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Drinking Water Advisory Committee

**November 16, 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 November 16, 2004, Drinking Water Advisory Committee (DWAC) meeting. The executive summary follows the abstract.

Major agenda items included an update on the division's process enhancement efforts, an overview of early involvement comments received on the draft operator certification rules, and a presentation on the Northeast District Office's pilot public outreach position. Additionally, updates were provided on the division's participation in the investigation of the South Bass Island illness outbreak and recent state and federal rule making.

Executive Summary

A. Chief's Update - Mike Baker

Program Updates

The meeting began with a review of the areas for improvement within the division identified by the committee when it first began. DWAC members were reminded that the division created various independent but interrelated workgroups tasked with improving individual program areas to work on those concerns as well as others. These include the plan review, policy reduction, sanitary survey, operator certification, compliance assistance, enforcement improvement, security, and capability assurance workgroups. It was explained that between these program enhancement efforts, new program responsibilities, and new rules from the 1996 amendments to the Safe Drinking Water Act, on top of our day-to-day responsibilities, the division has been extremely busy this past year. Planning for the next biennium provides a good opportunity to review current activities and decide what our priorities will be for the next two years. As part of this, the division will need to decide what measurements we will use to measure program effectiveness and focus our attention on the most important work activities accordingly.

Remaining priorities for the next biennium include the plan review enhancement effort and the associated effort to create an Ohio-specific Ten State Standards. Members were informed that progress has been made as the division has met initial and subsequent review times for all plans since June but is still having problems meeting the goal for total review time. Part of this is attributable to the on-going problem of consultants holding onto plans for excessive amount of time after DDAGW has sent them back with comments. A member offered to make an announcement at the next

AWWA technology meeting reminding consultants to respond to comments on outstanding plans. DWAC members were informed that the division has not made a great deal of progress on the Ohio-specific Ten State Standards effort due to the amount of time and resources needed to respond to the South Bass Island illness outbreak. DDAGW hopes to issue the request for bid by the end of the year and have an outside facilitator on board early next year.

Other efforts that will remain a priority in the coming biennium are the sanitary survey workgroup and enforcement evaluation effort. Sanitary surveys are the primary method by which information is shared between a public water system and DDAGW. The sanitary survey workgroup has been tasked with improving the efficiency and efficacy of sanitary surveys. The workgroup has revised the survey questions and documents and is currently piloting the questionnaire in the field. DDAGW hopes to eventually utilize PDAs or tablet PCs when doing sanitary surveys in order to have more efficient and timely data transfer. The workgroup has also proposed less frequent sanitary surveys but more visits specific to a system's need to improve our outreach to systems. An added benefit of more frequent visits is to move away with overloading system personnel with the necessary information all at once.

The goals of the enforcement evaluation effort, initiated by the Director's Office, are to develop a more systematic method for prioritizing noncompliant systems for which we will seek enforcement and to utilize the various types of enforcement actions available to the Agency. The first, a bilateral compliance agreement (BCA), is a cooperative agreement between a public water system and DDAGW that outlines the actions the system will take to return to compliance. These are used for more simple issues, are generally 80-90% effective, and represent a "last chance" for the system before the formal type of enforcement action is taken. If compliance issues cannot be resolved through a BCA, the division can take a formal administrative action through Findings and Orders. This is a more rigorous form of enforcement used for complex issues including substantial health concerns and is a final action of the Director. In the next biennium the division will be increasing the role of district office staff in enforcement efforts and will attempt to use the more cooperative BCA's whenever possible.

DWAC members were also made aware of two items that are divisional priorities for the next biennium; an increased emphasis on self-certification for plan approval and the expansion of the capability assurance plan rules. The division hopes that in the future more systems will take advantage of the self-certification program and certify more plans for themselves. The recent retirement of Dr. Ashley Bird, Manager of the Engineering Section, was announced in regard to this decision. His expertise will be sorely missed and his departure further highlights the need for Ohio-specific engineering standards. Additionally, the division hopes to move forward with our effort to expand the capability assurance program rules to require that certain problem systems assess their financial, technical, and managerial capacity to avoid problems with their system in the future as well as possible enforcement actions. A DWAC member suggested that DDAGW make more people aware of the self-certification opportunity by submitting a newsletter article to AWWA and ORWA.

South Bass Island Update

Members were then provided an overview of the division's efforts in relation to the illness outbreak on South Bass Island this summer as well current follow-up efforts. Highlights of the discussion are as follows: The first indication that there was any problem on South Bass Island came around August 3, 2004 when the Ottawa County Health Department received reports of people becoming ill after visiting the island. In cooperation with the State Health Department they began an epidemiological investigation focusing on possible food contamination but quickly shifted their focus to drinking water contamination. The Health Department requested that DDAGW investigate a few of the public water systems on the island. On August 23rd DDAGW began sampling all of the public water systems on the island, which includes one community water system that serves the Village of Put-In Bay and seventeen businesses that are transient non-community public water systems. Initial data indicated the possibility of island-wide contamination, with eleven of the non-community systems testing positive for total coliform (an indicator of possible fecal contamination). DDAGW began issuing orders on August 26th, ordering some systems to take more samples and others to stop using their water altogether. In the end, sixteen of the seventeen non-community systems tested positive for an indicator of fecal contamination, all of which were issued "no-use" orders requiring that they immediately cease use of their water altogether. Within a day of issuing the initial orders the number of reported cases declined from approximately sixty a day to one or two a day. The Health Department has reported that a total 1,450 people reported becoming ill after visiting South Bass Island during the months of July and August.

