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ODW Program Guidance During the SARS-CoV-2 (Coronavirus) Pandemic

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From: Dwayne Roadcap, Director, Office of Drinking Water (ODW)

To: ODW staff

Document History Log

History	Date	Description
Issued	April 1, 2020	Initial Program Guidance
First Revision	May 1, 2020	Updated monitoring and reporting requirements.
Second Revision	May 15, 2020	Resumption of routine fieldwork.
Third Revision	May 29, 2020	Updated to be consistent with Executive Order 63.
Fourth Revision	June 12, 2020	Added screening recommendations, increased staff at site visits.
Fifth Revision	August 21, 2020	Added procedures for tracking and monitoring waterworks that have temporarily stopped operation, that are operating at a reduced capacity (serving fewer than 25 persons each day) for an extended period of time, or have permanently closed. Updated use of enforcement discretion remains consistent with EPA guidance. Added references to Dept. of Labor and Industry Emergency Temporary Standard for Workplaces, 16VAC25-220.

Drinking water is essential during the SARS-CoV-2 (coronavirus) pandemic. Public water systems (“waterworks”) have a heightened responsibility to protect public health and help prevent the spread of COVID-19, the disease caused by the SARS-CoV-2 virus. To this end, people need drinking water for life and other critical needs, such as handwashing during the coronavirus pandemic. Waterworks owners and operators must continue normal operation and maintenance to the extent possible to ensure required sampling and safety of drinking water supplies.

The well-being of our employees, stakeholders, waterworks staff, and the public is our top priority while making sure drinking water is safe and complies with applicable laws and regulations. ODW will adhere to Governor Northam’s [Executive Orders](#), the Virginia Department of Health guidelines for [Schools, Workplaces, and Community Locations](#), and the Department of Labor and Industry (DOLI) [Emergency Temporary Standard, 16VAC25-220](#) (effective July 27, 2020).

ODW is performing routine fieldwork unless the waterworks is located in a facility that is within a high to very high exposure risk category (see Appendix - 1A). ODW will evaluate exposure risk and the status of COVID-19 spread at these waterworks and make a case-by-case determination about performing fieldwork, including the onsite portion of a sanitary survey. See Appendix - 1A for ODW's priorities, Appendix - 1B for workplace safety best practices and procedures and best practices when performing fieldwork, and Appendix - 1C, which has guidelines for sanitizing a vehicle. When a routine, in-person inspection or sanitary survey is not possible because of a COVID-19 outbreak or risk at a specific waterworks, then ODW staff will provide technical assistance to the extent possible over the phone, teleconferencing, videoconferencing and other remote methods of communication. Only in rare and emergency situations will staff provide on-site, in-person assistance at a facility with a COVID-19 outbreak.

Customer Service and Office Hours:

Offices remain open and customer service is a top priority. Staff can best receive and help customers who schedule an appointment in advance. Walk-in appointments may be limited to ensure physical distancing of at least 6-feet. To the extent possible, owners, operators, consultants, and others should contact the appropriate field office prior to arrival to schedule an appointment and determine if there are any access limitations at the location. Three field offices, Richmond, Southeast Virginia, and Culpeper, are in buildings with other Department of Health programs, state agencies, and/or local government offices, which may limit access to the buildings at these locations.

Staff are available at the usual contact numbers and by email. Field office, program, and staff contact information is at <http://www.vdh.virginia.gov/drinking-water/contact-us/>. For specific questions about transient noncommunity and nontransient, noncommunity waterworks, waterworks owners can also contact Jarrett Talley, Noncommunity Sustainability Coordinator at Jarrett.Talley@vdh.virginia.gov or (804) 864-8085.

Staff have resumed construction and technical assistance site visits. In accordance with the Governor's recommendations for easing restrictions and the DOLI Emergency Temporary Standard, staff continue to work remotely when possible and stagger office hours throughout the week to minimize contact.

ODW has cancelled or postponed most staff training at this time. Staff is working on delivery of training via online technology to the extent possible. Outreach and marketing of these courses will continue using the same email and online platforms.

