

Attachment 1A
Meeting Summary
JOINT MEETING OF
DIRECTORS OF UTILITIES COMMITTEE
DIRECTORS OF HEALTH
December 3, 2014
Chesapeake

1. Summary of the November 12, 2014 Meetings of the H2O – Help to Others – Program Board of Directors and the Directors of Utilities Committee

There were no comments on, or revisions to the summary of the November 12, 2014 meetings of the H2O – Help to Others – Program Board of Directors and the Directors of Utilities Committee.

ACTION: The November 12, 2014 meeting summary was approved.

2. Summary of June 4, 2014 Joint Meeting of the Directors of Utilities Committee, Directors of Health, and Emergency Managers

There were no comments on, or revisions to the summary of the November 12, 2014 meetings of the H2O – Help to Others – Program Board of Directors and the Directors of Utilities Committee.

ACTION: The June 4, 2014 meeting summary was approved.

3. Public Comment

There were no public comments.

4. Source Water Protection Planning

HRPDC staff provided an update on the development of a project proposal for updating the Regional Source Water Assessment land use maps and risk maps. Noting further discussions with VDH following the November 12, 2014 Committee Meeting, HRPDC staff recommended the development of a Regional Source Water Protection Plan (SWPP) using VDH's GIS data. Several of the basic elements of a regional SWPP have already been addressed through the Regional Source Water Assessment and Regional Water Supply Plan. General recommendations for source water protection practices can be provided in the regional SWPP, with references to local programs, practices, and emergency response plans, as appropriate. VDH's GIS data can be augmented with local land use data and additional potential sources of contamination, such as oil train routes and pipeline corridors. The Directors of Utilities Committee would serve as the Local Advisory Committee for plan development.

There was general agreement to pursue the development of a regional SWPP. HRPDC staff will continue to liaison with VDH and proceed with drafting the scope of work, project schedule, and plan outline with input from utility staff volunteers.

ACTION: HRPDC staff will begin development of a Regional SWPP.

5. Regulatory Update

Mr. Dan Horne, Virginia Department of Health (VDH), Office of Drinking Water (ODW), provided an update on regulatory issues. A copy of Mr. Horne's summary is provided as Attachment 1C.

Proposed revisions to the Waterworks Regulations: The 30-member regulatory advisory panel (RAP) has held five meetings so far. Four subgroups have been formed. VDH staff is providing technical support to the RAP and subgroups. The RAP has had significant discussions regarding cross connections, control operator requirements, and operator classification. The notice of intended regulatory activity is anticipated in April 2015. Utilities are urged to contact RAP members to bring attention to specific issues, such as the certification of backflow devices using standards that differ from the plumbing code.

Revised Total Coliform Rule: VDH is developing an implementation strategy and draft regulations for the new Rule, which is effective April 1, 2016. VDH staff training will begin in early 2015. VDH anticipates training for waterworks, in partnership with Virginia Rural Water and the American Water Works Association, to begin in later 2015. Implementation will require significant outreach to non-community water systems and seasonal systems.

Cyanobacteria: VHD, in partnership with other state agencies and university labs, has formed a monitoring task force and is developing a knowledge base of surface water sources and toxin risks to facilitate response efforts in the event that a drinking water system becomes affected by harmful algal blooms. Currently, there is no EPA guidance for harmful algal blooms, although the World Health Organization has published drinking water quality guidelines for microcystin. EPA is looking at three cyanotoxins (Anatoxin-a, Microcystin-LR, and Cylindrospermopsin) and is rumored to be developing guidance for publication in mid-2015 at the earliest. The Water Research Foundation has [resources](#) for water utilities, including a [webcast](#) on managing and mitigating cyanobacteria.

Preliminary Regulatory Determination for Candidate Contaminant List 3: EPA is proposing not to regulate three pesticides and one chemical compound based on infrequent occurrence in drinking water. EPA is proposing to regulate strontium due to frequent occurrence in drinking water and potential health effects. EPA has decided not to issue a preliminary determination on nitrosamines or chlorate at this time; each is being evaluated separately and EPA reviews are expected to be completed in 2015.

Because nitrosamines and chlorate are associated with health effects, any proposed regulatory determination will be based on frequency of occurrence. EPA is holding [public meeting](#) on the Preliminary Regulatory Determinations for CCL3 on December 9, 2014.

ACTION: No action.

