

## Waterworks Advisory Committee Meeting

**Thursday, May 19, 2016**

Sydnor Hydro, Inc.  
2111 Magnolia St,  
Richmond, VA 23223  
10:00 am – 12:15 pm

Chair: John Aulbach, Virginia Department of Health  
Secretary: Sarah Hinderliter, Virginia Department of Health  
Timekeeper: John Aulbach, Virginia Department of Health

### Members

Present: Robert Glowacky, Division of Consolidated Laboratory Services  
David Raines, Virginia Association of Counties  
Ignatius Mutoti, Virginia Society of Professional Engineers  
Craig Nicol, Department of Environmental Quality  
Elmer Handy, Vice Chair, Virginia Rural Water Association  
Steven Herzog, Virginia Water Environment Association  
David Van Gelder, Hanover Co DPU  
Jesse Royall, Sydnor Hydro, Inc. (Community waterworks owner)  
Joseph Brown, Southeast Rural Community Assistance Project

### Guests in

Attendance: Robert Bohannon, Hunton and Williams, representing Fairfax Water  
Kristin Marie Clay, Virginia Department of Professional and Occupation Regulation  
Robert Payne, Virginia Department of Health  
Steve Pellei, Virginia Department of Health  
Drew Hammond, Virginia Department of Health

## Minutes

### Agenda Item: Call to Order

*Discussion:* Mr. Aulbach convened the meeting at 10:00 a.m

*Conclusions:* Move to next agenda item

*Action items:* None

### Agenda Item: Agenda Adoption/Adoption of September 2015 Meeting Minutes

*Discussion:* There was a motion to adopt the draft agenda and the draft minutes as revised. The motion was seconded. There was no discussion. Draft agenda and minutes were adopted unanimously.

*Conclusion:* Move to next agenda item

*Action items:* **Ms. Hinderliter to distribute March's minutes as approved.**

Agenda Item: Public Comment

*Discussion:* None

*Conclusion:* Move to next agenda item

*Action items:* None

Agenda Item: Chair's Report

*Discussion:* Mr. Aulbach updated members as follows:

- Lead in drinking water is still a hot topic. He anticipates EPA's next move will be in 2017. In the meantime, ODW and VDH are getting out positive message through the news media. ODW is sharing its lead data for inclusion in VDH geographic information system (GIS) format overlaid with other public health issues to help identify areas of concern and to assist health care providers in knowing what to watch for in patients.
- Hughes Melton is the new VDH Chief Deputy Commissioner for Public Health & Preparedness. Mr. Aulbach reports directly to him and will be making arrangements for him to tour a waterworks facility in the new future.
- Coal ash ponds also remain a hot topic. Private well owners within a certain radius of these ponds approached VDH Office of Environmental Health Services (EHS) with concerns over their private well water quality and wanting the state to conduct sampling. EHS in turn consulted with ODW on compounds such as hexavalent chromium, boron, lead, etc. Samples were taken from predominantly shallow wells (40-50' deep) within 1,000 to 1,500 feet of the coal ash ponds at a cost of \$1,000-\$1,200 each. Overall, the results were generally acceptable with some iron, manganese and low pH showing up. Other entities are also conducting their own sampling efforts resulting in conflicting test results and distrust of the VDH test results. VDH continues to reach out to and cooperate with the news media in order to educate and update the public.
- Perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) were found in a Navy owned well (a nontransient, noncommunity system not under the UCMR3) on Fentress Field near Chesapeake. This resulted from training exercises at the airfield featuring heavy use of chemical foams used to fight aircraft fires. The Navy conducted the testing and is providing bottled water to those who would normally use the well (40+ employees). The EPA issuing a new health advisory regarding this very shortly. Navy looking at a long term plan to run water lines to the Chesapeake distribution system.
- The Regulations revision is on hold until the Revised Total Coliform Rule effort is completed. ODW is conducting a routine periodic regulations review which will resolve some minor issues with the Regulations. This will allow the Regulatory Advisory Panel to focus on major technical issues once it reconvenes.
- ODW is currently recruiting for the Technology and Training Manager position.

