

Illinois

**ANNUAL REPORT ON THE
EFFICACY OF
CAPACITY DEVELOPMENT
September 30, 2006**

**Illinois Environmental Protection Agency
Division of Public Water Supplies
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This report is intended to meet the Capacity Development Program reporting requirements under the Safe Drinking Water Act Amendments of 1996 (PL 104-182, August 6, 1996, Title XIV, Section 1420).

As described in the Illinois Annual Report of the Efficacy of Capacity Development, September 30, 2005 (available at: <http://www.epa.state.il.us/water/field-ops/drinking-water/capacity-development/index.html>), Illinois' program has been implemented in two parts.

1. First, all new public water supplies that became active after October 1, 1999, were required to complete a capacity development demonstration. Illinois adopted regulations to implement this requirement. Failure to meet this deadline would have resulted in a loss of up to 20% of the State Revolving Loan Fund monies allocated to Illinois each year.
2. Second, Illinois was required to develop a Capacity Development Strategy by September 30, 2000. The purpose of this Strategy is to structure a work plan that Illinois will implement to ensure that existing public water supplies have the capacity to achieve compliance, and continue to operate in compliance with all existing and future drinking water program standards and requirements. Failure to meet this deadline would have resulted in a loss of up to 20% of the State Revolving Loan Fund monies allocated to Illinois each year. The Illinois Capacity Development Strategy was approved by USEPA on September 27, 2000.

Furthermore, as required, in 2005 a triennial report to the Governor of the Illinois was prepared and made available to the public (at <http://www.epa.state.il.us/water/field-ops/drinking-water/capacity-development/index.html>). The Illinois Environmental Protection Agency (EPA) and Department of Public Health (DPH) continue to support the capacity development program and are convinced that maintaining overall public water system capacity is essential in operating a safe public water supply. Implementation of substantial technical assistance is requisite to accomplishing capacity development in public water supplies that are in distress. This is a high priority of both Illinois EPA and DPH. Many of the original premises presented in the Illinois Capacity Development Strategy are proving to be accurate. That is, the resource demands of true capacity assistance are significant. However, Illinois continues to believe that capacity development is an integral element of the working relationship between regulatory staff and public water supply officials. As such, capacity demonstration elements will continue to be integrated into the routine activities of both Agencies in order to ensure that progress is made.

Public water supplies experiencing significant non-compliance problems were first targeted for capacity development assistance, and are identified in the Illinois Strategy as Tier 1 supplies. Those undergoing formal enforcement are given an opportunity to possibly extend the final compliance date when agreement is reached for the supply to complete a capacity demonstration. This process provides an opportunity for the supply to determine complete overall compliance needs, rather than address only the specific current violations, and to develop a plan that will work toward achieving and maintaining compliance in all areas. Furthermore, water supplies with recurring problems or violations are a second priority (Tier 2) for capacity demonstration. These water supplies are encouraged to complete a capacity demonstration in order to remain in compliance, or to eliminate sporadic non-compliance episodes. The final priority (Tier 3) for capacity program implementation is water supplies that are in compliance at this time. It is

important that new and existing officials and operators are cognizant of the technical, managerial and financial efforts needed for a water supply to remain in compliance. Education and assistance efforts require considerable time on the part of field and headquarters staff, but have been incorporated as much as possible into routine activities to achieve continued compliance through education and cooperation of water supply officials and operators. When statewide or regional educational needs are identified, Illinois EPA works with one or more professional associations to ensure that necessary topics are covered, and that training is provided to as many water supply operators or officials as possible. This targeted effort assists water suppliers in maintaining compliance and increasing capacity. Additionally, Illinois EPA's role in providing technical assistance whenever possible and helping water suppliers locate and coordinate with other organizations and agencies when specific financial or managerial skills are needed is a key to the success of capacity development. These assistance and coordination efforts maximize existing resources while developing new tools within the Agency only when truly necessary.

