

# State Regulatory Update 2010-2011

**NvRWA Conference**

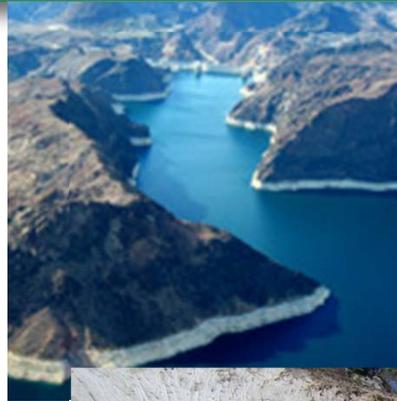
**March 8, 2011**

**Jennifer L. Carr, P.E., C.E.M.**

**Chief, Bureau of Safe Drinking Water**



# Welcome





# BSDW Program Notes

- Do you know your “Facility Manager”?
  - ◆ Facility Manager Assignments - 2008
  - ◆ Your “Primary Point of Contact” at BSDW
  - ◆ Broadening staff knowledge & experience
- As our staff continue to work with you, and return on subsequent Sanitary Surveys, they’ll get to know you AND your system better and better!





# BSDW Program Notes

- Launch of US EPA's Enforcement Response Policy (ERP)
  - ◆ Replaced old "SNC" system
  - ◆ EPA HQ wants to see violating systems addressed within 6 months
  - ◆ PWSs with violations >11 Points have to be on a "Path to Compliance"
    - May necessitate formal enforcement by NDEP (Finding of Alleged Violation & Order)





# BSDW Program Notes

- Associated tracking system known as the Enforcement Targeting Tool (ETT)
- >11 Points – You are on the US EPA Radar and we must address them with you!
  - ◆ 10 points for acute health-based violations
  - ◆ 5 points for non-acute viol's or nitrate M&R
  - ◆ 1 point for other M&R, CCR, or other viol's
  - ◆ Up to 5 points for the age of the oldest violation





# BSDW Program Notes

## Major Enforcement Action – 2010

- Em Ber Mobile Manor, Fallon, NV
  - ◆ Failed to respond to an NDEP Order
  - ◆ Filed for an Injunction in Churchill County District Court – Granted (Permanent)
  - ◆ NDEP used NvRWA help to physically disconnect the well from the system
  - ◆ Working to resolve Fines and Penalties
  - ◆ # Connections changes the NDEP Regulatory Authority? Judge says “No”!





# BSDW Program Notes

**NRS 445A.015 Furnishing impure water for public use unlawful:** Every owner, agent, manager, operator or other person having charge of any waterworks furnishing water for public use who shall:

1. Knowingly permit any act or omit any duty or precaution by reason whereof the purity or healthfulness of the water supplied shall become impaired is guilty of a gross misdemeanor.



# BSDW Program Notes

- Budget challenges
  - ◆ The Future is Uncertain
- Public Health Protection remains our top priority and focus.





# BSDW Program Notes





# BSDW Program Notes

- Nevada Certified Drinking Water Operator's Forum Webpage
  - ◆ <http://ndep.nv.gov/dwo/index.html>
  - ◆ New training & activities calendar
  - ◆ New link to a Facebook DW Op's Discussion Group
- Come to Thursday's Meeting for Demos!



# BWPC Program Note

## Bureau of Water Pollution Control

- New General Permit for De-Minimis NPDES Discharges
  - ◆ Clean Water Act provides for protection of Waters of the United States
  - ◆ Backlog for “regular” NPDES permits is about 12 months
  - ◆ General Permit covers 5 “Discharge Categories” (PWS’s are mostly Cat 1 & Cat 2)



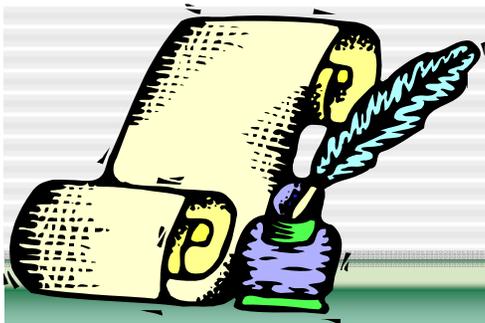


# BWPC Program Note

## Bureau of Water Pollution Control

- New General Permit for De-Minimis NPDES Discharges – To Get Started:
  - ◆ Notice of Intent (NOI) available on-line  
<http://ndep.nv.gov/bwpc/diminimis.htm>
  - ◆ Fee required - \$200

