

Waterworks Stakeholder Meeting Minutes

In person and by WebEx

10:00 am, Wednesday, September 21, 2022

Attendees: Dwayne Roadcap (ODW), Chair; Bailey Davis, DCLS; Skip Harper, Virginia Plumbing & Mechanical Inspectors Association; Jesse Royall, PE, Sydnor; David Van Gelder, Water Operator; Steve Herzog, PE, VWEA; Mark Estes, VRWA; Geneva Hudgins, VA AWWA; Russ Navratil, VA AWWA; Jessica Edwards-Bryant, Loudoun Water; Brian Hilderbrand, Virginia Department of Housing and Community Development; Chris Pomeroy, Aqua Law; Andy Crocker, SERCAP; John Aulbach, Aqua Virginia; Laura Bauer, Virginia American Water Company; Chris Bergin, KPM Law; Emily Guillaume, Troutman Pepper; Chris Pomeroy, Virginia Municipal Drinking Water Association; Daniel Mintz and Julie Kennebeck, Promise; Joey Hiner, VA SERCAP; Emily Guillaume, Troutman Pepper; Sarah Holland, Virginia Health Catalyst; Hannah Somers, DEQ.

ODW Staff: Tony Singh, James Reynolds, Barry Matthews, Steve Kvech, Aaron Moses, Jeremy Hull, Kelly Ward, Dan Horne, Brian Blankenship, Christine Latino, Ray Weiland, Jack Hinshelwood, Athena Van Lear, Grant Kronenberg.

Meeting Overview

The Office of Drinking Water (ODW) met with stakeholders in person at the Madison Building on Wednesday, September 21, 2022. Stakeholders and the public also joined by electronic communication means (WebEx). Dwayne Roadcap called the meeting to order at 10:04 a.m. and reviewed the agenda. The attendees did not review minutes for the most recent Waterworks Advisory Committee (WAC) meeting because ODW is in the process of reestablishing membership of the WAC and this is not a WAC meeting. ODW plans to reestablish membership before the December 14, 2022 meeting. Mr. Roadcap explained that today's meeting is informal, mostly providing information and requesting feedback.

Promise LIHWAP

Ms. Julie Kennebeck and Daniel Mintz from Promise joined the meeting virtually to present on the Low Income Household Water Assistance Program (LIHWAP). The Virginia Department of Social Services has selected Promise to administer Virginia LIHWAP, a \$22.5 million grant awarded to the State of Virginia. Promise offers a simple platform that include revenue recovery (flexible payment plans), relief distribution (find and pre-qualify eligible recipients), and a marketing and outreach software system for waterworks. Eligible households can receive up to \$2,500 for past due residential drinking water and wastewater bills. Promise will prioritize disconnected households and those at risk of shutoff. In order to participate, waterworks will need to start by signing a vendor agreement. Waterworks will provide customer arrearage data, identifying customers disconnected, those at risk of shutoff and those with past due balances.

Promise will combine customer data with data with the state to identify customers likely eligible for LIHWP funds. Promise will reach out to likely eligible customers to submit the LIHWP applications, process the application, determine the award amount and transmit the award amounts and money to the waterworks. Water utilities interested in participating with this grant, should contact LIHWP to complete a utility intake form.

Waterworks Advisory Committee (WAC)

Grant Kronenberg introduced himself, gave a quick background, and explained the need to reestablish the Waterworks Advisory Committee. He clarified that this meeting is not a meeting of the Waterworks Advisory Committee, as there is not a Waterworks Advisory Committee, in fact, but instead, this is a meeting of ODW staff and stakeholders to discuss status and things ODW has been working on.

Kronenberg explained that due to the amendments to the Waterworks Regulations that went into effect in June 2021, and expiration of terms of service of the previously appointed members of the WAC, it is necessary for the State Health Commissioner to reestablish the WAC membership. The Office of Drinking Water is in the process of establishing new membership and will send out letters within the next few weeks.

When the WAC convenes in December, the WAC will consider establishing bylaws and electronic meeting policies, which address all-virtual public meetings and individual participation by electronic means, pursuant to the Virginia Freedom of Information Act (FIOA). The WAC must adopt an all-virtual meetings policies before conducting any all-virtual public meetings, based on the new FIOA requirements. There is a limit to the number of all-virtual public meetings that can be held each year. Based on four quarterly meetings per year, the WAC would be limited to two all-virtual meetings per year and cannot hold all-virtual meetings consecutively.

The WAC must have an individual participation by electronic means policy in place before any member of the WAC can participate by electronic means on an individual basis. There are four potential grounds members may join a meeting virtually: personal medical issues or disability preventing in-person attendance; a family member's medical condition requiring the WAC member to provide care for them, thereby preventing in-person attendance; the WAC member lives more than 60 miles from the meeting location; and a personal matter preventing the WAC member from attending the meeting. Each member of the WAC will be limited in the number of times each year they can join a meeting electronically due to a personal matter. It is expected this limit will be two meetings per year. For any member to join electronically, the WAC must have an in-person quorum for that meeting. To put it another way, for every in-person meeting, the WAC must have an in-person quorum to allow a member to join and participate electronically.

Compliance and Enforcement

Grant Kronenberg, Director of Compliance and Enforcement, announced Athena Van Lear is our new Enforcement Coordinator. Athena has been with ODW since 2013 in the Lexington Field Office, where she held the position of Compliance Specialist.

Grant and Athena will work with the field offices to discuss the current issues in monthly meetings. They will address each situation on a case-by-case basis. They will look for broader trends pointing to underlying issues that may cause similar violations in other waterworks across Virginia. Grant will work with the field offices to revise the Enforcement Manual. Grant is looking at process improvements and revisions to document templates to be documented in the revised manual.

PFAS Updates

Tony Singh, Deputy Director of the Office of Drinking Water, reported that at a recent meeting, the EPA let ODW know that EPA has some funding available to sample for PFAS and the EPA plans to do its own PFAS sampling of drinking water. ODW has asked for more information regarding EPA's plans and has offered to collaborate with EPA.

