



PO Box 1750 - Glenrock, WY 82637
Web Site: www.warws.com & Email: warws@warws.com
Equal Opportunity Provider
307-436-8636

2008 Report to Wyoming on Water Industry needs, Solid Waste Planning and Infrastructure

Last year in our report to Wyoming, we concentrated on the need for increased communication between agencies, metering, rates, and increased enforcement by the agencies.

Each year WARWS field technicians make in excess of 1,500 on-site visits to communities, water, wastewater systems and solid waste facilities in Wyoming. Meeting with licensed water and wastewater operators, town councils, district managers, joint power boards, and federal and state regulatory agencies produced a wealth of information on the status of Wyoming's water industry.

This year, our focus will be on regionalization, rates, water loss (conservation), technical assistance, operator retention, recruitment and public health.

Wyoming is a headwater state, making our problems within the water and wastewater industry everyone downstream's problem as well. As many who will read this report already know, compact states are already lined up to fight legal battles over the quality and quantity of water Wyoming provides them. With federal funding being reduced and state revenues increasing, the state must take the lead in addressing many of these issues.

Wyoming's communities must also do their part if we are going to continue current growth, maintain the quality of life we all enjoy, make our communities "business ready" not just for growth but for the continuity of the current business environment, and secure "Quality on Tap" water supplies for all to create the Wyoming we all want.

Where we are now and what must we do to address these issues? Let's look at each focus point starting with regionalization and rates.

Regionalization and Rates–

We have been pleased to see so many areas of the state begin to discuss regionalizing their systems to better address water quantity and quality issues. From Gillette to the South Dakota border and south along the border all the way to Pine Bluffs is in need of larger systems to meet the needs of small communities. The Lander valley, Star valley and Bridger Valley are all areas that could benefit from regional water systems.

We believe regional systems will alleviate many of the issues facing individual small systems, such as ever increasing regulation, population, operator shortages, water quality, and quantity. We understand the jurisdictional arguments and management arguments, but the time has come. Regional systems must be planned or at least discussed. We support the legislature's efforts on the Gillette regional system. Maybe it is time for the state to create a regional infrastructure authority possibly based on the solid waste district configuration. Such a concept could alleviate

jurisdictional disputes within districts and better coordinate funding prioritization between all funding agencies such as WWDC, SLIB, DEQ, WBC and USDA RD.

Deficient coordination between all of the funding agencies within the state this year resulted in USDA RD returning nearly \$5 million of their state allocation due to a lack of project applications. Considering the number of project requests, it seems illogical for the state not to fully leverage funding assets from all sources. In addition, each state was allocated 5% of the \$500 million for back log projects in the recently enacted Farm Bill renewal. Each state was guaranteed \$25 million but, Wyoming did not have any USDA back log projects, so the funds were reallocated to the other 49 states.

With state revenues tightening, it seems inconsistent that we failed to utilize this funding source to leverage state funds and have nearly \$30 million in additional funding for projects. We must do a better job of leveraging and coordinating funding from ALL sources.

In contemplation of regional systems, managements must implement conservation strategies, develop maintenance, betterment, and replacement plans all based on adequate rate structures that provide needed funding to achieve these minimum results.

We are pleased to hear the Wyoming Water Development Commission, Department of Environmental Quality and the Wyoming Business Council all discussing community funding for projects that include judging whether the community has addressed its needs internally. Have they installed meters, evaluated rates, evaluated taxing authority, investigated water loss amounts and addressed maintenance and operational needs?

We find in our travels that many elected officials are ill equipped with the necessary knowledge of the responsibilities and liabilities they accept when elected. The more our state funding agencies ask these questions, the more the elected officials and/or managements must learn in order to address the funding concerns. Attendance at training classes conducted by groups such as WARWS, WWQ-PCA and WAM to meet the education of newly elected officials and managements is typically 30% or less. **Management and Board Training should be addressed as part of the funding cycle.**

The State has the financial resources to help our communities meet these needs. While we support the Permanent Mineral Trust Fund, spending priorities on infrastructure, water quantity and quality must be addressed now, not later.

Many of Wyoming's community water systems cannot support the existing populace, let alone support expansion. The State must help in this effort, as even with adequate rate structures that provide for operational revenue streams, many of Wyoming's communities are not of sufficient population to generate enough reserve funds to meet their infrastructure upgrades or support regional system construction. Regional water supply would help free up small community resources for their internal distribution infrastructure needs.

Solid Waste Planning –

The legislature made a very good first step in addressing Wyoming's Solid Waste environment. Funds set aside to help defray the costs of regional solid waste plans was a good step. We are assisting several communities in understanding solid waste planning and then devising strategies for reduction and recycling. Market development is the key to making recycling work in Wyoming. We need to encourage businesses that will take the material we collect and turn that

material into products or supplies we can buy or sell to manufacturers. State support for this effort may be required long term due to the economy of scale that Wyoming does not enjoy. The regional approach will provide the best chance for concentrations of recyclable materials.

