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State of Maine
Department of Environmental Protection
& Department of Human Services

Review of Drinking Water and
Plumbing Control Programs

January 2001



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EXECUTIVE SUMMARY

In October 2000, the Department of Environmental Protection (DEP) and the Department of Human Services (DHS) initiated a study of the State's drinking water and plumbing control programs. The study was prompted by a State Task Force on Public Water Protection that concluded benefits may be realized from the integration and coordination of drinking water regulations and program administration within the DEP.

The objective of the study undertaken by Berry, Dunn, McNeil and Parker (BDMP) was to identify and examine work processes, resources, and activities within the Drinking Water and Waste Water and Plumbing Control Programs, DEP, and other related State programs in order to document areas for potential integration. BDMP was charged with developing up to three scenarios for combining or reorganizing the two programs. The three potential scenarios included:

- Keeping the Programs at DHS;
- Integrating the Programs into the present organizational and operating structure of the DEP; and
- Integrating the Programs into the DEP but through the creation of a new Bureau.

A Project Team comprised of DEP and DHS staff was assembled to participate in the study. During meetings facilitated by BDMP, the team provided process and resource information, recommended staff and external stakeholders to be interviewed, and validated our findings and recommendations. BDMP also interviewed staff and stakeholders, reviewed processes in all departments, and analyzed financial, human, and information systems resources information.

Based on the results of the study, we conclude that the two Programs are operating effectively within the DHS Division of Health Engineering. There is little evidence that the Programs would be more effective or efficient if moved to the DEP or another State agency.

In our opinion, related DEP and DHS programs and activities will benefit through improved communication and cooperation between the Departments, without the need for formal Program consolidation. In this report, we have identified opportunities for potential cooperative efforts along with recommendations addressing other DHS staff, process, and resource issues. We encourage management to prioritize the recommendations and develop an implementation plan to address high priority action items as soon as practical. Our recommendations include:

- Undertaking a joint vision session between DEP and DHS.
- Increasing visibility of the Drinking Water Program within the State and regulated communities.
- Empowering the DWP to enforce the protection of drinking water sources.
- Further strengthening the organizational structure of the Drinking Water Program.
- Sharing Program information between the DHS and DEP.

We would like to acknowledge the cooperation and support of the DEP, DHS, Department Commissioners, stakeholders, and regulated community during this study. We found all parties to be dedicated to the improvement of drinking water administration and processes.



1.0 INTRODUCTION

Over the past three years, the Department of Environmental Protection (DEP), the Department of Human Services (DHS), the Legislature, and stakeholders have cooperated on efforts to better coordinate drinking water regulations and Program administration within the State of Maine. The following paragraphs describe the significant activities and legislation that led to this review and the submission of our report:

- Upon receipt of the results of the Study of MTBE in Public and Private Water Supplies, Governor King submitted an action plan that included the creation of a Work Group to recommend improvements in the protection of Wellheads of Public Water Supplies.
- The Work Group met from July through November 1998 and identified a number of options to better protect the State's water supplies.
- Legislation was then submitted to create a Task Force to address the issues and recommendations of the Work Group in a formal manner, and with Legislative support.

On June 17, 1999, H.P. 1103 – L.D. 1550, Resolve, to establish a Task Force to Study the Improvement of Public Water Supply Protection, was enacted. Section 1 of the legislation established a Task Force to study the improvement of public water supply protection. The Task Force convened in October 1999 to study the improvement of public water supply protection. In January 2000, the Task Force issued its report “*Task Force to Study the Improvement of Public Water Supply Protection,*” making several priority recommendations. One recommendation was that benefits might be realized from the integration and coordination of drinking water regulations and Program administration within one agency.

Taking these recommendations under consideration, the Legislature passed H.P. 1862 – L.D. 2597. Section 13 of this legislation directed the DEP and DHS to jointly hire a consultant to review the drinking water and plumbing control Programs to determine how Program integration and coordination could best be accomplished. The outcome of this review would be a report, by February 1, 2001, of findings to the joint standing committees of the Legislature having jurisdiction over natural resources and human service matters.

On September 2, 2000, the DEP and DHS issued a Request for Proposal (RFP) titled “*Review of Drinking Water and Plumbing Control Programs.*” The DEP and DHS selected Berry, Dunn, McNeil & Parker (BDMP) to undertake the study and work began on October 26, 2000, with expected completion on February 1, 2001.

1.1 Background

The DHS Bureau of Health, Division of Health Engineering, administers two Programs related to drinking water and wastewater regulation. The Drinking Water Program (DWP) is responsible for enforcing the Federal Safe Drinking Water Act in Maine and has primary responsibility for administering the State's Rules Relating to Drinking Water. The DWP regulates over 2,200 public



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water systems in Maine. The Wastewater and Plumbing Control Program (WWPCP) is responsible for regulating on-site sewage disposal systems. The WWPCP promulgates and administers the Maine State Plumbing Code, Subsurface Wastewater Disposal Rules that sets statewide standards for the design and installation of these systems. These Programs have historically been viewed as relating to public health issues and have been housed within the DHS Division of Health Engineering. The DEP and other State agencies also administer various water quality protection Programs that affect drinking water, both surface and groundwater.

There has been some sentiment in the State that the mission and vision of the DWP and WWPCP can be better met by moving the Programs from the DHS to the DEP. This sentiment is based on the perception that the Programs currently lack visibility within the DHS (the Programs are supported by 43 employees within a department of 2,200 employees) which adversely impacts the Program's access to headcount and funding and ability to pass legislation. In addition, prior U.S. Environmental Protection Agency (US EPA) reviews were critical of the DWP's management structure and operation.

Proponents of the move contend that the DEP can better fulfill the mission of the Programs. The proponents point out the DEP's focus on environmental issues, the opportunity to consolidate drinking water Programs, the DEP's success with funding efforts involving bonds approved by the public, its ability to administer federal laws, and its recent success in forming working relationships with stakeholders.

1.2 Project Objective and Scope

The objective of this study was to identify and examine related tasks, work processes, resources, and activities within the DWP, WWPCP, and DEP in order to clearly document areas for potential integration and efficiency of related drinking water Programs.

