Attendees:
Alfredo Sotomayor, DNR; Beth Goldowitz, DNR; Robin Schmidt, DNR; Lee Boushon, DNR; Steve Elmore, DNR; Lon Couillard, Milwaukee Water Works, Abigail Cantor, Process Research; Lawrie Kobza, Boardman Clark Law Firm; Joe Grande, Madison Water Utility; Brian Powell, Green Bay Water Utility; Dave Lawrence, Wisconsin Rural Water Association; Mike Sullivan, Oak Creek Water Utility, Patrick Planton, SEH; Jim Prindle, Onalaska Water Utility; Mary Cardona, WWA notetaker.

1. Welcome – Alfredo Sotomayor

2. NR 166, Safe Drinking Water Loan Program Revisions – Robin Schmidt

Timeline. The Advisory Committee has completed its work and the DG staff is holding discussions on the final version. The final draft should be completed by the end of April with hearings likely to follow in July. The Natural Resources Board could adopt the new rules by November, with the Governor and legislative reviews following in Spring 2015. The rules are expected to become effective in April 2015.

Revision highlights. The new rule:
1. Changes the due date for the “Intent to Apply” and PERF submittals from December 31 to October 31 beginning in 2015.
2. Creates an online submittal process that will prepopulate some fields and allow applicants to save drafts. Ready June 2015.
3. Makes minor changes to the PERF scoring system (online, permit limit based, annual submittal).
4. Revises project/activity eligibility criteria to reflect current practices.
5. Makes ineligible for funding any project that has been substantially complete for more than three years.
6. Clarifies that a municipality cannot already have “long-term affordable debt outstanding for its completed or substantially completed project.”
7. Allows tank painting to be an allowable cost beginning in 2015.
8. Increases interim financing costs from $7,500 to up to $15,000.
9. Makes changes to conform to the EPA’s Disadvantaged Business Enterprise (DBE) program requirements.

Use of MHI. The revised process will use Median Household Income data developed by the American Community Survey. The DNR will provide options for calculating this figure for some sanitary districts where standard ACS data is not as useful. The DNR will allow these districts to provide a map to ACS or use township data.

Non-core project funding. SDWLP forms will allow applicants to identify and ask for funding for “non-core project costs” outside the core project scope that “contribute to the overall functionality or integrity of the system.” These non-core project requests cannot cost more than 5% of the core project except that if 5% is equal to or less than $50,000, an applicant may ask for up to $50,000 and if 5% is more than
$100,000, the applicant may only request up to $100,000. Non-core project costs may not exceed the cost of the core project.

*Use of contingency funds.* Effective June 30, 2014, the rules will require applicants to explain up-front in the loan application how they will use any leftover contingency fund money remaining at the end of the project. For example, an applicant might state that leftover funds will be used for a certain system-wide project. The new rules may cap the amount that can be reallocated. Under the current rules, applicants are not required to earmark the use of contingency funds for any particular use.

Staff is discussing how to evaluate the completeness of plans and specifications submitted.

*SDWLP funding.* This year’s loan program has $40 million remaining for projects and some additional money for principal forgiveness (only based on core project costs).

**FFY 2015 Appropriation:**
- Capital grant = $15,425,000
- State match = $3,085,000
- PF = $4,627,500
- Approximate repayments = $50,000,000

**SDWLP Interest Rates (Market rate = 3.5%)**
- Municipalities with <10,000 population and MHI <60% of the state MHI = \(1.155\%\) (33% of market rate)
- All other municipalities = \(1.925\%\) (55% of market rate)

3. **Update and revision of operator certification exams - Beth Goldowitz**

The water operator exams have received regulatory updates over time, but they have not undergone a systematic review in more than twenty years. Treatment subclass certifications are based on older technologies and an outdated list of regulated substances. Beth is heading up a review and updating project that will start with the distribution subclass certification since it affects the largest number of people. To perform the review, the DNR is assembling a group of experts and educators. Industry organizations are being asked to identify people representing a cross-section of the state’s water systems who would be willing to serve on a working group of approximately 15 people. The goal is for the work group to meet in May or June. The group will discuss study topics and exam questions during a one to two-day workshop. Participants would have one to two hours of pre-meeting prep work.

4. **Revised Total Coliform Rule (RTCR) and NR 809 Revision – Steve Elmore**

*Timeline.* The advisory group met four times and the Department is almost done completing the first draft of the revised total coliform rule. The DNR received EPA comments last week concerning options on how to implement the federal rules published in February 2013 and is making revisions based on this feedback.

*NR809 revision highlights.* The new rule:

1. Adds definitions (previously found in “guidance”).
2. Adds seasonal start-up procedures (for campgrounds, etc.)
3. Changes protocol in the event coliform is found to first finding the cause and then addressing treatment.

