### WATERWORKS ADVISORY COMMITTEE MEETING

Webinar – Polycom Websuite

### Wednesday, April 15, 2020 9:00 AM – 10:30 AM

### **AGENDA**

Subject	Time
Call to Order Meeting Overview	9:00 – 9:05 AM
Overview of ODW activities during COVID-19	9:05 – 9:25 AM
Program Guidance and other information on the ODW website related to COVID-19	9:25 – 9:50 AM
VDEM response to COVID-19 VA-WARN overview	9:50 – 10:00 AM
Feedback from stakeholders (questions, challenges, comments related to COVID-19)	10:00 – 10:30 AM

Members of the public who want to participate in the meeting, please contact Kris Latino, (804) 864-7372 <a href="mailto:christine.latino@vdh.virginia.gov">christine.latino@vdh.virginia.gov</a>, or Nelson Daniel, (804) 864-7210 <a href="mailto:nelson.daniel@vdh.virginia.gov">nelson.daniel@vdh.virginia.gov</a>, for login information. The webinar capacity is limited to 110 participants.

### Waterworks Advisory Committee (WAC) Meeting Summary

### Webinar – Polycom Websuite 9:00 am, Wednesday, April 15, 2020

### Final

<u>Members Participating:</u> Dwayne Roadcap (ODW), Chair; David F. Van Gelder, Water Operator; Ignatius Mutoti, VSPE; Mark Estes, VRWA; Eric Lassalle, NTNC; Geneva Hudgins, VA AWWA;

<u>Guests Participating:</u> ODW staff – Robert Edelman, Christine Latino, Nelson Daniel, Dan Horne, Jeremy Hull, Tony Singh, James Reynolds, Brian Blankenship, Jeff Wells, Jennifer Coleman, Daniel Botdorf, Kim Allen

Russ Navratil, AWWA; Tom Fauber, VA ABPA; Laura Bauer, VA American Water Company; Kelly Ryan, VA American Water Company; Katie Krueger, HRPCD; Paul Nyffeler, Aqua Law; Christine Van Zandt, Virginia Health Catalyst; Ike Eisenhardt, Virginia WARN; Katrina Cooke, AWSLabs; Whitney Katchmark, HRPDC

### **Meeting Overview and Agenda**

Nelson Daniel, ODW's Policy and Program Director, provided an overview of the meeting (draft agenda follows the meeting notes) and discussed the requirements for holding a public meeting by electronic communication means without having a quorum physically gathered in one location. WAC members who participated in the meeting acknowledged the requirements and agreed to abide by them. See ODW's statement of requirements and justification following the meeting summary.

Dwayne Roadcap led the meeting.

### **Overview of ODW activities during COVID-19**

Dwayne reviewed ODW's priorities during the COVID-19 emergency, focusing on ODW being proactive in reaching out to waterworks to identify issues, provide customer service, and continuing to provide technical assistance and regulatory compliance oversight. A statement of ODW's priorities follows the meeting summary.

Field offices are contacting community waterworks, generally on a weekly basis, to monitor conditions, operator status, chemical supplies.

Dwayne also provided an overview of ODW teleworking and modified procedures.

### Program guidance and other information on the ODW Website

Brian Blankenship, provided an overview of the enhanced remote surveillance procedures ODW has adopted in place of conducting scheduled sanitary surveys during the COVID-19 emergency. He discussed implementation of the program in the Abingdon Field Office and emphasized that ODW will still need to complete site visits to satisfy the full requirements of 12VAC5-590-350 and the National Primary Drinking Water Regulations. Brian's comments are summarized in a document following the meeting summary.

Dwayne, Nelson, and Jennifer Coleman discussed EPA's guidance on enforcement discretion, noting compliance is expected, if there are compliance issue due to COVID-19, EPA and ODW expect waterworks to communicate and document issues and take actions to return to compliance as soon as possible. EPA and the states will document violations, but use enforcement discretion based on the circumstances. EPA's enforcement guidance memo is available on the ODW website (see below).

Dwayne provided an overview of the information that is available on the ODW website, including EPA enforcement guidance, checklists, FAQs, compliance monitoring information, possible funding sources, resources for designating essential employees, and training opportunities. See:

http://www.vdh.virginia.gov/drinking-water/

and

http://www.vdh.virginia.gov/drinking-water/2020/04/07/odw-covid-19-resources/

### **VA WARN**

Ike Eisenhart gave a presentation on the Virginia Water/Wastewater Agency Response Network (VA WARN). VA WARN and VA AWWA are hosting weekly webinars to provide updates to waterworks and water treatment plants during the COVID-19 emergency. Ike talked about the information they present in the webinars, information resources, and best practices they have identified. The presentation follows the meeting summary.

