



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF DRINKING WATER
Marie E. Owens, P.E.
Director

Drinking Water Board
Paul Hansen, P.E., *Chair*
Betty Naylor, *Vice-Chair*
Brett Chynoweth
Tage Flint
Roger G. Fridal
Alan Matheson
David L. Sakrison
David Stevens, Ph.D.
Mark Stevens, M.D.
Marie E. Owens, P.E.
Executive Secretary

DRINKING WATER BOARD MEETING

July 14, 2017 – 1:00 pm

Multi Agency State Office Building

Board Room

195 North 1950 West

Salt Lake City, Utah 84116

FINAL MINUTES

- ❖ **A Board Member Training meeting was conducted at 8:30 am, prior to the Board meeting. Directly following the training, lunch was served. Neither discussion of any agenda item nor any Board actions were conducted during this time.**

Board Members present: Betty Naylor.

Board Member Nominees present: Eric Franson, Mark Whitney, and Jeff Coombs.

Division Staff present: Marie Owens, Michael Grange, Sandy Pett, Deidre Beck, Dawnie Jacobo, Colt Smith, Rachael Cassady, Ying-Ying Macauley, Sam Grenlie, and Marianne Booth.

1. **Call to Order**

Betty Naylor, Acting Board Chairman, called the meeting to order at 1:00 pm.

2. **Roll Call**

Board Members present: Betty Naylor, Brett Chynoweth, David Sakrison, and Brad Johnson. Tage Flint joined the meeting at 1:15 pm.

Board Members absent: David Stevens and Roger Fridal.

Board Member Nominees present (audience): Eric Franson, Mark Whitney, and Jeff Coombs.

Division Staff present: Marie Owens, Michael Grange, Nagendra Dev, Ying-Ying Macauley, Bernie Clark, Colt Smith, Dawnie Jacobo, and Marianne Booth.

3. **Approval of the Minutes:**

A. May 12, 2017

This item was bypassed and returned to be acted upon at the end of the meeting.

- Tage Flint moved to approve the minutes. David Sakrison seconded. The motion was carried unanimously by the Board.

❖ **Introduction of Nominated Board Members – Marie Owens**

Marie Owens, Director of the Division of Drinking Water (DDW, the Division) informed the sitting Board members that the Governor has named the four nominees for the open seats on the Drinking Water Board and they are slated to be appointed on July 19, 2017 during an interim session of Legislature. The four nominees are:

- Eric Franson, Franson Civil Engineers, as the representative of Professional Engineers
- Jeff Coombs, Tooele County Health Department, as the representative from a local Health Department
- Mark Whitney, Mayor of Stockton Town, as the Elected Municipal Official involved in the management of a public water system
- Roger Fridal, Mayor of Tremonton, as the Elected Municipal Government representative. (Second Appointment)

Marie thanked them for being willing to commit to and serve on the Drinking Water Board.

4. **Recognition of Mayor David Sakrison – Marie Owens**

On behalf of the Board, the Department of Environmental Quality, and the Division, Marie took a moment to recognize David Sakrison and his contributions to the Board, the Division, and the drinking water community over the past 3 years.

Betty Naylor also expressed her appreciation of David Sakrison's service on the Board and his unique knowledge of the tourist industry and the impact that has on water systems.

5. **Financial Assistance Committee Report**

A. Status Report – Michael Grange

Michael Grange, Construction Assistance Section Manager with the Division, reported that as of June 30, 2017, there is a little over \$10.4 million in the State SRF fund and over the course of the next year the Division is expecting \$4.8 million to come into the fund for a total of approximately \$15,280,000 for project allocation. Michael also noted that the State Hardship fund is out of the red, however Division Staff is continuing to be cautious.

Michael then reported that as of June 30, 2017 there is \$16.9 million in the Federal SRF Fund and over the course of the next year the Division is expecting \$17.9 million to come into the fund for a total of approximately \$35 million for project allocation.

In response to questions from the Board, Michael informed them that Eagle Mountain will be requesting that their loan be de-authorized at the August meeting; and that Springdale Iron Town Property Association, and West Erda Improvement District are scheduled or close to closing their loans.

B. Project Priority List – Michael Grange

Michael Grange proposed that the following projects be added to the project priority list:

- Salina City, with 100 points, and a project consisting of an emergency tank replacement.
- Woodland Mutual, with 29 points, and a project consisting of spring redevelopment, a new tank, water lines, and a pump station.
- North Valley Ranches, with 17.3 points, and a project consisting of a new well and transmission line.
- Thatcher Penrose, with 8.1 points, and a project consisting of water line replacement.