ODW is currently conducting the Phase 2 PFAS Occurrence Study. Due to staffing issues, the team is facing some delays in the sampling effort. The team was able to collect about 10% of our desired samples. ODW is preparing the report required by House Bill 919, due on December 1, 2022. ODW will identify a new PFAS workgroup soon. The stakeholders may hear from ODW in a few weeks.

EPA is publishing a draft PFAS regulation by the end of this year. Under the Bipartisan Infrastructure Law, there is some funding available for remediation. There are many events happening around the county regarding PFAS. If you hear new information, please feel free to share with ODW. ODW is working with DEQ on source water monitoring activities.

CENTRALIZED REVIEW

Aaron Moses reported on the Centralized Review Program. The objective of the Centralized Review is to decrease approval time, streamline the process, increase review priority for ODW staff, increase consistency across the state, and maintain plan review ability in the field office staff.

Both the Abingdon Field Office and the Culpeper Field Office have been piloting this program. ODW plans to make this program permanent. ODW is currently reclassifying three vacant positions to support this program. These consist of a supervisor and project engineers that will handle the plan review. ODW has also developed a Red Cap submission form. This will help solve problems with submittals via email. ODW has developed a system for field office review, giving the field office the ability to review the plans for three days, with the Central Office tracking the comments by the field office.

Questions:

Does the checklist reference the regulations section? Currently the checklists do not provide line by line references, but the form shows the section. This will change once new employees are hired. It will be designed to provide additional clarity. The checklist are available on line (by invitation) and focus on the requirements in the regulations.

Will the field offices review the projects? There will be a three-day review period for the field offices. Central Office will then address any issues. Field offices will remain involved in the Preliminary Engineering Conferences and reviewing the Preliminary Engineering Reports.

Lead and Copper Rule Revisions

Steve Kvech of the Lexington Field Office reported the Lead and Copper Rule Revisions (LCRR) effective date was December 16 2021, which is the date it went into the Code of Federal Regulations. (See the slides for more details.) The compliance date remains October 16, 2024, which is when water systems must comply. ODW was waiting on guidance from EPA and EPA issued the *Guidance for Developing and Maintaining a Service Line Inventory* on August 4, 2022.

ODW is working to get the word out to the waterworks regarding getting going on Service Line Inventories. VA AWWA did some training in late August. Bob also presented internal ODW staff training in September. ODW will present a webinar on October 13, 2022 to the regulated community and stakeholders. ODW is planning in-person technical assistance and training for smaller waterworks to ensure that the utilities meet requirements, prepare and monitor for lead in school and childcare facilities along with related reporting. ODW also intends to develop a tap sampling video. ODW will post templates on our website. ODW is allowing methods that involve visible or physical inspection identification of service line materials. ODW will review and accept water quality sampling, predictive models and emerging methods of service line material identification on a case by case basis.

The EPA also has some requirements about historical documents and what information can be used. ODW is looking to make sure systems have materials and have posted a lead ban guidance and chronology document on our website. ODW is going to an electronic filing system and are working to-scan old documents. By scanning documents, ODW should be able to share copies of the documents easily.

What should waterworks do now? Waterworks should work on their service line inventory and lead service line replacement plan. Waterworks should start developing the list of schools and childcares served and making sure the currently tap sampling locations are up to date. There will be more consumer notification requirements and shorter deadlines in the future.

Software Updates

Dwayne Roadcap explained that ODW is actively purging documents, pulling our records into an electronic format, and creating an electronic documents management program.

Aaron Moses explained the following changes are motivated by the need to update programs that do not meet current security standards, are outdated, and increasingly difficult to maintain.

These include:

SWEPT – Project-tracking software was implemented in November 2021

SWIFT – Electronic Inspections. Groundwater systems were implemented in May 2022; Surface Water will be implemented in October 2022.

SWIMR – Tool for pulling reports from our databases. ODW currently has 5 reports available.

Drinking Water Viewer will replace Drinking Water Watch. The development process is almost complete and in use by ODW staff. ODW is currently writing help pages aimed for the public, updating ODW Website link, drafting notices to waterworks to be shared with our field offices. With the publication of Drinking Water Viewer, ODW plans to discontinue paper (manual) transmission of chemical sample results to water systems, since this information will be available in Drinking Water Viewer.

Future GEC Software

CMD – Compliance determination software – Uses SDWIS/State data to determine compliance. This program supports the transition from paper to electronic processes.

Lead Service Line Inventory Portal – Will support capturing complete lead service line inventory data for ODW.

Monthly Operating Report Portal – Fills a data capture need, reduces data entry and supports automated tracking and evaluates data.

Equitable Access to Drinking Water Fund

Barry Matthews, Director, Division of Training, Capacity Development and Outreach explained the 2022 Virginia General Assembly (VA GA) passed a budget that included supporting consolidation of small community waterworks, which became effective July 2022. The VA GA appropriated \$1 million in FY23 and an additional \$1 million in FY24. ODW is in the process of developing policies and procedures regarding how this funding should be used.

It will include an application and will provide a statement of commitment from the consolidating waterworks. ODW will manage and utilize the fund for the sole purpose of benefitting waterworks that are consolidating with or receiving recalcitrant or poorly performing waterworks.

Once the policy and procedures have been reviewed and vetted by ODW leadership, the document will be forwarded to VDH Governmental and Regulatory Affairs for review prior to sending to the State Health Commissioner for approval. ODW anticipates that the policies and procedures may need to be presented to and approved by the Board of Health. No specific Board of Health meeting has been assigned for this presentation.

Waterworks Operations Fee Regulations

Barry Matthews, Director, Division of Training, Capacity Development and Outreach explained ODW started work in February of this year and held four meetings to discuss the Waterworks Operations Fee Regulations. The work group met four times and reviewed the regulations. Meeting information is posted on Town Hall.

The meetings resulted in clear direction from the stakeholders group on revisions. Regulations definitions were cleaned up and made consistent with the VA waterworks regulations. Three new sections were added: Wholesale waterworks, Transient noncommunity (TNC) waterworks operation fee, and non-payment considerations.

