

# Compliance Assistance to Small Communities: A Proactive Approach

## *Presented by*

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and Texas Commission on Environmental Quality

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# OBJECTIVES

- Stimulate programs to help small communities – at least a dialogue?
  - Set the Nebraska context
  - Provide the NEP history
  - Impact of Arsenic regs
  - Assistance program
  - Case study
  - Lessons learned/recommendations

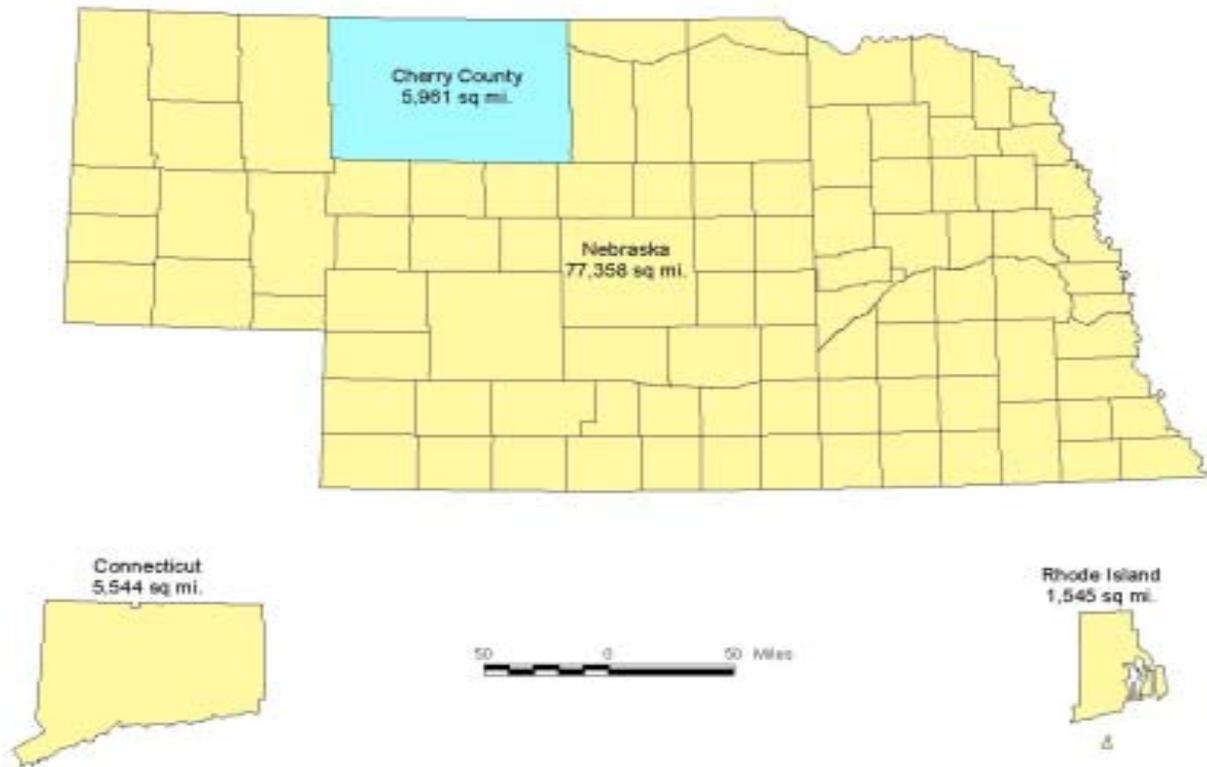
# Nebraska Environmental Partnerships

Nebraska Department of Environmental Quality

## EPA National Compliance Assistance Providers Forum – 2002

“Optimizing Resources for Environmental Results”

# State Comparisons



# Nebraska Facts

- Population:

1990 Census - 1,578,385

2000 Census - 1,711,263

- Median Household Income – 1990 Census

Nebraska - \$26,016

National - \$30,056

# Nebraska Facts

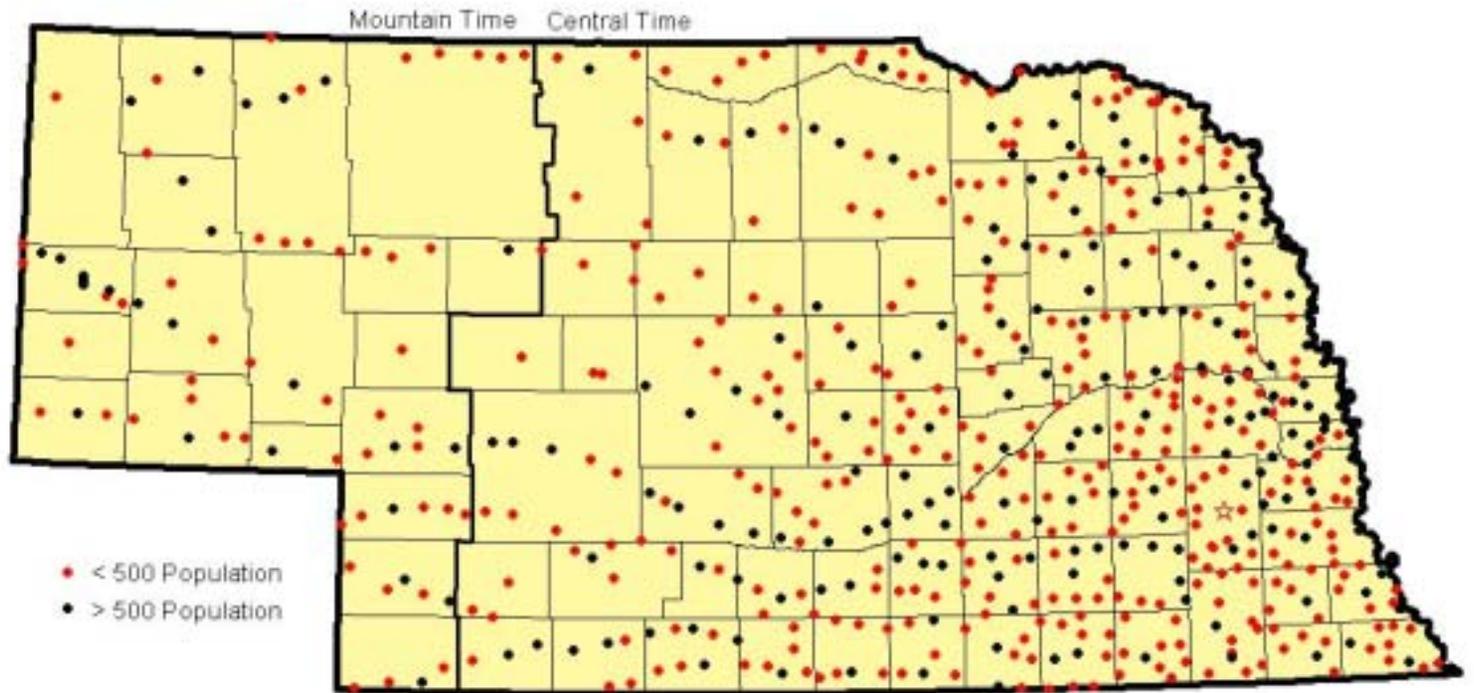
- Nebraska has 532 communities
  - 499 have populations < 5,000
  - 417 have populations < 1,000
  - 326 have populations < 500
  - Nebraska has 93 counties
- 6 counties have only 1 community

