

Waterworks Advisory Committee Meeting Minutes

In WebEx

10:00 am, Wednesday, June 14, 2023

Members Present: David Van Gelder (Chair), Water Operator; Jesse Royall, Jr., Sydnor Hydro, Inc.; Bailey Davis, DCLS; Skip Harper, Virginia Plumbing & Mechanical Inspectors Association; Steve Herzog, PE, VWEA; Mark Estes, VRWA; Russ Navratil, VA AWWA; Chris Pomeroy, Virginia Municipal Drinking Water Association; Ignatius Mutoti, VSPE; Joey Hiner, VA SERCAP; Tom Fauber, VA ABPA.

Members Absent: Whitney S. Katchmark, PE Principal Water Resources Engineer; Caleb Taylor, VA Municipal League; Andrea Wortzel, Mission H2O; Anthony Morris, DEQ; Geneva Hudgins, VA-AWWA; Chloe Van Zandt, Virginia Health Catalyst (listened online).

Stakeholders: John Kingsbury, Fairfax Water; Christopher Gill, Mitchell Smiley, Tanya Pettus, DPOR; Taylor Valencia, Stantec, Ivy Ozman, Charysse Hairston, Michelle Caruthers

Office of Drinking Water (ODW) Staff: Dwayne Roadcap, Tony Singh, James Reynolds, Barry Matthews, Aaron Moses, Dan Horne, Brian Blankenship, Christine Latino, Grant Kronenberg, Robert Edelman, Jane Nunn, Mark Wise

Meeting Overview

The Waterworks Advisory Committee (WAC) met in person at the Fairfield Library, 1401 N. Laburnum Avenue, Richmond, VA. Stakeholders, ODW staff, and the public also joined in person and by electronic communication means via WebEx. Dwayne Roadcap called the meeting to order at 10:03 a.m. and reviewed the agenda.

The WAC members introduced themselves and it was established that there were enough members in person to establish a quorum.

ODW staff who were present also introduced themselves.

Review and Adopt Minutes of Meeting

The WAC membership unanimously adopted the meeting minutes from the March meeting. No additions or corrections were made to the draft meeting minutes as presented.

Grant Kronenberg introduced a new member of the WAC – Anthony “Scott” Morris.

Compliance, Enforcement & Policy Update

In April, the enforcement targeting tool showed an increase in the number of serious violators to eight. The increase in the number was partially due to a lag in data entry. Since the report, three serious violators have returned to compliance.

ODW continues to work on the Enforcement Manual, and it has been sent up for review to the Office of the Commissioner. The manual will provide clearer steps and timelines and expanded guidance. The next step will be to forward it to the Office of Regulatory Management at the Governor's office. If approved, the updated manual will be posted on Town Hall for a 30-day comment period.

The Project Review and Procedures Manual now includes the Centralized Plan Review process, which had been piloted and is part of the Project Review Program. The manual has been posted on Town Hall for comment through July 5, 2023, and no public comments have been made.

PFAS Phase 2

The EPA's public comment period ended on May 29, 2023. It received thousands of comments, and ODW will keep the committee posted on the outcome. ODW did not submit comments directly, but in association with its partners, ODW has created a PFAS panel that will submit comments. Those comments are available on the ASDWA.org website.

ODW initiated PFAS Phase 2 this year, which restarted part of the sampling program and is assisted by the ODW staff with the goal of collecting about 350 samples across the state. Most samples were collected from small or medium water systems. To date, ODW has collected over 200 samples and hopes to have completed sample collection by the end of June or mid-July. VDH will share the results with the water systems and the public later this year.

ODW has another PFAS funding source program for small and disadvantaged communities. Anyone interested in the details should contact Raven Jarvis, Kelly Ward or Barry Matthews.

Lead and Copper Revisions

There have been no changes regarding the EPA's Lead and Copper rules.

ODW has been working to add a large amount of helpful information for Virginia water systems. ODW has provided a variety of templates for community water systems, including FAQs, acceptable lead services line inventories, replacement plans and lead service line guidance, templates for child daycares, and a section for customers. ODW encourages WAC members and stakeholders to go to the webpage and see how things are organized.

ODW is now providing in-person training to water systems. These sessions show how to do an inventory, how to prepare to monitor, plus information on notification and record keeping. There are several sign-up locations, and seats are available. ODW will also be providing one-on-

one technical assistance and is currently producing videos to assist. If interested in any of the in-person training, please call Bob Edelman, Director, Division of Technical Services.

