Drinking Water Board Packet

February 27, 2020

Agenda

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

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

DRINKING WATER BOARD MEETING

February 27, 2020 2:00 PM
Dixie Convention Center
Garden Room
1835 S Convention Center Dr
St George, Utah 84790

Marie Owens' Cell Phone #: (801) 505-1973

AMENDED AGENDA

1. Call to Order

2. Roll Call – Marie Owens

3. Public Comment Period

4. Approval of the January 14, 2020 Minutes

5. Conflict of Interest – Roger Fridal

6. Financial Assistance Committee Report
   A. Status Report – Michael Grange
   B. Project Priority List – Michael Grange
   C. SRF Applications
      i) STATE
         a) Fairview City – Michael Grange
      ii) FEDERAL
         a) Spring Creek - Heather Pattee
         b) Canyon Meadows - Heather Pattee
         c) Swiss Alpine Water Company – Michael Grange
   D. WIFIA Briefing -- Michael Grange
   E. Provo River Water Users Association WIFIA Project -- Michael Grange

7. Five-Year Notice of Review and Statement of Continuation (Board Action Needed) - Michael Grange

8. IPS 2020 Status -- Rachael Cassady

9. Rural Water Association Report – Dale Pierson

10. Directors Report – Marie Owens
    A. Enforcement Report
    B. Legislative Update
    C. Other

11. Open Board Discussion – Roger Fridal

12. Other

13. Next Board Meeting

    Date: April 15, 2020
    Time: 1:00 PM
    Place: Multi Agency State Office Building
    Division of Drinking Water
    195 N 1950 W
    Salt Lake City, Utah 84116

14. Adjourn

Agenda Item 4

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

L. Scott Baird
Executive Director

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

DRINKING WATER BOARD MEETING
January 14, 2020 1:00 PM
Department of Environmental Quality
Multi Agency State Office Building
DEQ Board Room
195 N 1950 W
Salt Lake City, Utah 84116

DRAFT MINUTES

1. **Call to Order**

Roger Fridal, Acting Chairman, called the Board meeting to order at 1:01 PM.

2. Roll Call

Board Members present: Roger Fridal, Kristi Bell, Scott Morrison, Barbara Gardner, David Pitcher, Eric Franson. Scott Baird arrived at 1:06 PM.

Division Staff present: Marie Owens, Director, Michael Grange, Heather Pattee, Allyson Spevak, Lisa Nelson, Nathan Lunstad, Ying-Ying Macaulay, Jeremy Andrews, and Skye Sieber.

3. **Public Comment Period – No public comments were made.**

4. **Approval of the November 5, 2019 Minutes**

- Eric Franson moved to approve the November 5, 2019 minutes. Scott Morrison seconded. The motion was carried unanimously by the Board.

5. Financial Assistance Committee Report
A. Status Report – Michael Grange

Michael Grange, Technical Assistance Section Manager with the Division of Drinking Water (DDW, the Division) reported that there is a balance of approximately $1.4 million in the State SRF fund. Over the course of the next year, the Division is expecting $4.5 million to be added

to the fund by November 30, 2020, for a total of approximately $5.9 million for State project allocation.

Scott Morrison reported that Mountain Regional's State SRF loan has closed.

Michael then reported that as of November 30, 2019 there is a balance of $13.4 million in the Federal SRF fund. Over the course of the coming year, the Division is expecting approximately $20.9 million to come into the fund for a total of $30.4 million for federal program projects.

Michael explained that the federal second round funds are outstanding loan repayments.

In their packet, the Board was provided with a list of water systems that DDW staff is currently working with to close Federal SRF loans. The Kearns Improvement District and Twin Creeks loans have both closed.

B. Project Priority List

Michael reported that one new project is recommended to be added to the Project Priority List: Hyde Park City with 4.7 points. Their project is a two-million-gallon tank, transmission line, distribution line and booster pump stations. The Financial Assistance Committee recommends the Board approve the updated Project Priority List as presented, with the addition of this project.

- David Pitcher moved to approve the updated Project Priority List. Kristi Bell seconded. The motion was carried unanimously by the Board.

C. SRF Applications

i. STATE: No state projects

ii. FEDERAL:

a) Hyde Park City – Heather Pattee

Representing Hyde Park City was Sharidean Flint, Mayor; Brandon Buck, city councilmember; Bret Randall, former city councilmember; and Scott Archibald with Sunrise Engineering.

Heather Pattee informed the Board that Hyde Park City is requesting $5 million in financial assistance to fund numerous system improvements from their master plan, including a two-million-gallon tank, transmission line, distribution line, dedicated pumping line and two booster pump stations. They scored 4.74 points on the Project Priority List. The local MAGI is 140% of the State MAGI and the after-project water bill would be 0.76%, therefore they do not qualify for additional subsidy. Hyde Park is contributing $994,000 toward the project for a project total of $5,949,000. They qualify for a slight reduction in interest rate based on financial needs points which include a rate structure to encourage conservation and the amount of the local contribution to the project. The Financial Assistance Committee recommendation

is the Drinking Water Board authorize a loan of $5 million to Hyde Park City at 2.91% hardship grant assessment fee for 20 years.

Bret explained that this project is for system expansion as their current tank is 40 years old and only one million gallons. They have the rights of water that comes out of Smithfield Canyon and in good water years they don't use this water so a larger tank would allow them to store this excess water. As part of the master plan they intend to bring secondary water up to this tank and a large pond, that will both serve a public function as a park and will allow secondary water to come up above the canal as conversation.

Marie noted that the water rates would need to increase to $40.89 in order to cover the loan and asked if they intend to make this increase. Bret said they will make the increase. Hyde Park City has no debt and paid off their last bond seven years ago; they're a fiscally conservative community. Marie reported that Hyde Park's compliance IPS 2020 report shows no deficiencies nor any points; it is a well ran system.

- Scott Morrison moved that the Drinking Water Board authorize a loan of $5 million at 2.91% hardship grant assessment fee for 20 years to Hyde Park City. Eric Franson seconded. The motion was carried unanimously by the Board.

iii. Deauthorizations

a) Bluffdale City – Heather Pattee

Heather informed the Board that the City of Bluffdale was authorized $6 million in financial assistance on June 11, 2019 to fund the construction of a new four-million-gallon tank and transmission line. Staff received an email from the city declining funding from the Board. The Financial Assistance Committee recommends that the Drinking Water Board deauthorize a loan of $6 million at 2% hardship grant assessment fee to the City of Bluffdale.

- David Pitcher moved that the Drinking Water Board deauthorize a loan of $6 million at 2% hardship grant assessment fee for 20 years to the City of Bluffdale. Kristi Bell seconded. The motion was carried unanimously by the Board.

b) Kanab City – Heather Pattee

Heather informed the Board that the City of Kanab was authorized funding in the amount of $7,227,000 for the construction of (2) new two-million-gallon storage tanks to replace two existing tanks. Staff received an email from Cody Howick of Civil Science Engineering that Kanab City has decided to pursue funding with USDA Rural Development and they want to decline the funding from the Drinking Water Board. The Financial Assistance Committee recommends that the Drinking Water Board deauthorize a loan of $7,227,000 at 2.5% hardship grant assessment fee for 30 years to the City of Kanab.

- Kristi Bell moved that the Drinking Water Board deauthorize a loan of $7,227,000 at 2.5% hardship grant assessment fee for 30 years. Barbara Gardner seconded. The motion was carried unanimously by the Board.

D. Potential Impact of Interest Rates on the SRF Program – Michael Grange

At the November board meeting Eric Franson inquired about loan interest rates. Some background; the Board is authorized by Utah Code Title 19 to make rules regarding water systems and to make rules to accept federal or other funds that are available for drinking water projects. The federal statute reads that a state may make loans at or below the market interest rate, including zero interest rate loans. The statute also says that the Intended Use Plan (IUP) must describe the criteria and methods that a state will use to distribute all funds including the rationale for providing different types of assistance and terms including the method used to determine the market rate and the interest rate. For the new members of the board, the IUP is an annual plan that the Division puts together for EPA that basically says DDW is a still viable entity, can still accept federal money, and there are still programs in place to disburse the money and then explains how we'll go about doing that. Some of the Division's guidance documents such as the program operations manual, state that "programs will often balance decisions and adjust loan terms to provide a beneficial subsidy to the borrowing community and to ensure the continued health of the SRF fund."

Michael views this as competing priorities as the Division and the Board are tasked with keeping water rates affordable through subsidy and loans to water systems as well as protecting the integrity of the body of the Drinking Water SRF, which includes the $34 million that we have currently, plus the new money that we get every year from Congress. This is accomplished through a judicious application of interest rates. Several years ago, the Board chose to use the median adjusted gross income (MAGI) as the measure of a community's financial health and to use that as the base line for determining whether a community deserves and qualifies for additional subsidy. There are two ways of granting subsidy; one is through manipulating interest rates and the other is through the grant portion. Typically, we first try to manipulate interest rates, as interest rates allow for money to come back into the program whereas grants do not, as long as it's not a zero-interest rate loan.

The Board chose many years ago to use the Revenue Bond Buyer Index as the means of determining the base interest rate for the program. Initially that particular interest rate, which adjusts each Friday, was available free online, but recently it is now only available through a subscription service. Since then we've had to find some backdoor routes to get the number and it's becoming increasingly difficult to get. As stated in the statute, in R309-700 and in the State Safe Drinking Water Act, the Board has the discretion, by motion, to change what number is used. Based on this revenue Bond Buyer's Index, which has been anywhere from 3.5% to 5% over the years, we've applied different criteria to typically bring the rate down to anywhere from 1.5% to 2.5%.

Back to Eric's question; why did we choose 1.25% for programmatic financing and what can we do to change that in the future should any other opportunities arise? In 2015 or 2016 the second-round money started creeping in up dollar value. The Board authorized staff to calculate from the base rate then calculate the interest rate. If it were federal money then the interest rate would be reduced by .5% to entice water systems because federal loans have additional requirements. Some of the smaller systems face restrictions such as time, money, and expertise that comes from hiring costly consulting engineers. For example, when we calculated the 1.25 % interest rate for Granger Hunter Improvement District's (GHID) programmatic financing it came out around 1.75%, then it

was reduced .5% as a way to entice them to use federal money, and to explore the programmatic financing funding option. For simplicity's sake, two subsequent programmatic financing loans received the 1.25% interest rate.

The impact on the program, which is significant, of the 1.25% interest rate versus 2.25% is a difference of $21 million. For GHID, about $2.6 million in interest over 20 years will come back into the program, as well as their principal payments, and if the interest rate were increased by 1%, an additional $1 million would come back. But we balance that against the fact that there is $90 million to spend and we weren't being successful at loaning the money. About 10 years ago the Board authorized charging a loan origination fee, which is allowed by statute. According to statute, the interest rate and any fees charged cannot be more than the base interest rate. When proposing interest rates to the Board we take into consideration whether or not a loan origination fee is being charged.

In 2016 Congress passed the Water Infrastructure Improvements for the Nation Act and added some grant capabilities for the SRF program. In 2018 Congress passed the America's Water Infrastructure Act which substantially changed specific pieces within the SRF program. Mainly the Division has to implement assessment management as part of their capacity development program, which means they'll need to rewrite their capacity development rule and the SRF rule and reapply for primacy. This year's goal is to rewrite the rule and restructure the program accordingly. During that time, Michael would like to come up with new ideas for establishing the base interest rate for the SRF program and present them to the Board later in the year as well as the R309-700 & 705 revisions. Some options include the 20-year general obligation bond index and the 20- or 30-year Treasury Notes.

David Pitcher inquired about other funding sources such as USDA Rural Development and the Community Impact Fund Board (CIB). Michael said he's noticed that other funding programs are starting to use MAGI for determining subsidy for a community. As they're moving toward these same criteria, it's a little less enticing for water systems to rate shop amongst the different entities. Rural Development is a federal program with their own methodology and sometimes we can compete with them and other times we can't.

David asked about the consequences of not having enough applications or not loaning enough money; can EPA pull back the funding or reallocate?

Michael said that could happen if we don't first use our first-round money. We receive our annual capitalization grant of $6 or $7 million usually in June or July and that money has to be distributed and disbursed to water systems within 12 quarters of receipt. After that money is distributed we use the second-round repayment stream for funding projects. When you really get down to it, $6-7 million doesn't last that long in a given year when we're authorizing anywhere from $15 to $25 million worth of projects. Our SRF program is reviewed annually by EPA and they always ask how the fund use rate compares between first round and second round. Recently an EPA Region 8 representative was excited to learn that we've implemented programmatic financing and that our second-round fund had started to revolve.

A possible opportunity for programmatic financing; Michael said that Ogden City announced a few years ago that they had $90 million in master plan related projects over a 10-year period and

he had spoken with them about using programmatic financing. So far, they have not committed, so Michael will call to see if they're now interested in that option.

6. Title 19 Changes – Bret Randall, Attorney General's Office

Bret Randall is an assistant Attorney General who supports the Drinking Water and Radiation Control programs. The proposed changes to Title 19 are before the 2020 Legislature.

Prior to his departure, former DEQ Executive Director Alan Matheson, initiated a review of Title 19 in order to identify areas where the codes were inconsistent and ensure the whole department and its programs had a more consistent structure. An anomaly was found within the department in that civil penalties could only be imposed through a district court judge for almost all programs, except for the Drinking Water and Radiation Control programs whose civil penalty authority lies with the respective agencies. There are procedural safeguards around that process as the Nuclear Regulatory Commission (NRC) for the Radiation program, and the EPA for the Drinking Water program require that for primacy purposes, the agency have administrative penalty authority.

In 2012 the Radiation Control program and the Drinking Water program were substantially the same as the boards had the authority to issue penalties. In 2012 the entire code was revised which included boards no longer hearing appeals or adjudicating, but for unknown reasons, the Drinking Water statute was not substantially amended. In 2012 for the Radiation Control Act, civil penalty authority was moved from the board to the director. For Drinking Water, the statute currently states that the Board has the authority to issue civil penalties, but the Board uses the Director as the agent and the procedures are not well defined. The decision was made to put the Radiation Control procedures in place for the Drinking Water program and EPA has given their okay for this move.

There is a federal regulation that sets a mandatory minimum civil penalty on a per day per violation basis for water systems that supply drinking water to populations of 10,000 persons or more and for primacy the state's statute must include that language. EPA flagged this as a problem for Utah's Drinking Water program because our current statute does not contain that language. EPA also identified that when Utah's program was approved in the 1980s EPA did not do a formal review of our penalty program and it was never published in the federal register. EPA now wants to go through the formal process to correct that omission. For that process, EPA will need an official Attorney General opinion and a package submitted to demonstrate that our program is compliant with federal law in order to maintain primacy, which is the big reason we're amending the statute and rule with the minimum penalty language.

Another anomaly of note within Title 19; if the director settles a civil penalty in the amount of $25,000 or more all of the boards have a role to approve that in a public meeting, except the Drinking Water Board. The Legislature has a policy that for large settlements the board should have a public approval process. We want to insert in the statute the ability for this Board to approve large settlements. We also want to transfer the power to assess the penalties from the Board to the Director. Part of the reason for that transfer is that in statute this Board still has the authority to issue orders and to take enforcement actions, which no other board has authority to do. The code revision should have been made in 2012 to remove from the Drinking Water Board the authority to issue orders or take enforcement actions.

A district court judge has authority to assess fines and penalties of up to $10,000 per day per violation. The statute for the Drinking Water program uses the word willfully, which is not defined. All the other statutes have defined that willfully to mean with criminal negligence, which is defined in the criminal code. That's just another example of the need to conform so the drinking water statute is the same as the other programs.

Scott Baird spoke about the code updates for the entire department and the significance of the Drinking Water code in moving the authority from the Board to the Director. This happened with all other DEQ boards in 2012, but didn't happen for this Board for unknown reasons, so we're now looking to make it as consistent as possible throughout the department. As the statute reads now, the Board has the authority to issue orders, enforce orders, and institute judicial proceedings and the recommendation would be that the Board could recommend these things instead of ordering the Director to do them.

David Pitcher inquired about the board's ability to approve a civil penalty and Bret replied that if the proposed changes are passed the Board would have the authority to approve settlements over $25,000. If the Director were to institute a civil penalty proceeding, which has its own procedures under the Administrative Procedures Act, the Board would not have a role unless it is settled. But if there's an adjudication that goes all the way to the end and the director says, "my final order is this," then that's a judicial review process and a violator could take the Director's decision to the Court of Appeals. According to statute, the Board does have not a role in an adjudicative proceeding and that will not change. An adjudication is like an administrative trial with lawyers, witnesses and hearings.

7. Water Use Data – Nathan Lunstad

Nathan is the Drinking Water Permitting Section manager over engineering and source protection. His section is analyzing the water use data being submitted.

The current rule for water use sizing includes an outdoor and an indoor requirement, but in the future both will be combined into one value. The rule, R309-510, contains the design and construction minimum sizing standard and it currently requires for source capacity of 800 gallons per day per equivalent residential connection. The outdoor usage demand is calculated based on your zone within the state. The outdoor storage capacity is the average annual demand, which is 400 gallons per day per equivalent residential connection, and is half the source capacity for indoor. Bridge design is a good analogy when talking about peak day data and sizing a water system; if a bridge is designed on the average annual demand it's going to be less stringent and not as safe. Peak day design is based on the total volume of cars and trucks going across the bridge on the given peak day of that year. If the peak loading is on the bridge and it was designed for average annual demand, it's possible the bridge could collapse if you have bumper to bumper semi-trucks. The same applies to a water system that is not designed on peak day data; potentially in the summer if there's a fire and everyone's using the water, a water system could have low pressure and run out of water. If that happens safety and health issues could come into effect.

In the future, the rule will require designing water systems on the peak day demand. For storage tanks, rather than designing on the peak day, the average one-day is used. For storage tanks

there's equalization storage, plus fire and a system's emergency storage which make the tank a little bigger than required by rule.

Currently, we have one standard in the rule for all water systems regardless of size and location. In the future, design standards will consider peak day data and system specific sizing. This rule came out of a 2014 legislative audit which requires the Division of Drinking Water to reassess and base water use, indoor and outdoor, on actual water use data. A follow up audit in 2017 agreed that it's difficult to have one size fits all, it needs to be system specific, and they recommended that the legislators develop new rules.

The Drinking Water design and construction rules are used to evaluate a water system. The Director has the ability to issue, to water systems, exceptions to those rules. However, water use data is a legislative requirement, found in the Title 19 statute, which doesn't allow for Division exceptions, so public water systems serving more than 500 population must submit this data to the Division of Water Rights, which is also reported to the Division of Water Rights. The statute requires peak day data, annual average demand, total number of equivalent residential connections, and the quantity of non-revenue water. If the system doesn't have three years of data, the statute does allow a water system to submit an engineering report.

This phased legislation went into effect July 2018; the first phase required that last year all systems greater than 3,300 submit three years of data starting with 2016. The second phase for smaller systems serving between 500 and 3,300 in population, had to report last year but they're system specific sizing will start on the data they collect during summer 2020 and then the Division will set system specific sizing for them in 2023. The third phase, which is at the discretion of the Director, is for smaller systems serving less than 500 people. If water systems don't submit this data they will receive 15 IPS points. In statute, if the system does not submit their data and does not have system specific sizing established, the Division is required to withhold plan review for engineering projects that are of substantial alteration or addition to their system. The Division has defined substantial alteration as increasing the number of connections by 10%.

Out of the 131 water systems serving populations between 500 and 3,300, only 50% were able to identify a peak day and submit data. For the 116 systems serving more than 3,300, 82% were able to report three years of data. For the systems unable to submit data, the Division is not able to issue system specific sizing and because of this they will receive IPS points and have any substantial project plan approvals withheld. 11 systems have submitted engineering reports. A provision in the statute allows the Division to enter into a Correction Action Agreement (CAA) with a water system. At that point the deficiency points can be silenced as a long as the system has a plan in place to collect the data and can report data for the following year. At this point only 13 of the larger systems have entered into a CAA, so 21 systems that will be receiving deficiency points this week. For the smaller systems, only 9 have entered into a CAA, so 122 systems will receive 15 IPS points. Of the data received, the Division has been able to set system specific sizing for 49 systems.

Roger Fridal asked why the water systems don't submit the data.

Nathan explained that when the statute went into effect the water system had to submit three years of data from 2016, 2017, and 2018, but if the water system didn't collect data during those years,

there's no going back in time to get it. Nathan thinks that when the statute was rolled out the legislators were told that all of the larger systems had the data and it was no problem to report it, but that's not the case.

8. Rural Water Association Report – Dale Pierson, Executive Director

Dale spoke about RWAU's field staff that assists and provides training to water systems and they also look for water systems that have a need for a project. In Dale's experience, water systems are often hesitant to do a project for a number of reasons, but those hesitations need to be overcome in order for them to have to adequate water or waste water infrastructure in place. The field staff works with those communities to help them to put together their application for this Board, USDA Rural Development, or other funding agencies. RWAU also lobbies for the continued funding of the DEQ SRF programs and USDA Rural Development, which Dale will be doing again in Washington D.C. in the coming weeks. RWAU see those funds as necessary for the future needs of the nation as a whole, but Utah in particular as far as providing for new infrastructure and repairing aging infrastructure.

Dale asked his field staff, Terry Smith and Brian Pattee, to speak about the assistance they provide to drinking water systems; Curt Ludvigson was unable to attend today's meeting.

Terry Smith has been with RWAU for 14 years and is the management technician. Terry spoke to the Board about his role. Under DDW contract, Terry's main goal is to help water systems with their management, sustainability, and capacity. Terry provides guidance to the systems regarding their master plan, and system needs, and Terry does this by taking a holistic view of a water system. Terry also helps water systems with rate studies which often occur when they've run out of funding. Firstly, Terry does an expense report with the system to determine fixed expenses, variable expenses and where they ought to be, then build the rates from there. A master plan provides continuity for the water system, while elected officials frequently change. Terry also provides emergency technical assistance to water systems.

Brian Pattee has been with RWAU for 6 years and is a compliance circuit rider specialist with RWAU. Brian previously worked for the City of Logan for 30+ years. Brian spoke to the Board about his role. Under DDW contract, Brian takes direction from DDW staff through the EPA ETT list and the compliance top 25 list, but a lot of the staff call to ask him to directly help systems. Brian works with the water systems on any kind of violation on their IPS report such as source protection and cross connection control programs. Brian's main goal working with these systems is to help them help themselves through training, however; turnover is a big problem in the industry. Turnover causes inconsistent sampling and reporting and can skyrocket a water system's IPS points and can lead to Division enforcement. Brian has been involved with systems receiving "Welcome to the Club" letters, in which a system is notified that they're now a public water system and the requirements that entails. Brian provides technical assistance to any size system.

Dale said the report of what these field staff has done since the last meeting is in the board packet. 2020 marks the 40th anniversary of the establishment of RWAU, so to commemorate they'll be doing some special things in St George. RWAU looks forward to seeing the Board at the meeting down there and hope they can participate in other things going on at the conference.

9. Directors Reports

A. Enforcement Report

For each meeting the enforcement report is included in the Board packet. The first two categories of this report are; 1) finalized administrative orders (AOs) which are orders that the Director has signed. The Division notifies a water system when it incurs a deficiency or violation and gives it the opportunity to resolve those issues. An AO occurs when the water system doesn't resolve those issues and the AO gives the Division the ability to be more prescriptive on deadlines and fixes. 2) Corrective action systems; these systems have also received an order but the Division has negotiated that order with them and the water systems have signed it in addition to the Director. These orders contain stipulated penalties, as in the water system agrees they understand the ramifications of not meeting deadlines. There's no appeal process for these corrective action orders because the water system has already agreed to it, whereas there is an appeal process for AOs.

A few years ago, the list of "not approved" water systems was longer but has decreased over the years. When the Division started this report most of the not approved water systems had that status for over a year; the Division has been actively working to make "not approved" a short-term status. There are a handful of systems struggling to resolve their issues in order to become approved.