Our interest in this area is multi-focused. We definitely see the need for reduction, recycling and the business opportunities that exist. We are also very concerned about the leaching effect of current landfills and proposed landfills on ground water and source water protection.

Meeting the requirement of Subtitle D of the Resource Conservation and Recovery Act (RCRA) is expensive, but the long-term costs of not meeting the requirements will plague generations. Many current landfills are leaching and contaminating ground water and surface water sources. The current Casper landfill leach plume has reached the North Platte River.

The clean-up from decades of poorly designed, located, and managed landfills in many of our smaller communities threatens Wyoming greatly. I am encouraged to hear state officials discussing the need to clean up our old waste sites and properly implement new sites. As one official indicated in a WWDC meeting recently, let's not become the Mexico of the north: a great place to visit, but don't drink the water!

State agencies and the legislature need to hold fast and not let the fear of expense lessen the need to do solid waste planning AND IMPLEMENTATION correctly. We have heard of several consulting engineering firms and communities that may band together to push legislation to waive the requirement for implementing RCRA. We strongly oppose these efforts.

Technical Assistance –

In implementing RCRA, our work with communities shows a basic misunderstanding or knowledge of the act, its provisions, and how it can benefit their communities. We believe more outreach and education needs to be done at the community level. Our resources are beginning to be spread too thin as we continue to meet our mission statement and the requirements of the water and wastewater industry programs we administer, while trying to help communities understand the solid waste issues.

The state should create a Solid Waste Technical Assistance program to help communities understand and implement RCRA. Consulting engineers have been engaged to help communities plan, but increasingly, we find they have locked into a plan for a particular area while not addressing any contamination issues already in place. In some cases, their plans are inconsistent with their proposed end result.

As an example, a medium sized community engaged a consulting engineering firm to design a waste transfer station as part of the planning process for this community to collect and transfer its waste to a large, regional lined landfill. On the face of it, good idea, however, the firm failed to ask the regional landfill for the specifications of transferred waste. The end result is the current transfer station will not produce waste that will be accepted at the landfill. The community should not have to pay for this oversight to now redesign the transfer station to comply.

A technical assistance provider that is "on site" on a frequent basis would help with education and mitigation of these types of issues. A fully funded solid waste technical assistance program can be implemented for \$125,000 annually. WARWS currently has 4 technical assistance specialists. We operate and administer these programs successfully for that amount per specialist. The amount includes all travel, compensatory costs and overhead. We have

submitted proposals to the USDA RD for such a program in the past, but the scoring criteria prevented Wyoming from receiving sufficient consideration. It is apparent the state may need to step up and fund this much needed program or at least, provide matching funds for this effort.

Water Loss (Conservation) –

Our technical assistance specialists are increasingly asked to help communities determine their water loss amounts or percentage. Many communities have water loss amounts that exceed 50%. This amount is the difference in amount of water sold and the amount pumped from community water sources. This is unacceptable! Much of the difference can be traced to decaying distribution systems. Most of these communities are applying for funds to drill more wells to address their water quantity needs rather than applying for funds to find the leaks and repair the infrastructure. Theoretically, at least the leaking pipes are leaking into the ground and possibly recharging ground water supplies.

Operator Retention and Recruitment –

As of this writing, over 30% of community systems required to have a certified water or wastewater operator on staff is in violation of this statute. With the average age of our current water and wastewater operators approaching 55, this number could grow ever larger unless we can attract new and younger workers to this profession. **State funding agencies, the legislature and others must convince elected officials and managements that these operators are SKILLED LABOR!** We applaud the efforts of DEQ to revitalize their enforcement activities. We hope the enforcement effort will produce competition for qualified operators which should produce compensation packages commensurate with the professional requirements.

In addition to the other industries that have job growth efforts supported by state funding, we would encourage the state to work with the water industry to promote this very complex and rewarding job sector. **While many other sectors produce taxable revenues, no other sector is more important to the state's overall economy and public health!**

Public Health –

It is our hope that the underlying current throughout this report is the threat to public health should these items not be addressed. Solid Waste leaching and water loss from leaking or decaying pipes and tanks give access points to bacteria. The need to retain and recruit new professionals into this industry may pose the biggest threat to public health. Chemical dosing duties and sampling tests must be performed by skilled, trained professionals.

Conclusion –

No avenue can or will be successful if careful analysis and planning is not done to maximize our financial resources, utilize matching funds from federal or private sources to address aging infrastructure, aging professional workforce, and connectivity. Planning must balance the needs of energy development with community growth, affordable housing, and land and water uses to position Wyoming as a destination for any company or family while keeping our "Forever West" lifestyle.

Specifically, Wyoming must address: board and management training, existing infrastructure improvements, system rate structures, coordination of funding sources, retention and recruitment of professional staff and extend the need for certified operators or system training to all public

water and wastewater systems. Wyoming must reconcile energy needs with community resources, further develop multi-jurisdictional communication between state agencies, develop public education programs for solid waste planning, encourage solid waste reduction and recycling, and continue to address source water and groundwater protection strategies.

We are available to answer questions regarding this report and or participate in solution discussions.

Respectfully,

Mark Pepper
Executive Director