

Waterworks Advisory Committee Meeting Minutes

In person and by WebEx

10:00 am, Wednesday, December 14, 2022

Members Present: Bailey Davis, DCLS; Skip Harper, Virginia Plumbing & Mechanical Inspectors Association; Jesse Royall, PE, Sydnor; David Van Gelder, Water Operator; Steve Herzog, PE, VWEA; Mark Estes, VRWA; Geneva Hudgins, VA AWWA; Russ Navratil, VA AWWA; Chris Pomeroy, Virginia Municipal Drinking Water Association; Joey Hiner, VA SERCAP; Tom Fauber, VA ABPA; Scott Kudlas, DEQ, Chloe Van Zandt, Virginia Health Catalyst; Andrea Wortzel, Mission H2O; Ignatius Mutoti, VA Society of Professional Engineers

Steven Herzog left at approximately 11:00 a.m.

Members Absent: Whitney S. Katchmark, PE Principal Water Resources Engineer; Caleb Taylor, VA Municipal League

Stakeholders: Chris Gill, Josh Harris, Aqua; Roger Arnold, Hazen & Sawyer; Dr. William Mann; Mark Imboden, Imboden Environmental

Office of Drinking Water (ODW) Staff: Dwayne Roadcap, Tony Singh, James Reynolds, Barry Matthews, Aaron Moses, Jeremy Hull, Kelly Ward, Dan Horne, Brian Blankenship, Christine Latino, Ray Weiland, Jack Hinshelwood, Grant Kronenberg, Robert Edelman

Meeting Overview

The Waterworks Advisory Committee (WAC) met in person at the Tuckahoe Library, 1901 Sterling Drive, 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 10:05 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 present introduced themselves as well.

Grant Kronenberg led a discussion of draft proposed bylaws and two draft proposed electronic meeting policies for the WAC's consideration.

Proposed Bylaws:

- The Secretary of the WAC is a member of VDH staff, which is Dwayne Roadcap.

The Members discussed the bylaws, including making motions to amend the proposed bylaws, as follows:

- There was a question regarding bylaws and if there was a conflict between the bylaws and Code of Virginia or Waterworks Regulations, what would take precedence. The Code of Virginia and the Waterworks Regulations control.
- Article I – delete “latter” and add “Code of Virginia or the Waterworks Regulations, as applicable.” The WAC unanimously approved by voice vote a motion to amend the proposed bylaws in this manner.
- Article VI – after the first sentence, add, “The WAC may make recommendations to the Commissioner for candidates for the position of Chair.” The WAC unanimously approved by voice vote a motion to amend the proposed bylaws in this manner.
- Article IX – a suggestion was made to insert “at least” after “shall be held.” An alternative was suggested by Joey Hiner to instead state “no less than” rather than “at least.” The WAC unanimously approved by voice vote a motion to amend the proposed bylaws to insert “no less than.”
- Article IX – third paragraph, insert a comma between “WAC” and “shall.” The WAC unanimously approved by voice vote a motion to amend the proposed bylaws in this manner.
- Article VIII – a motion was made to, in the second sentence, delete the word “sponsoring” and after “organization” insert “or member’s employer”; and to delete “their representative” and replace it with “a member.” The WAC unanimously approved by voice vote a motion to amend the proposed bylaws in this manner.

The WAC unanimously approved by voice vote a motion to adopt the proposed bylaws as amended during the meeting.

All-Virtual Meetings Policy –

Grant Kronenberg explained that the General Assembly has allowed for greater allowance for electronic meetings of public bodies. In order to conduct meetings electronically, the WAC must adopt a policy.

Grant Kronenberg discussed some of the requirements for all-virtual meetings of the WAC as allowed under the Virginia Freedom of Information Act:

- The numbers of all virtual meetings is limited to 25% of the meetings, rounded up, or 2 per year, whichever is greater.
- Consecutive meetings cannot be all virtual.
- ODW staff will need to provide contact information so they can be notified if electronic transmission is lost and the meeting needs to be paused.

There was a question about establishing a subcommittee.

- Grant Kronenberg noted that a subcommittee would need to give public notice if three or more members are in attendance. One-to-one communication between members is not considered a WAC meeting under the Freedom of Information Act. It was also discussed that a subcommittee would be considered a separate public body for purposes of counting the number of electronic meetings allowed.

A member suggested amending the proposed policy to make it clear that the proposed policy's requirement that "[n]o more than two members of the WAC shall be gathered at any one remote location unless that remote location is open to the public to physically access it," is only referring to all-virtual public meetings of the WAC. In response to the suggestion, the WAC considered a motion to amend the draft policy to add "During an all-virtual public meeting of the WAC," to the beginning of the fourth-to-last paragraph of the policy. The WAC unanimously approved the motion to amend the proposed policy by voice vote.

The WAC unanimously approved by voice vote a motion to adopt the proposed policy as amended during the meeting.

Individual Participation by Electronic Means Policy

Grant Kronenberg provided background information regarding the allowance for individual members of a public body to participate in a meeting of the public body by electronic communication means pursuant to the Virginia Freedom of Information Act. Grant Kronenberg explained that the allowable grounds for a member joining a meeting by electronic means are that the member has a medical issue or disability that prevents them from attending in person; a family member has a medical condition that requires the WAC member to provide care for them, thereby preventing the WAC member from attending in person; the WAC member's personal residence is more than 60 miles from the meeting location; or due to a personal matter. The distance from personal residence is a new allowance. If the grounds for joining by electronic means is a personal matter, the specific nature of the personal matter will have to be stated. There is a limit as to the number of meetings you can attend virtually due to a personal matter. It is the greater of 25% of the meetings for the year, rounded up, or two. Under the draft policy, if the request for electronic participation does not violate the Virginia Freedom of Information Act or the policy, then the request would be approved. A member can raise an objection if they feel there is a problem with the request to join electronically. The WAC would then need to vote on the request to join electronically. There will still need to be an in-person quorum and the minutes will need to reflect the member's attendance electronically, including the nature of the conflict if joining electronically due to a personal matter.

