

FY2004 END OF YEAR REPORT

PERFORMANCE PARTNERSHIP AGREEMENT (PPA) FY 04

Between

THE UTAH DIVISION OF DRINKING WATER (STATE)

And

REGION 8 U.S. ENVIRONMENTAL PROTECTION AGENCY

July 2003

Preamble

This is a performance partnership agreement between the Utah Division of Drinking Water hereinafter referred to as “State” and the Drinking Water Program within the Environmental Protection Agency’s Region 8 office, hereinafter known as “EPA”. The purpose of this agreement is to ensure, to EPA’s satisfaction, that the delegated drinking water programs are satisfactorily administered.

Maintain Core Programs

The State will maintain and implement the core programs, as required by federal and state statutes and rules, and as reflected in program authorizations and other formal agreements.

Maintain National Databases

The State commits to properly transfer data into regional and national data systems, where federally required data fields are kept current, and that the data is entered accurately and pursuant to definitions and policy. The State commits to maintain its database and assist, when requested to do so, those responsible for the national database. This includes data entry, quality assurance and data validation for assuring timely and complete updating of information for the purpose of data retrieval by EPA staff and managers.

The State commits to transmit water system inventory information, bacteriologic and SWTR violation and enforcement data to SDWIS within 45 days after the end of each calendar quarter. Further, the State commits to transmit violation and enforcement data for the Lead/Copper Rule, the Phase II/IV Rules and the Radionuclide Rule covering the calendar year of 2003 by May 3, 2004.

STATUS: *This has been done within 45 days after the end of each calendar quarter for: inventory, bacteriologic, SWTR and 90th percentile Lead data. The Phase II/IV and Radionuclide data will be forwarded to SDWIS-FED the first part of December 2004.*

EPA will provide the state with the initial lead/copper monitoring lists no later than August 15, 2003, and the State will, by November 15th, review the systems appearing on the list and commence enforcement actions or note that they’ve returned to compliance in SDWIS. In FY 2004, SNCs will be determined for Lead and Copper, and any water systems remaining in violation will become State enforcement candidates.

STATUS: *There are two systems currently on the list: Fifetown UTAH11065 and Irontown UTAH11070. Fifetown is under an Administrative Order from both the State and EPA and Irontown has been referred to the Attorney General's office for further enforcement.*

By January 1, 2005, State will ensure that 100% (20% per year) of data for all NTNCWSs includes lat/long data (with mad code data) in the SDWIS inventory. Any CWSs lacking mad code data, should already have been corrected.

STATUS: *Of the 1,334 active community drinking water sources 1 does not have latitude/longitude data. Of the 109 active non transient non community drinking water sources 5 do not have latitude/longitude data.*

For systems identified on the SNC lists, the State will look at all the violation and submit SDWIS "return to compliance" information where applicable.

STATUS: *This has been done at least once each calendar quarter.*

Implementing New EPA Rules

State will ensure violations of EPA and State regulations implementing Radionuclides, etc. are reported to SDWIS the quarter after occurrence. When final guidance is issued, The State will start working on implementing reporting requirements.

STATUS: *The State is still awaiting guidance from EPA.*

EPA Region 8 will provide information/instructions and/or documentation specific to the new codes used to report compliance assistance visits (a new code under sanitary surveys) and the State will report these visits as well as Sanitary Surveys on a quarterly basis to SDWIS. The State will also use the new SDWIS code to report follow-up visits for formal enforcement as they occur.

STATUS: *The State is still awaiting guidance from EPA.*

If the State does not have an approved primacy package for any new rule (arsenic, LT1 and Filter Backwash), the State commits, for rules that are enforceable by EPA, to provide EPA a list of violators within 60 days of identifying noncompliance. If EPA does not provide feedback on new primacy packages within 90 days of receipt, the State will assume that primacy has been granted and will proceed accordingly.

STATUS: *On LT1 the State has an extension agreement until January 2006.*

The State has adopted and submitted a Primacy package to EPA on the following rules: Rads, Public Notice, Consumer Confidence Rule, Lead/Copper Minor Revisions, IESWTR and DBP1. The State has submitted preliminary packages to EPA on the following rules: FBRR and Arsenic.

