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Drinking Water Advisory Committee

**January 17, 2006
9:30 a.m. - 12:00 p.m.
Ohio EPA
Lazarus Government Center
EPA Conference Room A**

Abstract

The following updates are highlights of the January 17, 2006 Drinking Water Advisory Committee (DWAC) meeting. The executive summary follows the abstract.

Major agenda items included an overview on the Final Stage 2 Disinfectants and Disinfection Byproducts and Long Term Enhanced Surface Water Treatment rules, an update on various compliance enhancement efforts, and a member roundtable. Updates on the operator certification program, plan approval, and Representative Carmichael's water use conflict legislation were also provided.

Executive Summary

A. Chief's Update - Mike Baker

Relocations

The Central District Office relocated from their offices on Alum Creek Drive onto the fifth floor of the Lazarus Building in early December 2005. The Division of Environmental Services will be out of commission for about a month as they prepare to relocate from Murray Hall on OSU's campus to their new offices on the Ohio Department of Agriculture's campus in Reynoldsburg during the month of February.

Operator Certification Update

The draft operator certification rule revisions were available for review between November 28, 2005 and January 11, 2006. The division has received twenty-seven sets of comments to date. The workgroup will be reviewing the comments, preparing a responsiveness summary, and proposing the rules to the Joint Committee on Agency Rule Review as soon as possible. The stakeholders workgroup will continue to meet in the future to discuss the various guidance and policies needed to implement the rules. Also, the division has met with the Division of Administrative Services in regards to the training for Class A certification and anticipates that a request to bid package will be available in February.

Plan Approval

The Water Main Replacement Workgroup is proposing to change the definition of a “substantial change” in Ohio Administrative Code rule 3745-91-01 such that water main replacement projects that meet certain conditions do not require prior plan approval from Ohio EPA. The attached handout outlines what the workgroup has come up with so far. Mike noted that some consideration has been given to an approval by rule process.

In accordance with the Ten States’ Standards, Ohio EPA requires public water systems to install AWWA-certified pipe. More and more, however, the Agency is being asked to approve ASTM-certified pipe as well. The concern that the Agency has about ASTM-certified pipe is that QA/QC testing has shown that it will not withstand the pressure of fire flow. With that in mind, the Agency will only approve ASTM-certified pipe in those limited circumstances where the pipe will not be used for fire suppression.

Water Use Conflict Legislation

The meetings on Representative Carmichael’s water use conflict legislation concluded the beginning of December and Mike anticipates the legislation to be introduced any day now. Again, any new groundwater withdrawals greater than 100,000 gallons per day would require a permit from the Department of Natural Resources and which would then be required for the Agency’s plan approval for public water system wells. Mike indicated that the Administration supports the legislation but it is not a priority for them.

Great Lakes Annex

The Great Lakes Annex was signed by the governors of the eight states and the premiers of the two provinces. The next steps will be to create implementing legislation in each of the states and provinces and to obtain congressional approval.

Environmental Working Group Website

The Environmental Working Group has announced a new website with access to chemical occurrence data for public water systems across the nation. The focus of the website is those chemicals for which there are no regulatory standards but it does provide information on both regulated and unregulated chemicals. Be advised, however, that the database does not differentiate between those chemicals for which the maximum contaminant level (MCL) is based on one sample and those where it is based on a running annual average so the health risk for certain chemicals could be exaggerated in some instances. For example, because total trihalomethanes (TTHMs) are a chronic contaminant the MCL is based on a running annual average, so an exceedance of the MCL for one sample is not necessarily a cause for concern.

B. 2006 Meeting Schedule

The Agency proposed to move to quarterly rather than bimonthly meetings and the

committee agreed that this was reasonable. April 18th, July 18th, and October 17th were proposed as the other 2006 meeting dates. The suggestion was made to reschedule the October meeting to October 24th due to a conflict with ASDWA meeting. (Note that following the meeting the April meeting was rescheduled to May 2nd.)

C. Compliance Enhancement Update - Beth Messer and Kirk Leifheit

OMHA Training

The Agency is proud to be partnering with the Ohio Manufactured Homes Association (OMHA) to provide training to the owners and/or operators of manufactured home parks that are also public water systems. The Agency and OMHA began by distributing a survey on training needs to OMHA's members and is using the survey data to develop the training. Copies of the survey data and analysis were handed out and are attached. Current plans are for a one-day training for 40-60 people on May 18th at the Dublin Training Center. OMHA will be facilitating the training and registration and Ohio EPA will set the agenda and arrange for the speakers.

CAS Reorganization

As mentioned in previous meetings, the Compliance Assurance Section is being reorganized in order to enhance the division's compliance activities. The section will be divided into a Community Unit, a Non-Community Unit, and an Outreach and Rule Development Unit. In addition, new positions are proposed for each of the district offices - the district office compliance coordinator or "DOCC." The DOCC's main role will be to work with management and the other DOCCs to ensure consistency, identify compliance issues, and target technical assistance to address those compliance issues.

The enforcement responsibilities currently undertaken by our enforcement unit will now be shared by specific staff in the community and non-community units and the DOCCs. The DOCCs will be able to take on some of the lower-level enforcement actions such as the Bilateral Compliance Agreements on the enforcement continuum; the higher-level actions will remain the responsibility of central office staff.

