

**Ohio Environmental Protection Agency  
DIVISION OF DRINKING AND GROUND WATERS**

**Capability Assurance Strategy Triennial Report to the Governor  
September 30, 2005**

This Capability Assurance Strategy Triennial Report to the Governor was prepared by the Ohio Environmental Protection Agency (Ohio EPA) in fulfillment of Section 1420(c)(3) of the 1996 Amendments of the Safe Drinking Water Act which requires a:

REPORT - not later than 2 years after the date on which a State first adopts a capacity development strategy under this subsection, and every 3 years thereafter, the head of the State agency that has primary responsibility to carry out this title in the State shall submit to the Governor a report that shall also be available to the public on the efficacy of the strategy and progress made toward improving the technical, managerial, and financial capacity of public water systems in the State.

The United States Environmental Protection Agency (U.S. EPA) has established a September 30, 2005 deadline for submitting these reports. Further, Section 1452(a)(1)(G)(i) *op. cit.* requires:

NEW SYSTEM CAPACITY - beginning in fiscal year 1999, the Administrator shall withhold 20 percent of each capitalization grant made pursuant to this section to a state unless the state has met the requirements of section 1420(a) (relating to capacity development) if the State has not complied with the provisions of section 1420(c) (relating to capacity development strategies). Not more than a total of 20 percent of the capitalization grants made to a State in any fiscal year may be withheld under the preceding provisions of this clause. All funds withheld by the Administrator pursuant to this clause shall be reallocated by the Administrator on the basis of the same ratio as is applicable to funds allotted under subparagraph (D). None of the funds reallocated by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1420 (relating to capacity development).

The following report follows the format of Section 1.3, Capability Assurance Strategy, of the State of Ohio **Capability Assurance Program Guidelines** which were submitted for U.S. EPA approval on August 10, 2000. The Capability Assurance Strategy for the State of Ohio was approved by the U.S. EPA Region 5 Safe Drinking Water Branch on September 25, 2000 and may be found on the Ohio EPA, Division of Drinking and Ground Waters (DDAGW) web page at <http://www.epa.state.oh.us/ddagw/dwaf.html>. This report is based on data for State Fiscal Years (SFYs) 2003, 2004 and 2005 which covers the period July 1, 2002 through June 30, 2005, except for the compliance data which is from our annual compliance reports for calendar years 2002, 2003 and 2004.

**1.3.1 Describe the methods or criteria that the State will use to identify and prioritize the public water systems most in need of improving technical, managerial, and financial capability.** Capability Assurance Plans are required for all new community and

non-transient non-community public water systems, as well as for all Water Supply Revolving Loan Account (WSRLA) design and construction loan applicants. Fifty-two WSRLA loans were issued in SFYs 2003, 2004 and 2005. All fifty-two systems had approved capability assurance plans. Since our last report, more progress has been made requiring plans for new systems; four new community water systems have received plan approval, completed a capability assurance plan and commenced startup. Ten capability assurance plans were received for non-transient non-community systems. During our last reporting period only one community and zero non-transient non-communities submitted plans though several systems had received plan approval and begun startup. This is a significant improvement in Ohio's capacity development program. Overall, a total to fifteen capability assurance plans have been submitted over the past five years from new public water systems. A total of sixty seven capability assurance plans have been submitted by new public water systems and public water systems receiving a WSRLA loan during the past five years.

Significant Non-Compliers (SNCs) as defined in U.S. EPA guidance and systems identified using the Capability Assurance Screening Check List during scheduled sanitary surveys are targeted for largely voluntary assistance for improving technical, managerial and financial capability. During this three year reporting period, ten enforcement actions have included capability assurance requirements. Six enforcement actions were recorded involving capability assurance during the last reporting period, bringing Ohio's total to sixteen enforcement actions including capability assurance requirements for the past five years. Some capability items (such as certified operators, contingency plans and back-flow prevention programs) are required by Ohio EPA rules and are enforceable. Currently, Ohio EPA has no legal authority to require most managerial and financial capability items, and can only make recommendations. Comprehensive Plant Evaluations (CPEs) conducted by DDAGW were discontinued due to lack of staffing to conduct such evaluations. Therefore, no CPEs were conducted during this reporting period. As an alternative, the division is working to include further evaluation of capability assurance during the sanitary survey process. A workgroup has been meeting for two years to revise the process of how Ohio evaluates public water systems during a sanitary survey and include new capability assurance measures.

The statutorily required capability assurance plans for new systems and WSRLA loan applicants, continue to be the **first priority**. The enforceable recommendations of CPEs required under the Interim Enhance Surface Water Treatment Rule have been discontinued as a first priority as the division does not have the staff to complete CPEs and there are significantly less systems that would require a CPE since the Surface Water Treatment Rules have been in effect. The **second priority** is to track and enforce enforceable requirements resulting from sanitary surveys. Also, as discussed above, new initiatives are being implemented to include capability assurance evaluations during the sanitary survey process. The **third priority** is to negotiate voluntary capability assurance remedies as part of enforcement actions against Significant Non-Compliers. The **fourth priority** is to track and encourage voluntary implementation of capability assurance recommendations resulting from sanitary survey screening.

1.3.2 Describe the institutional, regulatory, financial, tax or legal factors at the Federal, State, or local level that encourage or impair capability assurance. See the following table for the status of action items. The acronyms used are listed in the State of Ohio **Capability Assurance Program Guidelines**. The status of each action item is shown in ***bold italics***.

