



# **Triennial Capacity Development Program Report to the Governor**

Federal Fiscal Years 2020 through 2022

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## Table of Contents

<b>List of Acronyms</b> .....	3
<b>Capacity Development for NY’s Public Water Systems</b> .....	4
Asset Management .....	4
<b>Safe Drinking Water Act Requirements</b> .....	4
<b>Assessment of NYS Public Water System Capacity Development Strategy</b> .....	5
Major Objectives of Capacity Development Strategy.....	5
<b>Progress Made to Improve Technical, Managerial and Financial Capacity of Public Water Systems</b> .....	6
NYSDOH Pilot for New Capacity Assessment Scorecard.....	6
Capacity Assessment Scorecard Rollout Across NYS .....	6
Drinking Water Grants and Financing.....	7
Technical Assistance .....	8
Ensuring Capacity for New Public Water Systems:.....	8
Challenges for Capacity Development & Asset Management.....	9
<b>How NYSDOH Prioritizes Support to Communities that Need the Most Assistance</b> .....	9
Public Water Supply Capacity Assessment Scorecard Use and Implementation .....	9
Capacity Assessment Scorecard at Existing Water Systems .....	9
Scoring Existing Water Systems.....	10
Scorecard Outcomes and Follow-up.....	10
<b>Assistance Available for Public Water Systems to Develop Asset Management Plans</b> .....	10
<b>Additional Efforts in NY’s Investment in Capacity Development</b> .....	11
The Drinking Water State Revolving Fund Intended Use Plan.....	11
Technical Assistance .....	12
Drinking Water Enhancement Program.....	14
Operator Certification.....	14
Storm Mitigation Loan Program .....	14
Workforce Development .....	14
<b>NYSDOH will make this Report Available to the Public</b> .....	15
<b>Conclusion</b> .....	15

## List of Acronyms

AWIA: American Water Infrastructure Act of 2018  
AWQR: Annual Water Quality Report  
CWS: Community Water Systems  
Department: New York State Department of Health  
DWE: Drinking Water Enhancement program  
DWSP2: Drinking Water Source Protection Program  
DWSRF: Drinking Water State Revolving Fund  
EFC: Environmental Facilities Corporation  
IMG: Intermunicipal Water Infrastructure Grant  
IUP: Intended Use Plan  
LHD: Local Health Departments  
NYRWA: New York Rural Water Association  
NYS: New York State  
NYSAWWA: New York Section of the American Water Works Associations  
NYSDOH: New York State Department of Health  
PFOA: perfluorooctanoic acid  
PFOS: perfluorooctane sulfonate  
PWS: Public Water System  
RCAP: Rural Community Assistance Program  
SDWA: Safe Drinking Water Act, Amendments of 1996  
SMLP: Storm Mitigation Loan Program  
TMF: Technical, Managerial and Financial abilities of a public water system  
US EPA: United State Environmental Protection Agency  
WIIA: New York State Water Infrastructure Improvements Act

## Capacity Development for NY's Public Water Systems

A water system that provides piped water to the public for human consumption is regulated as a public water system (PWS) if it has at least five service connections or regularly serves an average of at least 25 individuals daily for at least 60 days out of the year. The source waters serving a PWS may consist of ground water, surface water, or a combination of both ground and surface water. As of 2022, NYS has nearly 9,000 PWSs that source or purchase their water from surface water and/or groundwater.

Water system capacity is the ability to plan for, achieve, and maintain compliance with all applicable drinking water standards. There are three components to capacity: technical (T), managerial (M), and financial (F). Technical capacity refers to a water system's ability to operate and maintain its infrastructure. Managerial capacity refers to the expertise of the water system's personnel to administer the system's overall operations. Financial capacity refers to the financial resources and fiscal management that support the cost of operating the water system. Adequate capability in all three areas is necessary for the successful operation of a public water system.

