



OhioEPA
Division of Drinking and Ground Waters

Response to Comments

Project: DDAGW Draft Intended Use Plan including Proposed Funding for American Recovery and Reimbursement Act 2009 Stimulus Projects

Agency Contacts for this Project

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Ohio EPA held a public hearing on May 7, 2009 and held a comment period from April 23, 2009 through May 8, 2009 regarding the draft 2010 Drinking Water Assistance Fund Intended Use and Management Plan. This document summarizes the comments and questions received at the public hearing and during the associated comment period, which ended on May 8, 2009.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

Summary of Intended Use Plan Changes Based on Comments

Some projects changed position on the Project Priority List and Intended Projects List. These changes were due to project rescoring/verification, addition of points to enforcement projects, combining of phased projects, addition of green infrastructure components and estimated loan award date changes.

The changes impacting proposed Recovery Act funded projects are summarized below.

Added to the Intended Projects List - Recovery Act fundable

- Mt. Sterling- distribution line to tie-in Sunset Mobile Home Park
- Spencerville- replace water treatment plant and wells

Removed from the Intended Projects List - Recovery Act fundable

- Sidney- Lime Sludge Lagoon Project (project rescored, points removed)

- Enon- Water Meter Change Out (project rescored, points removed)
- Camplands Water LLC- Water Treatment Plant Upgrade (project not submitted to Governor's Recovery Web site)

The changes impacting proposed Non- Recovery Act funded projects are summarized below.

Added to the Intended Projects List – Non-Recovery Act fundable

- Design and Construction Northwestern WSD Risingsun/Lakota School-Phase I Water Main

Removed from the Intended Projects List – Non-Recovery Act fundable

- Mt. Sterling- tie in Sunset MHP (moved to Recovery Act fundable list)
- Enon- Hauck Meadows Storage/Booster (project rescored, points removed)
- Enon- Water Supply Improvement/New Well (project rescored, points removed)
- Clark County – Design and Construction for Rockwell (project rescored, points removed)

Project Scoring/Ranking and Selection

Comment 1: Multiple people asked how the proposed projects to be funded are selected.

Response 1: For Program Year (PY) 2010 proposed projects were first reviewed by Ohio EPA and placed on the Project Priority List (PPL) primarily according to three factors: human health risk, compliance with federal and State Safe Drinking Water Act (SDWA) requirements and economic affordability. The Water Supply Revolving Loan Account (WSRLA) Project Priority System is detailed in Appendix D of the Program Management and Intended Use Plan (IUP). The system follows federal and state requirements and provides the structure and methodology for rating and ranking systems submitted to be considered for assistance.

Once all projects were ranked, Ohio EPA then allocated 50 percent of Recovery Funds to projects in order of their ranking on the PPL that had indicated they were ready to proceed to construction by June 2009. The Recovery Act requires a preference for projects ready to proceed expeditiously including a goal of using 50 percent of the funds for activities that can be initiated within 120 days.

Ohio EPA then ensured 20 percent of the Recovery Funds were allocated to green projects. The Recovery Act specifies that, to the extent there are sufficient eligible project applications, not less than 20 percent of the funds appropriated shall be used for projects to address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities.

Ohio EPA allocated remaining Recovery Act Funds to projects in accordance with their ranking on the PPL that indicated they would be ready to proceed by September 2009. This timeframe is consistent with the requirements of the Act to move funds expeditiously; provides an adequate but ambitious time for Ohio EPA to administratively manage and process loan applications; and, is well in advance of the February 17, 2010 deadline for using all funds.

Finally, Ohio EPA allocated remaining non-Recovery Act funds to projects in order of their ranking on the PPL. These projects are listed on the non-Recovery Act portion of the intended Projects list (IPL).

