



State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

Department of  
Environmental Quality

Alan Matheson  
*Executive Director*

DIVISION OF DRINKING WATER  
Kenneth H. Bousfield, P.E.  
*Director*

**Drinking Water Board**  
Paul Hansen, P.E., *Chair*  
Betty Naylor, *Vice-Chair*  
Brett Chynoweth  
Tage Flint  
Roger G. Fridal  
Brad Johnson  
David L. Sakrison  
David Stevens, Ph.D.  
Mark Stevens, M.D.  
Kenneth H. Bousfield, P.E.  
*Executive Secretary*

DRINKING WATER BOARD MEETING  
November 13, 2015 - 1:00 pm  
Multi Agency State Office Building – Room 1015  
195 North 1950 West  
Salt Lake City, Utah 84116

**FINAL MINUTES**

**1. Call to Order – Chairman Hansen**

Paul Hansen, Board Chairman, called the meeting to order at 1:00 pm.

Chairman Hansen welcomed the audience and acknowledged Alan Matheson, the Executive Director of the Department of Environmental Quality, sitting on the Board in place of Brad Johnson.

**2. Roll Call – Ken Bousfield**

Board Members present: Paul Hansen, Betty Naylor, Brett Chynoweth, Tage Flint, Alan Matheson, Roger Fridal, and David Stevens.

Board Members excused: David Sakrison and Mark Stevens.

Division Staff present: Ken Bousfield, Michael Grange, Heather Bobb, Julie Cobleigh, Nathan Hall, Marianne Booth, Gary Kobzeff, Patti Fauver, Bernie Clark, and Ying-Ying Macauley.

**3. Approval of the Minutes:**

**A. September 1, 2015**

- Betty Naylor moved to approve the minutes. David Stevens seconded. The motion was carried unanimously by the Board.

**4. Financial Assistance Committee Report**

## **A. Status Report – Michael Grange**

Michael Grange, Construction Assistance Section Manager with the Division of Drinking Water (DDW, the Division) reported that currently in the State SRF fund there is \$1.3 million and the Division is expecting an additional \$6.2 million to come into the fund over the course of the next year, for a total of \$7.6 million to be available for the funding of projects. He then gave an update on the current projects and their statuses.

Michael moved onto the Federal SRF fund and reported that there is currently \$42,900,000 and the Division is expecting an additional \$15 million, for a total of \$58 million to be available for the funding of projects.

## **B. Project Priority List – Michael Grange**

Michael Grange proposed that Wooden Shoe be added to the project priority list with 21.6 points and a project which consists of replacing the distribution system.

- Paul Hansen moved to approve the updated project priority list. Roger Fridal seconded. The motion was carried unanimously by the Board.

## **C. SRF Applications**

### **i. STATE:**

#### **a) Duchesne City – Michael Grange**

Representing Duchesne City was Mike Stevens.

Michael Grange informed the Board that Duchesne City (Duchesne) is requesting \$69,000 to construct a system wide SCADA system. The local MAGI for Duchesne is \$46,236, or 114% of the State MAGI and the after project water bill is expected to be over 2% of the local MAGI qualifying them as a hardship community. The Financial Assistance Committee (FAC) recommends that the Board authorize a \$69,000 loan with 0% interest for 10 years to Duchesne City.

- Paul Hansen moved to authorize a \$69,000 loan with 0% interest for 10 years to Duchesne City. Tage Flint seconded. The motion was carried unanimously by the Board.

#### **b) Trenton Town – Julie Cobleigh**

Representing Trenton Town was Marla Trowbridge, Trenton Town Water Corporation, Clair Christiansen, Mayor of Newton Town, Kendon Godfrey, Mayor of Clarkston, and Scott Archibald of Sunrise Engineering.

