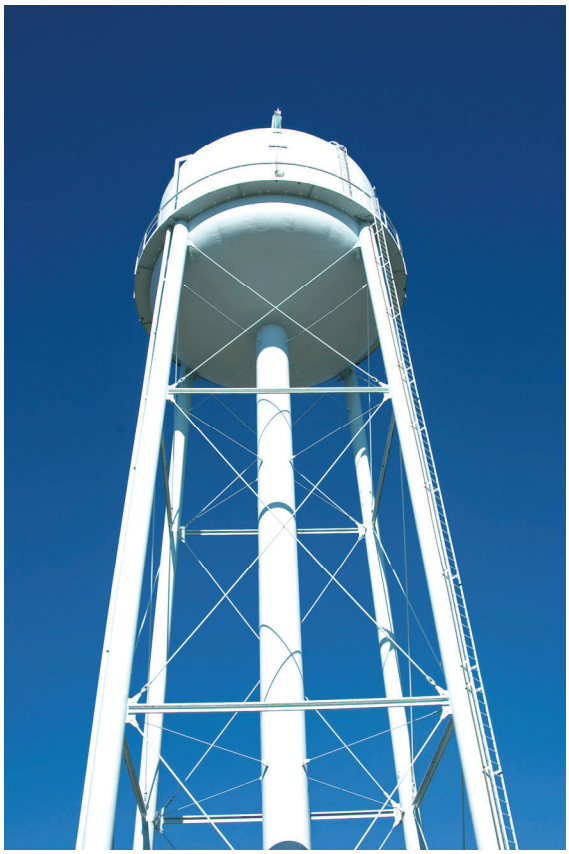
State of Ohio
Environmental Protection Agency
Division of Drinking and Ground Waters

Capability Assurance Strategy Annual Report State Fiscal Year 2009



September 1, 2009

Ted Strickland, Governor
Chris Korleski, Director

Introduction

This Capability Assurance Strategy Annual Report was prepared by the Ohio Environmental Protection Agency (Ohio EPA), Division of Drinking and Ground Water (DDAGW), in fulfillment of the reporting requirements of the United States Environmental Protection Agency (U.S. EPA) *Guidance on Implementing the Capacity Development Provisions of the Safe Drinking Water Act Amendments of 1996* that requires:

> *Each year, as a stand-alone submittal or as part of the state's capitalization grant application, the state must provide documentation showing the ongoing implementation of the capacity development strategy.*

The report follows the format specified in a memorandum from Cynthia Dougherty, Director, Office of Ground Water and Drinking Water, on June 1, 2005 regarding *"Reporting Criteria for Annual State Capacity Development Program Implementation Reports"*. This report is based on data for State Fiscal Year (SFY) 2008 which covers the period July 1, 2008 through June 30, 2009.

New Public Water Systems

Ohio Revised Code Sections 6109.24 and 6109.22(M) and Ohio Administrative Code Chapter 3745-87 provide for Ohio's legal authority to implement the new systems program.

All new public water systems must submit a capability assurance plan prior to detail plan approval and start-up of the system.

Between July 1, 2006 and June 30, 2009, 63 community and non-transient non-community public water systems were activated. Appendix A contains a list of the activated systems. The activated systems list was reviewed to determine which systems are truly new versus found, existing systems or for new satellites of existing systems. DDAGW determined eight systems are new systems, they are listed in Appendix B.

Of the eight systems, three systems have completed a capability assurance plan (CAP). There are five systems that did not complete a CAP. We are working with them to have a CAP completed. None of the eight systems are considered significant non-compliers. This is determined by reviewing the list of significant non-compliers issued by U.S. EPA and deleting all of the systems that received this designation due to an error.

Existing System Strategy

Programs, tools and activities Ohio utilized during SFY 2009

- completion of a new sanitary survey process utilizing more capability related questions and Capability Assurance Evaluation Forms;
- Compliance and Operational Review Meetings (CORMs);
- started Ohio RCAP List as a proactive measure to assist small systems that are having financial or managerial problems;
- capability assurance requirements in enforcement actions;
- reminder postcards to public water systems for compliance monitoring;
- use of a ListServ to communicate information to public water systems and laboratories;
- targeted systems on the enforcement priority list; and
- offered free training to public water systems.

Who needs assistance and what type is needed?

Ohio continues to identify systems in need of capacity development assistance by using a multi-tiered approach.

Track and enforce requirements through the **sanitary survey process**

Identify systems needing capability improvements through the **enforcement priority list** compiled quarterly

Prioritize and improve existing system capacity by sending **reminder postcards** to systems that are near the end of the monitoring period and have not monitored as required.

Electronic service communications

Local government, system management and operator training

Sanitary survey process

All community water systems greater than 250 in population have a Capability Assurance Evaluation Form completed at the time of their sanitary survey. The capability indicators are reviewed at the conclusion of the sanitary survey by completing the Capability Assurance Evaluation Form.