**Table 1. Capability Assurance Factors**

Incentive	Impediment	Level	Action Item
<p><b>Management:</b> able system management ensures capability.</p>	<p><b>Management:</b> poor system management leads to lack of capability.</p>	<p><b>Local</b></p>	<p>Require management plans for new systems and loan applicants. <b><i>Fully implemented, all new systems and systems receiving a WSRLA loan have submitted capability assurance plans.</i></b>            Continue to encourage existing systems to improve management through training, referrals and networking. <b><i>Developed and implemented a capacity development course titled “Utility Management for Local Officials”. Ten sessions of the one day free course were held at locations throughout Ohio to assist utility managers. Capability assurance evaluations to be included in the new sanitary survey process to address existing system capability. Piloted during SFY05. Will continue to pilot during SFY06 with full implementation expected during SFY07.</i></b></p>

Incentive	Impediment	Level	Action Item
<p><b>Maximum Contaminant Levels and other enforceable drinking water requirements:</b> enforceable regulations enable the state to require compliance.</p>	<p><b>Maximum Contaminant Levels and other enforceable drinking water requirements:</b> complying with regulations can impose financial, technical and managerial burdens on water systems.</p>	<p><b>Federal, State and Local</b></p>	<p>Continue to enforce federal primacy regulations; minimize additional state requirements; comment on all proposed federal drinking water regulations and guidance with the goal of minimizing requirements consistent with protecting public health; provide technical, managerial and financial assistance and training. <b>Ongoing; Annual Compliance Reports available; enforcement reports available; DDAGW provided comments on three proposed federal rules and one guidance.</b></p>
<p><b>Taxes:</b> the ability to assess voter approved property taxes can provide financial support for some rural water districts.</p>	<p><b>Taxes:</b> federal, state and local taxes increase costs to investor owned water systems and for-profit private water systems.</p>	<p><b>Federal, State and Local</b></p>	<p>Tax codes are beyond the authority or influence of the Ohio EPA. Refer concerned customers and water systems to their local, state and federal legislators. <b>Not tracked.</b></p>
<p><b>State and local tax exemptions:</b> state and local tax exemptions for certain waste handling facilities at investor owned can reduce costs to customers.</p>	<p><b>Local tax exemptions:</b> granting of exemptions by publicly owned water systems to certain classes of customers may result in disproportionate costs burdens on other users.</p>	<p><b>State and Local</b></p>	<p>Local tax exemptions are beyond the purview of the Ohio EPA. Refer concerned customers and water systems to their local and state legislators. Continue to encourage water systems to implement equitable rate structures. <b>Not tracked.</b> Continue to participate in implementing tax exemptions for waste handling facilities. <b>No requests in SFY03, 04 or 05.</b></p>

Incentive	Impediment	Level	Action Item
	<p><b>Low income areas:</b> low income households have fewer resources with which to pay for water service.</p>	<p><b>Local</b></p>	<p>Refer systems for technical assistance from GLRCAP, ORWA, and other funding agencies to maximize the use of low cost funding to minimize the potential burden to low income households. Where available, encourage regional systems to serve these areas in order to spread costs. <b>Ongoing, not tracked.</b></p>
<p><b>Federal and State financial assistance:</b> financial assistance can reduce the cost of compliance to customers.</p>		<p><b>Federal and State</b></p>	<p>Continue to implement the U.S. EPA Drinking Water SRF/Ohio WSRLA; continue to provide WSRLA planning loans to develop capability assurance plans; continue to cooperate with other state and federal funding agencies through the Ohio SCEIG Finance Committee; continue to maintain the Ohio EPA “<b>State and Federal Funding Alternatives for Public Drinking Water Systems</b>” brochure. <b>Working on Disadvantaged Community rules and program. Participated in eighteen SCEIG Finance Committee meetings; WSRLA pre-application and point evaluation sheet updated during SFY 2005.</b></p>
<p><b>Awards:</b> Recognition awards encourage all water systems to achieve high performance.</p>		<p><b>State</b></p>	<p>Continue to implement and publicize Ohio EPA DDAGW annual Awards of Excellence. <b>This awards program was suspended in SFY02 due to limited PWSS program resources and has not been reinitiated.</b></p>

Incentive	Impediment	Level	Action Item
	<p><b>Political and community rivalries:</b> local rivalries can inhibit cooperation or the creation of more efficient regional water systems.</p>	<p><b>Local</b></p>	<p>Continue to promote the benefits of cooperation to local communities; encourage equitable water service agreements. <b><i>Ongoing, not tracked. Worked with several communities to encourage regional solutions based on capacity assurance including most recently Buckeye Lake, Buckeye Water District and multiple Noble County water systems.</i></b></p>
<p><b>Escrow Agreements:</b> escrow agreements required by ORC Section 6109.08 help ensure the availability of funds to correct deficiencies at small private water systems not otherwise regulated by the PUCO.</p>		<p><b>State</b></p>	<p>Continue to enforce ORC Section 6108.08. <b><i>No plans requiring escrow agreements were reviewed during SFY03, 04 or 05.</i></b></p>
	<p><b>Tax base issues:</b> stagnant or decreasing user numbers may negatively effect the ability to maintain an adequate cost recovery system. Communities may try to maintain their own water systems in order to protect their own tax bases.</p>	<p><b>Local</b></p>	<p>Tax base issues are beyond the purview of the Ohio EPA. Refer concerned customers and water systems to their local officials. Refer communities to the Ohio Department of Development for assistance in developing and implementing development plans. Continue to encourage communities to cooperate in equitable regional development. <b><i>Ongoing, not tracked.</i></b></p>

Incentive	Impediment	Level	Action Item
<p><b>Federal Emergency Management Agency (FEMA) relief capability assurance requirements:</b> requirements tied to receiving emergency assistance help to ensure long term capability.</p>		<p><b>Federal</b></p>	<p>Continue to support FEMA capability requirements. <b><i>Ongoing, not tracked.</i></b></p>
	<p><b>Annexation requirements:</b> annexation requirements can impede the provision of regional water service outside municipal boundaries.</p>	<p><b>Local</b></p>	<p>Home rule provisions of the Ohio constitution are beyond the purview or influence of the Ohio EPA. Refer concerned customers and water systems to their state and local legislators. Continue to encourage municipalities to offer water service on an equitable basis and to minimize requirements not directly related to the provision of water. <b><i>Ongoing, not tracked.</i></b></p>