Julie Cobleigh, Environmental Engineer with the Division, informed the board that Trenton Town Water Corporation (Trenton), along with the towns of Clarkston and Newton, is requesting \$1,263,000 in financial assistance to redevelop their North Fork and Big Birch springs which are shared equally by the 3 towns. She then informed the Board that all 3

towns will be responsible for repayment of the loan, Trenton will get the loan in their name and Newton and Clarkston will establish inter-local agreements with Trenton for repayment of their portions of the loan. The local MAGI for Trenton is \$34,163, or 84% of the State Magi. Their current average water bill is \$52 or 1.84% of the local MAGI which qualifies them for additional subsidization. Financial analysis for Newton and Clarkston will be done before loan closing. The FAC recommends that the Board authorize a \$632,000 loan at 1% interest for 30 years to Trenton with \$631,000 in grant, contingent upon the establishment of inter-local agreements with Newton and Clarkston.

There was discussion between the Board, Division Staff, and those representing Trenton. It was mentioned that with Julie's help Trenton has identified a source of additional revenue for their water system; that doing the financial assistance in this manner made the most sense and best use of funds; and that for these 3 communities the North Fork and Big Birch springs are their largest sources of water.

- Tage Flint moved to authorize a \$632,000 loan at 1% interest for 30 years to Trenton with \$631,000 in grant, contingent upon the establishment of inter-local agreements with Newton and Clarkston. Roger Fridal seconded. The motion was carried unanimously by the Board.

**c) Piute County SSD – Greenwich – Gary Kobzeff**

Representing Piute County Special Service District was Earl Bagley, Greenwich Water Association, and Jeff Albrecht of Savage Surveying.

Gary Kobzeff, Environmental Engineer with the Division, informed the Board that Piute County Special Service District (Piute) on behalf of Greenwich Water Association (Greenwich) is requesting \$130,000 in financial assistance to construct a new chlorination building with a tablet chlorination system and a small solar power system; as their existing chlorination equipment is inaccessible during the winter, has reached the end of its service life, and there is no power service at the site. The local MAGI for Greenwich is \$35,027 or 87% of the State MAGI. Their current water bill is \$25 or 0.85% of the local MAGI. The proposed funding would increase their water bill to \$51.46 or 1.77% of local MAGI, qualifying them for additional subsidization. Currently Piute is repaying the loan previously approved by the Board to Greenwich and would assume responsibility for repayment of this loan as well. The FAC recommends that the Board authorize a \$104,000 construction loan to Piute County with 3.26% interest for 30 years with \$26,000 in grant.

There was discussion between the Board, Division Staff, and those representing Piute and Greenwich regarding the location of the building, the solar power component, and the relationship of Piute and Greenwich.

- Brett Chynoweth moved to authorize a \$104,000 construction loan at 3.26% interest for 30 years to Piute County Special Service District with \$26,000 in grant. David Stevens seconded. The motion was carried unanimously by the Board.

**d) Daggett Co. – Dutch John – Gary Kobzeff**

Gary Kobzeff informed the Board that Daggett County/Dutch John (Daggett) is requesting a funding increase of \$260,000 to cover the higher than anticipated costs of construction as well as provide an adequate contingency fund. He went on to report that Daggett intends to rebid the project for the 2016 construction year and the additional funding, given the same conditions of a 50% loan 50% grant, would increase their current water bill and additional \$2.90, for a total water bill of \$76.98. The FAC recommends that the Board authorize an additional \$130,000 loan at 0% interest for 30 years with \$130,000 in grant to Daggett County/Dutch John.

- Paul Hansen moved to authorize a \$130,000 loan increase at 0% interest for 30 years to Daggett County/Dutch John with \$130,000 in grant; for a total amended loan of \$640,000 and total amended grant of \$640,000. Brett Chynoweth seconded. The motion was carried unanimously by the Board.

**ii. FEDERAL:**

**a) West Erda – Extension – Julie Cobleigh**

Paul Hansen, Board Chairman made note that he is currently working as an engineer on water projects for Tooele County but does not believe that would influence his opinion on this action.

Julie Cobleigh informed the Board that West Erda (Erda) is requesting an extension of funds that were authorized by the Board on November 7, 2014 and increased on January 9, 2015 because the project has recently been modified to involve a regionalized water system that will connect them to Stansbury Park and the loss of Erda Acres involvement in the project. The FAC recommends that the Board authorize extending authorization of the loan of \$1,622,600 at 0% interest for 30 years with \$811,600 in principal forgiveness to West Erda.

