

2020 Annual Capacity Development Program Report

State Fiscal Year 2020
July 1, 2019 to June 30, 2020

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Department of Environmental Protection
Catherine McCabe, Commissioner



Prepared by:

New Jersey Department of Environmental Protection
Division of Water Supply and Geoscience
Mail Code 401-04Q
401 E. State Street, P.O. Box 420
Trenton, NJ 08625-0420
(609) 292-5550
watersupply@dep.nj.gov

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Introduction

The 1996 Amendments to the Federal Safe Drinking Water Act (SDWA) focused on promoting the technical, managerial, and financial (TMF) capacity of public water systems to comply with the National Primary Drinking Water Regulations. These amendments also required states to prepare an annual report documenting the ongoing implementation of the Capacity Development Program to address capacity determinations for new systems and the application of an approved strategy for existing public water systems.

In the 1996 amendments to the SDWA, Congress ensured that each state would establish a Capacity Development Program by tying program requirements outlined in Section 1420(a) and (c) to the Drinking Water State Revolving Funds. In accordance with Section 1420(a) of the SDWA, the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A) was amended on August 2, 1999 (P.L. 1999 Chapter 176) to establish the legal authority to assure that all new community and nontransient noncommunity water systems demonstrate adequate technical, managerial and financial capacity. The New Jersey Department of Environmental Protection (Department) subsequently adopted regulations at N.J.A.C. 7:10-13 which established the requirements to assure that all new public community and nontransient noncommunity water systems have adequate capacity. In addition, the Department developed and implemented a Capacity Development Strategy (Section 1420(c)) to assist existing systems with developing and maintaining capacity. The United States Environmental Protection Agency (USEPA) approved the Department's first Capacity Development Strategy on September 28, 2000, which was subsequently updated in 2009 and 2013, with minor updates in the recent years. If the Department had failed to obtain legal authority to ensure that new water systems demonstrate technical, managerial, and financial capacity, or had not implemented a Capacity Development Strategy, the Department would have received only 80 percent of its Annual Capitalization Grant allotment from the USEPA (Section 1452(a)(1)(G)). This means that the Department's allocation of funds for the Drinking Water State Revolving Fund (DWSRF) and set-asides would be reduced by up to \$3 to 4 million dollars per year.

This report provides information regarding the activities implemented by the Department's Capacity Development Program during State Fiscal Year 2020 (SFY20), which covers the period from July 1, 2019 through June 30, 2020. The Capacity Development Program activities included in this report were outlined in the DWSRF Federal Fiscal Year 2019/State Fiscal Year 2020 Proposed New Jersey Set-Asides Workplan, which was submitted to USEPA on July 2, 2019. As part of an ongoing self-assessment, the Capacity Development Program is being evaluated and opportunities for improvement are being identified. The Department intends to adopt a new strategy for the continued implementation of the Capacity Development Program after the completion of this self-assessment. In SFY2021, the NJDEP will continue evaluating the Capacity Development Program to identify additional ways to improve data management and compliance tracking, develop training and guidance documents, and determine any required rule changes.

Pursuant to Section 1420(c)(3) of the 1996 Federal Safe Drinking Water Act amendments, the Department must also prepare a report to the Governor (Governor's report) on the efficacy of the State's Capacity Development Strategy every three years. The 2017 Governor's report addresses the progress made towards improving the TMF capacity of public water systems during 2015, 2016, and 2017, and was finalized and submitted to Governor Christie on September 29, 2017. Information included in this SFY20 report will be included in this year's Governor's report due by September 30, 2020.

SFY19 Implementation Reporting Criteria

A. New Systems Program

- 1. Has the State's legal authority (statutes/regulations) to implement the New Systems Program changed within the previous reporting year?***

The New Jersey Safe Drinking Water Act rules (the rules) at N.J.A.C. 7:10-13 require new community and nontransient noncommunity water systems to demonstrate TMF capacity to meet federal and State regulations in effect, or likely to be in effect, upon the start date of system operations. This subchapter was readopted without change effective March 29, 2017 and will expire March 29, 2024.

- 2. Have there been any modifications to the State's control points? If so, describe the modifications and any impacts these modifications have had on implementation of the New Systems Program?***

There have been no modifications to the Department's control points during SFY20, which are used by agencies to ensure capacity for new systems. In accordance with the State's Capacity Development Strategy, the Department continues to use the requirement of construction and operation permits for new community water systems as a control point to ensure safe and reliable drinking water is provided to the public. For newly constructed water systems and newly discovered noncommunity systems, which are typically found during site visits conducted by County Environmental Health Agency (CEHA) inspectors, the Department requires a TMF Evaluation to determine the system's capacity. For a system to be an approved water system by the Department, a TMF Evaluation is required, including a description of the system, an infrastructure replacement plan, compliance with operator certification requirements, well pump test results, a cross-connection control plan, information about the water system's organizational structure, an emergency management plan, a description of water system policies, a capital improvement plan, and various other requirements under N.J.A.C. 7:10-13.

- 3. Indicate whether any new system approved within the past three years under the Capacity Development Program has been on the Enforcement Targeting Tool (ETT) list.***

Appendix I lists those new community and new nontransient noncommunity systems approved by the Department during SFY18, SFY19, and SFY20. There have been zero (0) new community and seven (7) new nontransient noncommunity water systems from the past three fiscal years that are on USEPA'S Office of Enforcement and Compliance's Enforcement Targeting Tool (ETT), updated as of June 2020. Appendix I includes those new community and new nontransient noncommunity water systems, their ETT scores, and information on the assistance that has been, or will be provided, to return the system to compliance. In many cases, new water systems incur monitoring and reporting violations in the first few years of operation.

