Technical Assistance Bulletin

A Busy Month By: Don Craig, IRWA Deputy Director

March 2024 Newsletter

Another February has come to an end. That being said, that is always a busy time for Illinois Rural Water Association staff, board, and our member systems.

We had another successful trip to Washington D.C. in the early part of the month, as part of National Rural Water Association's annual Rural Water Rally. This event encompasses administrative staff and board members from all the state affiliates of NRWA, coming together at the Hyatt Regency on Capitol Hill, and then taking time to go meet with all their Congressional offices and discuss our funded programs, as well as those of those USDA's Rural Utility Service and U.S. EPA's; that directly help and benefit rural community water, wastewater and storm sewer systems across America.

Besides Frank Dunmire and myself, we had five board members attend; which included Steve Fletcher, Greg Bates, Kaleb Kahl, Jacque Plese, and Jake Johnson. And, representing our 2023 water taste test winning system of Greenup, Michael Ryder was also present to assist.

Our IRWA contingent was able to directly meet with staff and sometimes the actual Congressman or Congresswoman, at fourteen of the 17 different U.S. Representative offices for Illinois; as well as both the U.S. Senator's offices from the state. However, we still dropped off pertinent information and our yearly "Report to Congress" at each of those three legislative offices, that we were not able to secure a set meeting with anyone.

The bottom line is that it was deemed as another successful Rally for NRWA, and specifically for IRWA, as we continue to have respected relations, and more importantly…support…from our Illinois congressional elected officials, to continue the good and consistent work we have done for many, many years.

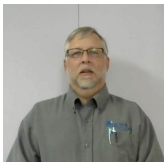
Once we got back from D.C., we had a brief week before our next big event, which was our annual conference in Effingham. As many of you may know, it was the last one as Executive Director for Frank Dunmire, who will be retiring at the end of April. So, to say the least, it was an important and emotional conference for many.

First of all, we want to thank all the attendees from our member systems and others, as well the vendors for exhibiting. Also, "kudos" to the Thelma Keller Convention Center and their entire staff for all their help and work to put on the show. We had some minor issues here and there, as all conferences do; but overall, it ended up being a very good one, as several of the attendees confirmed directly to the staff and board. Another good aspect of the event, is that we had really good weather to see it through. In the end, it turned out to be our largest one to date. An increased amount attending the conference is great; but, it does continue to create a problem in managing space needed for attendees, sessions, exhibitors, and servicing.

Yet, that is a good problem to have.

IRWA'S MISSION STATEMENT

"Protecting and preserving the water and wastewater resources of Rural Illinois through education, representation and on-site technical assistance"



At what point do we say, "The effects of water chemistry on premise plumbing (beyond the service lines) are outside the control and jurisdiction of water supply officials and the Lead and Copper Rules enforcement agencies."

For the folks that haven't been around since 1991, the first couple of lead and copper regulations were treatment technique regulations designed to demonstrate efficacy of water treatment (or lack of treatment) in minimizing lead and copper corrosion within distribution systems. To do this, some misguided sole decided getting volunteers to take samples within their homes would provide a representation of the supplied water's corrosive nature to service lines (not the whole plumbing system). Never mind the problems with getting volunteers that meet the rules requirements, how does a first draw sample come from the service line?

Now, enter our recent rule revision (never mind the improvements to those revisions that are still pending) codified by the Illinois Pollution Control Board in November 2023. In my opinion, the revised lead and copper regulations can no longer be viewed as treatment technique regulations when the U.S. EPA has clearly defined the intent to be better protecting children at schools and childcare facilities, getting the lead out of our nation's drinking water, and empowering communities through information. The mechanisms contained within the rule to accomplish these goals are: provision for complete service line material inventories; lead service line removal; addition of a "trigger" level of 10 ug/L to the "action" level of 15 ug/L; changes to sampling procedures; additional corrosion control treatment requirements; adding "Find and Fix" provisions; and lead and copper sampling from schools and childcare facilities. Just sayin, the revision seems to go beyond corrosion control treatment.