TCR/SWTR

The State commits to consider conducting Sanitary Surveys and/or technical assistance visits (with written reports) at all sources which are SNCs, including those which are SNCs for microbial quality violations, as resources allow.

STATUS: EPA did not do a single survey on and of the 5 systems on the SNC list that they are responsible for. The State did 3 surveys on the 9 system on the SNC list that they are responsible for.

The State will provide to EPA an updated list of all systems that are required to filter under the SWTR, but are not yet filtering. Additionally, the State will report those violations to SDWIS-Fed. For those still on compliance schedules, the State will provide the schedule from the enforcement document to EPA. If any systems are not under compliance schedules, the State will provide for each system a rationale and the proposed state action and time frame for securing an enforceable compliance schedule.

The State will identify any additional actions and the time frames for completing assessments of groundwater under the influence of surface water, and the systems for which such assessments need to be completed.

STATUS: An update on the UDI sources is an agenda item for the CAP meetings. Three sources have been determined to be under the influence of surface water. Monroe has a treatment plant (Cold Spring) under construction, scheduled for completion August 2005. Garden City is considering a one-year bi-lateral compliance agreement that will reveal if the Swan Creek Spring can meet filtration avoidance criteria. Park City ceased use of the Park Meadows well when MPA samples showed surface water influence; considering treatment options.

Safe Drinking Water Act Enforcement

The State commits to annotating the quarterly SNC lists, and will return the annotations to EPA within 30 days of receipt of the list and periodically thereafter as appropriate.

STATUS: This is typically done via e-mail to Kathelene Brainich and Lisa Kahn with the quarterly submittals of SDWIS-FED updating files.

The State commits to either a) conduct formal enforcement, as appropriate, or b) refer the system to EPA for enforcement on all unresolved SNCs within 6 months of becoming identified as an SNC.

STATUS: This is being done.

On April 16, 2003 EPA issued to each State a "List of Systems with a History of Significant Non-compliance". This list includes all systems with violations for at least three quarters over a three-year period. EPA will be tracking those systems' compliance, and will identify to the State those systems that have continued to have violations. Systems with continuing violations will be candidates for work share between EPA and the State.

STATUS: *The state is dealing with all lists received from EPA.*

The State commits to providing EPA a copy of all settlement agreements for systems identified as SNC's, both administrative and judicial, including penalty calculations (documenting gravity and economic benefit calculations) and any penalty justifications. These will be provided no later than October 31, 2003.

STATUS: *As documents are finalized, a copy is forwarded to EPA.*

The State commits to reviewing and revising State enforcement escalation policies to ensure enforcement actions occur before a system becomes a SNCs, the policies address all types of violations relating to EPA's regulations, and provide a response to these violations. The State should provide its enforcement escalation policies to EPA by July 1, 2004 and collaborate with EPA in making any necessary revisions to the policies. This would include updating the State IPS to include SWTR, including GUI failure to filter, violations.

STATUS: *This is done.*

Safe Drinking Water Enforcement Oversight

The State agrees that EPA will use the new version of the Uniform Enforcement Oversight System (UEOS) for evaluating the State's enforcement performance for FY 2004. The State will be given the opportunity to reconcile the national database information and review a draft report of the assessment before the enforcement evaluation is finalized for FY 2004.

The State shall provide EPA a list of the sanitary surveys that the State plans to perform in the State Fiscal year and calendar year 2004. The State list should include at least 20% of community groundwater, non-community groundwater without disinfection and non-community surface water systems; 10% of non-community groundwater systems with disinfection; and 33.3% of community surface water systems some unplanned surveys may be necessary for violation follow-up. The State commits to a goal of completing sanitary survey reports within 90 days of completion of fieldwork. The State agrees to provide copies of up to 25 sanitary survey reports after the end of the State FY, for the purpose of conducting the uniform enforcement state oversight evaluation.

STATUS: *A list was provided to EPA.*

Signed: Kevin W. Brown
Utah Division of Drinking Water

Date: August 29, 2003

END OF YEAR REPORT

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF DRINKING WATER FY 2004 GOALS

MISSION STATEMENT:

To protect the public against waterborne health risks through education, assistance, and oversight.