The enforcement report in the packet was compiled in December 2019, before the IPS 2020 rule became effective on January 1, 2020. At the next board meeting the enforcement report will be significantly longer. As of January, there are about 45 water systems moving to "not approved" just based on their IPS 2020 points. This number has decreased from 300, which was the number of systems initially determined to be going "not approved" prior to IPS 2020 rolling out, but we've been actively communicating with systems to get their deficiencies resolved before January 1. Marie is pleased with the impact that DDW staff has had in working with these water systems. There are a number of minor deficiencies, which many systems don't take the effort to resolve, which will become significant deficiencies with IPS 2020. Staff will be working with systems to resolve these deficiencies rather than just going through the procedural process.

B. Upcoming Bills for 2020 Legislative Session

Marie updated the Board on some of the bills that the Division is working on or tracking and that the Division views as impactful to the drinking water industry for the State of Utah.

- S.J.R. 2 – Lead Levels in Utah Children; Sponsor Sen. Jani Iwamoto. Sen. Iwamoto is running this joint resolution to encourage pediatricians to take lead level samples as part of the screening and immunization schedule for children. On the surface this doesn't necessarily seem like a water bill, however; last year Rep Handy ran a bill to require schools and child care facilities to test for lead in water. During the 2019 Legislature's vetting process there were questions such as, why is this a problem? -and- Do we actually have a problem with high blood lead levels in the children in the State of Utah? It became apparent at that point that we don't know the blood lead levels of Utah's children. This is a healthcare bill encouraging

testing in doctor's offices, but it in part came about from a water bill and will further give information about lead exposure to children.

- H.B. 88 – School & Child Care Water Testing Requirements; Sponsor Rep. Handy. Rep. Handy is running this bill to require lead sampling in schools and child care facilities. This year's bill is simpler and more streamlined than last year's bill and requires that every consumable tap be sampled in every school throughout the state as well as licensed child care facilities. If any samples are above a certain lead level, which at this point is 10 µg/l, the school then needs to take that particular tap out of service. This level now matches the new action level in the revised Lead and Copper Rule that EPA has proposed but not yet promulgated. This bill has been drafted and is being vetted at this point.

  The revised federal Lead & Copper Rule requires that schools and child care facilities be included in the sample site plan for all public water systems. Marie said that if Rep. Handy's bill passes and the proposed rule changes are adopted the two would dovetail; as we implement the federal rule we would take into consideration state requirements for schools already collecting samples.

  Also, the Division has received the WIIN grant from the federal government in the amount of $483,000 to be used for sampling for lead in schools and child care facilities. The grant is now being rolled out and a press release will soon come out asking for schools and child care facilities to contact the Division if they would like grant money to take samples.

- S.B. 41 – State Water Policy Amendments; Sponsor Rep Keven Stratton. Amendments to the State Water Policy. This is basically a policy statement for the legislature to give guidance on bills and actions to try to have alignment and an overall strategy.

- H.J.R 3 Municipal Jurisdiction Water Amendments; Sponsors Rep. Keven Stratton and Sen. Ralph Okerlund. To amend the Utah Constitution as it relates to the surplus water and the extraterritorial jurisdiction bills that were passed last year. With the surplus water bill it became apparent that it's technically unconstitutional for municipalities to supply water on a surplus basis to a community. But the stakeholders came to consensus that it is an appropriate action, so this joint resolution would put those changes to the Utah Constitution on the ballot for this coming November.

- S.B. 29 – Drug Disposal Program; Sponsor Sen. Daniel Thatcher. On the surface this may not look like a water bill, however; pharmaceuticals and personal care products are an issue of emerging concern for drinking water. Any bill that addresses the proper disposal of pharmaceuticals or narcotics and therefore keeps them out of our state's waters, including drinking water sources, is of interest to the Division.

  Just a reminder that any of this information is subject to change at any given moment and the legislative process is extremely dynamic so this slide is a few hours old. In light of that we're were told that the Attorney General's office may be transitioning out of this bill.

- Title 19 Revisions; Sponsor Sen. Ralph Okerlund. These are the revisions previously presented today by Bret Randall of the Utah Attorney General Office.

- Watershed Councils Bill; Sponsor Rep. Timothy Hawkes. At the time of this meeting this bill had not yet been posted or numbered. The bill has had extensive coordination with the subcommittee of the Utah Water Task Force and there is draft language that we have been watching, monitoring and commenting on. This bill basically creates a state watershed council that would oversee and coordinate with local watershed councils but would not override any local watershed council already in place.

- H.B. 40 – Water Loss Accounting Act; Sponsor Rep. Melissa Ballard. As the bill stands now, every public water system serving populations over 3,300 (110-120 systems) would be required to conduct a water loss audit on an annual basis for three consecutive years without an ongoing requirement after that. The audits would be conducted using a method authorized by the Division of Water Resources.

- S.B. 52 – Secondary Water Requirements; Sen. Jacob Anderegg. Sen. Anderegg ran a bill last year which passed and this an amendment to those requirements. These amendments would include requiring secondary water systems to have meters. Initially it was large systems and these modifications would include smaller systems. There's some interesting language in there that says it restricts the use of culinary water for regular irrigation if secondary water is available. Marie doesn't know how that's going to be implemented or tracked because there are a lot people who have secondary water available and don't use it. It also has some new language allowing money from the Division of Water Resources to be put towards getting these meters in place. The language in this bill is referring to the funding structures of the Division of Water Resources and is not necessarily referencing the Division of Drinking Water SRF program.

C. Other

DDW Proposed Fees

The Division of Drinking Water is going before the legislature to request new fees be put in place, which were designed to be completely avoidable in that they are fees for non-compliance. If a water system remains in compliance and follows the rules of the Safe Drinking Water Act then they're not subject to these new fees. The Division based the fee amounts on cost recovery based on the amount of resources staff puts into managing non-compliance. The Division looked at the hours staff puts into preparing or processing these issues and for other fees the Division considered the issue as a whole to calculate the fee amount. The intent of these fees is to recover Division costs for chronically non-conforming systems as well as to encourage water systems to become compliant.

- Construction without Approval - $1,000 (per project) – This fee has been in place but is being renamed so that it's clearer to the regulated community. If a water system constructs a facility without approval, meaning that the system doesn't share plans with the Division and it moves forward with constructing a project, the system will be charged $1,000. The reason for this fee is that it's harder for the Division to ensure the project was built according to Division standards if the water system has, for example, already buried it underground.
- Unapproved Facility in Use - $1,000 (per project) – If a water system puts a facility into service without receiving a DDW operating permit the system will be charged $1,000. If the

water system builds a facility and then puts the facility into service it is possible that the system would incur both this fee and the Construction without Approval fee.

- Monitoring Compliance - $300 (per violation) – If a water system has failed to take required samples it will be charged $300 for incurring a monitoring compliance violation. While some samples are more than $300, the vast majority are significantly less than this fee and so the Division is hoping systems would rather take the samples than incur this fee.
- Reporting Compliance – $200 (per violation; reassessed every compliance period) - If a water system takes a sample but doesn't submit the data to the Division, in order for the Division to run compliance, it will be charged $200.
- CCR Compliance - $500 (per violation; reassessed quarterly) – If a water system fails to prepare their consumer confidence report (CCR) and failed to give the information to their public, as required, the Division will assess a $500 fee. The Division will reassess this fee every quarter until the system does prepare their CCR and get it out to the public. The hope is that water systems will not skip a year because that will add up to $2,000 in fees. That violation never comes off their record, so if a water system skips a year they must go back and prepare that year's CCR.
- Public Notice Compliance - $500 (per violation; reassessed every compliance period) – Other public notification, for instance if a system does not give the appropriate notification for a boil order they'll receive a $500 fee. The fee will be reassessed every compliance period. Those notifications are tiered, so some are due within 24 hours, which means that fee would be reassessed every day. For example, if there's a boil order the water system must tell the public right away. If water system chooses not to do that on a Friday because it's a holiday and they wait until Monday to notify, then that is three days of non-compliance and a $1,500 fee.
- Unresolved Significant Deficiencies - $1,000 (per citation; reassessed quarterly) – The Board has heard from water systems requesting money to resolve a significant deficiency and then declining the loan because they found that was too expensive. Those water systems will now incur a fee should they choose not to fix that deficiency. The intent of this fee is to encourage a water system to spend the money to fix the deficiency rather than to rack up these fees.
- Compliance Inspections and Assessments - $1,000 – This is related to special enforcement on-site inspections that the Division must conduct when a water system consistently fails the total coliform rule, there's an imminent threat to public health or safety, or any another issue that triggers such an inspection. The system would be charged $1,000 for such an inspection.
- Preparation, Issuance and Oversight of Enforcement Orders – The Division will start recovering the cost to prepare any enforcement order. These amounts are based on the time that staff has previously put into preparing such enforcement orders.
    - Administrative Orders (AOs) - $6,000
    - Stipulated Enforcement Orders - $2,000 - Stipulated enforcement orders are actually significantly more expensive than AOs, but the Division prefers orders in which the water system agrees to sign, rather than the unilateral nature of the AO with only the Division Director's signature. The Division artificially dropped this recovery cost to encourage water systems to choose stipulated enforcement orders versus an AO.
    - Other orders resulting from non-compliance or public health risks - $1,000 – Orders for when a water system becomes "not approved."

New DDW Staff & Other Personnel Changes

New DDW Staff - Michael Grange introduced the new staff to the board.

- Jeremy Andrews is a financial manager in the Administrative Services Section and will have a focus on SRF finances; specifically, project pay requests, project budgets and EPA reports. Jeremy comes from the DEQ Executive Directors Office and has worked for the department for a year.
- Skye Sieber is a project manager with the SRF program and she has extensive project management experience, specifically with environmental studies related to the National Environmental Policy Act. She's worked for both the Bureau of Land Management and the Forest Service and has worked the last year for CIB.

Promotions

- Current employee, Heather Pattee, was recently officially promoted to SRF project manager.

2019 Retirements – Marie Owens

- Patti Fauver – Patti oversaw the sanitary survey program, acted as the Division's EPA liaison and retired with 34 years of service.
- Eva Nieminski – Eva was an environmental engineer, Water Quality Alliance liaison and retired with 30 years of service.
- Laurie Leib – Laurie was an office specialist, processed GRAMA requests and retired with many years of service with DEQ.
- Janet Lee – Janet was an environmental scientist, oversaw the total coliform rule, conducted Level 2 Assessments and retired with 30 years of service.

2020 Recruitments – Marie Owens

The Division is not filling these retirement vacancies straight across, but rather making the following adjustments to its staff.

- **Assistant Director** – additional assistant director to oversee enforcement letters, budget, personnel, performance measures, public notices, GRAMA, travel oversight, etc. Ying-Ying Macaulay is currently an assistant director and this new position will be a second assistant director.
- **Assessment Response Program Manager** – to oversee sanitary survey program, emergency response coordination, water quality alliance, level 2 assessments, vulnerable sources coordination, AWIA risk assessments, etc. Assessment Response will be a new section within the Division.
- **Records Officer** – to oversee GRAMA requests, division records management, archiving
- **Technical Writer –** enforcement documents, public notices, training materials, web content
- **Environmental Scientist**

Open Board Discussion – Roger Fridal

Scott Morrison inquired about the fixed interest rate of 1.25% for programmatic financing loans. Scott wondered if Michael is comfortable with that rate and should we consider running those applications through the MAGI model, like some of the other applications that the board receives.

Michael said that the 1.25% interest rate for programmatic financing was used for the first applicant and kept for subsequent applicants mainly because determining the MAGI for an entire district is difficult because they often serve multiple, financially diverse communities. The 1.25% was a little arbitrary, but we came up with 1.75% and 2% and then considered that they're helping us with federal money and programmatic financing so let's make it as attractive as possible and still get some return to the program. We may not have another programmatic financing opportunity for some time, but if the board would like, then we can certainly look at a similar interest rate that would accomplish both goals of still providing some incentive for using federal money and still moving that money through and getting it back out into the economy and revolving like it's supposed to.

10. Other

Next Board Meeting:

Date: Thursday February 27, 2020
Time: 2:00 PM
Place: Dixie Convention Center
Garden Room
1835 S Convention Center Drive
St George, Utah 84790

11. Adjourn

At 3:00 PM Kristi Bell left the meeting.

- Eric Franson moved to adjourn the meeting. David Pitcher seconded. The motion was carried unanimously by the Board.

The meeting adjourned at 3:12 PM.

Agenda Item 6(A)

DIVISION OF DRINKING WATER

STATE LOAN FUNDS

AS OF December 31, 2019

	SUMMARY		
	Total State Fund:	$12,805,786	
	Total State Hardship Fund:	$2,581,999	
	Subtotal:	$15,387,785	
LESS AUTHORIZED	Less:		
	Authorized Loans & Closed loans in construction:	$11,006,000	*(see Page 2 for details)*
	Authorized Hardship:	$2,130,790	
	Subtotal:	$13,136,790	
	Total available after Authorized deducted	**$2,250,995**	
PROPOSED	**Proposed Loan Project(s):**	**$0**	*(see Page 2 for details)*
	Proposed Hardship Project(s):	**$0**	
	Subtotal:	**$0**	
AS OF:			
December 31, 2019	**TOTAL REMAINING STATE LOAN FUNDS:**	**$1,799,786**	
	TOTAL REMAINING STATE HARDSHIP FUNDS:	**$451,209**	

Total Balance of ALL Funds: **$2,250,995**

Projected Receipts Next Twelve Months:		
and Sales Tax Revenue		
Annual Maximum Sales Tax Projection	**$3,587,500**	
Less State Match for 2020 Federal Grant	($2,300,000)	
Less State Match for 2019 Federal Grant	$0	
	$0	
Less Appropriation to DDW/Board	($1,010,800)	
SUBTOTAL Sales Tax Revenue including adjustments:		$276,700
Payment:		
Interest on Investments (Both Loan and Hardship Accounts)		$300,000
Principal payments		$3,213,600
Interest payments		$787,383
Total Projections:		$4,577,683

Total Estimated State SRF Funds Available through 12-31-2020	**$6,828,678**

DIVISION OF DRINKING WATER
STATE LOAN FUNDS
PROJECTS AUTHORIZED BUT NOT YET CLOSED
AS OF December 31, 2019

Community	Loan #	Cost Estimate	Date Authorized	Date Closed/Anticipated	Authorized Funding Loan	Grant	Total
Aurora City 0.75% int 30 yrs	3S258	4,228,000	Aug-18		3,804,000	424,000	4,228,000
Kane Co WCD .81% int 20 yrs	3S1712	210,000	Feb-19		168,000	42,000	210,000
Mexican Hat SSD 0% int 20 yrs	3S1723	436,000	Jun-19		161,000	275,000	436,000
Paunsaugunt Cliffs grant	3S1728	20,740	Aug-19			20,740	20,740
Virgin Town 0% int 20 yrs	3S1702	1,200,000	Jan-19		400,000	400,000	800,000
Genola City 0% int 30 yrs	3S1732	2,849,400	Aug-19		2,273,000	576,400	2,849,400
Bear River WCD- Collinston	3S1740	100,000	Nov-19		50,000	50,000	100,000
							0
Subtotal Loans and Grants Authorized					6,856,000	1,788,140	8,644,140
PLANNING LOANS / GRANTS IN PROCESS							
							0
Enoch City	3S256P	27,500	Jul-18	Jul-18		27,500	27,500
Escalante	3S1737P	38,000	Aug-19	Aug-19		38,000	38,000
Caineville SSD mstr plan	3S1738P	30,000	Aug-19	Aug-19		30,000	30,000
Panguitch 0% 5 yr loan master plan	3S1698P	40,000	Nov-18		40,000		40,000
Fairview	3S1736P	40,000	Aug-19	Sep-19		40,000	40,000
Pinion Forest	3S1714P	70,000	Aug-19			70,000	70,000
Eureka	3S1743P	20,000	Sep-19			20,000	20,000
							0
Subtotal Planning in Process					40,000	225,500	265,500
CLOSED LOANS (partially disbursed)							
Daggett Co - Dutch John 0% int 30 yrs	3S216	1,020,000	Jan-15	Feb-16	0	55,000	55,000
Ephraim 1% int, 20 yrs	3S251	1,422,905	Mar-18	Apr-19	560,000	62,150	622,150
Pleasant Grove 2% int, 20 yrs	3S255	2,300,000	May-18	Jan-19	1,950,000		1,950,000
Mtn Regional-Community Wtr 2% 20 yr	3S254	2,600,000	Jul-18	Dec-19	1,600,000		1,600,000
							0
Subtotal Closed Loans Partially Disbursed					4,110,000	117,150	4,227,150
TOTAL AUTHORIZED/PLANNING/OR CLOSED BUT NOT YET FUNDED					$11,006,000	$2,130,790	$13,136,790
PROPOSED PROJECTS FOR FEB 2020							
							0
							0
							0
							0
							0
Total Proposed Projects					0	0	0

DIVISION OF DRINKING WATER
STATE LOAN FUNDS
AS OF December 31, 2019

	5235 Loan Funds	5240 Interest (use for Grants)	Total
Cash:	$12,805,786	$2,581,999	$15,387,785
Less:			
Loans & Grants authorized but not yet closed (schedule attached)	(6,896,000)	(2,013,640)	(8,909,640)
Loans & Grants closed but not fully disbursed (schedule attached)	(4,110,000)	(117,150)	(4,227,150)
Proposed loans & grants	0	0	0
Administrative quarterly charge for entire year	(1,010,800)		(1,010,800)
Appropriation to DDW	0		0
FY 2020 Federal SRF 20% match	(2,300,000)		(2,300,000)
FY 2019 Federal SRF 20% match	0		0
	(1,511,014)	**451,209**	**(1,059,805)**
Projected repayments during the next twelve months			
Thru 12-31-2020			
Principal	3,213,600		3,213,600
Interest		787,383	787,383
Projected annual investment earnings on invested cash balance		300,000	300,000
Sales Tax allocation thru Dec-31-2020	3,587,500		3,587,500
Total	**$5,290,086**	**$1,538,592**	**$6,828,678**
* All interest is added to the Hardship Fee account.			

DIVISION OF DRINKING WATER

FEDERAL SRF

AS OF December 31, 2019

FIRST ROUND FUND	
1997 thru 2019 SRF Grants	
Net Federal SRF Grants	$179,244,401
Total State Matches:	$41,251,100
Closed Loans:	-$217,889,701
Total Grant Dollars:	**$2,605,800**

FEDERAL SECOND ROUND FUND	
Principal Repayments	
Principal (P):	$65,517,118
Interest (I):	$18,931,970
Total P & I:	**$84,449,088**

Earnings on Invested Cash Balance	
Total:	**$1,220,616**

Hardship Fund	
Total:	**$1,487,895**

SUMMARY	
Total Federal State Revolving Fund:	$88,275,505
Total Federal Hardship Fund:	$1,487,895
Subtotal:	$89,763,399

LESS AUTHORIZED & PARTIALLY DISBURSED		
Less:		
Authorized & Partially Disbursed Closed Loans:	$73,557,936	*(see Page 2 for details)*
Authorized Federal Hardship:	$361,660	
Subtotal:	$73,919,596	

PROPOSED		
Proposed Federal Project(s):	**$3,153,075**	*(see Page 2 for details)*
Proposed Federal Hardship Project(s):	**$0**	
Subtotal:	**$3,153,075**	

AS OF:		
December 31, 2019	**TOTAL REMAINING LOAN FUNDS:**	**$11,564,494**
	TOTAL REMAINING HARDSHIP FUNDS:	**$1,126,235**

Total Balance of ALL Funds after deducting proposed actions: $12,690,728

Projected Receipts thru December 31, 2020		
2020 Fed SRF Grant	$8,100,000	
2020 State Match	$2,200,800	
Interest on Investments	$2,011,200	
Principal Payments	$7,497,203	**Receive 60% in January**
Interest	$1,227,589	
Hardship & Technical Assistance fees	$292,768	
Fund 5215 principal payments	$105,200	
Total:	$21,434,760	

Total Estimated Federal SRF Funds Available through: 12/31/2020 **$34,125,488**

DIVISION OF DRINKING WATER
FEDERAL STATE REVOVING FUND
PROJECTS AUTHORIZED BUT NOT YET CLOSED
AS OF December 31, 2019

COMMUNITY	Project			Authorized Date	Closing Date Scheduled or Estimated	Authorized From Loan Funds (1st or 2nd Round)			Hardship Fund
	Total Project	Terms	Loan #			Loan	Forgiveness	Total	
Swiss Alpine Water Company	947,000	3.53% hgf, 25 YRS	3F300	Mar-18		807,000		807,000	
West Corinne Water Co	553,000	2.5% hgf, 20 yrs	3F305	Aug-18		500,000		500,000	
Lincoln Culinary Water Assn	2,516,000	60/40 1.25% hgf, 30 yrs	3F1696	Jan-19		1,510,000	1,006,000	2,516,000	
Canyon Meadows Mutual Wtr	1,925,000	90/10 1.0% hgf, 30 yrs	3F1700	Jan-19		1,540,000	385,000	1,925,000	
Canyon Meadows Mutual Wtr	235,000	2.50% HGA 20 yrs	3F1706	Feb-19		235,000		235,000	
Central Utah WCD-Duchesne Valley WTP	18,000,000	1.25% hgf, 30 yrs	3F1731	Aug-19	Feb-20	18,000,000		18,000,000	
Central Utah WCD	10,000,000	1.25% int/fee, 20 yrs (portfolio)	3F1741	Nov-19		10,000,000		10,000,000	
Hyde Park City	5,994,000	2.91% HGA 20 yrs	3F1744	Jan-20		5,000,000		5,000,000	
								0	
					TOTAL CONSTRUCTION AUTHORIZED:	**$ 37,592,000**	**$ 1,391,000**	**$ 38,983,000**	**$ -**
COMMITTED ADVANCES / AGREEMENTS or PARTIALLY DISBURSED CLOSED 2ND ROUND AGREEMENTS:									
					Date Closed				
								0	0
Rural Water Assn of Utah	676,000	5 yr contract for Development Specialist	Ongoing	Jan-18	Jun-18			0	78,520
Granger Hunter Improvement District	20,000,000	1.25% HGA 20 yrs (portfolio)	3F1708	Feb-19	Jul-19	17,317,600		17,317,600	
Forest Glen Plat A HOA	1,438,986	0% int, 30 yrs	3F222	Feb-14	Dec-14	57,000	24,986	81,986	
Springdale	7,840,000	.5% int/hgf, 30 yrs	3F264	May-16	Oct-17	220,500	54,850	275,350	
Moab	90,000	100% pf engineering planning study	3F292P	Aug-17	Feb-18		90,000	90,000	
Summit Culinary Water	36,600	100% pf 5 point analysis	3F1694P	Jun-18	Jul-18			0	23,140
Axtell Community Service Distribution	40,000	5 yr 0% master plan & gw well siting	3F1719P	Mar-19	May-19			0	40,000
Genola	40,000	100% pf engineering design	3F1735P	Aug-19	Aug-19			0	40,000
Hildale City	40,000	100% pf master plan	3F1704P	Nov-18				0	40,000
Central Iron Co WCD	40,000	100% pf master plan	3F1727P	Apr-19				0	40,000
Hilale City	100,000	eng feasibility study 100% pf	3F1722P	Jul-19	Oct-19			0	100,000
Kearns Improvement District	21,000,000	1.25% hgf, 20 yrs (portfolio)	3F1725	Jun-19	Dec-19	16,810,000		16,810,000	
					TOTAL PLANNING AUTHORIZED:	**$34,405,100**	**$169,836**	**$34,574,936**	**$361,660**
				TOTAL CONSTRUCTION & PLANNING:				**$73,557,936**	**$361,660**
				AVAILABLE PROJECT FUNDS:					**$14,717,569**
				AVAILABLE HARDSHIP FUNDS:					**$1,126,235**
PROPOSED PROJECTS FOR FEB 2020:									
Sigurd Town	2,120,101	0%, 30 YRS	3F1745			1,220,000	800,101	2,020,101	
Spring Creek Water	57,974	Private	3F1746				57,974	57,974	
Canyon Meadows Mutual Wtr	1,075,000	90/10 1.0% hgf, 30 yrs (additional $)	3F1700			967,000	108,000	1,075,000	
								0	
					TOTAL PROPOSED PROJECTS FOR THIS MEETING:	**$2,187,000**	**$966,075**	**$3,153,075**	**$0**
*RWAU hardship grant is being disbursed monthly									
				TOTAL FUNDS AFTER PROPOSED PROJECTS ARE FUNDED:					**$11,564,494**
				TOTAL FUNDS AFTER PROPOSED HS PROJECTS ARE FUNDED:					**$1,126,235**
NOTES OF LOAN CLOSINGS SINCE LAST BOARD MEETING:									
Total Recent Loan Closings						**$0**	**$0**	**$0**	**$0**

DIVISION OF DRINKING WATER

FEDERAL SRF LOAN FUNDS

AS OF December 31, 2019

	Loan Funds 1st Round	Loan Payments 2nd Round Principal	Loan Payments 2nd Round Interest	Loan Payments Hardship Fund	TOTAL
Federal Capitalization Grants and State 20% match thru 2015	$220,495,501				
Earnings on Invested 1st Round Funds			1,220,616		
Repayments (including interest earnings on 2nd round receipts)		65,517,118	18,931,970	1,487,895	307,653,100
Less:					
Closed loans and grants	-217,889,701				-217,889,701
SUBTOTAL of Funds Available	**$2,605,800**	**$65,517,118**	**$20,152,586**	**$1,487,895**	**$89,763,399**
Loans & Grants authorized but not yet closed or fully disbursed	-36,203,000	-37,185,100	-169,836	-361,660	-73,919,596
SUBTOTAL of Funds Available less Authorized	**-$33,597,200**	**$28,332,018**	**$19,982,750**	**$1,126,235**	**$15,843,803**
Future Estimates:					
Proposed Loans/Grants for current board package	-3,153,075			0	-3,153,075
SUBTOTAL of Funds Available less Proposed Loans & Grants	**-$36,750,275**	**$28,332,018**	**$19,982,750**	**$1,126,235**	**$12,690,728**
PROJECTIONS THRU December-2020					
2021 Fed SRF Grant & State Match	0				
2020 Fed SRF Grant	8,100,000				
2020 State Match	2,200,800				
Projected repayments & revenue during the next twelve months		7,602,403	1,227,589	292,768	9,122,760
Projected annual investment earnings on invested cash balance		1,620,000	360,000	31,200	2,011,200
TOTAL	**-$26,449,475**	**$37,554,421**	**$21,570,340**	**$1,450,202**	**$34,125,488**

Agenda Item 6(B)

Project Priority List
Presented to the Drinking Water Board
February 27, 2020

DRINKING WATER BOARD
PACKET FOR PROJECT PRIORITY LIST

There are two new projects being added to the project priority list

Sigurd Town is being added to the Project Priority List with 27.5 points. Their project consists of a spring redevelopment, new tank and chlorinator.

