

## **Report to Dalton Water Association (DWA) Members**

### **From DWA Board of Directors**

Your DWA Board is committed to economically provide safe, reliable, chlorine-free, high quality drinking water to all its members.

However, it is easy to just take our excellent water quality for granted. We would like to take this opportunity to provide some important information regarding our water system and some details that may not be obvious to many members.

#### **DWA Board of Directors**

The Board consists of five members who are elected to represent the interests of all members in keeping our water system robust, safe, and compliant with the applicable adjudicatory agencies. The Board is made up of a President, Vice President, Treasurer and two Directors.

Board members are elected at the annual meetings of the DWA membership, held on the 1<sup>st</sup> Monday in March of each year. We are not a governmental entity. We are a private, independent, member-owned association. It is usual and customary that our board members serve multiple, consecutive terms as it is important to keep the continuity of knowledgeable, experienced and interested board members to oversee and manage association business. Your Board is judicious and conscientious in recommending qualified board members to our membership when a vacancy occurs, as compatibility, knowledge, experience and interest in serving are important factors. Generally, the Board looks most favorably upon those members who take the time and make the effort to regularly attend our monthly meetings to learn and stay abreast of our operational policies and priorities. We invite members who are curious about serving to attend our meetings and inform board members of their interest. Letters of interest and resumes of members interested in applying are held in our office, in the event of a vacancy.

#### **DWA Employees**

DWA employs three, permanent, part-time employees. Our Office Manager, is in charge of day-to-day office management, bookkeeping and correspondence. Our licensed and certified Water System Operators are responsible for overall system oversight and operation, construction

management, meter reading and compliance with water testing and quality control requirements.

## **DWA System Description**

Our water system consists of, A: Our wells, B: Our reservoirs, C: Our distribution system, and D: Our properties.

The system begins with our wells. We currently have two wells located on Prairie Avenue that draw water from the Spokane Valley-Rathdrum Prairie Aquifer. It is DWA policy to chlorinate our system in an event, such as a water line break, construction or other potential contamination risk. The water is regularly tested for contaminants as per State Department of Environmental Quality (DEQ), and Federal Environmental Protection Agency (EPA), as well as local Panhandle Health District ground water rules and guidance. Four DWA dedicated testing sites are maintained for our regular water analysis processes. Our wells and system are protected from electrical interruptions by a 400 kw backup power generator located at the well site. Our maintenance building is also located on the well site, and houses our tools, parts inventory and heavy equipment. The wells draw water from the aquifer and pump water to our two reservoirs located on our 17-acre reservoir site on the north side of the city. Reservoir 1 has a 500,000 gallon capacity and Reservoir 2 has a 1,000,000 gallon capacity. The reservoir site is connected via wireless SCADA system to our well houses. This allows for real-time on and off-site electronic monitoring of entire system by our part-time system operators. Our distribution system consists of many miles of water pipe installed in rights-of-way and protected through various easements. We also host and maintain the City of Dalton Gardens fire hydrants.

## **Safety and Water Quality Compliance**

Our water system has many points of possible contamination. This reality is constantly on the minds of the Board, our Office Management and System Operators. Dalton is unique in our region in having water delivered to most Dalton properties from two independent sources. 1. Dalton Water Association (potable domestic water), and 2. Dalton Irrigation (non-potable water from Hayden Lake for property irrigation only). This provides obvious benefits to Dalton residents. Safe, reliable and high-quality potable water (DWA), as well as a much lower cost and plentiful quantities of water for lawn/garden watering and irrigation purposes (Dalton Irrigation). Contamination can come from a variety of substances, some examples are:

Microbial (ex., e. coli, shigella, salmonella, cyanobacteria)

Chemical (ex., pesticides, fertilizers, household chemicals, etc.)

Metallic – (ex., pipe corrosion, ground metals)

Synthetic (ex., antifreeze, detergents, etc.)

Contamination is difficult to isolate, due to the many potential sources and points of ingress and the wide range of possible contaminants.

### **DWA's Cross-connection Program Rationale**

DWA is committed to complying with all Federal, State and local laws while utilizing best practices in managing our level of risk, including risk of contamination and constantly improving delivery reliability. **Safety is Priority One.**

As a result of the scenario stated above, however, there is real potential for cross-contamination of our potable water through introduction of chemical and biological toxins from non-potable Hayden Lake water into our aquifer-provided potable drinking water. Cross-contamination has also been confirmed from a variety of other sources. The adjudicatory agencies that regulate groundwater distribution and providers have identified and prioritized the contamination potential of many of these sources and actively regulate the prevention of those possible sources of contamination. As a result of the uniqueness of our dual water sources, the fact that DWA does not chlorinate its water continuously, and our city is not sewerred, Dalton Gardens is subject to additional scrutiny. Our situation is well-known throughout adjudicatory agencies Statewide. Therefore, the DWA Board is dutifully conscious of this fact and error on the side of caution regarding its policies surrounding cross-contamination. It is not the intention of the Board to be “heavy-handed” in our policies, but to protect our members from greater intrusive measures handed down from the regulatory agencies.

**Idaho law states:** “There shall be no connection between the distribution system and any pipes, pumps, hydrants, water loading stations, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into a public water system. The water purveyor is responsible through its cross-connection control program to take reasonable and prudent measures to protect the water system against contamination and pollution from cross connections through premises isolation or containment, internal or in-plant isolation, fixture

protection, or some combination of premises isolation, internal isolation, and fixture protection.”

