

PERFORMANCE PARTNERSHIP AGREEMENT (PPA) FY 05
Between
THE UTAH DIVISION OF DRINKING WATER (STATE)
And
REGION 8 U.S. ENVIRONMENTAL PROTECTION AGENCY

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. EPA will assist the State in obtaining electronic submission of data from EPA/State certified laboratories in form and format specified by the state.

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 and as resources are available, 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 2004 by May 2005. The State will commit to quarterly chemical reporting (Feb, May, Aug and Nov) in calendar year 2006 with the condition that SDWIS-FED accepts total replacement of violations. If SDWIS-FED does not accept total replacement of violations, the State will continue in its current business practice.

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.

For systems identified on the SNC lists, the State will look at all the violations and submit SDWIS “all appropriate formal enforcement and return to compliance actions” information where applicable.

Implementing New EPA Rules

State will ensure new regulatory violations are tracked and reported to SDWIS the quarter after occurrence. When final guidance is issued, The State will start working on implementing reporting requirements. EPA Region 8 commits to provide the State the SDWIS reporting mechanism as soon as it's available from EPA HQ, prior to any new regulatory implementation date, if possible.

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.

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.

TCR/SWTR

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.

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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.

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.

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, 2004.

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 commits to revise, incorporate EPA input into, finalize and implement the State's enforcement escalation policy by May 1, 2005. This would include updating the State IPS to include SWTR, including GUI failure to filter, violations.

The State shall report on the status of lead response actions taken by community and non-transient non-community water system whose 90th percentile tap samples have exceeded the lead action level. This report shall be provided to EPA by October 31, 2004 and again on May 1, 2005.

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 in FY 2005. 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 in FY 2005.

The State commits to conducting sanitary surveys every 3 years (or 33.3%) for community surface water systems and every 5 years (or 20%) for non-community surface water and ground 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.

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.
- b. Percentage of population served with approved ratings.
- c. Number of completed source protection plans implemented by drinking water systems.
- d. Percent of population and community water systems with ground water or surface water protection programs.
- e. Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking-water standards through effective treatment and source water protection
- f. Percent of the population served by community water systems that receives drinking water that meets health-based standards for those requirements with which systems need to comply:

As of December 2001: **2005 Target:** 90% **2008 Target:** 95%

As of January 2002 or later: **2005 Target:** 70% **2008 Target:** 80%
- g. Percent of community water systems that provide drinking water that meets health-based standards for those requirements with which systems need to comply:

As of December 2001: **2005 Target:** 95% **2008 Target:** 95%

As of January 2002 or later: **2005 Target:** 70% **2008 Target:** 80%
- h. Percent of source water areas (both surface and ground water) for community water systems that will achieve minimized risk to public health. **2005 Target:** 40% **2008 Target:** 50%

DDW Annual Goals

1. Complete, maintain and enhance the SDWIS database.

Measures

- a. Deploy SDWIS state to all DDW desktops, District Engineers, and Local Health Departments by January 31, 2005.
 - b. Retire DMAC by June 30, 2005.
 - c. Have SDWIS online (map version similar to Oklahoma's) running by June 30, 2005.
2. Educate Division of Water Resources of the public health implication concerning secondary irrigation systems and culinary water systems. Allow for DDW cursory review of secondary irrigation project plans and specs and to work with secondary irrigation companies to ensure cross connections are removed and eliminated. Also, try to find a feasible way of informing private well owners in rural areas that are also connected to a culinary water system of the dangers of improper cross connections. ^{CPME1}

Measures

- a. Have Drinking Water Board Chair and Water Resources Chair set up meeting with associated staff to discuss the issues by August 31, 2004.
 - b. Provide cross connection class at the Water Users Conference in March 2005.
 - c. Work with local water masters to try and educate individual well owners and small PWSs of the cross connection danger.
3. Form two Quality Action Teams to implement improvements with Sanitary Surveys.

Measures

- a. By July 1, 2004, establish a QAT with representation from the Compliance and Engineering Sections to fine-tune the Sanitary Survey PDA questions.
 - b. Complete the list of questions by August 15, 2004.
 - c. By August 31, 2004 establish a QAT to develop training using PDA and "need to know" information.
 - d. Complete training for all tasked with performing surveys by December 31, 2004.
4. Participate in efforts to help educate legislative water task force to help craft sound water policies for the future of Utah. Revise the SRF rules to: require conservation and management plans conforming to HB 71; include the latest sanitary survey recommendations/requirements as part of the project; and implement the security recommendations adopted by the DWB by resolution.

