

HELP TO OTHERS (H2O) PROGRAM CRITERIA DOCUMENT

Revisions to be voted on by H2O Board of Directors on 9/7/11

ELIGIBILITY CRITERIA

1. **Must live in the service area of the participating utility.** Participating utilities include public water utilities in Hampton Roads and HRSD.
- ~~2. **Must be in danger of losing residential water service provided by the participating utility.**~~ **Must be able to demonstrate that a personal or family crisis has inhibited ability to pay public utility bills.** For most utilities, water service can be cut off if the individual is delinquent in paying his or her bill. Representative family or personal crises include, but are not limited to, death of a head of household or other family member, a catastrophic illness, a drastic decrease in family income, or other situations to be evaluated on a case-by-case basis. The Salvation Army should be given the flexibility to interpret what constitutes a personal or family crisis in specific cases.
- ~~2. **Must demonstrate a personal or family crisis.**~~ Representative family or personal crises include, but are not limited to, death of a head of household or other family member, a catastrophic illness, a drastic decrease in family income, or other situations to be evaluated on a case-by-case basis. ~~The social service provider Salvation Army should be given the flexibility to interpret what constitutes a personal or family crisis in specific cases.~~
3. **Is eligible for program assistance one time in any twelve-month period in the amount of \$250 or the balance due, whichever is less.** The committee believes these limitations on frequency and amount of assistance are equitable and fair to individuals in need.
4. **Must agree to participate in an educational program as recommended by the social service provider Salvation Army if there are signs of water waste.** Water conservation education ~~and financial counseling are~~ is an examples of a recommended program ~~programs recommended~~. The ~~social service provider Salvation Army~~ should be allowed the flexibility to determine the needs of the individual based on available services.
5. **Should assume some responsibility for partial payment of the bill.** The ~~social service provider~~ Salvation Army should be allowed the flexibility to determine how much, if any, of a partial payment would be required.

**Attachment 2A
MEETING SUMMARY
DIRECTORS OF UTILITIES COMMITTEE
August 3, 2011
Chesapeake**

1. UASI Water Supply Assessment and Emergency Response Training Project

The Committee agreed that a closed session discussion was not necessary for the August project update.

HRPDC staff and the project team are planning data collection interviews with locality utility and emergency management departments. One-week periods during the months of September, October, and November have been targeted for conducting interviews. Although utility departments will be interviewed individually, emergency manager interviews will be consolidated in sub-regional workshops (Peninsula, Southside, Western Tidewater). HRPDC staff will be coordinating all scheduling. Staff will contact localities in the next few weeks and will provide advance copies of interview questions.

ACTION: No action.

2. Summary of July 6, 2011 Meeting of the Directors of Utilities Committee

The Summary of the July 6, 2011 meeting of the Directors of Utilities Committee was approved.

3. SSO Consent Decree Schedule

Mr. Richard Stahr, Brown and Caldwell, presented a review of the Special Order of Consent (SOC) deadlines for the required deliverables and the recommended interim deadlines.

Mr. Stahr reviewed upcoming milestones:

- **October 31, 2011:** Regional Hydraulic Model (RHM) boundary conditions are provided to local governments.
- **November 26, 2011:** Deadline for completion of sewer system evaluation survey (SSES) field work (documentation due within 30 days).
- **December 15, 2011:** Documentation of RHM calibration results to DEQ for locality Capacity Assessments.
- **May 1, 2012:** Draft Rehabilitations Plans and peak flow commitments (PFCs) to Capacity Team for review.
- **July 31, 2012:** Capacity Assessments due to EPA (HRSD) and DEQ (localities).
- **November 26, 2012:** Final Rehabilitation Plans due to DEQ.
- **November 26, 2013:** Regional Wet Weather Management Plan (RWWMP) due to EPA and DEQ.

The SOC requires a two step process:

- Rehabilitation Plans: Rehabilitation of facilities to achieve the PFC (focus on removing infiltration and inflow (I/I)); and
- RWWMP: Actions to build adequate capacity to meet level of service (LOS), based on the locality PFCs.

Post-RWWMP Performance Assessment is required by EPA. HRSD must demonstrate the effectiveness of corrective work. The assessment will include the number and causes of sanitary sewer overflows (SSOs), quantify PFC modeling/metering by local governments, and action plans to achieve LOS in specific areas as required.

