

**Attachment 1A
MEETING SUMMARY
JOINT MEETING OF
DIRECTORS OF UTILITIES COMMITTEE
DIRECTORS OF HEALTH
June 6, 2012
Chesapeake**

1. Summary of the May 2, 2012 Meetings of the Directors of Utilities Committee

The following correction was made under item 5, Staff Reports (deletion indicated by strikethrough text; addition indicated by bracketed text):

- **Groundwater Reuse [Recharge] Technical Advisory Committee (TAC):** HRPDC staff provided a presentation summarizing the key issues being considered by the groundwater reuse technical advisory committee (TAC). The TAC is a precursor to the initiation of any regulatory process and regulatory advisory committee.

ACTION: The summary of the May 2, 2012 meeting of the Directors of Utilities Committee meeting was approved as corrected.

2. Summary of December 7, 2011 Joint Meeting of the Directors of Utilities Committee and Directors of Health

There were no comments on, or revisions to the summary of the December 7, 2012 meeting.

ACTION: The summary of the December 7, 2012 joint meeting of the Directors of Utilities Committee and Directors of Health was approved.

3. Uranium Mining Study Results

Mr. Tom Leahy, City of Virginia Beach Public Utilities Director, briefed the Committee on the findings of the City's February 2012 report, *Potential Impacts of Uranium Mining in Virginia on Drinking Water Sources, Phase II Assessment* (see http://www.vbgov.com/government/departments/public-utilities/Documents/20120210-PUT-Uranium-Mining-Project_PhaseII_FinalReport.pdf). A copy of the presentation is attached. A similar briefing was also presented by Mr. Leahy to the Virginia Beach City Council on June 5, 2012.

Mr. Leahy summarized the proposed mining activity and location; the hydrologic setting and climate issues; the findings of two economic studies, the National Academy of Sciences (NAS) study, and the Virginia Beach modeling study; and the City's position opposing uranium mining. Mr. Leahy noted the differences between the original and the

current mining proposal and emphasized the point made to the Virginia Beach City Council: Virginia Uranium is not bound by any plan, and mining economics, the price of uranium, and regulations at the time will dictate the alternative pursued by the company. Mr. Leahy reviewed the model assumptions in the City's study, then played video clips showing different model simulations of the movement of pollutant plumes in the water column in Kerr Lake and Lake Gaston after tailings were discharged to the Bannister River. Simulations were run over multi-year wet and dry periods following the release. The Committee discussion is summarized as follows:

- The federal Nuclear Regulatory Commission (NRC) is the agency that administers regulatory requirements for containment cells and disposal sites; the NAS study notes that the NRC has no experience implementing the regulations in areas like Virginia that are subject to wet climates and high precipitation events.
- Although Virginia Uranium is proposing below-grade tailings disposal, past studies indicate that below-grade disposal is infeasible due to shallow groundwater and groundwater flow.
- In an event that contaminated water is introduced into the Hampton Roads water supply via the Lake Gaston pipeline to Norfolk's reservoir, water utilities would be required to advise customers, however, VDH regulations do not prohibit use as long as the water is treated to safe drinking standards. The VDH Office of Drinking Water, VDH Epidemiology, DEQ, other agencies, and the Governor's office would need to develop a state response effort for such an event. Some discussions with VDH, DEQ, and the Attorney General's Office have already occurred, and a subsequent report was sent to the Governor's office.
- Clean Water Act issues would be at the forefront in the event of a release. Given the anticipated political and public reaction, any technical information provided by utilities assuring the safety of the regional water supply would likely be overwhelmed by negative public perception. A study currently being completed indicates that any contaminants introduced into Norfolk's reservoir system would likely be diluted to within water quality standards, and the water treatment plant process would further remove contamination.
- If a tailing release occurs, it is anticipated that the City of Virginia Beach would have to shut down the City's intake, as pumping would cause the pollutant plume to move up into the tributary creek where the intake is located. Also, even if pumping were to continue, the City does not have NPDES permits to discharge materials like uranium, thorium, and radium to the reservoir.
- The Governor's Task Force is working on a state regulatory framework for uranium mining, and it is expected that the issue will come up again for General Assembly vote in 2013.

