

## **Waterworks Advisory Committee Meeting Minutes**

Libbie Mill Library  
2100 Libbie Lake East St.  
Henrico, Virginia 23230  
Tuesday, September 23, 2025, 9:30 a.m.

**Members Present:** David Van Gelder (Chair), Water Operator; Geneva Hudgins, VA AWWA; Joey Hiner, VA SERCAP; Tom Fauber, VA ABPA; W. Weedon Cloe, III, DEQ; Russ Navratil, VA AWWA; Shane Wyatt, DCLS; Ignatius Mutoti, VSPE; Skip Harper, Virginia Plumbing and Mechanical Inspectors Association; Andrea Wortzel, Troutman Pepper Locke

**Members Absent:** Jesse L. Royall, Jr., Sydnor Hydro; Caleb Taylor, VML; Whitney Katchmark, Principal Water Resources Engineer; Christopher Pomeroy, Virginia Municipal Drinking Water Association; Mark Estes, VRWA; Michelle Caruthers, VWEA

**Stakeholders and Public:** L. Jordan Combs, Thomas Hamner, Isabelle Stitt-Fredericks, Mitchell Smiley, Ivy Ozmon, Justin Curtis, Anurag Mantha, Andrew Krakie, Ashley Pierce, Charles Paullin, Jessica Edwards-Brandt, Katelyn Rose Jordan, Tanya Pettus, Tom Fore

**Virginia Department of Health (VDH) Staff:** Dwayne Roadcap, Bailey Davis, Robert Edelman, Anthony Hess, Grant Kronenberg, Jeremy Hull, James Reynolds, Daniel Horne, Ray Weiland, Steve Kvech, Jane Nunn, Aaron Moses, Mark Wise, William Sanford

### **Welcome and Establish Quorum**

The Waterworks Advisory Committee (WAC) met with an in-person quorum at Libbie Mill Library in Henrico County on Tuesday, February 23, 2025, at 9:30 a.m. The meeting was also available via WebEx. WAC Chair David Van Gelder presided over the meeting.

Mr. Van Gelder called the meeting to order at approximately 9:35 a.m. The WAC members, VDH staff, and members of the public attending in-person introduced themselves.

Dwayne Roadcap acknowledged that Russ Navratil was attending his last meeting of the WAC. Dwayne thanked Mr. Navratil for his years of service on the WAC.

### **Review and Adoption of Meeting Minutes of March 2025 Meeting**

Grant Kronenberg stated that during the WAC's June 2025 meeting, it adopted meeting minutes for its March 2025 meeting. Mr. Kronenberg stated that after that meeting, a member of ODW staff noted that he was incorrectly listed as attending the meeting. Mr. Kronenberg stated that he revised the meeting minutes to reflect who was in attendance at the March 2025 WAC meeting. Mr. Kronenberg suggested the WAC consider the draft revised March 2025 meeting minutes to replace the previously approved minutes for that meeting. A motion was made and seconded and the WAC unanimously approved the revised March 2025 meeting minutes as written.

## **Review and Adoption of Meeting Minutes of June 2025 Meeting**

Mr. Kronenberg presented the draft June 2025 meeting minutes for consideration of the WAC for approval. A motion to approve the meeting minutes was made and seconded. The WAC unanimously approved the meeting minutes as written.

## **Renewal of Electronic Meeting Policies**

Mr. Kronenberg stated that under a law passed last year, the Code of Virginia requires that public bodies adopt electronic meeting policies annually if they wish to hold all-electronic meetings or have individual participation at meetings by electronic means. Mr. Kronenberg stated that the WAC adopted these policies at its September 2024 meeting and now must adopt them again if the WAC wishes to continue to allow electronic meeting participation. Mr. Kronenberg stated that the law has not been changed since it was adopted last year. Mr. Kronenberg stated that the proposed policies in the meeting packet are identical to the policies adopted by the WAC at last September's meeting. A motion to approve the electronic meeting policy for all-virtual meetings was made and second. The WAC unanimously approved the motion. A motion to approve the electronic meeting policy for individual electronic participation was made and seconded. The WAC unanimously approved the motion.

## **ODW Staffing and Budget**

Mr. Roadcap provided an update on staffing and budget for the Office of Drinking Water (ODW).