Spring Creek Water Users is being added to the Project Priority List with 11.4 points. Their project consists of meter replacement..

FINANCIAL ASSISTANCE COMMITTEE RECOMMENDATION:

The Drinking Water Board approve the updated Project Priority List.

December 17, 2019

Utah Federal SRF Program

Project Priority List

										Authorized
					Total Unmet Needs:		**$667,300,349**		**Total Needs, incl. Recent funding**	**$586,715,482**		**$364,335,491**
	date	type	%Green	**Priority Points**	System Name	County	Pop.	ProjectTitle	Project Total	Request DWB	Funds Authorized
N				4.7	Hyde Park City	Cache		2 MG tank, trans & dist line, booster pump	$5,994,000	$5,000,000	
N				27.5	Sigurd Town	Sevier		Spring redevelopment, tank, chlorinator	$2,120,101	$2,020,101	
N				11.4	Spring Creek Water Users	Iron		Meter replacement	$57,947	$57,947	
A				31.6	Virgin Town	washington	596	New tank and distribution lines	$1,200,000	$800,000	$800,000
A				30.7	Canyon Meadows	Wasatch	100	Trans line, Dist line, Tank, treatment plant	$1,724,068	$1,724,068	$1,925,000
A				30	Central Utah WCD	Duchesne		Duchesne Valley WTP	$18,000,000	$18,000,000	$18,000,000
A				25	Greenwich	Piute	67	Chlorination building	$130,000	$130,000	$130,000
A				24.3	West Corrine	Box Elder	1,275	Spring redevelopment and transmission line replacement	$533,075	$479,767	$500,000
A				22.5	Central Utah WCD	Utah		Programmatic financing	$10,000,000	$10,000,000	$10,000,000
A				**18.8**	Swiss Alpine	Wasatch	300	New Well and transmission line	$955,152	$815,152	$807,000
A				**16.6**	Lincoln Culinary	Tooele	489	Well development, trans line, dist line, supply line	$2,516,000	$2,516,000	$2,516,000
A				7.2	Diamond Valley Acres	Washington	1,370	Well equipping and conn to system	$235,000	$235,000	$235,000
A				7	Genola	Utah	1,500	Tank and well	$2,849,400	$2,849,400	$2,849,400

N = **New Application**
A = **Authorized**
P = **Potential Project- no application**

E= **Energy Efficiency**
W= **Water Efficiency**
G= **Green Infrastructure**
I= **Environmentally Innovative**

EMERGENCY FUNDING

Agenda Item 6(C)(i)(a)

Fairview City
Presented to the Drinking Water Board
February 27, 2020

DRINKING WATER BOARD
BOARD PACKET FOR CONSTRUCTION ASSISTANCE

APPLICANT'S REQUEST:

Fairview City is requesting $240,000 in financial assistance to rehabilitate a spring and replace a section of the transmission line that crosses the river. The City requests that the Drinking Water Board consider this an emergency project. The springs in question are adjacent to Highway 31 through Fairview Canyon. Over the past several years the collection area has been negatively impacted by debris from the highway as well as from the canyon walls until they are now incapable of supplying enough water to meet the City's needs, especially during the Summer high-use months. The City intends to complete the rehabilitation work on the springs by the end of May 2020 in order to put them back into service before the high demand season is in full swing. In addition, the City is securing funds from the Emergency Watershed Protection program through the Natural Resources Conservation Service to protect the slope above the springs and mitigate future debris impacts to the spring collection area.

STAFF COMMENTS:

The local 2018 MAGI for Fairview City is $44,800 which is 93% of the State MAGI. The current average monthly water bill is $36.73, which is 0.98% of the local MAGI. The estimated after project water bill is $62.08, which is 1.66% of the local MAGI. Fairview City does not qualify for additional subsidization.

Option	Loan	%/fee	Term	Grant	Repayable amount	Water bill	% of local MAGI
1	$240,000	2.50%	30 yrs	$0	$240,000	$62.08	1.66%

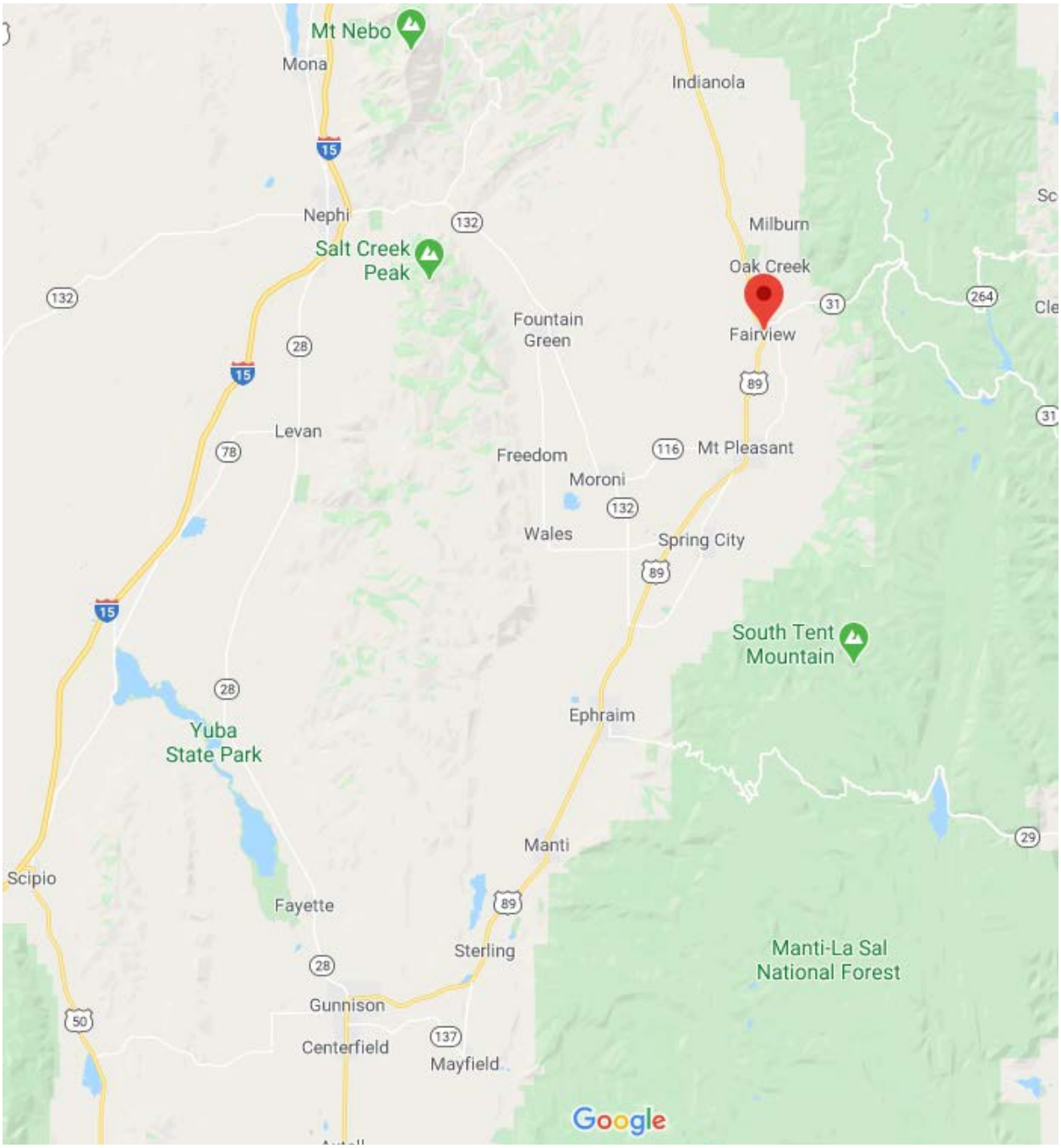
STAFF RECOMMENDATION:

The Drinking Water Board authorize a construction loan of $240,000 at 2.50% interest for 30 years to Fairview City.

APPLICANT'S LOCATION:

Fairview City is located in Sanpete County approximately 4233 miles north-northeast of Gunnison.

MAP OF APPLICANT'S LOCATION:



PROJECT DESCRIPTION:

Fairview City plans to fully rehabilitate the springs to restore full flow to the City. The work includes clearing roots and debris from the spring collection area, replacing all spring collection lines and boxes, and secure and protect the slope above the springs to mitigate future debris damage to the spring collection area. In addition, a section of the transmission line that crosses the river will be replaced.

POPULATION GROWTH:

Year	Population	Connections
2020	2083	672
2025	2176	702
2030	2331	752
2035	2954	953
2040	3398	1096

IMPLEMENTATION SCHEDULE:

DWB Funding Authorization:	February 2020
Commence design	February 2020
Complete design	February 2020
Receive DDW plan approval	March 2020
Advertise for bids	March 2020
Loan closing	April 2020
Begin construction	May 2020
Complete construction	May 2020
Receive DDW operating permit	June 2020

COST ESTIMATE:

Legal	$ 14,400
Engineering: planning and design	$ 17,000
Engineering: CMS	$ 16,100
Construction: source	$ 146,400
Construction: transmission line	$ 11,700
Contingency	$ 32,000
DDW Loan Origination Fee	$ 2,400
Total	$ 240,000

COST ALLOCATION:

The cost allocation proposed for the project is shown below.

Funding Source	Cost Sharing	Percent of Project
DWB loan	$ 240,000	100%

IPS SUMMARY:

Fairview City has 75 Improvement Priority System points. Thirty of those points are due to an incomplete Cross-Connection Control Program. The other 45 points are due to a lack of fencing around the three spring collection areas.

APPLICANT:	Fairview City PO Box 97 Fairview, Utah 84629
PRESIDING OFFICIAL & CONTACT PERSON:	Justin Jackson Water System Administrative Contactr PO Box 97 Fairview, Utah 84629 435-362-2738 fairviewcitysewer@gmail.com
TREASURER/RECORDER:	Kammy Tucker PO Box 97 Fairview, Utah 84629 435-427-3858
CONSULTING ENGINEER:	Dave Dillman Horrocks Engineers 2162 W Grove Pkwy #400 Pleasant Gorve, Utah 84062 801-376-7330 dave@horrocks.com
BOND COUNSEL:	Richard Chamberlain Chamberlain Associates 225 North 100 East Richfield, Utah 84701 435-896-4461

DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Fairview City
COUNTY: Sanpete
PROJECT DESCRIPTION: Spring rehabilitation

FUNDING SOURCE: State SRF

100 % Loan & 0 % Grant

ESTIMATED POPULATION:	455	NO. OF CONNECTIONS:	689 *	SYSTEM RATING:	APPROVED
CURRENT AVG WATER BILL:	$36.73 *			PROJECT TOTAL:	$240,000
CURRENT % OF AGI:	0.98%	FINANCIAL PTS:	43	LOAN AMOUNT:	$240,000
ESTIMATED MEDIAN AGI:	$44,800			GRANT AMOUNT:	$0
STATE AGI:	$48,000			TOTAL REQUEST:	$240,000
SYSTEM % OF STATE AGI:	93%				

	@ ZERO % RATE 0%	@ RBBI MKT RATE 3.51%		AFTER REPAYMENT PENALTY & POINTS 2.50%
SYSTEM				
ASSUMED LENGTH OF DEBT, YRS:	30	30		30
ASSUMED NET EFFECTIVE INT. RATE:	0.00%	3.51%		2.50%
REQUIRED DEBT SERVICE:	$8,000.00	$13,065.47		$11,466.63
*PARTIAL COVERAGE (15%):	$1,200.00	$1,959.82		$1,720.00
*ADD. COVERAGE AND RESERVE (10%):	$800.00	$1,306.55		$1,146.66
ANNUAL NEW DEBT PER CONNECTION:	$14.51	$23.70		$20.80
O & M + FUNDED DEPRECIATION:	$329,176.00	$329,176.00		$329,176.00
OTHER DEBT + COVERAGE:	$128,432.50	$128,432.50		$128,432.50
REPLACEMENT RESERVE ACCOUNT:	$0.00	$0.00		$0.00
ANNUAL EXPENSES PER CONNECTION:	$664.16	$664.16		$664.16
TOTAL SYSTEM EXPENSES	$467,608.50	$473,940.34		$471,941.79
TAX REVENUE:	$0.00	$0.00		$0.00
RESIDENCE				
MONTHLY NEEDED WATER BILL:	$61.56	$62.32		$62.08
% OF ADJUSTED GROSS INCOME:	1.65%	1.67%		1.66%

* Equivalent Residential Connections

Public Water System IPS 2020 Report

Fairview City Water System | PWS ID: UTAH20012 | Rating: Approved | 01/15/1986 | Status: Active

Contacts

Type: Administrative Contact
Name: JUSTIN JACKSON
Office: 801-362-2738
Emergency: 435-427-3858
Email: fairviewcitysewer@gmail.com

Site Information

Address: PO BOX 97 , FAIRVIEW, UT 84629
Phone: 435-427-3858
County: SANPETE COUNTY
System Type: Community
Population: 2000

Site Updates

Last Inventory Update: 10/03/2019
Last Surveyor Update: 09/05/2019
Surveyor: PETER T KEERS
Operating Period: 1/1 - 12/31
Last IPS Update: 02/21/2020 12:00:00

Political Districts

Representative: 58
Senate: 24

Water Usage Information per ERC

IPS SUMMARY

Total IPS Points: 75

Admin & Physical Facilities	Quality & Monitoring	Significant Deficiency Violations
75	0	0

PHYSICAL FACILITY POINTS

Total Pts: 75

Facility	Facility Name	Status	Points Effective	Details
DS001	DISTRIBUTION SYSTEM	A	**30**	Hide Details (3)

Code	Description	Severity	Comments	Determined Date	Pending	Assessed
M001	CURRENT EMERGENCY RESPONSE PROGRAM	REC	CURRENT FINANCIAL AND EMERGENCY RESPONSE PLANS	06/19/2002	0	0
M007	CCC-LACKS ON-GOING ENFORCEMENT IMPLEMENTATION	MIN		09/05/2019	0	15
M005	CCC-LACKS OPERATOR TRAINING	MIN		09/05/2019	0	15

Facility	Facility Name	Status	Points Effective	Details
WS001	UPPER TOLLGATE SPRING	A	**15**	Hide Details (2)

Code	Description	Severity	Comments	Determined Date	Pending	Assessed
SSL2	VENT NOT PRESENT	REC		09/17/2009	0	0
SS02	SPRING COLLECTION AREA NOT FENCED	MIN		09/05/2019	0	15

Facility	Facility Name	Status	Points Effective	Details
WS002	LOWER TOLLGATE SPRING	A	**15**	Hide Details (2)

Code	Description	Severity	Comments	Determined Date	Pending	Assessed
SSL2	VENT NOT PRESENT	REC		09/17/2009	0	0
SS02	SPRING COLLECTION AREA NOT FENCED	MIN	steep hillside below state hwy #31, apply for exception for all 3, No Grazing in area	09/05/2019	0	15

Facility	Facility Name	Status	Points Effective	Details
WS003	LITTLE BEAR SPRING	A	**15**	Hide Details (2)

Code	Description	Severity	Comments	Determined Date	Pending	Assessed
SSL2	VENT NOT PRESENT	REC		09/27/2016	0	0
SS02	SPRING COLLECTION AREA NOT FENCED	MIN	steep hillside below state hwy #31, apply for exception for all 3, No Grazing in area	09/05/2019	0	15

SIGNIFICANT DEFICIENCY VIOLATIONS

Total Pts: 0

ID	Violation	Code	Deficiency	Determined	Points Effective

LEAD COPPER MONITORING AND QUALITY VIOLATIONS

Total Pts: 0

Violation No.	Period	Code	Description/Name	Points Effective

CHEMICAL MONITORING RULE VIOLATIONS

Total Pts: 0

Facility	Violation No	Period	Code	Violation Type	Analyte Group	Determined	Seasonality	Points Effective

MICROBIAL RULE VIOLATIONS

Total Pts: 0

Date Range Start: 01/01/2019

Determine Date	Compliance Period	Code	Violation Type	Return To Compliance	Points Effective

OPERATOR CERTIFICATION

Type	Level Required	Highest Certificate
Distribution	Dist 1	Dist 2
Treatment		

(Water use data is gathered through an annual survey conducted by the Division of Water Rights. More information here: **www.waterrights.utah.gov/distinfo/wuse.asp**)

WATER USE REPORT

Total Pts: 0

Violation	Points

IPS COMPLIANCE SCHEDULES

Type	Required Activities	Severity	Created	Due
CCR Schedules	Submit CCR Certification Letter		01/01/2020	10/01/2020
CCR Schedules	Submit Consumer Confidence Report		01/01/2020	07/01/2020

CONSUMER CONFIDENCE REPORT

Total Effective Points: 0

Violation No.	Period	Code	Description/Name	Points Effective

PUBLIC NOTIFICATION VIOLATIONS

Total Pts: 0

Violation No.	Date	Code	Description/Name	Points Effective

Agenda Item 6(C)(ii)(a)

Spring Creek Water Users
Presented to the Drinking Water Board
February 27, 2020

DRINKING WATER BOARD
BOARD PACKET FOR CONSTRUCTION LOAN

APPLICANT'S REQUEST:

Spring Creek Water Users is requesting financial assistance in the amount of $57,974. Spring Creek has a project consisting of a meter replacement throughout the system.

STAFF COMMENTS:

The local MAGI for Spring Creek Water Users is approximately $34,719 (76% of the state MAGI), the after project water bill would be 1.80% of the local MAGI. Therefore they do qualify as a hardship community to receive principal forgiveness.

FINANCIAL ASSISTANCE COMMITTEE RECOMMENDATION:

The Drinking Water Board authorize $57,974 in Principal Forgiveness.

APPLICANT'S LOCATION:

Spring Creek Water Users is located in Iron County approximately 6 miles South West of Cedar City.

MAP OF APPLICANT'S LOCATION:

PROJECT DESCRIPTION:

The project consists of replacing the current water meters with radio read meters throughout the system.

POPULATION GROWTH:

Projected populations and number of connections are shown in the table below:
These are estimates based on a 2% growth rate

Year	Population	Connections
2020	204	88
2025	208	89
2030	212	91
2035	216	93
2040	222	95

COST ALLOCATION:

The cost allocation proposed for the project is shown below:

Funding Source	Cost Sharing	Percent of Project
DWB Principal Forgiveness	$57,974	100%

IPS SUMMARY:

Code	Description	Physical Facilities	Quality & Monitoring	Significant Deficiency Violations
M001	Current Emergency Response Program			
	Total = 0	**0**	**0**	**0**

CONTACT INFORMATION:

APPLICANT:	Spring Creeks Water Users PO Box 1765 Cedar City, UT 84720 435-590-5500 springcreek@infowest.com
PRESIDING OFFICIAL & CONTACT PERSON:	Gerald Vanlwaarden President PO Box 1765 Cedar City, UT 84720 435-590-5500 springcreek@infowest.com
CONSULTING ENGINEER:	Dustyn Shaffer Sunrise Engineering 11 North 300 West Washington, UT 84780 435-652-8450 dshaffer@sunrise-eng.com
RECORDER:	John Barlow 435-874-2323 hildale@hildalecity.com

Agenda Item 6(C)(ii)(b)

Canyon Meadows Mutual Water Company
Presented to the Drinking Water Board
February 27, 2020

DRINKING WATER BOARD
BOARD PACKET FOR CONSTRUCTION ASSISTANCE
AUTHORIZATION

APPLICANT'S REQUEST:

Canyon Meadows Mutual Water Company (CMMWC) was authorized $1,925,000 in financial assistance to replace their existing treatment system with a closed media filtration system, construct a new 300,000 gallon concrete storage tank, and to replace ~15,000 linear feet of existing water line. The project went out to bid and the bids have come in significantly higher than anticipated. There are also some additional costs to replace waterlines within the subdivisions that Canyon Meadows would like to add to the scope of work.

STAFF COMMENTS:

Canyon Meadows Mutual Water Company is a private water system. The local MAGI for CMMWC is $82,699 which is 180% of the State MAGI of $45,895. The current average water bill is $82.77 per month, which is 1.20% of the local MAGI. The water system income consists of revenue from residential customers (32) and non-connected lots (54). The recommended funding package would raise the average monthly water rate to $185.31 a month. This monthly rate is 2.69% of the local MAGI and exceeds 1.75% of MAGI, so this system would qualify for subsidy. Staff recommends a subsidy in the form of an extended loan term, reduced interest rate and 20% principal forgiveness.
The increase in cost is approximately $800,000.

