



*Department of Health  
and Human Services*

*Maine People Living  
Safe, Healthy and Productive Lives*

Department of Health and Human Services  
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## **Maine Public Drinking Water Commission**

### **MEETING #117**

**Wednesday May 2, 2012**

**9:00 AM to 11:00 AM**

**Yarmouth Water District 846-5851**

**181 Sligo Road, Yarmouth**

### **Agenda**

1. Welcome new members
  - a. John Storer, Auburn Water District
  - b. Ben C. "Lee" Worcester, Smugglers Den Campground, Southwest Harbor
2. Approval of Minutes, Meeting #116, February 1, 2012
3. Changes to the Regulation of Bottled Water – Impacts on Alternative Funding Mechanism (AFM)
4. AFM Fee and Collection Status
  - a. SFY 2013 and beyond projections
  - b. Evaluation of current fee levels
  - c. Establish SFY 2013 Fee levels
5. DWP Financial Status
6. DWSRF Update
7. Public Water System Compliance/ Enforcement
8. DWP Staffing Update
9. Suggested Items for next meeting
10. 2012 Meeting Schedule – locations/dates
  - a. September 5, 2012 – Greene – The Meadows
  - b. December 5, 2012 – Augusta – Key Bank Building



## Maine Drinking Water Commission

### Minutes of Meeting #117

**May 2, 2012**

The Maine Public Drinking Water Commission (DWC) held its 117<sup>th</sup> meeting on May 2, 2012 at the Yarmouth Water District, Yarmouth Maine.

#### **Present Were:**

**Members:** Tom Brennan, Rebecca Laliberte, Bob Mackinnon, Jeff LaCasse, Ben Worcester III, Harvey Chesley, George Dugovic, John Storer, and Roger Crouse.

**Guests:** Jim Willis (Maine DWP).

**Time:** Tom called the meeting to order at 9:18 am and welcomed the new commission members John Storer and Ben "Lee" Worcester.

#### **A. APPROVAL OF MINUTES:**

Approval of minutes from the last meeting occurred.

#### **B. Changes to the Regulation of Bottled Water – Impacts on Alternative Funding Mechanism (AFM)**

Roger described the new Memorandum of Understanding (MOU) between the Department of Human Services and the Department of Agriculture, Food and Rural Resources. The Departments have overlapping statutory authority to regulate water bottlers. The MOU was established to eliminate the redundant regulation which will simplify the regulatory burden on bottlers and better utilize staff time.

This MOU eliminates DHHS's role in the oversight of out-of-state bottlers selling water in Maine. Because these out-of-state bottlers have historically been assessed an AFM fee, DHHS will no longer be receiving payment from the out-of-state bottlers. This will reduce the AFM revenue by approximately \$31,000 annually.

A copy of the MOU is attached.

#### **C. AFM FEE AND COLLECTION STATUS**

As of the end of April the DWP has collect 97 percent of the anticipated revenue. This collection rate is a little ahead from last year at this time.

There was discussion about the current AFM fee structure and it was decided that the fee's should remain the same George Dugovic made the motion to keep the AFM fees the same for this year, John Storer Seconded the motion. The motion passed unanimously.

The board discussion the likely need to raise fees for the 2014 billing year.

#### **D. DWP FINANCIAL STATUS**

The DWP's financial status is stable and consistent with previous years.

The DWP recently reduced the Laboratory Certification fees because the fee structure was bringing in more revenue than was necessary.

The revenue from plumbing permits continues to be ahead of expenditures and the plumbing account is now developing a reasonable cushion. A year ago, the account was operating in the red.

#### **E. DWSRF UPDATE**

Roger went over status of the SRF grant. We are eligible for 9 million in grants as long as we come up with the 20 percent state match. We currently are waiting on the Legislature and the Governor to approve a General Obligation Bond.

#### **F. PUBLIC WATER SYSTEM COMPLIANCE/ENFORCEMENT**

The total violations issued to public water systems in 2011 was 1,149. This is down from 1,447 in 2010, 1388 in 2009 and 1320 in 2008.

Roger also described the integrated Health Inspection Program application process. The new process requires the DWP approval of the water and on-site wastewater disposal (when applicable) before a Health Inspection Program license is issued. This will reduce the risk of a Health Inspection license being issued when the facility has a water or wastewater issue.

#### **G. DWP STAFFING UPDATE**

Roger stated that the Drinking Water program is currently fully staffed.

Roger and the commission discussed the Staff merit award. Lee, Jeff, and Bob volunteered to be on the committee to look at nominations for the next award recipient.

#### **H. POSSIBLE TOPICS FOR NEXT MEETING**

Regulations on lead free water Meters.