Waterworks should now be compiling their lead service line inventories, developing lead service line replacement plans, compiling lists of schools and daycares, and have a list of templates. Once these things have been done, the waterworks should update their compliance tab sampling locations. ODW also has some assistance available for service lines inventories if needed. If a waterworks has not already applied for assistance, please use the LEAP application. The SRF staff will work with a waterworks to find the best funding for its needs.

There was a question regarding the flexibility of the format and if it was possible for waterworks to upload data in an Excel format. ODW staff is working with its GEC contractor regarding the service line inventories and on an offer for GEC to provide conversion services. There is a possibility to work with the water systems to get the data converted to ODW's platform. Water systems will still be able to upload their data in an Excel file. ODW's intent is to provide an online or web portal where the water systems can upload data, review the data, make changes if needed, and then submit to the website. It would be helpful for waterworks to provide data and ask for help so Mr. Edelman can understand and is aware of any problems.

ODW has not decided if it will issue guidance regarding predictive modeling. ODW will likely allow water systems to use this tool and will look at other states to see how they are handling things. The company Blue Conduit put out an article that pointed out several red flags. The article identifies some issues and is a good place for water systems to start to get an idea on the scope and information that ODW plans to use. This will also allow ODW to calibrate and check the model and confirm that the model is working. From there, ODW expects a predictive model to be able to show the likelihood of lead for each service line, and the office will pay close attention to how the materials are assigned based on the likelihood of lead.

Mr. Edelman has thought about an "unknown" result and how that may trigger a reevaluation of the sample site. ODW has a FAQ about monitoring requirements and a table that describes the five tiers. Based on the variety of variables, ODW will consider a water system's request to use predictive modeling on a case-by-case basis. ODW is available to set up a call with the lead and copper team if needed.

Centralized Plan Review Program

Back in March, ODW rolled out the Centralized Plan Review Program in the Culpeper and Lexington field offices. ODW has a hired project engineer and supervisor and are currently in the process of hiring more staff. So far, the field office staff are handling the workload well, and ODW is averaging about 24 days to issue a permit. ODW is facing a few challenges including difficulty hiring, technology issues, blocked emails, and software issues. ODW is working with GEC on creating a submittal portal and tracking software to provide a better solution, and the governor's office has created the PEEP initiative, which will allow an applicant to check the

status of a permit request. ODW's website explains this new process, and the office is currently conducting outreach to get information on this new process to interested parties.

Sampling Verification Program

This program is in its early stages. Perez Hawarry will be leading the program and developing the policies and procedures. ODW has purchased equipment. DCLS data is being transferred electronically and goes into ODW's program. ODW is in the process of downloading the data into CMDP, which will make the process easier.

ODW has hired six of seven positions, but before these new staff members can work independently in the field, they will need to be onboarded and trained on how to sample. ODW anticipates that it will take at least six months for the new hires to work independently. When ODW was asked to implement this program, it was determined that seven new people would be needed. ODW is working on a way to merge the sampling efforts into the sanitary surveys. In total, thirty to forty people will be involved in the program with seven people dedicated solely to the program and six new field positions to help with sanitary surveys and routine fieldwork. They will have a special focus on sampling verifications. One of the goals is to look and check data which can be part of our compliance program. The program is still in its early stages and needs to set goals, which will assist with technical assistance and regulating the community. This request comes from the Inspector General. One of the goals, which can also be part of our compliance program, is to look at the data for anomalies.

Drinking Water Viewer implementation

The vendor will have more frequent updates and will be working on recordings, instruction videos, and training for waterworks. Aaron Moses, Field Services Engineer, has recorded a video regarding the Drinking Water Viewer and how to use some of the features. If there are issues with incomplete data, please share with Mr. Moses directly.

EPA Cybersecurity Assessment Memo

ODW has formed a workgroup and targeted August to have a draft policy. ODW has met with VMCA and is seeking input regarding cybersecurity assessments being required by the EPA. A major concern expressed by ODW and some waterworks is around the security of any sensitive material collected by ODW. ODW met with our internal information technology experts who have suggested encrypted emails and other ideas. Grant Kronenberg, Director of Compliance, Policy and Enforcement, and Jane Nunn, Policy and Planning Coordinator, are researching the applicability of FOIA to cybersecurity assessments and related data held by ODW. The workgroup is planning to provide a draft policy for the WAC's review in September. The formal draft of the policy will likely be issued in 2024.

