready Projects and the Green Reserve.



Finally, we anticipate a slight delay in financing projects for the 2010 construction season. The federal grant for the DWSRF program requires a 20% state match before the money is available to the DWP. Typically, the environmental bond that supports the match is voted on in November. This year, the environmental bond will not go before the voters until June 2010. Our 2010 allocation could be as high as \$15 million which would require a \$3 million state match, doubling our typical allocation.

### 2009 Progress Report

Out of \$111M requested, the DWSRF funded \$40 million in projects on the 2009 Intended Use Plan. This was possible by blending our 2009 DWSRF funds with an additional \$19.5 million received through the ARRA. We are happy to report the majority of our funds are under contract.

## Proposed Schedule for the 2010 DWSRF Program Implementation

Request for project applications.....	August 19, 2009
Project application deadline.....	October 16, 2009
Projects prioritized, placed in IUP.....	November 16, 2009
IUP available for public review.....	December 11, 2009
Public review and comment meetings.....	week of December 15, 2009
End of written comment period.....	January 13, 2009
2010 DWSRF Grant Application submission to EPA Region I.....	.. March 2010
Grant Award by EPA Region I.....	August 11, 2010

# Enforcement 101: The Process

Tera Pare, Enforcement Coordinator

The Maine CDC Drinking Water Program (DWP) enforces state and federal drinking water laws. The DWP uses administrative enforcement to address public water systems' (PWS) violation of those laws.

The DWP Enforcement Process begins when a PWS receives a Notice-of-Violation (NOV), an Engineering Order, and/or has overdue Drinking Water fees.

## Stage 1: Notice of Non-compliance

**What is it?** A Notice of Non-compliance (NON) is a letter that lists all unresolved violations, and explains what the PWS needs to do to return to compliance.

**When is it sent?** After a PWS misses one or more Notice-of-Violation deadlines for returning to compliance; deadlines in an Engineering Order are missed; and/or AFM Fees are overdue.

**Deadlines:** 30 days to 1 year to return to compliance, depending on the rule violation and type of PWS.

**What happens if I fail to comply with a NON?** If a PWS does not meet a NON deadline or requirement, the DWP will begin the Administrative Consent Order negotiation process.

## Stage 2: Administrative Consent Order

**What is it?** An Administrative Consent Order is a signed agreement between the DWP and the PWS to bring the PWS back into compliance. When both parties agree to the terms during the negotiation period, the Order becomes binding on the day the DWP Director signs it. A schedule for compliance is often included.

**Deadlines:** The PWS has 10 days after receipt to contact the DWP and accept the offer; 30-60 days to negotiate the terms, depending on the violation(s); other deadlines within the Consent Order may vary.

**What happens if I miss the deadlines or the agreement isn't finalized?** If the PWS does not respond within 10 days of receipt, or an agreement is not finalized during the negotiation period, or the PWS misses a deadline, the DWP can immediately proceed to an Administrative Compliance Order.

However if the Consent Order is final, the PWS may request an extension in writing for an anticipated missed deadline. The DWP will review the request and may revise the Consent Order.

## Stage 3: Administrative Compliance Order

**What is it?** The Administrative Compliance Order is a non-negotiable order with specific actions and deadlines for resolving violations. A Compliance Order is binding on the day that the PWS receives it. The PWS may file a written appeal within 30 days.

The DWP may proceed to an Administrative Penalty.

**Deadlines:** 30 days to appeal the Compliance Order; other compliance deadlines within the Compliance Order (usually 30 days).

**What happens if I missed deadlines and did not appeal?** The DWP will assess an Administrative Penalty after a missed compliance order deadline.

## Stage 4: Administrative Penalty

**What is it?** An Administrative Penalty is a financial charge assessed by the DWP to the PWS. (An Administrative Penalty can be included in an Administrative Compliance Order.)

**Deadlines:** 30 days to either appeal or pay the penalty amount in full.

**What happens if I do not pay the penalty?** If the PWS fails to pay the penalty within 30 days, the DWP will refer the PWS's case to the Assistant Attorney General for civil enforcement, which includes: court appearances, civil penalties, attorney fees and administrative fees.

## Stage 5: Referral to Attorneys General Office

**What is it?** DWP sends a report to the Assistant Attorney General (AAG) on the PWS compliance background including outstanding violations, administrative enforcement actions, record of correspondence between the PWS and the DWP, why DWP is referring the case and what DWP wants for a remedy. The AAG files a civil complaint against the PWS in District Court, and a civil hearing is

*see Enforcement, page 5*





## Trust for Public Land Provides Action Recommendations for Maine

Andy Tolman, DWP and Amy Condon, TPL

Under a grant from the US Environmental Protection Agency, The Trust for Public Land and the Smart Growth Leadership Institute, in partnership with the Association of State Drinking Water Administrators and River Network, selected several states as partners for a program focused on Protecting Drinking Water Sources through alignment of state land use and drinking water programs. Since its beginning in 2007, the national partners have completed action plans in three states, begun efforts in three more, and anticipate selecting two more states for 2010. Maine was one of the first round states, and has begun implementing its plan.