The Illinois DPH, by interagency agreement with the Illinois EPA, has regulatory authority over the Non-Community Public Water Systems (NCPWS) in Illinois. Pursuant to this agreement, capacity development as it relates to Non-Transient Non-Community Public Water Systems (NTNCPWS) is the responsibility of the Department. The NCPWS Program is unique in that these systems are not in the business of producing water for resale; therefore, the treatment and monitoring of the water system has not traditionally been a routine function of the management. The water supply at these facilities is used for drinking, sanitation, and in some cases, manufacturing processes. Demonstrating capacity for these types of non-community water systems is, for the most part, a small part of the overall management, budget and operating plan for a specific public water supply. Illinois DPH uses existing field survey and visit opportunities to identify NCPWSs which need or may benefit from capacity development assistance, but approaches the water supply compliance issues from a somewhat unique perspective of a side benefit activity rather than a primary activity, and must work within the framework of the entire operation to best assist the supply in developing capacity. Central office staff coordinates the dissemination of information and education of NCPWS personnel for all new or amended regulations and requirements. When capacity assistance is needed on-site, central office staff accompanies field staff or local health department staff to provide training or technical assistance.

In summary, the following documentation provides the reporting criteria for the annual State Capacity Development Program Implementation Report as required by U.S. EPA through guidance from Cynthia Dougherty in her June 1, 2005 Memorandum. The Illinois EPA and DPH anticipate this information fulfills the annual reporting requirements for Illinois' approved strategy. **The reporting period for the data provided in this summary includes information culminating with FFY 2006, as queried from data systems on December 20, 2006.**

New Systems Program Annual Reporting Criteria

- There have been no modifications to Illinois’ legal authority to implement New System Programs. (see *ILLINOIS ANNUAL REPORT ON THE EFFICACY OFCAPACITY DEVELOPMENT, September 30, 2005* at: <http://www.epa.state.il.us/water/field-ops/drinking-water/capacity-development/index.html>)^{*}
- There have not been any modifications to Illinois’ control points. (see *ILLINOIS ANNUAL REPORT ON THE EFFICACY OFCAPACITY DEVELOPMENT, September 30, 2005*)[†]
- The following data summarizes the Annual new system data for the Capacity Development Program.[‡]

Annual Report on New Systems Capacity Development Program October 1, 2005 – September 30, 2006	
Method(s) used to evaluate and verify program implementation	Construction and Operating Permits
Number of proposed new CWSs	2
Number of proposed new NTNCWSs	4
Number of approved new CWSs	8
Number of approved new NTNCWSs	1
Number of new CWSs (commenced operation after October 1, 1999)	57

^{*} U.S. EPA believes this information will help identify whether States have maintained the necessary authority to implement the new systems program.

[†] Each State's New Systems Program identified a set of Control Points, which is an integrated feature of a State's program. A control point identifies a place where the Primacy Agency (or other unit of government) can exercise its authority to ensure the demonstration of new system capacity. States should provide a discussion or a list that explains the modification(s) of control points for new systems, followed by an explanation of how and why the modification(s) have been identified. The explanation should include how the modification(s) is projected to affect the new systems program.

[‡] U.S. EPA believes that compilation of compliance data is intended to identify whether there are noncompliance patterns during the first three years of a new system's operation.

Number of new CWSs (commenced operation after October 1, 2003)	21 [§]
Number of new CWSs activated since October 1, 2003 considered to in “significant non-compliance”	0
Number of new NTNCWSs (commenced operation after October 1, 1999)	60
Number of new NTNCWSs (commenced operation after January 1, 2004)	24 ^{**}
Number of new NTNCWSs activated since January 1, 2004 considered to in “significant non-compliance”	0
Number of new CWSs that are not in compliance, Reason for non-compliance:	0
Number of new NTNCWs that are not in compliance, <i>(These are mostly Phase II/V and LCR monitoring violations. Owner/Operators are generally new to the Drinking Water Regulations and have difficulty keeping up with the testing schedule and their other job duties. A couple of systems have coliform violations mostly due to bored wells which are susceptible to coliform problems.)</i>	20

