

Drinking Water Advisory Committee

DEQ State Office

Conference Room A

Thursday, June 22, 2006

10:00 a.m. - 3:00 p.m.

MINUTES

In Attendance:

DWAC Members

Camille Cegnar, United Water
Representative Stan Bastian
Kellye Eager, Health Departments
Cyndi Grafe, EPA - Idaho
Bob Hansen, IBOL Board

Fred Ostler, Sunrise Engineering/AWWA
Diane Sauer, IRWA
David Six, City of Lewiston
Chad Stanger, City of Idaho Falls
John Wiskus, CH2M Hill

Visitors

Russ Donoghue, National Rural Water Association
Zachary Hauge, Idaho Water Users Association
Jonathan Parker, Idaho Water Users Association

DEQ

Lance Nielsen
Paul Blas, DEQ Human Resources
Nancy Bowser
Jeri Henry

Tom John
Don Lee
Tom Moore, Lewiston Regional Office
Joan Thomas

Introductions/Review of Agenda Items –John Wiskus

- John announced that Chad Stanger of Idaho Falls is back on the DWAC committee after several years, and Representative Stan Bastian is also a welcomed addition to the committee.
- Members and guests introduced themselves and were asked if there were requests for additional items for the agenda.

Small System Classification – Lance Nielsen

- Members received a copy of the guidance memo sent to all DEQ drinking water staff clarifying system classifications, and operator license requirements. The memo states that the following did not have to be licensed: receptionists, billing clerks, meter readers, construction crews, flushing crews, and sample collectors.
- Bob Hansen expressed concern over sample collectors not being required to be licensed.
 - Lance said it wasn't part of operations and that the Legislature wants to be careful about overstepping DEQ's authority. Representative Bastian thought that it would be best to be the least intrusive possible to system operations, while maintaining a safe system.
 - Samples are sometimes collected improperly. Chad Stanger described his experience with a faulty sample.
 - Tom Moore indicated that Lewiston's incorrect samples have not presented a public health risk.
 - Dave Six feels samplers should be trained because it is a crucial function.
 - Lance suggested the Water and Wastewater Professionals Board could require samplers be certified because they can be more stringent than DEQ. Bob Hansen said the Board doesn't want to be more

stringent that DEQ.

- Nancy Bowser added that Brown and Caldwell had covered sampling in general terms in their training and may be able to start emphasizing it in the future.
- Sampling training information can be ordered from the Drinking Water Academy website to help regions when they have their operator training sessions.
- Everyone agreed that there should be more operator training from contractors and regional office workshops.

Water & Wastewater Professionals Licensing Board – Bob Hansen

- Application fees were reduced at the close of the Legislature this year from \$60.00 to \$45.00
- IBOL turnaround time of notifying operators of their license status has greatly improved.
- IBOL has reduced the number of days from quarterly to 30 days to approve trainers for continuing education classes.