There was no formal action on this item by the Committee. A recommendation was made to the Virginia Beach City Council on June 5, 2012 to update and reaffirm its opposition to uranium mining in Virginia, and Council is expected to adopt a formal resolution stating as such on June 12, 2012. The City is likely to ask other Hampton Roads localities to do the same.

ACTION: No action.

4. Regulatory Update

Mr. Dan Horne, Virginia Department of Health (VDH), Office of Drinking Water (ODW), advised the Committee of recent VDH staffing changes. Regarding regulations, he noted that VDH has full primacy for the Safe Drinking Water Act as of April 26, 2012. Regarding the Long Term 2 Enhanced Surface Water Treatment Rule for control of microbial pathogens, Mr. Horne summarized issues discussed at 2011 and 2012 EPA-hosted stakeholder meetings, which included monitoring requirements for *Cryptosporidium* and enforcement actions for uncovered finished water reservoirs. He noted that utilities should anticipate the announcement of a third stakeholder meeting regarding revisions to the bin classifications.

Mr. Horne also presented a summary of the final Unregulated Contaminant Monitoring Rule 3 (UCMR 3), including EPA's implementation of the rule and issues regarding the detection and analysis of hexavalent chromium and the expansion of monitoring requirements to include consecutive systems. A copy of his presentation is attached. Mr. Horne reviewed the development of UCMR 1, 2, and 3, and noted that UCMR 3 is an EPA "direct-implement" rule and that VDH's role will be very limited. The Final Rule was published on May 2, 2012 and EPA has begun contacting waterworks regarding implementation. As UCMR 3 includes hexavalent chromium, Mr. Horne provided a summary of the issues related to monitoring, including the lack of understanding of the chromium 3 - chromium 6 relationship and species removal, concerns regarding the analytical methods, and inconsistencies in lab performance and technology.

During Committee discussion, it was noted that some utilities have been receiving customer inquiries regarding chloramines and chloramine by-products. Although the opinion in circulation is that chloramines cause health problems, there is no supporting evidence. At this point, the EPA and Virginia are not changing regulations. It appears that the chloramine inquiries and complaints come from the same segment of the population that has expressed concerns over fluoride. There was no formal action on this item.

ACTION: No action.

5. Sanitary Sewer System Asset Consolidation Study

The initial steering committee meeting for the Sanitary Sewer System Asset Consolidation Study was held on May 7, 2012. HRSD met with EPA on May 14, 2012 regarding the federal Consent Decree. Mr. Ted Henifin, HRSD, summarized the meetings, noting that EPA was generally receptive to the idea of the consolidation study. HRSD sent EPA follow-up correspondence detailing the proposed study and schedule. With respect to the RFP, the May 30, 2012 pre-proposal conference was well attended, and the steering committee is developing proposal evaluation criteria and will participate in the selection process. There was no formal action on this item.

ACTION: No action.

6. Staff Reports

Staff Reports are summarized below:

- **Fats, Oils, and Grease (FOG) Ordinances:** The May 2012 updates provided by utilities regarding the status of FOG ordinance adoption are summarized and provided to the Committee as agenda Attachment 6A.
- **June 14, 2012 Directors of Utilities Committee Special Meeting:** HRPDC staff is preparing materials to support the work program discussion and will distribute materials prior to the meeting.
- **Hampton Roads Water Quality Response Plan:** HRPDC is compiling the 2012 update of the emergency contact list. Responses from utilities were requested by June 15, 2012. The updated list will be distributed to the Committee upon completion.
- **UASI Water Supply Assessment and Emergency Response Training Project:** HRPDC Staff thanked the Committee for participating in the May 23-24, 2012 table top training exercises for the Urban Areas Security Initiative (UASI) Water Supply Assessment and Emergency Response Training project and summarized the next steps in the water sector assessment project, including a planned briefing from the Virginia Fusion Center at the September 5, 2012 Committee meeting.

ACTION: No action.

7. Roundtable Discussion

The roundtable portion of the meeting is summarized below:

- It was agreed that the effectiveness and objectives of the Hampton Roads Water Quality Response Plan will be discussed at the December 5, 2012 joint meeting of the Directors of Utilities Committee and Health Directors.
- In response to a question regarding obtaining a list of restaurant facilities, HRPDC staff was directed by VDH representatives to contact the VDH Office of Environmental Health Services to request relevant information from the VENIS permitted facilities database.

ACTION: No action.