Existing System Strategy

- There have been no modifications to Illinois’ existing systems strategy. Both the Illinois EPA and the Illinois DPH utilized existing programs, tools and activities as described in the *ILLINOIS ANNUAL REPORT ON THE EFFICACY OFCAPACITY DEVELOPMENT, September 30, 2005*. In addition, please refer to Attachment 3 that includes a “Response to Inquiries Regarding Illinois’ 2004 Capacity Development Annual Report, March 25, 2005 for further programmatic detail.
- Illinois has continued to identify systems in need of technical, financial and managerial capacity development, as described in the *ILLINOIS ANNUAL REPORT ON THE EFFICACY OFCAPACITY DEVELOPMENT, September 30, 2005* and Attachment 3 to this Report.

[§] U.S. EPA has requested the list provided in Attachment 1 to this Report. This data is based upon information queried from SDWIS-State on December 20, 2006.

^{**} U.S. EPA has requested the list provided in Attachment 2 to this Report. This data is based upon information queried as of December 20, 2006 by Illinois DPH.

- During the reporting period, no statewide PWS capacity concerns or capacity development needs were identified. Over the reporting period, Illinois EPA conducted over 400 Engineering Evaluations (Sanitary Surveys) at community water systems and Illinois DPH conducted in excess of 200 sanitary surveys at NTNCWS. Public water system capacity concerns were evaluated during each of these evaluations. During these evaluations, the Illinois EPA and DPH found that each system had to be handled on an individual basis and no common trends not previously noted were identified.
- During the reporting period, no revisions or modifications to the implementation strategy for existing system strategy were made.

Attachment 1:

Community Public Water Supply Facilities Activated between October 1, 2003 and September 30, 2006				
Facility #	Facility Name	Facility County	Facility Status (A=Active)	Activation Date
IL0375500	NORTHERN ILLINOIS UNIVERSITY-DEKALB	DE KALB	A	11/24/2004
IL0995840	SHERIDAN CRCTL CNTR	LA SALLE	A	10/15/2003
IL1090020	SCIOTA	MCDONOUGH	A	11/1/2003
IL2010030	FOREST VIEW MHP	WINNEBAGO	A	6/1/2005
IL1730020	LINCOLN PRAIRIE WATER COMPANY	SHELBY	A	11/1/2003
IL0310320	POOR CLARES MONASTERY	COOK	A	11/1/2004
IL1170060	SOUTH PALMYRA WATER COMMISSION	MACOUPIN	A	12/19/2003
IL0310370	LINDENTREE TOWNHOMES	COOK	A	12/1/2005
IL0971200	PRAIRIE TRAILS OF LONG GROVE	LAKE	A	2/18/2004
IL0070350	POPLAR GROVE WEST-COUNTRYSIDE	BOONE	A	10/1/2004
IL0975040	AQUA ILLINOIS-HAWTHORN WOODS	LAKE	A	1/1/2005
IL1110130	WOODS CREEK WATER SUPPLY	MCHENRY	A	11/30/2005
IL0975070	AQUA ILLINOIS-RAVENNA	LAKE	A	8/24/2006
IL0890160	PINGREE GROVE	KANE	A	10/6/2005
IL1430080	BUFFALO HOLLOW FARMS WATER ASSOC	PEORIA	A	9/7/2004
IL1030350	SAUK VALLEY STUDENT HOUSING	LEE	A	9/28/2005
IL0315850	STERLING ESTATES MHP	COOK	A	7/1/2005
IL1971150	FOSSIL ROCK RECREATION AREA	WILL	A	12/1/2005
IL0990560	MENDOTA MOBILE HOME COMMUNITY	LA SALLE	A	5/1/2006
IL0311540	LA GRANGE ESTATES MHP	COOK	A	7/6/2006
IL1135130	WILLOW CREEK NORTH MHP	MCLEAN	A	8/23/2006

