



Nevada Water and Wastewater Operator's Forum

Hosted by: Nevada Division of Environmental Protection, Bureau of Safe Drinking Water
901 South Stewart Street, Suite 4001, Carson City, NV 89701

Meeting Minutes

Wednesday, March 13, 2013 – 2:15 p.m. to 3:15 p.m.

Location: Grand Sierra Resort, Reno – Room “Nevada 11” Nevada
Rural Water Association Annual Conference

Videoconference to: Not available at Conference

Phone conference to: Not available at Conference

Agenda

1. **Call to Order and Introductions. (Bob Foerster)** The meeting was called to order at 2:18 p.m.

Forum Members Present: Bob Foerster, NvRWA; Cameron McKay, KGID; Dale Johnson, Elko County; Harvey Johnson, IVGID; Mike Ariztia, SVGID;

Introductions and Guests: Ron Penrose, TMWA and Operator Certification Test Administrator; Stephen Gustafson, Hawthorne Utilities; Scott Shook, Indian Hills GID; Greg Reed, Round Hill GID; Travis Hartman, Elko County; Darrin Price, Sun Valley GID; Chris Glassburn, Caliente Public Works; Grant Perkins, Panaca Farmstead; R. Scott Todt, IVGID; James Rick Ashby, Douglas County Utilities; Brett Reed, Douglas County Utilities; Eric Heinbaugh, Robinson Nevada Mining (RNMC); Corey Hendrickson, RNMC; Don Geary, Baker GID; Carlos H. Esparza, City of Carlin; Kenneth DelaVega, RMPV; Crystel Montecinos, Tigren; Jim Tharp, Newmont Mining; David Musselman, Hawthorne Army Depot; Dave Jenks, IVGID; Michael Oettinger; David A. Jones, Old River Water Co. Fallon

Representing the Nevada Division of Environmental Protection (NDEP): Jennifer Carr, P.E., Chief, Bureau of Safe Drinking Water; Nan Paulson (Op Cert Administrative Assistant)

2. **Approval of Forum/NTC Minutes from December 2012. – Action Item**

Bob Foerster asked if anyone had recommendations of any changes to the December meeting minutes. Cam McKay made a motion to approve the December meeting minutes as they were written. Dale Johnson seconded the motion. All were in favor.

3. **Recognition of Service – John Hulett & Selection of a New Forum Member – Action Item**

Bob Foerster thanked John Hulett for his help and years of service with the Forum. John stepped down from being a Forum member. John was very good at contributing to Waterlines and helped with the consolidation of the Training Coalition with the Forum a couple of years ago.

- a. **Representation for Medium Wastewater System-** Bob said there was one application to fill the vacancy from John Hulett's resignation. That operator is Nathan Adams from Pioche Utilities. Bob asked if others had reviewed Nathan's resume', and said he is familiar with Nathan, as he has worked with him. Bob feels Nathan would be a good contribution on the Board. Bob put in his recommendation that Nathan be accepted onto the Board.

Cam McKay made a motion for Nathan to sit on the Board. Harvey Johnson seconded the motion. No one opposed. All were in favor.

4. Selection of Chair & Vice Chair – *Action Item*

Bob made a motion for a new Chair. Cam McKay asked if, since the Chair position has been Water, and was Wastewater previously, would the Forum prefer the Chair be Wastewater? Bob said that was a good idea.

Cameron McKay nominated Dale Johnson as Chair and Mike Ariztia as Vice Chair. Bob asked for a vote: All were in favor; none were opposed.

5. Training Opportunities

- a. **Nevada Rural Water Association (NvRWA)** Bob requested help in coming up with ideas for training. The NvRWA has training available again. The EPA funded program is back. It has an emphasis on training but is also a technical assistance program. It is important that people suggest the types of training they would like to see. There is a small fee of about \$35, unless it is a special training or for a special group. If the NvRWA cannot do the training themselves, they can make arrangements for it to be available elsewhere. Videoconferencing is available and there is a lot of use with that. The State Revolving Fund grants them the money for this training. The training is for Water and Wastewater.
- b. **TEEX (Texas A&M Engineering Extension) – List of choices – BSDW Feedback Needed** Bob said that the TEEX has a grant to do some training, and they will be coming to Nevada. He asked Jennifer Carr to explain further. Jennifer talked about how the US EPA removed the earmark that used to fund the NvRWA training because they do not do earmarks in the federal government anymore. Instead, they switched it to a \$15 million competitive grant and NRWA got some of it and TEEX did, also.

