

IGWA Bulletin



CHANGES AND NEW DIRECTIONS FOR IGWA

LYNN TOMINAGA

This year Brenda and I made the decision not to renew our contract with IGWA when it expires on September 30th. We announced our decision at the January board meeting. At that time, we also committed to spend the coming year finishing projects and ensuring that the transition to a new executive director would be as smooth as we could make it.

We have appreciated the opportunity to work with IGWA's members – drillers, M&S, associates, vendors, presenters. After almost ten years - somehow we lost count - we have enjoyed meeting your families and employees as well as learning about your businesses and industry. We have enjoyed being associated with hard-working families and businesses who are as committed to protecting the ground water resource as they are to turning a profit. Our fondest memory will be the outpouring of support you as members have shown for others' needs and losses through the IGWA's Crisis Fund.

We leave you with almost 300 members, more than double the membership when we started. Your association is financially healthy. Your CEC program is strong. IGWA is well-positioned to continue representing the drilling industry within the water community of Idaho and nationally.

COVID-19 is making for a strange year and one that will present challenges to IGWA's continuing education programs and convention. Your board should be more than capable of providing the leadership to meet those challenges.

In May, the board formed a search committee and is in the process of hiring a new executive director. This change offers the association opportunities to grow in new ways, move in new directions, meet new challenges. We know you will offer your new executive director the same courtesy and kindness that we received.

As for us, it is time to slow down. We are looking forward to a lighter work schedule, more time with our kids and grandkids, maybe checking a few boxes off our bucket list. On behalf of Vickie and ourselves, we wish you the best and thank you for the opportunity to serve you.



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Table of Contents:

- 1 Changes & New Directions
- 3 2020 Board & Table of Contents
- 5 FMCSA Random Drug Testing
- 7 NGWA Comments—CDC Project
- 9 NGWA: Briefly
- 11 IDWR Underground Injection Wells
- 13 Safety—Common Sense
- 15 Community Milestones
- 17 EPA Replaces WOTUS
- 18 State Budget & COVID-19
- 19 Upcoming Events

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FMCSA INCREASES RANDOM DRUG TESTING RATE FOR 2020

The Federal Motor Carrier Safety Administration announced it is increasing the minimum annual percentage rate for random controlled substances testing for drivers of commercial motor vehicles requiring a commercial driver's license. The current rate of 25% of the average number of driver positions will increase to 50% of the average number of driver positions, effective in calendar year 2020.

The FMCSA Administrator must increase the minimum annual random testing percentage rate when the data received under the reporting requirements for any calendar year indicate that the reported positive rate is equal to or greater than 1%.

Based on the results of the 2018 FMCSA Drug and Alcohol Testing Survey, the positive rate for controlled substances random testing increased to 1%. Therefore, the agency will increase the controlled substances minimum annual percentage rate for random controlled substances testing to 50% of the average number of driver positions. The estimated positive usage rate for drugs was 0.8% in 2017 and 0.7% in 2016.

“This change reflects the increased positive test rate and will result in an estimated \$50 million to \$70 million increase in costs to the industry by requiring that more drivers be tested,” the *Federal Register* document states.

The minimum annual percentage rate for random alcohol testing will remain at 10%.

To read the *Federal Register* document, visit www.govinfo.gov/content/pkg/FR-2019-12-27/pdf/2019-28164.pdf.

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NGWA Submits Comments on Proposed CDC Project

NGWA submitted comments to the Centers for Disease Control and Prevention on November 18, 2019 regarding a proposed CDC information collection project about private well systems.

The CDC invited comments about the project, which is designed to assess the health risks associated with exposure to arsenic and uranium in drinking water from private wells in Connecticut, New Hampshire, and New Mexico.

The states were chosen because all three have groundwater-supplied systems with violations of radionuclides regulations under the Safe Drinking Water Act. The CDC states the information collected would be used for public health protection activities conducted by requesting agencies. Arsenic and uranium in groundwater can both be treated with on-site treatment systems.