# Nebraska Facts

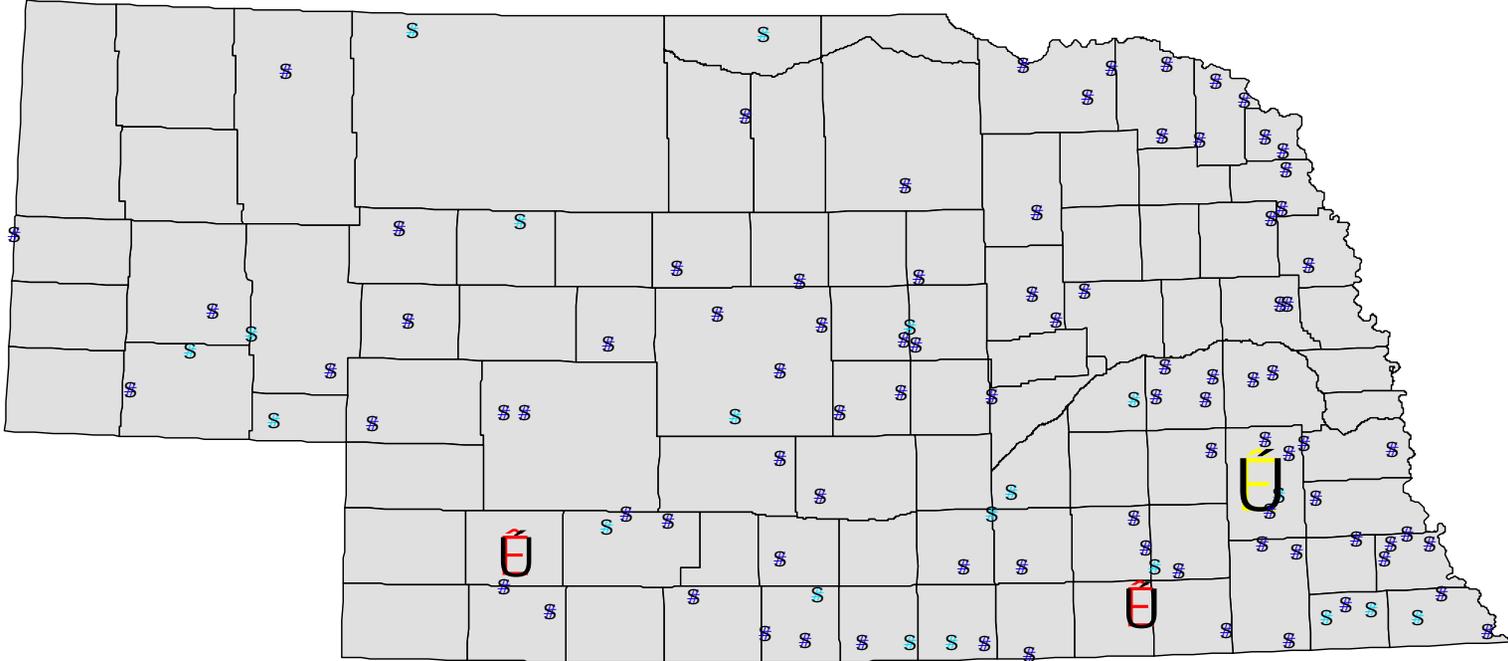
The Nation's Poorest Counties		
County	Rank*	Per Capita Income (\$)
Loup	1	4,896
McPherson	2	6,940
Keya Paha	5	9,993
Arthur	7	10,655
Sioux	12	11,147
Blaine	16	11,576

\*Rank is among the 3,110 counties in the nation with 1 being the county with the lowest per capita income. Data is from the U.S. Department of Commerce, Bureau of Economic Analysis (1996-1999 data).

# Nebraska Communities



# NEP Communities



## NEP Communities

-  Towns
-  Completed
-  In Process
-  Lincoln
-  Nebraska Counties

# Ogallala Aquifer



# History of Nebraska Environmental Partnerships

- Created in 1994 (originally named Nebraska Mandates Management Initiative).
- Impetus was to provide environmental health assistance to small communities (generally under 1,000 in population) who were thought to be out of compliance with state and/or federal regulations.