Capacity development is the process by which water systems acquire, maintain, and build upon their Technical, Managerial and Financial (TMF) capabilities to enable them to consistently provide safe drinking water to their customers in a reliable and cost-effective manner.

### Asset Management

TMF capacity building includes asset management planning. Asset management is a process to document and assess the assets of a system. A PWS asset is a physical component (i.e., pipe, source water, pumps, valves, etc.) that a system owns and uses in its operations. Asset management can help PWSs meet a required level of service in the most cost-effective way through the creation, acquisition, operation, maintenance, rehabilitation, and disposal of assets to provide for present and future customers. The five core questions of asset management are:

1. What is the current state of the PWS' assets?
2. What is the PWS required "sustainable" level-of-service?
3. Which assets are critical to sustained performance?
4. What are the PWS best "minimum life-cycle cost" capital improvement plan and operations and maintenance strategies?
5. What is the PWS best long-term financing strategy?

## Safe Drinking Water Act Requirements

The 1996 Safe Drinking Water Act (SDWA) Amendments included three capacity development provisions:

1. All new community water systems and all new nontransient noncommunity water systems that begin operation after October 1, 1999, must first demonstrate that they possess adequate capacity.
2. States are prohibited from providing Drinking Water State Revolving Fund (DWSRF) assistance to public water systems that lack adequate capacity, unless that assistance is directly related to improving the system's technical, managerial, or financial capacity.

3. States must develop and implement a strategy to assist existing public water systems in acquiring and maintaining the necessary capacity to remain a viable system over the long term.

Additionally, section 1420(c)(3) of the SDWA mandates that Capacity Development Reports to the Governor address these two issues:

- (1) Efficacy of the Capacity Development strategy and
- (2) Progress made towards improving technical, managerial, and financial capacity of public water systems, including efforts of the State to encourage development by public water systems of asset management plans and to assist public water systems in training relevant and appropriate persons in implementing such asset management plans (AWIA Section 2012).

New York State Department of Health (NYSDOH) is submitting this report to satisfy the statutory requirements of the SDWA and assures that New York will not be penalized (i.e., withholding twenty percent of the DWSRF capitalization grant) for failure to comply.

## Assessment of NYS Public Water System Capacity Development Strategy

### Major Objectives of Capacity Development Strategy

Capacity Development Program provides a framework for NYS, local governments, stakeholder groups or organizations, water systems and the public to ensure that drinking water systems acquire and maintain the TMF capacity needed to achieve public health objectives (i.e., compliance with applicable State and Federal drinking water regulations). The main objectives of the strategy are:

- Identify and prioritize those public water systems that need assistance with their technical, managerial, and/or financial capacity;
- Create a new baseline measure of capacity for public water systems;
- Create a new method of measuring improvements in system capacity;
- Provide direct assistance to public water systems in need;
- Identify and attempt to overcome barriers to increased capacity development and asset management;
- Utilize other technical assistance and funding resources such as NY Rural Water Association, Rural Community Assistance Partnership, Syracuse University Environmental Finance Center, USDA Rural Development, Homes and Community Renewal, etc. to assist public water systems with their technical, managerial, and/or financial capacity; and
- Continue to involve the public in the capacity development of public water systems.

NYSDOH, as the SDWA primacy agency, is responsible for developing and implementing the capacity development strategy for NYS. In response to the 2018 American Water Infrastructure Act (AWIA) amending the SDWA, NYSDOH revisited its strategy to incorporate asset management and improve its overall approach to capacity development. In 2021, with the assistance of Southwest Environmental Finance Center, NYSDOH convened a diverse group of stakeholders over the course of three meetings to discuss factors that impact capacity development and asset management for PWSs in NYS. This feedback

was incorporated into NYSDOH's revised Capacity Development Strategy. EPA approved NY's new Capacity Development Strategy on April 26, 2023.