4. Creates a required “assessment” when tests find unsafe levels of coliform:
   - Level 1 – TC Positive; assessment done by system operator with guidance from DNR;
   - Level 2 – E Coli Positive or two Level 1 episodes occurring within 12 months; assessment done by DNR.

**EPA-required visits.** To conform with EPA rules, the DNR must conduct annual site visits at non-community systems in order to do only annual monitoring (otherwise quarterly monitoring is required). The DNR anticipates handling these visits through contracts with counties. The DNR already has contracts with 50 out of 72 counties covering 7,000 out of 10,000 non-community systems.

**Pilot Test.** The DNR is performing a water sampling pilot test with Dr. Sharon Long of the State Lab of Hygiene. Twenty to 30 samples are being collected from non-community systems for the project. These 100-liter samples will be filtered down using a hollow fiber ultrafiltration member to 100-milliliter (0.1 L) samples for laboratory analysis. No other state is doing this testing. The method developed may be used to perform both community and non-community system water testing for microbial source tracking when coliform is found.

5. **Dealing with extreme cold conditions at public water systems** – Dave Lawrence, Steve Elmore

Recent cold temperatures caused widespread pipe freeze-ups necessitating action at various levels.

**PSC action, opinion, and statistics.**
- The PSC issued a statewide message to water utilities on how to deal with charging for running water.
- According to the PSC, utilities are responsible for thawing laterals whether the customer ran water sufficiently or not.
- The PSC’s water conservation water loss statistics will suffer this year due to the need to issue “let run” orders to stop pipes from freezing.

**DNR.** The DNR did not issue any statement. However, NR810 includes a provision addressing temporary emergency water connections using potable water hoses (house to house connections).

**Municipalities.** Most of the freeze-ups were under public streets and parking lots. In Green Bay, 1,600 out of 36,000 customers were given “let run” notices. Pumpage increased from 16 mgd to 18 mgd.

**Wastewater Treatment Plants.** Due to “let run” orders, wastewater treatment plants were getting colder water and the “bugs” were not working as effectively to breakdown waste.

**Industry organizations.** WRWA, LWM and MEUW have had discussions about the problems.

**Future preparedness.** The consensus was that municipal emergency response plans should include how to handle water service in freezing conditions. Recommendations included:
1. Buy more thawing equipment.
2. Develop a list of properties prone to freezing pipes by reviewing records.
3. Contact this list of customers first when conditions deteriorate and ask them to run water.
4. Notify everyone near a property with frozen pipes to run water (a whole block, for example).

5. Develop a set of safety procedures for the use of welding equipment by personnel to melt frozen pipes. While welding equipment can be dangerous and some cities may choose to stay away from their use, they can be fast and effective. Compared to a hot water jetter that can take hours to unfreeze a pipe, a welding device can take 10 to 20 minutes. Two safety precautions were mentioned:
   ▪ Use two people, one an electrician, on each job, and
   ▪ Make sure you know where the current is going.

6. Prepare guidelines for water customers about how to handle frozen pipes. Take the opportunity to discourage some methods, such as the use of pressure washers.

6. Unregulated contaminant monitoring rule stage 3 (UCMR 3) update

The EPA is conducting a study in 20 states, including Wisconsin, to test for viruses and pathogen indicators in well water. More than 300 wells will be sampled in Wisconsin. Originally the EPA planned two rounds of sampling, but the second round has been cancelled. The results will be made available in a semi-public manner on the EPA website, but individual test sites will be identified only by number.

Preliminary results for have found that 12% of wells contain enterococci and 20% have other virus indicators. So far, EPA has reported to the Department 21 positive results from 18 systems. Positive results to date in Wisconsin are:
   ▪ 6 coliform
   ▪ 2 E. coli
   ▪ 5 Enterococci
   ▪ 6 bacteriophages
   ▪ 2 aerobic spores
   ▪ 1 norovirus

The study is being managed out of the EPA office in Cincinnati by a microbiology professor and the contractor in charge of sampling is Great Lakes Analytical out of Traverse City, Michigan. Sampling takes two to six hours (depending on the water pressure) because a large volume is being collected (1,000 gallons) and then run through a filter. The contractor has had some difficulty in gaining access to some private locations and the DNR has had to intervene a couple of times with property owners. The DNR does not know how many of the approximately 300 systems scheduled to be monitored have been sampled.

7. Privately owned Loop Mains requiring Check Valves – Dave Lawrence, Lee Boushon

8. Timeline for Correcting Cross-Connection Findings – Mark Johnson, Lee Boushon

Implementation of NR 811.68(3) – Privately owned looped mains requiring check valves.

DNR enforcement of NR811 varies depending on the situation. The DNR is working to make its enforcement policy more clear and its implementation more consistent.

1. If a main or facility was in compliance when constructed and is not a public hazard, the DNR will not pursue enforcement.