Skip Harper said he doesn't see mentions regarding weather –

- The response was that this falls into being a personal matter.

It was asked what if you have already attended two meetings virtually, what would the third be considered?

- The response was that you would be considered a participant.

Cancellation – there was discussion of a suggestion to require more advance notice of needing to attend electronically than the day of the meeting so ODW could prepare for electronic participation.

- The response was that ODW plans to have all of the meetings available electronically so a member providing notice of a request to participate by electronic means should not be an issue.
- It was noted that ODW can contact members the day of the meeting to cancel a meeting due to weather.

No motions were made to amend the proposed policy. The WAC unanimously approved by voice vote a motion to adopt the proposed policy.

Grant Kronenberg provided a short explanation of what qualifies as a meeting of a public body under the Virginia Freedom of Information Act.

Recommendation for Appointment of a WAC Chair

The WAC discussed recommending to the State Health Commissioner (Commissioner) a member as a candidate for Chair of the WAC. A motion was made to recommend to the Commissioner that David Van Gelder be a candidate for Chair of the WAC. The WAC unanimously approved by voice vote the motion to recommend David Van Gelder as a candidate for the position of Chair of the WAC. ODW will inform the Commissioner of this. The Commissioner appoints the Chair of the WAC.

A motion was made for Jesse Royall to be elected as Vice Chair of the WAC. The WAC unanimously approved by voice vote the motion to elect Jesse Royall as Vice Chair of the WAC.

Skip Harper stated he would like a revised letter addressing whom he represents in his position as a member of the WAC.

Compliance and Enforcement

Grant Kronenberg provided an update on ODW's Division of Compliance and Enforcement.

The Division of Compliance and Enforcement will be revising the Enforcement Manual during the first half of 2023.

The quarterly Enforcement Targeting Tool (ETT) from the U.S. Environmental Protection Agency (EPA) came out in October. There were only three serious violators. Virginia's number of serious violators is very low. The ETT report from January showed three serious violators. The ETT report from April showed three serious violators. Only two serious violators were on the ETT report from July. In total, seven different waterworks have been listed as serious violators on the 2022 ETT reports. This continues a downward trend in the number of serious

violators as in the January 2021 ETT report there were seven serious violators, and in the January 2019 ETT report there were 28.

Going forward, Compliance and Enforcement is focused on looking at issues of violations of operator requirements and how they are being addressed, and focusing on state violations.

The operator staffing levels is continuing to be a real challenge. Grant Kronenberg is looking at the issues and taking this on a case-by-case basis. Chris Pomeroy asked whether there is a change in the approach to operator violations with respect to enforcement. Grant Kronenberg stated that he is looking at what violations are continuing to occur. He is trying to gain information and working with the field offices on this issue. The goal is to find solutions. Sometimes ODW has to seek enforcement as part of protecting the public. At a minimum, ODW will give notice of the alleged violation. Once ODW announces there is a violation, the next step is how to work together on resolving the situation.

Jesse Royall asked about enforcement especially regarding monetary fines. It was noted that the fines are based on the severity of the violation, the length of time of the violation, and ability to pay. The civil penalties come directly from the Office of the State Inspector General who has requested a more robust compliance program.

The EPA has been coming in and conducting inspections. The EPA is keen on this topic of operator attendance. They have asked about the use of remote attendance. ODW is exploring a variance or deviation that can be implied. Another thing that could be done is to change the regulations. The reality is that we are in a constant under supply of operators.

An issue was raised as to whether there is anything ODW is doing to increase the number of people who can be operators. ODW has a program through its Division of Training, Capacity Development, and Outreach (TCDO) regarding operator training. Barry Matthews, TCDO Director, has indicated that we have more operators this year over last year. The problem isn't the number but the numbers in certain classes. Class 4 operators are more limited. We are having more issues with Class 1 and 2 because they are in more demand.

There has historically been issues with test scores and pass rates and going virtual due to the pandemic did not help. The good news is that the pass rates for Classes 1 through 4 have been increasing. ODW continues to be in conversation with the Department of Professional and Occupational Regulation (DPOR) and technical assistance providers to help training to the tests and are anticipating in person learning coming back in August. (The issue of ensuring waterworks could anticipate cost increases was noted.) Jesse Royall would like to continue to allow virtual learning because he feels taking the staff away from the work is more difficult. Barry Matthews suggested reaching out to Caleb Taylor and letting him know the importance of virtual learning. Virginia Tech is the one who puts on the schooling.

There was also discussion regarding the test taking guidance documents. ODW is also interested in finding the issues in the testing, what sections of the tests are missed. By learning what sections are missed, ODW would be able to work to increase training. Dwayne Roadcap would be happy to invite DPOR to future meetings to discuss further.

Compliance and Enforcement is hoping to have a new employee in January, who will be the Policy and Program Coordinator. The position is in the process of being filled.

PFAS – Multiple activities.

- Tony Singh reported on this item.
- The report required by HB919 has been submitted and it is under executive review.
- ODW will be forming a new PFAS workgroup, which was to be formed on or after July 1, 2022. ODW started PFAS Phase 2 during the summer. ODW pushed back forming the PFAS workgroup for various reasons and ODW hopes to form the workgroup in January 2023. ODW thinks this will match well with EPA's draft regulations that are expected by the end of 2022.
- Started Phase 2 PFAS monitoring study during the summer. ODW partnered up with Southeast Rural Community Assistance Project. Due to some staff changes, ODW hasn't been able to complete the study yet. With the help of field office staff, we should complete that study.
- Mentioned the emerging contaminants grant funding available and to reaching out to ODW's Drinking Water State Revolving Fund (DWSRF) staff or Dwayne Roadcap if interested.
- PFAS is being detected in some source waters. DEQ has plans to take samples of ground and surface water. ODW is working with DEQ on those efforts. Where ODW detects PFAS in finished water, we are working with DEQ to find those sources and have had some good success. ODW will continue to work collaboratively with DEQ.
- Dwayne Roadcap noted that we are expecting EPA to come out soon with the regulatory proposal for PFOA and PFAS. We expect that to be out at the end of the year.