ODW would like to provide as much flexibility as possible and is also looking to offer a variety of assessment tools that will comply with its requirements. ODW has not made any decisions on the timeframe for the assessments yet but anticipates that the assessments must be done within six months of the sanitary survey. From the VDH perspective, ODW would like to make sure that it has some policy in place that meets EPA requirements.

Emerging Contaminants in Small or Disadvantaged Communities

Raven Jarvis, with the Source Water Protection Program, reported that ODW has been given about \$50 million for small and disadvantaged communities. She informed the committee that additional information regarding this funding will be available through a PowerPoint Presentation and the website links.

Training Program

ODW has challenges regarding the Operator Certification Training program. The Virginia Tech Continuing and Professional Education Program Manager, Zach Coffren, has moved to another University position. Cary Hoge, who was the program assistant, has been named the new Program Manager. Trisha Lindsey with DPOR has resigned, and there is no additional information regarding DPOR's plans for filling that position. Jason Yetter, ODW - Operator Certification Training Coordinator, has left the agency to pursue other opportunities. ODW anticipates that the Training Coordinator position to be filled soon.

Over the last year, there were several face-to-face training courses. WAC members indicated that they would like to continue webinar-based training. Barry Matthews, Director, Training, Capacity Development and Outreach, indicated that ODW doesn't control the Short School trainings, but that he would inform Virginia Tech of the desire for more web-based training.

David Van Gelder noted a need for more operators and a concern with the DPOR testing pass rates. Mr. Van Gelder expressed interest in assisting with efforts to address these issues. Mr. Matthews said that ODW could possibly form a WAC Operator Training Committee to identify ways to assist operators with training and testing. Various groups have had discussions on the tests themselves to ensure the testing and training match. ODW and VT have rebranded some of the Virginia Tech training courses, so the tests and training are matching. Pass rates have increased over time. But there is a general feeling that the pass rates are too low. Mr. Matthews will meet with David Van Gelder to discuss further.

Waterwork Regulations

Periodic reviews are conducted to determine if any of regulations need to be amended. ODW has received some suggested changes and is currently looking at possible amendments. ODW will also be asking for suggestions and is considering all things including those that don't directly impact the waterworks. The packet is set to go up to the Commissioner on June 23,

2023, after which the Office of Regulatory Management will move if forward. Though ODW made some significant changes to some of the sections in 2021, the periodic review will look at all the sections in these regulations.

Waterworks Operations Fee

The proposed amendments will be considered by the Board of Health in June 2023. The last time the fees were adjusted was in 2012. This will make the fee structure more equitable and will mean that there will no longer be one type of waterworks that is subsidized by the other types. The transient non-community waterworks (TNCs) will be assessed an annual \$60.00 fee. Additionally, there will be a \$2,500 fee on wholesale waterworks with fewer than 15 non-waterworks customer accounts and non-transient non-community waterworks will have their annual fee raised from \$90 to \$120.

Budget Update

ODW's budget is currently being reviewed internally. ODW is holding seven positions vacant for lack of funding and anticipates that this number may increase. ODW has seen increases in the costs of salary, travel, and VITA charges. EPA has reduced its funding, from \$17.9-\$18.1 million to \$6.9 million, which is putting a strain on our budget. The only way to keep up is through the State or regulated community and the general fund dollars. The new fees will not come close to funding the program but will ensure that everyone will contribute to the Technical Assistance Fund. ODW will be asking the legislature to increase the statutory fee cap of \$160,000 (the \$160,000 cap set in 1992 is now worth \$340,000 in 2023 dollars), but ODW is not sure if this change will pass. ODW will also be asking for additional general fund dollars. The additional monies would be used to fund the seven positions currently on hold. Dwayne Roadcap, Director, can also ask for additional funding based on the VDH budget shortfall recommendations report to return a business manager and provide training on budget matters. The EPA issued a workload analysis that concludes that ODW's program is underfunded by \$9.4 million per year.

Mr. Roadcap will also be asking for significant, additional funding for rent, salaries, and other administrative costs and will let the Board of Health know of these issues after this WAC meeting. ODW will not know if the increases will be accepted until the governor offers his budget in the third week of December.

Public Comment

None

Other Business

A discussion was held on the date of the September WAC meeting. Members felt that the meeting should be held the week after Water Jam in the first half of September.

Conclusion

The next WAC meetings are scheduled for September 20, 2023, (the Wednesday after Water Jam), and December 13, 2023.