Mr. Stahr reviewed the development of the RGST Business Rules, which provide a standard for rehabilitation planning by addressing the specific requirements not set forth in the Regional Technical Standards (RTS). The Capacity Teams has been discussing the Business Rules with DEQ between April and August 2011. DEQ has indicated that the RTS method for rehabilitation planning requires the assessment of cost and feasibility of reaching the peak flow threshold (PFT) in each SSES basin. DEQ has offered two additional alternative methods for consideration: 1) Fixed Rehabilitation Plan (completion of rehabilitation to the estimated extent needed – e.g. 70% of basin); and 2) Flow Monitored Rehabilitation Plan (complete rehabilitation to the extent needed to demonstrate achievement of PFC).

The alternatives to the Business Rules offered by DEQ exclude language to address private property I/I, sequence of work, long-term maintenance of the PFC, and the idea that the PFC for non-SSES basins is the PFT. These issues would have to be addressed in a Memorandum of Agreement (MOA) between HRSD and the localities.

Mr. Stahr reviewed the options for moving forward as follows:

- DEQ interpretation of Business Rules could be memorialized as an MOA and localities would provide written acknowledgement of the interpretation.
- Approach DEQ to make formal changes to the SOC and negotiate DEQ's interpretation into an acceptable format (agree to selecting one alternative).

The Capacity Team has formed a small sub-committee to work with DEQ on the Business Rules and is targeting August 29, 2011 as the deadline for consensus.

Mr. Stahr polled the Committee on the alternatives offered by DEQ. Localities supporting each alternative are listed below.

- Flow Monitored Rehabilitation Plan: Isle of Wight, Poquoson, Suffolk, Virginia Beach, Portsmouth, Gloucester, James City County, Hampton.
- Flow Monitored Rehabilitation Plan with RTS backstop: Newport News and Chesapeake
- Fixed Rehabilitation Plan: (none)

The following comments were made during Committee discussion:

- Locality use of RTS method is problematic for the RWWMP because a different set of criteria applies; also, comparison of plans between localities will be difficult.
- Locality use of RTS method will work; the intent not to use the RTS to dodge criteria – the rehabilitation plan would be very similar but without some of the details of the Flow Monitoring Rehabilitation Plan.
- A unified approach using the Flow Monitoring Rehabilitation Plan is preferred; flows need to be assured and correct design of system improvements cannot be based on flow estimated based on extent of rehabilitation work.
- There is the concern that DEQ thinks the flow monitoring approach is too aggressive; localities are not obligated to do flow monitoring. The perception of localities “over-committing” is a problem – DEQ support for flow monitoring should be sought.
- The MOA will address the long-term maintenance of the PFC; the MOA will turn into a service agreement between the locality and HRSD.
- There are concerns with the rehabilitation formula and the estimated removal of I/I, but the Capacity Team has concluded that the percent of rehab and associated I/I removal are fair and provisions for special cases are included in the approach.
- It should be suggested to DEQ that the language describing the sequence of work should be included in the amendment to the RTS, rather than the MOA.

The Capacity Team will continue discussions with DEQ regarding the Flow Monitoring Rehabilitation alternative.

ACTION: No action.

4. Infrastructure Optimization Software

The Cities of Newport News and Hampton have been using a software product to support advanced asset management and rehabilitation planning related to the Special Order of Consent. Consultant Woolpert has applied this ArcGIS extension to integrate existing GIS data with new data collected through CCTV and hydraulic modeling to simplify rehabilitation and replacement project planning. Mr. Don Cole and Mr. Scott Cattran, Woolpert, briefed the Committee on the Infrastructure Optimization (IO) toolset and provided a demonstration of key functions relevant to Hampton Roads localities.

ACTION: No action.

5. Virginia Department of Health Requirements for Boil Water Notices

The Committee decided to invite Mr. Dan Horne, Virginia Department of Health (VDH), Office of Drinking Water to a future Committee meeting for a roundtable discussion of VDH requirements for boil water notices and revisions to the total coliform rule.

ACTION: Include the topic on a future meeting agenda.

