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Drinking Water Advisory Committee

May 27, 2004

9:30 a.m. - 2:30 p.m.

Ohio EPA, Conference Room 5A

Abstract

The following updates and action items are highlights of the May 27, 2004, Drinking Water Advisory Committee (DWAC) meeting. The executive summary follows the abstract.

Major agenda items included presentations on upcoming rule changes related to arsenic in drinking water and the operator certification program and a discussion on how to move forward with the plan approval enhancement effort. Additionally, updates were provided on the division's current staffing levels, the division's budget, U.S. EPA's audit of our data, the possibility of moving to the state version of the Safe Drinking Water Information System, the most recent meeting of the National Drinking Water Advisory Committee, and legislative items of note.

Action Items:

- ▶ DDAGW is to seek approval for hiring an outside meeting facilitator for the plan approval subgroup and prepare a draft Request For Proposal for review by the DWAC.
- ▶ DWAC members are asked to help identify additional participants for the reconvened workgroup

Executive Summary

A. Chief's Update - Mike Baker

Staffing Levels

The division has recently filled three vacant positions at Central Office. David Bornino, previously with the City of Lancaster, has been hired as the Environmental Manager of the Technical and Financial Assistance Section. David will oversee the Operations, Operator Certification, and Drinking Water Assistance Fund units. Carl Sofranko, previously with the City of Westerville, has joined DDAGW as an Environmental Specialist 2 in the Operations unit. Carl will take over the division's public water system security program. Also, Emily Cushman has joined the division as an Environmental Specialist 2 in our Enforcement unit. With Emily's position filled, our enforcement unit is finally fully staffed.

Budget

The budget for the next biennium, 2006-2007, will be frozen at the 2005 levels less 6% of the General Revenue Fund (GRF) monies. The budget freeze includes the state special fee fund, which the division is appealing in order to maintain existing staff levels.

SDWIS State

DDAGW is considering moving to the state version of the Safe Drinking Water Information System (SDWIS State) for management of the division's drinking water data. SDWIS state was developed by the U.S. EPA and therefore enables smoother data transfer by the states. Additionally, the SDWIS State software is maintained at minimal cost to the states. Twenty states are already using SDWIS State and twenty others, like Ohio, are considering it. The division will be hiring a contractor to evaluate SDWIS state in view of our state-specific needs, including how SDWIS State would be integrated with the agency's enterprise system.

U.S. EPA Audit

U.S. EPA recently completed their annual audit of our data. Sixty systems were randomly selected and audited by U.S. EPA and their contractor, the Cadmus Group. Overall, the response from U.S. EPA was very positive. They indicated they were pleased with the quality and completeness of our files and were quite impressed with our forms. We received U.S. EPA's draft report on June 17, 2004.

Web-based Water Portal

The Ohio Water Resources Council has recently put out a contract for a company to design a web-based water portal that would link to all the state agencies and allow access to statewide water resources data.

National Drinking Water Advisory Committee

A brief update on the May 18-20 meeting of the NDWAC was provided, supplemented by the May 21, 2004 ASDWA Weekly Update handout. Topics covered include U.S. EPA's Five-Year Strategic Plan, the formation of a NDWAC security workgroup, the 30th Anniversary of the Safe Drinking Water Act, and lead in drinking water. Please see the ASDWA handout for additional details.

Legislative Update

Legislation has been introduced authorizing the Department of Commerce to levy a fee for the certification of persons who install or test backflow prevention devices. Currently the definition of a backflow prevention device excludes isolation devices at public water systems. The bill also authorizes the creation of an advisory committee with strong input from public drinking water systems.

B. The Arsenic Rule - Kathy Pinto

An overview of upcoming changes to the rules regulating arsenic in drinking water, point-of-use devices, variances, and exemptions was provided. The most notable changes include a new maximum contaminant level (MCL) for arsenic in drinking water, the ability of nontransient noncommunity water systems to install point-of-use

devices to remove arsenic, and the proposed rescission of the variance and exemption rules. These changes result from U.S. EPA's Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring; Final Rule which was published in the Federal Register on January 22, 2001. Please see the attached PowerPoint presentation for details.

The Ohio Rural Water Association offered to assist the division with its outreach efforts by incorporating information about the new arsenic MCL and possible avenues for ensuring compliance in their regular visits to public water systems in Ohio. However, DDAGW will have to make a formal request that ORWA visit commercial water systems as they are not ORWA's usual clients.

C. Operator Certification Rules - Andy Barienbrock

A presentation was given outlining the changes the operator certification rule workgroup is recommending for overall improvement of the operator certification program. The major changes recommended include a new, transparent classification system, staffing requirements, changes to Class III and IV eligibility, "need-to-know criteria" or minimum knowledge standards for each classification of operator, and the certification of testing providers rather than individual classes. DWAC members will have additional opportunities to comment on the proposed changes once they are formulated into rule revisions and made available for interested party comment. Please see the attached PowerPoint presentation for details.

