

# Regulatory Update

Daniel B. Horne, PE

HRPDC Joint Meeting  
Utilities Directors & Health Directors  
2 Nov 2016



1

## Current Regulatory Actions

*Waterworks Regulations, 12VAC5-590*

- Revised Total Coliform Rule (RTCR)
  - Federal exempt regulatory action
  - EPA concurrence, 6/1/16
  - OAG concurrence, 6/17/16
  - Published in Virginia Register 10/3/16
  - Takes effect **TODAY**



## RTCR Implementation

- EPA published the final Rule on 2 Feb 2013
  - Took effect on 1 Apr 2016
- VDH has been implementing all along
  - New BSSPs for ALL waterworks in the State
  - New SSUPs for waterworks that are seasonal or have seasonal components
  - Level 1 and Level 2 Assessments

3

## Current Regulatory Actions

### *Waterworks Regulations, 12VAC5-590*

- Periodic Review
  - Pursuant to Executive Order 17 and §§ 2.2-4007.1 and 2.2-4017 of COV
  - Comment period, 5/2 to 5/23/16
  - No public comments received
  - OAG recommendation for amendment
  - Agency decision

## Future Regulatory Actions

### *Waterworks Regulations, 12VAC5-590*

- Full Regulation Review / Revision
  - Regulatory Advisory Panel (RAP)
  - 18 to 24 Month (3 Step) process
  - NOIRA
  - Proposed regulation
  - Final regulation
  - To start up (again) Winter 2017



## Future Regulatory Actions

### *Waterworks Operations Fees, 12VAC5-600*

- Periodic Review
  - Pursuant to Executive Order 17 and §§ 2.2-4007.1 and 2.2-4017 of COV
  - Comment period currently open
  - OAG certification / recommendation
  - Agency decision



## Future Regulatory Actions

- Lead and Copper Rule Long-Term Revisions (Part 1)
  - EPA currently reviewing NDWAC recommendations
    - Fundamental changes to LCR structure
    - Separate requirements for copper
  - Holistic approach to lead in drinking water **AND** other sources

## NDWAC Recommendations (1)

- Proactive approach to actions previously triggered by AL exceedance
- **ALL** systems work with customers to remove **ALL** LSLs (full replacement – not just partial)
- Stronger public education requirements for **ALL** systems
- Establish a **household** AL – involve Health Department if exceeded

## NDWAC Recommendations (2)

- Improvements to CCT and monitoring
  - EPA continually update CCT guidance
  - Change in how tap sample results are used
  - Possible changes to sample collection protocol, to capture highest lead levels
  - More & different sample sites
  - Voluntary customer-initiated tap sampling

9

## NDWAC Recommendations (3)

- Greater transparency with respect to sampling results, location of LSLs, etc.
- Lots of parties involved, not just EPA and waterworks – CDC, State & local health departments, and customers

10

## Future Regulatory Actions

- Lead and Copper Rule Long-Term Revisions (Part 2)
  - EPA issued White Paper 10/26/16
  - Proposed rule, mid- to late 2017
  - Final rule, late 2019

## References Available

- EPA
  - Updated CCT Guidance Manual
  - Several Guidance Memos on CCT, sampling, etc.
- AWWA
  - New Policy Statement on LSL Management
- VDH
  - (soon) Guidance letter on sampling, data transparency, etc.

## Future Regulatory Actions

- Fourth Unregulated Contaminant Monitoring Rule (UCMR4)
  - Proposed rule, 12/11/15
  - Public stakeholder webinar, 1/13/16
  - Final rule expected early 2017
  - 30 chemical contaminants, 10 cyanotoxins, 2 metals, 8 pesticides, etc.
  - Monitoring period, March 2018 to November 2020

## Questions ?