#### **I. NEXT MEETING LOCATION AND TIME**

September 5th, 2012 Greene-The Meadows

Future Meetings

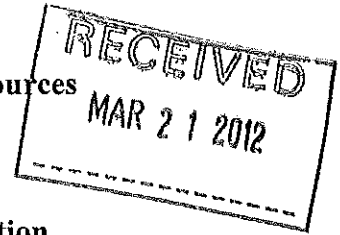
December 5, 2012 – Augusta – Key Bank Building

## **J. Motion to ADJOURN**

Rebecca made a motion to adjourn. George seconded the motion. The meeting ended at 11:14 am.

Respectfully Submitted  
Jim Willis

**Memorandum of Understanding  
Between  
Maine Department of Agriculture, Food and Rural Resources  
And  
Maine Department of Health and Human Services**



**Bottled Water, Bulk Water and Spring Water Regulation**

The Department of Health and Human Services (DHHS) and the Department of Agriculture, Food and Rural Resources (DAFRR) both regulate aspects of the bottled water industry (bottlers). DHHS has statutory requirements to regulate bottlers as “transient” public water systems as well as issue permits for some bulk water transporters. DAFRR has statutory requirements to regulate manufacturers and bottlers of non-alcoholic beverages including bottled water. Because statutory overlap exists, this Memorandum of Understanding has been developed between the DHHS and the DAFRR to ensure the laws are properly enforced, State staff are making appropriate use of their time, water bottlers have a clear and consistent regulatory message, and public health is protected.

DHHS staff has extensive experience inspecting and approving water sources and treatment as well as reviewing water quality monitoring data. DAFRR staff has extensive experience inspecting and monitoring food and beverage manufacturing facilities as well as oversight of the distribution of food products.

DHHS will be responsible for review and approval of the water source and treatment as well as water quality monitoring associated with transient public water systems. DAFRR will provide the regulatory oversight of the bottling process, including water quality monitoring associated with product packaging as well as the distribution and sale of the product.

Specific responsibilities for each Department are as follows:

**DHHS Responsibilities**

1. Work with the Department of Environmental Protection to permit all bulk water transporters of water for bottling.
2. Review and approve plans for bulk loading facilities.
3. Provide review and approval for all new sources of water. This will include establishing new source water testing requirements and spring water determination as needed.
4. Ensure the source water meets appropriate water quality requirements prior to source approval.
5. Establish routine water sampling requirements.
6. DHHS will review compliance with water quality monitoring schedules and standards. The point of compliance for DHHS shall be after all treatment processes but before the bottling process.
7. When bottlers fail to meet DHHS water quality monitoring schedules or standards, DHHS shall take necessary enforcement action necessary to ensure compliance.
8. DHHS will be the primary inspector for the water sources and treatment systems.
9. Assist DAFRR with product quality investigations as needed.

**DAFRR Responsibilities**

1. DAFRR will be the primary inspector of the bottling and packaging facilities for compliance.
2. Ensure bottler compliance with appropriate State product labeling regulations.
3. Establish and oversee water quality monitoring requirements for finished product.
4. DAFRR will be the lead agency on consumer complaints and on all product recalls.
5. When a bottler fails to meet necessary product handling, packaging and distribution regulations, DAFRR shall take the necessary enforcement action to ensure compliance.
6. Oversee all aspects of out-of-state bottlers selling product in Maine.

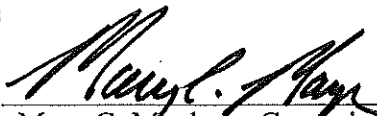
**Joint Responsibilities**

1. Departments agree to develop and use a single joint application form for new bottlers.
2. Departments agree to share applicant submissions, comments, and draft permit conditions, and to consult with the other before taking any final agency action.
3. Departments will provide notifications to each other whenever a bottler fails to comply with a Department regulation.
4. Insofar as statutory authority permits, the Departments agree to develop a common position on all applications and actions, and to approve, deny, or condition permits and approvals in close coordination.
5. Departments agree to share any compliance reports that pertain to conditions common to the agencies (e.g., pumping, flow, water level records, and water quality issues).

**Expectations of Water Bottlers**


1. For new applications, bottlers will submit two copies (one to each Department) of the joint application form.
2. Any proposed changes to the water source(s) or treatment systems, including pumps, pipes and tanks between the source and the treatment system, shall be submitted to DHHS for review and approval prior to the change occurring.
3. All other proposed changes to the bottling facility shall be submitted to DAFRR for review and approval prior to the change occurring.

**Department of Health and Human Services**

Signed:   
Mary C. Mayhew, Commissioner  
Department of Health and  
Human Services

Date: 4/2/12

**Department of Agriculture, Food and Rural Resources**

Signed:   
Walter E. Whitcomb, Commissioner  
Department of Agriculture, Food and  
Rural Resources

Date: 3/16/12