B. Existing Systems Program

- 1. Regarding the State's approved existing systems strategy, which programs, tools, and/or activities were used, and how did each assist existing public water systems in acquiring and maintaining TMF capacity?***

Programs, Tools, and Activities

The following programs, tools, and activities, as described below, are used for the Capacity Development Program, to continue to assist water systems in acquiring and maintaining technical, managerial, and financial capacity:

- Penalty Guidance Policy;
- Operator Certification Program and Training;
- Mandatory electronic reporting requirements for analytical results (most parameters);
- Department's Drinking Water Watch application – this application makes monitoring schedules readily accessible;
- Improved data management;
- Technical, managerial, and financial evaluations and technical assistance; and
- Other activities.

Penalty Guidance Policy

The "Penalty Guidance Policy" is utilized by the Department's Division of Water Compliance and Enforcement (Enforcement) to assess penalties for water systems that have received violations. Enforcement considers various factors to avoid and/or lessen penalties for each violation issued to the water system prior to returning the water system to compliance. These factors include the severity of a given violation, the level of offense, the type of water system, the seriousness of the violation, the system's violation history

from that past three (3) years, and the economic benefit the violator has realized the result of not complying or delaying compliance.

Operator Certification Program and Training

The Department uses the Operator Certification Program to promote and sustain knowledgeable licensees, capable of operating a water system, through the following goals:

- Ensuring that all community and nontransient noncommunity water systems have the appropriate classification of licensed operator responsible for performing the required duties and responsibilities;
- Assisting with training, certification, and license renewal;
- Reviewing training courses for initial certification and continuing education;
- Making trainings more available and affordable to operators; and
- Using federal funds to enhance the program and assure that New Jersey meets USEPA guidelines.

During SFY20, the Department offered training sessions and seminars for licensed operators that covered a variety of topics including the maintenance of TMF capacity to comply with federal and State regulations.

One of the contracts the Department utilizes to provide operator training is with New Jersey Water Association (NJWA). The current \$161,000 contract, which is anticipated to be executed shortly, requires NJWA to provide 70 training sessions from January 1, 2020 to December 31, 2021. While the contract is geared towards operators and owners of small drinking water systems, representatives from systems of all sizes are welcome to attend scheduled trainings. During SFY20, these sessions covered topics that included optimization and maintenance of filtration and process equipment, disinfection equipment maintenance and repair, water system distribution operations, well rehabilitation and maintenance, underground utility locating, and other essential topics for drinking water operators. Small systems (i.e. those serving less than 10,000) were given the opportunity to receive training through a total number of 25 training sessions, which resulted in a total of 674 individuals attending. Trainings are conducted in the northern, central, and southern regions of New Jersey and are approved for Training Contact Hours (TCHs). There was a decrease in the number of in-person training sessions due to COVID-19 pandemic restrictions. Feedback from training session participants are utilized to assist the Department with exploring ideas for new training sessions with NJWA for licensed operators.

In addition to the above contract, the Department also has a \$198,000 contract with Rutgers University to provide 50% tuition subsidies to licensed operators for drinking water related continuing education courses. This contract requires Rutgers University to

provide affordable drinking water-related courses, from January 1, 2018 to June 30, 2020, to licensed operators at a discounted rate. During SFY20, 15 training sessions were provided. Some topics covered at these trainings were operation and maintenance of pumps, the Safe Drinking Water Act regulations, customer service skills, distribution system water quality, and various other topics for drinking water operators. From the training sessions during SFY20, 119 drinking water operators were in attendance. In total for this contract, 66 training sessions were held with 726 drinking water operators in attendance. Due to difficulties presented by the COVID-19 pandemic, this contract is receiving a six-month no-cost time extension.

In SFY20, the Department conducted multiple presentations and outreach efforts on the implementation of the Water Quality Accountability Act P.L. 2017, c. 133 (WQAA), enacted in New Jersey to improve the safety, reliability, and administrative oversight of water infrastructure. These presentations and outreach efforts focused on WQAA Annual Certification requirements, current issues the systems may be facing, as well as options they can use to address them, and possible elements to be included in the WQAA rule. Along with these activities listed above, the Department completed updates to the Division's WQAA website to include information on upcoming requirements and frequently asked questions (FAQs).

WQAA requires systems with more than 500 service connections to routinely perform certain best management practices and to develop cybersecurity and asset management plans. The Department, in close coordination with the partners set forth in the WQAA (i.e. the Department of Community Affairs and the Board of Public Utilities), will continue to develop and update guidance and/or training on asset management planning in SFY21.

In the previous fiscal year, the Operator Certification program held an external stakeholder meeting for the regulated community, which included both drinking water and wastewater systems and operators, to provide opportunities for participants to ask questions and provide comments to Department staff regarding the future of the Operator Certification Program. The Department continues to evaluate and make improvements to the program, focusing on key topic areas identified during the self-assessment and stakeholder meetings, including licensing examinations, updated training materials, workforce development, regulatory requirements and compliance.

Electronic Reporting, Drinking Water Watch, and Data Management

The Department's internal and external databases and applications are a vital asset of the Capacity Development Program. The *New Jersey Electronic Environmental (E2) Reporting System*, is a web-based system designed to accept analytical results submitted by drinking water laboratories on behalf of water systems to meet Federal and State requirements. The Department utilizes the USEPA *Safe Drinking Water Information System (SDWIS)* for compliance determinations based on sampling data being reported. *SDWIS/State version*

3.33 is utilized to store data (e.g., sample results, monitoring schedules and some inventory data) and perform compliance determinations. The Department's web-based application, *Drinking Water Watch*, allows water systems and operators to easily view sampling data submitted through E2, compliance determinations, and violation data. Providing access to this information allows water systems and operators to respond to their test results quickly. In addition, the use of the Department's *Environmental Management System (NJEMS)* system is widely used for compiling and maintaining drinking water inventory data, system information, permitting documents, reporting, and enforcement activities.

