

2015 Public Water Supply Supervision (PWSS) Grant's Work Plan

Washington State Department of Health

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United States Environmental Protection Agency

October 2015

PREFACE

This Agreement is developed every year between the U.S. Environmental Protection Agency Region 10 (EPA) and the Washington State Department of Health, Office of Drinking Water (department) to cooperatively administer the drinking water program in Washington. Further information can be obtained by contacting either EPA – Region 10, 1200 6th Ave. Suite 900, Seattle, Washington, 98101 or the Department of Health, Office of Drinking Water, P.O. Box 47822, Olympia, Washington, 98504-7822, or by accessing our website at www.doh.wa.gov/ehp/dw.

GENERAL PROVISIONS

The department is authorized to enter into an agreement with EPA to administer the federal Safe Drinking Water Act (SDWA). This Agreement is subject to chapters 43.70 and 70.119A RCW, and covers the period between October 1, 2015 and September 30, 2016. The department will annually apply for the Public Water Supply Supervision (PWSS) grant from EPA, and will negotiate with EPA and revise this Agreement and associated work plan every two years.

I. Contact Persons

The EPA Regional Office Drinking Water Unit Manager and the Washington Drinking Water Program Coordinator in the EPA Regional Office are the primary EPA officials in Washington State with the authority to issue, interpret, and coordinate program directives to the department. The Director of the department's Office of Drinking Water is the official contact person for purposes of this Agreement.

II. Performance

Both EPA and the department commit their best efforts to fully comply with the provisions of this Agreement. Both agencies are held to the requirements of 40 CFR Part 30. EPA can impose appropriate sanctions under 40 CFR Part 30, including withholding of funds, and termination or annulment of grants if the department does not fulfill provisions of this Agreement.

The tasks and expected results contained in this Agreement reflect information known at the time of its submittal. Both agencies recognize events outside their control (e.g., changes in authorizing legislation or levels of resources) may affect the ability to fulfill the Agreement. Therefore, both agencies agree to review and negotiate changes as necessary. Both agencies are committed to frequent communication about this Agreement.

III. Reporting

The department agrees to satisfy the reporting requirements of the SDWA and its implementing regulations. The department will submit a semi-annual performance reports and a final report covering the entire time. The final report may be waived by Project Officer if deemed unnecessary.

IV. Evaluation

EPA will conduct a mid-year and annual program review in FY16. EPA will evaluate all aspects of the Agreement and work plan and provide the department with a written report. In addition, the department and EPA will meet quarterly to evaluate status and any emerging issues that may impact the success in carrying out the drinking water program and this Agreement. To facilitate the quarterly enforcement evaluation meeting, the department will prepare a spreadsheet that lists the drinking water systems that have a score of over 10 points using the EPA Enforcement Targeting Tool (ETT). The spreadsheet will include comment fields that summarize for each system, the violations, a description of what needs to be done to return the system to compliance, planned enforcement action follow-up, and an estimated return to compliance date.

PROGRAM DESCRIPTION, WORK PLAN and PERFORMANCE MEASURES

Washington State Drinking Water Program

October 1, 2015 – September 30, 2016

Program Description

The mission of the department is to protect the health of the people of Washington State by ensuring safe and reliable drinking water. Drinking water protection is an essential public health program. Meeting the goal of safe and reliable water involves a cooperative effort between the department, local health jurisdictions, other state and federal agencies, and water utilities and the communities they serve.

The department regulates public water systems under a formal agreement with the EPA to carry out and enforce the federal SDWA and EPA's rules under the Act. More than 4,117 public water systems in Washington are subject to the federal requirements. In addition, state laws and State Board of Health regulations have been adopted for public water systems, including requirements for very small water systems that are exempt from federal requirements. This Agreement only addresses the department's responsibility to oversee the compliance of systems subject to the federal Act.