*Conclusion:* Move to next agenda item

*Action items:* None

Agenda Item: Revised Total Coliform Rule update

*Discussion:* Mr. Hammond reported that ODW resubmitted its primacy agency application to EPA addressing all of their comments and already received verbal approval. ODW is only waiting for the EPA Region 3 Administrator to sign the official letter to that effect. The next steps include the Commonwealth's Attorney General's Office consistency review, VDH Commissioner review, the State Register using the Federal Exempt Process, publication of the action, and final adoption period (during which public feedback is gathered). Mr. Hammond anticipates completion by fall of 2016 or perhaps sooner; the deadline is February 2017. Any RTCR plans ODW has already approved will not need to be resubmitted. ODW's preliminary RTCR compliance report shows 73 waterworks (less than 3%) potentially in violation (failure to monitor) of the RTCR. ODW will issue its final compliance report the week of May 23, 2016.

*Conclusion:* Move to next agenda item

*Action items:* None

#### Agenda Item: Lead and Copper Update

*Discussion:* Mr. Hammond reported that on March 25, Dr. Levine provided a response to the EPA's correspondence dated February 29. Subsequently, ODW has:

- Initiated heightened coordination with the Division of Consolidated Laboratory Services (DCLS) including update of the water chemistry sampling instructions for consistency with EPA's tap sampling procedures for homeowners.
- Collaborated with the Population Health staff to develop a Lead in Drinking Water data story now posted on the VDH webpage.
- Developed FAQs based on questions coming in from the public.
- Begun a review of lead and copper data monitoring results from last monitoring period.
  - Uploaded the information into SDWIS.
  - Been instructed by VDH senior management to make the data publically accessible.
  - Planned make another data story reflecting this new information.
- Finalized PWSS grant work plan for next year to include meeting EPA expectations that all lead and copper monitoring results get posted into SDWIS.
- Drafted a letter to waterworks owners using information provided to EPA and encouraging waterworks owners, as time permits, to:
  - Review recommended tap sampling procedures and update their instructions to homeowners.
  - Post their material surveys and/or updates to their surveys on a public facing website.
  - Update their consumer template notices to include contact information for the local health department.

*Conclusion:* Move to next agenda item

*Action items:* **Mr. Hammond to provide copies of Dr. Levine's letter to EPA and ODW's draft letter to waterworks owners to Ms. Hinderliter for distribution to the WAC members.**

#### Agenda Item: Legal Affairs Update

*Discussion:* Mr. Payne reported that several waterworks have recently experienced incidents of trespass, tampering, and vandalism. Criminal statutes exist that punish attempts to poison a waterworks (§ 18.2-54.1) and damage or trespass to a facility that furnishes water service to the public (§ 18.2-162). Mr. Payne reminded the WAC members that in 2006 Elmer Handy helped introduce a bill to make it a crime for tampering with a waterworks, but a substitute (attempts to poison) was introduced and later adopted. Mr. Payne asked if the members felt any additional action was needed, legislative or otherwise, to address tampering with a waterworks.

*Conclusion:* Members supported education and more rigorous enforcement/prosecution of existing criminal statutes in some localities.

*Action items:* ODW will explore partnering with certain localities to educate law enforcement and Commonwealth Attorneys on the potential risks associated with crimes involving trespass/vandalism/tampering of waterworks and encourage more rigorous enforcement/prosecution.

#### Agenda Item: DPOR Update

*Discussion:* Ms. Clay reported that the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals (WWWOSSP) met in April. The proposed regulations as presented to the WAC earlier will soon be finalized. DPOR staff will be on hand at the Virginia Tech Short School in August to assist operators with their licensure questions. Also, the exam review has taken place for all areas except

for water. They still need subject matter experts to participate. Mr. Van Gelder volunteered.

*Conclusion:* Move to next agenda item

*Action items:* Any member knowing of others to volunteer for the exam review will contact DPOR.

#### Agenda Item: State Revolving Fund Update

*Discussion:* Mr. Pelli provided the following updates:

- ODW representatives attended the EPA Region 3 meeting in May where they learned Virginia is not at risk of losing any unliquidated obligations. We will use up the 2014 grant by September 30 which meets EPA's two year deadline. They also learned that Virginia is not alone in not receiving applications for any lead service line replacement projects.
- EPA Annual review resulted in no action items for Virginia. They reviewed two project files and four cash draws. A copy of EPA's letters was circulated for membership review.
- EPA announced Financing Forum for Appalachia at Big Stone Gap on June 15 and 16.
- ODW will apply for the next SRF grant by mid-July for \$13.7 million down from last year's \$14.5 million. Mr. Pelli is not worried about the decrease unless it becomes a trend.
- The latest solicitation ending April 1 resulted in 39 project applications totaling \$46 million dollars, up from \$29 million last year. Mr. Pelli attributes the increase to successful marketing. By early June, ODW will offer \$40 million to all eligible and complete applications. One focus is on building financial capacity, so there are now conditions on principle forgiveness for facilities to consider or enact rate adjustments to help build long term financial capacity. SRF staff is partnering with ODW Capacity Development and the Field Offices to inform waterworks that the grant money is shrinking as a percent of total funds available.
- Proposed revisions in the Disadvantaged Criteria on the application will allow more qualifying facilities to receive a 30 year loan instead of a 20 year loan. Changes would stipulate that a waterworks meeting any of the following criteria would be eligible for a 30 year loan.
  1. Currently have or will have after project completion user rates that meet or exceed the target rate, (Tiers to be revised for simplicity to only one tier of 1% MHI).
  2. Would have additional per user debt burden due to the new project at the core term offer that exceeds 0.1% of service area MHI.
  3. Have difficulty passing a credit review.

The criteria for principle forgiveness will essentially remain the same. These changes will be announced for public comment and will then go with the next grant application to EPA.

Copies of the proposed revisions to the Disadvantaged Criteria and copies of the offer letter template were provided to the membership.

*Conclusion:* Members voted to support the proposed changes in the Disadvantaged Criteria.

*Action items:* None

#### Agenda Item: EPA Update

*Discussion:* No report

*Conclusion:* Move to next agenda item

*Action items:* None

#### Agenda Item: DCLS Update

*Discussion:* Mr. Glowacki reported the following items:

- The focus on Ebola is waning and Zika rising to the forefront. They have processed 521 specimens from patients who fit the profile; 75% were from asymptomatic pregnant women with relevant travel history. 4 positive results sent to CDC for confirmation.

- The Newborn Screening Group tests all newborns statewide for 29 metabolic and hereditary disorders. In a year they test roughly 100,000 infants; in April alone 7,879 samples were submitted with 5 diagnosed with a critical disorder. The attending physician was notified within 24-48 hours.
- The Lab Certification Group recently filled two vacant inspector positions. They must now attend EPA inspector certification course and pass that exam to retain those positions.
- Regulations for Chapter 46 commercial labs are transitioning from NELAC criteria to the TNI in September.
- Food Testing Group being evaluated for ISO-17025 and the pre-assessment application has been submitted. If approved, the Food Group will then be held to that standard.

Mr. Glowacky also commented that it is easy to get false positives on a lead content test if the sample containers are not super clean.

*Conclusion:* Move to next agenda item

*Action items:* None

#### Agenda Item: DEQ Update

*Discussion:* Mr. Nicol reported the following:

- The Eastern Virginia Groundwater Management Advisory Committee continues to meet frequently. It consists of a primary decision making group and several sub-workgroups. The agendas, meeting notes and presentations appear on the DEQ OWS web site.  
<http://www.deq.virginia.gov/programs/water/watersupplywaterquantity/easternviriniagroundwatermanagementadvisorycommittee.aspx>.
- VDH and DEQ staff met with the Virginia Well Water Association on April 27 to prioritize the final steps for rolling out the revised GW-2/Unified Water Well Completion Report Form and the online Well Registration platform by July 1, 2016.
- The Governor completed the regulatory review process for the VWP regulatory package (Action #4159, Stage #7503). The revised regulations will be published on June 13, 2016. Final text featured at: <http://townhall.virginia.gov/1/ViewXML.cfm?textid=10541>.
- Water Supply Planners will conduct outreach efforts for the rest of the year to discuss the 2018 water supply plan updates and related topics needed to meet compliance items identified in 2013 correspondence.
- Groundwater permit writer Hank Ghittino has retired. There will no longer be an OWS permit writer in the DEQ Tidewater Office. Contact the Central Office instead. Water withdrawal permitting contact have been updated and can be found on the DEQ website.