Attachment 2:
NTNCWSs - New Systems since 1-1-2004

Facility #	Facility Name	Activation Date
IL3147652	Cornerstone Christian Academy	2-24-04
IL3147660	Springhaven Park	3-1-04
IL3147728	American Precision Electronics	3-10-04
IL3147801	All State West Plaza	3-25-04
IL3147900	Barbara Rose Elementary School	6-10-04
IL3148361	Will County Forest Preserve Op & Maint.	10-18-04
IL3148430	Rankin School Dist	9-7-04
IL3148619	North Boone High School 09-27-04	1-4-05
IL3148742	Barrington Methodist Church	3-29-05
IL3149039	Monsanto Agronomy Center	6-6-05
IL3149088	Pepsico Beverage Corp.	6-7-05
IL3149252	Countryside Private School	10-3-05
IL3149427	Motel 55	10-4-05
IL3149443	Wilton Federated Church	10-4-05
IL3149591	Plainfield Township	1-23-06
IL3149807	Flower Garden Toddler Center	2-1-06
IL3149831	Barrington Hills Fire Dept.	2-1-06
IL3149849	Walco Tool and Engineering	2-15-06
IL3150052	Toolamation	4-21-06
IL3150102	Forming America Ltd.	4-25-06
IL3150169	Merichkas	5-11-06
IL3150433	Crest Foods Productio	11-2-06
IL3150441	Crest Foods Warehouse	11-2-06
IL3150548	Monsanto Seeds	11-2-06

Attachment 3:
Response to Inquiries
Regarding Illinois' 2004 Capacity Development Annual Report
March 25, 2005

1. How are the Field Operations Section (FOS) activities coordinated based on the prioritization system as specified in your approved CD Strategy? The CD strategy specifies a three-tier system that will be used to identify and assist systems. How is FOS incorporating this tier system into their work?

The three-tiered capacity prioritization system described in the 2000 Capacity Strategy was linked to the Agency Enforcement Management System (EMS), adopted by all bureaus within Illinois EPA on October 4, 2004. Prior to that date, capacity prioritization also took into account the provisions of Section 31(a) of the Illinois Environmental Protection Act (Act) as required. The EMS is used to define the process by which all programs within IEPA pursue compliance. The general objective of the EMS is to protect the public health and environment of Illinois through enforcement of environmental regulatory requirements in a timely, consistent and fair manner. The EMS includes compliance monitoring and enforcement procedures that must be used by **all** Agency regulatory programs.

The EMS Strategy, based upon Section 31(a) of the Act, requires the Agency to issue a Violation Notice (VN) within 180 days of becoming aware of a violation. All Priority One supplies fall into the VN category. In order to return to compliance, a Compliance Commitment Agreement (CCA) must be executed by the public water supply and the Agency. The Agency monitors compliance with the CCA until compliance is achieved. Failure to meet the conditions of the agreement or renegotiate the agreement based upon changed circumstances results in formal referral to the State Attorney General for enforcement. Information regarding a capacity development demonstration as a part of the compliance achievement process is offered as a step in that process each time a VN is issued. Technical assistance is provided during the compliance process, regardless of whether or not a supplier decides to complete a full capacity demonstration as a part of the CCA. In some cases, the Agency may require a capacity development demonstration as a step in the CCA.

An informal warning letter, called a Noncompliance Advisory (NCA) letter, is used for Priority Two supplies. If a water supply fails to come into compliance when a NCA has been issued, a VN is issued. Information regarding a capacity development demonstration as a part of the compliance achievement process is offered as a step in that process each time a NCA or VN is issued. Technical assistance is provided during the compliance process, regardless of whether or not a supplier decides to complete a full capacity demonstration as a part of the CCA.