Measures

- a. Prepare proposed revisions to Rules R309-700 & 705 to require water conservation and management plans of all loan recipients conforming to HB 71, 2004 Legislature by September 15, 2004 and include them on the agenda for the October 8, 2004 Board meeting.
 - b. Prepare proposed revisions to Rules R309-700 & 705 requiring that all applicable recommendations of the most recent sanitary survey be included as part of the proposed project by September 15, 2004 and include them on the agenda for the October 8, 2004 Board meeting.
 - c. Prepare proposed revisions to Rules R309-700 & 705 requiring that reasonable security measures be implemented as part of the proposed project by September 15, 2004 and include them on the agenda for the October 8, 2004 Board meeting.
5. Develop and adopt revisions to Utah's UV Disinfection rule, R309-520-14

Measures

- a. Track development of EPA's UV Guidance Manual from the Long Term 2 Enhanced Surface Water Treatment Rule. Compare the UV Guidance Manual with the current Utah Rule and the current 10-State Standards. Target completion date: December 31, 2004.
 - b. Outline specific requirements for a Utah Rule and what requirements can be referenced from the UV Guidance Manual. Target completion date: March 31, 2005.
 - c. Write a new UV Disinfection Rule for Utah, including presentation of the draft rule to the Drinking Water Board, comment period, revision, and final rule promulgation. Target completion date: June 30, 2005.
6. Improve source protection compliance.

Measures

Surface Water Source Protection Plans Not Submitted - As of April 2004, 84 percent of all sources designated as "surface water" are in compliance with the surface water source protection rule (R309-605). Our goal is to reduce the number of public water systems (PWSs) out of compliance by at least half, which would improve the compliance number to 92 % of all surface water sources. Target date: April 30, 2005.

Ground Water Source Protection Plans Not Submitted - As of April 2004, there are 22 sources in use that are owned by 20 PWSs that have not submitted source protection plans. Our goal is to reduce the number of sources out of compliance by 6 (25%). Target date: April 30, 2005.

Disapproved Ground Water Source Protection Plans - As of April 2004, there are 34 sources in use that are owned by 21 PWSs that have disapproved source protection plans. Our goal is to reduce the number of sources out of compliance by 9 (25%). Target date: April 30,

2005.

Ground Water PERs Not Upgraded - As of April 2004, there are 38 sources in use that are owned by 36 PWSs that have not upgraded their PERs to source protection plans. Our goal is to reduce the number of sources out of compliance by 19 (50%). Target date: April 30, 2005.

Ground Water PERs Disapproved - As of April 2004, there are 5 sources in use that are owned by 5 PWSs that have disapproved PERs. These sources are unapproved and should not be in use by these systems. Our goal is to reduce the number of sources out of compliance by 3 (60%). Target date: April 30, 2005.

PWSs That Have Not Completed Public Notification - As of April 2004, there are 32 PWSs that have not completed the public notification requirement. Our goal is to reduce the number of PWSs out of compliance by 24 (75%). Target date: April 30, 2005.

Updated Ground Water Source Protection Plans Not Submitted - As of April 2004, there are 25 PWSs that serve populations greater than 3,300 that have not submitted the updated source protection plans for their wells. Our goal is to reduce the number of PWSs out of compliance by 15 (60%). Target date: April 30, 2005

Tasks:

- a. Contact all water systems not yet in compliance with the surface and ground water source protection rules. By: July 30, 2004
 - b. Assist any systems that need help to comply. This may include site or office visits, additional GIS work beyond what has already been done for the PWSs, or phone consultations. By: October 30, 2004
 - c. Evaluate progress toward the above stated goals. Contact any PWSs that are still not in compliance and offer appropriate assistance. By: October 30, 2004
 - d. Revisit each goal, evaluate success, and apply same process to any remaining systems that are not in compliance. By: December 31, 2004
7. Achieve 100% compliance with the operator certification rule for all the Community and Non-transient Non-Community water systems.

Measures

- a. By July 1, 2004, identify the systems that have not complied with the rule.
- b. By July 8, 2004 submit the list to Rural Water along with a request that they follow-up with the systems and encourage them to come into compliance and invite them to operator training classes.

- c. By July 31, 2004 send a letter to the non-complying systems advising them of their non-compliance and advise them of their obligations and opportunities.
- d. Reevaluate the success of our efforts after the September 2004 Rural Water Conference Exam and follow steps a, b & c using the dates of October 1, October 8, and October 31, 2004 respectively.
- e. Reevaluate the success of our efforts after the November 2004 Statewide exam and follow steps a, b & c using the dates of December 1, December 8, and December 31, 2004 respectively.
- f. Reevaluate the success of our efforts after the February 2005 Rural Water Conference Exam and follow steps a, b & c using the dates of March 1, March 8, and March 31, 2005 respectively.
- g. Reevaluate the success of our efforts after the April 2005 Statewide exam and follow steps a, b & c using the dates of May 1, May 8, and May 31, 2004 respectively.

CUSTOMER SERVICE

DEQ STRATEGIC GOAL

Both internally and externally operate as a customer-oriented agency by focusing on customer service, building trust and problem solving through cooperative efforts.

