



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
NOVEMBER 18, 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.
Dianne Nielson, Ph.D.
Petra Rust
Ron Thompson

Board Members Excused

Helen Graber, Ph.D.
Charlie Roberts

Staff

Kevin Brown
Ken Wilde
Ken Bousfield
Patti Fauver
Karin Tatum
Rich Peterson
Don Lore
Bill Birkes
Kate Johnson
Sandy Pett
Tim Pine
Linda Matulich

Guests

Ron Wunderlich, Circle Four Farms
Mark Sovine, Eagle Mountain
Clyde Watkins, RWAU
Russ Donoghue, RWAU
Kent Evans, Division of Public Utilities
Reed Bodell, Kennecott Copper
Ed Hickey, Division of Water Quality
Gary Morrell, Kennecott Copper
Richard Sayers, Sandy City
Rand Fisher, Division of Water Quality
Bob Ramsey, Inotec
Melissa Hubbell, Attorney Generals Office
Michael Gibson, Delta Egg Farm
Ying Ying Macauley, Jordan Valley WCD
John Chartier, Sunrise Engineers
Robert Worley, Sunrise Engineers
Jordan Harris, Eagle Mountain
Paul Christensen, Redmond
Dave Ecker, Redmond
Eileen Stevenson, Kearns Resident
Paul Johns, USU Economics Dept.
Terry Chatwin, University of Utah
Jack Adams, University of Utah
Doug Nielsen, Sunrise Engineers
Ken Hansen, Garden City
Charlie Roberts, Self
Justin Talarico, Hill AFB
Ron Prescaro, Hill AFB
Marie Owens, Metropolitan Water District
Valene King, Aspen Ranch
Shane Bradbury, Aspen Ranch
Blaine Ipson, IPP & Country Estates

Guests Continued

Bill Ford, Elberta Water
Ron Catanzaro, Lakeview Water Corporation
Brad Paxman, Granger Hunter ID
Wayne Watts, Granger Hunter ID
Chad Parry, Ephraim City
Jeff Catanzaro, Lakeview Water Corporation
Gary Frandsen, Snowville Waterworks

Guests Continued

James Banks, Lakeview
Curtis Ludvigson, RWAU
Gayle Bunker, Delta City
Carl Eriksson, Kearns ID
Lynn Sagers, Rural Development
Lynn Anderson, Snowville Waterworks
Jamie Carpenter, St. George City

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 1:05 p.m.

ITEM 2 – ROLL CALL

Chairman Pierson asked Kevin Brown to call roll of the Board members. The roll call showed there were 8 members present at the time.

ITEM 3 – INTRODUCTIONS

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

ITEM 4 – ARSENIC EXEMPTION PUBLIC HEARING

Chairman Pierson opened up the Arsenic Exemption Public Hearing for comments from the public.

Chairman Pierson read the names of the following systems in to the record, and opened the Public Hearing for comments: Aspen Ranch, Bluff Water Works District, Camp Williams, Centerfield City, Circle 4 Skyline, Circle 4 West Skyline, City of St. George, Country Estates, Delta City, Delta Egg Farm, Deseret-Oasis Special Service District, Eagle Mountain City, Elberta Water Company, Ephraim City Corporation, Granger Hunter Improvement District, Hanksville Town, Hill Air Force Base, Hinckley Water Company, Intermountain Power Service Corporation, Kearns Improvement District, Kingston Town, Lake View Water, and Redmond Town.

Ken Bousfield reviewed the finding the Board must make to issue Arsenic Exemptions. He then presented EPA's criteria for determining an Unreasonable Risk to Health.

Chairman Pierson opened the Public Hearing for comments for the Country Estates Homeowners Association's application.

Chairman Pierson asked if there were any comments from the audience.

Blaine Ipson, operator for Country Estates addressed the Board. He said the Country Estates Homeowners Association is unanimously in support of the Arsenic Exemption.

Chairman Pierson closed the Public Hearing for comments for the Country Estates Homeowners Association.

Chairman Pierson opened the Public Hearing for comments for the Kearns Improvement District.

Chairman Pierson asked if there were any comments from the audience.

Eileen Stevenson, Kearns resident, commented. She asked the Board not to approve the Arsenic Exemption for the Kearns Improvement District and stated her concerns.

Carl Eriksson, engineer for the Kearns Improvement District, answered the Board's questions.

Discussion followed.

Ron Thompson moved the Board close the Public Hearing for Kearns Improvement District.

Myron Bateman seconded.