In SFY20, through the continued use of the different data systems listed above, along with the development of newly designed and more effective queries, such as the "*Licensed Operators with More Than 10 Public Water Systems and Associated Violations*" and the "*Tracking Compliance Schedule*" queries, the Capacity Development Program was able to improve its efficiency in reviewing water system compliance data needed to evaluate the capacity level of a given system. The queries utilized in the Capacity Development Program are internal tools that are made available to the program staff.

Technical Assistance and Technical, Managerial, and Financial Evaluations

In SFY20, the Department provided direct technical assistance to water systems that failed to demonstrate adequate TMF capacity, in conjunction with evaluating the TMF capacity of those water systems that were either referred to the program for assistance, or required to demonstrate capacity, with the intention of resolving the issues they may face. This function is performed on an ongoing basis.

The Department routinely provides technical assistance via direct consultation with water systems to comply with existing construction and operation regulations. For this reporting period, the Department provided the following direct assistance to drinking water systems and their operators:

- The Engineering Services Contract is an agreement that the Department has with NJWA under which small water systems serving less than 3,300 customers may obtain the services of a Department-approved consulting engineer to assess water system needs and aid with completing Drinking Water State Revolving Fund (DWSRF) applications and submittals. The work that is done under this contract includes a preliminary asset management assessment, engineer's recommendations, and an evaluation on alternative options.

While the Engineering Services contract has been a successful tool for providing small systems with planning and engineering services leading up to a project that could be funded through the DWSRF program, the contract will be revised based on significant changes that occurred in the DWSRF program beginning in FFY18. Because of the

success of the DWSRF program over the last two years, the Department has received and funded many more project applications than in previous years. Therefore, to ensure the highest priority projects (those impacting public health) would be funded with available funds, and comply with the federal requirements, the Department made several changes to the DWSRF Program Intended Use Plans (IUP). More information on the SFY21 IUP can be found here: https://www.nj.gov/dep/dwq/pdf/NJWB_FFY20-SFY21_dwppl_Final_IUP.pdf.

Subsequently, during SFY20 the Department did not execute any new agreements with small water systems due to the DWSRF program changes. In SFY21, the Department plans to modify the Engineering Services contract and contract milestones to better serve those systems in need of its assistance.

- Site visits with Department staff, in coordination with Enforcement and the County Environmental Health Act Certified Agencies (CEHAs) are performed routinely to assist water systems in achieving and maintaining compliance with the rules. Site visits are prioritized to focus on water systems on the Capacity Development Strategy List (explained in detail in Section B.2.) and to provide help addressing water system deficiencies. Appendix II summarizes the status of water systems on the 2019 Strategy List and the assistance performed SFY2020.
- Evaluations of TMF for those water systems required to demonstrate their capacity for this reporting period were completed through the following channels:
 - An update of the findings, TMF capacity, and current compliance status for water systems on the 2019 Strategy List were conducted. An update on those can be found in Appendix II;
 - Federal regulation (SDWA 1452(a)(3)) prohibits water systems from obtaining DWSRF funding for a capital improvement project if the water system does not have TMF capacity. After the Department ranks and prioritizes eligible projects, the water system submits environmental planning documents, engineering planning and specification documentation, and a construction application needed for review. During this process, the Department determines the TMF capacity of its applicants according to N.J.A.C. 7:10-2.7. In SFY20, \$148,000,577.00 DWSRF funds were invested for 19 drinking water projects. The assistance provided by the Department for these projects were executed agreements in the form of executed loan commitments, refinanced short-term debt, refinanced long-term debt, and guarantee or purchase insurance;
 - New community and nontransient noncommunity systems, and transient systems reclassified as such, must demonstrate TMF capacity. During SFY20, there were four (4) new nontransient noncommunity systems, and seven (7) transient noncommunity water systems that were reclassified to nontransient

noncommunity water systems due to a population increase. These systems are required to submit a demonstration of technical, managerial, and financial capacity for review. The Department coordinates with CEHA to follow-up with systems that fail to submit the required information.

Other Activities

There are other ongoing activities that complement or support the Capacity Development Program. These activities include:

- Maintenance and periodic update of Department's Asset Management Policy website (<http://www.nj.gov/dep/assetmanagement/>);
- Maintenance of an accurate inventory of systems and the status of violations;
- Execution of a Joint Partnership with the New Jersey American Water Works Association to assist struggling systems obtain no-cost engineering assistance through the Community Engineering Corps;
- An ongoing self-assessment of the Department's Capacity Development Program to evaluate and enhance the program. This involves the review of every process associated with the Capacity Development Program, including the development of the Strategy List, the tracking of relevant data and progress, the identification of systems in need of assistance or development of capacity, training offerings, and forms and processes;
- In SFY20, the Department continued coordination with those entities that were re-awarded USEPA Compliance Grant Contracts during this new grant contract cycle: NJWA, RCAP Solutions, the New Jersey Section of the American Water Works Association (AWWA-NJ), and the University of North Carolina Environmental Finance Center (EFC). The following provides a SFY20 status updates for those awardees of the USEPA Compliance Grant Contracts:
 - a. NJWA provides technical assistance to small systems out of compliance with the SDWA, along with the training sessions for operators and system owners provided under contract with the Department;
 - b. EFC has not provided any trainings during SFY20. EFC is planning to resume in-person training sessions once COVID-19 restrictions are lifted; and
 - c. RCAP provides training and technical assistance for small public water systems to achieve and maintain compliance.