6. Committee Reports

- **Water Reclamation and Reuse Regulatory Advisory Panel (RAP):** The Water Reuse RAP held its final meeting on July 7, 2011. Amendments are to be sent to the State Water Control Board on August 4, 2011. In general, the Virginia Department of Health was perceived to treat the issue conservatively. The Department of Environmental Quality concluded that the issue of artificial aquifer recharge should be addressed in the Groundwater Regulations. The advisory group to examine incentivizing water reclamation and reuse will continue to meet. The group is expected to look at reduction of wastewater discharges to surface waters.

ACTION: No action.

7. Staff Reports

- **Final Regional Water Supply Plan:** On July 21, 2011, the Hampton Roads Planning District Commission acted to: 1) Accept the plan as meeting the requirement of the HRPDC work program; and 2) Distribute the Hampton Roads Regional Water Supply Plan to local governments for adoption. HRPDC is providing a letter to locality Chief Administrative Officers (CAOs) explaining the regulatory requirement for local program adoption.

ACTION: No action.

- **Hampton Roads Water Quality Response Plan:** The 2011 update of the contact list was distributed on July 21, 2011. Corrections to information for the City of Suffolk will be submitted to HRPDC staff.

ACTION: No action.

- **Data Call – Water Rates and Water Use:** HRPDC staff anticipates commencing the annual data call for water rates and water use in August 2011. The 2011 data call will request information on water rates, taxes, and water use by category.

ACTION: No action.

- **Help 2 Others (H2O) Program Update:** HRPDC staff is working on the following program activities:
 - Solicitation of quotes for website design;
 - Salvation Army program administration meetings;
 - Request for proposals for donation envelopes; and
 - Coordination of meetings with utility departments and Salvation Army staff.

The Committee noted that program coordinates communication between utilities and the Salvation Army to ensure that all the necessary fees and bills are paid to restore water service.

ACTION: No action.

8. Other Business

- The Committee briefly discussed a proposed rulemaking by the State Corporation Commission (SCC). The SCC intends to establish rules for disconnecting water service for persons with serious medical conditions. The Committee was not sure if the proposed rules apply to all public water systems. The deadline for comments or hearing requests is August 16th.
- Mr. John Edwards accepted the position of Town Manager of West Point, Virginia, effective August 1, 2011. The Committee issued a resolution in recognition of his service and thanking him for his contributions to the water and wastewater programs in the region.

Committee Meeting Sign-In Sheet
August 3, 2011

Attachment 2B

Locality/Agency	Representative	Representative	Representative	Representative
HRSD	Ted Henifin	Phil Hubbard		
Chesapeake	Bill Meyer			
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				
Norfolk	Kristen Lentz			
Poquoson	Ellen Roberts			
Portsmouth	Frank Wilson			
Smithfield	Bill Hopkins			
Southampton				
Suffolk	Al Moor	Craig Zieseemer		
Surry				
Virginia Beach	Bob Montague			
Williamsburg				
Windsor	Michael Stallings	Kenneth Sims		
York				
HRPDC	Whitney Katchmark	Jennifer Tribo		
New Kent				
DEQ				
EPA				
USGS				
VDH				
VDH				
VDH				
AECOM				
AquaLaw				
Brown & Caldwell	Richard Stahr			
CH2M-Hill				
Christian Barton				
CNA				
Hurt & Proffitt, Inc.				
McGuire Woods				
REMSA				
Troutman Sanders				
URS				
Watermark Risk Management				
Woolpert	Donald Cole	Kirk McClurkin	Scott Cattran	

Upcoming SOC Milestones

- HRSD to deliver boundary conditions based on the results of the RHM not later than October 31, 2011
- Annual Report by November 1, 2011 for period July 1, 2010 through June 30, 2011
- SSES Field Activities completed November 26, 2011
- Documentation of calibrations/verification of Locality models used for capacity assessment not later than December 15, 2011
- Essentials of Rehab Plans (PFC, cost, schedule, scope) available to regional partners not later than May 1, 2012
- Capacity assessment July 31, 2012
- Rehab Plans submitted to DEQ November 26, 2012
- RWWMP submitted to DEQ and EPA November 26, 2013