Comment 2: **A couple of comments expressed concern that “shovel ready” was not included in the scoring criteria and did not understand how project readiness is ascertained without it.**

Response 2: Ohio EPA has specifically addressed the purpose and intent of the Recovery Act in its allocation of Recovery Act funds. Specific to the Drinking Water State Revolving Fund, the Recovery Act states, “that notwithstanding the priority rankings they would otherwise receive under each program, priority for funds appropriated herein shall be given to projects on a State priority list that are ready to proceed to construction within 12 months of the date of enactment of this Act.” The Recovery Act further emphasizes preference to activities that can be started and completed expeditiously, including a goal of using 50 percent of funds for activities that can be initiated within 120 days of enactment of the Act. As described in Response 1, Ohio EPA first ranked projects consistent with requirements of the Safe Drinking Water Act, under which the DWSRF program is authorized, and then provided direct priority to projects ready to proceed in a timely manner and addressing green reserve requirements. Ohio EPA then allocated funds to meet the green reserve requirement. Remaining Recovery Act Funds were then allocated to projects ready to proceed by September 2009, well in advance of the requirement of February 2010.

Comment 3: Another commenter requested Ohio EPA modify the integrated priority ranking system contained in the drinking water IUP to incorporate ranking and scoring criteria related to the purposes of the Recovery Act explicitly identified by Congress. These include: 1) To preserve and create jobs and promote economic recovery; 2) to assist those impacted by the recession; 3) to invest in transportation and environmental protection and other infrastructure that will provide long term economic benefit; and, 4) to stabilize state and local governments to avoid and minimize reductions in essential services and counterproductive state and local tax increase.

Response 3: Ohio EPA has specifically addressed the purpose and intent of the Recovery Act in its allocation of Recovery Act funds. It is helping to preserve and promote economic recovery by emphasizing projects ready to proceed to construction in a timely manner. It has incorporated economic affordability into its project ranking system and in determining the type of assistance provided to projects. These funds are specifically supporting drinking water infrastructure. Having a reliable source and adequate supplies of safe drinking water is fundamental to a community's ability to retain and attract businesses. By using 100 percent of Recovery Act funds as subsidies, Ohio is helping communities provide this essential service at a reasonable cost.

Comment 4: Another commenter expressed concern that the process and the evaluation criteria did not address the two major ranking criteria established by President Obama and Congress; 1) shovel ready/readiness to proceed 2) public health issues. The scoring criteria does not account for how soon you can go to construction and does not account for communities that are under Ohio EPA Findings and Orders.

Response 4: As described in Response 1 and 2 Ohio EPA scored and ranked all projects according to our priority ranking system which, consistent with requirements of the Safe Drinking Water Act, is based primarily on public health, compliance with drinking water requirements and affordability. Then we prioritized projects for funding based on:

1. Readiness to proceed by June 2009;
 2. Green Infrastructure (required 20 percent of stimulus funds);
- and

3. Readiness to proceed by September 2009 (remainder of the stimulus funds).

Comment 5: **A couple of comments asked how projects with a lower priority can be awarded funding ahead of higher ranked project priority list projects.**

Response 5: As described in Response 1, for PY 2010, the actual fundability of a specific project is determined by its: overall priority, readiness to proceed to construction, green infrastructure elements and the availability of Recovery Act and WSRLA base funds. To meet the objective of moving funds expeditiously, Ohio EPA is giving priority to projects that indicated they will be ready to initiate construction, or under contract for construction, by September 30, 2009. An additional priority is being given to enough projects indicating they would be ready to initiate construction by June 2009 to use 50 percent of Recovery Act Funds.

Therefore, in some instances projects ready to proceed by June or September or that had a green component are allocated Recovery Act funds before projects that otherwise ranked higher on the PPL.

Comment 6: **One person asked if a project is ready to proceed is there a possibility that some funded projects will drop out and his project could move up the list.**

Response 6: Readiness to proceed is taken into consideration. If a project on the Intended Projects List is bypassed, then the list will be reviewed and another project will be selected in priority order based on readiness to proceed and green project reserve requirements.