- i. Training: RCAP, in partnership with AWWA-NJ, conducted a full-day training, *Achieve and Maintain Compliance with SDWA*, on November 6th, 2019 to assist small water systems with drinking water regulations and compliance. RCAP was also planning on holding a half-day workshop that would provide operators with examination preparation on basic math concepts, which is a topic that operators appear to struggle the most with. The half-day workshop was originally scheduled for the end of March 2020, but it was rescheduled to take place as an online course to be offered in July 2020 and August 2020 due to COVID-19 restrictions. For the remainder of the grant contract cycle, RCAP plans on conducting training that will focus on preferred topics such as Board Support for Water Systems, Distribution Water Quality, Source Water Assessment and Protection, Distribution System Infrastructure, and Main Breaks and Cross Contamination, and include some half-day workshops that cover Basic Chemistry, Water Quality in Storage Facilities, and Emergency Response Planning.
- ii. Technical Assistance: RCAP has not reached out to any new systems during SFY20. Under the current contract, they are at full capacity for the number of projects they can take on. Rather than taking on new projects, RCAP has continued work on ongoing projects focused on updates to Operations and Maintenance (O&M) manuals, sampling plans, and asset management planning. The assistance that these systems are receiving through RCAP will help improve compliance. RCAP plans to reach out to new systems in SFY21 with a focus on offering assistance with lead and copper sampling plans.

The Department is assisting by providing recommendations for training topics, training locations, and the names of the systems in most need of assistance. The Department will continue to periodically update USEPA Region 2 on the ongoing coordination efforts with these entities.

2. *How has the State continued to identify systems in need of capacity development assistance?*

The principal way that the Department identifies systems in need of capacity development assistance is through the preparations of a Strategy List. The preparation of the Strategy List involves identifying and prioritizing those public water systems most in need of capacity development. The Strategy List enables the Department to prioritize the Program's resources such that it can perform TMF capacity evaluations and provide assistance in order of need. The status of the 25 community and noncommunity water systems on the 2019 Strategy List can be found in Appendix II.

The 2019 Strategy List, found in Appendix II, includes those systems identified in need of technical, managerial, and/or financial capacity. The Department uses several factors to

determine which systems are in need, including a review of each system's compliance history during the period of 2017 to 2019; a review of violations on the ETT list, focusing on systems with a score of 11 or greater; and through Department staff recommendations (e.g., referrals due to site visits). Systems on the list are then assigned priority points based on risk factors such as population, violations, administrative consent orders (ACO) and administrative orders (AO), system classification, and a few other factors. Using the methods mentioned, seven (7) systems were carried over from the 2016 Strategy List and seventeen (17) systems were newly added. Additionally, water systems identified with water quality or TMF issues after the finalization of the 2019 Strategy List are given the appropriate technical assistance and training needed to help with issues they may be facing.

The Capacity Development Program continues to prioritize water systems with water quality or TMF capacity issues referred from Department staff or CEHAs after the Strategy List is established. Priority points are assigned based on risk factors such as population, violations, administrative consent orders (ACO) and administrative orders (AO), system classification, a few other factors. Site visits are conducted for many of these high priority systems and the Department considers these systems for the next Strategy List.

3. *What was the State's approach in offering and/or providing assistance if statewide public water systems capacity concerns or capacity needs have been identified?*

The Department plans to reach out and provide assistance to those systems on the 2019 Strategy List, as well as additional systems that need assistance. The capacity evaluations performed for community and noncommunity water systems included on the list will identify areas where assistance should be focused. These evaluations are performed on an ongoing basis and will continue for a three-year cycle until a new list is drafted. The status of activities for these systems can be found in [Appendix II](#).

In SFY20, the Capacity Development Program continued to perform background research; evaluate system TMF capacity; conduct site visits; develop improvement plans; and help systems implement those improvement plans. Staff have facilitated meetings with system representatives (e.g., owners, managers, licensed operators, and consulting engineers), regulatory agencies (e.g., enforcement inspectors, compliance managers, and permit reviewers), and representatives from other public water systems to identify and evaluate alternatives and options for developing system capacity and will continue to perform this effort in the upcoming state fiscal year. The Capacity Development Program uses these coordination efforts and activities to relay information regarding available resources and guidance materials and provided training sessions at numerous locations and forums.

To improve water system operation, the Department also continues to identify training needs for small water system owners and operators and offer training as noted in the "Operator Certification and Training" section in Section B.1.

Additionally, the Department continues to utilize and review resources and guidance from organizations such as USEPA, the Association of State Drinking Water Administrators (ASDWA), Environmental Finance Centers (EFCs), and WaterOperator.org, to review and consider successful resources and initiatives for building capacity for drinking water systems.

4. *If the State performed a review of implementation of the existing systems strategy, discuss the review and how findings have been or may be addressed.*

The Capacity Development Program continues to review its existing system strategy in order to identify improvements in the program methods and activities, review the processes used to develop its Strategy List, find potential resources for the regulated community, and create advantageous partnerships with stakeholders to work towards a common goal of ensuring safe and reliable drinking water throughout the State. To supplement our ongoing review of program processes, the Capacity Development Program is also considering opportunities to expand the program to promote effective asset management requirements under the Safe Drinking Water Act. More information on asset management is included in #5 below.