NGWA's comments were put together by NGWA Regulatory Affairs Manager Chuck Job and NGWA members Ken A. Stelman of Wood Environment and Infrastructure Solutions in Denver, Colorado, and Stuart A. Smith, CGWP, of Ground Water Science in Poland, Ohio.

The comments raised issues about the survey and its association with the geology. NGWA noted that the survey protocol should consider potentially available and useful geological information, such as the well logs of local water well contractors and geologists.

Interpretation of the survey results should also consider other possible household activities and sources that could cause elevated arsenic and uranium in groundwater. Among these are a well's proximity to mining activity, use of pesticides containing arsenic, and the use of road salt that once dissolved can percolate with rainwater into the vadose zone and release uranium from bedrock. Use of on-site wastewater treatment (septic) systems not treating for arsenic and uranium can concentrate contaminants in proximity to a private water system as well.

"NGWA is the leading advocate for protecting the water quality of our country's private well systems," says NGWA CEO Terry S. Morse, CAE, CIC. "We see submitting these comments as an important part of our efforts."

To read the comments, visit www.ngwa.org/docs/default-source/default-document-library/advocacy/ngwa-comments-to-cdc-2019.pdf?sfvrsn=adee8f4c_2.



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BRIEFLY

National Ground Water Association Announces 21st National Groundwater Awareness Week Will Be March 9-13

The National Ground Water Association announced the 21st National Groundwater Awareness Week (GAWW) will take place March 9-13.

An annual observance established in 1999 to highlight the responsible development, management, and use of groundwater, the event is also a platform to encourage yearly water well testing and well maintenance to prevent waterborne illnesses.

This year, NGWA and its partners will be focusing their advocacy during GAWW to inspire the next generation of groundwater professionals. Fostering an interest in groundwater science and an understanding of its importance is making a critical investment in our planet's future.

"The current PFAS contamination, water sustainability, and workforce development issues all show us that investing in the next generation of groundwater professionals will be an important part of our future," said NGWA's CEO Terry S. Morse, CAE, CIC.

Groundwater professionals encompass many different occupations within the industry, including water well drillers, hydrogeologists, engineers, groundwater scientists, and educators.

Over the course of GAWW, NGWA will be running an aggressive social media campaign linking the public to educational opportunities to help get kids and students engaged in the science of groundwater.

NGWA will also be promoting the Groundwater Foundation's Awesome Aquifer Kit throughout GAWW. The Awesome Aquifer Kit is a one-of-a-kind educational tool that provides fun and hands-on experiments to help students understand and get excited about groundwater.

"We can't have groundwater managers who don't understand the resource, who aren't excited about it," said Groundwater Foundation's Program Communications Manager Jennifer Wemhoff. "The Awesome Aquifer Kit is a way to let students see groundwater and understand in a bigger picture how it's part of their everyday lives."

To learn more about how you can support GAWW and help inspire the next generation of groundwater professionals, please visit www.ngwa.org/gwaw2020 or <https://www.groundwater.org/kids>.



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Underground Injection Wells

Nate Fischer, P.G.
Technical Hydrogeologist
Idaho Underground Injection Control

Underground Injection Wells: Recharge

Recharge injection well permits are issued to operators to help relieve aquifer elevation loss across Idaho and to dilute naturally occurring contaminants. Typically, recharge injectate is surface water from Snake River, Cottonwood Creek, Murtaugh Lake, Dry Creek, and other minor surface water sources. This water is delivered to the well by pipeline or canal and recharge usually occurs during off-irrigation seasons. In order for an operator to inject a volume of surface water the operator must demonstrate compliance with the ground water quality rule defined in IDAPA 58.01.11. Injectate is sampled at least annually and frequently monthly during recharge dates. Point of compliance sampling is received from domestic wells in the “area of influence” as defined by IDAPA 37.03.03.70.05, and the frequency of domestic well sampling is typically monthly during recharge events. Sampling is done for bacteria, coliform, fecal coli, and E.coli. If a domestic well is found to have bacteria contamination the operator is required to cease injection activities immediately and assess the cause of contamination. If the source of the contamination is due to injection activities, the permit will be reconsidered and terminated if there is no correction. All chemistry and volume data is submitted to the UIC program annually and permits are on a 3- 5 year review period.

