MINUTES

KENTUCKIANA REGIONAL PLANNING AND DEVELOPMENT AGENCY (KIPDA)

REGIONAL WATER MANAGEMENT COUNCIL

KIPDA Burke Room
11520 Commonwealth Drive
Louisville KY 40299

PARTICIPATION ALSO AVAILABLE THROUGH ZOOM
AND STREAMED ON THE AGENCY'S YOUTUBE PAGE

April 12, 2022

The Regional Water Management Council of the Kentuckiana Regional Planning Development Agency met at 1:30 p.m. on April 12, 2022, in person and on Zoom. Members in attendance were:

Russ Rose, Chairman, Oldham County Water District, Oldham County, Kentucky
Scot Treece, LaGrange Utilities Commission, Oldham County, Kentucky
Jim Silliman, County Engineer, Oldham County, Kentucky
Keith Griffee, County Finance Officer, Bullitt County, Kentucky
Paul Brannon, Mt. Washington Water & Sewer, Bullitt County, Kentucky
Arthur Jones, Engineer for City of Shepherdsville, Bullitt County, Kentucky
Scott Fleming, Collections Supervisor, City of Shepherdsville, Bullitt County, Kentucky
Jordan Basham, Louisville Water Company, Jefferson County, Kentucky
Jeremy Raney, Louisville Water Company, Jefferson County, Kentucky
Nicole Koeninger, 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
Pete Hedges, North Shelby Water Co., & U.S. 60 Water District, Shelby County, Kentucky
Melvin Phenix, West Shelby Water District, Shelby County, Kentucky
Keith Morris, Henry County Water District #2, Henry County, Kentucky
Jody Bramblett, New Castle Water & Sewer, Henry County, Kentucky
Mark Bates, City of Milton Water Works & Wastewater, Trimble County, Kentucky

OTHERS IN ATTENDANCE	**REPRESENTING**
Justin Carter	KIPDA
Danielle Story	KIPDA
Rachael Miller	KIPDA
Hayden Kandul	KIPDA
Zach Herzog	KIPDA
Joseph Garcia	KIPDA
Paul Sangalli	KIPDA
Sandy Williams	KIA
Don Schierer	KIA
Debbie Landrum	KIA
Alicia Jacobs	KDOW
Russell Neal	KDOW
Ted Smith	U of L
Holly Nicholas	KY Engineering Group
Pat Hargadon	U.S. 60 Water District
Paul Maron	Strand Associates
Rachel Bush	Oldham County Water
Teena Halbig	Floyd's Fork Conservancy
Lisa Didier	West Shelby Water District
Judge Jerry Summers	Bullitt County
Judge Todd Pollock	Trimble County

CALL TO ORDER

Chairman Rose called the meeting to order at 1:33 p.m.

ROLL CALL

Ms. Miller called roll. There was a quorum.

MINUTES FROM JANUARY 11, 2022

Mr. Basham moved to approve the minutes from the January 11, 2022 Regional Water Management Council Meeting. Mr. Jones seconded. Motion carried unanimously on a voice vote.

KIA UPDATE – CWP & 3 NEW PROGRAMS FOR SRF FUNDING THROUGH BIL

Ms. Williams gave a presentation on the Supplemental State Revolving Fund (SRF) Funding from the Bipartisan Infrastructure Law (BIL). The BIL has made amendments to the Safe Drinking Water Act - Section 1452 and the Clean Water Act - Title VI. It reauthorizes the Drinking Water State Revolving Fund (DWSRF) Base program and the Clean Water State Revolving Fund (CWSRF) Base program for the next five years. The supplemental DWSRF funding for FY 2022 – 2026 includes lead service line replacements in the amount of $46.6 million for FY 2022, general supplemental funding in the amount of $29.6 million for FY 2022, and emerging contaminants funding in the amount of $12.4 million for FY 2022. The supplemental CWSRF funding for FY 2022 – 2026 includes general supplemental funding in the amount of $22.8 million for FY 2022 and emerging contaminants funding in the amount of $1.24 million for FY 2022.