Mr. Roadcap gave a federal budget update. Mr. Roadcap discussed the federal government is considering a continuing resolution and if one is not passed then the federal government can put a halt to grants. Mr. Roadcap stated that VDH has been preparing internally for this possibility. Mr. Roadcap stated the House of Representatives has passed a continuing resolution and the Senate has it under advisement. Mr. Roadcap stated that discussion seems to be around how long will the continuing resolution be for and not whether to have one.

Mr. Roadcap stated there is lots of funding for ODW positions through federal grants. ODW can use indirect cost recovery for administrative overhead. In the event of a federal government shutdown, VDH plans to use that indirect cost recovery to pay staff and is analyzing whether it can cover one or two pay periods. Mr. Roadcap noted that if the federal government shutdown went into November, then VDH would have to give a hard look at furloughs and other things. Mr. Roadcap stated that we think ODW will be okay but there are lots of unknowns as to what will happen with the federal budget.

Mr. Roadcap stated that the General Assembly gave the drinking water program about \$1.8 million in new money. A report is due to the General Assembly on October 1 regarding the intended use plan for that additional funding. Mr. Roadcap noted that ODW went through the discussions with the WAC and some reports sent to the General Assembly. Mr. Roadcap said ODW looked at the Office of the State Inspector General (OSIG) report and looked hard at a workload analysis done by CADMUS through the EPA from a couple of years ago with respect

to the drinking water program. The workload analysis was a key driver of the intended work plan. The workload analysis said ODW was 53 to 54 positions short of what is needed to implement the minimum requirements of the drinking water program. Mr. Roadcap said ODW has been working as best it can given its funding. Mr. Roadcap stated that he thinks ODW has done a good job given its funding and the General Assembly recognized that with additional funding this year.

ODW's plan, which is under executive branch review, is to add 16 positions to the program. ODW is starting to advertise positions. ODW has already hired an emergency planner, which is one of the positions. That position is focused on getting good contact information and communication with facilities and trying to do more planning for emergency events. ODW is trying to hire a position in compliance and enforcement, looking at centralizing some things as ODW has had success with some of that with centralized permitting. ODW thinks it can gain some efficiencies in centralizing some of the enforcement and compliance items. Mr. Roadcap noted there have been some incidents over the last year that placed renewed focus on compliance and enforcement. ODW is getting a procurement person as it needs additional support with procurement. ODW is looking to hire a manager position for the Sampling Verification Program, which was a product of OSIG analysis. OSIG said there is a trust element with systems taking samples but we want more independence and oversight of that sampling program so there is "trust but verify." This program makes sure waterworks are taking samples correctly. ODW is also trying to add technical specialists or engineers in the field offices.

Mr. Roadcap stated that the turnover ratio for ODW on a yearly basis is about 8%, which is relatively good. There is maybe an 18-19% vacancy rate that continues to weigh on ODW some. Currently, there are 23 vacancies. Mr. Roadcap stated that ODW is currently advertising for an executive administrative assistant position.

Mr. Roadcap stated that on the budget, he thinks ODW will be good through next year and if the General Assembly offers anything additional once ODW submits its report for intended use of the \$1.8 million, he hopes there will be consideration for additional resources to ODW.

Mr. Van Gelder stated that ODW should let the WAC know if the WAC Finances Committee needs to reconvene. He will leave it to ODW on whether reconvening the Committee is necessary.

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

#### ***Overview***

Mr. Roadcap provided an overview of what has happened with the two-hour reporting requirement since it went into effect on July 1, 2025.

Mr. Roadcap provided a list of events that led to the two-hour reporting requirement law being proposed, including the Richmond water crisis, an Orange County water odor event, and a warehouse fire in Emporia. Those events in particular raised awareness at the General Assembly about the need for communication to ODW about water events. That led to the new law, which beginning July 1 requires reporting within two hours of certain events. ODW staff developed a

policy and set up an emergency response process. From July to now, there have been 127 two-hour reports. Mr. Roadcap stated he has accepted all the phone calls after hours from the two-hour reports. He wanted to find out what kind of calls and reports ODW is getting. During this process, he came to understand that if there is a small impact – 50 customers or less – ODW does not need to know about that within two hours and those events can generally be reported the next business day. Mr. Roadcap provided examples of things that ODW does not need to know about within two hours, such as a business losing water but the business was closed. Mr. Roadcap stated that ODW is trying to apply a practical understanding about what the law requires. Mr. Roadcap stated that ODW is telling waterworks that the intent is not to send a Notice of Alleged Violation for not reporting within two hours, but ODW may tag it on to another violation if there was a more serious issue that should have been reported and was not.

