

US EPA ARCHIVE DOCUMENT

**MEMORANDUM OF UNDERSTANDING**  
**Between the Departments of**  
**ENVIRONMENTAL PROTECTION,**  
**BUREAU OF REMEDIATION & WASTE MANAGEMENT**  
**And**  
**HEALTH and HUMAN SERVICES, BUREAU OF HEALTH**  
**DRINKING WATER PROGRAM**

Draft edits by ALT, May 21 and June 15 2004, BEH, Sept. 8, 2004ALT October 22, 2004

This Memorandum provides the framework for the working relationship between the Maine Department of Environmental Protection, Bureau of Remediation & Waste Management (BRWM), and the Department of Human Services, Bureau of Health, Division of Health Engineering, Drinking Water Program (DWP), with regard to installation, maintenance, and monitoring of point-of-entry (POE) treatment equipment installed by BRWM on non-community public water supplies regulated by DWP. It also provides for the sharing of water quality data to expedite the investigation and remediation of threats to public drinking water supplies. Additionally, the MOU provides for coordination of efforts between these two agencies to prevent the contamination and facilitate the remediation of public water supplies and sensitive groundwater.

BRWM, to protect public health and the environment from contamination by petroleum and hazardous substances, often installs POE treatment equipment on water supplies, some of which are “public water systems” under Chapter 231 of DWP rules. When a water supply is contaminated, it usually is best to restore potability quickly to minimize the exposure and risk to the health of its users. BRWM is required by statute to use the most cost-effective means of protecting public health and the environment from adverse effects of hazardous materials.

DWP ensures that all public water systems are designed and operated in accordance with Maine Rules Relating To Drinking Water (Chapter 231) and the federal Safe Drinking Water Act (SDWA). SDWA regulations (40 CFR Part 141) require that owners of all public water systems receive approval from DWP prior to making any changes in treatment processes. In addition, new treatment equipment may be subject to additional monitoring as necessary to safeguard the health of consumers.

Public water systems are defined as systems that serve at least 25 persons, , for at least 60 days of the year. The DEP and the DWP have a joint responsibility to minimize the likelihood of contamination of both surface and groundwater public water supplies. Leaks and spills of petroleum hydrocarbons represents a significant risk to public water supply quality, and a significant expense to the [Ground Water Oil Clean-up Fund, 38 MRSA Section 569-A.](#) . The DWP has mapped the location and source protection areas of PWSs in Maine, with the cooperation and assistance of DEP and USEPA. To assist in accomplishing this joint responsibility, it is in both agencies’ interest to share information and resources about spills and leaks in source protection areas.

In order that both agencies can fulfill their respective responsibilities expeditiously and share information obtained on treatment equipment performance, the agencies agree as follows:

**BRWM agrees to:**

1. Notify DWP when any public water supply has been confirmed by BRWM to be contaminated above BRWM-established action levels or is considered at imminent risk of becoming contaminated. Action levels are set at one-half the drinking water Maximum Contaminant Level (MCL), when one exists, or at one-half the Maximum Exposure Guideline (MEG) when no MCL has been established, except for MTBE, where the BRWM action level is 25 ppb.
2. To submit schematic diagrams of the treatment train for DWP approval prior to installation. Promptly after the treatment is installed the BRWM will notify the DWP. BRWM will, upon request, accompany DWP on an inspection of the facility. Treatment technologies used will be approved by USEPA as best available technology (BAT) or other means available for achieving compliance with the applicable MEG or MCL for contaminants listed in 40 CFR 141.61, and in accordance with good engineering practice for contaminants not listed. Equipment will be sized, designed, and installed such that water available to the public for consumption meets all MCLs, where these have been established, and MEGs when no MCL is in effect. The need for pretreatment equipment to ensure effective, reliable operation of treatment equipment will be evaluated based on the water chemistry of individual sites. BRWM will eliminate bypass plumbing in all existing POE equipment in public water systems, and will ensure that its contractors do not install bypasses in the future.
3. Monitor effectiveness of BRWM-installed treatment equipment as needed. Where a water source is contaminated with an organic compound or a petroleum product, BRWM will analyze the finished water at least quarterly using EPA Method 524.2 for that compound or constituents of the petroleum product for which there is a drinking water standard. BRWM will submit copies of water analyses to the DWP by the 10<sup>th</sup> of the following month and will notify DWP promptly when post-treatment water quality does not meet drinking water standards.
4. Provide DWP with a list of regional contacts and FAX numbers in the BRWM's Division of Response Services for notification of possible indications of contamination in accordance with Paragraph 1 below. DEP will investigate public water supplies where laboratory data provided by DWP indicate possible contamination by petroleum or its components or a hazardous substance. The purposes of such investigations shall be to verify the presence of man-induced contamination, and identify the source(s) of the contamination for possible remediation in accordance with BRWM's statutory and regulatory authority.
5. Notify the DWP of leaks or spills discovered in source protection areas.
6. If a new public water supply well is part of the remediation project, it must be approved by the DWP prior to installation. BRWM agrees to submit new well approval applications for replacement wells that will be public water supplies.