The process engaged a diverse group of state agencies, public water systems, and others interested in conserving land to protect water resources in a series of workshops with the national experts of the team. The group identified many potential opportunities, then selected those with the highest potential for positive impact and fewest barriers. These opportunities are:

- Employing The State of Maine's Quality of Place Investment Strategy to strengthen drinking water source protection, using the State's ability to direct funding for infrastructure and economic development. Emphasizing the

cost benefits of drinking water source protection, the state will build on existing partnerships and conduct public outreach emphasizing the importance of having enough clean, safe water by proactively protecting drinking water sources.

- Continuing a phased investment in on-line mapping resources and information-sharing to provide critical data to local governments and developers so they can make more informed land-use decisions.
- Developing guidelines for compatible recreational opportunities in and around sensitive protection areas to provide greater access to conservation funding and a broader constituency to preserve lands and waters important for drinking water.

The short-term recommendations represent refinements and logical next steps for Maine to take on the road to safe and secure drinking water. The report also notes that providing a dedicated statewide funding source for drinking water protection would have the highest positive impact and will require longer term planning to implement. The Drinking Water Program is working in all of these areas, and we will provide updates as we make additional progress.



*Enforcement, from page 4*

scheduled. If the Court's decision favors the DWP, then the PWS will be required to follow the terms of a Court Order with deadlines for specific actions to return to compliance. Actions could include collecting samples, reporting results, installing treatment, hiring a water operator and paying administrative and civil penalties, and attorney fees.

**What happens if I do not comply with the Court Order?** The AAG will notify the Court, which may issue a Default Judgment that could include additional fines and penalties. If the PWS fails to comply with the Court Order or the Default Judgment, the owner or operator of the PWS may be arrested.

**I'm still confused. Who do I contact for more information?** Non-community public water systems may contact Dawn Abbott at dawn.abbott@maine.gov or 287-6471. Community water systems may contact Tera Pare at tera.pare@maine.gov or 287-5680. We're here to help you understand this challenging process.

## Service Connection

### Operator Licensing News and Updates It's almost license renewal time! Am I ready?

Teresa Trott, Licensing Officer

#### Can we find you?

Make sure the DWP has your current mailing address. About 500 operators have a December 31, 2009 renewal date and we don't always know who has moved! Expect to receive a renewal notice by November 2nd.

#### Have you done your homework?

Earning Training Contact Hours (TCH) is the "homework" for license renewal. All training must be relevant and completed during the licensing period. There is no cap on relevant safety training. TCH requirements apply to both operator-in-training and full licenses, and apply to the highest class license held.

Renewal TCH requirements are:

VSWS	6 TCH
Class I	12 TCH
Class II	18 TCH
Class III & IV	24 TCH

This year, your renewal notice will have a summary of TCH credited to your license(s) from January through September 2009 from providers who have submitted them to DWP. Renewals should become smoother and greener, by saving paper and photocopying on your end. Please continue to keep your

training certificates so you can cross-check our list with your own records.



You earn three TCH for passing an operator exam during the licensing period. The October exam results will not be recorded by the time renewal notices are mailed.

#### What will it cost?

Send in your \$60 renewal fee by December 31, 2009. There is a 60 day grace period until March 1, 2010. Unrenewed licenses become inactive on March 2, 2010.

It costs an additional \$50 to reinstate an inactive license. Your public water system may now be operating without a licensed operator! Operating without a licensed operator is a violation that can cost a system up to \$300 per day!

Review your training records now, and track down all those certificates. You still have time to earn more credits between now and the end of the year. Check the water operator training calendar at [www.medwp.com](http://www.medwp.com) or call Terry at 287-7485 for help in finding training.

## Division of Environmental Health: Who We Are

Part 2 of a 4-Part Series

### Radiation Control Program

The Maine Radiation Control program has 10 staff that work to minimize unnecessary radiation exposure for Maine people.

The Radiation Program:

- Provides free radon information packets;
- Registers radon service providers (laboratories, contractors, and testing companies);
- Registers x-ray, mammographic facilities and certifies third party inspectors. Inspects about 3,235 x-ray machines and 59 mammography facilities annually;
- Licenses possession and use of radioactive materials in Maine through an agreement with the U.S. Nuclear Regulatory Commission. There are now 126 radioactive materials licensees in Maine including hospitals, construction companies, lead-in-paint testers, paper mills, energy production facilities and colleges and universities;
- Works with the Nuclear Regulatory Commission on the ongoing oversight of Maine Yankee and spent nuclear fuel stored in Wiscasset. The State Nuclear Safety Inspector provides regular updates to the Maine Legislature; and
- Inspects and licenses about 400 indoor tanning facilities using ultraviolet lamps in Maine.

