

WATERWORKS ADVISORY COMMITTEE MEETING AGENDA

All-Virtual Public Meeting

June 12, 2024; 10:00 AM to 12:30 PM

Subject	Time (Estimated)
<ul style="list-style-type: none">Establish quorum, welcome new WAC members – Dwayne Roadcap	10:00 – 10:05 AM
<p style="text-align: center;">Waterworks Advisory Committee Administrative Matters</p> <ul style="list-style-type: none">Introduction and review of agenda items – Chair David Van GelderReview and adoption of minutes from December and March meetings – Grant Kronenberg	10:05 – 10:10 AM
<p style="text-align: center;">Development of Amendments to the Waterworks Regulations</p> <ul style="list-style-type: none">Updates to proposed amendments to the Waterworks Regulations – Jane Nunn	10:10 – 11:10 AM
<p style="text-align: center;">Drinking Water Program Discussion</p> <ul style="list-style-type: none">ODW staffing update – Dwayne RoadcapCompliance, Enforcement & Policy update – Grant KronenbergPFAS Rule, Lead and Copper Rule, and Consumer Confidence Report Rule – Bob EdelmanCentralized Plan Review and Data Management update – Aaron MosesFinancial and Construction Assistance Program update – Keith KornegayODW budget update – Dwayne Roadcap	11:10 AM – 12:15 PM
<p style="text-align: center;">Public Comment Period</p>	12:15 – 12:25 PM
<p style="text-align: center;">Other Business</p> <ul style="list-style-type: none">Planned upcoming meeting dates: September 18, 2024 (in person), December 11, 2024 (all virtual)	12:25 – 12:30 PM

The method by which the Waterworks Advisory Committee chooses to meet shall not be changed unless the Waterworks Advisory Committee provides a new meeting notice in accordance with Code of Virginia § 2.2-3707.

Information and Protocol for Joining the Meeting Electronically

Access to the meeting can be achieved via computer, phone or mobile device with the meeting link below:

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

<https://vdhoep.webex.com/vdhoep/j.php?MTID=mf951c9debb1141b0265681df21839681>

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

Meeting number (access code): 2630 897 0763

Meeting Password: dPXAKehk735

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 have problems logging in or if there is any interruption in transmission, please call Grant Kronenberg at 804-629-0989.

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.

DRAFT

Waterworks Advisory Committee Meeting Minutes

In Person: Fairfield Library, 1402 Laburnum Ave, Richmond VA 23223

10:00 am, Wednesday, December 13, 2023

Members Present: David Van Gelder (Chair), Water Operator; Jesse Royall, Jr., Sydnor Hydro, Inc.; Bailey Davis, DCLS; Skip Harper, Virginia Plumbing & Mechanical Inspectors Association; Steve Herzog, PE, VWEA; Russ Navratil, VA AWWA; Chris Pomeroy, Virginia Municipal Drinking Water Association; Ignatius Mutoti, VSPE; Andrea Wortzel, Mission H2O; Geneva Hudgins, VA-AWWA; Ben Barber, VA Health Catalyst

Members Absent: Whitney S. Katchmark, PE Principal Water Resources Engineer; Tom Fauber, VA ABPA; Caleb Taylor, VA Municipal League; Anthony Morris, DEQ; Mark Estes, VRWA; Joey Hiner, VA SERCAP (attended virtually).

Stakeholders: Christopher Gill, William J. Mann, Jr., MD, Chris Harbin, Ivy Ozman, Katherine Coffey

Office of Drinking Water (ODW) Staff: Dwayne Roadcap, James Reynolds, Barry Matthews, Aaron Moses, Dan Horne, Christine Latino, Grant Kronenberg, Robert Edelman, Jane Nunn, Steve Kvech, Jeremy Hull, Kendall Scott, Ray Weiland, Jessica Coughlin

Meeting Overview

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

It was established that there were enough members in person to establish a quorum.

Review and Adopt Minutes of Meeting

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

Waterwork Regulations

Jane Nunn has been working on the proposed changes to the Waterworks Regulations. There are 16 substantive changes and 10 technical changes being presented for the WAC's consideration. Jane presented the proposed amendments to the WAC, noting that the WAC will determine

whether to approve the proposed changes and whether it needs to establish subcommittees to discuss any of the proposed changes.

1. Substantive change • Amend the definition of “operator” to clarify it is someone who has a license “with a classification equal to or higher than the classification of the waterworks or water treatment plant being operated” found in 12AVC5-590-461(B) and (C)

The WAC discussed regarding this change. An operator can be anyone, but the new definition indicates that you must have a valid license instead of the capability to have a license. They are concerned that the new definition will exclude a category of personnel. ODW staff suggested meeting with DPOR to make sure both definitions are concurrent. The WAC determined that no determination could be made without further discussion.

2. Technical change • Correct definition of “reverse osmosis” in 12VAC5-590-10. It should read: “Reverse osmosis” or “RO” means a membrane technology designed to remove salts, low-molecular weight solutes, and all other constituents up to down to 0.0001 micron in size...”

No opposition by the WAC members to the proposed change.

3. Technical change • Change “informal fact-finding proceeding” to “informal fact-finding conference” in 12VAC5-590-115 and elsewhere. Makes the language consistent with other VDH offices and other agencies.

No opposition by the WAC members to the proposed change.

4. Technical changes • Proposed amendments: 12VAC5-590-10 – Change the definition of “TMF” from: “‘TMF’ means the technical, managerial, and financial capabilities to operate and maintain a waterworks.” To: “‘TMF’ means technical, managerial, and financial.” 12VAC5-590-200(A)(5) – add “to operate and maintain a waterworks” after “TMF capabilities.” 12VAC5-590-290(F)(1) – add “to operate and maintain a waterworks” after “TMF capabilities.”

No opposition by the WAC members to the proposed change.

5. Topic of discussion (would be substantive changes) • Code of Virginia § 32.1-172 requires a comprehensive business plan as part of the application for a permit to “establish, construct or operate any waterworks or water supply in the Commonwealth...” The comprehensive business plan in ODW is the Waterworks Business Operation Plan (WBOP). WBOP is identified as a requirement to obtain a construction permit under 12VAC5-590-200(A)(5). WBOP is currently not required under 12VAC5-590-260, Issuance of the operation permit, for issuance of an operation permit. WAC input requested as ODW is still analyzing the issue to determine if or how amendments should be made with respect to the requirement for a WBOP and the circumstances in which to require it.

After some discussion, the WAC determined that more discussion is needed for better clarity. Grant Kronenberg, Jane Nunn, and Barry Matthews will update the material then forward it to Jesse Royall, Chris Pomeroy and Andrea Wortzel for their individualized review. The updated version will be presented to the WAC in March.

6. Technical change • “RAA” is defined in 12VAC5-590-10 as “running annual average” and is used in multiple places in the Waterworks Regulations. In 12VAC5-590-384 and 12VAC5-590-531, however, the term “running annual arithmetic average” is found. The Waterworks Regulations mirror the Code of Federal Regulations, which uses “RAA” and “running annual arithmetic average” interchangeably with no apparent distinction between the two. In ordinary language, an “average” is an “arithmetic average,” so there does not appear to be a substantive reason for not using “RAA” throughout the Waterworks Regulations. ODW proposes replacing “running annual arithmetic average” with “RAA.” This is a technical change – “RAA” is defined as “running annual average.”

No opposition by the WAC members to the proposed change.

7. Substantive change • Add requirement to 12VAC5-590-461 for waterworks to notify ODW when a new “operator-in-charge” has been hired. Proposed language: 12VAC5-590-461(E), Change in owner’s designation of operator. When an owner has changed the operator (as defined in 12VAC5-590-10) designated as having responsibility for waterworks operations and any subordinate staff, the owner shall notify the department within 10 days of such designation and shall provide the operator’s name, classification, and DPOR certification number.

The WAC suggested that the 10-day notification be changed to “10 to 30 days or no later than the tenth day of the previous month” Jane indicated that she would check the Code of Virginia to confirm.

The WAC suggested to strike the “subordinate staff” language.

With whose changes, the WAC did not oppose the proposed change.

8. Technical change • 12VAC5-590-461(A)(1)(a) has a misplaced comma. Should read: “A waterworks or a water treatment plant serving 50,000 or more persons or having a water treatment plant capacity of 5.0 MGD or more and employing conventional filtration or chemical coagulation in combination with membrane filtration.” Without moving the comma, this causes consecutive waterworks serving more than 50,000 people to be classified as Class 1, which is not ODW’s intent.

The WAC has asked if bullet points could be used instead of commas. Ignatius Mutoti and Bob Edelman will meet offline to discuss an issue raised with the use of the word “coagulation.”

9. Substantive change • Current language, 12VAC5-590-475(B) “Permanent abandonment.
1. Well abandonment shall be supervised by a certified water well systems provider.
 2. All well abandonments shall be documented on a Uniform Water Well Completion Report, Form GW-2, and submitted to the department within 30 days of completing the physical abandonment.
 3. Groundwater wells that are abandoned shall be sealed by methods that will restore to the fullest extent possible the controlling geological conditions that existed before the wells were constructed.
 4. Casing and screen materials may be salvaged.
 5. The well shall be checked from land surface to the entire depth of the well before it is sealed to ascertain freedom from obstructions that may interfere with sealing operations. Effort shall be made to remove or clear any obstacles that may prohibit sealing by grouting the complete well depth.
 6. The well shall be thoroughly chlorinated before sealing.
 7. Bored wells and uncased wells shall be backfilled with clean fill to the water level. A two-foot-thick bentonite grout plug shall be placed immediately above the water level. Clean fill shall be placed on top of the bentonite grout plug and brought up to at least five feet from the ground surface. The top five feet of the well casing, if present, shall be removed from the bore hole. If an open annular space is present around the well casing, then the annular space shall be filled with bentonite grout to the maximum depth possible, but less than or equal to 20 feet. A one-foot-thick cement or bentonite grout plug that completely fills the bore void space shall be placed a minimum of five feet from the ground surface. As an alternative, bored wells and uncased wells may be completely filled with concrete, sand-cement, bentonite-cement, or neat cement grout to within a minimum of five feet from the ground surface by introduction through a pipe initially extending to the bottom of the well. The pipe shall be raised but remain submerged in grout or concrete as the well is filled. The remaining space shall be filled with clean fill that is mounded a minimum of one foot above the surrounding ground surface.
 8. Non-bored wells constructed in unconsolidated formations shall be completely filled with concrete, sand-cement, bentonite-cement, or neat cement grout to within a minimum of five feet from the ground surface by introduction through a pipe initially extending to the bottom of the well. The pipe shall be raised but remain submerged in grout or concrete as the well is filled. The remaining space shall be filled with clean fill that is mounded a minimum of one foot above the surrounding ground surface.
 9. Wells constructed in consolidated rock formations or that penetrate zones of consolidated rock may be filled with sand or gravel opposite the zones of consolidated rock. The top of the sand or gravel fill shall be at least five feet below the top of the consolidated rock and at least 20 feet below land surface. The remainder of the well shall be filled with concrete, sand-cement, bentonite-cement, or neat cement grout to within a minimum of five feet from the ground surface by introduction through a pipe initially extending to the bottom of the well. The pipe shall be raised but remain submerged in grout or concrete as the well is filled. The remaining space shall be filled with clean fill that is mounded a minimum of one foot above the surrounding ground surface.
 10. The location of the well shall be permanently documented for future reference.”