Mr. Roadcap referred to a slide in the meeting packet with examples of unnecessary two-hour reports. Mr. Roadcap stated there have been some occasions where it was helpful to have the two-hour report. One example is a small town in Culpeper that got bad alum and were within hours of losing service. They got the ODW field office involved and looked at nearby systems to see if a temporary supply could be moved over. They had staff going to the manufacturer in Maryland to get the supply back. Another instance involved the City of Staunton where there was a major waterline break in a bad location. ODW helped the city manager and team there to get off the boil water advisory.

Mr. Roadcap discussed graphs contained in the meeting packet concerning two-hour reporting. He noted a consistent decrease in the number of two-hour reports over time. Mr. Roadcap discussed a graph showing the various causes of two-hour reports, noting that most of them are associated with line breaks. One example is losing pressure in an elevated storage tank and waterworks personnel have not located the water line break. They actively look for it and then eventually will report it was located and they are addressing the leak. Another big cause of two-hour reports is loss of power. There has been an increase in storms causing power outages leading to two-hour reports. A lot of the time these reports are from small businesses that are not open but feel compelled to do a two-hour report. That's where the 50 customers impacted threshold comes in. Another basis for two-hour reports is SCADA issues where a disconnect with SCADA arises with a tank and the plant. Usually, this does not result in a risk of widespread disruption, just loss of communication.

Mr. Roadcap addressed the graph showing what two-hour reports in fact needed to be reported within two hours and which did not (the “yes”-“no” graph). Mr. Roadcap noted nervousness in the waterworks community about getting a violation and that ODW has tried to emphasize that it is not issuing violations just for a reporting violation, but they can be included if there is another regulatory violation.

### ***Case Studies***

Robert Edelman discussed the two-hour “real world” reporting slides in the meeting packet. Mr. Edelman stated that if a boil water advisory is issued a two-hour report is required. In some cases, it may be a very small number of customers involved. Mr. Edelman discussed a situation where a water leak was discovered. The effect was limited, but because a boil water advisory

was issued a two-hour report was required. Mr. Edelman discussed a situation where there are two water treatment plants, but the whole system can be served by one. If the system demand was able to be met by only one plant, then it would not be a critical equipment failure or malfunction and would not need to be reported, but if it is essential that both plants are online and one could not meet demand by itself, that would be different.

Mr. Edelman discussed a situation with a water main break with a controlled shutdown. It was determined a boil water advisory was not needed so a two-hour report was not required. The key factor in not needing a boil water advisory was determining there was a low chance for contamination.

Mr. Edelman stated that if there is backflow into the distribution system, that is a contaminant release so a two-hour report is required. The scope of the affected area of a contaminant release is not considered in the law.

Dr. Ignatius Mutoti said he is not sure where the 50 connections threshold comes from and he asks if there is a distinction between community systems and transient noncommunity systems. Mr. Roadcap responded that the law says widespread disruption and does not reference the type of waterworks. Mr. Roadcap stated there is some discretion on ODW's side as the law requires reporting two-hour events to ODW so ODW has to determine an appropriate threshold for reporting.

### ***Guidance Document Update***

Grant Kronenberg provided an update on the status of the guidance document for two-hour reporting. Mr. Kronenberg stated that ODW modified the draft guidance document based on real world events since the law went into effect. The edits included simplifying the flow chart, making a specific reference to boil water advisories when it comes to pipe breaks, narrowing the scope of what is a "widespread disruption" to establish a general 50 connection standard, adding wholesale waterworks to the guidance on widespread disruptions, and revising for readability.

Mr. Kronenberg stated that after receiving feedback from stakeholders on the revised guidance document, ODW made still further revisions. The revisions included clarifying when a wholesale waterworks must report a loss of service, adding a reminder of the requirement to report pressure below 20 psi within 24 hours even if the event does not require a two-hour report, reiterating that a "chemical contaminant" does not require a health risk or concern, and removing the recommendation for consecutive waterworks to notify ODW when the system is informed of an event by a wholesaler.

Mr. Kronenberg stated that the guidance document is undergoing internal review within ODW and the next step after that is executive branch review followed by being posted on Virginia Town Hall for public comment.

