

Waterworks Advisory Committee (WAC) Meeting Minutes

Webinar – WebEx

9:00 am, Wednesday, July 21, 2021

Final (adopted September 22, 2021)

Members Participating: Dwayne Roadcap (ODW), Chair; David F. Van Gelder, Water Operator; Steven Herzog, PE, VWEA; Russ Navratil, VA AWWA & Henrico County; Skip Harper, Virginia Plumbing & Mechanical Inspectors Association; Jesse L. Royall, PE, Sydnor; Geneva Hudgins, VA AWWA; Mark Estes, VRWA; James (Jay) Dillon, SERCAP

Guests Participating: Chris Pomeroy, Virginia Municipal Drinking Water Association; Brian McGurk substitute for Joe Grist, DEQ; Yann Le Gouellec, Newport News; Tom Fauber, VA ABPA; Laura Bauer, Virginia American Water; Christopher Gill, City of Norfolk; M. Ashworth; Jay Armstrong, Division of Consolidated Laboratory Services; John Kingsbury, Fairfax Water

Office of Drinking Water (ODW) staff: Tony Singh, Robert Edelman, Christine Latino, Nelson Daniel, Dan Horne, Jeremy Hull, James Reynolds, Brian Blankenship, Jeff Wells, Barry Matthews, Jennifer Coleman, Mark Perry

1. Meeting Overview

The Waterworks Advisory Committee (WAC) met in person at the Madison Building, Richmond, VA and by electronic communication means (WebEx) due to the ongoing public health emergency. ODW Director Dwayne Roadcap started the meeting at 9:00 a.m. and requested all meeting attendees who were joining by WebEx enter their name and affiliation in the chat box.

Since the WAC members present at the Madison Building did not establish a quorum, the WAC did not vote to adopt the minutes from the April 21, 2021 meeting.

Dwayne provided an overview of the meeting agenda.

2. Drinking Water Program

a. Waterworks Regulations

The amendments to the Waterworks Regulations became effective on June 23, 2021. Policy and Program Director Nelson Daniel thanked members of the WAC and public that worked with ODW staff on the long process to adopt the amendments. Nelson noted that ODW amended every section of the Regulations except Section 830 and only received one comment during the final notice period. The amended Regulations are on the Legislative Information System website, Town Hall, and the ODW website.

Training, Capacity Development, and Outreach Director Barry Matthews and Division of Technical Services Director Bob Edelman are developing training on the amendments for waterworks owners and operators. They are in the process of refining the content and logistics for the training and plan to work with the VA AWWA to promote training opportunities, which they anticipate will be offered starting in

August or September. If anyone has any suggests or ideas for training, please contact Barry (Barry.Matthews@vdh.virginia.gov) or Bob (Robert.Edelman@vdh.virginia.gov).

b. PFAS

Deputy Director Tony Singh updated members on ODW's efforts related to per- and polyfluoroalkyl substances (PFAS) in drinking water. Last fall, ODW formed a workgroup to study the occurrence of PFAS in drinking water and major sources of supply, as required by House Bill 586 (2020). ODW staff, in conjunction with the workgroup, designed a sampling study and identified 50 waterworks to sample. Only 38 of the 50 waterworks agreed to participate in the study, so ODW asked 7 additional waterworks to provide samples. To date, ODW has received provisional results from 42 of the 45 waterworks that participated in the sampling study. ODW staff are currently performing quality assurance/quality control (QA/QC) review of the provisional results. The review should be completed by mid-August. Tony plans to provide an overview of the provisional results next week during the PFAS Workgroup meeting on July 27, 2021 (from 1:00 p.m. to 3:30 p.m.) and expects ODW will release the full data set to the public once QA/QC review is complete.

ODW is required to report on the results of the study to the Governor and General Assembly by December 1, 2021. The workgroup will work with ODW staff to produce the report. Separately, ODW is also required to submit a report on the Board of Health's efforts to establish maximum contaminant limits (MCLs) for two PFAS and two other compounds, 1,4-dioxane and Chromium-VI.