Centralized Review Program –

ODW is reorganizing the plan review and permit process. ODW is working on key objectives of decreasing review and approval times, streamlining reviews for standard project elements, prioritizing review for ODW staff and increasing consistency across the state. ODW is making some progress in implementing the programs. The program website is no longer password protected and we are now having engineers submit documents electronically. ODW is still in the pilot phase but expect to expand it. ODW is currently hiring a new engineer and looking to advertise two other positions for staff. The next step is to incorporate the Lexington Field Office into the pilot phase.

EPA File Review

In 2021, the EPA completed a virtual file review. There were multiple conclusions in the draft report. EPA pointed out that ODW has been exercising regulatory forbearance for laboratory reporting that is late or incorrect. The EPA is calling ODW out on that. Going forward, ODW intends to issue reporting notices of alleged violation for late or incorrect laboratory sample reports. Waterworks should discuss timeliness of reporting with their laboratory and sampling staff. Waterworks should modify sampling timelines as necessary to facilitate timely laboratory reporting. Waterworks that sample at the end of the month could end up with late reports. Waterworks can monitor timeliness of laboratory reporting through Drinking Water Viewer. If waterworks gets login credentials, they can see when labs are reporting in real time.

There was discussion surrounding the idea of having ODW notify waterworks when ODW is aware of an issue with a laboratory. ODW's field office staff will notify the waterworks of a problem with the waterworks' data. A lack of incentive for the laboratories to do better was discussed. Laboratories are required to report to both the water system and ODW, and ODW has no way to know if the laboratories are reporting to both at the same time. A water system might receive a report and assume ODW has also received it, but ODW may not. There was discussion of reporting requirements for laboratories.

A second preliminary conclusion is that EPA observed some waterworks are sampling at locations not on approved sampling plans. Waterworks must sample at approved locations. If a waterworks finds an approved location is unavailable and must sample at another location, it must update the sampling plan and obtain written approval from ODW. EPA did not comment on situations where a waterworks has multiple approved bacteriological sample sites and skips a sample site because it is unavailable.

Public Comment

A question was raised as to whether any regulations apply to biowaste solids from wastewater plants. The response provided was that biowaste solids are under the domain of DEQ.

Drinking Water Viewer

Aaron Moses has sent out notice to waterworks letting people know of the transition to Drinking Water Viewer. ODW may need help getting people to sign up. If assistance is needed, please email Aaron Moses (Aaron.moses@vdh.virginia.gov). He will be putting together a video or providing training.

Funding

ODW's DWSRF program has had two hires for dedicated ARPA staff. They are sending out notifications, which should be completed by the end of the week. The DWSRF and Bipartisan Infrastructure Law letters have already been sent out. The other funding should be completed,

and rewards will be sent out soon. There was a huge amount of money requested – over \$1 billion. We received over 203 applications. Due to the number of applications, DWSRF is working to figure out what works best. The Intended Use Plan for Fiscal Year 2022 is on the website. Working on Fiscal Year 2023. ODW will be opening Fiscal Year 2024 applications after the first of the year. EPA does not know what awards will be until March/April.

Conclusion:

The meeting concluded at 12:06 p.m.

The next WAC meetings are scheduled for March 15, 2023, June 14, 2023, September 20, 2023, and December 13, 2023.

WATERWORKS ADVISORY COMMITTEE MEETING
Tuckahoe Library, 1901 Starling Drive, Henrico, VA 23229

December 14, 2022 from 10:00 am to 12:30 pm

This will be an in-person meeting. The method by which the Waterworks Advisory Committee meets shall not be changed unless the Waterworks Advisory Committee provides a new meeting notice in accordance with Code of Virginia § 2.2-3707. The public may also access the meeting via WebEx, with further information on doing so provided below.

Subject	Time
Welcome message, establishment of quorum, and introductions – Dwayne Roadcap	10:00 – 10:15 AM
<p style="text-align: center;">Waterworks Advisory Committee Bylaws, Policies, and Chairperson</p> <ul style="list-style-type: none"> • Consideration of bylaws – Grant Kronenberg • Consideration of draft policy addressing fully virtual meetings and draft policy addressing individual participation by electronic means – Grant Kronenberg • Chairperson appointment discussion – Dwayne Roadcap <p style="text-align: center;">Drinking Water Program Discussion</p> <ul style="list-style-type: none"> • Compliance & Enforcement update – Grant Kronenberg • PFAS study implementation – Dr. Tony Singh • Centralized Plan Review implementation – Bob Edelman • Lead and Copper Rule revisions – Bob Edelman • Oracle database products; Drinking Water Viewer – Aaron Moses • Equitable Access to Drinking Water Fund – Barry Matthews • Fee Regulations update – Barry Matthews • Funding and DWSRF Intended Use Plan (ARPA, BIL, DWSRF) – Kelly Ward • Partnership with Petersburg – Dwayne Roadcap • ODW budget and hiring – Dwayne Roadcap 	10:10 – 11:45 AM
Public Comment Period	11:45 – Noon
<p style="text-align: center;">Other Business</p> <ul style="list-style-type: none"> • Upcoming meeting date: March 8, 2023, June 14, 2023, September 13, 2023, December 13, 2023 	Noon – 12:30 PM

Information and Protocol for WebEx Meeting

You can access the meeting on your computer, phone or mobile device with the meeting link below:
<https://vdhoep.webex.com/vdhoep/j.php?MTID=m08abbc5497e7181f0a468ffeb4bf55ee>

If accessing via a mobile device, you will need to download the WebEx Meet app prior to joining the meeting.