Comment 7: **Multiple people asked if the date submitted on the pre-application is the determining factor for funding and, if so, is there a chance that moving the date up would help in receiving stimulus funds.**

Response 7: As described in Response 1, Ohio EPA utilized the date submitted by the system on the pre-application for being ready for construction to assess the project's readiness to proceed. They are not part of the scoring. For the top ranked projects Ohio EPA called applicants to further assess their ability to proceed within the timeframes indicated. Date changes were permitted during the public comment period.

Comment 8: Another person indicated that if he had known Ohio EPA would accelerate the review process, he would have indicated a September 2009 funding request. An assumption was made that the stimulus money had to be obligated by February 2010 and for that reason it was indicated opening bids in December to allow Ohio EPA time to do their work with respect to the project and starting construction in January 2010. It is unfortunate that the rules by which Ohio EPA would make the selection of projects was not known.

Response 8: Ohio EPA is following requirements specified in the Recovery Act to provide preference to projects that can be started expeditiously. It was expected that systems would indicate project readiness to proceed in accordance with the objectives of the Act by indicating when they actually expect construction to begin on the pre-application form submitted by the system.

Comment 9: One person asked if there is a shovel ready project list.

Response 9: No. The intended projects list takes into account priority ranking score, readiness to proceed and green project components, so there is not a specific list that looks solely at readiness to proceed or shovel readiness, as indicated.

Comment 10: One person asked what happens if a project is on the intended project list and that project is already under construction. Can it still receive stimulus funding and if so how can that be done.

Response 10: Possibly. All projects need to comply with all program and Recovery Act requirements. This can be difficult and sometimes impossible for projects that have already started. Projects will still be reviewed case by case to see if they can complete all the necessary requirements to receive Recovery Act funds.

Comment 11: Several people asked how to improve their chance of funding based on the selection criteria for future reference.

Response 11: The scoring system for the project priority list is located in Appendix D of the Intended Use Plan.

Comment 12 One person asked if the project priority scoring was the system that Ohio EPA had to use or whether there was an opportunity to use different criteria.

Response 12: The project priority scoring is the same scoring system traditionally utilized by the drinking water state revolving fund to score projects. Ohio EPA provides opportunity for public review and comment on this system each Program year.

Comment 13: **One person asked why a project already submitted wouldn't take precedence over projects thrown together just for Recovery Act funding.**

Response 13: All projects that submitted a pre-application were all scored and ranked the same. All projects are rescored annually to account for any changes in violations and system conditions. Rescoring all applications gave all projects an equal chance to receive stimulus funds.

Comment 14: **Several people asked why there were no guidelines published about how Ohio EPA would rank these projects, i.e. green projects, shovel ready, etc.**

Response 14: The process and criteria used to score and rank systems are the same as used in previous years for the WSRLA. The criteria are described in detail in Appendix D of the Intended Use Plan. The Plan is posted on Ohio EPA's Web page. Other factors used in allocating funds to projects after they were scored such as readiness to proceed and the green infrastructure requirements were contained in the Recovery Act. Due to the need to move expeditiously Ohio EPA was not able to develop additional written guidance.

Comment 15: **Several people asked how some cities can receive funding for multiple projects totaling multi-million dollars and some systems are not receiving any funds? How does this meet the goal to increase the number of communities able to receive infrastructure funding?**

Response 15: Each project was scored, ranked and screened for potential funding individually. Ohio EPA did limit the amount of Recovery Act funds any single public water system could receive to \$5 million and also limited non-Recovery Act funds any one system could receive to \$9 million.

Comment 16: **One person asked if it wouldn't have been better to limit the size of the projects so as to get more projects done, create more jobs to distribute the money further.**

Response 16: Ohio EPA tried to strike a balance between limiting the amount of funds given to any one system while trying to make awards

significant enough to meet the needs of costly infrastructure improvements. Ohio EPA evaluated the effect of reducing the cap amount and determined, due to the small number of systems that hit the maximum amount, it had little impact on the number of projects receiving funds.

