



## State of Utah

### Department of Environmental Quality

Dianne R. Nielson, Ph.D.  
*Executive Director*

DIVISION OF DRINKING WATER  
Kevin W. Brown, P.E.  
*Director*

#### **Drinking Water Board**

Dale Pierson, *Chair*  
Anne Erickson, Ed.D., *Vice-Chair*  
Ken Bassett  
Myron Bateman  
Jay Franson, P.E.  
Helen Graber, Ph.D.  
Laurie McNeill, Ph.D.  
Dianne R. Nielson, Ph.D.  
Charlie Roberts  
Petra Rust  
Ron Thompson  
Kevin W. Brown, P.E.  
*Executive Secretary*

JON M. HUNTSMAN, JR.  
*Governor*

GARY HERBERT  
*Lieutenant Governor*

### MINUTES OF THE DRINKING WATER BOARD MEETING HELD ON SEPTEMBER 9, 2005 IN SALT LAKE CITY, UTAH

#### Board Members Present

Dale Pierson, Chairman  
Anne Erickson, Vice Chairman  
Ken Bassett  
Myron Bateman  
Jay Franson  
Laurie McNeill, Ph.D.  
Charlie Roberts  
Petra Rust  
Ron Thompson

#### Board Members Excused

Helen Graber, Ph.D.  
Dianne Nielson, Ph.D.

#### Staff

Kevin Brown  
Ken Wilde  
Ken Bousfield  
Don Lore  
Merrit Fisher  
Rich Peterson  
Linda Matulich

#### Guests

Ken Leetham, Saratoga Springs  
Reed Bodell, Kennecott Utah Copper  
Fred Nelson, Attorney Generals Office  
Richard Allen, Saratoga City  
Karin Tatum, Division of Water Quality  
Reed Bodell, Kennecott Utah Copper  
Gary Morrell, Kennecott Utah Copper  
Barry Thomas, Mayor, Stockton City  
Carl Erickson, Kearns Improvement  
Doug Nielsen, Sunrise Engineering  
Jason Linford, Sunrise Engineering  
Keith Wadman, Mayor, Portage Town  
Lolly Wadman, Portage Town  
Clyde Watkins, Rural Water Association  
Ying Ying Macauley, Jordan VWCD  
Logan Wilde, Croydon  
Steve Pentz, Croydon  
Valene King, Aspen Ranch  
Donald Champenois, Black & Veatch  
Jordan Harris, Eagle Mountain  
Blaine Ipson, IPP & CELOA  
Russ Donoghue, Rural Water Association  
Su Ferrel, Metropolitan Water District  
Brad Nelson, Weber Basin Water  
Scott Paxman, Weber Basin Water

#### ITEM 1 - CALL TO ORDER

The Drinking Water Board convened in Salt Lake City, Utah with  
Chairman Pierson presiding. The meeting was called to order at 1:00 p.m.

## ITEM 2 - ROLL CALL

Chairman Pierson asked Kevin Brown to call roll of the Board members. The roll call showed there were 7 members present at the time.

## ITEM 3 - INTRODUCTIONS

Chairman Pierson welcomed everyone and asked the guests to introduce themselves.

## ITEM 4 - APPROVAL OF MINUTES - JULY 15, 2005

Chairman Pierson stated a motion to approve the July 15, 2005 minutes would be in order.

**Ron Thompson moved to approve the July 15, 2005 minutes.**

**Ken Bassett seconded.**

**CARRIED  
(Unanimous)**

Myron Bateman joined the Board meeting.

## ITEM 5 - SRF/CONSERVATION COMMITTEE REPORT

### 1) Status Report

Ken Wilde reviewed the "State Loan Fund" report. The first chart shows the State Loan program has a total of \$2,539,742 in that account. The second chart shows a more consolidated format. The balance on the loan funds is \$2,270,873, and the hardship funds at \$268,889 for a total of \$2,539,742. The projected budget for the next 12 months shows the loan funds at \$8,163,373, and the hardship funds at \$1,085,869 for a total of \$9,249,242. The third chart shows the loans authorized under the state loan funds for a total of \$6,012,000, and the hardship loan funds for a total of \$1,123,500.