When joining the meeting, please use the meeting number and password below:

Meeting number (access code): 2634 123 8148

Meeting Password: q6M6uqcumv9

You can use your computer audio or join via telephone by calling [1-844-992-4726](tel:1-844-992-4726) United States Toll Free.

Please log into the meeting at least 10 minutes before the meeting begins. (If you are having problems logging in or if there is any interruption in transmission, please call Kris Latino at 804-664-4403.)

Please sign into the meeting and identify yourself so we can verify that you are attending the meeting.

After you have identified yourself, please mute your phone to reduce any unwanted noise.

BYLAWS OF THE WATERWORKS ADVISORY COMMITTEE

ARTICLE I – GENERAL

This Committee shall be known as the “Waterworks Advisory Committee” (WAC).

The provisions of these Bylaws are applicable to all proceedings of the WAC to the extent that the same are not otherwise governed by the requirements set forth in the Code of Virginia or the Waterworks Regulations. Whenever the provisions of these Bylaws are in conflict with the provisions and authorizations mandated by the Code of Virginia or the Waterworks Regulations, the Code of Virginia or the Waterworks Regulations, as applicable, shall control.

ARTICLE II – PURPOSE

Pursuant to 12VAC5-590-45 of the Waterworks Regulations, the State Health Commissioner (Commissioner) establishes the WAC. The purpose of the WAC is “to review and make recommendations regarding the regulatory, policy, and legislative aspects of the [Virginia Department of Health’s] authorities.” 12VAC5-590-45. A.

ARTICLE III – COMMITTEE MEMBERSHIP

The WAC shall consist of members as appointed by the Commissioner pursuant to 12VAC5-590-45 of the Waterworks Regulations.

The WAC may establish one or more subcommittees to assist in performing its tasks.

ARTICLE IV – QUALIFICATION TO SERVE

The Commissioner appoints the members of the WAC pursuant to the requirements in 12VAC5-590-45 of the Waterworks Regulations.

ARTICLE V – TERM OF APPOINTMENT

All terms shall be for a period of three years. The Commissioner may reappoint members to consecutive terms. Each member of the WAC serves at the pleasure of the Commissioner.

ARTICLE VI – OFFICERS

The Commissioner shall appoint the Chair of the WAC. The WAC may make recommendations to the Commissioner for candidates for the position of Chair.

The WAC may elect a Vice Chair. In the absence of the Chair being at a meeting of the WAC, the Vice Chair shall preside.

A member of the Virginia Department of Health shall serve as Secretary for the WAC. The Secretary shall be responsible for recording the actions of the WAC and posting an agenda prior

to each meeting. Minutes of the meetings shall be approved by majority vote of the WAC at the subsequent meeting. No other officers and directors shall be appointed, except that the Chair may from time to time appoint members to head subcommittees.

ARTICLE VII – REMOVAL

Any appointed member of the WAC may be removed at any time by the Commissioner.

ARTICLE VIII – COMPENSATION

Members of the WAC and any subcommittee members shall serve without compensation. Nothing contained in this Article shall be construed to prevent any organization or member's employer from compensating a member for salary, expenses, or other compensation considered as a condition of their employment.

ARTICLE IX – MEETINGS

Regular meetings of the WAC shall be held no less than quarterly within the Commonwealth at a time and place as the Chair, with assistance from the Secretary, may determine.

No business requiring a vote or final decision of the WAC may be conducted in the absence of a quorum.

Meetings of the WAC shall be open to the public; however, those attending that are not members or have not been called by the WAC, shall be allowed to speak only at the discretion of the Chair or during any scheduled public comment period.

The rules contained in the current edition of Robert's Rules of Order shall govern the WAC, and any subcommittees thereof, in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules the WAC may adopt and any laws or regulations applicable to the WAC.

ARTICLE X – SPECIAL MEETINGS

The Commissioner or the Chair may, upon proper notice as required under the Virginia Freedom of Information Act and the Waterworks Regulations, call special meetings of the WAC. Such notice shall be as far in advance as practical, but not less than three working days. Such meetings may be held at a time and place established by the notice.

ARTICLE XI – ATTENDANCE

The Secretary shall maintain a record of those members in attendance at each meeting of the WAC.

ARTICLE XII – AMENDMENTS

These Bylaws may be amended by a two-thirds (2/3) majority vote of the members of the WAC present at any regular meeting at which quorum is present, provided that the amendment has been submitted in writing at the previous regular meeting of the WAC.

ARTICLE XIII – QUORUM

At any meeting of the WAC, a majority of the members of the WAC shall constitute a quorum for the transaction of business. Actions taken by the WAC during a meeting at which there is a quorum shall be deemed to represent the actions of the entire WAC.

ARTICLE XIV – APPROVAL

Read and approved by at least two-thirds (2/3) of the members present at the December 14, 2022, meeting of the WAC.

**Policy on All-Virtual Meetings of the Waterworks Advisory Committee
Pursuant to Code of Virginia § 2.2-3708.3**

It is the policy of the Waterworks Advisory Committee (“WAC”) that the WAC may conduct all-virtual meetings as permitted by Code of Virginia (Va. Code) § 2.2-3708.3.

This policy shall be applied strictly and uniformly, without exception, to the entire membership of the WAC and without regard to the matters that will be considered or voted on at the meeting.

As used in this policy, an “all-virtual public meeting” means a public meeting conducted by the WAC using electronic communication means during which all members of the WAC who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through means of electronic communication. As used in this policy, “electronic communication” has the same meaning as that term is defined in Va. Code § 2.2-3701.

This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or by the locality in which the WAC is located. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2.

The WAC may convene an all-virtual public meeting when: (1) it is impracticable or unsafe to assemble a quorum of the WAC in a single location but a state of emergency has not been declared by the Governor and a state of emergency has not been declared in the locality where the WAC is located; or (2) other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, for the convenience of the members of the WAC.

The number of all-virtual public meetings convened by the WAC in a calendar year shall not exceed the greater of: (1) two, or (2) 25 percent of the WAC’s meetings in the calendar year rounded up to the next whole number. Additionally, the WAC shall not hold consecutive meetings that are all-virtual public meetings.