**CARRIED
(Unanimous)**

Ron Thompson moved the Board deny the Arsenic Exemption for the Kearns Improvement District.

Myron Bateman seconded.

CARRIED

Seven voted yes.

Laurie McNeill opposed.

Chairman Pierson closed the Public Hearing for comments for the Kearns Improvement District.

Chairman Pierson opened the Public Hearing for comments for the Lakeview Water Corporation.

Ken Bousfield reported that Lakeview Water Corporation sent in a letter they received objecting to the Arsenic Exemption after the Board packet mailing.

Chairman Pierson asked if there were any comments from the audience.

No comments were made.

Chairman Pierson closed the Public Hearing for comments for the Lakeview Water Corporation.

Chairman Pierson opened the Public Hearing for comments for the Aspen Ranch, Bluff Water Works District, Camp Williams, Centerfield City, Circle 4 Skyline, Circle 4 West Skyline, City of St. George, Delta City, Delta Egg Farm, Deseret-Oasis Special Service District, Eagle Mountain City, Elberta Water Company, Ephraim City Corporation, Granger Hunter Improvement District, Hanksville Town, Hill Air Force Base, Hinckley Water Company, Intermountain Power Service Corporation, Kearns Improvement, Kingston Town, and Redmond Town.

Valene King and Shane Bradbury, operators for Aspen Ranch, addressed the Board.

Dianne Nielson joined the Board meeting.

Discussion followed.

Myron Bateman moved the Board grant a 3 year Arsenic Exemption to Aspen Ranch. Aspen Ranch with a condition that they update staff every six months on how they are doing. Staff will update the Board.

Ron Thompson seconded.

Discussion on motion.

**CARRIED
(Unanimous)**

Ron Thompson moved the Board grant all of the systems that are equal to 3,300 or <3,300 a 3 year Arsenic Exemption, with the exception of Bluff Water Works, Country Estates, and Delta Egg Farm, based on staff's recommendation that they are in excess on their arsenic exemptions. The systems will report to staff every six months on how they are doing. Staff will update the Board.

Myron Bateman seconded.

Melissa Hubbell commented the Board should use caution on their decisions with some of the systems reporting their arsenic levels at 35 micrograms/liter.

Discussion followed.

**CARRIED
(Unanimous)**

Chairman Pierson mentioned the Board has approved 3 year exemptions for the following systems: Aspen Ranch, Camp Williams, Centerfield City, Circle Four Skyline, Circle Four West Skyline, Delta City, Deseret-Oasis, Elberta Water Company, Ephraim City, Hanksville Town, Hinckley Water Company, Intermountain Power Service Corporation, Kingston Town, Lakeview Water Corporation, and Redmond Town.

Chairman Pierson closed the Public Hearing for comments for the Aspen Ranch, Camp Williams, Centerfield City, Circle Four Skyline, Circle Four West Skyline, Delta City, Deseret-Oasis, Elberta Water Company, Ephraim City, Hanksville Town, Hinckley Water Company, Intermountain Power Service Corporation, Kingston Town, Lakeview Water Corporation, and Redmond Town.

Chairman Pierson opened the Public Hearing for comments for the Bluff Water Works District.

Ken Bousfield mentioned Bluff Water Works faxed in additional information for the Board to review.

Chairman Pierson asked if there were any comments from the audience.

Discussion followed.

Dianne Nielson moved the Board grant a 3 year Arsenic Exemption to Bluff Water Works District, they do not use their highest arsenic level source, and they continue to mix water from other sources. Bluff Water Works will update staff every six months on how they are doing. Staff will update the Board.

Anne Erickson seconded.

**CARRIED
(Unanimous)**

Public Hearing for comments closed.

Public Hearing for comments opened for St. George City.

Chairman Pierson asked if there were any comments from the audience.

Jamie Carpenter, from St. George City, addressed the Board.

Discussion followed.

Myron Bateman moved the Board grant a 3 year Arsenic exemption to St. George City. St. George City will continue blending their water. St. George City will update staff every six months on how they are doing. Staff will update the Board.

Laurie McNeill seconded.

Discussion on motion.

**CARRIED
(Unanimous)**

Chairman Pierson closed the Public Hearing for comments for St. George City.

Chairman Pierson opened the Public Hearing for comments for the Country Estates.

Staff received comments for Country Estates, which are in the packet.

Chairman Pierson asked if there were any comments from the audience.

No comments from audience.

Myron Bateman moved the Board grant a 3 year Arsenic exemption to Country Estates. Country Estates update staff every six months on how they are doing. Staff will update the Board.