Wholesale Waterworks - Currently, wholesale waterworks without household user accounts are still invoiced as a community system. Wholesalers who only sell to other waterworks are proposed to be billed an annual lump sum of \$2500.00.

Transient noncommunity (TNC) waterworks operation fee – TNC waterworks are currently not charged a fee. The work group proposes TNC be charged \$60.00 annually.

Non-payment considerations. The work group proposes regulations to limit technical assistance, limit and/or restrict waterworks' access to loans, grants or services, collect waterworks financial records and require the submission of a Waterworks Business Operations Plan.

The work group also propose that the NTNC fee increase from \$90 to \$120 annually.

There are now new policies and procedures that ODW needs to follow. ODW needs to complete a new form TH-02, which includes an economic impact analysis for both revenues and expenses for the agency, and includes the economic impacts to state or local governmental entities along with an analysis of financial impacts.

The new Policy Executive Order 19 and is highly detailed and explains the changes and why things needs to be changed. ODW is currently working to complete the TH-02.

VDH/ODW is currently working to develop enhanced procedures around the billing process, to include the possible purchase of billing software. ODW anticipates that the proposed regulations will need to be presented to the Board of Health for approval.

DWSRF HIGHLIGHTS

Dwayne Roadcap presented that ODW have hired two new-dedicated project managers who should be on-boarded next week. They will send out the award letter for the last of the American Rescue Plan Act (ARPA) funds, update the website and will start tracking projects. ODW received \$100 million in ARPA funds.

The Drinking Water State Revolving Fund (DWSRF) FY 2022 Intended Use Plan (IUP) has been approved by EPA. The final version will be added to the website next week.

The FY 2022 Bipartisan Infrastructure Law (BIL) & DWSRF funds are conditionally awarded. EPA is waiting on the IUP to complete the public comment period. ODW anticipates loan closings by early November 2022. ODW received \$87 million with a \$3 million state match in BIL funds.

ODW received 131 applications for funding this year, totaling over \$1.0 Billion. The 2023 BIL & DWSRF funding list is still being developed. ODW expects it by October 2022.

Because of the unprecedented amount of funding requests, staff are also developing “Unable to fund at this time” letters and “you may still receive funding in 2023 for the application you submitted this year.” Recipients should know in the next several weeks if the funding for the project has been awarded. If not approved for funding this year, projects will be automatically carried over for consideration next year.

Partnership with Petersburg

The City of Petersburg received bipartisan outreach with the Governor labeled “Partnership with Petersburg.” ODW signed a covenant with Petersburg that ODW will do its part to make the partnership work. This is a large infrastructure program that includes 42 action items and will address critical water and wastewater requirements planning for the growth in the Poor Creek area. Improvements to the water system include installation of a 2.0-million gallon elevated water storage tank, a water booster station, and 5,400 feet of new water main. Petersburg will receive \$29.55 million in ARPA funding including \$11.5 million for water system improvements. Additional project costs will be paid for using grant funding. ODW also has additional funding of \$10.5 million in case they may need it.

ODW Budget Updates

The ODW Budget is current and looks secure at this point. VDH and the Department of Planning and Budget are due to issue a report by October 15, that shows cause of the budget shortfall, how to prevent a shortfall from happening again, options for non-general fund revenue, analysis on merging with another office within VDH and if efficiencies can be had, and emerging issues relating to the budget.

ODW currently has about 25 vacancies and are actively working to hire these positions. The EPA has hired a contractor to do an evaluation of needs and resources for the Office of Drinking

Water and the Virginia program. It should be out in December or early January. It will use some national criteria and identify resource needs for Virginia's public drinking water program.

Public Comment period

No public comments.

Conclusion

The next meeting is scheduled for December 14, 2022 as an in-person meeting, not in downtown Richmond.

WATERWORKS ADVISORY COMMITTEE MEETING

109 Governor Street, Richmond VA (5th floor conference room) and by WebEx

September 21, 2022
10:00 AM – 12:30 PM
DRAFT AGENDA

Subject	Time
Connect to Webex	9:45 – 10:00 AM
Start meeting. Establish quorum. Finalize Agenda. Adopt 7/20/22 meeting summary.	10:00 – 10:15 AM
<p style="text-align: center;">Drinking Water Program Discussion</p> <ul style="list-style-type: none">• WAC Membership status – Grant Kronenberg• Enforcement & Compliance updates – Grant Kronenberg• PFAS study implementation - Dr. Tony Singh• Centralized Plan Review Implementation – Bob Edelman• Lead and Copper Rule Revisions – Bob Edelman• Oracle database products; Drinking Water Viewer– Aaron Moses• Equal Access to Drinking Water – Barry Matthews• Fee Regulations update – Barry Matthews• Funding and DWSRF Intended Use Plan (ARPA, BIL, DWSRF) – Kelly Ward• Partnership with Petersburg – Dwayne Roadcap• ODW Budget and Hiring – Dwayne Roadcap	10:15 – 11:45 AM
Public Comment Period	11:45 – Noon
<p style="text-align: center;">Other Business</p> <ul style="list-style-type: none">• Upcoming meeting date: December 14, 2022	Noon – 12:30 PM

Information and Protocol for WebEx Meeting

You can access the meeting on your computer, phone or mobile device with the meeting link below:
<https://vdhoep.webex.com/vdhoep/j.php?MTID=m65eaf81420ff91431a1642f1f3872414>

If accessing via a mobile device, you will need to download the WebEx Meet app prior to joining the meeting.

When joining the meeting, please use the meeting number and password below:

Meeting number (access code): 2630 720 2583

Meeting Password: [Apc2bSMS5F4](#)

You can use your computer audio or join via telephone by calling [1-844-992-4726](tel:1-844-992-4726) United States Toll Free.

Please log into the meeting at least 10 minutes before the meeting begins. (If you are having problems, please call Kris Latino@8046644403 and she will assist you)

Please sign into the meeting and identify yourself so we can verify that you are attending the meeting.

After you have identified yourself, please mute your phone to reduce any unwanted noise.

