

**Water Audit
Regulatory Panel Advisory (RAP) Meeting #2**

**Wednesday, June 29, 2022
Virginia Department of Professional and Occupational Regulation
Board Room 1
9960 Mayland Drive
Richmond, Virginia 23233**

Start – 10:05 AM

Attendees:

- RAP Members
 - Drew Blackwell, Cavanaugh & Associates
 - Ron Harris (Newport News Waterworks), Mission H₂O
 - Steve Herzog, Hanover County Public Works
 - Alan Johnson, City of Danville Water & Wastewater
 - David Jurgens, City of Chesapeake Public Utilities
 - Michael Kearns, Sussex Service Authority
 - Bill Mawyer, Rivanna Water and Sewer Authority
 - Mike McEvoy (Western Virginia Water), Virginia Municipal Drinking Water Association
 - Jennifer Rogers (Dominion Energy), Virginia Manufacturers Association
 - Erin Trimyer, City of Chesapeake Public Utilities
- DEQ Staff
 - Jutta Schneider, Director, Division of Water Planning
 - Scott Kudlas – Director, Office of Water Supply
 - Joe Grist – Water Withdrawal Permitting & Compliance Manager
 - Elizabeth Gallup – Guidance & Regulation Coordinator, Water Planning Division
- Members of the Public
 - Barry Matthews, VDH Office of Drinking Water
 - Traci Goldberg, Fairfax Water

Welcome and Introductions:

Scott Kudlas opened and welcomed everyone to the second meeting of the Water Audit RAP. He followed with an overview of the agenda and a review of the discussion during the last meeting.

RAP members and DEQ staff introduced themselves.

VDH Presentation:

Mr. Matthews presented an overview of the Virginia Department of Health – Office of Drinking Water’s (VDH-ODW) programs for training, capacity development, and outreach. He began with an overview of the ODW’s capacity for training, managerial, and funding assistance to small waterworks. Mr. Mawyer asked where Financial & Construction Assistance Programs (FCAP) fits in to which Mr. Matthews replied that it falls under the construction category in the Drinking Water State Revolving Fund (DWSRF).

Specific questions were asked regarding VDH experience with American Water Works Association (AWWA) water audit software:

Mr. Herzog asked if smaller waterworks have been able to use AWWA. Mr. Matthews responded that yes, they have even though it can be overwhelming. He added that any improvements made while implementing use of the AWWA software are useful because of the information the audit provides.

Mr. Herzog followed up with an additional question asking if VDH developed water audit regulations would they require use of the AWWA water audit method. Mr. Matthews replied that currently it is a recommendation from VDH, not a regulation. He also stated that it would be a challenge to implement compliance-wise and likely would require audit submittal as part of the 3-year sanitary survey submittal requirement.

Mr. Matthews moved on to discuss ODW's approach to assisting with design capacity. He reviewed VDH regulations related to capacity. Mr. Mawyer asked if the 80% of permitted capacity referenced in 12VAC5-590-520 applied to reservoirs. Mr. Matthews stated that it applies to system capacity.

After the presentation Mr. Herzog asked Mr. Matthews how the AWWA water audit method could be implemented to be reasonable for regulators and regulatees. Mr. Matthews replied that conducting a water audit is not a one-time activity, it has to be done continually. He reiterated that waterworks need to start somewhere and progress from there. Mr. Jurgens pointed out that sometimes maintaining is considered progress.

Groundwater Straw Man Presentation & Discussion:

Ms. Gallup presented a straw man draft regulation for Chapter 610 to the members for discussion. She explained that before the group was 9VAC25-610-10 containing definitions and 9VAC25-610-100 containing the requirement for water conservation and management plans. The RAP will be amending both of these sections to include the requirements for water audit plans and leak detection and repair plans.

Mr. Herzog asked if we need to define Level 1 validation and also asked for a clarification on the definition in the straw man. Mr. Blackwell clarified that Level 1 validation is a third party review of water audit data and not a measure of accuracy. The general consensus by the members was to strike "Level 1 Validation" from the definitions section completely.

When discussing the definition of "water loss audit" consensus by the group was to define it as the estimation of uses and losses from a water withdrawal system instead of using the term "quantification." Group members also requested that a definition of "water system" be added with a reference to the way it is defined in Virginia Department of Health regulations.

The group moved on to discuss the proposed language for the requirement of water audits for public water suppliers. Mr. Herzog asked if the regulation needs to specify the version of the M36 water audit software to be used. Mr. Kudlas indicated that staff could specify software version in guidance. The draft regulation included the requirement for annual submission of water loss audits and the group weighed the practicality of that versus a longer submission timeframe. Compromise was reached between the suggestion of annual audits and audits on a five year timeframe with consensus being audit submissions on a three year basis. The rationale for this was that submission could coincide with the three year reporting schedule to VDH for sanitary surveys. Further discussion by the group led to the

recommendation that the March 1 submission deadline be changed to June 30. There was further discussion about whether Level 1 validation, or any type of audit data validation, should be required. Consensus was not reached and staff indicated that they would discuss further before making a decision to keep it or strike it.

There were several questions regarding groundwater permit terms and whether existing permits would be retroactively required to submit water audits. Mr. Kudlas clarified that groundwater permits are for 15 years and requirements for the submission of water audits would not begin until a new permit was issued or an existing permit was renewed.

Ms. Gallup next presented proposed language for the requirements leak detection and repair plans. Consensus of the group was to strike the majority of the proposed language and instead move the requirement of setting individualized goals to improve water supply efficiency based on the results of the audit submissions to end of the subsection concerning water audit plans.

The group moved on to discuss water audit and leak detection and repair requirements for commercial and industrial users. Ms. Rogers requested the addition of language stating that the water auditing plan requirement shall include the method to determine the water balance of the operation. Members discussed making the requirements consistent among users and suggested changing the requirement of an annual audit to one submitted every three years. Members also agreed that the language for the leak detection and repair plan should be consistent among users, striking the majority of the proposed language, and keeping the requirement of individualized goals to improve water supply efficiency based on the results of the water auditing plan. Ms. Rogers asked if there was consideration of an exemption for some manufacturing permittees since their operations generally involve fewer miles of pipe than waterworks to which Mr. Kudlas replied that the legislation does not allow us to set exemptions.

Finally, Ms. Gallup presented draft language for water audit and leak detection and repair requirements for agricultural users. To remain consistent, group members recommended changing the requirement of annual audit reporting to an every three years requirement as well as changing the reporting date to be June 30.

Discussion wrapped up with a question regarding the schedule for waterworks that have both groundwater withdrawal and surface water withdrawal permits. Mr. Kudlas replied that this can be addressed during the pre-application meeting to set up timing to align the water audit submissions. Timing can also be addressed through guidance and permit conditions.

Public Forum:

An opportunity for public comment was provided. Ms. Goldberg stated that she supports compromise of a three year submission cycle for water audits, she supports the edits to the leak detection and repair plan language in the draft regulation, and she supports the flexibility to be developed in guidance. She commented on the current regulation section regarding water reuse and Mr. Kudlas clarified that this already exists in the groundwater regulations and will not be carried over to the surface water regulations.

Next Steps:

DEQ staff will revise the draft groundwater regulation language and send out to the members. Based on concurrence by the group, staff will create a proposed surface water regulation amendment for water audit plans and leak detection and repair plans using the groundwater regulation as a boilerplate.

Meeting ended at 2:00PM

Next Meeting:

Scheduled for Thursday, July 21, 2022 at Central Office.

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