

# DRINKING WATER ADVISORY COMMITTEE

DEQ State Office

**Conference Room B**

Tuesday, November 18, 2008

8:30 a.m. – 2:30 Noon

## MINUTES

### Attendees:

#### DWAC Members:

John Wiskus, CH2M Hill

Kellye Eager, Health Departments

Bob Hansen, Water & Wastewater Professionals Board

Lynn Tominaga, IGWA

Kody VanDyk, City of Sandpoint

Butch Anderson, IRWA

Chad Stanger, City of Idaho Falls

Dave Six, City of Lewiston

Cyndi Grafe, EPA – Idaho

Bill Carr, United Water Idaho

Fred Osler, AWWA/PEC

Mac Pooler, City of Kellogg

Steve Tanner, DEQ

#### DEQ

Lance Nielsen

Don Lee

Tiffany Floyd, BRO

Jerry Henry

Tom John

Brian Zibbell

Mike Stambulis

Lisa Kramer

Courtney Beebe, Deputy AG

Joan Thomas

### Introductions/Review of Agenda Items – John Wiskus

- Roll Call was taken and members were asked if they had additional agenda requests.
- Lance talked about the open meeting law. Although the DWAC is not subject to the open meeting law, the DWAC meeting agendas are posted on the DEQ website, and the public is welcome to attend. Members will not be able to vote or come to a decision on any agenda topic that was not previously posted on the current meeting agenda.
- Minutes from the April 10, 2008 meeting were approved.

### Suspension of Area-Wide Optimization Program (AWOP) – Lance Nielsen

- The AWOP program has been discontinued due to lack of personnel resources. Staff will be finishing up the Kamiah CPE and completing the annual report. AWOP is not a mandatory program, and DEQ must concentrate on other areas of the program that have the greatest public health risks and are required for primacy. In addition to staff time, the program required a great deal of reporting, which presented a heavier workload to DEQ staff.
- DEQ has worked effectively with 17 coagulant plants and at least 60 operators. Kody with the City of Sandpoint added that the program provided goals for the operators and hoped they would continue meeting goals. Bill Carr of United water said that it is a good program and they have invested time and money in AWOP, and therefore, have continued with the EPA Partnership.
- DEQ is aware of the many benefits of the AWOP program and fully expect that most of the water system operators will continue to apply the tools and methods they acquired through AWOP participation. Boise Regional Office staff continues to discuss the optimization benefits and application principles with operators. Some systems still have the software to do reporting and may continue reporting results.

### Status of Rule Promulgation and Primacy – Jerri Henry/Tom John/Mike Stambulis/Bryan Zibbell

#### Ground Water Rule

- EPA approved a draft Idaho Ground Water Rule primacy package. There will be implementation

Guidance posted on the DEQ website after the Legislature approves the rule.

- Tom has been combining efforts as a member of a National workgroup for the Ground Water Rule implementation and heading an internal DEQ workgroup evaluating internal issues with the rule.

### **Revisions to Facility Design Standards Rules**

- Mike Stambulis briefed the committee on the background for the Facility Standards revisions. It started with defining simple water main extensions as per SB1220 and after more engineering and internal reviews there was a need for some other positive changes. Mike would make a PowerPoint of the rule revisions available if anyone wanted it. Kody mentioned the MOU with DEQ and the Plumbing Bureau because there is a problem with that but it wasn't part of the Facility Standards revision. Butch said there were pressure irrigation problems with Plumbing Bureau. Systems are having financial problems and requiring two separate plans for DW and WW may double costs to systems.
- When Federal money is involved systems must do an Environmental Information Document. Fred Ostler talked about the confusion systems have about what to put into the document. Tiffany added that the EID is also very challenging for the BRO. Mike Stambulis may be able to work with the regional offices to make the form easier. Tim Wendland may be able to make a presentation at next meeting of what should be included.

### **Lead/Copper Rule**

- After elevated levels of lead were found in water in 2004 there was a revision to the Lead/Copper Rule. The rule is effective July 1 of 2009. Bryan Zibbell presented the committee with an overview of the seven targeted revisions. There is an increased cost between \$8 and \$80.00 per system per monitoring period for these targeted changes. The public notification requirement is one of those and becomes effective in 2011. Systems must notify their customers of the results of any lead sampling (detected or non-detected). DEQ will look at monitoring waivers for those systems with non-detects.

*MOTION/ACTION TAKEN:* The committee was asked to contact their regional office when they see something that should be fixed in the Drinking Water Rule so that corrections can be made in the next rule revision. Joan will send Kody VanDyk and Bill Carr a PowerPoint copy of the revised Facility Standards rule. (done).

*Note:* Tim Wendland will be invited to the next DWAC meeting to discuss the EID process.

### **Update on Pharmaceutical Disposal – Lisa Kramer/Jerri Henry**

- DEQ has been working together with the cities and other agencies to attempt to solve the problem of pharmaceuticals disposal. The Chiefs of Police are DEQ's strongest support. There are so many drugs that need to be disposed of properly and different agencies are coming together nationally and locally to solve the problem of what to do with the drugs.
- A huge challenge is posed by "controlled substances". Hazardous Waste sites cannot accept "controlled substances". Lisa will be representing Idaho at an AWWA national conference in Salem in January, 2009.
- Tiffany suggested the organization C.A.R.E., which is a grant funding program, as a possible funding source that Lisa could contact.

### **Enforcement: Status of "Regional Office Notice of Violation" – Jerri Henry**

- Jerri informed the committee that the Regional Office NOV practiced in Idaho Falls has been approved for use statewide. It is a legal document and if not complied with after 60 days DEQ can do a Consent Order. Members discussed reasons and frequency for the field NOV use.