Ken Bassett seconded.

**CARRIED
(Unanimous)**

Chairman Pierson closed the Public Hearing for comments for the Country Estates.

Chairman Pierson opened the Public Hearing for comments for the Delta Egg Farm.

Chairman Pierson asked if there were any comments from the audience.

Michael Gibson, operator for Delta Egg Farm, addressed the Board.

Discussion followed.

Myron Bateman moved the Board grant a 3 year Arsenic exemption to Delta Egg Farm. Delta Egg Farm will update staff every six months on how they are doing. Staff will update the Board.

Ron Thompson seconded.

**CARRIED
(Unanimous)**

Chairman Pierson closed the Public Hearing for comments for the Delta Egg Farm.

Chairman Pierson opened the Public Hearing for comments for Eagle Mountain City.

Ken Bousfield mentioned there are some handouts on additional comments that needed to be added to the ones in the packet.

Chairman Pierson asked if there were any comments from the audience.

Mark Sovine, Operator for Eagle Mountain City, addressed the Board.

Discussion followed.

Petra Rust moved the Board grant a 3 year Arsenic Exemption to Eagle Mountain City. Eagle Mountain City will update staff every six months on how they are doing. Staff will update the Board.

Laurie McNeill seconded.

Discussion on motion.

**CARRIED
(Unanimous)**

Chairman Pierson closed the Public Hearing for comments for Eagle Mountain City.

Chairman Pierson opened the Public Hearing for comments for the Granger Hunter Improvement District.

Chairman Pierson asked if there were any comments from the audience.

Brad Paxman, District Engineer for the Granger Hunter Improvement District, addressed the Board.

Wayne Watts, representing Granger Hunter Improvement District, addressed the Board.

Discussion followed.

Myron Bateman moved the Board grant a 3 year Arsenic Exemption to Granger Hunter Improvement District. Granger Hunter Improvement District will update staff every six months on how they are doing. Staff will update the Board.

Ann Erickson seconded.

**CARRIED
(Unanimous)**

Chairman Pierson closed the Public Hearing for comments for the Granger Hunter Improvement District.

Chairman Pierson opened the Public Hearing for comments for Hill Air Force Base.

Ken Bousfield mentioned the comments received by staff are in the packet.

Chairman Pierson asked if there were any comments from the audience.

Captain Ron Prescaro, Hill Air Force Base representative, addressed the Board.

Lt. Justin Talcarico, Hill Air Force Base representative, addressed the Board.

Discussion followed.

Ken Bassett moved the Board grant a 3 year Arsenic Exemption to Hill Air Force Base with the stipulation that their well is tested for Arsenic. Hill Air Force Base will update staff every six months on how they are doing. Staff will update the Board.

Petra Rust seconded.

Discussion followed.

**CARRIED
(Unanimous)**

Chairman Pierson closed the Public Hearing for comments for Hill Air Force Base.

Chairman Pierson stated a motion would be in order to close the Public Hearing for comments on the Arsenic Exemption.

Ken Bassett moved the Board close the Public Hearing for comments on the Arsenic Exemption.

Anne Erickson seconded.

**CARRIED
(Unanimous)**

ITEM 5 – APPROVAL OF MINUTES – SEPTEMBER 9, 2005 AND OCTOBER 12, 2005

Chairman Pierson stated a motion to approve the September 9, 2005 and October 12, 2005 minutes would be in order.

Ron Thompson moved to approve the September 9, 2005 and October 12, 2005 minutes.

Myron Bateman seconded.

**CARRIED
(Unanimous)**

ITEM 6 – SRF/CONSERVATION COMMITTEE REPORT

1) Status Report

Ken Wilde reviewed the memorandum in the packet from the joint Board meeting this morning with the Division of Water Quality and the Water Quality Board. The memorandum is about the Financial Assistance Program. Ken will provide a detailed report at the next Board meeting. The State SRF fund comes from State money only. The Federal SRF fund is mixed with the State and Federal money.

Ken Wilde mentioned the Federal loan program has \$26,000,000 in authorized money. Magna's \$6,000,000 loan will close on November 22, 2005. Central Iron County's \$3,345,000 loan will close on November 30, 2005. The two loans will be closed for \$9,000,000 and will put the Division and the Board in the black with EPA.

Angell Springs and the Town of Antimony, under the State Loan program, closed their loans last month. Garden City has a proposal now, and they will be able to start designing their project.