EPA provides most of the department's funding to implement the SDWA program activities as outlined in this Agreement. Federal funding sources include an annual Public Water Supply Supervision (PWSS) grant, annual Wellhead Protection Program grant, and a percentage of 'set-aside' dollars from the Drinking Water State Revolving Fund monies. The department contributes to the cost of the program with monies from the state General Fund and fees paid by public water systems for annual operating permits, sanitary surveys, plan and engineering document reviews, and operator certification. The work plan incorporated into this Agreement reflects activities exclusively funded with PWSS grant dollars, recognizing that some activities are interdependent with various other funding sources. Also, because funding is not adequate to cover all activities needed to carry out the drinking water program, Washington, like other states in the region prioritized activities based on highest public health risks. This work plan reflects these prioritized areas.

The department provides information about the program to the public through publications, a quarterly newsletter, meetings and events, the news media, and its website: www.doh.wa.gov/ehp/dw. The department encourages stakeholder participation through a Drinking Water Advisory Group, the Waterworks Operator Certification Advisory Committee, and regular meetings with the water industry and interest groups.

In Washington, public water systems contract with public and private laboratories for analytical work to satisfy their monitoring requirements. State laboratory facilities support the department's investigations into disease outbreaks, water quality concerns, and various special studies. The Washington State Department of Ecology (Ecology) accredits laboratories for all regulatory drinking water analyses under a Memorandum of Understanding between Ecology, the department, and EPA.

Work Plan

The overall objective of the work plan is to protect public health by ensuring that:

- Drinking water systems, of all types, and of all sizes subject to the SDWA, that are currently in compliance, remain in compliance;
- Drinking water systems, of all types, and of all sizes subject to the SDWA, that are not currently in compliance, achieve compliance; and
- Drinking water systems, of all types, and of all sizes subject to the SDWA, are preparing to comply with upcoming regulations that will be taking effect during this agreement period.

A proportion of the PWSS grant will be devoted to ensuring that data quality and other data problems are being addressed. Specifically that:

- Water system compliance determinations are consistent with federal and state regulations; and

- The required inventory, compliance, and enforcement data provided to EPA are accurate and complete.

The department is guided by seven goals it established as “Strategic Directions”. These goals guide priority setting, resource allocation decisions, the strategic directions, and work that will advance the performance measures listed in the table on page 6 of this Agreement.

During the period covered by this Agreement, the department will conduct the following regulatory program work to maintain primacy (as available resources allow):

- ◆ Respond to drinking water emergencies, threats of unsafe water, and reports of waterborne disease
- ◆ Respond to acute coliform and nitrate MCL violations, surface water treatment technique violations, and acute chemical MCL violations
- ◆ Conduct surveillance of water quality through receiving, processing, and evaluating laboratory test results and public water system operation reports
- ◆ Investigate water systems whose lab results and/or water system operation reports indicate a potential risk to health
- ◆ Work with Ecology to accredit laboratories to perform water quality tests on public water systems
- ◆ Communicate safe drinking water requirements and information to public water systems using tools such as the Water Quality Monitoring Report
- ◆ Conduct sanitary surveys (inspections) of public water systems to identify any public health threats or deficiencies
- ◆ Provide technical assistance to small public water systems
- ◆ Assess the technical, managerial, and financial capacity of water systems
- ◆ Assure complete and accurate identification and reporting of public water system compliance status
- ◆ Maintain primary enforcement authority by taking appropriate enforcement action against systems that violate regulatory requirements
- ◆ Issue annual operating permits that identify the compliance status of a system
- ◆ Certify public water system operators and ensure continuing education requirements are met
- ◆ Adopt new regulations required under the SDWA
- ◆ Review construction documents, project reports and other engineering documents to ensure compliance with construction standards
- ◆ Review and approve water system plans and small water system management programs
- ◆ Participate in the development of national drinking water regulations, guidelines, and policies
- ◆ Provide public participation opportunities in department efforts including regulatory and policy development
- ◆ Maintain primary enforcement authority over SDWA programs (Primacy)
- ◆ Provide public access to information about the department’s program and the status of water system compliance
- ◆ Maintain an adequate, knowledgeable workforce

Performance Measures

The department will work with EPA to achieve its drinking water related goals outlined in the year 2014 National Water Program Guidance:

EPA has responsibility for measures above with a FY 2016 Planning Target listed as “Indicator”. The department will provide information to EPA if requested and available.