H.P. 1862 – L.D. 2597, Chapter 761, Section 13 directed the DEP and DHS to hire a consultant to review various State agencies as alternatives to host the Program. The consultant was charged with evaluating the assets and liabilities of each given their missions, structure, indirect costs, data management systems, enforcement capabilities, and coordination of effort. The consultant would then develop a potential scenario for how these Programs could be structured if they were moved to another department and, by February 1, 2001, submit a report on these findings to the joint standing committees of the Legislature having jurisdiction over natural resources and human service matters.

Accordingly, BDMP was charged with developing up to three scenarios for combining or reorganizing the DWP and WWPCP to improve the overall efficiency and effectiveness of drinking water Programs in the State. In the course of discussions with the Project Team and members of management from DHS and DEP, the following scenarios were agreed upon as the focus of our study:

Scenario 1

The DWP and WWPCP will remain with the DHS Division of Health Engineering and recommendations will be provided to address issues identified by the Task Force, US EPA, and other interested parties.



Scenario 2 and Scenario 3

The DWP and WWPCP would move to the DEP and be merged into the existing DEP organizational and operating structure.

Alternatively, DWP and WWPCP would move to the DEP and a separate Bureau, such as a “Bureau of Water,” would be created to accommodate the Programs and other operating goals of the DEP.

1.3 Project Approach

The project approach was developed based on the needs expressed in the RFP and our management consulting experience. The approach included a number of activities that led to the development of a conclusion and several related recommendations. This approach was based upon the assessment of the effectiveness and efficiency of the DWP and WWPCP if left at DHS (Scenario 1) and if moved to the DEP (Scenario 2 or 3).

Our study included a review of pertinent historical and legislative documents, assessment of physical and human resources, compilation of cost and funding information, assessment of the satisfaction and expectations of the affected agencies and third parties, and an assessment of current work processes. We employed a structured approach that included:

- Collection of information pertinent to the history, structure, and operation of the relevant Programs.
- Interviews and group discussions with DHS, DEP, and other stakeholders identified by DHS and DEP.
- Objective analysis of information gathered.
- Development of a draft report.
- Validation of findings and recommendations.

The DHS and DEP assembled a Project Team to provide guidance and input throughout the project (see Appendix A for a listing of Project Team members). The Team met periodically to review progress, to offer suggestions regarding areas to be investigated and persons to be interviewed, and to validate findings.

We assessed current work processes for the DHS Division of Health Engineering relating to the DWP and WWPCP Programs. We identified and examined applicable business processes, workflow, and inventory; assessed physical and human resources allocated to these Programs; and reviewed cost and funding information in order to assess the efficiency and effectiveness of the Programs. We performed similar tasks for related DEP Programs. We also assessed the satisfaction and expectations of affected agencies and third parties through individual and group stakeholder meetings and met with the commissioners of both DEP and DHS in order to solicit their opinions and views (see Appendix B for a listing of stakeholders interviewed).

To assess the effectiveness and efficiency of the Programs in the context of the three scenarios, we studied:



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- Mission and purpose of the DWP, WWPCP, and related DEP Programs.
- Management and organizational structure at the DHS and DEP.
- Level of satisfaction experienced by external and internal stakeholders.
- Allocation of human, physical, and financial resources.
- Processes being undertaken at DWP, WWPCP, and DEP, particularly inter-relationships and overlap of duties.

We met with the Project Team to review and validate our preliminary findings. The purpose of this meeting was to ensure that we understood how the Programs function, that our recommendations were based on valid assumptions, and that potential alternatives for the Programs had been identified.

After this meeting, we conducted additional meetings with Project Team members and stakeholders to complete our analysis and develop our draft report. The draft report document was delivered to the Project Team and a meeting took place to discuss our recommendations, answer questions, and consider comments.

2.0 CONCLUSION

Based on our analysis, we conclude that the DWP and WWPCP should remain within DHS, Division of Health Engineering (Scenario 1). We believe the two Programs do and can continue to meet the needs of the State and the regulated community effectively and efficiently. The following issues factored heavily into our decision:

- There has been a notable improvement in the management of the DWP over the past year. These improvements address many of the concerns identified in prior US EPA reviews.
- Additional collaboration between DEP and DHS could bring about the changes desired by the Legislature and task force, without the need to formally consolidate the Programs.
- Breaking the DWP and WWPCP away from other Programs in the Division of Health Engineering, such as the Eating and Lodging Program, would be likely to create issues that could reduce the effectiveness and efficiency of the Division as a whole.
- The overall opinion of the stakeholders is that the Programs are effective and should remain with the DHS Bureau of Health Engineering.
- The DEP and DHS are subject to two different indirect cost formulas. Moving the Programs to the DEP could result in a reduction of the funds available to the DWP.

Conversely, there was no strong evidence to suggest that Scenario 2 or 3 would improve the effectiveness or efficiency of the two Programs. Implementation of either of these two scenarios would require additional one-time investment in planning and relocation costs, and could impact the funds available to the DWP to carry out its mission. The Commissioner of the DEP suggested that a move



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would necessitate a significant reorganization of the staff and would likely create a need for a new management-level position to run the Programs.

2.1 Opportunities for Improvements

Even though we conclude that the needs of the State are best served by keeping the DWP and WWPCP within DHS, there are opportunities to improve the Program effectiveness and efficiency for the benefit of both DHS and DEP. Our recommendations include such areas as:

- Undertaking a joint vision session to allow DEP and DHS to come to agreement regarding areas of formalized collaboration.
- Heightening the visibility of the Programs by improving communication with the Legislature and internal staff regarding the mission, vision, and accomplishments of the Programs.
- Empowering the DWP to enforce the protection of drinking water sources.
- Continuing efforts to strengthen the Program staff, including converting the six US EPA Grant Fund positions at the DWP to State-funded positions. This requires significant interaction with the Legislature.
- Leveraging the Memorandum of Agreement structure now in place to support enhanced collaboration between DHS and DEP.
- Developing a strategy to share Program information between the DHS and DEP. For example, consider sharing mapping information contained in the Federal Safe Drinking Water Information System (FSDWIS) and the Geographic Information System (GIS).
- Developing procedures for allowing DEP to have input into the rules for managing the Local Plumbing Inspectors (LPI).
- Developing a plan to clarify and document which services are provided by the Departments to address the perceived overlap of responsibilities.

Our recommendations, along with other opportunities to improve overall Program effectiveness, are described in this report.

3.0 SUPPORTING INFORMATION FOR SCENARIO 1

In the course of our study, we assessed the effectiveness and efficiency of the Programs at the DHS and how well the Programs would function if moved to DEP. To gauge both Program effectiveness and Program efficiency we considered if the Programs were “doing the right things.”



