VDH ODW Workgroup 2 Meeting

October 9, 2014 10:30 a.m. – 12:30 p.m.
Web Conference and Teleconference

Meeting Summary DRAFT Oct. 20, 2014

RAP Members Present

Elmer W. Handy—Virginia Rural Water Association
Jerry Higgins—Virginia AWWA
Clifton L. Parker, IV, P.E.—Private Utility, Class 3-6, Aqua Virginia Inc.
Jesse L. Royall, Jr., P.E.—Private Utility, Class 4-6, Sydnor Hydro Inc.
David Van Gelder—Public Utility, Class 1, Hanover Co.
Michael Vergakis—Public Utility, Class 3-6, James City
Beate M. Wright, P.E.—Public Utility, Class 1, Loudoun Water

ODW Staff Present

Angie McGarvey - Meeting Leader
Hugh Eggborn
Jim Moore

IEN Facilitation Team

Frank Dukes

Welcome/Introductions

Eleven people met via web conference and teleconference services for the Workgroup 2 meeting. This workgroup was established to propose amendments to Section 460 of the Waterworks Regulations (12VAC5-590). The title of this section is, "Classification of waterworks, operation of waterworks, and minimum operator attendance at classified waterworks."

Angie McGarvey, from the Virginia Department of Health Office of Drinking Water, was the meeting organizer and discussion leader. The agenda was shown to the participants at the start of the meeting. The goal of the meeting was to revise Section 460 to something that most folks can "live with" understanding that there will be compromise by all members.

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ODW used the web conference service to show live on-line changes during the meeting. ODW received one member's comments ahead of the meeting and had already incorporated the changes into the online version, where appropriate.

Subsection A. Classification of Waterworks.

Changed insure to ensure - grammatical correction.

To address the scenario when multiple treatment systems exist in a single waterworks, we added the clarification that these facilities may be classified for the purpose of determining operator requirements. Understand that if a waterworks has multiple classified treatment facilities, they will still have an overall waterworks classification that will be determined based on the highest (Class 1 is the highest) treatment facility classification.

Under each class descriptions listed in 1-6 in the first opening sentence, we removed "any waterworks as follows to allow individual treatment facilities to be classified.

In Class 1 -6 descriptions, we inserted "or treatment facility" when it is appropriate. We did not include it in **5 a** or **6 a** since under those descriptions, no treatment is provided.

In each class description where it states waterworks or treatment facility serving xx **OR** having a treatment facility capacity of X this has to be an "OR". They are meant to be 2 separate conditions.

In Class 1, item a - We use the term "conventional filtration" here. It includes (1) rapid rate conventional filtration and (2) high rate conventional filtration. Above a population of 50,000 or capacity of 5.0 MGD, both of these are considered a class 1 waterworks. A question was asked by member why Class 1 uses “conventional filtration” and Class 2 uses “high rate conventional filtration”. Answer: Class 1 uses "conventional filtration" and that includes high rate filtration and rapid rate filtration. Class 2 differentiates high rate and rapid-rate filtration based on population or capacity. Rapid rate filtration can either fall into Class 2 or Class 3 depending on population or capacity. However, all high rate conventional filtration plants that serve less than 50,000 or 5.0 MGD fall into class 2. A high rate conventional filtration treatment facility can be in class 1 or 2 depending on population or capacity.

A member asked if a waterworks has over 50,000 people and has numerous different treatment facilities, would their overall waterworks classification be a Class 1? Answer: Each treatment facility can be classified separately so you don’t have to assume the Class 1 classification for all treatment facilities in the waterworks. In order for it to be Class 1, it has to serve 50,000 or more people and be a conventional filtration plant. In the classification of plants, there are 2 different criteria: (1) population and/or capacity of the treatment facility and (2) treatment technologies used. There was lots of discussion on the correct punctuation use. Place a commas after, " 50,000 or more persons" and "or having a treatment facility capacity of 5.0 MGD .

There was discussion whether caustic treatment should be included in the definition of a Class3 or Class 4 waterworks. Several members mentioned that it should not be worse than other chemicals like 15% chlorine. Delete “or whichever is greater” in Class 4 definition.

Subsection B. Operation of Waterworks.

In the first sentence, ODW did not see a need to include "treatment facility". The operation of all waterworks must rest in the hands of qualified staff.

In the second sentence, ODW also did not see a need to add "treatment facility" since it is just a general statement for waterworks.

