

The

PIPELINE

News and Views From WV Bureau for Public Health, WV Department of Environmental Protection, and the Public Service Commission of WV

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The Pipeline

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PROPER USE OF FUNDS?

By: Conrad Bramlee
Utilities Analyst III
Water and Wastewater Division
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We have received inquiries about whether it is permissible for a public water or sewer utility to sell scrap metal that has been determined to no longer be used or useful to the utility, and then to use the proceeds to fund employee recognition events. Because of these inquiries from customers and utilities alike, we consulted with the Ethics Commission and offer the following for your general information. For an opinion concerning specific facts and circumstances in your utility, you should contact the Ethics Commission for guidance.

The inquiry can be broken down into two questions:

- 1) What to do with the proceeds acquired from the sale of scrap metal?
- 2) Can dollars be spent on recognition of employees?

The Ethics Act contains the following provisions:

(a) *Persons subject to section.* -- The provisions of this section apply to all elected and appointed public officials and public employees, whether full or part time, in state, county, municipal governments and their respective boards, agencies, departments and commissions and in any other regional or local governmental agency, including county school boards.

b) *Use of public office for private gain.* -- (1) A public

official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person...

The scrap metal is considered public utility property because the utility used its own customer generated funds or received grants or loans from public funds to purchase the original material. Therefore, the utility should account for this scrap metal even though it is no longer used or useful. The proceeds from the sale of the scrap metal should be deposited in the utility's bank account and recorded on its ledger as "Miscellaneous Non-Operating Revenues".

The two activities (1. Sales of scrap metal and 2. Monies spent for employee recognition) must be separately accounted for and tracked by the utility. Under the Ethics Commission Guidelines a public entity may use public funds not to exceed \$25.00 per employee per fiscal year for employee recognition. However, the reasonableness of the expenditures could be reviewed during the Utility's next rate case before the Public Service Commission.

If you have specific questions or need guidance please contact the West Virginia Ethics Commission at (304) 558-0664 or toll free 1-866-558-0664 or visit their website at www.wvethicscommission.org.

Class Cost of Service Study

By: Ingrid Ferrell
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Class cost of service studies are routinely conducted by the Public Service Commission Staff. You may be unfamiliar with the process or wonder why such a study is necessary? When rates are being examined and the rate structure needs to be modified there must be a method to fairly and equitably accomplish that change. Two methods commonly used are the commodity-demand method and the base-extra capacity method. The Commission has approved rates under both methods but Commission Staff most frequently uses the commodity-demand method.

In preparing a class cost of service study, the utility's books and records are reviewed for the latest fiscal year that has complete financial information. This is called the test year. Staff's review of the utility's books and records are in the form of an audit report known as a Rule 42 Exhibit. The Rule 42 Exhibit is an accounting exhibit which displays the utility's annual operating revenues, operating expenses, debt service and debt service reserve requirements, and plant additions. In a class cost of service study, the proper classification of revenues and expenses is important in determining the proper cost allocations for each class of customer. The Commission follows the National Association of Regulatory Utility Commissioner Uniform System of Accounts.

A sound analysis of the adequacy of rates requires that only those costs be allocated among the customers that match their service requirements. In any utility, service provided to customers must include provisions for meeting not only the average water usage or sewage treatment requirements of the customers but must also include adequate capacity to meet the peak demands placed on the system due to either customer-based demand or due to unusual events, such as fires.

In the commodity-demand method, costs of service are separated into four primary cost components: (1) commodity costs, (2) demand costs, (3) customer costs, and (4) public fire-protection costs. Commodity related costs tend to vary with the volume of water produced or sewage treated. The cost of chemicals and power costs are the types of costs that generally vary in proportion with the volume of water produced or sewage treated. Demand costs are associated with providing facilities and reserve capacity to meet the peak demands placed on the system by various types of customers, such as residential, commercial, industrial, and resale. For instance, adequately sized pipelines must be installed and maintained in order to meet the demands of large volume users. Customer costs comprise those costs associated with serving customers, irrespective of the amount or rate of water use. Examples of these costs are administrative costs such as, billing, or costs associated with meter reading and maintenance. Finally, public fire-protection costs are associated with those facilities necessary to meet the very high, short-term demands imposed by fire fighting and fire protection systems.

Sewer rate design is generally based on water usage. It has nothing to do with any of the costs of the water system. Basing the sewage volume on metered water is the easiest and most practical method for determining how much sewage is being sent to the treatment plant. There are exceptions to that rule when it makes sense to use a sewage flow meter, such as another utility that sends its sewage to your system for treatment. In that case, the wholesale utility also has inflow and infiltration that needs to be accounted for so your customers are not subsidizing that utility. Sewer rate design also takes into account that all water usage is not returned to the sewer system. Lawn watering and car washing are examples of water usage that doesn't enter the sewer system and the cost allocation takes this into account.