Participants made suggestions for additional improvements to the current draft classification system and also suggested that the often conflicting reference manuals operators use to study for the exams be addressed. Additionally, the Ohio Water Environment Association submitted comments related to contact hours and the renewal of certification. A copy of OWEA's talking points are attached for your reference.

D. Rules Status Update - Kelly Butler

The division continues to have a good deal of rule making activity, fulfilling the requirements of the Five Year Rule Reviews and implementing the amendments to the Safe Drinking Water Act. In order to stay on schedule, however, only a brief update was given on current opportunities to comment on rule making. Members are asked to refer to the State and Federal Rule-making Update handouts for more detail.

E. Plan Approval

The afternoon session began with an overview of the steps taken thus far to enhance the plan approval process and the roadblocks encountered in the effort to develop the required and recommended criteria for plan approval. Issues discussed include:

- Lack of sufficient discussion on what the product(s) of the required and recommended criteria effort should be.
- The difficulty in getting input from non-Agency members as well as the concern that there is inadequate representation from the public water systems, leading to the perception that the effort is being led by engineering firms.
- The conflict of having Dr. Bird represent the interests of the Engineering Unit as

- well as act as facilitator of the group.
- Increased concern that there have not been actual improvements in the plan approval process.
 - The perception that the new plan approval process is not being properly implemented due to a lack of accountability.

Two different reports were handed out to provide information on the current status of plan approvals in Central Office as well as a historical perspective on what percentage of plans have met the standards of the new plan approval process in the last 11 months. As detailed in the handout titled "Central Office Plans Pending as of 5/26/2004" there were 38 plans pending in Central Office on May 26th. Of those 38 plans, 18 had been sent back to the public water system or engineer and the division was awaiting response. Of the 20 plans that were in-house, 3 had been approved but still required some administrative action. The remaining 17 plans were still at some stage of the review process. The "Action Report" handout details the percentage of plans meeting the standards of the new plan approval process from July 2003 through May 25, 2004. The report shows that the standards of the new plan approval process have not yet been achieved. Additional efforts are being made to implement the action plan. Please contact us if you would like copies of either of these reports.

The participants of the afternoon session expressed support for the division's efforts to draft a new Ohio-specific Ten States' Standards but also had some concerns. Several individuals are of the opinion that, regardless of its form, the final product should only include the required criteria for plan approval. They feel that recommended criteria create confusion, and that it is difficult for systems to justify the added cost to their Boards, but also difficult to explain why the recommendations were not followed in the event that something goes wrong. Other participants believe that recommended criteria are appropriate, but only in limited circumstances. They think the required criteria should be developed to cover as much as possible, and that recommendations should only be used in the rare circumstance that a particular issue is not addressed by the required criteria.

The discussion then moved to possible solutions for getting the plan approval enhancement effort back on its feet. The division proposed the formation of a new workgroup with additional representation from affected parties and a professional, outside facilitator to move forward with the development of the required and recommended criteria for plan approval. Beyond enabling all interests to be represented and shared, the outside facilitator could take on additional meeting responsibilities that would free up the engineering staff to focus on plan approvals. The division cautioned, however, that an outside facilitator would require significant funding, requiring significant time for approval to post and approve a Request for Proposal (RFP). Participants expressed support for the division's proposal, many committing to participate in the new workgroup. The group discussed certain ground rules for the new workgroup, including the need for broad representation and a certain "critical mass" and agreed to help the division seek broad representation for the new workgroup. DDAGW will seek approval to contract an outside facilitator and draft an RFP for the DWAC to review.

The next DWAC meeting will be July 21, 2004 at the Ohio EPA, Conference Room 5A, from 9:30 a.m. to 12:00 p.m.

DDAGW Representatives: John Arduini, Mike Baker, Ashley Bird, Kelly Butler, Susan Hampton, Kirk Leifheit, Beth Messer, Dan Underwood

DWAC Attendees:

Ken Davis, Ohio Section AWWA
Marvin Gnagy, Ohio Section AWWA
Dennis Howell, Ohio Section AWWA/Archbold
Tony Kohler, Ohio Section AWWA/Columbus
Mark Livengood, OWEA/City of Troy
Melinda Raimann, Ohio Section AWWA/Cleveland
Ken Ricker, ACEC
Maggie Rodgers, City of Cleveland
Rick Schantz, Ohio Section AWWA/Archbold
Kevin Strang, ORWA
Jerry Swanton, Ohio Section AWWA/City of Springfield
Curtis Truss, OTCO
Tim Wolfe - Ohio Section AWWA
Kristin Woodall, Great Lakes RCAP

Handouts:

- ASDWA Weekly Update, May 21, 2004
- The Arsenic Rule, PowerPoint presentation
- Arsenic Facts for Public Water System Customers, Fact Sheet
- DDAGW List of Public Water Systems With Arsenic at 10 µg/L and Above
- Operator Certification Rules, PowerPoint presentation
- Federal Rule Making Update
- State Rule Making Update
- Plan Review Standards Issues
- Plan Review Action Report
- Central Office Plans Pending as of 5/26/2004
- OWEA's Talking Points - Operator Certification Rule Changes