Comments received that well abandonment standards are too burdensome with suggestion to amend to match the Private Well Regulations' requirements (see 12VAC5-630-450). The VDH Office of Environmental Health Services' response was that private well regulations are based on the cost that a homeowner could be expected to afford. DEQ's recommendations: Retain the text currently found in B.1, B.2, B.3, and B.10. B.5 includes a first sentence that substantially duplicates the Private Well Regulations, plus a second sentence that is absent from the Private Well Regulations (both current and amended versions). ODW recommends retaining B.5 to preserve the requirement in the second sentence. Replace the other requirements (current B.4, plus B.6 through B.9) with a single provision to the effect that, "Permanent abandonment of a well shall be in accordance with both this subsection and subsection C of 12VAC5-630-420." This would accommodate both the current requirements and the future, amended requirements of the Private Well Regulations.

Jesse Royall would like ODW to further discuss the issue with VDH's Office of Environmental Health Services to make sure that the proposal is in line with the Private Well Regulations. ODW will do that and bring something back to the WAC at its March meeting.

10. Substantive change • Propose restoring the baffle factor of 1.0 to the Baffling Factor Table 500.15 in -590-500. The Baffling Factor Table 500.15 in 12VAC5-590-500 was amended in the 2021 amendment to the Waterworks Regulations, removing the 0.9 and 1.0 baffle factors. Consistent with the Guidance Manual for the Compliance with Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources (EPA, 1991), a baffle factor of 1.0 for Perfect (plug flow) conditions is justified (this reference does not have a 0.9 baffle factor). Recommend that ODW amend Table 500.15 to match the EPA guidance (Table C-5, Baffling Classifications).

EPA does not include the Baffling Factor of 0.9 in its table. The WAC members suggested to make the table consistent with the EPA guidance factor. ODW would add the 1.0 back into the regs to conform with EPA's standards. The WAC members recommend that ODW amend our table so that it matches. No opposition by the WAC members to the proposed change.

11. Substantive change • Return language requiring metering of total water production and add to 12VAC5-590-510. Prior to 2021, the Waterworks Regulations had requirements for metering of total water production in both Part II (what was then 12VAC5-590-520.B) and Part III (12VAC5-590-700); today's Waterworks Regulations only have this requirement in Part III (12VAC5-590-700), which seems to allow existing waterworks to discontinue metering of total water production.

Proposed language: 12VAC5-590-510. F. Metering total water production

1. All community waterworks shall provide metering of total water production.
2. All NTNCs and TNCs that provide treatment or have a design capacity of greater than 300,000 gallons per month shall provide metering of total water production.

3. If the waterworks treatment process results in a waste flow, including filter backwash, ion exchange regenerate, or residual solids, then the waterworks shall provide metering of total source water withdrawn and finished water produced.

4. The department may document exceptions to this requirement in Operation Permit Conditions or a Variance Substantive Change.

The Waterworks Regulations has an issue regarding metering total water production. Would like to add the language back to part 2 that was removed in the 2021 amendments and add to section 510. Create a new subsection for 510.

No opposition by the WAC members to the proposed change.

12. Substantive change • Add requirement to report “unregulated contaminants” for which monitoring is required under 40 CFR § 141.40 (UCMR) to the Consumer Confidence Report to reflect the requirement in 40 CFR § 141.153(d)(ii). The requirement for reporting detected contaminants monitored under the UCMR is missing from 12VAC5-590-545(C)(3). Proposed language: “3. Information on detected contaminants. a. This section specifies the requirements for information to be included in the report for contaminants subject to a PMCL, AL, MRDL, or treatment technique as specified in 12VAC5-590-340 and contaminants for which monitoring is required by 40 CFR § 141.40 (unregulated contaminants).” Substantive change – Need to add a requirement regarding regulated contaminants. Not currently in the Waterworks Regulations – this is something that EPA has required us to do.

No opposition by the WAC members to the proposed change.

13. Technical change • Missing language in 12VAC5-590-545©(5)(c). Current language: “For that fails to take one or more of the prescribed actions, the report shall include the applicable language of 12VAC5-590-546 for lead, copper, or both.” Proposed language: “For an owner that fails to take one or more of the prescribed actions, the report shall include the applicable language of 12VAC5-590-546 for lead, copper, or both.”

No opposition by the WAC members to the proposed change.

14. Technical change • In 12VAC5-590-630(D), remove the references to “starting January 1, 2023...” since that date is now past. Proposed language: “Starting January 1, 2023, persons testing and repairing backflow prevention assemblies and backflow prevention devices shall be certified by a Commonwealth of Virginia tradesman certification program (identified by DPOR as backflow prevention device workers).” Technical change – addition of “an owner.”

No opposition by the WAC members to the proposed change.

15. Technical change • Update the “Note” in 12VAC5-590-830(A)(2)(b) to reference DEQ. Proposed language: “Note: Local governments may request this aid from the Department of Environmental Quality (DEQ) by contacting either the Health Department's Office of Water

Programs or DEQ's headquarters office in Richmond.” Technical change – Change reference to the Department of Environmental Quality.

No opposition by the WAC members to the proposed change.

16. Substantive changes. Well construction: 12VAC5-590-840(F)(1)(c), Class 1 wells - “For wells constructed in consolidated formations, the lower end of the casing shall terminate in solid rock or other impervious impermeable formation when practical to do so.” 12VAC5-590-840(F)(2)(c), Class 2 wells - “For wells constructed in consolidated formations, the lower end of the enlarged portion of the drill hole should terminate in solid rock or other impervious impermeable formation when practical to do so.” Grouting requirements: 12VAC5-590-840(G)(5)(b)(3) - “Before grouting wells, suitable fill material such as bentonite, engineered low-permeability/high-solids bentonite and sand mix, low-strength cement and sand mix, or similar materials that have been approved by the department shall be added to the annular opening below the grout zone to seal and stabilize these areas. Instead of this requirement, the casing may be grouted for its entire depth.” Substantive change – well constructions from “impervious” to “impermeable.” Also adding “engineered low-permeability/high-solids bentonite and sand mix.”

No opposition by the WAC members to the proposed change

17. Substantive change • Previously, 12VAC5-590-1030(A)(2) required, “A properly screened vent with the end elbowed downward shall be provided for the well casing,” but was repealed in 2021. Recommend restoring language for well casing vent requirements, including screening, by adding to 12VAC5-590-840(I)(4). 12VAC5-590-840(I)(4) currently reads, “Provisions shall be made for venting the well casing to the atmosphere. Where vertical turbine pumps are used, vents into the side of the casing may be necessary to provide adequate venting.” This allows multiple interpretations of what an appropriate vent might be:
- 1) a screened mushroom cap.
 - 2) a screened tube elbowed downward.
 - 3) a tube pointed straight upwards with a screen tied around the end.
 - 4) an unscreened pitless adapter cap; or
 - 5) something else.

Recent example: a plastic pipe pointed straight upward, with no screen, and with slots cut into the sides of the pipe.

Proposed language: “Provisions shall be made for venting the well casing to the atmosphere. The piping connecting the vent to the casing shall be of sufficient diameter to allow for rapid venting of the casing. The opening of the vent shall be covered with corrosion resistant screen, with a mesh size sufficient to prevent entrance by insects (24-mesh size recommended). Where vertical turbine pumps are used or the well is equipped with a pitless adapter unit, vents into the side of the casing may be necessary to provide adequate well venting. Pitless adapter caps, which have screened vents that are integral to the cap construction, are acceptable. The vent shall terminate in a downturned position, at or above the top of the casing, no less than 12 inches above the floor or grade.”

No opposition by the WAC members to the proposed change.

18. Substantive change • Update 12VAC5-590-882(G) to reflect a requirement for inline laser-type turbidimeters. Applicable only to membrane filtration processes. Requirement in ODW Working Memo 880 so already asking waterworks to meet this standard. WAC input is requested as ODW is still researching this possible amendment.

WAC members requested that ODW check on laser type turbidimeters and ODW staff said that would look at developing a performance standard.

19. Substantive change • Update 12VAC5-590-1005(H)(4) to be consistent with new EPA UV guidance issued in 2022 that says continuous UVT monitoring is no longer necessary when the calculated dose approach is used. Proposed language: “Continuous monitoring sensors shall be provided to measure UV intensity. A continuous sensor shall also be provided to measure ultraviolet transmittance (UVT) if the calculated dose approach is utilized, except if the validated calculated dose approach does not require UVT as a continuous input. For systems validated on the basis of equations not requiring UVT as a continuous input, the department may require equipment for grab-sample UVT analysis.”

No opposition by the WAC members to the proposed change.

20. Substantive change • Revision to 12VAC5-590-1065(D) as it relates to 12VAC5-590-700. Current language: “A totalizing water meter to measure water production shall be provided for each well and shall be located upstream of the well blowoff.” Proposed language: “If a totalizing water meter is required per 12VAC5-590-700, then a totalizing water meter shall be provided for each well and located upstream of the well blowoff.”