Dr. Mutoti asked about the wholesale waterworks' responsibility to report service disruptions. Mr. Edelman responded that ODW wants communication and in one draft of the guidance document ODW had downstream waterworks notify ODW, but ODW struck that language on

the expectation there would be a conversation between the wholesaler and purchaser and an evaluation of what happens downstream.

### ***Monthly Operating Report Update***

Aaron Moses provided an update on Monthly Operating Reports (MOR) in the context of the two-hour reporting law. Mr. Moses stated the MOR process went into effect in the beginning of August. There were some hiccups that first month as some systems did not have to submit an MOR before. Also, Aqua reached out to ODW because it has a very large number of systems so ODW developed an automated process to help Aqua. Mr. Moses reported that things are going better overall in the second month. ODW can extract data from Excel spreadsheets to help waterworks with the data effort.

### ***Training, Outreach, and ODW Website Update***

Mr. Kronenberg provided an update on the two-hour reporting law resources on ODW's website. These include the reporting flow chart, a "Frequently Asked Questions" document, and a couple of recorded training webinars. Additionally, ODW's Capacity Development team is able to assist waterworks in reviewing standard operating procedures and implementing two-hour reporting requirements.

### ***Regulatory Amendments Update***

Jane Nunn provided an update on amendments to the Waterworks Regulations required by the new two-hour reporting law. Ms. Nunn said that regulatory amendments were drafted, feedback was received from the WAC, there were further internal discussions at ODW, and a final draft amendment was sent for VDH internal review. The final exempt process is being used to get the regulations approved within 90 days of the law going into effect. ODW received concurrence from the Office of the Attorney General that the proposed regulatory amendment satisfies the requirements of the exempt regulatory process. ODW expects the new regulation will go into effect around November 1.

### ***Question and Answer Period***

A question-and-answer period was provided for the WAC to raise questions and comments about the two-hour reporting law and ODW's implementation of it.

Skip Harper asked whether ODW wrote to every licensed operator to let them know about the new requirement. Mr. Roadcap stated that question goes to the webinars ODW provided to educate about the new requirement. Mr. Roadcap stated that larger systems developed internal reporting procedures. Mr. Roadcap thinks waterworks personnel were pretty conservative at the beginning in reporting events and he would give feedback when a reported event did not fit within the two-hour requirement. Mr. Roadcap noted that ODW had only from April until July 1 to figure out how to implement the new law. Mr. Harper stated he is surprised by the overwhelming compliance.

Geneva Hudgins asked whether there are more avenues to report than the 800 number that ODW has provided. Mr. Edelman stated that ODW directs waterworks to the 800 number, but waterworks can also call the ODW field office. Mr. Edelman noted that leaving a voicemail or sending an email to the field office does not satisfy the report requirement.

Mr. Roadcap stated that if he does not return the call from the 800 number, the waterworks personnel get nervous and start doing work arounds. Sometimes the person will call the call center back and the call center will let him know. Mr. Roadcap tries to remind people that calling is all they have to do, and the law is about reporting and not about the regulator returning the phone call. He has noticed people want to have a follow-up call.

Ms. Hudgins suggested having the Call Center tell the waterworks caller that they have met their obligation and will be contacted if ODW needs to do follow-up. Mr. Roadcap noted that the Call Center is supposed to pick up in two minutes, deliver a message to ODW within two hours using a phone tree that starts with Mr. Roadcap. Mr. Roadcap stated that the information the Call Center collects is limited. When people give the Call Center more detail, that is delivered to Mr. Roadcap, which is how he gets complete information and decides if he needs to call someone back.

Mr. Hiner asked about situations where the waterworks contacted the field office in person. Mr. Roadcap responded that event was with the ODW Culpeper Field Office. Mr. Roadcap noted that during normal business hours, and sometimes after hours, a report is made to the field office because there is an existing working relationship. Also, waterworks personnel use that cell phone connection they have with the field office if Mr. Roadcap does not make a connection with them after they report an event to the 800 number.

Dr. Mutoti stated that he thinks that the reduced risk of a Notice of Alleged Violation for just having a two-hour reporting failure will greatly alleviate concern and lessen over reporting. Mr. Roadcap agreed that is probably happening too.