# Nebraska Environmental Partnerships (NEP)

A community-based team process  
which assists local governments  
in assessing and solving local  
public health and environmental  
challenges.

# NEBRASKA ENVIRONMENTAL PARTNERSHIPS

- The explicit goal of the NEP program is to help Nebraska's small communities address challenges posed by:
  - 1. Complex environmental regulations.
  - 2. Limited financial resources.
  - 3. Aging infrastructure.
- Assistance provided has been \$2,500 grant for engineering services to develop community assessment technical surveys. Grant funded reports focusing on drinking water, wastewater, and solid waste infrastructure have been prepared for 123 communities since 1994.

# Partnership for Rural Nebraska

- Rural Development Commission
- University of Nebraska – Lincoln
- University of Nebraska – Kearney
- Department of Environmental Quality
- Department of Economic Development
- USDA – Rural Development

# Arsenic Regulations

## Arsenic Update

(all information provided by Nebraska Health &  
Human Services Systems)

# Where Are We?

- October 31, 2001
  - EPA announced that the arsenic standard would be 0.01 mg/L (10 ug/L).
  
- February 22, 2002
  - Rule went into effect.
  
- January 23, 2006
  - Compliance date for MCL

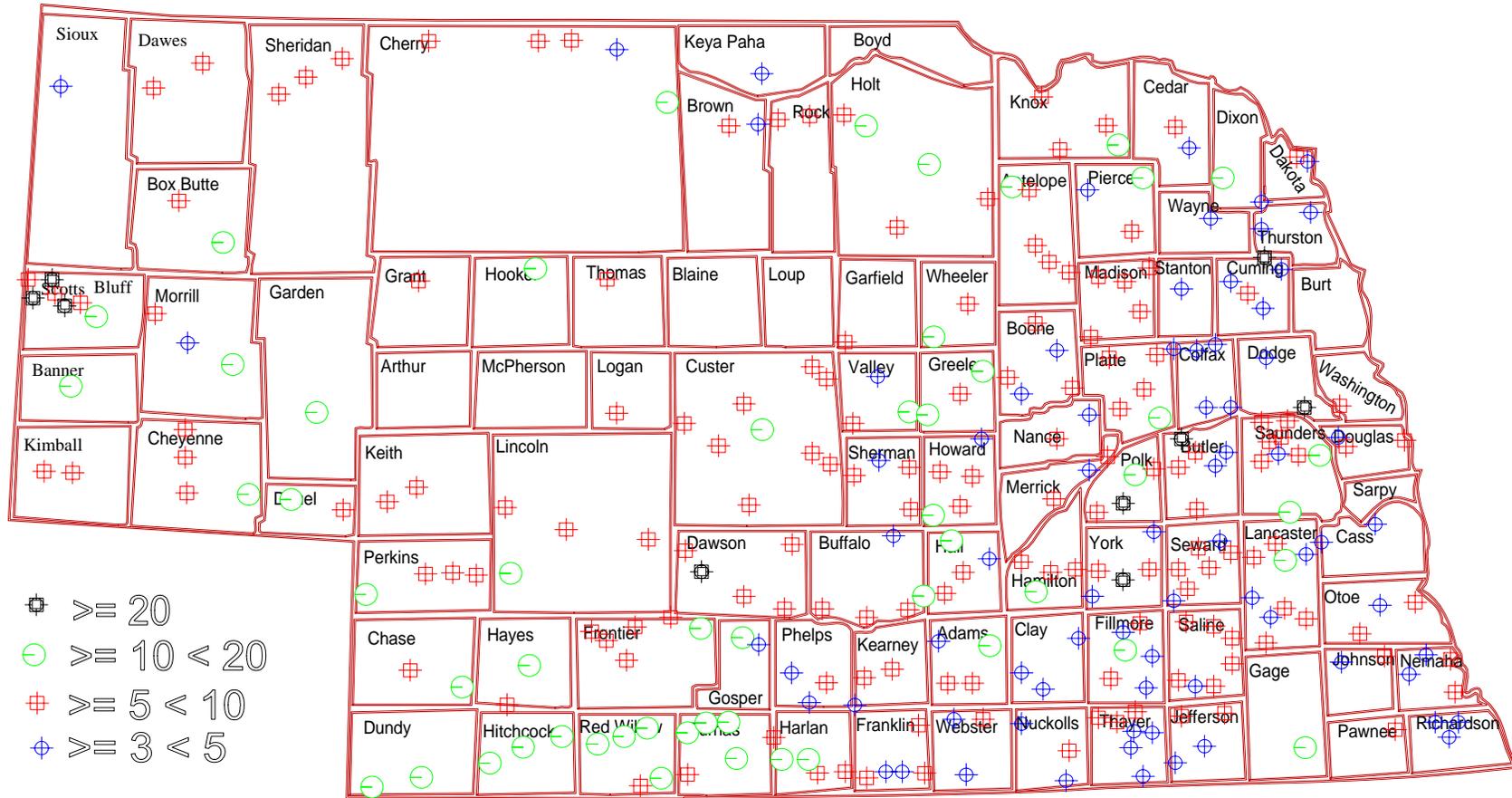
# Impact on Nebraska

- 79 Water Systems that exceed 10 ug/L
  - 60 Community Systems
  - 19 Non-Transient Non-Community Systems
- Estimated Cost of \$115 Million

# 10 ug/L MCL Preliminary Costs

System Size	CWS Population Categories	Capital Cost (\$ Millions)	Annual Cost Per Household	Percent of Nebraska MHI
<500	30	\$21	\$1,727	6.6%
501-3,300	21	\$39	\$773	3.0%
3,301-10,000	7	\$35	\$373	1.4%
10,001-100,000	2	\$20	\$222	0.9%
>100,000		\$0	\$0	0%
Total	60	\$115		

# Arsenic Occurrence



Water Wastewater  
Advisory Committee  
(WWAC)

# Water Wastewater Advisory Committee (WWAC)

Created ca. 1997

- Its purpose:
- Optimize sources and uses of funding for water and sewer projects.
- Provide the best funding package to a community.
- Work with communities as a team to assist them in building a project.