TEEX training and technical assistance is similar to NRWA and they are required to do training in all 50 states. Jennifer provided a list at the meeting of available training and duration of units of TEEX training. TEEX will be in Nevada for 1.5 to 2 weeks. They can also be available for one-on-one technical assistance at water systems to talk about particular concerns.

To avoid randomly picking from a list, Jennifer had created a survey for operators to fill out to request specific types of training. Jennifer asked that this survey be filled out and returned to her soon, as she needs to start arranging the free training with TEEX. The TEEX calendar is fairly open during the summer but their contract is over in September because it is on a federal fiscal year. Jennifer stated that she needs to know where in rural Nevada TEEX is wanted. The choices on the list range from 30 minute trainings to a couple of hours. It's unknown if this will be available again after this year.

- c. **General Discussion – Training Needs**

Crystel Montecinos asked Jennifer to clarify SDW's acceptance of ICS (Incident Command System) language for CEUs. Jennifer stated that she has approved the ICS in NIMS (National Incident Management System) type training through FEMA for contact hours. Jennifer reinforced that only 2.5 hours of routine Safety Training (OSHA Contractor, Open Trench, Confined Space, etc.) is accepted for CEUs, and added that this is training is different. ICS training is acceptable for total training hours because it is about managing a water system during an emergency situation.

Mike Oettinger talked about areas in various classes that do not seem to be covered by TEEX or NvRWA. Those are Backflow and Cross Connection Control. He asked if there was going to be any for operators who might like to expand in those areas. Bob Foerster mentioned that the NvRWA is doing a lot of technical assistance and they are trying to get systems to implement the plans that are already in place as well as update them. Bob added that one of the stumbling blocks has been a lack of certified testers and specialists in the rural areas. There is some scholarship money available for that type of training as well as other types. Several people have taken advantage of that around the State.

Bob added that there is Backflow demonstration going on at the Conference. NvRWA is trying to address individual system needs and get them on the road to implementation. The need is recognized, and if someone wants to get certified and needs it for their system, NvRWA will see if there is scholarship money available to help. Bob mentioned that the next round of system sanitary surveys done by the Bureau of Safe Drinking Water will be citing systems for not complying or implementing the program.

It's been on the books since the 1990's so there is no argument for not doing it.

Scot Todt asked if there has been any talk of working with USC about having them do a tester's or specialist class the same week as the Conference? Bob said he did not think that would be a good fit for this Conference because they don't want people to be tied up doing only one type of training, and the training to be a tester or specialist is about a week for each. They want people to interact with each other and the vendors, and go to a variety of classes. Bob said Backflow testing is available in the Reno area. It has not been as available in the outlying areas.

Steve Gustafson mentioned that he was certified twice out of Utah through their Backflow tester program. Bob said the ABPA (American Backflow Prevention Association) certification is now accepted in Nevada.

Ron Penrose began a discussion about a Nevada requirement that a person must be a certified tester to be a specialist. Mike Ariztia said a person must be a Tester to become a Specialist but you don't have to maintain your Tester certification to stay a Specialist. Mike Oettinger said that doesn't make sense because the person should be able to assess without knowing how to test. Many people agreed, and Bob Foerster said that was the case at one time. Bob believes it is a policy of the testing agency not the State.

Ron feels it is not necessary because a person can get training and become an expert in plumbing systems, and be able to perform a legitimate, competent Cross Connection Control Survey without having to have a Tester's license always active. That would mean that person would always have to go back and recertify. Ron said he feels this is a disconnect, and others agreed. Bob mentioned that they are two separate skills. To test for a Specialist, you have to be a Tester, at least with the AWWA. Once the Cross Connection Control Specialist certification is received, then the Tester certification doesn't need to be maintained. To renew the AWWA Specialist certification, 12 contact hours are needed with their fee.

