

# WATERWORKS ADVISORY COMMITTEE MEETING AGENDA

Libbie Mill Library, 2100 Libbie Lake East St., Henrico, VA 23230

September 23, 2025; 9:30 AM to 12:30 PM

Subject	Time (Estimated)
<ul style="list-style-type: none"><li>• Welcome and establish quorum – Dwayne Roadcap</li></ul>	9:30 – 9:35 AM
<p style="text-align: center;"><b>Waterworks Advisory Committee Administrative Matters</b></p> <ul style="list-style-type: none"><li>• Introduction and review of agenda items – Chair David Van Gelder</li><li>• Review of revisions to March meeting minutes and re-adoption – Grant Kronenberg</li><li>• Review and adoption of minutes from June meeting – Grant Kronenberg</li><li>• Renew electronic meeting policy – Grant Kronenberg</li></ul>	9:35 – 9:45 AM
<p style="text-align: center;"><b>ODW Staffing and Budget</b></p> <ul style="list-style-type: none"><li>• Status update on staffing and planned hiring – Dwayne Roadcap</li><li>• Federal funding update – Dwayne Roadcap</li><li>• State budget update – Dwayne Roadcap</li></ul>	9:45 – 10:25 AM
<p style="text-align: center;"><b>Implementation of § 32.1-174.5 (Two-Hour Reporting Requirement)</b></p> <ul style="list-style-type: none"><li>• Overview of reporting requirement so far – Dwayne Roadcap (5 minutes)</li><li>• Case studies – Bob Edelman (15 minutes)</li><li>• Guidance document update – Grant Kronenberg (10 minutes)</li><li>• Monthly Operating Report update – Aaron Moses (5 minutes)</li><li>• Training, outreach, and ODW website update – Jarrett Talley (5 minutes)</li><li>• Regulatory amendments update – Jane Nunn (5 minutes)</li><li>• Question and answer time (15 minutes)</li></ul>	10:25 – 11:25 AM

<b>Lead and Copper Rule</b>	
<ul style="list-style-type: none"> <li>• Lead and Copper Rule Revisions and Lead and Copper Rule Improvements Update – Bob Edelman</li> </ul>	11:25 – 11:40 AM
<b>PFAS</b>	
<ul style="list-style-type: none"> <li>• PFAS update – Bailey Davis</li> </ul>	11:40 – 11:50 AM
<b>ODW Website</b>	
<ul style="list-style-type: none"> <li>• Website update – Jarrett Talley</li> </ul>	11:50 – 11:55 AM
<b>Regulations</b>	
<ul style="list-style-type: none"> <li>• Regulations update – Jane Nunn</li> </ul>	11:55 AM – 12:00 PM
<b>Compliance and Enforcement</b>	
<ul style="list-style-type: none"> <li>• Revised Enforcement Manual update – Grant Kronenberg</li> <li>• Serious Violators and Enforcement Actions update – Grant Kronenberg</li> </ul>	12:00 – 12:05 PM
<b>Plan Review and Data Management</b>	
<ul style="list-style-type: none"> <li>• Status update – Aaron Moses</li> </ul>	12:05 – 12:10 PM
<b>Public Comment Period</b>	
	12:10 – 12:15 PM
<b>Other Business</b>	
<ul style="list-style-type: none"> <li>• Planned upcoming meeting dates</li> </ul>	12:15 – 12:20 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=m72a0ba70a5a48b1bcdd00cf87378ca35>

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

Meeting number (access code): 2865 113 5363

Meeting Password: XfMavC3i7n4

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.

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**Waterworks Advisory Committee Meeting Minutes**

Twin Hickory Area Library  
5001 Twin Hickory Road  
Glen Allen, Virginia 23059  
Monday, March 24, 2025, 10:00 a.m.

**Members Present:** David Van Gelder (Chair), Water Operator; Chris Pomeroy, Virginia Municipal Drinking Water Association; Michelle Caruthers, VWEA; Geneva Hudgins, VA AWWA; Benjamin Barber, Virginia Health Catalyst; Joey Hiner, VA SERCAP; Tom Fauber, VA ABPA; W. Weedon Cloe, III, DEQ; Russ Navratil, VA AWWA; Shane Wyatt, DCLS; Ignatius Mutoti, VSPE; Mark Estes, VRWA

**Members Absent:** Jesse L. Royall, Jr., Sydnor Hydro; Caleb Taylor, VML; Skip Harper, Virginia Plumbing and Mechanical Inspectors Association; Andrea Wortzel, Troutman Pepper Locke; Whitney Katchmark, Principal Water Resources Engineer

**Stakeholders and Public:** Sarah Ramsey, Sam Storeman, Kassie Smith, Ryan Maslyn, Ashley Pierce, Victoria Smith, Tanya Pettus, John Kingsbury, Ivy Ozmon, Chris Gill, TJ Gordon, Charlie Paullin, Katelyn Jordan, Mignonne Wint, Taylor Valencia

**Virginia Department of Health (VDH) Staff:** Dwayne Roadcap, Grant Kronenberg, Jane Nunn, Julie Floyd, Robert Edelman, Ray Weiland, Bailey Davis, Fiora DeBorous, Jeremy Hull, James Reynolds, Jessica Coughlin, Mark Wise, Steve Kvech, Aaron Moses, Barry Matthews, Anthony Hess

**Introductory Remarks**

The Waterworks Advisory Committee (WAC) met in-person at Twin Hickory Area Library in Henrico County on Tuesday, March 24, 2025, at 10:00 a.m. The meeting was also available via WebEx. In addition to the WAC members in attendance, Office of Drinking Water (ODW) staff, stakeholders, and the public also joined via WebEx. WAC Chair David Van Gelder presided over the meeting.

Dwayne Roadcap, ODW Director, called the meeting to order at 10:03 a.m. Mr. Roadcap introduced new WAC member W. Weedon Cloe, III. Mr. Cloe provided some brief remarks about his appointment.

Mr. Roadcap addressed the stakeholders in attendance and thanked them for their continued dedication to promoting the public health of all Virginians. Mr. Roadcap passed the floor to Grant Kronenberg, ODW Director of Compliance, Enforcement and Policy.

**Review and Adopt Minutes of December 2024 WAC Meeting**

Mr. Kronenberg presented the draft December WAC meeting minutes for review. Mr. David Van Gelder, WAC Chair, moved to approve the minutes, the motion was seconded, and the WAC members in attendance unanimously approved the minutes as written.

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### **Legislative Updates**

Mr. Roadcap provided an update on the 2025 General Assembly (GA) Session. Mr. Roadcap advised the group of funding in the amount \$1.8 million allocated to the Office of Drinking Water in the proposed Commonwealth budget. Mr. Roadcap discussed funding made available via a one-time grant for FY 2025 totaling \$25 million for localities to upgrade or replace drinking water infrastructure, priority will be given to Greene County and the Town of Bowling Green.

Mr. Roadcap reviewed updates to legislation and discussed the requirements of Waterworks operators or owners to notify ODW within six hours of any significant event that could affect a waterworks' reliability or water quality.

### **ODW Staffing Update**

Mr. Roadcap discussed current staffing levels, advising the group that ODW currently has a 15% vacancy rate which aligns with other Commonwealth agencies. Mr. Roadcap advised that ODW continues to recruit for open positions.

Ms. Jane Nunn, ODW Policy and Program Coordinator, mentioned that if the EPA implements changes to the Lead and Copper Rule Revisions and Lead and Copper Rule Improvements there is potential for a shift in staffing needs.

### **ODW Finances Update**

Mr. Roadcap and Mr. Kronenberg reviewed the Fact Sheet Regarding ODW's FY 27 Expected Finances, which can be found in the meeting packet.

Mr. Roadcap advised that the 2024 EPA grant funding had not yet been released. Mr. Roadcap discussed the federal government's recently passed Continuing Resolution (CR). Mr. Roadcap stated that Drinking Water State Revolving Funds were approved under the CR, and the CR does not contain earmarks for specific funding, which is a potential positive for ODW.

Mr. Kronenberg and Ms. Nunn reviewed the ODW fact sheet regarding ODW's operations budget and the associated chart listing possible funding scenarios, which were included in the meeting packet. Ms. Nunn advised the WAC that the funding scenarios sheet includes all funding sources currently received by ODW. Ms. Nunn advised there has not been an increase in the statutory cap on operation fees per waterworks since 1994. Mr. Kronenberg and Ms. Nunn advised the group that legislative action would be needed to change the statutory cap on operation fees per waterworks or the \$3 connection fee cap.

WAC members agreed that additional WAC Finances Subcommittee meetings will not be scheduled at this time. Mr. Chris Pomeroy and Ms. Geneva Hudgins suggested a clearer one-page briefing sheet with an intermediate table and finance chart, listing "what if" scenarios separately.

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### **Source Water Manual Update**

Mr. Bob Edelman, ODW Director of the Division of Technical Services, discussed updates to the Source Water Manual, the Harmful Algal Bloom (HAB) taskforce and Cyanotoxins/Anatoxin in the Commonwealth's source water. The slides are included in the meeting packet attached to the notice.

Mr. Edelman noted that the proposed cyanotoxin advisory levels are policy and not a regulation. VDH is proposing to add advisory levels for Anatoxin-a and Saxitoxins in drinking water. The proposed advisory levels are consistent with levels established by other states. The levels shown in VDH's HAB Toolkit table are out of date. In response to a question about the likely impact of the proposed advisory levels, VDH reviewed data from investigations by the HAB taskforce, which primarily involved recreational water. The data review revealed that Microcystins were detected above the proposed advisory level in two drinking water sources, Flannagan Lake and the Shenandoa River. Anatoxin-a was detected above the proposed advisory level in the North Fork Shenandoah River. Other cyanotoxins were not detected above the proposed advisory levels in Virginia drinking water sources.

Ms. Michelle Caruthers stated that only three states are stricter than Virginia's health advisory level for Anatoxin-a of 0.4 µg/L, and she raised whether Virginia is going above and beyond what other states are doing. Dr. Ignatius Mutoti questioned the reason for higher levels of HABs and cyanotoxins. Mr. Roadcap advised that some of the reasons could include shallow waterways, farming, drought conditions, temperature, and periods of low water flow. Mr. Edelman added that VDH's review of the HAB taskforce data did not attempt to determine the underlying reasons for the increase in HABs.

Mr. Mark Estes questioned what HAB thresholds would trigger a Do Not Use advisory. Mr. Edelman advised that the current policy and proposed policy call for Do Not Drink advisories.

Mr. Roadcap discussed the time lag involved with when the sampling occurs and when the testing results are received.

Mr. Edelman stated that VDH wishes to move forward within finalizing and implementing the proposed HAB policy. Ms. Caruthers asked whether the advisory level numbers have been run by Winchester. Mr. Edelman stated that Winchester is aware of the proposed levels, but ODW can reach out to Winchester and see if there is any feedback.