NYSDOH is in the process of implementing the new strategy and believe the newly developed capacity assessment scorecard will address a major need to have more data and metrics. These data will help NYSDOH make more informed decisions about technical assistance/technical assistance contracts, training needs and establish the most appropriate partnerships. Metrics from the scorecard will also help NYSDOH identify successes.

## Progress Made to Improve Technical, Managerial and Financial Capacity of Public Water Systems

### NYSDOH Pilot for New Capacity Assessment Scorecard

NYSDOH developed a pilot program to test a new capacity assessment scorecard and develop a new baseline of information for refining the Capacity Development and Asset Management Program. Goals of the Capacity Assessment Scorecard:

- Proactively identify the systems that are in need of capacity improvement, especially for systems on the verge of losing capacity.
- Help NYSDOH provide support for systems lacking TMF capacity.
- Increase transparency among NYSDOH, LHDs, PWSs, and communities.
- Account for a system's overall capacity, beyond what is covered in routine sanitary surveys.

Community water systems (CWSs) were selected by Local Health Departments (LHDs) and NYSDOH to participate in the new capacity assessment scorecard pilot. A representative sub-set of 24 CWSs were chosen across the State, drawing from different size systems in geographically diverse settings. Six PWSs (two small, two medium and two large) participated in the pilot in each of the four NYSDOH regions. During 2022, NYSDOH Bureau of Water Supply Protection staff shadowed the LHDs during the 24 sanitary surveys and collected feedback on the scorecard. Local Health Departments (LHDs), NYSDOH Regional Offices and water operators provided valuable feedback on the capacity assessment scorecard during the pilot. Overall, participants in the pilot believed that the scorecard concept was valuable, sparked good conversations among water system personnel, and highlighted areas for improvement.

### Capacity Assessment Scorecard Rollout Across NYS

NYSDOH's 2022 capacity assessment scorecard pilot indicated that it was a beneficial process and appropriately assessed system capacity. NYSDOH plans to continue with this concept and start implementing the assessments at community water systems across the State, beginning in 2023/2024. NYSDOH plans to do the following to implement the capacity assessment scorecard across the State:

- Update regulations and Annual Water Quality Report (AWQR) Guidance for PWS so they can integrate their score on their report each year.
- Update NYSDOH Environmental Health Manual items (internal policy documents) associated with capacity development to incorporate the capacity assessment scorecard.
- Provide training to LHDs on completing the capacity assessment scorecard and the importance of the data.
- NYSDOH Central office will provide technical assistance to LHDs completing the scorecard.
- Update NYSDOH's website to make this report and associated information more accessible to LHDs, water systems and the public.

- Establish a data processing and data management system for capacity assessment scorecard results for LHDs and NYSDOH Central office to share data.
- Update sanitary survey trainings to incorporate the capacity assessment scorecard.
- Develop a training for local government about capacity development and asset management.
- Modify the capacity assessment scorecard and apply the same concept to non-community water systems.

NYSDOH will review and make adjustments to the scorecard, if necessary, once the new baseline has been established.