Incentive	Impediment	Level	Action Item
<p><b>Enforceable capability assurance requirements for new water systems and WSRLA loan applicants:</b> Ohio has adopted legislative authority and rules requiring demonstration of technical, managerial and financial capability for new systems and WSRLA loan applicants.</p>	<p><b>No legal requirement for capability assurance at existing water systems:</b> Ohio has not established legislative authority to require demonstration of managerial and financial capability for existing systems.</p>	<p><b>Federal and State</b></p>	<p>Enforce capability assurance requirements for new systems and WSRLA applicants. Evaluate existing systems during sanitary surveys; follow up implementation of enforceable requirements and voluntary capability recommendations using established procedures. Negotiate voluntary managerial and financial capability improvements as part of enforcement actions for SNCs. <b><i>Ohio's capability assurance rules were revised during SFY 03 and 04 and will be proposed during SFY06. The state has drafted an implementation guidance that will be used when the new sanitary survey process and rules goes into effect. The new rules include criteria for which existing systems will be required to complete a capability assurance plan.</i></b></p>
	<p><b>Local control issues:</b> communities desiring to control their own destiny through maintaining their own water systems may make decisions not necessarily to the benefit of ensuring capability assurance.</p>	<p><b>Local</b></p>	<p>Continue to offer assistance through GLRCAP, ORWA, and others to increase the system's awareness of the effects of local control decisions upon its ability to ensure effective management of its water system. Continue to encourage communities to cooperate in equitable regional development. <b><i>Ongoing, not tracked.</i></b></p>

Incentive	Impediment	Level	Action Item
	<p><b>Revenue diversion</b> redirecting revenues for uses other than to operate the system may result in negative impacts to cost recovery for the system.</p>	<b>Local</b>	<p>Revenue allocation issues are beyond the authority of the Ohio EPA. Refer concerned customers and water systems to their local officials and to the Auditor of State's office. Continue to encourage water systems to operate on a self supporting basis. <b>Ongoing. Addressed in "Utility Board Training for Public Officials", discussed previously.</b></p>
<p><b>Auditing and financial control requirements:</b> Requirements in place serve to enable a sound financial means to recover the costs of the water system.</p>		<b>State</b>	<p>Auditing and financial control mechanisms are beyond the purview or influence of the Ohio EPA. Continue to utilize information from the state auditor's office to assist in the demonstration of adequate financial controls. <b>Ohio reviews audited financial statements as a part of the capability assurance plan for systems receiving a WSRLA loan. Financials are not reviewed for other Ohio systems.</b></p>
<p><b>Sanitary survey authority:</b> ORC Section 6109.04(C)(4) authorizes the Ohio EPA to conduct sanitary surveys of water systems.</p>		<b>State</b>	<p>Expand sanitary surveys to include capability assessments and recommendations. <b>Sanitary Survey workgroup met during SFY03, 04 and 05 to discuss and implement changes which will include capability assessments. Pilot testing occurred during SFY05, will continue through SFY06 with full statewide implementation to occur in SFY07.</b></p>

Incentive	Impediment	Level	Action Item
<p><b>Small Systems Technical Assistance Account:</b> set asides from federal DW SRF grants are available to provide technical assistance to small water systems.</p>		<p><b>Federal and State</b></p>	<p>Continue to utilize the maximum two percent set aside to support technical assistance from providers such as GLRCAP. <b>Implemented. A new small systems technical assistance position was started at Ohio's Northeast District Office during SFY04 and continued during SFY05. Activity reports are available for Great Lakes RCAP and the small systems technical assistance position.</b></p>
<p><b>OTCO, OAWWA, Ohio State University (OSU) Extension and other training providers:</b> technical, managerial and financial training is available to water system operators, managers, owners and local officials.</p>		<p><b>State</b></p>	<p>Continue to support GLRCAP, ORW, OAWWA, USDA Rural Development and the OSU Extension course "Utility Management for Local Officials" through active participation in funding and training to water system personnel. <b>SFY04 developed training for public officials and pilot tested twice. Ten training courses held during SFY05, eight funded by Ohio EPA. Five direct mailings sent to advertise participation to all community public water systems less than 10,000 population.</b></p> <p>Approve and monitor required contact hour continuing education requirements for certified operators. <b>Through June 30, 2005, 5,577 courses have been approved.</b></p> <p>Provide direct agency training seminars for small systems. <b>Eleven seminars conducted by district staff.</b></p>

Incentive	Impediment	Level	Action Item
<p><b>GLRCAP, ORWA, OSU Extension, consultants and other technical assistance providers:</b> technical, managerial, design and legal assistance, as well as assistance in obtaining funding is available from a variety of agencies and commercial sources.</p>		<p><b>State</b></p>	<p>Continue to cooperate with assistance providers in the planning and delivery of assistance. Refer water systems to appropriate assistance providers. <b>Ongoing, not tracked.</b> Continue to utilize the maximum two percent set aside to support technical assistance from providers such as GLRCAP and Ohio EPA's small system technical assistance position. <b>Implemented, activity reports available.</b></p>
<p><b>PUCO:</b> the PUCO has the authority to require capability assurance by investor owned water systems.</p>		<p><b>State</b></p>	<p>Continue to cooperate with PUCO to ensure capability of investor owned water systems. <b>Ongoing, not tracked.</b></p>
<p><b>Regional Water Systems:</b> Regional water systems provide opportunities for consolidation in some areas of the state.</p>		<p><b>Local</b></p>	<p>Continue to encourage systems which lack capability to tie into regional water systems where available. <b>Ongoing, not tracked.</b></p>
<p><b>U.S. EPA approved SWAP program:</b> the Ohio SWAP program will identify drinking water protection areas and provide management tools for reducing contamination potentials to public water systems.</p>		<p><b>State and Local</b></p>	<p>Continue to implement the Ohio's U.S. EPA approved SWAP program. <b>Activity report available.</b></p>