The lead service line supplemental funding (DWSRF) eligibilities are limited to "lead service line replacement projects and associated activities directly connected with the identification, planning, design, and replacement of lead service lines." The fund also requires that 49% of the capitalization grant amount of the $46.6 million must be given as additional subsidy. The general supplemental funding (DWSRF) eligibilities include all DWSRFs. The fund also requires that 49% of the capitalization grant amount of the $29.6 million must be given as additional subsidy.

The emerging contaminants supplemental funding eligibilities are limited to DWSRF-eligible projects that "address emerging contaminants in drinking water with a focus on PFAS and PFOA substances." The fund also requires that 100% of the capitalization grant amount of $12.4 million must be given as additional subsidy. Emerging contaminants are defined as contaminants listed on the Draft Fifth Contaminant Candidate List (CCL). The CCL is a list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations but are known or anticipated to occur in public water systems. The contaminants listed on the CCL may require future regulation under the Safe Drinking Water ACT (SDWA). The Draft CCL 5 includes 66 chemicals, three chemical groups: per- and polyfluoroalkyl substances (PFAS), cyanotoxins, disinfection byproducts (DBPs), and 12 microbes. If a contaminant is not listed on CCL 5, a state may propose that contaminant's eligibility under this appropriation for the Environmental Protection Agency's (EPA) approval.

Additional funding for CWSRF includes general supplemental funding of which all CWSRF projects are eligible. The fund requires that 49% of the capitalization grant amount of $22.8 million must be given as additional subsidy. All CWSRF projects that

address emerging contaminants are eligible, and 100% of the capitalization grant amount of $1.2 million must be given as additional subsidy. The main categories of emerging contaminants include but are not limited to persistent organic pollutants (POPs) such as polybrominated diphenyl ethers (PBDEs – used in flame retardants, furniture foam, plastics, etc.) and other global organic contaminants such as per- and polyfluoroalkyl substances (PFAS), per fluorinated organic acids, PFAS free flame retardants, and biological contaminants and microorganisms such as antimicrobial resistant bacteria, pathogens, or diseases in wastewater.

Utilities can apply for DWSRF funding through the Water Resource Information System (WRIS) project profile. They can also coordinate with the Water Management Councils at the Area Development Districts (ADDs). The Water Service Coordinator will assist utilities in completing the project profile. The call for projects is anticipated to be September through December 2022, and it is anticipated that the funding will be available in July 2023. Other SRF eligible projects include water and wastewater treatment plant construction and rehabilitation, collection and distribution system construction and rehabilitation, regionalization projects, stormwater projects, and nonpoint source projects. Ineligible SRF projects include laboratory fees and other monitoring expenses, operation and maintenance expenses, compliance monitoring, operation and maintenance, reservoirs for raw water, dams or dam rehabilitation, water rights, growth, and fire protection.

There are two separate Intended Use Plans (IUPs) for how the Kentucky Infrastructure Authority (KIA) plans to use the funds allotted by the EPA, one for CWSRF and another for DWSRF. These plans include general program information and overview, federal requirements, schedule, invitation process, financial terms of loans, funds available, project priority list, and contact information. The projects will be selected using scoring and ranking guidance that the Kentucky Division of Water (KDOW) is working on. Projects will be scored and ranked similar to the Base Program DWSRF projects, and KIA will invite them in the order of their rank. The additional subsidization criteria require that the projects must be completed in a disadvantaged community in which the median household income (MHI) is less than 80% of Kentucky's median household income and meet affordability index criteria of an annual 4,0000-gallon water rate divided by the MHI. The definition of a disadvantaged community is included each year in the IUP.

The projects will be administered through an engineering procurement process, E-Clearinghouse submissions, National Environmental Policy Act (NEPA or NPEA-like), scoping letters, Davis-Bacon wage determinations, American Iron and Steel, and Buy

America Build America. Project administration fees are eligible. Eligible borrowers include cities, counties, special districts, and water associations added to the definition of governmental agencies. The financial terms, interest rates, and principal forgiveness information is also included in the plan.

