

**AWWA-MN Water Utility Council**  
**Meeting Minutes - DRAFT**  
**Thursday, June 11, 2009**

**Location:** Saint Paul Regional Water Services, 1900 North Rice Street, Maplewood, Minnesota 55113

**A. Roll Call (10:05 am)**

**In-person attendance:** Chris Elvrum, Scott Fronek, Carol Blommel Johnson, Craig Johnson, Kurt Johnson, Adam Kramer, Brian Noma (for Randy Ellingboe), Dennis Martenson, Bob Peplin, Laurel Reeves, Dr. Michael Semmens, Paul Thom (for Todd Bredesen) and Dave Wagner.

**Via phone attendance:** Cliff McClain and Pete Moulton.

**Not present (or represented):** Nicole Blasing, Dave Brown, Bob Cockriel, Paul Coone, Steve Gleason, Dr. Ray Hozalski, Ruth Hubbard, Bill Janssen, Doug Lubben, Grant Meyer, Dick Nagy, Karla Peterson, Doug Rovang, Bill Schluenz, Dave Schultz, Pat Shea, Bill Spain, Shahin Rezanian, and Stew Thornleyr.

**B. Housekeeping - none**

**C. Approval of Previous Meeting Minutes (Thursday, March 12, 2009)**

The changes below are since the previous DRAFT was distributed (as included in the packet that Bernie distributed - email of 5-28-09 - prior to today's meeting):

1. Page 3 of 6, E.10, after "irrigation" add "and other uses." and revise the next sentence to read "However, ~~this is not germane to Minnesota due to the~~ has a different alignment of State agencies ...".
2. Page 4 of 6, F.2.g., change "Cliff McClain" to "Pete Mouton".
3. Page 4 of 6, F.2.k., change "DNR" after "Bruce Olsen" to "MDH" and later in this same section, near the end, before the "(1)," "(2)" etc., change "DNR" to "MDH" in two locations..

**D. Congress, EPA Update – Bob Peplin** distributed a multiple page handout that included:

1. AWWA page from web entitled "House crafting chemical security legislation".
2. AWWA page from web entitled "Legislation would boost SRF funding".
3. AWWA page from web entitled "USEPA updates DWSRF allotment plan".
4. Journal AWWA article from Pages 26-34 of the June 2009 issue entitled "Greenhouse Gas Endangerment Finding Proposed" by Fred Pontius.
5. AWWA 2-page letter to Ms. Erin McMahan at USEPA with AWWA comments on the "Ground Water Rule CT Calculator" and "Profiling and Benchmarking Calculator" (Review Draft, April 2009) and a 7-page attachment entitled "Comments on Ground Water Rule CT Calculator"
6. AWWA 1-page letter to Mr. Sean Conley at USEPA with AWWA "Comments Following the Stakeholder meeting for the Proposed Revised Total Coliform Rule"

And a 7-page attachment entitled “Response to Issues Raised by EPA at the April 3, 2009 Total Coliform Rule Stakeholder Meeting” (the comments were prepared jointly by the Association of Metropolitan Water Agencies (AMWA) and the American Water Works Association (AWWA)).

Bob highlighted several items as follows:

In Handout **(HO) #1**- currently utilities are exempt from the existing law on chemical facility security program but Congress plans to end that exemption when it expires at the end of September 2009. AMWA and AWWA are trying to make the law have states be primary for water only. Wastewater would remain under Homeland Security. **Cliff Mc Claim** pointed out that it is the goal of the USEPA to eliminate the use of gaseous chlorine. **Adam Kramer** pointed out that it is desirable to have the ability of the states to step in if necessary.

**HO #2** – the US Senate would boost DWSRF and CWSRF funding to \$15 and \$20 billion respectively under the Water Infrastructure Financing Act (\$1005).

**HO #3** – change in the allotment of DWSRF to the 50 states and Puerto Rico

**HO #4** - this article addresses Greenhouse Gas Emissions (GHGs) and a recent US Supreme Court decision of October 20, 1999.

**HO #5** – this letter and its attachment address two concerns of the AWWA relative to the Ground Water Rule CT Calculator.

**HO #6** - this letter and its attachment address comments from both AMWA and AWWA relative to the Proposed Revised Total Coliform Rule (RTCR). It comments particularly on the first meeting held of stakeholders and encourages the USEPA to continue routine dialogue with stakeholders during the development of the revised TCR.