### **Feedback from Stakeholders**

Dwayne opened the webinar for comments, questions, and/or feedback from participants related to the information provided or other issues related to the COVID-19 emergency. Hearing none, he concluded the meeting at 10:05 am.

# WAC MEETING April 15, 2020 Attachments and PowerPoint Presentations

Requirements and justification for the Waterworks Advisory Committee (WAC) to conduct a meeting by electronic communication means without having a quorum physically gathered in one location.

### April 10, 2020

### Background

To meet by electronic communication means without a quorum present in a single physical location ("Decentralized Meeting"), either another provision of law must take precedence over the Virginia Freedom of Information Act (VFOIA), Code of Virginia §§ 2.2-3700 to 2.2-3715, and provide for a Decentralized Meeting or the three requirements of Code of Virginia § 2.2-3708.2(A)(3) must be met.

For a Decentralized Meeting of the WAC, no other provision of law takes precedence over the VFOIA. Therefore, the following conditions in Code of Virginia § 2.2-3708.2(A)(3) must be present:

- 1. The governor must have declared a state of emergency;
- 2. The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
- 3. The purpose of the meeting is to address the emergency.

In an official advisory opinion dated March 20, 2020 (Ag. Op. 20-011), Virginia Attorney General Mark R. Herring concluded that, during the period of the declared emergency due to novel coronavirus (COVID-19), the first two requirements have been met. *See*, Commonwealth of Virginia Executive Order Number 51, issued March 12, 2020; and Order of the Governor and State Health Commissioner — Declaration of Public Health Emergency, issued March 17, 2020. *See also*, Executive Order Number 53, issued March 23, 2020 (Restrictions on gatherings and businesses) and Executive Order Number 55, issued March 30, 2020 (Stay at home).

The opinion goes on to say that "even when the first two requirements are satisfied, however, Code of Virginia § 2.2-3708.2(A)(3) does not permit all meetings of a public body to be conducted electronically – only those where 'the purpose of the meeting is to address the emergency . . . . '" Ag. Op. 20-011 p. 3. The opinion, in discussing the third requirement, goes on to explain that [Code of Virginia] § 2.2-3708.2(A)(3) permits Decentralized Meetings where the public body is "mak[ing] decisions that must be made immediately and where failure to do so could result in irrevocable public harm." *Id.* p. 4. "Whether any particular action by a public body fits within that description requires a fact-specific determination that should be made in consultation with that public body's counsel." *Id.* With that, "public bodies should carefully consider whether taking a given action during a meeting held by electronic communication means is truly essential and should defer any and all decisions that can be deferred until it is once again possible to meet in person." *Id.* In sum, the public body is charged with making the factual determination as to whether failure to make an immediate decision could result in irrevocable public harm.

### <u>Justification</u>

The Waterworks Advisory Committee, created at 12VAC5-590-40 5, is made up of various stakeholders representing the waterworks / regulated community.

Provision of drinking water during the period of the declared emergency is critical. This has been established by the U.S. Department of Homeland Security in its March 19, 2020 Memorandum of

Identification Essential Critical Infrastructure Workers During COVID-19 Response, which included employees needed to operate and maintain drinking water and wastewater among its list of critical infrastructure workers, and U.S. Environmental Protection Agency Director Andrew Wheeler's March 27, 2020 letter to governors, which stated "Ensuring that drinking water and wastewater services are fully operational is critical to containing COVID-19 and protecting Americans from other public health risks." Both documents are available at: <a href="http://www.vdh.virginia.gov/drinking-water/2020/04/07/odw-covid-19-resources/">http://www.vdh.virginia.gov/drinking-water/2020/04/07/odw-covid-19-resources/</a>

Open communication to stakeholders during this time of crisis helps ensure protection of the drinking water supply, continuity of operations in the face of challenging circumstances.

The Office of Drinking Water (ODW), in conducting the Decentralized Meeting for the WAC, is not asking the Committee to make any decisions or to take any formal action related to the drinking water program during this meeting. However, ODW believes failure to communicate effectively could result in irrevocable public harm given the importance of maintaining water service during this emergency.