WAC members requested to clarify that this is an exception, and WAC members noted that this language is incorporating exceptions that are in another section of the Waterworks Regulations.

With clarification, no opposition by the WAC members to the proposed change.

21. Substantive change • Look at moving flood risk management standard from the Drinking Water State Revolving Fund (DWSRF) Program Guidance to the Waterworks Regulations. Jane Nunn noted that this would codify requirements already imposed on those in the regulated community that receive DWSRF funds; It focuses on flooding prevention/mitigation; federal/state grant money may be available; and increased cost for new construction not associated with DWSRF. ODW requests WAC input as ODW is still researching this possible amendment.

Jane Nunn will develop proposed language and discuss it at the WAC meeting in March after she has gotten information from the ODW DWSRF staff.

22. Technical change that applies to the complete chapter • Change the order of some sections if doing so would make the regulations easier to understand or reference. One example: Regulations specific to lead and copper (12VAC5-590-375, -590-385, -590-405, & -590-532) are not grouped together but are grouped per category (monitoring, compliance, technique, and reporting). WAC input needed by March 2024 WAC meeting on changing the order of the sections.

The consensus of the WAC was that no change is needed.

23. New technical item • Regulatory definition states that “boil water advisory” and “boil water notice” have the same meaning. Federal Safe Drinking Water Act and the National Primary Drinking Water Regulations do not define them, and the EPA and CDC primarily use “boil water advisory.” Consensus is that the general public does not discern between the two terms. ODW’s proposal is to amend the regulations to use “boil water advisory” instead of “boil water notice.”

It was discussed that in the Tier 1 public notification, can differentiate between the two by adding the word “precautionary” when it’s unknown if the water is contaminated. There was discussion about the use of “precautionary.”

No opposition by the WAC members to the proposed change. The WAC members recommended ODW add a new regulation for notices that uses the language “do not use.”

24. New substantive item • Confusion between this regulation and a manual/working memo. Proposed language: For each routine sample found to be total coliform positive, the owner shall collect a set of three repeat samples within 24 hours of being notified of the positive result. The department may extend the 24-hour limit on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control.”

No opposition by the WAC members to the proposed change.

25. New substantive item • Current language: “Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the commissioner or department on a case-by-case basis.” Proposed language: “Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the commissioner or department on a case-by-case basis. An example would be a loss of water pressure that results in the potential for contaminants to enter the depressurized area of a distribution system, such as a water main break, loss of water supply, demand exceeding supply, or closed valve.”

WAC members did not feel that providing an example as proposed by ODW is necessary. The WAC members suggested ODW revise the section to provide greater clarity, however.”

Compliance, Enforcement & Policy Update

Thirteen serious violators identified in the October Enforcement Targeting Tool report from EPA.

To date, seven systems have returned to compliance.

The Enforcement Manual and Waterworks Operation Fee Regulations are still under executive branch review.

Staff update

ODW is currently operating at a 16% vacancy rate. ODW has other positions advertised, the issues we are having is finding engineers to fill those positions.

ODW is currently advertising for a Chief of Field Operations (formerly the Deputy Field Director).

Budget

ODW currently has 7 positions on hold awaiting the Governor's budget.

PFAS Phase 2

Robert Edelman is taking over the PFAS responsibilities. The UCMR 5 monitoring started January 1, 2023, and will run through 2025. Virginia currently has 62 water systems that have monitored for UCMR 5. The interesting thing is that there hasn't been that many detections above the MCLs. ODW is expecting the EPA to finalize the regulations within the new year.

Virginia has collected over 290 samples this year in what we are calling Phase 2.2 for PFAS monitoring program. ODW now has a PFAS dashboard on the website that is available for the public and press. Please note that the information on the website doesn't include the samples that Water systems have done independently.

Lead and Copper Revisions

The LCR improvements are currently located on the EPA webpage. Because of the number of pages of the Lead and Copper revisions, ODW will take a while to go over all of the information.

Waterworks will need to continue to focus on completing and submitting the Service Line Inventories followed by the notifications. ODW will offers technical assistance and job aids are on ODW's website. ODW will be rolling out a portal with training for the regulated community and will be providing a webinar at a later date.

Centralized Plan Review Program

ODW's staff shortage has changed the approval time. ODW is working on getting the Centralized Plan Review Program back on track. ODW is setting up a portal to submit plans.

Drinking Water Viewer implementation

Field Services Engineer Aaron Moses is working with ODW's vendor to provide more frequent updates and will be working on recordings, instruction videos, and training for waterworks.

If there are issues with incomplete data, please share with Aaron Moses directly.

EPA Cybersecurity Assessment Memo

The EPA is hosting a Cybersecurity tabletop exercise. Jessica Coughlin, Emergency Services Coordinator, encourages all operators and owners to take the course. Ms. Coughlin provided a slide for review during the meeting for those who want additional information.

Training Program

Julie Floyd is now the new Training Manager. She is working to make improvements to the operator certification, evaluation of operator training, improving internal training and Lead and Copper Rule Revisions training.

The municipal association is setting up a committee along with DPOR and AWWA. ODW is planning to monitor the committee. WPI is standing up a new initiative to attempt to provide certification for water drinking water and wastewater trainers.

Lead Testing

Please see attached slides. There are also links to recordings.

Public Comment

None

Conclusion

The 2024 WAC meetings are scheduled for March 13, 2024 (in person), June 12, 2024 (all virtual), September 18, 2024 (in person), December 11, 2024 (all virtual).

The meeting adjourned at approximately 12:45 p.m.

DRAFT

Waterworks Advisory Committee Meeting Minutes

In Person: Fairfield Library, 1402 Laburnum Ave, Richmond VA 23223

10:00 am, Wednesday, March 13, 2024

Members Present: David Van Gelder (Chair), Water Operator; Skip Harper, Virginia Plumbing & Mechanical Inspectors Association; Steven Herzog, PE, VWEA; Chris Pomeroy, Virginia Municipal Drinking Water Association; Ignatius Mutoti, VSPE; Tom Fauber; VA ABPA; Mark Estes, VRWA, Joey Hiner, VA SERCAP

Members Absent: Geneva Hudgins, VA AWWA; Russ Navratil, VA AWWA; Ben Barber, Virginia Health Catalyst; Whitney S. Katchmark, PE, Principal Water Resources Engineer; Caleb Taylor, VA Municipal League; Anthony Morris, DEQ; Jesse Royall, Sydnor Hydro; Andrea Wortzel, Troutman Pepper

Stakeholders: Christopher Gill, William J. Mann, Jr., MD, Chris Harbin, Ivy Ozman, John Kingsbury

Office of Drinking Water (ODW) Staff: Dwayne Roadcap, Aaron Moses, Christine Latino, Grant Kronenberg, Robert Edelman, Jane Nunn, Steve Kvech, Jeremy Hull, Dan Horne, Jack Hinshelwood, James Reynolds, David Dawson, Julie Floyd, Bailey Davis

Meeting Overview

The Waterworks Advisory Committee (WAC) met in person at the Fairfield Library, 1401 N. Laburnum Avenue, Richmond, VA. Stakeholders, ODW staff, and the public also joined in person and by electronic communication means via WebEx. Grant Kronenberg called the meeting to order at 10:05 a.m. and the agenda was reviewed.

It was established that there were not enough members in person to establish a quorum.

Review and Adopt Minutes of Meeting

Since there were not enough members to establish a quorum, the WAC could not take any official action to adopt the minutes from the WAC's December meeting.

Waterwork Regulations

Jane Nunn presented an update on the draft proposed amendments to the Waterworks Regulations. The WAC members present provided feedback on the draft proposals. The slides presented by Ms. Nunn as to each item can be found with the WAC meeting materials.

There are now 13 substantive changes, 3 technical changes, and a new item #12 being presented for the WAC's consideration. Ms. Nunn presented the proposed amendments to the WAC, noting that the WAC will determine whether to approve the proposed changes and decide whether it needs to establish subcommittees to discuss any of the proposed changes.

Item 1 – 12VAC5-590-10

Ms. Nunn discussed a proposed substantive change to the definitions section of the Waterworks Regulations – 12VAC5-590-10. The proposal is to amend the definition of "operator" in 12VAC5-590-10 to clarify it is someone who has a license "with a classification equal to or higher than the classification of the waterworks or water treatment plant being operated" found in -590-461 B and C. Proposed language: "Operator" means any individual with a valid license as a Waterworks Operator issued by the Virginia Department of Professional and Occupational Regulation with the requisite classification and skills employed or appointed by any owner, who is designated by the owner to be the person having full responsibility for the waterworks operations and any subordinate operating staff. The individual may be a supervisor, a shift operator, or a substitute in charge, and have duties including testing or evaluation to control waterworks operations. Not included in this definition are superintendents or directors of public works, city engineers, or other municipal or industrial officials whose duties do not include the actual operation or direct supervision of waterworks. Ms. Nunn stated there is no cost associated with this proposed amendment.

Ms. Nunn stated that DPOR will not be changing its regulations regarding the definition of "operator." The WAC members did not express any questions or concerns.

Item 2 – 12VAC5-590-200 and -260

Ms. Nunn discussed proposed substantive changes to 12VAC5-590-200 and 12VAC5-590-260 of the Waterworks Regulations. Code of Virginia § 32.1-172 requires a comprehensive business plan as part of the application for a permit to "establish, construct or operate any waterworks or water supply in the Commonwealth..." The comprehensive business plan in the Waterworks Regulations is the Waterworks Business Operation Plan (WBOP). The WBOP is identified as a requirement to obtain a construction permit under 12VAC5-590-200.A. The WBOP is not identified as a requirement to obtain an operation permit under 12VAC5-590-260. Va. Code §32.1-172.B includes an option for ODW to waive the requirement to submit a WBOP for "applicants who have demonstrated a history of acceptable compliance with waterworks regulations." Va. Code §32.1-172.F prohibits the assignment or transfer of a construction or operation permit.

Ms. Nunn went through the proposed amendments to these sections of the Waterworks Regulations. The proposed amendments were highlighted in red in the slides that accompanied her presentation.

