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## **Drinking Water Advisory Committee**

**January 20, 2004**

**9:30 a.m. - 12:00 p.m.**

**Ohio EPA, Conference Room 5A**

### **Abstract**

The following updates and action items are highlights of the January 20, 2004, Drinking Water Advisory Committee (DWAC) meeting. The executive summary follows the abstract.

Major topics covered in the meeting included discussions on the course Ohio EPA should take in implementing USEPA's new policy on the applicability of the SDWA to submetered properties and how the division and the DWAC should move forward in their efforts to improve public outreach, training, and education. Also covered were the comments Ohio EPA submitted to USEPA on their proposed Long Term 2 Enhanced Surface Water Treatment Rule and the Stage 2 Disinfectants and Disinfection Byproducts Rule. DWAC members are asked to provide input on ways public outreach, education, and training can be improved; the implementation of the submetering policy; and possible activities for Drinking Water Awareness Week.

#### **Action Items:**

- ▶ **Provide input on:**
  - ▶ **ways public outreach, education, and training can be improved**
  - ▶ **how USEPA's new submetering policy should be implemented**
  - ▶ **possible activities for Drinking Water Awareness Week**

### **Executive Summary**

#### **A. Chief's Update - Mike Baker**

##### **Process Enhancement Efforts**

A brief update was given on the plan review enhancement effort. This includes the current workgroup effort to establish the required and recommended criteria for plan approval and create an Ohio-specific version of 'Ten States' Standards'. A brief update was also given on the process improvement efforts currently being undertaken by the Information Exchange Enhancement Workgroup (aka Sanitary Survey Workgroup) to improve information exchange between the division and its customers. One item of note was that the workgroup is currently discussing the option of using grant funds to purchase PDAs for surveyors to utilize while conducting sanitary surveys. It is hoped these tools will improve survey efficiency and data transfer.

##### **Grants**

In conjunction with the Ohio Emergency Management Agency (OEMA) the division will be administering a grant program for the purpose of improving public water system

infrastructure. A total of \$5 million has been made available to OEMA from the U.S. Department of Homeland Security through monies left over from statewide security enhancement efforts. Grants will be made to public water systems serving more than 100,000 people. Additional information about the grants and the application process will be available by the end of the month.

### **Accomplishments**

Ninety-nine per cent of the source water assessments for community water systems in Ohio have been completed at this time and all community water system source water assessments should be completed shortly. Agency staff will continue to complete the source water assessments for non-community water system and work with those systems who had susceptibilities identified during their assessments. Also noted, the Drinking Water Assistance Fund staff has recently completed the priority program list for program year 2004. The list can be accessed by visiting the following web address: <http://www.epa.state.oh.us/ddagw/Documents/FinalPY04Dec.pdf>.

### **Other**

Also mentioned was the division's new rules list serve "dwrules". Anyone interested in receiving e-mail updates about drinking water rule-making, both at the state and federal level, should subscribe by visiting the following web address: <http://www.epa.state.oh.us/ddagw/listserve.htm>.

## **B. Discussion on the Applicability of the Safe Drinking Water Act to Submetered Properties**

"Submetered properties" are properties that purchase water from a licensed public water system and then sell the water to other consumers, e.g. tenants. Some of these properties, of which there are thousands around the state, may meet the definition of a public water system when at least fifteen service connections or 25 different persons are served. However, the SDWA and ORC 6109 provides exemption from full regulation for many of these properties. Additional background was provided on the "submetering issue", including how the division has historically addressed submetered properties and the reasons why. A handout, *Third Party Billing and Exempt Public Water Systems*, was provided to give members additional information. U.S. EPA's revised policy on submetered properties was discussed, including the intent of the policy to encourage water conservation efforts and the flexibility given to states in implementation. Concurrent with implementing USEPA's revised policy, Ohio EPA is also changing its policy of exempting systems simply because they use a third party to bill and collect charges for water. The division sees a need to regulate certain systems in the interest of public health, but also acknowledges that there is a large number of systems where no additional public health protection would be provided by their being regulated by Ohio EPA. One key to the issue is to gain a better understanding of the extent of authority of the State plumbing code. Division staff will be working on that and research reasonable approaches to the issue. Mike and Kirk offered to meet with individual groups to discuss the issue in greater detail. Otherwise, members are asked to provide input on how the division should proceed with implementation of U.S. EPA's revised policy.