Chris Pomeroy asked about the requirements to establish the MCLs for PFAS and how the state's process would adhere to EPA's process to establish limits under the Safe Drinking Water Act (SDWA). Dwayne answered that ODW will follow the requirements in Virginia's Administrative Process Act (VAPA), beginning with the issuance of a Notice of Intended Regulatory Action. Nelson noted ODW and the Board will have to take the requirements in the enabling legislation and VAPA into account in setting the MCLs. Chris felt that following the SDWA procedures could lead to conflicts with the timeline suggested by the amendments to the law that requires the Board to establish MCLs for PFAS and expressed concern that VDH's process would be truncated in comparison to EPA's process. He felt this might lead to a different result than EPA's process.

c. Lead and Drinking Water:

Tony provided an update on ODW's program to support testing for lead in drinking water at public schools and child day programs. ODW received grants from EPA under sections (§) 2107 and 2105 of the Water Infrastructure Improvements for the Nation (WIIN) Act to pay for lead testing (WIIN § 2107) and remediation (WIIN § 2105) – with a focus on schools and child day programs in small and disadvantaged communities. ODW has not made grant funds available yet because many facilities shut down or significantly reduced operations during the coronavirus pandemic. With students returning to schools this fall, ODW intends start its program and reach out to 600-800 schools and child day programs beginning in October. Working with the Department of Consolidated Laboratory Services and Virginia Tech, ODW expects to use grant funds to analyze 30,000 to 40,000 samples. ODW will target schools and child day programs that serve children age 6 or below who are also on a state or federally subsidized school lunch plan. If test results indicate lead sources within a school or child day program, ODW can use funds from the WIIN § 2105 grant to pay for remediation of the lead source.

ODW also received funding from the General Assembly to hire three new employees to assist with the lead testing program and review/manage lead testing plans and results required by recent amendments to state law (associated with SB 392, 393 and HB 797, 799 from 2020). Dwayne pointed out the difficulty of having to hold positions open because of ODW's budget issues and being able to hire 3 new positions that are not focused on drinking water at waterworks.

d. Office of State Inspector General (OSIG) Audit of the Drinking Water Program

Dwayne provide information about the recently completed OSIG audit and Report on the Drinking Water Program. (see https://www.osig.virginia.gov/media/governorvirginiagov/office-of-the-state-inspector-general/pdf/performance-audits/2021-PA-005-OSIG_ODW-Audit-Report_Final_6.24.21.pdf).

In late June, ODW leadership met with OSIG for an audit de-brief. OSIG gave several recommendations for program improvements and provided three commendations: (1) reorganization creating compliance specialist in each field office; (2) having performance metrics; and (3) updating the Enforcement Manual. The recommendations focused on many things related to compliance and enforcement, including adding more metrics, such as ODW monitoring time for waterworks to return to compliance, and continuing to revise the Enforcement Manual to ensure more consistency among field offices.

WAC members expressed concerns about field offices having some autonomy to address specific conditions in their areas. Dwayne talked about improving consistency through the development of manuals instead of having lots of working memos so that staff have the same answer to the same question in each field office. He also discussed horizontal communication and not setting limits on the ability of field directors to make decisions.

WAC members commented that manuals are good, but the regulated community wants decisions made at field office level – improves efficiency, reaction time. They are concerned about having field staff reluctant to make decisions because of too much central office oversight. Dwayne mentioned ODW's guidance on main breaks as example of a standardized procedure that gives flexibility to waterworks and field offices to make decisions. Having field directors sign operation permits is another example of moving decision making from the central office to the field offices.

Responding to a question about field director meetings, Southeast Virginia Field Office Director Dan Horne said that meeting generally cover metrics, current policies, and technical issues that may be of interest or need discussion, including interaction with ODW divisions.

Dwayne invited members to provide feedback as they encounter issues.