3.1 Program Effectiveness

To gauge Program effectiveness, we considered: the Programs' ability to effectively carry out its mission and mandated responsibilities, stakeholder assessment of how well the Programs meet their needs, and the management and organizational structure that supports the Programs.

We determined that the Programs were effectively carrying out their mission at the DHS. We found little evidence to indicate that there would be a substantial increase in effectiveness if the Programs were moved to DEP, and some evidence that would indicate the potential for a decrease in effectiveness if the Programs were moved to DEP.

3.1.1 Management

Background

In 1998, Van Wie Associates undertook a comprehensive audit of the DWP in its summary of findings. The results of the report concluded that the organizational structure of the DWP and the vacant director's position were impacting the DWP's ability to carry out its duties. The report cited the following as some of the significant issues with the DWP:

- Primacy Under the Safe Drinking Water Act (SDWA) – Weak in the area of enforcement and emergency planning
- Compliance/Enforcement Strategy and Tracking – Lack of integration with all Program areas and lack of strategic direction from Bureau management
- Marginally functional data management system – Inadequate planning for the design and development of the Oracle-based data management system
- Staffing, Budgeting, and Planning – In particular, the reliance on contract employees
- Program Management – Particularly, a lack of coordination and teamwork
- Program Administration – Particularly, in reference to written policies
- Interagency Cooperation – Interagency cooperation in the area of enforcement

Prior US EPA audit results and the perspectives of the State legislature, the Task Force, the US EPA, and certain members of the regulated community supported these findings.

In May 2000, a DWP director was hired. Since that time, the above issues have been or are being addressed. All stakeholders, both internal and external, have observed an improvement in the DWP since the director began her work. Specifically, her accomplishments include:

- Improved relationship with the US EPA. Discussions have taken place regarding audit letters and enforcement issues. The US EPA has recognized the various improvements with the DWP and has sent them a letter commending them for those improvements (refer to Appendix H).
- Updating of Maine rules related to Drinking Water, Fluoridation, and Cross Connections. Increase in Administrative Orders and volume of Notices of Non-Compliance.



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- Implementation of FSDWIS, a US EPA supported data management system that will allow improved data collection and reporting and will interface with the US EPA system.
- Filling of vacant positions. Requested the conversion of six US EPA Training Grant positions to permanent State positions. The request progressed to the Governor's Office (more progress than previously), but was not included in the Governor's budget.
- Initiated sessions to improve departmental communication skills and team building. Regular meetings with the Director and Section Managers and their staff. In the process of compiling a set of policies and procedures and initiating a five-year strategic plan.
- Developed new policies regarding compliance and field services.
- Ensuring that certain Memorandum of Agreements (MOA) are followed. Will focus on interagency cooperation as internal issues are addressed.

The efforts of the new director address the efficiency and effectiveness issues that were identified in the Van Wie Report. When interviewed, both the US EPA's Maine Drinking Water Coordinator and the Assistant Director of Drinking Water Policy of the Region 1 US EPA office in Boston, Massachusetts, reported improvement regarding historical issues with the DWP and a level of satisfaction with the DWP. External stakeholders expressed an increase in overall satisfaction with Program administration since May 2000.

Recommendations

To build upon the managerial improvements cited by the stakeholders during the study, we recommend:

- The DWP director should continue to work in close collaboration with the US EPA.
- The DWP director should continue to increase her visibility and the visibility of the Program with the Legislature, stakeholders, and members of the regulated community. This effort should include a plan for the continuous education of the Legislature and stakeholders regarding the mission and vision of the DWP, as well as its ongoing accomplishments.

In addition, the DHS Commissioner should continue his level of involvement with the DWP to ensure the Program achieves the level of visibility needed to accomplish its mission.

3.1.2 Organization

Background

In addition to a Program manager, the DWP has 33 employees. The staff positions for the DWP are funded from the general fund, from funds received from AFM fees, and from funds received from two types of federal grants: the PWSS and the SRF. The DWP provides a 20% match for its State Revolving Loan Grant and a 33% match for the PWSS grant.

The WWPCP has eight employees. Currently, the Program manager position is vacant. The staff positions in the WWPCP are funded from Program fees only. In addition to the DWP and WWPCP,



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the Division of Health Engineering administers the Radiological Health Program and the Eating and Lodging Program. These two Programs, along with Division Administration, account for the other 26 positions in Health Engineering.

The Task Force to Study the Improvement of Public Water Supply focused on the status of the DWP and the protection of drinking water resources to ensure public health. The Task Force recognized that the Division of Health Engineering administered other related programs. For this reason, in Recommendation #5 of its report, the Task Force also advised that the consultant charged with the study should recommend whether the WWPCP should also be moved in order to accomplish the overall goal of the Task Force. It was the relationship of the DWP and WWPCP, not the efficiency or effectiveness of the WWPCP, that was being addressed.

In 1992, the US EPA began a process to revoke the State of Maine's delegation of the Federal Safe Drinking Water Act, commonly referred to as primacy. This action was primarily due to understaffing in the DWP that was resulting in a lack of enforcement. To resolve the staffing problem, US EPA provided funds, as a temporary measure, to the NEIWPCP to hire staff to work at DWP so that DWP can better fulfill its primary responsibilities. Since 1993 the US EPA has continued to fund staff through NEIWPCP. In fact, the DWP now has six full-time, one full-time short-term, and one-half-time short-term positions supplied through NEIWPCP. The US EPA is very anxious to have these positions be made State positions for the sake of resource continuity and stability. Over time, there have been attempts to discontinue the Training Grant and acquire the six full-time persons as State employees. As recently as the current budget cycle, DHS requested the addition of the six positions, but the request was not included in the Governor's budget package. The stability of the DWP may be jeopardized by personnel turnover resulting from Training Grant personnel dissatisfaction.

The WWPCP works closely with the Eating and Lodging Program to the extent that customer files are shared by both Programs and physically housed in the WWPCP. Because the Eating and Lodging Program visits approximately 6,000 customers (1,800 of which are public water supplies) on a regular basis, it shares information with the WWPCP that it could not easily share if the Programs were geographically separated. The sharing of information increases the efficiency and effectiveness of the WWPCP and the Eating and Lodging Program and should be continued.