FY 2015 National Water Program Guidance Measures Summary Environmental Protection Agency Office of Water: FY 2016-2017 National Water Program Guidance Measures					
G/O/S	FY 2016 ACS Code	FY 2016 Measure Text	Non- Commitment Indicator (Y/N)	State Performance Measure (Y/N)	FY 2015 Planning Target
Goal 2: Protecting America’s Waters					
Sub-objective 2.1.1: Water Safe to Drink					
2.1.1	SDW- 211	Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through approaches including effective treatment and source water protection.		Y	92%
2.1.1	SDW- SP1.N11	Percent of community water systems that meet all applicable health-based standards through approaches that include effective treatment and source water protection.		Y	90%
2.1.1	SDW-SP2	Percent of "person months" (i.e. all persons served by community water systems times 12 months) during which community water systems provide drinking water that meets all applicable health-based drinking water standards.			95%
2.1.1	SDW-SP4a	Percent of community water systems where risk to public health is minimized through source water protection.			49%
2.1.1	SDW-SP4b	Percent of the population served by community water systems where risk to public health is minimized through source water protection.		Y	65%
2.1.1	SDW-01a	Percent of community water systems (CWSs) that have undergone a sanitary survey within the past three years (five years for outstanding performers) as required under the Interim Enhanced and Long-Term I Surface Water Treatment Rules.		Y	75%
2.1.1	SDW-04	Fund utilization rate [cumulative dollar amount of loan agreements divided by cumulative funds available for projects] for the Drinking Water State Revolving Fund (DWSRF).			95%
2.1.1	SDW-05	Number of Drinking Water State Revolving Fund (DWSRF) projects that have initiated operations. (cumulative)			600

The department will work to achieve the following performance measurement goals during the two-year period of this Agreement. Though some of the commitments reflect interdependence between sources of funding, the FTE commitments listed in this Agreement are limited to those funded by the PWSS grant and required state match. The dollar figures in the “Cost” column are estimates based upon the current grant. As more specific PWSS grant financial information becomes available, the department will update the figures in this Agreement. The department provides a breakdown of staffing as part of the grant application to EPA.

Performance Measures Table

Outputs/Outcomes	Commitments		FTE	Cost
	FY16	FY17		
<p>1. Respond to health threats from drinking water emergencies</p> <p>Outputs:</p> <ul style="list-style-type: none"> Ensure customers of systems with new, confirmed Tier 1 violations receive public notification (PN) within 24 hours¹ <p>Outcomes:</p> <ul style="list-style-type: none"> Public health is protected as fewer consumers drink unsafe water 	100%	100%	2.42	\$301,198
<p>2. Provide accurate, easily accessible drinking water data and information to all</p> <p>Outputs:</p> <ul style="list-style-type: none"> Enter data and submit reports to SDWIS in the appropriate format in a timely manner Provide public access to information about the department's program and the status of water system compliance <p>Outcomes:</p> <ul style="list-style-type: none"> The public knows the quality of their water and makes informed decisions 	100%	100%	3.17	\$394,673
<p>3. Know how water is being provided by public water systems</p> <p>Outputs:</p> <ul style="list-style-type: none"> Percent of community systems with surface water, GWI, or groundwater sources that have had a sanitary survey within the past three years (five years for outstanding performers) Percent of consecutive community systems that purchase surface or GWI water that have had a sanitary survey within past three years (five years for outstanding performers) Report to EPA a list of community systems with surface water and GWI source treatment plants that have had a sanitary survey during the year (each 12 month period of the grant project period) Number of the Water Facilities Inventory (WFI) forms sent to Group A systems to collect accurate data Percent of systems with no significant deficiencies identified during field inspections Percent of significant deficiencies resolved or with a corrective action plan in place within 45 days Percent of microbiological lab data entered by the 10th of each month Conduct surveillance of water quality through receiving, processing, and evaluating laboratory test results and public water system operation reports <p>Outcomes:</p> <p>Public health is protected by having accurate system data, ensuring systems are taking the right steps for public health protections, and correcting deficiencies identified during sanitary surveys</p>	95%	95%	7.67	\$955,924

¹ Systems under a bilateral compliance agreement to correct exceedances of an MCL provide periodic notification to customers regarding the continuing nature of the problem and steps the system is taking to correct.

