

Attachment 1A
MEETING SUMMARY
DIRECTORS OF UTILITIES COMMITTEE
May 2, 2012
Newport News

1. Summary of the April 4, 2012 Meeting of the Directors of Utilities Committee

There were no comments on, or revisions to the summary of the April 4, 2012 Committee meeting.

ACTION: The summary of the April 4, 2012 meeting of the Directors of Utilities Committee meeting was approved.

2. Virginia Water and Wastewater Agency Response Network

Mr. Clarence Warnstaff, Virginia Water/Wastewater Agency Response Network (WARN), updated the Committee on the growth of the Virginia WARN program over the past few years. He summarized member utilities, the Virginia WARN mutual aid agreement, program website, and the benefits of membership. He asked utilities who are not part of Virginia WARN to review the program website and materials and consider membership.

During the Committee discussion, member utilities urged non-member utilities to consider the program. At the Committee's request, Mr. Warnstaff recounted the nature of past requests for information and assistance that came through Virginia WARN's network. It was noted that, in addition to serving as a statewide assistance resource, WARN's format is helpful in seeking FEMA reimbursement, and assistance through WARN does not require a statewide emergency declaration.

ACTION: No action.

3. Sanitary Sewer System Asset Consolidation Study

Mr. Ted Henifin, HRSD, provided an update on the efforts to pursue the Sanitary Sewer System Asset Consolidation Study. It was clarified that the initial request for designation of representatives to serve on a regional steering committee went to the Chief Administrative Officers, and an additional request was sent to Utility Directors. Several utilities indicated their intent to be at the May 7, 2012 kick-off meeting with a finance staff person from their respective locality.

At the May 7th meeting, the committee will determine a meeting schedule and formulate the study's request for proposals. It was noted that HRSD is meeting with EPA and the Department of Justice on May 14, 2012 regarding the federal Consent Decree. The outcome of this meeting will influence further pursuit of the consolidation study.

Mr. John Carlock, HRPDC Deputy Director, will listen to the EPA/DOJ meeting via conference line.

ACTION: No action.

4. Subcommittee Report

- **Capacity Team:** The Committee discussed recent Capacity Team activities, communications with DEQ, the lack of consensus on the proposed Minor Revision No. 2 to the Regional Technical Standards, and concerns regarding capacity assessments, hydraulic loading of the model, and relationship between peak flow commitments and flow agreements. HRSD will prepare draft flow agreements for review and discussion by the Capacity Team.

5. Staff Reports

- **Groundwater Reuse 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.
- **UASI Water Supply Assessment and Emergency Response Training Project:** HRPDC staff distributed the invitations for the May 23-24, 2012 table top training exercises for the Urban Areas Security Initiative (UASI) Water Supply Assessment and Emergency Response Training project.
- **Special Meeting on June 14, 2012:** The Committee discussed the upcoming work program meeting purpose, the format, and topics for discussion. HRPDC staff will prepare and distribute background information as requested.
- **H2O - Help to Others Program:** Drinking Water Week, May 6-12, 2012, will include daily askHRgreen.org trailer events at locations throughout the region and fundraising events for the H2O – Help to Others program with Twisted Sister Cupcakes and Buffalo Wild Wings. Also, the “Tap It” application for mobile devices will be launched, allowing users to locate nearby restaurants that will fill reusable water bottles.

ACTION: No action.

6. Other Business

- **Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges Resulting from the Application of Pesticides to Surface Waters:** Information regarding the State Water Control Board’s notice of intent to amend and reissue a VPDES general permit for discharges from pesticides applied directly

to surface waters was provided to the Committee in the agenda. There was no discussion.

- **Topics for June 6, 2012 Joint Committee Meeting with Health Directors:** The Committee discussed topics for the June joint meeting with the Health Directors. HRPDC staff notified the Committee of the potential for a briefing by DHS on their plans to conduct a regional infrastructure resiliency study. The Committee expressed concern over the usefulness of such an effort and expressed reluctance to participate in the study unless more compelling information was provided. Other suggestions for meeting topics included a briefing by Virginia Beach on the results of uranium mining studies and a briefing by VDH Office of Drinking water on the final revisions to the Unregulated Contaminant Monitoring Rule (UCMR 3) for public water systems and the analytical method for detection of hexavalent chromium.
- The Committee held roundtable discussion and shared information regarding the use of technology for remote radio meter readings and future utility rates. In general, utilities have assessed remote radio meter reading technology as not cost effective. Regarding utility rates, some localities are proceeding with increases in water fees or rates, while others have planned increases for wastewater fees/rates. The Committee discussed commonalities including decreased/flat sales and increased fixed costs.