ODW asks that each member of the committee that is present acknowledge and agree that the purpose of the meeting is to address the emergency. The result of the vote will be recorded in the meeting minutes.

Members present that affirmed they agreed upon the purpose of the meeting and the topics on the draft agenda are related to the emergency.

By roll call,

NTNC waterworks - Eric Lassalle

VA AWWA – Geneva Hudgins

Virginia Water Environment Association – Steven Herzog

Water Operator, Class 1 – David van Gelder

Large Community Waterworks – Katie Krueger

Meeting Chair - Dwayne Roadcap, ODW

Presented and recorded by - Nelson Daniel, ODW, April 15, 2020, 9:05 am

A "public body" is: "any ... agency of the Commonwealth ... It shall include ... (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body..." Code of Virginia § 2.2-3701.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body ... shall be deemed a "meeting" subject to the provisions of this chapter. *Id.* 

The WAC satisfies the definition of a public body (a committee created to advise the public body). Its purpose is to "make recommendations to the Commissioner regarding waterworks and water supply policies, procedures and programs of the [department]." 12VAC5-590-40 5.

### **ODW Priorities during COVID-19**

Priority #1	Monitor COVID-19 response activities at public water systems (i.e., waterworks), provide technical assistance and help, and ensure safe drinking water delivery & water quality.
Priority #2	Provide Emergency Support Function (ESF) 3 support and response for water and wastewater facilities in Virginia. Respond to emergencies & requests for assistance.
Priority #3	Perform on-time sanitary surveys and inspections of public water systems to ensure safe drinking water to 2/3 of Virginia's population.
Priority #4	Ensure water quality samples from public water systems submitted on time and entered into database and reported to EPA on time.
Priority #5	Perform on-time project evaluations and inspections of public water systems, promptly pay invoices, and ensure construction activities happen without delay.
Priority #6	Communicate and share information with partners (e.g., media, EPA, AWWA, ASDWA, VRWA, WAC, etc.) about drinking water availability and issues of importance.
Priority #7	Make final revisions to the Waterworks Regulations (12VAC5-590) for presentation to Board of Health. Proposed regulations closed 1/2020 so 180 days to complete.
Priority #8	Plan and implement WIIN grant (lead testing in schools and child day programs); Plan and implement legislative requirements from 2020 General Assembly session, including SB392/HB797 (identifying sources of lead in drinking water in schools), SB393/HB799 (identifying sources of lead in drinking water at child day programs), HB586 and HB1257 (evaluate occurrence of PFAS in Virginia waters; establish MCLs), and HJ92 (study and report on drinking water program).
Priority #9	Provide training to public water systems to maintain adequate operator staff at all times - allow redundancy in positions and roles.
Priority #10	Assist with the Water Equity Task Force with the Virginia Health Catalyst, which is an agency priority under consideration.

### OFFICE OF DRINKING WATER

### **ENHANCED REMOTE SURVEILLANCE**

### "TELESURVEYS"

### **BACKGROUND:**

ODW performs sanitary surveys as a technical assistance and surveillance activity to assist waterworks compliance with 12 VAC 5-590-350 regarding Sanitary Surveys and other elements of the COV Drinking Water Regulations.

During Sanitary Surveys, ODW staff perform an on-site evaluation of eight essential elements.

- 1. Source
- 2. Treatment
- 3. Distribution systems
- 4. Finished water storage
- 5. Pumps, pumping facilities and controls
- 6. Monitoring, reporting data verification
- 7. Waterworks management & operations, and
- 8. Number and classification of operators required by the COV DWR.

### **PURPOSE:**

Effective April 1, 2020 the ODW temporarily suspended routine field work, including sanitary surveys, to address COVID-19 concerns. ODW Director Dwayne Roadcap issued a Memorandum to Waterworks and ODW staff establishing process and procedures during COVID-19.

Enhanced remote surveillance was addressed in the guidance memo.

### **PROCESS:**

ODW established Enhanced Remoter Surveillance "telesurvey" procedures for Field Office staff.

