Meeting Summary

State Water Commission

June 17, 2025, at 3:00 p.m.

Senate Room A, Room 305, General Assembly Building

http://dls.virginia.gov/commissions/swc.htm

The State Water Commission (the Commission) met in Richmond with Senator Scott A. Surovell, chair, presiding.[1] The meeting began with opening remarks followed by a recap of the Commission's recommendations for the 2025 Regular Session of the General Assembly, adoption of an electronic meetings policy, presentations, and discussion. Materials presented at the meeting are accessible through the *Commission's meetings webpage*.

Presentation: City of Richmond Water System Failure

Mr. Scott Morris, P.E., Interim Director, City of Richmond Department of Public Utilities

Mr. Morris provided a summary of the water outage event of January 6, 2025, detailed organizational changes underway at Richmond's Department of Public Utilities (DPU), and provided an overview of the DPU's 10-year plan. On January 6, 2025, the City of Richmond's water treatment plant (WTP) completely lost power in both of its main feeders due to an equipment failure, and the backup battery-powered system did not close filter effluent valves. This led to water levels increasing in both clearwells until the WTP's basements were submerged, leaving critical electrical equipment submerged and damaged. Although standby pumps were used to pump water out of the basements, the pumps were not able to pump at the rate required to overcome the water that was passing through the filters. The submerged and damaged equipment resulted in a complete outage at the WTP for nearly 36 hours. The City's Byrd Park Reservoir was already at less than half capacity due to ongoing construction projects, which meant that the City's water distribution system was already at a greater risk of failing to meet demand if production at the WTP were to be lost. Mr. Morris provided status updates related to various improvements to the City's water system, many of which have already been completed and some of which are ongoing. Mr. Morris described organizational changes to the DPU since the inauguration of the new mayor in 2025, and he detailed the City's 10-year plan to upgrade critical infrastructure, perform comprehensive system assessments, implement a robust preventative maintenance program, and ultimately ensure the provision of safe and reliable water for the City of Richmond for decades to come.

Presentation: Lead and Copper and PFAS Compliance in Local Water Systems

Mr. Dwayne Roadcap, Director, Office of Drinking Water, Virginia Department of Health
Mr. Bailey Davis, Chief of Field Operations, Office of Drinking Water, Virginia Department of Health

1. **Members Present**: Senator Scott A. Surovell, Delegate Paul E. Krizek, Senator Bill DeSteph, Delegate David L. Bulova, Delegate Nadarius E. Clark, Delegate M. Keith Hodges, Delegate Amy J. Laufer, Lamont Curtis
Members Absent: Senator David W. Marsden, Senator Russet W. Perry, Senator Richard H. Stuart, Delegate Alfonso H. Lopez, Delegate Sam Rasoul, Delegate Kathy KL Tran, Brian Bayford

Mr. Roadcap and Mr. Davis provided an overview of a study mandated by the General Assembly in 2024 to assess costs for complying with new per- and polyfluoroalkyl susbtances (PFAS) and lead regulations that included cost estimates, funding options, and federal funding identification. The study found that the compliance costs related to PFAS would be between $643 million and $904 million in capital expenditures, between $72 million and $88 million in annual operational expenditures, and $700,000 in ongoing annual monitoring costs. The study found that the compliance costs related to lead service lines would be between $290 million and $670 million in capital expenditures, $43 million in annual operational expenditures, and $1 million to $2 million in ongoing annual monitoring costs. The study found that while larger waterworks are better positioned to afford such compliance costs due to their ability to increase rates over a larger customer base, smaller waterworks will have more difficulty in affording such compliance costs. In order to meet PFAS and lead and copper regulations, water systems are expected to use a combination of low-interest rate loans; state and federal grants; bonds, including in collaboration with the Virginia Resources Authority; customer billing increases; and funds from litigation claims.