The WAC may schedule its all-virtual public meetings at the same time and using the same procedures used by the WAC to set its meetings calendar for the calendar year. If the WAC wishes to have an all-virtual public meeting on a date not scheduled in advance on the WAC’s meetings calendar, and an all-virtual public meeting is otherwise authorized by this policy and the Virginia Freedom of Information Act, the Chair of the WAC may schedule an all-virtual public meeting at the Chair’s discretion. If a WAC member wishes to request that an all-virtual public meeting be convened for a date that such a meeting is not already scheduled, they shall notify the Secretary of the WAC who shall then inform the Chair of the WAC of the request. The Chair may then decide to schedule an all-virtual public meeting of the WAC.

The public notice of an all-virtual public meeting of the WAC shall identify that it will be an all-virtual public meeting. The public notice shall include a statement that the method by which the WAC chooses to meet shall not be changed unless the WAC provides a new meeting notice in accordance with Va. Code § 2.2-3707.

Public access to the all-virtual public meeting shall be provided by means of electronic communication. The means of electronic communication used at the all-virtual public meeting shall allow the public to hear all members of the WAC participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the WAC as well.

A phone number or other live contact information shall be provided so the public may alert the WAC if the audio or video transmission of the meeting fails, and the WAC shall monitor such designated means for the public to contact the WAC concerning a transmission failure. In the event the WAC is informed of transmission failure during an all-virtual public meeting, the meeting shall be in recess until the public access is restored.

A copy of the proposed agenda for the all-virtual public meeting and all agenda packets and, unless exempt, all materials furnished to members of the WAC for a meeting shall be made available to the public in electronic format at the same time that such materials are provided to the members of the WAC.

The public shall be afforded the opportunity to comment through electronic means, including by way of written comments, at meetings where public comment is customarily received.

During an all-virtual public meeting of the WAC, no more than two members of the WAC shall be gathered at any one remote location unless that remote location is open to the public to physically access it.

If the WAC enters into a closed session, transmission of the meeting to the public shall be suspended until the WAC resumes to certify the closed meeting in open session pursuant to the Virginia Freedom of Information Act.

Minutes of an all-virtual public meeting shall be taken as required by Va. Code § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held.

This policy applies to all committees, subcommittees, or any other subgroup of the WAC.

Policy on Individual Participation in Waterworks Advisory Committee Meetings by Electronic Communication Means Pursuant to Code of Virginia § 2.2-3708.3

It is the policy of the Waterworks Advisory Committee (“WAC”) that individual members of the WAC may participate in meetings of the WAC by electronic communication means as permitted by Code of Virginia (Va. Code) § 2.2-3708.3. This policy shall apply to the entire membership of the WAC and without regard to the identity of the member requesting remote participation by electronic communication or the matters that will be considered or voted on at the meeting. As used in this policy, “electronic communication” has the same meaning as that term is defined in Va. Code § 2.2-3701.

If a member of the WAC wishes to participate through electronic communication means due to being unable to attend the meeting in-person as the result of: (1) a temporary or permanent disability or other medical condition preventing the WAC member’s physical attendance, (2) a family member’s medical condition that requires the WAC member to provide care for such family member thereby preventing the WAC member’s physical attendance, (3) the WAC member’s personal residence being more than 60 miles from the meeting location identified in the required notice for such meeting, or (4) a personal matter preventing the WAC member’s physical attendance, then on or before the day of the meeting the WAC member shall notify the Secretary of the WAC of the member’s request to attend by electronic communication means and which one of the enumerated reasons applies. If the WAC member’s absence is due to a personal matter, the WAC member shall also identify with specificity the nature of the personal matter. The Secretary of the WAC shall notify the Chair of the WAC of the request.

Whenever a WAC member wishes to participate remotely by electronic means, the law requires a quorum of the WAC to be physically assembled at the primary or central meeting location, and arrangements must be made for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

The reason that the WAC member is unable to attend the meeting – whether due to the WAC member’s temporary or permanent disability or other medical condition preventing their attendance, a family member’s medical condition requiring the WAC member to provide care for their family member thereby preventing the WAC member’s physical attendance, the distance between the WAC member’s principal residence and the meeting location, or due to a personal matter – and a general description of the remote location from where the member participates will be recorded in the meeting minutes. If the WAC member’s participation by electronic communication means is due to a personal matter, the minutes will include the specific nature of the personal matter cited by the member.

An individual WAC member’s participation by electronic communication due to a personal matter is limited by law to two meetings each calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

A WAC member’s participation by electronic communication means shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a WAC member's participation by electronic communication means is

challenged, then the WAC shall vote on whether to allow such participation. If the WAC votes to disapprove of the member's participation by electronic communication because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

This policy applies to all committees, subcommittees, or any other subgroup of the WAC.

Centralized Review Program

Waterworks Advisory Committee

December 2022

Centralized Review Program

Reorganize program with key objectives:

- Decrease review and approval times
- Streamline reviews for standard project elements
- Increase review priority for ODW staff
- Increase consistency across the state
- Maintain plan review ability in the field office staff

New Program Elements

- Centralized Review Program Website
 - Program Description, checklists, certification statement
- Electronic Documents
 - Submission via dedicated email address
 - All approvals via email
- New Checklists – June 2021 Waterworks Regulations
- Certification Statement
- Dedicated reviewers

Progress Updates

- Reclassified 3 vacant positions to support program
 - Supervisor
 - 2 Project Engineers
- Advertised supervisor – no qualified candidates
- Will advertise all 3 positions
- Exploring alternatives for hiring engineers
- Intend expand program to LFO

EPA File Review

Waterworks Advisory Committee

December 2022

Preliminary Conclusions

- ODW is not issuing NOAVs for laboratory reports:
 - Late
 - Incorrect
- Going forward, ODW will issue reporting NOAVs

Waterworks should:

- Discuss timeliness of reporting with their laboratory and sampling staff
- Modify sampling timelines as necessary to facilitate timely laboratory reporting
- Monitor timeliness of laboratory reporting through Drinking Water Viewer

Preliminary Conclusions

- ODW is not issuing NOAVs when sampling at locations not on approved sampling plans
 - Revised Total Coliform Rule and Ground Water Rule (total coliform and *e coli* samples)
 - Lead and Copper Rule (lead and copper tap samples)
 - Disinfection Byproduct Rule (TTHM, HAA5, chlorine)

Waterworks should:

- Sample at approved locations
- Update sampling plans when needed
- Obtain approvals in writing (no verbal approvals)

Software Updates

Waterworks Advisory Committee

December 2022

Current GEC Software

- Project tracking – implemented 11/21
- Electronic inspections - implemented 10/1/22
- Reporting – 7 reports implemented, ongoing
- Drinking Water Viewer – public data – implemented 11/22
- Compliance Monitoring Data – Procuring
- LSL Inventory Portal – Procuring
- Monthly Operating Report Portal - Procuring

Lead and Copper Rule Revisions (LCRR)

Waterworks Advisory Committee
December 2022 Briefing

Lead and Copper Rule Revisions (LCRR)

- Effective Date 12/16/21
 - Entered into the CFR
- Compliance Date 10/16/24
 - Water systems must comply beginning this date
- *Guidance for Developing and Maintaining a Service Line Inventory*
 - Issued by EPA on August 4, 2022
- No other guidance issued by EPA

Getting the Word Out: Service Line Inventories

- August 30, 2022: VA AWWA Webinar:
 - *Unpacking the Latest Guidance on the Lead and Copper Rule (LCR) Revisions*
 - VDH ODW presented on LCRR Service Line Inventory regulatory requirements, guidance and Virginia requirements
- September 8, 2022: Internal ODW staff training webinar:
 - LCRR Service Line Inventory Requirements and Guidance
- October 13, 2022: Regulated Community & Stakeholder webinar:
 - LCRR Service Line Inventory Requirements and Guidance
 - Funding for service line inventory and LSL replacement
 - Utility perspective
 - Questions & Answers

ODW LCRR Guidance

<https://www.vdh.virginia.gov/drinking-water/lcrr-guidance/>

FAQs:

- Lead Service Line Inventory
- Lead Service Line Replacement Plan
- Monitoring Requirements for Lead and Copper in Tap Water
- Sampling at Schools and Child Day Centers

Lead Ban Guidance and Chronology

ODW is working on guidance:

- Consumer Notification templates
- School and Child Day Center notification templates
- LSL Replacement Plan template
- Pitcher Program template
- Service Line Inventory Template
- Find and Fix FAQs
- Service Line modeling data needs
- Sampling protocol for identifying LSLs

Training and Technical Assistance

Targeting small water systems (serving < 500)

1. Training - In-person - 12 sessions
 - Preparing Lead Service Line Inventory
 - Preparing Lead Service Line Replacement Plan
 - Preparing for monitoring for lead in schools and child care facilities
 - Related reporting, public notification, and recordkeeping
2. Technical assistance - site visits, video conferencing, telephone consulting to targeted small systems
 - Service Line Inventory
 - Lead Service Line Replacement Plan, including a Pitcher Program
 - Consumer Notification of Service Line Material for persons with a lead service line, galvanized requiring replacement or lead status unknown.
 - List of schools and child day program
 - Public education to schools and child care facilities
 - Consumer Confidence Report Language
3. Lead and Copper Rule - Tap Sampling Video

What should waterworks do now?

Items due October 16, 2024, subject to change by LCRI:

- Lead Service Line Inventory (major focus)
- Lead Service Line Replacement Plan (Required if LSLs, Galvanized Requiring Replacement, “Unknown” are present)
- Compile a list of schools and childcare facilities served by the system (Community only)
- Update compliance tap sampling locations (LSLs, Galvanized Requiring Replacement, “Unknown” may trigger re-evaluating tap sampling locations)
- Prepare for enhanced customer notifications (new requirements, shorter deadlines)