ACTION: No action.

Committee Meeting Sign-In Sheet
 May 2, 2012

Attachment 1B

Locality/Agency	Representative	Representative	Representative	Representative
HRSD	Ted Henifin			
Chesapeake	Bill Meyer			
Franklin				
Gloucester	Martin Schlesinger			
Hampton	Jason Mitchell			
Isle of Wight				
James City County	Larry Foster			
Newport News	Brian Ramaley			
Newport News	Reed Fowler	Everett Skipper		
Norfolk	Kristen Lentz			
Poquoson	Ellen Roberts			
Portsmouth	Bryan Foster			
Smithfield				
Southampton				
Suffolk	Al Moor	Craig Zieseemer		
Surry				
Virginia Beach	Tom Leahy			
Williamsburg				
Windsor				
York	Brian Woodward			
HRPDC	Whitney Katchmark	Julia Hillegass	Tiffany Smith	
HRPDC				
New Kent				
DEQ				
EPA				
USGS				
VDH				
VDH				
AECOM				
AquaLaw				
Brown & Caldwell				
CH2M-Hill				
Christian Barton				
CNA				
Hurt & Proffitt, Inc.				
McGuire Woods				
REMSA				
Troutman Sanders				
Virginia WARN	Clarence Warnstaff			
URS				
Watermark Risk Management				
Private citizens	Jim Walski			



Utilities Helping Utilities Before, During, and After Disaster **WARN**

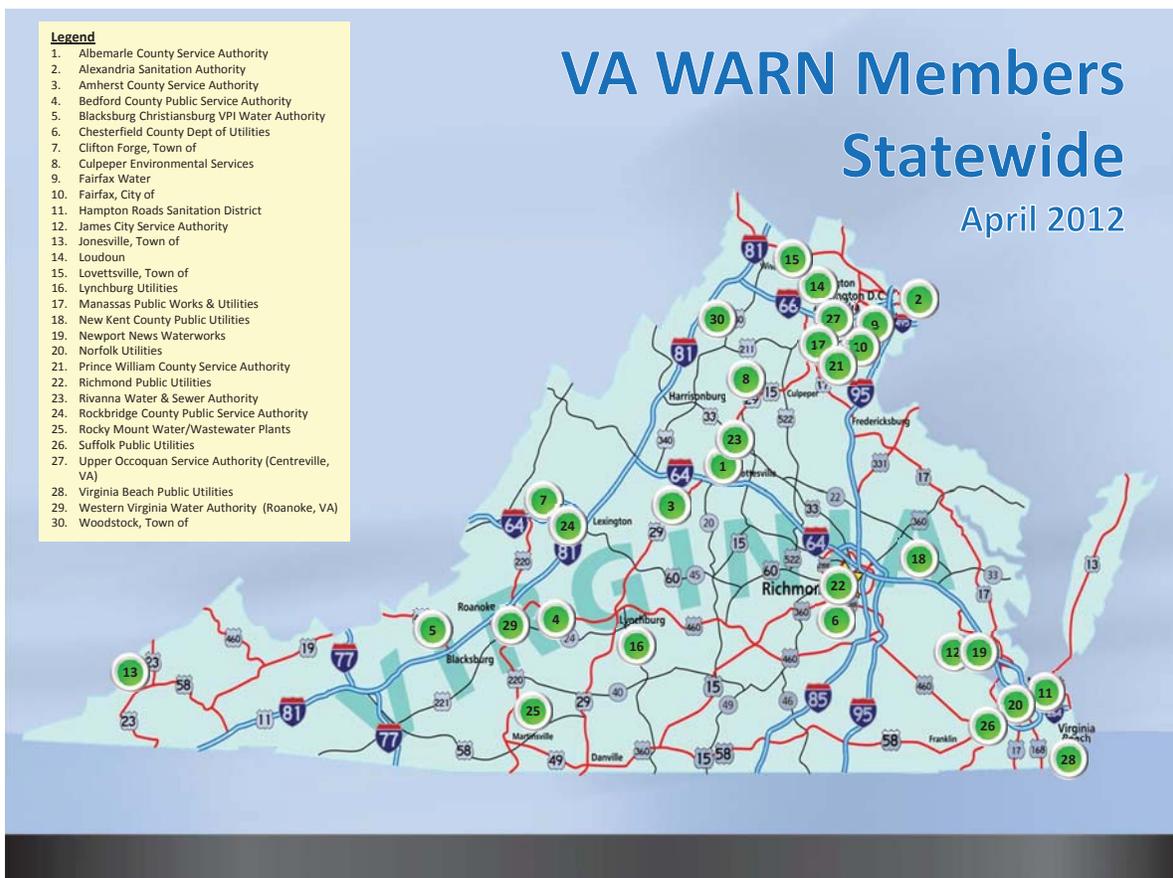
**Water/Wastewater Agency
Response Networks**