Engineering Issues

- The negotiation of the drinking water facility standards is complete and will go before the Legislature for approval in 2007.
- Lance asked for comments on the draft letter to water and wastewater system owners and operators regarding DEQ's review of water and wastewater system modifications to water and wastewater facilities. The letter is meant to clarify in the simplest terms the recent changes in Idaho Code §39-118 and drinking water rules regarding plan and specification reviews. After discussions, the following underlined words were added to or replaced in the letter.
 - *Simple water and sewer main extensions shall be reviewed by either the Qualified Licensed Professional Engineer or DEQ as authorized under IC§39-118.*
- Paul Blas, DEQ Human Resources, presented the committee with the current problems with hiring and retaining qualified engineers and other personnel.
 - Overall personnel turnover for FY 05 was 7.5%
 - Within the Staff Engineer Classification, turnover for engineers is 21.5%.
 - DEQ has 15 staff engineer positions across the state. In the last five months four have resigned.
 - Engineers are leaving DEQ for an approximate 24.5% increase in pay. The average DEQ hourly rate for a Staff Engineer is \$23.65. The average salary the private sector pays for a professional engineer is \$32.00 per hour. The average market rate is above the current pay line maximum for Staff Engineers. DEQ cannot compete without a pay line exception.
 - DEQ is looking at under filing Staff Engineer positions with EITs (engineer in training). An EIT would have completed a degree in engineering and taken their Fundamentals of Engineering Exam. State jobs are looked on as a training ground for new, inexperienced engineers.
 - The state has revamped the pay grades and will be placing state classifications into the new pay grades effective July 1. DHR used 40% of the market rate and 60% of Hayes point system to put classifications into the new pay grades.
 - The pay grades factor in average market rates for jobs utilizing information from salary surveys used by DHR. The new pay grades will better reflect market rate for our state jobs, however, we are still limited in funding.
 - The state has also increased the accrual rate for Fair Labors Standard Act (FLSA) covered exempt employees for the first few milestones.
- Engineering Discussion Comments from Tom Moore, DEQ Engineer and others:
 - The other problem is long-time engineering employees are retiring and all their working knowledge is going with them. New engineers in training (EITs), and associate engineers (2 years away from a license) lack the understanding and expertise of the licensed engineers in rule interpretations, and problem solving abilities. This can lead to significant review time, and can result in contentious relationships with consulting engineers.

- › The decline in engineers and the problems with hiring qualified engineers, together with the large growth in Idaho cities, and the impacts of plan and specification reviews, have profoundly effecting the DEQ workload.
- › The DEQ Boise Regional Office had approximately 110 qualified licensed engineer projects this year.
- › DEQ is being asked for a lot of reviews for small systems, and smaller projects.

Action Item: Lance will review the definition of a Licensed Professional Engineer and add to the letter.

Lewiston Drinking Water Issues – Tom Moore

- Tom Moore, DEQ Lewiston Regional Office, presented the committee with an overview of the Lewiston office activities. Tom discussed the following:
 - › In the last five years, Lewiston has reviewed 11 projects, approximately \$19,666,000 being funded by Rural Development, SRF loans and grants, system based bonds, and community block grants. Community system infrastructure improvements have been the basis of most of the recent drinking water activity in the region. Lewiston does not review development based submittals in the quantity that other DEQ regions see.
 - › Lewiston uses multi-media inspectors to conduct sanitary surveys. The inspector also performs RCRA, LUST/UST, and solid waste inspections. Lewiston has completed thirty three surveys this year. Once the survey is completed and mailed, a staff engineer contacts the system and schedules a visit to assist them in completing a response schedule for the system’s significant deficiencies.
 - › Protection Plans – Lewiston intends to work with the larger systems and recertify two plans per year. They continue to search for a “carrot” to encourage communities to complete and certify plans. The smaller systems don’t have any particular reason to do the protection plans, nor implement them once they are certified. One possibility that Lewiston is exploring involves using 319 grant dollars with DEQ and the Soil Conservation District working together on several systems’ Drinking Water Protection Plans at the same time.
 - › Lewiston Regional Office enters all the SDWIS data for the Lewiston Health District’s water systems. They spend considerable time, probably at least the equivalent of 1.0 FTE, to ensure that data is correct and that the data is entered into SDWIS correctly. QA/QC is applied by having administration staff review other’s record entry to verify it is correct. An additional FTE is used to minimize failure to monitor violations, provide program outreach/education, and provide compliance assistance.
 - › Lewiston has one of the lightest loads regarding plans and specs. LRO tries to keep turnaround to 25 days. Engineering staff put in 800 hours per year on reviews.
 - › Lewiston utilizes the EPA sponsored program Area-Wide Optimization Program on their surface water treatment plants. Training system operators has had successes. The City of Lewiston received an AWAP award for their outstanding performance. LRO supports utilizing the AWOP procedure in other areas such as slow sand filter plants.

