

UPDATE

Meetings & Events

*Governors Water
Conference*

November 13-14, 2006

Cox Convention Center

Oklahoma City,

Oklahoma

ORWA 37th

Annual Meeting and

Technical Conference

April 23-25, 2007

Marriott Southern Hills

Tulsa, Oklahoma

Rural Water Rally

April 29-May 2, 2007

Hyatt Regency

Capitol Hill

Washington, DC

HOLIDAYS

The ORWA office will be closed in observance of the following holidays. If you need emergency assistance during these holidays, contact Gene Whatley at (405) 794-0841 or (405) 831-9475.

November 23-24, 2006

Thanksgiving

December 25, 2006

Christmas Day

January 1, 2007

New Years Day

ORWA SUPPORTS EPA'S PROPOSED RULE ON WATER TRANSFERS

The Environmental Protection Agency (EPA) has proposed a rule that would exempt the transfer of domestic water from one basin to another from the NPDES permitting program. Common water transfers involve the pumping of water from a lake or stream to a settling pond, or between water bodies with similar water quality. Permitting of these transfers would only create additional work and expense for water systems and would not provide any additional benefits in protecting our state's water resources. We do not believe it was ever the intent of Congress to mandate that the NPDES permitting program requirements be applied to activities involving the transfer of domestic water from one basin to another.

Environmental groups are strongly opposed to the proposed rule. They claim that the rule

would allow polluted water to be dumped directly into clean water without a permit or any restriction. We believe that their concerns are unfounded. The state already has water quality standards and non-point source controls in place to protect Oklahoma's water bodies from degradation. Additional regulation is not needed and would unnecessarily create an unwarranted operational and financial burden on small water systems.

ORWA submitted written comments supporting the proposed rule to EPA in July. Because of the controversy over the proposed rule, it could be several months before EPA makes a final determination on the adoption of the rule.

ELTON WOHLSCHLEGEL RETIRES

ORWA Circuit Rider, Elton Wohlschlegel, retired on September 30 after eleven years with the Association. He worked with ORWA's former subsidiary, Water Systems Management, from September 1995 until he moved to an ORWA Circuit Rider position in February 2003. Elton's primary responsibility was working with systems in southeastern Oklahoma, but he is known by rural water officials throughout the state. Prior to working with ORWA he was a self-employed inde-

pendent contractor who was respected by everyone in the water business for his honesty, integrity, quality of service and professionalism. We were extremely fortunate to have Elton on the ORWA Team for eleven years. Elton was a great asset to the Association and his friendship, knowledge and expertise will be missed by his colleagues at ORWA and his many friends around the state. Our best wishes to Elton for a great retirement.

ORWA WELCOMES NEW CIRCUIT RIDER

ORWA is pleased to announce the employment of Richard DeShazo to fill the water Circuit Rider position vacated with the retirement of Elton Wohlschlegel. Richard has seven years experience in the management, operation and maintenance of a small community water and wastewater system. He started his career with the City of Kingfisher as a water operator in 1999. His duties were expanded in 2002 to include operation and maintenance of the wastewater treatment plant. In 2004 Richard was employed as utility superintendent for the Town of Hennessey. One of his responsibilities was operation of the community new reverse osmosis water treatment plant. Richard earned his Associate Degree of Ap-

plied Science from Carl Albert State College in 2005. In 2002 he received the ORWA Excellence in Source Water Protection Award. Richard holds a Class B water operator, Class A water and A wastewater laboratory and a Class C wastewater operator license in Oklahoma. He started work with the Association on October 1. His duties as an ORWA Circuit Rider involve providing on-site, hands-on technical assistance to rural and small community water systems in Southeastern Oklahoma. If you would like assistance with an operational, maintenance or management problem, Richard can be contacted through the ORWA office at (405) 672-8925.



ORWA STAFF RECOGNIZED FOR HURRICANE ASSISTANCE

Members of the ORWA staff who assisted with hurricane recovery efforts in Louisiana following Hurricane Katrina were recognized at the NRWA conference in Dallas, Texas. The Louisiana Rural Water Association presented a beautiful plaque to ORWA, and other states that participated in the hurricane relief efforts. Individuals who went to Louisiana following the hurricane were awarded a Proclamation signed by the Governor of Louisiana. Members of the ORWA staff that assisted in Louisiana were: Marc Davis, Tod Fields, Bob Hughes, and Kelly Matheson. ORWA staff also provided assistance in Texas following hurricane Rita. Helping in Texas were: Randy Caskey, Mark Matheson, Scott Roberson and Tim Wincapaw.

GOVERNOR'S WATER CONFERENCE SCHEDULED FOR NOVEMBER 13-14

The 27th Annual Governor's Water Conference is scheduled for Monday, November 13 and Tuesday, November 14 at the Cox Convention Center in downtown Oklahoma City. The theme of this year's conference is "Oklahoma's Water Plan – Charting A Course For Sustainable Growth". The conference begins at 1:30 p.m. on Monday with a symposium on long range planning. On Tuesday, state and federal officials and legislators have been invited to focus on how Oklahomans are dealing with drought conditions. Please see enclosed material for more information and a registration form.