**1.3.3 Describe how the State will use its authorities and resources to -**

**1.3.3.1 Assist public water systems in complying with national primary drinking water standards.** A general DDAGW technical assistance summary is provided in the Annual Compliance Report. Small System's Technical Assistance position and WSOS/Great Lakes Rural Community Assistance Program activity and referral reports are available. Sanitary survey requirements are not currently compiled for tracking on a consistent basis. The requirements are currently tracked in individual system files by the field staff responsible for that system. DDAGW has formed an internal workgroup to evaluate how sanitary surveys are being conducted, including incorporation of capability assurance provisions, and all information gathering and dissemination functions.

**1.3.3.2 Encourage the development of partnerships between public water systems to enhance the technical, managerial, and financial capacity of the systems.** Ongoing, not tracked.

**1.3.3.3 Assist public water systems in the training and certification of operators.** Approximately 75 agency speakers were provided at ORWA, OTCO and AWWA conferences, workshops, seminars and meetings.

**1.3.4 Describe how the State will establish a baseline and measure improvements in capability with respect to national primary drinking water regulations and State drinking water law.** DDAGW tracks the following:

- number and percent of enforcement referrals containing capability assurance provisions;

**Table 2. Enforcement Actions in SFY 2003, SFY 2004 and SFY 2005**

Total Number	Referrals Screened for Capability		Actions Including Capability Assurance Requirements	
	Number	Percent	Number	Percent
106	0	0	10	9.4

- number and percent of systems passing capability assurance screens as part of sanitary surveys;

**Table 3. Sanitary Surveys Conducted in SFY 2003, SFY 2004, and SFY 2005**

System Type	Total Number (07/11/05)	Number of Surveys	Screened for Capability	
			Number	Percent
<b>Community Water Systems</b>	1,323	1,800	40	2.2
<b>Non-Transient Non-Community Water Systems</b>	956	1,204	0	0

**Table 4. Existing Non-WSRLA, Non-Enforcement Systems Screened For Capability in SFY 2003, SFY 2004, and SFY 2005**

System Type	Number Screened	Number Not Passing	Percent Not Passing	
			of Total Surveyed	of Total Screened
<b>Community</b>	0	N/A	N/A	N/A
<b>Non-Transient Non-Community</b>	0	N/A	N/A	N/A

The screening of water systems using a Capability Assurance Trigger Sheet started (piloting stages) during SFY 2005.

- compliance reports (number and percent of systems in compliance with drinking water rules);

**Table 5. Violations Totals and Compliance Rate per Contaminant Group Category for CY 2002**

Contaminant Category	MCL			Treatment Technique			Monitoring		
	Violations	Systems in Violation	Comp. Rate	Violations	Systems in Violation	Comp. Rate	Violations	Systems in Violation	Comp. Rate
<b>MCL Contaminant Group (5,861 systems)</b>	40	22	99.6%				5,500	991	82 %
<b>TCR (5,901 systems)</b>	816	568	88%				2,088	1,309	77%
<b>SWTR (173 systems)</b>				346	53	69%	8	4	98%
<b>Lead and Copper (1,423 systems)</b>				0	0	n/a	92	92	93%
<b>CCR (systems)</b>							200	200	85%

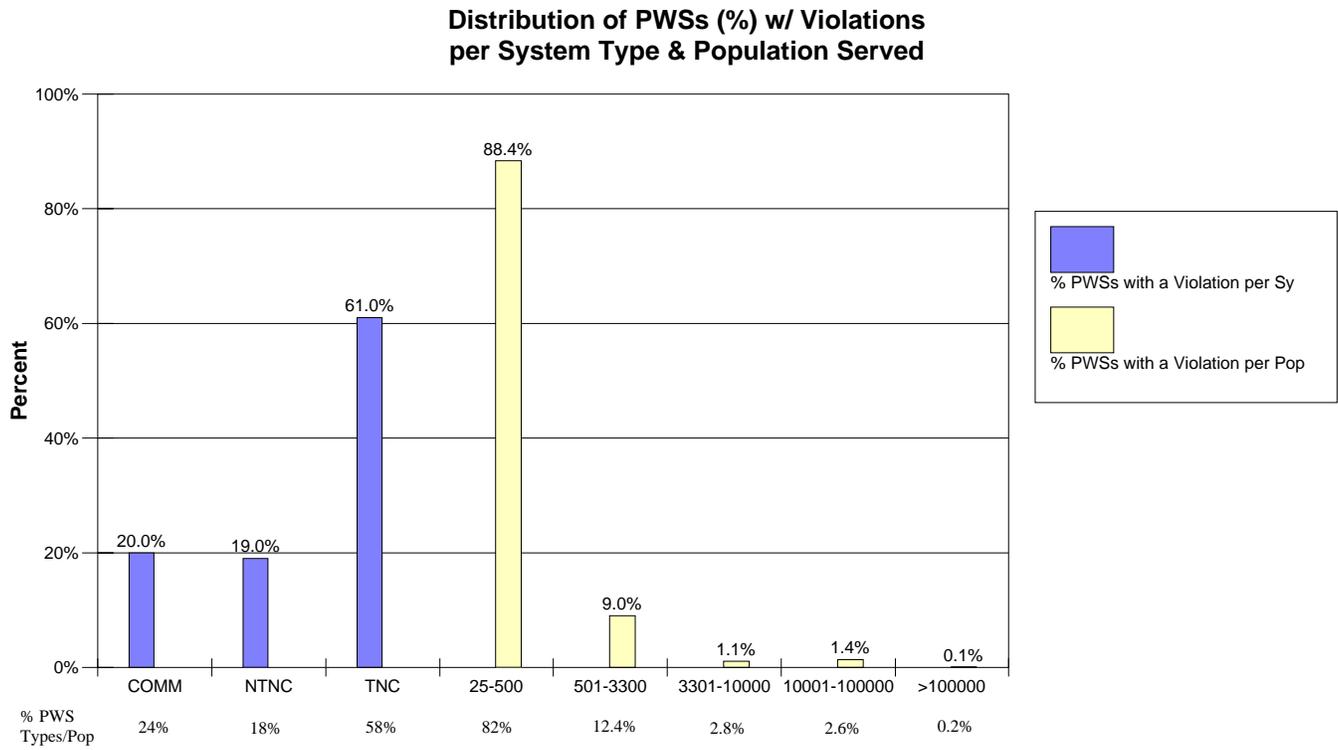
**Table 6. Violation Totals and Compliance Rates per Contaminant Group Category for CY 2003**