### **PFAS/LCRR Study Update**

Mr. Bailey Davis, ODW Director of Field Operations, provided an overview of the PFAS and LCRR study provided by a third-party consultant. Mr. Davis discussed the PFAS Compliance cost including Capital Expenditures (CapEx) ranging between \$643M – \$904 to be incurred by the 2029 compliance date. Mr. Davis also provided Operational Expenditures (OpEx) ranging between \$72M and \$88M, advising OpEx costs will continue indefinitely. Mr. Davis advised that a significant amount of CapEx and OpEx expenditures are directly related to the Fairfax

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County's water system's estimate of treatment costs. Slides and reported data can be found in the meeting packet attached this notice.

Mr. Davis informed the group of current activities that are underway for PFAS rule implementation and that required testing is ongoing and funds are available for systems that need assistance.

### **Development of Amendments to the Waterworks Regulations**

Ms. Jane Nunn presented an update on the draft proposed amendments to the Waterworks Regulations.

Ms. Nunn discussed proposed amendments related to qualifying for the remote monitoring credit. Ms. Nunn noted that Chris Pomeroy was a big help in developing the language as ODW attempted to address concerns of big and small systems. Ms. Nunn noted that the proposed language creates a new concept of a "cybersecurity plan." It was discussed that what ODW is looking for is not an AWIA-level deep assessment, but an assessment that is more general. A waterworks would also need to develop a written strategy based on the findings of the assessment and develop an incident response plan. In response to a question from Ms. Caruthers, Ms. Nunn stated that a cybersecurity plan needs to be reviewed and updated annually. Ms. Nunn noted this is only to receive the remote monitoring credit.

Ms. Nunn also discussed amending the Waterworks Regulations to eliminate references to specific forms so the regulations do not have to be amended whenever ODW wants to use a new form.

Ms. Nunn discussed regulatory amendments in light of the federal PFAS regulations and the Consumer Confidence Report Rule Revisions (CCR3). Ms. Nunn stated that the amendments to the Waterworks Regulations are very lengthy and she can provide a copy if the WAC members want to see it. Ms. Nunn said that the amendments will mirror the federal regulations so the exempt process can be used and ODW is planning to do a combined primacy package. Ms. Nunn stated that ODW is waiting to receive the CCR3 primacy package from EPA. EPA does not know when it will have that ready, but Ms. Nunn noted there is plenty of time for the April 2027 deadline.

The WAC members present provided feedback on the draft proposals. The slides and redlined changes presented by Ms. Nunn can be found with the WAC meeting packet attached to this posting.

### **LCRR/LCRI Update**

Mr. Edelman provided an update on activities related to the Lead and Copper Rule Revisions (LCRR) and Lead and Copper Rule Improvements (LCRI).

Mr. Edelman reviewed the initial lead service line inventory statistics. He stated there are just over 700,000 unknown lines. He expects that for some systems those unknown lines will be lead

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lines such that there will be thousands or tens of thousands of lead lines. Virginia has done well on its inventory response, as 94% of systems have provided an inventory. EPA will likely send a warning letter to systems that have not submitted an inventory.

Mr. Edelman stated that the next big deadline is November 1, 2027, which is the date by which lead connectors need to be identified. Systems need to prepare a service line replacement plan if they have lead lines, galvanized requiring replacement lines, or unknown lines. Mr. Edelman recommended systems replace the lines now rather than waiting for 2027.

Mr. Edelman noted that preparing for lead sampling in schools and childcare centers will be a significant effort for larger systems. He also noted the need to develop a tap sample pool and locations based on new tiers in LCRI. Mr. Edelman stated that systems will have to sample a tap if requested, so systems will have to figure out how to comply with that requirement.

Mr. Roadcap stated ODW expects less lead service line replacement funding based on the number of lead service lines reported to EPA, relative to other states. Mr. Roadcap noted that is both good and bad – fewer lead service lines but less money.

Ms. Hudgins asked whether any large utilities have not provided a lead service line inventory. Mr. Edelman said those that have not provided an inventory generally serve under 5,000 people.

Mr. Pomeroy asked whether there is a galvanized requiring replacement standard being recommend by drinking water administrators. Mr. Edelman responded that he is not aware of a proposal, but there is a conversation with states saying there is a need for guidance from EPA on the definition of galvanized requiring replacement.

### **Compliance and Enforcement Update**

Mr. Kronenberg gave an overview of compliance and enforcement over the last quarter. Mr. Kronenberg advised that six “serious violators” were identified under the EPA’s Enforcement Targeting Tool (ETT). Of those six systems, proposed consent orders were sent to three systems that are related to one another, one system has entered into a consent order, one system remains under a consent order and ODW is looking at a superseding consent order, and one system has returned to compliance but has outstanding state violations that are causing ODW to consider a consent order. ODW issued 20 warning letters from the January ETT report. Slides related to the compliance and enforcement update can be found in the meeting packet.

Mr. Kronenberg reviewed the draft State Violation Scoring System (SVSS). Mr. Kronenberg discussed that the SVSS is intended to provide a state-only violations metric like the ETT and Enforcement Targeting Tool Assistant (ETTA) provide for federal violations. Mr. Kronenberg stated that the SVSS will help guide ODW decisions on compliance and enforcement for state-only violations. Mr. Kronenberg discussed some of the specific point assignments within the SVSS.

Mr. Kronenberg fielded questions from the WAC about how the SVSS will be used by ODW. Mr. Kronenberg discussed the usual compliance and enforcement process, which begins with

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issuing a Notice of Alleged Violation setting forth some timeline for compliance; if compliance is not achieved then a warning letter may follow; the warning letter gives the waterworks the current calendar quarter to return to compliance or else additional enforcement action may be taken. If a waterworks does not communicate with ODW after receipt of a warning letter or does not take action to address the outstanding violations, then formal enforcement is the next step.

### **Plan Review and Data Management Update**

Mr. Aaron Moses, ODW Field Services Engineer, stated that ODW is meeting its goal of issuing construction permits in less than 30 days. Mr. Moses noted that the ODW Division of Technical Services will begin reviewing general permits next. Mr. Moses discussed the implementation of software products that will be used to aid in project tracking and reporting. ODW expects to implement Project Tracker in late 2025, SWIFT Submittals MOR in 2026, and DW SFTIES in 2027. Mr. Moses stated that ODW is working on a system to automate simple reminders and generation of monitoring and reporting violations.

### **Public Comment**

Ms. Sarah Ramsey, a citizen of the Commonwealth, discussed her concerns on water fluoridation. Ms. Ramsey reviewed and cited legislative codes addressing the oversight of VDH. Ms. Ramsey requested the reconsideration of fluoride usage.

Mr. Sam Storeman, a citizen of the Commonwealth, addressed his concerns with water fluoridation. Mr. Storeman advised that fluoridated water has no health benefits and concurred with Ms. Ramsey's comments.

Mr. Benjamin Barber, WAC member, discussed the positive effects of fluoride in the public drinking water supply.

Mr. Van Gelder thanked Ms. Ramsey, Mr. Storeman and Mr. Barber for their comments. Mr. Van Gelder questioned if any other members of the public would like to comment and no additional comments were made.

### **Other Business**

The next meeting of the WAC is scheduled for June 11, 2025, at 10:00 a.m.

Mr. Van Gelder adjourned the meeting at 1:07 p.m.

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**Waterworks Advisory Committee Meeting Minutes**

Electronic Meeting via Webex  
Wednesday, June 11, 2025, 10:00 a.m.

**Members Present:** David Van Gelder (Chair), Water Operator; Chris Pomeroy, Virginia Municipal Drinking Water Association; Michelle Caruthers, VWEA; Geneva Hudgins, VA AWWA; Benjamin Barber, Virginia Health Catalyst; Joey Hiner, VA SERCAP; Tom Fauber, VA ABPA; Russ Navratil, VA AWWA; Shane Wyatt, DCLS; Ignatius Mutoti, Ph.D., VSPE; Mark Estes, VRWA; Jesse L. Royall, Jr.; Caleb Taylor, VML; Skip Harper, Virginia Plumbing and Mechanical Inspectors Association

**Members Absent:** Andrea Wortzel, Troutman Pepper Locke; W. Weedon Cloe, III, DEQ; Whitney Katchmark, Principal Water Resources Engineer

**Stakeholders and Public:** John Kingsbury, Stephanie Collins, Hannah Somers, Anurag Mantha, Jason Early, Ashley Pierce, Ivy Ozmon, Callie Guy, Brandon Tomlinson, Carolyn Hannoch, Cathy Cogswell, Charles Paullin, Doug Grimes, Katie Rankin, Katelyn Jordan, Mitchell Smiley, Nicole Acton, Taylor Valencia, Tom Hamner

**Virginia Department of Health (VDH) Staff:** Dwayne Roadcap, Grant Kronenberg, Jane Nunn, Julie Floyd, Bailey Davis, Fiora DeBorous, Daniel Horne, Jeremy Hull, Jessica Coughlin, Mark Wise, Steve Kvech, Aaron Moses, Jarrett Talley, Athena Van Lear, Anthony Hess

**Introductory Remarks**

The Waterworks Advisory Committee (WAC) met online via Webex on Wednesday, June 11, 2025, at 10:00 a.m. In addition to the WAC members in attendance, Office of Drinking Water (ODW) staff, stakeholders, and the public also attended the meeting via WebEx. WAC Chair David Van Gelder presided over the meeting.

Dwayne Roadcap, ODW Director, called the meeting to order at 10:02 a.m. Mr. Roadcap thanked those in attendance for continued dedication and support of promoting the public health of Virginians. Mr. Roadcap passed the floor to Grant Kronenberg, ODW Director of Compliance, Enforcement and Policy, and David Van Gelder, WAC Chair.

**Waterworks Advisory Committee Administrative Matters**

Mr. Kronenberg advised those in attendance that a quorum was established. Mr. Van Gelder provided a brief overview of the meeting agenda. Mr. Kronenberg reviewed the draft meeting minutes from the March 2025 WAC meeting. The committee members in attendance voted unanimously to approve the drafted minutes as written.

**ODW Staffing Update**

Mr. Roadcap provided ODW staffing updates, advising that hiring is increasing. Mr. Roadcap stated that ODW is usually onboarding 1-2 people a month. Mr. Roadcap stated that an

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emergency service planner has been hired and will work with ODW's emergency services coordinator. ODW has onboarded a new grants administrator who will help the finance and business unit. ODW is looking to add a position for environmental health supervisor for more field offices. Mr. Roadcap advised that additional positions will be funded by the additional allocation of \$1.8M from the General Assembly.

### **ODW Finances Update**

Mr. Roadcap reviewed current federal funding projections and updates, advising no change in status from the March meeting. Mr. Roadcap stated that at the federal level there is a proposed 54% decrease in EPA funding, which is mostly passthrough to the states. This includes a proposal to eliminate the Public Water System Supervision grant, which provides \$2 million for Virginia and is completely used by ODW for staff. There is also a proposed reduction to about \$2 million in the Drinking Water State Revolving Fund. EPA says it will return infrastructure funding to the states. Mr. Roadcap stated that if this happens he expects impacts would be felt by July 2026. A detailed funding sheet is included in the attached meeting packet.

Mr. Van Gelder stated he thinks the federal funding is a moving target. The WAC can reconvene to discuss finance issues depending on where things go.

Chris Pomeroy stated the General Assembly has created a committee to study possible impacts of changes at the federal level.