The costs determined in the Rule 42 Exhibit are distributed to the customer classes by the allocation factors for each of the four cost components discussed above. The final result shows the revenue requirement necessary for each customer class to achieve the total revenue requirement for the utility. The rate design or rate structure is then set to recover each customer class revenue requirement as closely as practical and eliminate the subsidization of the various customers.

Workplace Violence: Risk & Prevention Strategies

By: Jeremy C. Wolfe
Loss Control Manager
WV Board of Risk and
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Most employees assume their workplace will be free of workplace violence. Unfortunately, this is not always true. Studies show that approximately 1.7 million acts of violence occur in the United States workplace every year. Workplace violence should be considered a viable threat that could happen at anytime and anywhere.

For many, “workplace violence” often raises images of disgruntled or deranged individuals unleashing deadly shooting sprees within a workplace or a public backdrop. These kinds of events periodically appear in local and national news headlines and lead to intense debates regarding workplace violence. Such headlines may help create a greater focus on workplace violence and prevention strategies, but only by focusing on one of its rarest forms. Security and safety professionals tend to suggest that other forms of workplace violence are vastly more common than homicide, such as harassment, threats, physical assaults, abusive language, intimidation, and stalking. These broad ranges of behaviors can generate a concern for personal safety and if left unresolved, eventually could result in physical injury or even death.

A classification system has been developed by several United States occupational safety and health agencies that categorize workplace violence incidents according to the relationship of perpetrator to victim. This system can be beneficial when developing mitigation strategies for workplace violence. The classification system identifies four (4) specific workplace violence types:

- Criminal acts with no relationship to a workplace or operation
- Customer, client, and/or patient relationship relating to someone that has a business relationship with a workplace or operation

- Employee-on-employee violence relating to an employment relationship
- Violence stemming from a personal or intimate relationship between the perpetrator and victim

Frequently, workplace violence incidents have been preceded by behaviors that could have signaled the violence to come. Some workplace violence incidents can be prevented through the recognition of signs, symptoms, and behaviors of potential violence. Managers and employees should have a basic awareness of warning signs that can point to potential workplace violence. Such warning signs may include:

- Numerous conflicts with considerable inappropriate and aggressive behaviors
- Statements of desperation regarding decisions made
- Intimidating, harassing, or belligerent behaviors
- Rash changes in judgment or work practices
- Threats of retaliation or violence
- Defiant challenges to rules and procedures
- Extremist attitudes and opinions
- Fascination with weapons and/or killing power
- Approval of violence to resolve problems
- Substance abuse
- Irrational or nonsensical talk
- Clenching of the jaws or fists
- Pacing, nervousness, or restlessness
- Preference or rash change towards becoming a loner (isolate themselves)
- Making offensive comments about violent acts or incidents

Many workplaces benefit from a formal workplace violence prevention and response program. At the same time, many are unprepared to handle such an event. Below are some fundamental prevention and response tactics commonly used in workplaces and by employees to mitigate a workplace violence incident:

- Immediately report a workplace violence threat to your supervisor and someone else within your workplace
- If you have to speak with an individual you feel may become violent, have a third party present with you
- Lock doors that lead to non-public work areas, limit ingress and assure egress (emergency exit)
- Plan ahead and boost security if an individual is coming to your office that you have concerns about
- Stay close to doors, in case a quick exit is needed
- Use of silent alarms or panic buttons

- Ensure bright and effective lightning both inside and outside of the workplace
- Ensure video surveillance equipment is present and noticeable both inside and outside of the workplace and in good working order
- Keep close contact with fellow workers to understand if your workplace may have any potential workplace violence risks/exposures
- Create a “Buddy” system so each employee has someone to go to if they feel at risk for workplace violence
- Avoid working alone or putting yourself in an at-risk situation without someone else present
- Avoid working late at night or early in the morning
- Constantly be aware of your work environment and surroundings
- Develop an individualized workplace violence response plan for yourself

Workplace violence is a serious safety and health issue. It is a risk that deserves attention amongst all workplaces. I would encourage workplaces to establish a program that includes policies, processes, and training for workplace violence prevention. Doing so will help ensure that your workplace is adequately prepared to both recognize and respond to behavior and circumstances that pose a risk to workplace violence.

References:

U.S. Bureau of Labor Statistics

ASIS International

National Institute for Occupational Safety and Health



TAPPER ASKS:

Have you checked the Commission’s website for a list of training seminars available in 2011?