Contaminant Category	MCL			Treatment Technique			Monitoring		
	Violations	Systems in Violation	Comp. Rate	Violations	Systems in Violation	Comp. Rate	Violations	Systems in Violation	Comp. Rate
MCL Contaminant Group	59	27	99.5%				3,860	678	87%
TCR	794	557	90%				1,755	1,152	79%
SWTR				224	45	71%	6	4	97%
Lead and Copper				0	0	100%	96	92	91%
CCR							145	145	89%
TOC				2	2	98.5%			

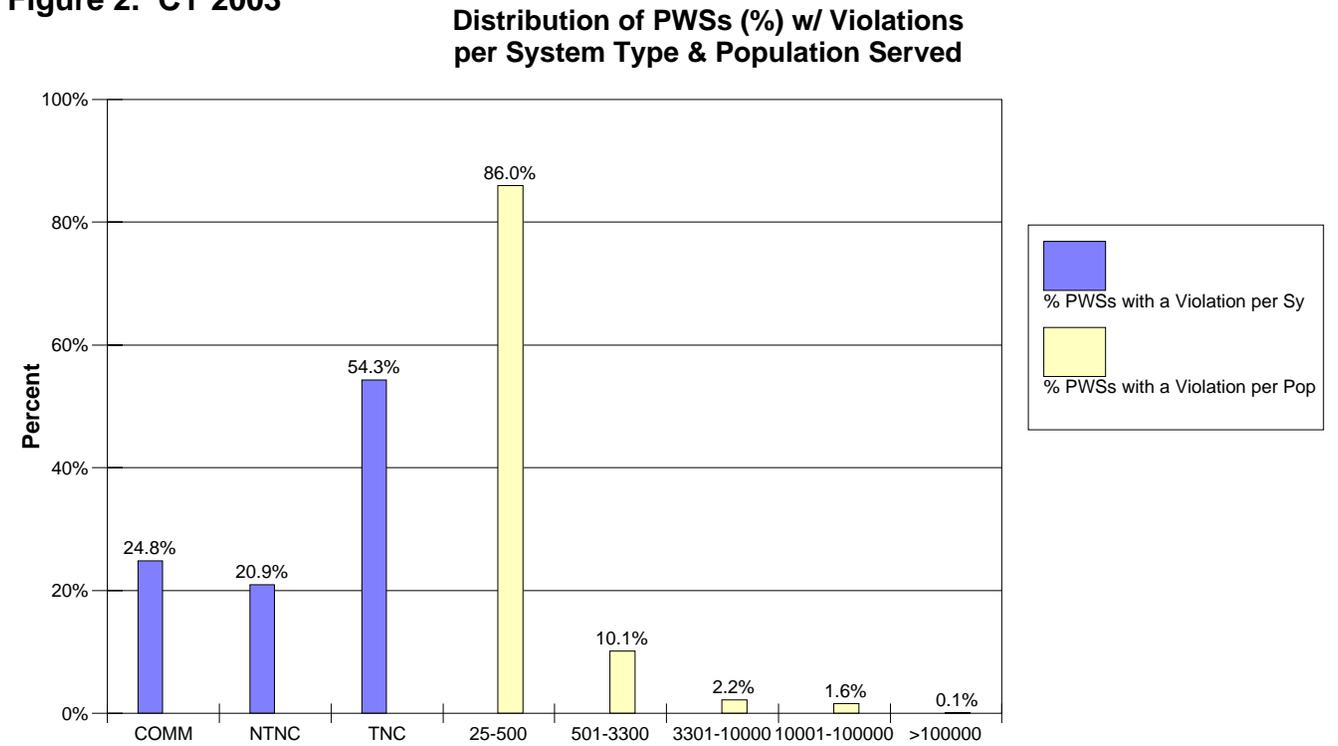
**Table 7. Violation Totals and Compliance Rates per Contaminant Group Category for CY 2004**

Contaminant Category	MCL			Treatment Technique			Monitoring		
	Violations	Systems in Violation	Comp. Rate	Violations	Systems in Violation	Comp. Rate	Violations	Systems in Violation	Comp. Rate
MCL Contaminant Group	87	51	99.0%				3,027	598	89 %
TCR	703	477	91%				1,562	1,031	81%
SWTR				154	27	81%	4	3	98%
Lead and Copper				1	1	96%	92	89	91%
CCR							128	119	91%
TOC				13	3	98%	15	9	93%
IESWTR				2	1	98%	3	1	98%

