

As voted by the Board of Trustees and in accordance with the notice of the meeting, the monthly Workshop Meeting of the Board of Trustees of the Portland Water District was held in the Nixon Training Center at the general offices of the District, 225 Douglass Street, Portland, Maine on October 9, 2018. In attendance from staff were Messrs. Crovo, Kane, Firmin, Wallace, Johnson and Mses. Lewis and Katsiaficas. President Lunt convened the Workshop at 6:40 p.m.

All Trustees were present except Trustees Garrison and Douglas.

1. Trustee Training on the Handling of Appeals to the Board.

Donna Katsiaficas, Corporate Counsel, provided a presentation and training to the Board on how to handle appeals related to water service standards.

Ms. Katsiaficas began her presentation by providing a background of the District's operations advised that the Board may be called upon to review appeals matters. She explained that the District is a non-contributing utility, which means that developers pay the cost of any water main extensions that are made to the system; ratepayers do not pay for water main extensions. When reviewing water main extension applications, PWD staff applies District standards; Trustee approved policies, laws, regulations and previous cases decided by the Public Utilities Commission as well as District decisions.

Ms. Katsiaficas explained that the purpose of PWD's appeals is to provide a fair and unbiased decision-making process as well as historical record for future appeals. The appeals process also provides clear and direct communication between the applicant and the District.

When making decisions, PWD utilizes its Standards, Policies, (such as policies 650 and 620 which have been enacted by the Board), and Terms and Conditions. Federal, State and Municipal Laws and Codes are also applied, where relevant.

Ms. Katsiaficas then explained the application and appeal process, beginning with the application and request for an ability to serve letter through the appeal to the Internal Review Team and then on to the Board of Trustees. The Internal Review Team is made up of the senior Project Engineer, Director of Asset Management and Planning, Engineering Services Manager and the Corporate Counsel. Decisions by the Team are usually made within 2 weeks of an appeal being filed. A dissatisfied applicant can then appeal to the Board.

The Board's review is appellate in nature, which means the Board does not take new evidence. It reviews the proceedings that occurred before the Team and asks questions of either the applicant or the staff. Ms. Katsiaficas presented a spreadsheet prepared by Bob Bartels, Senior Project Engineer for the MEANS group, to show the Board the records that PWD has for prior appeals, beginning in 2008.

President Lunt asked if the applicant would be able to have representation at the appeal. Yes, it can be whomever the applicant designates.

Trustee Willey asked where the appeals process goes beyond the Board. It should stop at the Board. Ms. Katsiaficas explained it is an undecided area of law.

President Lunt asked about setting a precedence for appeals on connections that have been made in the past. Ms. Katsiaficas explained that the applicant must meet current building standards.

Mr. Crovo explained we have many grandfathered cases from the 1920's through the 1940's where customers were allowed to make connections that would not be allowed today. All new construction must comply with current rules and regulations.

Trustee Willey asked about customers who experience big water leaks and does that come into this process. Ms. Katsiaticas explained it does not. Customers are allowed one adjustment on their bill for situations like that under the PUC rules. The PUC still maintains jurisdiction over that area (Chapter 660).

Trustee Siviski asked about the actual hearing the Board would hold and would the Board have to render a decision at the hearing. Ms. Katsiaticas responded the Board would have to issue a decision within 7-10 business days.

President Lunt wanted to know if the appeal process becomes public record. It does.

2. Nutrient Management Efforts.

Scott Firmin, Director of Wastewater Services, lead a discussion on potential challenges, ongoing efforts to manage nutrients at our facilities and possible future developments.

Mr. Firmin noted that there are water quality concerns that are a result of nutrients. In marine waters, nitrogen is a concern. In fresh water, phosphorus is a concern.

(Trustee Libby left the meeting at 7:30.)

Mr. Firmin provided phosphorus results for the Westbrook/Gorham/Windham WWTF. He also discussed algae blooms in Back Cove.

Contributors to Casco Bay nitrogen levels were discussed.

Eel grass coverage in Casco Bay has been studied. Density of the grass has been looked at. Eel grass beds in PWD's area has not changed much, but there have been concerns about its density. There has been some growth in the eel grass beds in PWD's area.

The aeration system project at the East End led to improvements sludge settleability and improved the District's ability to move nitrogen. Mr. Firmin described the aeration process with pictures of the system and the process. PWD's permit requires monitoring on a weekly basis for nitrogen. Nutrient Optimization reporting is required by PWD's permit instead of nutrient limits being placed on PWD.

PWD's permit also requires participation with the City of Portland in its integrated planning process.

Challenges for the District include wet weather flow management, transition to and from nitrification/denitrification seasonally, disinfection system control, managing pH, staff awareness and training, equipment and system maintenance and operating costs.

For 2018, the District has seen approximately a 72% reduction in nitrogen output at the East End facility.

On-going disinfection challenges have required PWD to ask for help from the State in dealing with its challenges.

Mr. Firmin discussed estimated costs to the District for making improvements to the East End Plant to try to meet a basic nitrogen limit; this would likely require a 4th clarifier and a clarification basin. The cost could be \$40,000,000.

President Lunt asked Mr. Firmin if he was getting feedback from EPA about PWD's performance. Mr. Firmin stated EPA is hard to read; they appreciate our efforts and understand them. He is not sure what effect that will have on the next permit.

Mr. Firmin's PowerPoint presentation is attached for further reference.

3. Requests for workshop topics and/or PWD facility tours of interest to Trustees for the 2019 meetings.

General Manager Lewis provided a list of workshop topics PWD has had since 2016, and she solicited ideas for new workshop topics.

Trustee Levinsky suggested that PWD's large customers be invited in to explain their operations and discuss their satisfaction with PWD. He also suggested each department could be invited in to give a "day in the life" of what they experience in PWD operations.

Trustee Willey thanked Ms. Lewis for the list. He said he found it helpful having it at the end of the year to plan for the next year. He felt the value of water topic could be discussed every other year. Employee satisfaction survey should be every other year as well. He suggested employee safety could be discussed every other year as well.

Trustee Willey also asked if a discussion should take place to have an appointment process to replace a vacant Trustee position while an election is pending. The General Manager suggested that perhaps when reviewing the next census, as part of the discussion on apportionment of Trustees, a discussion could occur about filling a vacant position.

Ms. Lewis asked how long Trustees want to meet for workshops – most seemed to say workshops should last until 8:00-8:30.

4. Other Business.

Labor negotiations start tomorrow.

5. Adjourn.

The meeting adjourned at 8:03 p.m.

Submitted by,

Donna M. Katsiaficas
Clerk