Ken reported on the Federal SRF program (the fourth chart). The balance shows a total of \$1,388,092 (Capitalization Grant Loan), \$4,648,585 (Principal Repayments), \$219,882 (Interest Payments), and \$1,283,876 (Hardship Fees) for a total of \$7,540,4345. The fifth chart shows the authorized federal SRF loans for a total of \$20,627,000, and grants for a total of \$15,000.

### 2) State SRF Applications

#### a) Saratoga Springs

Rich Peterson addressed the Board on Saratoga Springs. At the January 2004 Board meeting, Saratoga Springs was authorized a loan for \$2,466,000 to purchase the neighboring water system. There were some legal issues with this purchase. The legal issues have been resolved. There is a 2-step authorization process that needs to be completed to allow staff to proceed with the funds for Saratoga Springs. The Board asked Saratoga Springs to come back to the Board when the litigation has been resolved, which they are doing today.

Discussion followed.

Laurie McNeill joined the Board meeting.

Ken Leetham, City Manager, addressed the Board.

**Charlie Roberts moved the Board authorize the committal of funds to provide long term financing for the purchase of the system.**

**Myron Bateman seconded.**

**CARRIED  
(Unanimous)**

b) Orderville

Rich Peterson addressed the Board on Orderville's request. The Town of Orderville was going to ask for planning money for their project. Orderville has withdrawn that request. Orderville plans to use their own in-house funds for that and apply that to the contribution when they come back to the Board for a project.

**Charlie Roberts moved the Board table this agenda item.**

**Petra Rust seconded.**

**CARRIED  
(Unanimous)**

3) Federal SRF Applications

a) Portage

Merrit Fisher addressed the Board on Portage's request. Portage is planning on developing their Upper Spring and redeveloping their Lower Spring. There is a new evaluation document in the packet for their request. Portage qualifies for a Hardship Grant. The current water bill is \$25 a month. After the project is completed, the estimated water bill will be over \$90.

Discussion followed.

The representatives from Portage addressed the Board.

**Dale Pierson moved the Board authorize a 50/50 loan/grant split at 2.57% interest for 20 years, for a loan of \$546,000 and a grant of \$544,500.**

**Laurie McNeill seconded.**

Discussion on motion.

**CARRIED  
(Unanimous)**

b) Croydon

Rich Peterson addressed the Board on Croydon's request. Croydon was authorized \$327,000 for their project at the August 2004 Board meeting. Croydon has 25 connections which would a \$90 monthly water bill for each customer. Croydon has been considering all of their options on how to use the money. Croydon is just past the 12- month deadline to close their loan. The recommendation to the Board today is to extend the timeframe for another 12-month period.

In addition to this request, the SRF Conservation Committee members asked staff, during their conference call, to include the updated authorization request listed in the packet. The first authorization shows the August 2004 authorization based on Croydon's 2002 income summary. The motion on this authorization was for a \$327,000 loan at 0% interest (effective 20% principal forgiveness) resulting in a water bill at 3.15% percent of the local MAGI. The updated information since the August 2005 authorization shows Croydon's 2003 income summary. Using the updated information would have the requested motion reading as a \$327,000 loan at 0% interest (effective 20% interest principal forgiveness) resulting in a water bill at 3.60% of the local MAGI.

Discussion followed.

**Dale Pierson moved the Board authorize a time extension for the loan closing for 12 more months to August 12, 2006.**

**Ron Franson seconded.**

**CARRIED  
(Unanimous)**

The additional information discussed today will be addressed at the closing in August 2006.

Croydon's representatives addressed the Board.

c) Stockton Emergency

Rich Peterson addressed the Board on Stockton's request. There was a mudslide in the spring that damaged Stockton's intake area of their water treatment facility. A report on the damage is in the Board packet. The recommendation is for two different motions, 1) to cover the emergency and 2) to authorize a loan of \$21,700 at 0% interest and 100% Principal Forgiveness.

Discussion followed.

Barry Thomas, Mayor of Stockton, addressed the Board.