Committee Members

- **Tim Mitchell-Lynchburg**
- **Jerry Higgins- Blacksburg Water Authority**
- **Clarence Warnstaff-Baker**
- **Craig Ziesemer- Suffolk**
- **George Hoke-Fairfax Water**
- **Tim Mitchell-Lynchburg**
- **Bob Steidel-Richmond**
- **Scott Shirley-WVWA**
- **Robert Forgione- UOSA**
- **Bruce W. Husselbee HRSD**

Committee Members

- Kathi Mestayer -KMA Consulting
- Michael Lynn- Charlottesville
- Terry Legg- Whitman Requardt
- Jeffrey Pratt- Alexandria S A
- Myrica W. Keiser- VRWA
- Michael A. Nelson VDEM
- Mark Anderson- VDH
- Jason Spicer- DEQ

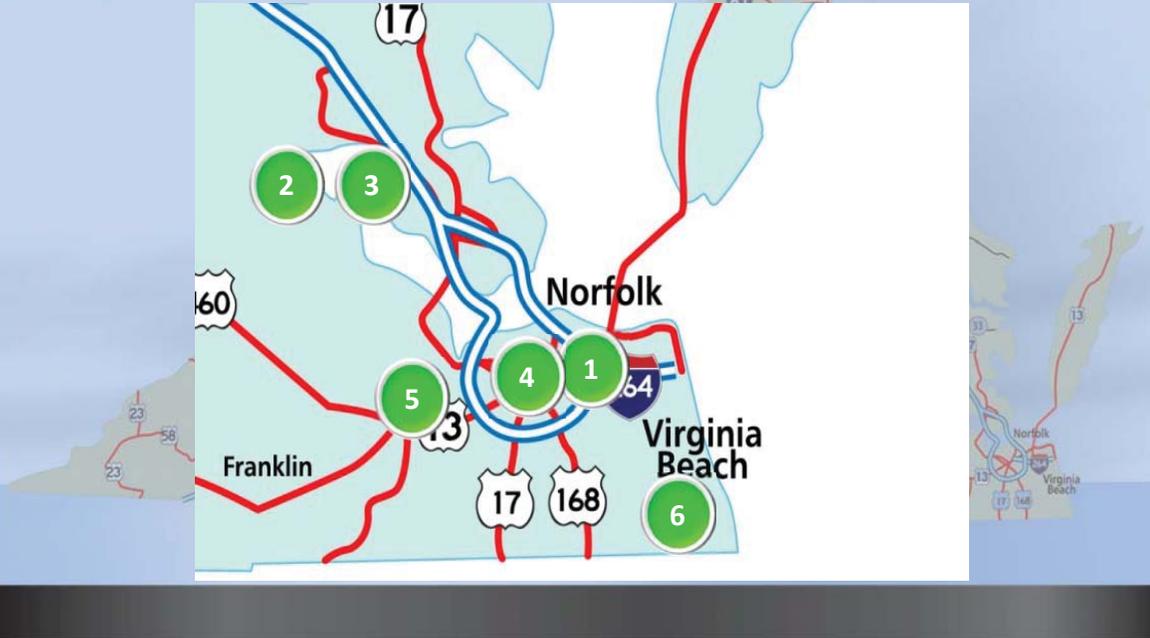


Legend

- 1. Hampton Roads Sanitation District
- 2. James City Service Authority
- 3. Newport News Waterworks
- 4. Norfolk Utilities
- 5. Suffolk Public Utilities
- 6. Virginia Beach Public Utilities

VA WARN Members Hampton Roads Area

April 2012



Update on Groundwater Recharge TAC

Directors of Utilities Committee
May 2012

Significant, unresolved Issues

- Are existing state and federal programs adequate to regulate groundwater recharge?
- Can or should a groundwater classification system be created?
- Should the State promote recharge or be silent/allow recharge?