Driving Directions and Parking Information

Meeting Venue: 5th Floor Large Conference Room, James Madison Building, 109 Governor Street, Richmond 23219 VA

Driving Directions:

From the North: Follow I-95 South to Exit 74B (Franklin Street). Turn right at the light, keep straight through the intersection and the Madison Building is on the right (top of the hill) Follow directions below to selected parking option.

From the South: Take I-95 North to Exit 74C. Follow Exit 74C, and then take the Broad Street East ramp to the right. Turn right onto Broad Street. Go to the first traffic light that is N 14th Street and turn left. Go to traffic light and make a right turn, the Madison Building is on the right (top of the hill). Follow the directions below to selected parking options.

From the West: Take I-64 East. As you get into the central Richmond area, I-64 merges with I-95. Follow signs for I-95 South to Exit 74B (Franklin Street) (do not get back onto I-64). Turn right at the light, keep straight through the intersection and the Madison Building is on the right (top of the hill). Follow directions below to selected parking options.

From the East: Take I-64 West to I-95 South. Follow I-95 South to Exit 74B (Franklin Street). Turn right at the light; keep straight through the intersection and the Madison Building is on the right (top of the hill). Follow directions below to selected parking options.

Public Parking

Parking is not permitted in State parking areas. Cars illegally parked in these areas are subject to ticketing and towing, Public Parking areas are available on nearby streets. Each of these streets are South of the Madison Building, although other parking facilities exist, the following are a few of the closest (costs may have changed since this document was created):

1. Main and N. 14th Street (AOPCOA Parking Lot)
Turn right onto Franklin Street off exit ramp. Go to N 14th Street – turn left. Go one block to Main Street. See parking lot on left (Small gravel lot.) \$5.00 all day.
2. Cary off N 14th Street (Public Parking Deck- AOPCOA)
Turn right onto Franklin Street off exit ramp. Go to N. 14th Street – turn left. Go two blocks to Cary Street. Turn left onto Cary. Parking deck will be on the left. Early bird rate – If in before 9:00 a.m. (unknown at this time) after 9:00 a.m. \$16.00 all day
3. Cary and 15th Streets (VA Park – Value Parking Lot)
Turn left onto Franklin Street off exit ramp. At first corner, turn right onto 15th Street. Go two blocks to Cary Street – turn left onto Cary, see parking lot on right corner \$5.00 all day.
4. Cary between 16 & 17th Streets (V Park – Value Parking Lot)
Turn left onto Franklin Street off exit ramp. At first corner, turn right onto 15th Street. Go two blocks to Cary Street – turn left onto Cary. See parking lot on right one block down. \$5.00 all day.

To get to parking lot from Broad Street; Turn left onto N. 14th Street. Go two traffic lights to Main Street and see parking lot #1 on the left or go three traffic lights to Cary Street and turn left. Parking lots #2, #3 and #4 will be seen as indicated above

Re-establishing the Waterworks Advisory Committee

The need to re-establish the WAC

- June 2021 amendments to the Waterworks Regulations included amendments to the directive to the State Health Commissioner regarding establishing the WAC.
- Terms of the members of the WAC as appointed pursuant to the prior version of the Waterworks Regulations have expired.
- ODW will be asking the Commissioner to appoint a new slate of members to the WAC.

- **BYLAWS**
- **ELECTRONIC MEETING POLICIES**
 - All-virtual public meetings.
 - Individual participation by electronic means.

Looking ahead to the first meeting of
the RE-ESTABLISHED WAC

All-virtual public meetings

- The WAC must adopt an all-virtual meetings policy before conducting any all-virtual public meetings.
- Limited in number.
- Cannot hold all-virtual meetings consecutively.

- The WAC must have an individual participation by electronic means policy in place before any member of the WAC can participate by electronic means on an individual basis.
- Four potential grounds:
 - Personal medical issue/disability preventing in-person attendance.
 - Family member's medical condition requiring the WAC member to provide care for them, thereby preventing in-person attendance.
 - Live more than 60 miles from the location of the meeting.
 - A personal matter preventing the WAC member from attending the meeting. Limit on the number of times this can be used.
- Must still have an in-person quorum.

Individual participation by electronic means

Compliance and enforcement update

Compliance and enforcement update

- New Enforcement Coordinator – Athena Van Lear.

Compliance and enforcement update

- Working with Field Offices
 - Compliance Specialists
 - Monthly meetings

Compliance and enforcement update

- Broader trends
 - How to address them on a case-by-case basis.
 - How to address the underlying issue.
- Working with other Divisions within ODW
- Revising Enforcement Manual

PFAS Updates

Centralized Review Program

Waterworks Advisory Committee

7/20/22



Centralized Review Program

Reorganize program with key objectives:

- Decrease review and approval times
- Streamline reviews for standard project elements
- Increase review priority for ODW staff
- Increase consistency across the state
- Maintain plan review ability in the field office staff

New Program Elements

- Centralized Review Program Website
 - Program Description, checklists, certification statement
- Electronic Documents
 - Submission via dedicated email address (changing to web form)
 - All approvals via email
- New Checklists – June 2021 Waterworks Regulations
- Certification Statement
- Dedicated reviewers

Progress Updates

- Reclassifying 3 vacant positions to support program
 - Supervisor
 - 2 Project Engineers
- Developed REDCap project submission form
 - testing internally
- Piloting field office oversight system
 - 3 day period for field office review prior to issuing permits
 - Piloting (CFO), will evaluate value of impact on timeliness

Lead and Copper Rule Revisions (LCRR)

Waterworks Advisory Committee
September 2022 Briefing

Lead and Copper Rule Revisions (LCRR)

- Effective Date 12/16/21
 - Entered into the CFR
- Compliance Date 10/16/24
 - Water systems must comply beginning this date
- *Guidance for Developing and Maintaining a Service Line Inventory*
 - Issued by EPA on August 4, 2022

Getting the Word Out: Service Line Inventories

- August 30, 2022: VA AWWA Webinar:
 - *Unpacking the Latest Guidance on the Lead and Copper Rule (LCR) Revisions*
 - VDH ODW presented on LCRR Service Line Inventory regulatory requirements, guidance and Virginia requirements
- September 8, 2022: Internal ODW staff training webinar:
 - LCRR Service Line Inventory Requirements and Guidance
- October 13, 2022: Regulated Community & Stakeholder webinar:
 - LCRR Service Line Inventory Requirements and Guidance
 - Funding for service line inventory and LSL replacement
 - Utility perspective
 - Questions & Answers