Option #	Description	Repayable Loan Amount	Interest Rate	Term	Principal Forgiveness	Monthly Water Rate	% Local MAGI
1	Base Eval.	$ 2,725,000	3.56%	30 yrs	0	$253.49	3.68%
3	**80/20**	**$2,175,000**	**1.0%**	**30 yrs**	**$550,000**	**$174.75**	**2.54%**

The project scope and requested funding amount has changed from the original authorization. There are some additional items being added to the original scope including waterline replacement in subdivision, possible solid rock removal, fiber optic for SCADA, bedding material, blow offs and air vac valves, Rocky Mountain Power costs to furnish power, neutralization step added to the filter system and a drainpipe.

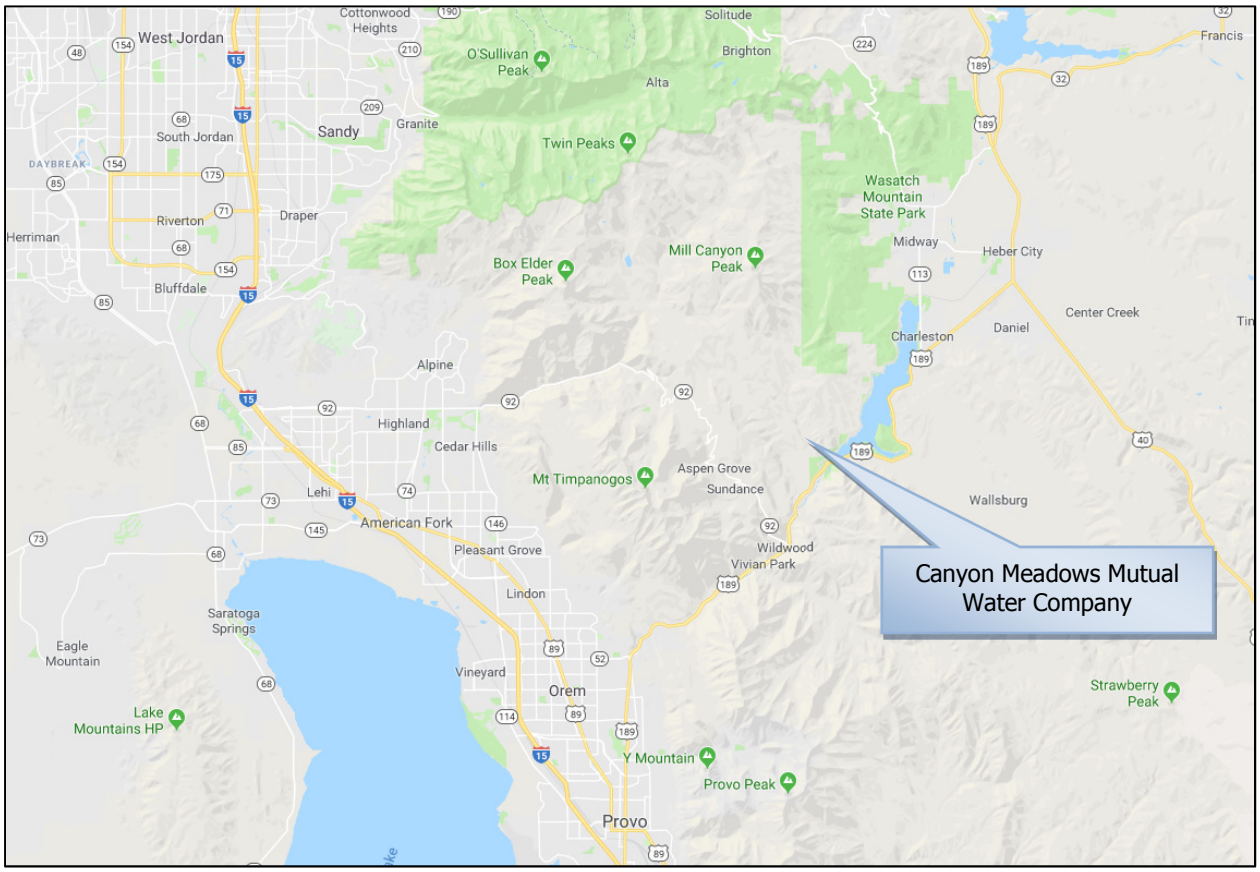
STAFF RECOMMENDATION:

The Drinking Water Board authorize a loan of $2,725,000 at 1.0% hardship grant assessment fee for 30 years with $550,000 in Principal Forgiveness. The repayable amount will be $2,175,000.

APPLICANT'S LOCATION:

Canyon Meadows Mutual Water Company is located in Provo Canyon in the unincorporated area of Wasatch County.

MAP OF APPLICANT'S LOCATION:



PROJECT DESCRIPTION:

The Canyon Meadows drinking water system was initially constructed in the early 1980s. The system consists of a 150,000 gallon concrete storage tank and a surface water treatment plant that treats intake water from Little Deer Creek. These facilities are deteriorating and the system proposes to replace them.

The existing treatment facility is sand filtration style which is out of date and requires a great deal of maintenance. The new treatment facility will be a closed media filter system. The system also has inadequate storage capacity and plans to build a new 300,000 gallon tank and no longer use the existing 150,000 gallon tank.

The existing transmission and distribution system is also deteriorating due to age. The system plans to replace the roadways in the near future, and replacing the aging distribution system prior to replacing the roadways would be the most cost effective and beneficial.

POPULATION GROWTH:

There are currently 86 total lots, 32 with residences on them. The system collects rates from both residences and lot owners.

	Year	Population	Connections
Current:	2020	85	86
Projected:	2040	125	86

COST ESTIMATE:

Legal/Bonding	$ 30,000
Engineering – Design	$ 135,000
Engineering – CMS	$ 55,000
Construction	$ 2,323,000
Contingency	$ 182,000
Total	**$ 2,725,000**

COST ALLOCATION:

Funding Source	Cost Sharing	Percent of Project
DWB Loan	$ 2,175,000	80%
DWB PF	$ $550,000	20%
	$ 2,725,000	100%

IPS SUMMARY:

Code	Description	Physical Facilities	Quality & Monitoring	Significant Deficiency Violations
M001	Current Emergency Response Program			
M007	CCC lacks ongoing enforcement implementation	**15**		
M004	CCC no annual public education or awareness	**15**		
M006	CCC lacks written records of CCC activities	**15**		
TG59	Little Deer Creek WTP lacks containment provisions to handle spills or overflows	**15**		
	Total = 60	**60**	**0**	**0**

IMPLEMENTATION SCHEDULE:

DWB Funding Authorization:	Feb 2020
Complete Design:	Feb 2020
Plan Approval:	Apr 2020
Advertise for Bids:	Apr 2020
Begin Construction:	May 2020
Complete Construction:	Aug 2020

CONTACT INFORMATION:

APPLICANT:	Canyon Meadows Mutual Water Co 8827 Lupine Drive Provo, Utah 84604 928-243-0038 Coachk53@hotmail.com
PRESIDING OFFICIAL & CONTACT PERSON:	Rick Kartchner President 8827 Lupine Drive Provo, Utah 84604 928-243-0038 Coachk53@hotmail.com
CONSULTING ENGINEER:	Bruce Nieveen Jones and Demille Engineering 775 West 1200 North ste 200A&200D Springville, Utah 84663 801-692-0219 ext. 606 bwilde@jonesanddemille.com
RECORDER:	Barbara Quittner 801-361-6695 canyonmeadowshoa@gmail.com
BOND ATTORNEY:	Eric Johnson Balisdell Church & Johnson 5995 South Redwood Road Salt Lake City, UT 84123 801-261-3407 eric@bcjlaw.net

DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Canyon Meadows
FUNDING SOURCE: Federal SRF
COUNTY: Wasatch
PROJECT DESCRIPTION: New Treatment System, New Storage Tank and Replacement of Water Line

80 % Loan & 20 % P.F.

ESTIMATED POPULATION:	100	NO. OF CONNECTIONS:	86 *	SYSTEM RATING:	APPROVED
CURRENT AVG WATER BILL:	$82.77 *			PROJECT TOTAL:	$2,725,000
CURRENT % OF AGI:	1.20%	FINANCIAL PTS:	22	LOAN AMOUNT:	$2,175,000
ESTIMATED MEDIAN AGI:	$82,699			PRINC. FORGIVE.:	$550,000
STATE AGI:	$45,895			TOTAL REQUEST:	$2,725,000
SYSTEM % OF STATE AGI:	180%				

	BASE EVAL	@ RBBI		
	$2,725,000	$2,725,000		$2,175,000
	3.87%	3.92%		1.00%
SYSTEM				
ASSUMED LENGTH OF DEBT, YRS:	30	30		30
ASSUMED NET EFFECTIVE INT. RATE:	3.87%	3.92%		1.00%
REQUIRED DEBT SERVICE:	$155,109.11	$156,059.90		$84,277.15
*PARTIAL COVERAGE (15%):	$23,266.37	$23,408.99		$12,641.57
*ADD. COVERAGE AND RESERVE (10%):	$15,510.91	$15,605.99		$8,427.71
ANNUAL NEW DEBT PER CONNECTION:	$2,254.49	$2,268.31		$1,224.96
O & M + FUNDED DEPRECIATION:	$75,000.00	$75,000.00		$75,000.00
OTHER DEBT + COVERAGE:	$0.00	$0.00		$0.00
REPLACEMENT RESERVE ACCOUNT:	$0.00	$0.00		$0.00
ANNUAL EXPENSES PER CONNECTION:	$872.09	$872.09		$872.09
TOTAL SYSTEM EXPENSES	$268,886.39	$270,074.88		$180,346.43
TAX REVENUE:	$0.00	$0.00		$0.00
RESIDENCE				
MONTHLY NEEDED WATER BILL:	$260.55	$261.70		$174.75
% OF ADJUSTED GROSS INCOME:	3.78%	3.80%		2.54%

* Equivalent Residential Connections

Agenda Item 6(C)(ii)(c)

Swiss Alpine Water Company
Presented to the Drinking Water Board
March 1, 2018

DRINKING WATER BOARD
BOARD PACKET FOR CONSTRUCTION LOAN

APPLICANT'S REQUEST:

Swiss Alpine Water Company is drilling a new well to meet their source requirements. The cost of the project is estimated at $1,752,000 and they plan to contribute $140,000 toward the project.

STAFF COMMENTS:

This project was initially authorized by the Drinking Water Board on March 1, 2018. The project was put out to bid in June of 2019, however, they did not receive any bidders at all on significant parts of the project. Swiss Alpine then put the project out to bid again in January of 2020, and did receive multiple bids which were significantly higher than the engineers estimate from 2017. The winning bidder is only obligated to honor their bid for 60 days (bids were opened on February 6, 2020).

The local 2018 MAGI for Midway is $69,000 (122% of the state MAGI), and their proposed after project water bill is 1.82% of the local MAGI. Because the after project user rate will exceed 1.75% of their MAGI, this system does qualify for a reduction of interest as well as an extended term to 30 years.

Staff's recommendation is based on maintaining a comparable water rate as a percent of MAGI as that of the original authorization of 1.81% of MAGI (3.53% for 25 yrs).

Option #	Loan Amount	Interest Rate	Term	Minimum Increase in Water Rate	Monthly Water Rate	% Local MAGI
1	**$ 1,612,000**	**0.75%**	**30 yrs**	**$34.34**	**$104.63**	**1.82%**
2	$ 807,000	3.53%	25 yrs	$22.67	$92.96	1.81%

[2]*prior authorized loan terms*

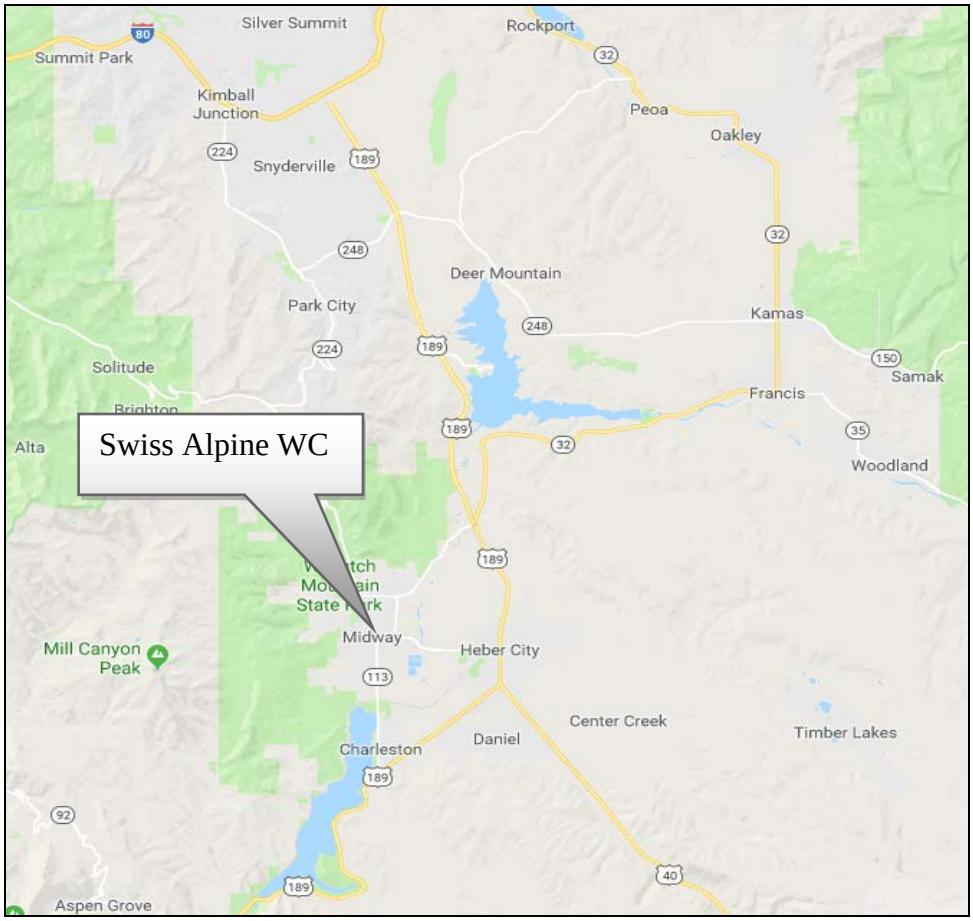
STAFF RECOMMENDATION:

Staff recommends the Drinking Water Board authorize a $1,612,000 construction loan with a hardship grant assessment fee of 0.75% for 30 years and deauthorize the funding that was approved on March 1, 2018. Conditions include that this project resolve all issues on their compliance report.

APPLICANT'S LOCATION:

Swiss Alpine Water Company is near Midway in Wasatch County

MAP OF APPLICANT'S LOCATION:



PROJECT DESCRIPTION:

New water source (well); drill new 300-500 gpm well to increase water supply to state required levels along with connection to existing distribution system

POPULATION GROWTH:

According to their application, the projected populations and number of connections are shown in the table below:

Year	Population	Connections
2020	370	122
2040	720	200
	3.38%	*2.5%*

IMPLEMENTATION SCHEDULE:

	Original	February 2020
FA Committee Conference Call:	Jan 2018	
DWB Funding Authorization:	Mar 2018	Feb 2020
Complete Design:	Jun 2018	Complete
Plan Approval:	Aug 2018	Apr 2019
Advertise for Bids:	Aug 2018	Jan 2020
Begin Construction:	Oct 2018	Mar 2020
Complete Construction:	Jun 2019	Sep 2020

COST ESTIMATE:

	Original	February 2020
Legal – Bonding, Admin	$30,000	$30,000
Engineering – Design & CMS	$90,000	$190,000
Construction	$689,000	$1,386,000
Contingency	$138,000	$130,000
DDW Loan Origination Fee	$8,000	$16,000
Total Project Cost	**$955,000**	**1,752,000**

COST ALLOCATION:

Funding Source	Cost Sharing	Percent of Project
DWB Loan	$1,612,000	92%
Self-Contribution	$140,000	8%

IPS SUMMARY as of 02/21/2020:

Code	Description	Physical Facilities	Quality & Monitoring	Significant Deficiency Violations
S094	System Lacks > 20% Required Source Capacity	50		
S094	Failure to Address Deficiency			50
	Total = 100	50	0	50

CONTACT INFORMATION:

APPLICANT:	Swiss Alpine Water Company PO Box 834 Midway, UT 84049 435-315-5376 dmickelson@aol.com
PRESIDING OFFICIAL & CONTACT PERSON:	Steve Bennion PO Box 834 Midway, UT 84049 435-770-5988 Sbennion5157@gmail.com
CONSULTING ENGINEER:	Ryan Taylor GDA Engineers 2211 W 3000 S Heber, UT 84032 435-315-3168 rtaylor@gdaengineers.com
RECORDER:	Heath Harvey 801-681-3430 heath@innovativeutah.com
FINANCIAL CONSULTANT:	n/a
CITY ATTORNEY:	n/a
BOND ATTORNEY:	n/a

DRINKING WATER BOARD FINANCIAL ASSISTANCE EVALUATION

SYSTEM NAME: Swiss Alpine
COUNTY: Wasatch
PROJECT DESCRIPTION: new well

FUNDING SOURCE: Federal SRF

100 % Loan & 0 % P.F.

ESTIMATED POPULATION:	300	NO. OF CONNECTIONS:	99 *	SYSTEM RATING:	Corrective Action
CURRENT AVG WATER BILL:	$70.29 *			PROJECT TOTAL:	$1,752,000
CURRENT % OF AGI:	1.22%	FINANCIAL PTS:	29	LOAN AMOUNT:	$1,612,000
ESTIMATED MEDIAN AGI:	$69,000			PRINC. FORGIVE.:	$0
STATE AGI:	$48,000			TOTAL REQUEST:	$1,612,000
SYSTEM % OF STATE AGI:	144%				

	@ ZERO % RATE 0%	@ RBBI MKT RATE 3.92%		AFTER REPAYMENT PENALTY & POINTS 0.75%
SYSTEM				
ASSUMED LENGTH OF DEBT, YRS:	30	30		30
ASSUMED NET EFFECTIVE INT. RATE:	0.00%	3.92%		0.75%
REQUIRED DEBT SERVICE:	$53,733.33	$92,318.74		$60,205.24
*PARTIAL COVERAGE (15%):	$8,060.00	$13,847.81		$9,030.79
*ADD. COVERAGE AND RESERVE (10%):	$5,373.33	$9,231.87		$6,020.52
ANNUAL NEW DEBT PER CONNECTION:	$678.45	$1,165.64		$760.17
O & M + FUNDED DEPRECIATION:	$49,049.00	$49,049.00		$49,049.00
OTHER DEBT + COVERAGE:	$0.00	$0.00		$0.00
REPLACEMENT RESERVE ACCOUNT:	$0.00	$0.00		$0.00
ANNUAL EXPENSES PER CONNECTION:	$495.44	$495.44		$495.44
TOTAL SYSTEM EXPENSES	$116,215.67	$164,447.42		$124,305.54
TAX REVENUE:	$6,000.00	$6,000.00		$6,000.00
RESIDENCE				
MONTHLY NEEDED WATER BILL:	$97.82	$138.42		$104.63
% OF ADJUSTED GROSS INCOME:	1.70%	2.41%		1.82%

* Equivalent Residential Connections

Agenda Item 7

Authorization to Proceed:
Five-Year Notice of Review and Statement of Continuation
Presented to the Drinking Water Board
February 27, 2020

Five-Year Notice of Review and Statement of Continuation

PROPOSAL:

Utah Code Title 63G Chapter 3 Part 3 Section 305 requires each government agency to review each of its rules within five years after the rule's original effective date or within five years after filing the last five-year review. The Division last filed Five-Year Review Notices for each of its rules in March 2015. To comply with this requirement the Division of Drinking Water must again submit a *Five-Year Notice of Review and Statement of Continuation* for each of its rules. If this Notice is not filed all unreviewed rules will expire, will be removed from the Utah Administrative Code and become unenforceable.

The following pages are the Five-Year Notice forms for the following Division Rules: R309-100, -105, -110, -115, -200, -205, -210, -211, -215, -220, -225, -300, -305, -400, -405, -500, -505, -510, -511, -515, -520, -525, -530, -535, -540, -545, -550, -600, -605, -700, -705, and -800.

Upon Board authorization to proceed, these notices will be signed by the Division Director and filed with the Division of Administrative Rules no later than March 12, 2020.

DIVISION STAFF/DIRECTOR RECOMMENDATION:

Division staff recommends that the Drinking Water Board authorize staff to file the required *Five-Year Notice of Review and Statement of Continuation* for each of the referenced Division of Drinking Water Rules with the Division of Administrative Rules.

State of Utah
Administrative Rule Analysis
Revised October 2019

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION		
	Title No. - Rule No.	
Utah Admin. Code Ref (R no.):	**R309-300**	**Filing No. (Office Use Only)**

Agency Information

1. Agency:	Department of Environmental Quality, Division of Drinking Water	
Room no.:	Third Floor	
Building:	MASOB	
Street address:	195 North 1950 West	
City, state, zip:	Salt Lake City, Utah 84116	
Mailing address:	PO Box 144830	
City, state, zip:	Salt Lake City, Utah 84114	
Contact person(s):		
Name:	**Phone:**	**Email:**
Michael Grange	801-536-0069	mgrange@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule catchline:

Certification Rules for Water Supply Operators

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Subsection 19-4-104(2) authorizes the Drinking Water Board to adopt and enforce standards and establish fees for certification of operators of any public water system.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No comments have been received either in support or opposing this rule.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

The continuation of this rule will ensure that public drinking water systems in Utah are employing trained and competent personnel to run their water systems. This rule sets the foundations for the training of the water operators, testing, and continuation of their certifications. This effort will greatly assist in protecting the quality and safety of the drinking water from the source through vast distribution systems to the end consumer, the public.

Agency Authorization Information

To the agency: Information requested on this form is required by Section 63G-3-305. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date.

Agency head or designee, and title:	Marie E. Owens Division Director	**Date** (mm/dd/yyyy)**:**	02/13/2020

Reminder: Text changes cannot be made with this type of rule filing. To change any text, please file an amendment or nonsubstantive change.

R309. Environmental Quality, Drinking Water.
R309-300. Certification Rules for Water Supply Operators.
R309-300-1. Objectives.

These certification rules are established to promote use of trained, experienced, and efficient personnel in charge of public waterworks and to establish standards whereby operating personnel can demonstrate competency to protect the public health through proficient operation of waterworks facilities.

R309-300-2. Authority.

Utah's Operator Certification Program is authorized by Section 19-4-104.

R309-300-3. Extent of Coverage - To Whom Rules Apply - Effective Date.

These rules shall apply to all community and non-transient non-community drinking water systems and all public drinking water systems that utilize treatment of the drinking water. This shall include both water treatment and distribution systems.

R309-300-4. Definitions.

"Commission" see the definition of: Operator Certification Commission.

"Community Water System" means a public drinking water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

"Continuing Education Unit (CEU)" means ten contact hours of participation in, and successful completion of, an organized and approved continuing education experience under responsible sponsorship, capable direction, and qualified instruction. College credit in approved courses may be substituted for CEUs on an equivalency basis.

"Direct Employment" means that the operator is directly compensated by the drinking water system to operate that drinking water system.

"Direct Responsible Charge" means active on-site charge and performance of operation duties. A person in direct responsible charge is generally an operator of a water treatment plant or distribution system who independently makes decisions during normal operation which can affect the sanitary quality, safety, and adequacy of water delivered to customers. In cases where only one operator is employed by the system, this operator shall be considered to be in direct responsible charge.

"Director" means the Director of the Division of Drinking Water.

"Discipline" means type of certification (Distribution or Treatment).

"Distribution System" means the use of any spring or well source, distribution pipelines, appurtenances, and facilities which carry water for potable use to consumers through a public water supply. Systems which chlorinate groundwater are in this discipline.

"Distribution System Manager" means the individual responsible for all operations of a distribution system.

"Division of Drinking Water" means the Division within the Utah Department of Environmental Quality which regulates public water supplies.