5. *Did the State make any modifications to the existing system strategy?*

Over the last few years, the Capacity Development Program strategy has been modified to utilize a team approach to focus on the systems on the Strategy List (listed in Appendix II). This approach allows the Department to have individuals work closely with the assigned systems to provide them with the resources needed to achieve compliance. This approach helps dedicate more attention to these at-risk systems. This updated approach capitalizes on the diverse expertise of Department staff, with varying backgrounds, experience-levels, and subject matter expertise. This has proved vital in assessing each system's capabilities, providing different perspectives on which plans of action would be best for a given water system, and establishing a workplan for these systems in the future.

Furthermore, the SDWA Amendments in AWIA of 2018 (AWIA Section 2012) instruct state capacity development programs to update their existing system strategy to reflect initiatives and efforts that encourage public water systems asset management planning, as well as assisting public water systems with relevant training in the implementation of asset management plans.

Currently, asset management planning is required through the following Department activities:

- The Department's Engineering Services Contract
 - For participation under this contract, which serves the purpose of assisting small drinking water systems compile engineering designs and

specifications necessary for a DWSRF loan, a required milestone is the completion of an asset management plan. Systems are provided a subcontractor to help with this assessment and development of a plan.

- Water Quality Accountability Act P.L. 2017, c. 133 (WQAA)
 - As stated previously, this law requires systems with more than 500 service connections to routinely perform certain best management practices and to develop cybersecurity and asset management plans. The Act requires purveyors to create and implement an asset management plan designed to inspect, maintain, repair, and renew its infrastructure consistent with standards established by the American Water Works Association. Although asset management plans do not need to be submitted, they are required to be available upon request during inspection by the Department.
- Issuance of a DWSRF Loan
 - On, or prior, to the date of loan closing, the Borrower must submit to the I-Bank and the Department a certification regarding asset management planning that satisfies the requirement set forth in the “Asset Management Guidance and Best Practice”.

To further encourage public water systems asset management planning, and provide additional assistance to public water systems with relevant training in the implementation of asset management plans, the Capacity Development intends to complete the following in SFY21:

- Review how asset management is incorporated in the existing systems strategy;
- Assess the Department’s approach in encouraging drinking water systems to develop asset management planning;
- Review the current assistance available to drinking water systems to develop asset management planning; and
- Reach out to stakeholders of the program to gain perspective on asset management planning initiatives within the State and how they can improve.

In SFY21, the Capacity Development Program will evaluate and redevelop the existing systems strategy to address effective asset management planning and training that will be of use to drinking water system owners and operators. It will also continue to make other modifications to benefit New Jersey’s drinking water systems and licensed operators, keeping with the Department’s mission statement. The Department will continue evaluating the Capacity Development Program to identify additional ways to improve data management and compliance tracking, develop training and guidance documents, and determine any required rule changes.

APPENDIX I

**CAPACITY DEVELOPMENT PROGRAM:
NEW COMMUNITY AND NONTRANSIENT NONCOMMUNITY PUBLIC WATER SYSTEMS
DURING STATE FISCAL YEARS 2018, 2019, AND 2020
WITH
USEPA'S OFFICE OF ENFORCEMENT AND COMPLIANCE'S ENFORCEMENT TARGETING TOOL (ETT) SCORES
(07/01/2017 to 06/30/2020)**

Violations in *italics* have been returned to compliance.

PWSID NO.	SYSTEM NAME	OPERATION START DATE	VIOLATION TYPE	ETT SCORE	STATUS OF ASSISTANCE
Nontransient Noncommunity Water Systems					
NJ1514357	Knesses Bais Levi	06/12/2019	<i>MR for Lead and Copper Rule</i> <i>MR for Inorganic Chemicals</i> <i>MR for Arsenic</i> <i>MR for Nitrates</i>	8	<ul style="list-style-type: none"> The system has returned to compliance for all violations.
NJ1905361	Augusta Center For Persons With Disabilities	05/21/2019	<i>MR for Radionuclides</i>	1	<ul style="list-style-type: none"> The system has returned to compliance for all violations.
NJ0506433	Cape Christian Academy	04/29/2019	MR for Lead and Copper Rule	1	<ul style="list-style-type: none"> The system failed to provide LCR to consumers. The Department reached out to the system on May 11, 2020.
NJ1326379	Quick Chek Store #178	02/13/2019	MR for Lead and Copper Rule	1	<ul style="list-style-type: none"> The Department reached out to the system to complete a TMF Evaluation Plan and is still awaiting submission M&R violation was for Cyanide and has since returned to compliance The system has outstanding LCN violations that have not been addressed.
NJ1514355	UTA of Lakewood	11/07/2018	Other for Public Notice Rule TT for Lead and Copper Rule (OCCT Study Recommendation) MR for Lead and Copper Rule (LCN)	14	<ul style="list-style-type: none"> The Department reached out to the system to complete a TMF Evaluation Plan and is still awaiting submission System was referred to Ocean CEHA on 10/19/2019 for failure to complete the requirements for exceeding the Lead action level. System was referred to Compliance and Enforcement on 03/25/2020 due to the CEHA not being able to obtain the required documents. Failure to monitor for water quality parameters by 06/30/2019. (N.J.A.C. 7:10-5.4(a) and 40 CFR 141.87) Failure to distribute public education materials by 08/30/2019. (40 CFR 141.85)