- Tage Flint moved to extend the authorization of the loan of \$1,622,600 at 0% interest for 30 years with \$811,600 in principal forgiveness to West Erda. David Stevens seconded. The motion was carried unanimously by the Board.

**b) Interlaken – Nathan Hall**

Representing Interlaken was Larry Headley, Mayor of Interlaken and Eric Johnson of ETJ Law, Inc.

Nathan Hall, Environmental Engineer with the Division, reminded the Board that in 2003 they authorized a loan of \$1,248,000 at 1.8% interest for 20 years to Interlaken Mutual Water Company and now as a newly incorporated municipality, Interlaken Town is requesting \$642,000 in order to pay off the remainder of that loan/transfer the loan to the town and pay associated attorney's and bonding process fees, while keeping the same terms of the original funding. The local MAGI for Interlaken is \$53,644 or 132% of the State MAGI. Their current water bill is \$62.95 or 1.41% of the local MAGI, disqualifying them for additional subsidization. The FAC recommends that the Board authorize a construction loan of \$642,000 at 1.8% interest for 10 years to pay off the 2003 loan to Interlaken Mutual

Water Company and any associated fees in order to transfer the remainder of the loan to Interlaken Town.

There was discussion between the Board, Division Staff, and those representing Interlaken and it was determined that though there is an increase in the funding amount in order to transfer it, there are a substantial number of savings by incorporating the water system into the municipality as well as making things more efficient.

- David Stevens moved to authorize a construction loan of \$642,000 with 1.8% interest for 10 years in order to pay off the 2003 loan to Interlaken Mutual Water Company and any associated fees to Interlaken Town. Roger Fridal seconded. The motion was carried unanimously by the Board.

**c) Wooden Shoe Water Co. – Julie Cobleigh**

Representing Wooden Shoe Water Company was John Field, President of Wooden Shoe Water Company, and Jo Santos of Epic Engineering.

Julie Cobleigh informed the Board that Wooden Shoe Water Company (WSWC) is requesting \$413,292 in funding to replace approximately 4,580 feet of old leaking water lines and install water meters for all connections in their water system. Julie reminded the Board that WSWC received prior funding on July 13, 2012 and are currently under an administrative order by the United States Environmental Protection Agency (EPA), as well as having 325 IPS points and being rated as “Not Approved” by the Division. The local MAGI for WSWC is \$35,933 or 89% of the State MAGI. Their current water bill is \$54 or 1.8% of the local MAGI, which qualifies them for additional subsidization. The FAC recommends the Board authorize a \$413,292 construction loan to WSWC with \$413,292 in principal forgiveness.

There was discussion between the Board, Division Staff, and those representing WSWC and it was noted that the EPA will file Administrative Orders even though the State still has primacy.

- Tage Flint moved to authorize a \$413,292 construction loan to Wooden Shoe Water Company with \$413,292 in principal forgiveness. David Stevens seconded. The motion was carried unanimously by the Board.

**iii. OTHER**

**a) Mendon City – Nathan Hall**

Nathan Hall reminded the Board that on September 9, 2009 they authorized a \$405,000 loan at 4% interest for 20 years to Mendon for the purpose of constructing two wells, later returned in November of 2012 to request additional funding of \$667,000 to finish equipping the Booster Station Well and build a water line, and now as those projects are completed they are requesting approval to use the remainder of those funds for additional source investigation and test well construction estimated at \$150,000. Division Staff recommends the Board authorize a change in scope to allow Mendon to use the remaining funds for additional source investigation and test well construction.

- Brett Chynoweth moved to authorize a change in scope to allow Mendon to use the remaining funds for additional source investigation and test well construction. Paul Hansen seconded. The motion was carried unanimously by the Board.