Contact: Alex Lanza, P.E., BWPC  
775-687-9468



# State Regulations

## Regulations Adopted July 2010

- Groundwater Rule
- Lead & Copper Rule – Short Term Revisions
- Brings NDEP regulations current with the 2009 Codification of the Federal Regulations
  
- “Certified Backflow Prevention Assembly Tester” Definition Amendment

# Upcoming Federal Regulations

- *IF YOU HAVE CONCERNS ABOUT EPA RULE CHANGES – THE TIME TO BE INVOLVED IS NOW:*
  - ◆ Revisions to the Total Coliform Rule
  - ◆ Lead and Copper Rule – Long Term Revisions
- More New Discussions:
  - ◆ Perchlorate, Chromium +6, Fluoride, Carcinogenic VOCs

# Today's Agenda:

- Jason Gambatese, EPA Region 9 (9:30 am)
  - ◆ Proposed Revisions to TCR & Long-Term Revisions to LCR
- Jennifer Carr, Kelly McGowan, NDEP & Jennifer McMartin, NWEA (10:45 am)
  - ◆ Water & Wastewater Operator Certification Prog's
- Andrea Seifert, NDEP (1:15 pm)
  - ◆ Complying with the SWT Rules – Turbidity, CT & Chlorine Residuals
- Latricia Edrosa, NDEP (2:45 pm)
  - ◆ Beyond the Basics – TCR & GWR

# BSDW Contact Information

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## Notes for State Regulatory Update presentation

### Slide 2

Good Morning, It's nice see to you all again this morning

I'm Jennifer Carr, Chief of the NDEP BSDW. Welcome to the first of 5 sessions

In the Regulatory Day at the Nevada Rural Water Association Conference.

It's going to be a great week and I'm really looking forward to being with you for the Next 3 days.

We are creatures of habit, so this morning I'll start us out again with the State-level Updates on what we've been up to since we were together last,

and where I think we'll be going during the next year at the Bureau of Safe Drinking Water.

The topics I'll cover will include both regulatory items and program updates

I kept in the picture of the kids that I used last year because I think it's fun,

But a somewhat serious, reminder about why we're here. It's all about Public Health.

As we usually do, I am sharing this hour with Jason Gambatese. Jason was here

Last year and is our Program Manager from the US EPA Region 9 office.

I did not bring copies of my presentation this year. We will post all of these from NDEP on the NV DW Operator Certification Forum webpage by the end of the week.

If you have any questions as I go along, Please ask them at any time

### Slide 3

A few years ago, we switched our management model from a

Rule-based approach (where different staff focused on different Rules)

to facility-based approach (where each water system is assigned to a real person)

- Facility Manager Assignments were done in 2008, so with some exceptions,

The NDEP staffer who did you last Sanitary Survey is your Facility Manager.

- I needed to add some depth to the bench with cross-training
- Believe the new approach will continue to increasing customer service
  - more comprehensive staff knowledge & PWS assistance

### Slide 4

Last year, Everett Pringle (R9 Enforcement & Compliance group) was here

to talk about the new US EPA Strategy for compliance and enforcement

known as the ERP - replaced SNC's for each Rule

We like the new system because it gives us a complete picture of a system's

Managerial health instead of having to dig through reams of data and lists to

Compile all the violations for a system.

Timeframes are tight - especially for schools or PWSs with Sensitive Subpopulations!

If informal actions don't get the job done, more formal actions will be necessary.

We are issuing more Administrative Orders on Consent and even a few

Unilateral Administrative Orders if we don't have cooperation.

### Slide 5

On July 1, we started with 103 systems on the ETT list. The ranked list

Helps us *Target* our *Enforcement* activities and energy.

