Waterworks Advisory Committee Meeting

Thursday, March 19, 2015
Sydnor Hydro, Inc.
2111 Magnolia St,
Richmond, VA 23223

10:05 am – 12:47 p.m.

Chair:	John Aulbach, Virginia Department of Health
Secretary:	Mark Anderson, Virginia Department of Health
Timekeeper:	John Aulbach, Virginia Department of Health
Members Present:	Elmer Handy, Vice Chair, Virginia Rural Water Association
	Greg Boardman, Virginia Tech (Academia)
	Steven Herzog, Virginia Water Environment Association
	Scott Dewhirst (on behalf of Jerry Higgins, American Water Works Association – Virginia Chapter)
	David Raines, Virginia Association of Counties
	Jesse Royall, Sydnor Hydro, Inc. (Community waterworks owner)
	David Van Gelder, Hanover County DPU (Class 1 operator)
	Larry Wallace, Southeast Rural Community Assistance Project, Inc.
	Roger Cronin, American Council of Engineering Companies of Virginia
	Eric LaSalle, Nontransient Noncommunity Representative
	Ignatius Mutoti, Virginia Society of Professional Engineers
	Caleb Taylor, Virginia Municipal League
	John Danielson, Virginia Water Well Association

Guests in Attendance:

Jason Early, Clear Creek Associates
Rob O'Hannon, Hunton Williams,
Robert Payne, Virginia Department of Health
Susan Douglas, Virginia Department of Health
Howard Eckstein, Virginia Department of Health
Renee Munford, Virginia Department of Health
Steve Pellei, Virginia Department of Health
Sarah Hinderliter, Virginia Department of Health

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Minutes

Agenda Item: Call to order
Discussion: Mr. Aulbach convened the meeting
Conclusions: Move to next item
Action items: None

Agenda Item: Agenda Adoption
Discussion: There was a motion to adopt the draft agenda and the motion was seconded. There was no discussion. Draft agenda was adopted unanimously.
Conclusion: Move to next item
Action items: None

Agenda Item: Agenda Adoption/Adoption of January 2015 Meeting Minutes

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

Conclusion: Move to next item

Action items: **Mr. Anderson to distribute January's minutes as approved.**

Agenda Item: Public Comment

Discussion: There were no comments.

Conclusion: Move to next item

Action items: None

Agenda Item: Chairman's Report

Discussion: Mr. Aulbach summarized the impact of harsh winter weather on waterworks around the state. He highlighted the few pieces of legislation from the recent General Assembly Session, including Senate Joint Resolution 272, Senate Bill 811, House Bill 1924 and House Bill 1871 which all relate to the water industry in some way. He shared that ODW came through its recent EPA program review with no reportable/significant findings and no actionable items. He reported several Office of Drinking Water (ODW) personnel changes: Positions recently vacated – Policy Analyst, and Data Manager; positions recently filled – Lexington Field Office Deputy Field Director, Abingdon Field Office Field Director and Deputy Field Director. Mr. Aulbach wrapped up with future relocation of the AFO due to safety reasons and the continuing consolidation efforts to transition the East Central Field Office into a Support Office for the Culpeper and Southeast Virginia Field Offices.

Conclusion: Move to next item

Action items: None

Agenda Item: Technical Assistance Fees program update

Discussion: In answering the question of when, if ever, and under what circumstances the state swept technical assistance fees, Ms. Munford reported being unable to find definitive proof of such a sweep. However, she indicated it may have occurred between Fiscal Year 2012 and 2013, because ODW's total appropriations dropped nearly $875,000 during that timeframe. She also reported budget appropriations for FY15 as $2.5 million in Federal Funds, $1.4 million in State General Funds and $4.6 million in Technical Assistance Fees. The current ending cash balance for the TAF program is $2.1 million which Ms. Munford indicates will be draw down by FY end. She also indicated that she has not yet seen the FY16 budget.