It was noted that with Salina being considered an emergency project, that if needed, the Board could hold an Emergency Teleconference Board Meeting.

- Brett Chynoweth moved to approve the updated project priority list. David Sakrison seconded. The motion was carried unanimously by the Board.

C. SRF Applications

Betty Naylor noted that as Division Staff had been unable to verify that there would be a quorum present prior to the meeting, applicants had been notified not to send representatives; therefore the Board would not be hearing this portion of the agenda, excepting a brief explanation of each item from Michael Grange.

i. STATE:

a) Eagle Mountain De-Authorization – Michael Grange

Michael Grange informed the Board that Eagle Mountain will be requesting their loan be de-authorized.

ii. FEDERAL:

a) Moab City – Michael Grange

Michael Grange informed the Board that Moab City will be requesting a \$90,000 planning advance for a Master Plan.

b) Woodland Mutual – Michael Grange

Michael Grange informed the Board that Woodland Mutual is requesting almost \$3 million in financial assistance for construction of various water system improvements.

c) Hanksville – Michael Grange

Michael Grange informed the Board that Hanksville is requesting additional funding to expand their project scope to include an arsenic treatment plant.

iii. Other:

a) Financial Assistance Committee – Michael Grange

Michael Grange then took a moment to explain that with the departure of Paul Hansen, Former Board Chairman; the Financial Assistance Committee (FAC), a subgroup of the Board comprised of 4 members, is in need of a new member.

He then explained applications must be submitted 60 days prior to the Board meetings they are to be presented at. This allows Division Staff time to prepare the financial evaluation and the feasibility review of the projects. Then 30 days prior to the Board meeting the FAC holds a conference call wherein Division Staff presents the applications for review. This allows time for Division Staff to include any requested additional information to be included in the Board packet, thus allowing Board members to make informed and educated decisions on whether or not to provide funding to the applicant.

Michael then noted that being a member of the FAC is voluntary, and if any of the sitting or nominated Board members are interested to please contact him.

6. Notice of August request to Begin Rulemaking to Amend

There was discussion between the Board, Marie, and Division Staff, and it was determined that the Board could authorize the items in this section that were ready to begin rulemaking in order to commence the public comment periods.

A. R309-500, Plan Review Draft Language – Bernie Clark

Bernie Clark, Environmental Scientist with the Division, requested authorization to begin rulemaking to amend R309-500, Plan Review Operation and Maintenance Requirements. He then explained that the Division would like to amend the current plan submittal waiver program, to make it more streamlined to easier for water systems to use. He went on to explain that this program applies only to water lines and then went through the table included in the packet that shows each change. Division Staff recommends that the Board authorize Division Staff to begin rulemaking to amend R309-500 and file the proposed amendment for publication in the Utah State Bulletin.

- Tage Flint moved to authorize Division Staff to begin rulemaking to amend R309-500 and file the proposed amendment for publication in the Utah State Bulletin. David Sakrison seconded. The motion was carried unanimously by the Board.

B. R309-100, 105, & 600, Plan Review Authorization – Marie Owens

Marie Owens noted that this item would also include R309-110, though not previously listed on the agenda. She then informed the Board that the changes in this system of rules would

allow for delegation of signatory authority from the Division Director to the Engineering, Construction Assistance, and delegated Source Protection section managers for planning review and plan authorization letters. Director recommends that the Board authorize Division Staff to begin remaking to amend R309-100, 105, 110 & 600, and file the proposed amendment for publication in the Utah State Bulletin.

- David Sakrison moved to authorize Division Staff to begin rulemaking to amend R309-100, 105, 110 & 600, and file the proposed amendment for publication in the Utah State Bulletin. Tage Flint seconded. The motion was carried unanimously by the Board.

C. R309-300, Removal of “Specialist” designation – Dawnie Jacobo

Marie Owens noted that this item is not ready for action at this time and will be for the Board’s information only and will come back before the Board in August.

Dawnie Jacobo, Environmental Program Coordinator with the Division, informed the Board that Division Staff would like to remove the specialist designation from R309-300. She noted that the both are required to pass the water operator exam and are required to renew to be certified, The difference is that specialists don’t currently work for a water system.

D. R309-220, Public Notification Draft Language – Colt Smith

Colt Smith, Environmental Scientist with the Division, requested authorization to begin rulemaking to amend R309-220, Public Notification Draft Language. Colt informed the Board that in the wake of recent events in the United States, the EPA issued a proposed Safe Drinking Water Action Plan which included “Strengthened Transparency of Public Information and Risk Communication”, which play a critical role in promoting water system accountability and compliance with regulatory requirements. He then noted that this change would require water systems to notify consumers if their system becomes not-approved or goes into corrective action and will require all 10 elements of the EPA Federal standard for public notice. Division Staff recommends that the Board authorize Division Staff to begin remaking to amend R309-220 and file the proposed amendment for publication in the Utah State Bulletin

There was discussion between the Board, the Director, and Division Staff with regards to this being a proposed EPA action plan, State Primacy not depending on this action, and generally before a water system is rated not-approved or goes into corrective action it has had several notifications from the Division. It was also noted that this information is already available on the Division web site, this change would just require the water system itself to notify its consumers.