- To address the potential of ignoring the Regional NOV, Lance suggested adding a clause in the NOV about consequences of not adhering to it and paying the fine. Some members thought that it might be better for the NOV to go to the system operator instead of the owner. Legally it needs to go to the owner. The regional offices communicate with the operators and are engaged with them more than the owners. Also, the regions check on all the facts with the operators and labs regarding violations before the NOV is issued.
- Having an unlicensed operator is addressed on the newer version of the Regional NOV. However, DEQ has an agreement with IBOL that when a system does not have an operator licensed at the appropriate level, we would enter into a Compliance Assurance schedule versus issuing an NOV. But, if a system does not have an operator at all, an NOV would be appropriate.
- The committee discussed several operator questions. A list of operators for hire is on DEQ's website. At this time there are approximately 70 operators around the state.
- Frequently asked questions about operator certification on the website could be revised.

*MOTION/ACTION TAKEN:* 1) Tiffany will send Lance a list of additional questions asked about operators to add to the FAQ about operator certification. 2) Joan will send DWAC members the link on DEQ website to sign up for information updates – with meeting notes

([https://service.govdelivery.com/service/multi\\_subscribe.html?code=IDDEQ](https://service.govdelivery.com/service/multi_subscribe.html?code=IDDEQ)) 3) Jerri will post guidance when finalized.

#### **Drinking Water Program Budget Forecast – Lance Nielsen/Don Lee**

- The Governor has requested holdbacks from each state agency for 2009, and the Legislature may also request more holdbacks in 2010.
- Vacancies and creative use of funding has enabled DEQ to postpone asking for increased connection fees. Don presented a graph of where funding will be in the next few years based on no more FTEs or contracting, and no increase in workload for staff. DEQ has used internal staff more efficiently, but implementation of the Ground Water Rule, Total Coliform Rule and other rules, increased sanitary surveys will increase DEQ's workload.
- If demand for loans decrease, the annual set-asides which are now \$1.5 million, could be diverted to loans. In 2006 all money was universal – costs climbing 3% projected on full staff levels. In 2008 funding is not universal - costs climbing less than 3% - projected on actual vacancy rate.
- DEQ will need to review and manage the various funding sources annually, and evaluate any changes in income and expenses.

#### **Success Stories: Coordination of Public Works & Public Safety @ Oregon Trail Fire – Bill Carr**

- Lance showed members the area affected by the Oregon Trail Fire and depicted how the public safety and public health agencies worked together with close coordination to increase the water pressure to meet demand to fight the fire. United Water diverted the water from the Columbia system to help fight the fire. There could have been hundreds of lives lost.
- Bill Carr said that to begin with the design standards were good in the subdivision and that he was proud of his crew and the others involved in bringing this fire under control.
- Lance was very complementary of United Water's performance in managing their system to support firefighting efforts.

#### **Regional DEQ Field Office perspective – Tiffany Floyd, Boise RO**

- Tiffany presented members with a summary of her role in the Boise Regional Office. Between the Boise region and Health Districts 3 & 4, they manage approximately 500 water systems.
- Tiffany discussed the various challenges of the Boise Regional Office.
  1. When the MCL standard for Arsenic changed, most of the systems at risk statewide were in the Boise area. The Department entered into Compliance Assurance Agreements with those systems

and DEQ is still tracking those.

2. Some systems have gone to Point of Use (POU) and all system customers had to sign an access agreement. Troubles with gaining access and correct inspection of POU's have been a challenge. It is difficult for systems to get loans to address POU and Central treatment is very expensive. A system drilling a new well to avoid being regulated is not the desired choice of the BRO but this option has to be included when educating systems.
3. LT2 and Stage 2 DBP monitoring costs have increased for systems. The Ground Water Rule will add significant impact to the region increasing sanitary surveys from every five years to every three years. Tracking will also increase staff time. There are also the Lead/Copper and Total Coliform Rule revisions to monitor.
4. Development – plans and specs submittals are down, but enforcement is on the rise with the new rules, and engineering staff are trying to provide assistance.
5. Tiffany described a criminal case that developed with one of the systems. A surface water treatment plant was falsifying turbidity readings for several years. When they were finally discovered it went to court and the operators were found guilty of a felony and prosecuted. The operators lost their licenses.

#### **Mutual Aid – Utilities helping Utilities – Don Lee/Bill Carr**

- Don logged on to the Internet and showed members the IDWARN site and briefed them on how it works and the progress so far. Idaho is just getting started and have five Mutual Aid Agreements signed. There is a brochure available on line and also DEQ has hard copies available.
- In case of an emergency it will be beneficial to have the mutual aid agreements signed ahead of time.
- Bill Carr has been working closely with Don and encouraged city members to think about joining. There is not cost until equipment is shared. There needs to be a lot of cities involved to be effective. There is a “Resource Typing Manual” available to members of IDWARN which lists particular resources that a certain type of system could access for an emergency.

Action Item: DEQ will place a link on the website to IdWARN.

#### **Licensed Operators**

- Lynn Tominaga brought up his concern that small systems are having problems because they don't have a licensed operator. The number of licensed operators is going down because of retirees, and some operators will not be renewing their licenses.
- Lynn has been working with IBOL on making it easier for systems to get a licensed operator without requiring so many hours of training and on-the-job experience.
- Bob Hansen stated that if the standards are set too low, the state will lose reciprocity because Idaho operators wouldn't be able to work anywhere else.
- Lance asked members if they thought that 100 hours of training was adequate for very small water systems. There wasn't a consensus on this.

#### **Wrap-up and Summary of Action Items**

- Action items were reviewed and John and Lance thanked the committee for their time.

Adjournment at 2:30 p.m.

The next meeting will be in March, 2009