Training and Technical Assistance

- Targeting small water systems (serving < 500)
 1. Training – In-person – 12 sessions
 - Preparing Lead Service Line Inventory
 - Preparing Lead Service Line Replacement Plan
 - Preparing for monitoring for lead in schools and child care facilities
 - Related reporting, public notification, and recordkeeping
 2. Technical assistance – site visits, video conferencing, telephone consulting to targeted small systems
 - Service Line Inventory
 - Lead Service Line Replacement Plan, including a Pitcher Program
 - Consumer Notification of Service Line Material for persons with a lead service line, galvanized requiring replacement or lead status unknown.
 - List of schools and child day program
 - Public education to schools and child care facilities
 - Consumer Confidence Report Language
 3. Lead and Copper Rule – Tap Sampling Video
- LCR Committee is striving to provide Up-to-Date LCRR Resources and guidance
 - FAQs and Virginia Specific guidance
 - Templates
 - ODW LCRR Website

Virginia Specific Items

Identification methods provided or required by their state under the LCRR (40 CFR §141.84(a)(3)(iv)).

VDH ODW is allowing the following identification methods:

Visual inspection of service line material, including at meter setting and inside home/building, customer self-identification, CCTV inspection, scratch test, lead solder test kit

Excavation – Vacuum and Mechanical

VDH ODW will accept the following identification methods on a case by case basis (approval is required):

Water quality sampling

Predictive modeling

Emerging methods

Other methods



Virginia Specific Items

Required Historical Records Review

❑ State Requirements (6.1.1)

Any resource, information, or identification method provided or required by the state to assess service line materials, to identify service line materials for the initial inventory (40 CFR §141.84(a)(3)(iv)).

- Identify service line material for system-owned and customer-owned sides.

ODW requires:

- Most recent approved LCR material survey
- Lead Ban Guidance and Chronology (posted on ODW's website)

Virginia Specific Items

Virginia is working on inventory submittal requirements likely including:

- Electronic submittal – to facilitate data migration into SDWIS/State
- Virginia inventory template (Excel Spreadsheet)
- Information responsive to EPA's Review Checklist (see tabs in EPA's template):
 - PWS Information
 - Inventory Methodology
 - Inventory Summary
 - Public Accessibility Documentation

More to come!

What should waterworks do now?

- Items due October 16, 2024, subject to change by LCRI:
 - Lead Service Line Inventory (major focus)
 - Lead Service Line Replacement Plan (Required if LSLs, Galvanized Requiring Replacement, “Unknown” are present)
 - Compile a list of schools and childcare facilities served by the system (Community only)
 - Update compliance tap sampling locations (LSLs, Galvanized Requiring Replacement, “Unknown” may trigger re-evaluating tap sampling locations)
 - Prepare for enhanced customer notifications (new requirements, shorter deadlines)

Software Updates

Waterworks Advisory Committee

7/20/22



Current GEC Software

- SWEPT – project tracking – implemented 11/21
- SWIFT – electronic inspections
 - GW implemented 5/22
 - SW will be implemented 10/1/22
- SWIMR – reporting – 5 reports implemented, ongoing
- Drinking Water Viewer – DWW Replacement
 - Development mostly complete, in use by ODW staff
 - Writing help page, updating ODW website link
 - Drafting notice to waterworks, discontinue manual result transmission



Future GEC Software

- CMD – compliance determination software, supports transition to electronic/less manual processes
- Lead Service Line Inventory Portal
 - Will support capturing complete data for ODW, SDWIS limited
- Monthly Operating Report Portal
 - Fills data capture need
 - Reduced data entry
 - Supports automated tracking and evaluation

Equitable Access to Drinking Water Fund

The 2022 Virginia General Assembly passed a budget that included “Support[ing] consolidation of small community waterworks.” Effective July 1, 2022, a Fund was established to be known as the Equitable Access to Drinking Water Fund.

The Virginia General Assembly appropriated \$1M for this Fund in SFY 23 and an additional \$1M in SFY 24

ODW is in the process of developing policies and procedures regarding how waterworks may receive proceeds from the Fund.

Equitable Access to Drinking Water Fund

The process will include an application and statements of commitment to the consolidation from the participating waterworks. The Equitable Access to Drinking Water Fund Policy and Procedures apply to all use of the Fund.

VDH - ODW will manage and utilize the Fund for the sole purpose of benefitting waterworks that are consolidating with or receiving recalcitrant or poorly performing waterworks.

These benefits consist of reimbursement of costs associated with the operations and maintenance of the waterworks vacating its operation permit. So long as funding is available, ODW will provide access to the Fund on a “first-come, first-served” basis for eligible applicants.

Equitable Access to Drinking Water Fund

Once the Policy and Procedures have been reviewed and vetted by ODW Leadership, the document will be forwarded to VDH – Governmental and Regulatory Affairs for review prior to sending to the Commissioner for approval.

ODW anticipates that the proposed Policy and Procedures may need to be presented to and approved by the Board of Health.

No specific Board of Health meeting has been assigned for this presentation at this time.

Equitable Access to Drinking Water Fund

Questions, Comments, Discussion

Waterworks Operation Fee Regulations

Four meetings were held to discuss the Waterworks Operation Fee Regulations. Those meetings were held on: March 15, 2022, April 19, 2022, May 12, 2022, and May 19, 2022.

Minutes of these meetings are available on Town Hall

The meeting resulted in clear direction from the Stakeholders Group on revisions to the Regulations. The Regulation definitions were cleaned up and made consistent with the *Virginia Waterworks Regulations*. Grammar and syntax were corrected as needed. Three new sections were added, including: Wholesale Waterworks, Transient noncommunity (TNC) waterworks operation fee, and Non-payment considerations.

Waterworks Operation Fee Regulations

Wholesale Waterworks - Currently Wholesale Waterworks without household user accounts are still invoiced as a community system. Wholesalers who only sell to other waterworks are proposed to be billed an annual lump sum of \$2,500.00.