- Recognize that customers include the regulated community, stakeholders, co-workers and all interested parties.
- Make timely decisions.
- Improve coordination with internal and external customers.
- Provide effective communication, timely and accurate information, and clear direction to customers.
- Encourage public involvement and informed decision making.
- Involve customers in the rule making process.
- Work with customers to solve problems.

Measures

- a. Decisions and services provided within mutually agreed upon time frames which best meet customers' needs, and provides appropriate environmental protection.

- b. Customer service feedback.
- c. Customer input and feedback during informal and formal stages of rule making.

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

None. See core activities.

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. Update the Improvement Priority System Rule and develop a tracking system for enforcement that can be incorporated into the CAP meeting process.

Measures

- a. By July 1, 2004 establish a QAT with representation from the Compliance and Engineering Sections to identify issues such as: UDI, CCR, SWTR, DBP and engineering construction standards that are not currently covered in the IPS rule. Then proceed to develop relative point values and appropriate rule language for each issue identified.
 - b. Prepare proposed changes to the IPS rule by September 30, 2004.
 - c. Have the proposed changes reviewed by a select group of water utility representatives by October 31, 2004.
 - d. Proceed with rule making and public comment period as directed by the Drinking Water Board at its November or December 2004 meeting.
 - e. Introduce a tracking system at the August 2004 CAP meeting.
 - f. Implement the tracking system with the November 2004 CAP meeting.
9. Develop public service announcements regarding cross connection control and backflow prevention.

Measures

- a. Define the message that needs to be conveyed to the public by July 31, 2004.
- b. Investigate the delivery methods for getting the message out and obtain costs associated with each discovered method by December 31, 2004.
- c. Present findings to the management team by December 31, 2004.
- d. If authorized, proceed with production and distribution of public service announcement materials by June 30, 2005.

PARTNERSHIP WITH FEDERAL, STATE, LOCAL AND TRIBAL GOVERNMENTS

DEQ STRATEGIC GOAL

Improve the effectiveness and efficiency of statewide delivery of environmental services by strengthening relationships with all levels of government.

- Work with federal, state, local (including local health departments), and Tribal governments and provide information to plan for and manage the environmental impacts of growth.

- The Environmental Services Delivery Plan (ESDP) delineates roles and responsibilities, joint goals and objectives, and establishes accountability between DEQ and local health departments and local governments.
- The Performance Partnership Agreement (PPA) delineates roles and responsibilities, joint goals and objectives, and establishes accountability between DEQ and EPA.
- Focus on teamwork and partnership in identifying and resolving problems.

Measures:

- a. Key problems identified by government partners are addressed and solutions developed and implemented.
- b. Effectiveness of the Environmental Service Delivery Plan in developing a state/local partnership, coordinating delivery of services, and obtaining adequate resources.
- c. Effectiveness of the Performance Partnership Agreement in developing a state/federal partnership, coordinating delivery of services and obtaining adequate resources.

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

10. Meet with LHDs during the year.

Measures

- a. Meet with at least four LHDs, one on one setting, during the year.
- b. Attend at least two CLEHA meetings during the year.
- c. Attend at least two LHO meetings during the year.

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
	Effective inter-divisional 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	Compliance
	DAD development and maintenance	Engineering
	Implement geographic information system (GIS) applications	Special Services
	SDWIS database development and maintenance	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 follow-up, 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	All
	Support local water quality alliances (also assigned to Special Services)	Engineering
	State water plan coordination	Engineering
	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 Special studies on water treatment techniques	All Special Services / Engineering
Regulatory	Write, implement and revise rules as needed New Source operating permits Enforcement (AOs, BCAs, AG Referrals, Administrative Hearings, Administrative Penalties, etc.)	All All All
	Properly follow-up on assignments made at the Division's quarterly CAP meetings Unified Enforcement Oversight System EPA annual compliance reporting Improvement Priority System Utah will implement appropriate prevention and enforcement actions on SNC and Not-approved systems Public Notice Consumer Confidence Reports Report every three years on assistance to significant non-compliers from capacity development program Quarterly SNC list annotated and back to EPA within 30 days Copy EPA with enforcement action Monitoring and MCL Compliance tracking and reporting Plan reviews / Operating Permits Grout Witnesses Surface Water Treatment Rule tracking and reporting (also GWUDISW) Source protection program Capacity review for new systems Assure that sampling and reporting is being done in a professional, timely and truthful manner. 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 All Compliance Compliance Compliance Compliance Engineering Engineering Engineering / Compliance Special Services Engineering Compliance All
Certification	Backflow Technician Certification Operator Certification	Compliance Compliance
Financial Assistance	Financial assistance programs Capacity assessments for financial aid Annual rates and needs survey	Engineering Engineering Engineering
Misc	Emergency Response / System Security Laboratory Coordination Annual report	Compliance Compliance 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