Presentation: Rappahannock River's Designation as Most Endangered in the United States

Mr. Brent Hunsinger, Advocacy and Coastal Programs Director, Friends of the Rappahannock

Mr. Hunsinger provided an overview of the nonprofit organization called American Rivers and its Most Endangered River (MER) Campaign and explained the overarching reason for the Rappahannock River earning the status of the sixth most endangered river in the United States: a fragmented approach to water supply planning that threatens to undermine the long-term sustainability of the river. Mr. Hunsinger detailed the primary threats to the Rappahannock, which include declining groundwater levels, explosive regional growth, data center expansion requiring water usage, increasingly variable surface water flows, major transfers of water between river basins, lack of coordinated cumulative water supply strategies, and legacy unpermitted water intakes that were authorized prior to 1989. Mr. Hunsinger explained that while competing demands for the finite water in the Rappahannock are growing, groundwater recharge rates can't keep up with extraction, and surface water availability varies with climate conditions. These conditions have posed serious threats to the agriculture and fisheries industries, as well as to the public's drinking water supply. Mr. Hunsinger advocated for several policy solutions which could improve the health of the Rappahannock River, including providing adequate funding for regional water supply plans, performing basin-wide comprehensive cumulative water resource plans that utilize the regional water supply plans that are created, disclosing to the Virginia Department of Environmental Quality (DEQ) any data related to reported capacity and intake values that differ from the DEQ's records, and potentially limiting the intake capacity for legacy users.

Presentation: Current Law and Agency Enforcement of PFAS in the Commonwealth

Mr. Dwayne Roadcap, Director, Office of Drinking Water, Virginia Department of Health
Mr. Bailey Davis, Chief of Field Operations, Office of Drinking Water, Virginia Department of Health
Mr. Bryant Thomas, Interim Director, Water Division, Department of Environmental Quality

Mr. Roadcap and Mr. Davis provided a brief overview of the role that the Virginia Department of Health (VDH) plays in enforcing laws and regulations related to PFAS and detailed the current state of the U.S. Environmental Protection Agency (EPA) rules regarding certain PFAS chemicals. On April 10, 2024, the EPA announced the final National Primary Drinking Water Regulations for six of the most prevalent PFAS chemicals in drinking water and set a deadline for compliance of 2029. Following the inauguration of a new presidential administration, the EPA announced its intention to rescind the regulations for four of the six PFAS chemicals, leaving only the regulations for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), and extend the compliance date to 2031. Mr. Roadcap and Mr. Davis noted that initial monitoring for PFAS in water systems is ongoing and set to be completed by April 27, 2027. Starting three years following rule promulgation, results of initial monitoring must be shared with the public, regular monitoring for compliance must begin, and public notification must be given for monitoring and testing violations. Once the compliance date for all maximum contaminant levels (MCLs) begins, the public must be notified of MCL violations. Regardless of whether the number of PFAS chemicals being regulated is six or two (PFOA and PFOS), VDH staff noted that the cost impacts for Virginia would be roughly the same, as most of the PFAS chemicals detected in Virginia water are PFOA and PFOS.

Mr. Thomas provided an overview of the enacted legislation in Virginia related to PFAS and the role that the DEQ plays in implementing such legislation. Mr. Thomas noted the following major pieces of legislation related to PFAS, and the DEQ's implementation of such legislation: The budget bills in the 2022 regular session allocated $320,000 to the DEQ to conduct ambient surface water and groundwater surveillance for PFAS; HB 2189 (Rasoul, 2023) established requirements for certain industrial users discharging PFAS to publicly owned treatment works to test for PFAS and report the results to the receiving publicly owned treatment works; HB 1085 (Rasoul, 2024) and SB 243 (McPike, 2024) require the DEQ to perform PFAS source assessments for drinking water systems with detections of PFAS above the EPA's MCLs; and HB 2050 (Bulova, 2025) requires certain facilities in the Occoquan Reservoir watershed to monitor for PFAS and ensure the concentration of PFAS in the discharge of such facilities does not exceed the EPA's drinking water MCLs.