SOC Requires 2 Step Process

- Rehabilitation of sanitary sewer system based on SSES work to reach a peak flow commitment
 - Rehabilitation is focused on removing I/I from the system
 - Predicted results will vary significantly based on unique conditions of each sewer basin
- Actions required by the RWWMP to build adequate capacity to meet the selected level of service
 - RWWMP will be developed fully reliant on each Locality meeting its peak flow commitment
 - Typical locality investments – new/upgraded pump stations, storage, etc will be impacted by PFC from all Localities connected to that portion of regional system

Consent Decree Requirements – Post RWWMP Performance Assessment

- HRSD, in consultation with the Localities, shall conduct a Performance Assessment of the work performed pursuant to the RWWMP to determine the effectiveness of the corrective action work performed
- The Performance Assessment shall:
 - Evaluate the number and causes of capacity related SSOs, bypasses, etc. in HRSD system
 - In consultation with the Localities, evaluate the number and causes of capacity related SSOs in the Specified Portions of the Regional SS System

Consent Decree Requirements – Post RWWMP Performance Assessment

- The Performance Assessment shall:
 - **Quantify, through modeling and/or metering whether each Locality is meeting its forecasts of flow entering the Specified Portions and whether pressures in the HRSD system are meeting Operating Pressures** – modeling will require flow monitoring for post RWWMP re-calibration
 - **Evaluate and discuss any other parameters relevant to assessment of the work performed under the RWWMP**
- HRSD shall submit a Performance Assessment Report summarizing the Performance Assessment or phases thereof to Plaintiffs (EPA and DEQ)

Rehabilitation Plan Submittal - RTS Section 7.6.

- 7.6.1 Rehabilitation Plan and Schedule
 - Rehabilitation Plans shall be developed to define specific measures that will be taken to reduce SSOs, the cost associated with the proposed rehabilitation, and the planned timeframe for rehabilitation activities. The Rehabilitation Plan shall be submitted to DEQ for review and approval within 62 months of the effective date of the Consent Order. ***In addition, each Locality shall submit their estimated post rehabilitation peak flows to the Regional Wet Weather Management Planning Group, which will rely upon these in the completion of the RWWMP.***
- 7.6.2 Report on Work Completed
 - Progress on rehabilitation projects that are implemented between the execution date of the Special Order by Consent and the submittal of the Rehabilitation Plan shall be described in the Annual Report to DEQ.

Business Rules History

- Need identified by Capacity Team for standardized approach to rehabilitation planning for all Localities
 - RTS failed to address specifics
 - As RTS is written, each locality can base their rehabilitation plan on their own assumptions as to effectiveness of actions selected
 - Concern by most localities about establishing a “level playing field” for the rehabilitation planning
 - Addresses the question often raised by governing bodies – what is everyone else doing?
 - Plans must be submitted to DEQ for review and approval
 - Without standardized approach, it remains unclear what the basis for approval would be
 - Don’t have time to deal with “Flow Evaluation Report” approval process – DEQ cherry picking favorite parts of every plan and requiring all to conform

Business Rules History

- June 14, 2010 – Capacity Team meeting to discuss content and schedule for developing Business Rules
- October 14, 2010 - V1 developed
- April 6, 2011 - V 12 discussed with DUC
- April 2011 – DEQ decides that Business Rules cannot be Minor Revision
- May 14, 2011 - V 13 discussed with DUC, Business Rules to be MOA and not formally part of SOC
- May 23, 2011 - Capacity Team meeting with DEQ to review v 16 of the Business Rules
- August 1, 2011 – Capacity Team met with DEQ to review Interpretation

DEQ July 25, 2011 Interpretation

- Two alternatives, in addition to the RTS method, for deriving and documenting HRSD and Locality Peak Flow Commitments (PFC). These methods may be selected in lieu of the RTS method
- The method selected must apply to all basins and must be used through completion
- Alternatives are:
 - Fixed Rehab Plan
 - Flow Monitored Rehab Plan
- Formulas for rehab extent and I/I reduction are the same as v16 of the Business Rules

Rehabilitation Plan per RTS

- For each SSES Basin, the Locality shall assess the cost and feasibility of using rehabilitation to reach the Peak Flow threshold criteria
- Define specific measures that will be taken to reduce SSOs
 - No formula
 - All options and assumed effectiveness defined by Locality – *Cowboys and Aliens*
- The cost associated with those measures
- The planned timeframe for rehabilitation activities
- In addition, each locality shall submit their estimated post rehabilitation peak flows...

