

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2100

S.P. 749

In Senate, February 11, 2020

**An Act To Require Third-party Certification for Persons
Undertaking Corrosion Prevention and Mitigation Projects for
Public Water Supply and Wastewater Infrastructure and Bridges**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook.
Cosponsored by Speaker GIDEON of Freeport and
Senators: LIBBY of Androscoggin, VITELLI of Sagadahoc, Representatives: FECTEAU of
Biddeford, McLEAN of Gorham, MOONEN of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §42, sub-§3-C** is enacted to read:

3 **3-C. Corrosion prevention and mitigation; public water supply infrastructure**
4 **and public wastewater infrastructure.** The department shall adopt rules governing
5 corrosion prevention and mitigation methods for public water supply infrastructure and
6 public wastewater infrastructure. Rules adopted pursuant to this subsection must include,
7 but are not limited to, establishing a process for ensuring that corrosion prevention and
8 mitigation activities are carried out in accordance with established corrosion prevention
9 and mitigation standards, requiring the use of personnel who are industry-trained and
10 industry-certified in corrosion prevention and mitigation methods on any type of substrate
11 or surface and requiring plans to prevent environmental degradation that might result
12 from corrosion prevention and mitigation activities. Rules adopted pursuant to this
13 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

14 **Sec. 2. 23 MRSA §356** is enacted to read:

15 **§356. Corrosion prevention and mitigation; bridges**

16 The Department of Transportation shall adopt rules governing corrosion prevention
17 and mitigation methods for bridges wholly or partly under the control of the State. Rules
18 adopted pursuant to this subsection must include, but are not limited to, establishing a
19 process for ensuring that corrosion prevention and mitigation activities are carried out in
20 accordance with established corrosion prevention and mitigation standards, requiring the
21 use of personnel who are industry-trained and industry-certified in corrosion prevention
22 and mitigation methods on any type of substrate or surface and requiring plans to prevent
23 environmental degradation that might result from corrosion prevention and mitigation
24 activities. Rules adopted pursuant to this section are routine technical rules as defined in
25 Title 5, chapter 375, subchapter 2-A.

26 **Sec. 3. Rulemaking.** Rulemaking conducted pursuant to this Act is governed by
27 this section.

28 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
29 following terms have the following meanings.

30 A. "Corrosion" means the deterioration of a material, usually a metal or concrete,
31 that results from a chemical or electrochemical reaction with its environment.

32 B. "Corrosion prevention and mitigation" means:

33 (1) The preparation, application, installation, removal and general maintenance
34 as necessary of a protective coating system, including but not limited to:

35 (a) Surface preparation and coating application on the interior or exterior of
36 the surface;

37 (b) Removal of a lead-based or other hazardous coating;

38 (c) Painting of structural steel fabricated for installation; and

1 (d) Installation of coatings and surfacing on concrete or other cementitious
2 substrates; and

3 (2) With respect to bridges, any activities related to corrosion prevention,
4 including cathodic protection, that in accordance with rules adopted pursuant to
5 this Act must be performed by industry-trained and industry-certified personnel.

6 C. "Corrosion prevention project" means corrosion prevention and mitigation
7 activities performed during construction, alteration, maintenance or repair work or at
8 any other time necessary on a bridge, public water supply infrastructure or public
9 wastewater infrastructure.

10 D. "Industry-trained and industry-certified" means:

11 (1) Completion of, or current enrollment in for at least the entire duration of a
12 corrosion prevention project, a state-certified apprenticeship training program
13 that requires concurrent on-the-job training and classroom instruction for an
14 individual to be considered adequately knowledgeable to perform corrosion
15 prevention and mitigation activities; or

16 (2) Confirmation from a corrosion prevention industry credentialing organization
17 whose standards for corrosion prevention and mitigation meet state requirements
18 that an individual is adequately trained to perform corrosion prevention and
19 mitigation activities or conduct inspections.

20 E. "Public wastewater infrastructure" means all mains, pipes and structures, intakes
21 and cribs, pumping stations and treatment plants, collectively or severally, through
22 which treated or untreated effluent, wastewater and storm water is collected, stored,
23 treated, disposed of or distributed.

24 F. "Public water supply infrastructure" means all mains, pipes and structures through
25 which water is obtained and distributed to the public, including wells and well
26 structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage
27 tanks and appurtenances, collectively or severally, used or intended for use for the
28 purpose of furnishing water for drinking or general domestic use in incorporated
29 municipalities, unincorporated communities where 10 or more separate lots or
30 properties are being served or intended to be served, state-owned parks and
31 memorials and state-owned educational, charitable or penal institutions.

32 **2. Rulemaking.** In adopting rules to implement the Maine Revised Statutes, Title 22,
33 section 42, subsection 3-C and Title 23, section 356, the Department of Health and
34 Human Services and the Department of Transportation, respectively, shall adopt rules
35 that:

36 A. Provide the same standards and requirements for corrosion prevention and
37 mitigation methods as are established by the Society for Protective Coatings for its
38 coating application specialist program; the National Association of Corrosion
39 Engineers for its certified coating applicator program; and the National Association
40 of Corrosion Engineers International Institute;

41 B. Require the use of industry-trained and industry-certified personnel:

- 1 (1) To perform corrosion prevention and mitigation activities on any type of
2 substrate or surface; and
- 3 (2) As inspectors to ensure best practices and standards are followed in corrosion
4 prevention and mitigation projects; and
- 5 C. For all corrosion prevention and mitigation projects require the development of a
6 plan to prevent environmental degradation that might result from corrosion
7 prevention and mitigation activities.

8

SUMMARY

9 This bill requires the adoption of rules by the Department of Health and Human
10 Services and the Department of Transportation governing corrosion prevention and
11 mitigation for bridges, public water supply infrastructure and public wastewater
12 infrastructure. Rules adopted pursuant to this legislation must include establishing a
13 process for ensuring that corrosion prevention and mitigation activities are performed in
14 accordance with established corrosion prevention and mitigation standards, requiring the
15 use of personnel who are industry-trained and industry-certified in corrosion prevention
16 and mitigation methods and requiring plans to prevent environmental degradation that
17 might result from corrosion prevention and mitigation activities.