Recommendations

In addition to recent efforts to strengthen the organizational structure of the Programs, we recommend:

- The Director should continue her efforts to improve the DWP team, including conversion of the US EPA grant positions to permanent State-funded positions.
- Initiatives to include the WWPCP data and activities in FSDWIS should be explored.
- The Division should fill the vacant WWPCP Program Manager position as soon as possible. We understand that the position is being funded in the budget beginning July 1, 2001.



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- The DWP, WWPCP, and DEP should establish a formal collaborative arrangement to help achieve the objectives that were intended to be realized from the Task Force study. Building upon the Memorandum of Agreement (MOA) structure already put into place for the purposes of inter-agency collaboration, the DWP, WWPCP, and DEP should work together on issues such as: areas of overlap regarding sanitary systems, Overboard Discharge Grants, and water quality approvals for projects.
- There is an opportunity for the WWPCP and the DEP to work together to develop additional standards of operation for the LPIs. These standards could formalize policies and procedures to be followed when the DEP and LPIs interact.

3.1.3 Mission and Purpose

Background

The purpose of the DWP is to protect human health through maintenance of drinking water quality. The DWP's mission is to provide administration and enforcement of the Federal Safe Drinking Water Act in the State of Maine. The Program works regularly with the internal departments at the DHS and also with the DEP on various issues and procedures related to drinking water.

In order to carry out its mission, the DWP works closely with the Drinking Water Commission (DWC). The DWC was established in 1993 and is made up of nine members, one member representing the DHS and eight other members appointed by the Governor that have an association with public water systems. The DWC is primarily responsible for establishing annual drinking water fees that are assessed against all public water systems in the State. The DWC also advises the DWP on drinking water issues and evaluates Program resources to plan for future Program needs and to justify possible fee increases.

The mission of the WWPCP is to minimize health and safety hazards associated with improperly installed subsurface wastewater disposal systems. A MOA was issued in June 1998 and addresses the interaction of the WWPCP with other departments, including the DEP. This MOA between DHS and DEP outlines rules and responsibilities of each group regarding groundwater classification, wastewater disposal, and water quality impact from engineered systems.

Recommendations

The following recommendations reflect opportunities to further refine and communicate the mission and purpose of the Programs in the State:

- Continue efforts to develop a strategic business plan for the DWP.
- Communicate the mission and vision to the Legislature and stakeholders.
- Continue to work with local municipalities in efforts to educate them about protecting ground water.



- Work collaboratively with stakeholders and the Legislature to create a law that protects drinking water sources from contamination.
- The opportunity exists for the DEP and DHS to informally collaborate to share information regarding Programs and funding. A joint vision session would allow the two departments to formalize the structure of their relationship and agree upon a plan for collaboration between the departments.
- Assemble a team to meet on a regular basis to address communications issues. This team should have a defined agenda, should be comprised of DHS and DEP staff, and should address communications issues of common interest. The team should report its progress to the Commissioner for inclusion in the Commissioner's annual reports.

3.1.4 Stakeholder Assessment

Background

The Task Force to Study the Improvement of Water Supply Protection suggested that the study “should have input from an advisory group that includes the regulated community.” In order to receive input from those most closely involved with the Programs, we met with internal and external stakeholders, as well as members of the regulated community, as recommended by the Task Force. Stakeholders were identified by members of the Project Team, as well as by key staff at the DHS and DEP. Stakeholders included members of the regulated community, the US EPA, members of the Task Force, DHS and DEP managers, and the Commissioners of the DEP and DHS (see Appendix B for a stakeholder listing).

Stakeholders were interviewed, either in groups or individually, and were asked about their satisfaction with the current structure and performance of the Programs, their expectations for future encounters with the Programs, and their recommendations regarding relocation and/or improvements that could be made in the Programs (refer to Appendix C for a summary of stakeholder comments).

Stakeholder Satisfaction

Members of the regulated community and stakeholders expressed overall satisfaction with the performance of the DWP and WWPCP. Most of those interviewed commented regarding the positive impact brought about by the new director of the DWP.

DWP and WWPCP managers who were identified as internal stakeholders expressed satisfaction with the inter-relationships of the DWP, WWPCP, Laboratory, Eating and Lodging Program, and Radiation. DEP managers expressed concern that information that could be shared was not easily available to both groups, that there is overlap of duties between the Programs, and that there is limited coordination between the Programs.



Stakeholder Expectations

Overall, stakeholders expect that the primary concern of the DWP should be public health. Although the DEP also protects public health, some stakeholders perceive that the missions of the two departments are quite different. Stakeholders expect that the DWP and WWPCP will continue to be easy to work with and will protect the water supply.

Stakeholders are concerned that a change of the DWP and WWPCP to DEP could result in less service, more bureaucracy, and additional expense to the customers served by the Programs. Internal stakeholders at the DHS and DEP assumed that positions would not be lost. DHS staff is hopeful that if the Programs were to move to the DEP, the DWP and WWPCP staff would remain together as a unit.

It is the consensus of the stakeholders that groundwater must be protected. Most stakeholders agree that the improvements in the DWP over the past several months have addressed most of their concerns about the DWP's ability to provide the management necessary to protect groundwater. Several stakeholders have offered the opinion that wellhead protection might be better served if the DWP were part of the DEP. In particular, these individuals have suggested that the DEP is better equipped to handle enforcement issues, perceive that there is duplication of work between the DWP and DEP, and that it would be more efficient, and perhaps more effective, to integrate DWP into DEP. This opinion was not widely shared.

Several stakeholder groups have stated that if there is a recommendation to move the WWPCP to the DEP, the state-wide groups will strongly oppose it. It became apparent, through external and internal interviews, that one of the primary reasons the WWPCP is efficient and effective is because of its ability to respond quickly to urgent situations. In the minds of the stakeholders, if a slowdown in response time took place, it could negatively affect the economy, particularly in the housing and real estate industries.

Some stakeholders, particularly those who have been members of the Task Force, believe that the DWP, regardless of where it is located, needs strong legal authority to protect drinking water sources in Maine.

3.2 Program Efficiency

To gauge Program efficiency, we considered the human, physical, and financial resources allocated to the Programs at the DHS and the resources that could be made available to the two Programs at the DEP, as well as the costs associated with a move to the DEP.

We determined that the DWP and WWPCP are, for the most part, working efficiently at DHS. We performed an inventory of processes and assessed the efficiency of the DWP and WWPCP at the DHS as well as at the DEP. The following paragraphs describe our findings in the areas of processes and resources.