Comment 17: One person asked if supplying a safe water supply to households that have little or no water was more important than replacing water meters in a system.

Response 17: Based on the project priority list evaluation criteria, projects will receive more points for tying in homes with unsafe wells to a public water system than replacing water meters. For this year a water meter project may have moved into a fundable position on the list prior to a line extension project due to the green component of the meter project. We are required by law to utilize at least 20 percent of the Recovery Act funds on green projects.

Comment 18: One person stated it seems that shovel ready criteria was not a major factor when some projects included not only construction costs but planning and design dollars too. How shovel ready is a project if it is not yet designed?

Response 18: As described in Response 1, readiness to proceed was a major factor in determining which projects were allocated Recovery Act funds. For the Recovery Act portion of the IPL, only projects that are expecting to proceed to construction by September 2009 are allowed to receive a planning or design loan prior to the construction. Planning and design funds are offered from the base fund at zero percent; no Recovery Act funds will be used on planning or design.

Comment 19: One person stated it was his understanding that some of Ohio EPA statistics were quite old (using the 1999 Median Household Income). This would not take into account the current climate of distressed areas.

Response 19: Ohio EPA utilized the latest U.S. Census data available which is from the 2000 census with data accumulated in 1999. Systems typically would have the ability to have an income survey completed for their community if they believe circumstances have changed significantly from the last Census. The need to proceed expeditiously limited the ability of this to be done.

Comment 20: One person strongly recommends that some consideration be given to the financial health of the applicant and the ability or inability to afford the much-needed improvements.

Response 20: All projects are evaluated for economic affordability. Twenty points are allotted to projects that have a disproportionately high water and sewer rate compared to the median household income of the service area. These points can make a project higher on the project priority list. Additionally, if the project submits a disadvantaged community application, they can receive additional subsidy consideration based, in part, on the economic affordability points they receive.

Comment 21: One person stated it is difficult to understand how community income levels were factored into the priority list.

Response 21: The median household income of the service area of each project is utilized with the current water and sewer rates to determine the economic affordability impact of the project on the system. This calculation is described in the scoring systems in Appendix D of the IPL.

Comment 22: One person stated some projects that were submitted separately seemed to be combined with other projects; how did this factor in the decision to fund or not fund the projects?

Response 22: The system may have contacted us after submission of the pre-application to combine related projects or eliminate project components. These changes should not have resulted in scoring or ranking changes. The points assigned to each project from one system may already been the same because they were addressing the same issues.

Comment 23: One person asked what criteria was used to determine if a proposed project was considered "green"?

Response 23: Ohio EPA utilized guidance prepared by U.S. EPA to determine what qualified as a green projects. The Agency also prepared a worksheet to evaluate and quantify water and energy savings components of projects.

Comment 24: One person asked what the appeal/reconsideration process is for projects that were submitted?

Response 24: During the public comment period systems could review the point evaluations for the project and submit comments if they thought there was an error, or change needed on the pre-application form as originally submitted.

Comment 25: One person objected to giving the same rating points to multiple projects from the same public water system.

Response 25: Each project in the PPL was to be scored, ranked and screened for potential funding individually. Projects from the same public water system may receive the same points because the projects are addressing the same infrastructure components or are addressing the same issues receiving points. In response to this comment Ohio EPA reviewed public water systems with multiple projects on the IPL with the same points to determine if the points were completed per project or for the entire system. Some errors were found. As a result some project scores and ranking were modified.

Comment 26: One person stated that Recovery Act funding should be directed to justifiable projects.

Response 26: Ohio EPA believes criteria and ranking used to allocate Recovery Act funds results in those funds being directed to justifiable projects.

Systems in Enforcement

Comment 27: One person expressed concern that the scoring sheet appears to only include compliance issues occurring in the previous 12 months which does not address Findings and Orders issued much earlier.

