



The Power of Your Association

It has been and continues to be an honor for me to represent the Kansas Rural Water Association membership as the delegate from KRWA on the board of directors of the National Rural Water Association. I have served on numerous committees and workgroups for the NRWA. I am proud of the work that NRWA has done in representing the interests of water and wastewater utilities in Kansas and across the nation.

It is next to impossible for local water and wastewater system operators, managers and members of city councils and rural water districts to begin to keep up with the myriad of regulations, rules and requirements. Consider the small town that has had three different city clerks in four years and perhaps water and wastewater operators who only last a year or even less. How can those towns and rural water districts not be completely overwhelmed?

Having worked in the waterworks industry for nearly forty years, a person gains a sense of history about some of the regulations because a person has lived through the period of implementation. Many of today's operators are just trying to make sure that the water and wastewater

utilities function, much less understand all the nuances of every regulation. The challenges small systems face in this regard are no less tumultuous than for anyone to be challenged with a new career fraught with unique regulations with guidance written in a style that is often

difficult at best. And so, the Kansas Rural Water Association, as a training and technical assistance provider, helps bridge the gap for local entities to help them better understand the regulations but more so to help them manage and operate their utilities efficiently.

KRWA, because of a dedicated and experienced staff, has an impeccable rapport with cities and water districts,

trailer courts, state and federal agencies and a host of people in the consulting and supply industries. KRWA's staff has some familiarity with nearly every public water or wastewater system in the state.

The Kansas Rural Water Association has been an effective voice and advocate on scores of issues in Kansas, just as the National Association has in Washington. For example, it was the rural water associations who pressed for an end to the mailing requirement of the Consumer Confidence Report. If you review the bills introduced in the

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House and Senate, you'll note that the first co-sponsors were members from Kansas. KRWA appreciates the fact Senator Roberts and Moran and some House Members of the Kansas delegation responded to KRWA's request for support. Ending the mailing requirement is saving hundreds of thousands of dollars annually for water systems in Kansas – and it's likely that more CCRs are being read online than had they been mailed.

There's more to do

While there was success on that issue, I want to list out some other areas that we believe could benefit through regulatory reform. They are as follows:

Total Organic Carbon (TOC) – reconsider the relevance of this requirement (or the public notice requirement for violations) because TOC is not an accurate indicator or surrogate for THMs or HAAs formation as explained by Pat McCool with Kansas Rural Water Association. This issue, along with the concern about regulating a substance that has not been identified as a public health risk according to the Safe Drinking Water Act [1414(b)(i)] was initially raised by Senator Inhofe (OK) in 2005. Reform of the current public notice requirement for TOC violations would likely result in the public receiving more accurate information on the safety of their water.

The Disinfection Byproducts Rule (DBPs) – provide additional flexibility in implementation of the rule to limit the potential for temporary violations of the standard to result in alarming public notice mailings. In Kentucky, this dilemma resulted in the state environmental agency issuing an additional public notice warning the public to not rely on the information the water systems had been required to mail to consumers by the EPA. Additionally, consider monitoring flexibility, relief or waivers for certain classes of water systems that are unlikely to have DBPs above Stage II levels. In an article, *The TOC Removal Regulation: Is It Necessary* (*The Kansas Lifeline*, pp. 40-44, November 2005), KRWA Consultant Pat McCool identified classes of water systems where additional DBP monitoring may be unnecessary including groundwater systems and wholesale water systems that have already tested sufficiently below Stage I levels, etc.

Unregulated Contaminant Monitoring (UMCR) – provide additional flexibility to relieve cost burdens for small communities slightly over the 10,000 population threshold for reimbursement. Additionally, assist communities experiencing duplicate monitoring costs in consecutive systems and arbitrary limitations on utilizing monitoring relief under Groundwater Representative Monitoring Plans.

Affordability – modify the current level. It appears that EPA agrees that their affordability policy is not appropriate for small communities. In March 2006, EPA found that, “*some stakeholders have argued that the current criteria are too stringent and fail to recognize situations in which a significant minority of systems within a size category may find a regulation unaffordable. After seven years of experience with the current criteria, EPA agrees it is time to consider refinements to address the situations of communities with*

below average incomes or above average drinking water and treatment costs”. However, no modification to the current affordable level of 2.5 percent of median household income has occurred.

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Unreasonable Risk to Public Health (URTH) – identify the specific level of a contaminant in drinking water that does not pose an "unreasonable risk to public health" as envisioned by the Safe Drinking Water Act [42 USC Sec. 300g-4 (a)(1)(A)]. To avoid as much local opposition and confusion as possible, EPA should identify the URTH levels which will allow small community officials to explain the public health necessity of reducing contaminant levels to their local citizens, allow them to effectively plan to comply with rules, or determine if they may be eligible for a variance or bilateral compliance agreement.

Safety Factors – reexamine the reasonableness of safety factors used in regulatory determinations for Maximum Contaminant Levels (MCLs), Reference Dose (RfDs), etc. Recent analysis of the issue has concluded that the cumulative safety factor for an estimated RfD could be as high as 3,000.