Ms. Nunn explained that ODW had received feedback from WAC members Jesse Royall and Chris Pomeroy since the last WAC meeting. Their feedback was discussed, including setting a

default standard for waiving the WBOP requirement and/or a brightline rule for waiving the WBOP requirement. Ms. Nunn addressed concerns with those approaches. The group discussed historical information related to WBOP requirements. Mr. Herzog stated that there has been no history of requiring a WBOP when one is already on file with ODW. Mr. Estes stated that small systems would like to know the standard to be applied. Mr. Mutoti asked how do you ensure the same approach in all circumstances. Ms. Nunn stated that we are working on procedures to standardize the approach. Mr. Roadcap said ODW could develop some examples of scenarios and how things might change if the regulation is amended in an effort to make the impact more concrete for the WAC members. In sum, the WAC members still had questions regarding the WBOP. Consequently, ODW will continue analyzing the issue and the proposed amendments.

Item 3 – 12VAC5-590-461 E

Ms. Nunn discussed a proposed substantive change to 12VAC5-590-461 of the Waterworks Regulations by adding a subsection E. The amendment would add requirement a for waterworks to notify ODW when a new “operator-in-charge” has been hired.

The WAC membership had suggested a 30-day time period and removal of redundant language.

Ms. Nunn presented proposed language as follows: 12VAC5-590-461.E, Change in owner’s designation of operator. When an owner has changed the operator (as defined in 12VAC5-590-10) designated as having responsibility for waterworks operations, the owner shall notify the department within 30 days of such designation and will provide the operator’s name, classification, and DPOR certification number.

Mr. Van Gelder clarified that this is a one-person contact that is contemplated. Mr. Mutoti noted that in some cases the owner may not be directly involved with the system. Mr. Kronenberg stated that the owner is ultimately responsible for the system, but someone else affiliated with the system can be the person that informs ODW of a change.

Item 4 – 12VAC5-590-461 A 1(a)

Ms. Nunn stated this is a technical change. 12VAC5-590-461.A.1(a) has a misplaced comma. Without moving the comma, this causes consecutive waterworks serving more than 50,000 people to be classified as Class 1, which is not ODW's intent. The WAC had suggested adding numbers for clarity.

Ms. Nunn presented the following proposed language: A waterworks or a water treatment plant: (i) serving 50,000 or more persons, or having a water treatment plant capacity of 5.0 MGD or more, and (ii) employing conventional filtration or chemical coagulation in combination with membrane filtration.

The proposed amendment addresses the misplaced comma and adds (i) and (ii). The WAC members did not provide any comments.

Item 5 – 12VAC5-590-475 B

Ms. Nunn stated this is a substantive change. Ms. Nunn states that comments had been received that well abandonment standards are too burdensome and there was a suggestion to amend the regulation to match the Private Well Regulations' requirements. The VDH Office of Environmental Health Services' response was that private well regulations are based on the cost that a homeowner could be expected to afford. Ms. Nunn discussed feedback from DEQ to retain the existing text in subsections in B 1, B 2, B 3, B 5, and B 10 of 12VAC5-590-475. Ms. Nunn stated that ODW recommends retaining subsection B 5 and replacing subsections B 4 and B 6 through B 9 with a single provision to the effect that, "Permanent abandonment of a well shall be in accordance with both this subsection and subsection C of 12VAC-630-450." Ms. Nunn noted this change would reduce costs.

The WAC members did not have any comments or questions about the proposed amendment.

Item 6 – 12VAC5-590-630

Ms. Nunn states this is a technical change to remove references to the regulatory requirement "starting January 1, 2023," since that date is now past.

The WAC members did not have any comment on this proposed amendment.

Item 6 – 12VAC5-590-830

Ms. Nunn stated that following discussions with DEQ, ODW is proposing to amend 12VAC5-590-830 as set forth in the accompanying presentation slide, which she discussed. During the WAC's discussion, it was stated by Mr. Pomeroy that DEQ plans to explore grandfather intake rules and that discussion will begin this summer. Mr. Pomeroy suggested removing this piece for now. Ms. Nunn stated that ODW will defer further action on this item.

Item 7 – 12VAC5-590-882 G

Ms. Nunn stated this is a substantive update to reflect a requirement for inline laser-type turbidimeters. This performance standard is already contained in ODW Working Memo 880, so waterworks are already asked to meet it.

Mr. Mutoti stated that he supports this change because the last version mentioned specific technology and he likes this change.

Item 8 – New Regulation

Ms. Nunn stated that this proposed amendment is a substantive change that would move the flood risk management standard from the Drinking Water State Revolving Fund into the Waterworks Regulations.

Ms. Nunn stated that ODW has decided to table this proposal because part of what it would require is an environmental assessment by another agency that ODW cannot control and the Safe Drinking Water Act does not authorize ODW to take this action.

Item 9 – 12VAC5-590-540 A 1(l)

Ms. Nunn stated that this a new substantive item for the public notice requirement. The suggested amendment provides an example of what would qualify as a violation or other situation with a significant potential to have adverse health effects requiring Tier 1 public notice. The suggested language is as follows: “An example would be a loss of water pressure that results in the potential for contaminants to enter the depressurized area of a distribution system, such as a water main break, loss of water supply, demand exceeding supply, or closed valve.”

Mr. Edelman stated that the proposed language supports current guidance and noted that questions have been raised to ODW field offices about the consistency of implementation. Mr. Roadcap stated that ODW would discuss this issue further and how the policy is being implemented. Several WAC members raised concerns with the proposed language, including believing the proposed amendment may cause confusion and is unnecessary.

Item 10 – 12VADC5-590-505

Ms. Nunn stated this is a new substantive amendment proposal. Ms. Nunn stated the proposal came from ODW’s emergency management coordinator to extend emergency management plan requirements to cover water system outages in addition to extended power outages.

The consensus of the WAC was that this amendment is not necessary.

Item 11 – 12VAC5-590-476

Ms. Nunn stated this is new substantive language. Ms. Nunn stated that emergency wells are a type of inactive well, but they need to be treated differently than a well that is being reactivated due to necessary equipment repairs. Ms. Nunn noted that the existing regulation does not include language that is specific to emergency wells.

There was significant discussion among the WAC members and ODW staff about the proposed language. Issues differentiating between emergency wells and inactive wells were discussed. Mr. Roadcap stated that ODW can look at tightening up the language.

Item 12 – HB220, Water and Wastewater Facility Licensed Operator Staffing

Ms. Nunn stated this is a new substantive item. HB220 has passed both houses of the General Assembly. Ms. Nunn stated that regulations would be needed if the bill becomes law. ODW is discussing possible regulatory language and is looking for the WAC’s input. It was noted that HB220 will help waterworks with a vacancy in the licensed operator position by allowing the waterworks to designate another operator to help manage the system while trying to hire someone to fill the vacancy.

Mr. Pomeroy stated he can work with the Virginia Municipal Drinking Water Association and consider regulatory language. Ms. Nunn noted that WAC members may need to discuss this topic in a subcommittee.

Item 13 – All affected regulations

Ms. Nunn discussed a planned technical change to the regulations to replace uses of “shall” with “must.” She stated that it is expected that the Office of the Registrar will decide in the near future that instances of “shall” should instead be “must,” “will,” or other similar language. Ms. Nunn noted that this expected change is due to multiple courts finding that in some cases “shall” means “may.” Ms. Nunn stated that ODW will not ask the WAC to review these changes, as there will be more than 2,600 replacements of “shall.”

Item 14 – All regulations

Ms. Nunn stated that the Governor has mandated that agencies reduce discretionary regulatory requirements by 25%. The Waterworks Regulations have approximately 1,400 discretionary requirements. ODW is looking at what can be reduced without risking public health. ODW plans to have further internal discussions and provide findings at the next WAC meeting.

Compliance, Enforcement & Policy Update

Grant Kronenberg presented the Compliance, Enforcement & Policy Update.

The most recent EPA Enforcement Targeting Tool report was issued in January. That report showed 9 systems that are considered serious violators by EPA, which is down from 13 on the prior quarterly report. Three of the 13 systems were already under an administrative order and one of them had their order terminated because they have fully complied with it. One other system is back in full compliance and two others are nearly back to full compliance.

Two recent consent orders have been terminated because all requirements have been fulfilled.

The proposed amendments to the Waterworks Operation Fee Regulations are undergoing review at the Secretary of Health and Human Resources’ office.

The proposed amendments to the Enforcement Manual are currently undergoing review at the Office of Regulatory Management.

Staff update

Dwayne Roadcap provided the update.

ODW currently has a 14% vacancy rate with 16 vacancies. Tony Singh’s old position title has been changed to the Chief of Field Office Operations and is now held by Bailey Davis. Mr. Davis was a previous member of the WAC through DCLS. He will be working with Bob Edelman on the PFAS initiatives.

Budget

Dwayne Roadcap provided the update.

Due to lack of funding, the Office of Drinking Water had been holding 7 positions with 3 positions unfunded. Now, ODW will soon be hiring 4 positions that were previously held open. The General Assembly gave ODW's Sampling Verification Program \$1 million for its first year and \$1.5 million for its second year. Unfortunately, the Office of Drinking Water remains in a situation where the overall level of staffing remains under funded. A report by Cadmus, commissioned by EPA, stated that for the Office of Drinking Water to effectively maintain the rules, it needs an additional 42 full-time staff members.

PFAS

Bob Edelman provided the update.

The EPA should issue a final PFAS rule soon. The Office of Drinking Water is anticipating that the final rule will call for initial monitoring in the three-year period between the publication dated and the rule compliance date, which is unusual. Initial monitoring for surface water sources will consist of 4 quarterly samples; initial monitoring for ground water sources will consist of 2 samples within a 12-month period.

The Virginia PFAS Sampling Program summary has identified the numbers of waterworks with confirmed PFAS levels above the proposed EPA PFAS maximum contaminant levels (MCLs). The Office of Drinking Water has observed most of the issues are with PFOS and PFOA. Only two systems exceeded the proposed MCL for the Hazard Index. One system exceeded for GenX and one system exceeded due to PFHxS. The Office of Drinking Water has tested 274 waterworks out of approximately 1,100 community waterworks and 500 nontransient noncommunity waterworks. The samples results are available on our ODW PFAS Sampling Dashboard. Refer to the slides for more details.