- Tage Flint moved to authorize Division Staff to begin rulemaking to amend R309-220 and file the proposed amendment for publication in the Utah State Bulletin. Brett Chynoweth seconded. The motion was carried unanimously by the Board.

7. **Rural Water Association Report – Dale Pierson**

Dale Pierson, Executive Director of the Rural Water Association of Utah (RWAU) took a moment to thank and express his appreciation to David Sakrison for his service on the Drinking Water Board.

8. **Directors Report**

A. Fee Review

Marie Owens referred to Title 19-4-401, which give the Board its authority, and more specifically in sections 2(c) and 4(b) state that the Water Operator Certification Program and the Cross Connection/Backflow Programs of the Division shall be funded from certification and renewal fees. She then informed the Board that in 2017 the Operator Certification program had a revenue from fees of \$107,680 and a total operating cost of \$245,879, the Cross Connection/Backflow Program had a revenue of \$72,615 from fees and a total operating cost of \$121,418; and that the additional funds to run these programs have come from the Federal SRF set aside. Marie then informed the Board that she has spoken with the AG's office, and believes that the intent of this rule is for the programs to be self-funded and is requesting guidance from the Board.

There was discussion between the Board, Marie, and Division Staff with regards to raising the fees, which would not be effective for a year, and what the intent of the rule is.

The Board approved Division Staff to request a fee increase and obtain clarification on the intent of the rule.

B. Septic Tanks in Source Protection Zones

Marie then informed the Board that with regards to private septic tanks and private drinking water wells there is a disconnect between the Divisions rules and county ordinances resulting in the counties denying building permits and several requests from property owners for exceptions to the rule. She then went onto explain that the Division's rule refers to public water system separation and source protection zones, not private. She then informed the Board that the Division is currently working with the AG's office to review the rule language.

C. Lead in School Sampling Update

Marie then moved onto the Lead in School Initiative pilot program that the Division implemented in the spring. She reported that so far they have received approximately 300 samples, which were collected while the schools were still in session, and based on the results would like to roll this initiative out statewide beginning this fall.

Marie noted that the Division does not regulate the School Districts, so this would be voluntary on their part, and with regards to funding the Division has an allocation with the State Lab, which can be used for the sample analysis.

9. **Development Specialist Contract – Michael Grange**

Michael Grange reminded the Board that approximately 7 years ago they had entered into a Sole Source contract with RWAU to provide a development specialist who would work with County Commissions and County Planning and Zoning Commissions with regards to Drinking Water Construction Standards education and training. Originally this was a sole source contract; however 5 years ago it was challenged by another 3rd party assistance provider, and a Request For Proposal (RFP) was prepared and the contract opened for bid. That contract, through committee review and approval was awarded to RWAU and is now expiring. Michael then explained that a new RFP will need to be prepared and the Division is requesting guidance from the Board with respect to the program and the direction the Board would like Staff to take.

Curt Ludvigson, Development Specialist with RWAU, then informed the Board that to date there are 15 counties in the State who have implemented rules for non-public drinking water systems that align with Drinking Water Construction Standards. He also noted that he is continuing to work with Wasatch, Summit, Davis, Weber/Morgan, and the Central District counties and District Engineer; and believes they are close to implementation of similar rules.

At the request of the Board, Division Staff will bring this item back before them at the August meeting with a recommendation. This will also give the Board time to review the RFP.

10. **Other**

Betty Naylor expressed her appreciation to Division Staff for presenting the Board Member Training session that morning. She also noted that due to time constraints and the amount of information there would also be additional Board Member training prior to the August meeting.

11. **Next Board Meeting:**

Date: Tuesday, August 29, 2017
Time: 1:30 pm
Place: Davis Conference Center
Zephyr Room
1651 North 700 West
Layton, Utah 84041

12. **Adjourn**

- David Sakrison moved to adjourn the meeting Brett Chynoweth seconded. The motion was carried unanimously by the Board.

The meeting adjourned at 3:00 pm.

In compliance with the American Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Larene Wyss, Office of Human Resources, at: (801) 297-3828, TDD (801) 903-3978, at least five working days prior to the scheduled meeting.