The DEQ expects water purveyors to continually improve on their cross-connection programs. DWA has chosen to follow the lead of other regional water purveyors in improving its cross-connect program even though improvements often mean increased costs for the Association and its members as well as higher operational vigilance.

### **City of Dalton Gardens Fire Protection System – Dalton Water Association’s Role**

In December, 1990 the Dalton Water Association (DWA) entered into an agreement with the City of Dalton Gardens (CODG) for the purpose of clarifying the responsibilities and duties surrounding fire protection for the Dalton Gardens community. The agreement was drawn up by DWA’s then attorney, Kenneth Jacobsen.

The agreement stated that the CODG and DWA would share equally in the expenses of the purchase, and repair, including labor, of fire hydrants and appurtenances, attached to the domestic water system owned and operated by DWA.

In 2013, there was discussion that the agreement of 1990 should be revised, as it was determined that since the City of Dalton Gardens is included in the Kootenai Fire Protection District and taxed directly from the Fire District, that the burden of protecting Dalton residences and commercial enterprises against fire was the responsibility of the CODG and that DWA could not acquire insurance to cover any personal/property damage that may occur should there be a residential or commercial fire. The CODG, being a governmental agency, is covered by ICRMP insurance. ICRMP is a provider of insurance for government and municipalities. As a result of these concerns, it was discussed by DWA and the CODG that a new and revised agreement needed to be drafted to delineate the responsibilities of each entity based on this new information. The CODG is legally required to provide fire protection for its residents which also serves to reduce property insurance costs for the residents. However, the CODG does not own a water distribution system. DWA members own and operate the domestic water distribution system which can, and traditionally has, provided the volumes of water necessary for fire emergencies to its residential and commercial members/city taxpayers

without charge, and has, to the best of its ability, and at significant additional cost, designed its system with the water volumes necessary to assure proper protection. It was decided that the CODG would be responsible for the purchase of hydrants and appurtenances and that DWA would continue to install, maintain, and service them. Kootenai Fire Protection would continue to flush the hydrants as is their custom.

The DWA board has a policy of not allowing outside contractors, or others outside the direct employ of DWA to maintain, service or repair any aspects of its water distribution system to insure that DWA policies are adhered to, and to protect the integrity of the system and the quality and safety of the water to its residents and businesses.

In 2018, DWA with the CODG and the City of Coeur d'Alene in the upgrade of Government Way. As a part of this significant project, new fire hydrants were required to meet the fire protection needs of the commercial community along that thoroughfare. The CODG was informed of this requirement and that per our Hydrant Agreement of 1990, they would have responsibility for their half of those costs. DWA kept a paper trail, including invoices for hydrant purchases for this project, as well as any additional communications with the CODG.

At some point, the attorney for the CODG (Kenneth Jacobsen) sent a letter to DWA asserting that it was his belief that the agreement of 1990 was no longer valid and therefore, the CODG was no longer responsible for the terms of the agreement and the CODG City Council at that point stated that they would not be responsible for the half expense of the hydrants for the Government Way corridor.

DWA's attorney (Susan Weeks) disagreed with Kenneth Jacobsen's assertion and stated that though a couple of provisions in the 1990 agreement were now not legal, the balance of the agreement was still legally binding, which included the expense split provision.

At this juncture, the City Council and Mayor were subject to a recall election and the Mayor and certain Council members were removed from office and replaced by appointees selected by the State of Idaho Governor's office until the next general election. During the course of the election season, the CODG endured several changes in administrative personnel (2 or 3), attorneys (3 or 4), compliance officers, planning staff, etc. DWA continued to provide the CODG with documentation that had been provided previously, as the changes in CODG admin personnel were not able to

locate the documents or paper trail provided them on several occasions. The DWA board finally lost patience and sent them an invoice for their half of the hydrant expenses. The total hydrant expenses for the project were \$80,877.24. The CODG half was \$40,438.62. The CODG again asked for documentation which was again provided. However, based upon attorney Jacobsen's earlier assertion regarding the 1990 agreement, the CODG board decided not to acknowledge or pay the DWA invoice. During this period of time (3 years), the revised agreement languished with the CODG despite continuous promptings of DWA and its attorney.

This was escalating to litigation to settle the matter. The DWA board was loathe to become involved in costly litigation that negatively affect its members (Dalton Gardens residents) as well as the customary attorney and litigation costs of the CODG to the very same residents. It was also known that the CODG Council was struggling with budget issues. Finally, DWA President, Kevin Kirking and CODG Mayor Dan Edwards agreed to meet and discuss how to resolve this stalemate responsibly. In order to quiet any discussion of litigation, it was decided to proceed with final examination of the proposed agreement of 2017 by both parity's attorneys and with no further delay, go ahead and codify the new agreement. As a measure of good faith and recognition of the high costs of litigation that would be borne by the same residents/members of both parties, the DWA board of directors offered to reduce the amount of the billing for the Government Way hydrants by 50%. With the potential litigation costs taken into consideration, it was the decision of the board that this reduction would amount to a net savings to its members. This offer was final and predicated on receiving payment as quickly as the CODG could act upon its approval. The agreement was subsequently entered into and ratified by the DWA Board and Dalton City Council. Payment has been received by DWA.