Are existing regulations adequate?

- EPA's UIC program covers all injection wells.
- VDH programs cover septic and land application.
- DCR programs cover stormwater infiltration basins.
- Only recharge option not covered is Rapid Infiltration Basins (RIBs).

- UIC program requires injections into potable aquifers to meet SDWA MCLs.
- TAC discussed whether regulations should address:
 - micro-constituents
 - impacts to aquifer capacity
 - nitrogen, phosphorus, dissolved oxygen, etc.

Groundwater classification system

- As long as "potable water supply" is considered a reasonable use for all groundwater in Virginia, Code does not support use-based classification system.

- Not all state programs seem to follow anti-degradation standard.

- Difference between protecting aquifer as a source of drinking water vs meeting drinking water standards.

Promote or allow recharge?

- TAC discussed revising the Water Reclamation and Reuse Regulation to recognize groundwater recharge as indirect potable reuse.
- RIBs currently under SCAT (disposal regs); excluded from Reclamation and Reuse regulation. TAC recommends eliminating exclusion.
- If State is discouraging surface water discharges (related to TMDLs), then it needs to clearly identify recharge options and conditions for implementation.

Attachment 2A
JOINT MEETING SUMMARY
DIRECTORS OF UTILITIES COMMITTEE
DIRECTORS OF HEALTH
December 7, 2011
HRPDC - Chesapeake

1. Summary of November 2, 2011 Meeting of the Directors of Utilities Committee

There were no comments on, or revisions to the summary of the November 2, 2011 Committee meeting.

ACTION: The summary of the November 2, 2011 meeting of the Directors of Utilities Committee meeting was approved.

2. Summary of June 1, 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 June 1, 2011 joint meeting of the Directors of Utilities Committee and Health Directors.

ACTION: The summary of the June 1, 2011 joint meeting of the Directors of Utilities Committee and Health Directors was approved.

3. UASI Water Supply Assessment and Emergency Response Training Project

Mr. Joel Silverman, CNA, updated the Committee on recent project activities and upcoming milestones. Most data collection activities and interviews with utilities, public health, and emergency management sectors were completed in September and October 2011. The project team will present the preliminary analysis of trends and interdependencies to the Committee for discussion in February.

The project team is also developing tabletop exercises to be held on May 23, 2011 for Southside utilities and on May 24, 2011 for Peninsula utilities; exercises will likely be held from 9:30 a.m. to 3:30 p.m. at locations to be determined. Mr. Silverman noted that the intent of the exercises is to provide a meaningful and realistic environment to validate preliminary trends and identify any new trends and/or relationships. He introduced Mr. Pete Sommer, who will be facilitating the exercises. The project team will be requesting comments from the Committee on a straw man of the exercise at a future meeting.

ACTION: No action.

4. International Paper Groundwater Withdrawal Permit and State Water Supply Plan Update

Mr. Scott Kudlas, Director of the Office of Surface and Ground Water Supply Planning, Department of Environmental Quality, briefed the Committee on 1) groundwater-related issues and 2) development of the State Water Resources Plan.

Groundwater-related issues:

- Groundwater Regulations: Draft amendments to the groundwater withdrawal regulations passed the administrative review process, but have yet to be released by the Governor's office. It is unclear whether new legislation will be proposed before the end of the current term.
- Norfolk's Draft Ground Water Withdrawal Permit: DEQ issued public notice of the availability of the City of Norfolk's draft permit (see <http://www.deq.virginia.gov/gwpermitting/>). Comments have been received thus far from VDH. Pending resolution of comments, it is likely that Norfolk's permit will be issued. As a consequence of issuance of the final permit, DEQ will assume that the City of Norfolk will be honoring existing contracts for water sales to other localities. Localities with such contracts should be advised that water available to the locality through an existing contract with Norfolk will be considered in the evaluation of any future locality application for withdrawal. Water available through a contract would be considered an available source by DEQ – not a replacement source.

There is potential for 2 mgd of water to become available based on Norfolk's revised permit; DEQ would consider public water supply as the priority for use of that water.

It was clarified that DEQ updates the groundwater model files each time a new permit is issued. Therefore, the updated withdrawal profile, inclusive of all permitted withdrawals, is applied to the coastal plain for each model run.