### Drinking Water Grants and Financing

- NYSDOH, along with its partner Environmental Facilities Corporation (EFC), continues to provide a short-term financing program within its successful Drinking Water State Revolving Fund (DWSRF) program. The short-term financing program provides short-term interest-free financing of up to three years in duration to recipients that are developing projects eligible for long-term DWSRF financing. In the three years since submitting the previous report to the Governor (FFY 2020, FFY 2021, and FFY 2022), 88 short-term loans totaling \$617,305,772 were provided to public water systems under the short-term financing program. During the same period, the NYSDOH and EFC also provided 25 long-term loans totaling \$189,444,735 and 19 DWSRF grants totaling \$25,971,745. NYSDOH and EFC leveraged \$472,112,785 on long term loans. Overall, total financing and assistance of \$1,304,835,037 was provided to public water systems under the DWSRF program.
  - *Note: Infrastructure Investment and Jobs Act (also known as the Bipartisan Infrastructure Law, or BIL) funding is not included in the above. There were no BIL project closings during this reporting period. BIL will be reported in the next triennial report.*
- EFC and NYSDOH implemented the New York State Water Infrastructure Improvements Act (WIIA) Grant and the Intermunicipal Water Infrastructure Grant (IMG) programs, which provide \$2 billion over several state fiscal years to support drinking water and wastewater infrastructure improvements throughout New York State. Through 2022, \$813 million in WIIA grants and \$56 million in IMG grants have been awarded for 409 drinking water infrastructure projects. It is anticipated that additional WIIA and IMG grants will be awarded in subsequent years;
- NYSDOH and EFC continued to provide, through the DWSRF Market Rate Program, access to preferred market rate financing for public water system projects that are not eligible for grants or interest subsidies;
- Additional WIIA grant funds are available for infrastructure projects that specifically address emerging contaminants such as perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS) or 1,4-Dioxane. Through 2022, \$404 million has been awarded to 91 emerging contaminant drinking water infrastructure projects.

## Technical Assistance

- New York Rural Water Association (NYRWA) conducted 428 on-site visits to provide direct assistance to 370 public water systems and they conducted 48 on-site visits to provide fluoridation technical assistance to 36 PWS;
- NYSDOH conducted approximately 10,665 sanitary surveys/inspections of public water systems.
- NYSDOH reviewed emergency response plans and vulnerability assessments, and conducting security inspections of public water systems to increase each system's level of security, cybersecurity, and emergency preparedness;
- NYSDOH partnered with other organizations such as the New York Section of the American Water Works Associations (NYSAWWA) to provide or sponsor education and training of water system owners, managers and operators, government officials, other water system professionals, and consumers;
- NYSDOH coordinated with response partners at NYS Division of Homeland Security and Emergency Services to establish a cybersecurity email distribution list to provide timely notifications of advisories and trainings relevant to the water sector.

Based on our previous capacity development ranking system, 1769 public water systems demonstrated improvements in system capacity; and 176 public water systems were no longer considered to be in "critical" need of capacity development in federal fiscal year 2022.

## Ensuring Capacity for New Public Water Systems:

During FFY 2020 – 2022, NYSDOH continued to enforce NY Codes, Rules and Regulations, Title 10, Part 5-1.22 outlines approval of plans and completed works.

- No supplier of water shall make, install or construct, or allow to be made, installed or constructed, a public water system or any addition or deletion to or modification of a public water system until the plans and specifications have been submitted to and approved by the State.
- Documentation in NYS' Capacity Development Program Implementation and Evaluation Plan for New Systems (approved by EPA, Appendix D) and the Environmental Health Manual Item entitled *Procedure for Granting Approvals to Operate New Community Water Systems and New Nontransient Noncommunity Water Systems* serves as guidance to Health Department personnel to ensure that they perform appropriate system reviews prior to granting new Community Water Systems and new Non-Transient Noncommunity Water Systems the approval to begin operations.
- In addition, these documents satisfy the reporting requirements for the annual Capacity Development Program Implementation Report by providing both "legal authority" and "control point" information. For NYS' New System Provision of the Capacity Development Program, the legal authority and control points remain unchanged from the Capacity Development Program Implementation and Evaluation Plan for New Systems originally approved by EPA in 2000. NYSDOH reviews plans and specifications for PWS and oversees water operator certification. NYS Department of Environmental Conservation oversees water supply applications. NYS Office of State Comptroller approves new or expanded water districts and NYS Public Service Commission reviews proposed water rates.



## Challenges for Capacity Development & Asset Management

There are many factors that impair the capacity development of public water systems. NYSDOH and its partners, including public water systems, will need to be ever-vigilant in maintaining the necessary technical, managerial, and financial capabilities of public water systems, especially smaller systems. Sufficient technical assistance, owner and operator training, and financial assistance, particularly for economically distressed communities, must continue to be made available.