Many of us in the industry argued adamantly that we went down a rabbit hole once we started mandating mitigation of privately owned portions of water service lines. At least, back in the day, this was closely coordinated with the Illinois Department of Public Health that has authority over ALL plumbing (regardless of ownership) and was based upon well-defined and established health risks associated with "partial" service line replacement. So, we can definitively say that ship has sailed as has the optimal corrosion control treatment yacht. There lies the rub. The U.S. and Illinois EPA have already taken a position that water systems are **somewhat** responsible for the corrosive properties of the water they produce. For example, once you start treatment (ortho), you will be in that business forever. Galesburg's continued requirements to feed ortho demonstrates this position. Galesburg has eliminated all of their lead service lines; but, must continue to treat their water for corrosivity. In my view, this is beyond the scope of the regulation unless monitoring demonstrates a continued need (since the goal of the rule is ultimately lead service line removal, we probably need to further evaluate what specifically is required). As further evidence, new sampling requirements require a first (water within the home) and fifth draw sample (to represent the service line). Again, is "getting the lead out" to include premise plumbing beyond the service line?

If this is where the "government" is headed, there is a HUGE jurisdictional problem. Apart from law enforcement personnel (who have well defined legal authority and procedures they must follow), no one can access private property without an easement. Specifically, I have argued (and will continue to do so) that the Illinois EPA and local water supply officials have no "right of entry" inside homes/businesses. The jurisdiction for regulation/inspection of premise plumbing currently (in Illinois) lies with the Plumbing Program at the Illinois Department of Public Health (and to some extent, by agreement, Local Health Departments). In my myopic view, the State "Lead Law" (Public Act 102-0613) recognizes that by clearly defining where the water supply responsibility (the water service line) ends. That Law also goes a long way in its explanation of mechanisms to "classify" the risk of lead exposure without inspection (although this is somewhat recognized) or digging. Again, the Law has no indication of obligatory requirements of water supplies beyond the defined service line. So, when it comes down to it, unless a water supply official holds a plumbing license (and is a licensed plumbing contractor), one should argue that a local water supply official should not be "inspecting" or evaluating plumbing risk beyond the service line. Further, beyond what is contained in regulation, neither Illinois EPA or water supply officials should be making recommendations/requirements regarding point of entry devices (POE includes such things as whole house filtration and water softeners) and point of use devices (POU include pitcher filters and faucet treatment appurtenances). This is, once again, a function of the State and Local Health Departments. To further solidify this position, statutes and regulations require the Illinois DPH to evaluate routes of exposure within homes (including plumbing, paint, etc.) where a child resides with blood lead level concerns. As part of this process, mitigation measures are required. That would seem to be where POE/POU (beyond what is in the LCR and state law) and plumbing replacement would come into play (clearly not the responsibility of the water system). Why can't premise plumbing health risk(s) be handled with other health-based concerns such as lead paint, asbestos, or radon?

Another example where regulatory boundaries are being blurred with respect to premise plumbing occurs during mandated corrosion control evaluations under the Illinois EPA, Division of Public Water Supplies, permitting process. The Illinois EPA is requiring water supply officials to "inspect" premise plumbing before permits can be granted. They are even requiring officials to harvest solder and have it analyzed for lead content. (continued on page 4)

Everyone's favorite subject is DMR's right? Well properly filling out them is one of the certified operator's duties when they get their license. It seems somewhere in the past many years there has been some misinformation on how to fill them out on some of the parameters. Unfortunately, there isn't a lot of training on how to fill them out properly and it's usually "That's how So and So told me to do it". Some facilities are getting Violations for some of the improperly filled out boxes and it came to my attention while helping one of our members fill out a renewal application for their NPDES permit that some facilities are improperly filling out the boxes for loadings.