6. Joint Meeting Planning Discussion

To assist in future meeting planning, attendees formed small groups to identify topics of common interest, as well as examples of valuable past presentations and projects. In general, it was agreed that the joint meeting itself is a valuable opportunity for networking. Specific comments from the groups are summarized below.

Past topics and presentations that were identified as valuable include:

- June and December regulatory updates provided by the VDH Office of Drinking Water;
- Presentations on special topics, such as uranium mining and coal ash spills;
- Discussions that demonstrate a nexus between Health Department and utility issues (restaurant grease trap inspections and grease build up in the sewer system).

Suggestions for future meetings include:

- Consider having quarterly regulatory updates from the VDH Office of Drinking Water.
- Consider having bi-annual updates on water reuse issues and regulations.
- DEQ's Tidewater Regional Office should be invited to provide regular updates on the agency's program areas.
- VDH should be invited to present topics or issues of importance from the Health Department's perspective.
- VDH should be invited to brief the group on alternative onsite sewer systems, including information on how many systems are installed, how inspection activities are being carried out, and how systems are performing.
- Review the history of the joint meetings and get feedback from Health Directors as to whether these meetings are still valuable to them. Poll the Health Directors as to topics they are interested in discussing.

ACTION: HRPDC staff to incorporate comments in meeting planning.

7. Staff Reports

- **Groundwater Permit Cuts and Water Supply:** HRPDC staff briefed the Committee on the November 20, 2014 HRPDC [presentation](#) on groundwater permit cuts and the CAOs directive to develop regional solutions. The development of regional solutions must consider the amount of water needed for future growth and

development and the cost of having such capacity. Staff suggested three ideas to address these information needs: 1) Continue working with Mission H2O and participate in the proposed work plan; 2) Contact the Hampton Roads Economic Development Alliance for insight as to how water availability is impacting decisions to invest and do business in the region; and 3) Collect data on current costs to water utilities to produce drinking water and compare to the cost of developing alternative water sources. It was suggested that a small group of Committee members meet to discuss the information needs for regional solutions and how to frame associated issues like economic development, land subsidence, and long-term resiliency. HRPDC staff will send out a data call for water utility cost information and ask for volunteers to participate in the small group discussion.

The DEQ is meeting with VDH Office of Drinking Water to collect information on private wells permitted by Local Health Departments (wells not permitted under the Groundwater Withdrawal Regulations). DEQ is looking for well location and source aquifer information to better inform the groundwater model and quantify unregulated withdrawals.

Mission H2O is holding a conference call on December 4, 2014 to discuss correspondence with DEQ and draft legislation. Interested utilities are encouraged to participate in the call.

- **Land Subsidence:** HRPDC staff briefed the Committee on the November 20, 2014 HRPDC [presentation](#) on land subsidence and the need for better data to predict future trends. Two options were presented to the Commission for consideration; the Commission deferred action and requested staff to report back with a specific recommendation. Staff will be discussing the options with the HRPDC Special Committee on Recurrent Flooding and Sea Level Rise and seeking endorsement of one of the proposed options. HRPDC staff will also be seeking input from ODU, NASA Langley, and USGS. The Directors of Utilities Committee (DUC) suggested that staff contact the Port of Virginia and the Army Corps of Engineers to see if these entities are looking at subsidence. The DUC directed staff to report back in January and ask the Committee to make a recommendation to the Commission.
- **Hampton Roads Sea Level Rise Preparedness and Resilience, Intergovernmental Planning Pilot Project:** The Committee was briefed on the November 20, 2014 CAOs discussion of the of this ODU pilot project. The project's [Charter](#), list of [parties involved](#), and a [presentation](#) on the pilot project are available on ODU's Center for Sea Level Rise [website](#). HRPDC, after input from the Special Committee on Recurrent Flooding and Sea Level Rise, will consider whether to sign on as a party to the Charter. There are key issues related to governance and policy making that must be considered. Although there is federal support for the project, there has been little outreach and inclusion of local government. The parties involved thus far have no jurisdiction over local land use and zoning and no authority to set policies. Also, some of the project's proposed actions for building

consensus and information sharing seem duplicative of HRPDC functions (e.g., the Special Committee on Recurrent Flooding and Sea Level Rise).