Priority Three supplies are all other water supplies that receive routine operational visits or scheduled engineering evaluations (sanitary surveys). All supplies scheduled for routine engineering evaluations receive the capacity screening survey. This survey focuses upon key managerial, financial and technical aspects of water supply operation that might not have been adequately addressed prior to the focus upon capacity demonstration.

2. General tracking and oversight at headquarters was initially conducted using a spreadsheet tracking system. Data collected was not easy to retrieve from this format. In October 2004, emphasis was placed upon the use of the SDWIS Inspection and Site Visit Maintenance Report. All field activities are now tracked using this form. By January 2005, all Regions were informed as to the need to use of the report, and have begun to routinely submit the tracking forms to headquarters, where they are entered into SDWIS. All of the codes contained in the Reason Code Table apply to various routine activities that comprise capacity development. Once data is loaded into SDWIS from all systems, USEPA can use SDWIS to extract any combination of data needed to fulfill its reporting requirements.

3. Illinois feels that the Capacity Strategy is sound, and that the additional elements being added to the basic engineering evaluation process through the Capacity Pre-screening Surveys are improving the Division's ability to assess the capacity of each water supply, and to target technical assistance activities. Illinois remains convinced that capacity development is the basic drinking water oversight program, but has expanded its original range of parameters to be surveyed to accommodate the scope of managerial and financial objectives described in guidance by USEPA. Activities of the Groundwater Section are also being factored into the three priority tiers. Capacity development activities conducted by Groundwater Section personnel will also be tracked in SDWIS. By calendar year 2006, sufficient data should be in place to allow better assessment of capacity development assistance. For example, the identification of a specific type of deficiency within a geographic area will facilitate the identification of locations needing outreach activities. Where a cluster of the same deficiency exists, specific training and technical assistance can be offered in that area of deficiency at a convenient location. Assistance with areas of deficiency that need statewide improvement can be provided to organizations that attract statewide participation for inclusion in technical programs. Isolated elements will continue to be handled by individual field offices, or Illinois Rural Water Association personnel.

At some point, within the next 5 - 10 years, depending upon available staff resources, all base technical, managerial and financial (TMF) elements will be in place in the engineering evaluation itself, and the capacity program for existing systems will be absorbed into the ongoing engineering evaluation process. At that time, existing system capacity development will consist of identification and integration of TMF elements required by new or amended regulations into the engineering evaluation process. The new system capacity program will remain in place as a distinguishable, separate program effort.

Illinois continues to measure the success of the capacity development program through water supply compliance rates and increased participation in continuing education sponsored by various groups throughout the State of Illinois. These improvements are enhanced by the State Revolving Loan Fund (SRF) program that assists some supplies in completing capital development projects needed to accomplish compliance, and through continuing education requirements mandated for certified drinking water operators that result in better operation of water treatment facilities. The length of time that a water supply is out of compliance for reasons other than those that require major capital improvements have also decreased significantly, to not more than one year.

4. The IDPH policy of performing sanitary surveys every two years minimizes the need for a detailed prioritization scheme under the Capacity Development program. Additional prioritization is based on 1) the highest priority, water supplies in non-compliance with the National Primary Drinking Water Regulations, 2) capacity needs the field office identifies during the sanitary survey, and 3) regulatory issues identified by central office.

SDWIS/State was installed at IDPH in November 2004. Loading of site visits into SDWIS is underway to track sanitary surveys and capacity development visits. In addition, compliance tracking will be greatly enhanced, which will improve capacity development efforts.

IDPH also measures the success of the capacity development program through water supply compliance rates. These improvements are also enhanced by continuing education requirements mandated for certified drinking water operators that result in better operation of water treatment facilities. In addition, due to outreach efforts by central office staff, surface water supplies and many ground water supplies are much more aware of their responsibilities under the regulations, which IDPH views as an improvement.