EPA is overseeing the Unregulated Contaminant Monitoring Rule 5 (UCMR5) monitoring and are monitoring 150 waterworks serving 3,300 persons and more plus 19 small waterworks serving less than 3,300 persons in Virginia for 29 PFAS compounds plus lithium. Refer to the slides for a summary of the UCMR.

This year, ODW plan to proceed with Phase 3 PFAS monitoring, which will focus on sampling small waterworks, disadvantaged communities, and systems not covered by UCMR5. The Office of Drinking Water will use funding from the EPA PWSS Grant – Emerging Contaminants and the EPA Emerging Contaminants in Small or Disadvantaged Communities Grant. The field office staff will complete the sampling.

Lead and Copper Revisions

Bob Edelman provided the update.

Waterworks are completing their service line inventories. To assist, ODW has contracted with TruePani to provide technical assistance to waterworks. ODW has placed a link on ODW's Lead and Copper Rule Revisions (LCRR) guidance webpage to request technical assistance. TruePani is holding office hours on Wednesdays at noon for community waterworks and office hours for NTNC waterworks on Tuesdays.

ODW has rolled out the SWIFT submittals and delivered training to the regulated community in February. The recordings are available on the LCRR guidance webpage.

Currently, 17 water systems have put their inventory through SWIFT submittals with 11 in progress. The Lead and Copper Rule Committee will establish a review process for the inventories. ODW will deploy a webinar in summer 2024 to focus on the new LCRR public notification, public education, and consumer notification requirements. See the slides for more details.

The proposed Lead and Copper Rule Improvement (LCRI) proposed to roll back many but not all changes in the LCRR back to the 2020 version of the Code of Federal Regulations. Under the LCRR, modified by the LCRI, the following are required beginning October 16, 2024:

- Complete and submit the Service Line Inventory to the State.
- Public Notifications and Consumer Notifications due thereafter.
- Tier 1 Public notice upon lead 90th percentile exceeding the action level.

Centralized Plan Review Program

Aaron Moses provided the update.

The Office of Drinking Water is currently caught up on the centralized plan reviews. The Office of Drinking Water has made changes allowing it to catch up and is now incorporating the tracking system. It shows the permits and will allow us to view the status.

Drinking Water Viewer implementation

Aaron Moses provided the update.

The online Drinking Water Viewer is fully operational. ODW had intended to implement a new module to generate and download the data tables for a Consumer Confidence Report (CCR); however, this module is not ready, the developer is still working on it, and it likely will not be ready for this CCR season.

Legislative Update

Dwyane Roadcap provided the update.

HB220 is currently at the Governor's office. It allows the agency to provide options for remote monitoring. The Office of Drinking Water has received a variance request from one waterworks so far related to remote monitoring. The Office of Drinking Water is receptive to the idea and trying to figure out the appropriate guard rails. The bill also creates a licensed operator requirement in statute and allows for a waiver of that requirement in the event of a sudden vacancy if certain requirements are met. The Governor has not yet signed the bill.

SB243 is a PFAS bill resulting when the results show an exceedance of the hazard index. The Office of Drinking Water will share its results with DEQ and then DEQ would prioritize this data. Based on this information, DEQ will try to look upstream to try to find the source of the PFAS. The bill has had support from various groups and a significant amount of effort was put into it by those stakeholders. The Governor has not yet signed the bill.

There is a budget amendment that would provide \$500,000 to evaluate the cost of compliance to the PFAS rule. A lot will depend on the budget negotiations process. The Office of Drinking Water may have that money to access the impacts and costs on the anticipated PFAS changes.

Public Comment

None

Conclusion

The 2024 WAC meetings are scheduled for June 12, 2024 (all virtual), September 18, 2024 (in person), December 11, 2024 (all virtual).

The meeting adjourned at approximately 12:45 p.m.

Waterworks Regulations

June 12, 2024

Jane S. Nunn, JD, MPA
Policy and Program Coordinator



Remaining Topics

4 old amendments remaining for discussion:

- WBOP in 12VAC5-590-200 and -260
- 24-hour rule for repeat bacti sampling in 12VAC5-590-380
- Well abandonment in 12VAC5-590-475
- Emergency wells in 12VAC5-590-476

3 new amendments based on new Code of Va § 32.1-172.1 :

- § 32.1-172.1(A) Operator requirements
- § 32.1-172.1(B) Remote monitoring credit
- § 32.1-172.1(C) Reduced operator attendance

2 new or revised federal Rules

- PFAS
- Consumer Confidence Report Rule Revisions

Item #1 – 12VAC5-590-200 and -260

- Substantive changes to both
- Code of Virginia § 32.1-172 requires a comprehensive business plan as part of the application for a permit to “establish, construct or operate any waterworks or water supply in the Commonwealth...”
- The comprehensive business plan in the Waterworks Regulations is the Waterworks Business Operation Plan (WBOP)
- WBOP is identified as a requirement to obtain a construction permit under 12VAC5-590-200(A)(5)
- WBOP is not identified as a requirement to obtain an operation permit under 12VAC5-590-260
- § 32.1-172(B) includes an option for ODW to waive the requirement to submit a WBOP for “applicants who have demonstrated a history of acceptable compliance with waterworks regulations”
- § 32.1-172(F) prohibits the assignment or transfer of a construction or operation permit

Item #1 cont. – 12VAC5-590-200

12VAC5-590-200 A proposed language and addition of -200(H) (no changes to B-G) (in red)

A. Construction permits for new waterworks or for changes, alterations, or improvements to existing waterworks are issued by the commissioner, but all requests for a construction permit are directed initially to the department. The procedure for obtaining a construction permit includes the following steps:

1. Owners shall notify the department of all proposed construction projects, except distribution main projects that are permitted under the provisions of a general permit for distribution mains (see 12VAC5-590-300), or when the project is for the extension of water distribution piping having a diameter of eight inches or less and serving less than 15 connections (see § 32.1-172(A) of the Code of Virginia).
2. An owner intending to make changes, alterations, or improvements to a waterworks for which a construction permit has been granted shall apply for an additional or amended permit.
3. The submission of a Waterworks Construction Permit Application to the department on a form approved by the department.
4. Based on the application received, the department shall notify the owner if a preliminary engineering conference is required. A preliminary engineering conference shall be required for projects proposed using alternative delivery methods authorized under § 2.2-4380 of the Code of Virginia. The preliminary engineering conference shall define the scope of the project, project phasing, milestones, and deliverables. An evaluation procedure shall be agreed upon and the conference shall be documented.
5. The submission of preliminary engineering or intermediate design reports if required by the department. The need for and scope of the reports shall be established during the preliminary engineering conference.
6. The submission of a waterworks business operation plan that demonstrates the waterworks' TMF capacity to operate and maintain a waterworks. The waterworks business operation plan consists of four primary components:
 - a. Waterworks information that includes ownership data, a waterworks facility description, operator requirements, staffing needs, and staff training.

Item #1 cont. – 12VAC5-590-200 cont.

-200 A proposed language and addition of -200(H) (cont.)

b. Management information that identifies critical business practices necessary for effective management and operation of the waterworks. Management information includes the requirements essential for managing and operating the waterworks and defines the processes, methods, and tasks necessary for complying with this chapter.

c. Financial information that identifies projects, considering the waterworks revenues and cash flow, which will be sufficient for meeting the cost of operation and maintenance for at least five full years from the initiation of operations. Financial information also demonstrates the owner's ability to direct the waterworks' finances to support technical and managerial capacities and includes a self-assessment consisting of the following financial metrics: operating cash reserve, debt service coverage, emergency reserve, and revenue sufficiency.

d. Sustainability improvements that are identified throughout the waterworks business operation plan to address TMF aspects of the waterworks' business processes that need improvement.

7. The owner may rely on a waterworks business operation plan that was previously submitted to the department unless the information in that waterworks business operation plan is no longer current.

8. An owner applying for a permit may request that the department waive the requirement to submit a waterworks business operation plan. Only applicants who have demonstrated a minimum of a 3-year history of acceptable compliance with the requirements of this Chapter as determined by the department will be considered for this waiver.

9. The submission of plans, specifications, final design criteria, and other supporting design data. This submission may include manufacturers equipment data sheets, drawings, and specifications when the specific materials or equipment to be used in the project have been preselected by the owner with the engineer's concurrence.

...

H. In accordance with § 32.1-172 F of the Code of Virginia, a construction permit cannot be assigned or transferred to another party.

Item #1 cont. – 12VAC5-590-200 cont.

- Informal subgroup suggested additional language for the proposed WBOP waiver language in -200(A)(7), which currently reads: **An owner applying for an additional or amended permit may request that the department waive the requirement to submit a waterworks business operation plan. Only applicants who have demonstrated a minimum of a 3-year history of acceptable compliance with the requirements of this chapter as determined by the department will be considered for this waiver.**
- Preference was for some type of automatic waiver under certain, specific circumstances
- Add a general phrase, such as “**on a case-by-case basis**”
- ODW will develop a policy to ensure that there is a common standard throughout the districts
- More discussion is needed with the WAC

Item #1 cont. – 12VAC5-590-260

Proposed language (in red):

A. The owner must not operate a waterworks without first having obtained an operation permit except as provided in 12VAC5-590-290.

B. The commissioner will issue an operation permit after review of the application submitted by the owner if the commissioner determines that the waterworks will provide potable water. The application includes the following:

1. A statement of completion of construction or, at the department's discretion in the absence of a proper statement of completion, a set of as-built drawings and specifications or information meeting the requirements of 12VAC5-590-220 D and E as appropriate;
2. All required certifications and test results;
3. Inspection by the department that the project had been satisfactorily completed in accordance with the approved design documents as appropriate;
4. Verification that bacteriological test results comply with the requirements set forth in Part II of this chapter, as appropriate; and
5. A waterworks business operation plan that meets the requirements set forth in 12VAC5-590-200. The owner may rely on a waterworks business operation plan that was previously submitted to the department unless the information in that waterworks business operation plan is no longer current.

C. The commissioner will establish the type (community waterworks, NTNC, or TNC), classification, and permitted capacity of the waterworks and specify these on the operation permit. Conditions may be included with the permit for operator, monitoring, and reporting requirements.