ENVIRONMENT

DEQ STRATEGIC GOAL

Establish clear, implementable criteria that define excellence in environmental quality, including standards for air, water, and soil, and for activities in pollution prevention, clean-ups, emissions reductions, public education and cost effectiveness of controls.

Measures:

- a. Necessary statutes, rules, and guidelines exist.
- b. Regulated customers understand and follow criteria.
- c. The non-regulated customers perceive DEQ programs as fair and protective of health and the environment.

Promote a sustainable relationship between economic development and environmental quality.

Measures:

- a. Stakeholders participate in the development and implementation of environmental policies and programs.
- b. Over time, evaluate environmental data in relation to economic improvements within the region.

Provide leadership in Utah, the western region, and nationally on environmental policy and protection.

Measures:

- a. Evaluate the results of DEQ participation in targeted state, regional and national policy and regulatory discussions. Identify objectives of participation and achievement of objects.

- b. Success of legislative, budget, and policy initiatives identified and supported by DEQ.

DDW STRATEGIC GOAL

To maintain superior drinking water quality and meet the current and future water demand through ensuring adequate facilities, source protection, Safe Drinking Water Act (SDWA) implementation, timely assistance, and incorporate Utah needs into national policy. Our ultimate goal is to have zero Not Approved public water systems. ^{P2 W1 W2}

Measures:

- a. Percentage of community water systems with approved ratings.

STATUS: 96.2 %

- b. Percentage of population served with approved ratings.

STATUS: 99.6 %

- c. Number of completed source protection plans implemented by drinking water systems.

STATUS: 590 public water systems total

- d. Percent of population (87%) and community water systems with ground water or surface water protection programs (96%).

STATUS: 87% of population, 96% community water systems with groundwater or surface water protection programs..

- e. Number of percentage of community water systems (and population served) with one or more violations of health-based requirements during the year, reported separately for violations of the SWTR, TCR, Nitrate, Lead and Copper Rule, and all other regulated contaminants.

STATUS:

	<u># of sys</u>	<u>% of sys</u>	<u>pop.</u>	<u>% of pop</u>
SWTR:	0	0 %	0	0 %
TCR:	61	13.5 %	214,284	5.7 %
Lead/Copper:	8	1.8 %	1,690	0.05 %
Phase II/V:	13	2.9 %	125,189	3.4 %

- f. Percent of community and non-transient, non-community water systems (and population served with lead levels in drinking water exceeding the action level in the Lead and Copper regulation.

STATUS:

	<u># of sys</u>	<u>% of sys</u>	<u>pop.</u>	<u>% of pop</u>
Lead action level:	5	1.1 %	730	0.02 %

- g. Number of unfiltered systems not in compliance with SWTR requirements and population served.

STATUS: *2 (Monroe – 1,500 pop. and Garden City – 266 pop.) Monroe is constructing treatment plant. Garden City is under agreement for further study of source.*

DDW Annual Goals

1. Complete, maintain and enhance the TRITON database.

STATUS: *Accomplishments: The Triton database project was terminated in November 2003. In December 2003 the Division decided to implement SDWIS-State. Estimated operational date is scheduled for June 2005.*

2. Determine the impacts of secondary irrigation systems on public drinking water systems and Utah’s residents and develop guidance to mitigate any adverse impacts discovered by the investigation. ^{CPM E1}

STATUS: *Accomplishments: This was worked on and we have an active and successful cross-connection control program.*

3. Create an external ad hoc Board committee to investigate: DDW’s best approach (including rules/construction standards) to address increased concerns about water system security and how best to participate/coordinate with security efforts outside of DDW.