During SFY 2009:

- 333 capability assurance evaluation forms were completed;
- 27 of the 333 systems identified capability assurance concerns; and
- Two enforcement actions included capability assurance requirements such as hiring a certified operator or contract lab, system consolidation, and attending technical, managerial and financial training.

The capability assurance evaluation forms were completed as a part of the sanitary survey process. Staff education and continued implementation occurred during SFY 2009.

Ohio RCAP List

The Ohio RCAP list includes only community water systems serving 10,000 or less in population. Systems intended for this list are those that need financial and/or managerial technical assistance to achieve or maintain compliance. The Ohio RCAP list is also the feeder to the Project Priority List (PPL) and the Intended Project List (IPL). A system placed on the Ohio RCAP list and receives the needed technical assistance may graduate to the PPL/IPL when it is ready to proceed with a project being funded through the Drinking Water State Revolving Loan Fund. Eleven small systems were placed on the Ohio RCAP List during PY 2009.

Enforcement

During SFY 2009, DDAGW exceeded our commitment to U.S. EPA to address or resolve 210 systems in Significant Non-Compliance (SNC), as well as exceeded our target of 300 systems in SNC, by addressing/resolving 330 systems. These systems were addressed/resolved by systems returning to compliance, DDAGW completing an enforcement action with systems, correcting/updating our database, and by inactivating systems no longer in operation.

Reminder postcards

Another measure Ohio has taken to prioritize and improve existing system capacity is sending reminder postcards to systems that are near the end of the monitoring period and have not monitored.

TOTAL COLIFORM WATER SAMPLING REMINDER

THIS IS NOT A VIOLATION NOTICE

THIS IS A REMINDER TO TAKE YOUR COLIFORM BACTERIA SAMPLE

We do not have your drinking water system's Total Coliform sample result for this monitoring period.

Current Monitoring Period: **July - September, 2009 Quarter**

Required Coliform Sampling: **At least one routine sample**

Please collect the Bacteria sample before the end of this month

If you have already sampled, please send Ohio EPA the result now, or ask your lab to send the result to Ohio EPA.

If you have any question please call Bob Little at (740) 380-5267

During SFY 2009:

- 6,608 **total coliform bacteria** reminder postcards were sent to systems that had not monitored yet during the reporting period;
- Of the 6,608 postcards sent to public water systems to remind them to take a total coliform bacteria sample; 5791 systems completed their monitoring;
- Therefore, only 12.4 percent of systems failed to monitor after being reminded.
- 4,687 **chemical/radiological** reminder postcards sent to all public water systems that had not yet completed monitoring;
- Of the postcards sent, 4,269 systems monitored.
- Therefore, only 8.9 percent of systems failed to monitor after being reminded.

The benefit for capacity assurance is two-fold with the reminder postcard program. First, it speaks specifically to the managerial capacity of the system. We are providing the systems with a specific tool to better manage their public water system. Second, if a system that typically does not monitor, does monitor for the contaminant and a maximum contaminant level is found, it gives Ohio EPA the ability to work with the system to improve the technical capacity of the system. Overall this action has increased the overall compliance of public water systems in Ohio.

Electronic service communication (ListServ)

An additional form of communication which encourages compliance and furthers system capability is the ListServ communication tool the drinking water program is currently using. The six electronic mailing lists being used by DDAGW are:

- ⇒ operator certification with 488 subscribers;
- ⇒ drinking water assistance fund with 147 subscribers;
- ⇒ compliance with 244 subscribers;
- ⇒ rules update with 757 subscribers;
- ⇒ underground injection control rules with 506 subscribers; and
- ⇒ LT2/Stage 2 with 143 subscribers.

The electronic mailing lists provide systems and laboratories with quick and timely updates on drinking water monitoring and compliance issues, federal and state drinking water rule making, operator certification information, state revolving fund information and Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2) and the Long Term 2 Enhanced Surface Water Treatment Rule (LT2).

Local government, system management and operator training

Each year Ohio EPA DDAGW provides funding to W.S.O.S Community Action Commission, Inc., Great Lakes Rural Community Assistance Program (Ohio RCAP) to present training courses as part of the Drinking Water Assistance Fund program goals and objectives. These one-day courses are free and targeted to board members, mayors, water system superintendents and operators.

Utillity Management for Local Officials training includes an overview of the three capacity components; managerial, technical and financial;

Financial Management for Local Officials training focuses on financial management of a public water system;

Asset Management, Budgeting & Rate Setting for Local Officials training focuses on the theory of asset management, budgeting and rate setting.

During SFY 2009:

- ⇒ 1,246 brochures were e-mailed and 3,300 were sent regular mail to all community public water systems serving 10,000 or fewer in population announcing each course;
- ⇒ 20 training sessions were held statewide;
- ⇒ 169 people in attendance; and
- ⇒ 100 systems represented.

This type of outreach and education is important for our current existing system strategy to educate existing systems and increase their capability.

There were two mailings. One for the fall scheduled training sessions and one for the spring training sessions. Both times, 623 e-mailed brochures and 1,650 hard copy brochures were mailed. Both fall and spring mailings were to the same communities.