Enforcement Director Jenn Coleman commented on need to balance consistency with legal and regulatory requirements. She noted that the OSIG report recommends more centralized compliance and enforcement program and said that ODW is trying to balance this with more decision-making in the field offices – empowering compliance specialists to make more decisions about returning waterworks to compliance. She also wants to ensure ODW follows a consistent approach to compliance/enforcement statewide – similar noncompliance treated in the same manner statewide.

e. Annual Compliance Report

Jenn provided an overview of the Annual Compliance Report for the committee. EPA requires ODW to file the report each year. It contains information about all of the violations recorded in the Safe Drinking

Water Information System (SDWIS) database for the specified calendar year. Historically ODW compiled and provided raw data. This year ODW added analytics and trends with the data. The 2020 report and prior year's reports are available on the ODW website at:

<https://www.vdh.virginia.gov/drinking-water/office-of-drinking-water/virginia-annual-pws-compliance-report/>

Jenn noted that Virginia trends are better than Region 3 and national trends – fewer violations, fewer waterworks out of compliance. She also recognized the success of most waterworks in their efforts to maintain drinking water quality. If members have questions regarding the report or would like to provide feedback, please contact Jennifer Coleman at: Jennifer.Coleman@vdh.virginia.gov.

3. U.S. Environmental Protection Agency Actions that Impact the Drinking Water Program

a. Contaminant Candidate List (CCL) 5 (Draft)

Dan Horne gave a presentation on EPA's recently released draft of CCL5. EPA proposes to include 66 individual chemicals, plus three chemical groups, and 12 microbials. The disinfection byproducts group (DBPs) includes 23 unregulated DBPs - 4 HAAs, 2 haloacetonitriles, 3 halonitromethanes, 6 iodinated THMs, 6 nitrosamines, and 2 "others." The PFAS includes "anything besides PFOA and PFOS," because those are already on the path to regulation. The cyanotoxins "include but are not limited to" microcystin, cylindrospermopsin, anatoxin, and saxitoxin. The 12 microbials include 3 viruses, 8 bacteria, and 1 protozoan. Most of these, if not all, have been on CCLs before. Prime among them are *Legionella pneumonia* and *Naegleria fowleri*.

The draft CCL was published in the Federal Register on July 19, 2021. The 60-day public comment period closes on September 17, 2021. See: <https://www.federalregister.gov/documents/2021/07/19/2021-15121/drinking-water-contaminant-candidate-list-5-draft>

A member asked about limits for manganese, since it is on the proposed CCL. Dan responded by email following the meeting:

Health Canada set a Maximum Acceptable Concentration (MAC) for manganese in May 2019, of 0.12 mg/L. The MAC is applied at both the entry point and in the distribution system. The MAC was set on the basis of protecting infants against neurological effects (lowering of IQ, increase in hyperactivity, and lessened memory and motor function. Health Canada also set an Aesthetic Objective Level of 0.02 mg/L, measured at the entry point to the distribution system. (Note: the Health Canada standards are only guidelines - it's up to the Provincial authorities to set the enforceable standards.)

EPA set out current SMCL of 0.05 mg/L based on the understanding that (1) manganese is an essential nutrient, and (b) exceeding the SMCL would cause water so badly colored or with such a metallic taste that people would not voluntarily drink it (self-limiting or self-protective exposure). Recent research shows that's not correct.

Dan's presentation follows the minutes.

b. Lead and Copper Rule Revisions

Robert Edelman provided an update on EPA's activities to revise the Lead and Copper Rule. On June 10, EPA signed a final rule to extend the effective date of the LCR Revisions to December 16, 2021 and extend the compliance date to October 26, 2024. The extension gives EPA more time to review the rule issued in January and conduct listening sessions to get stakeholder input.

Bottom line, ODW doesn't have a clear idea of what EPA is thinking, and EPA is entering a period of silence while it deliberates what to do. Bob provided recommendations for what waterworks could/should be doing – focus, lead service line inventory while we are waiting on the final rule.

Bob's presentation follows the minutes.

4. Waterworks Operation Fee Regulation

Nelson discussed the next step in the process of amend the Waterworks Operation Fee regulation, 12VAC5-600, submitting a Notice of Intended Regulatory Action (NOIRA). The objective is to ensure the NOIRA encompasses all possible changes ODW is contemplating in the regulatory action. Subsequent changes can narrow the focus, but ODW cannot add additional topics that are not properly noticed in the NOIRA. Based on comments and feedback the draft NOIRA states amendments to the regulation will include:

