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## **Drinking Water Advisory Committee**

**September 9, 2003**

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

**Ohio EPA, 6<sup>th</sup> Floor Training Room**

### **Abstract**

The following updates and action items are highlights of the September 9, 2003, Drinking Water Advisory Committee (DWAC) meeting. The executive summary follows the abstract.

This was the first meeting of the DWAC since December of 2002 as the group has been on hiatus while the DWAC Plan Review Process Enhancement workgroup has been meeting. Therefore, the focus of the meeting was to update the DWAC members on various efforts undertaken by the division and the Plan Review workgroup this year. Major topics covered in the meeting included the budget, the progress of Plan Review Process workgroup, and the Water Supply Emergency Plan Update. Also covered were the biennium work plan, the information exchange work being done by the Sanitary Survey workgroup, the Program Implementation Group's review of policies, compliance issues, and an update on the progress of federal and state drinking water rules. DWAC members are asked to review DDAGW's Drinking Water Supply Emergency Plan and provide comment at the next meeting.

#### **Action Items:**

- ▶ **Provide input on the Drinking Water Supply Emergency Plan**

### **Executive Summary**

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

##### **Budget**

The main objective for the biennial budget that began July 1, 2003 was to secure funding that allowed the division to maintain existing levels of services. To accomplish that, an increase in fees, which had not been raised in the last ten years, was proposed in the Agency's budget request. Mike expressed his appreciation for the group's support of the fee increases. DDAGW received the fee increases it sought, however, the legislature authorized less General Revenue Fund (GRF) money for the division than was requested. As a result, the division will be able to maintain existing staff levels and fill some critical vacancies. A handout of DDAGW's fees was passed out. Those interested in a complete list of Ohio EPA's fees should refer to <http://www.epa.state.oh.us/pic/fees.pdf>.

##### **Vacancies**

The division is down 35 positions as compared to previous years. Currently efforts are being made to fill 11 significant positions throughout the state.

## **Long-term Strategic Plan**

Copies of DDAGW's Long Term Goals and Strategies were handed out. The document was briefly explained and the difference between Core Activities and Project Activities discussed. The following four efforts were then highlighted.

### **1. Plan Review Workgroup**

A survey of the DWAC members showed that plan review was a major concern for the Committee. A subgroup of the DWAC was subsequently formed and tasked with finding ways to improve the plan review process. The workgroup held five meetings, for which an outside facilitator was hired. The workgroup developed an Action Plan outlining eight action items. Three of those items were highlighted during the meeting: 1) establishing clearer review criteria and breaking comment letters into required and recommended criteria; 2) establishing an escalating management review process for comment letters; and 3) enhancing the self-certification process. Another process improvement goal is to develop plan review checklists as internal and external guidance. The workgroup and DDAGW are currently working on the implementation of the eight action items.

### **2. Sanitary Survey Workgroup**

The vast majority of the division's staff time is spent doing sanitary surveys, which have become the main mechanism for transferring information from the division to public water systems and vice-versa. The result is a very time-consuming process, with sanitary surveys of large systems taking up to a couple of days. The Information Exchange Enhancement Workgroup, commonly referred to as the Sanitary Survey workgroup, was formed to look into ways to improve the information exchange between the division and public water systems. The workgroup is also examining ways to enhance the sanitary survey process. DWAC will soon be asked to comment on the recommendations of this workgroup.

### **3. Program Implementation Group (PIG)**

Through Ohio Revised Code 3745.30 the General Assembly has communicated its concern that state agencies are participating in illegal rule-making by regulating through agency policy rather than formally adopted rules. A policy review process has been initiated in the Agency whereby each division is reviewing the policies, procedures, and guidance used by their staff and ensuring that each document is appropriately promulgated for its intended purpose. DDAGW's Program Implementation Group (PIG) has been tasked with reviewing the division's policies, procedures, and guidance and so far have reviewed over 600 documents dating as far back as 1968. Through their initial review the PIG has pared this number down to around 270 documents that are still used by staff and relevant to the operation of the division. The PIG is now working with our legal staff to determine if there is any illegal rule-making and prioritize the resulting rule-making needs.

