

Minutes  
of the  
Water Utility Council Meeting  
ND Section – AWWA  
October 8, 2008

The annual meeting of the Water Utility Council was called to order at 10:40 a.m. in the Governor's Room at the Ramkota Inn in Bismarck, North Dakota by Vice Chair Jason Sorenson. Other members of the Water Utility Council present and representing a quorum included David Bruschwein, Joe Ferguson, Wade Hesch, Brett Jochim, and Jack Long. Also in attendance at the meeting were Larry Thelen and Craig Woolard.

Mr. Sorenson recognized and introduced Mr. Woolard, AWWA President-Elect, and requested those in attendance to briefly provide review and comment of the meeting agenda. No revisions to the agenda were suggested.

Minutes from the October 24, 2007 meeting were distributed via e-mail and made available at the meeting for review and comment. Following a moment to review the minutes, Mr. Ferguson moved and Mr. Bruschwein seconded the motion to accept the minutes of the October 24, 2007 meeting. Motion passed unanimously.

In the Water Utility Council (WUC) Report for 2008, a brief summary of State and National regulatory issues were provided by Mr. Thelen (State) and Mr. Woolard (National). Mr. Thelen reported that the North Dakota Department of Health (NDDH), Drinking Water Program, has prepared North Dakota Administrative Code changes that will provide for the inclusion of the Ground Water Rule, the Stage 2 Disinfection By-Products Rule, and the Long Term Enhanced Surface Water Treatment Rule in the rules for Public Water Supply Systems. The NDDH will soon be approaching the State Health Council to request permission to finalize the rule making process. Mr. Thelen, in response to a question about the revision of the Total Coliform Rule (TCR) and the signed Agreement in Principle, indicated that the NDDH has concerns about the Rule but is waiting to see the proposed rule, as published. When asked about the Lead and Copper Rule Revisions, Mr. Thelen reported that the revisions were primarily clarifications and were not substantial in nature. Mr. Thelen did report that the Environmental Protection Agency (EPA) had performed a data verification audit on the monitoring results and information gathered under the Rule. The audit report will result in the Program making some small, minor changes in the way they implement the Rule. Mr. Woolard reported that the intention of the revisions to the TCR was not alarm the consuming public but instead to keep the public informed. Carrie Lewis, Milwaukee, represented AWWA in the rule making process and Mr. Woolard indicated that she had done an excellent job of doing so. Mr. Woolard indicated that the proposed rule is scheduled for 2010 and that the final rule is scheduled for 2012 with implementation in 2015. Mr. Woolard indicated that this was the first time an Agreement in Principle had been signed by all members at the table. Mr. Thelen agreed that the process was more positive than is usually seen in the rule development process.

Mr. Woolard reported on the 2008 AWWA Fly-In held April 15<sup>th</sup> and 16<sup>th</sup>, 2008. Mr. Woolard indicated that North Dakota is in an enviable situation in that there are only three legislators that the Section needs to brief. Getting personal contact with the legislator or their staff is much easier in North Dakota and that personal contact is the most effective means of conveying your message. Mr. Woolard reported that all "write-ins" and "earmarks" for the upcoming fiscal year are on hold. Mr. Woolard offered that water infrastructure funding was the main message conveyed to the congressmen and their staffs. Wastewater utilities have come out in support of a Water Trust Fund but unfortunately they have not identified a source of revenue to support the Fund. One of the sources being considered is a water tax. Mr. Woolard reported that the AWWA is strong in its opposition to any form of taxation to support a dedicated fund. AWWA

feels that, while we all know that an infrastructure problem exists, we do need to better define the problem and that doing so will place us in a better position to request funding for infrastructure improvements. Mr. Bruschwein indicated to the Council that Congress is currently operating under a Continuing Resolution and will continue to do so for the next six months. While operating under the Resolution, the Drinking Water State Revolving Loan Fund Program will only be funded to sixty percent (60%) of the current capitalization grant in the upcoming year. The remaining forty percent (40%) will be released once the Resolution is suspended and Congress votes on the full budgets for the Agencies.

The Water Utility Council membership for 2008 was as follows:

- Jack Long (AE2S) as the Section Director;
- Brett Jochim (AE2S) representing the Board of Trustees as Chair;
- Joe Ferguson (City of Grand Forks) representing the Board of Directors as Incoming Chair;
- Wade Hesch (City of Valley City) and Jason Sorenson (City of Minot) representing Utilities;
- David Bruschwein (North Dakota Department of Health) representing the Regulatory Agency; and
- Nate Weisenburger (AE2S) representing Commercial, Consulting, and Appointed or Elected Officials.

The Water Utility Council membership for 2009 will be:

- Lisa Ansley – 2009-2011 (AE2S) as the Section Director;
- Joe Ferguson – 2009 (City of Grand Forks) representing the Board of Trustees as Chair;
- Duane Friesz – 2009 (City of Mandan) representing the Board of Directors as Incoming Chair;
- Wade Hesch – 2009-2011 (City of Valley City) and Jason Sorenson – 2008- 2010 (City of Minot) representing Utilities;
- David Bruschwein – 2008-2010 (North Dakota Department of Health) representing the Regulatory Agency; and
- Brett Jochim – 2009-2011 (AE2S) representing Commercial, Consulting, and Appointed or Elected Officials.

The Vice Chair called for nominations of Water Utility Council officers for 2009. Mr. Sorenson was nominated for the Chair position by Mr. Long and the nomination was seconded by Mr. Bruschwein. Motion passed unanimously. Mr. Jochim was nominated to serve as Vice Chair by Mr. Ferguson and the nomination was seconded by Mr. Bruschwein. Motion passed unanimously. Ms. Ansley was nominated to serve as Secretary by Mr. Long and the nomination was seconded by Mr. Jochim. Motion passed unanimously.

Under the order of Old Business, Mr. Woolard updated the Council on the legislation that is currently being considered by Congress. An issue that has received a lot of attention by both water and wastewater utilities is the issue of chemical security. In the original legislation water and wastewater utilities were outside the requirements of the chemical security legislation but will be included in the reauthorization of the legislation which is currently being contemplated. The main question is whether utilities will fall under the regulatory responsibility of the EPA or the Department of Homeland Security (DHS). EPA responsibility will largely focus on a reactive monitoring program while the DHS plan will concern itself more with intrusion prevention and will be more proactive.

The Vice Chair called for new business items and attendance at the 2009 AWWA Fly-In was the first issue discussed. Members of the Water Utility Council agreed that the North Dakota Section should continue to participate in annual AWWA Fly-In activities. Mr. Jochim and Mr. Sorenson were nominated for attendance at the 2009 Fly-In. Mr. Ferguson moved and Mr. Hesch seconded the motion. Motion passed unanimously. Mr. Woolard informed the Council that it will be very important that AWWA makes contact with the transition teams following the election to ensure that we have an opportunity to tell our story. Mr. Woolard asked how connected we feel we are to the national legislative scene. It was agreed by the Council that they are extremely satisfied with the communications with and representation by Tommy Holmes and Tom Curtis, AWWA Government Affairs.

Mr. Bruschwein motioned to adjourn the meeting. Mr. Jochim seconded the motion. The meeting was adjourned by unanimous vote at 11:30 a.m.

Respectfully submitted,

Jack Long, Acting Secretary  
Water Utility Council  
ND Section - AWWA