

## Clearview Improvement & Service District

Attached find our comments on the Chapter 5 Revision

# *Clear View Improvement and Service District*

117 Mountain View Drive – PO Box 2634

Rock Springs, WY 82901

307-362-1140

Jaclyn Stewart, President  
cisd@rocketmail.com

Dale Fisher, Treasurer

Bruce Tomson, Secretary

Margaret Fortuna, District Clerk, Financial sec.

Lee Splett, Water Operator, Internal Audit

September 20, 2017

Subject: District comments on proposed changes to DEQ Regulations, Chapter 5.

Generally speaking this District does not have serious concerns regarding the proposed changes with three major exceptions; Section 9(b)(i) Operator Responsibilities, Section 10(b) Contract Operators, and Section 12(c)(d) Continuing Education. These three sections impose an unnecessary financial burden, especially to smaller districts.

Wyoming Statutes 35-11-302(a)(vi) cites that the administrator and advisory board shall consider the facts and circumstances bearing on the reasonableness of the pollution involved including the social and economic value of the pollution source. This would include the economic impact on the persons or entities impacted by the rule. None of the proposed changes appear to address the cost to affected entities associated with the implementation of these rule changes.

Sec. 9, Operator Responsibilities, requires that operators initiate the appropriate operational or technical actions with-in one hour of being notified. This reading should be modified to read "...initiate or approve the appropriate operational or technical actions ...." Certain circumstances may require immediate action such as shutting down a broken water line or initiate pumping an overflowing sewer line. An initial determination and appropriate action may be required of an owner or other responsible person to prevent a danger to public health and welfare. In most cases governing board action would be required prior to rectifying the situation.

This rule is too narrow in scope.

Sec. 10 (b), Contract Operators, requires that contract operators make a physical inspection at least once each week. This may not be possible for operators representing several entities when employed by a specific entity. Nor does this rule specify what should be inspected. Some operators may do a cursory inspection while other operators may force entities into paying for much unneeded work. Small, uncomplicated distribution systems may not need or have equipment available to inspect while larger or more complicated systems may need constant review.

Sec. 10 (b) should define that either the primary contract operator or the back-up contract operator should make the required inspection. This paragraph as written seems to indicate that

both contract operators should make an inspection. While several exceptions are cited in the rule the rule is too ambiguous.

The rule possibly should tie more closely to Sec. 9.

Sec. 12, Continuing Education, is the most arbitrary and capricious rule and represents the least cost effective of any section of chapter 5. Prohibiting educational units to apply to only one license places the greatest cost to operating entities and is the least efficient method of training staff especially where an operator may hold a license in more than one specialty. All training relevant to a specific persuasion should apply any and all relevant persuasions. Where an operator operates a water distribution system and also operates a waste water collection system the basic management or construction procedures apply. Sampling techniques, or flow and leak detection are basically the same for either system. The best examples are study at university and/or driver licensing requirements. All courses which apply to an engineering degree and apply to English major need only be taken once. The same applies to driver licensing classes of operation. One is not required to repeat the course of study for the addition of a class "M" endorsement to a class "C" license. One does not need to take a course in English lit where it applies to engineering and turn around and retake the course where it applies to the English major. Doing so would merely up the cost of either degree. This same rational applies to continuing education requirements for specific operating licenses. This rule continues to limit the time available to increase an operator's realm of knowledge. This consideration is especially relevant to small district where the need to reduce operating costs is most urgent.

This district has determined that it is more cost effective and efficient to use an operator trained in both waste water collection and culinary water distribution. This rule as written will place an undue financial burden on this district and will limit the cost-effectiveness of job consolidation.

Rewrite Section 5 to allow that all training hours apply to all relevant persuasions to reduce costs and encourage wider areas of knowledge.

This District believes that regulations should at all times create the least intrusion and/or expense to the regulated entity. Where a regulation increases the cost to, or limits the efficiency of a regulated entity that regulation decreases the ability of the regulated entity to fulfill its obligations to its constituents. Increasing the monetary burden on a population in a given area limits the funding available to provide for future needs and other necessities. Limiting resources generally leads to a state of diminishing returns. This is especially true for a small district when these cost become a burden on the populous.

Respectfully Submitted;

Lee Splett, Water Operator, Internal Audit

Jaclyn Stewart, President