1. Amending 12VAC5-600-10 as needed to define terms used in the chapter.
2. Amending 12VAC5-600-20 to expand the purpose of the regulation to include TNCs, wholesale waterworks, fair distribution of the costs of the drinking water program among all beneficiaries, and considerations of equity and environmental justice as they relate to fees waterworks pay.
3. Amending 12VAC5-600-50 to establish a minimum annual fee for all community waterworks.
4. Amending 12VAC5-600-60 to increase the nontransient noncommunity waterworks fee.
5. Adding a section that establishes an operation fee for transient noncommunity waterworks.
6. Adding a section that establishes an operation fee for wholesale waterworks.
7. Amending section 12VAC5-600-90 to distinguish between wholesale waterworks and community waterworks that have service connections (which serve as the basis for their operation fees) and also sell or deliver water to another waterworks.
8. Make other amendments as necessary to consider equity and environmental justice issues as they relate to the fees waterworks pay.

Members suggested including an owner of a private waterworks and an advocacy group representing churches in the stakeholder workgroup that ODW plans to form to develop proposed amendments to the regulations. Nelson invited members to contact him if they have suggestions for additional amendments to include in the NOIRA.

Nelson's presentation follows the minutes.

5. Waterworks Advisory Committee under 12VAC5-590-45

The amendments to the Waterworks Regulations changed the Waterworks Advisory Committee by deleting 12VAC5-590-40 5. and inserting 12VAC5-590-45. The new section follows:

12VAC5-590-45. Waterworks Advisory Committee.

A. A Waterworks Advisory Committee (WAC) shall be formed by the commissioner to review and make recommendations regarding the regulatory, policy, and legislative aspects of the department's authorities. WAC members shall consist of industry professionals employed outside the department with longstanding expertise or vested interest in waterworks operations and represent a diverse group of stakeholders. Members shall be experts in the fields of water treatment technologies, public health, water quality, economics, environmental science, public utilities, community development, or industry regulations. A minimum of nine persons shall be appointed to the committee by the commissioner.

B. The WAC will convene at least quarterly.

C. WAC meetings will be considered public meetings. Notice of scheduled meetings will be posted on the Virginia Regulatory Town Hall at least three working days before the date of the meeting. Meeting minutes will be posted to the Virginia Regulatory Town Hall within 10 working days after the meeting.

D. Each member of the WAC shall hold office for a term of three years, except that:

1. With approval by the commissioner, members are eligible for reappointment to consecutive terms.
2. Each member of the WAC serves at the pleasure of the commissioner.

E. The commissioner shall appoint the chair of the WAC.

F. The WAC shall have a member of the department serve as secretary.

Previously, the Commissioner appointed 13 persons for a period of 3 years to the Waterworks Advisory Committee. The new regulations specify that the Commissioner appoint a minimum of nine persons that will convene quarterly and will serve a period of 3 years. Nelson has asked the committee for their thoughts and opinions regarding the new membership and asked if the current members still wished to serve.

Members offered several suggestions:

- Dwayne – based on amended regulation, the Commissioner should appoint new members. However, many of the new members should be the people that have consistently attended WAC meetings and shown interest in and engagement in the drinking water program.
- Members thought that any membership over 20 would be too many. A couple of people suggested 13 members.
- Consider staggering terms.
- Keep ex-officio members on committee.

Tom Fauber, Skip Harper, Chris Pomeroy, Mark Estes, and Russ Navitril expressed interest in being part of the WAC going forward and representing their respective organizations.

Nelson's presentation on the amendments and implications for the WAC follows the minutes.

6. Public Comment Period

No one offered comments during the public comment period.

7. Other Business, Conclude Meeting

The next WAC meetings will be on Wednesday, September 22 (4th Wed), and December 15, 2021. ODW staff will let members know about the format (in-person, in-person with access via WebEx, or WebEx) and location for upcoming meetings, which may be impacted by current public health considerations associated with the coronavirus.

Dwayne concluded the meeting at 11:35 a.m.