Monitoring and Reporting Requirements:

Staff must inform waterworks owners of the following program guidance:

Active Waterworks

- Waterworks must notify ODW when they experience difficulties collecting, submitting, or reporting water quality data, or they suspend operations. ODW staff should remind waterworks to promptly and routinely communicate needs and challenges. If a waterworks cannot sample because of impacted operations related to the coronavirus pandemic, then staff may exercise enforcement discretion until August 31, 2020.¹
- Until August 31, 2020, staff may reject violations of monitoring and sampling requirements at noncommunity waterworks that are directly related to the coronavirus pandemic. If appropriate and based on sufficient information, staff will enter into SDWIS that the violation is “Rejected” with a Reason Code of “COVID.” Tableau queries can be used to find all active waterworks with the COVID indicator of “YES”.
- After August 31, 2020, ODW expects waterworks to meet all monitoring and reporting requirements as long as they are operating. Limited exceptions are explained below. Field office staff should advise waterworks owners and operators to continue to notify ODW staff if, after August 31, the waterworks experience difficulties meeting the requirements in the Waterworks Regulations due to the coronavirus pandemic.

Waterworks That Have Temporarily Suspended Operation

- If a nontransient noncommunity waterworks (e.g., one serving a school, child care facility, or factory) is shut down and no one is using the facility/waterworks for a period of more than 60 days, the owner may submit a written request (email or letter) for ODW to inactivate the waterworks. Field office staff will confirm and document the shut down through information the owner provides, a site visit, and/or communication with other state agencies as appropriate. Upon confirmation and field director concurrence, staff will inactivate² the waterworks in SDWIS.

¹ See [guidance from the U.S. Environmental Protection Agency](#) (EPA) dated March 26, 2020. EPA issued a [memo dated June 29, 2020](#) in which the agency announced it will terminate the March 26 guidance on August 31, 2020. This means that the EPA will not exercise enforcement discretion as set forth in its March 26 policy for any noncompliance that occurs after August 31, 2020. To remain consistent with federal guidelines, ODW will not exercise enforcement discretion, as set forth in EPA’s March 26 policy memo, for noncompliance that occurs after August 31, 2020.

² To “inactivate” a waterworks, means it remains in ODW’s SDWIS database, with the expectation that it will resume operation within 12 months. During the period in which the waterworks is inactive, the owner may not use the waterworks to provide water to the public, but is also not required to monitor water quality, submit monthly reports, or meet other regulatory requirements – much like a seasonal waterworks. Prior to resuming operation, the owner must notify the field office and perform start-up procedures to ensure the water meets water quality standards. Field office staff must contact the waterworks owner every 90 to 120 days following inactivation to confirm the waterworks status. Staff must verify verbal representations from the owner by a site visit, communication with another state regulatory agency, local government, the local health department, or another third-party source.

- If a facility operates a transient noncommunity waterworks, including a seasonal waterworks, which is not open to the public and no one is using the facility for a period of more than 60 days, the owner may submit a written request (email or letter) for ODW to inactivate the waterworks. Field office staff will confirm and document the closure (or not opening) through information the owner provides, a site visit and/or communication with other state agencies, local government, and the local health department as appropriate. Upon confirmation and field director concurrence, staff will inactivate waterworks. Staff will follow the procedures outlined in footnote 2 to communicate with the owner and ensure water meets water quality standards prior to the waterworks resuming operation.

Reduced Operation, Temporary Closure, and Seasonal Waterworks

- If a waterworks continues to meet the definition of a waterworks, but is operating at less than its normal capacity, field office staff may provide technical assistance to the owner for managing building water quality and collecting compliance samples. These waterworks are expected to continue to meet all regulatory requirements including monitoring and reporting.
- If a waterworks closes temporarily (generally more than 30 days) due to the coronavirus or remained operational with limited or no water demand, but anticipates returning to more normalized flow, then staff should recommend flushing of the plumbing system before the waterworks resumes normalized flow. Staff may recommend special bacteriological sampling to verify the water quality is adequate. After 60 days of closure, the owner of a nontransient noncommunity or transient noncommunity waterworks may request to go to an inactive status following the procedures described above.
- If a waterworks serves a seasonal facility that is opening for the season, then staff must discuss sampling requirements of the seasonal start-up plan with the waterworks operator and owner.

Permanent Closures

- If a waterworks has closed permanently (i.e., lasting or intended to last or remain unchanged indefinitely), then staff should follow the procedures described below for inactivating the water system and invalidating the operation permit.³

³ Va. Code § 32.1-174 specifies five conditions under which the Commissioner may revoke a permit. If none of those conditions exist, i.e., a water system continues to provide pure water, but it no longer meets the definition of a waterworks, Va. Code § 32.1-173 says the Commissioner can determine the permit is no longer valid, which means to invalidate. The Commissioner has delegated authority for permitting to ODW.