2) State SRF Applications

a) Garden City

Rich Peterson reported Garden City needs to treat their spring that is under direct influence (UDI). The Board authorized \$33,000 for a water treatment plant at the September 13, 2002 Board meeting. The Division and City have a scheduled compliance agreement. Garden City needs to start assigning work. Garden City is requesting approval to use \$254,000 of their loan to start working on the design.

Mayor Ken Hansen, Garden City addressed the Board.

Doug Nielsen and Robert Worley, Sunrise Engineering, addressed the Board.

Discussion followed.

Ron Thompson moved the Board authorize \$254,000 of the current \$1.3 million loan to pay for the project design. The interest rate would still be at 2.31%. The applicant may use a Bond Anticipation Note at an interest rate of 2.31% and up to 18 months to repay the note in lieu of issuing any Bonds for the \$254,000. The Note may be rolled into a larger construction Bond prior to its maturity date.

Dale Pierson seconded.

**CARRIED
(Unanimous)**

3) Federal SRF Applications

a. Snowville Water Works

Merrit Fisher reported Snowville Water Works was authorized a loan of \$500,000 at the March 4, 2005 Board meeting to construct a new storage tank, a new well, transmission lines, install water meters, and to replace the existing water lines. The terms of the loan was for over 30 years at 0% interest in lieu of 20% Principal Forgiveness and 2.11% interest on the \$400,000 balance. Snowville is requesting an additional \$150,000 to cover the additional project costs.

Lynn Anderson and Gary Frandsen, Snowville representatives, addressed the Board.

Discussion followed.

Ron Thompson moved the Board authorize staffs recommendation of an additional \$150,000 at 0% interest for 30 years to cover the additional project costs for a total loan amount of \$650,000.

Myron Bateman seconded.

CARRIED
(Unanimous)

Anne Erickson mentioned the Board received an e-mail regarding the Proposed New Project Information Summary Sheet on Thursday, November 17, 2005. Petra and Anne gave their answer to Kevin. Anne asked the Board for their comments.

The Board commented in favor of the new format.

ITEM 7 – NON-SUBSTANTIVE CHANGES TO THE SOURCE PROTECTION RULES

Kate Johnson reported there are two non-substantive changes that need to be made in the Source Protection Rules. The Division's rules have been renumbered during the last few years, causing some references in the Source Protection Rules to be incorrect. The first change would be that the references need to be corrected to reflect the new renumbered rules. When the rules were renumbered, the Division adopted a formal rule naming convention. The second change would be in Rule R309-600 on the name in the Source Protection Rule. The name is listed as: "Drinking Water Source Protection for Groundwater sources". The new name would read: "Source Protection: Drinking Water Source Protection for Groundwater Sources".

Anne Erickson moved the Board authorize Staff to proceed with submitting the non-substantive changes to the Division of Administrative Rules.

Ron Thompson seconded.

CARRIED
(Unanimous)

ITEM 8 – ARSENIC EXEMPTION APPLICATIONS

Ken Bousfield reported two more systems applied for Arsenic Exemption; Dugway – Ditto and Hot Springs Mobile Home Park. There should be some more applicants at the next Board meeting. Ken gave some background information on the two systems.

Discussion followed.

Jay Franson moved the Board authorize staff to proceed and schedule a public hearing in order to process the Arsenic Exemption applications for Dugway – Ditto and Hot Springs Mobile Home Park.

Petra Rust seconded.

CARRIED
(Unanimous)

ITEM 9 – PROPOSED AMENDMENTS TO RULES CONCERNING MINIMUM WATER PRESSURE

Bill Birkes reported at the September 9, 2005 Board meeting, staff was directed to change the proposed rules so the rule would only affect the new water system construction and leave or modify the existing systems for a later time. The proposed rule has been modified. The modified rule is before the Board today for adoption. Bill reviewed the changes made in the rule.

Discussion followed.

Ron Thompson moved the Board authorize staff to file the proposed amendments with the Division of Administrative Rules for publication in the December 15, 2005 Bulletin.

Jay Franson seconded.

**CARRIED
(Unanimous)**

ITEM 10 – CHAIRMAN’S REPORT

Chairman Pierson asked Ken Wilde to introduce the new employees.

Ken Wilde introduced Karin Tatum, engineer. She is coordinating the Federal Loan Program. She transferred from the Division of Water Quality. Ken introduced Sandy Pett, accountant. She transferred from the Division of Solid & Hazardous Waste.

a) Special Recognition

Chairman Pierson introduced Charlie Roberts. Charlie Roberts is a recent retired member of the Drinking Water Board. He was the Mayor of Tooele City during his tenure on the Board. He decided not to run for Mayor again. Charlie now works at the Tax Commission. Chairman Pierson presented Charlie an award for the outstanding work he did while he served on the Drinking Water Board.