Service Line Inventory Assistance

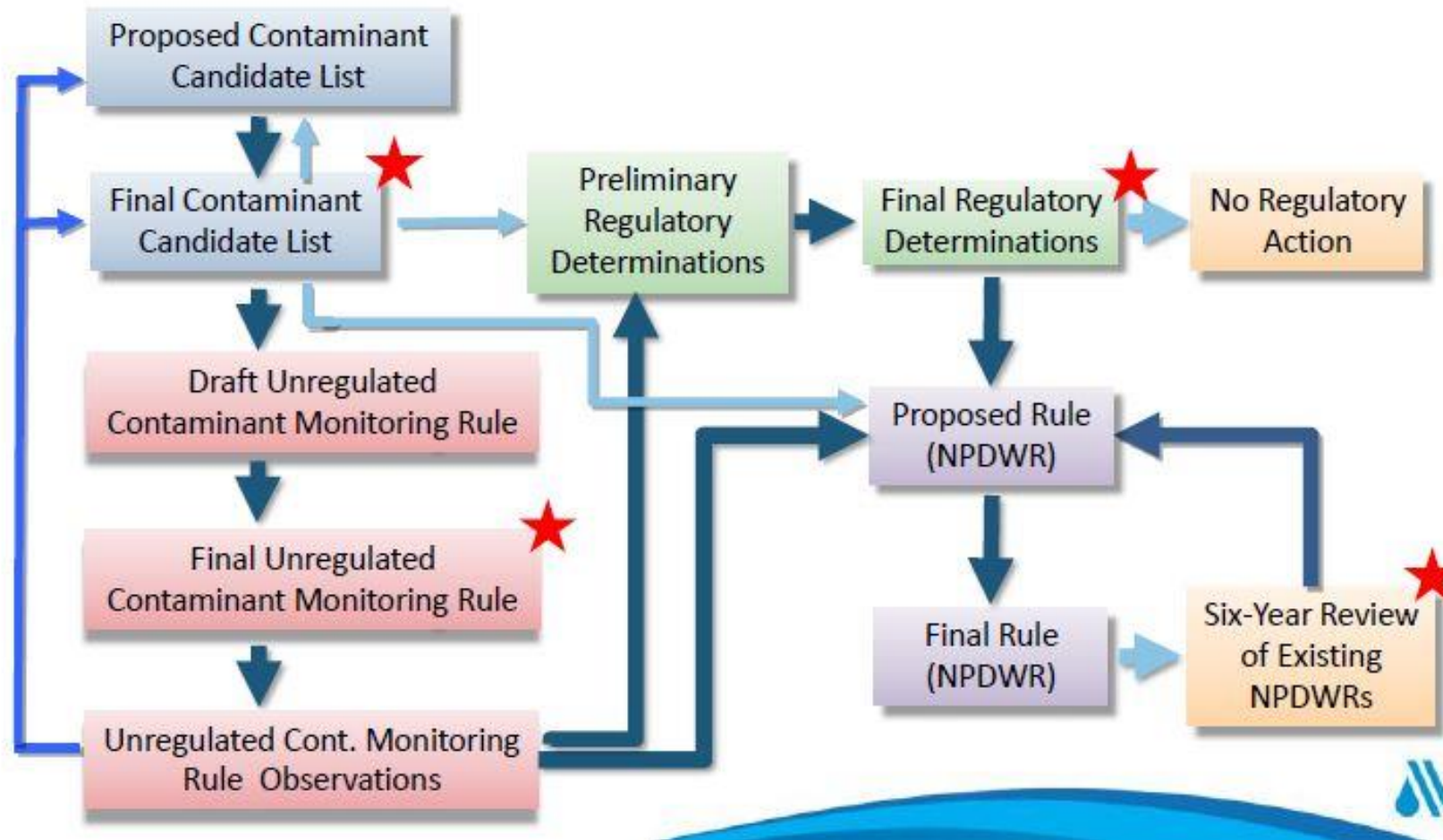
Apply now for funding for Service Line Inventory Assistance

- Limited to the 2023 Grant Solicitation
- Intend to accept applications through 2023
- Quarterly review of SL Inventory Applications (normally due ~ April)
- No funding discussion is required
- BIL requires at least 49% principal forgiveness to disadvantaged communities
- BIL dedicates approximately \$45M/yr through FY 2026 for LSLI or LSLR
- Lead Elimination Program (LEAP) is \$2M/year (100% principal forgiveness)
- LEAP can address lead joints in water mains
- Use the LEAP application

Unregulated Contaminant Monitoring Rule 5 (UCMR5)

Waterworks Advisory Committee
December 2022 Briefing

Where does the UCMR fit in?



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

Objective of the UCMR Program

- Collect nationally representative occurrence data for unregulated contaminants that may warrant regulation under SDWA
- Consider data collected as part of future EPA decisions on actions to protect public health
- Provide data to States, local governments, and to the public for their use in decisions regarding public health protection

Unregulated Contaminant Monitoring Rule 5

Final UCMR 5 was published 27 Dec 2021

What's included:

- Lithium
- 29 separate PFAS chemicals
 - 25 by EPA Method 533
 - 4 more by EPA Method 537.1
- This is all Assessment Monitoring (no Screening or Pre-Screening)

UCMR 5 – Who’s covered?

System Size Category (Number of people served)	Monitoring Design (CWSs and NTNCWSs) ²	Total Number of Systems per Size Category
Small Systems ¹ (fewer than 3,300)	Nationally representative sample	800
Small Systems ¹ (3,300 – 10,000)	All systems, if confirmed by EPA	5,147 ³
Large Systems (10,001 and over)	All systems	4,364 ³
TOTAL		10,311

¹ This requirement is based on the availability of appropriations and sufficient laboratory capacity. As EPA obtains appropriations, PWSs will be notified.

² Community Water Systems (CWSs), Non-Transient Non-Community Water Systems (NTNCWSs)

³ Counts are approximate

UCMR 5 – Timeline

2022	2023	2024	2025	2026
<p>Pre-sampling Activities by EPA, States</p> <p>Pre-sampling Activities by PWSs</p> <ul style="list-style-type: none"> • PWSs register for a SDWARS account to provide contact information, sampling location inventory, shipping address, Zip Code(s), and data element responses 	<p>← Sampling Period →</p> <p>EPA, State Implementation Activities</p> <p>PWS Sample Collection, Laboratory Analysis, Reporting (Approximately 1/3 of PWSs in each year)</p>			<p>Post-sampling Activities by PWSs, Laboratories</p> <ul style="list-style-type: none"> • PWSs complete resampling, as needed • Laboratories conclude data reporting <p>Post-sampling Activities by EPA</p> <ul style="list-style-type: none"> • Complete upload of UCMR 5 data to NCOD

From EPA, “UCMR 5 Public Meeting by Webinar”, October 2022

UCMR 5 – When to monitor?

Groundwater systems: two sets of samples in a 12-month period (5-7 months apart)

Others: 4 quarterly sets of samples in a 12-month period, each 3 months apart

UCMR 5 – Handling of results

Similar to previous UCMRs –

- **Labs for large systems will enter data into SDWARS; waterworks will have the opportunity to review before it's finalized**
- **EPA's lab will enter data for small waterworks in SDWARS**

VDH and PWS will not receive copies of the data but has access to SDWARS

Community waterworks do need to include results in their annual CCRs

Public Access to UCMR Results

- Annual Consumer Confidence Reports (CCRs)
- Report 2023 data in the CCR for CY 2023
- Required by 40 CFR§141.153(d)(7) **for community water systems**
- **Detected unregulated contaminants**, for which monitoring is required: the table(s) must contain the average and range at which the contaminant was detected (i.e., measured >the UCMR MRL). The report may include a brief explanation of the reasons for monitoring for unregulated contaminants
- **Example language:** Unregulated contaminants are those for which EPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted

For additional information: <https://www.epa.gov/ccr>

Public Access to UCMR Results

- Public Notification
 - Required by §141.207 **for all PWSs** (CWSs and NTNCWSs subject to UCMR)
 - PWSs must notify persons served of the availability of the results no later than 12 months after monitoring results are known
 - Follows Tier 3 public notice §141.204(c), (d)(1), and (d)(3)
 - Special requirement notice must identify a person and the telephone number to contact for information on monitoring results
 - CWSs may include their public notice within their CCRs
 - For additional information: <https://www.epa.gov/dwreginfo/public-notification-rule>

Budget Shortfall - Causes

- A new office director without adequate budget training, experience, or support;
- Removal of ODW's experienced business manager;
- Reorganization –
 - SBS & pulling resources out of the program
 - Confusion on roles and responsibilities
- Turnover in OFM and SBS;
- Miscommunication among programmatic and business staff; and
- Inadequate QA/QC.

Bad advice Not Caught - Lack of QA/QC

- OFM Budget Analyst had mistaken interpretation of budget -
- Suggested a more than \$1 million recurring surplus
- Had to be spent down or lost.
- ODW and the business support units accepted the advice
- ODW instituted a spend-down plan using VCU PMG report and Governor Northam's June 20, 2019 letter on pay equality.
 - **Added 4 new FTEs to create RFO**
 - **55 in-band adjustments for pay equity initiative**
 - **Onboarded Drinking Water Watch**
 - **Started Decommissioning Access Databases**
 - **Began electronic document management**

Complicating Factors

- Inability to increase fees (capped by law)
- Flat federal and general fund support
- Inflation and increased VITA charges
- State pay increases
- Silos and inadequate communication between program and business support units

Recommendations

- Assign a full-time business manager to the program
 - Requires additional funding
 - Helps remove silo communication and creates bridge to others
- Develop training program for budget analysis and grant management
 - Requires additional funding
- Improve Internal Controls for budget decisions
 - Upcoming OFM Transformation
 - End Shared Business Services

Merger Potential Analysis

- Keep ODW as separate office
 - Continue OEHS collaboration on new employee onboarding
 - Continue sharing toxicology support
 - Continue enforcement and emergency preparedness work
- More collaboration with local health districts
 - TNC pilot possible
- Lean into streamlined processes and organizational structures
 - Regional Engineering Manager
 - Focus engineers on engineering needs
 - Hard to find new engineers

Workload Analysis & Emerging Issues

- Early and interim findings -
 - ODW needs more FTEs
 - ODW needs more funding
- DWSRF & Congressional Directed Spending
 - Reduces funding for the set-asides
 - State match reduced

Questions

- Where will resources be deployed over time?
 - Concern about operational staffing reduction at field offices
 - Changing workload at field offices:
 - Inspection frequency aligned to federal minimum
 - Centralized plan reviews
 - Focus on mobile employee and field work

VDH Strategic Goals

Goal #1: Maintain a competent and valued workforce

Recruit and retain the best, train, & demonstrate employees are valued

Goal #2: Foster healthy, connected and resilient communities

Share reliable, actionable data

Goal #3: Be a trusted source of public health information and services.

Deliver accurate and timely info; Make services more clear and visible

Goal #4: Assure the conditions that improve health opportunity

Build partnerships

Goal #5: Provide internal systems that deliver consistent, responsive support

Culture of Customer Service Excellence

PHP's Operational & Cultural Vision

To build and empower **effective and respected teams** through collaboration, compassion, continuous learning and improvement, and **thoughtful, adaptive decision-making**

Commitments include:

- Model trust, transparency, and collaboration
- Give accountability feedback when behaviors are inconsistent with values
- Be honest, kind, and respectful with all communication
- Clarify understanding and avoid gossip
- See it, Own it, Solve It
- Be a positive influence – do what you say you will do

Aspirational Goals & Metrics

“Think, act,
and learn
your way to
where you
want to
be”

- No health-based violation
- All inspections on time
- All permits up-to-date
- Plan Reviews within 30 days
- No paper processes

**DRINKING WATER THAT IS SAFE, TRUSTED, AFFORDABLE,
FLUORIDATED, AND THE BEVERAGE OF CHOICE”**

2023 Objectives & Key Results (OKRs)

<p>Customer Service Excellence</p>	<ul style="list-style-type: none">• Fill vacancies• Improve training and onboarding• Centralize plan review - reduce time to permit• Maximize use of Drinking Water Viewer• Improve organizational & response structures• Deliver ARPA, BIL, and DWSRF funding
<p>Team Excellence</p>	<ul style="list-style-type: none">• Finalize Manuals (Field, Sampling, Permit, Enforcement)• Improve communication, trust, & collaboration• Create better data
<p>Accountability</p>	<ul style="list-style-type: none">• Implement OSIG recommendations (new metrics)• Start new programs (Equity Fund, Sampling Verification)• Use SWIFT, SWEPT, CMDP, and SWIMR• Reduce paper processes• Share Strategic Plan

Drinking Water - And the Pandemic Response & Recovery

Time	Concern	Actions
<p>2020</p> <p>Through</p> <p>2022</p>	<p>What went wrong with the budget?</p> <p>How do we get back to a routine?</p> <p>How do we get our work done?</p> <p>Where are we going?</p>	<p>Reports - HJ 92, HB586, HB1257, HB919, SB410, HJ538, Budget Shortfall, Workload analysis</p> <p>Budget Bill - Sampling Verification, Equal Access Fund, Cancel Layoffs</p> <p>Telework, OFM Transformation</p>

OSIG Recommendations

“...the challenge for the agency is still the decentralized nature of regional field office management that continues to contribute to the variances in how statewide processes are conducted.”

Primary Themes -

- Centralize operations & build consistency
- Improve performance tracking & metrics
- Expand and improve oversight policies