**C. Comments Submitted on USEPA's Proposed LT2 and DBP2 Rules - Mark Sheahan and Kelly Butler**

Following up on the presentations given by Richard Ciotola and Judy Stottsberry at the November DWAC meeting, Mark Sheahan and Kelly Butler gave a short presentation on the comments the Agency submitted on USEPA's Proposed Long Term 2 Enhanced Surface Water Treatment Rule and Stage 2 Disinfectants and Disinfection Byproducts Rule. Copies of the comment letters were provided as handouts. It was noted that U.S. EPA's timeline for issuing a final rule, mid-2004, may be delayed, if they try to address the many comments they have received.

**D. Rules Status Update - Mark Sheahan**

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, no presentation was given at the meeting and members are asked to refer to the State and Federal Rule-making Update handouts for details.

**E. Discussion of DWAC Priorities for 2004****Public Outreach, Education, and Training**

It was confirmed by the members present that public outreach, which includes education and training, was among their top priorities for the DWAC for this year. One item specifically mentioned was training and/or information dissemination on the certified operator reimbursement program. A discussion was held regarding the pros and cons of having the DWAC focus on public outreach at our regularly scheduled meetings versus having a sub-group meet separately to focus on the issue. While it was argued that no one wants another set of meetings to add to their already hectic schedule, it was acknowledged that the division will need DWAC's input on several other issues throughout the year and will not be able to dedicate the agenda of our bi-monthly meetings to public outreach alone. One suggested compromise was to hold public outreach sub-group meetings following the regularly scheduled meetings in order to limit the travel time of participants. For the next meeting the division has committed to drafting an outline of specific areas where the DWAC's outreach improvement efforts can be focused and asks that members contact Mike Baker or Kirk Leifheit with any ideas or input.

**National Drinking Water Awareness Week**

The discussion then moved to ways that DDAGW and the DWAC could be involved in this year's National Drinking Water Awareness Week. It was explained that in the past the division had marked the occasion with a proclamation by the Governor, news releases from our Public Involvement Center, TV and radio interviews, and even an awards ceremony. Due to budget concerns, however, such activities have been scaled back the last couple of years. DWAC members suggested looking into what other states, such as those from Region 5, have done. Holding a few on-site press releases in the districts was also suggested. It was argued that by highlighting the

good work done by one system in each district we could both raise awareness about drinking water and also reward a couple systems for their hard work. In addition, the suggested course of action would be less work and time intensive than the submittal and review process of the awards ceremonies the division use to hold. Any additional suggestions are welcomed.

The next DWAC meeting will be March 16, 2004 at the Ohio EPA, Conference Room 5A, from 9:30 a.m. to 12 Noon.

**DDAGW Representatives:** Mike Baker, Kirk Leifheit, Mark Sheahan, Kelly Butler

**DWAC Attendees:**

Dan Binder, Ohio Environmental Council/City of Columbus  
Gary L. Dursch Sr., Operator Training Committee of Ohio/City of Middletown  
Steve Grossman, Ohio Water Development Authority  
Mary Jakeway, Ohio Chamber of Commerce/Whirlpool Corporation  
Tim Leasure, Ohio Department of Development  
Kathleen Meckstroth, Association of Ohio Health Commissioners  
Dave Thalman, Ohio Manufactured Homes Association

**Handouts:**

- Comment letter to USEPA on the Proposed Long Term 2 Enhanced Surface Water Treatment Rule
- Comment letter to USEPA on the Proposed Stage 2 Disinfectant and Disinfection Byproducts Rule
- Federal Rule Making Update
- State Rule Making Update
- Third Party Billing and Exempt Public Water Systems