Transient noncommunity (TNC) waterworks operation fee - Transient noncommunity waterworks are currently not charged a fee. TNCs are proposed to be charged \$60.00 annually.

Non-payment considerations – Proposed regulations to limit technical assistance, limit and/or restrict waterworks' access to loans, grants, or services, collect waterworks financial records and require the submission of a Waterworks Business Operations Plan.

Waterworks Operation Fee Regulations

Nontransient noncommunity are currently charged a \$90.00 annual fee. NTNCs are proposed to be charged \$120.00 annually.

Questions about the content of the staff proposed Regulations?

The Revisions to the Waterworks Operation Fee Regulations are drafted and have been reviewed within ODW. As mentioned in the Equitable Access Fund presentation, a TH-02 must be completed for these regulations. Staff is currently working on the TH-02, which includes an economic impact analysis of both revenues and expenses for the agency and any impacted state or local governmental entities.

Waterworks Operation Fee Regulations

Pursuant to new State Policy on all Regulations and Policy, we believe that a TH-02 *Proposed Regulation Agency Background Document* Form must be completed. This form is a highly detailed review of the proposed Policy.

“This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code.”

Waterworks Operation Fee Regulations

VDH-ODW is currently working to develop enhanced procedures around the billing process, to include the possible purchase of billing software.

ODW anticipates that the proposed Regulations will need to be presented to and approved by the Board of Health.

No specific Board of Health meeting has been assigned for this presentation at this time.

Waterworks Operation Fee Regulations

Questions, Comments, Discussion

DWSRF Highlights

- ARPA: Two new, dedicated project managers will be on-boarding next week. They will send out the award letters for the last of the ARPA funds. The letters will contain their contact information.
- IUP: The FY 2022 IUP has been approved by EPA. The final version added to the website next week.
- The FY2022 BIL & DWSRF funds were conditionally awarded. EPA waiting on the IUP to complete the public comment period. Expect loan closings by early November 2022.
- The FY2023 BIL & DWSRF funding list is still being developed.
 - Expected it by October 2022.
 - Because of the unprecedented amount of funding requests, staff we are also developing "unable to fund at this time" letters and "you may still receive 2023 funding."

Partnership with Petersburg

- Large infrastructure improvement program
 - Addresses current critical water and wastewater requirements for planned growth in the Poor Creek (Southeastern section) of the City.
 - These improvements will provide improved service to current customers including Bon Secours Southside Medical Center, and the Pharmaceutical Cluster (AMPAC Fine Chemicals, Phlow, CivicaRx), while simultaneously supporting and allowing for future development in the Poor Creek area.

Partnership with Petersburg

- Improvements to the water system include:
 - installation of a 2.0-million gallon elevated water storage tank,
 - a water booster station, and
 - approximately 5,400 feet of new water main with associated valves and appurtenances.
 - proposed improvements will create a new high pressure water zone within the Petersburg Industrial Park, the location of the Pharmaceutical Cluster.

Partnership with Petersburg

- Petersburg will receive \$29.55M (ARPA).
- \$17.97M for wastewater improvements
- \$11.5M for water system improvements.
- Petersburg anticipates that additional project costs will be paid for using grant funds

ODW Budget Updates

- Vacancies
- October 15, 2022 Report from VDH and DPB on track
 - Cause of Budget Shortfall
 - How to prevent
 - Options for non-general fund revenue
 - Merger potential
 - Emerging Issues

Waterworks Advisory Committee (WAC) Meeting Minutes

In person and by WebEx

10:00 am, Wednesday, July 20, 2022

Members Participating: Dwayne Roadcap (ODW), Chair; Bailey Davis, DCLS; Skip Harper, Virginia Plumbing & Mechanical Inspectors Association; Jesse Royall, PE, Sydnor; David Van Gelder, Water Operator; Steve Herzog, PE, VWEA; Mark Estes, VRWA; Ignatius Mutoti, VSPE; Geneva Hudgins, VA AWWA.

Guests Participating: Chloe Van Zandt, Virginia Health Catalyst; Dr. William Mann, OBGYN retired; John Kingsbury, Fairfax Water; Russ Navratil, VA AWWA; Christopher Gill, Christian & Burton; Tom Fauber, VA ABPA; Mark Titcomb, Newport News Waterworks; Jessica Edwards-Bryant, Loudoun Water; Brian Hilderbrand, Virginia Department of Housing and Community Development; Chris Pomeroy, Aqua Law; Andy Crocker, SERCAP; John Aulbach, Aqua Virginia; Laura Bauer, Virginia American Water Company; Chris Bergin, KPM Law; Emily Guillaume, Troutman Pepper; Eric Nice, Newport News Waterworks; Jen Cobb, Newport News Waterworks; Ray W. S. Williams, Justin Curtis; AquaLaw; Bryant Mountoy, Cardno.

ODW Staff: Robert Edelman, Tony Singh, James Reynolds, Barry Matthews, Steve Kvech, Aaron Moses, Jeremy Hull, Kelly Ward, Dan Horne, Brian Blankenship, Christine Latino.

Meeting Overview:

The Waterworks Advisory Committee (WAC) met in person at the Madison Building on Wednesday, July 20 2022. Members of the WAC and the public also joined by electronic communication means (WebEx). Dwayne Roadcap called the meeting to order at 10:04 a.m. and reviewed the agenda. Members did not request any changes or additions to the agenda. Mr. Roadcap explained that for today's meeting we are keeping informal, mostly providing information and requesting feedback. We are going to establish a new Advisory Committee soon.

WAC members agreed to adopt the minutes from April 20, 2022 meeting. A copy follows the minutes from this meeting and will be marked as "final" on Town Hall.

PFAS Updates:

Dr. Tony Singh, Deputy Director, ODW, provided an update on PFAS. See the attached slides.

