

Annual List of Rulemaking Activity
Rules Adopted January 1, 2019 to December 31, 2019
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: **Maine Municipal Bond Bank, jointly with 06-096, Department of Environmental Protection (DEP)**
Umbrella-Unit: **06-096**
Statutory authority: 30-A MRS §5959
Chapter number/title: **Ch. 595, State Revolving Fund**
Filing number: **2019-060**
Effective date: 3/27/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Ch. 595 contains eligibility requirements for the funding of planning, design, and/or construction of municipal wastewater treatment works and other water pollution control facilities or practices under the State Revolving Fund. The amendments will allow for awarding construction contracts based on three additional delivery methods: Construction Management At-Risk (CMAR), Progressive Design-Build (PDB), & Fixed-Price Design-Build (FPDB). When the rules were first written, most municipal projects were designed to 100% by an engineering firm, bid, then awarded to the construction contractor for building, known as Design-Bid-Build (DBB). Since then, municipalities have seen the advantage of awarding construction contracts based on other delivery methods that allow for contractor input into the design or to compress the design/construction schedule. These changes allow eligible applicants of Maine's SRF program to use these additional construction delivery methods that have become common practice in the construction industry and are utilized by other state SRF's nationally. The amendments also update the rule in accordance with current procedures at the Maine Municipal Bond Bank, and bring the rule into consistency with current Federal requirements.

Basis statement:

Ch. 595 contains eligibility requirements for the funding of planning, design, and/or construction of municipal wastewater treatment works and other water pollution control facilities or practices under the State Revolving Fund (SRF). Ch. 595 is being amended to allow eligible applicants of Maine's SRF program to use construction delivery methods that have become common practice in the construction industry and are utilized by other state SRF's nationally. The amendments also update the rule in accordance with current procedures at the Maine Municipal Bond Bank, and bring the rule into consistency with current Federal requirements contained in the *Water Resources Reform and Development Act* (June 10, 2014) (WRRDA), amending Titles I, II, V, and VI of the *Federal Water Pollution Control Act* (FWPCA), and the *Federal Funding Accountability and Transparency Act of 2010*.

Fiscal impact of rule:

The amendments are largely procedural and are not expected to have any significant fiscal impact. Greater flexibility in construction delivery methods may provide cost savings in some cases.