STATUS: *Accomplishments: Kim Dyches advised Mike Georgeson in April 2003 of the scheduled training. Staff and Drinking Water Board members held conference calls and meetings. Systems that were required to implement security measures did. The Division has an on-going training effort and is working with smaller water systems to help them also implement security measures on their systems.*

4. Overhaul the Operating Permit process, as necessary, so that it more nearly fulfills its original concept.

STATUS: *Accomplishments: Mike stated on performance appraisals of his staff in June 2004 that they had accomplished this. (James was involved with this.) The next step is to find out which systems are operating without OPs, set up a data base, contact them, and assess IPS points if they are not willing to comply with the requirements of the plan approval/operating permit process.*

5. Form a Sanitary Survey QAT to evaluate and make recommendations to management on issues relating to Sanitary Surveys, including, but not limited to: a) manager tracking of staff performance, b) survey data capture and interface with the Triton based IPS system, c) necessary assignments to complete the required number of surveys, d) digital helps to facilitate staff work, e) sanitary survey kits, f) survey training, and g) period of performance of surveys.

STATUS: *Accomplishments: The QAT was formed. The QAT presented recommendations to management and were further tasked to implement selected recommendations. The implementation phase is in progress. The implementation phase is in progress. Implementation to take place in 2005.*

6. Communicate effectively with water treatment plant staff

STATUS: *Accomplishments: A one-page white paper defines the interaction, frequency, content, and expected results. Improve knowledge and skills. We arranged training through the Drinking Water Academy. Cadmus provided training on Comprehensive Performance Evaluations (CPE). The classroom portion was attended by seventeen State staff and six water system representatives. Eleven State staff and one water system employee traveled to Green River Water Treatment Plant for the field hands-on training. Staff attended EPA, ASDWA, and AWWA webcast and satellite training on rules. The Water Treatment Team has copies of all Rules and Guidance Manuals. Staff have completed Water Treatment Plant Inspections, Sanitary Surveys, and construction visits as assigned.*

CUSTOMER SERVICE

DEQ STRATEGIC GOAL

Operate as a customer-oriented agency by focusing on customer service, trust and problem-solving through teamwork and partnership.

Measures:

- a. Make timely decisions.
- b. Improve coordination with internal and external customers.
- c. Provide effective communication, timely information and clear direction to customers.
- d. Encourage public involvement and informed decision-making.
- e. Involve customers in the rulemaking process.

- f. Work in partnership to solve problems.

DDW STRATEGIC GOAL

Maintain an atmosphere of trust between the Division and the Division=s customers through timely, accurate and courteous exchanges of information.

Measures:

- a. Customer feedback to Department and Division.
- b. Meet established review or response periods.

DDW Annual Goals

- 7. Provide Opportunity for Customer Feedback.

STATUS: *Accomplishments: Customer survey was sent out to 50 customers (representing EPA, RWAU, local health departments, large, medium, and small water systems. Results indicated very good support for the existing program with excellent suggestions for ways to improve service.*

STATE BASED REGULATION OF ENVIRONMENTAL PROGRAMS

DEQ STRATEGIC GOAL

Administer programs and priorities to reflect the unique conditions of Utah. Programs will be administered at the state or local level, wherever appropriate. Actively influence non-delegated federal programs to reflect Utah needs.

- a. Primacy is achieved and maintained in those environmental program areas in which it is determined to be in the best interest of the state to receive federal primacy.
- b. Utah Issues and DEQ concerns are reflected in state, regional and national environmental policies.

DDW STRATEGIC GOAL

Administer programs and priorities to reflect the unique conditions of Utah. Programs will be administered at the state or local level, whenever appropriate. Actively influence non-delegated federal programs to reflect Utah needs.

DDW Annual Goals

- 8. Upgrade the IPS rule to incorporate missing issues, including but not limited to: UDI, engineering elements, CCR's and the SWTR and DBP suite of rules.

STATUS: *The identification phase is in progress. The rule revisions are not yet available for Board consideration. A package should be available around March 2005.*

9. Update Engineering rules as needed.

STATUS: *Rule changes were made as listed. A task force has been established within the Engineering Section and with the Utah Water Quality Alliance members to draft recommended changes in Rule, policy, procedures, reporting requirements, and so forth for UV disinfection. This has been very successful to date and will continue. Standards nation-wide are out-of-date, but a few states are involved in similar efforts to catch up with technology and make revisions.*

10. Develop a tracking mechanism and improve the follow-up of assignments given at the quarterly CAP meetings.

STATUS: *Completed. A tracking system was in place prior to the August 12th meeting.*

PARTNERSHIP WITH ALL GOVERNMENT AGENCIES

DEQ STRATEGIC GOAL

Administer programs and priorities to reflect the unique conditions of Utah. Programs will be administered at the state or local level, wherever appropriate. Actively influence non-delegated federal programs to reflect Utah needs.