PWSID NO.	SYSTEM NAME	OPERATION START DATE	VIOLATION TYPE	ETT SCORE	STATUS OF ASSISTANCE
Nontransient Noncommunity Water Systems					
			TT for Lead and Copper Rule (Public Education) <i>MR for Lead and Copper Rule (WQP)</i>		<ul style="list-style-type: none"> Failure to conduct a Tier 2 public notice by 10/25/2019. (40 CFR 141.201) Failure to submit a Public Notice Certification form and representative copy of the Tier 2 public notice by 11/04/2019. (40 CFR 141.31 (d)) Failure to submit an optimal corrosion control treatment recommendation and a source water treatment recommendation by 12/31/2019. (40 CFR 141.82(a) and 40 CFR141.90(c)(2)) System completed public education requirements 03/05/2020 System completed Tier 2 public notice requirements for failure to complete public education on 08/17/2020 System must still complete Tier 2 public notice requirements for failure to submit a OCCT/SoWTR The OCCT recommendation was submitted on 08/02/2020 and the surface water treatment recommendation was submitted on 08/19/2020 to the NJ Division of Water Supply & Geoscience
NJ1427420	First Priority	09/25/2018	<i>MR for Lead and Copper Rule</i>	1	<ul style="list-style-type: none"> The Department reached out to the system to complete a TMF Evaluation Plan and is still awaiting submission The M&R violation was for lead consumer notice 2nd half of 2019. LCN was submitted and the violation has been resolved.
NJ1407338	Hutcheson House at Bamboo Park	07/16/2018	TT for Lead and Copper Rule	5	<ul style="list-style-type: none"> The Department reached out to the system to complete a TMF Evaluation Plan and is still awaiting submission Tier 2 Public Notice has not been submitted

APPENDIX II

CAPACITY DEVELOPMENT PROGRAM:

STATUS OF ACTIVITIES FOR SYSTEMS ON 2019 STRATEGY LIST

Status as of June 30, 2020

#	PWSID#	PWS NAME	INITIAL REASON LISTED	CURRENT STATUS OF ASSISTANCE
Community				
1	NJ0119001	Delilah Terrace Mobile Home Park	<ul style="list-style-type: none"> • Radiological issues and MCL exceedances • Technical and financial capacity issues 	<ul style="list-style-type: none"> • System was to install a new well by March 31, 2020 but still has not done so and is operating on one well • System drilled a new well and after testing, received results indicating that the water would need extensive treatment • The system signed for a new contract to drill another well on June 28, 2020 but due to delays from the ongoing pandemic, they did not receive construction materials until late August 2020 • The system notified DEP that the well was drilled on September 15, 2020 and looks to get the well test scheduled by September 18, 2020 • The new well is connected to a deeper aquifer which may result in better water quality which will place the system in compliance once again
2	NJ0301001	Buttonwood Mobile Home Park	<ul style="list-style-type: none"> • Radiological MCL issues • Aging infrastructure • Poor operation and maintenance (O&M); • No licensed operator; • Failure to issue annual consumer confidence reports; • Inadequate storage; • No meter to measure flow; 	<p>Carry over system from the 2016 List.</p> <ul style="list-style-type: none"> • Radiological violations have been returned to compliance • System has obtained a licensed operator, but overall management and finances are inadequate • An Administrative Consent Order (ACO) was executed on May 1, 2017 and is pending termination due to completion of ACO requirements • Sanitary Survey conducted at system on 06/14/2019 • System needs to meet storage requirements • Systems is working on installing treatment for one of their wells with rising iron levels • System is working on installing check valves and water meters to help with measuring flow

3	NJ0303001	Bordentown Water Department	<ul style="list-style-type: none"> Consecutive lead ALEs Technical capacity issues 	<ul style="list-style-type: none"> System has returned to compliance regarding lead sampling results for one monitoring period. All public education requirements have been completed and suspended for the time being. There is an outstanding CCT study and compliance review issues. An AO has been issued by EPA regarding compliance issues. Additional correspondence was submitted by the system regarding the CCT study requirements and is pending review by Engineering.
4	NJ0305001	Burlington City Water Department	<ul style="list-style-type: none"> Consecutive M/R violations DBP issues Operational issues with storage tanks 	<ul style="list-style-type: none"> All requirements of the ACO (DBP related) have been fulfilled. C&E is scheduled to conduct a site visit for confirmation of completion. MR violations have been resolved
5	NJ0314001	Fieldsboro Water Department	<ul style="list-style-type: none"> Consecutive lead ALEs and other PbCu issues Technical capacity issues 	<ul style="list-style-type: none"> System has returned to compliance regarding lead sampling results for one monitoring period. All public education requirements have been completed and suspended for the time being. The system needs two consecutive monitoring periods in compliance with the lead sampling in order to resolve the violation. Lead and Copper & Water Quality Parameter sampling plans have been submitted – respective violations will potentially be resolved upon review of the plans.

6	NJ0339001	New Lisbon Developmental Center	<ul style="list-style-type: none"> Multiple M/R violations for PbCu, DBPs, and RTCR No approved RTCR Sampling Plan 	<ul style="list-style-type: none"> System has returned to compliance regarding RAA for TCP & PFNA MCL violations; however, the system has not conducted any remedial actions to the source resulting in violations and PN requirements. Additional are being required by the Bureau. Majority of the MR violations have been resolved
7	NJ0605002	Tips Trailer Park and Sales	<ul style="list-style-type: none"> Multiple MCL violations for Radiologicals Well needs to be decommissioned 	<ul style="list-style-type: none"> Formal schedule was memorialized in a 7/31/19 letter to the system allowing them until 2/1/2020 to complete corrective actions. System's RAA for radionuclides have been under the MCL for two consecutive quarters but will not be returned to compliance until corrective actions have been completed. System obtained a permit to install a new well and treatment plant. Waiting on update from system for an estimated completion date. Permit to operate and begin using new treatment plant has been submitted to the Department and is currently under technical review. Permit to operate a new well (well 1R) has been received by BWSE. BWSE is waiting for the radionuclides results from NJ DOH. Once the results come through, the permit to operate will be issued.
8	NJ0612001	Bayshore Mobile Home Park	<ul style="list-style-type: none"> Nitrate and radiological issues 	<p>Carry over from the 2016 List.</p> <ul style="list-style-type: none"> Treatment installed for nitrates and radiologicals pH adjustment added for corrosion control in 2013 System closed on their Settlement Agreement to resolve violations on 02/25/2019 The Department looks to continue their outreach efforts to assist the system Department intends to visit the system to review their TMF Department will monitor system's accrued violations quarterly to view improvement