WATERWORKS ADVISORY COMMITTEE MEETING

WebEx, Office of Drinking Water, 109 Governor Street 6th Floor, Richmond, VA 23219

Wednesday, July 21, 2021

8:30 AM – 11:30 PM

DRAFT AGENDA

Subject	Time
Connect to Webex Instructions on Using Webex Protocol for Webex meeting and the chat feature	8:30 – 9:00 AM
Call to Order Meeting Overview Adoption of Minutes from the 4/21/21 meeting	9:00 – 9:10 AM
Drinking Water Program	9:10 – 10:10 AM
EPA drinking water program updates	10:10 – 10:20 AM (5 min break at conclusion)
Drinking Water Policy <ul style="list-style-type: none">- Waterworks Operation Fee regulation- WAC under 12VC5-590-45	10:25 – 11:25 AM
Public Comment Period	11:25 – 11:30 AM
Other Business <ul style="list-style-type: none">- Upcoming meeting dates: September 22, 2021 (4th Wed, for Water Jam), December 15, 2021 Conclude meeting	11:30 AM

Draft Contaminant Candidate List 5

Waterworks Advisory Committee Meeting

July 21, 2021

Daniel B. Horne, PE

ODW – Southeast Virginia Field Office

What happened?

- On July 12, 2021, EPA announced the Draft Contaminant Candidate List 5 (Draft CCL5)
- The proposed list has been submitted for publication in The Federal Register
- The “pre-publication” version is available on the EPA website

<https://www.epa.gov/ccl/contaminant-candidate-list-5-ccl-5>

What does it mean?

- **CCLs are the first step under the SDWA for potentially regulating a drinking water contaminant**
- **SDWA requires EPA to publish a list of “...currently unregulated contaminants that are known or anticipated to occur in drinking water systems and that may require regulation...”**
- **EPA must publish a new CCL every five years**

Developing the Draft CCL list

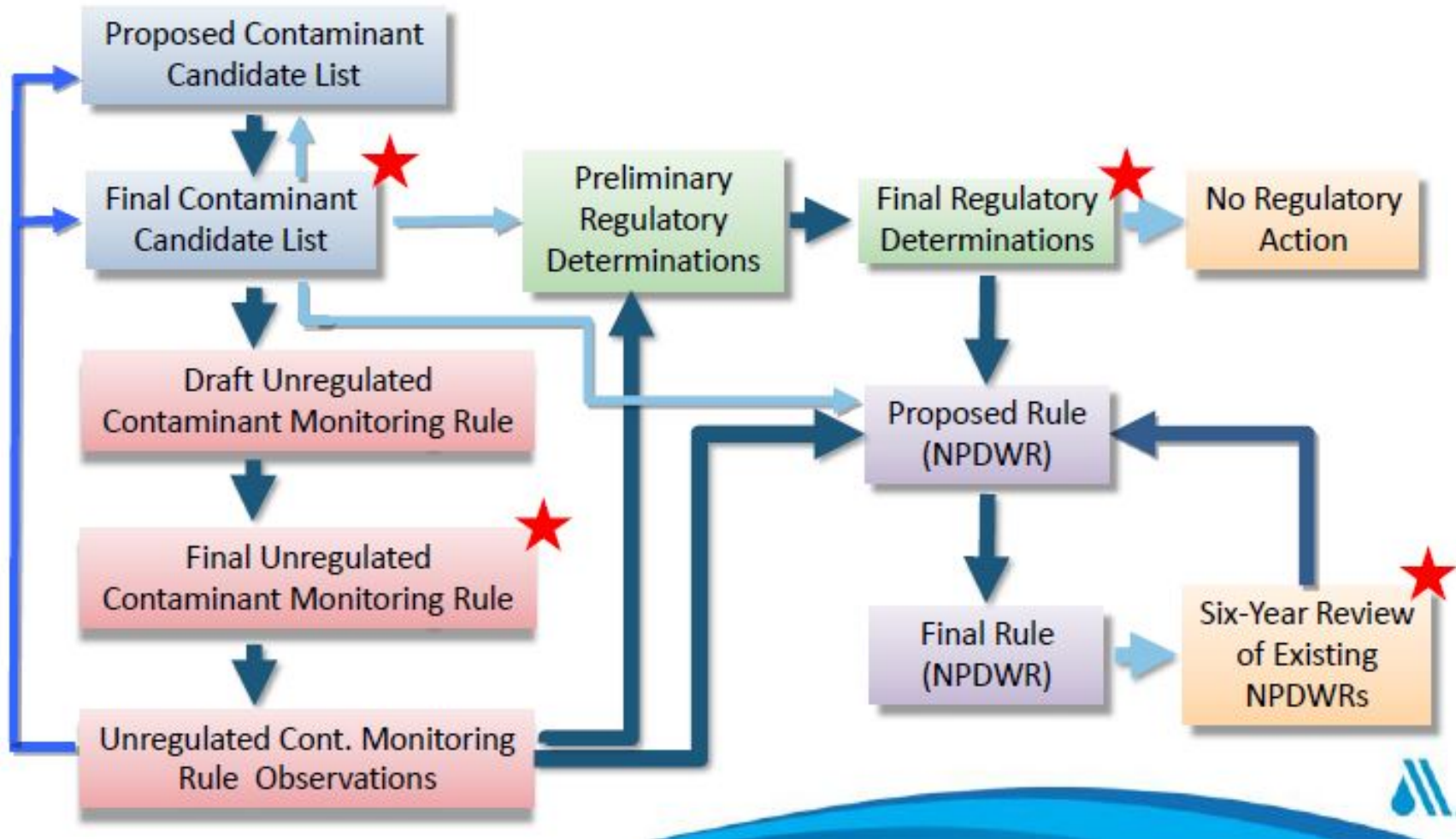
		Number of Chemical Contaminants	Number of Microbial Contaminants
<p>The flowchart illustrates the process of developing the Draft CCL list. It is divided into three horizontal sections: 'Building the Universe' (Step 1), 'Screening' (Step 2), and 'Classification/Selection' (Step 3). In Step 1, a box labeled 'Universe' leads to a box labeled 'Preliminary CCL (PCCL)' in Step 2. From 'Preliminary CCL (PCCL)', an arrow points to a box labeled 'Draft CCL' in Step 3.</p>	STEP 1	~22,000	1,435
	STEP 2	275	35
	STEP 3	66 + 3 chemical groups	12

