



January 24, 2013

Mr. Ryan Seabaugh
Missouri Department of Natural Resources
Public Drinking Water Branch
1101 Riverside Drive
PO Box 176
Jefferson City, MO 65102-0176

Dear Mr. Seabaugh,

The Missouri Rural Water Association (MRWA) representing nearly 900 member water and wastewater utilities within the state of Missouri welcomes the opportunity to provide comment on the Regulatory Impact Report for proposed 10 CSR 60-3.015. Our comments are as follows:

Overview:

We hope that both sides can agree that the new provisions and changes proposed for the current "Design Guide" or rule will cause the cost of new construction to significantly increase. To argue otherwise seems somewhat foolish. The issue that seems to be addressed by this Regulatory Impact Report is the issue of guide vs. rule. MRWA has contended throughout this process that by its very nature a *rule* is going to enjoy less flexibility by those applying it than a *guide*. The Department contends this will not be the case even though systems operating under the current "guide" system have indicated that in certain cases during present sanitary inspections, DNR field personnel have attempted to initiate practices or actions by those same systems not required by present regulation. MRWA contends that the present "guide" system has withstood the test of time with little adverse effect to the safety and reliability of Missouri's public water supplies and change to a "Design Rule" is unneeded.

Section 3

In Section 3 the statement reads "Community water systems that construct new systems or **modify** existing systems will be required

In Section 4 the statement is made "The cost for compliance with these standards will be limited to new systems, or existing systems adding to or **significantly altering** existing infrastructure."

These are two entirely different meanings subject to one's interpretation. Interpretation that we believe will be compromised if the "Design Guide" is a regulation.

Section 4

The statement is made that the cost impact of new standards is expected to stay within a consulting engineers cost estimate. This is an irrelevant statement and borders on misleading. Of course an engineer's cost estimate (if accurate) will reflect whatever standards the project is required to meet. What should be taken into account is the cost of building a system meeting the new "Design Rule" standards in comparison to the present "Design Guide" standards. New pressure requirements, redundancy requirements, and other items are a feature of the new "Design Rules" and will significantly drive the cost of construction higher.

Section Four goes on to comment on the supposed "benefits" customers will enjoy from a supposedly superior, more expensive system. Section Four fails to note the current economic situation of our country whereby public funds for infrastructure improvement is shrinking. Who is going to pay for this more expensive construction? Section Four also fails to mention the negative impact to the public where necessary projects will NOT be built due to the increased costs associated with the new "Design Rule" requirements. Projects not built due to increased costs could have significant negative health impacts in the state especially in areas of low economic income.

Section 6

Section Six again attempts to rehash Section 4 and tout the supposed benefits from construction of a more expensive water infrastructure system. Again, perhaps to those that can afford such a system, to those many Missourians who cannot for various economic reasons, significant negative health effects could occur from their inability to afford a safe public water system.

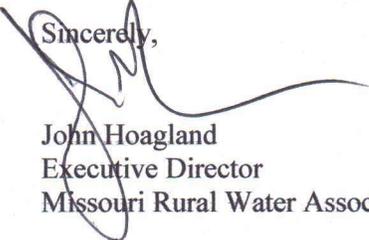
Section Six goes on to discuss the hazards of inaction on this issue. Given the statements made in Section Six it seems reasonable to pose some questions. This report indicates in Section Three that there are a total of 2503 public water supplies that will be affected by these changes. The present system has been in place since 1982...thirty one years. So in those thirty one years that those 2503 systems have been regulated under the present system are there numerous documented cases of the installation of improper, deficient, or inferior infrastructure that the Department has been unable to deal with? If so, please provide examples. In thirty one years are there numerous documented cases of problems associated with unenforceable standards resulting in known risks to public health and safety? If so, please provide examples. After thirty one years, if no such numerous examples can be cited, how is it that SUDDENLY the time proven practice of using the "Design Guide" system is going to result in an inability to enforce minimum standards on water system construction resulting in an uneven playing field for those constructing public water systems. What has suddenly changed after thirty one years?

Section 8

No need to comment on Section Eight. The first five words say it all. Perhaps the alternative of leaving the "Design Guide" as a guide with its present flexibility should be considered.

As always, we appreciate the opportunity to comment on this proposed rule change.

Sincerely,



John Hoagland
Executive Director
Missouri Rural Water Association