Chairman Pierson introduced Russell Donoghue, Executive Director of the Rural Water Association of Utah. Russ is retiring from the Rural Water Association of Utah. He has been a leader in the Association, including the time he was away from Utah. Russ has been a great asset to the State of Utah’s drinking water systems. Russ has been a great friend of the Drinking Water Board and the Division of Drinking Water. Russ will be greatly missed. Chairman Pierson presented Russ with a plaque as a token of gratitude.

Chairman Pierson mentioned this will be his last Board meeting. He has accepted the position of the Executive Director of the Rural Water Association of Utah. He thanked staff and the Board for their help and for the time he has spent on the Board on helping the water systems in the State of Utah.

ITEM 11 – DIRECTORS REPORT

a) Arsenic Rule Adoption Status

Due to the discussions already made on the Arsenic Rule adoption, Kevin Brown skipped this agenda item.

b) Rural Water Annual Conference – 2006

Kevin Brown mentioned the Rural Water Association of Utah's Annual Conference will be held from February 28, 2006 to March 3, 2006. There will be a Board meeting in conjunction with the conference on Friday, March 3, 2006. The Board members are invited to attend any or all of the sessions of the Conference. Motel arrangements for the Board are being made by Linda Matulich. Linda will update the Board on the arrangements. Registration for the Conference will be for the Board also. Linda will update the Board on the registration. If the Board has any questions on these two items, contact Linda.

c) Electronic Data Management for the Department and Sending the Board Packets Electronically

Kevin Brown mentioned the Division of Drinking Water has been selected as the test case for the Department for the Division to start putting all of their paper files in the electronic files. The Department of Environmental Quality, along with other Departments throughout the State, is going receiving proposals from contractors to do the software and management of the electronic files program. Staff will try to scan in most of the paper file in the electronic files for easy access on the internet. Letters, plans and information coming in to the Division will be scanned into the system. Staff will use the e-mail system to route the information instead of routing the paperwork around. Hopefully, in the next 60 to 90 days, the Division will be able to start using the program.

Kevin mentioned staff will also be able to send the Board packets electronically to the Board. Some of the other Division's doing this already. Kevin asked the Board for their input. If the electronic version doesn't work, then we'd go back to the paper copies. Staff will try to work on having the electronic copies available for the March 3, 2006 Board meeting.

Discussion followed.

d) Public Notice – 2007 Fiscal Year Fee Schedule for the Department

Kevin Brown reported the Department of Environmental Quality had a Fee Hearing in October regarding the proposed changes of their 2007 Fee Schedule. The Division of Drinking Water is requesting an increase in the Operator Certification Fees and Backflow Certification Fees, that are listed on the schedule. Staff is anticipating a significant decrease in their federal funding, because of the War in Iraq, the Katrina Hurricane disaster, and other natural disasters that have taken place around the U.S. This tab item is continued in 11f.

e) 2006 Board Schedule and SRF/Conservation Committee Schedule

Kevin Brown reported on the 2006 Board Meeting Schedule and the SRF/Conservation Committee Meeting Schedule listed in the Board packet.

f) Revenue Workgroup Update

Kevin said he forming a workgroup to look at some fee schedules to augment losses in the Division's current budget. Kevin talked to Russ Donoghue, Dale Pierson, 5 - 6 members from the Local Health Departments, and Fred Finlinson on forming the workgroup. Staff has met 3 times in the past to generate water revenue fees which have failed. Kevin listed some ideas on receiving some additional funding.

Kevin mentioned he is hoping to finalize this in the January timeframe, and have a recommendation in the April/May timeframe.

This tab item is continued from tab item 11d.

ITEM 12 - NEWS ARTICLES

The news articles are in the packet.

ITEM 13 – LETTERS

The letters are in the packet.

ITEM 14 – UPDATE

The Board Update is in the packet.

ITEM 15 – NEXT BOARD MEETING

The next Drinking Water Board meeting is scheduled for January 13, 2006 at 168 North 1950 West, Room 101, Salt Lake City, Utah.

ITEM 16 – OTHER

No other business.

ITEM 17 – ADJOURN

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

Ron Thompson moved the Board adjourn the Board meeting at 4:10 p.m.

Motion was seconded.

**CARRIED
(Unanimous)**

Linda Matulich
Recording Secretary