Idaho Rural Water Update – Russ Donoghue

- Russ Donoghue, Consultant for the National Rural Water Association, discussed the operations of the association.
- The main goal of the organization is helping and training water and wastewater systems. Rural water has circuit riders who go out to the systems and give on-site technical assistance.
- The Rural Water Association likes to hire staff that have been operators and are familiar with the problems the water systems face.
- Every state has a Rural Water Association. Some states, such as Idaho, have contracts with Rural Water. Idaho has seven field staff.
- Rural Water provides services at no charge to systems, and hosts an annual training convention in the spring at no charge.
- Mr. Donoghue mentioned the recent loss of two management staff that needed to be released, and that he is in the process of interviewing for replacements. He indicated the problems have been

corrected and praised Diane Sauer for stepping in to manage the rest of the staff and move them toward the future.

- He assured Lance that good communication would be carried out between Idaho Rural Water and the DEQ. Mr. Donoghue has been working with Lance, Don, and Jerri to facilitate a smooth transition from the previous IRWA management.

Drinking Water State Revolving Fund – Nancy Bowser

- Nancy presented a status report to the committee regarding the SRF Priority List, Intended Use Plan and the current list of fundable projects.
- DEQ sent a “Letter of Interest” to communities and systems to seek their interest in the FY2007 grant & loan year.
- Fifty-six systems are on the priority list and 15 on the fundable list. Heavily considered in this year’s rating process was the “Readiness to Proceed”. If a system ranked very high on the priority list it may be passed over initially and not placed on the short “fundable” list if they were not ready or willing to proceed.
- System needs were evaluated and ratings from the six regions were developed into a comprehensive statewide priority list for grants and loans from which the Intended Use Plan (IUP) was drafted.
- The IUP includes the full priority list and the short fundable list and was sent out for public comment. The draft IUP is on the DEQ website @ http://www.deq.idaho.gov/water/assist_business/pws/construction_loans.cfm . The final IUP is being reviewed by the DEQ Board for approval.
- Nancy has met with state office and regional staff on ways to make the priority list forms more user friendly and more time efficient for DEQ staff. Nancy told the committee that she would appreciate their comments on the process.
- Planning grants – CAP grant money available from the state revolving fund is \$ 6 Million/year and the EPA grant is \$ 29 Million.

MOTION/ACTION TAKEN: Nancy invited members who may have submitted a Letter of Interest to DEQ in the past to send her any suggestions on how to improve the forms, the information being requested, or the process.

Drinking Water Budget – Lance Nielsen

- Lance talked about drinking water fees and how they were set by the Legislature several years ago when the Legislature said there would be no more General Fund money set aside for drinking water.
- Nationally, approximately one-third of environmental programs rely on fees.
- Idaho, especially southwest Boise, has experienced tremendous growth in population and new water systems.
- DEQ withdraws technical assistance except for issues of public health, from systems who don’t pay their fees. A very small number of systems haven’t paid, and they may owe only \$25.00 which DEQ doesn’t have the time or inclination to enforce this small amount.
- Don Lee presented the following chart to illustrate the drinking water cash flow:

Incoming funds: (FFY – October '05 – September '06)

PWS Grant	\$ 1,144,500
SRF Set-Asides:	
-10% SDWIS/Program Management	\$ 787,122
- 2% P&S/Technical Assistance	\$ 165,710
-5% AWOOCap Dev/Capacity Development	\$ 414,275
Drinking Water Fees (estimate)	<u>\$ 1,300,000</u>
Total:	\$ 3,811,607

Expenditures: (April '05 – March '06)

PWS Grant	\$ 2,860,226
SRF Set-Asides:	
-10% SDWIS/Program Management	\$ 471,606
- 2% P&S/Technical Assistance	\$ 103,789
-5% AWOOCap Dev/Capacity Development	<u>\$ 398,329</u>
Total:	\$ 3,833,950

Incoming Funds (Oct '05 – Sept '06): \$3,811,607
Expenditures (April '05 – March '06): \$3,833,950
Balance: \$ (22,343)