Mr. Van Gelder suggested updating the two-hour page to have standalone language on contacting ODW to report a two-hour event. Mr. Roadcap stated ODW can look at updates on that point.

### **Lead and Copper Rule Update**

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

Mr. Edelman discussed a slide on lead service line inventory statistics. There are now 12 waterworks that have not submitted their inventory, down from 250 waterworks. EPA is enforcing on 13 systems, having sent enforcement orders to community systems that had not submitted the inventory. Water systems continue to update their inventory and the number of unknown lines is dropping. There have been some systems that have revised their inventory and now have zero lead service lines, so he has asked the ODW field offices to do some checking on that. There are now 24 systems with lead service lines. The number was 28.

Mr. Edelman stated that ODW is encouraging systems to prepare now for the Lead and Copper Rule Improvements. The biggest lift will be with the baseline lead service line inventory. The priority now is identifying the unknowns. If a waterworks identifies unknowns it will save time, money, and heartache as unknowns must be replaced after 2027.

Mr. Edelman stated that EPA has provided a definition of connector and he discussed the accompanying slide with the definition. It is a transition from the water main in the street to the service line and is not considered part of the service line, so it does not make the service line lead or GRR.

Mr. Edelman stated the requirement is that water systems need to look through records to discover if they show the presence of connectors or not. There is a long list of records that need to be reviewed. Mr. Edelman discussed connector classifications.

Mr. Edelman recommended that systems work on a service line replacement plan now as it is required for waterworks with lines that are lead, galvanized requiring replacement, and unknown. He said that some of it can be covered in a template and the heavy lift will be funding and communication strategies. Waterworks need to communicate to customers about service line replacements that will be required and that is something that should be worked on now by waterworks.

Mr. Edelman said that tiering of sample locations for lead and copper tap samples is also being modified and he discussed the slide on this topic.

Mr. Edelman said some systems will need to return to standard monitoring of two six-month rounds. Systems with lead and/or galvanized requiring replacement service lines will need to plan and budget for it as standard monitoring starts in January 2028. There is a possible out if the waterworks has already identified their lead and galvanized requiring replacement service lines and are following LCRI tap sampling requirements, including first and fifth liter samples, now. Mr. Edelman is not aware of any waterworks doing that yet, though. Systems that exceeded the revised lead action level or copper level before November 1, 2027, also qualify for standard monitoring. Some systems fall into that today.

Mr. Edelman noted that consumer notifications will be a heavy lift and waterworks will have to prepare for that now. Waterworks will need a new business process to address consumer notifications. One thing that will take a lot of effort is notice of service line disturbances for those with lead, galvanized requiring replacement or unknown service lines. This is a reason why waterworks want to classify their unknowns as non-lead if possible.

Mr. Edelman stated that LCRR also requires Tier 1 PN after lead action level exceedance.

Mr. Edelman stated that customer-requested sampling will be a significant effort for water systems. Systems must offer to sample for lead for anyone who requests it if there was a lead action level exceedance or the consumer is served a service line that is lead, galvanized requiring replacement, or status unknown. Labs will need to be set up for these one-off sampling events.

There is no requirement for waterworks to pay for the sampling so the lab must be ready to receive payment from one-off customers and report the results to the system and the state. Waterworks will need to figure out how they will work this process with the lab. Waterworks will also have to prepare consumer notices of tap sampling results.

### **PFAS Update**

Bailey Davis provided a PFAS update.

Mr. Davis stated there have been legal challenges to the PFAS rule and he discussed slides related to the litigation challenges. On September 11, 2025, EPA filed a motion to partially vacate the PFAS rule. This follows EPA's plan to vacate the maximum contaminant level (MCL) and the maximum contaminant level goal (MCLG) for PFHxS, PFNA, HFPO-DA (Gen-X) and the Hazard Index, so EPA would only regulate PFOS and PFOA. EPA says it could pick the other PFAS chemicals back up in a later regulatory action if they decide to do so.

Mr. Davis said that while EPA intends to rescind the regulations, they are in place until then. ODW is following the current requirement until there is a new rule. The intention is to extend the compliance deadline from 2029 to 2031. EPA says it will have a proposed rule this fall and finalized rulemaking in spring 2026.