PHILLIP KLUTTS ELECTED TO NATIONAL BOARD

Phillip Klutts was elected to represent Oklahoma on the National Rural Water (NRWA) Board of Directors at the NRWA Annual Meeting held September 25 in Dallas, Texas. He replaces Wallace Howard who did not seek another term. Wallace served four years as NRWA Director from 2002 to 2006. He will continue to serve on the ORWA Board of Directors. We appreciate Wallace's service and contributions to rural water systems in Oklahoma.

Phillip Klutts has served on the ORWA Board since 1980. He was ORWA President from 1984 to 1995. He previously served on the NRWA Board from 1985 to 1992. Phillip currently serves on the ORWA Executive Board and ORWA Assurance Group Board of Trustees. As an NRWA Director, Phillip will represent rural water systems in Oklahoma in the development of national policies on legislative, regulatory and other issues

AWARD NOMINATIONS

Nominations for ORWA Awards are due in the ORWA office by November 15, 2006. Please help us recognize deserving systems and individuals for their outstanding performance in providing safe, dependable water service in rural Oklahoma. Award categories are; Outstanding System, Outstanding Manager, Outstanding Operator, Outstanding Office Manager, Outstanding Bookkeeper, Outstanding Wastewater Operator, Outstanding Water Treatment Plant Operator, Excellence In Ground Water Protection and Excellence In Source Water Protection. Don't forget to send your awards nomination by November 15 for consideration of the ORWA Awards Committee.

TART ELECTED PRESIDENT OF THE NATIONAL RURAL WATER ASSOCIATION

Long time water veteran Rodney Tart of Lillington, North Carolina was elected President of the National Rural Water Association (NRWA) at the NRWA annual conference held September 25-27 in Dallas, Texas. Tart will lead the NRWA Board of Directors as it continues to meet the regulatory, environmental and legislative challenges facing America's water and wastewater industry. President Tart will spend a great deal of his time visiting locations throughout the United States and leading the charge for clean, safe and affordable drinking water in rural America.

Mr. Tart is Director of Public Utilities for the Harnett County Department of Public Utilities. He was appointed to the NRWA Board in 1993 and has served as NRWA Senior Vice President. Tart has also been Vice President for the International Rural Water Association. He started his water association work with the North Carolina Rural Water Association in 1980 and has served as President for four years. He was named NRWA Man of the Year in 1999 and received the J.W. Pate Award in 2000. Tart is active in numerous local organizations.





For emergency calls after office hours, nights, weekends and holidays, contact Gene Whatley at 405/794-0841



EPA ANNOUNCES NEW GROUND WATER RULE

On October 12 the Environmental Protection Agency (EPA) issued a press release announcing the new ground water rule. The rule targets utilities that provide water from underground sources and requires greater vigilance for potential contamination by disease-causing microorganisms. Assistant Administrator for Water, Benjamin H. Grumbles, said “These first-ever standards will help communities prevent, detect and correct tainted ground water problems so citizens continue to have clean and affordable drinking water”.

The risk-targeting strategy incorporated in the rule provides for:

- Regular sanitary surveys of public water systems to look for significant deficiencies in key operational areas
- Triggered source-water monitoring when a system that does not sufficiently disinfect drinking water identifies a

positive sample during its regular monitoring to comply with existing rules

- Implementation of corrective actions by ground water systems with a significant deficiency or evidence of source water fecal contamination
- Compliance monitoring for systems that are sufficiently treating drinking water to ensure effective removal of pathogens

A ground water system is subject to triggered source-water monitoring if its treatment methods don't already remove 99.99 percent of viruses.

Systems must begin to comply with the new requirements by December 1, 2009. For more information go <http://www.epa.gov/safewater/disinfection/gwr>, or contact an ORWA Circuit Rider.

COURT CASE CREATES UNCERTAINTY IN WATER RIGHTS

The Oklahoma Court of Civil Appeals (OCCA) issued an opinion in March of this year affirming a District Court of Caddo County decision in a dispute between two riparian landowners over rights to water in a stream. The upstream landowner applied for a permit to construct a dam on the stream. A suit was filed by the down stream landowner to insure that the dam did not affect his water rights. The District Court found that the down stream landowner had rights to the water for domestic use and that the upstream landowner must continuously release 515 gallons per minute from the dam. The case was appealed to the OCCA. In addition to affirming the findings of the District Court, the OCCA also ruled that the statutes enacted by the State Legislature in 1993, in response the Franco-American Charolaise, Ltd. case, are unconstitutional. Changes in the statutes in 1993 replaced a common law riparian water rights system with a

system of appropriated water rights.

This case presents one of the biggest challenges to the water rights system in Oklahoma and casts a cloud of uncertainty over all water rights in the state. Both appropriative and riparian water rights could be adversely affected. Securing funding for water projects could become more difficult. Uncertainty in water rights may cause financial institutions to question the risk of loan repayments based on revenues produced by the use of water.

This case has been appealed to the Oklahoma State Supreme Court for review of the OCCA decision. ORWA, the Oklahoma Water Resources Board, Attorney General and others have filed amicus curiae legal briefs asking the Supreme Court to vacate and reverse the decision of the lower court. At this time, the Supreme Court has not made any ruling on the case.