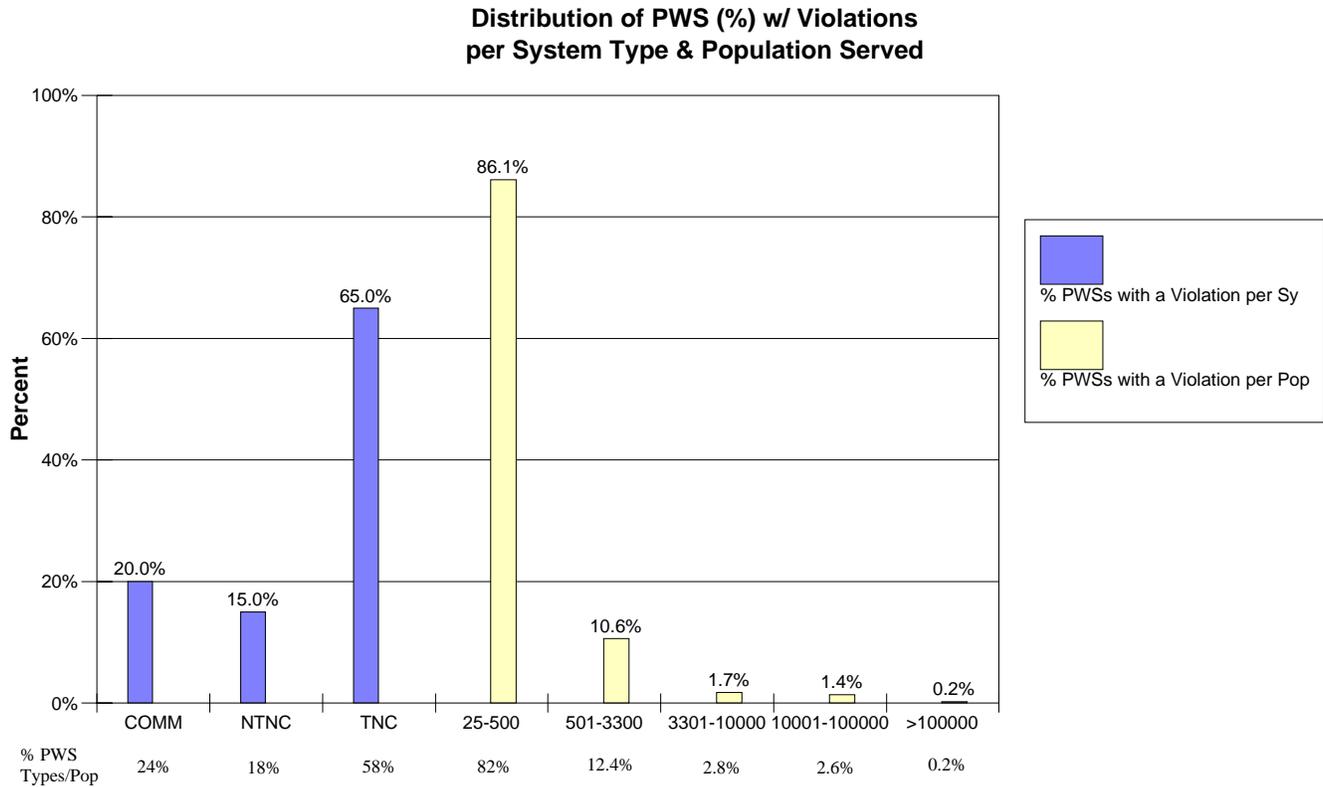
**Figure 1. CY 2002**



**Figure 2. CY 2003**



**Figure 3. CY 2004**

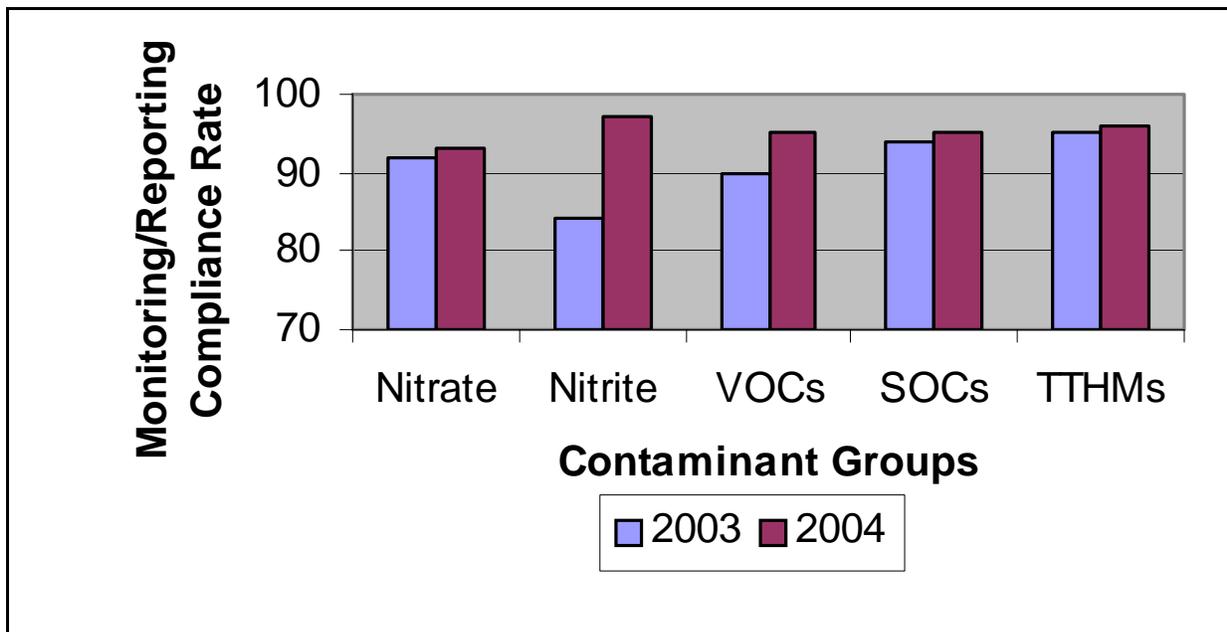


A significant change in compliance during the past few reporting periods is in the Surface Water Treatment Rule (SWTR) Treatment Technique (TT) compliance rates, which have shown a steady increase since they hit a low in CY2001 of 62 percent. They increased to 69 percent in CY2002, 71 percent in CY2003 and are now 81 percent in CY2004. The number of systems with SWTR TT violations decreased substantially from 53 systems during CY2002, to 45 systems during CY2003 to 27 systems during CY2004; the majority of water systems with these violations are the systems designated ground water under the direct influence of surface water (GWUDI) which have not yet installed adequate filtration treatment. Of the 27 water systems with a SWTR TT violation during CY2004, 67 percent (78 percent in CY2003) were associated with systems serving fewer than 500 people which is an decrease of eleven percent from CY2003. Therefore, we are seeing an overall increase in compliance, with systems less than 500 continuing to be our systems with the greatest number in non-compliance.

The compliance data for CY2002, CY2003 and CY2004 indicates a slight increase in compliance each year. The Total Coliform Rule (TCR) monitoring compliance increased from 77 percent in CY2002, to 79 percent in CY2003, to 81 percent in CY2004; of the water systems with one or more major routine and follow-up M/R violations during CY2004, 76 percent were associated with TNC water systems and 92 percent were associated with water systems serving less than 500 people. The number of systems in violation of lead and copper treatment techniques increased from zero in CY2002 to three percent in CY2004. Consumer Confidence Report notification compliance increased from 85 percent in CY2002 to 91 percent in CY2004, of the 119 systems failing to meet these requirements in CY2004, 50 percent were communities serving less than 500 people which is distinctly lower than 60.5 percent from CY2002.

Ohio EPA has started several initiatives in recent years that have shown positive results in furthering compliance. For a few years, Ohio EPA has sent out reminder postcards during the last month of each quarter to each public water system that had not yet submitted results for nitrate/nitrite monitoring. This project was expanded during the second quarter of 2004 to the other chemical maximum contaminant level contaminant groups - approximately 1,700 postcards were sent throughout the year. Issuing postcards raised the monitoring and reporting compliance. The increase in compliance from 2003 to 2004 can be seen in the graph below.

### Reminder Postcards: Evidence of Improvement



The number of systems monitoring for TTHMs went up from 363 in 2003 to 1,512 in 2004 due to the Stage 1 Disinfection By-Products Rule. So it is fairly impressive that any improvement was shown.

Other efforts to improve communication have likely helped with these gains. For example, Ohio EPA is providing automatic e-mail notification of systems that do not have results submitted for the specified monitoring time period. This is called the “apparent violation” lists and provides an opportunity for the public water system or its contract lab to check for results that were not sent in by oversight.

Ohio EPA believes the postcards and e-mail notices have been very beneficial to those public water systems who want to comply. During June 2005, Ohio EPA expanded the postcard reminder system to include total coliform monitoring and expects to see results reflected in next year’s reporting.