The difference between being a Tester and a Specialist is that a person can do the job of a Specialist without being a Tester. But, if the person does not have the experience of being a Tester when you are a Specialist and you are specifying the devices, it helps to have tested and repaired them because the AMES Series of Backflow devices are very expensive if replacing parts. The same Wilkins part, that does the same thing, has a totally different repair kit and is about 1/10th of the cost. If the Specialist doesn't have the experience with testing and repairing, then that person isn't familiar enough to find the most cost effective way to do the job.

Bob said that if a person is a Specialist, then that person is identifying which level of protection is needed at a particular installation, and not necessarily going the next step and doing the specification. He added that he believes there is a difference because the Specialist could do the specifying but it is not normally what they do. It is up to the system to hire the appropriate person to state what that system's needs are. The system should then look at the approved devices and shop around.

Steve Gustafson said he would like to have clarification in writing that states a person does not need to maintain their Tester certification. Bob Foerster said he will ask the AWWA about this, and if they recognize the ABPA Backflow Tester in order to qualify for their Specialist course.

Cam McKay talked about how the Tahoe Water Supplier's Association at Lake Tahoe has contracted with RCAC to give some Water Operator training. He said Steve Palmer is the contact and it is usually held in King's Beach. It is free training that is subsidized by the TWSA. Scot Todt added that if a system has several people on-site for training, Palmer will go to them free of charge. Cam said this training is about \$11,000 that is subsidized and available to operators in CA and NV.

Jennifer Carr mentioned that the BSDW Training Calendar on the NDEP website will contain training information such as this. Jennifer added that if anyone has training available, please let her know so she can add it to the calendar.

6. Training Needs/Forum Input

- a. **Cross Connection Control Implementation Guide** Bob Foerster said NvRWA is looking at other states and will combine information that will be specific for Nevada systems. The idea is to give NV systems something they can have in their hands that will help them with implementing their programs. He asked the Forum to form a committee or subcommittee to go through the document. He mentioned that anyone who would like to be in that group to help review it is welcome. This will be coming up in a few months, or 4 to 5 months at the longest.

Darrin Price commented that the State of NV already has a Backflow Prevention Program Sample that they used to give out years ago when they asked systems to comply with the backflow laws. Washoe County and Clark County have primacy in the State and they also have sample plans that are available on their Health websites that are available for free. They are very simple to use by just putting the title of your agency in the program, adopting it for your own, submit it to the State (required), and if they ok it, then you will be set. If you do not have a certified operator, you'd have to get a contract operator, but you'd have a program to follow.

Bob added that the NvRWA also has a template available for systems to use. He said most systems have a plan in place, and it just needs to be implemented. The document he referred to has practical steps for all of the things a system needs to do for implementation, such as: educate your board, educate the public and business community. It also talks about the stumbling blocks that have been put together from all around the country that a system may run into. Some of these will be reluctance from the business community that will not want to spend the money needed.

Steve Gustafson said that one of the biggest issues will be tracking of it and the annual testing. It requires letters to be generated on a regular basis. Bob touched on how that is part of the plan; how to do that part of it. Ron mentioned that TMWA worked on this a while ago and developed an ordinance, and enforcement that is tied to NAC. He told Bob that if he wanted to look at it and streamline it, he is welcome to.

- b. **Upcoming RTCR Implementation - Level 1 Assessments** Bob talked about the Revised Total Coliform Rule that is coming up. He said he has some checklists that have been developed by some other rural water systems already. They are planning on doing this for NV again for level 1, and possibly level 2, assessments. This is to give systems something to have in their hands to help them evaluate why they might have a positive result. It will help them to determine if the result was due to sampling or something else that can be identified. The evaluation is like a mini sanitary survey because they are looking at the integrity of their system.

7. NDEP Updates (Jennifer Carr)

- a. **Updates – Generally** Jennifer mentioned that Nan Paulson is leaving NDEP and thanked her for her help with the Forum and the Bureau. She said the operators will miss her because she is the one that handles all of their paperwork. Jen also reiterated that Kelly McGowan left to go work for the Sagebrush Ecosystem Commission to try to restore or maintain habitat for the Sage Grouse, and hope to avoid listing the Sage Grouse as an endangered species with the Department of Agriculture.