#### **E. Legislative Report from LMNC Representative**

**Craig Johnson** provided a 4-page handout (copy attached) that summarized activity of the 2009 Minnesota Legislative session that was completed in May. He highlighted the following items:

1. **Chapter 16** – this covers federal water infrastructure stimulus funding; ~ \$82.5x10<sup>6</sup> allotted to Minnesota for WW/Stormwater and \$25x10<sup>6</sup> for Drinking Water and \$10x10<sup>6</sup> of the latter moved from DW to CW due to project readiness and need. Also changes state law to permit 50% of funds to be used for grants and 20% for “green infrastructure”. The latter includes water conservation and energy efficiency improvements.

2. **Chapter 138** – this covers federal energy stimulus funding; **Craig Johnson** pointed out that the \$132x10<sup>6</sup> is ~12c the normal allotment to the State of MN. Project for cities with populations >35,000 will be handled directly by the Dept. of Energy (Federal) and for those cities <35,000 by the State of Minnesota through competitive selections.

3. **Chapter 79** – omnibus health budget bill; this removes the exemption from annual state fees for publically owned monitoring wells.

4. **Chapter 37** – omnibus environment and energy budget bill; in the future the full cost of Water and Wastewater related costs at the state level will need to be recovered through fees. **Craig Johnson** noted that in the increase in summer water use fee surcharge (3<sup>rd</sup> bullet down on page 2 of 4, the fees go to the General Fund. **Laurel Reeves** noted that in the 4<sup>th</sup> bullet down on page 2 of 4, the “1” should be “100”. She

also reported that the cost of some large EAWs was up to \$300,000 for the State of Minnesota. A list of funding included for MPCA is found in rider language in Article 1, Section 3 and is included in the 6 bullets in the lower part of the page 2 of 4.

5. **Chapter 172** – Legacy fund appropriation (this is the sales tax increase that was passed in November 2008 election). The bullets on page 3 of 4 indicate the funds expected to be collected and where they will be expended. **Craig Johnson** noted that the House wanted to change some of the areas to be funded but the Senate prevailed and agreed with the groups working on this legislation as to where the money raised should be expended. **Craig Johnson** highlighted the 7<sup>th</sup> bullet on page 3 of 4 since this may have a future impact on the materials, etc. that cities can use for seal coating; however, it is thought that the bulk of the contamination may be related to the use of the sealants that homeowners use to seal their driveways. He noted that the 3<sup>rd</sup> bullet down on page 4 of 4 was not included in the Clean Water Coalition (CWC) recommendations. He noted that the 4<sup>th</sup> bullet down has created a lot of concern and this was also expressed by several members of the WUC. In the 7<sup>th</sup> bullet down, the “LiDar mapping” refers to the Laser Flyover Mapping that has in the past been down as part of flooding analyses. This should provide good mapping resources for the future. The 8<sup>th</sup> bullet down on page 4 of 4 will not result in any changes to the 1979 executive order but does make the intent more clear. The 9<sup>th</sup> bullet down is a very important point since the result of this effort will be used by the legislature for future legislation related to Minnesota’s water resources.

6. **Chapter 176** – omnibus environment policy bill; **Craig Johnson** pointed out that the three new members must be from elected Minnesotans.

**Craig Johnson** reported on the **Unallotment Process** that the Governor was now undertaking. The two areas with the greatest potential for cuts will be Local Government Aid and the Homestead Tax Credit. However, the cuts that will be made in healthcare will make the cuts in the two previous programs look small. He also mentioned the controversy caused by the “Buy American Clause” included in the American Recovery and Reinvestment Act (RRA). This has a larger impact on the water industry than it does on the transportation sector. He understands that comments on this clause are open for comments through July 15. He pointed out that one of the reasons the expenditure of the stimulus funding may seem slow is what is happening with the energy funds. So far only 10% of these funds have been sent to states since they are not able to receive any additional funds until details of their programs are developed, etc.

**League of Minnesota Cities 2009 Conference and Marketplace** will be at the River Center in St. Paul at the end of June (24 – 26). For more information, visit their web site at [www.lmnc.org](http://www.lmnc.org).

Ended 6-12.

## F. State Related Water Issues

1. a. **Carol Blommel Johnson** reported that the EQB has restructured. **Chris Elvrum** reported that the effort to move EQB to the MPCA was fended off.