Recharge operators have reported 3 contamination events in the last 5 years, none related to injection activities but were confirmed to be the result of unauthorized use of the well or off-site up gradient contaminant sources. Injection was immediately ceased and testing was conducted on the injectate and ground water to determine the provenance of the coliform. The operator informed the domestic user of their findings and assisted the users remediate the source of contamination.

Underground Injection Wells: Agricultural Run-off

The UIC program does not allow for the construction of *new* Agricultural Run-off wells. These are wells that are used to control the fluids from flood irrigation and are usually constructed with a screened casing stick-up. IDWR does allow for existing Agricultural Run-off wells, but encourages the closure of these wells as they go through the permit cycle. One special type of Agricultural Run-off well is used for some irrigators to reinject excess ground water that is brought to surface and goes unused. This water is never exposed to the surface and is reinjected immediately to the same aquifer that it is mined from. A back flow preventer valve is installed in order to prevent any surficial water to enter the well as well as adhering to well construction standards to prevent the contamination of the useable aquifer.

Please feel free to contact Nate Fischer at the Idaho Department of Water Resources if you have any additional questions. (208)287-4991.

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Common Sense

Well my friends,
I guess that it's that time again. I hope that your summer has gone well and that you are all doing well. I don't know how much the shut-down has affected you, but I suspect that you have all plugged away trying to make a living and keep your businesses alive.

In recent days there has been much to-do about what it takes to keep you and your employees safe. In the past we have talked about different things, from clothes to glasses and yes even masks, to keep everyone safe.

Today I want to talk about something that is more than likely the most important tool in your toolbox. That is Common Sense.

If you were to sit back and think about every accident or dumb thing that has happened to you, you could more than likely come up with an answer that would have stopped this incident from happening. You know what they say, "20/20 hindsight". But I know for a fact that you can train yourself and maybe even your employees to look for the dangers and then avoid them. Well, you might say, "That's just Common Sense."

To this I wish to say, "Common Sense is not that common!" Just look what is happening around you today. There are those around us that think nothing of destroying other's property and livelihood. There are no

presumed boundaries. I was told by an employer the other day how difficult it was to have employees working for him knowing that, if they would happen to get ill, would sue him for insisting that they come to work to earn a paycheck.



NEWS FEATURE

What does this have to do with safety? Well, there are things that I have suggested to you over the last couple of years that could potentially save your business. Things like proper clothing, hats, glasses, masks, and all manner of safety gear. Also items like safety classes, tailgate trainings, and things that you could do to mitigate any accidents that happen on your watch. I have asked some of you if you are doing these things and have heard you say, "Well Mike, that is just Common Sense". Even after an accident that had happened to a member of an owner's own crew, I asked if all were wearing their hard hats. He said that no, they were still working on that. Wearing a safety helmet while pieces of steel are flying around your head makes sense, doesn't it? I am telling you Common Sense is just not that common.

My friends, lead the fight in safety. Bring back responsibility in the lives of your workers. Teach and lead by example.

Stay safe and keep your hands on your toolbox.

Mike

Mike Lewis, a certified EMT for over 25 years, grew up on a dairy farm in southern Idaho and traveled the world before returning to Idaho where he farmed with his family.



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COMMUNITY MILESTONES



Frederick Bond Walker “Fred”, age 67, passed away May 22, 2020 at home surrounded by his wife and children after a courageous three-year battle with cancer.

Fred was born in Twin Falls, Idaho on July 31, 1952 to Eugene and Helen Walker. When Fred was 13, he started working with his dad in the family well drilling and pump service business, Walker Water Systems, Inc. A year later, Fred applied for his driller’s license, took and passed the test. He learned how to drive while out in the desert drilling and worked with his dad on weekends and in the summers until he was out of college. In 1976 he became a partner in the family business. After his parents died, Fred and his sister, Cyndie, continued running the family business. Fred worked until he became ill in 2017. He was an avid reader and found he really enjoyed history. He had a very positive outlook on life, loved to tease and had a contagious smile.