In terms of the division's current efforts, DWAC members were informed that fifteen public water systems on South Bass Island are still under "no use orders" and that the division is working with county and township officials to find a way to meet current water needs. It was explained that currently the Village of Put-In Bay community water system does not have the capacity to service the rest of the island, so officials are looking into using hauled water or other alternatives to meet current needs. It was further explained that any long-term solution, such as expanding the distribution system or building a waterline from the mainland, will be quite expensive.

One DWAC member asked if there was any reason to believe that a similar problem was not also poised to happen to Kelley's Island. Mike responded that he doubts we will see a similar outcome on Middle Bass or Kelley's Island because there is less use by seasonal tourists, and they have fewer non-community public water systems.

B. Draft Operator Certification Rules - Andrew Barienbrock

DWAC members were given an overview of the comments received from stakeholders during the "early involvement review" of the draft operator certification rules. Copies of the draft rules were made available to stakeholders (including DWAC members) in August and a presentation was given at the Ohio Section AWWA meeting on September 15th. Stakeholders were asked to submit comments by September 30th. Members were informed that DDAGW received sixty-four sets of comments from which seven main concerns were identified. Stakeholders expressed concern with what they see as the overall increase in stringency established by the proposed amendments.

They also expressed strong disagreement with the proposed prohibition of an operator from being in responsible charge of more than one Class III or Class IV facility. Commenters also indicated that they have concerns about the proposed definition of a full time operator, the entire duties of an operator rule, and proposed staffing time requirements. Lastly, stakeholders conveyed their concerns regarding the proposed sequential test-taking format and the proposal to eliminate the operator-in-training option for all but Class I operators.

Members were then informed that the internal rule workgroup will be meeting to discuss the Agency's position on these seven issues, after which another workgroup will be established with external stakeholders to work out any additional concerns. Interested DWAC members were invited to participate.

A question was asked about the passing rate from the most recent operator certification exams and Andy approximated that the Class IV's have about a 99% pass rate, the Class III's between 17-20%, the Class I and II's between 30-40%, and the Water Collection and Distributions around 50%. Members discussed complaints about operators being unable to pass the exam even after taking training courses paid for by their employer. One DWAC member explained that Ohio's passing rates are comparable to other states and said that Ohio had the best training available in the Ten States (referring to the ten states and provinces involved in crafting the "Recommended Standards for Water Works": Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, Ontario, Pennsylvania, and Wisconsin.) Several members indicated that there is a disconnect between an operator's individual experience and training and the breadth of knowledge necessary to pass the exam. Members went on to say that many operators do not realize that they are required to study a great deal and be knowledgeable about various types of systems in that classification in order to pass the exam.

DWAC members interested in participating in the operator certification stakeholder workgroup should contact Andrew Barienbrock at 614-644-2752.

C. Northeast District Pilot Outreach Position - Ahmed Hawari

Ahmed Hawari provided DWAC members with an overview of the pilot outreach position he holds as the "Compliance Coordinator" for the Northeast District Office (NEDO). Members were first provided with a quick overview of the different types of public water systems as well as statistics about the public water systems regulated by NEDO, followed by a description of the job responsibilities of the position. It was explained that the focus of the position is to provide assistance to systems serving populations of fewer than 250. Initially, the focus is to reduce the number of systems that are on boil advisories, are significant non-compliers, and/or have monitoring violations. Additional responsibilities include providing technical assistance to those systems who are consistently out of compliance and/or have persistent bacterial problems. Ahmed then described his accomplishments to date, including several outreach presentations and a significant decrease in the number of boil advisories, and discussed future outreach efforts. A copy of PowerPoint slides is attached for your review. Members are encouraged to contact Ahmed at ahawari@epa.state.oh.us or

330-963-1233 if they have suggestions for outreach efforts or would like to set up a presentation for their organization.

D. Rules Status Update - Mark Sheahan

Updates were given on the division's recent rule making activities with the following rule packages being highlighted: Long Term 1 Enhanced Surface Water Treatment, Variance and Exemption, and Arsenic. Members are asked to refer to the State and Federal Rule-making Update handouts for more detail.

E. DWAC Meeting Schedule 2005

Next year's bimonthly meetings of the Drinking Water Advisory Committee are scheduled for the following days:

- January 18, 2005
 - March 10, 2005*
 - May 17, 2005
 - July 19, 2005
 - September 13, 2005*
 - November 15, 2005
- *Note that the March and September meetings do not fall on the third Tuesday of the month due to scheduling conflicts.

Meetings will be held from 9:30 am to 12:00 pm unless otherwise notified. The January meeting is scheduled for the Center of Excellence on the 6th floor of the Lazarus Government Center, all other meeting will be held in the Conference room 5A.

The next DWAC meeting will be January 18, 2005 in the Ohio EPA Center for Excellence (6th Floor), from 9:30 a.m. to 12:00 p.m.

DDAGW Representatives: Mike Baker, Andy Barienbrock, Kelly Butler, Ahmed Hawari, Beth Messer, Mark Sheahan

DWAC Attendees:

Dan Binder, Ohio Environmental Council
Marvin Gnagy, Ohio Section, American Water Works Association
Tim Leasure, Ohio Department of Development
John Mahoney, Ohio Municipal League
Dave Thalman, Ohio Manufactured Homes Association
Curtis Truss, Operator Training Committee of Ohio
Kristen Woodall, Ohio Rural Community Assistance Program

Handouts:

- Operator Certification Rule Revision Update - PowerPoint slides
- NEDO Pilot Outreach Position - PowerPoint slides
- Federal Rule Making Update
- State Rule Making Update