Jane Nunn reviewed the financial projections fact sheet. Ms. Nunn advised the group that minor presentation changes were made based on previous meeting feedback. A copy of the fact sheet is included in the meeting packet.

### **Implementation of § 32.1-174.5 (Two-Hour Reporting Requirement)**

Mr. Roadcap provided an overview of the new law that goes into effect on July 1, 2025, creating a two-hour reporting requirement. Mr. Roadcap provided brief details on the roll-out plan. Mr. Roadcap passed the floor to Mr. Kronenberg.

Mr. Kronenberg reviewed the statutory language in Code of Virginia § 32.1-174.5. *Mandatory reporting of critical equipment failure or malfunction; noncritical operational anomalies*. Mr. Kronenberg explained this is only a reporting requirement, with a two-hour report to ODW required in the case of a critical equipment failure or malfunction or contaminant release. Noncritical equipment failures or malfunctions may need to be reported on a waterworks' monthly operating report. Mr. Kronenberg covered undefined terms in the statute that require agency interpretation. Mr. Kronenberg discussed that failure to report could result in a Notice of Alleged Violation being issued, with possible corrective actions including developing a standard operating procedure and training staff.

WAC members raised questions about whether certain situations would fall within the two-hour requirement. Mr. Van Gelder noted there is subjectivity to this that needs to be vetted out. Mr.

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Pomeroy expressed concern with how the draft guidance document treats pipe breaks and that it is the biggest issue. Mr. Pomeroy noted there is existing guidance on pipe breaks.

Dr. Ignatius Mutoti said the contaminants mentioned could be more prescriptive and if specific contaminants have to be identified the list could keep growing in the future. He also asked who discovers the event and who is responsible for reporting.

Jessica Coughlin provided details on the reporting protocol to ODW. Ms. Coughlin reviewed the reporting methods in which a waterworks should report contaminant releases and critical equipment failures and malfunctions, which includes an off-site 24-hour toll-free number for immediate intake of information. Ms. Coughlin stated the initial contact about the event is for notification only and then ODW will call back to get more information. Alternatively, the waterworks can call the ODW field office, but the reporting obligation is not satisfied until contact is made by actually speaking with someone at ODW.

Aaron Moses reviewed the new Monthly Operating Report form, which will be the method for reporting noncritical equipment failures and malfunctions. Mr. Moses advised the group that the new form is survey style which will capture basic information and allow file uploads. A sample of the Monthly Operating Report form is included in the meeting packet.

Jarrett Talley discussed training, technical assistance and outreach that will be made available to waterworks, including an upcoming webinar, frequently asked questions and a newly created [webpage](#). Additional details can be found in the meeting packet.

Ms. Nunn reviewed the proposed regulatory amendments related to the new statute. They will be adopted using the exempt regulatory process. New definitions will be added to the Waterworks Regulations, which match the definitions in the new statute.

There were questions from the WAC members about how line breaks are treated under the draft policy, noting there is existing ODW guidance regarding line breaks related to issuance of boil water advisories.

Michelle Caruthers and Mr. Van Gelder asked why turbidity is not included but pipe breaks and boil water advisories are. Ms. Nunn responded that if a critical equipment failure or malfunction causes high turbidity, then it would fall under the new statute. If the high turbidity was not due to a critical equipment failure or malfunction, there remains a 24-hour reporting requirement under the Waterworks Regulations.

Mr. Pomeroy stated that if every line break is reportable, then the standard for widespread disruption of service becomes swallowed by the line break reporting.

Mr. Kronenberg walked through the new policy including the stakeholder comments that ODW had already received.

Jesse Royall and Mr. Van Gelder discussed the need to define what is a two-hour reportable issue as not all waterworks operate uniformly. Mr. Royall advised of the need to present guidelines to waterworks that prevent over/under-reporting of events.

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Mr. Pomeroy suggested considering the scope and scale of events that warranted the change in legislation. Mr. Pomeroy discussed considerations of contaminant release versus water main break versus backflow events, etc. Mr. Pomeroy advised of the need to define the specific events that are or are not covered under the statute.

Stephanie Collins suggested waterworks present standard operating procedures for how they will address issues. Bailey Davis advised that due to the large amount of waterworks, the capacity to review the number of potential plans would not be feasible; also noting the goal is to standardize procedures and processes.

Dr. Mutoti questioned if the duration of an event determines if the event is significant and reportable. Ms. Nunn advised the event determines the reporting requirement; Mr. Roadcap agreed.

Joey Hiner asked that the policy clarify if the event has to be reported if the issue gets fixed in the reporting window.

Ms. Caruthers stated the 50 connections and 50% of connections standards in the draft policy for what constitutes a widespread disruption are arbitrary and she would like to see this section reference the boil water advisory water line break guidance, requiring two-hour notification of Type 4 breaks. Mr. Van Gelder responded that he thinks that ties it all together. Mr. Roadcap stated ODW can look at Type 4 breaks as a possible standard.

Mark Estes questioned if the reporting changes will adopt or include current VDH water line repair reporting policy. Mr. Roadcap advised that the current boil water advisory policy will not be changed at this time, the requirement to notify is what is being changed.

Mr. Pomeroy suggested a reorganization of sections; Ms. Collins concurred. Mr. Kronenberg advised that suggested edits and revisions will be addressed internally. Mr. Kronenberg advised that ODW will provide to the WAC a revised draft guidance document with edits noted.

The discussed statutory and regulatory changes are included in the meeting packet.

### **ODW Strategic Plan**

Mr. Talley provided an overview of the proposed five-year strategic plan for the Office of Drinking Water. An outline of the plan is included in the meeting packet.

### **PFAS Update**

Mr. Davis provided updated information on PFAS, noting the June 5, 2025, 45-day court abeyance for resolution later in the year. Mr. Davis provided visuals of the ODW PFAS Study Summary detailing occurrences across the Commonwealth. The visuals are included in the meeting packet materials. ODW PFAS information can be found [here](#).

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### **Compliance, Enforcement and Policy Update**

Mr. Kronenberg provided an update on compliance and enforcement matters. Mr. Kronenberg stated that six systems are listed as “serious violators” on the second quarter EPA Enforcement Targeting Tool report. Mr. Kronenberg noted that five of the six systems are back in compliance and the sixth is headed to a superseding consent order.

Mr. Kronenberg said the “real-time” compliance data provided by the Enforcement Targeting Tool Assistant report shows five systems that would qualify as a serious violator. Two of the five are currently under a consent order and another of the systems is the system he referred to as being headed to a superseding consent order.

Mr. Kronenberg stated an updated Enforcement Manual will hopefully be moving forward soon.

### **Plan Review and Data Management Update**

Mr. Moses advised there were no updates to previous meetings’ plan review and data.

### **Public Comment Period**

Mr. Van Gelder opened the floor for public comment. No public comments were made.

### **Other Business**

Mr. Kronenberg discussed that the terms of many of the WAC members are ending in October. Mr. Kronenberg said he would be sending an email to those members about their interest in being reappointed to another three-year term on the WAC.

Mr. Kronenberg stated that the next meeting of the WAC will likely be on September 23, 2025. He stated a location is to be determined. He reminded the WAC members to timely vote in meeting scheduling polls.

Mr. Van Gelder adjourned the meeting at approximately 1:00 p.m.

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

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

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

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

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

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

The number of all-virtual public meetings convened by the WAC in a calendar year shall not exceed the greater of: (1) two, or (2) 50 percent of the WAC’s meetings in the calendar year rounded up to the next whole number. Additionally, the WAC shall not hold consecutive meetings that are all-virtual public meetings.

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

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

Public access to the all-virtual public meeting shall be provided by means of electronic communication. The means of electronic communication used at the all-virtual public meeting shall allow the public to hear all members of the WAC participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the WAC as well. When audio-visual technology is available, a member of the WAC will be considered absent for purposes of quorum from any portion of the meeting during which the visual communication with the WAC member is voluntarily disconnected or otherwise fails or during which audio communication voluntarily fails.

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

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

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

No more than two members of the WAC shall be gathered at any one remote location unless that remote location is open to the public to physically access it.

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

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

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

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

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

If a member of the WAC wishes to participate through electronic communication means due to being unable to attend the meeting in-person as the result of: (1) a temporary or permanent disability or other medical condition preventing the WAC member’s physical attendance, (2) a family member’s medical condition that requires the WAC member to provide care for such family member thereby preventing the WAC member’s physical attendance or the WAC member is a caregiver, as defined in Va. Code § 2.2-3701, for a person with a disability at the time of the meeting that prevents the WAC member’s physical attendance, (3) the WAC member’s personal residence being more than 60 miles from the meeting location identified in the required notice for such meeting, or (4) a personal matter preventing the WAC member’s physical attendance, then on or before the day of the meeting the WAC member shall notify the Secretary of the WAC of the member’s request to attend by electronic communication means and which one of the enumerated reasons applies. If the WAC member’s absence is due to a personal matter, the WAC member shall also identify with specificity the nature of the personal matter. The Secretary of the WAC shall notify the Chair of the WAC of the request.

Whenever a WAC member wishes to participate remotely by electronic means, the law requires a quorum of the WAC to be physically assembled at the primary or central meeting location, and arrangements must be made for the voice of the remote participant to be heard by all persons at the primary or central meeting location. For purposes of determining whether there is a quorum of the WAC physically assembled at the primary or central meeting location, a member of the WAC who is a person with a disability as defined in Va. Code § 51.5-40.1, or who is a caregiver, as defined in Va. Code § 2.2-3701, for a person with a disability, and attends the meeting through electronic communication counts toward the quorum as if they were physically present.