# Enhanced Remote Surveillance "Telesurvey" FIELD OFFICE PROCEDURES

### 1. Telesurvey Preparation

Complete the "upfront" (Part I) portion of the sanitary survey. Use the example reports provided by the Field Director to compile the reports. Staff must review the most recent sanitary survey for each of the 8 required essential elements and identify the status of all comments and action items from the prior sanitary survey. Review the

correspondence file, monitoring plans, sample records, Consumer Confidence Report (CCR) status, Notices of Alleged Violation (NOAVs), public notification (PN) status, and overall compliance status as normal preparation for a sanitary survey. Based on this review, staff should create a list of discussion topics and talking points.

- a. During your prep work, highlight the key items in Part I of the survey report form to fill in and update so you don't miss anything important
- b. Preparation is key to guiding the survey. With VPN access or time prep in office save/print monitoring plans, bacti history, next chemical samples due, Pb and Cu Basics from R&R.
- c. Use R&R to generate Scheduled Activities report to get lots of useful information such as Compliance schedules, Monitoring plans achieved dates for reference.

### Call the waterworks ahead of time and let them know you will be doing a "telesurvey" with them on the day of the scheduled visit.

- a. Inform them that this is an enhanced remote surveillance activity (telesurvey) keeping with the waterworks routine sanitary survey scheduled frequency to ensure their waterworks continue to receive adequate technical assistance provided during the sanitary survey process. We want to enhance our individual and field office relationships with waterworks. Take this opportunity to do this in your individual ways. .
- b. Also, inform the operator or administrative contact that we will be scheduling an on-site field visit at a later date.
- c. Ask them if they have access to google hangouts meeting or have facetime and if so see if they are willing to participate in this face to face type communication.
- d. If they do not have access or do not wish to communicate in that way then proceed with just a phone call.
- e. Set a specific time for your call, really try to approach this as closely as you can like you do a sanitary survey.
- f. Ask the operator to send a bench sheet and inline reading information prior to the tele survey so you can go over any discrepancies or issues during your discussion. Identify the things you will need during your prep work.

### 3. After scheduling the meeting, and before the telesurvey, Email the following to operator:

- a. A copy of the previous sanitary survey before the meeting for the operator to review so you can discuss previous comments.
- b. A printout of the next due chemical schedule from SDWIS
  - Check files and make sure we have the up to date information before sending the printout.
  - Make sure to send the operator a copy of last year's inspection report so they can see what you are talking about when you discuss previous recommendations or problems identified.
  - o Do this in advance to give the operator a chance to review all the comments

c. A copy of the SWAR, if completed. At a minimum, issue SWAR with the sanitary survey report.

### 4. Before conducting the telesurvey:

- a. Check the status of compliance and let them know if any NOAV's are coming.
- b. Check to see if there are any Public Notices due, and OELs submittals for DBP.s and etc. as noted in the Part I of reports.
- c. If it is a system you are unfamiliar with, go over the description sheet in detail prior to the telesurvey so you are familiar with what you are talking about since you likely can't observe the equipment in operation. This may also help you think of discussion points.
- d. Double check that all SDWIS information is correct and review the file to check for concurrence.
- e. Have all Compliance information together so you can inform the operator of any Notice of Alleged Violations or outstanding Public notices that need to be submitted. .
- f. Have a list prepared for the waterworks of actions to return to compliance.

### 5. Conducting the telesurvey:

- a. Discuss the previous onsite field visit (e.g., comments and concerns, actions required, updates documented in the previous report, sampling schedules, NOAVs, status of any PN requirements, and other compliance schedules). Staff should always ask the operator to substantiate answers to questions provided over the phone. Staff must compare observations and requirements noted in the records from the prior sanitary survey to the information received over the phone and not verified by an onsite, in-person inspection. If available, have the operator email you a picture to verify resolution of previous comments.
- **b.** Complete as much of Part II as possible. Use photos, videos and perhaps a virtual tour by face time or etc. to see the facilities. Particularly for surface water plants and GUDIS, get bench sheet photos and SCADA screen shots to help answer questions. Use the example docs shared by the Field Director to draft the cover letter and complete the report. Imbed or insert pictures and videos into the report.
- c. Make sure the operator has a copy of all things you will be discussing. Examples are Upcoming sampling, Violations, Public notice, previous comments, Notify actions needed from them such as CCR draft submittal.
- d. Inquire/address any issue the system is having and give technical assistance.
- e. If utilizing, conduct video conferencing (Google hangouts / FaceTime calls) to supplement the telesurvey and share real time views of waterworks (treatment facilities, instrumentation, reports, etc.) then collect photos and review with the operator during the video conference/call.
- **6.** Send the operator a follow up email of your conversation and any recommendations, etc. that you need to remind them of. We will be forwarding the Report to the