**DWP agrees to:**

1. Notify by FAX designated regional BRWM contact persons of laboratory analytical results, indicating newly discovered detections at concentrations above the laboratory reporting level of volatile and semivolatile chemicals or other organic chemicals, including pesticides, for which a federal Maximum Contaminant Level (MCL) or State of Maine MCL or Maximum Exposure Guideline (MEG) has been established for drinking water. A notification must also be sent to one designated person in the Augusta office. BRWM contacts will also be notified of confirmed detections of inorganics for which there is a primary drinking water standard whenever such detections exceed  $\frac{1}{2}$  an existing MCL or MEG for the first time. BRWM will not be notified of contamination if limited to disinfection by-products, copper, lead, nitrates, nitrites, microorganisms or radionuclides. FAXed notifications shall be labeled "Report of Possible Spill."
2. Promptly review all new well approval applications and treatment schematics and return comments to BRWM.
3. Consider BRWM-installed POE treatment equipment selected, installed, and maintained as described under paragraph 2 above to meet BAT, per 40 CFR 141.61.
4. When a public water supply must be treated with aeration or activated carbon to remove volatile contaminants, increase to monthly the frequency of testing the finished water for microbial contamination. After six months of testing, DWP will re-evaluate the testing frequency with BRWM.
5. Notify BRWM when BRWM-installed POE equipment on a public drinking water source fails to achieve primary drinking water standards.
6. Advise BRWM of any proposed changes in DWP rules, policy, or practice which would affect BRWM in its responsibility to eliminate hazardous substances and petroleum constituents from public drinking water supplies.
7. To continue its efforts to make public water supply monitoring data more readily available to BRWM and the State's Oracle-based Groundwater Data Base, and to notify BRWM when this data is available on Oracle software.
8. Provide the BRWM with maps and access to the DWP IMS website showing locations of source protection areas and public water supplies.
9. Provide liaison and coordination between the BRWM and community PWSs in response to spill or leak events that may threaten the quality or availability of their supplies.
10. Offer technical assistance as requested in evaluating the potential for hydrocarbon migration in source protection areas.

**Other Terms Of This Agreement**

1. By July 1, 2004, BRWM and DWP agree to designate contact persons to receive information, inquiries, and assistance requests related to this MOA.
2. BRWM and DEP will determine the need for disinfection on aeration POE treatment systems based on the findings of the bacterial analyses conducted in accordance with this Memorandum of Understanding.
3. This Memorandum of Understanding expires on June 30, 2006.

Department of Environmental Protection  
Bureau of Remediation & Waste Management

Department of Human Services  
Bureau of Health

Signed \_\_\_\_\_  
Stephen K. Davis, Director  
Bureau of Remediation & Waste Management

Signed \_\_\_\_\_  
Dora A. Mills, Director  
Bureau of Health

Date: \_\_\_\_\_

Date: \_\_\_\_\_