Outputs/Outcomes	Commitments		FTE	Cost
	FY16	FY17		
<p>4. Know the quality of water being provided by public water systems</p> <p>Outputs:</p> <ul style="list-style-type: none"> Enter water quality analytical data and make available to staff and the public Review analytical results for all samples collected to comply with the Total Coliform Rule Review analytical results for all samples collected to comply with the Nitrate monitoring requirement Report filtered surface water initial Cryptosporidium concentration and associated bin classification (category) for each plant for which monitoring was required Report the determination of whether the mean Cryptosporidium level is greater than 0.01 oocysts/L after the initial (and second round) of source water monitoring for each unfiltered system. <p>Outcomes:</p> <ul style="list-style-type: none"> Public health is protected as fewer Consumers drink unsafe water 	<p>100%</p> <p>100%</p> <p>100%</p> <p>By 1/31/16</p> <p>By 1/31/16</p>	<p>100%</p> <p>100%</p> <p>100%</p> <p>By 1/31/17</p> <p>By 1/31/17</p>	5.73	\$714,646
<p>5. Make it clear to public water systems what their responsibilities are</p> <p>Outputs:</p> <ul style="list-style-type: none"> Send water quality monitoring requirement schedule to all Community water systems annually Work on revisions to the Total Coliform Rule to be ready to adopt in 2016 <ul style="list-style-type: none"> Finalize Draft Rule Adopt Revised Rule <p>Outcomes:</p> <ul style="list-style-type: none"> Public health is protected as more water systems provide safe and reliable drinking water 	<p>2,227</p> <p>1/2016</p>	<p>2,227</p> <p>3/2016</p>	5.55	\$692,276
<p>6. Take appropriate compliance actions and help systems return to compliance</p> <p>Outputs:</p> <ul style="list-style-type: none"> Take active enforcement actions on fraudulent or grossly negligent operations or reporting and provide reports during the quarterly enforcement evaluation meetings showing the status of each system with a score of 11 or more points using the EPA Enforcement Targeting Tool (ETT). Based on federal Enforcement Response Policy, address with a formal enforcement action or return to compliance the number of priority systems that have a score of 11 or higher on the federal Enforcement Targeting Tool (ETT) report. <p>Outcomes:</p> <ul style="list-style-type: none"> Public health is protected as more water systems provide safe and reliable drinking water. 	<p>71</p>	<p>TBD²</p>	3.19	\$397,070
<p>7. Stay ahead of the curve</p> <p>Outcomes:</p> <ul style="list-style-type: none"> Public health is protected as more water systems provide safe and reliable drinking water. 			4.32	\$538,880

² The department and EPA will negotiate FY 16 commitments once EPA HQ has established goals

Appendix A Referrals to EPA

General Principles

1. There needs to be an interactive partnership between the two agencies.
2. It is important to establish a written agreement on the roles and responsibilities of both agencies in the referral process. The agreement should be included as part of the DOH/EPA Compliance Assurance Agreement (CAA).
3. Individual action plans should be developed jointly for each system referred to EPA. The action plan should lay out steps that each agency agrees/plans to take to attain compliance. The action plan should be dynamic and allow for periodic adjustment as circumstances warrant.
4. Reporting on case status and reevaluation of action plans should take place at the regularly scheduled State/EPA quarterly compliance meetings.

DOH Referral Criteria

- Known water quality problem/exceedance;
- Not responsive to the Department, but might respond to federal pressure; and
- The Department has pursued compliance with the system up through the penalty process; the system is six months late for payment of fines and receivership is a possibility.
- All systems are eligible for referral regardless of size or ownership type. If a publicly owned system is a candidate, staff should get concurrence from the Office Director or designee before considering for referral.

Expectations of DOH Staff Regarding Referred Systems:

- Work with EPA to develop a mutually agreed upon action plan for each case referred.
- Understand, agree on and honor our role as partner in specific referrals as set out in our mutually agreed upon action plan.
- Meet obligations set out in mutually agreed action plan.
- Support EPA's lead role regarding referred systems.
- Maintain regular contact with EPA staff.
- Maintain complete files on referred systems
- Act as a witness as needed on cases going to trial.
- Supply technical assistance and training to EPA staff as needed so they can answer utility questions and requests.
- Provide EPA with information on system status.