- Status of International Paper's Ground Water Withdrawal Permit: Prior to announcing closure of the Franklin plant, International Paper (IP) sent correspondence to DEQ requesting to renew the facility's permit. As part of the reapplication process, IP requested that the current permit be continued/held open until IP could resolve the future use of the site. DEQ agreed to continue the permit. IP completed all necessary due diligence to create a "permit shield" and announced closure of the plant. Since then, IP has been assessing alternatives for use of the site. DEQ had refused to accept the company's initial proposal to sell the site and transfer the groundwater withdrawal permit to the future owner. During the summer of 2011, the media reported on Governor's Opportunity Fund money to be used to reopen up to three production lines at the Franklin plant for the production of tissue and fluff pulp. Because manufacture of these products requires less water, DEQ instructed IP to amend the permit application. Preliminary figures were provided by IP, and DEQ is currently negotiating the

permit with the goal of reducing withdrawals as much as possible. The public notice of the draft permit, tentatively anticipated in March 2012, will provide opportunity for comment.

The Committee's questions and discussion are summarized below:

- Given the required technical analysis, it is unlikely that any withdrawal of 20 mgd or more in the coastal plain could be found acceptable according to the 2005 DEQ policy requirements.
- It has been made clear to IP and the administration that the cone of depression associated with such a large permitted withdrawal will affect many, and that all affected well owners may file mitigation claims. It is not yet resolved whether a permit re-issuance date in 2012 will require liability for mitigation claims from all existing permittees.
- The recovery of the aquifer system has been nearly complete since pumping by IP has ceased; groundwater levels are now at nearly sustainable levels. The recovery of the aquifer was previously considered unattainable; it would be unfortunate if this fact was not considered in the permit deliberation process. The DUC should prepare a white paper on the observed impact to groundwater resources in anticipation of future discussions. The Committee should also be sensitive to the economic impacts of reducing permitted withdrawals; Isle of Wight County's concern is that the renegotiated permit conditions are conducive to bringing industry back to the site. A parallel issue is that a large permitted withdrawal in one area may disallow future permitted withdrawals in several other areas, reducing the capacity to attract new businesses. DEQ has expressed to the administration the need to address issues associated with the transition from one type of economy to another and the equitable distribution of water resources.
- Status of the West Point Ground Water Withdrawal Permit: As the permit expires in two years, DEQ anticipates receipt of a renewal application by the end of 2012. The current permit for 25 mgd allows for one third to one half of the withdrawals to come from the Piney Point aquifer, with the remaining withdrawals from the Potomac aquifer. The seasonal cone of depression observed at the York-James Peninsula is primarily caused by West Point's withdrawals from the Piney Point aquifer. DEQ would like to re-distribute withdrawals such that the Piney Point aquifer is less impacted. However, this has implications for other permittees on the Peninsula, as well as for the Potomac aquifer. So far, there have been no mitigation claims in the Piney Point aquifer. There is one grandfathered certificate remaining (Town of Dendron); all other known withdrawals greater than 300,000 gallons per month are permitted.

Development of the State Water Supply Plan:

- DEQ was pleased that all local and regional water supply plans were received in compliance with the regulatory deadline. Given DEQ's current staff vacancies

and the General Assembly's creation of the State plan advisory committee, the original 12-month plan review process will likely extend to 18 months before DEQ can complete plan review and provide a cumulative impact analysis. The advisory committee is drafting a proposed table of contents for the state plan, to be presented to the State Water Commission on December 21, 2011. Ideally, the advisory committee will complete recommendations on the process in six months; advisory committee activities are anticipated to continue through the end of 2012. Two sub-committee meetings are scheduled for February 28, 2011, and the full committee meeting will be held on February 29, 2011.

ACTION: No action.

5. Regulatory Update

Mr. Dan Horne, VDH, provided a summary of the status of regulatory actions listed below:

- Incorporation of the Ground Water Rule (GWR) into the Waterworks Regulations, effective December 7, 2011 (pending VDH primacy).
- Long Term 2 Enhanced Surface Water Treatment Rule: EPA is looking at revising the crypto monitoring technique and beginning the second round of monitoring as early as 2013.
- EPA revision of fluoride standard: Pending CDC issuance of final guidance, anticipated in March 2012, VDH will instruct utilities as to fluoride reductions and timeline for compliance.
- Long-Term Revisions to Lead & Copper Rule: EPA is concerned about schools with water coolers that may release lead.
- Potential proposed perchlorate rule: If issued, this will be the first rule that sets the MCL based on protecting a sub-population
- Forthcoming third regulatory determination expected to address "carcinogenic VOCs", nitrosamines, and chromium VI

A copy of the summary from Mr. Horne is attached.