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

*FOR CONSIDERATION OF THE WATERWORKS ADVISORY COMMITTEE*

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

A WAC member's participation by electronic communication means shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a WAC member's participation by electronic communication means is challenged, then the WAC shall vote on whether to allow such participation. If the WAC votes to disapprove of the member's participation by electronic communication because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

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

# Two-Hour Reporting Law Update

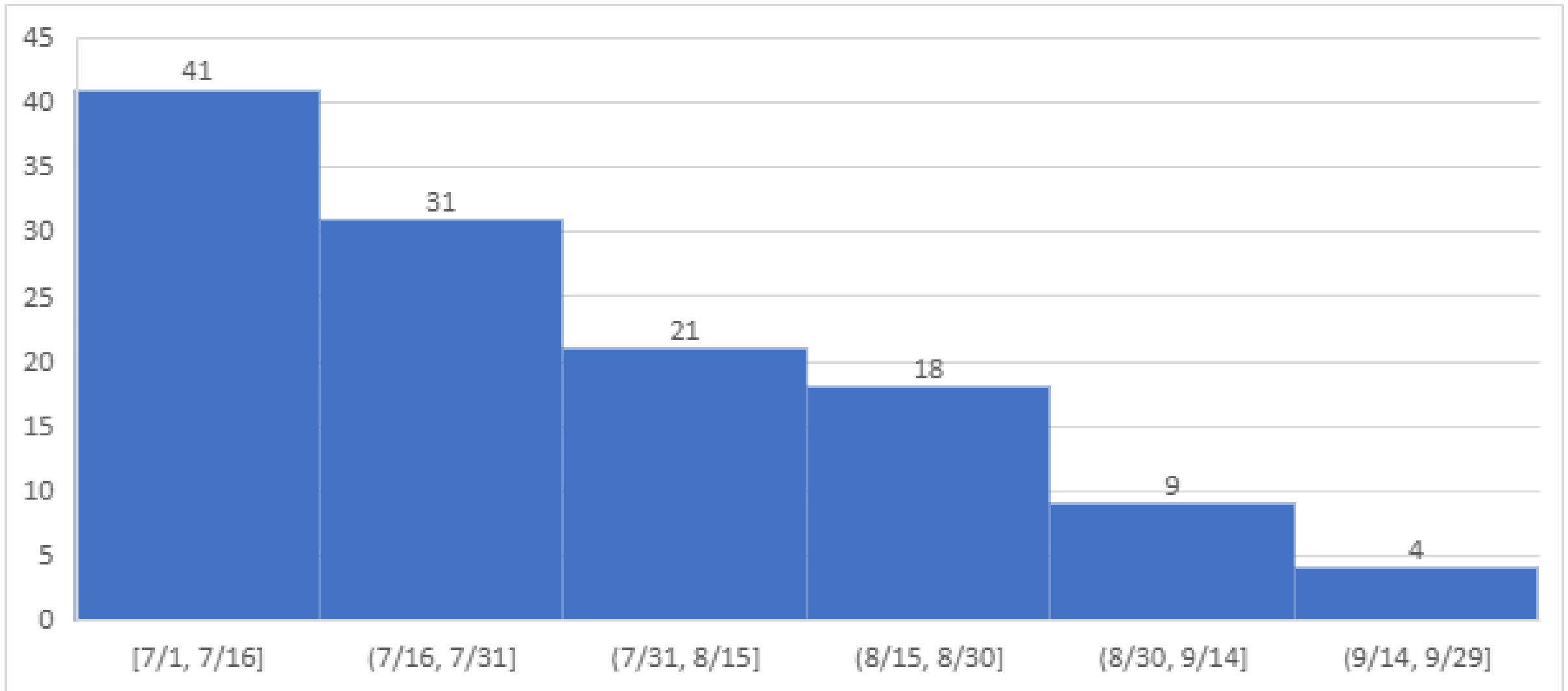
# 2-Hour Reporting Experiences

- So far, ODW has received about 127 two-hour reports (7/1 - 9/20)
  - 79 of them did not need to be reported within two hours
  - ~5 situations where waterworks stated long wait time on VDH reporting line
  - Call Center contract calls for someone to answer within 2 minutes
- Examples of unnecessary two-hour reports:
  - Small campground, loss of power, no back-up generator
  - School/business closed with well pump failure, no back-up generator
  - Equipment failure with back-up equipment online & operational
  - No expected widespread disruption of service

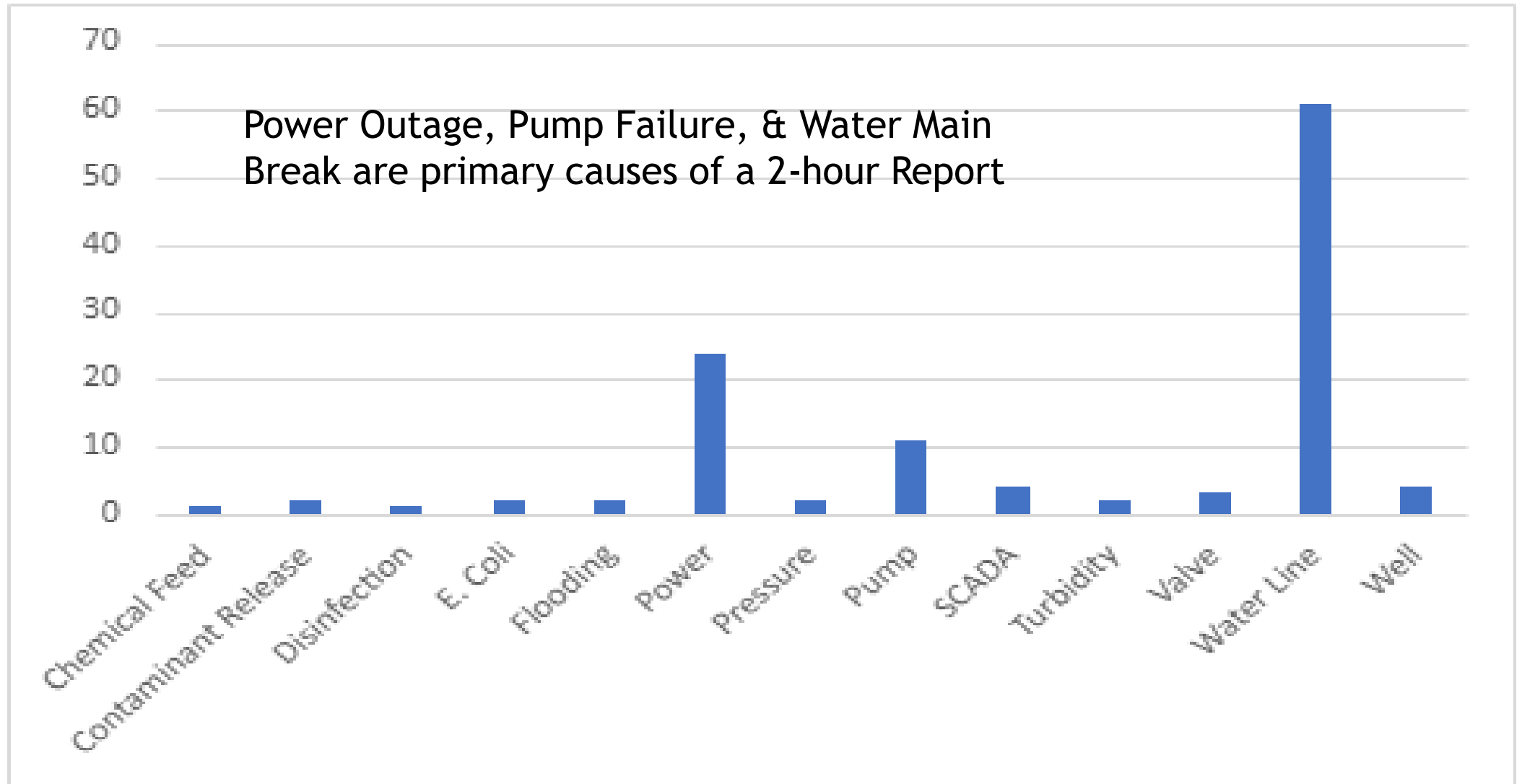
# 2-Hour Reporting Experiences

- ODW identified 48 were correctly reported within 2 hours
  - Large town had bad batch of chemical coagulant. Had 12-16 hours to resolve
  - Large water main break that caused widespread BWA and service disruption
- ODW has identified 9 incidents out of about 127 that needed to report but were not.
  - Power outage and loss of service to 53 connections. Email sent over the weekend, not received until Monday.
  - Testing high service pump over weekend resulted in busted mains serving 320 connections. Phone call to DE on Saturday night, not received until Monday morning.
  - Booster pump failure, loss of service to 96 connections. Reported four hours later.

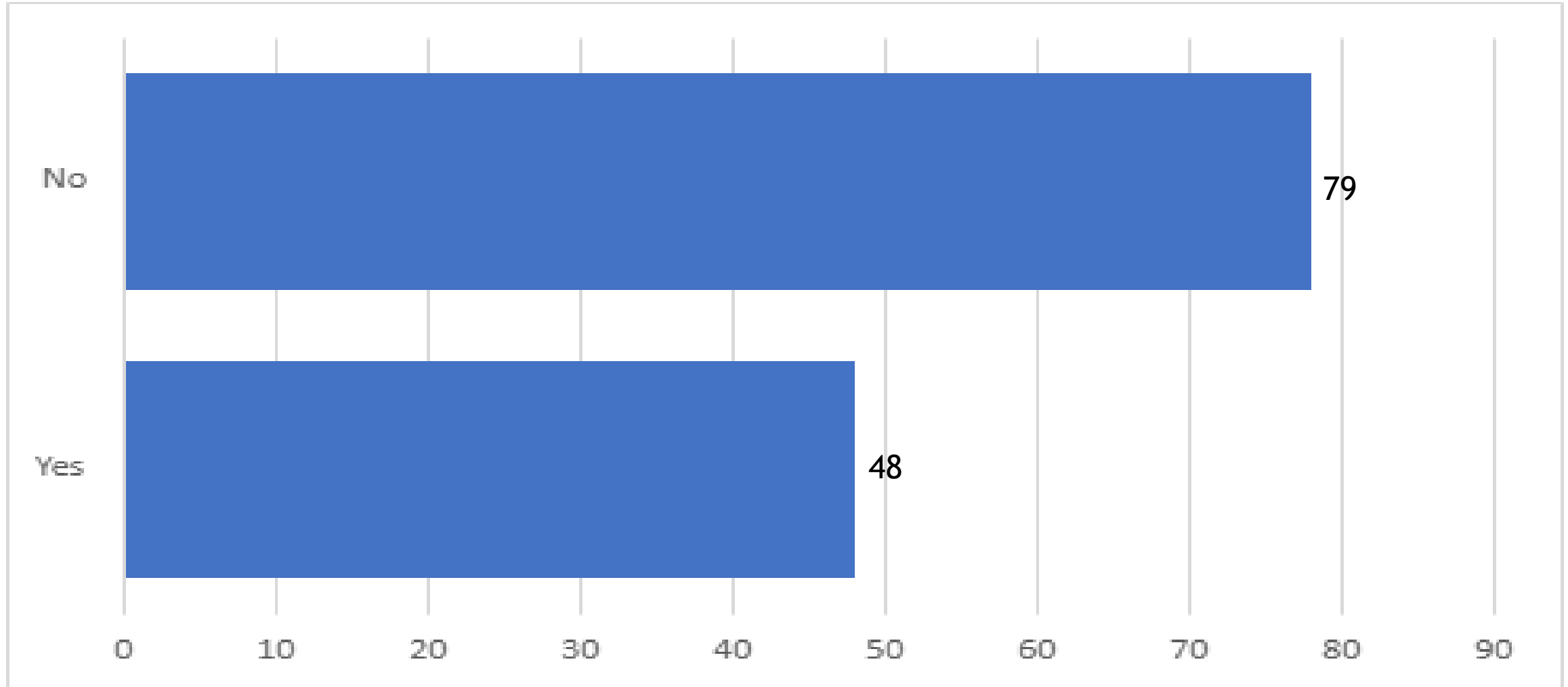
# 2 Hour Reports Submitted Over Time



# 2 Hour Reporting Experiences



# 2-Hour Report Required?



# Real-World Reports

123 reports as of 9/16/25

Excerpts follow in the next slides

- Removed identifying details

Robert D. Edelman, PE

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# Real World 2-Hour Reports

Description	Reporting Method	Critical equipment failure or malfunction?	Potential for Widespread disruption of water service?	2-Hour report required?	Report in Monthly Operation Report
Plant lost line power, switched to generators. Plant was able to run on generators without problems, maintain normal operations, until line power was restored (all on same day)	Phone call to District Engineer (in office)	No	No	No	No
One of three UV units at the water plant went out of service - the other two units remained in service. Plant was able to meet log inactivation requirements with the one unit out - repairs to be accomplished promptly.	Phone call to Deputy Field Director (in office)	No	No	No	Yes if UV is required and remains OOS
Waterworks reported booster pump failure at groundwater system, no water to distribution system. System serves cabins and banquet hall, none occupied at time of incident. System later clarified that hydrotank was found to be waterlogged, not a booster pump failure.	Phone call to call center (did not say drinking water emergency, so call center did not know that caller was talking about), then call to Field Director and District Engineer	Yes	Yes	Yes	No
Water leak discovered. Section of distribution system required to be isolated from water to conduct repair - limited to 12 connections. Limited Boil Water Advisory issued.	Phone Call to FD	Yes – BWA Issued	No	Yes	No

