



Private Water Systems Advisory Council Testimony
Rebecca Fugitt, Assistant Chief
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Sunset Review Committee
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Chairman Brown, Vice Chair Jordan, and members of the Sunset Review Committee, my name is Rebecca Fugitt and I am the Assistant Bureau Chief for the Bureau of Environmental Health and Radiation Protection at the Ohio Department of Health. I am here today to give an overview of the Private Water Systems Advisory Council (PWSAC).

The Private Water Systems Advisory Council was statutorily created to advise the Director of the Ohio Department of Health regarding the revocation or nonrenewal of the registration of a private water systems contractor, and to make recommendations to the Director of Health regarding the amount of surety bonds required of private water systems contractors.

The Private Water Systems Advisory Council last met in 2009. Prior to the last meeting in 2009, the PWSAC would meet two to four times per year depending on the number and timing of contractors identified for review by the board and whether administrative rules were subject to review.

The Private Water Systems Advisory Council is comprised of nine members who are appointed by the Governor with the advice and consent of the Senate. The Council consists of one pump installer or licensed plumber, one well driller, one cable tool well driller, one general contractor with experience in private water systems other than wells, one registered sanitarian, one health commissioner of a city or general health district, two employees of the department of health, and one person who is not employed by the state or any of its political subdivisions and who has no pecuniary interest in private water systems.

The Private Water Systems Advisory Council employs no staff directly. Support to the Council is provided by ODH in the form of: one Sanitarian Program Administrator to run the council meetings, identify agenda items for review by the council, and meeting preparation; one Sanitarian Program Specialist to provide technical support and or documentation for registration or rule reviews; and an Office Assistant to provide support for mailing notices and preparing and distributing meeting summaries and related documentation.

The Council has no budget or source of funding. Support staff provided by ODH is funded from fees collected under the Private Water Systems Program within ODH. When the council last met in 2009, ODH staff time support to and participation on the Council was ranging from 30 to 50 hours. Costs for the PWSAC are minimal and generally related to the travel expenses reimbursed and staff support. Total costs per year for Council members' travel reimbursement is less than \$3,000 depending on the number of meetings set per year.

Revisions to the Private Water Systems Rules have provided the Private Water Systems Program sanitarians with the ability to take a proactive approach to resolving problems with contractors. Rule revisions implemented in 2000 established an annual construction inspection by the local health district. This allowed for a review of the contractor's field work to ensure compliance and enabled direct communication between the

contractor and field sanitarians to immediately identify materials or construction methods that needed correction. Due to the success of the annual inspection program, the number of contractors with rule violations decreased significantly resulting in fewer contractors with repeat violations to bring before the private water systems advisory council.

These construction inspections allow for non-compliant construction practices to be corrected and changed before the project is completed and allows for a one-on-one educational opportunity. Additional rule revisions in 2011 decreased the inspection frequency to once every five years, and contractor compliance rates have continued to remain relatively stable. The department annually registers over 800 contractors, with nearly 300 water well drillers. On average, ODH has significant compliance issues with less than five contractors. The role of making recommendations to the Director of Health regarding the amount of surety bonds required of private water systems contractors, is currently filled by industry representatives that very actively participate in our Rule Advisory Committee meetings when the rules are scheduled for 5-year review. ODH has built in steps that allow for input from stakeholders during the 5-year review process and throughout the year eliminating the need for stakeholder communications to be codified. In summary, the department requests the Council be eliminated because the Council's roles and duties have been either addressed through rule changes or through the use of direct industry involvement in the Rule Advisory Committee as needed.

Thank you for your time and I am happy to answer any questions the committee may have.