Presentation: Present and Future Issues Related to PFAS in the Commonwealth

Mr. Dean Naujoks, Potomac Riverkeeper, Potomac Riverkeeper Network

Mr. Naujoks provided an overview of PFAS-contaminated biosolids, which is another term for sewage sludge that has been treated and can be applied to land as a soil conditioner or fertilizer. Mr. Naujoks stated that in order to prevent PFAS from negatively affecting human and animal health, it is necessary to assess the sources of PFAS, invest in and implement technological solutions to remove PFAS, and ultimately develop technology that will destroy the chemical compounds. Mr. Naujoks highlighted Maryland's recent decision to restrict the use of biosolids for fertilizer and the concurrent impact of Synagro, a major sludge-fertilizer maker, applying for permits to use more biosolid fertilizer on Virginia farmland. Mr. Naujoks noted that Virginia has approved the importation and application of fertilizer from 22 Maryland wastewater treatment plants, 21 of which have been tested by the Maryland Department of the Environment and were found to contain PFAS. He also noted that the DEQ's statewide PFAS sampling efforts have revealed that many of Virginia's rivers, as well as tidal bays and creeks, have dangerously high levels of PFAS that are harmful to human and aquatic life. As it relates to Virginia farmers, Mr.

Naujoks stated that PFAS-contaminated biosolids have resulted in contamination of farmers' wells, runoff into streams, contamination of fish and seafood, and contamination of feed crops for livestock and poultry. He stated that farmers are not told the truth about the prevalence of PFAS in the biosolids that are applied to their farmland. In order to improve this situation, Mr. Naujoks advocated that Virginia (i) test all biosolids for PFAS, (ii) issue a moratorium on all new biosolid application permits, (iii) use peer-reviewed science for establishing safe limits of PFAS, (iv) rely on the EPA's Sewage Sludge Risk Assessment for PFOA and PFOS, and (v) use the EPA's finalized national recommended water quality criteria and benchmarks to protect aquatic ecosystems from PFAS.

Presentation: Farmers' Perspective on Issues Related to Biosolids

Martha Moore, Senior Vice President of Government Relations, Virginia Farm Bureau Federation

Ms. Moore provided an overview of biosolids and stated that land applications of biosolids are far preferable to incineration or deposition in landfills. Ms. Moore stated that biosolids are regulated at the federal and state levels, as well as monitored at the local level to ensure protection of public health and the environment. She also stated that biosolids are a source of nutrients that improve soil health and bring numerous economic and environmental benefits. Ms. Moore provided the perspective of farmers on biosolids, as they relate to PFAS, and said that farmers are passive receivers of possible contaminants from biosolids that farmers were encouraged to use as a safe and regulated product. Farms do not manufacture PFAS, nor do they use PFAS as a part of any industrial process. Farmers must wait for pending scientific research to best determine how PFAS will be detected in biosolids and assessed with respect to inadvertent contamination of land applications. Ms. Moore stated that farmers are concerned with being held liable for PFAS contamination that they did not create, but rather received through the application of contaminated biosolids. For this reason, some farmers believe that policymakers should consider some sort of liability shield for farmers. Ms. Moore noted that instances in which PFAS have been detected on farms in other states have created severe financial, emotional, and health impacts on farmers, including lost income, land devaluation, and the need to abandon or repurpose their farmland. Ms. Moore also provided a number of policy options that farmers support, which include increased scientific research and collaboration, controlling sources of PFAS-contaminated biosolids, more stringent pre-treatment standards for biosolids, increased testing of biosolids prior to land application, and the liability shield for farmers.

Presentation: Local Wastewater Providers' Perspective on PFAS in the Commonwealth

Chris Pomeroy, General Counsel, Virginia Municipal Drinking Water Association

Mr. Pomeroy provided the perspective of local wastewater providers as it relates to the prevalence of PFAS in the Commonwealth's water supplies. Mr. Pomeroy commented on the efforts mentioned in the prior presentations and said that while all of those efforts and goals are attainable, they all are very expensive and will result in higher monthly bills for ratepayers. On the topic of the land application of biosolids potentially contaminated by PFAS, Mr. Pomeroy noted that there are largely only two alternatives, both of which are unattractive or unfeasible:

building new landfills or expanding existing landfills and opening new regional high temperature incinerators that are able to destroy PFAS chemical bonds.

Public Comment

A constituent, Michael Lightfoot, provided public comment and expressed support for efforts to reduce PFAS concentrations in Virginia's waterways as a result of sewage sludge applications to farmland.

Next Meeting

No date was set for the next meeting of the Commission.

For more information, see the *Commission's website* or contact the Division of Legislative Services staff:

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