As of this week only 18 remain from the original list, but there

Are 10 new ones that have accumulated points >11 in the last year.

We are committed to addressing them, and NvRWA will be working

With us on the listed systems to help with Technical Assistance.

If they (or we) show up at your door talking about the need to reduce your

EPA Enforcement "points", this is what we are talking about! Ideally, you will

Work on resolving your violations before they get points assigned.

## Slide 6

Violations: Everything we have on the books!

As >280 ppb, gross alpha>24 pCi/L

Stopped providing bottled water

Stopped monitoring for TCR

No Certified Operator, No CCR, No Public Notice, Not paying fees

Line breaks from freezing last winter

Fines & Penalties add up QUICK!

Administrative Fines = \$2,500 per day per violation

Civil Penalties = \$5,000 per day per violation

For all the violations - last calculated in November 2010

= \$49 million - will be settling or going back to the Judge.

NRS 445A.015 (see next slide)

## Slide 8

How many think that first bullet is the understatement of the day?

- Instead of what you think I might want to say about State Budgets, I actually would like to just take a moment to recognize that we are aware that things are really getting tough at the local level.
- A couple years ago, we thought that the Water Sector would be spared from serious cuts, layoffs, and the like. We now know that is not true.
- My office is very much aware that vacancies are remaining un-filled, and eliminated, and water folks are even beginning to loose jobs.
- On top of that, we have an increasing number of new operators that are re-training from other jobs and seeking opportunity
  - In a way, that's REALLY good, because we've been concerned about The "Grey Wave", but I know it also creates more competition for jobs and nothing is getting easier.

So, by now I've probably depressed you all, but from here, I'll state our commitment To working together WITH you as we continue to have to make tough decisions on priority projects. We will be working ever harder with you to achieve or maintain compliance for Protection of Public Health.

## Slide 9

Money - Unfortunately, I don't have a pile of \$100 bills

By now, if you have any capital improvement projects on the horizon

You have heard that our "AB198" or Capital Improvement Grants Program is not Going to be funded any time in the near future.

Last fall, the State announced that, because of Debt Limits, it would not be selling Bonds to fund the program until at least CY 2019 (unless things turn around).

ARRA is all awarded and much of the work is done.

A bit of Good News is that, while the SRF program is expected to decrease Federally from last year, it is still being funded pretty well.

- It also has included "ARRA-like" provisions that require certain percentages Be used for Green Projects and for Disadvantaged Communities.
- We continue to issue loans with "Principal Forgiveness" to meet the Disadvantaged Community requirement, so it acts like a grant.

If you have a project on the horizon, and you don't fit one of these groups Plan NOW and start saving if you can. Unless your system can foot the bill, The low-interest SRF loans are the remaining option we have for you.

## Slide 10

Webpage - want it to be a useful "go to" site for operators

YOU can submit information that you think will be beneficial for your colleagues Thursday morning meeting for the Forum & the Nevada Water and Wastewater Training Coalition

**Slide 12**

Certain Discharge Categories require different types of sampling  
Alex is here to answer questions (if time or afterward)

**Slide 13**

**GWR:**

US EPA Enforceability started December 2009

    Sampling requirements when a TC+ occurs (covered a lot)

    New deadlines for action when a SanSurv returns a

    Significant Deficiency timelines for action

**LCR -STR:**

US EPA Enforceability started December 2009

    some sampling clarifications; public education requirements;

    advance notice if you are going to make a long-term change

    to water treatment or add a new source; & notice requirements

The Amendment to the definition of Cert Backflow Assmbly Tester was done

In response to YOUR needs and initiated by the Op Cert Forum. Opens up

Entities that can certify testers as both CA/NV AWWA and ABPA ("or an equivalent Organization approved by the Division")

**Slide 14**

Jason will be talking with you more today about Federal priorities and Rulemaking

We hear at our regulation amendment workshops about how systems

Don't like the Rules we are adopting - well, by that point, we don't have

Much choice. In order to maintain Primary Enforcement Responsibility, we

Have to keep current.

Be involved early at the Federal Level if you REALLY want to have a say!

I won't cover these, it's just a head's up.