



City of Grand Island

Tuesday, April 27, 2010

Council Session

Item G11

#2010-121 - Approving Agreement between the City of Grand Island and the Nebraska Department of Health and Human Services

Staff Contact: Gary R. Mader

Council Agenda Memo

From: Gary R. Mader, Utilities Director
Dale Shotkoski, City Attorney

Meeting: April 27, 2010

Subject: Agreement between the City of Grand Island and the
Nebraska Department of Health and Human Services

Item #'s: G-11

Presenter(s): Gary R. Mader, Utilities Director

Background

The City of Grand Island Water Department operates under the authority of a license granted by the State of Nebraska, Division of Public Health of the Department of Health and Human Services. The State establishes operating rules and regulations for all public water systems under Title 179, Public Water Systems. Chapter 2 of Title 179 has been revised as of April 4, 2010.

Prior to April 4, 2010, the City of Grand Island had the authority to extend water mains within its established service area by its own authority. City engineering staff developed and enforced specifications in accordance with the State's Title 179 requirements and used those specifications for all city water distribution system extensions and additions. Historically, major system expansions, such as transmission line to the City Wellfield or the recent system extension to Alda, required that the design specifications and drawings be sent to the state for review and approval. As of the April 4, 2010 revisions to Title 179, not only major expansions but all water system extensions and additions must now be submitted to the Department of Health and Human Services (HHS) for review and approval. The authority of the local jurisdiction to design, review and approve the routine water system extensions has been removed.

But for the larger water systems, the State has included a program in the April 4 regulatory changes that will allow the local jurisdictions to retain approval authority for most of their water system extension projects. The program requires the local water system to make a one-time submittal of its standard specifications for review and approval in accordance with an agreement between the parties. A copy of a proposed agreement is attached. If approved by the parties, the local water system is authorized, for a three year period, to conduct the required reviews of water system extension projects.

Application to HHS for the review agreement authorization includes submittal of a fee of \$900.00.

Discussion

Review fees for projects that have been submitted to the State often exceed \$1,000.00 each. The last four years, the number of water main projects averaged 13 per year.

The City Water Utility has the personnel and expertise on staff to comply with the State program without additional expense.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the Agreement between the Nebraska Department of Health and Human Services and the City of Grand Island, and authorize the Mayor to sign the Agreement.

Sample Motion

Move to approve the Agreement between the Nebraska Department of Health and Human Services and the City of Grand Island.



Division of Public Health

Voucher#

State of Nebraska

April 16, 2010

Bob Smith
City of Grand Island
PO Box 1968,
Grand Island, NE-68802-1968

PO #	Dave Heineman, Governor		
Vendor #			
Invoice #	1eHer		
Description	Program Review Review Fees		
Approved by	RKS	Date	5/20/2010
Org-obj#	52591200-80100	Amount	\$900.00
		WO#	
		Taxable Amt	

Re: PWS – Grand Island, NE – Three Year Agreement Program

Dear Mr. Smith:

As requested, we are providing you with copies of the Department's Three Year Review Program agreement. Please complete the pertinent information needed on the agreement and return a copy signed by the system owner or duly authorized representative of the owner to the Department for our records. You may keep the other copy for your own records.

Please pay the appropriate annual fee referenced in the table below for your system size. This fee must be paid within 30 days after signing the agreement.

Systems with a population greater than or equal to 100,000	\$1800/year
Systems with a population greater than or equal to 10,000 but less than 100,000	\$ 900/year
Systems with a population greater than or equal to 3300 but less than 10,000	\$ 600/year
Systems with a population less than 3300	\$ 300/year

Please be reminded that all the requirements of the agreement must be followed. As part of the agreement, two copies of standard specifications and standard drawings prepared by a Nebraska registered engineer must be submitted for review and approval prior to water distribution main construction. We look forward to receiving the standard specifications and standard drawings in the near future.

If you have any questions, please feel free to contact me at 402/471-0522.

Sincerely,

Chin F. Chew, P.E., Program Manager
Engineering Services Program
Office of Drinking Water and Environmental Health
Department of Health and Human Services
Division of Public Health

CFC:pz

Enclosures

xc: Doug Woodbeck, DHHS-DPH (ec)



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402/471-0597 • FAX 402/471-6436 • TDD 402/471-9570

AGREEMENT

between the

DIVISION OF PUBLIC HEALTH OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

and the

CITY OF GRAND ISLAND

This Agreement is made and entered into by the Division of Public Health of the Department of Health and Human Services (hereinafter Department) and the City of Grand Island, a Public Water System (as defined in Title 179, *Public Water Systems*), (hereinafter System). The contact person for the Department is Jack Daniel, phone 402-471-0510 and the contact person for the System is

I. THE DEPARTMENT.

- A. The Department will not require the System to submit plans and specifications for the construction of new distribution mains and replacement of existing distribution water mains (those not already exempted by Title 179 NAC 7-004.02 item 3) pursuant to this agreement.
- B. The Department will enter into an initial three-year agreement as provided for in Title 179 NAC 7 with a System that pays the annual fee indicated in Title 179 NAC 7-005.02 and meets all of the requirements of this agreement. At the end of the initial three-year period, the agreement may be renewed. If at any time the System fails to meet any of the requirements of this agreement, the Department may terminate this agreement.