The EPA has established new PFAS Lifetime Health Advisories for PFOA, PFOS, GenX, and PFBS. EPA announced funding of \$1 billion per year for the next four years. By the end of 2022, EPA is planning to propose draft regulations for PFAS in drinking water. By the end of

2023, EPA intends to publish final regulations for PFAS in drinking water. Public water systems that have not detected PFOA and PFOS can monitor for PFAS if they are concerned. If public water systems detect PFAS in drinking water, then EPA has requested the waterworks to take steps to inform customers, undertake additional monitoring, and examine steps to limit exposure. EPA is not recommending the use of bottled water at this time. We are waiting for the EPA to issue additional guidance and should see something in the next couple of months. A science advisory board (SAB) will make recommendations, due in August. This SAB report will not change any health advisories.

Unregulated Contaminant Monitoring Rule 5 (UCMR5) sampling for PFAS is on the way. We are reaching out to water systems now so that sampling can proceed in 2023-2025. EPA is also taking more action on the source water, surface water and superfund sites to address PFAS.

State Legislative Bills/Actions: HB919 is in effect now. We will continue with the existing regulatory process but any new MCLs will not go into effect until HB919 requirements are met. ODW is currently working on a proposed PFAS Workgroup 2.0.

PFAS Monitoring: We are conducting Phase 2 of our sampling. We are partnering with SERCAP to collect the samples. An external lab will analyze these samples and the results will go through the appropriate QA/QC before final release. The waterworks will have an opportunity to review the results before release.

BIL Funding: We have some funding for emerging contaminants. If you need assistance, please contact Kelly Ward or Dwayne Roadcap.

DEQ has received the results of their wastewater treatment plant survey and is compiling the information. They are also checking some surface water monitoring and working on finding sources of PFAS in surface water.

Steve Herzog commented that he was contacted by SERCAP and had difficulty in responding to SERCAP by telephone. Andy Crocker of SERCAP explained that Jay Dillion, one of the primary contacts at SERCAP passed away unexpectedly and this difficulty may be related. SERCAP is sending another round of communications to waterworks.

Chloe Van Zandt asked why EPA was not recommending bottled water. Tony Singh explained that the FDA regulates bottled water and bottled water is not currently regulated on or monitored for PFAS. We are still waiting for guidance from EPA on the health advisories released on June 15th.

CENTRALIZED PLAN REVIEW

Objectives include to reduce the time between when a plan is submitted to the time it is approved. We have updated the checklists, have updated the website and now have all documents on the Centralized Review Program website. Our dedicated reviewer is currently

handling all communication by email and have found that this decreases the overall review time. Because we have dedicated a reviewer, priority is being put on the review program. We will also have to carefully look over emails to ensure we have accounted for all documents because we no longer have paper trails. We are also making use of our GEC software to generate the approval letter. ODW will continue to take lessons learned and expand on that. We are also considering a submission portal to make it easier to track submittals.

Dwayne Roadcap asked for feedback from the group. David Van Gelder commented that the checklist is huge, and is helpful in streamlining.

Steve Herzog asked once you go through the process and it is approved, if something happens during construction, who will be evaluating the changes in the field? The Central office will handle change orders and addenda.

Ignatius Mutoti commented that he had difficulty in finding the information on our website and would like to ensure that this information is easy to locate. Ignatius feels that the new Waterworks regulations aren't very prescriptive. Will there be issues with the design not being adequate? Aaron clarified that the checklist is by invite only but when we go statewide, we will be sharing the information with the Waterworks and post it to our website.

Bob Edelman pointed out that it's important for water systems to complete the preliminary engineering conference and submit the preliminary engineer report in advance of submitting plans so the agency has a chance to understand what's proposed. Bob pointed out that portions of the regulations are less prescriptive than previously, including the cross connection control requirements in Part 2 and the design capacity requirements in Part 3. Bob asked for specific sections in the regulations that are unclear.

David Van Gelder suggested that ODW provide guidance for the Preliminary Engineer Report (PER). Bob Edelman pointed out that the Preliminary engineering report should be scalable to the scope of the project. Barry Matthews suggested that the funding agency have requirements in the PER. Some agencies require more information than others.

Field Manual, Permit Manual

Currently, we are working on two policy manuals, the Field Operations Manual and the Permit Manual. ODW senior management have reviewed the Field Operations Manual. The next step will be to have the Commissioner's officer review the document, and then we can post it on Town Hall for a 30-day comment period.

ODW senior management is currently reviewing the Permit Manual, to be completed by July 28, 2022. Upon approval by ODW senior management, it will then be reviewed by the Commissioner's office and be posted to Town Hall for a 30-day comment period.

Updates and Reminders

Budget: This year, the budget has been strained. The new General Assembly (GA) session has granted ODW new funding to resolve the deficit for fiscal year 2023. We are now in the process of hiring over 20 vacancies. We also have a new program to onboard. The Sampling Verification program is based on OSIG's recommendation to give ODW more oversight over sampling. We are creating 6 new positions, one in each field offices for the sampling verification. We will also hire a data manager for the central office that will analyze data and identify locations for sampling verification. We have also have \$1 million for equal access to drinking water. This fund is intended to help with waterworks consolidation for regionalization, to be used for related operation and maintenance costs, and not for construction.

A member asked if the new data manager will assist with sampling schedules to make sure they are staying on schedule. ODW is rolling out Drinking Water Viewer, a GEC product. It has a good monitoring schedule report that is better than Drinking Water Watch. We are also pushing out the auto dialer that will assist the waterworks with sampling reminders. We have used the auto dialer with our smaller systems to remind them of sampling.

The Virginia Department of Planning and Budget and the VA Department of Health will need to complete an evaluation that would be sent to the Monies Committees at the GA and will describe the origin and costs of the budget error, and the efficiencies might be had, and will evaluate whether ODW can be combined with another department within VDH. Tony and Dwayne are also looking at the efficiencies that we have implemented to date and how the ODW's program compares to other state programs.

Lead and Copper Rule Revisions

Bob Edelman reported the Lead and Copper Rule Revisions (LCRR) effective date was December, 16 2021, which is the date it went into the Code of Federal Regulations. (See the slides for more details.) The EPA confirmed that the compliance date remains October 16, 2024, which is when water systems must comply. We are still working under the old Lead and Copper rule; be aware that eCFR contains the new rule. The EPA has announced that they intend to improve this rule, with a proposed rule by fall 2023. It will follow a notice and comment rulemaking process. EPA will look at replacing all lead services lines, compliance tap sampling requirements, action and trigger levels, prioritizing historically underserved communities or environmental justice issues.