Additional compliance information is contained in our Annual Compliance Reports for CYs 1996 through 2004 which may be found on the DDAGW web page at <http://www.epa.state.oh.us/ddagw> under “Annual Reports”.

## Ohio EPA's Public Water System Compliance Assistance

Ohio EPA employs various methods to assist public water systems in achieving compliance with the Safe Drinking Water Act regulations a few of which were mentioned above. Some of the methods that may be used include: providing a sampling and monitoring schedule for each public water system; offering technical assistance during facility inspections (sanitary surveys); assisting in investigations of contamination; performing investigatory monitoring; providing off-site assistance through phone calls and meetings; providing outreach training sessions for new rules and treatment; assistance in finding funding for projects; providing operator and laboratory personnel training sessions; distributing reminder postcards and/or contacting the water systems towards the end of the monitoring period to ensure collection of the required samples; and sending notice of violation letters for failure to meet the requirements for each specific regulation.

In the next several years, Ohio EPA will be required to implement several new rules directly related to enhanced surface water treatment, disinfection by-products, arsenic, additional radiological contaminants, ground water source monitoring, as well as other contaminants. Ohio EPA is working diligently to find new ways to assist public water systems in maintaining compliance with public drinking water requirements.

For example, during CY2003 the Division established an internal workgroup to evaluate the required components and frequency of conducting sanitary surveys of public water systems. This effort continued during CY2005 and is intended to make sure we are completing the most essential elements of site visits, including capability assurance evaluations, at those public water systems where they are most needed. As part of this effort, staff are evaluating alternative methods of collecting information about and disseminating information to public water systems.

During CY2002 and 2004, 86 percent of violations for all Ohio public water systems occurred at systems serving less than 500 people with an interim increase to 88 percent during CY2003. These small systems continue to consistently have the most difficult time demonstrating capability and require the greatest amount of technical assistance. Ohio EPA has continued a pilot position in our Northeast District Office to assist small systems in attaining and maintaining compliance.

During SFY2005, Ohio EPA combined several activities within DDAGW under one section to provide a greater level of emphasis on the Capability Assurance Program. By bringing together the Operator Certification, Drinking Water Assistance Fund and Operations and Technical Assistance Programs into the Operations and Financial Assistance Section, Ohio EPA is striving to better integrate capability assurance into the day-to-day activities of the Division.

The following table includes all capability assurance plans reviewed in SFY2003, 2004 and 2005 for the WSRLA loan program. All loan projects complete an acceptable capability assurance plan before they are issued a loan. In the history of the capability assurance program, no loans have been denied due to a lack of capability assurance.

- number and percent of WSRLA applicants denied loans due to lack of capability assurance.

