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

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

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

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

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

§ 356. Corrosion prevention and mitigation; bridges

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

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

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

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

B. "Corrosion prevention and mitigation" means:

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

- (a) Surface preparation and coating application on the interior or exterior of the surface;
 - (b) Removal of a lead-based or other hazardous coating;
 - (c) Painting of structural steel fabricated for installation; and
 - (d) Installation of coatings and surfacing on concrete or other cementitious substrates; and
- (2) With respect to bridges, any activities related to corrosion prevention, including cathodic protection, that in accordance with rules adopted pursuant to this Act must be performed by industry-trained and industry-certified personnel.

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

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

- (1) Completion of, or current enrollment in for at least the entire duration of a corrosion prevention project, a state-certified apprenticeship training program that requires concurrent on-the-job training and classroom instruction for an individual to be considered adequately knowledgeable to perform corrosion prevention and mitigation activities; or
- (2) Confirmation from a corrosion prevention industry credentialing organization whose standards for corrosion prevention and mitigation meet state requirements that an individual is adequately trained to perform corrosion prevention and mitigation activities or conduct inspections.

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

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

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

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

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

- (1) To perform corrosion prevention and mitigation activities on any type of substrate or surface; and

(2) As inspectors to ensure best practices and standards are followed in corrosion prevention and mitigation projects; and

C. For all corrosion prevention and mitigation projects require the development of a plan to prevent environmental degradation that might result from corrosion prevention and mitigation activities.

SUMMARY

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