

Water Supply Division

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Second meeting of the regulation of existing Consecutive Water Systems and new water line extensions held on June 22, 2007 in the Chapel Conference Room
Waterbury, VT 9:30 -11:30 am

MEETING MINUTES

Attendees:

Water System Representatives: Laurie Adams, Burlington; Steve Barrett, Brattleboro; Thomas Elwood, Johnson; Karen Horn, VLCT; Roger Hunt, Milton; Dave Bingham and John Hutchinson, Barre City; Jim Fontaine, Morrisville Water and Light; Willie Glen, Middlebury; Jay Nadeau, CWD; Jason Hewitt, Matt Mulheron and Allen Robtoy, St. Albans; Richard Menge, Hartford; Evan Pilachowski and Alan Shelvey, Rutland City; and Michael Welch, St. Johnsbury.

Water Supply Division (WSD) Representatives: Eric Blatt, Alex Elliott, Jean Nicolai (Scribe and facilitator), Gary Schultz, Tim Raymond, and David Webb.

The purpose of this second meeting is to draft a framework to be used as a starting point for the line extension discussion at the public meeting.

General discussion:

Warranty period usually has little to do with the water line or water system for a new line extension. Typically some other structural issue. WSD wants some indication the water system will take over the new line and may review the warranty letter.

Some systems would rather not have to issue any letter or agreement based on local ordinances because the intent is to take over the line extension. However, WSD doesn't know what each municipality's ordinances say and in the past required an agreement. Some warranties may say the municipality is not taking responsibility immediately. The general agreement was that if a water system has an ordinance, taking over the line extension is not an issue. If 99% of public water systems have an ordinance the WSD should not penalize the group and require agreements.

It was suggested that the municipality send a letter or use a pre-designed standard check-off form as part of WSD's construction permit process indicating whether the system will take over the line according to their ordinance. This letter would not be applicable if the new line extension included a pump station. Other municipalities like the idea of entering into an agreement with the consecutive system prior to taking over any responsibility.

Vermont is the only NE state that has not adopted the federal exemption criteria in some manner. VT could adopt the federal criteria verbatim or adopt some modification of them when deciding which systems should be regulated as consecutive.

For some municipalities, pump stations are beyond the water system's responsibility and the municipality does not want to take over the pump station. Another issue is that many projects are on private property and the municipality has no control over future development located on the property which may adversely impact water lines. In this case, municipalities may prefer that the state regulate the new line extension as a consecutive water system. If the developer does not build to the same specifications as the municipality, the wholesale system will not want to assume responsibility for the systems. Also, older construction may be sub-standard and needs to be upgraded before wholesale system will take over control.

Some municipalities want control over all new line extensions and others do not.

It was suggested that the WSD should send a letter to municipalities listing their current consecutive systems and ask if the municipality wants to take them over since the consecutive system may not take the initiative to be absorbed by the wholesale system. Later it was suggested to not do this.

It was noted that ownership and control are not the same issue. The WSD developed the Jurisdictional Guidance Document and Checklist to make this distinction for municipalities that did not want ownership but some felt the list defined more ownership than control.

Some think WSD should require construction standards for new development to take the burden off of municipalities from setting their own standards. It was suggested that the municipality use and adopt the state standards. Some municipalities do not have water ordinances and/or construction specifications. In theory, new projects would require a construction permit and review by the WSD and therefore would need to comply with state standards. For those systems which do not have standards, CWD has their specifications on a disc and are willing to share them. Milton's are available on their website.

It was agreed WSD representative should layout the options for discussion at the public meeting. Below are the concepts that will be presented as a starting point for discussion at the public meeting:

1. Regulation of New Waterline Extensions:

- a. The construction for a new waterline extension would only be permitted if the wholesale system takes ownership or full operational control over the consecutive system. The users on the consecutive system would become customers of the wholesale system. The consecutive system would not be independently regulated by the Water Supply Division (WSD).
- b. If the wholesaler does not intend to take ownership or operational control of the line extension (thus leading to the creation of a new consecutive system), the developer must demonstrate capacity to operate the water system prior to receiving a construction permit. If the developer receives capacity approval and all necessary permits, the consecutive system would be regulated as a separate public water system. [This is the state's current practice.]
- c. The WSD adopts the federal exemption criteria by statute and/or by rule. The consecutive system is classified as a public water system, but would be exempted from the drinking water regulations. However, the wholesale system would have to accept at least limited

responsibility over the consecutive system, such as to include the consecutive system in all of its monitoring plans (coliform bacteria, lead and copper, DBPs, etc.).

- d. The WSD adopts the federal exemption criteria to some degree. The consecutive system is classified as a public water system, but would be exempted from many (but not all) of the drinking water regulations. The consecutive system would still be required to meet certain requirements, such as to perform all required monitoring.
- e. The WSD adopts the federal exemption criteria. The consecutive system is classified as a public water system, but would be exempted from all the drinking water regulations. There would be no regulatory oversight of this system. The wholesaler is responsible for public notice pursuant to 40 CFR 141.201 (c). However, the state would retain jurisdiction over the consecutive system for emergency situations pursuant to Section 1431 of Safe Drinking Water Act (SDWA).

2. Regulation of Existing Consecutive Water Systems

[Note: Funding incentives for line upgrades are being considered as a way to facilitate takeover of consecutives.]

- a. All existing consecutive systems that meet the federal exemption criteria are required to be absorbed into the wholesale water system and not regulated as separate public water systems. The wholesale system is fully responsible for operation and control of the absorbed system.
- b. All existing consecutive systems that meet the federal exemption criteria are exempted from the drinking water regulations, however the wholesale water system would be held responsible for meeting certain state regulations such as minimal water quality monitoring and making public notice. Wholesale system responsibilities would be clearly defined.
- c. All existing consecutive systems that meet the federal exemption criteria are exempted from the drinking water regulations, and not regulated by the state. The wholesale system would still be responsible for public notice pursuant to the federal regulations.
- d. All existing consecutive systems would continue to be regulated as separate public water systems, unless the wholesale systems takeover ownership or operational control. The federal exemption criteria would not be adopted and applied. [This is the state's current practice.]

The public meeting will be held on July 31, 2007 at the Pavilion Auditorium 109 State Street in Montpelier at 9:30 am.