Exhibit 1 from Prepublication version of Draft CCL 5

What's the schedule?

- **Once the draft CCL5 is published in the Federal Register, EPA will hold a public comment period of 60 days**
- **After the close of the public comment period, EPA will consult with the Science Advisory Board (expected in fall 2021)**
- **EPA will consider the public comments and SAB input and develop a final CCL5 (expected in July 2022)**
- **That feeds into the following steps of the regulatory process**

SDWA Regulatory Process



From Steve Via, "Regulatory Update", AWWA Webinar, Dec 2016

What's in the Draft CCL5?

- **66 individual chemicals**
- **12 microbes**
- **3 chemical groups**
 - **Per- and polyfluoroalkyl substances (PFAS)**
 - **Cyanotoxins**
 - **Disinfection byproducts**

Many of these have been on prior CCLs

PFAS

“Inclusive of any PFAS (except PFOA and PFOS)

- **Why not PFOA and PFOS? Those two are already on the track towards regulation – EPA issued a final Regulatory Determination to regulate PFOA and PFOS on March 3, 2021 (Reg Det 4)**
- **On the other hand, “any PFAS” is a big universe – depending on who’s counting (and how), there are between 4,000 and 9,000 different species of PFAS**

Cyanotoxins

“These include but are not limited to anatoxin-a, cylindrospermopsin, microcystins, and saxitoxin”

- There are at least 70 identified variants of microcystins alone**
- All of these are freshwater toxins – not saline toxins (i.e., domoic acid)**

Disinfection Byproducts

All of these are currently unregulated

- **4 Haloacetic Acids**
- **2 Haloacetonitriles**
- **3 Halonitromethanes**
- **6 Iodinated THMs (Iodoform + 5 more)**
- **6 Nitrosamines (NDMA + 5 more)**
- **2 “Others” (chlorate + formaldehyde)**

Microbials

- **1 protozoan (*Naegleria fowleri*)**
- **3 viruses (Adenovirus, Caliciviruses, Enteroviruses)**
- **8 bacteria (*Campylobacter jejuni*, *E. coli* (O157), *Helicobacter pylori*, *Legionella pneumophila*, *Mycobacterium abscessus*, *Mycobacterium avium*, *Pseudomonas aeruginosa*, *Shigella sonnei*)**

66 Individual Chemicals

These include a wide range of chemicals, with a wide range of uses:

- **Pharmaceuticals:** fluconazole, lithium
- **Pesticides (insecticides, herbicides, etc.):** malathion, norflurozon
- **Metals:** manganese, vanadium
- **Gasoline additives:** MTBE

Questions?