- **State Water Control Board Order by Consent:** The 30-day public notice was published in the Virginia Register of Regulations ([see page 365](#)) and local newspapers on November 17, 2014. No public comments have been received by DEQ so far. HRPDC is collecting all original signature pages for transmittal to DEQ. The document must be executed by December 31, 2014.
- **2014 Groundwater Permit Summary:** The 2014 Eastern Virginia Groundwater Management Area permit summary is available on HRPDC's website ([download PDF](#)). Information on active permits can also be viewed in a web-based [interactive map viewer](#).
- **2015 Committee Meeting Schedule:** The next Committee meeting will be held on January 7, 2015.

ACTION: No action.

8. Other Business

- **Regional Construction Standards:** VDOT has expressed interest in adopting the Regional Construction Standards. HRPDC staff will keep the Committee informed on any developments.

ACTION: No action.

Committee Meeting Sign-In Sheet
December 12, 2014

Attachment 1B

Locality/Agency	Representative	Representative	Representative	Representative
HRSD	Jay Bernas			
Chesapeake	David Jurgens			
Franklin				
Gloucester	Chris Dawson	Arnie Francis		
Hampton	Tony Reyes	Jason Mitchell		
Isle of Wight	Donald Jennings			
James City County	Doug Powell			
Newport News				
Newport News	Everett Skipper			
Newport News	Kofi Boateng	Dave Morris		
Norfolk	Kristen Lentz			
Poquoson	Bob Speechley			
Portsmouth	Bryan Foster			
Smithfield				
Southampton				
Suffolk	Craig Ziesemer			
Surry				
Virginia Beach	Tom Leahy			
Williamsburg				
Windsor				
York	Brian Woodward			
HRPDC	Whitney Katchmark	Tiffany Smith		
HRPDC				
New Kent				
DEQ				
EPA				
USGS				
VDH	Dan Horne			
VDH	David Fridley			
VDH				
Emergency Managers				
Emergency Managers				
Emergency Managers				
AECOM				
AquaLaw				
Arcadis				
Brown & Caldwell				
CH2M-Hill				
Christian Barton				
Golder Associates				
HDR				
Hurt & Proffitt, Inc.				
McGuire Woods				
Rice Associates				
REMSA				
Troutman Sanders				
Virginia Fusion Center				
Virginia WARN				
URS				
Whitman, Requardt & Assoc.				
Private citizens				

**VDH – Office of Drinking Water
Update Items for HRPDC Meeting
3 Dec 2014**

1. **VDH Waterworks Regulations**
 - RAP has been meeting and providing lots of input. 30 members – 26 from water community (owners, operators, consultants, well drillers, etc.) and 4 from other State agencies. Local folks on the RAP include Chris Harbin (Norfolk), Mike Vergakis (JCSEA), and two area consultants. Facilitated by UVa's Institute for Environmental Negotiation. ODW provides technical support.
 - Five full RAP meetings have been held, plus four sub-groups have held a number of meetings.
 - Looking to start the NOIRA public comment period in Apr 2015.

2. **Revised Total Coliform Rule**
 - VDH team is meeting to develop draft regulations and implementation strategy, including revised and new forms for waterworks to use.
 - Once VDH has developed draft regs and staff guidance, VDH will be providing training (in partnership with VA AWWA and VRWA) to waterworks on implementation of rule.
 - Rule takes effect on 1 Apr 2016.

3. **Cyanobacteria – old name was blue-green algae**
 - Lots of interest due to Toledo, OH, “do not drink – do not use” incident.
 - VDH is working with other State agencies to monitor Harmful Algal Blooms in VA and to develop a knowledge base on how to respond to any incidents affecting drinking water systems.

4. **Preliminary Regulatory Determination for Candidate Contaminant List 3**
 - Published 20 Oct 2014.
 - EPA proposes to not regulate three pesticides (terbufos, terbufos sulfone, and dimethoate), and a compound used in explosives (1,3 di-nitrobenzene) based on very infrequent occurrence in drinking water.
 - EPA proposes to regulate strontium, due to frequent occurrence in drinking and potential health effects (replaces calcium in bones during bone development) – the proposal does not look at radioactive strontium (that's covered under the radiological rule).
 - EPA holding a meeting (can attend via webinar) next Tuesday (9 Dec), 1:00 – 5:00 p.m., to discuss proposed RDs.
 - EPA is not making a preliminary determination on nitrosamines or chlorate at this time (disinfection byproducts) at this time – EPA hopes to complete the review by end of 2015.