

# Grassroots Environmental Protection



This report documents for Congress the environmental accomplishments for state rural water associations for 2007. A summary of accomplishments (which are detailed in the following chapters) include:

- **On-site Compliance Assistance:**
- **Total On-site Contacts:**
- **Communities Adopting Source Water Protection Plans:**
- **Communities Adopting Ground Water Protection Plans:**
- **Communities Officials Trained:**
- **Communities Receiving USDA Water Funding:**

On behalf of the over 23,000 small communities in state rural water associations, we thank Congress for supporting this effort. From the local community perspective, these initiatives are the most effective environmental protection efforts for drinking water & wastewater quality, ground water protection, source water protection, compliance with federal mandates from the Safe Drinking Water Act (SDWA), the Clean Water Act (CWA), and other federal laws.

Rural and small communities want to ensure quality drinking water and wastewater. After all, local water supplies are operated by people who are locally elected and whose families drink the water every day. However, they need common-sense assistance in a form they can understand. Many small communities rely on volunteers or part-time administration to operate their local water supplies. Rural Water uses funding from Congress to provide every small community in all states the technical resources to provide safe and affordable water.

The funding from Congress is allocated to each state's rural water association, which is comprised of small non-profit water systems and small towns. Membership averages about 400-500 communities per state, with systems from all geographic areas. These are active members - who continuously participate in the training and technical assistance program in an effort to improve their drinking water. The funding allows small systems to

have access to technical resources needed to operate and maintain water infrastructure and treatment by sharing the resources through non-profit, state rural water associations.

This program actively assists all small water systems whether they are members of the state association or not. With a significant turnover in water operators and board members, and the ever-increasing regulatory burden, the need for training and technical assistance remains constant.

As unbelievable as it may sound, Rural Water on-site technicians make ON-SITE contacts with over 300 water systems each year. All technicians (Circuit Riders) must be hands-on experts with “in-the-field” experience and are on the road and in the field every week. This is the only way to truly assist small community officials. All Rural Water technicians work for the communities free of charge.

A typical on-site contact could include ensuring the water service is protected from terrorism, discovering and repairing a faulty gas chlorination system, assisting a community remove and replace the filtration media, training a new operator on how to run that particular treatment system, finding engineering and construction errors in a new sewer system, implementing a non-point pollution prevention plan, or solving lead and copper rules problems. Often the assistance saves thousands of dollars for the community and keeps the systems in long-term compliance with EPA rules.

This effort is truly unique in the federal effort to protect the environment because it accomplishes progressive environmental protection with the support of the local community. Having local community support for environmental protection is essential to its long-term success. EPA’s own office of enforcement has documented the success of this effort versus the alternative method of increasing fines and penalties.

With the increasing number of federal regulations under the SDWA and CWA, Rural Water technical assistance is the backbone of small community compliance. Small communities depend on Rural Water for help with the numerous mandates. No other organization is getting out to the smallest and most remote water and wastewater systems. At the same time, small communities are often in the greatest need, lacking the technical resources to comply with federal mandates because of their limited economies of scale and lack of technical expertise. Of the approximately 54,000 community water systems in the country, over 50,000 serve populations under 10,000.

U.S. Community Water Systems Size by Populations (Source U.S. EPA)

	500 or less	501-3,300	3,301-10,000	10,001-100,000	Over 100,000	Total
# of systems	31,262	14,241	4,498	3,432	350	53,783
% of systems	58%	26%	8%	6%	1%	%100

Small communities make up over 90% of the regulated water and wastewater systems. However, due to a lack of economies of scale, small town consumers often pay high water and sewer rates. Water bills of more than \$50 a month are not uncommon in rural areas. This dynamic often results in very high compliance costs per household in rural systems. At the same time, the rural areas have a greater percentage of poverty and lower median household income. This results in a very high compliance cost per household in rural systems coupled with an increased inability to pay.

Each year the list of regulations grows and the burden increases on small communities. Next year we are facing new regulations on security vulnerability assessments, arsenic, radon, ground water disinfection, disinfection by products, total maximum daily loads, operator training, and sewer discharge permit in addition to the over 100 that are currently on the books. All of these rules include tremendous administrative and reporting requirements on small communities. EPA will tell a community they have to comply with regulations however rural water technicians tell them “how” to comply -- in the most cost effective manner. Small communities want to ensure quality drinking water and wastewater - rural water provides them the shared technical resources to do it.

In reality, regulations alone don't protect the quality and safety of water – the local people do. They have no incentive not to provide the best service possible – they own and operate the water supply and their families drink water.

This axiom was best articulated by rancher, farmer, teacher, former county commissioner, and former Rural Water president Jim Dunlap of Farming, New Mexico before the House Energy and Commerce Committee:

“The problem with the Safe Drinking Water Act is that improving drinking water in small communities is more of a RESOURCE problem than a REGULATORY problem. Every community wants to provide safe water and meet all drinking water standards... Without the support of local people, regulations alone won't protect drinking water.