Expectations of EPA Staff:

- Work with DOH to develop a mutually agreed upon action plan for each case referred.
- Understand, agree on and honor our role as partner in specific referrals as set out in our mutually agreed upon action plan.
- Take the lead and work in partnership with DOH on referrals. This includes monitoring action plans, calling progress meetings when appropriate, developing enforcement actions, and performing activities associated with litigation as needed for cases going to trial. In this context, lead is defined as taking responsibility for initiating activities and being the main point of contact for the system on issues dealing with the enforcement action.

- Consult with DOH throughout the process on the status of cases, press releases, written communications, etc.
- Consider meeting with owners and operators of systems if requested to discuss compliance actions, and offer DOH an opportunity to participate in meetings if they desire.
- Once a case is initiated, carry the action through to the resolution. The resolution of the case means through adjudication (decision by a judge), settlement (consent decree), or compliance, and may include any other issues related to continued compliance such as obtaining funding to complete improvements to bring the system into compliance.
- Provide copies to DOH of all written communication with systems.
- Report the status of each referred system at least quarterly (at a minimum), to DOH staff.

Outline of Action Plan

The referral criteria DOH will use to refer a system for EPA action is outlined above. After a system has been referred to EPA the following steps need to be followed.

1. DOH will notify the water system that they are being referred to EPA for formal enforcement action. DOH will remind the system that they must still comply with local/state requirements.
2. DOH will provide EPA with all documents needed to initiate an enforcement action.
3. DOH will develop a draft action plan within two - four weeks of referral and provide EPA an opportunity to comment. The length of time will depend on the complexity of the case and other work commitments. A final action plan will be developed within one - two weeks of consultation between agencies.
4. DOH will take the lead in developing the action plan and will solicit comments from EPA. The action plan should contain the following information, much of the information is available in Sentry.
 - System name
 - PWS number
 - Number of connections
 - Number of people served
 - Type of system
 - System owner/operator of primacy contact
 - EPA contact
 - DOH contact
 - Summary of major violations that will be included in enforcement action broken down by Federal/State with citations
 - DOH recommendation of type of action EPA should pursue
 - Anticipated DOH assistance needed in case
5. EPA will provide a final Administrative Order (AO) to DOH prior to sending to the system and notify DOH in advance of any press release or other communication with the press.

Activities occurring after an EPA action is initiated and prior to compliance

1. DOH and EPA will keep the other agency aware of correspondence received and responses made. DOH will provide courtesy copies to EPA of all correspondence to the system. If the correspondence relates to the enforcement action, EPA will be given the opportunity for comment/coordination.
2. DOH will never speak for EPA concerning the requirements of the order
3. EPA and DOH will communicate at least quarterly at scheduled State/EPA compliance meetings on the status of compliance, assure that correspondence have been shared as necessary, and that responses to major inquiries are coordinated.
4. EPA will communicate regularly with the system point of contact to determine the status of compliance and

answer any questions from the system,

5. In cases where EPA cannot answer the systems questions, EPA will inform DOH immediately if they have referred a question from the system to DOH.
6. EPA will consult with DOH prior to moving to a more severe action such as a penalty or referral to the Justice Department.
7. DOH will provide support in any court proceeding related to the enforcement action including making staff available to testify and providing any needed documentation.
8. DOH will attempt to provide staff to meet with the system if requested by EPA.
9. DOH will work to assist a system to obtain funding via the State Revolving Fund to upgrade the system.

Prescribed activities after systems comply with the EPA action.

1. EPA and DOH will agree that a system is in compliance or substantial compliance with the EPA action prior to notifying the system.
2. EPA will issue a letter to the system indicating they are in compliance with the order and they need to continue to comply with all State/Federal requirements or EPA may take further action.
3. Once a system is in compliance or substantial compliance, DOH will take the lead for the system.
4. DOH/EPA will discuss the status of the system at the quarterly meetings.