

**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**

## Summary of Water and Wastewater Funding

### Current Fiscal Year (2011-2012)

<u>Task</u>	<u>Annual Budget</u>	<u>Funds Spent (Oct 2011)</u>
Groundwater Mitigation	\$111,302.00	\$35,671.00
Water Technical Assistance	\$30,874.00	\$7,168.92
Water Priority Projects (UASI project)	\$65,953.00	\$29,735.81
USGS contracts	\$119,411.00	\$19,060
\$29,000 Water Level Monitoring		
\$47,240 Chloride Monitoring		
\$43,171 Not obligated – contingency for DEQ / modeling projects		
Source Water Assessment	\$18,755.00	\$6,213.17
Wastewater	\$119,643.00	\$33,738.51
\$35,642.96 for SSORS maintenance		
HR FOG Technical	\$114,771.00	\$18,108.81
\$50,000 for Online Training maintenance		
HR FOG (widgets)	\$50,000.00	\$32,119.38
H2O	\$20,000.00	\$20,000.00
HR WET	\$97,000.00	\$37,309.00
Drinking Water Quality Education	\$7,500.00	\$0

### Carryover Funds

Groundwater Mitigation – \$58,407.03 has been carried over. These funds were in the FY06 and FY10 budgets. In FY06, the Regional Geologist position was unfilled and resulted in over \$50K in carryover funds.

USGS - \$37,691 has been carried over. In FY11 \$36,391 was carried over. It was anticipated that the funds would be needed to support the transition to the new VCP model. \$1300 remains from FY99 and will be used to purchase ArcHydro software in the FY12 budget.

Water Priority Projects - \$13,874.36 remains from FY08. These funds are allocated to staff time in the FY11-12 budget.

Rapid Toxicity Testing - \$1,544 remains from FY05. There are no obligations or plans for this funding.

Source Water Assessment - \$11,597.29 remains from FY08 and FY10. \$429 was included in the FY11-12 budget for staff time. There are no obligations or plans for the remaining funding.

Wastewater – \$32,000.42 has been carried over. The extra funds were in the FY10 and FY11 budgets. No projects or contracts have been identified to use this funding.

HR FOG--\$89,699.19 has been carried over to cover costs of participation in HRGREEN for the next 3 years.

HR FOG Technical (Online Training) - -\$164,071.71 carried over in budget to produce online FSE and Grease Hauler Training; \$102,292.00 is contract amount for initial phase of establishing the online training. Remainder will be used for first year(s) of system maintenance and any needed enhancements.

H2O--\$131,877.89 has been carried over during inactive years of the program. \$12,391.14 has been spent in FY11-12. Envelopes cost more than the annual budget of \$20,000 so some of the carryover funds would be used to cover the additional costs.

HR WET--\$113,502.76 has been carried over to cover costs of participation in HRGREEN for the next 4 years (\$25,000/year).

Drinking Water Quality Education - \$6,052.59 has been carried over from FY10 and FY11. The funds will be combined with FY12 funds to support the Drinking Water Week campaign in May 2012.