Mr. Davis stated that UCMR5 data has been coming in. He discussed data findings contained in the slide. Labs will need to reprocess some of their data to see if they want to use it for initial monitoring and the rule. EPA has contact labs for small system data and reprocessed that data and ODW has received the reprocessed data. ODW is in the process of transitioning it to SDWIS. Medium and large systems were asked to contract with the labs performing their UCMR data and reprocess that data if they intend to use it for initial monitoring.

Mr. Davis discussed information on slides concerning the number of systems that have a full set of results by system size, and the percentage of systems with averages in excess of the MCL by system size. PFOS and PFOA are the drivers of exceedances. For Gen-X chemicals, only one large system and one medium system exceeded. Mr. Davis noted that about 15% of large systems exceeded and 8.4% of medium systems. The estimated nationwide amount is 8.5%. When the rule was originally released, EPA thought 10-12% would exceed, so the data is showing it is a little lower than anticipated. This estimate is based on the waterworks that have reported UCMR data.

Mr. Davis said that ODW is accepting data through CMDP from labs. ODW has a Laboratory FAQ on the ODW website with information and labs should reach out to ODW's lab tech liaison with questions.

Mr. Davis discussed additional ODW initiatives on PFAS, discussing a slide on the topic. This includes a new Environmental Health Coordinator for ODW. Mr. Davis noted that a webinar from August 25, 2025, is posted on the ODW website and focuses on regulations, sampling, and initial monitoring requirements. The Phase 4 sampling plan for 2026 is focused on small waterworks. A data tool was developed for systems that want to know if what they have done

meets the initial monitoring requirements. VDH is collecting and about to submit data to DEQ about PFAS levels. Additionally, ODW is looking at an extension for the primacy package with EPA based on EPA's intent to change the regulation. ODW plans to hire a project analyst to assist with PFAS-related project funding.

Dr. Mutoti asked what does EPA's action mean when it comes to PFAS removal by waterworks. Mr. Roadcap stated that he does not think it changes for the monitoring period because systems still have to monitor for the six compounds. Also, EPA may get sued for removing regulation of certain compounds. Mr. Davis stated that the initial monitoring period is still in place. Waterworks still have to collect two or four samples for submission in April 2027. There is the potential they will not have to submit all the compounds originally proposed in rule, but PFOA and PFOS will have to be monitored even if EPA is able to change course. Mr. Davis said that it is essentially status quo for the waterworks. If there is an extension to the compliance deadline, it will give waterworks two additional years if they are exceeding MCLs during the initial monitoring period. If it is extended to 2031, it probably means there is also a reduction in the compounds required for compliance.

Dr. Mutoti asked what about those facilities moving forward with design and implementation of PFAS removal. Mr. Davis said the data is showing statewide that if there's an exceedance of one of those compounds intended to be dropped from the rule, there are also exceedances of PFOA or PFOS. There were only two systems that have an exceedance that does not also include a PFOA or PFOS exceedance. Mr. Davis stated that the waterworks community should be moving forward with treatment, taking samples, and understanding the scope of the problem for their system. The data suggests that if there is a change to the rule, it will not have as much impact as thought.

Ms. Hudgins asked whether Virginia is in the same range as the national data – 8.5%. Mr. Davis said Virginia is higher, but the data Virginia has to compare with are from PFAS initiatives and some of those were based on identified contamination sites so the results are somewhat biased from that. Once ODW gets initial monitoring data from systems that have not submitted yet then there will be a clearer view. Last he checked, Mr. Davis thinks Virginia is at 13% for exceedance.

### **ODW Website Update**

Mr. Kronenberg provided an update on the ODW website.

The ODW website committee has cataloged the entire website, removing old/duplicate information. As a part of that effort, ODW decided to redesign the website's landing page for a fresher look and easier navigation. Anyone visiting the ODW website will be able to navigate directly to what they are looking for from the home page via the hot topics banner, drop down menus, or subject buttons. ODW expects to have it forward-facing prior to the next WAC meeting. ODW leadership has been briefed on the demo version and provided unanimous support.

Mr. Kronenberg also mentioned the cybersecurity and emergency management survey that ODW sent out late last year and earlier this year. ODW has been reviewing the results and posted notable findings on ODW's cybersecurity webpage. Cybersecurity will likely be a topic for a future WAC meeting.

### **Regulations Update**

Jane Nunn provided an update on the Waterworks Regulations.

Ms. Nunn stated that PFAS is on hold until the court cases have been settled. ODW will be requesting a primacy extension, which is two years since that went into effect.

