UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Victor R. Wilford, P.E., Director
Environmental Engineering Division
West Virginia Department of Health and
Human Resources
815 Quarrier Street, Suite 418
Charleston, WV 25301-2616

Dear Mr. Wilford:

Enclosed is the Environmental Protection Agency (EPA) FY 2003 End-of -year Grant Evaluation of the Public Water System Supervision (PWSS) Program and activities supported by the funds set aside from the Drinking Water State Revolving Fund (DWSRF) for the West Virginia Department of Health and Human Resources (WVDHHR). This report consists of an Executive Summary and printouts of the workplan activities for the PWSS Program and DWSRF program, including the current status of each grant activity. It is based upon review of progress reports from the drinking water program.

Strengths and significant improvements within WVDHHR's PWSS program have been highlighted. These areas include increased staffing, Ground Water Under the Direct Influence (GUDI) determinations, adoption of new and revised drinking water regulations, implementation of the Capacity Development Program and bringing significant non-compliance (SNC) systems back into compliance. However, EPA encourages WVDHHR to continue working with the remaining water systems that have neglected to sample for lead and copper during the required 3-
year monitoring period and to complete all source water assessments as soon as possible. Furthermore, EPA awaits the West Virginia legislative adoption of the revised Arsenic Rule in order to proceed with its primacy approval action, and encourages WVDHHR to stay on schedule with its commitment to have all district office staff trained on the use of SDWIS 8.0 version.

WVDHHR's carryover funds from the 2003 PWSS Grant was minimal in comparison to the carryover funds from FY 2002 which reflects appropriate budget planning and efficient use of funds. Gradual draw-downs of SRF set-aside funds also reflect appropriate spending and has improved over the grant periods due to WVDHHR's ability to maintain staffing level. Being at full staff has permitted more workplan activities to be accomplished.

Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474

Please review the enclosed reports. If you have any questions, please do not hesitate to call me at (215) 814-5711 or have your staff contact Donna Weiss at (215) 814-2198.

Sincerely,

Richard A. Rogers, Chief
Drinking Water Branch

Enclosures

cc: Barbara Taylor

REVIEW OF PUBLIC WATER SYSTEM SUPERVISION (PWSS) PROGRAM AND ACTIVITIES SUPPORTED BY THE FUNDS SET ASIDE FROM THE DRINKING WATER STATE REVOLVING FUND (DWSRF)

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES

EXECUTIVE SUMMARY

INTRODUCTION:

This End-of-year Report provides the status of the performance of the Grantee Agency in meeting the program activities for FY'03 (October 1, 2002 - September 30, 2003). The report is presented in two parts. The Executive Summary provides brief discussions of the Grantee Agency's strengths and those areas where EPA has concerns. The detailed enclosures provide the end-of-year status on each activity for the PWSS and DWSRF programs. The Grantee agency is invited to submit an addendum to this Report if it deems that such an addendum is necessary to clarify or counter EPA's findings.

PURPOSE OF THIS REPORT:

To provide the end-of-year status of the PWSS and DWSRF grant activities for FY 2003.
To highlight the Grantee Agency's strengths from EPA's perspective.
To indicate areas of concern regarding the Grantee Agency's performance.

STRENGTHS & AREAS OF CONCERN:

Strengths: Under the 1999 Corrective Action Plan, West Virginia Department of Health and Human Resources (WVDHHR) continues to make progress in rectifying deficiencies and improving staffing levels. In fact, WVDHHR is now fully staffed with the essential personnel to run its program. They attribute this to their ability to establish competitive salaries which has been a major obstacle in the past. They have recently added two (2) positions in support of their Capacity Development Program and are currently interviewing for an engineering position in the Philippi District Office. Their tireless efforts to completing Ground Water Under the Direct Influence (GUDI) determinations continue. Systems that were hard to identify as inactive to be removed from inventory, have now been identified and removed from inventory which has increased the percentage of community water systems completed.

WVDHHR is to be commended for staying on top of adopting new regulations. They are the first state in Region III to receive primacy for the Radionuclide Rule and to submit a complete primacy application for the Long-Term 1 (LT1) Enhanced Surface Water Treatment Rule. They now have primacy for the Interim Enhanced Surface Water Treatment Rule (IESWTR), Consumer Confidence Report (CCR) and Stage 1 Disinfectant/Disinfection Byproducts (D/DBP) Rules, Lead and Copper Rule Minor Revision and the Filter Backwash Recycling Rule. They also have interim primacy for the Arsenic Rule.

WVDHHR is successfully implementing its Capacity Development Authority Program. Their success in consolidating non-viable systems is commendable. Consolidation of 5 separate water systems in Eastern Wyoming County is expected to begin the Spring of 2004 where construction will start on a regional water treatment plant, new water storage tanks and a distribution system. The number of active systems on record has decreased approximately 10% over the past 2 years due to consolidation. They continue to work with McDowell and Wyoming Counties encouraging consolidation while maintaining physically separate non-viable water systems. WVDHHR has also had success with significant non-compliance (SNC) systems. In 2003, the number of SNC systems dropped 35% from the year 2000. More than half of the SNC systems in 2003 have returned to compliance and the remainder are under enforcement actions. WVDHHR has made those systems top priority for assistance.

Areas of Concern: Although WVDHHR contends that less than 1.5 % of their water systems neglected to sample for lead and copper during the required 3-yr monitoring period, EPA strongly encourages WVDHHR to continue working with these systems to bring them back into compliance.

Since the last evaluation report, WVDHHR has excelled in their effort to complete their source water assessments. They are close to 100% completion for all community systems and 90+ % for completion of all non-community systems. However, they did not meet the May 1, 2003 deadline for completing all of the source water assessments. EPA encourages the state to complete all source water assessments as soon as possible.

Action Items: WVDHHR has interim primacy for the revised Arsenic Rule but will not have the authority to enforce the revised MCL of 0.010 mg/l until their state legislature adopts the revision which is expected to happen by July 2004. At such time, EPA will proceed with their review for primacy approval.

EPA encourages WVDHHR to stay on schedule with their commitment to have <u>all</u> district office staff trained on using SDWIS 8.0 version by mid-year '04 and to ensure technical support is available to district offices when needed. This is necessary in order to have conformity in the method and process by which data is tracked and reported among the district offices for existing and new regulations. EPA is available to assist WVDHHR in training staff.

EPA also requests that the state continue to report on its GUDI status and staffing levels. GUDI reporting should include a breakdown of types of systems as well as indicating the stage in the process each system has reached. Although fully staffed now, EPA requests that WVDHHR continue to submit a current organization chart for this fiscal year to show stability of staffing levels. Any vacancies should be associated with one of the three funding sources (PWSS, SRF or State) and include a status on filling each vacancy.

CONCLUSION

This End-of-year report summarizes the performance of the WVDHHR in meeting the grant activities for the October 1, 2002 - September 30, 2003 period. Except for the above-mentioned areas of concern, the state has been meeting its grant requirements for the current fiscal year and is continuing to fulfill its responsibilities under the PWSS and DWSRF programs. The feedback provided by the state in its progress reports has been very useful to EPA for gaining a better understanding of the program status on each activity.