D. An owner applying for a permit may request that the department waive the requirement to submit a waterworks business operation plan. Only applicants who have demonstrated a minimum of a 3-year history of acceptable compliance with the requirements of this chapter as determined by the department will be considered for this waiver.

E. In accordance with § 32.1-172 F of the Code of Virginia, once issued, an operation permit cannot be assigned or transferred. Any new owner, assignee, or transferee of a waterworks must apply for an operation permit pursuant to subsection B of this section.

Item #2 – 24-hour rule for repeat bacti samples in 12VAC5-590-380(D)(1)

- Suggestion at the March meeting to amend this regulation by adding some examples of what would qualify for an extension of the timeframe
- Federal regulation specifies that the waterworks must have “a logistical problem in collecting the repeat samples within 24 hours that is beyond its control” and that a determination must be made on “a case-by-case basis”
- Examples could include:
 - Natural or man-made disaster
 - Severe weather that makes the collection process dangerous
 - Laboratory refuses to accept samples (weekends, holidays, other similar issues)

Item #3 – 12VAC5-590-475 B

- Substantive change
- Comments received that well abandonment standards are too burdensome with suggestion to amend to match the Private Well Regulations' requirements (see 12VAC5-630-450 on next slide)
- OEHS' response was that private well regulations are based on the cost that a homeowner could be expected to afford
- DEQ's recommendations:
 - Retain the existing text in B 1, B 2, B 3, B 5, and B 10.
 - B 5 includes a first sentence that substantially duplicates the Private Well Regs, plus a second sentence that is absent from the Private Well Regs (both current and amended versions). We recommend retaining B 5 to preserve the requirement in the second sentence.
 - Replace the other requirements (existing B 4, plus B 6 through B 9) with a single provision to the effect that, "Permanent abandonment of a well shall be in accordance with both this subsection and subsection C of 12VAC-630-450." (This would accommodate both the current requirements and the future, amended requirements of the Private Well Regs.)
- Reduced cost

Item # 3 – 12VAC5-590-475 B

- Current language, -590-475 B “Permanent abandonment.
 1. Well abandonment shall be supervised by a certified water well systems provider.
 2. All well abandonments shall be documented on a Uniform Water Well Completion Report, Form GW-2, and submitted to the department within 30 days of completing the physical abandonment.
 3. Groundwater wells that are abandoned shall be sealed by methods that will restore to the fullest extent possible the controlling geological conditions that existed before the wells were constructed.
 4. Casing and screen materials may be salvaged.
 5. The well shall be checked from land surface to the entire depth of the well before it is sealed to ascertain freedom from obstructions that may interfere with sealing operations. Effort shall be made to remove or clear any obstacles that may prohibit sealing by grouting the complete well depth.
 6. The well shall be thoroughly chlorinated before sealing.
 7. Bored wells and uncased wells shall be backfilled with clean fill to the water level. A two-foot-thick bentonite grout plug shall be placed immediately above the water level. Clean fill shall be placed on top of the bentonite grout plug and brought up to at least five feet from the ground surface. The top five feet of the well casing, if present, shall be removed from the bore hole. If an open annular space is present around the well casing, then the annular space shall be filled with bentonite grout to the maximum depth possible, but less than or equal to 20 feet. A one-foot-thick cement or bentonite grout plug that completely fills the bore void space shall be placed a minimum of five feet from the ground surface. As an alternative, bored wells and uncased wells may be completely filled with concrete, sand-cement, bentonite-cement, or neat cement grout to within a minimum of five feet from the ground surface by introduction through a pipe initially extending to the bottom of the well. The pipe shall be raised but remain submerged in grout or concrete as the well is filled. The remaining space shall be filled with clean fill that is mounded a minimum of one foot above the surrounding ground surface.
 8. Non-bored wells constructed in unconsolidated formations shall be completely filled with concrete, sand-cement, bentonite-cement, or neat cement grout to within a minimum of five feet from the ground surface by introduction through a pipe initially extending to the bottom of the well. The pipe shall be raised but remain submerged in grout or concrete as the well is filled. The remaining space shall be filled with clean fill that is mounded a minimum of one foot above the surrounding ground surface.
 9. Wells constructed in consolidated rock formations or that penetrate zones of consolidated rock may be filled with sand or gravel opposite the zones of consolidated rock. The top of the sand or gravel fill shall be at least five feet below the top of the consolidated rock and at least 20 feet below land surface. The remainder of the well shall be filled with concrete, sand-cement, bentonite-cement, or neat cement grout to within a minimum of five feet from the ground surface by introduction through a pipe initially extending to the bottom of the well. The pipe shall be raised but remain submerged in grout or concrete as the well is filled. The remaining space shall be filled with clean fill that is mounded a minimum of one foot above the surrounding ground surface.
 10. The location of the well shall be permanently documented for future reference.”

Item #3 – 12VAC5-590-475 B cont.

- Proposed language, -590-475 B Permanent abandonment.
 1. Well abandonment shall be supervised by a certified water well systems provider.
 2. All well abandonments shall be documented on a Uniform Water Well Completion Report, Form GW-2, and submitted to the department within 30 days of completing the physical abandonment.
 3. Groundwater wells that are abandoned shall be sealed by methods that will restore to the fullest extent possible the controlling geological conditions that existed before the wells were constructed.
 45. The well shall be checked from land surface to the entire depth of the well before it is sealed to ascertain freedom from obstructions that may interfere with sealing operations. Effort shall be made to remove or clear any obstacles that may prohibit sealing by grouting the complete well depth.
Original 6-9 would be deleted
 510. The location of the well shall be permanently documented for future reference.
 6. Permanent abandonment of a well shall be in accordance with both this subsection and the Private Well Regulations, 12VAC5-630.

Item #4 – 12VAC5-590-476

- New substantive language
- Emergency wells are a type of inactive well, but they need different treatment than a well that's being reactivated due to necessary equipment repairs
- Existing regulation doesn't include language specific to emergency wells
- Proposed language (in red):
 - A. The owner must notify the department of the intent to reactivate a well.
 - B. Before bringing the well into service, the well must be pumped to waste (purged) for a minimum of five well volumes but for not less than 30 minutes. The purged well water will be discharged in a manner so that it will not return to the well, directly or indirectly, during the pumping period.
 - C. After the well is pumped, water quality samples must be collected. Two samples will be collected at least 30 minutes apart and tested for the presence of **total coliform and E. coli**. **If the well has been inactive for one or more years, it must also be tested for total coliform density (MPN), nitrate, and, if determined by the department, inorganics, VOCs, SOCs, and radionuclides.** Satisfactory test results must be obtained before placing the well into service.
 - D. A well yield and drawdown test may be required by the department before bringing the well into service. The test will be performed in accordance with 12VAC5-590-840 H, as applicable.
 - E. **Emergency wells**
 1. **An emergency well is a well approved by the department that is available for emergency purposes only and is not included in the operation permit capacity. An emergency well must have a full developmental series of tests on record with the department. If activated, an emergency well should be removed from service as soon as possible.**
 2. **An emergency well must comply with subsections A through D of this section before being brought into service.**
 3. **An emergency well must be tested annually for raw water MPN and nitrate. Quarterly raw water bacteriological testing may be required by the department. Additional routine monitoring may be required by the department if chronic contaminants are of special concern, using one or more of the following tests: inorganics, VOCs, SOCs and Radionuclides.**
 4. **An emergency well must be exercised on a routine basis.**
 5. **If bacteriological contamination of the emergency well is of concern, the department may require that the well be disinfected in accordance with AWWA C654-13. If continuous chlorination equipment is in place, the department may waive disinfection of the well.**
 6. **If the emergency well serves a community waterworks and will be used for a period of more than 3 months, then it must be tested for inorganics, VOCs, and radionuclides. If the emergency well serves a NTNC waterworks and will be used for a period of more than 3 months, then it must be tested for inorganics and VOCs. Testing for SOCs may also be required.**
 7. **A well may be activated for emergency use before receipt of satisfactory monitoring results, even if public health and safety are unknowns and may be at risk, as determined by the department. However, in these circumstances, a special water advisory must be approved by the department and issued by the waterworks at the same time the well is activated.**

Item #5 – Code of VA § 32.1-172.1, Attendance by licensed operator

- New substantive item
- New section of the Code becomes effective on July 1, 2024
- Regulations will be needed, and ODW discussing possible regulatory language and looking for WAC input
- Cost savings
- Bill's language:

§ 32.1-172.1 Attendance by licensed operator

A. The owner of every waterworks or treatment facility identified as a classified waterworks or treatment facility by the Department shall employ or contract an operator who holds a current waterworks operator license, issued in accordance with Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1, of the appropriate class for the classification of the waterworks or treatment facility, as determined by the Board, or higher class at the owner's option. If the position of the licensed operator of the appropriate class is unexpectedly vacated due to death, extended illness, firing for cause, resignation, or similar cause, the classified waterworks or treatment facility owner shall notify the Department promptly and in accordance with any specific timeframe directed by the Board. The Department shall temporarily waive the licensed operator requirement for the interim, provided the owner (i) informs the Department in writing of its designation of another licensed operator responsible for interim operations within five days of the vacancy, (ii) informs the Department in writing within 10 days of the vacancy arising of its plan to hire a replacement licensed operator of the appropriate class as soon as practicable, (iii) implements the hiring plan diligently, and (iv) provides a monthly report to the Department on the implementation and progress of such hiring plan. The Department may revoke the temporary waiver if the Department finds that continued operation pursuant to the waiver presents a public health threat due to statutory, regulatory, or permit violations.

B. Where a waterworks or treatment facility identified as a classified waterworks or treatment facility by the Department is equipped with adequate technological capability, the Department shall credit remote monitoring of the facility by a licensed operator of the appropriate class as operator attendance, provided that the owner submits and the Department approves a remote monitoring plan demonstrating that the waterworks or treatment facility possesses sufficient technology for the remote operator to adequately monitor the waterworks or treatment facility and manage onsite operators with a lower license class, mechanics, or other staff to operate the waterworks or treatment facility under the remote operator's direct supervision. In determining whether to approve a remote monitoring plan for multiple waterworks or treatment facilities, the Department may consider the number of waterworks or treatment facilities the remote operator is monitoring simultaneously, whether the multiple facilities being monitored remotely are under common ownership, whether the remote operator is employed by the owner of the multiple facilities, and whether occasional in-person attendance is provided, among other factors. The Department may cease crediting remote monitoring if the Department finds that continued operation pursuant to the remote monitoring plan presents a public health threat due to statutory, regulatory, or permit violations. The Department shall not credit remote monitoring by an operator without the appropriate license class who is operating the waterworks or treatment facility pursuant to a temporary waiver issued under paragraph A of this section.