Response 27: The scoring system used by Ohio EPA has typically included only the past 12 months of violations. This could result in systems that have taken interim and often difficult steps to achieve compliance not receiving any points for violations while still under orders to make infrastructure improvements to prevent additional violations. Ohio EPA took this into consideration during the comment period and reinstated points to projects that were addressing items mandated in enforcement Orders.

Comment 28: Several people commented that systems seemed to have been rewarded for bad behavior. One hundred points were awarded for communities with three or more EPA

violations. Early on it was stated that projects would be awarded to those in compliance with federal and state requirements not those with violations.

Response 28: Ohio EPA utilized the point evaluation system that we typically use to score and rank projects. Projects addressing public health and compliance issues will rank higher than projects addressing preventative maintenance. Ohio EPA did not state that projects in compliance would be receiving funding before projects with violations.

Comment 29: **One person stated that based on the score sheet, it was disconcerting that systems with multiple Ohio EPA finding/violations received points for being out of compliance. Any system that works hard and successfully maintains their assets were penalized.**

Response 29: The project ranking system does take into account violations, public health and system deficiencies, in an effort to help systems correct issues and make upgrades to their systems to comply with rule changes. Additionally systems receive points for effective management and consolidation/regionalization. We try to balance the types of points a system can receive, however, there is no doubt that helping systems return to compliance is a main overarching goal for this program.

Comment 30: **One person stated it appears that little input on the list was given from the regulatory arm of Ohio EPA. It seems that projects with enforcement threatened or pending should received greater consideration.**

Response 30: Ohio EPA did review the systems with enforcement Orders on the project priority list and verified their point score and position on the list. Projects receive points for violations, public health and deficiencies, therefore, even if enforcement action is pending, the project would receive points if violations have already been incurred.

Funding Recovery Act Projects

Comment 31: **One person asked how any remaining funds will be made available if actual project costs are less than the estimated project cost?**

Response 31: If funds become available due to reduced project costs, Ohio EPA will use the process described in Response 1 to award the

available funds. This includes reviewing readiness to proceed and green infrastructure projects in accordance with their ranking on the PPL depending on what funds are available.

Comment 32: **One person commented that if the primary intent of Recovery Act funding is to create job opportunities and stimulate the economy, why did no projects receive funding in a four-county area with approximately 12 percent of Ohio's population?**

Response 32: Ohio EPA scored and ranked projects and allocated funds to projects that submitted a pre-application using the process described in Response 1. Ohio EPA did not specifically consider geographic distribution as this is not part of SDWA or Recovery Act requirements. It may be that very few projects submitted a pre-application from those counties, or the projects did not score very well on the point evaluation form.

Comment 33: **One person asked if it was correct to conclude that the proposed Recovery Act fundable projects and proposed non- Recovery Act fundable projects are the only ones that will receive funding of any type through the WSRLA this funding year?**

Response 33: Yes, most likely. However if projects are bypassed on the Recovery Act and non- Recovery Act projects list, then Ohio EPA will move down the remaining Project Priority List in priority order utilizing readiness to proceed and green infrastructure components to obligate remaining funds.

Funding Non- Recovery Act Projects

Comment 34: **One person asked if a project is not selected for Recovery Act funding but is on the project priority list, does the project have a chance of receiving funding in the coming year?**

Response 34: There are some additional loan funds remaining after the Recovery Act funds are obligated. Those loan funds are allocated to projects in the second category of the Intended Projects List in the Intended Use Plan titled "Non-ARRA Projects." Very few additional loan projects will be fundable during the 2010 program year.

Comment 35: **One person asked if their system doesn't receive stimulus money, does that mean that they will not be on the list to**

receive any WSRLA funding during 2010. Are previously submitted pre-applications for loan funds now void?

Response 35: Pre-applications received between March 16, 2008 and March 13, 2009 were reviewed to receive potential stimulus funding. There are some additional loan funds remaining after the Recovery Act funds are exhausted; those projects are noted on the Intended Projects List as "Non-ARRA Projects." Very few additional loan projects will be fundable during the 2010 program year.