**5. Authorization to Proceed with Rulemaking Actions:**

**A. Request to Adopt Amendments to R309-520, *Facility Design and Operation: Disinfection* – Bernie Clark**

Bernie Clark, Environmental Scientist with the Division, reminded the Board that on September 1, 2015 they authorized the Division to initiate rulemaking action to amend R309-520. The Division made two changes, 1) general disinfection requirements that apply to all kinds of disinfection, and 2) revisions to the chlorination portion of the rule. A public comment period was held between October 1, 2015 and November 2, 2015 and 2 comments were received, but no changes to the rule were made. Division Staff recommends that the Board adopt the amendment to R309-520 and authorize staff to make the amended rule effective on November 16, 2015.

- Betty Naylor moved to adopt the amendment to R309-520 and authorize Division Staff to make the amended rule effective on November 16, 2015. David Stevens seconded. The motion was carried unanimously by the Board.

**B. Request to Adopt Amendments to R309-500-6, *Facility Design and Operation: Plan Review Operation and Maintenance Requirements, Plan Approval Procedure* – Bernie Clark**

Bernie Clark reminded the Board that on September 1, 2015 they authorized the Division to initiate rulemaking action to amend R309-500-6. The Division made changes specifically to the waiver program portion of this rule; and for those waivers based on water line size, it would permit public water systems to construct multiple projects in a given year and then submit a summary of all the projects to attain after the fact plan submittal waiver for them. A public comment period was held between October 1, 2015 and November 2, 2015 and 1 comment was received, but no changes to the rule were needed. Division Staff recommends that the Board adopt the amendment to R309-500-6 and authorize staff to make the amended rule effective on November 16, 2015.

There was discussion between the Board and Division Staff regarding the waiver process.

- Brett Chynoweth moved to adopt the amendment to R309-500-6 and authorize Division Staff to make the amended rule effective on November 16, 2015. Betty Naylor seconded. The motion was carried unanimously by the Board.

**C. Request Authorization to Initiate Rule Revisions for adoption of the Revised Total Coliform Rule (federal effective date April 1, 2016):**

- a) R309-105, *Administration: General Responsibilities of Public Water Systems,*
- b) R309-110, *Definitions,*
- c) R309-200, *Drinking Water Standards,*
- d) R309-210, *Distribution System Monitoring Requirements,*

- e) **R309-211, *Monitoring and Water Quality: Distribution System Monitoring Requirements,***
  - f) **R309-215, *Treatment Plant Monitoring Requirements.***
  - g) **R309-220, *Public Notification Requirements, and***
  - h) **R309-225, *Consumer Confidence Reports.***
- Patti Fauver**

Patti Fauver, Rule Section Manager with the Division, informed the Board that the intent of all the changes in Rule 309 is to incorporate the Federal Revised Total Coliform Rule. One change is the immediate public health requirements on coliform positive samples from a public notice requirement to a Level 1 assessment requirement, unless they have repetitive positive samples, and then it would become a Level 2 assessment. The other change is water sampling frequency and the Division is proposing monthly monitoring for all systems while they are in operation. Division Staff recommends that the Board authorize staff to proceed with 1) adopting rules and an implementation strategy to require total coliform samples for all public water systems with the sample number based on the population served and the frequency based on each month of operations and 2) filing for substantive changes to R309-100, R309-105, R309-110, R309-200, R309-210, R309-211, R309-215, and R309-225 with the Division of Administrative Rules for rule adoption which would commence a public comment period in January of 2016.

There was discussion between the Board and Division Staff regarding change of reference to R309-214 when it should now be R309-215 and the use of exact language for public health notices.

- Paul Hansen moved to authorize staff to proceed with 1) adopting rules and an implementation strategy to require total coliform samples for all public water systems with the sample number based on the population served and the frequency based on each month of operations and 2) filing for substantive changes to R309-100, R309-105, R309-110, R309-200, R309-210, R309-211, R309-215, and R309-225 with the Division of Administrative Rules for rule adoption which would commend a public comment period in January of 2016. David Stevens seconded. The motion was carried unanimously by the Board.

## **6. Rural Water Association Report – Dale Pierson**

Dale Pierson, Executive Director of the Rural Water Association of Utah (RWAU), thanked the Board and turned the time over to Brian Pattee, Compliance Circuit Writer, Terry Smith, Management Technician, and Curt Ludvigson, Development Specialist.