*Conclusion:* Move to next agenda item

*Action items:* None

#### Agenda Item: SERCAP Update

*Discussion:* Mr. Brown reported the following:

- On April 20 we held our Annual Water is Life Conference and Luncheon where we had morning break-out sessions followed by the luncheon at which Virginia Secretary of Commerce Maurice Jones was the Keynote Speaker. At the conclusion of the luncheon VDH presented awards to the best run Water Treatment Systems in Virginia.
- Andy Croker, also of SERCAP, recently met w/ Geneva Hudgins to finalize locations for the two joint-venture SDWA training sessions
- RCAP is partnering w/ U. of Illinois in the development of a well assessment tool for privately owned wells and is looking for opportunities (particularly in southeastern and Southside Virginia) to use the tool and perform the free assessments for well owners
- In addition to the Technical Assistance we provide, SERCAP provides grant and loan funds to water

& wastewater utilities. Due to the number of requests for funding assistance on our waiting list, SERCAP will be seeking an increase of \$600,000 to our General Assembly allocation in order to provide much needed help to these small systems. We were denied this year, but are not giving up and have already begun preparations for the next budget.

- SERCAP is the only non-governmental agency in the Commonwealth that is able to provide these small rural water and wastewater systems with emergency and critical services and has received this appropriation to assist communities since 1977
- Since SERCAP cannot completely fund large projects, the funds we do provide are often leveraged by communities as seed monies to open the door to thousands – and even millions - of dollars of additional federal and state funding
- During the 2014/2015 Program Year the VA General Assembly invested \$968,488 into SERCAP. SERCAP then invested over \$2.09 Million back into the Commonwealth of Virginia. For every \$1 that the VA General Assembly invested into SERCAP, SERCAP invested \$2.16 back into Virginia, making the General Assembly's Return on Investment (ROI) into SERCAP 216%

*Conclusion:* Move to next agenda item

*Action items:* None

#### Agenda Item: Virginia Tech Update

*Discussion:* Mr. Boardman was not in attendance but provided the following in a written report:

##### CPE Lectures

Feb 17...Dr. Marc Edwards, Premise Plumbing and Flint, MI situation

Mar 16...Dr. Paolo Scardina, Part II. Hydraulics

Apr 20...Jared Linkous and Carlos Mantilla-Pena, Meters and Meter Replacement

May 18...Joseph Brown, Electricity for Water Operators

June 15...Jeff Martin, Trenching and Excavation Safety

July 20...Dr. Paolo Scardina, Fluid Mechanics for Operators and Waterworks Managers (Lecture III)

##### Spring Short Courses

Feb 8-10...Basic Groundwater at VT Richmond Center

Mar 14-16...Groundwater Math at The Hotel Roanoke and Conference Center

Apr 28-29...Hands-on Training at Salem Water Plant

May 2-6...O&M of Distribution Systems at Virginia Beach Public Utilities

##### Summer Short Courses

June 27-July 1...Applied Math & Basic Science at The Hotel Roanoke and Conference Center

July 19-21... Management, Methods, and Money: Understanding Concepts in Capacity Development at The Hotel Roanoke and Conference Center

July 31-August 5...Annual Water Short School at Virginia Tech

##### Focus Group

May 31-June 1...focus group convenes to discuss development of a Water 4 Short Course for the Annual VT Short School for Operators

*Conclusion:* Move to next agenda item

*Action items:* None

#### Agenda Item: VRWA Update

*Discussion:* No report.

*Conclusion:* Move to next agenda item

*Action items:* None

#### Agenda Item: VA-AWWA Update

*Discussion:* No report.

*Conclusion:* Move to next agenda item

*Action items:* None

Agenda Item: New Business

*Discussion:* Mr. Brown commented that he attended the Operation and Maintenance of a Distribution System Course in Virginia Beach in early May and found the training to be valuable. Mr. Aulbach concurred that the Virginia Beach Department of Public Utilities has been a leader in bringing this course to fruition.

*Conclusion:* Move to next agenda item

*Action items:* None

Agenda Item: Secretary's Report

*Discussion:* No report.

*Conclusion:* Move to next agenda item

*Action items:* None

Agenda Item: Update Member Contact Information

*Discussion:* Members with changes in contact information need to provide changes to Ms. Hewlett or Ms. Hinderliter.

*Conclusion:* Move to next agenda item

*Action items:* None

Agenda Item: Next Scheduled Meeting

*Discussion:* July 21, 2016 at Sydnor Hydro, Inc.

*Conclusion:* Move to next agenda item

*Action items:* None

Agenda Item: Adjournment

*Discussion:* Meeting adjourned at 12:45 p.m.

*Conclusion:* None

*Action items:* None

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Sarah C. Hinderliter,  
Secretary

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John Aulbach  
Chair