9	NJ0613004	Upper Deerfield Township Water Department	<ul style="list-style-type: none"> • Nitrate MCL violations • Financial capacity issues 	<ul style="list-style-type: none"> • Permit to utilize skid mounted Nitrate removal system to be applied for to DEP Engineering by UDT by the end of August • Discharge of waste continues to hamper the removal of Nitrates as receiving authority is not accepting waste at this time. TP001001 continues to meet the Nitrate MCL since the 4th Q 2019. • Radiological violations have been resolved
10	NJ0701001	Belleville Water Department	<ul style="list-style-type: none"> • Ongoing DBP, RTRC, and SWTR violations for failure to maintain disinfectant residual • Historical PbCu ALEs 	<ul style="list-style-type: none"> • Belleville has returned to compliance with the HAA5 (2nd quarter 2020) and TTHM (1st quarter 2020) MCLs but is required to submit a contingency plan by March 2021, in the instance Newark's treatment does not result in sustained compliance in Belleville's DS. • Belleville is required to submit a LSL Replacement Plan and Schedule to replace 7% of LSLs • The Department designated the use of orthophosphate as Belleville's optimal CCT but is required to conduct CCT study to determine alternatives by March 2021 • Belleville triggered the requirement to conduct a Level 2 Assessment for July 2020, the 6th RTRC triggering event in the previous 12 months • Belleville has not had SWTR violations for failure to maintain disinfectant residual since July 2016

11	NJ0702001	Bloomfield Water Department	<ul style="list-style-type: none"> • DBP MCL and RTCR violations 	<p>Carry over from the 2016 List</p> <ul style="list-style-type: none"> • A complete TMF Evaluation Plan and Improvement Plan was submitted and reviewed by the Department • System's submitted RTCR Plan is still under review by the Department • The Department approved the system's submitted remedial measures report that laid out how they are going to address their HAA5 and TTHM issues. The system has returned to compliance with the TTHM MCL (1st quarter 2019) and has had one quarterly monitoring period under the HAA5 MCL (1st quarter 2020). System is also regularly proceeding with distribution system updates and projects.
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#	PWSID#	PWS NAME	INITIAL REASON LISTED	CURRENT STATUS OF ASSISTANCE
12	NJ0714001	Newark Water Department	<ul style="list-style-type: none"> PbCu ALEs and DBP MCL violations Open finished water reservoir 	<ul style="list-style-type: none"> Carry over from the 2016 List Accrued ALE violations for Lead and Copper Rule Corrosion control treatment recommendations for the two separate service areas sent to the Department were approved April 2019 and December 2019 System is working towards covering their open finished water reservoir Multiple disinfectant by-product violations throughout the distribution system. System has returned to compliance with the TTHM MCL (4th quarter 2019) and has had one quarterly monitoring period under the HAA5 MCL (1st quarter 2020); The Department approved the system's submitted remedial measures report that laid out how they are going to address their DBP and Lead and Copper issues, with a completion date of all items by the end of April 2020. System has installed and begun treatment in July 2019 System is using DWSRF funds to implement a multi-phase lead service line (LSL) replacement project. System has replaced over 13,000 LSLs System entered into Compliance Agreement Order (CAO) and a Supplemental CAO on July 25th, 2018 and March 29th, 2019, respectively, to address issues found with Lead and Copper and DBPs
13	NJ0716001	Nutley Water Department	<ul style="list-style-type: none"> DBP MCL violations Managerial and financial capacity issues 	<ul style="list-style-type: none"> System has had one quarterly monitoring period under the HAA5 MCL (1st quarter 2020) since it began exceeding in the 4th quarter 2018. System failed to submit remedial measures reports for HAA5 for the 1st or 2nd quarter 2019 System has 2 automatic flushers installed and is planning to install 2-3 more by the end of 2020. They are also conducting a full system hydraulic study.

14	NJ0805003	Malaga Village Apartments	<ul style="list-style-type: none"> Radiological MCL violations 	<ul style="list-style-type: none"> System entered an Administrative Consent Order (ACO) on October 3, 2017 for Radiological MCL violations dating back to the first quarter of 2015. System has complied with the ACO and returned to compliance.
15	NJ0810005	Manor Water Association	<ul style="list-style-type: none"> Chronic Non-Acute Total Coliform issues 	<ul style="list-style-type: none"> Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA) was issued to the system for failing to conduct Level 1 Assessments & associated Tier 2 Public Notices, Failure to submit 5 Level 2 Assessment & 5 Tier 2 PNs System 6 times occurred Minor Total Coliform Monitoring and A collected GWR sample late was linked to 9/30/19 TC+ (collected 10/28/19) Failure to submit updates to RTRC sample site plan after the Department request Penalty to address all violations over last 2.5 years to exceeded \$10,000. System continued to state lack of funding is reason corrective actions were not completed. System is appealing the order. WSA worked with the system to issue the Tier 2 Public Notification requirements for Failure to Conduct a L1A/L2A assessment and failure to complete corrective actions in the specified timeframe