Measures:

- a. Primacy is achieved and maintained in those environmental program areas in which it is determined to be in the best interest of the state to receive federal primacy.
- b. Utah Issues and DEQ concerns are reflected in state, regional and national environmental policies.

DDW STRATEGIC GOAL

Administer program and priorities to reflect the unique conditions of Utah. Programs will be administered at the state or local, whenever appropriate. Actively influence non-delegated federal programs to reflect Utah needs.

DDW Annual Goals

11. Develop, in cooperation with EPA, a Performance Partnership Agreement for the federal fiscal year commencing October 1, 2003.

STATUS: *Completed.*

12. The Division of Drinking Water will work with the State Health Laboratory to: a) improve upon the completeness and timeliness of reporting: IOC, VOC, Pesticide and Radionuclide data, b) encourage the Bureau of Laboratory Improvement to incorporate a rule requiring certified bacteriologic laboratories to automatically forward data to DDW and the appropriate local health department and c) encourage where ever possible the electronic reporting of data by all certified laboratories.

STATUS: *Efforts were made, but the DOH laboratory was unwilling to change.*

Employees

DEQ STRATEGIC GOAL

The success of the employees determines the success of DEQ. We will maintain a climate and structure in which employees can function to their fullest potential and accomplish the strategic goals of DEQ.

Measures:

- a. Employee participation in achieving strategic and annual goals is essential.
- b. Teamwork and problem solving in essential.
- c. Employees are recognized for their quality work.
- c. Provide opportunities for training and professional development.
- e. Employee's feedback.
- f. Individual performance standards reflect annual goals and performance reviews are based on those performance standards.
- g. Employee's statements and actions reflect strategic and annual goals and DEQ policies and procedures.
- h. Employee recognition programs are in place, utilized and meet employee and management needs.

DDW STRATEGIC GOAL

The success of the employees determines the success of the DEQ. We will maintain a climate and structure in which employees can function to their fullest potential and accomplish the strategic goals of DEQ.

Measures:

- a. Employee's assessment of job assignments.
- b. Employee's assessment of program direction.
- c. Implement and maintain successful Quality Recognition Program.

DDW Annual Goals

13. Investigate electronic document management systems.

STATUS: *Completed. The QAT provided recommendations and cost estimates for implementation. The Department decided to investigate on a department wide basis and that study is ongoing.*

14. Perform File Archive.

STATUS: *Completed.*

15. Provide Technical Training Opportunities and Raise Awareness to Upper Management.

STATUS: *Completed. Out of state training funds were increased 25%. Staff obtained approximately \$12,000 in reimbursable training costs from other organizations.*

Enhance Policy Maker's Understanding

DEQ STRATEGIC GOAL

Facilitate Board members as proactive participants in shaping environmental policy.

Measures:

- a. Board members receive necessary information.
- b. Members participate in policy development and implementation.

DDW Annual Goals

16. Complete a Division Annual Report.

STATUS: *Not accomplished. Too many other priorities.*

17. Working with the other state agencies requiring water conservation and management plans establish a list of drinking water systems that have adopted a water management and conservation plan, update it as necessary and prepare an outline of the issues that should be included in such a plan.

STATUS: *This goal has been accomplished. The Division met with and otherwise conferred with the DWR and other agencies. The Division's old format has been updated to be the same as those of DWR and when received, community WCMP are being forwarded to DWR for review and approval. DWR has sent the Division hard copies of its list of communities that have submitted plans, but they have made it accessible on its website.*

18. Meet With New Deputy Director and Discuss Division Priorities.

Accomplishments: Completed.

19. Enhance information presentation to the Drinking Water Board.

STATUS: Completed.