**First motion:**

**Charlie Roberts moved the Board identify the circumstances at Stockton as an emergency according to the provisions of Rule R309-705-9 Emergency Assistance.**

**Dale Pierson seconded.**

**CARRIED  
(Unanimous)**

**Second motion:**

**Myron Bateman moved the Board authorize a loan of \$21,700 at 0% interest and 100% Principal Forgiveness according to provisions of Rule R309-705-9(5) Funding Alternatives.**

**Ron Thompson seconded.**

**CARRIED  
(Unanimous)**

d) Project Priority List

Merrit Fisher updated the Board on the new Project Priority List. Pine Meadow Mutual Water Company and Saratoga Springs have been added to the list. Pine Meadow Mutual Water Company has scored 29.5 points. The total cost of their project is estimated at \$2,850,000. Saratoga Springs has scored 11.0 points. The total cost of their project is estimated at \$3,671,000.

Saratoga Springs representative addressed the Board.

Discussion followed.

**Petra Rust moved the Board approve the Project Priority List.**

**Laurie McNeill seconded.**

**CARRIED  
(Unanimous)**

**ITEM 6 - a) ADOPTION OF ARSENIC AND FILTER BACKWASH RECYCLING RULES  
R309-101, R309-105, R309-110, R309-200, R309-205, R309-215, R309-220,  
R309-505, AND R309-535**

Ken Bousfield reported that staff received comments on only 2 rules.

Staff is recommending the Board authorize Staff to proceed with rule adoption and file the effective notices.

Discussion followed.

**Ron Thompson moved the Board authorize staff to proceed with rule adoption and file an effective notice and a non-substantive rule change for Rule R309-535.**

**Myron Bateman seconded.**

**CARRIED  
(Unanimous)**

**Ken Bassett moved the Board authorize staff to proceed with rule adoption and file the effective notice for Rules R309-101, R309-110, R309-200, R309-205, R309-215, R309-220 and R309-505 and no further action is necessary.**

**Myron Bateman seconded.**

**CARRIED  
(Unanimous)**

**Laurie McNeill moved the Board authorize staff to proceed with rule adoption and file an effective notice and a non-substantive rule change for Rule R309-105.**

**Ron Thompson seconded.**

**CARRIED  
(Unanimous)**

**b) UTAH GUIDELINES FOR APPROVING MANAGED POINT-OF-USE OR POINT-OF-ENTRY TREATMENT**

Ken Bousfield reported on this rule. Some comments were received and some minor revisions were made to help the water systems install a treatment technology to help comply with the lowered MCL changes in the rule.

**Anne Erickson moved the Board adopt the Utah Guidelines for Approving Managed Point-of-Use and Point-of-Entry Treatment to guide staff in the implementation of the evaluating and determining compliance for systems that wish to utilize the point-of-use or point-of entry technology on their water systems.**

**Petra Rust seconded.**

**CARRIED  
(Unanimous)**

**c) TREATMENT AND MONITORING REVIEWS PROTOCOL**

Ken Bousfield reported on this rule.

**Anne Erickson moved the Board adopt the Treatment Monitoring Review Protocol and authorize staff to ensure proper notification of the requirements to water systems using any treatment technology.**

**Petra Rust seconded.**

**CARRIED  
(Unanimous)**

d) ARSENIC EXEMPTION APPLICATIONS

Ken Bousfield reported staff has received 25 arsenic exemption applications. In order to grant exemptions on the Arsenic rule, the Board must hold a public hearing and receive comments. Staff is recommending the Board proceed with scheduling a public hearing.

**Ron Thompson moved that the Board prove its intent to grant the exemptions on the Arsenic Rule, and post public notices on the public hearing which will be held during the November 18, 2005 Board meeting.**

**Anne Erickson seconded.**

**CARRIED  
(Unanimous)**

Reed Bodell, representing Kennecott Utah Copper, addressed the Board.

Discussion followed.

ITEM 7 - POSTING "NOT APPROVED" SIGNS

Ken Bousfield reported at the last quarterly CAP meeting that a discussion was held on posting "Not Approved Drinking Water Systems" for a community. Ken mentioned staff is looking for some feedback from the Board on this project.

Discussion followed.

The Board talked about the possibility of staff posting the "Not Approved Water Systems" on the website. Using the website would be a great tool. Staff will look into using the website.

ITEM 8 - CHAIRMAN'S REPORT

a) Upcoming Board Change

Chairman Pierson reported that Mayor Charlie Roberts would be leaving the Board after the Board meeting today. He will be working at the State Tax Commission.