2. a. **Ruth Hubbard** was unable to attend so there was no report from the Minnesota Rural Water Association.
3. b. **Brian Noma** reported that the MDH is very busy prioritizing applications for stimulus funding. They have received approximately 3x their normal number of projects. A DRAFT list of projects is expected to be available next week. PFA should be deciding which projects will be funded in July. The stimulus funds will need to be obligated by 2-17-09 with \$11x10<sup>6</sup> of Minnesota's DWF allotment going to the MPCA since more projects ready to go for WW/Stormwater projects. This will result in \$25x10<sup>6</sup> being available as a result of stimulus funds compared to the normal annual allotment of \$14x10<sup>6</sup> for DWF infrastructure projects. Trying to sort out the "Buy America provisions of the stimulus requirements. It was noted that to avoid the Buy America provision the cost of the total project needed to be 20% greater to eliminate the requirement.
  - c. **Chris Elvrum** reported that the Regional Water Supply Plan for the Metropolitan Area was provisionally approved at the end of March 2009. They will now be taking a 6 month period and then come back on water appropriations as a result of working with the DNR on this issue. They are now updating technical matters including the Groundwater Model.
  - d. **Laurel Reeves** reported that ~~many some~~ fees have been increased such as those for Heating/Cooling projects. One change made ~~is that these~~ allows some fees to now go to the a Natural Resource Fund at DNR. The number of counties to be included in the Ground-water monitoring in the metropolitan area has been expanded from 7 to 11. As Chris noted, recent legislation requires DNR to, by Oct. 1, 2009, prepare a plan for the development of an adequate groundwater level monitoring network of wells in the 11-county metropolitan area. Further, the DNR shall submit a report by January 15, 2010 evaluating and recommending options for the long-term protection of the state's surface and groundwater resources and the funding of programs to provide this protection.
  - e. Neither **Nicole Blasing nor Emily Schnick** was able to attend and therefore there was no report from the Minnesota Pollution Control Agency.
  - f. **Dave Schultz** was not able to attend but his report was emailed to Bernie Bullert and the secretary forgot to present it during the meeting. A copy is attached and basically covers the happenings at AWWA national such as the resignation of Executive Director Gary Zimmerman and the belt tightening that AWWA is doing to conserve resources during these difficult financial times. A new feature related to the economic difficulty of traveling for members is the first ever online participation being made possible to allow members to participate in the Water Quality Technology Conference this year.
  - g. **Bob Cockriel** was unable to attend but **Pete Moulton** was able to provide an update on WARN. WARN now has 81 members and has a goal of 100 members by the end of 2009. They have been meeting every month or every other month. Standard Operating Procedures are being prepared by paring down from the national ones and they are also working on the management structure, bylaws, etc. Some 10 new members were obtained during the Red River flooding earlier this year.

h. **Bernie Bullert** was unable to attend due to a funeral for a relative today so there was no report on the Minnesota Plumbing Code revisions.

i. **Adam Kramer** reported that Gopher One-Call is moving toward GPS coordinates for locates. By mid-June it is expected that they will be switched over to the Interactive Voice Recognition system (IVR). There is also a push to increase homeowners call for tickets (locates). In April there was a spike in both homeowner and contractor initiated locates but his dropped in May so the end of the downturn may not be here yet.

j. **Dr. Michael Semmens** reported that the U of MN was continuing work on Endocrine Disrupting Chemicals (EDCs). Most of this EDCs work is related to fate and transport. In addition they are working on Antibiotic Resistance related to Feedlots and WWTPs. On the U of MN web site there is a list of organizations where the U of MN is seeking funds related to the stimulus and other funding. These include NIH, NIST, HHS, Education, Energy, etc. Funding is also being sought from the Water Research Foundation relative to EDCs.

**G. Nest Meeting** – to be in Duluth during the AWWA-MN Annual Meeting but the location and time is not known. Cliff McClain suggested that the chair check with Stew Thornley since he may be the person working on scheduling. The Conference dates this year are 9/29 – 10/2.

**H. Adjourn** (11:38 AM)

Attachments: Handouts as noted in the minutes include:

1. Meeting Agenda – 2 pages (as distributed)
2. Roster – 2 pages (as distributed with Agenda)
3. **Bob Peplin** handout (D.) – see also listing at D. in minutes (25 pages)
4. **Craig Johnson** handout (E.) – see also listing at E. in minutes (4 pages)
5. **Dave Schultz** report (F.2.f.) – (2 pages)