Privatization – various EPA initiatives have included the topic of private capital, private activity bonds and private-public partnerships in water infrastructure. Currently there is nothing inappropriate limiting the privatization of water supplies or the access to private capital for funding projects. The private water industry is promoting additional taxpayer subsidies to subsidize for-profit corporate water systems. The agency should clarify that it is not opposed to water supply

privatization in principle; however, corporate water (profit generating companies or companies paying profits to investors) should not be eligible for additional federal taxpayer subsidies and state revolving funds. The distinction in mission between public and private is the core principal that should be considered. Public water utilities exist to provide for the public welfare (the reason why public water continues to expand to underserved and unprofitable populations). Additional tax code changes are appropriate and needed for water infrastructure; however, new federal subsidies should be reserved for

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public bodies. For example, S. 157 from the 109th Congress allows for small, nonprofit water suppliers to have access to tax-exempt financing with the additional benefit of a federal guarantee. With minimal cost to the Treasury, this bill would allow for additional subsidized funding to be available to small and rural water supplies that are in need. The funding is only available to a limited group of small communities that have no chance of obtaining commercial funding, are economically disadvantaged, and have documented environmental or public health needs.

Consolidation – recognize that the key principle for any successful consolidation (policy) is local support for the consolidation – and local control on when and how they choose consolidation. Rural Water has led or assisted in more communities consolidating their water supplies than any

program, policy or organization. Again, when communities believe consolidation will benefit them, they eagerly agree. However, if communities are coerced to consolidate, one can almost guarantee future controversy. For example, Kentucky Rural Water Association documents how in the last 30 years, the number of public water systems has decreased by 70 percent in the state – from 1,700 PWSs to 400 today. The key ingredient in this allegorical Kentucky story was state financial aide and local support. Kentucky RWA has assisted most of these communities through the process to ensure the consolidation will be workable and beneficial to all the communities in the mix. Kentucky RWA reports that in the rare case where the government pressured apprehensive communities to consolidate, the new consolidated system still had problems long into the future.

Security and Emergency Response Initiatives – rural water association networks have been the main source of assistance in emergency response in small

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and rural communities. For example, rural water technicians were the lead assistance in Greensburg, Kansas in restoring the drinking water and sanitary sewer service following the tornado in May 2007. This was also the case in the 2011 flooding in Vermont, super storm Sandy, Joplin Missouri, the 2012 tornadoes in the south and in the response to the hurricanes in the Gulf Coast where the hundreds of small and rural communities relied on assistance from the local and surrounding state rural water associations for immediate assistance in restoring drinking water and sanitation service. Most Kansans don't know it, but it's been Kansas Rural Water that funds and continues to support the KS MAP Web site. It's been all KRWA's money – and time.

Bi-Lateral Compliance Agreements and Point of Use Treatment – these compliance options are not available in all states. The agency could provide clarity and guidance that these compliance options are safe and appropriate options for compliance with federal standards.

Simultaneous Compliance Concerns – assess if compliance with one federal rule may result in noncompliance with another rule, and if a new variance-type policy is needed. Compliance with DBPs regulation may require a change in disinfection methods, practices or treatment, which may result in compliance challenges for coliform, nitrates, storage, bio-growth, lead or residual rules.

KRWA does not have all the answers – but there's no question that KRWA has been the leader in Kansas and KRWA will continue to be the leader in Kansas in representing water and wastewater utilities in Kansas and in Washington through the National Rural Water Association. It was KRWA that proposed the State Water Plan fee at three cents per thousand instead of three percent (3%) of revenue; it was KRWA that was persistent in pushing for legislative changes to end the sales tax on purchases by public water systems. Key legislators agreed; thanks to legislators who understood the issues and for their leadership in making those changes happen. Whether it was trying to bring reasonableness to the Kansas underground utility notification services or when legislation was introduced concerning transfer of territory between cities and water districts, it's always been KRWA that carried the water, so to speak. And it's been KRWA that has paid the costs of counsel associated with a variety of issues. These issues benefited all systems in Kansas – not just KRWA members.

So what's my point? It's that KRWA is a membership organization and KRWA does respond to membership's needs. If someone has an idea or suggestion, KRWA wants to hear about it. KRWA doesn't limit services or grant access to publications or programs to members only. I think it would be counter-productive to operate like that. Those who need the most help are in many cases, the least involved – so it is foolish to require a username and password to access materials that might help them.

Setting Sail for the Future

KRWA is going to continue to be an advocate for reasonableness concerning regulations. KRWA is going to support legislation that helps water districts and municipal systems. KRWA is going to continue to be the leader in providing training and technical assistance in Kansas. KRWA's staff have 400 years of experience in the water and wastewater industry. Thanks to the 750 cities and rural water districts that are members of the KRWA team. Your Association is strong – and it's going to continue to be so. Yes, KRWA is setting sail for the future.

Dennis Schwartz is the current President of KRWA. He retired on March 31, 2013 as General Manager of Shawnee RWD 8 since 1976. Dennis is a member of the Kansas Water Authority and has also been a director for National Rural Water since 1992. He was a member of the Water Industry Coordinating Council from 1996-2002 and EPA's National Drinking Water Advisory Council from 1999-2005.



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