

December 16, 2019

Letter to the Richmond W/S Commission.

As acting Superintendent of the Richmond Water Resources Department, I have the authority to implement needful rules and regulations for the department's control and operation. Public and private portions of the systems fall under my jurisdiction as your duly appointed representative, as it is simply an extension of your own authority.

§ 3313. Duties of water commissioners, use of proceeds

Water commissioners shall have the supervision of such municipal water department and shall make and establish all needful water rates, charges, rules, and regulations for its control and operation. Such commissioners may appoint or remove a superintendent at their pleasure.

This authority is codified in the current water ordinance on the town website. It has not been changed or updated since 1961. When Willard Conant was appointed as Richmond's first formal Superintendent, this authority was granted to him. In 1988, it passed to me. Over the years, I have exercised this authority in my duties many times. Several of these circumstances have resulted in new formal policies for system operations after consideration of the full Commission. The Town Administrators and Town Managers have facilitated this evolution as operations have become more and more complex.

How far does that authority extend? Recently, as before, I have required a resident to replace a sub-standard private waterline when it failed, as this line is a certain risk to public health and system integrity.

I showed the Board the cheap plastic line that broke at the residence. The service line break lost at least 40,000 gallons/day for more than three weeks while staff scoured the system to find it. System parameters were off, pressures fluctuated, the pump ran for days and more chlorine than usual was needed. This particular line is close to a main sewer and is in a backyard, out of sight, out of mind. The line's pressure capacity is below our normal system operating pressure. I consider it probable that contaminated water would get sucked into that line should it fail in many different conditions. As the service line is a material that was never approved for a service in Richmond, doesn't meet our current standards, and is a substantial proven risk, I told the customer the service must be replaced before winter.

This line WILL break again. This requirement has been our practice, to my knowledge, since the system came into being. Past Commissions have supported requiring a customer to follow rules and regulations required for safe, efficient operations of the system. Existing problems are addressed and corrected as they turn up, typically to bring them up to standards in our public works specifications.

Oftentimes, a repair can be made to a private service line without replacement if, in my professional opinion, it doesn't pose an immediate risk to public health. Several policies have been adopted to expand and formalize what is required concerning materials and construction in the systems.

As the appointed Superintendent, the supervision and such of the systems fall to me under the Board's

authority. I have given the reasoning and the precedence above in my explanation for this particular "practice". As is the case with so many of the situations encountered in water, this broad definition from the statute is the only rule to support this requirement for substandard service line replacement in Richmond. I suggest the full Board take up this discussion, as they are free to do with any rule or regulation promulgated by the superintendent under their authority, and make a formal policy and/or amend the ordinance to include wording such as follows to address these situations in the future:

POWER TO REFUSE WATER SERVICE.

“The Superintendent shall have power to withhold the water supply from any person failing or refusing to comply with any of the provisions, orders, requirements, or rules and regulations of the Water Department. Any failure, neglect, or delay on the part of the Superintendent to withhold water under the powers given him/her/them by this section shall not constitute or be construed as a waiver of his/her/their right to do so, and he/she/they may, at any time, after finding that a user of system water is violating any provision or requirement of this ordinance or any rule or regulation of the department, cause the water to be shut off, and to remain off, from the premises of such user, until such user of the system water shall have fully complied with such provisions, orders, requirements, and rules and regulations.” (Montpelier Ordinances)

I will also state for the record that not continuing to mandate replacement of certain failed substandard service lines that risk system integrity and public health, once we know about them, would be very bad policy.

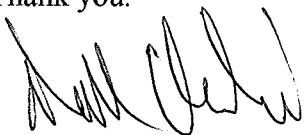
As the Superintendent and representative of the W/S Commission, authority is needed to correct serious system deficiencies as they are found. Furthermore, as the certified operator, under # 21 of the rules for operator requirements, I have the responsibility to: "Conduct all duties with reasonable care and judgment for the protection of public health, public safety and the environment".


Rule #21 allows my authority to extend to private lines only in cases where they may affect the system as a whole. It is deliberately a subjective and broad authority to address situations like this under the rule regulating authority of the Commission. Like the statute the Commission follows, it allows for immediate corrections to known and unknown risks when they arise. This rule allows me to either leave a service on to provide water until it is fixed or shut it off immediately, depending on the individual circumstances as pertains to system integrity and/or public risk. It is the backbone of the job.

This authority is not unlimited. At any W/S Commission meeting, any/all directives and/or the authority can be rescinded, over-turned or modified as needed by vote of the Commission. The only recourse I have, should such a vote risk public health, public safety or the environment, is to inform the Commission of the possible consequences of such an action. This shifts the liability from me to the Board.

In light of this, I ask the full Commission to make a motion supporting or denying my decision concerning this specific public risk.

Thank you.


Supt. RWAD
Town of Richmond


LINDA M. PARENT
Notary Public, State of Vermont
My Commission Expires 1/31/2021
Com. #002770