The current Rule Implementation and Development Unit will become the Outreach and Rule Development Unit and will take on some additional responsibilities, including activities to improve communication within the division and the division's outreach to the regulated community. ORDU staff will also have a role in implementing the various compliance assistance efforts developed by the other two units and the DOCCs, either through outreach activities or through policy/guidance development.

Priority Systems

In 2005 the division's enforcement activities focused on those public water systems who were not in compliance with the surface water treatment requirements of the Long Term 1 Enhanced Surface Water Treatment Rule and the disinfection byproduct maximum contaminant levels of the Stage 1 Disinfectants and Disinfection Byproducts Rule. 138 systems were identified as having problems and the agency took enforcement action on

twenty-seven of them. The division finalized nineteen of those actions, negotiating a compliance schedule with each of the systems in question.

In 2006 the focus will shift with the new arsenic maximum contaminant level having become effective on January 1st. The Agency has identified 155 public water systems as potentially having problems achieving the new arsenic maximum contaminant level and expects that at least ninety will require some type of enforcement action.

D. Long Term 2 Enhanced Surface Water Treatment and Stage 2 Disinfection and Disinfection Byproducts Rules - Kirk Leifheit and Mark Sheahan

Members were provided with an update on the content of the final rules as promulgated in January 2006. The major provisions of the rules, who they will impact, and how the final rules differ from the proposed rules released in August 2003 were all highlighted. A copy of the PowerPoint presentation is attached for your reference.

Ohio's role in both rule's early implementation activities was also discussed. Similar to the other Region V states, Ohio will have a very limited role in the early implementation of both the Long Term 2 and Stage 2 rule. Region V has taken on the early implementation responsibilities for the Stage 2 rule and headquarters will do the early implementation for the Long Term 2 rule. U.S. EPA's proposed timeline for each rule outlining tasks, timeframes, responsibilities, and overall progress was handed out. A copy is also attached for your reference.

E. Rulemaking Updates - Mark Sheahan

Members were provided with status updates on recent state and federal rule-making activities and are asked to refer to the attached State and Federal Rule-making Update handouts for details.

F. Member Roundtable

Committee members were given an opportunity to share any of their organization's highlights for 2005 and also what lies ahead for them in 2006.

Ohio EPA

Mike Baker indicated that the highlights for the Agency in 2005 include meeting the initial turn-around time and subsequent turn-around time for plan approval 100 percent of the time for calendar year 2005. In addition, the Agency has stuck to the conflict resolution process agreed to in the plan approval enhancement process and done a pretty good job of meeting the overall plan review turn around time. In 2006 the Agency will be focusing on plan review - specifically the The Ohio State Standards or "TOSS" and self-certification, the sanitary survey process, the migration to the SDWIS-state database, the Compliance Assurance Section reorganization, the development of the DOCCs, the arsenic priority systems, the Long Term 2 and Stage 2 rules, the Ground Water Rule, the Class A training and exam, and table top exercises for public water system security.

Ohio Campground Owners Association

Gary Cole shared while a number of campgrounds are still served by community water system, for those that are not the big priority is to improve and upgrade their systems. Another big priority is operator certification and they are interested in training to improve the operation of their systems.

Ohio Rural Community Assistance Program (RCAP)

Tom Fischbaugh updated the members on the board training approximately 250-300 people attended last year. The next course will focus on the financial aspect of public water systems and will be offered between March and June. The training information on which financial records systems should keep as well as why and how they should be kept. It was noted that RCAP still has difficulty getting some of the smaller systems to attend the training although they do provide contact hours.

Ohio Section - American Water Works Association

Marvin Gnagy shared that in 2005 the Ohio Section of the American Water Works Association changed their bi-laws and created several new positions within the organization. They created new voting positions, new non-voting positions, and new trustee positions. They also worked with the Ohio Rural Water Association to contract with a legislative liaison to work with the state legislature regarding issues affecting drinking water - although not necessarily drinking water legislation. In 2006 the Association's priority's will be to work on member retention, expand to role of legislative liaison, and continue to work with the Operator Training Committee of Ohio.

Operator Training Committee of Ohio (OTCO)

Curtis Truss, Jr. indicated that in 2006 OTCO will be focusing more on outreach. The big workshops will be eliminated and training will be capped at 375 people, which will likely mean more travel for OTCO staff. OTCO is looking into cooperative training efforts with both Ohio Rural Water Association and RCAP and another one with Homeland Security. They are also doing backflow certification in West Virginia and working with them to create some distribution system training.

DDAGW Representatives: Mike Baker, Kirk Leifheit, Beth Messer, Kelly Peavler, Mark Sheahan

DWAC Attendees:

Garry Cole, Ohio Campground Owners Association
Tom Fischbaugh, Ohio Rural Community Assistance Program
Marvin Gnagy, Ohio American Water Works Association
Tim Leasure, Ohio Department of Development
Curtis Truss, Jr., Operator Training Committee of Ohio

Handouts:

- Water Main Replacement Workgroup notes
- Ohio Manufactured Homes Association Survey & Recommendations (Memo)
- Compliance Assurance Section Reorganization (Table of Organization)
- Stage 2 D/DB Rule and Long Term 2 ESWT Rule Final Rules Update (PowerPoint Presentation)
- LT2ESWTR Early Implementation Timeline
- Stage 2 DBPR Early Implementation Timeline
- Federal Rule Making Update
- State Rule Making Update