# WWAC PARTICIPANTS

- U.S. Department of Agriculture, Rural Development
- Nebraska Health & Human Services System  
- Regulation & Licensure
- Nebraska Department of Economic Development
- Nebraska Department of Environmental Quality

# WWAC (cont.)

- The committee meets once a month.
- One-stop shopping.

Alexandria

# Alexandria

■ Population	-	224
MHI	-	\$17,292
LMI*	-	50%

\*LMI – Low to Moderate Income

All information is taken from the 1990 Census

# Main Street



# Fire Hall



# City Hall / Bank



# Water Tower



# NEP Survey

- 20 communities surveyed
- Survey Goals
  - Determine the success of the
  - Identify community uses of the Community Assessment (CA)
  - Identify problems with the process.
  - Get a sense of how communities the program after the CA

# NEP Survey

- ***What has NEP done for communities?***
  - The CA helps new and existing city members to understand systems, their and the cost of improvements.
  - The CA gives water operators and third party validity when requesting from councils, "It makes the changes more believable."
  - The CA provides an organization tool communities to "sit down" with issues make decisions.

# NEP Survey

- ***What needs to be changed and improved with the***
  - A follow up assessment (4-7
  - More follow up with financial
  - Identify new and potential such as arsenic and uranium for year plans
  - Include pictures



# NEP Survey

- ***How are the assessments being***
  - Repairing mains, lagoons, water structures
  - Installing valves, hydrants, meters, towers
  - Looping water lines
  - Expanding existing services
  - Putting together wellhead protection
  - Well registration
  - Background information for grants
  - Educating water operators
  - Locating mains when problems arise

# NEP Survey

- ***Has the CA process helped communities to prioritize environmental infrastructure***
  - 18 of 20 surveyed said it prioritize
  - 17 of 20 said it was a planning

# NEP Survey

- ***Has the CA process led to other (outside of water and wastewater)?***
  - 11 of 20 thought so, projects
    - Implementing a comprehensive plan using CA information for the utilities part of the
    - Improving streets with water main
    - Identifying budget needs.
    - Giving communities a “starting point” from plan further.

# Community Water System Needs Identified in Assessments

- Replace, Add and/or Loop Mains
- New Water Supply or Wells (34%)
- Customer Meters (32%)
- Existing Storage Tank Improvements (21%)
- Add or Replace Storage (20%)
- Treatment/Sequestering (16%)
- Wellhead Protection (15%)
- Nitrate Problem (10%)
- Other Problems Identified:  
protection, New hydrants, valves,

# Community Wastewater System Needs Identified in Assessments

- Lift Station Improvements/Controls
- Lagoon Improvements (20%)
- More Study/Facility Plan (20%)
- Infiltration and Inflow (15%)
- Flow Meters (12%)
- Add Lagoon Storage (10%)
- Expand or Replace Facilities (10%)
- Extend or Replace Sewers (9%)
- Other Needs Identified: Lagoon Disinfections, Training, Manholes,

# Lessons Learned/ Recommendations

- Find a way to bring people to the table
- Figure out how to communicate
- Identify the partners that can help
- Develop a publicity plan – BLOW YOUR HORN!!!
- Meet on the communities terms – Jackie, come home...
- Figure out how to communicate
- Encourage community ownership in and of the process

