

Ohio EPA Update



OEPA Division of Drinking and Ground Waters
December 8, 2009

Today's Update

Topics will cover:

- Drinking Water Funding
- Federal Total Coliform Rule
- Ohio EPA Rules
- Federal Security Legislation
- Ohio Legislation Activities
- Training

ARRA

...or the “Stimulus” Bill



ARRA

- Opportunity for States and Water Systems
 - Demonstrates national need for drinking water infrastructure improvements
 - Show through success of financial allocation the ability to use funding effectively
 - Basis for more infrastructure funding
 - Ability to Address some of neediest infrastructure projects

Infrastructure Needs

Infrastructure needs include: personnel, buildings, equipment, financing, other resources

- ❑ Some Ohio systems have been in enforcement because of infrastructure needs
 - Do not have capacity to maintain and operate their public water system



Funded Projects

- 55 project through October
 - ARRA funding = \$55 M
 - Non-ARRA funding = \$56 M
- “Green” projects account for roughly 40% of the ARRA funding granted
- 3 projects will be reviewed by the Ohio Water Development Authority for ARRA funding

Funded Drinking Water Projects

- Regionalization
- Plant upgrades or replacements
- New service areas
- Water line replacements
- Water tanks and storage
- New wells, pumps and booster
- Meters

Loans after December 2009

- Non-ARRA funds will be available once ARRA money has been completely allocated
 - Roughly \$22 M in non-ARRA funds
- Projects on “project priority list” will be reviewed to potentially receive non-ARRA loan



Re-allotted ARRA Funds

- ARRA dollars left after February 2010
 - Leftover funds in one State can be reallocated to another State
- Ohio may have another opportunity to receive leftover ARRA funds
 - Would have to provide USEPA list of projects which can be funded within a few months of re-allotment

Federal Total Coliform Rule



Federal Total Coliform Rule

- Agreement in principle finalized Sept. 2008
- USEPA drafted rule with input
 - Drafted rule in internal review with USEPA
- Proposed rule August 2010
- Rule effective sometime in 2012
- Begin implementation in 2015

Federal TCR Changes

- Monthly MCL triggers assessment
 - Monthly MCL would not be a violation
 - Assessment & correction must be done to avoid a “treatment technique” violation
- Acute MCL remains & triggers detailed assessment
 - Correct sanitary defects if exist

Federal TCR Changes

- Monitoring and reporting revisions
 - Collect three repeat samples instead of four
 - Flexibility where collecting repeat samples
- Monthly monitoring
 - No follow-up samples month following a TC positive
- Quarterly monitoring
 - Three follow-up samples month following a TC positive

Federal TCR Changes

- Non-community systems serving < 1,000
 - Baseline monitoring will be quarterly, but may be triggered to monthly sampling for TC
- Community “ground” water systems serving < 1,000
 - Baseline will be monthly monitoring

Federal TCR Changes

□ Seasonal systems

- Defined as systems that monitor less than 4 quarters per year
- South Bass Island outbreak contributed to some of the changes
- New baseline monitoring schedule: **monthly**
- Complete start-up/shut-down procedure approved by State
- Reduced monitoring (from monthly to quarterly)

Ohio EPA Rules



Ohio EPA Rules

- Rule amendments adopted in 2009
 - License to Operate
 - Capability Assurance
 - Well Standards
 - Lead and Copper
 - Laboratory Certification



Need to Know: Amendments in 2009

□ License to Operate

- Will affect all systems and especially, small non-community systems
- Targeting significant non-compliers
- Warning letter precedes conditioning license

Need to Know: Amendments in 2009

□ Well Standards

- Setback distances (from waste management activities)
- Develop or update drinking water source protection plan

Need to Know: Amendments in 2009

□ Lead and Copper

- New language for community systems to include in CCR

□ Laboratory Certification

- July 1, 2010: reporting for analytical results required to be submitted electronically (i.e., eDWR)

eDWR Training: Brian Tarver, (614) 644-2752

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Information Website (eDWR):

www.epa.ohio.gov/ddagw/reporting.aspx

Ohio EPA Rules

- Rule amendments currently proposed for adoption
 - Radionuclide monitoring requirements
 - Stage 2 D/DBP
 - Long Term 2 ESWTR

Ohio EPA Rules

- Rule review in 2010
 - Plan Approval (To be Refiled)
 - Ground Water Rule

<http://epa.ohio.gov/ddagw/listserv.aspx>

Federal Security Legislation



Federal Security Legislation

- Pending bills to enhance security of water and wastewater
 - Wastewater Treatment Works Security Act
 - Drinking Water System Security Act
- Drinking water portion rolled into wastewater bill to form H.R. 2868 “Chemical and Water Security Act”
 - House passed bill 11/6/09

Federal Security Legislation

- “Covered water systems”
 - Community water systems serving greater than 3,300
 - In the discretion of USEPA
- Secretary of Homeland Security
 - Would be able to designate any chemical substance as a substance of concern and establish a threshold

Federal Security Legislation

- The meat (of the bill)
 - Covered systems will be assigned a risk-based “tier”
 - Standards and procedures for security vulnerability assessments
 - Standards and procedures for site security plans
 - Risk-based chemical security performance standards for site security plans
 - Funding to provide training of “covered” individual, first responders and emergency response providers

Federal Security Legislation

□ Risk-based tiers

- Tier 1 represents highest degree of security risk
- Tier level may change after time
- Considerations before tier assigned, potential consequences from:
 - Intentional act to cause a release of a substance of concern
 - Intentional act to introduce contaminant into supply or disrupt supply
 - Intentional act to steal, misappropriate or misuse substance of concern

Federal Security Legislation

- USEPA must promulgate rules within 2 years of enactment
- Assessment of threat to system
 - No later than 180 days after enactment
 - USEPA in consultation with Homeland Security
 - Conduct study to assess threat to drinking water posed by intentional acts
 - Submit report to Congress on study

For more information, search THOMAS on the Library of Congress' web site <http://thomas.loc.gov>

Ohio Legislative Activities



Ohio Legislative Activities, H.B. 352

- Introduced Nov. 4, 2009
- Amend and enact sections in Ohio Revised Code, Sec.6109 (Safe Drinking Water Act)
 - Address capability assurance of existing water systems
 - Prohibit and assign penalties per the Safe Drinking Water Law

Ohio Legislative Activities, H.B. 352

- Section 6109.24 of the ORC
 - Currently requires systems to demonstrate capability to comply with rules of the safe drinking water act
 - New: Director given authority to adopt rules
 - To require an evaluation of technical, managerial, and financial capability of system; and
 - To require system to correct deficiencies identified during evaluation

Ohio Legislative Activities, H.B. 352

- Section 6109.24 of the ORC
 - New: when systems will conduct evaluation
 - Demonstrated lack of technical, managerial and financial capability
 - Failed to correct significant deficiencies identified in a sanitary survey



Ohio Legislative Activities, H.B. 352

- Section 6109.31, 6109.32 & 6109.99 of ORC
 - Falsification in licenses, applications, reports or any records
 - Falsification of sample (from sampling requirements)
 - Tampering, altering, or interfering with operation of water system
- Civil action or criminal prosecution
 - Recklessly violates – misdemeanor
 - Knowingly violates - felony

Questions?



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