**MINUTES**

**KENTUCKIANA REGIONAL PLANNING AND DEVELOPMENT AGENCY (KIPDA)**

**REGIONAL WATER MANAGEMENT COUNCIL**

**MEETING CONDUCTED THROUGH ZOOM**

**April 13, 2021**

The Regional Water Management Council of the Kentuckiana Regional Planning Development Agency met at 1:30 p.m. on April 13, 2021 via Zoom. Members in attendance were:

Russ Rose, Chairman, Oldham County Water District, Oldham County, Kentucky

Scot Treece, LaGrange Utilities, Oldham County, Kentucky

Jim Silliman, Deputy Judge/Executive, Oldham County, Kentucky

Keith Griffee, County Finance Officer, Bullitt County, Kentucky

Ronnie Fick, Mt. Washington Water & Sewer, Bullitt County, Kentucky

Jordan Basham, Louisville Water Company, Jefferson County, Kentucky

Jeremy Raney, Louisville Water Company, Jefferson County, Kentucky

Stephanie Laughlin, Louisville Metro Sewer District, Jefferson County, Kentucky

Wesley Sydnor, Louisville Metro Sewer District, Jefferson County, Kentucky

Tom Doyle, Shelbyville Municipal Water & Sewer Commission, Shelby County, Kentucky

Keith Morris, Henry County Water District #2, Henry County, Kentucky

Jody Bramblett, New Castle Water & Sewer, Henry County, Kentucky

Jim Hoskins, City of Bedford Wastewater, Trimble County, Kentucky

**OTHERS IN ATTENDANCE** **REPRESENTING**

Jarrett Haley KIPDA

Justin Carter KIPDA

Danielle Story KIPDA

Rachael Miller KIPDA

Olivia Ranseen KIPDA

Hayden Kandul KIPDA

Jenna Graham KIPDA

Adam Forseth KIPDA

Zach Herzog KIPDA

Randall Kelley KRWA

Brett Derousse Intralox/Hydrolox

Linda Bridwell Public Service Commission

Sandy Williams KIA

Debbie Landrum KIA

Don Schierer KIA

Alicia Jacobs KDOW

Jory Becker KDOW

Chris Dent SynTerra

Holly Nicholas KY Engineering Group

Josh Flanery GRW Engineering

Tony Parrott Louisville MSD

Clay Kelly Strand Associates

Paul Maron Strand Associates

Joe Robinson City of Bedford

Pat Hargadon U.S. 60 Water District

Jerry Summers Bullitt County

Curtis Hockenbury City of Shelbyville

Jon Park Shelby County

Austin Dupré Shelby County

Scott Fleming City of Shepherdsville

**CALL TO ORDER**

Chairman Rose called the meeting to order at 1:30 p.m.

**ROLL CALL**

Ms. Miller called roll. There was a quorum.

**MINUTES FROM JANUARY 12, 2021**

Mr. Treece moved to approve the minutes from the January 12, 2021 Regional Water Management Council Meeting. Mr. Doyle seconded. Motion carried unanimously on a voice vote.

**KIA UPDATE & SB 36 GRANT INFORMATION**

Ms. Williams, Deputy Director of the Kentucky Infrastructure Authority (KIA), stated that in addition to the regular funding that is administered through KIA with the state revolving fund for state revolving fund (SRF) loan programs, there is an additional $250 million that will be available to utilities for water and sewer grants. KIA is still awaiting the federal guidelines for this grant money and will wait until the guidance is received before distributing the funds. There is $150 million which will be allocated based on county population. However, the money does not go to the county, it is being allocated by county based on population, and Jefferson County’s population will be discounted at a rate of 50%.

There is also $50 million for water service to unserved rural customers and federal consent decree projects. The final pool of funds will be used to supplement a project grant where the cost is greater than the county’s allocation amount. KIA anticipates that all projects will be distributed to the area development districts through the Water Resource Information System (WRIS) portal, and the application process will also run through the WRIS portal. More information about this funding can be found by reviewing Senate Bill 36.

The legislation that funded the Broadband Deployment fund is House Bill 320 as amended by House Bill 382. House Bill 320 was passed and enacted into law, and it was amended by an additional piece of legislation on the last day of the legislative session. There is $300 million available, with the first $50 million allocated for economic opportunities, and the remaining $250 million is to be used to deploy broadband in unserved and underserved homes and businesses. This will be last mile connections. No more than $50 million can be allocated to projects before April 1, 2022. The KIA is working to establish the process and procedures to distribute and deploy this funding and hope to present at the KIA Board meeting in May.

**PUBLIC SERVICE COMMISSION UPDATE**

Ms. Bridwell, Executive Director of the Public Service Commission (PSC), stated that the mission of the Kentucky Public Service Commission is to foster the provision of safe and reliable service at a reasonable price to the customers of jurisdictional utilities while providing for the financial stability of those utilities by setting fair and just rates, and supporting their operational competence by overseeing regulated activities. The PSC regulated entities included 1,100 jurisdictional utilities such as water and sewer utilities, natural gas distribution systems and intrastate pipelines, electric utilities, and a small number of telecommunications utilities. Municipal utilities, except for gas pipeline safety and cooperatives served by TVA.

