

**Governor's Advisory Commission on Manufactured and Mobile Homes
Infrastructure Issues Sub-Committee**

Approved Minutes; November 23, 2004

Present: Karen Richards, Mike Momaney, Dave Adams, Stuart Bennett

Staff: Jim Saudade, Arthur Hamlin

Guest: Jay Rutherford, P.E., Director Water Supply Division

Announcements

None.

Meeting minutes October 15, 2004

The meeting notes were approved with the following corrections. Mike Momaney explained that the arsenic removal in Dummerston is only an engineer's estimate at this time. They have not spent that amount of money. The project is part of a pilot program. Jay Rutherford thanked Mike Momaney for making this clarification. Jay Rutherford pointed out in the second bullet on the top of the first page and third to last sentence of the first paragraph on page 2 should read "Pubic Service *Board*" not "Department."

Jay Rutherford

Jay Rutherford handed out a paper "Highlights of Public Water System Oversight in Vermont", which includes numbered items concerning background, consecutive systems, and naturally found contaminants. Items 2 and 4 under background are important. Vermont regulates water systems with 10 connections or 25 people, based on the national average of 2.62 persons per household. They don't count the actual number of people. Three quarters of Vermont's public water systems serve fewer than 500 people.

Per item 5 the Water Supply Division encourages consolidation of water systems because it reduces costs and increases health protection. However, they don't support having dual levels of health protection, meaning different standards or requirements based on the size of the system. Every customer is entitled to the same level of protection.

Jay Rutherford said that EPA regulations are increasing all the time. The EPA has three new rules pending: 1) Stage 2 Disinfection By-products, 2) Long term 2 Enhanced Surface Water Treatment, and 3) Groundwater Rule. Consecutive water systems are excused from all but three (out of about 90 total) tests. These contaminants can arise in the distribution system whereas the others are taken care of by the host system. The tests that consecutive systems have to conduct are: monthly bacteria test, lead and copper test, and disinfection byproducts test. Additionally, they must have an operating permit and a

certified water system operator per State requirements. The costs of those are not trivial. Mike Momaney added these are fixed costs that disproportionately impact small parks.

Jay Rutherford said that of these new requirements the one that most concerns him is the Stage 2 Disinfection Byproducts. Byproducts tend to accumulate at the farthest reaches of the system, which is where one is most likely to find a small consecutive system such as a mobile home park. Stage 2 will lower the standard allowed and require monitoring by any system that *contains* a disinfectant. That is a change from the current rule where only systems that *treat* the water have to monitor for byproducts. The EPA is proposing two methods to manage byproducts. One is hydraulic management, which includes flushing the system and managing stored water so it doesn't stay in the system too long. The other is switching to "chloramination" which is a type of disinfection process that produces fewer byproducts.

Jay Rutherford pointed out item #6 under the heading "Consecutive Systems". The State encourages cooperation between small consecutive systems and the host system, but hasn't had much success getting host systems to completely take over small consecutives. This could be due to concerns that the consecutive system is not built to municipal standards. Generally the host systems want to leave billing and collection/delinquencies to the consecutive system.

The third heading on the hand out is "Naturally Occurring Contaminants". Jay said that the Water Supply Division is aware of only seven systems that have arsenic testing, and approximately twelve treating or needing treatment for radionuclides. These are found in old rock, like the spine of the Green Mountains. Radium is not hard to remove from water. The process is like water softening, but the problem is disposal of the (radioactive) waste. As a temporary measure it is being dumped back into the leachfield. This puts it back in the ground, but at least bypasses humans. Vermont is participating with other New England states in a study. The best solution right now is simply closing the contaminated water supply and drilling a new well.

Finally, Jay Rutherford explained why an exemption in the federal regulations for systems that meet four specific criteria does not apply in Vermont. Under federal law a system that gets all its water from another regulated system, doesn't treat or sell the water and is not an "interstate carrier" is exempt from the National Primary Drinking Water Regulations. However, Vermont has 'primacy' over federal regulations as long as our regulations are at least as stringent, and in fact Vermont regulations do not contain such an exemption.

Someone asked what would happen if Vermont put the exemption back in. Jay Rutherford explained that the system would still be a public water supply but most regulations would not apply. Some small systems, which are difficult to manage, and have a low risk of contamination anyway, would drop off. On the other hand, if they dropped off, they might not be able to access financial support from the State.

One of the financial aids available is the Drinking Water State Revolving Loan Fund. Nonprofits and public systems are eligible for 30 year / negative 3% interest. For profit systems are eligible for 20 year / plus 3% loans. The Water Supply Division gets about \$650,000 support for administration, the bulk of their funding (\$8 million) is for capacity or “bricks and mortar”. ANR also has a small emergency fund of \$1.5 million that is used for free engineering evaluations and some technical help.

Jim Saudade asked if the State has thought about protecting the host systems, and if there is money to encourage host systems to take over the consecutive system. Could a consecutive system ensure payment based on a master meter in case some individuals don't pay? Could a nonprofit apply for a loan on behalf of a for-profit? Jay Rutherford said they had not talked about billing, but the Water Supply Division supports the concept of requiring host systems to ensure the water quality all the way to the taps.

Jim Saudade suggested coming up with a pilot project based on what has been discussed. Jay Rutherford agreed, and said he had a project in mind if anyone is interested. Arthur Hamlin asked if he could post the hand out online. Jay Rutherford said he would have to look into it. (Note: copy provided by Jay Rutherford attached.)

Jim Saudade also said the administration should spearhead an initiative to provide relief to these mobile home parks, before more of them close. Mike Momaney said that HFI has contracted with private water system operators for some parks after finding they were sending residents to repeated trainings. He added that towns would not agree to sell water to their mobile home parks if they also had to take over the system.

Summary

- Committee to continue to investigate federal Drinking Water Standards exemption for further discussion
- DHCA to provide list of ideas identified at Oct. 26 Advisory Commission meeting
- DHCA and ANR should talk more about possible pilot project