Strategy revision stakeholders identified the following as common barriers that impair a water system's ability to achieve and maintain capacity:

- Lack of education, training, and community investment at the local level
- Political transition and subsequent education of elected officials
- Water system operations staff recruitment and retainment challenges, including lack of time to train staff on topics beyond day-to-day operations
- Lack of capacity development training for water system operations staff
- Lack of investment funds and guidance for accessing funding opportunities
- Difficulty adjusting to technological advancements

Strategy revision stakeholders identified the below barriers that water systems face when incorporating asset management into their operations:

- Lack of incentives
- Insufficient funding and reserve accounts
- Need for standardization or detailed review from the State
- Lack of support from local leaders
- Limited staff, stability, and time for long-term planning
- Staff turnover
- Complexity and continuous nature of asset management
- Unpredictability of infrastructure, particularly the difficulty in assigning realistic service life and budgeting future investments
- Reactive workflow, resulting in long-term planning becoming a low priority

## How NYSDOH Prioritizes Support to Communities that Need the Most Assistance

### Public Water Supply Capacity Assessment Scorecard Use and Implementation

In 2022, NYSDOH developed a capacity assessment scorecard to assess the TMF capacity of PWSs in the State. NYSDOH will train LHDs to complete the scorecard while out for sanitary surveys, and report scores to the PWS and NYSDOH. Systems with a low score will be referred for technical assistance based on needs highlighted in the assessment. NYSDOH plans to modify the capacity assessment scorecard and apply the same concept to non-community water systems over time.

### Capacity Assessment Scorecard at Existing Water Systems

PWSs will be provided a copy of the scorecard when a regular sanitary survey inspection is scheduled by the LHDs, NYSDOH, or another inspector. PWSs will receive instructions on pre-filling or researching information needed to complete the scorecard prior to the inspection.

Completed scorecards will be provided to the PWS by the LHD or other inspector after the sanitary survey. A completed copy will also be provided to the NYSDOH Central office for data entry and record keeping purposes.

### Scoring Existing Water Systems

A critical component of the scorecard approach is utilizing a scoring methodology that identifies areas in which a PWS requires technical assistance to improve its TMF capacity. The scorecard utilizes a basic scoring approach where the total awarded points from each technical, managerial, and financial section are divided by the total possible points for each respective section. Overall system capacity is calculated in the same manner with total awarded points from all sections divided by the total possible points for all sections. Please see Appendix A for the capacity assessment scorecard.

During the pilot, NYSDOH acknowledged that the capacity assessment scorecard did not meet the specific needs of most water authorities. NYSDOH plans to investigate other assessment tools for water authorities.

### Scorecard Outcomes and Follow-up

Once scores for a completed scorecard are computed, the data will be used to determine which PWSs are ranked as either high, medium, or low priority for technical assistance. If a PWS with an outlier score in one of the sections (higher or lower than other scorecard sections) is identified, further coordination with a LHD will determine the system's priority for technical assistance. LHDs may also recommend PWSs for technical assistance regardless of the scorecard results. Systems with identified capacity development issues or otherwise designated by capacity assessments as 'low-performing' will be contacted and work directly with NYSDOH and LHDs to identify appropriate technical assistance resources for the identified areas of deficient capacity on a case-by-case basis. Current technical assistance available to water systems include technical, managerial, and financial trainings for water system staff and officials, as well as direct technical and regulatory support from state and local agencies. Water systems with specific needs not able to be met by existing state or local support programs, may be referred to external partners or contract firms to address identified deficiencies or to pursue relevant funding opportunities. Data from the scorecards will be compiled and stored at the NYSDOH Central (Albany) office so the Bureau of Water Supply Protection can track capacity trends over time. This will help NYSDOH inform technical assistance/technical assistance contracts, meet training needs, and establish the most appropriate partnerships.

Community water systems will be required to add their capacity scores to their Annual Water Quality Report (AWQR). NYSDOH will update AWQR guidance and provide suggested language to help communicate the context of the scores.