"Grade" means any one of the possible steps within a certification discipline of either water distribution or water treatment. The water distribution discipline has five steps and the water treatment discipline has four steps. Treatment Grade I and Distribution Small System indicate

knowledge and experience requirements for the smallest type of public water supply. Grade IV indicates knowledge and experience levels appropriate for the largest, most complex type of public water supply.

"Grandparent Certificate" means the operator has not been issued an Operator Certificate through the examination process and that a restricted certificate has been issued to the operator which is limited to his current position and system. These certificates cannot be used with any other system should the operator transfer.

"Non-Transient Non-Community Water System" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons for more than six months per year. Examples are separate systems serving workers and schools.

"Operator" means a person who operates, repairs, maintains, and is directly employed by or an appointed volunteer for a public drinking water system or a person who has passed the certification exam.

"Operator Certification Commission" means the Commission appointed by the Director as an advisory Commission on certification.

"Public Drinking Water System" means any drinking water system, either publicly or privately owned, that has at least 15 connections or serves at least 25 people for at least 60 days a year.

"Regional Operator" means a certified operator who is in direct responsible charge of more than one public drinking water system.

"Restricted Certificate" means that the operator has qualified by passing an examination but is in a restricted certification status due to lack of experience as an operator.

"Secretary" means the Secretary to the Operator Certification Commission. This is an individual appointed by the Director to conduct the business of the Commission.

"Training Coordinating Committee" means the voluntary association of individuals responsible for environmental training in the state of Utah.

"Treatment Plant Manager" means the individual responsible for all operations of a treatment plant.

"Treatment Plant" means those facilities capable of delivering complete treatment to any water (the equivalent of coagulation and/or filtration) serving a public drinking water supply.

"Unrestricted Certificate" means that a certificate of competency has been issued by the Director after considering the recommendation of the Commission. This certificate acknowledges that the operator has passed the appropriate level written examination and has met all certification requirements at the discipline and grade stated on his certificate.

R309-300-5. General Policies.

1. In order to become a certified water operator, an individual shall pass an examination administered by the Division of Drinking Water or qualify for the grandparent provisions outlined in R309-300-13.

2. Any properly qualified operator (see Minimum Required Qualifications for Utah Waterworks Operators Table 5) may apply for unrestricted certification.

3. All direct responsible charge operators shall be certified at a minimum of the grade level of the water system with an appropriate certificate. Where 24-hour shift operation is used or required, one operator per shift must be certified at the classification of the system

operated. Failure to comply would be a significant deficiency and subject to demerit points outlined in R309-400-8.

4. The Director, upon recommendation from the Commission, may waive examination of applicants holding a valid certificate or license issued in compliance with other state certification plans having equivalent standards, and grant reciprocity.

5. A grandparent certificate will require normal renewal as with other certificates and will be restricted to the existing position, person, and system for which it was issued. No further examination will be required unless the grade of the drinking water system increases or the operator seeks to change the certificate discipline or grade. At that time, all normal certification requirements must be met.

6. Every community and non-transient non-community drinking water system and all public systems that utilize treatment/filtration of the drinking water shall have at least one operator certified at the classified grade of the water system. Certification must be appropriate for the type of system operated (treatment and/or distribution).

7. If the Distribution Manager, Treatment Plant Manager, or Direct Responsible Charge Operator is changed or leaves a particular water system, the water system management must notify the Secretary to the Operator Certification Commission within ten days by contacting the Division of Drinking Water in writing. Within one year, the person replacing the Distribution Manager, Treatment Plant Manager or Director Responsible Charge Operator must have passed an examination of the appropriate grade and discipline. Direct responsible charge experience may be gained later, together with unrestricted certification as experience is gained. Failure to comply would be a significant deficiency and subject to demerit points outlined in R309-400-8.

8. The Secretary to the Commission may suspend or revoke a certificate after due notice and opportunity for a hearing. See Section R309-300-9 for further details.

9. An operator may have the opportunity to take any grade of examination higher than the rating of the system which he operates. If passed, the operator shall be issued a restricted certificate at that higher grade. This certificate can be used to demonstrate that the operator has successfully passed all knowledge requirements for that discipline and grade, but that experience is lacking. This restricted certificate will become unrestricted when the experience requirements are met with written verification for the appropriate discipline and grade, provided it is renewed at the required intervals.

10. The Commission will review on a periodic basis each system's compliance with these rules and will refer those systems in violation to the Director for appropriate action. Any requirement can be appealed as provided in R305-7.

11. An operator who is acting as the direct responsible charge operator for more than one drinking water system (regional operator) shall not be a grandparent certified operator.

12. The regional operator must have an unrestricted certificate equal to or higher than the grade and discipline of the rating applied to each system he is operating.

13. If the regional operator is operating any system(s) that have both disciplines involved in their rating, the operator must have unrestricted

certificates in both disciplines and at the highest grade of the most complex system he is working with.

14. A regional operator shall be within a one hour travel time, under normal work and home conditions, of each drinking water system for which he is considered in direct responsible charge unless a longer travel time is approved by the Director based on availability of certified operators and the distance between community water systems in the area.

15. If the drinking water system has only one certified operator, with the exception of a drinking water system employing a regional operator, the operator must have a back up operator certified in the required discipline(s). The back up certified operator must be within one hour travel time of the drinking water system.

16. At no time will an uncertified operator be allowed to operate a drinking water system covered by these rules unless the operator is within the one year grace period specified in R309-300-5.10.

R309-300-6. Application for Examination.

1. Prior to taking an examination, the operator must file a written application with the Division of Drinking Water or apply for an online examination with the appropriate agency, accompanied by evidence of his qualifications for certification in accordance with provisions of this plan (see table 5 on minimum qualifications). Such applications shall be made on forms supplied by the Division.

2. An operator may elect to take any written examination which he believes can be successfully passed. Persons passing such an examination shall be issued restricted certificates for the appropriate discipline and grade.

R309-300-7. Examinations.

1. The time and place of the examination to qualify for a certificate shall be determined by the Commission or a proctor designated by the Commission. All examinations will be conducted at sites designated by the Commission or designated by a proctor designated by the Commission. The written examinations will be graded, and the applicant notified of the results within 30 days. The online examinations will be graded at the site of the examination. If an operator taking the examination fails to pass, the operator may file an application for reexamination 30 days after the exam.

2. The minimum passing grade for all certification exams shall be 70 percent correct on all questions asked.

3. An individual who has failed to pass at least two consecutive written exams, at the same grade level and discipline, may make an application for an oral exam. The oral exam will be administered by at least two Commission members or by other individuals approved by the Director. If the individual fails this exam, the deficient areas will be discussed after the exam is completed.

4. Examinations will be given in nine grades, four in water treatment and five water distribution. The examinations will cover, but not be limited to, the following areas:

(a) general water supply knowledge;

(b) control processes in water treatment or distribution;

(c) operation, maintenance, and emergency procedures in treatment or

distribution;

(d) proper record keeping;

(e) laws and requirements, and water quality standards.

5. The written examination question bank and text matrix shall be reviewed periodically by the Commission.

R309-300-8. Certificates.

1. All certificates shall indicate the discipline for which they were issued as follows:

(a) Water Treatment Plant Operator, Unrestricted;

(b) Water Treatment Plant Operator, Restricted;

(c) Water Distribution Operator, Unrestricted;

(d) Water Distribution Operator, Restricted;

(e) Grandparent.

2. A restricted certificate will be issued to those operators who have passed a higher grade examination than the grade for which they have qualified in the experience category. Upon accumulating the necessary experience (see R309-300-19. Table 5), these restricted certificates will become unrestricted with the same renewal date. Certificates issued in the restricted status will include the word RESTRICTED on the certificate.

3. Grandparent certificates will be restricted to the person, position, and water system for which they were issued. These certificates will exempt the holder from further examination but will not be transferable to other persons, drinking water systems or positions.

4. All certificates shall continue in effect for a period of three years unless suspended or revoked prior to that time. The certificate must be renewed every three years by payment of a renewal fee and evidence of required training (see R309-300-14). Certificates will expire on December 31, three years from the year of issuance.

5. Requests for renewal shall be made on the forms supplied by the Division of Drinking Water.

6. A lapsed certificate may be renewed within 6 months of the expiration date by making an application for renewal. A certificate that lapsed more than 6 months earlier, but less than 18 months earlier may be renewed by making application for renewal and by payment of the reinstatement fee or by passing an examination. A certificate that has lapsed 18 months or more may not be renewed and the former certificate holder will be required to meet all requirements for issuance of a new certificate.

R309-300-9. Certificate Suspension and Revocation Procedures.

1. The Secretary shall inform a certificate holder, in writing, if the certificate is being considered for suspension or revocation of an Operator's certificate. The communication shall state the reasons for considering such action and allow the individual an opportunity for a hearing.

2. Grounds for suspending or revoking an Operator's certificate shall be any of the following:

(a) demonstrated disregard for the public health and safety;

(b) misrepresentation or falsification of figures and reports, or both, submitted to the State;

(c) cheating on a certification exam.

3. Suspension or revocation may be imposed when the circumstances and events were under the certificate holder's control. Disasters or "acts of God" which could not be reasonably anticipated will not be grounds for a suspension or a revocation action.

4. Following an appropriate hearing on these matters, the Commission will make a recommendation to the Director. The recommendation shall include a description of the findings of fact and shall be provided to the certificate holder. The information shall also outline the procedures to reapply for certification at the end of the specified disciplinary period.

5. Any suspension or revocation may be appealed as provided in R305-7.

R309-300-10. Fees.

1. Fees for operator certification shall be submitted in accordance with Section 63-38-3.

2. Examination fees from applicants who are rejected before examination will be returned to the applicant.

3. Application fees will not be returned.

R309-300-11. Facilities Classification System.

1. All treatment plants and distribution systems shall be classified in accordance with R309-300-19.

2. Classification will be made by either the point system or on a population-served basis, whichever results in a higher classification.

3. When the classification of a system is upgraded or added to existing system ratings, the Director shall make a determination on the timing to be allowed for operators to gain certification at the higher or different level.

R309-300-12. Qualifications of Operators.

1. Minimum qualifications are outlined in Minimum Required Qualifications for Utah Waterworks Operators, Table 5, included with these rules (see Section R309-300-19).

2. Approved high school equivalencies can be substituted for the high school graduation requirement.

3. Education of an operator can be substituted for experience, but no more than 50 percent of the experience may be satisfied by education. Note: The exception to this is in grades I and II, where the "one year of experience" requirement cannot be reduced by any amount of education.

R309-300-13. Grandparent Certification.

Some community and non-transient non-community water systems have operators with Grandparent Certification. Grandparent Certifications will continue to be sufficient for these operators, with the following restrictions:

1. Grandparent Certificates are valid only for the person, position, water system, and classification of water system for which they were issued;

2. A Grandparent Certification that expires and is not renewed as provided in R309-300-8(9) may not be renewed and the operator will be required to apply for certification as provided in this rule; and

3. No new Grandparent Certificates will be issued.

R309-300-14. CEUs and Approved Training.

1. CEUs will be required for renewal of all certificates (grandparent, restricted and unrestricted) according to the following schedule:

TABLE 1

CLASSIFICATION	CEUs REQUIRED IN A 3-YEAR PERIOD
Small System	2
Grade 1	2
Grade 2	2
Grade 3	3
Grade 4	3

2. Grandparent certificates are required to have 2.0 or 3.0 CEUs, as per the water system classification, for certificate renewal. These specific CEUs shall be obtained during the first renewal cycle of said certificate.

3. Groups that currently sponsor approved education activities in Utah are:

The Rural Water Association of Utah;
Salt Lake Community College
Utah Valley State College;
Utah State University at Logan;
Utah Department of Environmental Quality;
Manufacturer's Representatives;
American Water Works Association;
American Backflow Prevention Association.

4. A continuing education unit is defined as 10 contact hours of participation in, and successful completion of, an organized and approved training education experience under qualified instruction.

5. College level education is accepted in drinking water related disciplines upon approval of the Secretary to the Commission as to CEU credits (1 quarter credit hour will equal 1.0 CEU or 1 semester credit hour will equal 1.5 CEUs).

6. All CEUs for certificate renewal shall be subject to review for approval to insure that the training is applicable to waterworks operation and meets CEU criteria. Identification of approved training, appropriate CEU or credit assignment and verification of successful completion is the responsibility of the Secretary to the Commission. Training records will be maintained by the Division of Drinking Water.

7. All in-house or in-plant training which is intended to meet any part of the CEU requirements must be approved by the Secretary to the Commission in writing prior to the training.

8. In-house or in-plant training submitted to the Secretary of the Commission must meet the following general criteria to be approved:

(a) Instruction must be under the supervision of an approved instructor.

(b) An outline must be submitted of the subjects to be covered and the time to be allotted to each area.

(c) A list of the teacher's objectives shall be submitted which will document the essential points of the instruction ("need-to-know"

information) and the methods used to illustrate these principles.

9. One CEU credit will be given for registration and attendance at the annual technical program meeting of the American Water Works Association (AWWA), the Intermountain Section of AWWA, the Rural Water Association of Utah, or the National Rural Water Association.

R309-300-15. Validation of Previously Issued Certificates.

1. All current certificates issued by the Director will remain in effect until their stated date of expiration and may be renewed at any time before this date in accordance with the rules established herein. Certificates will be issued for a three-year period.

2. Those individuals who were issued Grandparent Certificates and subsequently passed an examination within the same discipline, at the same grade, or a higher grade will be issued a new unrestricted certificate which will nullify the existing "Grandparent " certificate.

R309-300-16. Operator Certification Commission.

1. An Operator Certification Commission shall be appointed by the Director from recommendations made by the cooperating agencies. Cooperating agencies are the Utah Department of Environmental Quality, the Utah League of Cities and Towns, the Training Coordinating Committee of Utah, the Intermountain Section of the American Water Works Association, the Civil or Environmental Engineering Departments of Utah's Universities, and the Rural Water Association of Utah.

2. The Commission is charged with the responsibility of conducting all work necessary to promote the program, recommend certification of operators, and oversee the maintenance of records.

3. The Commission shall consist of seven members as follows:

(a) One member shall be a certified operator from a town having a population under 10,000 and will be nominated by the Rural Water Association of Utah.

(b) One member shall be at least a grade III unrestricted certified distribution operator and will be nominated by the American Water Works Association.

(c) One member shall be at least a grade III unrestricted certified water treatment plant operator and will be nominated by the American Water Works Association.

(d) One member shall represent municipal water supply management and will be nominated by the Utah League of Cities and Towns.

(e) One member shall represent the civil or environmental engineering department of a Utah university cooperating with the certification program.

(f) One member shall represent water supply trainers and will be nominated by the Training Coordinating Committee (TCC).

(g) One member shall be a representative for the Division of Drinking Water.

4. Each group represented shall designate its nominee to the Director for a three-year term. Nominations may be accepted or rejected by the Director. Persons may be renominated for successive three-year terms by their sponsor groups. The Director shall notify the sponsoring groups one year in advance of the termination of the Commission member that a nominee will be needed. An appointment to succeed a Commission member who is unable to serve his full term shall be only for the remainder of the unexpired term

and shall be submitted by the sponsor groups and approved by the Director as mentioned above.

5. Each year the Commission shall elect from its membership a chairperson and vice-chairperson and such other officers as may be needed to conduct its business.

6. It shall be the duty of the Commission to advise in the preparation of examinations for various grades of operators and advise on the certification criteria used by the Secretary. In addition to these duties, the Commission shall also advertise and promote the program, distribute applications and notices, maintain a register of certified Operators, set examination dates and locations, and make recommendations regarding each drinking water system's compliance with these rules.

R309-300-17. Secretary to the Commission.

The Director shall designate a non-voting member of the Commission to serve as its Secretary, who shall be a senior public health representative from the Division of Drinking Water. This Secretary shall serve to coordinate the paperwork for the Commission and to bring issues before the Commission. His duties consist of the following:

1. acting as liaison between the Commission and the water suppliers, and generally promote the program;

2. maintaining records necessary to implement these rules;

3. classifying all water treatment plants and distribution systems in accordance with R309-300-19;

4. notifying sponsor groups of Commission nominations needed;

5. coordinating with Utah's Training Coordinating Committee (TCC) to ensure adequate operator training opportunities throughout the state;

6. serving as a source of public information for operator training opportunities and certified operators available for employment;

7. receiving applications for certification and screen, investigate, verify and evaluate all applications;

8. bringing issues to the Commission for their review;

9. developing and administering operator certification examinations.

R309-300-18. Non-compliance with Certification Program.

1. After appropriate consideration by the Commission, cases of non-compliance will be referred to the Director for appropriate enforcement action.

2. Non-compliance with the certification rules is a violation of R309-102-8. Whenever such a violation occurs, the water system management will be notified in writing by the Division of Drinking Water and will be required to correct the situation.

R309-300-19. Drinking Water System Classification.

This system applies only to those public water supplies operating coagulation and/or filtration treatment plants. This classification system does not apply to those systems operating only chlorination facilities on distribution systems.

TABLE 2

Size	Item	Points
	Maximum population	1 pt. per

	served, peak day	5,000 or part thereof
	Design flow (avg. day) or peak month's	1 pt. per MGD or part thereof
Water Supply Source		
	Groundwater	3
	Surface water	5
	Average raw water quality (0 to 10)	
	Little or no variation	0
	Raw water quality (other than turbidity) varies enough to require treatment changes less than 10% of the time	2
	Raw water quality including turbidity varies often enough to require frequent changes in the treatment process	5
	Raw water quality is subject to major changes and may be subject to periodic serious pollution	10
	Aeration for or with CO2	2
	pH adjustment	4
	Packed tower aeration	6
	Stability or corrosion control	4
	Taste and odor control	8
	Color control	4
Treatment		
	Iron or Iron/Mn, removal	10
	Ion exchange softening	10
	Chemical precipitation softening	20
	Coagulant addition	4
	Flocculation	6
	Sedimentation	5
	Upflow clarification	14
	Filtration	10
	Disinfection (0-10)	
	No disinfection	0
	Chlorination or comparable	5
	On-site generation of disinfectant	5
	Special processes (including reverse osmosis, electro-dialysis, etc.	15
	Sludge/backwash water disposal (0-5)	

No disposal to raw water source	0
Any disposal to raw water source	2
Any disposal to plant raw water	5
Laboratory control (0-10)	
Biological (0-10)	
All lab work done outside of plant	0
Colilert process	2
Membrane filter	3
Multiple tube of fecal determination	5
Biological identification	7
Viral studies or similarly complex work done on-site	10
Chemical/physical	
All lab work done outside of plant	0
Push button or colorimetric methods such as chlorine residual or pH	3
Additional procedures such as titrations or jar tests	5
More advanced determinations such as numerous organics	7
Highly sophisticated instrumentation such as atomic absorption or gas chromatography	10

TABLE 3
SUMMARY OF UTAH
WATER UTILITY CLASSIFICATION SYSTEM
WATER TREATMENT PLANT CLASSIFICATION

Grade	1	2	3	4
Population served	1500 or less	1501 5000	5001 15,000	over 15,000
Water plant points	0-40	41-65	66-90	91-UP

TABLE 4
SUMMARY OF UTAH
WATER UTILITY CLASSIFICATION SYSTEM
DISTRIBUTION CLASSIFICATION

Grade	Small System	1	2	3	4
Population served	500 or less	501 to 1500	1501 to 5000	5001 to 15,000	over 15,000
Distribution points	0-10	0-10	10-25	26-50	51-UP

Distribution systems are those which use groundwater sources (springs and wells) and which may or may not use chlorination. Classification will generally be made in accordance with the following five classes. The Director may change the classification of a particular distribution system when there are unusual factors affecting the complexity of transmission, mixing of sources, or potential health hazards.

TABLE 5
MINIMUM REQUIRED QUALIFICATIONS FOR
UTAH WATERWORKS OPERATORS

EDUCATION					EXPERIENCE	
					Direct	
Certification Grade (Both Dist. and Treatment)	Degree	Assoc. Degree	High School	Non High School	Respon. Charge Years	Total Years
4	X				2	4
		X			2	6
			X		4	8
				X	5	10
3	X				1	2
		X			1	2
			X		2	4
				X	3	6
2	X				0	2
		X			0	2
			X		0	2
				X	0	3
1 and Small System	X				0	1
		X			0	1
			X		0	1
				X	0	1

Note:
(1) Experience requirements apply to all operators except those who have been issued "grandparent" certificates.
(2) At least one half of all experience must be gained at the grade of certification desired.

KEY: drinking water, environmental protection, administrative procedures

Date of Enactment or Last Substantive Amendment: November 9, 2017
Notice of Continuation: March 13, 2015
Authorizing, and Implemented or Interpreted Law: 19-4-104; 63G-3

Agenda Item 9

DRINKING WATER BOARD PACKET
Rural Water Association Report

Table of Contents

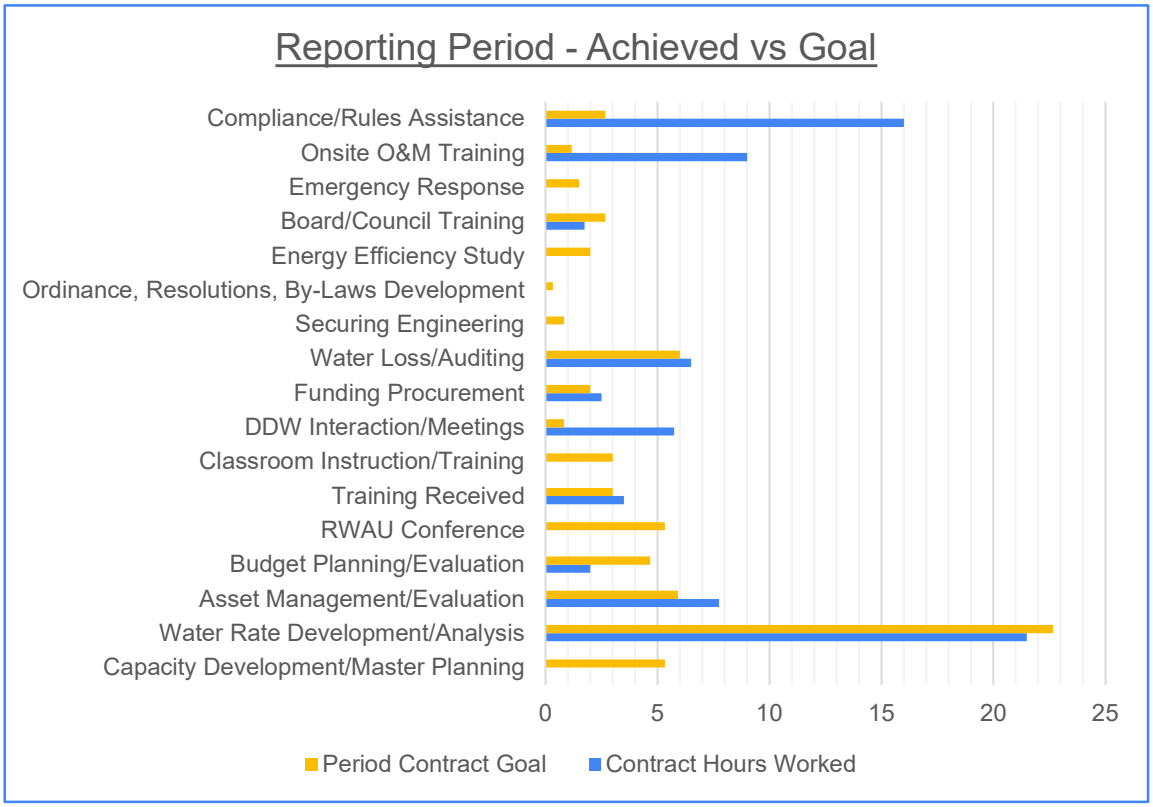
Terry Smith – Management Technician.....2

Brian Pattee – Compliance Circuit Rider.....4

Curt Ludvigson – Development Specialist 6

Rural Water Association
76 Red Pine Drive • Alpine, UT 84004 • Phone: 801-756-5123 • Fax: 801-756-5036

Drinking Water Board Report
Management Technician Contract
January, 2020
RWAU Employee - Terry Smith



Work Performed:	Actual:	Goal:
Capacity Development/Master Planning	0	5.33
Water Rate Development/Analysis	21.5	22.67
Asset Management/Evaluation	7.75	5.92
Budget Planning/Evaluation	2	4.67
RWAU Conference	0	5.33
Training Received	3.5	3
Classroom Instruction/Training	0	3
DDW Interaction/Meetings	5.75	0.83
Funding Procurement	2.5	2
Water Loss/Auditing	6.5	6
Securing Engineering	0	0.83
Ordinance, Resolutions, By-Laws Development	0	0.33
Energy Efficiency Study	0	2
Board/Council Training	1.75	2.67
Emergency Response	0	1.5
Onsite O&M Training	9	1.17
Compliance/Rules Assistance	16	2.67
	76.25	**69.92**

Rural Water Association
76 Red Pine Drive • Alpine, UT 84004 • Phone: 801-756-5123 • Fax: 801-756-5036

Management Technician Contract

January - 2020

Notable Assistance & Work Performed

CHURCH WELLS SSD	Online meeting with Janette to go over budget/expenses spreadsheet, in preparation for rate restructure/analysis
ESCALANTE VLY HOUSING	Working on addressing the AO with Rock
FOUNTAIN GREEN CITY	Training on testing fire hydrants for flow - ISO request
IRONTOWN	Online meeting w/ Barbra (president) - review funding application
JENSEN WID	Online rates meeting with Trudy and board members
MORONI CITY	Online meeting with Moroni City concerning water capacity
NEPHI CITY WATER	CCR Review/Training.
ZION NP KOLOB CANYON	Helping them install and setup a new chlorine dose pump. The pump that was installed yesterday was not auto-starting. I helped Tom troubleshoot and remedy the problem.
ST. GEORGE CITY	AWWA Water Audit training

Rural Water Association of Utah

Drinking Water Board Report - Activities Overview

Employee/Position: BRIAN PATTEE, Compliance Circuit Rider/Training Supervisor
Report Date Range: December 20th 2019—February 11th 2020

December 20th thru December 31st 2019

Onsite:

- Erda Acres – Chlorination Start Up and Bac T Sample Issues

Offsite or Direct Contact w/ Operator:

- Cottonwood Coves – IPS compliance, Cross Connection control
- Bear Paw Lakeview Resort- Tank Hatch Assessment
- Erda Acres – Chlorination Start Up and Bac T Sample Issues
- Summit Vista – WTTC all things compliance

DDW- IPS 2020 Coordination
DDW- Cross Connection Control Commission Meeting
DDW- Cross Connection Control Certification Program Rule Change, Training Planning & Preparation.

