

**Attachment 1A
Meeting Summary
JOINT MEETING OF
DIRECTORS OF UTILITIES COMMITTEE
DIRECTORS OF HEALTH
December 2, 2015
Chesapeake**

1. Summary of the November 4, 2015 Meeting of the Directors of Utilities Committee

There were no comments on, or revisions to the summary of the November 4, 2015 meeting of the Directors of Utilities Committee.

ACTION: The November 4, 2015 meeting summary was approved.

2. Summary of the June 3, 2015 Joint Meeting of the Directors of Utilities Committee and Health Directors

There were no comments on, or revisions to the summary of the June 3, 2015 joint meeting of the Directors of Utilities Committee and Health Directors.

ACTION: The June 3, 2015 meeting summary was approved.

3. Public Comment

There were no public comments.

4. Onsite Wastewater/Septic Sector Nutrient Reductions

Ms. Angela Redwine, VDH Office of Environmental Health Services, discussed the onsite sewage sector's progress toward meeting nitrogen pollution limits in the Chesapeake Bay Watershed, as well as current and new strategies for sector implementation of the Bay TMDL Watershed Implementation Plan (WIP). A copy of the presentation is included as Attachment 1C.

States are preparing for the Bay TMDL 2017 mid-point evaluation. Based on a comparison of 2014 targets and actual loads, the onsite sewage sector is behind in achieving nitrogen reductions by approximately 10%. Although the urban stormwater and onsite sewage sectors contribute much smaller nitrogen loads compared to other sectors, the BMPs for these sectors are some of the most expensive to install per pound of nitrogen removed.

Previously, the following three BMPs were available to reduce loads from the onsite sewage sector: connection to public sewer; septic tank pumpout; and nitrogen reducing

systems/system upgrades. In FY13, there were less than 100 systems with creditable BMPs. After the Chesapeake Bay Program (CBP) approved new BMPs for the onsite sector, there were 700 systems (FY14) with creditable BMPs. Virginia will be able to report and receive credit for these BMPs with more accurate data collection. New strategies to implement the WIP include:

- Enforcement of operation and maintenance regulations to verify that systems are installed and functioning properly;
- GPS data collection for all newly installed Alternative Onsite Sewer Systems for accurate BMP reporting;
- Development of a more accurate method for collecting data on sewer connections (currently, there is no reporting requirement) and development of geospatial data for sewer and non-sewered areas to serve as a baseline for new connections;
- Setting a goal of having 40% of failing systems repaired within 60 days;
- Reduce nitrogen baseline contributions from the onsite sector by participating in the CBP process to: evaluate soil attenuation rates; and reclassify large community systems that reduce nitrogen to 10mg/L (currently classified as conventional systems that provide no nitrogen removal); and
- Seek approval of additional BMPs through the CBP process to increase options for homeowners to meet the 50% nitrogen reduction.

Funding onsite sector BMPs continues to be challenging. To date, the most funding for onsite sector BMPs has come from a NFWF grant to the Three Rivers Health District to upgrade and repair failing systems. In October, the Governor announced a \$300,000 Community Development Block Grant to cover public sewer connection fees for 20 homes in Albemarle County. The Virginia Onsite Wastewater Recycling Association is lobbying for using a portion of DEQ wastewater funds for the onsite sector.

In response to questions from the group, Ms. Redwine clarified that conventional septic systems may still be permitted where soils are appropriate and that there are no inspection requirements for conventional systems. She also clarified that localities enforce the 5-year pump-out requirement, but DEQ receives the data and provides it to VDH.

The Committee offered to assist with VDH's data collection for sewer connections and sewer areas by providing Ms. Redwine with available historic connection data and known septic system locations. It was noted that local governments completed septic system inventories as part of their submittals to DEQ under the Phase II WIP; this data may also assist VDH in updating the database.

With regard to other funding sources for the onsite sector, it was noted that the Middle Peninsula Planning District received Clean Water Revolving Funds to administer a septic system repair and replacement program.

ACTION: No action.

5. Reuse and Aquifer Recharge

Mr. John Aulbach, Director, VDH Office of Drinking Water (ODW), reviewed the agency's participation in the Eastern Virginia Groundwater Management Advisory Committee (EVGMAC) and led a discussion on considerations for resource management, wastewater reuse, and aquifer recharge. The discussion is summarized below.

Through the EVGMAC, regulatory agencies are coming to the table as partners. DEQ and VDH are actively coordinating to identify issues that overlap program areas; one issue that requires discussions between DEQ, VDH, and waterworks is aligning water quality requirements with water use. The VDH-ODW continues to be supportive of evaluating all options put forth by the EVGMAC Alternative Sources Workgroup. At some point, there will be a need to step toward VDH policies and regulations for reuse and recharge; considerations include coordination with the building code process and updating the existing VDH guidelines for rainwater harvesting and grey water use. During the discussion, it was noted that the VDH may be asked about any anticipated changes to the previously stated policy regarding use of the James River below the Fall Line.

The VDH-ODW is tracking the development of policies in California, as well as existing reuse and groundwater replenishment facilities in California, Texas, and other parts of the country. In general, public perception continues to be a critical issue. The VDH-ODW is pleased that the HRSD Sustainable Water Recycling project is addressing considerations for water chemistry, aquifer compatibility, and human health upfront, especially with regard to private wells. It was noted that the Potomac Aquifer is typically the source aquifer for private wells in Hampton Roads.

VDH and DEQ are partnering on a long-term project to digitize VDH well records. A test version of the database is running, with drillers assisting in populating the database. VDH does not have records or data indicating how many private wells have experienced water quality problems in the past. Unless required by a real estate transaction, water quality testing is typically not performed on an existing private well. VDH's central database contains information on replacement wells. However, most replacement wells were installed because the original well went dry, not because of water quality problems.