# Lessons Learned/ Recommendations

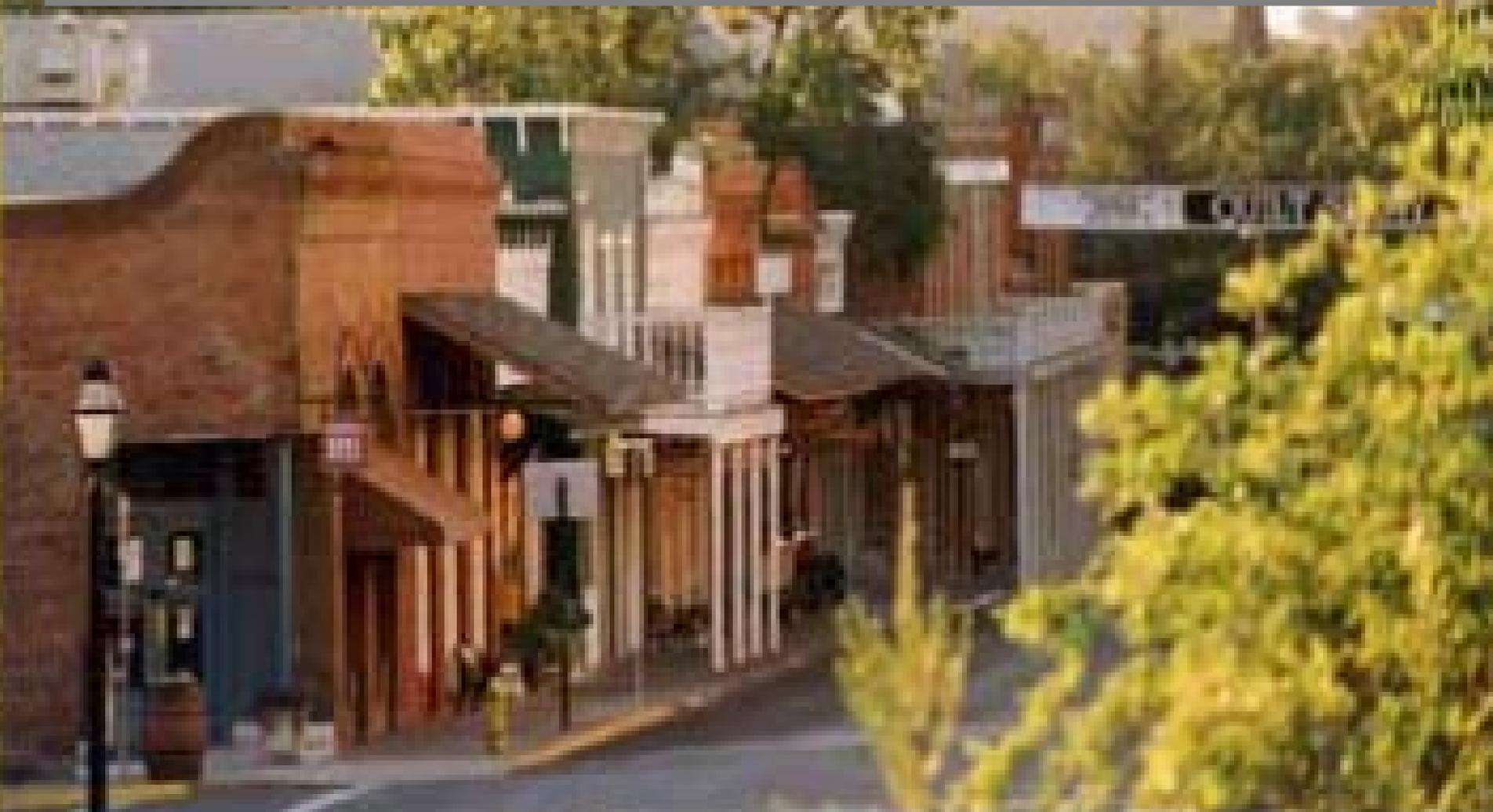
- Keep the lines of communication open – Jackie get off the phone...
- Encourage the community to look at the big picture – stay away from tunnel vision
- Figure out how to communicate
- Patience – communities move on their schedule, not yours
- Some communities don't want help, others want it every step of the way
- Figure out how to communicate