January 1st thru January 31st 2020

Onsite:

- Summit Vista – WTTC meeting , All regulatory Requirements
- Logan City ,- Cross Connection Control Program
- Lewiston City – Cross Connection Presentation to City Council
- Erda Center – Award Pictures Susan

Offsite or Direct Contact w/ Operator:

- Bear Paw – Violation assistance
- Lewiston – CCC Program review
- UDOT Reststops (Shingle Creek) L 2 and Misc. DBI Inc.
- Erda Acres – Chlorination
- Summit Vista – WTTC all things
- Howulings Tomatoes – All things compliance , Initial Phone Call
- Monte Verde – IPS Compliance

ACS meeting – Attend and Participate
Legislative Rally Facilitate and Attend
Operator Certification Program Course Restructuring.
Cross Connection RWAU Training Committee Planning

Legionella Webinar
RWAU/DDW – Managers Meeting

Brian Pattee

February 1st thru February 11th 2020

Onsite:

- Summit Vista – Sampling Instruction & WTTC Check List
- Erda Acres - Bac T , Chlorination , System Contamination Issues
- Monte Verde – IPS Violations

Offsite: or direct Contact with Operator:

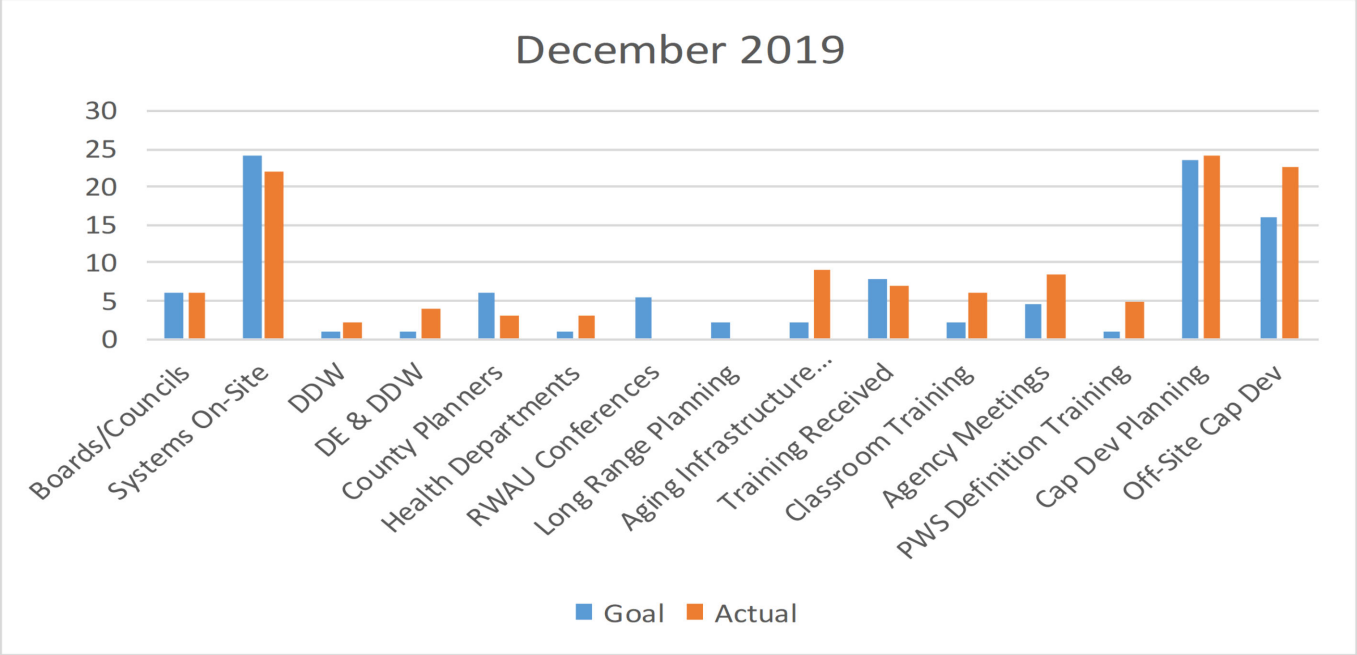
- Cottonwood Coves – Operator Certification
- Summit Vista – Sampling
- Howelings Tomatoes – all things compliance
- West Point – X-Con ,
- West Jordan – Award Pics.

ACS meeting – Attend and Participate
Cross Connection Control networking Multiple Systems UTABPA
DDW- Cross Connection Control Certification Program Rule Change, Training Planning & Preparation. DDW CCC Committee Work

RURAL WATER ASSOCIATION OF UTAH
76 Red Pine Drive • Alpine, UT 84004 • Phone: 801-756-5123 • Fax: 801-756

Drinking Water Board Report
Development Contract
June 2018 – May 2023

RWAU Employee: Curtis Ludvigson

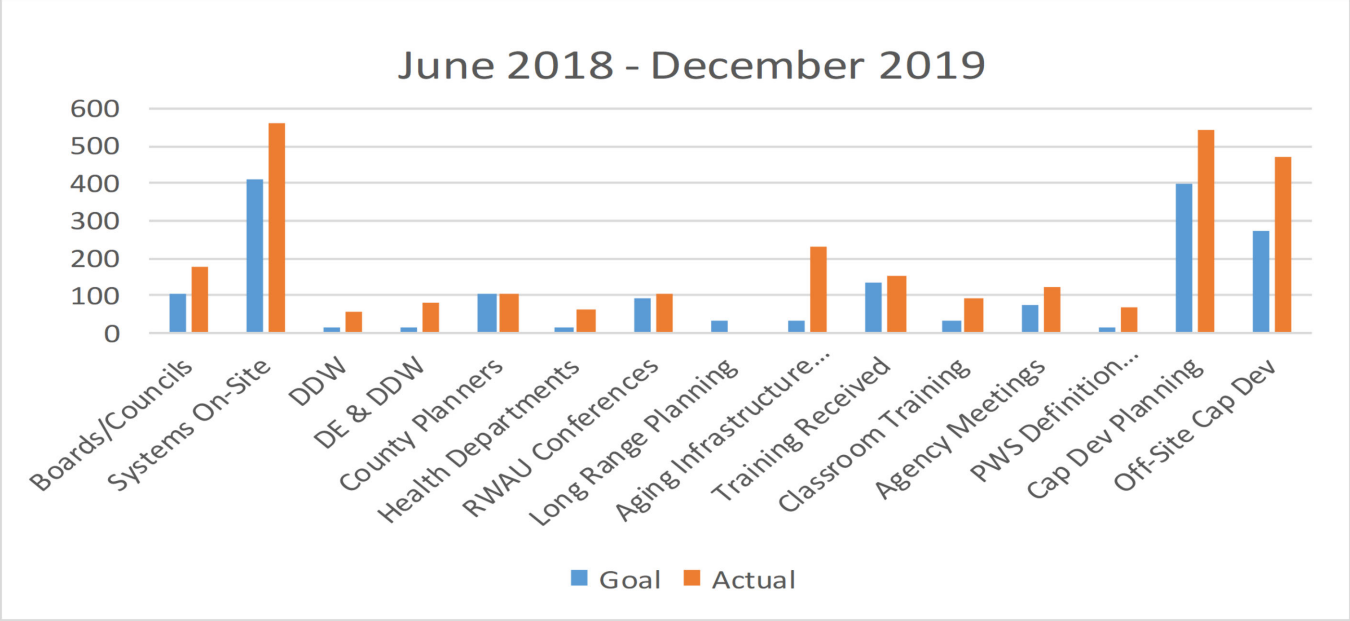


Work Performed	Goal	Actual
Boards/Councils	6	6
Systems On-Site	24	22
DDW	1	2
DE & DDW	1	4
County Planners	6	3
Health Departments	1	3
RWAU Conferences	5.33	0
Long Range Planning	2	0
Aging Infrastructure Planning	2	9
Training Received	8	7
Classroom Training	2	6
Agency Meetings	4.5	8.5
PWS Definition Training	1	5
Cap Dev Planning	23.5	24
Off-Site Cap Dev	16	22.5
Total	**103.33**	**122**

RURAL WATER ASSOCIATION OF UTAH
76 Red Pine Drive • Alpine, UT 84004 • Phone: 801-756-5123 • Fax: 801-756

Drinking Water Board Report
Development Contract
June 2018 – May 2023

RWAU Employee: Curtis Ludvigson



Work Performed	Goal	Actual
Boards/Councils	102	174
Systems On-Site	408	560.25
DDW	17	55.5
DE & DDW	17	80.5
County Planners	102	103.75
Health Departments	17	60.25
RWAU Conferences	90.61	104
Long Range Planning	34	0
Aging Infrastructure Planning	34	231
Training Received	136	150.5
Classroom Training	34	93.5
Agency Meetings	76.5	125.25
PWS Definition Training	17	70
Cap Dev Planning	399.5	545.25
Off-Site Cap Dev	272	469.25
Total	**1756.61**	**2823**

RURAL WATER ASSOCIATION OF UTAH
76 Red Pine Drive • Alpine, UT 84004 • Phone: 801-756-5123 • Fax: 801-756

On-Site Assistance & Work Performed

Indian Ridge	Drafting Rates and Fees Resolution, Reviewing Policies
Elwood	Working on Resolving their IPS issues
Summit Service Area #3	Rates Study, Commercial Users, Stand-by-Fees, etc.
Uintah	Water Rates Analysis
Axtell SSD	Working on Water Smart Grant Application and Water Resources Application
Tropic	Assisting with Funding Application process with Rural Development
Fairview	Water and Sewer Rate Analysis
Bicknell	Working on Ordinance and Resolutions for Development and Rates
Gunnison	Working with Public Works personnel on preparing for Operator Certification Exam
Toquerville	Aging Infrastructure Training
Paragonah	Aging Infrastructure Training
Loa	Asisting them on Electronic Metering issues
Mayfield	Training Council on their responsibilities in the absence of the Mayor because of his extended sickness
Fountain Green	Training on Aging Infrastructure and Growth preparations
Lynndyl	Working with the Mayor and Council on resolving the issues with the Railroad
Mt. Pleasant	Training on proper annexation and dealing with and being prepared for growth
Moroni	Discussion on the well that needs to be repaired and training on funding availability

Agency & Other Meetings

Entity	Hours
Rural Development	2.5
DDW	2.0
Division of Water Resources	2.0
Division of Water Rights	2.0

Agenda Item 10(A)

Board Enforcement Report: February 7, 2020						
PWS ID	PWS Name	PWS Type	Pop Served	IPS Pts	Rating	Rating Date
Finalized AO						
UTAH09034	BEAR PAW LAKEVIEW RESORT	Non-Community	80	36	Not Approved	03/31/2016
UTAH11043	OLD MEADOWS	Community	48	110	Not Approved	04/18/2017
UTAH10033	SORREL RIVER RANCH	NTNC	260	-5	Not Approved	07/26/2017
UTAH18028	SANDY CITY	Community	99750	2	Approved	03/11/1980
UTAH25124	ALPINE COVE	Community	230	105	Not Approved	3/4/2019
UTAH09069	PARADISE PARK	Non-Community	120	31	Not Approved	6/14/2018
UTAH25035	WILDWOOD SUBDIVISION	Non-Community	162	158	Not Approved	3/15/2018
UTAH22019	WANSHIP COTTAGES	Community	79	190	Not Approved	4/11/2019
UTAH25023	BRICKERHAVEN	Non-Community	150	113	Not Approved	9/5/2019
Corrective Action Systems						
UTAH25013	GOSHEN TOWN WATER SYSTEM	Community	925	161	Corrective Action	3/8/2016
UTAH25077	RIVERBEND GROVE, INC.	Non-Community	25	513	Corrective Action	12/13/2016
UTAH15038	TAGGARTS GRILL	Non-Community	60	135	Corrective Action	2/6/2018
UTAH09077	BRISTLECONE	Non-Community	180	37	Corrective Action	1/23/2019
UTAH26049	SWISS ALPINE	Community	300	75	Corrective Action	4/14/2016
UTAH23028	DELLE AUTO TRUCK STOP	Non-Community	138	94	Corrective Action	5/30/2019
UTAH22009	WEBER MEADOWVIEW	Non-Community	65	170	Corrective Action	5/30/2019
UTAH27077	MOUNTAIN SPRINGS WATER	Community	660	-10	Corrective Action	6/18/2019
UTAH26026	BRYANTS FORK SUMMER HOMES	Non-Community	50	-10	Corrective Action	6/11/2019
UTAH02078	M & J TRAILER HOME COMMUNITY	Community	27	10	Not Approved	8/20/2018
UTAH07067	SOUTH DUCHESNE	Community	128	70	Not Approved	4/24/2019
UTAH25133	JEHOVAHS WITNESS CHURCH	Non-Community	100	126	Corrective Action	9/16/2019
UTAH03006	COVE WATERWORKS	Community	52	80	Corrective Action	9/17/2019
UTAH22001	CLUFFWARD PIPELINE	Community	188	60	Corrective Action	9/30/2019
UTAH07061	VALLE DEL PADRES SUBDIV	Non-Transient	98	585	Corrective Action	11/13/2019
UTAH22072	ECHO RESORT	Non-Community	915	37	Corrective Action	1/13/2020
UTAH25096	VIVIAN PARK HOMEOWNERS	Community	365	50	Corrective Action	1/13/2020
Failure to Comply						
UTAH26073	DIAMOND HILLS ASSOCIATION	Non-Community	125	246	Not Approved	1/14/2010
Not Approved Systems						
UTAH09084	JNB MARINE	Non-Community	36	66	Not Approved	9/17/2002
UTAH11091	SUMMIT CHATEAU IN BRIAN HEAD	Community	80	121	Not Approved	3/1/2008
UTAH02069	SUNSET PARK WATER CO.	Community	44	70	Not Approved	5/29/2013
UTAH26074	SOAPSTONE SUMMER HOMES	Non-Community	110	100	Not Approved	4/3/2014
UTAH15001	CROYDON PIPELINE CORPORATION	Community	92	0	Not Approved	7/7/2015
UTAH06008	WEBER BASIN JOB CORPS	Community	230	5	Not Approved	6/15/2016
UTAH07039	CAMPERWORLD LAKESIDE PARK	Non-Community	28	120	Not Approved	11/03/2016
UTAH10034	SUN ARCHVIEW LLC	Non-Community	506	9	Not Approved	4/18/2017
UTAH26042	LITTLE DEER CREEK CAMP	Non-Community	60	40	Not Approved	11/1/2017
UTAH26061	CAMP ROGER YMCA	Non-Community	210	70	Not Approved	3/15/2018
UTAH09074	LAKE FRONT ESTATES	Non-Community	25	65	Not Approved	3/15/2018

UTAH18172	COTTON WOOD COVES	Community	250	-10	Not Approved	9/27/2018
UTAH03005	CORNISH TOWN WATER SYSTEM	Community	270	29	Not Approved	9/27/2018
UTAH19037	WIND WHISTLE CAMPGROUND	Non-Community	39	-10	Not Approved	9/27/2018
UTAH07023	YELLOWSTONE CAMPGROUND	Non-Community	25	155	Not Approved	9/27/2018
UTAH09078	BARKER REC	Non-Community	30	-5	Not Approved	3/18/2019
UTAH22036	BRIDGER LAKE CG	Non-Community	65	30	Not Approved	3/18/2019
UTAH12028	HOUWELINGS TOMATOES	Non-Transient	150	395	Not Approved	5/29/2019
UTAH09016	BLUE SPRUCE CG	Non-Community	30	11	Not Approved	8/19/2019
UTAH29086	PINE VIEW HOMEOWNERS	Community	105	151	Not Approved	9/17/2019
UTAH26050	BACK FORTY RANCH HOUSE	Non-Community	70	151	Not Approved	8/19/2019
UTAH25179	RIGTRUP EGG FARM	Non-Transient	35	319	Not Approved	10/2/2019
UTAH23069	ERDA WARD	Non-Community	600	40	Not Approved	10/2/2019
UTAH27093	CANAAN SPRINGS	Community	48	195	Not Approved	11/12/2019
UTAH04052	MADSEN BAY WATER COMPANY	Non-Community	30	100	Not Approved	12/17/2019
UTAH26033	DEER CREEK PARK LLC	Non-Community	150	415	Not Approved	12/17/2019
UTAH11012	ESCALANTE VALLEY HOUSING	Community	100	155	Not Approved	12/17/2019
UTAH18179	L & B RESOURCES	Non-Transient	100	490	Not Approved	12/17/2019
UTAH27046	ZION PANORAMA	Non-Transient	25	160	Not Approved	12/17/2019

Current News

Current News
Presented to the Drinking Water Board
February 27, 2020

DRINKING WATER BOARD PACKET
Current News

Table of Contents

Pocket of severe drought lingers over Southwest US, including Utah 3
Utah copper mine seeks extension despite potential groundwater contamination 4
Snowpack bodes well for easing drought conditions..... 5
Boil order issued for multiple homes in Morgan County 7
Boil water order issues for Morgan County homes west of Trappers Loop Road 8
Confusion over water boil notice frustrates Morgan County homeowners 9
Boil order lifted for 60 homes in Morgan County 10
State of Michigan sues 17 companies over PFAS contamination 13
Utah public comment period closes for Lake Powell Pipeline 17
Lead found in water at 90% of Utah schools sampled, now DEQ wants to test it all 18
DEQ launches initiative to test for lead in schools 20
EPA awards Utah $434K for testing lead in schools, childcare facilities 21
Trump rollback could leave waterways vulnerable to pollution..... 22
Bluff Residents Worry About Water As BLM Weighs Drilling Permit..... 25
EXCLUSIVE: Cause of Sandy's water contamination not what city leaders originally thought . 27
UTAH RECEIVES $434,000 FOR LEAD TESTING IN WATER AT SCHOOLS 29
DEQ: Sandy water crisis 'taught us there's urgent need' to invest in aging infrastructure..... 30
New report investigates causes, response to Sandy over-fluoridation incident last year 32
Investigation: Government failure at all levels in Sandy fluoride event 34
Utah report details how tainted water was released to homes 37
Utah snowpacks above average at 2020 midseason report..... 38
Guest opinion: Utahns need to be more proactive against lead poisoning 40

Pocket of severe drought lingers over Southwest US, including Utah

By The Associated Press | Posted - Dec 30th, 2019 @ 7:33pm

https://www.ksl.com/article/46697469/pocket-of-severe-drought-lingers-over-southwest-us-including-utah

ALBUQUERQUE, N.M. (AP) — Drought has yet to give up its hold over parts of the southwestern United States despite a series of storms that have brought rain and snow to the region in recent weeks.

The latest federal map shows a pocket of moderate and severe drought centered over the Four Corners region — where Arizona, New Mexico, Colorado and Utah meet.

Despite the continued dry conditions, forecasters say things are better than they were last year at this time when exceptional and extreme drought — the worst categories — had set in. Over the last three months, parts of southern Arizona and New Mexico recovered but portions of Utah and Colorado dried out.

Overall, officials say average moisture levels resulting from snowfall are above normal across Arizona, New Mexico and Utah despite precipitation deficits that have accumulated over the last six months.

Utah copper mine seeks extension despite potential groundwater contamination

by Associated Press

Thursday, January 2nd 2020

https://kutv.com/news/local/utah-copper-mine-seeks-extension-despite-potential-groundwater-contamination

Operators of a Utah copper mine have announced plans to extend operations by using an experimental method of extraction they say is safe despite concerns about potential groundwater contamination.

The Salt Lake Tribune reports that officials with the Lisbon Valley Mine are seeking permits for an acid-based extraction method that involves pumping diluted sulfuric acid underground northeast of Monticello.

Officials say the new process could extend the mine's lifespan for at least another 25 years.

Environmentalists have raised concerns about long-term water contamination for nearby residents reliant on groundwater for drinking and livestock.

Snowpack bodes well for easing drought conditions

By CHARLES MCCOLLUM staff writer Jan 3, 2020

https://www.hjnews.com/news/local/snowpack-bodes-well-for-easing-drought-conditions/article_d21fa960-de8f-557a-8a98-bf0e1b1f163e.html

The region's on-again, off-again drought could be off again in 2020 — that is, if the high snowpack levels recorded so far this winter continue as expected.

The latest figures from the National Water and Climate Center indicate the snow-water equivalent for the Bear River Basin and much of the rest of Utah was well above normal as the new year began.

On Jan. 2, the snow-water equivalent in the Bear River Basin — which drains into Cache Valley — was gauged to be 115% of normal for this time of year, with a couple of locations within the basin at well above that, such as Franklin Basin at 124%, Monte Cristo at 128% and Bug Lake at 141%. The lowest snowpack reading in the basin was Spring Creek Divide at 88%.

Meanwhile, all regions statewide are also enjoying above-average readings, topped by Southwestern Utah at 222% of normal, the Escalante River Basin at 195% of normal, and the Upper Sevier River Basin at 186% of normal.

Utah Climate Center meteorologist Jon Meyer said long-range forecasts call for more of the same, with "a healthy frequency" of winter storms over the next several weeks.

Meyer said much of the state experienced moderate to severe drought conditions over the summer of 2019, the worst being in the Four Corners region.