II. THE SYSTEM.

- A. The System agrees to pay the Department the annual fee indicated in Title 179 NAC 7-005.02 which is described as follows:

Systems with a population greater than or equal to 100,000	\$1800/year
Systems with a population greater than or equal to 10,000 but less than 100,000	\$ 900/year
Systems with a population greater than or equal to 3300 but less than 10,000	\$ 600/year
Systems with a population less than 3300	\$ 300/year
- B. The annual fee amount shall be paid to the Department within thirty (30) days after the signing of this agreement. Subsequent annual fees must be paid each year within thirty (30) days after the anniversary date of this agreement.
- C. The System shall submit two sets of standard specifications and standard drawings sealed, signed and dated by an engineer registered in the State of Nebraska (hereafter engineer) for approval by the Department. Changes of sanitary significance, as determined by the Department, to the approved standard specifications and standard drawings must be submitted to the Director of Public Health for review and written approval prior to implementation.
- D. The System shall ensure that the sizing of the mains and appurtenances do not cause any part of the water distribution system pressure to go below 20 psi under normal operating conditions.
- E. The System shall ensure that all distribution main projects are designed by an engineer and are in substantial conformance to the "Recommended Standards for Water Works," 2007 Edition. Substantial conformance is defined as siting, design, and construction of drinking water facilities that will not adversely impact public health and/or the ability of a public water system to deliver safe drinking water on a continuous basis.
- F. Distribution main projects with estimated or actual costs that do not exceed \$86,000 do not need to be designed by an engineer, but the System will ensure the project follows the standard specifications and standard drawings approved by the Department.
- G. The System shall provide the Department with an annual list of all water distribution main projects that were placed in service during the previous calendar year by March 31 of each year. Those projects that deviated from the contamination separation standards in Title 179 NAC 7-007 must be noted.

- H. The System shall allow the Department to conduct, at a minimum, an annual audit of the Three-Year Review Program. As part of the audit, the System agrees to:
1. Provide a set of plans and specifications for a recently constructed water distribution main project to allow Department staff to conduct a field inspection of the project,
 2. Keep the following project records for the Department staff to review:
 - a) A set of plans and specifications for each project, until replaced by record drawings which must be kept as long as the project is in service,
 - b) A project description indicating the purpose of the project, the proposed piping material design, operating pressure and design flows where applicable,
 - c) Copies of certification of project completion for each water distribution main project (by the engineer or System for those construction documents not prepared by an engineer),
 - d) Copies of satisfactory bacteriological testing results and pressure/leakage tests, and
 - e) Documentation and justification for any deviation from the contamination separation standards for water mains and fire hydrants listed in Title 179 NAC 7-007.

III. AMENDMENTS. This Agreement may not be modified except by amendment made in writing and signed by the undersigned parties or their duly authorized representatives.

IV. ENTIRE AGREEMENT. This written Agreement represents the entire agreement between the parties, and any prior or contemporaneous representations, promises or statements by the parties that are not incorporated herein shall not serve to vary or contradict the terms of this Agreement.

V. RELEASE AND INDEMNITY. The System shall assume all risk of loss and hold the State of Nebraska, its employees, agents, assignees and legal representatives harmless from all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments and all expenses incident thereto, for injuries to persons and for loss of, damage to, or destruction of property arising out of or in connection with this Agreement, and proximately caused by the negligent or intentional acts or omissions of the System, its officers, employees or agents, for any losses caused by failure by the System to comply with terms and conditions of the Agreement; and, for any losses caused by other parties which have entered into agreements with the System.

VI. SUBMITTALS.

- A. Standard Specifications and Standard Drawings. See Item II.C.
- B. Annual List of Distribution Main Projects. See Item II.G.
- C. Changes of Sanitary Significance to Approved Standard Specifications and Standard Drawings. See Item II.C.
- D. Annual Project Fee. See Item II.B

Send to: Chin Chew
DHHS – DPH
P.O. Box 95026
Lincoln, NE 68509-5026

IN WITNESS WHEREOF, the parties have subscribed their signatures.

FOR THE SYSTEM

Signature

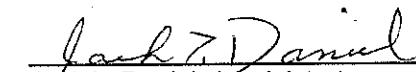
Type or Print Name

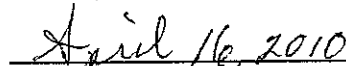
Title

NE31-107902
City of Grand Island
PO Box 1968
Grand Island, NE 68802

Date

FOR THE DEPARTMENT


Jack L. Daniel, Administrator
Office of Drinking Water and
Environmental Health
P.O. Box 95026
Lincoln, NE 68509-5026


Date

RESOLUTION 2010-121

WHEREAS, the City of Grand Island Water Department operates under the authority of a license granted by the State of Nebraska, Division of Public Health of the Department of Health and Human Services; and

WHEREAS, the State establishes operating rules and regulations for all public water systems under Title 179, Public Water Systems; and

WHEREAS, the City of Grand Island submits plans for Water Main Projects to the Nebraska Department of Health and Human Services for review; and

WHEREAS, the revised Chapter 2 of Title 179 provides for an annual fee of \$900.00 to be paid in lieu of a fee submittal with each plan review; and

WHEREAS, an Agreement has been written between the City of Grand Island and the Nebraska Department of Health and Human Services for Water Main Project plans review pursuant to Chapter 2 of Title 179, Public Water Systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Agreement between the City of Grand Island and the Nebraska Department of Health and Human Services, is hereby approved.

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, April 27, 2010.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
April 21, 2010	☐ City Attorney