WEST VIRGINIA BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES
Monthly Operational Reports - Quick Glance

By : Christy Pitsenbarger
Data Management Supervisor
Environmental Technician 2
Environmental Engineering Division
Office of Environmental Health Services

- **Purpose:** Provide operators with a reference sheet related to monthly operational and chlorine requirements to prevent or reduce related violations
- **What are they?** Formatted report used by our office to verify state and federal requirements are met AND a tracking log for operators and systems
- **Who do I contact with questions?** Christy Pitsenbarger at 304-558-6750
- **Types** (NOTE: These are examples and not the actual forms to be used):
 - o EW-210 - Purchase Systems
 - o EW-103 - Groundwater Systems
 - o EW-90 - Surface/GUDI Systems & Groundwater System with populations over 3300
 - o EW-80 - Fluoride Form - for system adding fluoride to system
- **Where do I find blank reports?** <http://www.wvdhhr.org/oehs/eed/c&e/mor.asp>
- **What you need to know:**
 - o Minimum chlorine residuals:
 - Free (plant)- established by District Office and varies from system to system
 - Total (distribution)-minimum 0.2 mg/L**
 - o Clearly mark if system does not pump or is closed (Do not leave blanks)
 - o Community systems are required to test distribution system chlorine *every day*
 - o Chlorine residuals from bacteriological are counted and used for total number of distribution samples required - violations are issued if this information is missing
 - o ***MUST BE SUBMITTED BY 10TH OF FOLLOWING MONTH***
 - o Cover Sheet - (Submit with mailed or faxed results)
 - Clearly shows what you are sending
 - Clearly indicates return confirmation requests (which can be used to show submittal within time frame, in case it is “lost”)

- o Mailed Reports:
 - Office of Environmental Health Services
 - Attn: Data Management
 - 350 Capitol Street, Room 313
 - Charleston, WV 25301-3713
- o Faxed Reports:
 - Attn: Data Management
 - (304) 558-0139
- o Violations- frequent reasons for violations:
 - Not received
 - Incomplete report (not enough samples)
 - Operator not certified
 - Chlorine residuals on bacteriological missing
 - Chlorine residuals (free) below established limit
- **MOR Requirements:**
 - o *EW-210* - Purchase Systems
 - Header: PWSID #, system name, month/year, phone number and county
 - Body: Chlorine residuals, sampling location, and sampler's initials
 - Footer: Printed name of certified operator, signature of certified operator, certification number, expiration date, and certification class
 - o *EW-103* - Ground Water Systems
 - Header: PWSID #, system name, month/year, phone number and county
 - Body: Total time pumped (in hours- no more than 24 hours per day) and/or total water treated, free chlorine (taken at plant), total chlorine (taken in distribution system), sampling location, and sampler's name
 - Footer: Type of disinfectant used, minimum residual requirement at plant, lowest chlorine residual measurement in distribution system, lowest chlorine residual measurement at plant, printed name of certified operator, signature of certified operator, certification number, expiration date, and certification class
 - NOTE:** If any chlorine reading taken from the plant (free chlorine) is below the minimum residual required at plant, residual reading **MUST** be taken every 4 hours and recorded on page 4 until the residual raises to the minimum level
 - o *EW-90 Series*
 - Page 1:
 - Header: PWSID #, system name, month/year, phone number and county
 - Body: Plant operation time-in hours

- Page 2:
 - Header: PWSID # and month/year
 - Body: Plant (free) and system (total) chlorine residuals, sampling location, and sampler's initials
 - Footer: Printed name of certified operator, signature of certified operator, certification number, expiration date, and certification class
- Page 3 - Optional
- EW-90A - Turbidity (based on number of hours pumped, samples taken every 4 hours, 95% of samples (MUST BE BELOW 0.3 NTU)
 - Header: PWSID #, system name, month/year, phone number and county
 - Body: Turbidity readings taken every 4 hours - Please note: daily number of hours should match number of samples (pumped 12 hours equals at least 3 samples for that day)
 - Footer: Printed name of certified operator, signature of certified operator, certification number, expiration date, and certification class
- EW-90A Page 2 - Individual Filters Page - MUST BE SUBMITTED WITH REPORT
- EW-90B - Chlorine Residual-based on population, not hours of pumping
 - 1 sample per day - population under 500
 - 2 samples per day - population between 501 – 1000
 - 3 samples per day - population between 1001 – 2500
 - 4 samples per day - population between 2501 – 3300
 - Continuous monitoring - population over 3300 (make sure this is marked on the MOR)
- EW-90C - Disinfection By Product Precursors Control
 - Chlorine can react with organic matter in the water - which produces Disinfection By-Products (THM's and HAA5's)
 - TOC (Total Organic Carbon) is the measurement of organic matter in the water before treatment and after treatment - alkalinity affects the percentage of organic matter removed

MORS/PUBLIC NOTICES-WHAT YOU SHOULD KNOW

MOR's-Chlorine:

- Clearly mark when system is not pumping or is closed
 - Do not leave blanks in required areas
 - Community systems are required to sample ever day in distribution and when pumping at plant - non-community systems are required when open (distribution) and when pumping (plant)
 - Chlorine residuals *must be included with bacteriological samples* - this could result in violation if omitted - please use caution and place in correct location on bacteriological form
 - Reports **MUST BE SUBMITTED BY 10th OF FOLLOWING MONTH**
 - Surface water, CUDI systems, and groundwater over 3300 - number of samples are based on population, NOT hours pumped
 - Minimum chlorine residual in distribution system is 0.2 mg/L
-

MOR's-Turbidity (Surface and GUDI Systems):

- Based on hours pumped (approximately every 4 hours)
 - 95% of samples **MUST** be below 0.3NTU
 - Tier 1 violation if over 1 VTU
 - Tier 2 violation if 95% exceedance (more than 5% of samples are over 0.3NTU)
 - Samples are taken at entry point to the distribution system (along with inorganic and organic chemicals)
 - Turbidity questionnaire (Individual Filters Page) **IS REQUIRED** unless specified by District Office (based on type of filtration)
-

Public Notices:

- Tier 1—12 hours
- Tier 2—30 days or ASAP
- Tier 3—Annually
- CCR's many be used *if hand delivered or mailed* (Pay attention to Tier Deadlines)
- **Note:** Newspaper ads *cannot* be used for community systems - contact District Office for more information.
- Submit copy of notice and Public Notice Certification within 10 days after issuing

notice to receive credit (Possible public notice violation if not completed within set time frames)

MISC:

- All reports, results, and information are due by 10th of following month or end of compliance period
- System is responsible for submitting results to Data Management (Labs sometimes send courtesy copies, but if they do not, it is system's responsibility)
- Request confirmation and keep with records
- Always keep a copy of what you submit
- **Sign your reports!** This is required and reports cannot be accepted if they are not signed
- Page 3 of the EW-90 is not required - but be aware of items on this form for future use

**APPLICATIONS FOR WATER
AND/OR SEWER SERVICE**

By: Sharon A. Godwin
Consumer Affairs Technician
Water and Wastewater Division
Public Service Commission

Utilities should understand that the basis for holding a customer responsible for a bill is the information provided in the initial Application for Service Form. It is imperative that the utility have a policy on the requirements for obtaining service, that this policy is approved at a regularly scheduled board or council meeting and implemented in a non-discriminatory manner.

Guidelines for applications for water and sewer service are provided in Water Rule 4.1.e.1 * and Sewer Rule 4.1.e.1, * which became effective on October 24, 2003. The Rules are essentially the same and state:

*The Water Rules and Sewer Rules were recently changed. The new Rules may be found at 150 Code of State Regulations 5 and 150 CFR 7. The Rules will be effective on May 8, 2011.

“All applicants desiring water (sewer) service may be required to make written application at the office of the utility on printed forms provided therefore, setting forth in said application all purposes for which water (sewer) will be used upon their premises. The utility may require the applicant to provide identification at the time of application for service. All applicants for service shall be required to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he shall state the name and address of the owner or owners of the premises to be served.”

We encourage all water and/or sewer systems to require a written application for service form to clearly identify the customer of record and to provide the basis for pursuing collection, if needed. There are problems that can be avoided by getting key information from a potential customer when a request for water and/or sewer service is received. If you presently have an office policy that requires the applicant to complete an application for service, I commend you. This application provides the basis for establishing the customer (s) of record and is so important when the utility is faced with the daunting task of attempting to collect a debt owed for services provided.

In turn, this application for service form can also help in instances where members of the same household are attempting to switch service amongst members of the same household to avoid payment. Some utilities request that both the husband and wife or boyfriend and girlfriend sign the application for service. Other utilities request the name of all adult members in the household be provided in the application. While these items cannot be a requirement for service it certainly can be requested and might save the utility time in instances where members of the same household are trying to avoid a utility bill by changing service to another member of the same household. However, it should be clearly understood that service must be provided if one of them does make application and meets the other qualifications for obtaining service.

Furthermore, Water Rule 4.1.e.2. and Sewer Rule 4.1.e.2., state:

“Any change in the identity of the contracting customer at a premises will require a new application for water (sewer) service, and the utility may, after reasonable notice, discontinue water (sewer) service until such new application has been made and accepted, but the former customer shall remain liable for water (sewer) furnished to said premises until he has given notice in writing to the utility to discontinue water (sewer) service. In the event the customer of record has died or has become incapable of being responsible for water (sewer) service, that individual’s spouse may become the customer of record without being required to complete a new application for water (sewer) service, or paying a new deposit.”

All water and sewer utilities should be aware of these requirements and should establish reasonable requirements for applying for service. A sample Application for Service Form (Form 4) is included in the respective Water Rules and Sewer Rules. We would encourage you to use this form as the basis for establishing an Application for Service Form.

Thank you for all your efforts out there.

If we, in the Water and Wastewater Division, can be of any assistance please do not hesitate to call.

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

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