Find more information at [www.maineradiationcontrol.org](http://www.maineradiationcontrol.org) or call 207-287-5676



## Public Water System Consolidation Grants

Andy Begin, Chief Engineer

A Consolidation Grant provides financial assistance to a PWS demonstrating technical, managerial or financial capacity problems. The fund is intended to encourage PWSs struggling with capacity issues to consider system consolidation with a neighboring, viable PWS. The grant provides partial reimbursement for consolidation costs.

Interest in the program has increased, and the DWP will implement a ranking process for consolidation efforts over the next year. Part of the criteria will be to evaluate the risk to public health, timeframe to complete the project, and the timing of the application submission.

Systems should apply just prior to the construction season when the consolidation effort will occur. We are considering a March or April cut-off period for letter requests, with late submittals applied to the following year's budget. Currently, the program allocates \$300,000 annually to complete three to six grant requests per year.

### Qualifying Criteria:

1. The applying PWS must have a technical, managerial or financial capacity issue that will be addressed by the consolidation with the more viable PWS.
2. The receiving PWS must have sufficient technical, managerial or financial capacity and the consolidation must not reduce system capacity.
3. The applying PWS must report a median household income of less than \$35,178.
4. Plans and specifications for the consolidation must be reviewed and approved by the Drinking Water Program.
5. The project must complete the environmental review process that is currently part of the DWSRF construction loan program.

### Disbursement Criteria:

1. The DWP will fund 50 percent of PWS consolidation costs for For-Profit systems and no more than 75 percent for Not-for-Profit systems.
2. Grant awards may not exceed \$100,000.
3. Reimbursement will be made after the Drinking Water Program has verified that the PWS in need has completely and permanently disconnected from its original supply of water.
4. Qualifying costs include, but are not limited to the following activities: planning and design, environmental review, income survey, as well as construction and abandonment of sources. PWS staff time is not reimbursable.

## “It will never happen to our water system”

Security breaches, tampering and other emergencies affecting water systems happen more often than you realize. All public water systems reporting security-related incidents to law enforcement are required to report the incidents to the Drinking Water Program and the Public Utilities Commission (if PUC-regulated). Public water systems experiencing biological or chemical contamination must report those events to the Drinking Water Program.



Dawn Abbott 287-6471  
 Andrew Begin 287-2647  
 David Braley 287-3194  
 Haig Brochu 287-6542  
 vacant 287-5699  
 Roger Crouse 287-5684  
 Jennifer Donnell 287-5295  
 Denise Douin 287-8481  
 Greg DuMonthier 561-4299  
 Jeff Folger 287-5682  
 Robin Frost 287-8411  
 Carlton Gardner 287-8403  
 Larry Girvan 768-3610  
 Jennifer Grant 287-3962  
 vacant 561-4363  
 Sara Lippert 287-5678  
 Eben Joslyn 822-0248  
 Lindy Moceus 287-8402  
 Danielle Obery 287-5545  
 Tera Pare 287-5680  
 Dan Piasecki 287-1979  
 vacant 287-8412  
 vacant 287-5694  
 vacant 287-5681  
 Nathan Saunders 287-5685  
 Matthew Sica 287-1929  
 Fran Simard 287-8074  
 Amilyn Stillings 287-6472  
 Daniel Thompson 287-2070  
 Andrews Tolman 287-6196  
 Teresa Trott 287-7485  
 Kate Tufts 822-0338  
 David Welch 287-3056  
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Enforcement Specialist  
 Chief Engineer  
 Wellhead Protection Coordinator, SWP  
 Field Inspector  
 Operator Certification/ Well Drillers Board Clerk  
 Drinking Water Program Director  
 Security and Fluoridation Specialist  
 Field Inspector & SRF Project Manager  
 Field Inspector  
 Field Inspector  
 SDWIS Administrator  
 Compliance and Enforcement Team Leader  
 Field Inspector & SRF Project Manager  
 Compliance Officer  
 Field Inspector & SRF Project Manager  
 Capacity Development & Security Coordinator  
 Field Inspector & SRF Project Manager  
 Compliance Officer  
 Compliance Officer  
 Enforcement & Rulemaking Coordinator  
 Compliance Officer  
 Data Management  
 Secretary  
 Education & Outreach Coordinator  
 Field Inspection Team Manager  
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 Secretary  
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 Receptionist  
 Assistant Director  
 Operator Licensing/Environmental Review Coord  
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 Data Management Specialist  
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Department of Health  
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