The Kentucky PSC is comprised of three commissioners and approximately 75 employees. The PSC has electronic filing capabilities, with increasing usage during a state of emergency. There are four internal divisions of the PSC which include inspections, legal, financial analysis, and general administration. Operations at PSC during COVID-19 have been adjusted. Initially, all in-person inspections were ceased, and parties were requested to decrease paper filings. The PSC also closed office buildings to the public; implemented remote work and staggered in-office staffing; moved all new cases to electronic and urged the conversion of paper cases to electronic; continued to conduct virtual public hearings and public meetings; implemented a simple email inbox for non-case filings.

The Public Service Commission opened docket 2020-00085 on March 16, 2020 as its external response to COVID-19. The PSC suspended disconnections for non-payment and late fees for PSC jurisdictional utilities because of Governor Beshear’s Executive Order that was issued on May 8, 2020 that affected all utilities, including municipalities. The PSC requested utilities to implement tariffs liberally. The PSC also granted deviations on non-safety related inspections, office hours and lobby availability, paper filing, and filing of non-safety related reports with PSC.

The PSC sent follow-up data requests to utilities in late June 2020 to ascertain the impact of COVID-19 on those utilities. The requested data would allow the PSC to assess arrearages and compare between pre- and post-COVID-19, determine anticipated costs or possible cost savings for utilities, determine the number of disconnects if not for moratorium, and assess bad debt write-offs. The key findings were that the percentage of on-time payments was largely in line with pre-pandemic numbers, the impacts on utility income varied, and the largest changes were related to commercial and industrial customers.

The PSC issued an order in September 2020 for residential customers that established a mandatory minimum repayment plan for arrearages of 6 months and utilities could establish repayment plans of up to two years. The order also established that default payment plans can only require a customer to pay a fixed and equal installment over the life of the plan; utilities are to engage with customers to convey information regarding arrearages, ways to pay, and potential avenues for assistance; and requested that the Commonwealth earmark local government COVID-19 relief funds specifically for water and sewer assistance or dedicate other sources of funds, such as CARES Act money.

The PSC plans to move forward post-pandemic by creating a web portal to replace the email inbox for non-case filings and create new, less burdensome processes for confidential information. It may also change regulations to require electronic filing. The PSC also intends to consider the option of keeping virtual meetings and hearings.

Because water loss is an indicator of operational problems, the PSC initiated an investigation on March 12, 2019 to review 11 jurisdictional water utilities that reported water loss of more than 35% in their annual reports. Formal hearings were conducted in July 2019. The common problems among these and other water districts that have persistent water loss are inadequate or inconsistent management of water utility operators and oversight by the board members who are appointed by local officials; poor financial and accounting practices; and local pressure. The PSC made a number of recommendations in the report, some of which would have required statutory change. However, many of the recommendations would not require legislation, such as proactive collaboration of staff with the water districts; implementing surcharges to address specific problems; and requiring regular reporting of issues.

Ms. Bridwell provided a recap of the 2021 General Assembly legislation that relates to PSC activities.

House Bill 465

* Establishes criteria and process that the PSC is to use for determining, for ratemaking purposes, the value of an asset acquired by a water or sewer utility. The acquiring utility can apply to the PSC for an order declaring the value of the acquired assets or allow the utility to seek an order as part of its first application for a change in base rates following the acquisition.

House Bill 272

* Among its provisions, this bill allows a water district under PSC jurisdiction to charge a late payment fee of 10% and prohibits the PSC from modifying, rejecting, or suspending late payment charges established by tariff. The General Assembly over-rode the governor’s veto of this bill.

House Bill 393 (PSC Agency Legislation)

* Allows the PSC to grant reasonable extensions of time not to exceed six months for water district commissioners to complete their training requirements and has an emergency clause; it went into effect upon the governor’s signature.

A Resolution reestablishing the Public Water and Wastewater Infrastructure Task Force was not passed.

Electricity sector trends have also had an effect on the PSC’s activities. Net metering statutes were amended in 2019. The PSC hired a consultant to provide technical assistance to staff on the implementation of net metering changes, which allow for compensation for net-metered energy to vary by utility. Three utilities have filed for revisions to their net metering tariff following these statutory changes. There are currently 22 solar projects being reviewed by the Siting Board on Electric Transmission and Generation. These are the first-ever solar proposals to go before the sitting Board, indicating strong interest in solar projects primarily for selling wholesale electricity markets. Also, an order on September 28, 2020 approved three solar contracts entered into by Big Rivers Electric Cooperative.

**HYDROLOX WATER SCREENS**

Mr. Derousse, National Account Manager for Intralox/Hydrolox Screens, stated that Intralox is the inventor and world’s largest manufacturer of modular plastic conveyor belts and screens. These were invented over 45 years ago to replace steel, chain-driven conveyor belts that fed their shrimp peeling machine and solved real customer problems. Currently, Intralox holds 973 patents and has three research and development centers that are focused on continuous improvement of their technology.