Lead and Copper Rule Revisions Update

July 21, 2021

Robert D. Edelman, PE

Director, Division of Technical Services

Biden Administration Initiatives

- Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis
 - Memo dated January 20, 2021 - Immediate Review of Agency Actions Taken Between January 20, 2017, and January 20, 2021.
- Memo dated January 20, 2021 for the Heads of Executive Departments and Agencies
- Resulted in a “Regulatory Freeze”

Lead and Copper Rule Revisions - Freeze Update

- Published in the January 15, 2021 Federal Register
 - Three *Federal Register* notices:
 - First notice - March 12th
 - Extends effective date to June 17th
 - Second notice - March 12th
 - Proposes extending effective date to December 16th
 - Compliance date would be extended to 9/16/24
 - Comments were due on April 12th
 - Allows time for EPA consultation with stakeholders
 - Third notice - June 16th
 - Extended effective date (12/16/21) and compliance date (10/26/24)
- Under review, likely delay LCRR implementation, possibly change rule.

Additional LCRR Outreach

- Additional outreach announced on March 31st - 3 components
- 2 virtual public listening sessions - April 28th and May 5th
- 10 virtual community-focused roundtables
 - <https://www.youtube.com/channel/UC0VVBG2o4x4XIfp8XilDA1wQ/live>
- July - virtual stakeholder roundtables
 - Environmental groups, utilities, etc.
- Co-regulator meeting in late July
- Public docket open until July 30th

- No insight into what EPA is thinking
- Enter the “cone of silence” on July 30th

VDH ODW Actions

- Presented a briefing to the VA AWWA on May 6, 2021
- Lead and Copper Rule Committee is meeting
- Published Lead Service Line Inventory FAQs
- Working on other FAQs
- Reviewing an EPA White Paper - to be posted on website
- Waiting for the Final-Final Rule
- Waiting for EPA guidance

Early Implementation Items - Things to do Now

- Top Priorities
 - LSL Inventories - will be an iterative process
 - Collect information
 - Organize records
 - Private portion of service lines
 - Classify Unknown service lines
 - LSL Replacement Plans
 - Procedures for replacing LSLs
 - Procedures for replacing lead goosenecks, pigtails or connectors
 - Pitcher Program
 - Strategy for facilitating financing of customer owned LSLs

Things to do now

- Start work on sampling plan/locations under LCRR - will these change?
- Practice living under the TL and AL
- If you practice Corrosion Control Treatment, make sure to operate correctly (treatment objectives, allowable ranges, chemicals)
- Make changes to sources and treatment now
- Start work on inventory of schools and child day centers

Questions?

Robert D. Edelman

Robert.Edelman@vdh.virginia.gov

804-864-7490 / 434-466-4012

Waterworks Operation Fee Regulation 12VAC5-600-10 et seq.

Nelson Daniel
Policy and Program Director

Waterworks Advisory Committee Meeting
July 21, 2021

Standard Rulemaking Process

1. Notice of Intended Regulatory Action (NOIRA)
 - Executive Branch Review
 - 30 day public comment period
2. Proposed Amendments
 - Executive Branch Review
 - 60 day public comment period
3. Final Amendments
 - Executive Branch Review
 - 30 day public notice period
4. Adoption

Operation Fee Regs - NOIRA

The public receives notification that a regulatory change is being considered, along with a description of the planned nature and scope of any regulatory changes.

Internal review process, typically approved by the State Health Commissioner

Submit to Town Hall to begin Executive Branch Review
-OAG, DPB, SHHR, Governor

Operation Fee Regs - NOIRA

Content:

- Brief Summary
- Acronyms and Definitions
- Mandate and Impetus
- Legal Basis
- Purpose
- Substance
- Alternatives to Regulation
- Public Participation

NOIRA - Objective

- Draft the TH-01 as broadly as need to encompass all possible changes that the VDH office is contemplating addressing in the regulatory action.
- The subsequent stages can narrow the focus, but VDH cannot add on additional topics to a Standard regulatory action that were not properly noticed in the NOIRA.