Brian Pattee reported that he is continuing his work on compliance issues with water systems, doing cross connection control training, and working with systems to keep them off the EPA's Enforcement Targeting Tool (ETT) list.

Terry Smith reported that he has assisted several systems with water rate studies, put together some water system management presentations and trainings, helped systems look at water usages and water rights and determining when the two will match, as well as conservation issues.

Curt Lidvigson reported that he is continuing work of the non-public drinking water system rule with the 6 county area, which consists of Sanpete, Sevier, Piute, Juab, Millard & Wayne, and is expecting it to be adopted just after the first of the year.

## **7. Directors Report**

### **A. Drinking Water Boards' 2016 Meeting Schedule**

Ken Bousfield, Division Director of DDW, reported on the anticipated Board meeting dates for 2016 and recommend that Board members notify Division Staff of any conflicts as soon as possible. It was also mentioned that the time for meetings would be 1:00 pm unless otherwise notified.

### **B. Cross Connection Control Commission Appointments**

Ken then reported on the change in statute allowing him as Director to approve nominations and then reported on recent appointments to the Cross Connection Control Commission. He referred to a list of current members with the group they represent.

### **Proposed Legislation**

Ken then took a moment to report on a bill that will be introduced with the Legislative Session beginning the 4<sup>th</sup> week in January 2016 which is being proposed by Senator Howard Stephenson that would cut the ¼ of 1% of dedicated State tax monies. This cut would eliminate the Division's State SRF funding. Without the State funding the Division would lack the ability to provide the needed match for federal SRF funding and hence would lose that funding as well. The net result if this bill should pass both houses of the legislature and not be replaced with other State monies, would be a significant cut in the Division's operating funds, and that would result in the Division losing Primacy.

Alan Matheson noted that the proposed bill would have some impact on the Division of Water Quality as well. He also noted that the Tax Review Commission, who are encouraging the cut, are not taking position on the value of the funding for the programs, just that it shouldn't be done from dedicated tax monies.

### **Legislative Audit on Division's Engineering Rules**

Ken gave an update on the Legislative audit relative to capacity requirements for water systems and noted that the Division is in the process of meeting with the Governor's Office to talk about the issues and once they are finalized will notify the public of the details.

### **C. ASDWA Annual Conference Report**

Ken reported on the Association of State Drinking Water Administrators (ASDWA) Annual Conference that was held in Fort Worth, TX. He noted that there was a lot of discussion regarding legionella, which is a contaminant, found in most water systems, transmitted via steam into human respiratory systems, and typically affects health compromised individuals in a hospital or nursing home setting. He also noted discussions regarding cyanotoxins, which is a contaminant that comes from algae in surface waters, as

well as water reuse that is particularly prominent in California and west Texas and involves the reuse of treated wastewater.

Ken also reported on a presentation done by a representative of the American Water Works Association (AWWA) and that they are proposing a partnership between themselves, the American Society of Civil Engineers, and Engineers Without Borders to provide engineering services for water systems that are unable to afford engineering services. AWWA is seeking volunteers and the information is on the brochure that is part of the Board packet.

Ken then reported on a portion of the ASDWA meeting involving a discussion of EPA's program which funds technical assistance providers including the National Rural Water Association (which directly funds the individual state Rural Water Associations), the Environmental Finance Center (a consortium of Universities across the country), and the Rural Community Assistance Program (a similar entity to the National Rural Water Association expect it does not have individual state associations, it has six regional offices instead). The discussion at the ASDWA meeting revolved around the effectiveness of the various recipients of EPA's Technical Assistance monies.

**8. Other**

**9. Next Board Meeting:**

Date: Friday, January 8, 2016  
Time: 1:00 pm  
Place: Multi Agency State Office Building  
Room 1015  
195 North 1950 West  
Salt Lake City, Utah 84116

**10. Adjourn**

**The meeting adjourned at 2:52 pm.**

*In compliance with the American Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Dana Powers, Office of Human Resources, at: (801) 499-2117, TDD (801) 903-3978, at least five working days prior to the scheduled meeting.*