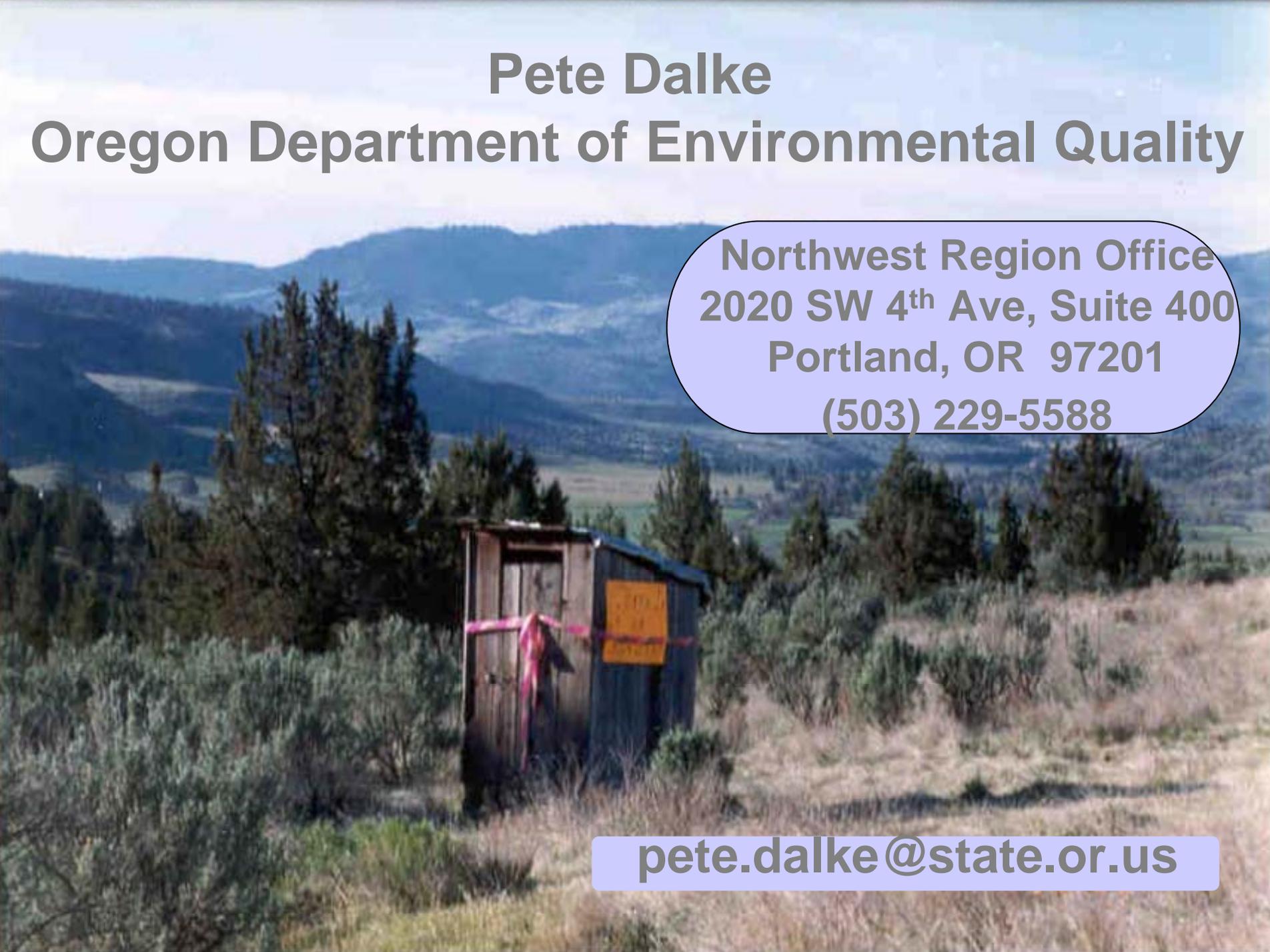
# QUESTIONS OR COMMENTS

- Please contact:
- Joe Francis, Associate Director  
(402) 471-6087 (however, if you really want information contact Jackie, the one who really does the work...)
- Jackie Stumpff, NEP Coordinator  
(402) 471-3193  
[Jackie.stumpff@ndeq.state.ne.us](mailto:Jackie.stumpff@ndeq.state.ne.us)
- [www.deq.state.ne.us](http://www.deq.state.ne.us)



**SMALL COMMUNITY COMPLIANCE  
ASSISTANCE:  
A PROACTIVE APPROACH**





# Pete Dalke

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# **The Oregon Approach**

**Forging relationships between  
different government agencies and  
different levels of government**

A photograph of a two-lane road with a dead animal lying on the yellow center line. A dark pickup truck is on the left side of the road, and a red car is on the right side. The scene is outdoors with trees and utility poles in the background.

**Solve Problems**

**Don't Run Programs**

# **Oregon Small Community Assistance:**



- I. Environmental Partnerships for Oregon Communities (EPOC)**
  - ◆ **Community Partnerships**
- II. Using Local Resources (Self- Help approach)**
  - ◆ **Community Involvement**
- III. Community Solutions Teams (CST)**
  - ◆ **Regional Scale**

An aerial photograph of a mountain valley. The terrain is rugged and brownish, suggesting a semi-arid environment. A river flows through the valley, and a dam is visible in the lower center. The sky is clear and blue.

# **Environmental Partnerships for Oregon Communities (EPOC)**

- **Audience: Small, rural communities with limited resources.**
- **Scope: limited to public health and environmental issues.**
- **Purpose: to achieve compliance, not avoid compliance.**

# Small Communities: Desires vs. Impediments

## Communities want to:

- Remain Viable
- Save Schools
- Have Economic Development/Growth
- Fix Failing Infrastructure
- Protect Community & Environmental Health

## Some of the Roadblocks:

- Costs
- Fed/State Bureaucratic Layers
- Lack of Coordination
- Local Capacity



# EPOC Process

- **Voluntary:**
  - Communities Request Participation
- **Community Resolution:**
  - Outlines Expectations
- **Inter/Intra Agency Project Team**
- **Compliance Assessment**
- **Public Participation**
- **Prioritization of Issues**
- **Outcomes:**
  - Include a Mutual Agreement & Order (MAO)  
Signed with Compliance Milestones

# Flexible State Enforcement Responses to Small Community Violations, EPA Policy and Guidance

- The 1995 Small Communities Policy
- [http://www.epa.gov/Compliance/  
incentives/smallcommunity/index.html](http://www.epa.gov/Compliance/incentives/smallcommunity/index.html)

# **EPOC Program Demands - Our “Customers”**

- **Incorporated communities < 2,500 population:  
142 out of 240 Oregon cities (59%)**
- **Unincorporated communities:  
150 out of 403 Oregon rural communities**
- **All 36 Oregon Counties**

# EPOC Program Delivery

- **Advisory Committee**
- **Direct Community Assistance**
- **Workshops Across the State**
- **Web based Resources**

<http://www.deq.state.or.us/wq/epoc/>

# EPOC – A State Initiative

- State funded program with no Federal support to date.

## Biennium Legislative Budget

1993-95	\$380,000	3 FTE
1995-97	422,000	
1997-99	422,000	
1999-01	361,000	Reduced to 2 FTE
2001		

T o t a l S t a t e \$ 1 , 9 1 2 , 8 3 4

# Local Government Organization Partners

- ◆ League of Oregon Cities
- ◆ Special Districts Association of Oregon
- ◆ Association of Oregon Counties

# Oregon State Agency Partners

## The Three Key State Agencies:

- ◆ Dept of Human Services Drinking Water Program
- ◆ Economic & Community Development Dept.
- ◆ Department of Environmental Quality

# Other State Agency Partners



- Water Resources Department
- Department of Transportation
- Department of Land Conservation & Development

# Oregon's Federal Partners

- ◆ **USDA Rural Utilities Services**
- ◆ **US Economic Development Administration**
- ◆ **US Forest Service**
- ◆ **US EPA**



# Oregon Non-Profit Technical Assistance Partners

- **Rural Community Assistance Corporation**
  - **Oregon Association of Water Utilities**
  - **Association of Clean Water Agencies**
- **Linn-Benton Comm. College Wastewater Program**

# EPOC Outcome Measures

- 24 Communities Participating Statewide
- 24 Wastewater Projects Enabled
- 17 Drinking Water Projects Enabled
- Over \$45M in Project Funding
- Over \$2M in Project Savings Realized from Use of Local Resources
- 10 Community Work Plans Developed Since 3/2002

● 2 Regional Water and Sewer Needs

Assessments Facilitated

# Projects Built – More Timely Return to Compliance



**New City of Powers Drinking Water  
Treatment Plant**

# **EPOC Work Plans: A “Roadmap to Compliance”**

- **Developed in conjunction with Mutual Agreements and Orders**
- **Identify Steps Necessary to Meet Dates in the Order and Return to Compliance**
- **Identify Responsibilities for Each Step**
- **Acknowledged by City Council or District Board**