- administrative contact and distributing as with all reports. All systems will receive the cover letter and report as per the April 1, 2020, Memo for Program Guidance issued by Dwayne, Roadcap, ODW Director.
- 7. If necessary to address potential significant deficiencies that were identified during the video conference/call, which cannot be resolved or verified, then schedule an onsite visit even during the temporary suspension of routine field work period. Follow procedures to minimize risks to staff and waterworks personnel. Limit in-person interaction as much as possible by maintaining 6-foot separation distance at all times and, to the extent possible, avoid touching surfaces and equipment (i.e., unlocking doors, opening lids, checking equipment and instrumentation). If available, requested, or deemed necessary, staff may need to wear personal protective equipment.
- **8.** Enter the tele survey into SDWIS as an SNSP and check the element boxes you were able to cover.
  - **a.** In the comments section at the bottom of the SDWIS inspection page list the method used to complete the survey for documentation in addition to designating it as an SNSP.

### **OUTCOMES:**

- 1. Continue to provide technical assistance to waterworks.
- 2. Received very well by waterworks thus far and excellent cooperative effort.
- 3. Enhance relationships with ODW staff and waterworks.
- 4. Continue to develop recent hires in their onboarding and learning objectives at AFO.





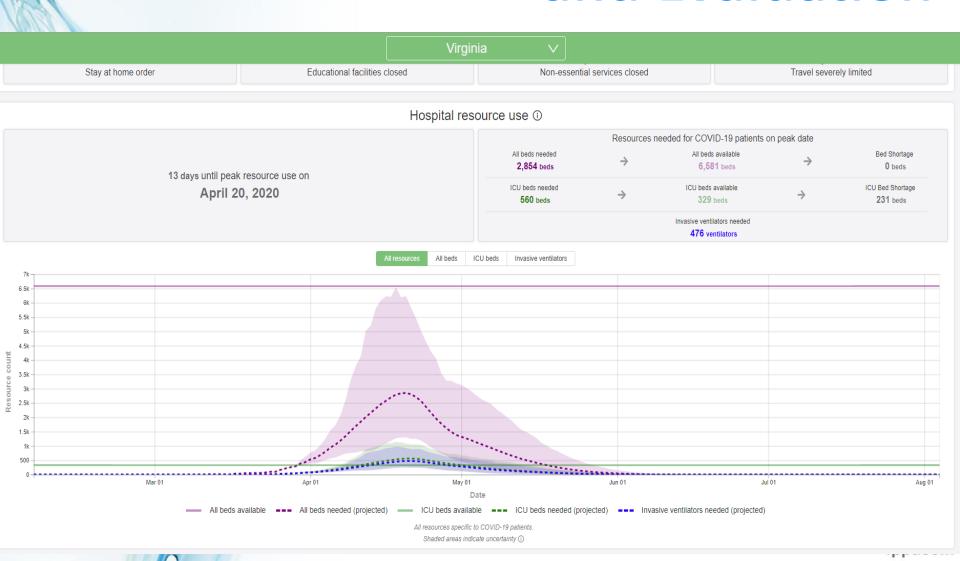
# **WARN Updates**

- Operator License
- Financial Impacts
- Supply Chain Impacts
- Staff affected by COVID
- Additional VA Partners

# **Situation Report/Updates**

- Current status of pandemic
- Agency updates
  - CDC/EPA
  - a) CDC Masks for everyone
  - b) EPA Credentialing Language
  - VDH
  - DEQ

# Institute for Health Metrics and Evaluation



# **WARN Updates**

- No requests to date
- VARWA collecting Operator Volunteers
- Website updates
  - Resource page updated with new information since last webinar
  - List of all current WARN members

# **VA WARN Resource Page**

### Virginia Water/Wastewater Agency Response Network

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**COVID-19 RESOURCES** 

April 7, 2020

### Coronavirus (COVID-19) Resources and Information

During these challenging times, it is important that you stay informed of the latest information. The links below are provided as a consolidated location for information and guidance.