# Real World 2-Hour Reports

Description	Reporting Method	Critical equipment failure or malfunction?	Potential for Widespread disruption of water service?	2-Hour report required?	Report in Monthly Operation Report
Storm caused pump station to lose power, system started losing pressure - further investigation found valve on main line bringing water into the waterworks was closed. Potential for systemwide outage.	Call Center	Yes	Yes	Yes	No
PLC Failure disabled a well. The waterworks has 6 additional wells and a surface water treatment plant capable of meeting demands.	Call Center	No	No	No	Yes
Breaker went down unexpectedly at Surface Water Treatment Plant A, at about 7:20 AM, affecting filter controls and effluent valves. Plant staff decided to shut plant down entirely. Surface Water Treatment Plant B was able to meet all needs of the distribution system. Waterworks learned that a transformer blew. Once that was replaced, the Waterworks was able to repair the damaged circuit and restore normal plant operations. Plant A was offline for perhaps 6-1/2 hours.	Call Center	Maybe	WTP B NOT able to meet needs	Yes	No
			WTP B was able to all needs	No	Yes if WTP A remains OOS
Main break on Main St impacting 500 connections, one school	Call to District Engineer	Yes – BWA Issued	Yes	Yes	No

# Real World 2-Hour Reports

Description	Reporting Method	Critical equipment failure or malfunction?	Potential for Widespread disruption of water service?	2-Hour report required?	Report in Monthly Operation Report
Electrical panel failure, storms observed in area. Electrical panel breaker doesn't appear to be tripped, no apparent damage- will most likely need to get electrician on site to assess.	Call to FD cell phone	Yes	Yes Actual loss of service	Yes	No
~4.5 hour loss of pressure due to planned shutdown by wholesaler waterworks. Wholesaler waterworks contractor closed valve to perform planned maintenance which resulted in loss of service to consecutive waterworks. This wasn't communicated ahead of time to the consecutive.	Call to FD cell phone	No	Actual loss of service	No - Planned maintenance, controlled shutdown	No
Multiple leaks in the distribution system. Potential to affect storage capacity. Currently investigating sources of the leaks. Pressure is maintained at this time.	Phone call to District Engineer (in office)	Maybe	No – P Holding	No	Possibly
			Yes – P Not holding	Yes	No
Water main break. BWA Issued.	In-person notification to FO staff	Yes – BWA Issued	No	Yes	No
Water main break. Controlled shutdown. No BWA issued. 6 connections impacted at a waterworks with > 5000 connections.	In-person notification to FO staff	No	No	No	No

# Example Scenarios

Description	A significant potential for adverse effects on human health?	Critical equipment failure or malfunction?	Potential for Widespread disruption of water service?	2-Hour report required?	Report in Monthly Operation Report
A waterworks with greensand filtration experiences an overfeed of permanganate and “pink water” enters the distribution system. <b>This is a “contaminant release” and 2-hour reporting is required.</b>	No	No	No	Yes	No
Inadequate chlorine for more than 4 hours at a waterworks with 4-log inactivation of a groundwater source.	Yes	Yes	No	Yes	No
Chlorination system failure with less than 0.2 mg/L chlorine for more than 4 hours at surface WTP.	Yes	Yes	No	Yes	No
A well is inundated with muddy flood waters, but remains in service, pumping contaminated water to the distribution system.	Yes	No	No	Yes	No
Backflow of contaminants into the distribution system. <b>This is a “contaminant release” and 2-hour reporting is required.</b>	Maybe	No	No	Yes	No

# Two-Hour Reporting Law - Guidance Document Update

Waterworks Advisory Committee  
September 23, 2025

Grant E. Kronenberg  
ODW, Director of the Division of  
Compliance, Enforcement & Policy

# Guidance Document Update

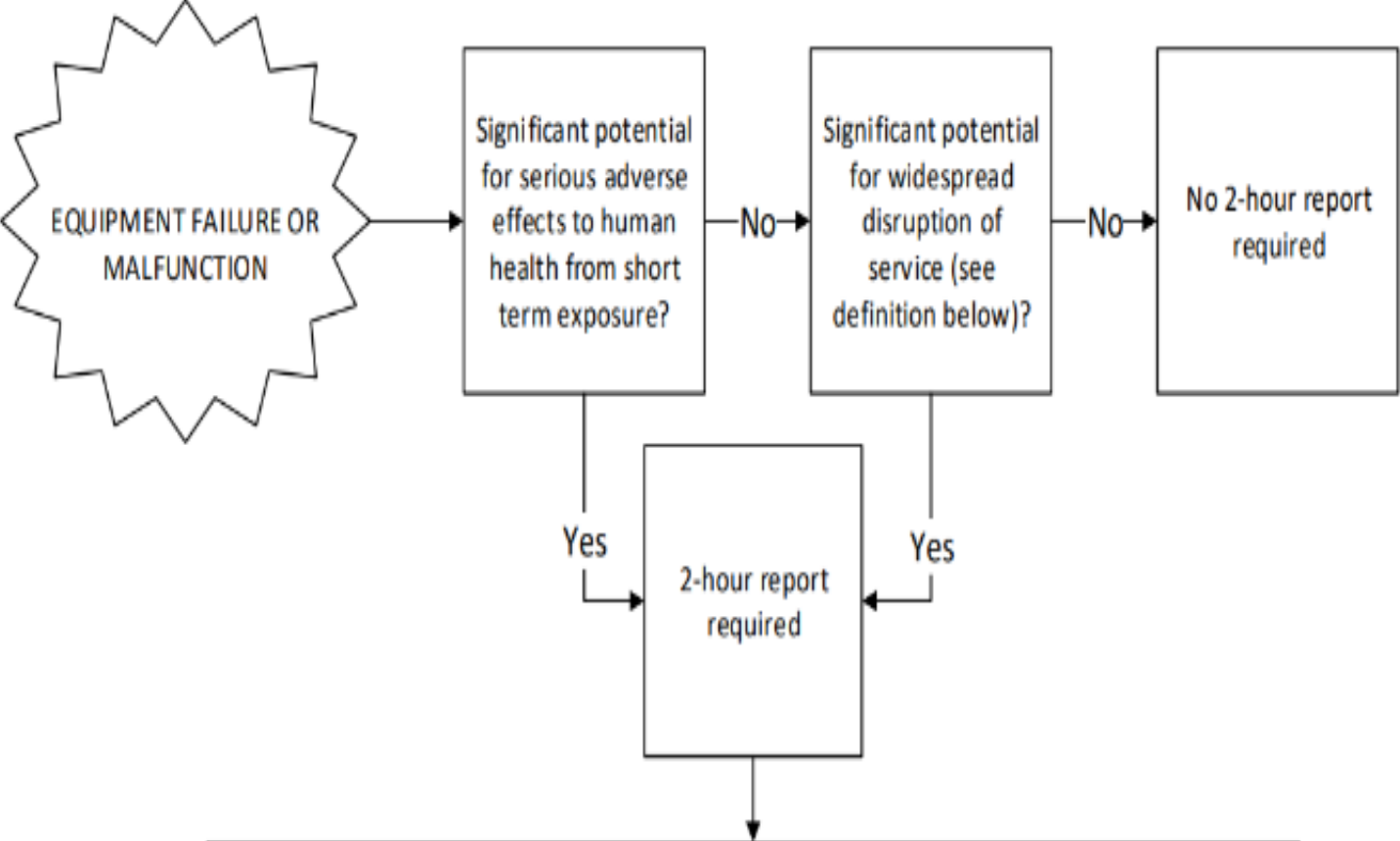
- Modified the draft guidance document based on real world results since the law went into effect.
- Edits include:
  - Simplified flow chart.
  - Specific reference to boil water advisory guidance when it comes to which pipe breaks qualify as two-hour reports.
  - Narrowed the scope of “widespread disruption” - a disruption impacting fewer than 50 connections is generally not “widespread”, save a few exceptions.
  - Added wholesale waterworks to “widespread disruption”.
  - Revised for readability.

# Guidance Document Update

- Received feedback from a couple of stakeholders.
- Made further revisions
  - Clarified when a wholesale waterworks must report (loss of service to any connection unless the wholesale knows the loss will not qualify as a “widespread disruption” to a consecutive system).
  - Reminder of 24-hour reporting requirement for under 20 psi in the distribution system under the Waterworks Regulations
  - Reiterate that a “chemical contaminant” does not require a health risk or concern.
  - Removed recommendation for consecutive system to notify ODW when informed of an event by wholesaler.

# 2-Hour Reporting Flow Chart

This chart is intended to aid in the decision making process following an equipment failure or malfunction.  
**Any contaminant release requires a 2-hour report to ODW.**



Call 1-866-531-3068 and tell the phone operator you need to report a drinking water emergency.

# Widespread Disruption

- What is considered a widespread disruption? Loss of water service to:
  - 500 or more service connections for waterworks with 5,000 or more service connections.
  - 10% or more of the waterworks' service connections for waterworks with 500 to 4,999 service connections.
  - 50 or more service connections for waterworks with fewer than 500 service connections.
  - A congregate care living facility (e.g., hospital, long-term care facility, correctional facility).
  - A connection from a wholesale waterworks unless it will not result in a loss of service as described above.

# Guidance Document Update

- Proposed two-hour reporting guidance document has been submitted for internal VDH review.
- Next step is executive branch review by the Office of Regulatory Management.
- Then would be posted on Virginia Town Hall and a public comment period would open.

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**Policy on Mandatory Reporting of Contaminant Releases and Equipment  
Failures and Malfunctions**

**Version 1.0**

**September 8, 2025**

**ODW-2025-04-Policy on Mandatory Reporting of Contaminant Releases and  
Equipment Failures and Malfunctions-9/8/25**



## I. Background

The Code of Virginia § 32.1-174.5 (Code) requires a waterworks owner (Owner) to notify the Virginia Department of Health (VDH) Office of Drinking Water (ODW) within two hours of discovery of a critical equipment failure, critical equipment malfunction, or contaminant release. Code § 32.1-174.5 also requires an Owner that is required to submit a monthly operating report (MOR) to ODW to include any noncritical equipment failure or malfunction “that could adversely affect water quality, public health, or service continuity that occurred during the applicable reporting month and was not resolved by the reporting deadline.” If an event does not qualify for reporting under the statute, it may still need to be reported under the Waterworks Regulations.

