

## **Chronology of events leading up to the Review of ME DMR's Water Quality Division**

**Compiled by Valy Steverlynck - Fall 2007**

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| Winter 2006    | During the 2006 Legislative Session, Industry testifies in favor of ME DMR's request for additional funding for the WQ Division. The funds are granted despite the State's tight budget conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Fall 2006      | Wave of closures along the Maine coast as a result of elevated P90s .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Fall 2006      | <p>Industry and municipal representatives evaluate ME DMR's sampling protocols and find that:</p> <ul style="list-style-type: none"><li>• SOPs are not applied consistently;</li><li>• Samples are occasionally drawn in as little as 3" of water;</li><li>• Samples are occasionally drawn from streams and rivulets; Some growing area classification stations are located on or nearby pollution sources;</li><li>• Use of boats for sampling is discouraged by the DMR;</li><li>• 2005 and 2006 are very heavy rainfall years;</li><li>• Maine has an excellent health record;</li><li>• Nearby states have SOPs that are more industry-friendly than ME's</li><li>• Nearby states have excellent health records</li></ul> |
| Fall 2006      | FDA Regional Specialist (Peter Koufopoulos) agrees with Brunswick that stations on Maquoit Bay are located too close to shore to monitor overlying waters effectively. Koufopolous states that DMR need not conduct low tide sampling with minimal water present, but that samples need to be collected randomly. He is escorted to several areas at low tide and shown where the sampling stations are. His response is that typically those stations would be sampled in other states by boat, when water is present. He adds that walking out causes turbidity of the sediment, which may skew a sample.                                                                                                                    |
| November 2006  | Industry meets Commissioner Lapointe and Dep. Commissioner Etnier to discuss collaborative work on SOPs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Nov 06 -Feb 07 | <p>Industry and municipal representatives work closely with Amy Fitzpatrick and Linda Mercer on SOPs and make great progress. DMR agrees to:</p> <ul style="list-style-type: none"><li>• Make an effort to improve communication with industry;</li><li>• Provide industry with more information pertaining to growing area classification changes;</li><li>• Encourage samplers to wade in to 18" and plunge the sampling bag 8"-10" below the surface whenever possible;</li><li>• Maximize the help of wardens and harbormasters in sampling;</li><li>• Allow for boat sampling whenever possible;</li><li>• Evaluate sampling station location (pollution monitoring vs. growing area classification);</li></ul>           |

- Establish a pilot program in Maquoit Bay to monitor growing area waters with fewer stations (located further away from shore than the existing stations) and to sample heavily by boat;
- Look into salinity as a possible way to eliminate samples from freshwater sources;
- Change nuances in the SOP to encourage proper sampling (eg. replacing “boots” with “hip boots or waders” in the SOP’s sampling equipment list).

March 2007

Peter Koufopoulos, FDA Regional Specialist, responds to Brunswick’s inquiry about other states’ SOPs: he emails, *“A quick poll this morning of various states around the country found the range used was from 6-12” below the surface (most of these states sample by boat, however. The actual depth they sampled in was two feet or greater due to boat accessibility when operating near shore.”*

April 2007

Draft SOP reveals some unreconcilable differences: SOP instructs samplers to pull a sample from 3” to 6” of water, and has an added paragraph that reads *“before the area can be sampled exclusively by boat both land and boat samples must be collected and statistically compared for agreement.”*

DMR no longer supports “Maquoit Bay pilot program.”

DMR/ Industry discussions break down.

Industry testifies in favor of LD 1318 and raises over \$30,000 to fund the review. Support for the bill proves to be overwhelming.

DMR supports LD 1318 and contributes \$10,000.

April 26, 2007

2007 Revised SOP is released. Current protocols include:

- Sampling at low tide to be conducted in at least 6” of water.
- Samplers instructed to wade in to 12”-18” of water and to plunge the bag 4”-10” below the surface.
- Paragraph related to the need to statistically compare land and boat samples for agreement remains.
- New code for missed station due to lack of water (“T”) is introduced.
- Overall tone is reflective of the importance of sampling for growing area classification and stresses the need for aseptic technique.