Additional program activities

During SFY 2009, Ohio worked in conjunction with U.S. EPA to sponsor two workshops for systems on Stage 2 Rules and implementation. A total of 43 systems attended the workshops, held in October and May. Presentations by U.S. EPA staff helped systems complete Initial Distribution System Evaluation Reports.

From SFY 2004 through half of SFY 2007, Ohio had a technical assistance position at the Northeast District Office to identify and assist small systems with compliance and capacity related issues. Northeast District Office was chosen because it has the most public water systems of all the districts and many small systems with lower compliance rates. Ohio found this position to be effective in identifying and assisting the very small systems with capacity and compliance issues but did not have it during SFY 2008 since the last staff person vacated the position. During SFY 2008 Ohio EPA had a hiring freeze so the position was vacant for most of the year. The position was rehired toward the end of SFY 2008. Implementation and reporting began again during SFY 2009.

Planning for future changes

Ohio is planning diligently for upcoming changes that effect how Ohio uses capacity in our everyday dealings with public water systems.

Our Information Management Section has developed and implemented a new Web based reporting application for public water systems (PWS) and certified laboratories. The application was deployed in July 2009 and is now available for use by all PWS and labs. The new reporting application is a part of the agency's new eBusiness Center and will lead to more efficient exchange of information between water systems, labs and the Ohio EPA.

Ohio implemented positions in each district office called District Office Compliance Coordinators, or DOCCs, in SFY 2007 and the positions continued through SFY 2009. These individuals work as a lead worker at the district level and come together at regularly scheduled meetings to improve statewide consistency issues and business processes in an effort to increase capability and compliance of public water systems statewide.

Advisory Committee Meetings

During SFY 2009, Ohio held one Drinking Water Advisory Committee (DWAC) Meeting. The DWAC was formed to help strengthen the division's drinking and ground waters programs through valuable and independent input from stakeholders. The stakeholder group is comprised of members from Association of Ohio Health Commissioners, Consulting Engineers Council of Ohio, County Commissioners Association of Ohio, County Engineers Association of Ohio, Great Lakes Rural Community Assistance Program, Ohio American Water Works Association, Ohio Campground Owners Association, Ohio Chamber of Commerce, Ohio Department of Development, Ohio Electric Utilities Institute, Ohio Homebuilders Association, Ohio Manufactured Homes Association, Ohio Municipal League, Ohio Public Works Commission, Ohio Rural Water Association, Ohio Water Development Authority, Operator Training Committee of Ohio, Inc., Public Utilities Commission of Ohio, and The Ohio Environmental Council. The DWAC members represent a balanced, cross-section of civic and environmental groups that have an interest in drinking water programs and issues. The group focuses on three key areas:

1. providing input on rule development,
2. assessing and recommending improvements to new and existing programs; and
3. identifying funding alternatives to address state and local funding needs.

DWAC gives Ohio the opportunity to enhance communication with organizations that represent the regulated community. The systems have more information about our intended changes for the drinking water program and are given an opportunity to provide input. This gives Ohio EPA a better chance of gaining buy-in from the communities which should lead to greater compliance and more capable systems.

Capability assurance plans (CAPs)

Capability assurance plans for systems less than 10,000 population can be completed with assistance from Ohio RCAP free of charge to the public water system.

Capability assurance plans are **required** for:

- All new community and non-transient non-community public water systems; and
- All Water Supply Revolving Loan Account (WSRLA) design and construction loan awardees.

During SFY 2009:

- 40 WSRLA loans were awarded; and
- All of these systems had approved capability assurance plans (35 individual systems).

Strategy Implementation Review

Ohio regularly reviews and makes minor revisions to accomplish greater capacity assurance in Ohio's public water systems. It is not a formal review; however initiatives for working better with existing systems to encourage compliance and capability are never far from our mind. The deterrent to making more changes to our program is lack of funding. We are currently optimizing our program by adding initiatives that are low cost to implement.

Changes are being suggested for the Ohio Revised Code to bolster existing capability language and add a provision for existing system capability. The Ohio Administrative Code rules will be reviewed and potentially modified once the changes are made to the Ohio Revised Code. Rule changes being considered include requiring existing systems to complete part or all of a CAP when a specific amount of financial, managerial and technical deficiencies are determined utilizing the capability assurance evaluation form.

Strategy Modifications

The addition of the capability assurance evaluation forms, capability assurance questions to the sanitary survey and the CORM are initiatives that were incorporated recently in the existing strategy. Other strategies including education and technical assistance have always existed but initiation of additional/different activities were increased for both areas this year with the addition of the Ohio RCAP List. Systems placed on this list receive financial, managerial technical assistance and other educational tools to maintain compliance and/or prevent enforcement issues.

Conclusion

Ohio continues to take a proactive stance in assuring system capability. We work with new systems, systems receiving a WSRLA loan and existing systems having capability related issues. We are always interested in exploring new initiatives that will increase the capability of the public water systems in Ohio utilizing our available resources. Please contact the Division of Drinking and Ground Water at (614) 644-2752 if you have questions about Ohio's capability assurance program, have suggestions for improvement to our program.