Conclusion: Move to next item

Action items: None

Agenda Item: ODW Legal Affairs Update

Discussion: Mr. Payne reported there are no Freedom of Information Act (FOIA) exclusions for records featuring the locations of waterworks facilities. While ODW believes this information is sensitive, the Attorney General says there is no code protection. There are, however, FOIA protections for trade secrets provided the waterworks stipulates that status prior to submitting the information to ODW. Mr. Payne then led a discussion regarding implementing a bond requirement to protect the long term viability of a waterworks, similar to the one the Department of Environmental Quality (DEQ) has for wastewater facilities. Numerous members expressed support for the idea of requiring bonds for those facilities that fail a financial viability test. Pros mentioned include assurance of funding to continue operations in case of adverse financial contingencies and only approximately 10% of waterworks needing such coverage. Cons listed include difficulty in finding bonding companies willing

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to do business with facilities and the extra expense involved for waterworks owners.
Conclusions: None
Action items: None

Agenda Item: Regulatory Development Update

Discussion: Susan Douglas informed the committee that ODW is going to miss the Revised Total Coliform Rule deadline and has requested an extension from EPA. She predicts a summer 2017 implementation. The RTCR will go forward under the APA exemption for federal primacy requirements. The RTCR is not included in the regulatory revisions that have been underway.
Conclusions: None
Action items: None

Agenda Item: SE-RCAP Update

Discussion: Mr. Wallace reported that the EPA grant for noncompliant community waterworks has been reauthorized for another round. The renewal period will overlap the current one and extend it one more year. He shared that facilities eligible for this grant are reluctant to take advantage of the free assistance. He briefly mentioned staffing vacancies and interviews held last week. He reports that the Temporary Assistance for Needy Families (TANF) job training and job placement program is doing well. They have taken it on the road to every Department of Social Services region to help build a larger client base. Joe Fields will give an update at the Operator Certification, Capacity Development Stakeholders meeting in Roanoke on March 31, 2015. He reminded members that the Water is Life meeting and awards in April.
Conclusions: None
Action items: None

Agenda Item: VRWA Update

Discussion: Mr. Handy reported that the annual VRWA conference is set for April 13-15, 2015 and invited everyone to attend.
Conclusions: None
Action items: None

Agenda Item: VA-AWWA Update

Discussion: Mr. Scott Dewhirst reported that the VA AWWA Board is becoming more active in promoting regulatory awareness among waterworks owners. Also, the 26th Annual Water Distribution Seminar and Utility Rodeo is set for April 27th - 29th in Fredericksburg, Virginia. WaterJAM, the Joint Annual Meeting between VA AWWA and the Virginia Water Environment Association, will be held September 14-17 in Virginia Beach.
Conclusions: None
Action items: None

Agenda Item: VT/Education Update

Discussion: Mr. Boardman shared that the Virginia Tech courses are going well. The March workshop was Rethinking the Secondary Maximum Contaminant Levels: Contributions to Water Quality and Consumer Satisfaction. The April workshop is Potable Reuse: An Idea Whose Time Has Come? The program will also offer

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Hands-on Training at a Full-Scale Water Plant on April 16-17, 2015 in Salem, Virginia.

Mr. Anderson reported that the number of scholarships for the Virginia Tech Short Course have decreased from 12 to six. There is also no longer a restriction on the waterworks size. Each ODW Field Office may nominate up to two waterworks, which provides backups if needed. The Operation and Maintenance of Distribution Systems course, May 4-8 in Virginia Beach, is not yet full. Mr. Anderson recommends this as a great course for larger waterworks. He also asked the group to consider submitting topic ideas for additional training for larger facilities.

Conclusions: None
Action items: None

Agenda Item: New Business

Discussion: Mr. Anderson asked if buying a large quantity of signs or establishing a procurement source for waterworks to get signs stating "Tampering with a waterworks is a federal crime" with the federal code citation would be an appropriate use of the Technical Assistance Fees. The committee agreed it would be.
Conclusions: None
Action items: **Mr. Anderson is to pursue options.**

Agenda item: Adjournment
Discussion: Meeting was adjourned at 12:47 p.m.
Conclusions: None
Action items: **Sarah Hinderliter will email the new committee contact roster to all members.**

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Mark C. Anderson,
Secretary

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John Aulbach
Chair

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