Water systems should be working on their lead service lines inventories. Other items due by October 16, 2024 include the lead service replacement plan, compile a list of schools and childcare facilities served by the system, update compliance tap sampling locations. Gear up for enhanced customer notification requirements: have templates ready and understand the timeframes before October 16, 2024.

ODW is participating in the VA AWWA webinar on lead service line inventories at the end of August. When EPA gets out their guidance on service line inventories, we will be sharing this information. The DWSRF is prepared to provide funding assistance (LEAP) for lead service line inventory and LSL replacement. We are also working on training and technical assistance for waterworks to start December 2022.

Updates

We have three new full time employees (FTEs) that will be focused on lead in schools and child care centers. The WINN 2107 grant has about \$1.1 million to test for lead in drinking water in schools and child care centers. The WINN 2105 grant is for lead remediation at schools and child care centers at small and disadvantaged communities. We have launched this enrollment on July 8th, and are accepting enrollment from schools and child care centers. We will prioritize these schools and will work with them on developing a sampling plan. We will provide written and video sampling instructions. We are working with ODU and VA Tech and the DCLS on this project. Our plan is to collect 40,000 to 45,000 samples from schools and child care centers.

The lead program supervisor is Kendall Scott. He will have a staff of two, one of which is hired. They will be reaching out to schools and child care centers, introduced themselves, and will be available to help.

Steve Herzog asked about the definition of a school and child care center for the WINN grant lead programs. Tony explained that the schools are K through 12 schools and child care centers are licensed for the purposes of this program.

Steve Herzog asked about schools and child care centers with respect to the LCRR requirements. Tony Singh explained that ODW received a list of schools from the Department of Education. Bob Edelman explained the LCRR includes definitions for school, elementary school, and primary school. It is the responsibility of the waterworks to identify the schools and child day centers to make and update the lists.

Cloe Van Zandt pointed out that Virginia Health Catalyst has partners in the education and child day center realm and will reach out to ODW to see if Catalyst can help assist in providing connection to schools and child day centers.

GEC Software and Tablets

Starting around two years ago, ODW began work to implement three new GEC software products: SWIMR, which is a reporting software; SWEPT, which is a project tracking software; and SWIFT, which is an electronic sanitary survey software. We have implemented our project tracking software with SWEPT at the end of last year. We have implemented SWIFT for groundwater and consecutive systems. We are working on surface water and GUDI questions and are close to implementing this shortly, and then we will be able to complete sanitary all surveys using SWIFT. SWIMR will replace some of the features in R&R. We have procured

Drinking Water Viewer, which will replace the Drinking Water Watch. This will also have a feature to make Consumer Confidence Reports, which will save a lot of time and effort, both for waterworks and ODW. This is part of larger effort to move from paper processes and documents to electronic processes and documents.

ARPA

Kelly Ward reported that through ARPA, we have about \$28 to \$30 million that we could award for water system projects. We completed a solicitation concurrently with the Drinking Water State Revolving Fund (DWSRF) and received about \$670 million in applications but can't fund all of them. The Financial & Construction Assistance Program (FCAP) is working on the overall funding list and assigning projects to funding sources. The fiscal year 2022 funding list has been developed and will be posted shortly. The fiscal year 2023 list is being developed from the same solicitation. We intend to notify applicants by the end of August. The issue right now with finding a funding line for the base program fiscal year 2023 is the congressional earmarks. Congress in the draft bill had a dedicated funding source for fiscal year 2022 earmarks, but when the omnibus bill went through, they skimmed off funding from SRF allocations. ODW's grant was reduced by \$6.3 million, which is significant. Congress may approve earmarks again, reducing ODW's SRF allocation, but we don't know by how much.

Dwayne Roadcap clarified that normally ODW receives \$17.9 to \$18.1 million per year in the SRF base grant and 31% of this goes to set-asides. Fifty-one of our positions are funded by those set-asides. This change (earmarks) reduces the funding available for the program and is a big deal. We hope to add this information to the report that goes to the General Assembly.

Steve Herzog asked how the earmarks impact the set-asides. Dwayne and Kelly explained that for FY 2022 Virginia had \$17.7 million in earmarks, and instead of receiving \$17.9 million in SRF allocation received \$11.4 million. The earmarks were taken out of the entire federal program allocation and states received their percentage of what's left over. Congress is talking about doing the same thing for FY 2023 and this will reduce the amount of funding available (including the grant, state match, and repayments) for the base DWSRF program from \$25 million to about \$15 million. ODW was counting on supporting 51 positions from the set-asides and it's not possible. Infrastructure funding is helping, but EPA is not awarding the grants until they figure out details on Build America Buy America Act (BABAA) requirement. The guidance from the Office of Management and Budget is not due out until the latter part of the year.

David Van Gelder asked if BABAA will be retroactive or apply to funds already awarded. Kelly Ward explained waivers are available from the Office of Budget Management, not EPA. BABAA was effective May 14, 2022. Unless you had a signed funding agreement, BABAA was effective; however, they are changing this. Planning to comply with BABAA needs to start at the preliminary engineering stage, certainly must be in place at the bidding phase, but we did not receive guidance until April this year. There is a list of manufactured goods and supplies that are

not available in the United States, which is helpful. EPA will not issue the grants until the BABAA guidance is out. There will be waivers for the SRF, but may be different than other programs.

Public Comment period

Skip Harper is looking for information regarding the draft field manual. He stated that he wants ODW to transition from multiple working memos. Dwayne pointed out that there will be 30-day public comment period on the field manual and Skip and Bob will talk off line. ODW will post the field manual on Town Hall and share it with the WAC for review at the same time. ODW also need the Commissioner's office review, which is a new procedure.

Conclusion:

Next meeting scheduled for September 21, 2022.

A motion was made, seconded, and approved to close the meeting.