The Cleaner Water program administered via a KIA grant program includes the Drinking Water and Wastewater Grant programs, and they are funded by the American Rescue Plan Act (ARPA) of 2021through the Coronavirus State Fiscal Recovery Fund. These funds were appropriated in the 2021 regular session of the general assembly to the Kentucky Infrastructure Authority to administer the program, which is part of the Better Kentucky Plan that includes over $1 billion for better schools, cleaner water, and better internet. These projects will be selected through coordination and evaluation of criteria. There have been 662 application submittals and 364 grants announced as of April 12, 2022. Real-time information and updates of project submittals is available online through the WRIS portal.

TESTING AND MONITORING FOR EMERGING CONTAMINANTS IN OUR REGION'S WATER AND WASTEWATER

Ms. Halbig gave a presentation on the progress on PFAS and forever chemicals in the water supply. Polyfluoroalkyl substances, known as PFAS, are considered to be forever chemicals. PFAS are a group of manmade, synthetic chemicals used to make fluoropolymer coatings and products that resist heat, oil, stains, grease, and water. They have strong carbon-fluoride bonds. The two most common are perflorooctane sulfonic acid (PFOS), which was phased out in 2002 and perfluooctanoic acid (PFOA), which was phased out by 2015, but its replacement is GenX. PFOA was created by 3M in 1947, and in 1951, DuPont began using PFOA. In 1938, DuPont's Dr. Roy J. Plunkett accidentally discovered Teflon, and its production began in 1970. These chemicals exist in many products today; the chemicals are ubiquitous throughout Kentucky, nationally, and globally, and there are at least 10,000 known derivatives. However, two sources where PFAS chemicals can be removed to protect the public's health are drinking water and wastewater.

PFAS chemicals are found in the wastewater of industrial facilities that produce or process those chemicals, leachate from landfills containing PFAS wastes, municipal wastewater, and contaminated storm water. The usual treatments of chemicals do not remove or destroy PFAS and a portion may partition to sludge. It takes high heat incineration of 1,000 degrees Centigrade or 1,832 degrees Fahrenheit to fully destroy PFAS, and it must be taken to places that are designated and approved to destroy it.

According to data analyzed by the Environmental Working Group and Northeastern University, as of March 2019, there are at least 610 locations in 43 states that are known to be affected by PFAS contamination, including drinking water systems serving an estimated 19 million people. Louisville, Kentucky has the seventh highest PFAS contamination levels out of 31 states and D.C. at 42.5 parts per thousand per the U.S. Environmental Agency (EPA) and state data.

Hexafluoropropylene oxide-dimer acid (HFPO-DA) and its ammonium salt are also known as GenX chemicals because they are the two major chemicals associated with GenX processing aid technology to make high-performance fluoropolymers without the use of perfluorooctanoic acid (PFOA/C8). The Environmental Working Group filed documents with the EPA in which DuPont reported that a next-generation chemical used to produce food contact paper, called GenX, could pose a substantial risk of injury including cancerous tumors in the pancreas and testicles, liver damage, kidney disease, and reproductive harm. The Environmental Working Group reported that Louisville, Kentucky has the second highest level of GenX in its drinking water out of 30 other cities.

There has been legislation proposed to address PFAS chemicals in the water supply. PFAS Bills in the 2021 and 2022 Kentucky General Assembly did not pass; however, the Kentucky House Resolution written by Representative Nima Kulkarni for a PFAS Awareness Day passed in 2022. The proposed PFAS Action Act of 2021 – 2022 calls for several significant regulatory actions related to PFAS chemicals including requiring the EPA to set drinking water standards for two PFAS compounds for two years; designate PFOA as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act or Superfund (CERCLA) within one year; require the EPA to determine if all PFAS chemicals should be classified as hazardous substances under the CERCLA within five years; require testing of all PFAS for toxicity to human health under the Toxic Substances Control Act (TSCA); require the EPA to issue drinking water standards under the Safe Water Drinking Act (SWDA) for PFOA and PFOS, require the EPA to designate PFOA and PFOS as hazardous air pollutants pursuant to the Clean Air Act within six months; create labeling requirements for products to signify that they are or are not PFAS-free; and create effluent regulations under the Water Pollution Control Act.