Ms. Nunn stated that ODW is working on amendments related to LCRR and LCRI. ODW has received the primacy package from EPA. Despite the court case, ODW plans to hold fast to LCRI. ODW needs to request another extension due to the delay from the court cases. ODW received one extension to December this year and probably will ask for at least another extension of a year or maybe two years.

On the Consumer Confidence Report Rule Revisions (CCR3), ODW decided to split this package from PFAS because ODW cannot wait for PFAS. In revising the Waterworks Regulations, ODW will work around language on CCR3 about PFAS and LCRI so it will work with those regulations when they are finalized. ODW will send EPA a copy of ODW's CCR3 regulations for preliminary approval so ODW can move forward with the state regulatory process.

Ms. Nunn stated that thanks to the dedicated work of field directors and some in central office, the proposed amendments to the Waterworks Regulations from the periodic review process have been completed internally. ODW has already presented everything to the WAC except for regulatory reduction, which has been discussed with the ODW field directors. ODW prepared a Notice of Intended Regulatory Action (NOIRA) and it has been sent for internal review in VDH. Once that is through it gets posted on Town Hall. Meanwhile, ODW will work on the proposed regulation stage, which follows the NOIRA. Ms. Nunn stated that ODW is probably looking at 6-9 months until it gets the regulations approved after that.

Ms. Nunn said that regulatory amendments for mandatory reporting under two hours should get done by October 1.

Mr. Van Gelder asked if input is needed from the WAC on the regulatory reduction aspect. Ms. Nunn stated that ODW made changes to reflect technological changes, repetitive items, requirements elsewhere, or other things that are just outdated.

### **Compliance and Enforcement Update**

Mr. Kronenberg provided a compliance and enforcement update.

Mr. Kronenberg stated a revised Enforcement Manual was posted on Town Hall for public comment in August. Feedback was received from Mission H2O and the Virginia Municipal Drinking Water Association. ODW extended the effective date of the revised Enforcement Manual by 30 days in order to consider the feedback.

Mr. Kronenberg discussed the third quarter Enforcement Targeting Tool report from EPA. Six systems are on the list and considered to be “serious violators” by EPA. Of those, all six are either back in full compliance, not currently operating, or under an administrative order. There are five systems under the current “real-time” Enforcement Targeting Tool Assistance that would be a “serious violator” based on their score.

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

Aaron Moses provided a plan review and data management update.

Mr. Moses stated that the ODW plan review department is short staffed, but is still reviewing permits. Mr. Moses stated that general permits give authority to issue owners construction permits for certain projects.

Mr. Moses stated that ODW is testing a new piece of GEC software called project tracker to replace SWEPT. One aspect of that is a portal for project submission. Also, work is ongoing with field office personnel on a new SOC waiver application process that was implemented this year. It uses an online form to streamline things for staff so they have everything they can consider in one place and over 1,200 applications have been received already. Systems find it easier to use than the prior paper-based process.

Mr. Moses stated that ODW is working on a new process for monitoring/reporting violations. It is part of looking at centralizing some compliance and enforcement processes. It will also help ODW be more consistent in issuing those violations.

Mr. Moses stated that Ms. Nunn is leading a committee looking at document management software that will help replace some existing GEC software.

Mr. Moses stated there have been a few minor updates to Drinking Water Viewer, but nothing newsworthy.

### **Public Comment**

None.

### **Other Business**

Ms. Wortzel stated that DEQ has a water supply planning regulation out for public comment. She noticed that several aspects of it impact VDH and asked whether VDH is reviewing it and does VDH plan to comment. Mr. Roadcap stated he is not aware of anything on that. Mr. Weedon said there has not been coordination on it between DEQ and VDH. Mr. Weedon said

there is still time to provide input and he can work on that with ODW directly or go to Town Hall. Ms. Wortzel stated that it is very good guidance and comprehensive, and she thinks it would be good for ODW to look at it.

Mr. Kronenberg stated that the next WAC meeting still needs to be scheduled. He noted that it will be virtual and three new appointments to the WAC are expected to be made soon, so they will all be included in the poll. Mr. Kronenberg also stated that ODW is moving forward with recommendations for WAC appointments to the Commissioner.

Mr. Van Gelder adjourned the meeting at approximately 11:40.