# Community Solutions Teams (CST)



- Governor's Vision of Multi-Agency Collaboration
- Regional Approach

# **EPOC Collaborative Approach: A Model For Governor's Community Solutions Initiatives**



**Lower John Day Regional Community  
Solutions Team - North Central Oregon**



**Water and Sewer Infrastructure Needs  
Assessment Project**

- 4 Counties**
- 1 Tribe**
- 16 Incorporated Communities**
- 4 Unincorporated Communities**

# Lower John Day Region

## Wheeler County

- Fossil (530)
- Mitchell (200)
- Spray (165)

## Wasco County

- Antelope (65)
- Dufur (620)
- Maupin (490)
- Mosier (340)
- Shaniko (30)
- The Dalles (11,765)
- Tygh Valley (55)
- Wamic (65)

## Confederated Tribes of the Warm Springs

## Gilliam County

- Arlington (530)
- Condon (830)
- Lonerock (25)

## Sherman County

- Biggs Junction
- Grass Valley (185)
- Kent
- Moro (340)
- Rufus (310)
- Wasco (420)

# Frontier Rural Designation

- ◆ Most of the Columbia Plateau has the federal designation of Frontier Rural
- ◆ The definition is a population of less than 7.4 people per square mile. Much of the plateau has 1.4 persons per square mile.
- ◆ The Frontier Rural region is de facto buffered from large scale settlement by climate, terrain, distance, lack of water, and various federal assess restriction on natural resource and large federal land areas.

# Inventory Needs Assessment

## Report Organization by Community and County

### Drinking Water

- Current System
- Source
- Water Rights
- Storage
- Treatment
- Distribution
- Rates
- Problems

### Wastewater

- Current System
- Collection
- Treatment
- Discharge
- Rates
- Permits
- Problems

# Outcomes

- **\$42 Million Needed for Water and Sewer Projects**
- **Project Prioritization Underway at Local and Regional Level**
- **3 EPOC Communities**
- **1 Self-help Wastewater Project**
- **EPA State and Tribal Assistance Grant for 4 Communities**
- **Focused Technical Assistance & “Capacity Building” Grants**
- **Enhanced Project Understanding Between Regulatory & Funding Agencies**

# **Gay Melvin City of Dufur**

**175 NE Third Street**

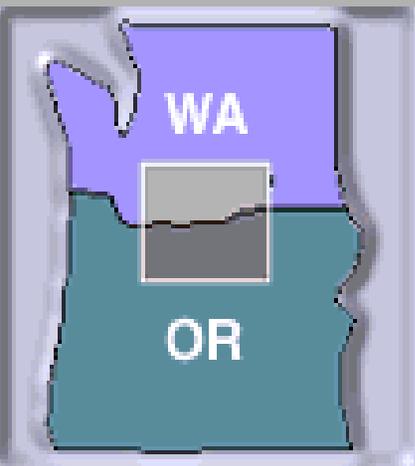
**City of Dufur, OR 97021**

**541-467-2349**

**[dufurcity@netcnct.net](mailto:dufurcity@netcnct.net)**

- **Dufur City Superintendent**
- **Immediate Past President,  
Oregon Association of Water Utilities**
- **EPOC Advisory Committee Member**