Mr. Horne also asked the Committee to be aware of projects that are applying to VDH for private well/emergency well permits in support of emergency water supply systems for hospitals. Instead of permitting wells through the waterworks regulation, proponents are seeking permitting through the Health Department for private wells. The Office of Drinking Water (ODW) is receiving calls on this from local Health Departments. ODW has participated in several meetings on this issue and is advising that utilities be contacted and that backflow prevention be addressed. The ODW is urging utilities to contact local hospitals to check if facilities are implementing these systems and to ensure that the utility is protected from cross connections.

During the Committee discussion, it was noted that local health departments will not permit an emergency well if it may be used for drinking water. ODW noted that they had urged the companies promoting these systems to restrict the systems for cooling

tower use only. Suffolk noted that, when contacted by Sentara Obici Hospital regarding such a project, the utility advised that hospital that once the system was activated, the City would no longer be responsible for the quality of water at the hospital. The Committee had received a presentation on this effort from a representative of the Eastern Region of Virginia Hospital Emergency Preparedness Coordinating Group at the November 2, 2011 meeting. The Committee had expressed similar concerns and also commented that it was more cost effective to implement on-site storage.

ACTION: No action.

6. EPA Consent Decree (CD) and Special Order by Consent (SOC) Activities/Timeline Update

Mr. Phil Hubbard, HRSD, provided a summary of upcoming milestones as follows:

- December 15, 2011: Locality flow models are due per SOC Minor Revision No. 1; notice to be sent by localities to DEQ.
- May 2012: Rehabilitation Plans to be vetted through the DUC Capacity Team.
- July 31, 2012: Locality capacity assessments to be provided to HRSD; HRSD capacity assessment to be provided to EPA.
- November 26, 2012: Final Rehabilitation plans to be submitted to DEQ; peak flow commitments per plans will be used to develop the Regional Wet Weather Management Plan (RWWMP) due November 26, 2013.

It was clarified that, although the RWWMP document is due in 2013, the schedule for implementation must be negotiated with EPA following plan submittal. Mr. Hubbard noted that the Capacity Team is continuing to meet with DEQ to seek further information and guidance for the planning process.

ACTION: No action.

7. Disaggregated Water Use Data

HRPDC staff noted that some utility responses to the 2011 data call for water rates, taxes, and water use information are still outstanding. Regarding water use data, disaggregated use based on billing records rather than estimates is preferable for use in future demand projections. HRPDC staff will follow up with individual utilities as appropriate.

ACTION: No action.

8. Staff Report

- **Help 2 Others (H2O) Program Update:** HRPDC staff updated the Committee on the following program activities:

- HRSD will be dividing the 150,000 donation request envelopes between localities for inclusion in forthcoming bills through the end of the 2011 billing cycle.
- HRPDC staff is setting up meeting with the Salvation Army and locality staff to finalize program administration details.
- HRPDC staff is drafting a letter to solicit donations from corporate sponsors and is looking at long-term program administration costs options for online program advertising.

ACTION: No action.

9. Roundtable Discussion

No topics were introduced for roundtable discussion.

ACTION: No action.

Committee Meeting Sign-In Sheet
December 7, 2011

Attachment 2B

Locality/Agency	Representative	Representative	Representative	Representative
HRSD	Phil Hubbard			
Chesapeake	Jim Walski			
Franklin				
Gloucester	Martin Schlesinger			
Hampton	Jason Mitchell			
Isle of Wight	Frank Haltom			
James City County	Larry Foster			
Newport News	Reed Fowler	Everett Skipper		
Newport News	Brian Ramaley	Ron Harris		
Norfolk	Kristen Lentz			
Poquoson				
Portsmouth	Bryan Foster	Erin Trimyer		
Smithfield				
Southampton				
Suffolk	Craig Zieseemer			
Surry				
Virginia Beach	Bob Montague			
Williamsburg				
Windsor				
York				
HRPDC	John Carlock	Julia Hillegass	Katie Cullipher	Lisa Hardy
HRPDC	Whitney Katchmark	Tiffany Smith		
New Kent				
DEQ	Scott Kudlas			
EPA				
USGS				
VDH	David Fridley	David Trump	Agnes Flemming	John Schellenberg
VDH	Venita Newby Owens	Clifton D. Horne	David Chang	Dan Horne
AECOM				
AquaLaw				
Brown & Caldwell				
CH2M-Hill				
Christian Barton				
CNA	Joel Silverman	Pete Sommer		
Hurt & Proffitt, Inc.				
McGuire Woods				
REMSA				
Troutman Sanders				
URS				
Watermark Risk Management				