- The reason DEQ only has a \$22,343 deficit is because of salary savings from vacant positions and staff that have been on medical leave.
- Federal dollars are decreasing. Within 4-5 years DEQ will have spent all reserve money and will need more funds to run the program. DEQ has been looking at ways to trim expenses. Because all drinking water tasks are interrelated, there weren't many ways to cut. Discussions among the committee identified some options.
- Charging an application fee for plan and spec reviews of new systems. Developers are willing and accustomed to paying a plan and spec fee to get their projects built. Representative Bastian believed that the Legislature would look on this type of fee as a standard practice.
- Raise the fees now instead of waiting till it is a large amount of money and a shock to systems.
- DEQ should keep a 15-20% reserve of funds. That is how cities and industry operate.
- Possibly an increase for the small systems that only pay \$25/year.
- Chad Stanger remembered when the fees were being debated; he was against them because he had problems with errors from DEQ. However, he said the benefit of monitoring waivers made the fees worthwhile.
- The details of how the fees came about, what DEQ and the DWAC put together, etc. need to be gathered in order to have an additional fee accepted by the Legislature and cities.

MOTION/ACTION TAKEN: DEQ will gather the information on the establishment of the fees and the legislative action.

EPA Update – Cyndi Grafe

- Cyndi relayed information about the Groundwater Rule. The rule was proposed in May of 2000 and now has an August 11, 2006 settlement data with the possibility of a two-month extension. Don Lee stated that DEQ is concerned that this rule increases the frequency for sanitary surveys of groundwater systems from once every five years to once every 3 years. No additional resources are expected to be provided by EPA to successfully deal with this large percentage increase to state workload.
- EPA continues early implementation of LT2 and Stage 2 Rule focused on Schedule 1 & 2 systems serving 50,000 or more people). Wendy Marshall, EPA Region 10 is the Lead. Mailings have gone out to systems to provide information and updates. Mailings to the Schedule 3 & 4 systems are

anticipated for this fall 2006.

- EPA's Stage 2/LT2 Data Collection and Tracking System, and Initial Distribution System Evaluation Tool are now online. The website includes useful information and recently posted helpful fact sheets.
- Unregulated Contaminants Monitoring Rule final is scheduled for November 2006. DEQ is not taking primacy for this rule.
- Lead/Copper minor regulatory changes are being addressed, mostly clarifications on sample collection, definitions for monitoring and compliance periods, public notification, etc. The proposed rule is anticipated one month early - July 2006.
- In addition to publishing the drinking water CCL (published February 22, 2005 - 51 contaminants), the SDWA also requires the EPA to select five or more contaminants from the second CCL and determine whether they require a new rule. A preliminary notice is scheduled for October 2006.
- Small water system variances allows a system to use treatment technology achieving the maximum removal of the contaminant that is both affordable and protective of public health, but does not remove the contaminant to the degree specified by the drinking water regulation. States may grant small system variances only for those drinking water standards that EPA has determined are unaffordable for one or more categories of systems.
- EPA has requested comments on making revisions to the existing National-Level Affordability Methodology to identify Variance Technology. The Federal Register notice did not affect EPA's decision regarding the availability of small system variances for the arsenic standard. The proposal applies to future rules, except regulations for microbial contaminants. The comment period closed May 1, 2006 and comments are being reviewed.

Northwest States Drinking Water Symposium – Lance Nielsen

- Water systems and state staff are being stretched to their limit with regulations and implementation. It is the same in all states and they are asking themselves why they would want to promulgate more rules when they are handling a maximum workload now.
- Compliance to all the new rules will exist for the water systems whether EPA or DEQ has primacy.
- Initial cost for the State office to promulgate a rule is relatively small. But then, the regional offices have to implement the rule and that is where it gets very costly.

Wrap-up/Action Items

- Lance questioned the committee on whether they would like to keep the start time of the meetings at 10:00 a.m., and the consensus was yes, it worked for everyone.
- Action items from discussions were reviewed
- The next meeting was set for September 14 from 10:00-3:00.

Adjournment at 3:00 p.m.

Next Meeting Date: **September 14, 2006 @ 10:00 a.m.**
DEQ State Office
1410 North Hilton, Boise
Conference Room "B"