

VDH Source Water Protection Program Definitions

BACKGROUND OF PROPOSED AMENDMENTS

There are numerous state and federal programs that support source water protection from Clean Water Act and Safe Drinking Water Act perspectives. The Virginia Department of Health (VDH) recognizes that development and implementation of source water protection measures may be achieved in several ways. Therefore, the VDH has updated definitions and clarifications for its Source Water Protection Program.

The updated definitions introduce an opportunity for waterworks to obtain substantial implementation (SI) status credits for the completion of source water protection initiatives by direct or indirect partners. Partners may be from local, state, and federal government programs, citizen groups, and the business community. This updated approach to evaluating success reemphasizes the need for collaboration with outside resources, as in most cases waterworks alone have limited options to protect their source(s).

Although source water protection is voluntary for waterworks in Virginia, VDH is required to submit annual progress reports to the Environmental Protection Agency (EPA) about the protection status of community water systems (CWSs) in Virginia. Thus, VDH or its contractors may inquire about protection strategy in-place (SIP) and SI during their interactions with waterworks or during the source water protection program annual survey. This survey is typically performed from June to August of each year.

BENEFITS OF PROPOSED ACTION

- Aligns the program management and tracking needs with the pace at which protection initiatives are implemented
- Allows waterworks to obtain SI credit from protection initiatives executed by direct or indirect partners
- Improves SP-4 metrics reported to EPA
- Increases the pool of eligible waterworks for grant opportunities by allowing our Source Water Assessment Reports (SWARs) to be considered as a SIP
- Reduces the gap between source water assessments (SWAs) required from states and source water protection (SWP), which is voluntary for waterworks

DEFINITIONS

Source Water Protection Committee (SWPC): Defined as a local or regional team responsible for source water protection planning. SWPCs are typically composed of three to five members and meet on a regular basis. SWPCs promote the selection of objective protection measures and implementation of recommended initiatives.

Examples of a SWPC include, but are not limited to:

- Board of Directors or other oversight board
- Local TMDL implementation team
- Soil and Water Conservation Roundtable team who implement the BMPs
- Other organization of members from local, state, and federal government programs, citizen groups, and the business community

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Protection Strategy In-Place (SIP): Defined as a document or set of documents established by or for a community waterworks that addresses the following four source water protection elements¹:

1. A delineation of the source assessment area (for surface based systems, this is the watershed; for groundwater based systems this may be the fixed radius method or a more technically defensible delineation of a well's recharge area)
2. Inventory of major potential sources of contamination (PSCs) within their source(s) delineation(s)
3. Recommended actions to eliminate/reduce the risks of impact by PSCs
4. Contingency plan to address contamination events

Examples of SIP include, but are not limited to:

- Source Water Protection Plan (SWPP) developed through one of VDH's assistance programs or other means
- Source Water Assessment Report (SWAR) issued after January 1, 2015
- Local or Regional Water Supply Plans submitted to the Virginia Department of Environmental Quality ([9VAC25-780](#)) when protection strategies are specifically referenced
- Any combination of programs or ordinances focused on watershed or wellhead protection (e.g., environmentally oriented or citizen groups, stormwater best management practices (BMPs), agricultural BMPs, etc.)

Waterworks are encouraged to contact the VDH while developing or updating a SIP. VDH can provide technical assistance to support the efforts.

Substantial Implementation (SI) of protection goals: Defined as completing source water protection activities in intervals no greater than three years from last action's date.

VDH tracks the SI status of CWSs and submits an annual report to EPA. The reported values are associated with the SP-4 metrics from the National Water Program Metrics. VDH will credit CWSs with SI status as follows:

SI Scenario 1

CWS wells in the coastal plain may be deemed as having a SIP and SI status when the well is constructed pursuant to the *Virginia Waterworks Regulations* and supporting documentation exists².

SI Scenario 2

CWS sources not meeting criteria under SI Scenario 1 may obtain SI status when:

- a. A SIP is developed³
- OR

¹ It is strongly recommended that the above criteria be reviewed and approved by a SWPC.

² This type of SI status does not expire unless there is evidence that well structure or aquifer has been compromised.

³ This is a one time achievement applicable only for the first approved SIP.

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- b. A SIP is updated when it is more than 3 years old⁴
OR
- c. One SIP recommendation or other protection/contingency measure is executed

Examples of SI actions include, but are not limited to:

- Distribution of educational material
- Acquisition of easements
- Proposing/approving ordinances or zoning
- Installation of signs
- Hiring an employee dedicated to source water protection

Since the SI status should be maintained, waterworks are encouraged to contact the VDH when they plan to or have completed implementation actions. This helps the agency to maintain more accurate program records and offers an opportunity to the waterworks to learn about possible ways in which the agency may support planned initiatives.

⁴ *This cannot be the implementation action for two consecutive 3-year intervals.*