### **4. Operator Certification Program**

The Director has indicated that the Agency will not be tracking individual contact hours for certified operators. In an effort to educate operators about tracking their own contact hours, the division has met with several groups to get their assistance

in getting the word out. Letters about tracking contact hours have also been sent out to those operators who will be renewing their certification this year. In addition, the rules regulating the operator certification program are currently under review. In conjunction with the Division of Surface Water a workgroup has been formed to assess ways in which the program can be improved, an effort that will ultimately result in revisions to the operator certification rules. However, seven of the operator certification rules are required by the legislature to undergo Five Year Rule Review by the end of this year. To allow for a comprehensive review of all the operator certification rules, those seven rules will be designated as "no change" for this rule review.

#### **B. Compliance Issues - Kirk Leifheit**

Through assessments of compliance data, including Monthly Operating Reports received from public water systems and other existing monitoring results, the division has determined that approximately 300 systems will potentially be in non-compliance when the maximum contaminant levels (MCLs) and Treatment Techniques (TT) for the Long Term 1 Enhanced Surface Water Treatment, Disinfectants and Disinfection By-product, and Arsenic Rules become effective. The division is trying to be proactive by educating systems on how to come into compliance with the new requirements through worksheets and other technical assistance efforts.

#### **C. DDAGW Water Supply Emergency Plan - Craig Smith**

Last June Congress passed the Public Health Security and Bioterrorism Preparedness and Response Act which requires community water systems to prepare Vulnerability Assessments and Emergency Response Plan Updates. Through grants from USEPA the division is providing training to community water systems on the preparation of the Vulnerability Assessments and Emergency Response Plans and has also revised the division's own Drinking Water Supply Emergency Plan. The revised Emergency Plan has been divided into two volumes, the first containing all the information DDAGW staff need in the event of an emergency, and the second containing all the guidance specific to public water systems. A plan to address malicious actions directed at public water systems has been added, as have new policies to address organic and inorganic contaminants added to drinking water. In addition, the Emergency Plan emphasizes coordination with other agencies so that all entities know their role. The intent is to make the revised Emergency Plan "e-friendly" so it can be accessed electronically online. Currently external input is being sought on the Emergency Plan and the hope is to have it finalized by the end of the year. DWAC members are asked to review the Draft Drinking Water Supply Emergency Plan and bring any comments to the next DWAC meeting. Copies of the Draft Emergency Plan are available on our website at [http://www.epa.state.oh.us/ddagw/pdu/dwac\\_draft\\_emer.htm](http://www.epa.state.oh.us/ddagw/pdu/dwac_draft_emer.htm) or by contacting Craig Smith at (614) 644-2752 or [Craig.Smith@epa.state.oh.us](mailto:Craig.Smith@epa.state.oh.us).

#### **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. The rule update encompassed all state and federal rule-making occurring in 2003 because the DWAC had not yet met this year and also

served to forewarn DWAC members of up-coming opportunities for their input and recommendation. For details please see the State and Federal Rule-making Update handouts.

The next DWAC meeting will be November 13, 2003 at the Ohio EPA, Conference Room 5A, from 9:30 a.m. to 12 Noon.

**DDAGW Representatives:** Mike Baker, Kirk Leifheit, Beth Messer, Mark Sheahan, Craig Smith, Kelly Butler

**DWAC Attendees:**

Gary Cole, Ohio Campground Owners Association  
Sue Daly, Public Utilities Commission of Ohio  
Marvin Gnagy, American Water Works Association  
Steve Grossman, Ohio Water Development Authority  
Mary Jakeway, Whirlpool Corporation  
John Mahoney, Ohio Municipal League  
Rob Schmidt, Ohio Chamber of Commerce/Porter Wright

**Handouts:**

DDAGW Long Term Goals and Strategies  
DDAGW New Fee Schedule  
Plan Review Group Draft Action Plan  
Team Charter for Sanitary Survey Workgroup  
Systems with Potential MCL Violations  
State of Ohio Drinking Water Supply Emergency Plan  
Federal Rule Making Update  
State Rule Making Update