There are several federal and state politicians who are advocating to assist with the issue of PFAS chemicals including President Joe Biden, North Carolina Governor Roy Cooper, and more. Some key actions and timelines include but are not limited to publishing a national PFAS testing strategy by the Fall of 2021, enhance PFAS reporting

under the Toxics Release Inventory by Spring 2022, establish a national primary drinking water regulation for PFAS chemicals by Fall 2021 and ongoing, restrict PFAS discharges from industrial sources by 2022 and ongoing, and issue updated guidance on destroying and disposing of certain PFAS and PFAS-containing materials by the Fall of 2023.

Mr. Smith added that sources of PFAS exposure include drinking water, ingestion of soil or dust, and several consumer products. The University of Louisville (UofL) Community Exposure-Guided Remediation has been created to identify the hot spots of community level PFAS exposure in wastewater influent, measure individual exposure to PFAS from blood and urine samples in participants living in the region of interest, correlate with wastewater sampling and measure of PFAS in influent, and sewer tracing for source targeting.

The parameters to be measured in the community include demographics, biomarkers, fasting serum measurements, and immunophenotyping. The next step sin the process will be to develop a series of projects in partnership with KDOW and KIA wastewater utilities to leverage the Bipartisan Infrastructure Law (BIL) Emerging Contaminants program.

KIPDA HAZARD MITIGATION PLAN UPDATE

MS. Kandul, KIPDA Community & Economic Development Specialist, stated that KIPDA became the first organization in the state to convert its Hazard Mitigation Plan (HMP) to an online planning resource, and this resource is more user friendly, interactive, and accessible to all. The first Plan was submitted to the Federal Emergency Management Agency (FEMA) and Kentucky Emergency Management (KYEM) in mid-December and approval was received from both agencies on January 18, 2022. The KIPDA Regional Hazard Mitigation Planning Council approved the Plan on January 19, 2022, and the KIPDA Board of Directors approved the Plan on January 27, 2022. This means that all resolutions to adopt the Plan are now complete.

An in-kind match is required for FEMA project funding, and there is an HMP time tracker available on the Plan website. Activities to meet this requirement include participation in updates, review of the Plan and its associated documents, and volunteer time. Individuals should document any time spent reviewing the Plan online. Ms. Kandul then gave the Council a brief overview of the HMP website.

KIPDA REGION MAPPING UPDATE

Mr. Herzog, KIPDA GIS Specialist, stated that there have been some edits made to project number SX210211020 in Shelbyville, Kentucky. It is a water line going in to take out some lift stations, and the project has been broken up into different phases to better distribute the funding. Another project just had to have a few attributes updated. The Louisville Metropolitan Sewer District (MSD) is taking out a couple of wastewater treatment plants and sewer treatment plants in Oldham County, and it just needed to be updated.

WATER MANAGEMENT COORDINATOR'S REPORT

Mr. Carter stated that the Kentucky Rural Water Association (KRWA) is hosting several online webinars in April and May that individuals can attend to receive Continuing Education Unit (CEU) credits.

The Kentucky Water and Wastewater Operators Association is holding their Annual Conference and Golf Scramble on Sunday, May 15th at 12:00 PM in Owensboro, Kentucky.

Mr. Carter discussed KIA projects in the KIPDA region that are applying for Senate Bill 36 Cleaner Water Grants program funding. There should be more information about the supplemental pot funding in the near future.

COUNTY UPDATES

None

OTHER BUSINESS

Mr. Carter stated that the next Regional Water Management Council meeting will be held on Tuesday, July 12, 2022, at 1:30pm in the KIPDA Burke Conference Room and via Zoom.

ADJOURNMENT

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