“In my personal experience, two teachers, four farmers, one banker, and a group of kids from the Future Farmers of America acted locally to bring the first piped drinking water to my part of San Juan County in 1966. I was one of the two teachers. The community had been relying on ground water from individual shallow wells contaminated with minerals, oil, and methane gas for their farms and some household uses. Safe water used for drinking needed to be hauled in from town. We organized the 175 families in the area to incorporate a small rural water system and accept responsibility for repaying a 420 thousand-dollar start up loan from the U.S. Department of Agriculture's Farmers' Home Administration. At that time we did not have enough people to meet the threshold for population density to repay a loan, so a few of us accepted more than one water meter on our property. It was all the community could do - to make the payments on the loans and the operations and maintenance of the systems was taken care of by community volunteers. Today we have over 2,500 families on the system which has allowed for economic development in the area with over 100 new taxable businesses.

“Many interest groups petition Congress to authorize more and more, ever-stringent federal unfunded mandates on small communities with the intention of improving public health on the communities' behalf. Unfortunately this does not work and things aren't that simple. The key to long-term improvement is local support, local education and available resources. We continually ask for the list of the small communities that need to improve their drinking water and are not willing to take the steps to do it. Such a list does not exist.”

This report documents how funding for rural water technical assistance and small community groundwater protection is the most effective use of EPA funds for drinking water protection and compliance in small communities. The local level is where the work gets done and change takes place - out in the field, at the grassroots level - working in each town, each watershed, changing water use habits and land use practices with the buy-in and support of local folks.

Each year Congress approves hundreds of millions of dollars for the operation of the EPA regulatory system. In turn, EPA increases the number and stringency of the regulations, passing significant compliance costs onto our small towns. Each year the list of regulations grows and the burden increases on small communities. Next year we are facing new regulations on arsenic (92 Federal Register pages), radon (134 Federal Register pages), and an expanded ground water treatment rule (82 Federal Register pages) in addition to the over 80 (40 CFR parts 141-42) that are currently on the books. More regulations won't help poor communities that can't afford the current regulatory regime, much less a new set of regulatory hurdles. What works in small towns is providing common-sense assistance in a form they can understand and afford. It takes someone sitting down with them evening after evening, and working with them through the ENTIRE process. Giving them a copy of the federal register and a phone number to call is not considered help.

Each time we help a community we educate them on their resources so that they can solve their problem on their own next time. THE KEY IS TO ENCOURAGE LOCAL responsibility and build local know-how.

As New York's Senator Daniel Patrick Moynihan was found of saying "data is the plural of anecdote." An anecdote from rural New York that captures what is happening across the country. The Village of Cato is a typical rural community, consisting of 230 homes, a part-time Mayor, a village budget of three hundred thousand dollars, and two full-time employees. A few years ago, the EPA mandated that Cato publish something called a Consumer Confidence Report. This lengthy, confusing report is detailed in 26 pages of the Federal Register. Over fifty thousand small communities across the country, just like Cato, had to comply with the rule.

Using funds provided by this Congress, New York Rural Water Association helped over 500 communities publish their Consumer Confidence Report. For about half of the 500, we held regional one-day training sessions. The towns could bring their required data to our sessions - and using our staff, our computers, a simplified template of EPA's requirements, and a little magic -- the towns could leave at the end of the day with their Report and the knowledge to do it on their own next year. The second half of the 500

communities needed more individual attention because their staff was not able to leave their jobs for a day, or they were too small to have staff. Bare in mind, that many of these towns don't have computers, have never heard of the Consumer Confidence Report, and have priorities of their own. This was the case in Cato, our circuit rider technician funded by Congress traveled to Cato and using his expertise and laptop, walked the village clerk and the water operator through the process, so that they could publish the report and comply with the rule. Across the country, rural water technicians and circuit riders assisted tens of thousands of small communities in a similar fashion. The result was a compliance rate for the rule higher than anyone had anticipated.

On the other hand, the enforcement alternative did not result in same compliance successes or in community support. EPA implemented the rule, in some cases, by simply sending a letter to all the systems informing them of the rule and giving them an arbitrary compliance date. And following up that letter with another one from EPA saying: "you are in violation of the CCR rule... your system could be subject to Federal formal enforcement actions... [which] carry potential penalties of up to \$25,000 per day." In this example, this community would needed technical help to comply with a very confusing requirements for less cost and more rapid compliance than an enforcement action.

After analyzing the depth and scope of this initiative – and comparing it to alternative environmental policies including enforcement – it will be obvious of the success and efficiency of this effort.

By funding Rural Water, Congress allows small systems to have access to the technical resources needed to operate and maintain water infrastructure and treatment by sharing common resources through their non-profit, state rural water associations.

The closer someone looks at this effort the more they are persuaded of its success and unique nature.