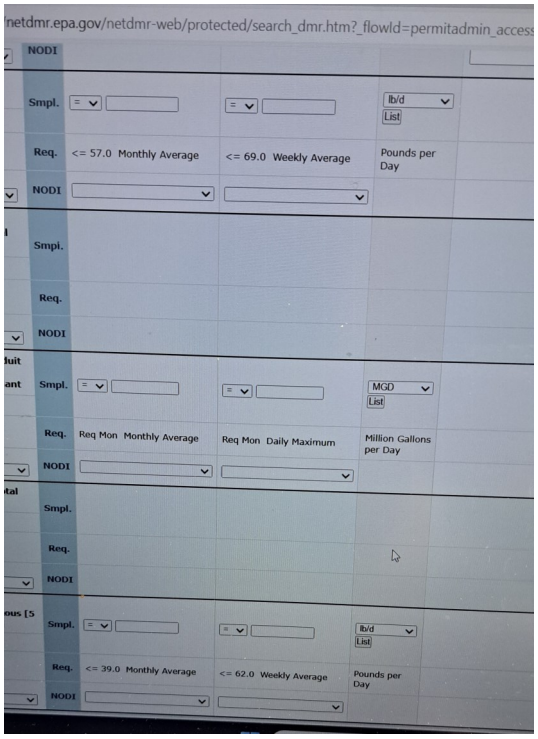
The Quantity or Loading boxes on the left-hand side of the facilities DMR's, one box says monthly average and the other says weekly average. A lot of facilities are using the flow data on the same side as far as the monthly average flow to calculate the monthly average and using the maximum flow for the month to calculate the weekly average. While using the maximum flow to calculate the weekly average is where the violations occur, because as we all know spring and winter max flows can be very high numbers giving the calculated number an erroneously high value.

The proper way to calculate the Loading numbers is to use the flow on the day of the sample taken x the value (TSS / BOD) x 8.34. So, if the flow on the day of sample was .5 MGD and the value of the sample for CBOD is 10 Mg/L then the calculation would be .5 x 10 x 8.34 = 41.7 lbs. If you only have one test required then that number is recorded for both the monthly and weekly average.

To add more confusion to the matter, if you have tests required weekly or 2x's a month then you would use the same formula taking the flow on the day sampled and calculate each sample analyzed loading and then for the monthly average you would average all the calculations and use that number for the monthly average. To confuse you more for the weekly average you would use the maximum calculated value of all the samples taken. The question always comes up is "Why don't they say monthly or weekly max"? I have no good answer for that except that would be too easy to understand, I guess.

Another issue we've come across is violations for Chlorine when the facility isn't using chlorine to disinfect. Usually, the DMR will have a discharge value of .05 Mg/L for chlorine and the lab tests for chlorine and comes up with a value over that. There is no possible way the Chlorine from drinking water is getting all the way through the WWTP and having a residual of over .05 Mg/L. The issue is the Chlorine test is just not accurate enough down to those levels or the instrument used isn't properly calibrated. If you don't use chlorine, make sure your lab doesn't test for it and click the NODI box under the Chlorine parameter on the left-hand side and click the 9 in the options and that will tell EPA that you don't use chlorine to disinfect. If you don't have a fecal coliform limit most facilities aren't using Chlorine and don't have to test for it. I've seen some facilities with many violations for this and it isn't even necessary.

I'm sure at this point everyone's more confused then clarified on the issue but as always if you're not sure call myself or Jeff McCready or the IRWA office and they will get you ahold of the Wastewater Tech in your area to help figure this out and keep you in compliance.



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In my view, this requirement is not only overreaching with respect to regulatory authority, but also is exposing these officials (and the water systems they represent) to liability. The officials are being placed between a rock and a hard spot because projects need to get done. If they refuse to conduct the evaluations, an already onerous procedure is completely halted. This flies in the face of the industry goal of providing the best and safest product we can. Since when is it prudent to halt a project because every plausible angle has not been evaluated? Isn't post project monitoring/surveillance designed to confirm that our assumptions were correct?

In my view, the Illinois EPA has never restricted the water industry as it currently does. If these restrictions (and associated delays) were clearly improving health protection, so be it. However, the Illinois EPA is preventing very necessary projects from proceeding for fear that someone may have missed something. The only way I can see past this issue is to develop a procedural regulation that contains the needed detail to define the content of a study to predict the corrosive nature of produced water. Thereby, the permitting authority would gain the "cover" that they need to allow projects to move forward. Left to their own means, I cannot see that the U.S. or Illinois EPA will ever settle on "enough being enough." Every new study, or every new crisis, is going to cause someone to rethink their "approval" process. Again, isn't that what the regulatory development process is supposed to be for? Shouldn't that be the tool to vet when industry practices need to be altered?

Having vented a couple of my frustrations now, I encourage everyone to become involved in this and any regulatory matter that affects our industry. I firmly believe that we all know what the problems are; but, no one wants to "come to the table" and be part of the process/solution. Until we start getting involved in the political aspects of the regulations being imposed on us, enough is NEVER going to be enough.