

## **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.

## **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.

## **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

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

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

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.