**KNOTT COUNTY WATER AND SEWER DISTRICT  
HINDMAN, KY 41822**

December 26, 2001

Gary Larimore  
Kentucky Rural Water Association

Dear Mr. Larimore,

I have been Chairperson for Knott County Water and Sewer District for approximately one year. In the past year, many things have been accomplished and several projects still in the process. I owe a big part of this success to Kentucky Rural Water, you and Steve Basham.

Let me elaborate. When I was asked to serve on the water board, I thought that this was only going to require a minimum amount of time. So...I said yes. Then I was nominated for Chairperson and I accepted feeling that it would take no more time. However, was I surprised to say the least.

I soon discovered that this consumed a great deal of my time and effort. However, the more I learned about the problems with Knott County people not being served, the more anxious I became to do something about it. Only 12% of the people in Knott County were being served with potable water. I kept asking why and trying to find out the right direction to take to help solve this problem. It was during this time that Steve Basham visited my office and offered his assistance. However, at that time, I had been so misdirected that I was uncertain of who I could trust. Cautiously, I listened to what he had to say. He offered his assistance through Kentucky Rural Water. He did impress me as being very knowledgeable, but I had been misled so much that I was having a hard time trusting anyone. Not knowing which direction to turn, I asked him to stop by the next time he was near this area.

Needless to say, I did some checking and all I heard was positive comments about Kentucky Rural Water. I even got good reports about your Association from the people that had been feeding me all bad information.

A couple of weeks passed and I received a call from Mr. Basham. We decided he would come by my office the next week. I was anxious to hear what he had to say and get his suggestions. However, when he left my office, I was overwhelmed. We talked about why Knott County does not have water as well as the Caney Creek Water and Sewer District. We discussed the water and sewer plants at Pippa Passes and this was when I was told that we had real problems with these plants.

Mr. Basham informed me that the State had insisted that the Caney Creek Water district contact Kentucky Rural Water for help. Mr. Basham stated that he had been working with Dan Kimbell and Delmar Slone in an effort to correct the problems. He stated that he felt the Water Plant was in pretty decent shape, but the sewer plant was completely out of compliance.

Now...with this information, what was I supposed to do? I know that the Board does not manage the water and sewer systems. However, without management, where did that leave me? I kept wondering about this and looking at the financial status of the Knott County Water Board. Not only were the systems not being managed, but we were completely out of compliance because we did not have a qualified operator. I realized that we needed to bring the plants into compliance, but I was having a hard time locating someone that was qualified. Finally, I contacted a local resident that was qualified. He stated that he wanted to work part-time. His price was more than our budget could afford, but we had to have a qualified person, so we hired him.

With all these problems, I talked with Mr. Basham on a regular basis. He offered suggestions and information, but refused to make decisions for me. I want everyone to know, I truly wanted him to make decisions for me. It would have made my job so much easier and less burdensome. I also want everyone to know that I have a hard time taking advice. I feel certain that Mr. Basham and others at Kentucky Rural Water got frustrated with me on many occasions. However, I appreciate the patience and the fact that it never showed, not once.

Several things have been accomplished within the past year. We are in the process of getting water for Rock Fork and Right Beaver in Knott County. This is being

accomplished through an Inter Local Agreement with Floyd County and Southern Water. We are also in the process of getting water to the remainder of Lotts Creek in Knott County through an Inter Local Agreement with the City of Hazard. Working these agreements out required numerous meetings and lots of negotiation skills. A representative from Kentucky Rural Water attended every meeting and helped me see this through. It seemed that the powers to be, were more receptive when someone from Kentucky Rural Water was present. I attribute this to the wealth of knowledge that the staff at Kentucky Rural Water possess.

After many discussions with Mr. Basham about my concerns of paying so much for a qualified operator, as well as the Agreed Order from Division of Water and the quality of water report, I declared a State of Emergency. On December 1, 2001, the Knott County Water and Sewer District contracted US Filter to manage the water and sewer systems at Pippa Passes. Since that time, things have been running smooth with only a few problems that have been easily solved.

I could go on and on, but I must mention that not only have the Staff at Kentucky Rural Water provided me with direction and information, they have visited the plants and have provided physical labor to assist in getting the plants backing in working order.

I have worked for the State of Kentucky for 30 years and I must say that I have never encountered any agency or organization that has such a valuable staff. I have met most of your staff and have been very impressed with their knowledge and abilities. They have all offered their assistance and seem eager to help in any way possible. You truly have great people working with you.

I will close by saying that I appreciate all the assistance that has been provided through your Association. I especially appreciate the help and encouragement that has been provided by Steve Basham. Many times I thought of giving up, but he kept encouraging me by saying that it takes time and things will work out. I cannot imagine being in my position or even managing a water and/or sewer system without the help and direction of your Association.

I am  
Sincerely yours,  
Alice Ritchie, Chair  
KNOTT COUNTY WATER & SEWER