Waterworks' operation permit will clearly spell out the waterworks classification and treatment facilities classification.

Mike suggested 72 hours instead of 24 hours for a waterworks to notify ODW that it is without the required operator. ODW does not want to change this requirement because all we are asking for is notification. A few members raised the concern whether or not there might be some yield to complexity of the treatment process and an emergency number that is accessible to call in. ODW reminded members that the notification should be to the appropriate ODW field office as each office takes responsibility of it's own waterworks. ODW stated that they must adhere to the letter of the regulations and the law and where they can operate flexibility, they want to do that. However, once a waterworks is operating a classified waterworks without a license, you are now in violation of two sets of regulations. The waterworks owner is in violation of the Waterworks Regulations and whoever is operating that facility is in violation of the DPOR regulations. We have to try deal with those type of things. We are not saying that within 5 minutes that without an operator we will issue an NOV. There may be bigger or more important issues that need to be considered about why and how long the facility is going to be without an operator and what other things can be done. One member asked if this is this an easy out for a municipality if they don't have a Class 1 Operator - just to call in within 24 hours and then they are fine and would not need a Class 1 operator? ODW responded that they are fine from the standpoint of the waterworks owner. The DPOR regulations are directed to the individual performing the operation. That can only be addressed by DPOR.

In item 3, ODW struck out the last sentence and the conditions. The language that was stricken will remain only by issuance of an operator variance. However, we retained the allowance for waterworks to have multiple classifications based on treatment facilities and staff operators accordingly.

As written, it implies that all public waterworks shall be operated and all the operators need to have a valid license issued. It was determined to insert after "all classified waterworks shall be operated by" to insert "at least one" operator having a valid license? Otherwise, it implies all of the staff at the plant must have a valid license. There's always going to be a time where every shift may not have a class 1 license but if they got communication I think there still needs to be something appropriate to allow this. In order for those situations you are going to have an operator variance. Change shall be operated by an operator. It is not intended to say that every person who has the title of operator has to be at that class. Another example was used. Class 3 plant with Class 5 operator in attendance at the plant, can the class 5 call the Class 3 operator in charge and follow his instructions for changing a setting at the plant? ODW said it would be okay for the Class 5 operator to follow instructions by Class 3 operator for groundwater systems specifically during times that the operator has already left for the day. For those waterworks that require attendance for sufficient time to conduct the operations, it would not be necessary for the operator to come back to the plant if someone can follow directions provided by the properly licensed

operator. Surface water systems would require the appropriate class to operate the waterworks at all times.

Subsection C. Minimum operator attendance at classified waterworks.

Item 3 – alternative treatment technologies. What does this mean? It is defined in surface water treatment rule.

Item 4 - There are lots of treatment processes that fall under a Class 4 waterworks. Iron and manganese and caustic treatment requires daily visit. Discussed how to calculate the MGD based on number of people (Old ERC method). Waterworks are always designed on a per person flow. Daily attendance for Class 4 is way more stringent then what is currently being practiced in the industry. Suggest twice per week for iron and manganese Class 4. Suggestion to set minimum and allow subsection D to increase the frequency. ODW will not support a 1 day per week visitation frequency for Class 4. Member mentioned preference for adding another class between Class 3 and 4 to allow less frequent visits than daily. The customers are going to have to pay it and one member did not think the visits are always justified.

There was discussion on Class 4 waterworks performing caustic treatment. ODW did not believe that it is necessarily any worse than others and would warrant a higher attendance. Membranes have to be visited daily that treat surface water or GUDI sources. Many Class 4 systems are only visited once or twice a week.

Class 5 & 6 are currently proposed to visit once a week. Previous versions allowed a slightly different requirement. Members did not always like “other operating staff” because of the uncertainty of their qualifications. In many cases, the owner of small systems fill-in for operator attendance.

Subsection D

Subsection D added a new section on operator attendance alternatives. Added some general evaluation criteria provided by Mike.

Change this subsection to say it can increase or decrease frequency.

If you have a well polished waterworks, then requirements can be reduced by this subsection. Systems that have high remote monitoring capabilities are good examples where attendance frequency could be decreased.

If situations are such that ODW deems more visits are warranted, then attendance can be increased.

This subsection might limit the requirement for an operator variance and would leave it to the field offices to include operator attendance in the permit as a condition (ODW to check with legal counsel and management to confirm).

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