ACTION: No action.

6. HRSD Pathogen Program

Mr. Raul Gonzalez, HRSD, briefed the group on the new Pathogen Program, which was approved by the HRSD Commission in June 2015. A copy of the presentation is included as Attachment 1D. The program is intended to be a resource for localities, employing microbial source tracking to facilitate water quality improvements in regional waters and to conduct the studies necessary to guide development of upcoming virus criteria and any future regulations related to pathogens.

Microbial source tracking is a set of techniques to determine the sources of fecal indicator bacteria in the environment. Mr. Gonzales reviewed the state of the science and HRSD's microbial source tracking capabilities. The Pathogen Program uses a tiered approach to conduct studies and provide pathogen/virus quantification support. HRSD would partner with localities to focus source identification efforts; localities would provide field staff support and HRSD would provide sampling and analyses. A model agreement for program participation is forthcoming. Program priorities include sites with chronic bacterial exceedances and public health risks; project prioritization will be determined with input from HRPDC localities.

Demonstration projects are underway. Regarding one demonstration project in Newport News, it was noted that the program has been an excellent resource; expert information about microbial indicators and markers has been very helpful in communicating with the public.

ACTION: No action.

7. Regulatory Update

Mr. Dan Horne, VDH Office of Drinking Water (ODW) Southeast Virginia Field Office Director, provided an update on regulatory issues. A copy of Mr. Horne's summary is provided as Attachment 1E and the discussion is summarized below:

- **Revisions to the Waterworks Regulations:** The direct incorporation of the federal Revised Total Coliform Rule (RTCR) is being accomplished through the "APA exempt" process. VDH is addressing comments from EPA and intends to resubmit the document for review in late December 2015 or January 2016. VDH internal review is ongoing. Publication of the proposed regulations in the Virginia Register will follow the initial tentative approval from EPA. The regulations become effective April 1, 2016, either under the federal regulations or state regulations. Training workshops for waterworks, held in cooperation with the Virginia Rural Water Association, will begin in January in the western part of the state.

The general revisions to the Waterworks Regulations will follow the full APA process and will replace the existing regulations. One additional Regulatory

Advisory Panel meeting may be held to address DEQ source water efforts. VDH is coordinating the schedule of this process with the RTCR process. VDH anticipates internal review of the proposed regulations in spring 2016 and the presentation to the Board of Health in late spring 2016. The NOIRA will be published after the RTCR adoption.

- **Unregulated Contaminants Monitoring Rule (UCMR) 4:** The UCMR 4, soon to be published in the Federal Register, will require waterworks to perform assessment monitoring for 30 contaminants in 2018, 2019, and 2020 (see <http://www2.epa.gov/dwucmr/fourth-unregulated-contaminant-monitoring-rule>). Monitoring will be limited to the months of March through November to best address cyanotoxins and pesticides. A stakeholders meeting will be held on January 13, 2016 (register for webinar access at <https://attendee.gotowebinar.com/register/7326881974233959170>).
- **Legionella:** The EPA published a draft literature review of technologies for *Legionella* control (available at <http://www2.epa.gov/sites/production/files/2015-10/documents/drafttechlegionellaoct2015.pdf>); the final document is anticipated in April 2016. There were significant comments at the November 11, 2015 stakeholders meeting/webinar. The document does not provide guidance as to how a utility should address *Legionella* control in the distribution system. VDH is currently working on permitting three VA medical facilities that are mandated to install treatment for *Legionella*. Under current regulations, if a water system customer like a hospital provides water treatment, the customer then becomes a regulated waterworks. VDH is permitting these facilities as the agency becomes aware of them and will notify waterworks of customers that become regulated as consecutive waterworks.
- **Disinfection of Water Lines:** The revised AWWA standard C-651-14 became effective on February 1, 2015. VDH will be incorporating the revised standard into the upcoming general revisions to the Waterworks Regulations. VDH will continue to accept the old standard up until the effective date of the revised Waterworks Regulations, however, waterworks are encouraged to begin using the current industry standard. VDH is coordinating with HRPDC to update the Regional Construction standards.

ACTION: No action.

8. Roundtable Discussion

There were no topics raised for roundtable discussion.

ACTION: No action.

BREAK (5 minutes)

The joint meeting of the Directors of Utilities Committee and Health Directors concluded at the break. Upon reconvening, business pertaining to the Directors of Utilities Committee was discussed.

9. Groundwater Management

The Committee discussed the November 19, 2015 Eastern Virginia Groundwater Management Advisory Committee (EVGMAC) and Workgroup meetings. DEQ's intent to begin issuing permits in January 2016 was noted, although the agency has not yet scheduled second meetings with several permittees. The Alternatives Sources of Supply Workgroup discussed the HRSD aquifer replenishment proposal, which would inject 30 mgd of water into the aquifer in 10 years and be fully implemented by 2030. The Trading Workgroup expressed questions about how trading would work and how a cap would be established. For the December 7, 2015 meeting of the Alternative Management Structures workgroup, HRPDC staff was asked to prepare a presentation to help workgroup members understand the issues and complicating factors associated with the current management structure. Staff reviewed draft talking points on uncertainty, financial fairness, equity, and best use of resources, and the Committee provided comments for incorporation.

ACTION: No action.

10. Other Business

The 2016 Directors of Utilities Committee meetings have been scheduled (see Attachment 1F). HRPDC staff noted changes in the alternating Peninsula-Southside meeting locations to coordinate with the new Chief Administrative Officers meeting schedule.

ACTION: No action.