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City files for extension of arsenic standard exemption

By Keith Trout
News Editor

The City of Yerington is scheduled to take its request for an extension of the current federal standards for arsenic in drinking water to a November meeting of the State Environmental Commission (SEC).

That commission has scheduled a regulatory hearing for Wednesday, Nov. 12, beginning at 9:30 a.m. in the Nevada Department of Wildlife's conference, room A, located at 1100 Valley Road in Reno.

One of the items for consideration that day, according to a notice from the City of Yerington, will be consideration by the SEC of an extension request from the city to a previously-granted arsenic exemption of the new drinking water standard

The U.S. Environmental Protection Agency revised the arsenic standard in drinking water from 50 parts per billion (a level that had been in effect for over 60 years) to 10 ppb effective on Jan. 23, 2006. However, the City of Yerington received an extension of that standard, granted on Sept. 6, 2006 (during which 36 water systems received exemptions, with another 17 approved in May 2007), at which time the city reported an arsenic level of 19 ppb, but that extension expires on Jan. 23, 2009.

Yerington and some other entities have apparently filed extension requests of the Nevada SEC.

To comply with the new standard, the city is required to provide water with arsenic levels of 10 ppb or lower. "The City of Yerington is earnestly working towards this goal," the public notice stated.

By law the city must inform residents/customers of the Nov. 12 hearing and a public notice to do that has appeared in the Mason Valley News. Public input will be allowed at the Nov. 12 SEC meeting.

The city received a grant to fund a preliminary engineering report to study alternatives for treatment to lower the arsenic level to the standard. Farr West Engineering conducted that report and earlier this year gave a presentation on it but the news wasn't good as the treatment options would be costly and would result in rate increases for city water user, potentially increasing the base rate to \$42 per month.

The city in the notice reported it had completed the evaluation of the compliance alternatives, hired an engineer and done pilot testing, the public notice said. Yerington also is in the process of selecting a final compliance alternative and investigating the most practical and economical financial assistance available.

The notice also reported the city meets the criteria to be granted the extension by the SEC, which would move the compliance deadline to January of 2011.

During prior hearings of the SEC for extensions in 2006, it listed that the federal Safe Drinking Water Act and the regulations of the commission (NRS 445A.935) provided for the granting of exemptions if the following conditions existed:

1. Because of compelling factors, including economic considerations, the public water system is unable to comply or to implement measures to develop an alternative source of supply; 2. The granting of the exemption will not result in an unreasonable risk to health; and 3. Management or restructuring changes, or both, cannot reasonably be made that will result in compliance with the primary drinking water standards, or, if compliance cannot be achieved, improve the quality of the drinking water.

The NDEP will make a recommendation of approval of the city's request or denial to the SEC.

An exemption is an administrative tool that is allowed under the Safe Drinking Water Act, According to the SEC.

Exemptions are used to grant water systems additional time to acquire financial and technical assistance to meet new or revised federal drinking water standards, such as these.

According to an SEC document, water systems serving less than 3,300 persons may also be eligible for up to three exemption extensions of two years each, allowing up to nine years total (to Jan. 23, 2014) to comply with the new arsenic standard.

Any questions regarding the arsenic rule and the City of Yerington's current status may be directed to the Public Works Department at 227 So. Main St.

The State Environmental Commission (SEC) is an eleven member quasi-judicial and quasi-legislative board that operates under the authority of Nevada Revised Statute. The SEC acts on regulatory "Petitions" proposed by the Nevada Division of Environmental Protection (NDEP).