Fred met his wife Pat in 1978 and married June 7, 1980 in Rice Lake, Wisconsin. They have two children, Robert Walker, Tucson, AZ and Cathryn (Shane) Hummel, Renton, WA. Fred was very proud of his children’s accomplishments. He went to all their activities, spent many weekends at the family cabin and loved teaching them how to ski.

Fred was on several committees for the Idaho Ground Water Association and was president in 1982-1983. He served almost 10 years as a Twin Falls Rural Fire District Protection Commissioner until his death.

Fred was preceded in death by his parents Eugene and Helen Walker. He is survived by his wife, Pat, their children, and his sister Cyndie (Mark) Koffer.

The Walker family would like to thank our family and friends, the doctors and nurses at the Seattle Cancer Care Alliance, and Harrison’s Hope hospice for their care, support and compassion during Fred’s illness.

Fred requested no funeral. A celebration of life will be planned later in the summer.

In lieu of flowers, the family requests that donations be made to the Idaho Ground Water Association Crisis Fund in memory of Fred Walker, P.O. Box 2624, Boise, ID 83701, or a charity of your choice.

A date has yet been set for the celebration of life due to COVID-19.

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EPA Replaces WOTUS with Navigable Waters Protection Rule

The U.S. Environmental Protection Agency and the Department of the Army (Army) finalized the Navigable Waters Protection Rule to define “Waters of the United States” on January 23 and thereby establish federal regulatory authority under the Clean Water Act.

For the first time, the agencies are streamlining the definition so that it includes four categories of jurisdictional waters, provides exclusions for many water features that traditionally have not been regulated, and defines terms in the regulatory text that have never been defined before. Congress, in the Clean Water Act, explicitly directed the agencies to protect “navigable waters.”

The Navigable Waters Protection Rule regulates these waters and the core tributary systems that provide perennial or intermittent flow into them.

Under the final “Step 2” rule, four categories of waters are federally regulated:

- The territorial seas and traditional navigable waters
- Perennial and intermittent tributaries to those waters
- Certain lakes, ponds, and impoundments
- Wetlands adjacent to jurisdictional waters.

The final rule also details 12 categories of exclusions, features that are not “waters of the United States,” such as features that only contain water in direct response to rainfall (e.g., ephemeral features), groundwater, many ditches, prior converted cropland, and waste treatment systems.

The Obama-era WOTUS rule was embroiled in litigation since it was proposed in 2015, as some representing various industries argued it placed too many restrictions on development, while some states were concerned the rule expanded federal jurisdiction to areas that were state responsibilities.

The EPA and Army announced in September 2019 it was repealing the rule. The agencies are also recodifying the longstanding and familiar regulatory text that existed prior to the 2015 rule—ending a regulatory patchwork that required implementing two competing Clean Water Act regulations, which has created regulatory uncertainty across the United States.

The rule continued to exclude groundwater from the definition and proposed not to regulate many wetlands not physically connected to streams or other surface waters. Additionally, it proposed not to regulate stormwater control features and wastewater recycling structures as well as flood-irrigated fields. The National Ground Water Association filed comments in April 2019 saying it agreed that groundwater should continue to be regulated by states and noted that in situations where groundwater/surface water interaction needs to be assessed, hydrogeologists have unique expertise that should be utilized. NGWA cautioned the agencies about potential adverse effects a redefinition could have on groundwater quality, specifically regarding stormwater.

To read more about the Navigable Waters Protection Rule, visit www.epa.gov/nwpr/navigable-waters-protection-rule-step-two-revise.

OPINION: IDAHO STATE BUDGET WELL POSITIONED TO HANDLE ONGOING IMPACTS OF COVID-19

BY GOVERNOR BRAD LITTLE

FRIDAY JULY 24, 2020

Idaho just ended its fiscal year with a surplus nearly three times what was expected before COVID-19.