**Table 7. WSRLA Loan Applications Reviewed in SFY 2003, SFY 2004 and SFY 2005**

Total Number	Capability Assurance Plans Submitted	Loans Denied Due to Lack of Capability	
		Number	Percent
52	52	0	0

The following information is only approximate. DDAGW does not currently have a tracking system in place for new water systems. DDAGW does track plan approval dates and the date new systems are entered into our DRINK data base. However, these dates do not reflect when a new system actually goes into operation. Plan approval dates precede construction and operation dates, sometimes by years. Some new systems are entered into DRINK prior to plan approval and construction to track new well analyses or for funding purposes. Other new systems are entered into DRINK following the first sanitary survey after the system goes into operation. No plans for new CWS and NTNC water systems were denied due to lack of capability assurance.

- number and percent of plans for new CWS and NTNC water systems denied due to lack of capability assurance.

**Table 8. New Systems Reviewed in SFY 2003, SFY 2004, and SFY 2005**

System Type	Total Number	Capability Assurance Plans Received	Plans Denied Due to Lack of Capability	
			Number	Percent
Community	4	4	0	0
Non-Transient Non-Community	10	10	0	0

A new water system is defined in Ohio Administrative Code Rule 3745-87-01(A) (Definitions) as: **“new community and non-transient non-community public water system” means any water system that meets the definition of a community or non-transient non-community public water system in chapter 3745-81 (Primary Drinking Water Rules) of the administrative code by constructing infrastructure.** New systems include both CWSs and NTNCs being newly constructed as well as systems which do not currently meet the definition of a public water system (PWS) but which expand their infrastructure and thereby grow to become CWSs or NTNCs. Systems which are not currently PWSs and which add additional users and thereby become CWSs or NTNCs **without constructing any additional infrastructure are not** “new systems” for the purposes of the capability assurance program.

Four new communities and ten new non-transient non-communities submitted capability assurance plans and have commenced operation of their drinking water plant during this reporting period. All systems that were required to complete a plan prior to beginning operation have done so. There are several systems that have submitted detailed engineering plans or relayed their intention of constructing a new public water system that have not submitted capability assurance plans. It is the expectation that a capability assurance plan will be completed and accepted before detail engineering plan approval occurs and startup begins.

The four community systems that submitted capability assurance plans during this reporting period are Firestone Trace, East Muskingum Water Authority-Chandlersville, Village of Roswell and Village of Orient. The ten non-transient non-communities that submitted capability assurance plans during this reporting period are Lechman and Lechman Office Building, Hocking Hills Elementary School, Just 4 Kids Childcare and Learning Center, Bainbridge Township Police Station, Country Inn, Knox Elementary School-West Branch, Damascus Elementary School, Kenston High School, and Joseph Badger School.

**1.3.5 Identify persons that have an interest in and are involved in the development and implementation of the capability assurance strategy (including all appropriate agencies of Federal, State, and local governments, private and nonprofit public water systems, and public water system customers).** This task was completed with the finalization of the Ohio Capability Assurance Strategy.

## Conclusions

The Ohio Capability Assurance strategy has improved significantly during this reporting period. All capability assurance reviews are being done for new systems that have initiated operation and systems receiving a WSRLA loan. Enforceable requirements resulting from sanitary surveys are being enforced. Capability assurance requirements are being included in enforcement actions where appropriate and voluntarily agreed to by the water systems. The division is piloting capability assurance screening of existing water systems during sanitary surveys and expects to fully implement this initiative during SFY2007. Most of the action items in the list of incentives and impediments to capability are being implemented on an ongoing basis though some are difficult to track.

Ohio continues to look at capacity assurance using compliance data and new compliance assurance initiatives. The increased use in reminder postcards and the Listserv e-mail service are two examples of initiatives that have increased compliance and hence capacity of Ohio's systems. From our annual compliance report data for this reporting period an overall increase in compliance for both monitoring and reporting, and maximum contaminant level violations were noted.

Ohio continues to look for new ways to assist public water systems. An internal workgroup is in the piloting and implementation stages to change the required components and frequency of sanitary surveys and the other ways in which the division can collect and share information with public water systems. The workgroup has included capability assurance questions in the sanitary survey. Ohio expects to pilot the new sanitary survey which includes capability assurance criteria during SFY2005 and anticipates full implement of the new process during SFY2007.

During this reporting period, we implemented a compliance assurance position in Ohio EPA's Northeast District Office whose main activity is assisting small systems in obtaining and maintaining compliance and furthering system capability. If you would like more detailed information regarding this position, please see the SFY05 Small Systems Technical Assistance Set-aside Report posted on our website at <http://www.epa.state.oh.us/ddagw/index.htm>

During SFY2004, DDAGW combined the Operator Certification, WSRLA, and the Operations Technical Assistance Programs under the Operations and Financial Assistance Section to provide a greater emphasis on the Capability Assurance Program. During SFY2005, Ohio continues to update our capability assurance rules to include language that will trigger existing public water systems to complete a capability assurance plan if specific violations and concerns are identified by the survey officer which will tie into the new sanitary survey process. Ohio is in the midst of updating our capability assurance program guidance to include the rule changes and also restructure the document so it is easier for systems to use.

In the next several years, Ohio EPA will be required to implement several new rules directly related to disinfection by-products, arsenic, additional radiological contaminants, ground water source monitoring, as well as other contaminants. Currently, no additional funding will be granted. Additional funding for public water systems to meet the new requirements is also not anticipated. As a result, there will be less resources available to spend on compliance assistance and capability assurance, something that public water systems need more of as they face the challenge of meeting all of the new requirements. Ohio EPA will continue to use available resources to investigate new initiatives and continue current initiatives to assist the public water systems in Ohio to achieve and maintain public water system capability.