Fixed Rehabilitation Plan

- Governing factor is completing the rehab to the rehab extent (aka the formula)
- No phasing and no early out
- Completing all activities is required
- Post rehab peak flow is the PFC without any demonstration that it was actually achieved
- Where DEQ, HRSD and Locality agree, an I/I reduction if less than minimum or more than maximum provided that data supports this

Flow Monitored Rehabilitation Plan

- Governing factor is demonstration of achieving the PFC through flow monitoring, irrespective of the of the percentage of rehab completed
- If the PFC is NOT achieved, HRSD/Locality is obligated to perform more rehab until the PFC is obtained OR DEQ agrees that it has been demonstrated that additional rehab work is not “economically or technically feasible” .
- Use of storage is allowed with DEQ concurrence

Rehabilitation Plan Submittal

- All **Locality** rehabilitation plans shall be submitted under signature of the **Utility Director**.
- All **HRSD** rehabilitation plans shall be submitted under signature of the **General Manager**.
- All Rehabilitation Plan submittals **shall also comply with RTS Section 7.6**.

Excluded Items from DEQ's Business Rules

- Private Property I/I – completely absent except for reference to I/I reduction estimate “exclusive of contributions from private sewers” (from RTS)
- Sequence of Work – Locality first and then HRSD private side work
- Long Term Maintenance of PFC – cannot survive termination of SOC
- Lack of specific reference to PFC = PFT in non SSES basins

These Features Will Need to be Part of a MOA

Path Forward

- Approach DEQ about making the change a formal part of the SOC
 - Ultimately protects all Localities and HRSD if this clarification that establishes a standard basis for rehabilitation planning is incorporated into the SOC – ensures a level playing field
 - DEQ has expressed resistance to formal modification (minor revision or actual modification) to SOC for this issue
- In parallel, negotiate with DEQ to get the Interpretation in an acceptable form
 - Minimize options – need definitive guidance, not menu – to avoid second guessing by governing bodies as well as public

Path Forward – Cont'd

- Small subcommittee from Capacity Team – Skipper (NN), Ziesemer (SUF), Poe (JCSA), Francis (GLOU), Meyer (CHES), Hubbard (HRSD)
- First Meeting August 8, 2011 at 2:00
- Deadline – Executable Deal (DEQ Interpretation and MOA) not later than August 29, 2011 or return to RTS.

Locality	Public Hearing Date	Approved Meeting Minutes	Written Comments	Responses	Resolution (date rec'd)
Peninsula					
1. City of Hampton	8/10/2011	√	none	none	√ (8-31-11)
2. City of Newport News	8/9/2011		none	none	√ (8-10-11)
3. City of Poquoson	8/22/2011				
4. City of Williamsburg	9/8/2011				
5. County of Gloucester	8/2/2011				√ (8-15-11)
6. James City County	9/27/2011				
7. York County	9/20/2011				
Southside					
8. City of Chesapeake	9/13/2011				
9. City of Norfolk	tentative 9/27/2011				
10. City of Portsmouth	8/23/2011		none	none	√ (8-29-11)
11. City of Suffolk	September TBA				
12. City of Virginia Beach	September TBA				
Western Tidewater					
13. City of Franklin	9/12/2011				
14. County of Isle of Wight	10/6/2011				
15. Town of Smithfield	8/2/2011				
16. Town of Windsor	8/9/2011		none	none	
17. County of Southampton	8/22/2011				
18. Town of Capron	8/1/2011		none	none	
19. Town of Courtland	8/9/2011		none	none	
20. Town of Ivor	9/12/2011				
21. Town of Boykins	8/9/2011		none	none	
22. Town of Branchville	August (done)		none	none	pending
23. Town of Newsoms	8/1/2011		none	none	√ (8-22-11)
24. County of Surry	9/1/2011				
25. Town of Claremont	9/1/2011				
26. Town of Dendron	9/1/2011				
27. Town of Surry	9/1/2011				