*Mt. St. Helens*

*Mt. Adams*

**Washington**

**Oregon**

**Columbia River  
Gorge Region**

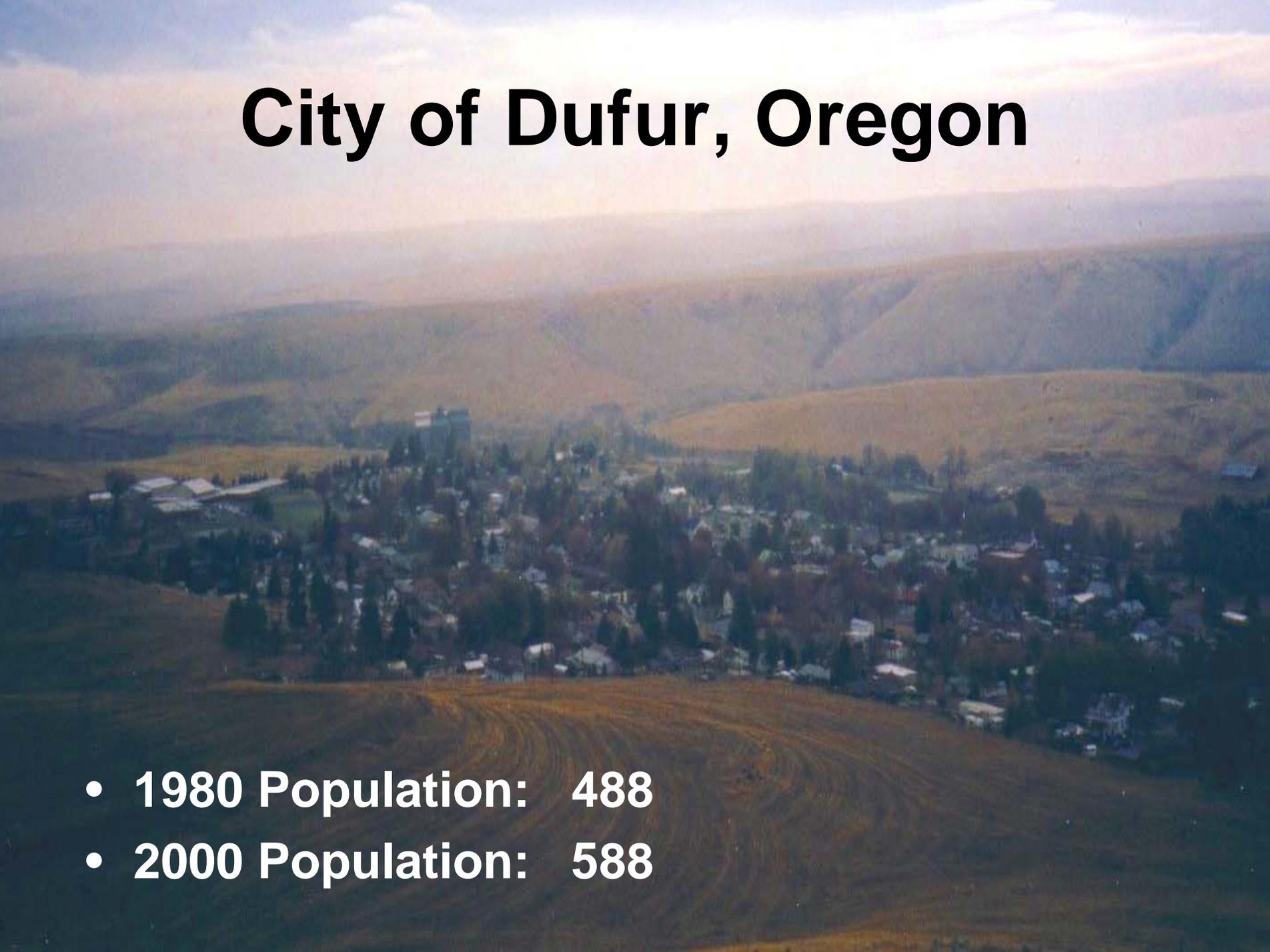


# Oregon Territory, 1854





# City of Dufur, Oregon

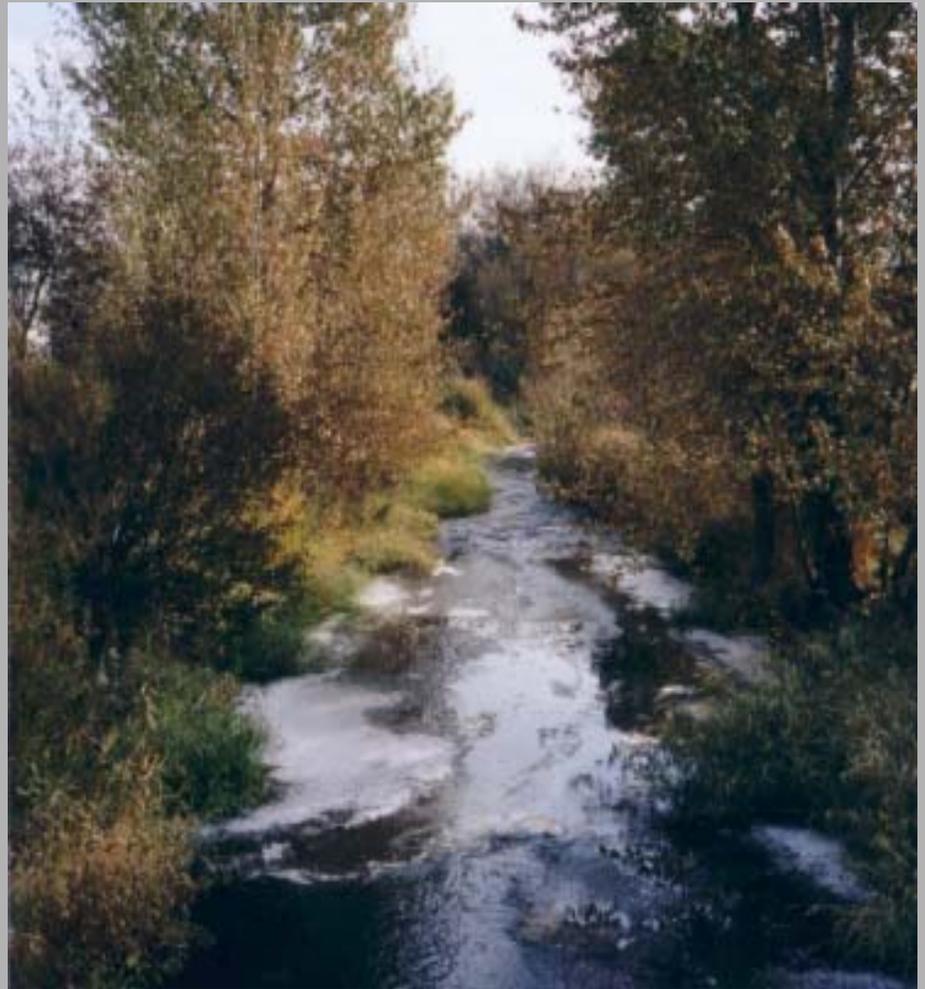
An aerial photograph of the City of Dufur, Oregon. The town is situated in a valley, surrounded by rolling hills and fields. The foreground shows a large, dark, plowed field. The town itself is a mix of residential and commercial buildings, with a prominent taller building in the center. The background features more hills and a hazy sky, suggesting a rural or agricultural setting.

- **1980 Population: 488**
- **2000 Population: 588**

# Dufur City Staff

## 3 Paid Full Time Positions:

- **City Superintendent**
- **City Recorder**
- **Plant Operator**  
&
- **City Council  
(unpaid)**
- **City Attorney on  
retainer**





**Dufur Wastewater Treatment Lagoon**

# Regulations Applying to Dufur



**Same as for Portland or San Antonio:  
CWA, SDWA, CAA, RCRA, ESA, OSHA et al**

# What's Needed from Federal and State Agencies

- Reasonable timelines for compliance
- Best science is “best understood”
- Assistance and funding for small utilities
- Compliance approach: Assistance rather than enforcement



# **EPOC: What's It Mean?**

- **One Point of Contact for Communities**
- **Doesn't Require New Legislation**
- **Reasonable and Practical Approach**
- **Builds Capacity to Undertake Other Needed Community Projects**
- **Just Makes Sense!**