3.2.1 Program Processes

Background

In order to consider the efficiency of the DWP and WWPCP, processes were analyzed. The DWP, WWPCP, and DEP were asked to assess the tasks they perform. Each of the members of the Project Team that represented these business units was asked to collect information regarding tasks performed, task descriptions, and estimates of time that each task would take to perform. We organized these task lists and identified business processes. The appropriate members of the Project Team approved the lists of business processes for their respective areas.

Our process analysis was designed to take into consideration the possible operating scenarios introduced in Section 1.2 of this report. The first was the efficiency of the DWP and WWPCP processes as they exist within the DHS (Scenario 1). Secondly, we focused on the opportunities for a substantial increase in efficiency if the Programs were moved to the DEP (Scenarios 2 and 3). Legislative rules and departmental policies and regulations were reviewed. An inventory of resources was undertaken and discussions surrounding business processes were held. Internal stakeholders, including the Commissioners of the DHS and DEP and external stakeholders, including the regulated communities and the US EPA, were interviewed in order to solicit their opinions and views.

The DEP and DHS were asked to inventory their activities as they relate to drinking water regulation and administration. DHS identified all tasks undertaken in the DWP and WWPCP while the DEP elected to only inventory tasks that were associated with drinking water and involved interaction with DWP and WWPCP staff. The inventory was reviewed by BDMP and the tasks were consolidated into high level processes and validated by appropriate DEP and DHS management. BDMP reviewed the critical processes to identify inefficient/redundant tasks and DEP and DHS management selected staff to discuss processes from their perspective, including such considerations as:

- Source of the information utilized in the process
- Inter- and intra-departmental interactions needed to carry out the process
- Bottlenecks and issues surrounding the current process
- Applicable documentation that supports the process

The DWP works regularly with the internal departments at the DHS and DEP on various issues and procedures related to drinking water. For example, the DWP and the Eating and Lodging Program work closely together because they have many of the same customers. Efficiency is often gained because the Eating and Lodging Program staff visit customers much more often than do staff from DWP and the Eating and Lodging Program staff identify problems which are passed on to the DWP. As new rules are implemented, the DWP will have increased interaction with the Radiation Program, in regard to enforcement of Radon rules (see Appendix D for processes associated with the DWP).

Our analysis of processes identified the following issues:

- There are no standard procedures in place for logging and responding to questions and requests from external entities. This lack of procedure often results in delays in response.



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- Current communication, both inter-departmentally and intra-departmentally, is not efficient or effective.
- There is no manual or automated system that notifies staff when work needs to be done at specific times of the year. With no automatic reminder available, workers may miss visiting a customer or have little time to prepare.
- Internal and external stakeholders, the Legislature, and the Task Force have identified lack of visibility as a constraint for the DWP, in particular, when the DWP seeks State funding.
- There is a perception that there may be inequity at the DHS in the current salary structure for positions that may be similar or the same as positions at DEP.

A MOA was issued in June 1998 and addresses the interaction of the WWPCP with other departments, including the DEP. This MOA outlines rules and responsibilities of each group regarding groundwater classification, wastewater disposal, and water quality impact from engineered systems.

The WWPCP and DEP interact when issuing approvals for projects and when sharing information that resides in one of the department's databases. Within the DHS, the WWPCP frequently interacts with the Eating and Lodging Program. The two departments work closely with each other in reviewing documents and share physical files which are located in the WWPCP work area.

The WWPCP is responsible for informing the public about the Maine Subsurface Wastewater Disposal Regulations. The Program also maintains copies of all internal plumbing and subsurface wastewater permits issued state-wide. The WWPCP performs a review of all engineering plans for compliance (see Appendix E for processes associated with the WWPCP).

Recommendations

The following recommendations reflect opportunities to improve interdepartmental processes involving drinking water regulation and administration:

- It would be beneficial for both DEP and DHS to develop some standard practices for coordinating inter- and intra-departmental communication.
- Information systems located at DHS and DEP should be shared so that information needed by both departments could be easily obtained and manipulated. Currently, information is stored independently in each department and in field offices. Information is often not readily accessible for sharing.
- Increase visibility by educating the public and the Legislature regarding the accomplishments of the DWP.



Review of Drinking Water and Plumbing Control Programs

- Develop an approach so that the DWP and DEP work collaboratively on funding availability opportunities of common interest.
- Increase the visibility of the DWP through the attendance of the DWP director and other vital staff at DHS, including the Commissioner as appropriate, at important meetings.
- Consider establishing a web or e-mail based tracking/calendar system, which would notify the appropriate person(s) of a task to be completed. This system would allow employees to receive notification, on-site or off-site, of appointments, site visits installations, inspections, approvals, or reviews. Currently, there is no manual or automated system that notifies staff when work needs to be done at specific times of the year. With no automatic reminder available, workers may miss visiting a customer or have little time to prepare.

3.2.2 Physical Resources

Background

A concern expressed by some stakeholders and many DWP and WWPCP staff was that the Programs do not have adequate working space available in their present location. DEP currently has an option on space available in the Tyson Building on the AMHI campus. In assessing the efficiency of the DWP and WWPCP, we considered future space planning by both the DHS and DEP.

At the present time, the physical resources available to the DWP and WWPCP at their present location in the Division of Health Engineering are stretched. Some staff members have cramped office space in areas not originally designed for office occupancy. DHS Bureau of Health has initiated plans to remodel the available space to better accommodate its staff. Modular furniture has been proposed as a possible solution. In addition, the Programs will move to a temporary location while some renovations take place in the Division of Health Engineering. This temporary move is scheduled to take place in 12-to-18 months. Once the renovations have been undertaken, it is projected that the working environment will improve.

We recommend that the DHS Bureau of Health continue with plans for physical space improvements for the two Programs.

3.2.3 Financial Resources

Background

The Legislature, the Task Force, and the DWP were concerned about the potential financial impact of moving the DWP to the DEP. The task force also discussed their concern regarding the DWP's ability to successfully obtain State funding (seen as a "visibility" issue). The legislative directive for this study indicated that financial resources should be reviewed and recommendations should be made that included consideration of financial issues.