Division of Drinking Water - FY 04 Core Activities		
Category	Activity	Responsibility
Philosophy, Culture	Customer service oriented	All
	Implementation of DEQ Operating principles	All
	Actively seek feedback from our customers	All
	Maintain good communication and partnerships with all of DDW's customers	All
	Effective inter-section communication	All
Staff	Ensure staff are technically trained to accomplish mission	All
	Reward and recognize employees for excellent work	All
	Serve on national and state committees	All
	Employee job ownership/employee empowerment	All
	Secretaries forward calls to the proper staff member or agency	All
IT, Gov e-business	Internet homepage maintenance	All
	SDWIS data reporting	Compliance
	DMAC database	Compliance
	Automate water treatment plant report transmission	Engineering
	DAD development and maintenance	Engineering
	Implement geographic information system (GIS) applications	Special Services
	Triton database development and maintainance	Special Services

	IT steering committee	Special Services
Assistance Training	Staff assistance to Drinking Water Board	All
	Technical assistance to water operators	All
	General partnering (targeted training, cooperative followup, planning)	All
	Educate locally elected officials and their staff	All
	Water quality problems, technical assistance	All
	Perform feasibility studies	Engineering
	Support for Permanent Community Impact Board	Engineering
	Technical assistance to water treatment plants	Special Services
	Support local water quality alliances (also assigned to Special Services)	Engineering
	State water plan coordination	Engineering
Division of Drinking Water - FY 04 Core Activities		
Category	Activity	Responsibility
	Training on capacity development and it's issues to consultants, district engineers, others	Engineering
	Ensure Drinking Water Board members have sufficient training to make policy decisions	All
Field Work	Sanitary survey scheduling, performance, training and data entry	Compliance
	Water treatment plant inspections	Engineering
	Construction inspections	Engineering
	Develop and obtain additional useful spatial data	All
	Special studies on water treatment techniques	Special Services / Engineering
Regulatory	Write, implement and revise rules as needed	All
	New Source operating permits	All
	Enforcement (AOs, BCAs, AG Referrals, Administrative Hearings, Administrative Penalties, etc.)	All
	Properly follow-up on assignments made at the Division's quarterly CAP meetings	All
	Unified Enforcement Oversight System	All
	EPA annual compliance reporting	Compliance
	Improvement Priority System	Compliance

	Utah will implement appropriate prevention and enforcement actions on SNC and Not-approved systems	Compliance
	Public Notice	Compliance
	Consumer Confidence Reports	Compliance
	Report every three years on assistance to significant non-compliers from capacity development program	Engineering
	Quarterly SNC list annotated and back to EPA within 30 days	Compliance
	Copy EPA with enforcement action	All
	Monitoring and MCL Compliance tracking and reporting	Compliance
	Plan reviews / Operating Permits	Engineering
	Grout Witnesses	Engineering
	Surface Water Treatment Rule tracking and reporting (also GWUDISW)	Engineering / Compliance
	Source protection program	Special Services
	Capacity review for new systems	Engineering
	Assure that sampling and reporting is being done in a professional, timely and truthful manner.	Compliance

Division of Drinking Water - FY 04 Core Activities

Category	Activity	Responsibility
	When EPA proposes a rule, we will study the impact, prepare appropriate comments, and encourage the affected PWSs to comment. Finalize each rule by developing an appropriate State Rule, and implement.	All
Certification	Backflow Technician Certification	Compliance
	Operator Certification	Compliance
Financial Assistance	Financial assistance programs	Engineering
	Capacity assessments for financial aid	Engineering
	Annual rates and needs survey	Engineering
	Consider obtaining needed information from TNC and NTNC systems in cooperation with Water Rights.	Engineering
Misc	Emergency Response / System Security	Compliance
	Laboratory Coordination	Compliance
	Annual report	Engineering
	Support services (Purchasing, contracting, grants, travel, budget preparation) budget/expenditure tracking, and financial reporting)	Special Services / Engineering

	Support Board investigations on: Conservation; secondary systems; system security; master planning requirements; State SRF to mutual systems; 1/16 % sales tax issue.	Engineering
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