A rebound, if it occurs, will add to a yo-yo pattern for the state going back a number of years.

"In recent years, the state's water availability has been rather bi-polar, with 2016/2017 seeing a very strong snowpack — one of the best in a few decades —followed by 2017/2018's worst drought in 125 years of record," Meyer wrote in an email to The Herald Journal. "Last year was another good year with snowpack across the state in the top 15% historically. Discounting the record dry 2017/2018 season, the string of good years aligns with the scientific evidence suggesting Utah's precipitation patterns cycle between wet and dry phases roughly every 4-6 years."

Referring back to the 2020 outlook, Meyer offered this assessment:

“Based on the early-and-often arrival of this season’s snowfall and the promising start to this year’s snowpack combined with the forecast outlook for continued winter storm activity, I expect drought relief to some degree is already here. We just need it to melt.”

Boil order issued for multiple homes in Morgan County

Posted: Jan 10, 2020 / 06:02 PM MST / Updated: Jan 10, 2020 / 06:02 PM MST

https://www.abc4.com/news/local-news/boil-order-issued-for-multiple-homes-in-morgan-county/

MORGAN COUNTY, Utah (ABC4 News) – A boil order has been issued for about 60 homes in Morgan County, officials say.

The boil order impacts those living in the Highlands subdivision west of Trappers Loop Road in Morgan County.

Officials say the order is as a result of a broken pipe and will be in place until the water system can make repairs, restore service and verify there is no contamination to residents.

Anyone living in the area mentioned above is asked to follow instructions provided by the water system.

Boil water order issues for Morgan County homes west of Trappers Loop Road

By JESSICA KOKESH Standard-Examiner

Jan 10, 2020

https://www.standard.net/news/environment/boil-water-order-issues-for-morgan-county-homes-west-of/article_13cc09ed-40cc-52d7-88e3-11458896d5ce.html

MORGAN COUNTY — A boil water order has been issued for a subdivision in Morgan County.

Around 60 homes in the Highlands subdivision west of Trappers Loop Road in Morgan County will need to boil their water until further notice, according to the Utah Division of Environmental Quality.

“The order is a result of a broken pipe and will be in place until the water system can make repairs, restore service and verify there is no contamination to residents,” the DEQ said in a tweet.

A boil water order is issued when testing shows the presence of organisms that may cause illness or if there are technical or physical problems in the water system have increased the risk of contamination.

Water used for drinking, preparing food, beverages, ice cubes, washing fruits and vegetables, or brushing teeth should be boiled for at least five minutes before being cooled in the a clean container in the refrigerator, the DEQ advises.

Confusion over water boil notice frustrates Morgan County homeowners

BY JIM SPIEWAK FRIDAY, JANUARY 10TH 2020

https://kjzz.com/news/confusion-over-water-boil-notice-frustrates-morgan-county-homeowners

MORGAN COUNTY (KUTV) — There was some confusion this week over a water boil notice for some people living in a small Mountain Green neighborhood, in Morgan County. “It's been really upsetting not knowing what's going on and when it would be coming back,” says Abby Beattie who lives in the Trappers Loop neighborhood of about 60 homes that got a notice on Monday from the water company that water would be shut off for a few hours to fix a known leak.

“We've known that they've needed to do some maintenance since the summer,” Beattie says.

But, a couple-hour fix turned into a couple of days.

Abby says when it was turned back on, there was no notice to boil the water adding:

All of the information we've received has been hear-say through texts from neighbors who say they may have talked to the water, the person who owns the company.

Roger Smith, the owner of Highlands Water, the company servicing the neighborhood says a second leak was found that needed immediate repair and boil notices were put on every customer's door.

Smith says there are no known contaminants right now but they will be testing the water through the weekend.

Smith says he hopes to have the results back by Sunday afternoon.

Jared Mendenhall is with the Department of Environmental Quality which issued the boil order now in effect adding “occasionally things like this happen and it's unfortunate these people are being affected coming into the weekend.”

Boil order lifted for 60 homes in Morgan County

By Lauren Bennett, KSL.com | Updated - Jan 13th, 2020 @ 12:58pm | Posted - Jan 10th, 2020 @ 5:51pm

https://www.ksl.com/article/46703022/boil-order-issued-for-60-homes-in-morgan-county

MOUNTAIN GREEN, Morgan County — A boil order was lifted Sunday after being issued on Friday afternoon for about 60 homes when a pipe broke in Morgan County, according to state officials.

Affected homes were in the Highlands subdivision west of Trappers Loop Road, officials said.

The order remained in effect until water officials verified there was no contamination in the supply.

Residents who were impacted by the order were asked to boil all water used for drinking, food preparation — including washing fruits and vegetables — making ice cubes, and brushing teeth.

The community has dealt with water issues before, according to residents.

According to UDEQ, issuing a boil order after fixing a broken line is standard procedure.

More information about what to do during a boil order can be found on the UDEQ website.

Uinta Basin water projects moved up CIB priority list

John Thompson jthompson@ubmedia.biz Jan 08, 2020 2:45 PM

https://ubmedia.biz/news/1912/uinta-basin-water-projects-moved-up-cib-priority-list/

Water projects in Duchesne and Uintah counties were moved up the priority list and will come under consideration by the Utah Permanent Community Impact Fund Board (CIB) in early February.

Minutes from the CIB December meeting show applicants representing the Town of Tabiona and the Johnson Water Improvement District, each sought funding for a variety of equipment, tanks and upgrades to existing systems.

CIB provides loans and grants to counties and other municipalities that are impacted by mineral resource development on federal lands. Because rural communities cannot collect taxes from federal land, their ability to provide roads, municipal buildings, water and sewer services and other necessities, is diminished. To reduce the burden, a portion of mineral lease fees paid by companies that extract natural resources is returned to CIB and they evaluate, prioritize and award both grants and loans to impacted communities.

Duchesne County Commissioner Irene Hansen, Daggett County Commissioner Jack Lytle and Naples City Mayor Dean Baker are members of the CIB Board of Directors.

CIB board members unanimously approved a motion to move the Tabiona request to the priority list. The final motion for a $1.8 million grant and a $783,000 loan for 30 years at 1 percent interest will come up for consideration at the Feb. 6 CIB meeting, according to the meeting minutes.

Specifically, the request seeks money for spring rehabilitation, a new 150,000-gallon concrete culinary storage tank, installation of 3,300 feet of 10-inch water line, gate valves, replacement of 3,300 feet of six-inch water line with 10-inch water line and 8,400 feet of six-inch transmission line with gate vales to connect with an existing storage tank.

Town officials said if there were a fire the system would be drained in eight hours. “The Town of Tabiona has an opportunity for annexation of property for growth in the future and this project will help accommodate possible growth,” the minutes state.

The system currently serves 174 households and the water rate is $23 per month. If approved, Tabiona residents can expect a slight increase in their water bills, according to the minutes.

The Johnson Water Improvement District, located near Myton but spanning the Duchesne / Uintah County line, requested a $102,000 grant for new booster pumps, booster station plumbing, gate valves and chlorination equipment.

CIB members approved a motion to provide a $112,000 loan for 20 years at 1.5 percent interest and to move the proposal to the priority list for funding consideration at the Feb. 6 meeting.

The District serves about 800 customers but most of the water is provided to the oil industry, according to the minutes. However, the applicant stated the current demand for water from the oil and gas industry is almost nothing.

Board members asked who uses the water if the industry isn't. The applicant said the water remains in Starvation Reservoir. The Dollar Ridge fire and subsequent flooding have created problems with maintaining chlorine levels in the system. Flushing is needed to keep the water fresh, according to the minutes.

Some of the CIB members expressed concern with granting money for this project as it appears to be an investment to sell water to industry, not residents.

The system serves 750 residential connections. There are approximately 930 total connections.

State of Michigan sues 17 companies over PFAS contamination

Paul Egan, Detroit Free Press Published 5:04 p.m. ET Jan. 14, 2020 | **Updated 7:08 p.m. ET Jan. 14, 2020**

https://www.freep.com/story/news/local/michigan/2020/01/14/michigan-sues-3-m-dupont-15-others-over-pfas-pollution/4464769002/

LANSING – The state of Michigan filed suit Tuesday against 3M, DuPont and 15 other companies on accusations of contaminating the state with dangerous PFAS chemicals — known as "forever chemicals" because they are so slow to break down in the environment.

Gov. Gretchen Whitmer and Attorney General Dana Nessel announced the suit, filed in Washtenaw County Circuit Court.

"Companies that are responsible for these contaminants must be held accountable," Whitmer said. "Polluters must pay. It's time that these companies step up and take responsibility and address what has taken place."

Nessel decribed the lawsuit as "an important part of fighting PFAS (per- and polyfluoroalkyl substances) contamination." She said the companies knew or should have known about the dangers of the chemicals to human and animal health, but failed to disclose what they knew. Instead, the companies "went to great lengths to promote the lie" that the chemicals were safe, she said.

DuPont, 3M and other companies face numerous lawsuits around the country over PFAS contamination.

In Michigan, some of the most serious cases of PFAS contamination have been found around the former Wurtsmith Air Force Base in Oscoda, which used large volumes of firefighting foam containing PFAS; near the site of a former paper mill in Parchment, in Kalamazoo County, and near the site of a former shoe factory in Rockford, in Kent County. There also have been concerns about PFAS levels in treated drinking water in Ann Arbor, which draws most of its raw water from Barton Pond on the Huron River, which has had elevated PFAS levels.

Fanna Haile-Selassie, a 3M spokeswoman, said the company "acted responsibly in connection with products containing PFAS and will vigorously defend our record of environmental stewardship. To that end, we have placed thousands of documents in the public domain, including more than 150 published studies conducted by 3M and other researchers on potential environmental and health effects of PFAS."

She added: "3M did not and will not distort the science."

Dan Turner, a spokesman for DuPont, said the company is "extremely disappointed" by the lawsuit, which he said is without merit.

DuPont does not make PFOA or some of the other PFAS chemicals of greatest concern and "DuPont's use of other PFAS is a small fraction of the total PFAS used in the world," Turner said. "While our use is extremely small, we're actively pursuing alternatives to PFAS where possible in our manufacturing processes."

PFAS chemicals are generally not banned, but companies have been phasing out their manufacture and use.

DuPont is committed to upholding its remediation responsibilities and "upholding the highest standards for the well-being of our employees, our customers and the communities in which we operate," he said. "We will vigorously defend our record of safety, health and environmental stewardship."

Environmental groups praised Tuesday's action.

"We can't have a strong, vibrant economy when citizens are forced to drink polluted water," said Bob Allison, deputy director of the Michigan League of Conservation Voters.

In all, there are more than 70 PFAS sites in Michigan getting active attention from state officials, said Liesl Eichler Clark, director of the Department of Environment, Great Lakes and Energy.

The Free Press reported in December that Wolverine Worldwide, which operated a former Rockford shoe factory that for decades used PFAS compounds, causing widespread environmental contamination nearby, is nearing a $69.5-million settlement with the state of Michigan and Plainfield and Algoma townships.

Named as defendants in Tuesday's suit are:

Minnesota Mining & Manufacturing Co, also known as 3M

DuPont, including DuPont de Nemours Inc., also known as "New DuPont"

The Chemours Co., a spinoff of DuPont, and its subsidiary, The Chemours Co. FC LLX

Corteva Inc., another DuPont spinoff

Dyneon LLC

Archroma entities

Arkema entities

AGC Chemicals Americas Inc.

Daikin Industries entities

Solvay Specialty Polymers, USA LLC

Asahi Kasei Plastics North America Inc.

Nessel said out-of-state law firms with expertise and experience suing chemical manufacturers have been hired on a contingency basis to work on the case with attorneys from her office.

The Free Press reported in May that a 3M environmental specialist, in a scathing resignation letter, accused company officials of being "unethical" and more "concerned with markets, legal defensibility and image over environmental safety" when it came to PFAS.

PFOS, one of 3M's chief PFAS products, "is the most insidious pollutant since PCB," Richard Purdy stated in his March 28, 1999, resignation letter, referring to a compound used in 3M's ScotchGard stain-protection product line, among other uses.

"It is probably more damaging than PCB because it does not degrade, whereas PCB does; it is more toxic to wildlife," he stated, adding that PFOS's end point in the environment appeared to be plants and animals, not soil and sediment like PCB.

Purdy's explosive resignation letter was just one of a large cache of internal 3M memos and documents obtained by the Free Press through public records law from the Minnesota Attorney General's Office. Then-Minnesota Attorney General Lori Swanson obtained the internal documents from the Minnesota-based company after suing 3M in 2010 over its environmental contamination in the state. The company settled the suit last year for $850 million.

PFAS is the biggest emerging contaminant problem in Michigan and elsewhere in the nation. The nonstick compounds were used for decades, from the 1950s to the 2000s, in aqueous firefighting foam, industrial processes and a host of popular consumer products: Teflon nonstick pots and pans, ScotchGard stain protectants on carpets and upholstery; Gore-Tex water-resistant shoes and clothing, and more.

But the same qualities that made PFAS compounds so useful also makes them almost indestructible in the environment, giving them the ominous nickname "the forever chemicals."

Two of the most common and most studied PFAS compounds, known as PFOS and PFOA, have been linked to cancer; conditions affecting the liver, thyroid and pancreas; ulcerative colitis; hormone and immune system interference; high cholesterol; pre-eclampsia in pregnant women, and negative effects on growth, learning and behavior in infants and children.

PFAS can now be found in the blood of nearly 99% of Americans. It has even been found in polar bears in the Arctic Circle, as the chemicals have worked their way up the food chain from fish and seals.

Dozens of sites in Michigan are known to have groundwater with PFAS levels above the U.S. Environmental Protection Agency's lifetime health advisory guideline of 70 parts per trillion, a level above which a person consuming the water for a lifetime might expect health problems. And state officials have identified more than 11,000 sites in Michigan where PFAS was used and contamination may be an issue.

And it's not just the Great Lakes State's problem. In a new study, citing updated federal government data, the Washington-based nonprofit Environmental Working Group identified 610 sites in 43 U.S. states or territories known to be contaminated with PFAS, including drinking water systems serving 19 million people.

Nicholas Coulson, an environmental class-action attorney from Detroit, is using the 3M internal documents from Minnesota in his own lawsuit. Coulson represents current and former residents of the city of Parchment, in Kalamazoo County, in a lawsuit against 3M and Georgia-Pacific, final owner of a long-standing paper mill in the city that made food-wrap paper coated with 3M's PFAS. The mill left a toxic mess in its nearby landfill, and PFAS compounds leached from it into Parchment's municipal water supply. Thousands in the city have been exposed to high levels of the compounds in their drinking water for an unknown number of years.

In May, 3M responded to Free Press requests for an interview with an emailed statement. It read, in part: "The small set of documents from the Minnesota litigation portrays an incomplete and misleading story that distorts the full record regarding 3M’s actions with respect to PFOA and PFOS, as well as who we are as a company."

Utah public comment period closes for Lake Powell Pipeline

By The Associated Press

・Published: January 17
Updated: January 18, 2020

https://www.sltrib.com/news/2020/01/18/utah-public-comment/

More than 1,100 public comments were submitted for the proposed Lake Powell Pipeline designed to pump water to two southern Utah counties, program officials said.

The proposed 140-mile road is estimated to cost between $1 billion to $1.7 billion, The Spectrum reported.

The cost of the project that would pump water to Washington and Kane counties would be repaid over 50 years, officials said.

U.S. Bureau of Reclamation officials will consider all the comments before releasing a draft environmental impact statement, department officials said.

The draft is the first step in the year-long National Environmental Policy Act, officials said.

About 85% of the comments were in the form of letters usually written by a larger organization and signed by individuals, officials said.

Critics call the pipeline an unnecessary use of funds and encourage better water use.

Water rights for the river are up in the air with climate change affecting the river's flow, critics said.

The public comment period for the proposal opened at the same time comments were submitted for a proposal to build a highway through a protected desert tortoise habitat in a nearby region, officials said.

Lead found in water at 90% of Utah schools sampled, now DEQ wants to test it all

by Ginna Roe

Tuesday, January 21st 2020

https://kutv.com/news/local/theres-no-safe-levels-of-lead-deq-sampling-finds-lead-in-utah-school-water

SALT LAKE CITY (KUTV) — Utah lawmakers are pushing for the state to take a closer look at lead in our water, specifically at schools and child care centers.

Currently, there is no requirement to test lead levels in schools.

Representative Stephen Handy and Senator Jani Iwamoto want to change that.

House Bill 88, sponsored by Handy, would require lead testing for drinking water for all schools and child care centers. The results would be made public and, if a school tested above a certain level, action would be required.

Iwamoto drafted a joint resolution to encourage action to reduce the number of children with elevated levels of lead in their blood.

The Utah Division of Environmental Quality Division of Drinking Water took a voluntary school water sample back in 2017. They tested 75% of Utah schools.

“We found that there is lead that it is showing up in the schools,” said Marie Owens, director of the division of drinking water.

Ninety percent of the school samples showed trace levels of lead. Only 2% had more than 15 parts per billion.

“We didn’t find that we could correlate high levels with the age of the schools or with the area of the state,” Owens said.

“There’s no safe levels of lead in anybody’s body, but it’s especially toxic to the developing brain of a young child,” Claudia Fruin said.

She’s a pediatrician and the founder of Utah Lead Coalition. In the past two years, she’s been working with medical providers to encourage lead testing in Utah children.

Lead exposure, Fruin said, is known to cause developmental delays and behavioral disorders in children. She and Owens are working with Rep. Handy and Sen. Iwamoto to bring awareness to the issue.

“If our children have never been tested, we have no baseline to see where it may be coming from,” Fruin said.

They would like to see children regularly being tested for lead and schools to be examined closer.

The DEQ was just awarded a $434,000 grant from the Environmental Protection Agency to cover the cost of testing in schools. If an agency is interested, they can apply through the DEQ.

DEQ launches initiative to test for lead in schools

By Deseret News Jan 22, 2020, 6:00am MST

https://www.deseret.com/utah/2020/1/22/21075613/deq-launches-initiative-to-test-for-lead-in-schools

SALT LAKE CITY — Utah schools can now take new steps to ensure their drinking water is lead-free.

The Utah Department of Environmental Quality recently received a $434,000 grant from the Environmental Protection Agency designed to cover the cost of testing for lead in Utah schools. The department is encouraging schools and child care facilities across the state to apply by March 31 for the best chance to receive grant money.

“We are committed to providing all Utah children with safe drinking water,” said Marie Owens, director of the department’s Division of Drinking Water.

This commitment includes the Lead-free Learning Initiative, an effort launched Tuesday to support the distribution of grant money and provide information to schools, child care programs and parents on ways to reduce lead in drinking water.

“Schools and child care programs that test their buildings for lead reduce children’s risk of exposure and ensure a lead-free learning environment,” said Owens.

Young children and infants exposed to lead are at increased risk of brain damage and delayed physical and mental development. Because children spend a large amount of their time at school, it’s important that water in these facilities — particularly those with children ages six and under — is lead-free.

Drinking water can become contaminated when plumbing materials that contain lead corrode and leach into the drinking water system. Testing is the only way for schools and child care facilities to know if their water contains lead.

Public schools, charter schools, Head Start programs, and licensed child care facilities are eligible to apply for funding, and test results will be made available to the public. Private schools are not eligible for grant funds.

EPA awards Utah $434K for testing lead in schools, childcare facilities

By Carter Williams, KSL.com | Posted - Jan 22nd, 2020 @ 9:09pm

https://www.ksl.com/article/46707992/epa-awards-utah-434k-for-testing-lead-in-schools-childcare-facilities

SALT LAKE CITY — The Environmental Protection Agency awarded Utah's environmental quality department $434,000 to pay for lead testing of the water of Utah schools and childcare facilities, officials said Tuesday.

Officials at the Utah Department of Environmental Quality said administrators for public and charter schools, Head Start programs and licensed childcare facilities have until March 31 to apply for federal grant money to cover lead testing in their schools. Grants will be awarded in order of applications filed. All results must be made public, and private schools aren't eligible for the program.

"We are committed to providing all Utah children with safe drinking water. Schools and childcare programs that test their buildings for lead reduce children's risk of exposure and ensure a lead-free learning environment," Marie Owens, the department's drinking water director, said in a statement.

The money allocated to Utah is from the EPA's Lead Testing in School and Child Care Program Drinking Water Grant program. According to the federal agency, about $43.7 million in funding was delivered to various states, territories and tribes. The program focuses on funding for lead testing in schools throughout those areas.

Utah environmental quality officials say that's especially important for young children and infants, who are at risk for brain damage and delays in physical and mental development when exposed to the metal. They say it's also concerning because many young children in Utah spend time in school or childcare facilities.

The agency launched its Lead-Free Learning Initiative last week, which is where the federal money went. According to the department, schools and childcare facilities are only required to test for lead if they serve as a public water system, and most school facilities don't. Some schools have done testing on their own, and the department launched a pilot project sampling for lead in schools in 2017.

The state project is slated to end on Sept. 30, 2021. School and childcare administrators interested in applying for testing can do so on the state program's website.

Trump rollback could leave waterways vulnerable to pollution

By ELLEN KNICKMEYER January 23, 2020

https://apnews.com/2386f9f4af34d81ae32629dead464af3

WASHINGTON (AP) — The Trump administration on Thursday ended federal protection for many of the nation's millions of miles of streams, arroyos and wetlands, a sweeping environmental rollback that could leave the waterways more vulnerable to pollution from development, industry and farms.

The policy change, signed by heads of the Environmental Protection Agency and U.S. Army Corps of Engineers, narrows the types of waterways that qualify for federal protection under the half-century-old Clean Water Act.

Since his first weeks in office, President Donald Trump has targeted environmental and public health regulations that he says imposed unnecessary burdens on business. Speaking to farmers in Texas on Sunday, Trump repeated his frequent charge that an Obama-era attempt in 2015 to more clearly define what water bodies qualify for federal pollution protection was "one of the most ridiculous regulations of all."″

Thursday's changes to the clean water rule have long been sought by builders, oil and gas developers, farmers and others. But environmental groups and public-health advocates say the rollback will allow businesses to dump pollutants into newly federally unprotected waterways and fill in some wetlands, threatening public water supplies downstream and harming wildlife and habitat.

EPA head Andrew Wheeler told reporters Thursday that states were still free to step in with state protections of newly vulnerable waterways if they chose.

"Our rule protects the environment and our waterways while respecting the rights of states and property owners," Wheeler said. The rollback of the clean-water enforcement "strikes the proper balance between Washington, D.C. and the states," he said.

Brett Hartl, a government affairs director with the Center for Biological Diversity conservation advocacy group, called the changes "a sickening gift to polluters."

The administration's action "will allow wetlands, streams and rivers across a vast stretch of America to be obliterated with pollution," Hartl said, contending the rollback would speed extinction for dozens of endangered species. "People and wildlife need clean water to thrive. Destroying half of our nation's streams and wetlands will be one of Trump's ugliest legacies."

The Trump rule narrows the Obama administration's 2015 definition of what's a protected body of water and effectively removes safeguards for some waterways that had been put into place with the 1972 Clean Water Act.

The administration says the changes would allow farmers to plow their fields without fear of unintentionally straying over the banks of a federally protected dry creek, bog or ditch. But the government's own figures show it is real estate developers and those in other nonfarm business sectors that take out the most permits for impinging on wetlands and waterways, and stand to reap the biggest regulatory and financial relief.

Environmental groups said the draft version of the rule released earlier would have lifted federal protections for roughly half of the nation's wetlands and one-fifth of the millions of miles of waterways. The administration challenges that estimate and says it is not possible to come up with a solid figure for how much of the nation's surface water will be affected.

One of the biggest changes applies to so-called ephemeral waters - creeks and rivers that run only after rainfalls or snow melt. Such streams provide a majority of the water for some dry Western states, including New Mexico.