Hydrolox screens are designed to reduce maintenance costs by eliminating side chains and allowing all maintenance to be performed at deck level. The screens are designed with automated take-up; a stainless-steel carry way for screening material to ride on; and the elimination of the foot shaft, bearings, and sprockets. The Introlox spray bar technology has double the number of nozzles, maintains the same water flow, and has a self-cleaning internal brush. There are no serviceable parts below the waterline. This enables the screen to run 24 hours a day, 7 days a week, and 365 days a year for multiple years without service.

Hydrolox polymer screens are designed to meet compliance and built to last. The Hydrolox screen systems ensure full compliance with water screen regulations. They also lower the cost of ownership by reducing maintenance costs. Hydrolox offers the only chainless traveling water system. The system is specifically designed to operate continuously when required and are backed with a warranty of up to four years.

**AWIA RISK & RESILIENCY ASSESSMENT**

Mr. Kelley, Training Coordinator for the Kentucky Rural Water Association (KRWA), stated that America’s Water Infrastructure Act (AWIA) was passed in 2018 and updates Section 1433 of the Safe Drinking Water Act. Section 1433 was added by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. The Environmental Protection Agency (EPA) is the primary agency responsible for enforcing Section 1433.

A Risk and Resiliency Assessment and Emergency Response Plan are requirements of the AWIA. The initial requirement is for community water systems to conduct a risk and resilience assessment by set deadlines and develop an emergency response plan. Both must be certified by the EPA upon completion. These requirements will assess a utility’s risk of being damaged by malevolent acts designed to disrupt the water system and the risk of natural hazards and disasters. Each community water system that serves a population greater than 3,000 persons shall assess the risks to and resilience of its system. Such as assessment shall include:

* The risk to the system from malevolent acts and natural hazards
* Includes pipes and conveyances; source water; water collection and intake; pretreatment; treatment; storage and distribution; electronic, computer, or other automated systems, including security
* Monitoring practices
* Financial infrastructure
* Use, storage, or handling of chemicals
* Operation and maintenance
* May include capital and operational needs for risk management

The Emergency Response Plan requires that community water systems prepare or revise a plan that incorporates findings from the risk assessment and must include:

* Strategies and resources to improve resilience, including physical security and cybersecurity
* Plans, procedures, and equipment to lessen the impact of a malevolent act or natural hazard, including alternative source water, relocation of intakes and flood protection barriers
* Strategies to detect malevolent acts or natural hazards

The law also requires a water system to coordinate with its local emergency planning committee.

The AWIA establishes certification deadlines for these plans. For a water system that serves a population of 3,301 – 49,999, the Risk and Resilience Assessment certification must be submitted to the EPA by June 30, 2021. The Emergency Response Plan must then be certified no later than 6 months after the certification of the Risk and Resilience Assessment. Electronic submission is the preferred method of the plans.

**KIPDA REGION MAPPING UPDATE**

Mr. Herzog, KIPDA GIS Specialist, stated that he and Mr. Carter are working to finish all the system visits and have received good and helpful information for the future asset inventory portion of the data collection so far. Many systems were interested in having a GIS update of the locations of manholes, hydrants, and valves. Mr. Herzog will be contacting those systems within the next few months to schedule that. Mr. Herzog reminded systems to include all necessary description information when submitting projects for grant funding programs.

**WATER COORDINATOR’S REPORT**

Mr. Carter stated that he and Mr. Herzog will be working to finish up the rest of the system visits within the next couple of weeks before the KIA deadline. He will follow up with a few systems for missing information that was not received during the system visit.

The Kentucky Rural Water Association (KRWA) is offering upcoming training opportunities. There will be a drinking water training held on Thursday, April 15, 2021 from 9:00 a.m. to 12:00 p.m. This Friday, April 16, 2021 the KRWA will hold a wastewater training from 9:00 a.m. to 12:00 p.m. The last training through KRWA will be for drinking water and wastewater on May 4, 2021 from 9:00 a.m. to 12:00 p.m. Those interested in attending any of the KRWA trainings can sign up on the KRWA website. The Kentucky Rural Water Association (KRWA) Operator Exposition will be held on June 23 - 24, 2021 at the Hardin County fairgrounds in Glendale, Kentucky.

The Kentucky Water and Wastewater Operators Association is holding training classes on Thursday, April 29, 2021 via Zoom and will hold their 63rd annual conference this year on June 27 – 30, 2021 at the Owensboro Convention Center.

Any systems interested in submitting projects for funding allocated by Senate Bill 36 should reach out to Mr. Carter as soon as possible to get the ball rolling on the application process.

Mr. Carter asked for the council members’ opinions on whether or not they would like to hold the July meeting in-person as long as new cases of COVID-19 do not increase. The meeting could also be held as a hybrid of both in-person and virtual participation.

**COUNTY UPDATES**

None

**OTHER BUSINESS**

Mr. Carter stated that the next Regional Water Management Council meeting will be held on Tuesday, July 12, 2021 at 1:30pm via Zoom video conference and streamed on the agency’s YouTube page.

**ADJOURNMENT**

Mr. Morris moved that the meeting be adjourned. Mr. Doyle seconded. Motion carried unanimously on a voice vote.