Mayor Roberts was asked to come back to the November Board meeting for a presentation.

The Board thanked Mayor Roberts for his contribution to the Board.

Mayor Roberts addressed the Board.

Chairman Pierson mentioned he and Vice Chairman Anne Erickson are recommending Jay Franson to fill Mayor Roberts vacancy on the SRF/Conservation Committee.

Jay Franson accepted and will be the new member on the Committee.

Discussion followed.

Chairman Pierson mentioned one of the Legislative Issues this year is a Task Force on Water Issues. The Task Force is looking at a number of issues for the 2006 Legislative Session. The Task Force is looking at: 1) Groundwater Manage Management, 2) Water Reuse, 3) the ability of obtaining water rights outside the city limits of the water systems boundaries, and 4) the removal of the cap on the 1/16% sales tax that funds the State SRF program. Chairman Pierson discussed the issues the Task Force will be looking at.

Chairman Pierson mentioned Clyde Watkins, Rural Water Association of Utah, has been working with Fairfield City.

Clyde Watkins gave a brief report on Fairfield's progress to the Board.

#### ITEM 9 - DIRECTORS REPORT

##### a) Twenty-Five (25) Worst Drinking Water Systems

Kevin Brown updated the Board on the Twenty-Five Worst Drinking Water Systems. There is a list in the packet. Fairfield City ranks 21st on the list.

Myron Bateman updated the Board on Fairfield City's problems.

Discussion followed.

##### b) Water Use and Residential Rate Structures in the Intermountain West

Kevin Brown mentioned there is an article in the "Water Use and Residential Rate Structures in the Intermountain West" newsletter. Utah ranks in the top listing on the consumption of water usage on a per capita basis. Kevin briefly went over the article.

Discussion followed.

##### c) Staffing Update

Kevin Brown reported there are currently 3 vacancies in the Division, 1) an engineering position, 2) an accountant position and 3) a secretarial position.

An offer has been made on the engineering position, vacated by Ying Ying Macauley.

Dan Nielson, accountant, transferred to the Department's Finance Office. Staff is currently in the process of recruiting for this position. This position will be in the Special Services Section.

The paperwork for the secretarial position will be submitted to Personnel soon. This has been a half-time position. The paperwork will be submitted for a full-time position. This position will be in the Engineering Section.

d) Projects: Electronic Sanitary Surveys, Electronic Reporting of Laboratory Data, and Database/Web

1. Electronic Sanitary Surveys

Kevin Brown reported the Electronic Sanitary Surveys was implemented earlier this year. PDA's were purchased and will be used for this program. Staff is currently working on getting the bugs out of the program. EPA will be out in October to go over the problems staff is encountering with the program. EPA will take back the information they receive. EPA will be helping staff out on making this a good program.

2. Electronic Reporting of Laboratory Data

Kevin mentioned he and Ken Bousfield met with the State Health Laboratory Director on getting the electronic reporting of laboratory data program up and going. Dr. Patrick Leudtke is the new State Health Laboratory Director. Fred Nelson is helping out with some of the legal issues that are involved with this program. Kevin went over some of the issues staff is encountering with this program. The water industry hasn't heard about this new program yet.

Discussion followed.

3. Database/Web

Kevin mentioned staff is almost ready to start using the new Database/Web program. Staff has most of the data transferred over from the old system to the new system. Staff is anticipating doing some side-by-side testing on the new program during the January - March 2006 timeframe.

Discussion followed.

ITEM 10 - NEWS ARTICLES

The new articles are in the packet.

ITEM 11 - UPDATE

The update is in the packet.

ITEM 12 - NEXT BOARD MEETING

The next Drinking Water Board meeting is scheduled for November 18, 2005 at 168 North 1950 West Room 101, Salt Lake City, Utah. The Drinking Water Board and Water Quality Board will combine and hold their annual Board work meeting on this day also.

ITEM 13 - OTHER

No other business.

ITEM 14 – ADJOURN

Chairman Pierson stated a motion to adjourn the Board meeting was in order.

**Charlie Roberts moved the Board adjourn the Board meeting at 2:40 p.m.**

**The motion was seconded.**

**CARRIED  
(Unanimous)**

Linda Matulich  
Recording Secretary