AWWA - https://www.awwa.org/Resources-Tools/Resource-Topics/Coronavirus

Center for Disease Control - https://www.cdc.gov/

Environmental Protection Agency - https://www.epa.gov/coronavirus

EPA Pandemic Consideration Checklist for Waterworks -

 $http://www.vdh.virginia.gov/content/uploads/sites/14/2020/03/EPA-Pandemic-Considerations-Checklist-for-Waterworks-Owners\_3.27.20.pdf$ 

Institute for Health Metrics Evaluation - https://covid19.healthdata.org/projections

Occupational Safety and Health Agency - https://www.osha.gov/Publications/OSHA3990.pdf

Virginia Department of Health, Office of Drinking Water - http://www.vdh.virginia.gov/

NEW! Virginia Risk Sharing Association - https://www.vrsa.us/resources/pandemic-preparedness/

WEF - https://wef.org/news-hub/current-priorities/coronavirus/

White House - https://www.coronavirus.gov/

World Health Organization - https://www.who.int/

Essential Criticial Infrastructure Workforce

**NEW!** EPA Template for Essential Workers

# **VA WARN Membership List**

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VA WARN UTILITY MEMBERS

March 1, 2020

### Here is a list of VA WARN members:

Albemarle County Service Authority

Alex Renew

Amherst County Service Authority

Appomattox River Water Authority

Augusta County Service Authority

Bath County Service Authority

Bedford Regional Water Authority

Blacksburg/Christiansburg/VPI Water Authority

Chesterfield County - Department of Utilities

City of Chesapeake

City of Lynchburg - Department of Water Resources

City of Norfolk - Department of Utilities

City of Richmond - Department of Public Utilities

City of Suffolk - Department of Utilities

City of Waynesboro - Communications Only

County of Amelia

Dinwiddie County Water Authority

Fairfax County

# **Best Practices**

- Continuity of Operations
- Employee Morale
- Shift Competitions
- Keep staff aware HR notifications, as well as routine updates
- Engaged in the process
- Additional Thoughts
- Safety issues/challenges
  - Staggered shift start / changes
  - Video Logging
  - Operators in Depth
  - Overall Security

## **Example: Positive Case Language**

Human Resources was notified that a XXXXXXXXXX employee at the XXXXXXXXX received a (presumptively positive diagnosis of Coronavirus/Covid-19) or (diagnosis of Coronavirus/Covid-19 based upon a positive laboratory test). (If the diagnosis was presumptive/not based upon a positive test include a second sentence such as: The diagnosis was based upon symptoms and exclusion of other illnesses because an actual test may not be available for confirmation based upon current testing limitations in the Commonwealth.) The last day the employee worked was on XXXXXXXXXX.

Our concern is for our team member's health and recovery, and the respect of this employee's privacy, but it is important that you know what we have done and will continue to do to keep the workplace safe for all our other employees.

- (Based upon the positive test diagnosis the employee has entered isolation for a 14 day period) or alternate: (Although this employee has not been able to be tested, management and doctors feel that the symptoms presented warrant having this employee stay isolated at home for 14 days.) As noted above, this employee last worked on XXXXXXXX.
- Early steps taken by the (EMPLOYER NAME) to separate personnel, reduce personnel in any common locations, enhanced cleaning and disinfection of areas and equipment, encouraging regular hand washing or use of hand sanitizers and utilization of appropriate personnel protective equipment for some tasks have been ongoing for some time and will continue.
- The area where the employee last worked has undergone additional disinfection once the (EMPLOYER NAME) learned of the (presumptive) diagnosis. Based upon work assignment, (we do not believe that any other employees had direct contact with the affected employee) or (Employees with exposure or direct contact with the employee have been contacted directly and have entered a 14 day quarantine as a precaution).
- We care about our fellow team members, and we want to respect their right to privacy. Therefore, ask that you don't publically share this information. If you have questions or concerns, please contact the Human Resources Department.
- In addition to these steps, the (EMPLOYER NAME) is implementing the CDC recommendation that all employees will cover their nose and mouth and is in the process of distributing masks to employees.

# **Supply Updates**

- PPE
- Hand Sanitizer
- No reported VA Supply Issues
- Another state had a Chem supply issue

# **Questions?**

- Please use the Q&A box to ask a question
- Or contact one of the following WARN leaders
  - Ike Eisenhart, Iron Hart Consulting ike.Eisenhart@ironhart-consulting.com
  - Mike Lynn, Albemarle County Service Authority
     mlynn@serviceauthority.org
  - Scott Shirley, Western VA Water Authority
     Stephen.Shirley@westernvawater.org