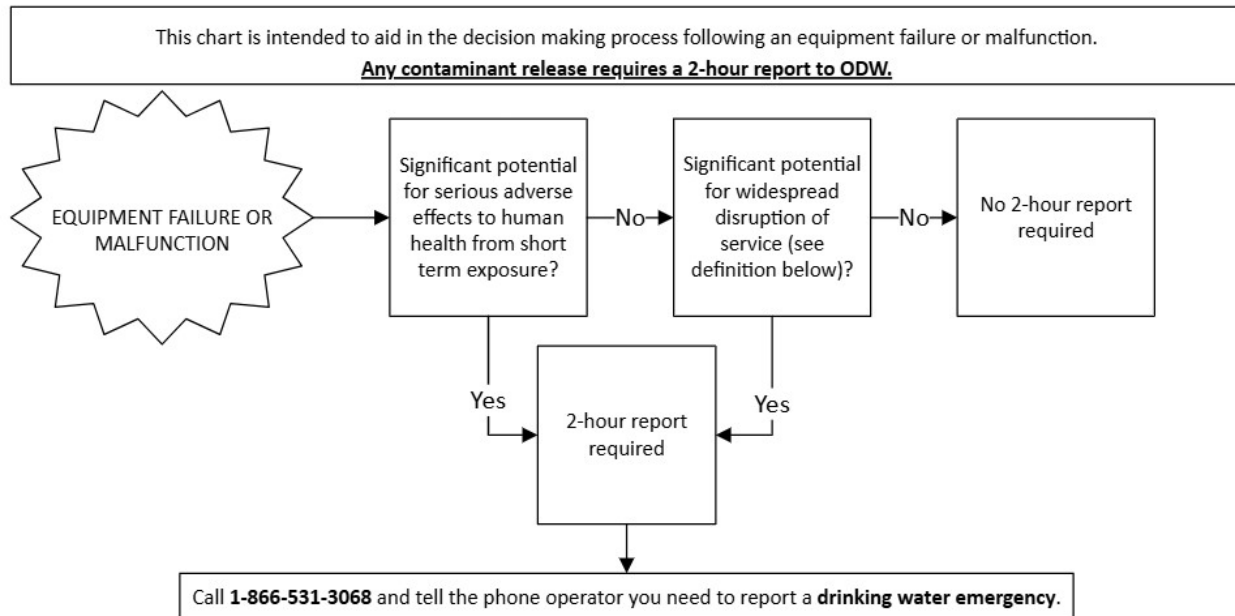
The statute only requires the reporting of certain events to ODW, either within two hours of discovery or in an MOR depending on the facts. An Owner must only report to ODW within two hours if there is a “critical equipment failure or malfunction” or a “contaminant release.” If an “equipment failure” or “equipment malfunction” is not a “critical equipment failure or malfunction,” it does not have to be reported to ODW within two hours and may not have to be reported at all.

## II. Purpose

This Policy on Mandatory Reporting of Contaminant Releases and Equipment Failures and Malfunctions (Policy) describes how ODW will apply and enforce Code § 32.1-174.5.

The following flow chart shows how to decide if an event needs to be reported to ODW.

### 2-Hour Reporting Flow Chart



### III. VDH's Application of Defined Terms

#### A. Overview

Code § 32.1-174.5.A defines “contaminant release,” “critical equipment failure or malfunction,” “equipment failure,” “equipment malfunction,” “monthly operating report,” and “noncritical equipment failure or malfunction.”

The two-hour reporting requirement only applies to a contaminant release and a critical equipment failure or malfunction.

The Owner only has to report an event to ODW within two hours of discovery if an equipment failure or equipment malfunction is a critical equipment failure or malfunction.

If an equipment failure or equipment malfunction is not a critical equipment failure or malfunction then it is a “noncritical equipment failure or malfunction.” A noncritical equipment failure or malfunction may need to be reported in an MOR.

#### B. Equipment Failure or Equipment Malfunction

##### i. Equipment Failure

The statute defines “equipment failure” as an unplanned condition when the equipment cannot work or is unable to work as designed because of a problem with it. “Equipment failure” does not mean a planned removal from service, repair, or maintenance.

VDH considers “equipment” to include mechanical, electrical, and control devices necessary for producing or providing pure water.

Some examples of an equipment failure are:

##### Mechanical:

- Intake structure failure
- Pump failure
- Pipe break (see pipe break guidance in Section III.C. below)
- Chemical feed system failure (disinfectant, oxidizer, coagulant)
- Well collapse
- Tank rupture
- Mixer failure
- Blower failure
- Treatment unit failure

##### Electrical:

- Transformer failure
- Switch failure
- Fuse failure

- Motor failure
- UV system failure
- Power supply (internal to waterworks) failure
- Generator failure

Control:

- Programmable Logic Controller (PLC) failure
- Supervisory Control and Data Acquisition (SCADA) failure
- Computer or software failure
- Control panel failure
- Sensor or instrument failure

ii. Equipment malfunction

The statute defines “equipment malfunction” as an unplanned condition during which the equipment cannot work or is unable to work as designed due to a problem originating from outside the waterworks such as a problem with the gas or electric power from another utility or a cyberattack.

Some examples of an equipment malfunction are:

- Loss of commercial power
- Loss of SCADA communications
- Cyberattack
- Natural, man-made (including terrorism), and technological disasters that impact the functionality of the equipment
- No chemical due to supply chain issues or a delivery failure
- A lack of resources that causes equipment not to be able to work at all or as designed, such as an insufficient supply of a chemical or a disruption in the supply of replacement parts for repair.

### C. Critical Equipment Failure or Malfunction

An equipment failure or equipment malfunction does not have to be reported within two hours unless it is a critical equipment failure or malfunction.

An equipment failure or equipment malfunction becomes a critical equipment failure or malfunction if the failure or malfunction creates a “significant potential for serious adverse effects on human health as a result of short-term exposure or to cause a widespread disruption of water service.” Certain failures may be “critical” if they may last for an extended period but are “noncritical” when they are limited in time. One example is a brief operational “blip.” Another is an equipment failure or equipment malfunction that is resolved within two hours that never actually becomes a critical equipment failure or malfunction (e.g., a power supply failure that is restored). Waterworks personnel should exercise sound judgment in determining whether the two-hour reporting requirement applies to any particular event.

If a waterworks issues or plans to issue an advisory (a do not use, a do not drink, or a boil water advisory) due to an equipment failure or equipment malfunction that does not involve a pipe break, then it is a critical equipment failure or malfunction and must be reported to ODW within two hours. If a waterworks, following ODW's guidance on pipe break types and responses,<sup>1</sup> issues or plans to issue an advisory due to a pipe break then it is a critical equipment failure or malfunction and must be reported to ODW within two hours.

i. Significant Potential for Serious Adverse Effects on Human Health as a Result of Short-Term Exposure

A "significant potential for serious adverse effects on human health as a result of short-term exposure" means it is reasonable to expect that the equipment failure or equipment malfunction may result in an acute or immediate serious health impact from the water. Some examples are:

- Groundwater under the direct influence of surface water (GUDI) and surface water sources with inadequate filtration or disinfection treatment.
- Groundwater source with inadequate 4-log inactivation of virus treatment.
- Known or potential contamination from a water line break.
- Failure of nitrate removal treatment for a water source with more than 10 mg/L of nitrate.
- Backflow of contaminants due to a cross connection.
- Failure or significant interruption in any key water treatment process for surface water or GUDI treatment. These include pumping, coagulation, flocculation, sedimentation, filtration, and disinfection.
- A single exceedance of the maximum allowable turbidity limit of one NTU (conventional, membrane, bag and cartridge filtration technologies) or five NTU (slow sand or diatomaceous earth filtration technologies) at the combined filter effluent (CFE) tape. (See 12VAC5-590-530.D of the Waterworks Regulations for the requirement to report such events to VDH when not caused by a critical equipment failure or malfunction.)
- Entry point chlorine disinfectant level of less than 0.2 mg/L for more than four hours at a water treatment plant treating surface water or GUDI water or both. (See 12VAC5-590-531.G.2 of the Waterworks Regulations for the requirement to report to VDH when not caused by a critical equipment failure or malfunction.)
- Flooding of clearwells or groundwater wells with nonpotable water.
- Failure to maintain the minimum entry point disinfectant residual for more than four hours for a groundwater system required to provide 4-log treatment of viruses. (See 12VAC5-590-421.C.1 of the Waterworks Regulations.)
- A waterborne disease outbreak that may be attributed to the waterworks. (See 12VAC5-590-531.G.1 of the Waterworks Regulations for the requirement to report to VDH waterborne outbreaks potentially attributable to a waterworks when not caused by a critical equipment failure or malfunction.)

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<sup>1</sup> The ODW website contains guidance on responding to main breaks for chlorinated systems and for non-chlorinated systems.

ii. Significant Potential for Widespread Disruption of Water Service

A “widespread disruption of water service” is a loss of water service to:

- (1) 500 or more service connections for waterworks with 5,000 or more service connections;
- (2) 10% or more of the waterworks’ service connections for waterworks with 500 to 4,999 service connections;
- (3) 50 or more service connections for waterworks with fewer than 500 service connections;
- (4) a congregate care living facility (for example, a hospital, long-term care facility, correctional center, or prison); or
- (5) one or more connections provided by a wholesale waterworks unless the wholesale waterworks owner knows that the loss of water service to a consecutive waterworks will not result in a loss meeting any of the conditions established in (1) through (4).

A “loss of water service” means no flow or low flow at the customer’s tap caused by no or low pressure in the water distribution system. As a reminder, a water service outage due to planned removal from service, repair, or maintenance of equipment is not an equipment failure and does not need to be reported.

Except for items (4) and (5) in the above paragraph, ODW does not consider a disruption of water service to 49 or fewer connections to be a “widespread disruption of water service” requiring reporting within two hours; however, an owner would still have a duty to report a low or no pressure event within the distribution system to ODW within 24 hours pursuant to 12VAC5-590-570.B of the Waterworks Regulations.

A significant potential “to cause a widespread disruption of water service,” means it is reasonable to expect that the equipment failure or equipment malfunction may result in a loss of service that qualifies as a “widespread disruption of water service,” as defined above.

“Significant potential” does not mean a situation where the waterworks corrects an identified equipment failure or equipment malfunction by timely repair or replacement, alternative equipment use, alternative system operation, or other similar response that avoids the potential for any serious harm to human health or widespread disruption of water service.

D. Contaminant Release

Any contaminant release is subject to the two-hour reporting requirement.

The statute defines a “contaminant release” as an unplanned or uncontrolled release of a chemical contaminant or petroleum or synthetic oil into the water that is treated by or distributed from the waterworks to customers. “Contaminant release” includes those at treatment facilities and raw or finished water pump stations.