Review of Drinking Water and Plumbing Control Programs

The DWP is dependent upon its federal and state funding and utilizes nearly 100% of the income that it receives from all sources. The DWP and the DEP are subject to different negotiated rates, with the DEP being the higher rate. According to management at the DHS Division of Health Engineering and at the DEP, the indirect cost associated with the DWP at DHS is less than the indirect cost at the DEP. The DEP provides some administrative services not included in the present indirect cost of operating the DWP, but provision of these services would in all likelihood not compensate for the difference in indirect cost.

The Director of Management Services, the DEP, and the Director of Health Engineering agree that moving the DWP to the DEP could increase the indirect cost to the DWP by as much as \$100,000 annually (depending on what costs are netted out and how they are netted out). There is the potential for a Program shortfall to occur in the DWP if it were to move to the DEP. This study did not address how to best address that shortfall.

In addition to the potential Programmatic impact illustrated above, the DWP and WWPCP would incur one-time moving expenses, as well as personnel expense, as members of the Programs were drawn into planning sessions to facilitate the move to DEP. This study did not address the costs associated with such a move.

The WWPCP is dependent on the fees paid by customers for services rendered by the Program and utilizes nearly 100% of this fee income. The Division of Health Engineering expects the remittance structure and funding source would not change if the WWPCP were to be moved.

Recommendations

Based on our conclusion that the Programs remain at the DHS Division of Health Engineering (Scenario 1), we have not addressed recommendations regarding the cost to move the Programs (Scenarios 2 and 3).

3.2.4 Information Systems Resources

Background

There are a number of databases that exist within the DEP and DHS. The GIS locational data project, pilot groundwater electronic data transmission, the Groundwater database, and the Common Identifier Repository are initiatives in various stages of completion at the DEP. The installation of FSDWIS is a major new initiative for the DWP that will allow the Program to transfer drinking water data more efficiently to US EPA headquarters.

As more information is entered into the DWP database, it may be valuable to link some information into the DEP One Stop Program. If FSDWIS data were incorporated into One Stop, via the Common Identifier Repository (CIR), a single client identifier would allow any authorized person to access additional information regarding a particular client. With so many activities taking place among the Programs and departments, having a single mechanism for obtaining a full history regarding a client may be beneficial.



At the present time, DEP is working with DHS to allow access to authorized DHS staff to view information in One Stop. It would be beneficial to form a multi-departmental group that could pursue opportunities for uniting client information. Information of common use to DWP, WWPCP, and DEP could be shared so that all that need to do so could access the information.

We recommend that a multi-disciplinary, multi-agency team be assembled to work on information sharing issues.

4.0 SUPPORTING INFORMATION FOR SCENARIOS 2 AND 3

We concluded that Scenario 1 (keep the Programs at DHS Division of Health Engineering) will best meet the needs of the State at this time. There is not a significant overlap of roles and responsibilities regarding drinking water and plumbing control between the two departments and, in our opinion, the DEP and DHS can work cooperatively on State drinking water and plumbing control matters without the need for a formal program consolidation.

We have provided the following information relative to Scenarios 2 and 3 for the benefit of the readers of this report. This information, along with contributing factors discussed in Section 3.0 of this report, served as the basis of our conclusion and recommendations.

4.1 DEP Mission

The DEP, a descendent of the Sanitary Water Board and the Environmental Improvement Commission, created in 1941, studies, investigates, and recommends means of eliminating pollution and prevention of pollution of waters used for recreation purposes in the State. On July 1, 1972, the department was formally created with a broad mandate of responsibilities extending well beyond recreation waters. The duties of its three bureaus, Remediation and Waste Management, Land and Water Quality, and Air Quality, support the mission of the DEP.

Although the DEP has a broad mandate extending to the protection of public health, the missions of the DWP and WWPCP clearly indicate that their primary mandate is to protect public health and ensure safe drinking water. The DWP and WWPCP are effectively protecting public health and ensuring safe drinking water and there is no indication in our study that moving the Programs to the DEP would increase their dedication to carrying out their missions.

4.2 DEP Organization

The DEP Commissioner was consulted regarding the type of structure that she would propose if the DWP and WWPCP were moved to the DEP. The Commissioner proposed that a new bureau would need to be created to accommodate both the demands of adding DWP and WWPCP and other needs within DEP. To that end, an additional bureau would need to be created, and a director's position created. The staff of the DWP and WWPCP would then be fully integrated into the DEP, with staff placed appropriately. Planning committees would need to be formed and managerial effort would need to be expended in order to accomplish the integration.



We have identified that some economies of scale might be realized with the integration of DWP and WWPCP into DEP. The economies most likely would be in the area of support staff, not professional staff. No reduction of DWP or WWPCP staff was proposed in conversations with management or with the Commissioner.

4.3 DEP Financial Resources

If the DWP and WWPCP were to be moved to the DEP, there are two areas in which the DEP would be financially impacted. These areas are:

- The need to create an additional bureau and add a bureau director and support staff.
- One-time moving expenses associated with moving DEP staff to the Tyson Building to integrate with DWP and WWPCP staff.

DEP estimates that the addition of a bureau director, including fringe benefits, would be \$87,690.00 in year one and \$93,629.00 in year two. Although this bureau director would be responsible for other activities at the DEP, there is no indication from the DEP that if the DWP and WWPCP did not move that such a position or additional bureau would be created.

In addition to salary and fringes, relocation and reassignment of personnel to the new bureau would require at least some one-time costs. According to the DEP Commissioner, DEP, DWP, and WWPCP staff would become involved in integration planning teams to transition the Programs smoothly into the DEP. If the Programs came to the DEP, space in the Tyson Building would need to be secured and moving costs, telecommunications costs, and furniture/cubicle costs for DEP staff to move to the Tyson Building would be incurred.

4.4 DEP Physical Resources

The DEP has reserved space in the Tyson Building that would accommodate the integration of the DWP and the WWPCP into the DEP. This reserved space would be utilized as part of the integration of DWP and WWPCP into the DEP.

If the Programs moved to the DEP, according to the DEP Commissioner, space would be reviewed and it would be decided what staff groups within the DEP might move into the Tyson Building. The reservation of space in the Tyson Building requires that a decision be made fairly quickly, as other units are interested in the space and the DEP has a limited reservation pending.