C. Reduced operator attendance for Class I through Class 6 waterworks may be considered by the Department on a case-by-case basis.

§ 32.1-172.1(A) Temporary waiver of operator requirement

- Removes the need for a waterworks to request a variance under 12VAC5-590-140, Variances, due to an “unexpected” operator vacancy
- Requires that the waterworks owner requesting a waiver fulfill 5 requirements
 - Notify ODW within 24 hours of the vacancy as per 12VAC5-590-461(B), Operator requirements
 - Inform the Department in writing of its designation of another licensed operator responsible for interim operations within five days of the vacancy
 - Inform the Department in writing within 10 days of the vacancy of its plan to hire an appropriately-classed replacement licensed operator as soon as practicable
 - Implement the hiring plan diligently
 - File a monthly report to ODW on the implementation and progress of the hiring plan
- Waiver is revocable under 2 conditions
 - Failure to fulfill any of the 5 requirements listed above
 - If ODW finds that continued operation under the waiver presents a public health threat due to statutory, regulatory, or permit violations

§ 32.1-172.1(B) Remote Monitoring Credit

- ODW creating a policy now so that there is consistency statewide in handling remote monitoring credit requests
- Looking at what other states have done through regulation and policy
- Plan to present proposed regulations at the September WAC meeting
- Need the WACs input before formulating proposed regulations

§ 32.1-172.1(C) Reduced operator attendance

- Removes the need for a waterworks to request a variance under 12VAC5-590-140, Variances
- Permits ODW to consider reduced operator attendance for all waterworks classes on a case-by-case basis
- Proposed amendment to 12VAC5-590-461(D)(2): “Reduced operator attendance for Class 3~~1~~ through Class 6 waterworks may be considered by the department on a case-by-case basis”

Item # 6 – New Federal Rules/Revisions

- New PFAS Rule
- Consumer Confidence Report Rule Revisions (CCRRR)
- ODW will be promulgating state regulations that will mirror (be as strict as, but no stricter) the federal regulatory language

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Compliance, Enforcement & Policy Update

- The April Enforcement Targeting Tool (ETT) report - 9 “serious violators.” Same number as from the January ETT report.
- Three serious violators were holdovers from the January ETT. They have since returned to compliance.
- Six new serious violators: one is under a consent order; one has connected to a public service authority; one contends it is not a waterworks; one resolved its violations; and two others have been actively working to address the violations.

Compliance, Enforcement & Policy Update

- 26 Warning Letters sent in April. Over 50% increase from January.
- First informal conference in more than two years.
- Two court actions pending.
- Two consent orders entered into so far this year. Five proposed consent orders have been sent or will soon be sent.

Compliance, Enforcement & Policy Update

- HB220 - remote monitoring operator attendance credit and licensed operator requirement temporary waiver. The law goes into effect on July 1.
- ODW is developing policies for intake and review of requests from waterworks owners under the new law.

Waterworks Advisory Committee

PFAS Rule

Lead and Copper Rule

Consumer Confidence Rule

June 12, 2024

Robert D. Edelman, PE

Director, Division of Technical Services



EPA Announces Final PFAS Rule - April 10, 2024

Chemical	Maximum Contaminant Level Goal (MCLG)	Maximum Contaminant Level (MCL)
PFOA	0	4.0 ppt
PFOS	0	4.0 ppt
PFHxS	10 ppt	10 ppt
HFPO-DA (GenX chemicals)	10 ppt	10 ppt
PFNA	10 ppt	10 ppt
Mixture of two or more: PFHxS, PFNA, HFPO-DA, and PFBS	Hazard Index of 1	Hazard Index of 1

*Compliance is determined by running annual averages at the sampling point

Changes from Proposed Rule to Final Rule

- Compliance deadline for MCLs increased to 5 years instead of 3 years for systems to plan, fund, and construct capital improvements.
- Set individual MCLGs/MCLs for PFHxS, PFNA, and HFPO-DA (GenX chemicals) in addition to the mixture HI MCLG/MCL for PFHxS, PFNA, HFPO-DA, and PFBS.
- Final Health Index MCL requires presence of two or more PFAS versus one or more.
- Additional flexibility to reduce ongoing monitoring from quarterly to annual or triennial based on results.

Implementation: Timeframes for Water Systems

To be completed by April 27, 2027:

- Initial monitoring

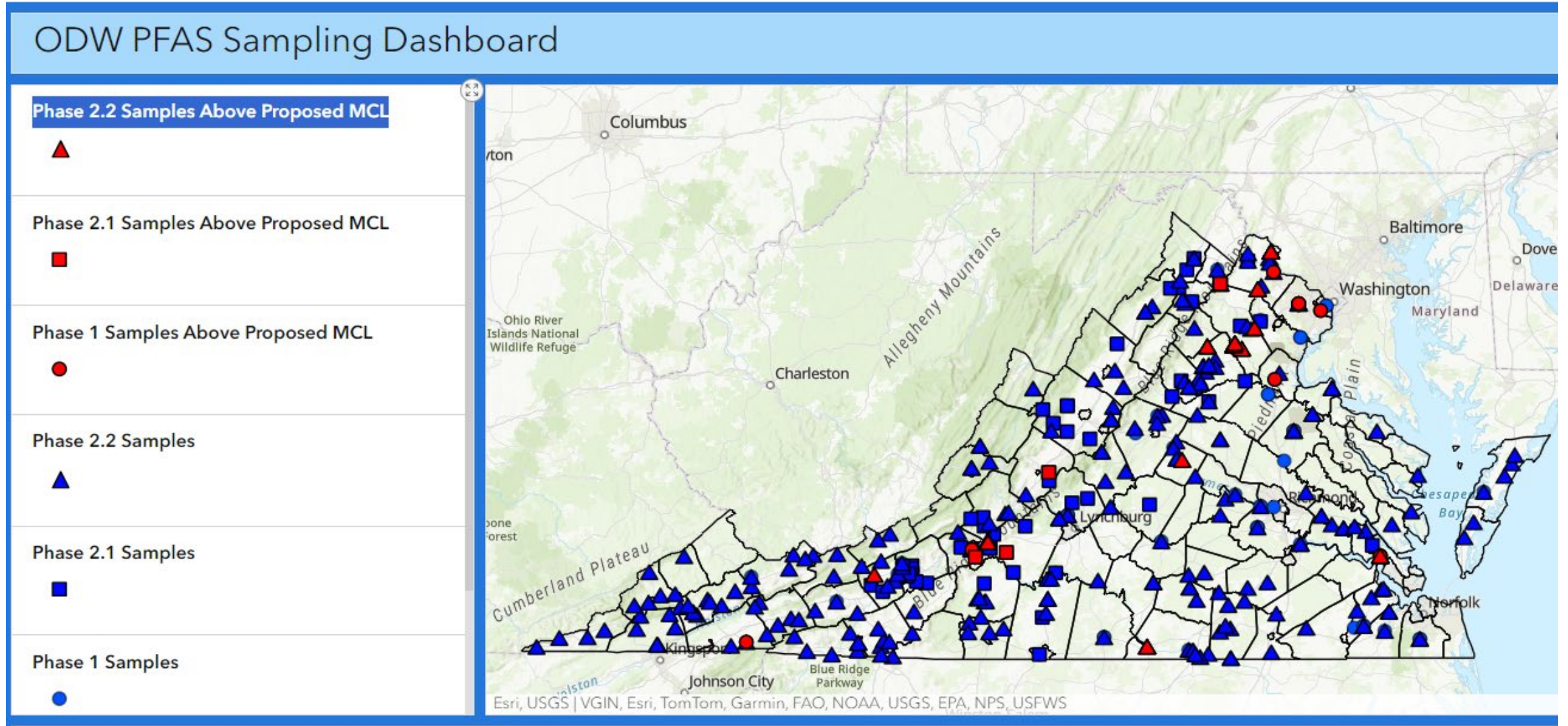
Starting **three years** following rule promulgation (2027 – 2029):

- Results of initial monitoring must be included in Consumer Confidence Reports (i.e., Annual Water Quality Report)
- Regular monitoring for compliance must begin, and results of compliance monitoring must be included in Consumer Confidence Reports
- Public notification for monitoring and testing violations

Starting **five years** following rule promulgation (starting 2029)

- Comply with all MCLs
- Public notification for MCL violations

PFAS Data available on ODW webpage



Virginia PFAS Sampling Program

PFAS Sample Summary

parts per trillion (ppt)

		Phase 1 2021	Phase 2.1 2022	Phase 2.2 2023	Total
PFOA	(above 4.0)	4 systems	None	5 systems	9 systems
PFOS	(above 4.0)	5 systems	3 systems	9 systems	15 systems
GenX	(above 10)*	1 system	1 system	None	1 system
PFBS	(above 2000)*	None	None	None	None
PFNA	(above 10)*	None	None	None	None
PFHxS	(above 9)*	None	None	1 system	1 system
Hazard Index (see above*)		1 system	1 system	1 system	2 systems
Waterworks		45	48	221	274
Population Served		5,226,000	557,000	3,934,000	5,849,000

UCMR5 PFAS Summary

Data Release 4 Summary

Analyte	Criteria parts per trillion (ppt)	Groundwater Sources	GUDI Sources	Surface Water	Total
PFOA	(above 4.0)	5	None	4	6
PFOS	(above 4.0)	6	None	7	11
GenX	(above 10)*	None	None	None	None
PFBS	(above 2000)*	None	None	None	None
PFNA	(above 10)*	None	None	None	None
PFHxS	(above 10)*	None	None	None	None
Hazard Index (see above*)		None	None	None	None
Waterworks to Address PFAS		4	0	7	8
Waterworks Sampled		15	5	74	88

Current and Upcoming PFAS activities

ODW led Phase 3 sampling plan to focus on:

- Small or disadvantaged communities (2024)
- Not in UCMR5
- Past “hits”
- Unknowns
- Funding from EPA
 - PWSS Grant - Emerging Contaminants
 - Emerging Contaminants in Small or Disadvantaged Communities Grant

Current and Upcoming PFAS activities

PFAS related activities in VA Legislature

SB243 - Signed into law

- Requires ODW to transfer waterworks monitoring results that exceed MCL's to DEQ on a quarterly basis
- DEQ to perform assessments to identify potential significant sources of PFAS that could impact source waters
- Establishes PFAS expert advisory committee to meet twice a year until 2027

Budget Bill Line 281 Line G

- Appropriates \$500,000 to conduct a cost analysis of implementation of the Federal PFAS and LCCR/LCCI rules on waterworks
- Report due by 12/1/24, which will include cost analysis, funding models, and identification of available federal funds

Estimated DWSRF & BIL Funding

Virginia	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
DWSRF Supplemental	\$29,357,000	\$29,732,000	\$31,767,300	\$34,566,150	\$34,566,150
Lead Service Lines	\$46,256,000	\$48,717,000	\$48,717,000	\$48,717,000	\$48,717,000
Emerging Contaminants	\$12,327,000	\$10,789,000	\$10,789,000	\$10,789,000	\$10,789,000
Total	\$87,940,000	\$89,238,000	\$91,732,300	\$94,072,150	\$94,072,150

Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Grant Program

Small Community

- Population of less than 10,000 individuals
- Possibly a community within a larger waterworks

Disadvantaged

- Weighted monthly user rate exceeds target rate(s) of 1 percent of the Median Household Income (MHI); or
- Serving an Environmental Justice Community as identified by the [Climate and Economic Justice Screening Tool \(CEJST\)](#)
- Virginia Allocation \$27,329,000 for FY22 and FY23 (combined).
- Virginia Allocation \$13,519,000 for FY24
- See the [VDH ODW web page for the EC-SDC Grant Program](#)

Lead and Copper Rule Revisions (LCRR) Lead and Copper Rule Improvements (LCRI) Timing

LCRR compliance date is October 16, 2024

EPA must promulgate LCRI by October 16, 2024

LCRI Compliance Date will be 3 years later: October 2027 - Projected New deadline

Many things change in 2028 (Tap Sampling, CCR, etc.)

LCRI proposes to roll back many LCRR initiatives to pre-LCRR (2020 CFR)

More details in **Lead and Copper Rule Improvements: What's New and Different in the Proposed Rule?** on the ODW [LCRR-guidance](#) web page

Some LCRR initiatives remain unchanged by LCRI (retain October 16, 2024, compliance date) See next slide

LCRR/LCRI Update – Due this Year

1. Initial Service Line Inventory - Due October 16, 2024
 - Must be made publicly available; for systems serving 50,000 and more - available online
2. Initial notification to customers with lead, GRR, or unknown service lines within 30 days of completion of the initial inventory.
3. 24-hour (Tier 1) notification for action level exceedance (15 ppb AL until LCRI Compliance Date)

Check the ODW [LCRR Guidance](#) Webpage for updates!

LCRR-LCRI Implementation Fact Sheet

Office of Drinking Water

On December 6, 2023, the Environmental Protection Agency (EPA) published the proposed Lead and Copper Rule Improvements (LCRI). The LCRI proposal builds on the Lead and Copper Rule Revisions (LCRR) and the original Lead and Copper Rule (LCR). The EPA plans to finalize the LCRI prior to the LCRR compliance date of October 16, 2024. The purpose of this fact sheet is to clarify for waterworks the deadline for completion of required actions under the 2021 LCRR and the LCRR based on the proposed LCRI.

The LCRI proposes a compliance date of three years after the promulgation of the final rule and for waterworks to continue to comply with the LCR until that date, with the exceptions described in the numbered sections, below.

1. **Initial Service Line Inventory** – Complete the following by October 16, 2024
 - Waterworks must complete and submit the Initial Service Line Inventory.
 - Waterworks must make the Service Line Inventory publicly available; systems serving 50,000 and more must be available online.
 - This requirement remains unchanged from the LCRR.
2. **Initial notification to customers with lead, galvanized requiring replacement, or unknown service lines**
 - Complete within 30 days of completion of the initial inventory but no later than November 15, 2024.
 - Complete notification annually thereafter.
 - This requirement remains unchanged from the LCRR.
3. **24-hour (Tier 1) notification for action level exceedance**
 - Beginning October 16, 2024, all waterworks that become aware of a lead Action Level (AL) exceedance must complete a 24-hour (Tier 1) public notice to their customers.
 - This includes 24-hour (Tier 1) notification to VDH ODW and the EPA.
 - The lead AL is 15 ppb until the LCRI Compliance Date.
 - This requirement remains unchanged from the LCRR.

Where to find help, guidance, and additional information

- ODW's LCRR [technical assistance contractor, TruePani](#)
- ODW's [LCRR Guidance Webpage](#)
- EPA's [Lead and Copper Rule Implementation Tools Webpage](#)
- EPA's [LCRR Implementation Fact Sheet](#)
- ODW will deploy training in August 2024 on notification requirements.

Notes about the 24-hour (Tier 1) notification for Action Level Exceedance.

- This could potentially apply to waterworks completing LCR tap sampling during June-September 2024, if sample results are received late by ODW, delaying the 90th percentile determination.
- Lead and copper tap sample results are due to ODW within 10 days of the end of the monitoring period pursuant to 12VAC5-590-532.B.1 of the Waterworks Regulations. For example, if the monitoring period is June through September, then lead and copper tap sample results are due by October 10. If the monitoring period is January through June, then results are due by July 10.

Submitting your Service Line Inventory

You are not done until you upload your service line inventory through SWIFT Submittals and click **SUBMIT TO STATE**.

ODW rolled out SWIFT Submittals:

- ODW staff received training December 14
- ODW provided training webinars:
 - February 8 - Community Waterworks
 - February 13 - NTNC Waterworks
- Recordings and slide decks on [LCRR Guidance Webpage](#)
- Quick Start Guide and additional FAQs posted on the [LCRR Guidance Webpage](#)

Recommendations:

- Get user credentials now (SWIFT Submittals)
- Start with small chunks of inventory data (learn how to use tools)
- Upload inventory in chunks (no need to upload entire inventory in one file)

If you have Lead and/or GRR Service Lines

Recommendations

- Prepare an LSL Replacement Plan now
- Apply for LSL Replacement funding now

How to get both Utility and Customer side SL replaced:

- Waterworks coordinates SL replacement
- Grant funding (make it free to the customer)
- Loan funding (roll the cost into the water bill)
- Local Ordinance (make it required)
 - Malden, MA (triggered by renovation, sale, rental)

LCRR – Consumer Notification Requirements

ODW will present a webinar in August 2024 to focus on:

- Public Notification following Pb ALE (Tier 1)
- Public Education delivery following Pb ALE
- Consumer Notification following lead tap sampling - sharing sample results with customers
- Consumer Notification for customers with Lead, GRR, Unknown service lines
 - Due 30 days after completion of Service Line Inventory
 - Due Annually thereafter

Consumer Confidence Report Rule Revisions

- Announced on May 15, 2024, by EPA
- Published in Federal Register on May 24, 2024
- Comply beginning January 1, 2027
- Reports delivered in 2027 need to meet requirements in CCR Rule Revisions
- Systems serving 10,000 or more persons must deliver
 - Report by July 1 of each year
 - 6-month update (for January-June) by December 31
 - Systems without a violation or an Action Level Exceedance may resend the original annual report
 - Systems with a violation or an Action Level Exceedance, or UCMR results must include a 6-month update that accompanies the original report

Consumer Confidence Report Rule Revisions

Changes:

- Report to include a summary or “brief description of the nature of the report”
- Flexibility on how to present information, include additional features or use infographics
- Revised required language describing contaminants
- Description of corrosion control efforts, including if Optimal Corrosion Control Treatment (OCCT) designated by VDH is implemented.
- Clearly identify lead Action Level Exceedances.
- Provide translation for consumers with limited English proficiency.
- Language access plan for systems that serve 100,000 or more people.

Consumer Confidence Report Rule Revisions

Changes:

- Systems serving $\geq 50,000$ persons post current report to internet
- Delivery certification due **no less than 10 days** after the distribution deadline
- Good faith delivery examples added (post cards, QR codes, public meeting, advertising on social media)
- States must submit compliance monitoring data for all national primary drinking water regulations, annually.

Keith Kornegay

Financial and Construction Assistance Program
(FCAP)

FCAP Construction Funding Available

- **DWSRF Annual Capitalization Grant**
 - \$6.5 M (approx.) Base Grant to be available in 2024
 - \$1.3 M (approx.) 20% State Match
 - \$15 M (approx.) Loan Repayments
 - **\$22.8 M (approx.) Total**
- **Bipartisan Infrastructure Law (BIL)**
 - \$32.5 M (approx.) DWSRF Supplemental
 - \$6.5 M (approx.) 20% State Match (This was 10% for 2022 & 2023)
 - \$10.7 M (approx.) for Emerging Contaminants,
 - \$50 M (approx.) for Lead Service Line replacement
 - **\$99.7 M (approx.) Total BIL and BIL State Match**

FCAP Construction Applications

- Due date for applications was May 3, 2024
- DWSRF Annual Capitalization Grant, Loan Repayments, and BIL Supplemental Construction Applications (share eligibilities)
 - 35 applications for \$176 M (\$61.8 M available)
- Bipartisan Infrastructure Law
 - 4 applications for \$74 M for Emerging Contaminants (\$10.7M available)
 - 9 applications for \$67 M Lead Service Line replacement (\$50 M available)

FCAP EPA Priorities

- Continue to prioritize “public health priorities” in our scoring and ranking.
- EPA wants FCAP to prioritize closing loans within 12 months of Award and complete construction within 3 years.
- Need to prioritize “Shovel Ready” projects further along in design.
- EPA may push FCAP to bypass lagging projects.

FCAP Challenges

- Congress continues to reduce DWSRF Base grant and provide that money to Congressional Earmark projects.
- Only 2 years of BIL funding left.
- Additional requirements attached to this funding such as Buy America Build America.