A “chemical contaminant” is any objectionable or hazardous substance. The substance does not have to be a regulated chemical or cause harm to be a chemical contaminant. Simply

being objectionable, such as producing an unusual or unpleasant taste or odor, is sufficient to be a chemical contaminant. Whether the substance or any associated taste or odor is objectionable is somewhat subjective and waterworks personnel will need to apply their professional judgment to determine if the standard is met under the totality of the circumstances. To avoid confusion, use of “chemical contaminant” does not mean that the substance in question presents a health risk or concern.

A “chemical contaminant” is also any substance that becomes hazardous or objectionable due to its use or a change in its composition. For instance, food grade mineral oil is a chemical contaminant if it is burned and becomes an objectionable substance that is released into the water.

A contaminant release includes a waterworks’ release of a chemical contaminant, petroleum, or synthetic oil that occurs inside a water treatment plant or pump station or in the distribution system, such as a backflow event. A contaminant release also occurs when a chemical contaminant is in the source water and passes through the treatment into the finished water.

#### IV. Discovery and Reporting

Per Code § 32.1-174.5.B, an Owner must report any critical equipment failure or malfunction or contaminant release to ODW within two hours of discovery.

##### A. Discovery

Discovery occurs when waterworks personnel identify a contaminant release or critical equipment failure or malfunction. Waterworks personnel should use diligence and sound judgment when determining whether a reportable event has occurred.

##### B. Reporting to ODW Within Two Hours

The statute requires an Owner to report any critical equipment failure or malfunction or contaminant release to ODW in no more than two hours after discovery.

An Owner meets the statute’s reporting requirement by: (1) calling ODW’s preferred telephone number for receipt of two-hour reports at 1-866-531-3068, (2) calling the relevant ODW field office emergency line, or (3) speaking with an ODW field office contact. When reporting the incident, the caller must state that a drinking water emergency is being reported, include the caller’s name, telephone number, the name of the waterworks, the Public Water System Identification number for the waterworks, and the location of the incident. Either during that call or during a follow-up call, ODW will ask the caller to identify the nature of the critical equipment failure or malfunction or contaminant release, any known impacts on the quality or reliability of the system’s drinking water, and whether a routine water advisory has been issued or is needed.

Calling ODW’s preferred two-hour reporting contact guarantees that the contact will satisfy the reporting requirement. If an Owner chooses to contact the ODW field office

emergency line or an ODW field office contact, leaving a voicemail or sending an email or text message to ODW staff does not satisfy the statute's reporting requirement.

In addition to reporting to ODW, ODW recommends that a wholesale waterworks notify their consecutive waterworks of a critical equipment failure or malfunction or contaminant release if the consecutive waterworks has the potential to be affected by the event. This guidance does not modify any duties of a wholesale waterworks to provide certain notifications to consecutive waterworks as required by the Waterworks Regulations (see 12VAC5-590-379.B.1.d, 12VAC5-590-540, and 12VAC5-590-545 of the Waterworks Regulations).

#### C. Equipment Failure or Malfunction is Resolved Within Two Hours of Discovery

If an equipment failure or equipment malfunction is resolved within the two-hour reporting window but the equipment failure or equipment malfunction in fact resulted in a widespread disruption of water service or has significant potential to cause serious harm to human health as a result of short-term exposure despite resolving the equipment failure or malfunction, then the equipment failure or malfunction is a critical equipment failure or malfunction. The Owner must report the critical equipment failure or malfunction to ODW within the two-hour window even though it has been resolved. Otherwise, the equipment failure or equipment malfunction does not have to be reported within the two-hour period because it was not a critical equipment failure or malfunction.

#### V. Monthly Operating Report Requirement

The statute defines a "noncritical equipment failure or malfunction" as an equipment failure or malfunction that is not a critical equipment failure or malfunction, whether or not a waterworks customer notices it.

If a waterworks that is required to submit an MOR has a noncritical equipment failure or malfunction, then the Owner must report the event in the applicable reporting month's MOR if the noncritical equipment failure or malfunction could adversely affect water quality, public health, or service continuity and it was not resolved by the reporting deadline. If the noncritical equipment failure or malfunction is corrected by equipment repair or replacement, alternative equipment use, alternative systems operation, or a similar response, then the noncritical equipment failure or malfunction is considered resolved per Code § 32.1-174.5.C.

12VAC5-590-570.A.2 of the Waterworks Regulations requires a classified waterworks using conventional filtration to file its monthly report using a VDH-approved form. To help an Owner report noncritical equipment failures and malfunctions, ODW has developed a web-based form for submitting the MOR. ODW will place a link to this form on the ODW webpage and will email it monthly to each waterworks administrative and designated operator contact required to submit an MOR.

#### VI. Compliance and Enforcement

If an Owner fails to timely notify ODW of a reportable event pursuant to Code § 32.1-174.5, ODW can issue a Notice of Alleged Violation (NOAV).

A. Failure to Timely Report a Critical Equipment Failure or Malfunction or Contaminant Release

If an NOAV is issued, it will include requested corrective actions based upon the specific events surrounding the failure to timely report the incident. The requested corrective actions may vary depending on the nature of the event, the lateness of the report, and if it was reported at all. Corrective actions could include:

- Develop a Standard Operating Procedure (SOP) for identifying, evaluating, internally communicating, and reporting to ODW critical equipment failures or malfunctions and contaminant releases, and train staff on the SOP. The SOP should identify the waterworks employee who is responsible for reporting the event to ODW and make clear how ODW is to be notified. The SOP should be easily accessible to all waterworks staff.
- Review and update the SOP each year.
- Train staff on the SOP each year.
- Attend training to identify possible urgent events such as critical equipment failures or malfunctions or contaminant releases.

Repeated failure to comply with the two-hour reporting requirement may result in ODW elevating such noncompliance to formal enforcement.

ODW's compliance and enforcement efforts on violations of Code § 32.1-174.5 do not prevent ODW from pursuing formal enforcement of any associated violations of the Waterworks Regulations, such as violations that led to the critical equipment failure or malfunction or contaminant release. Surrounding events may cause ODW to pursue formal enforcement in response to a single event that includes noncompliance with the two-hour reporting requirement to protect the public health. Other than by the Code and the Waterworks Regulations, this Policy does not limit ODW in the actions it may take in response to a violation.

B. Failure to Disclose a Noncritical Equipment Failure or Malfunction in the MOR

If an NOAV is issued due to an Owner's failure to disclose a noncritical equipment failure or malfunction in an MOR, it could include a corrective action to provide an updated MOR within a certain number of days. Repeated failures to report an unresolved noncritical equipment failure or malfunction in an MOR may result in additional requested corrective actions and in ODW's pursuit of formal enforcement.

C. Failure to Complete Requested Corrective Actions

ODW will treat an Owner's failure to complete corrective actions identified in an NOAV within the designated timeframe the same as any other instance of failure to take requested actions set forth in an NOAV, including pursuing formal enforcement as needed to achieve compliance and protect public health.

# 2-Hour Reporting Resources

- ODW's two-hour reporting [webpage](#) includes:
  - Reporting flow chart for use by waterworks
  - FAQ document
  - Training webinar recording (6/19/2025)
  - Regulatory Update webinar recording (8/13/2025)
- ODW's Capacity Development Team can assist utilities in SOP/EOP review and implementation for 2-hour reporting requirements

<https://www.vdh.virginia.gov/drinking-water/2-hour-reporting-requirement/>

# Lead and Copper Rule Revisions Lead and Copper Rule Improvements Waterworks Advisory Committee

September 23, 2025

Robert D. Edelman, PE

Director, Division of Technical Services



# Initial Service Line Inventory - Statistics

1,570	Total active community and NTNC waterworks
1,558	Waterworks submitted Initial Service Line Inventories
12	Waterworks without Initial Service Line Inventories
24	Waterworks with lead service lines
3,657	Lead service lines
135	Waterworks with galvanized requiring replacement service lines
10,016	Galvanized requiring replacement service lines
1,692,295	Non-lead service lines
697,324	Unknown material service lines
2,403,292	Total service lines inventoried

Data pulled 9/17/25

# Baseline Service Line Inventory

Identify unknowns



Replace Lead and GRR service lines



Add/remove service lines from initial inventory

Update material classifications



## Connector material documentation

- Document material when a connector is present
- Connectors updated as encountered in the field or identified in records

Street address must be used when available

Initial submission by November 1, 2027

Submit through SWIFT Submittals portal



# Connectors



EPA defines as “a short segment of piping **not exceeding three feet that can be bent** and is used for connections between service piping”

- Commonly known as a “pigtail” or a “gooseneck”
- Corporation or curb stops, pipe joints, couplings, etc. are **considered fittings, not connectors**

Typically connecting the service line to the main

- Not considered to be part of the service line
- Lead connectors do not make service lines lead or GRR



# Connectors



Here is the list of records that must be reviewed:

- (i) All construction and plumbing codes, permits, and records or other documentation that indicate the service line and connector materials used to connect structures to the distribution system.
- (ii) All water system records on service lines and connectors, including distribution system maps and drawings, recent or historical records on each service connection and connector, meter installation records, historical capital improvement or master plans, and standard operating procedures.
- (iii) All records of inspections in the distribution system that indicate the material composition of the service connections and connectors that connect a structure to the distribution system.



# Connectors Classifications

Lead

Connector is made of lead

Unknown

Connector exists but material is not known

Non-Lead\*

Connector determined through an evidence-based record, method, or technique not to be made of lead

No Connector

No connector at the location

# Service Line Replacement Plan Requirements - LCRI



Required for any waterworks with at least one lead, GRR or unknown service line.  
Submit to VDH ODW by November 1, 2027

1. A description of a **strategy to identify the material composition** of all unknown service lines in the inventory.
2. A **standard operating procedure** for conducting full service line replacement.
3. A **communication strategy** for informing consumers and customers before a full or partial lead or GRR service line replacement.
4. A **procedure for consumers and customers to flush** service lines and premise plumbing of particulate lead following a disturbance of a lead, GRR, or unknown service lines or following full or partial replacement.
5. A **strategy to prioritize service line replacement** based on factors such as known lead and GRR service lines and community-specific factors.

# Service Line Replacement Plan Requirements - LCRI



Required for any waterworks with at least one lead, GRR or unknown service line.

Due November 1, 2027

6. A **funding strategy** for conducting service line replacement that includes ways to accommodate customers that are unable to pay to replace the portion of the service line they own.
7. A **communication strategy** to inform both consumers and customers served by the water system about the replacement plan and program.
8. Identification of any **laws, regulations, and/or water tariff agreements** that affect the water system's ability to gain access to conduct full replacement.
9. For water systems that identify any **lead-lined galvanized service lines** in the inventory, a strategy to determine the extent of their use in the distribution system.

# Preparing for Tap Sampling



By the start of the first lead and copper monitoring period under LCRI, submit an updated sampling plan.

- A pool of tap sampling sites from the highest tier available
- A list of water quality parameter (WQP) entry point and distribution system sampling locations

Sample Site Tier	Description
Tier 1	Single-family structures (SFS) with premise plumbing made of lead and/or served by an LSL.
Tier 2	Buildings, including multiple-family residences, with premise plumbing made of lead and/or served by an LSL.
Tier 3	SFS served by a lead connector. SFS served by a galvanized service line or containing galvanized premise plumbing identified as ever having been downstream of an LSL.
Tier 4	SFS that contain copper premise plumbing with lead solder installed before the effective date of the State's applicable lead ban.
Tier 5	SFS or a building in which the plumbing materials used at that site would be commonly found at other sites served by the water system (i.e., representative of sites throughout the distribution system).