Jennifer hopes to interview for Kelly's position vacancy within the next month. There will be much training for the new person, so she asked for patience from operators because Kelly and Nan are the only staff in the Op Cert Program. When Nan is gone, there will be no Op Cert staff. Thankfully the renewal season is over and the cards were mailed on time. The test cycles have begun and are not as difficult as the renewals. If someone did not receive their renewal card, please call Nan because there may have been a problem.

Jennifer brought up the BSDW website where there are a couple of Op Cert lists posted. She mentioned that these lists have significantly helped to reduce the number of telephone calls from operators regarding the status of their applications and certification. She added that the Op Cert staff is very grateful to everyone who chooses to look up information as opposed to calling first.

One of the lists is of all Nevada currently certified operators with their certification expiration dates and level (Full or OIT). Operators can look at their own status and supervisors can look at the status of their employees.

A second list on-line is one that shows the status of applications. This list will show if an application for Renewal or Reinstatement, Reciprocity, Conversion, or to Test is In Process, has been Approved or Denied. If it is In Process or Denied, it would be a good idea to contact the Op Cert Program to find out what the issue is, if you haven't been notified yet. A little more information may be needed from you, so please do check your status.

An audience member asked if there were recruitments open for the Op Cert Program. Jennifer said that Kelly's position will be recruited from another list that was created when SDW's Hydrologist James Weingart left to work for Washoe County Water Resources. The State only allows recruitment for a specific title once a year. Since Kelly and James were of the same title, Kelly's position will be filled from the list created for James' vacancy (recruitment closed February 5). Jennifer cannot recruit for a position until it is vacant. Jennifer hopes that the candidates on the list will be perfect for working with operators. Only after Nan is gone can her position be recruited for.

Mike Ariztia asked how the recruitments for BSDW are opened. Jennifer explained that they are through the State program called Nevada Apps. If a person is qualified for various positions throughout the State, that person would apply for that series when those jobs open.

b. Senate Bill 65 – BSDW Enforcement Items

Jennifer reviewed the bill draft and discussed its intent to help clean up some enforcement language in statutes for the drinking water program. This was generated because SDW has very explicit order authority for emergencies where SDW might need systems to issue a Do Not Drink Order or a Boil Water Order. An example would be if there was an imminent threat of a contaminant that could get into the water supply.

Senate Bill 65 addresses authority that has long been implied, and lines out expectations for water systems to know what NDEP will do in the event that the Agency needs to take formal enforcement action. The policies for formal enforcement are not intended to change dramatically. The Bill talks about issuing Findings of Alleged Violations; a list of ordered elements; and reasonable time frames for NDEP to have the water system come back into compliance.

The Bill also amends the appeal process for an enforcement action. Right now, if an order is issued and you appeal it, it goes to the NDEP Administrator. With this bill, your appeal will go to the State Environmental Commission (SEC), and they are more of an independent third party that handles appeals for other programs at the Agency.

Finally, the bill also adds the potential for fines and penalties for laboratories that are not in compliance with Laboratory Certification regulations. While it is rare, if there is a laboratory that chooses not to comply then this will be another tool for NDEP to achieve compliance. Right now, if a laboratory fails to comply, the only enforcement that can be done is to suspend or revoke their certification. This is important for water systems because they need their data to be defensible and valid for their compliance.

Senate Bill 65 is moving its way through the Senate. It's been approved by the Natural Resources Committee, and is headed to the full Senate floor. Assuming it gets through this process, it will do the same thing on the Assembly side. If it passes, then it will be effective upon passage and signature by the Governor's Office.

c. **Upcoming Regulatory Amendments and Opportunities for Operator Involvement**

Jennifer talked about upcoming changes to regulations. If anyone wants to be involved in the process, please come forward early so you can be involved before the formal workshops stage. If you have concerns with any of BSDW's regulations, whether it is Op Cert, Lab Cert, design and construction regulations, water quality regulations, they are being reopened. Be sure to let Jennifer know early.

Mike Ariztia asked if the regulation changes will include the reciprocity process, such as the differences between CA and NV, as discussed in a previous meeting. Jennifer said that could be an example of changes to regulations that can be reviewed, or it might be policy. The regulation, at this time, lines out what is required to submit for reciprocity from another state. BSDW compares certification requirements to ensure they are as stringent and comparable as NV when considering reciprocity so the State can maintain the quality of the NV certification program.