2. If a main or facility was never in compliance, it will fall into one of two categories that will be used in inspections and sanitary surveys:
• “Deficiency” – A situation may be cited as “deficient,” meaning it was never allowed by code, but poses no public health risk. The DNR will not prioritize enforcement, however, the situation would need to be corrected the next time the facility is upgraded.

• “Significant Deficiency” – Never allowed by code and now causing a problem that needs to be addressed immediately. The DNR may allow a short-term fix, otherwise, a letter of violation may be issued and the violation listed as a deficiency in the CCR. A consent decree (enforcement agreement) for corrective action can be negotiated. The DNR is willing to be flexible and negotiate a timetable as long as it is reasonable in light of the problem.

Sanitary survey checks are done every three years. Violations should not persist and become chronic violations.

3. The DNR is starting a “ride-along survey” program. A team of inspectors will ride along with other inspectors and gather data on how issues are being handled. The data developed will be used to craft consistent procedures state-wide. Mike Blodgett, Regional DNR inspector out of Eau Claire, is working with inspectors state-wide to get them on the same page.

4. Distinguishing between private vs. public situations. Sometimes confusion arises because a situation that is considered a significant deficiency on private property is not considered a deficiency at all if it occurs in a public system. This is mainly because public systems regularly flush their systems, exercise their valves, and sample the water. Private owners tend not to be so diligent.

5. Impact on Fire Departments. There are some firefighters that routinely refuse to use private hydrants because they don’t know how reliable they are. Some private property owners take corrective action to be in conformity with DNR rules only to be out of conformity with approved fire department configurations. For example, getting rid of looped service by cutting out a five-foot length and creating two dead ends with fire hydrants on each one.

9. Heat exchange rule provisions and municipal wells – Mary Ellen Vollbrecht

Timeline. This morning (March 24) the Governor approved both NR812 and NR146. The rules now go to the legislature for approval. The DNR hopes to have them go into effect this year and implemented by January. The rule order can be viewed online on Natural Resources Board website under the February 26, 2014 Board Meeting Agenda (Item 3(A)(3). http://dnr.wi.gov/About/NRB/2014/Feb/Feb-2014-NRB-agenda.html

NR146 will require geothermal well drillers to be licensed by the state as of April 1, 2015. The license will be similar to a water well driller’s license and there will be a packet, exams and CEUs. Drillers will need to meet experience requirements to be eligible to take the exam.

NR812 covers construction standards, approvals, and notifications.

• Projects drilling less than 10 drillholes, drilling less than 4000 feet of drillhole, or drilling drillholes less than 400 feet deep or 400 feet or farther from a municipal well may provide 48-hour notification (rather than submit an application for individual review).

• For projects within 400 feet of a municipal well location, a geothermal project application form must be filled out and advance written approval received prior to construction.

• For projects in wellhead protection areas, drillers must consult with the water utility.

• Drillers will need to use approved drilling material and products; file well construction reports.
Drillers will need to specify the location of holes using GPS coordinates. These will be requested on DNR forms.

Expect 80% of wells to consist of less than 10 drillholes.

Municipal wellhead protection and zoning ordinances may also have some regulatory impact on heat exchange well projects.

10. Wellhead protection strategic approach – Mary Ellen Vollbrecht

Since May 1, 1992, the EPA has required all new municipal wells to have an approved wellhead protection plan. Wisconsin’s performance goal from EPA is for 16% of Wisconsin’s municipal wells to have a substantially implemented wellhead protection plan. The EPA is pushing states to improve source water protection, including using Clean Water Act programs.

The DNR has established a set of objectives to help support municipalities as they develop wellhead protection plans. No new resources for this are available. The DNR is working on this in partnership with WRWA. The DNR will:

1. Support adoption and enforcement of local ordinances;
2. Find and facilitate grants for the local level;
3. Add two more municipal systems to the list of systems that are substantially implemented well protection plans over the next five years. The DNR plans to work with a system in a community without a waiver; the DNR is developing a short list for outreach to possible willing partners that it will whittle down to two or three.
4. Create a transferable process other municipal systems can use to develop their own well protection plan.

11. Other issues/Next Meeting

- WWA has changed the name of this group to the “DNR Water Industry Group” from the “DNR Liaison Group.” This mirrors the name of the PSC group.
- The Waukesha Water Supply project is in progress; Waukesha is working on the environmental impact report with a compliance date of 2018 not changed.
- The DNR will continue to publish health information based on EPA research, recommendations, and guidelines.
- Lee Boushon is retiring. Lee was thanked for his leadership on water utility issues. Lee said that he is excited about several things he has put in motion and that utilities should expect to see regional DNR field supervisors playing larger statewide roles in specific areas. For example, one supervisor may specialize in a specific type of regulated group (e.g. Mike Blodgett is the lead for municipal systems). He sees the relationship between regulator and industry changing to a more cooperative process in which solutions are sought that work for everyone.

Next Meeting: Tuesday June 24.