# Systems that must conduct standard monitoring



Beginning January 1, 2028, the following systems must conduct standard monitoring for at least the next two consecutive six-month tap monitoring periods:

- Systems with lead and/or GRR service lines (Tier 1 and/or Tier 2 sites), unless they already follow the LCRI tap sampling protocols prior to November 1, 2027. In the latter case, the water system can remain on its existing sampling schedule.
- Systems that exceed the revised lead action level of 0.010 mg/L or copper action level of 1.3 mg/L in their most recent tap monitoring period as of November 1, 2027.

# Consumer Notifications



## Notification of Service Line Materials

- Continuation of the LCRR requirement
- Annual notification of persons with Lead, GRR, or lead status unknown
- Notification within 30 days after completion of the baseline inventory
- Notification within 30 days after annual update to the inventory

## Notification of Service Line Disturbances

- Notify persons served at lead, GRR, or lead status unknown potentially affected during water-related work
- Replacement of a meter, meter setter or connector, or replacement of a water main where the service line is cut: provide a pitcher filter or POU device certified to meet an ANSI standard to remove lead.



# Consumer Notifications



## Lead Action Level Exceedance (ALE)

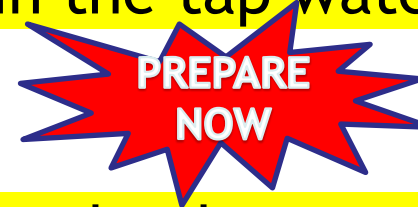
- ALE occurs when the 90<sup>th</sup> percentile of lead tap sample results exceeds the lead action level
- Lead action level changes to 0.010 mg/L on November 1, 2027
- **Tier 1 Public Notification Required**
  1. Within 24 hours distribute a public notice of the ALE
  2. Send PN to ODW field office and EPA via email at: [LeadALE@epa.gov](mailto:LeadALE@epa.gov) within 24 hours
  3. Certify PN completion
- **Public Education Materials**

# Consumer Notifications



## Customer-Requested Sampling

- Waterworks must offer to sample for lead in the tap water of any person who requests it if:
  - The waterworks has a lead ALE, or
  - The consumer is served by a lead, GRR, or lead status unknown SLs
- At sites served by lead, GRR, or unknown SLs, sample water in premise plumbing and water in the SL (e.g., first-and fifth-liter samples)



## Consumer Notice of Tap Sampling Results

- Provide the consumer notice of lead or copper tap sampling results as soon as practicable but no later than three business days of learning of the results.
- Applies to both compliance samples and customer-requested samples.



# QUESTIONS?



# WAC Meeting PFAS Updates

September 23, 2025  
Bailey Davis  
Chief of Field Operations



# PFAS Litigation Updates

## 8/8/25 US Court of Appeals filed motion

- By September 10, 2025: EPA must file a document (either a formal motion or a letter) stating its position in the PFAS case.

## 9/11/25 EPA files Motion to partially vacate the rule

- The motion follows EPA's announced intentions to rescind MCL's and MCLG's for PFHxS, PFNA, HFPO-DA (Gen-X), and the Hazard Index which includes PFBS.
- EPA admits error of announcing regulatory determination and final regulation simultaneously and denying public comment on each separately.

# EPA Announces Changes in the PFAS Rule 5/14/25

## What has changed or is being added?

- EPA intends to rescind regulations for PFHxS, PFNA, HFPO-DA (Gen-X), and the Hazard Index which includes PFBS
- Extended Compliance Deadline - **From 2029 to 2031**
- Establishment of a federal exemption framework
- EPA will launch PFAS OUTreach initiative (PFAS OUT) to support water systems in small and rural communities
- Polluter accountability measures
- Enhancement of the Water Technical Assistance (WaterTA) program

# EPA Announces Changes in the PFAS Rule 5/14/2025

- EPA plans to develop rulemaking to enact these changes with a proposed rule this fall and a finalized rule in Spring 2026.
- EPA encourages states seeking primacy for implementing the PFAS drinking water regulation to request additional time from EPA to develop their applications.
  - This will impact VDH ODW's primacy package submission timeline and regulation update plan
  - ODW is exploring options to incorporate the Federal Rule by reference in the Virginia Regulations instead of “quote for quote” additions.

# UCMR5 Data

## Problem:

- UCMR5 Minimum Reporting Level (MRL) is at or above the trigger level for 4 of 5 compounds
- UCMR5 data as originally reported down to the MRL is unsatisfactory because it does not report down to the trigger level.

## Solution:

- Laboratories need to “reprocess” their data to a new lower MRL.
- Medium and Large waterworks ( $\geq 10,000$ ) need to contact their laboratory.
- EPA is requesting laboratories to reprocess data for Small waterworks.

Compound	UCMR5 Minimum Reporting Level (ppt)	Trigger Level (ppt)	MCL (ppt)
PFOA	4	2.0	4.0
PFOS	4	2.0	4.0
PFHxS	3	5	10
HFPDO-DA	5	5	10
PFNA	4	5	10

# UCMR5 Data

## Recalculated Data:

- Small Systems:
  - EPA is working to reprocess small system data
  - EPA will communicate with the water systems and states about how to access the reprocessed data
  - ODW expects to migrate small system UCMR5 data into SDWIS/State
- Medium and large systems ( $\geq 10,000$  persons)
  - Must request their lab to reprocess the data (may cost extra)
  - Labs must submit reprocessed data through CMDP

Keep in mind that UCMR5 data collection goes through December 2025.

# Comparison of UCMR Data Averages and NPDWR MCL

PFAS in April 2024 NPDWR	MCL ( $\mu\text{g/L}$ ) <sup>1</sup>	UCMR 5 PWSs with full set(s) of results <sup>2</sup>		
		large PWS (>10,000)	medium PWS <sup>4</sup> (3,300–10,000)	small PWS (<3,300)
PFOS	0.0040	3,446	3,407	512
PFOA	0.0040	3,447	3,407	512
HFPO-DA (GenX chemicals)	0.01	3,448	3,407	512
PFHxS	0.01	3,445	3,407	512
PFNA	0.01	3,447	3,407	512
Hazard Index (HI) (HFPO-DA, PFHxS, PFNA, PFBS)	1 (unitless)	3,445	3,407	511

# Comparison of UCMR Data Averages and NPDWR MCL

PFAS in April 2024 NPDWR	MCL (µg/L) <sup>1</sup>	UCMR 5 PWSs with average(s) greater than MCL			% UCMR 5 PWSs with average(s) greater than MCL <sup>3</sup>		
		large	medium	small	large	medium	small
PFOS	0.0040	410	216	34	11.9%	6.3%	6.6%
PFOA	0.0040	359	181	25	10.4%	5.3%	4.9%
HFPO-DA (GenX chemicals)	0.01	1	1	0	0.03%	0.03%	0%
PFHxS	0.01	37	14	3	1.1%	0.4%	0.6%
PFNA	0.01	2	3	0	0.1%	0.1%	0%
Hazard Index (HI) (HFPO-DA, PFHxS, PFNA, PFBS)	1 (unitless)	40	18	3	1.2%	0.5%	0.6%

# Comparison of UCMR Data Averages and NPDWR MCL

**% UCMR 5 large PWSs (serving >10,000) with average(s) greater than MCL = 15.0% (517/3,448)**

**% UCMR 5 medium PWSs<sup>4</sup> (serving 3,300-10,000) with average(s) greater than MCL = 8.4% (286/3,407)**

**% UCMR 5 small PWSs (serving <3,300) with average(s) greater than MCL = 8.0% (41/512)**

**Estimated weighted % of PWSs nationwide with average(s) greater than MCL<sup>5</sup> = 8.5%**

# ODW now accepting data through CMDP

- Laboratory FAQs developed and posted on the ODW website [here](#)
- Require the use of method codes EPA 533, EPA 537.1.V2, or EPA 537.1
- Require the six regulated analytes but prefer full method lists
- Reporting limits to 1/3 of the PQL of each regulated analyte
- Report FRB results associated with samples that have quantitative or qualitative results as sample type Field Blank or FB
- Contact Laboratory Technical Liaison Leslie Fleury

[Leslie.Holt@vdh.virginia.gov](mailto:Leslie.Holt@vdh.virginia.gov) for more info

Analyte	PQL (ppt)	Reporting Limit (ppt)
PFOA	4.0	1.3
PFOS	4.0	1.3
PFHxS	3.0	1.0
HFPDO -DA	5.0	1.7
PFNA	4.0	1.3
PFBS	3.0	1.0

# Additional ODW initiatives underway

- ODW welcomed Environmental Health Coordinator Maria Picardo
- Webinar on 8/25/25 focused on regulations, sampling, and initial monitoring requirements - Recording posted on ODW website
- Phase 4 sampling plan for 2026 being planned and focused on ensuring small waterworks compliance with initial monitoring rule
- Data tool for results interpretation and initial monitoring compliance in development
- Data reports for electronically submitted data and 10/1 submission to DEQ
- Primacy package extension
- Hiring of project analyst to assist with PFAS related project funding

# Questions?

For up-to-date information go to:  
<https://www.vdh.virginia.gov/drinking-water/pfas/>

Bailey Davis

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# Regulations - Update

September 23, 2025

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



# Federal Rules

## PFAS Rule

- Work on amendments on hold until court case settled

## LCRR/LCRI Rules

- Primacy package received from EPA so work on amendments to Waterworks Regulations has begun
- A second extension will be requested due to delay in issuance of primacy package

## Consumer Confidence Report Rule Revisions (CCR3)

- EPA hasn't issued primacy package but work moving forward to amend Waterworks Regulations following discussions with EPA and ODW leadership

# Waterworks Regulations

Following the Periodic Review, Notice of Intended Regulatory Action (NOIRA) submitted for internal VDH review on 8/21/25. First of 3 stages.

Final Exempt process to amend the regulations to comply with Code of Virginia § 32.1-174.5, Mandatory reporting of contaminant releases and equipment failures and malfunctions, submitted for internal VDH review on 7/31/25. Process scheduled to be completed by 10/1/25.

# Compliance, Enforcement and Policy (CEP) Update

Waterworks Advisory Committee  
September 23, 2025

Grant E. Kronenberg  
ODW, Director of the Division of  
Compliance, Enforcement & Policy

# CEP Enforcement Manual

- Revised Enforcement Manual posted on Town Hall for public comment in August.
- Received feedback from the Virginia Municipal Drinking Water Association and Mission H2O.
- Extended the effective date of the Manual by 30 days to consider the feedback.

# CEP Update - Statistics

- Third Quarter Enforcement Targeting Tool (ETT) Report from EPA.
- Six systems considered to be a “serious violator” by EPA on account of their ETT score.
- ETT lags behind current data by about six months.
- All six are back in full compliance, not currently operating, or under an administrative order.
- Currently, five systems would be a “serious violator” under the real-time Enforcement Targeting Tool Assistant (ETTA).

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