Projects Missing from List

Comment 36: **Two people asked why projects they submitted to the governor's Web site and Ohio EPA are not on the Project Priority List.**

Response 36: Projects were submitted by Marysville (3) and Port Clinton (1) that were inadvertently left off of the draft project priority list. The projects have been added to the final Project Priority List. None of the four projects received enough points to be placed on the Intended Projects List. We apologize for the oversight.

Requests to Reconsider Project Funding

Comment 37: **Various communities specifically requested that their projects be reconsidered for funding. They are: the Village of Spencerville, Village of Oak Harbor, Village of Antwerp, City of Columbus, Adams County Regional Water District and Village of Russell's Point.**

Response 37: Most of the projects identified above did not receive enough points on the point evaluation form to be fundable on the intended projects list. Due to movement of some projects on the list based on rescoring and date changes, Spencerville is fundable on the final Intended Projects List.

Comments from Melissa Tucker, city of Columbus

Comment 38: **Please explain why none of the Columbus projects were found to be fundable.**

Response 38: While most Columbus projects are ready to proceed, none of the submitted projects scored enough points on the point evaluation form to be included within the fundable range on the Intended Projects List. Ohio EPA did consider readiness to proceed and other projects also ready to proceed ranked higher.

Comments from Donald L. Hughes, Board of Public Affairs, President, village of Killbuck

Comment 39: We had been informed through Ohio EPA officials that the project scored very high at the regional level and was included on the final list that was presented at the state level. It is hard to imagine that a village with a 65 percent LMMI and socio-economic population that Killbuck has, could not find its way onto the funded project list. A key component of the project was evidently overlooked by Ohio EPA. While the purchase and installation of water meters was included, the overall economic “green” value of these meters was not part of the review process.

Response 39: Killbuck did score well, but Ohio EPA understands the system intends to submit detailed plans in the next six months for the plant project. The project will not be ready to proceed to construction by September 2009, therefore it was not included on the Intended Project List since it will not be ready to proceed within the selected time frame for Recovery Act funding.

Comments from Autumn Kahwaji, Copley, Ohio

Comment 40: I am concerned that I do not see any funds directed to alleviate the drinking water supply situation near the Copley Square Superfund EPA cleanup site. This area has had known tainted well/ground drinking water over 15 years.

Response 40: A pre-application was not submitted for this project, therefore it can not be considered. Thank you for your comment.

Comments from Dan Sarbach, General Manager, Brown County Rural Water Association, Inc. (Village of Aberdeen)

Comment 41: We have designed a 12-inch potable water main to serve Aberdeen. Total cost is \$1.491 million. To regionalize in this way would free up \$2.259 million or more which could help other communities in Ohio.

Response 41: Thank you for your comments. Aberdeen is not on the Intended Project List for Recovery Act funding. They will not be ready to proceed to construction until late in 2009, therefore they were not considered ready to proceed for Recovery Act funding. They are on the IPL for non-Recovery Act Funds and would only

be considered for a regionalization project based on cost effectiveness.

Comments from Fred & Cathy Ramsay, Mt. Victory Road, Jacobsburg, Ohio (Belmont County)

Comment 42: I am a resident living on Mt. Victory Road in Jacobsburg, Ohio. I am writing to explain why this area is in desperate need of county water. I have a well, with no access at this point to county water. Activities such as laundry, showering, flushing toilets, etc. that are taken for granted by most households cannot be taken for granted in the summer months and on into the fall and winter months when it is extremely dry. Please take this into consideration when making a final decision concerning this water project and its funding.

Response 42: The Belmont County- Mt. Victory line is on the Final Intended Project List as a fundable project.

Comments from Carel Vandermeijden, Greater Cincinnati Water Works

Comment 43: All of our projects are shovel ready, many are considered green yet none of our projects were selected for funding. GCWW provides water to 50 different jurisdictions in the region. We had hoped for a more balanced distribution of funds consistent with the overall objectives of the Recovery Act, while still selecting drinking water projects that solve public health concerns.