APPENDICES



Appendix A
State of Maine
Department of Human Services and Department of Environmental Protection

List of Project Team Members

| Name | Title |
|--------------------|---|
| Nancy Beardsley | Director, Drinking Water Program |
| Cheryl Fontaine | Senior Geologist, Department of Environmental Protection |
| Florence Grosvenor | Hydrogeologist, Department of Environmental Protection |
| Philip Haines | Director, Bureau of Health, Department of Human Services |
| Bruce Hunter | Hydrogeologist, Department of Environmental Protection |
| James Jacobsen | ESIV Department of Health Engineering, WWPCP |
| Mark Margerum | Policy Assistant, DEP, Bureau of Land and Water Quality |
| Clough Toppan | Director, Division of Health Engineering |
| David VanWie | Bureau Director, DEP, Bureau of Land and Water Quality |
| George Viles | Director of Management Services, Department of Environmental Protection |



Appendix B
State of Maine
Department of Human Services and Department of Environmental Protection
Program Stakeholders

| Stakeholder Session | Name | Title |
|---------------------------------------|-----------------------|---|
| ME Water Utilities Association | Scott Minor | Augusta Water District General Manager |
| | Mary Bowers | Great Salt Bay Sanitary District – Superintendent |
| | Jeff McNelly | Executive Director |
| | Seth Garrison | Superintendent |
| | Rick Knowlton | VP Operations |
| | Jim West | Director Of Water Services |
| | Norm Labbe, PE | Assistant Superintendent Kennebunk/Kennebunkport and Wells Water District |
| | David Parent | Assistant Superintendent Sanford Water |
| | Richard Berry | Chair-MDWC |
| | Jeanette Batchelder | Admin Assistant MWUA |
| Maine Rural Water Association | Michael MacDonald | Water Quality Specialist |
| | Ray Bates | Water Quality Specialist |
| | Carlton Gardner | Program Specialist |
| | Steven Levy | Executive Director |
| MASE | David Moyse | President |
| | Jack Lord | Board of Directors |
| | Richard Gould, LSE | Board of Directors |
| | David Kamila, PE, LSE | Treasurer |
| | Mark Hampton | Secretary |
| | Bruce Johnson | Director |
| | Paul Beers | Review Committee |
| DHS Managers | Andy Tolman | Source Protection |
| | Bob Peterson | SDWIS Administrator |
| | David Breau | Chief Engineer/SRF Administrator |
| | Michael Corbin | Compliance Manager |
| | Clough Toppan | Director of Division of Health Engineering |
| | Nancy Beardsley | Director of Drinking Water Program |
| | Phil Haines | Director of Bureau of Health |
| | Jim Jacobsen | Program Manager – Waste Water Program |
| DEP Managers | Florence Grosvenor | Hydrogeologist |
| | David VanWie | Bureau Director |
| | Christopher Kroot | GIS Manager |
| | David Blocher | Agency Technology Officer |
| | William Brown | Division Director of Engineering |
| | Mark Margerum | Policy and Planning |
| | Bruce Hunter | Hydrogeologist |



Review of Drinking Water and Plumbing Control Programs

| Stakeholder Session | Name | Title |
|---|---|---|
| Other Stakeholders | Doug Riley, PE, SE | Consulting Engineer |
| | Phil Conkling | Island Institute |
| | Ginger Davis | MEREDA |
| | Chris Hall | Maine Chamber |
| | Jeff Miller | Maine Municipal Association |
| | Russ Martin, PE | Sanitary Engineer |
| | Linda Gifford | Legal Counsel, Central Maine Title Co. |
| Maine Building Officers and Inspectors | Renee Carter, LPI, Code Enforcement Officer | President |
| Maine PUC | Ray Hammond | P.A. of Maine Public Utilities Commission |
| EPA | Christopher Ryan | Maine Drinking Water Coordinator |
| EPA | Jane Downing | Assistant Director of Drinking Water Policy |
| Legislature and Commissioners | Scott Cowger | Legislator, Task Force Co-Chair |
| | Commissioner Martha Kirkpatrick | DEP |
| | Commissioner Kevin Concannon | DHS |



Appendix C
State of Maine
Department of Human Services and Department of Environmental Protection

Stakeholder Comments

The stakeholders listed in Appendix B were interviewed and provided information regarding their expectations, recommendations, and level of satisfaction with the services of the DWP, WWPCP, and DEP. A summary of individual comments follows:

Satisfaction

- Since the new DWP director began at the DWP, staff is more cohesive, there is more Program visibility, and the regulated community and stakeholders are seeing a difference. Eight months ago, stakeholders had a much different opinion of DWP management and its ability to get the job done. They said their comments would have been much different if they had been interviewed at that time.
- There are many synergies between DWP, WWPCP, and the Eating and Lodging Program. Because Eating and Lodging Program staff regularly visits establishments, important information and referrals are often shared with DWP and WWPCP, and vice versa. Physical files are shared between the DWP, WWPCP, and Eating and Lodging, making access to information much easier.
- The Division of Health Engineering applies standards when answering questions so there is consistency when dealing with customers.
- The WWPCP works well and customers are satisfied. The structure of the Program is good.
- The WWPCP has a small staff that does a lot of work.
- The DWP and WWPCP respond quickly to problems. They try to solve problems rather than be punitive.
- There are overlaps between related DEP and DHS Programs. There is confusion regarding whom to go to for what issue resolutions.
- One stakeholder group expressed concern over the weak management that had existed at the DWP and its poor relationship with the US EPA in the past. They felt that the DWP needed to do a better job in protecting the water. However, they believe there has been significant improvement over the past several months.
- Some stakeholders complained about the poor communication between the DEP and DHS, despite the MOA structure that is in place.



Review of Drinking Water and Plumbing Control Programs

- Many stakeholders felt that the DHS is too big to give adequate attention to DWP issues and were dissatisfied with the DWP's ability to have its objectives met.

Expectations

- As a result of the review, there will be a higher visibility for the DWP. This visibility would be demonstrated by more attention from the Governor's office and increased involvement by the commissioner who would be responsible for the Programs. As a result of increased visibility, the DWP would have an increased commitment at the State level and would have a voice speaking on its behalf within the cabinet.
- Protecting groundwater should be an important priority.
- New staff within the DWP may allow new ideas and improved relationships between DWP and DEP.
- If the Programs are moved to DEP, they must be "better off" than they are now, or there is no reason to move them.
- Some stakeholders expressed a great deal of concern regarding the possibility of fragmenting the DWP and/or WWPCP if they are integrated into the DEP. These stakeholders expect the same level of service and satisfaction, regardless of the location of the Programs.
- Information should be more easily shared between DEP and DHS, regardless of the placement of the Programs.
- Current information sharing should not be compromised because some Programs stay at DHS and others move to DEP.