## Assistance Available for Public Water Systems to Develop Asset Management Plans

In 2018, AWIA amended the SDWA to include additional elements related to asset management. These additional elements are listed below:

- A description of how the State will, as appropriate—
  - encourage development by PWS of asset management plans that include best practices for asset management

- assist, including through the provision of technical assistance, PWSs in training operators or other relevant and appropriate persons in implementing such asset management plans

As required by the 2018 AWIA, NYSDOH encourages assessment management in the following ways:

- NYSDOH integrated the 5 core Asset Management questions into the capacity assessment scorecard. The Department will analyze data to assess PWS needs for each core question.
- Through the DWSRF program, the NYSDOH will continue to encourage communities that apply for financing to prepare and submit an asset management plan for their project. The Department may require an asset management plan for any project that has shown deficiencies with respect to technical, financial, and managerial capacity.
- Continue to offer reimbursement for asset management planning through DWSRF's capital funds.
- Encourage asset management planning through capacity assessment scorecard follow up correspondence.
- Provide technical assistance for asset management planning internally and through partners such as NYRWA and Rural Community Assistance Partnership (RCAP).
- NYSDOH will consider adding asset management training into the NYRWA circuit riders' contract for training to water operators.
- NYSDOH will consider adding an asset management component to the basic environmental health course, which is required to be taken by new NYSDOH public health specialists who conduct the sanitary surveys of water systems.
- NYSDOH will continue to explore other partnerships and/or contracts to assist public water system development and implementation of asset management plans.
- NYSDOH will consider creating asset management templates for PWSs use.
- NYSDOH will continue to collaborate with and refer communities to our co-funding agencies such as NY Homes and Community Renewal who have funds available for asset management.

## Additional Efforts in NY's Investment in Capacity Development

### The Drinking Water State Revolving Fund Intended Use Plan

Each Federal Fiscal Year, NYSDOH develops an Intended Use Plan (IUP) that outlines how NYS meets the SDWA DWSRF Applicant requirements:

- Section 2.0: Under provisions of the 1996 Amendments to the SDWA, NYSDOH is required to ensure that all systems receiving DWSRF assistance have adequate TMF capabilities to provide safe drinking water. The failure to meet this requirement could result in a significant reduction of the DWSRF federal capitalization grant awarded to the State for the program. Therefore, systems that lack adequate TMF capacity may be determined as ineligible by NYSDOH to receive DWSRF assistance unless the project to be financed corrects the TMF deficiencies.
- Section 4.4: Ineligible projects include, but are not limited to, projects submitted by systems that lack TMF capacity or are classified as priority systems based on US EPA's ETT score unless the proposed project will ensure capacity or compliance.

- **Section 8.4: Systems with Inadequate Capacity:** For all systems that seek funding under the DWSRF, the NYSDOH will review any history of violations, outstanding compliance problems, reported source contamination or inadequacies, treatment failures, needs survey data, operations and maintenance issues, and operator and owner coverage to determine whether a system lacks adequate capacity. A system that requires improvements to obtain adequate capacity can apply to the DWSRF provided the improvements will ensure compliance and render the water system viable. Using the procedures outlined in Sections 8.1, 8.2, and 8.3 to evaluate the system's TMF capacity, the NYSDOH will assess whether DWSRF assistance will help to ensure compliance. In addition, the NYSDOH will consult with the local health department, which provides the daily oversight and regulation of the water system, to make this assessment.