How, in the middle of a global pandemic, did we manage to do that?

Through conservative principles of governing.

In late March, shortly after the first coronavirus case was confirmed in Idaho, I asked state government agencies to do what businesses and families across Idaho were having to do – tighten their belts. I called for agencies to cut spending and freeze hiring and any planned salary increases. We were one of the first states to announce a formal holdback.

Conservative revenue forecasting also contributed to our relatively positive budget situation. With the support of the Legislature, we used a more conservative revenue forecast than in previous years in order to provide a greater cushion at fiscal year-end. We also moved the tax filing deadline to June 15, giving citizens more time to file their taxes but kept filings in the same fiscal year. Other liberal states had to look for ways to cover shortfalls.

We've also taken steps to catalyze Idaho's economic rebound. Idaho was one of the last states with a confirmed COVID-19 case and one of the first states with a plan to safely and responsibly open our economy in stages. In fact, Idaho was ranked as the number one state for economic momentum during the pandemic because of our wage growth and employment figures.

While other states already withdrew approximately \$1.7 billion from their rainy-day funds during COVID-19, we strengthened Idaho's rainy-day funds with year-end transfers. We anticipate having close to \$580 million in reserve. This will prepare us well for the coming years.

I'm not trying to be overly optimistic about our budget situation. We anticipate there will be a three- to four-year budget impact because of COVID-19. However, ending our fiscal year with a large surplus means Idaho is well positioned to deal with the ongoing economic reality of living during a global pandemic.

We will be able to carry over the surplus into the current fiscal year and minimize service disruption to Idahoans. While other states are facing twenty- to forty-percent cuts, I have asked Idaho state government to prepare for a five-percent holdback this fiscal year. Holdbacks are never easy, but a lot of states would love to be in our position right now.

Thankfully, Idaho's public school system will be minimally impacted by COVID-19 in the new fiscal year because of our efforts to strategically leverage federal funds to offset planned reductions. Fiscal conservatism elsewhere in the budget combined with the relief funds we directed to K-12 mean teachers, students, and parents won't feel as much of an impact in schools like they will in other states.

Between direct federal support for schools and our actions through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, a total of \$122.2 million has been committed to K-12 public education for the next school year.

I've said it before – it's what you do in the good years that sets you up for failure or success. Under criticism from some, the Legislature and I chose to pad our rainy-day funds during times of economic prosperity, so we are better able to weather economic downturns like the one we are experiencing across the country now.

I want to thank my partners in the Legislature who have helped position our state for a strong economic rebound.

These are uncertain, challenging times but we are far better off here than elsewhere right now, thanks to our focus on fiscal conservatism in state government.





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UPCOMING EVENTS

CEC WORKSHOPS

November 12
Coeur d'Alene
 Coeur d'Alene Inn Best Western
 506 W Appleway Ave.

March 3
Pocatello, ID
 Clarion Inn
 1399 Bench Road

IGWA ANNUAL CONVENTION—Nampa

January 20-21, 2021
 Nampa Civic Center
 311 3rd Street South



Please note: *At this time, IGWA is cautiously optimistic that these events will be offered as scheduled. This schedule is subject to change due to the uncertainty surrounding COVID-19. For the most up-to-date information, consult IGWA's website at www.igwa.info*

NGWA National Groundwater Week
 December 8-10, 2020
 Las Vegas, NV



Now offered in-person or virtually!

NGWA is excited to announce Groundwater Week 2020 will be offered as both an in-person and a virtual event.

While we are still expecting Groundwater Week to take place as scheduled December 8-10 in Las Vegas, we wanted to offer those who cannot make it there the ability to participate virtually. The virtual event will still offer a robust exhibit hall, continuing education opportunities, and ways to network with other attendees.

For updates, programming information, and to learn more about the virtual options, visit GroundwaterWeek.com!

Registration is currently open!