NOIRA - Substance #1

Proposed Amendments to the regulation will include:

- Amending 12VAC5-600-10 (Definitions) as needed to define terms used in the chapter.
- Amending 12VAC5-600-20 (Purpose) to expand the purpose of the regulation to include TNCs, wholesale waterworks, fair distribution of the costs of the drinking water program among all beneficiaries, and considerations of equity and environmental justice as they relate to fees waterworks pay.

NOIRA - Substance #2

Proposed Amendments to the regulation will include:

- Amending 12VAC5-600-50 (Community fee) to establish a minimum annual fee for all community waterworks.
- Amending section 12VAC5-600-60 (NTNC fee) to increase the nontransient noncommunity waterworks fee.
- Adding a section that establishes an operation fee for transient noncommunity waterworks.
- Adding a section that establishes an operation fee for wholesale waterworks.

NOIRA - Substance #3

Proposed Amendments to the regulation will include:

- Amending section 12VAC5-600-90 (Exemptions) to distinguish between wholesale waterworks and community waterworks that have service connections (which serve as the basis for their operation fees) and also sell or deliver water to another waterworks.
- Making other amendments as necessary to consider equity and environmental justice issues as they relate to the fees waterworks pay.

NOIRA

Feedback from Advisory Committee?

NOIRA

Next Steps

- Complete ODW review
- Submit for internal (VDH) review
- Submit to Town Hall, begin Executive Branch Review
- Form stakeholder group
- Hold stakeholder meetings
- Develop proposed amendments

Possible Stakeholders

- Community waterworks > 10,000 (and/or 50,000) persons
- Community waterworks < 10,000 persons
- Community waterworks < 500 persons
- Organization(s) that represent waterworks in Virginia
- Organization that represents localities/local governments
- County or PSA representative
- Privately owned waterworks
- Wholesale (only) waterworks
- NTNC waterworks
- TNC waterworks
- Organization or advocacy group with members that own or operate TNC waterworks (campgrounds or restaurants)
- Organization representing churches

- ODW staff, VDH Shared Business Services (SBS) staff

Waterworks Advisory Committee Under 12VAC5-590-45

Nelson Daniel
Policy and Program Director

Waterworks Advisory Committee Meeting
July 21, 2021

Previous Authority - 12VAC5-590-40 5.

The Waterworks Advisory Committee shall be appointed by the commissioner and consist of 13 appointed members and three ex officio members (from specified organizations).

ODW Director shall act as chairman.

Members serve three-year term.

Purpose: “make recommendations to the commissioner regarding waterworks and water supply policies, procedures, and programs of the division.”

Waterworks Regulations, as Amended June 23, 2021

12VAC5-590-45 A.

- WAC formed by the commissioner to “review and make recommendations regarding the regulatory, policy, and legislative aspects of the department’s authorities.”
- Industry professionals / experts in the fields of water treatment technologies, public health, water quality, economics, environmental science, public utilities, community development, or industry regulations
- Minimum of nine (9) persons

Waterworks Regulations, as Amended June 23, 2021

12VAC5-590-45 B. through F.

- Convene at least quarterly
- Three year term
- The commissioner may reappoint to consecutive terms
- Members serve at the pleasure of the commissioner
- Commissioner appoints the chair

What Do Current “Members” Want?

Considerations:

- Number of members (minimum is 9)
 - Keep under 20
 - Need a mix of members so they can convey information to organizations they represent
 - Need participation from large utilities, someone from SW VA
 - Continue ex-officio members? What about their ability to participate in committee meetings?
 - ODW will reach out to (or current participants can contact ODW) to express/confirm interests
- Recommendations for staggering terms?
 - Restart and appoint for 1, 2, or 3 yr term initially to stagger re-appointments

What Do Current “Members” Want?

Considerations:

- Do current active participants want to continue to serve on the Committee?
- Are there recommendations for new members?
 - Geographic distribution
 - Professional representation

Waterworks Regulations, as Amended June 23, 2021

12VAC5-590-45 A. ... Industry professionals / experts in the fields of:

1. water treatment technologies,
2. public health,
3. water quality,
4. economics,
5. environmental science,
6. public utilities,
7. community development, or
8. industry regulations