**VDH – Office of Drinking Water
Update Items for HRPDC Meeting
7 Dec 2011**

1. **Regulations Status Update**
 - **State level**
 - i. The Ground Water Rule has now been incorporated into the Waterworks Regulations (published in The Virginia Register on 7 Nov 2011, effective today) – this revision also included some minor modifications requested by EPA to LT2 and ST2
 - ii. VDH has not yet been granted primacy by EPA for GWR
 - **Federal level**
 - i. LT2 Rule – EPA’s concern about crypto monitoring results
 - ii. Fluoride – EPA revision of standard & CDC guidance on optimum fluoride levels
 1. EPA revision of PMCL – start of process announced in Jan 2011
 - a. Based on March 2006 National Research Council report
 - b. Other, more recent, reports included
 - c. Expect to see PMCL drop – question is how far (how close to current SMCL)?
 - d. Will be an enforceable standard – affects natural fluoride
 2. CDC guidance to be finalized soon (early 2012?) – has been delayed
 - a. Recommended optimum expected to drop to 0.7 mg/L – not an enforceable standard
 - b. Addresses fluoride which is added to protect against cavities
 - iii. Long-Term Revisions to Lead & Copper Rule – may see proposed rule late in 2012 – several issues driving
 1. Changes in sample sites and sampling protocol
 2. Partial vs. full lead service line replacement
 3. Public notification requirements for copper exceedances
 4. CDC and NIEHS looking at changed recommendations for blood lead levels & health effects
 - iv. Perchlorate – may see proposed rule very soon (Mar 2012)
 1. What is an adverse level? Differences in populations’ ability to metabolize
 2. Not wide-spread, but costly if you have it
 - v. Third Regulatory Determination coming
 1. Likely to address “Carcinogenic VOCs”, nitrosamines, and maybe Chromium VI
2. **Emergency water supplies for hospitals**

Status of Locality FOG Ordinances
(Reflects updates reported May 2012)

Locality	Ordinance		Notes
	Adopted	Effective	
Chesapeake	No		<i>May 2012 Status Report:</i> Schedule for council consideration of ordinance is not known. May go forward with other revisions; may wait based on regionalization study. Grease-related overflow problems are mainly in residential areas.
Franklin	Yes	Varies	Franklin's FOG ordinance was adopted between 2000 and 2003 with modifications. Related sections of the city ordinance are found from section 30-62 to section 30-93.
Gloucester	Yes	3-31-2011	
Hampton	Yes	1-13-2010	
Isle of Wight	Yes	1-6-2010	
JCSA	No		<i>May 2012 Status Report:</i> JCSA is working with the City of Williamsburg and the Williamsburg Restaurant Association to pursue next steps primarily through educational and support program.
Newport News	Yes	5-1-2010	
Norfolk	No		<i>2011 Status Reports:</i> Norfolk's ordinance is expected to go to Council for approval summer 2011. Utilities has moved forward with FSE notification and public involvement.
Poquoson	No		<i>2011 Status Report:</i> The City will discuss the FOG ordinance at the upcoming retreat.
Portsmouth	No		<i>2011 Status Report:</i> The ordinance is currently under review, and it has not been scheduled yet to come before City Council.
Smithfield	Yes	8-4-2009	<i>2011 Status Report:</i> All FSEs are in 100% compliance but Smithfield is waiting on the online FSE training to become available.
Suffolk	No		<i>May 2012 Status Report:</i> Ordinance not yet in place, but public outreach has begun.
Virginia Beach	Yes	2-24-2009	<i>May 2012 Status Report:</i> Pre-inspection visits to food service establishments (FSEs) have been completed. Compliance inspections are in progress, and notices of non-compliance are being issued.
Williamsburg	No		<i>May 2012 Status Report:</i> Williamsburg and JCSA are working with the Williamsburg Restaurant Association on public awareness prior to consideration of an ordinance.
York			