Response 43: The projects from Cincinnati did not receive enough points in their point evaluation to be considered fundable on the Intended Project List.

Comments from Tatyana Arsh, Director, city of Columbus Department of Public Utilities

Comment 44: The city of Columbus requested Ohio EPA reconsider the drinking water project submitted for Recovery Act and traditional funding. In past years Columbus has received traditional drinking water loan funding for its drinking water projects. The project priority list in the draft drinking water IUP does not propose any Recovery Act funding or traditional loan funding for the drinking water projects submitted to Ohio EPA. In the present budget and economic climate, Columbus may be required to defer a significant portion of its drinking water infrastructure

improvement program due to a lack of funds. Such an outcome will have a depressive effect on the local economy and delay critical infrastructure improvements.

Response 44: Ohio EPA recognizes in the present budget and economic climate many of Ohio's communities will have to defer planned drinking water infrastructure improvements and the impacts that will have. Unfortunately, the infrastructure demands of Ohio communities far exceed the funding available to address those needs.

Comments from Gary R. Long, CHEM Hill Principal Project Manager (Sidney, Ohio)

Comment 45: We are told that Sidney is being singled out for re-evaluation. The selected projects were selected on a scoring system based on the totality of all projects submitted. With all due respect to whoever protested, let the project list stand and the fundable projects go forward.

Response 45: Throughout the public comment period score sheets were reviewed and re-evaluated for accuracy. Though Sidney and another system were singled out with a specific public comment, they were only two out of many that were reviewed, rescored and repositioned on the list.

Comments from William A. Dorman, President CTI Engineers (village of Russell's Point)

Comment 46: We are sure that you can understand the Village's frustration when they are told that Ohio EPA considers them a very low priority when it comes to receiving funding for the projects and that they are being denied several hundred thousand dollars in grant money in spite of and possibly due to their hard work in attempting to meet the EPA regulations over the short term. The Village officials feel that they are being penalized for successfully minimizing the DBPs in their distribution system over the short term, and that they may have been better off had they ignored the problem and continued to violate the MCL for the past 12 months.

Response 46: The scoring system has typically included only the past 12 months of violations which can be construed as unfair to those under Orders to complete a project to return the system to compliance if they are now in compliance yet still under Orders.

We took this into consideration based on the comments and reinstated points to systems under enforcement Orders.

Comments from Sandra O. Vozar, Superintendent, city of Berea

Comment 47: I would like to request an adjustment to our scoring sheet. I am providing to you justification for additional points in the following categories: storage system and distribution system, deterioration. We are extremely disappointed that the available funds were not disbursed in a manner which would have benefited a larger number of communities.

Response 47: We reviewed Berea's evaluation sheet again. We allotted an additional 10 points for storage based on the information submitted and an amount for green infrastructure.

Comments from Larry Foster, General Manager, Jackson County Water Company

Comment 48: While Ohio EPA has done an exceptional job, it would seem that additional time to develop procedures for ranking to allow for more opportunity to review and evaluate the criteria would have made their job easier and provided them with the luxury of having time to review the process.

Response 48: Ohio is under a heavy time constraint since the Recovery Act states all funds need to be under contract by February 17, 2010. So, we did not have additional time to make changes to the system. Since we have been given the goal of getting the funds out the door as soon as possible we are trying diligently to work through the system as quickly as possible to get projects funded and under construction as fast as possible while complying with all program requirements.

Comments from Nachy Kanfer, Sierra Club 'Beyond Coal Campaign' - Ohio

Comment 49: Sierra Club strongly supports Recovery Act and SRF funding for projects in Middleport, Tupper Plains Chester Water District and Pomeroy that are list on the Intended Projects List and State Revolving Fund List. In addition, the Sierra Club strongly supports Recovery Act and SRF funding for the Buckeye Water District (Salineville) project in Columbiana County.

Response 49: Thank you for your comments.

End of Response to Comments