### Technical Assistance

NYSDOH and LHDs continue to provide technical assistance to systems in need through the following programs:

- **Sanitary Survey Program** – This program provides a complete and detailed assessment of a public water system's physical plant, maintenance and operations, and administrative abilities. The goal of the program is to review and evaluate the capabilities of existing facilities to determine if they can assure compliance with current and future drinking water standards and regulations.
- **Comprehensive Performance Evaluation Program** – This program provides a detailed structural, operational, and administrative assessment of water filtration plants. The primary goal of the program is to review and evaluate the capabilities of existing treatment facilities to determine if they are meeting current standards and performance goals. Based upon the facility evaluation, an optimization plan for each facility is developed to assure compliance with current and future standards and regulations.
- **Enforcement Activities** – Prior to taking enforcement action on a public water system that persistently fails to comply with State and Federal drinking water regulations, NYSDOH engages in activities designed to assist the troubled system come into compliance. These activities include engineering support, training, and establishing compliance schedules.
- **The Drinking Water Source Protection Program (DWSP2)** is a statewide initiative to provide municipalities with resources and tools to proactively protect their drinking water sources by building a comprehensive, sustainable DWSP2 Plan. This is a collaborative effort between the Department and the New York State Department of Environmental Conservation (NYSDEC), in consultation with the New York State Department of State (NYSDOS) and the New York State Department of Agriculture and Markets (NYSAGM). The Department and NYSDEC developed guidance to help municipalities create their DWSP2 Plan. In addition, the Department hired 11 staff for this program, 1 Program Manager, 2 Program Assistants, and 8 Regional staff (2 staff in each DOH region), who have been providing technical assistance to communities with developing and implementing their DWSP2 Plans. The Department staff help communities by creating or strengthening stakeholder groups, updating source water assessments and maps, identifying protection and implementation strategies, and assisting with plan management. As of 2022, 64 municipalities have worked towards

creating action-oriented, community-driven DWSP2 Plans to protect their drinking water sources. Ten of these communities have completed the plan development process and subsequently received State Acceptance, moving forward on implementing their plans.

- **Direct Technical Assistance** – LHDs provide direct technical assistance to PWSs on a daily basis. For example, LHDs investigate complaints, assure all applicable systems have updated Emergency Response Plans and Vulnerability Assessments, assist with implementation of new rules, track compliance, conduct plan reviews, review waivers, review certified operator applicants, add/maintain PWS inventory data, sample points and schedules and do surveillance monitoring. NYSDOH and NYSDOH Field Coordinators also have frequent communication with PWSs to help them navigate financial opportunities and other TMF concerns.
- **Training** – Disseminating information and providing tools to public water systems is an essential component in fostering capacity development. The NYSDOH participates in the biannual meeting of the New York Section of the American Water Works Association (NYSAWWA) and the Annual Meeting of the NYRWA where technical presentations are made on topics ranging from regulations, compliance, financing and other tools available to assist public water systems.
- **Partnering** – DOH utilizes other available resources in New York State to assist public water systems with their capacity needs. Various other government agencies within the State, as well as other organizations that partner with the Department on water supply issues, have programs, services, tools, and other available resources that public water systems can use to acquire, maintain, and build upon their technical, managerial, and financial capabilities. In addition to the DOH, the following agencies and organizations provide education and training to water system owners, operators, and managers; direct technical, managerial, and/or financial assistance to public water systems; direct community assistance, training, and education to elected officials; and provide funding in the form of grants and loans to eligible systems in need:
  - New York State Department of State
  - Environmental Facilities Corporation
  - New York State Public Service Commission
  - New York State Department of Environmental Conservation
  - New York Homes and Community Renewal
  - New York Water Environment Association
  - New York Association of Towns
  - New York Conference of Mayors
  - New York State Association of Regional Councils
  - New York Rural Water Association
  - New York Section of the American Water Works Association
  - Resources for Communities and People (RCAP) Solutions
  - Tug Hill Commission
  - United States Department of Agriculture Rural Development
  - Environmental Finance Centers

- **New York Rural Water Association (NYRWA) Circuit Rider Contract** – NYSDOH has had a technical assistance contract with NYRWA for over 17 years. NYRWA has provided small systems with the following support during that time:
  - o Assisting with compliance;
  - o Identifying, evaluating, and troubleshooting problems and violations;
  - o Educating water operators, municipal officers, elected officials, and system owners;
  - o Providing necessary training (on-site or in classrooms);
  - o Assisting with the development of Emergency Response Plans;
  - o Assisting with security and vulnerability assessments;
  - o Assisting in developing rate structures;
  - o Assisting with leak detection programs;
  - o Collecting water samples for analysis;
  - o Evaluating current operating procedures;
  - o Locating funding and assisting with funding applications; and
  - o Coordinating activities with other technical assistance providers.

