



December 16, 2016

A MESSAGE TO AWWMA MEMBERSHIP, FRIENDS OF AWWMA, STATE AND LOCAL OFFICIALS, AND THE PUBLIC
SUBJECT: ARKANSAS WATER AND WASTEWATER MANAGERS ASSOCIATION LEGISLATIVE POSITIONS FOR 2017

The General Assembly will be meeting very soon. For our water and wastewater professionals, we are asking you to reach out to your elected representatives in the Arkansas legislature. For our friends, we also seek to partner with other statewide and professional organizations on common issues and positions. We are asking for our legislators to understand and support the positions of the AWWMA. Many of these issues are not new and were opposed or supported at the last session. The following were the issues we overwhelmingly agree on and support:

1. We do not support any kind of legislation, especially proposed by industries, that promotes, even in the slightest way, their particular product, in terms of piping and appurtenances. We do not support any bill that may remotely dictate to a licensed Professional Engineer or a water or wastewater system, what materials he or she may select for a system as long as they are approved by the Department of Health. We do not support any legislation that uses the price of a particular material as a key selection criteria or forces “comparable” materials of another type (based on lab results or studies) to be used in lieu of what the Professional Engineer or local system selects. The PVC industry under the name of the American Chemical Council attempted such an effort in 2015.
2. We do not support “forced” hook-ups for anyone who request or demands service at a utility’s expense. Expenses should be borne by the owner and governed by local policy, not state law. We do not support this for sewer or water. Boundaries filed with ANRC must be respected as well as local policies. Local issues do not need to be used to change state law for a specific county or town.
3. We do not support any state law that would force localities to offer the same rates for people “in” and “out” of town. This would force people in denser areas (especially incorporated ones) to basically subsidize those on higher costs parts of the operation who may or may not be subject to the same rules, regulations or governance. ANRC boundaries and a utility’s rights in a service area should be respected.
4. We do not support legislation that seeks to solve a local city or county disagreement by potentially interfering with everyone’s rates, service areas, or rules and regulations or changing state law. Specifically Senate Bill 35.
5. We are guarded and concerned about any legislation that changes current authority of eminent domain or condemnation.
6. We support sustained funding of water and wastewater training through ARWA and SAU Tech.
7. We support Act 335 of 2015 and any other efforts around Nutrient Trading and the promotion of it by the waste water utilities, ADEQ, the Governor’s office and the Legislature.
8. We would support legislation that clearly says that fees and taxes may not be imposed on a water or wastewater utility by anyone other than the governing authority. Rate payer's dollars must be used for the rate payer's benefit and interpreted and applied on a case by case basis by the local governing boards, councils, and commissions.

9. We support clarification of Act 336 of 2015 that allows for water and wastewater entities to turn off water services for delinquent bills as requested by a “corresponding” utility. The clarification needed is that information under this act is not an FOI request and FOI is not intended to keep Act 336 from being implemented. We need clarification that FOI has nothing to do with enforcement of 336 or a municipality’s ability to cooperate with another government agency due to bad interpretation of FOI law. We support cooperative law compliance.
10. We support the use of public monies to fix issues that may be on private property if it adversely impacts the utility’s ability to comply with a consent decree or an impending one or work on private land is less costly than other alternatives and is a benefit to the ratepayers in the service area and less cost to the public to comply.
11. We support legislation that would authorize the language on the use of “design build” definitions and construction manager at risk delivery methods with no minimum project amount. This would make the language of the use of “design build” definitions consistent throughout the sewer use codes adopted by the state. Currently we can use “design/build and operate” but not simply contract for “design/build” only services. The design build language in current law is inconsistent and unclear.
12. We strongly support the general recognition that the Arkansas Water and Wastewater Managers Association represents senior water and wastewater management professionals in the state. The AWWMA is an excellent resource and an organization that should be consulted by legislators on all water and wastewater issues as an advocate for our communities and systems with regard only to the public health, safety and long term maintenance of infrastructures to support growth and our state in the best possible way without regard to outside influence or in conflict with our principles.
13. We do not support any legislation that seeks to alter water and wastewater laws other than those listed here.
14. The AWWMA Executive Committee may change its position on a particular matter or may take a position on particular legislation as the need arises or at the broad request of the membership.

These particular positions were presented to the membership for comment and the feedback was incorporated into these points. There was broad general agreement on these positions. Issues that did not have broad support are ones that we leave the individual utilities to do what is best for their community. The Executive Committee approved the final draft after receiving membership feedback on December 14, 2016.

Please feel free to contact our leadership. For state and local officials, please use your local water and wastewater professionals to help guide you or offer advice on these matters. We have the interest of our systems which are the backbone of life and progress in our communities. Without clean water and proper wastewater disposal, no community will have a quality of life or exist for very long.

The point of contact for this memorandum is the undersigned. I may be reached at the office at 479-751-5751 or my personal cell phone at 479-871-4928.



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