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Position Paper

# Fostering Private Sector, Governmental Agency, and Institutional Cooperation on Groundwater Investigations

The National Ground Water Association, founded in 1948, is a not-for-profit professional society and trade association for the groundwater industry. Our 13,500 members from all 50 states include some of the country's leading public and private sector groundwater scientists, engineers, water well contractors, manufacturers, and suppliers of groundwater-related products and services. NGWA has been and continues to be a forum for discussing and promoting the responsible protection, utilization, and cleanup of the nation's groundwater.

## Subjects

Water well construction and service; water well pump installation and service; vehicle movement; safety

## Audience

Government officials, contractors

## Background

Groundwater investigations require data that range from regional to local scale to be conducted efficiently. Collecting and compiling this information is a key mission of a variety of governmental agencies at the local, state, and federal levels. In addition, a substantial number of private sector consulting firms provide professional expertise to a variety of clients with specific groundwater-related issues. Furthermore, various public and academic institutions collect groundwater data that provide the basis for research studies at fundamental levels.

The spectrum of data needed to effectively conduct groundwater studies frequently exceeds the mission or capabilities of any one governmental, university, or private sector entity. As a consequence, each of these entities has a supporting role to play in protecting human health and the environment by contributing sound technical guidance on groundwater issues. Occasionally, the roles of agencies, universities, and private consulting firms are not integrated and come into conflict. These conflicts are corrosive for the public support of important governmental functions, can impair private consultants' ability to function, and distract attention from more important issues of environmental protection and public welfare. As the leading professional organization focused solely on groundwater-related issues, NGWA can play a role in preventing and arbitrating conflicts within the groundwater community, thereby advancing groundwater science. To accomplish these goals, NGWA believes it is our responsibility to take the following positions.



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## **NGWA's advocacy role for groundwater studies**

- Groundwater research and regional aquifer studies are critical elements of the future health of the economy and the environment.
- The current level of funding for regional groundwater resource work is inadequate to deal with future needs.
- The members of NGWA are in a unique position to identify critical groundwater issues. NGWA should act as a vehicle to identify and address important groundwater issues and regional groundwater investigations.
- NGWA should offer support, including advocacy and lobbying, to secure adequate federal and state funding for groundwater studies, where appropriate.

## **Guidelines pertaining to groundwater resource project work**

State and federal agencies, and, on occasion, university activities, overlay projects that are normally undertaken by the private sector. A particularly perceptive outlook on this thought was outlined by Chief Hydrologist Robert M. Hirsch of the USGS in his Memorandum 95.44 on avoiding competition with the private sector, written in 1995. He mentioned that “the issue of potential competition with the private sector is a difficult one, requiring the use of considerable judgment and sensitivity. It is important that one stay relevant to customer needs and maintain a balance of data collection, interpretive studies, and research efforts.”

There may be instances where the customer’s motivations are entirely related to some regulatory requirement for information. In these cases, customers’ interests may be limited to the routine application of standard, pre-existing protocols to satisfy a regulatory or design requirement and do not significantly fulfill any broad purpose and should be rejected.

Because large-scale geological mapping and hydrogeologic modeling provide context for site-specific investigations, there is an appropriate place in groundwater investigations and research for state and federal agency groups. For example, hydrologic investigations, like the USGS cooperative programs, provide new approaches, new technology, and research for defining water resources and solving water resources problems. Unfortunately, programs such as this have occasionally created competition between public sector and private sector entities. Several groups have undertaken initiatives to prevent additional conflicts. These efforts include a National Research Council report that attempts to prioritize research goals and promote the cooperative use of resources, and a memorandum of agreement between the USGS and the Association of American State Geologists that establishes a commitment to the exchange of information on research projects and provides a framework for separate agreements for specific cooperative projects. NGWA believes that common agreement on a few guidelines could avoid these conflicts and significantly enhance the efficiency of the groundwater industry. NGWA believes that the following points should be used by local, state, and federal agencies, universities, and private consultants as a basis to illuminate the legitimate function of private and public sector agencies and foster greater cooperation on groundwater-related issues:

- Public and private sector entities should work cooperatively to foster an increased level of understanding of our groundwater resources.
- Both public and private sector entities can provide unique capabilities to accomplish these goals.
- Governmental entities (local, state, and federal) have a legitimate interest in maintaining in-house technical staff to conduct groundwater studies that are integral to their continuing operations or to discharge responsibilities that are integral to their core mission, and to provide regional contexts for site-specific investigations.

- To the maximum extent possible, local, state, and federal government should contract with private sector firms for the performance of groundwater investigations and development including, but not limited to, exploratory drilling, the installation of wells for monitoring groundwater quality and elevation, site-specific groundwater contamination assessments and remediation, and wellhead protection delineation.
- Federal government agencies should continue to focus their efforts on performing traditional regional geologic and hydrologic studies, as well as continue such research and development activities that are of benefit to the groundwater industry and the general public.

## Further guidelines for cooperation

Rigid guidelines may be difficult to establish as to how these entities should work together cooperatively to avoid competition. However, the following guidelines should be used to determine if a proposed activity is fair and appropriate:

- Data collection and interpretation that is of a regional nature and serves the needs of a variety of users must be objective and protected from potential bias. Such unbiased research is needed to provide an historic baseline of field conditions and is a legitimate role for governmental agencies.
- Private sector entities should generally take the lead role for projects that are within the administrative or political capacity of an existing water management body.
- Federal and state agencies should take the lead on projects for which the technical or political scope exceeds the administrative capacity of the appropriate groundwater management body (i.e., water utility, municipality, county, state, or regional water agency).
- Whenever possible, public sector projects should use private sector entities to the maximum extent possible to avoid competition and facilitate technology transfer.
- It is not appropriate for public sector agencies to compete with private sector entities on projects where the legitimate needs of the client can be met by private sector entities.
- It is not appropriate for public sector entities to conduct groundwater projects with specific goals as a vehicle to further unrelated research interests.

NGWA believes that the guidelines outlined in this document emphasize that the skills and strengths of the government and private sector can be used in a cooperative manner so as to achieve higher levels of protection of the environment and human welfare.

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*Approved by the Government Affairs Committee, June 17, 2002. Note that on March 21, 2005, Memorandum 95.44 was updated by USGS to Memorandum 04.01.*