### Drinking Water Enhancement Program

The Department’s Drinking Water Enhancement (DWE) Program is another example of an ongoing effort to address several other barriers to capacity development. These barriers include lack of staffing, difficulty enforcing regulations, and lack of thorough sanitary inspections. The DWE Program provides grants to local health departments. The 2019-20, 2020-2021 and 2021-2022 state budgets included over \$5 million for DWE grants. This funding helps support local health department public water system oversight activities.

### Operator Certification

In 2001, the Department amended the Operator Certification regulations to ensure that all water system operators are properly certified and have sufficient technical and managerial training and experience to operate their public water systems. Since submitting the previous Report to the Governor in 2017, the Department issued 658 initial operator certifications and renewed 3,200 operator certifications. Although federal funding for the Operating Training Program is no longer provided, DOH continues to sponsor and/or provide training to water system operators when feasible. Since the last triennial Report to the Governor, 2,294 total course sessions were approved, including 29 course sessions on ethics.

### Storm Mitigation Loan Program

NYSDOH is in the process of closing out the Storm Mitigation Loan Program (SMLP), which offered interest-free financing and grants to eligible public water systems affected by Hurricane Sandy to enhance resilience to flood damage or natural disasters. The total amount available for projects through the SMLP was \$66,756,039.

### Workforce Development

NYSDOH recognizes that many communities are facing workforce retirement and are contending with succession concerns. NYSDOH will utilize the new strategy to explore new opportunities for partnership and collaboration to enhance the water operator workforce. General approaches to workforce development include:

- Technical assistance and trainings focusing on future workforce development planning and strategies.

- Enforce long-standing Davis-Bacon related act prevailing wage requirements across projects that receive DWSRF resources, as required under federal law.
- Encourage pre-apprenticeship, registered apprenticeship, and youth training programs that open pathways to employment.
- Encourage DWSRF funding recipients to support safe, equitable, and fair labor practices by adopting collective bargaining agreements, local hiring provisions (as applicable), project labor agreements, and community benefits agreements.
- Investigate partnerships with other agencies and organizations to increase water operator recruitment, retention and information sharing between water professionals.

## NYSDOH will make this Report Available to the Public

This document will be posted on NYSDOH's Capacity Development website:

<https://www.health.ny.gov/environmental/water/drinking/capacity/> In addition, Community water systems will be required to add their capacity assessment scores to their Annual Water Quality Report (AWQR) each year. NYSDOH will update AWQR guidance and provide suggested language to help communicate the context of the scores. NYSDOH will also encourage PWS to direct customers to the NYSDOH website to review the revised Capacity Development Strategy.

## Conclusion

This report provides an assessment of the Capacity Development Program in New York State and the statewide strategy for assisting public water systems in need. In addition, this report summarizes the progress made toward improving the technical, managerial, and financial capabilities of public water systems in New York State as a result of the Department's Capacity Development Program. Overall, New York State is achieving its goals through the effective implementation of capacity development strategy and has started integrating asset management; however, challenges remain over long-term funding, aging infrastructure, and an aging workforce. The State's Capacity Development Program, along with other State resources, has helped public water systems in New York acquire and/or maintain the technical, managerial, and financial abilities needed to properly operate, manage, and finance their systems. The Department will continue to strive to achieve the fundamental goals of the Capacity Development Program, and increase the awareness of public water system stakeholders, including the general public, about new challenges and issues related to water system capacity as they arise.