"That''s a huge rollback from way before Obama, before Reagan," said Blan Holman, a senior attorney with the Southern Environmental Law Center.

New Mexico officials have particular concerns given that the Rio Grande, which provides drinking water and irrigation supplies for millions of people in the Southwest and Mexico, depends largely on the types of intermittent streams, creeks and wetlands that could lose protection under the rule draft released earlier. The Rio Grande is one of North America's longest rivers.

In a statement, Democratic Gov. Michelle Lujan Grisham called the new rule "an absolute disaster for the state″s water resources.

Another key change removes federal protections for wetlands deemed not directly connected to a major waterway. Geoff Gisler, senior attorney at the Southern Environmental Law Center, said it appears millions of acres of the wetlands on the Southeastern coast alone — vital buffers against flooding and climate change — would lose protections, as would so-called prairie pothole wetlands in the middle of the country, and others.

The final rule will be published in the Federal Register in the next few days and become effective 60 days after that.

Environmental groups and some states are promising legal challenges. But Gisler fears developers and others will take Thursday's announcement as a signal, and move quickly - '"get the bulldozers lined up, and day 61 fill in streams and wetlands," he said.

In South Dakota, farmer Arlen Foster said Thursday that many farmers believe that wetlands restrictions went too far even before the EPA adopted the 2015 Obama-era rule. And EPA isn't the only agency that can affect farmers' use of their land, he said. The U.S. Supreme Court in 2017 rejected his petition challenging an Agriculture Department system that determined a small tract of his land was a wetland. He had argued that repeated snow melt led to standing water.

"These issues illustrate that ... regulations got out of hand and have gone too far," he said.

Bluff Residents Worry About Water As BLM Weighs Drilling Permit

By KATE GROETZINGER • JAN 24, 2020

https://www.kuer.org/post/bluff-residents-worry-about-water-blm-weighs-drilling-permit#stream/0

BLUFF – An application to drill for oil and gas on public land near the Navajo Nation in San Juan County has residents worried about their water supply.

“More and more people are drilling into our drinking water aquifer,” said Jackie Warren, chairman of the Bluff Service Area. “I would not like to be remembered as the chairman who did nothing about our water 20, 30 years from now.”

Residents first raised concerns about the project four years ago, when EOG Resources, Inc. applied for the permits. Forty comments submitted during the scoping period for the permits highlighted the potential impact on groundwater, according to an environmental assessment conducted by the Bureau of Land Management, which would issue the permit.

The BLM “listened to concerns of local citizens during the scoping process for this project,” said Amber Johnson, the bureau’s acting Monticello field office manager.

In response, the agency hired the US Geological Survey to conduct a hydrological study of the area, which found that water in the area moves north to south, putting the Town of Bluff and the San Juan River downhill from the wells.

“These wells will be drilled through formations from which the town’s municipal water supply is sourced and will be used for the injection of high-pressure fluids to hydraulically fracture deeper formations to enhance recovery,” the study says.

Ultimately, the study determined it would take a minimum of 2,107 years for contaminants from the wells to reach the town’s water supply.

In a statement, Johnson added, “The BLM is committed to using the best available science in our decision-making processes.”

But local residents and conservation groups say they’re not convinced. Josh Ewing, executive director of Friends of Cedar Mesa, a Bluff-based conservation group, says that although the study mentions hydraulic fracturing, or fracking, it fails to include it in the analysis. Fracking is a method in which a water-based solution of sand and chemicals is pumped deep underground to break up oil- and gas-containing rock formations.

“We know that fracking causes changes to the underground geology. Yet the study just assumes that there will be no changes and that those chemicals will travel at natural rates,” he said.

The study also fails to analyze a handful of abandoned oil wells between the lease sites and the town, Ewing said, adding those could act as “elevator-shafts” funneling contaminants up toward the water table.

Ewing spoke to residents at the Bluff community center last night. After the presentation, local poet Eirene Hamilton said she’s afraid that her water could become contaminated like that of nearby communities on the Navajo reservation where she’s lived.

“I lived in Montezuma Creek in the ‘70s — I lived there for a year — and you turn on the faucet and the water comes out brown,” she said.

The BLM is accepting public comment on the EOG Resources application to drill through February 6.

EXCLUSIVE: Cause of Sandy's water contamination not what city leaders originally thought

by Jim Spiewak

Friday, January 31st 2020

https://kutv.com/news/local/exclusive-cause-of-sandys-water-contamination-not-what-city-leaders-originally-said

SANDY (KUTV) — The reason potentially dangerous levels of fluoride were pumped into Sandy City drinking water is not what city leaders initially said.

Next week will mark one year since hundreds of homes, in several zones, were thought to be potentially contaminated when a pump failed, allowing fluoride to get into the drinking water for days before being detected.

At the time, Sandy City leaders said bad weather caused a power outage near the pump, causing the failure.

But, Department of Environmental Quality and Sandy City officials say findings from a nearly year-long investigation concluded a safety feature on the equipment was to blame along with a software glitch that didn't warn anyone the safety switch wasn't working.

Marie Owens, the head of DEQ's Division of Drinking Water told 2-News:

The equipment did what it was programmed to do, none of the safety controls were operational.

Tom Ward, Sandy's Public Utility Director used the word 'malfunctioned' when describing the safety switch adding he thinks it may have malfunctioned weeks prior to the contamination.

Ward also says a software programming glitch did not warn the city of the problem adding "those are the two pieces, that we did not understand completely, it took months to kind of figure that out."

Ward says independent contractors, not city staff, oversee the software programming of the pumps:

That's a big deal, you know, we rely on computers so much these days and we've got to make sure that systems in place to catch the problems on those things.

The name of the independent contractor who worked on the pump is part of the investigation that has not yet been released.

“There are a number of other things that we learned we could have put in place and we have put in place that will prevent it [from happening again] in the future,” Ward says.

Residents, like Jodi Monaco, who live in one of the most contaminated zones and whose dog got sick says:

I’m actually really nervous when I try to use tap water whatsoever, I still don’t know what the long-term implications are for myself, my pets, anyone who was drinking the water that day.

Sandy has submitted their final report to the DEQ, which is doing a final review.

That’s expected to take a couple more weeks. Ward says the final report has a list of improvements to prevent this from happening again. It’s still unknown if the city will face fines or penalties.

UTAH RECEIVES $434,000 FOR LEAD TESTING IN WATER AT SCHOOLS

BY CRISTINA TUSER

JAN 30, 2020

https://www.wqpmag.com/commercial-water/utah-receives-434000-lead-testing-water-schools

The U.S. EPA awarded Utah's environmental quality department $434,000 to pay for lead testing in water at Utah schools and child care facilities.

Administrators for public and charter schools, Head Start programs and licensed child care facilities have until March 31 to apply for federal grant money to cover lead testing in their schools, according to the Utah Department of Environmental Quality. All results must be made public and private schools are not eligible for the program.

There is currently no requirement to test lead levels in schools, reported KUTV. According to the state DEQ, schools and child care facilities are only required to test for lead if they serve as a public water system.

House Bill 88, however, would require lead testing for drinking water for all schools and child care centers, according to KSL. If a school tested above a certain level, action would be required.

In 2017, the Utah DEQ took a voluntary sample of 75% of Utah's schools. 90% of the school samples showed trace levels of lead and only 2% had more than 15 parts per billion (ppb), reported KSL.

"We are committed to providing all Utah children with safe drinking water. Schools and childcare programs that test their buildings for lead reduce children's risk of exposure and ensure a lead-free learning environment," said Marie Owens, the department's drinking water director.

The money allocated to Utah is from the EPA's Lead Testing in School and Child Care Program Drinking Water Grant program. Approximately $43.7 million in funding was delivered to various states, territories and tribes.

The state project will end on Sept. 30, 2021. School and childcare administrators that are interested in applying for testing can do so using the state program's website.

DEQ: Sandy water crisis 'taught us there's urgent need' to invest in aging infrastructure

by Jim Spiewak

Thursday, February 6th 2020

https://kutv.com/news/local/deq-sandy-water-crisis-taught-us-theres-urgent-need-to-invest-in-aging-infrastructure

The Department of Environmental Quality says Sandy's water contamination issue uncovered a potential need in other systems.

The DEQ now says there's an urgent need to invest in the state drinking water infrastructure.

The water is safe to drink but with 1,400 treatment facilities across the state -- what's next?

The investigation into last year's Sandy City's water contamination that pumped fluoride into the drinking water is now complete.

Marie Ownes, the Director of Drinking Water with DEQ says they have not signed off yet on the report but anticipate they will.

She was part of the investigation and says:

It teaches us that we've got some challenges in the state.

Ownes says DEQ has design standards across the state, but the combination of aging infrastructure and population growth needs to be addressed adding:

Clearly what we learn from Sandy City water and other events is that these systems need more technical assistance from us and more support from us than our resources have been able to give.

Which is why DEQ is asking the state for $2.5 million each of the next five years to update design standards and operating permits.

"We don't have a mechanism to apply those to all the existing operating permits that we have around the state," Owens says.

Which is a concern to Marcia Ripplinger, who has gotten her drinking water from her Salt Lake home for more than 30 years. Ripplinger says:

If nobody shows any interest in and nobody's going to do anything about it until something bad happens.

So, if DEQ doesn't get the money Owens says their ability could be impacted adding “we will continue to do the best that we can but this funding would allow us to preemptively protect the water rather than wait for an emergency to happen.”

Owens says Governor Gary Herbert included their $2.5 million ask in his budget, but lawmakers need to allocate it in their final budget.

New report investigates causes, response to Sandy over-fluoridation incident last year

By Taylor Stevens

・Published: 4 days ago
Updated: 4 days ago

https://www.sltrib.com/news/politics/2020/02/06/new-report-investigates/

One year after a fluoridation pump malfunctioned and flooded the pipes in some Sandy homes with tainted water, a new report released Thursday outlined the problems that led to the incident and provided recommendations to ensure it wouldn't happen again.

The 181-page investigative review, mandated by the Utah Division of Drinking Water and the Salt Lake County Health Department, provides an hour-by-hour and day-by-day account of the causes of the over-fluoridation and the responses by city officials from Feb. 4, 2019, the day before fluoride entered the water system, to Feb. 19.

The report also makes several recommendations on how the city could improve its emergency response processes — including around public notification and communication with residents, several of whom expressed frustration in the wake of the incident that they hadn't been notified of the problems sooner.

Tom Ward, Sandy Public Utilities director, said in a news release accompanying the report that it provided the city with "valuable insight into the causes of the fluoride overfeed event and identifies improvements. Sandy City is systematically implementing these recommendations and will continue to work diligently with county and state regulators to ensure Sandy drinking water is safe," he added, noting that the city has implemented 30 of the 35 recommendations and is working on the rest.

Ward was placed on paid administrative leave last February as investigators looked into the over-fluoridation incident. Sandy Mayor Kurt Bradburn reappointed him last summer, after a separate report concluded the city should have warned affected households sooner but deemed its operational response was "generally within normal industry standards."

While experts say fluoride is beneficial in small doses, unsafe levels can cause a number of health issues.

Residents in the affected Sandy area reported gastrointestinal problems and stomach cramping and pains after drinking the water and expressed concerns about the short- and long-term effects of that exposure for themselves, family members and pets. They also worried about the impacts on their homes, where acid from the fluoride had corroded some pipes.

Hansen, Allen & Luce, the outside firm that compiled the report released Thursday, identified two main causes of the fluoride event: that the dosing pump at the city's Paradise Valley Well was in a manual setting during a computer hardware upgrade at the well and that a faulty safety flow switch that falsely indicated a setting that would prevent the fluoride pump from running.

When a communication alarm at the well house was cleared, it also cleared the flow switch alarm and the fluoride pump began running.

Officials had originally concluded that the pump had malfunctioned because of a power outage.

The outside review notes that the city took a number of "positive actions," including beginning a prompt investigation as soon as complaints about water quality began filtering in. Afterward, officials conducted water samples, flushed the distribution system and performed door-to-door notifications.

But the city's efforts suffered from a "lack of documentation," which "caused problems for each agency involved" in the response. Water system operators, for example, did not document the houses that had received the first public notification on Feb. 7, which may have led to confusion, the report states.

City officials also made several missteps in sampling — at first gathering too few in the early stages of the event and then taking too many in the midst of a "Do Not Drink Order." The Division of Drinking Water and Salt Lake County now believe that decision "may have taken away from the quality of the samples," the report states, noting that a more strategic sampling plan would have saved time and been more effective.

Finally, the report points to several errors in communication to residents. Sandy officials had removed required items from a public notification; had not delivered information provided in emails or text messages to all of the necessary parties in a timely manner, which created confusion; and did not proactively use social media and news media to inform the affected residents.

"Building public trust cannot wait until a negative event occurs," the report states. "The public should regularly hear of the positive things drinking water professionals are doing every day to supply clean water and protect public health."

The report released last summer also concluded that backing up notifications with a widespread media announcement would have been the most effective way to ensure residents were not drinking contaminated water and could have dispelled concerns about a lack of transparency. Such a response, however, appeared to have been stymied by concern it would trigger panic.

Investigation: Government failure at all levels in Sandy fluoride event

Public notification of fluoride overfeed that sickened hundreds took 10 days

By Amy Joi O'Donoghue@Amyjoi16 Feb 6, 2020, 5:42pm MST

https://www.deseret.com/utah/2020/2/6/21127035/sandy-flouride-overfeed-investigation

SANDY — An independent investigation by an engineering firm looking at last year's fluoride overfeed in Sandy that sickened hundreds of residents reveals missteps at all levels by government agencies handling the emergency.

Those agencies include the city of Sandy, the Salt Lake County Health Department and the state division with responsibility over regulating drinking water.

Specifically, the 181-page report produced by Hansen, Allen & Luce shows there were problems with coordination and documentation of conversations among the agencies involved and lapses in communication that led to a failure to notify the public to refrain from drinking the contaminated water — until 10 days after the release happened.

Testing in some samples showed fluoride at 40 times the federal threshold.

"(The drinking water division) and the (Salt Lake County Health Department) both have requirements in relation to public notification," the report said, noting that the public notification process resulted in delaying documents to affected residents in an adequate fashion.

A statement from Sandy said it has implemented 30 of the 35 recommendations contained within the report, with the remaining steps being undertaken.

"This report provides valuable insight into the causes of the fluoride overfeed event and identifies improvements. Sandy City is systematically implementing these recommendations and will continue to work diligently with county and state regulators to ensure Sandy drinking water is safe," said Tom Ward, Sandy's public utilities director.

Ward was put on administrative leave in the aftermath of the overfeed that sickened hundreds of Sandy area residents but was later reinstated after an independent legal investigation.

The report found that the overfeed of concentrated hydrofluorosilicic acid, 14 gallons, was triggered Feb. 5, 2019, due to a combination of factors at the Paradise Valley well, which had not been running since July of 2016.

Despite that, the flow switch on the fluoride pump was stuck in the open position and for a reason the city couldn't explain, a visual alert for an alarm had been removed. The report said there was no indication that the switch was faulty.

The well's pump was operational, and when an alarm went off and was cleared, the fluoride pump began to work, discharging the fluoride. Because it is 20% denser than water, it displaced the water and was fed by gravity into a portion of the drinking water system.

Residents began to complain as early as Feb. 6, when the first resident was informed by the public utilities department that it was a water softener problem. The resident, however, didn't have a water softener at the home.

The Utah Division of Drinking Water was notified Feb. 8 and told the city to expand what it was sampling for and the geographic area as well.

The report noted some key areas where response needed improvement among government entities, observing:

Sandy removed state-required items from a public notification that were not noticed in a review by the state drinking water division, including warnings to refrain from ingesting the water and potential damage to piping from the corrosive metals. It was discovered after public notices were already distributed.

The city should have proactively used social media and enlisted help from the news media to inform affected residents, rather than letting social media and the news media "steer" the conversation afterward.

On Feb. 16, 10 days after the first complaint and after the state lacked data confirming lead and copper testing results had returned to normal, the Utah Division of Drinking Water and the governor's office required the city to issue a "do not drink" order.

Water system employees should be educated on the potential impacts of hydrofluorosilicic acid on human health, water system infrastructure and plumbing.

Marie Owens, director of the Utah Division of Drinking Water, said the agency is reviewing the report and intends to write a response.

"We are not satisfied with all of the items in the report," she said.

Owens also emphasized that while the division received an alert over the public notification Sandy was going to send out, it did not "review" it.

There are only two counties in Utah that have water with fluoride — Salt Lake and Davis — both the result of a public vote. While considered a dental benefit by advocates, it has its share of critics who assert it is not properly regulated, and in excess causes health issues.

Fluoride concentrate in its undiluted form is classified as a hazardous, poisonous material that, while it contains fluoride, also contains arsenic, lead, copper, manganese, iron and aluminum. It is a byproduct from phosphate mining operations.

In the aftermath of the overfeed, Sandy was hit with an administrative order from state regulators and is under protracted monitoring.

”Sandy City is up to date on their increased quarterly monitoring,” Owens said. “This will continue until it is clear there is no ongoing risk.”

Utah report details how tainted water was released to homes

Associated Press

Feb 6, 2020 Updated Feb 6, 2020

https://www.heraldextra.com/news/local/utah-report-details-how-tainted-water-was-released-to-homes/article_eb386ab4-3e68-5c2f-aa9e-1e04f1a26937.html

SALT LAKE CITY — A new report detailed how pipes in some Utah homes were flooded with water tainted by excess fluoride.

The analysis released Thursday outlined how a fluoridation pump malfunction occurred in Sandy in February 2019, The Salt Lake Tribune reports.

The 181-page investigative review was mandated by the Utah Division of Drinking Water and the Salt Lake County Health Department.

Residents reported gastrointestinal problems and pain after drinking the water.

Fluoride is beneficial in small doses but unsafe levels can cause a number of health issues, experts said.

The private firm that compiled the report identified the main causes as a faulty safety flow switch and a pump set to manual during a computer hardware upgrade.

Officials originally concluded the pump malfunctioned because of a power outage.

There were also errors in communication with residents, the report said.

The report provided the city with “valuable insight into the causes of the fluoride overfeed event and identifies improvements," Sandy Public Utilities Director Tom Ward said in a statement.

"Sandy City is systematically implementing these recommendations and will continue to work diligently with county and state regulators to ensure Sandy drinking water is safe,” Ward said.

Utah snowpacks above average at 2020 midseason report

By Jed Boal, KSL TV | Posted - Feb. 11, 2020 at 9:15 p.m.

https://www.ksl.com/article/46716567/utah-snowpacks-above-average-at-2020-midseason-report

SALT LAKE CITY — Storms drenched the Wasatch Front with wet, heavy snow last week and hydrologists briefed water managers on how much runoff they can expect this spring.

So far, they said the picture this year looks a lot like last year.

Last winter, Utah desperately needed snow because 2018 was the driest year on record. The state got its needed snow and avoided damaging flooding in the spring. A look at Utah's snowpacks near the midseason points shows a repeat scenario looks possible.

"We've got above-average snowpack and precipitation throughout the entire state," said Brian McInerney, a hydrologist with the National Weather Service in Salt Lake City.

That's great news for Utah, which has endured long periods of drought over the last two decades.

McInerney and other hydrologists delivered the positive report to water managers from several water districts in Utah Tuesday, letting them know how much water they can expect to flow into reservoirs in the spring.

"Really similar to last year," said Troy Brosten, a hydrologist with the Natural Resources Conservation Service. "We are above average right now. We are about 121% across the state, and last year at this time we were just about the same."

Right now, the snowpack is 137% of average in the mountains that drain into Salt Lake County. In southern Utah, many areas were around 130% average snowpack.

Not bad, considering the periods of dry weather in Utah in recent years.

"Starting back with 2018, we had the driest year on record. 2019 was above average: we filled the reservoirs, we did quite well," McInerney said. "Then, we went into the summer months where we had an absence of storm activity throughout the majority of the state."

Over the last couple of years, Utah weather has seesawed between hot, dry summers and plentiful, snowy winters. Right now, reservoirs across the state are at 82% capacity. A year ago, they were at 60%.

"They want to keep every drop that they can get in those reservoirs," McInerney said. "You really don't want to start releasing prematurely. You want to see how this is going to shake out."

Experts said all of Utah reservoirs should fill this year except for Lake Powell. However, water levels at the popular tourist destination should rise by nearly 10%.

On Tuesday, officials said it was still too early to decide whether dam operators will need to release water to make room for runoff.

“It’s kind of a wait and see. They are cautious,” McInerney said.

They’re taking the same approach for potential flooding, too.

“I wouldn’t be concerned about it at this point,” Brosten said. “We’re above average snowpack, but certainly not way above average snowpack.”

Water managers liked what they were seeing, as long as the snowmelt ends up in reservoirs and not in flood zones.

Guest opinion: Utahns need to be more proactive against lead poisoning

By Bert Merrill, Contributor and Claudia Fruin, Contributor Feb 14, 2020, 10:00am MST

https://www.deseret.com/opinion/2020/2/14/21126852/guest-opinion-utahns-need-to-be-more-proactive-against-lead-poisoning

Lead poisoning is often discussed in the wake of an environmental emergency such as the Flint, Michigan, Newark, New Jersey, and the District of Columbia water crises. While these tragedies showcase the effect of lead poisoning on a national scale, the truth is Utah children are at risk of being poisoned every day in their own communities. Remember the Sandy water contamination last year?

There is no safe level of lead. If children and adults are regularly exposed to lead, it accumulates in their bodies causing irreversible damage. Particularly vulnerable to this damage are the developing nervous systems of young children and fetuses, leading to lower IQ scores, ADHD, aggression and other behavior disorders.

While news headlines commonly highlight lead contamination in drinking water, the most common source of lead poisoning is from paint in homes built before 1978. As paint dust and chips are ingested or inhaled, the impact of lead begins to take its toll. Other common sources of lead include soil, ammunition, home remedies, spices and toys.

Blood testing is the only way to know if a child has been exposed. Unlike some states, Utah does not require blood lead testing of all children. While a federal mandate requires all children on Medicaid insurance to be tested at 1 and 2 years of age, Utah is far below the national average for testing children. In 2018, only 3.8% of Utah children 5 years and younger had a blood lead test reported to the state. More importantly, from 2016 to 2018, around 2% of all Utah children tested had an elevated blood lead level. Equally concerning, two recent Salt Lake County studies evaluating the last 20 years of data show that up to 2.8% of all children tested had elevated levels.

Luckily, lead poisoning is preventable. Senate Joint Resolution 2 sponsored by Utah State Sen. Jani Iwamoto, D-Salt Lake City, encourages actions to reduce the number of Utah children with elevated blood lead levels, by promoting education and providing tools on lead awareness and testing. This resolution would lay the foundation for changes needed to protect Utah children from this often invisible poison.

Another piece of legislation this session helping prevent lead exposure in children is HB88, sponsored by State Rep. Stephen Handy, R-Layton. This bill would require testing of school and daycare drinking water for lead contamination with required action if the lead content was above

a certain level. Rep. Handy became concerned in 2017 after voluntary testing of school water in 75% of Utah schools showed that 92% of the samples had detectable lead levels. In response to this study, the Utah Department of Environmental Quality Division of Drinking Water, or DEQ, was awarded a grant from the Environmental Protection Agency to test schools and childcare facilities that agree to participate for lead contaminated water. This initiative combined with HB88 shows that Utah's legislation is taking lead prevention seriously.

These initiatives could mark a turning point for Utah's efforts against lead poisoning. While many organizations such as the Utah Lead Coalition and the Salt Lake County Lead Safe Housing Program have been increasing awareness, these proposals generate momentum to give lead poisoning the attention it deserves.

Every Utah child deserves a safe place to learn, adapt and grow. To help build this momentum, everyone should pick up their phone, call their legislators or schools and support these initiatives.

Bert Merrill is the education and outreach coordinator for Utah Physicians for a Healthy Environment.

Claudia Fruin is a pediatrician and founder and chair of Utah Lead Coalition.