Jennifer continued by saying that some states combine water and wastewater, some combine treatment and distribution. Some states use ABC, which is the same as BSDW so that is easy, but others may have their own exams. Then BSDW would have to make sure the tests are similar. Comparisons must be made regulation to regulation, and to make sure the systems are ranked the same. Bob interjected that sometimes the other states requirements may have to be looked at again because they might change and not be comparable any longer.

As an example of a possible regulation change, Jennifer noted that she plans to revisit the point system for arsenic treatment systems because arsenic treatment has come about since the regulation was initially adopted.

8. **NWEA Updates (Jennifer McMartin or Harvey Johnson)**

Harvey Johnson mentioned two board members left the NWEA Certification Board. They are Kelvin Ikehara and William "Bill" Shepherd. They were replaced by LeAnna Risso and Andrew Joyner.

Harvey talked about the NWEA testing and how their pass/fail results are comparable to those of the Op Cert Program. Harvey said he had heard that the cost for computerized testing is dropping from \$68 to \$61.

Three members of the Board attended the ABC Conference in January. Harvey hopes to hear how the conference went from them next month at a meeting.

Mike Ariztia asked Harvey if he had any news regarding the state and collection system requirements. Harvey said it would have to be a regulation change, and it has been asked about at each quarterly meeting. He'll talk with Al Tinney or Cliff Lawson at BWPC. If it did happen, it would open the door for mandatory contact hours.

9. **Waterlines Publication (All Attendees)**

- a. **Review of Prior Issue** Cam mentioned that anyone who would like copies of it should make sure their emails are updated with BSDW. Jennifer mentioned it is also available on our website. The last issue was emailed a few weeks ago.
- b. **Article Assignments for Next Edition** Darrin Price offered to write an article about the current legislative bills. Some affect GID's and some effect not only the water regulations but also public information, such as what is available and what isn't. Some also are about the Open Meeting Law that would affect utilities that have boards that govern them. One in particular talks about criminal prosecution for board members and what might be a misdemeanor, etc. Jennifer reminded everyone that if they want articles posted, she can post them quickly on the website.

Cam pointed out that one of the bills, AB 231, was just introduced to the house. This is directly related to GIDs and unincorporated towns because it will take away their ability to appoint a member of their board. It will give that ability directly to the county, instead of having a thirty day waiting period in which your own board members could do it. It would go directly to the county and they would have the responsibility

of appointing someone to your board. Cam encouraged looking at this because the boards are running the water systems so this will have an effect on everyone.

Bob Foerster said he had a volunteer write an article about a water system. That will be added to Waterlines.

Crystel Montecinos suggested an article about who won the best drinking water in Nevada. Bob said that is a great idea. It will be announced tomorrow. Darrin suggested the top 5 be listed. An audience member suggested an article that Jennifer had mentioned called the Enforcement Targeting Tool (ETT). Jennifer thought that would be a fine idea. It could be similar to one that Andy Anderson posted a year or so ago.

Cam suggested putting links on the Forum webpage for presentations that were given at the Conference. Bob will ask to see if any are available. Jennifer mentioned that the ones for NDEP would be posted to the Forum's webpage under the Education and Training link.

10. Member's Open Comments

Bob asked if anyone had open comments. None were offered.

11. Public Comments

Bob asked if anyone had public comments. There were none mentioned.

12. Agenda Items for the Next NWWOF Meeting.

Bob asked to include exam statistics for the March, 2013 exam.

13. Upcoming Conferences/Trainings – *New postings Regularly!* Visit the NDEP Google calendar at: <http://ndep.nv.gov/dwo/main/calendar.html>

14. Next Forum Meeting(s) – *Action Item*

The next Forum Meeting will be Tuesday June 25th, at 10:00 a.m. at the NDEP Office, 2nd floor, with video conferencing to Elko and Las Vegas.

15. Adjourn

Bob asked for a motion to adjourn. Mike Ariztia made the motion, Cam McKay seconded. All were in favor. The meeting adjourned at 3:18 p.m.

Reminder to Certified Operators: You are eligible to receive renewal contact hours for attendance at Operator Forum Meetings!