

DRINKING WATER ADVISORY COMMITTEE

DEQ State Office and Teleconference

Conference Room A

Thursday, April 10, 2008

9:30 a.m. – 12:00 Noon

MINUTES

Attendees:

DWAC Members by Teleconference:

Kellye Eager, Health Departments

Bob Hansen, IBOL Board

Lynn Tominaga, IGWA

Mac Pooler, City of Kellogg

Chad Stanger, City of Idaho Falls

Steve Tanner, DEQ

Dave Six, City of Lewiston

DWAC Members at DEQ

John Wiskus, CH2M Hill

Cyndi Grafe, EPA - Idaho

Greg Wyatt, United Water Idaho

DEQ:

Lance Nielsen

Don Lee

Tom John

Joan Thomas

Mike Stambulis

Bryan Zibbell

Introductions/Review of Agenda Items – John Wiskus

- Roll Call was taken and members were asked for any additional agenda requests.
- Lance added information on IDWR's Construction Standards Negotiated Rule Making.
- Cyndi Grafe, EPA will discuss an upcoming workshop.
- Minutes from the October 16, 2007 meeting were approved.

Cost of Installing Point-of-Use Devices – Lance Nielsen

- There is very little tangible data regarding the costs of POU. A study was completed in Australia, and at the end it was determined more study was needed to find out actual costs of POU vs. centralized treatment.
- Members had no information from their constituents to provide at this time. Greg Wyatt offered to ask folks at this year's AWWA conference.
- Mike Stambulis has done some plan and spec. work for the Boise regional office and said that from seven to ten systems either considered POU or had it installed. Some systems are talking about disbanding as a PWS because of the cost to treat water.
- DEQ will keep an eye on POU and see what happens as time goes on.

Operator Certification and/or small system issues – Bob Hansen

- A letter written by the consulting firm, Forsgren Associates, Inc., requesting changes to the new licensing rules was presented before the Wastewater Professional Licensing Board. The Board decided to wait until the end of the legislative session. Nothing further has come up on it since the close of the session last week. The letter was proposing changes in the time-of-service requirement to take any test, and allowing specific water and wastewater training to meet educational requirements.
- The ABC website has more information on the major changes in licensing.
- Lynn Tominaga said it would take 10 years to get enough on-the-job hours to qualify for the Class 1 license, and the OIT license is only for three years. Wastewater systems and lagoons take a longer time than most others systems, and licensing issues are especially hard on the small systems.
- Members think that there must be a way for the experienced operators to get the license. Bob said that the state needs to be in line with other states' requirements and can't lower the Idaho standards because of reciprocity. The Board has been discussing the issue but haven't found a simple solution.
- Lynn recommended having a meeting with IRWA, DEQ, and the Board to get some ideas

regarding this issue.

Emergency Well Issues – Lance Nielsen

- DEQ is only approving new wells with full monitoring requirements as if they were a permanent production well. Short-term production wells are not emergency wells.
- Short-term wells are those planned for use during peak demand times only but not operating for more than one to two months of the year. Backup is synonymous with short-term.
- Lance said that until DEQ comes out with a proposal for a new policy, systems will have to assume the status quo. If a change is made, DEQ will provide education to the public.
- Dave Six commented that he believes all wells should be monitored for all contaminants not just nitrates and bacteria and this is what the City of Lewiston does. Greg Wyatt of United Water said they also do complete monitoring on the backup and emergency wells because it is just common sense and public health protective.

Negotiated Rulemaking – Drinking Water Facility Standards – Mike Stambulis

- Mike informed members that DEQ has posted on its website the proposed changes to the facility standards portion of the drinking water rules. The proposed rules more define when a qualified licensed professional engineer is needed to approve main line extensions. Other minimal changes were made to the rule.
- Negotiated rulemaking meetings will be held April 22nd and May 6th in Boise, Idaho Falls, and Coeur d’Alene. Since the rules apply to both drinking water and wastewater, a half day of the session will focus on drinking water and a half day on wastewater.
- Lance added that DEQ has tried to make the drinking water and wastewater rules consistent with State statute so as not to require anything that isn’t explicitly required by statute.

MOTION/ACTION TAKEN: Lance requested the committee review the rules and contact Mike Stambulis with any questions or comments.