Recommendations

- Do not move the Programs from DHS to DEP. Most association groups that were interviewed supported this recommendation. Three association groups stated they would oppose a final recommendation to move DWP and WWPCP to the DEP.
- One stakeholder recommended movement of the Programs to the DEP because DEP, in his opinion, has a superior enforcement division.
- Increase the visibility of the DWP, regardless of its location at DHS or DEP. Elevate the influence of the DWP.
- Safe drinking water must always be viewed as a health issue.



Review of Drinking Water and Plumbing Control Programs

- Make sure that wherever the Programs reside, they are better off, not just located in a different department.
- Maintain a user-friendly attitude and a good relationship with the customers.
- The DWP should be more vocal, get more public exposure, and tout the benefits its delivers to customers and citizens.
- Regardless of where the Programs reside, share data and computer applications.
- Make sure the DWP retains its primacy.
- Address the space issue. Additional space is needed if the Programs remain at DHS.
- In the area of human resources, there is a vacant director's position in the WWPCP. Six persons working alongside State employees are contracted employees. Further efforts should be made to incorporate these persons as employees of the State. DHS, as well as the US EPA, support this recommendation.



Appendix D
State of Maine
Department of Human Services and Department of Environmental Protection
Processes Associated with the DWP

| Process Name | Responsibility |
|--|--|
| Field services | Engineering Technician III Environmental Engineer II Assistant Engineer Environmental Specialist II & III |
| Compliance activities | Chief CH Program Environmental Specialist II |
| Rule coordination (Lead, Copper, Corrosion, Cross connection, Bottled water, Radon, Fluoride, CCR, TCR, Phase II&V contaminants, Surface Water) | Chief CH Program Director Environmental Specialist II & III |
| Quality assurance activities | Chief CH Program – Director Data Control Clerk |
| Technical assistance | Chief CH Program Environmental Engineer II Environmental Specialist II & III Environmental Technician II Assistant Engineer |
| Phone calls and customer support | Chief CH Program Environmental Specialist II & III Data Control Clerk Drinking Water Program Director Assistant Engineer Environmental Technician III Environmental Engineer II Manager SWP section GIS Coordinator |
| Technical review | Assistant Engineers Environmental Specialist III Environmental Technician III Environmental Engineer III SE II & III |
| Emergency activities | Environmental Technician III Assistant Engineer Environmental Engineer II Environmental Specialist III, Chief CH Program |



Review of Drinking Water and Plumbing Control Programs

| Process Name | Responsibility |
|---|--|
| Database Management FSDWIS | Data Control Clerk SDWIS Manager (ESIV) Chief CH Services |
| Operator certification | Environmental Engineer II |
| Enforcement | Enforcement Specialist Enforcement Coordinator |
| Budget – SRF | SE & SE II Financial Analyst |
| Rule making | Director Environmental Specialist Various Staff (take on rule and become expert) |
| Accounting | Accounting |
| Prepare maps (water system delineation) | Hydrologist Limnologist GLS Intern (work w/other depts, not DEP) |
| Source water assessment | Director Hydrology Groundwater Contractor Limnologist Source Water Contractor |
| New well approval | Environmental Specialist II |
| Source water protection grants | Source Water Contractor |
| Application review | Environmental Specialist II |



Appendix E
State of Maine
Department of Human Services and Department of Environmental Protection
Processes Associated with the WWPCP

| Process Name | Responsibility |
|---|----------------------------------|
| Issue plumbing permits | Data Control Clerks |
| Process and review documents and correspondence | Data Control Clerks ESIV |
| Miscellaneous office duties | Data Control Clerks ESIV |
| Review and process applications | Sanitarian II ESIV |
| Provide assistance regarding rules | Sanitarian II ESIV |
| Work with local site evaluators | State Site Evaluator ESIV |
| Investigate problems | State Site Evaluator ESIV |
| Field services, including interaction with DEP | State Plumbing Inspector ESIV |



**Appendix F
State of Maine
Department of Human Services and Department of Environmental Protection**

Processes Associated with DEP *

* Only includes processes where there is interaction with the DWP and the WWPCP

| Process Name | Responsibility |
|---|--|
| Field services | CMRO-John Hopeck CMRO-Don Witherill CMRO-Phil Garwood CMRO-John Glowa Technical Services project manager Response service OHMS Geologist Engineer Cheryl Fontaine Florence Grosvenor Bill Noble Maryanne Dubois |
| Research | CMRO-John Hopeck |
| Compliance | CMRO-John Hopeck CMRO-Dave Dodge |
| Database management (Groundwater Resource) | Florence Grosvenor Bruce Hunter |
| Remediation | Technical Services Project Manager & Staff Response Service OHMS Geologist Engineer Cheryl Fontaine Technical Services Geologists Engineers Project Manager |
| Application review | CMRO-Judy Gates Pam Parker Richard Greene David Achorn |
| Customer support and phone calls | Technical Services Professionals Response OHMS on call CMRO-Clarissa Trasko Pam Parker CMRO-Marianne Dubois CMRO-Dave Dodge CMRO-Phil Garwood CMRO-John Glowa |



Review of Drinking Water and Plumbing Control Programs

| Process Name | Responsibility |
|------------------------------|---|
| Rule/policy making | CMRO-Don Witherill |
| Quality assurance activities | CRO-Dave Dodge |
| Operator certification | Pam Parker |
| Enforcement | CMRO-Phil Garwood CMRO-John Glowa Mike Mullen |
| Reports | Maryanne Dubois Mike Mullen |



Appendix G
State of Maine
Department of Human Services and Department of Environmental Protection

Acronym List

| | |
|--------|---|
| AMHI | Augusta Mental Health Institute |
| BDMP | Berry, Dunn, McNeil & Parker |
| DHS | Department of Human Services |
| DEP | Department of Environmental Protection |
| DWP | Drinking Water Program |
| LPI | Local Plumbing Inspector |
| MOA | Memorandum of Agreement |
| NEIWPC | New England Interstate Water Pollution Control Commission |
| SDWA | Safe Drinking Water Act |
| SDWIS | Safe Drinking Water Information System |
| US EPA | United States Environmental Protection Agency |
| WWPCP | Wastewater and Plumbing Control Program |