16	NJ1111001	Trenton Water Works	<ul style="list-style-type: none"> • Open finished water reservoir • Managerial capacity issues • Insufficient ERP • PbCu issues 	<ul style="list-style-type: none"> • System has three open lead ALE violations. These violations will be returned to compliance once the orthophosphate treatment unit has been installed at the Filtration Plant and OWQP's have been set. • System did not meet LSLR requirements outlined in their July 26, 2018 Lead and Copper Administrative Compliance Order (ACO). System also did not issue Tier 2 PN for failing to meet these requirements. System also incurred a Type 64 violation in February 2020 for failing to meet the notification and sampling requirements following partial lead service line replacement. System has replaced 1515 lead service lines in their distribution system out of 57222 potential lead service lines. • Managerial issues at the system including consistent inadequate and late submittals. C&E referral is currently in draft. • Technical issues related to chlorine residuals in the distribution system and storage tanks. • System entered into an ACO on February 5, 2018 to address technical, managerial, and financial issues.
17	NJ1710304	Eagleview Health & Rehab	<ul style="list-style-type: none"> • Radiological MCL violations 	<p>Carry over from the 2016 List</p> <ul style="list-style-type: none"> • System's radiological MCL violation have been closed out • ACO was terminated 09/25/2018 due to the system meeting all requirements • System will need to update their O&M manual previously submitted to include certain treatment operation and maintenance procedures • The Department continues to monitor system for additional assistance needs
18	NJ1902003	Lake Lenape Water Company	<ul style="list-style-type: none"> • History of water main breaks and water quality complaints • Technical, managerial, and financial capacity issues 	<ul style="list-style-type: none"> • Staff are following up on Licensed Operator issues • Ongoing water quality complaints, sampling was done, and water tested to be safe. Reports of low pressure. Bureau requires system to sample for all water quality complaints received.

19	NJ1904004	North Shore Water Association	<ul style="list-style-type: none"> History of water main breaks and water quality complaints Technical, managerial, and financial capacity issues 	<p>Carry over from the 2016 List.</p> <ul style="list-style-type: none"> System will need a storage waiver Department looks to work with the system to decommission old well, if needed A TMF evaluation and site visit were completed with the system The Department is working with Resources for Communities and People (RCAP) Solutions to provide the system with technical assistance The Department and RCAP are helping the system with their managerial capacity and educating the system board on the need to know items with operating and maintaining a drinking water system System is working on updating their financial records in order to apply for DWSRF funds to help with system improvements
20	NJ1920001	Stillwater Water District 1	<ul style="list-style-type: none"> History of water quality complaints History of chlorine residual issues High manganese and irons levels in well Technical and managerial capacity issues 	<ul style="list-style-type: none"> Staff are following up on Licensed Operator issues There are ongoing water quality complaints, reports of low pressure and colored water. Samples are being taken. The Department is working with Resources for Communities and People (RCAP) Solutions to provide the system with technical assistance The Department and RCAP are helping the system with their managerial capacity and educating the system board on the need to know items with operating and maintaining a drinking water system

21	NJ1921001	Sussex Water Department	<ul style="list-style-type: none"> • Distribution system improvements needed • DBP issues 	<p>Carry over from the 2016 Strategy List.</p> <ul style="list-style-type: none"> • ACO issued for Disinfection Byproduct (DBP) Rule violations, as well as other system deficiencies • EPA performed a sanitary survey with Enforcement and the Department 5/21-23/2018 • Debriefing with the Department was held December 2018/January 2019 to finalize the findings and action items system needs to complete • System is working with EPA and the Department to complete action items that need to be completed following the inspection • EPA issued two Administrative Orders (AOs) that will incorporate concerns about the system's chemical storage, employee safety with regards to Chlorine dioxide gas, on-site data storage, monitoring and reporting, licensed operator coverage, standard operating procedure (SOP)/O&M manual and recordkeeping. • System has changed management companies, as well as licensed operators • Installation of treatment to address DBP violations was completed 11/09/2018 • The Department will continue to monitor system's compliance to ensure capacity is maintained
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#	PWSID#	PWS NAME	INITIAL REASON LISTED	CURRENT STATUS OF ASSISTANCE
Noncommunity				
22	NJ0333325	Original Tony's Pizza	<ul style="list-style-type: none"> History of M/R and MCL violations Technical and managerial capacity issues 	<ul style="list-style-type: none"> Recent MCL & M/R violations have been resolved
23	NJ0505342	Snows/Doxsee Inc.	<ul style="list-style-type: none"> History of M/R violations PbCu issues Technical and managerial capacity issues 	<ul style="list-style-type: none"> System sampled out prior to implementation of CCT steps. If system exceeds again, required to install within 24 months from date of exceedance. See CCTR approval letter dated August 22, 2019. System is back into compliance as of August 22, 2019.
24	NJ0511305	Upper Township Middle School	<ul style="list-style-type: none"> Numerous M/R and TT violations for PbCu Technical and managerial capacity issues 	<ul style="list-style-type: none"> System was referred to the Cape May CEHA on October 23, 2019. The CEHA is working on enforcement action in conjunction with C&E to bring the system into compliance. Enforcement will be meeting the Cape May County HD at Upper Township Middle School on t discuss the issues in the referral. Enforcement will be assisting Cape May in drafting a enforcement documents.

25	NJ1351338	NJ Christian Academy Main Building Well 2	<ul style="list-style-type: none"> • MCL violations for RTCR • Technical and managerial capacity issues 	<ul style="list-style-type: none"> • AONOCAPA issued by C&E. None of the required actions have been taken yet. Internal meeting was held on 9/3 for further evaluation and to determine next steps. C&E will be following up respectively. • System has proposed merging/deactivating some of their PWSIDs
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