Idaho Dept. of Water Resources Negotiated Rule Making for Well Construction Standards – Lance Nielsen

- Water Resources is going through negotiated rulemaking on Well Construction Standards. The rules initially went to the IDWR Board in the fall of 2007. The Ground Water Well Drillers Association objected to the Board and the rules were withdrawn. One of the main objections was ceiling depth – 58’ rather than a surface seal.
- There are approximately 5,000 new wells drilled annually and they can be sources of contamination and degradation of the ground water. Lance asked IDWR to add a definition of a public water system in to the regulations.
- DEQ believes the proposed rules will be more protective of the ground water resource, which is the primary source of Idaho’s drinking water. Lance invited the DWAC to make up their own minds and review the standards and send any written comments in to Water Resources.
- A draft rule will go to the Board in May.
- Steve Tanner thought this was a good opportunity to make Idaho’s well drilling requirements consistent with other states.

MOTION/ACTION TAKEN: Lance will work with John Wiskus on a draft letter for the committee regarding the draft “Well Construction Standards Rule.” If there is consensus, a letter from the DWAC will be sent by the DWAC. The letter will address the importance of adequate well construction standards to protect ground water, the primary source of drinking water for Idahoans.

MOTION MADE BY: Chad Stanger *SECOND:* Mac Pooler

VOTE: Unanimous

Energy Management Workshop for DW/WW Utilities – Cyndi Graff

- Cyndi announced an energy management workshop coming up for water systems to help them

with managing their energy resources and costs. The workshop will be given in partnership with EPA, and Idaho Rural Water Association. Other entities will also be providing assistance. The date of the workshop is September 18, 2008. Registration materials will be sent out in June.

- Only four regions were given funding to do this, and Idaho is hosting it in Worley, Idaho at the Coeur d'Alene Resort during the IRWA fall conference.

Ground Water Rule Update

- DEQ is looking for advice from the DWAC whether DEQ should adopt the Ground Water Rule on schedule or seek an extension. Should DEQ adopt the ground water rule without having the resources? There will be no additional funding for the rule from EPA or the Legislature and there would be an increased workload for DEQ and water systems.
- DEQ would incorporate by reference the rule which was promulgated by EPA on November 8, 2008. DEQ must decide and proceed with rule adoption by May 1, or ask for a two-year primacy extension from EPA. These are the options:

Option 1: Adopt on time staffing changes	Option 2: Adopt on time no staffing changes	Option 3: Delay adoption
Assign/re-assign personnel (TS work requests, other).	Re-prioritize program elements and only work on highest public health elements.	Negotiate with EPA on who implements each GWR program element. Evaluate program priorities, re-assign staff or add personnel.

Timelines:

May 1, 2008	Decision to proceed with rule adoption.
November 8, 2008	Deadline for the state to submit a final primacy package or have an extension agreement approved.
December 1, 2009	Rule compliance date for systems.
Fall of 2010	If adopting late: DEQ Board and Legislative hearing on rules.
November 8, 2010	Deadline for states with extension agreements to submit primacy applications.
December 31, 2012	State must complete "initial" round of sanitary surveys for community water systems.

- EPA and DEQ would still share some responsibility if EPA took primacy. EPA would do all enforcement. DEQ would not have some authorities they have now with sanitary survey deficiencies testing and may be working with EPA on corrective actions. Systems would still be coming to DEQ for assistance.
- Discussion between committee members and DEQ revealed that not adopting was not desirable from the water systems' perspective, and that a fee increase was going to be imminent in the near future. The committee reached a consensus that the fees are a problem and need to be increased, and want DEQ to have primacy for all rules, not EPA.
- Members felt that water systems need a single regulatory agency to work with, and a primacy extension would result in systems having to work with EPA. The time between now and rule promulgation should be spent evaluating an increased fee rulemaking and redirection of DEQ staff to core drinking water primacy tasks.
- Between now and December 2009 DEQ can work on a temporary and proposed rule.
- The ground water rule is a good one and the Idaho drinking water program would be uncomfortable not implementing the rule because it is very protective of public health.
- Lance will share the DWAC's opinion with Barry Burnell, Administrator, and the DEQ Director.

MOTION/ACTION TAKEN: Move forward with the adoption of the ground water rule on schedule. Deal with funding/redirection of staff as a separate but concurrent issue.

MOTION MADE BY: Bob Hansen *SECOND:* Lynn Tominaga
VOTE: Unanimous

Wrap-up/Action Items

- DEQ will send out a short questionnaire about how the conference call worked.
- Lance thanked the committee for their time and advice.

Adjournment at 12:00 Noon

The next meeting date TBD