- ODW may determine an existing permit is no longer valid⁴ because the water system does not meet the regulatory threshold for a “waterworks” (15 service connections or 25 or more individuals for at least 60 days out of the year). If a waterworks owner believes that the water system no longer meets the definition of a waterworks and requests ODW invalidate the permit, staff must have sufficient documentation before stopping regulatory oversight of the water system.
- Field office staff will perform a site visit to confirm information provided by the owner, unless another state agency provides field confirmation. Field office staff will contact the local health department, the local building/zoning official, or other state agency (e.g., Virginia Department of Education, Department of Agriculture and Consumer Services, or Department of Social Services) as appropriate to determine whether other regulatory agencies have conflicting information.
- If the field director concurs that the water system no longer meets the definition of a waterworks, then the field director will email a summary and documentation to the Division of Technical Services. The field services engineer and division director will review the documentation and the field director’s assessment and, if they concur, will forward a recommendation to the office director for approval. If the office director approves, then the field director can invalidate the permit and notify the water system owner.
- Invalidating a permit is not appropriate for waterworks that anticipate reopening within 12 months from the date ODW invalidates the permit.

Waterworks That Claims It Now Serves a Population Less Than 25 Persons

- If the waterworks owner asserts the facility no longer meets the definition of a waterworks because it serves fewer than 25 people a day and/or operates less than 60 days per year, the owner may submit a written request (email or letter) for ODW to inactivate the waterworks. Field office staff will confirm and document the population served and/or days of operation through information the owner provides, a site visit, business records, and/or communication with other state agencies, local government, or the local health department, as appropriate. Staff must use facts and information from a disinterested third party to the extent possible. Upon confirmation and office director concurrence, staff may inactivate the waterworks. Field office staff should contact the waterworks owner every 90 to 120 days following inactivation to confirm the population served and/or days of operation remain below the regulatory threshold. Staff must verify verbal representations from the owner by a site visit, communication with another state regulatory agency, local government (planning, zoning, building, etc.), the local health department, or another third-party source.

⁴ Va. Code § 32.1-173 B.

SDWIS Coding

- If staff determine that a waterworks is (1) closed temporarily; (2) the population served and/or days of operation are less than the regulatory threshold for defining a waterworks; or (3) a waterworks is operating at less than its normal capacity, because of the coronavirus pandemic, they will add the “COVD” water system indicator in SDWIS with a value of “YES”, and a “Begin Date” marking the start of the closure or change in operational conditions.
- For any waterworks that staff confirms is inactive, staff will inactivate the system in SDWIS by changing the “Activity Status” to “INACTIVE”, in addition to the use of the COVD indicator as described above. Staff must use the date of the concurrence document as the activity date, and staff will include a brief description of the reason for inactivation in the status reason box.
 - Do not reduce the population to a value less than 25. Staff cannot classify a waterworks as non-public (NP) when inactivated.
 - Staff can use MS Access queries to find all waterworks with the COVD indicator of “YES” and activity status of “INACTIVE.” Field office staff should run these queries on a routine basis to know when to follow up with waterworks to verify the status is still valid.
 - Upon the owner re-opening the waterworks and collecting startup samples, ODW expects regular monitoring to commence and for staff to annotate the re-open date as the End Date on the “COVD” indicator (changing the indicator to “NO”) and also as the activity date (changing the “Activity Status” to “ACTIVE”). Do not delete the COVD indicator.
 - If the waterworks was due for an inspection during the period of inactivity, staff will conduct an inspection at the earliest possible opportunity upon learning of the re-opening or resumption of normal operation that meets the definition of a waterworks.
 - For waterworks that would be required to collect Lead and Copper samples, but are in an inactive status, ODW expects monitoring to commence at the next applicable monitoring period (for example for ultimate reduced monitoring June through September of 2021, for routine monitoring the next 6 month monitoring period).

Laboratory Issues

- If worker shortages and laboratory capacity problems develop, then compliance monitoring to protect against microbial pathogens is the highest priority. Additional priorities include nitrate/nitrite and lead and copper monitoring, followed by contaminants for which the waterworks has been non-compliant. Compliance monitoring for these parameters focuses on acute health risks.

- Waterworks owners should identify and use alternative laboratories to satisfy monitoring and reporting requirements. Contact labadmin@vdh.virginia.gov for any problem with compliance monitoring based on a closed laboratory with no adequate back-up lab available. Report monitoring or other compliance issues at labadmin@vdh.virginia.gov.