



# STATE OF VERMONT



Success Of Enforcement Mechanisms  
&  
Capacity Development Efforts

to

Improve Capacity

of

Historical Significant Non-Complying Water Systems

Prepared by  
Water Supply Division  
Department of Environmental Conservation

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*Success Of Enforcement Mechanisms & Capacity Development Efforts (continued)*

Section 1420(b)(2) of the 1996 Safe Drinking Water Act requires states to report to the Administrator regarding the success of enforcement and capacity development efforts. The report is due to the Administrator within five years of the enactment of the 1996 amendments. This document is Vermont's report.

In the report, we briefly discuss the status of our enforcement program to reduce significant non-compliance with federal regulations. We also present a limited overview of our Capacity Development Strategy for Existing Public Water Systems. Although our capacity development strategy has been developed in a timely manner, the strategy is too new to have yet realized many of the benefits it is designed to produce.

This report was prepared by Tom Bartholomew, SRF Program Manager and Roger Bergeron, Capacity Development Specialist.

**I. Significant Non-Compliant Systems.**

The report is based on significant non-compliant systems lists developed in 1997 and 2000. There were 19 systems listed on the 1997 list and 20 systems listed on the 2000 list. Five systems were included on both lists. The 34 systems may be grouped as follows.

**A. No Longer a Water System - 12**

These systems either didn't meet the definition of a public water system or took action to change their status.

**B. Enforcement and Financial Aid - 8**

A combination of enforcement or threat of enforcement and financial aid was effective in correcting the deficiencies for these systems. The State financial aid was provided through the Vermont grant program prior to the DWSRF for 7 of these systems.

**C. Short Term Violations - 7**

Technical assistance was provided these water systems with correcting their violations and returning to compliance. A majority of these violations were lead and copper public education or monitoring and reporting violations.

**D. Long Term Compliance Schedule - 3**

Three systems agreed to long term compliance schedules.

**E. Enforcement - 2**

Two systems complied with enforcement efforts.

**F. Other - 2**

One system contested their responsibility as a water system, but is now a consecutive system and has been in compliance since 1995. The other system has determined that it is not feasible for it to comply with regulations. The system is planning to change its operations and will no longer meet the definition of a public water system.

**II. Program Success.**

The data indicates that the combination of technical assistance, enforcement, and financial aid are effective in assisting water system owners return to compliance in most cases. All three are essential for an effective program and to date technical assistance and financial aid resources have been adequate to meet water system needs in Vermont with the exception of financial assistance for some small systems. We have systems that have taken action necessary to not meet the definition of a public water system rather than comply with regulatory compliance. This includes drilling individual wells for each home on the system or breaking the system in two or more parts with different owners in order to avoid regulatory requirements. These actions appear to reduce public health protection for these homeowners rather than meet the Act's intent of increasing the level of public health protection. Some hardship grant program at the Federal level to address this issue for both public and private systems may be appropriate.

**III. Capacity Strategy for Existing Water Systems.**

The Vermont program is in the early implementation stage. Our success will be measured in part by the number of systems that make the EPA lists in the future. We have made significant program changes based on owner, operator and stakeholder recommendations and anticipate some success at reducing significant non-compliance numbers for Vermont.

Our capacity program strategy targets all small systems and is focused on improving and

maintaining capacity to prevent significant non-compliance. Special emphasis on significant non-compliant systems is not a component of the program, however there are a number of program elements available to significant non-compliant systems that may be critical to their success in returning to and maintaining compliance in the future. Significant non-complying systems and potential non-complying systems are notified of these available resources and strongly advised to take advantage of them.

Major elements of our program that may and are expected to have an impact on significant non-compliance include:

**1. Newsletter**

This is a valuable communication tool that provides information and guidance on current and future regulatory requirements, assistance resources, reminders and enforcement actions and penalties.

**2. Small Water System Evaluations**

Professional engineers under contract to the state complete evaluations of small community systems serving populations of fewer than 500 and public water systems serving schools. Evaluation reports include identification of compliance problems, rough cost estimates for correcting compliance problems, and replacement schedules for system components with estimated costs. There is no cost to the system for these evaluations.

**3. Professional Engineer Assistance**

Professional engineers under contract to the state are available to provide assistance to small systems with loan applications, obtaining professional engineering services, reviewing professional engineering work products, completing environmental documentation for construction projects and similar type activities. There is no cost to the water system.

**4. Planning and Final Design Loans**

Loans are available from a planning loan set-aside fund. Up to \$ 25,000 of the loan may be forgiven for public-owned systems serving populations of fewer than 300. Up to \$ 50,000 of loans to systems required to comply with new regulatory requirements such as the Arsenic Rule may be forgiven. Loan forgiveness follows completion of project construction.

**5. Integrated Operator Training - Capacity Development & Enforcement Program**

The State will increase the emphasis on compliance with operation and maintenance (O & M) manuals and long range plan requirements. These are critical elements of capacity for a water system. This increased emphasis will be combined with an on-site / small group operator training program focused on completion of new or updating O & M manuals, long range plans, source protection plans and system capacity assessments with corrective action plans. Completion of the plans, updates, or manual will result in the award of operator certification credits required for license renewal under the operator certification program. Fill in the blank templates will be used. State or technical assistance provider employees will provide the training and support services such as document preparation, completion of system schematics etc... will be available to the water systems at no cost. Operator certification funds and set-aside funds will be used to support this effort.

**6. Technical Assistance**

The capacity program has increased the technical assistance available to small water systems. Currently we are able to meet the demand for all capacity related types of technical assistance. Specialty type technical assistance will also be available to small privately owned water systems with the Public Service Board submittals and legal documentation required for loans from the revolving loan fund.

**7. Capacity Related Guidance Manuals**

Vermont specific type materials have been or will be developed for use by owners, operators and trainers. These include:

- (1) Board Member Owner Manual
- (2) Fill in the blank templates for Long Range Plans, and O & M manuals
- (3) Record Keeping Notebook
- (4) Capacity Assessment Forms
- (5) Cross Connection Control Program Guidance Manual

**8. System Consolidation**

A study to evaluate the opportunities for either physical or operational

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consolidation of small community systems and / or school owned public water systems will be completed. Based on the study results, the program to provide grants for feasibility studies, planning and initial operational costs for consolidation of systems will be implemented using set-aside funds. This program was recently authorized by the State legislature.

**9. Disadvantaged System Loan Program**

The State revolving loan program user rate target is 1.25% of median household income. Municipal systems and non-profit private community systems are eligible for reduced interest rates and longer loan terms when rates will be above the 1.25% level following project completion.