

Water Supply Plan Advisory Committee
Wednesday October 3, 2012 at Dominion Resources Innsbrook

Members: Rob McClintock, Art Petrini, Mike Lang (for Larry Dame), Andrea Wortzel (for Tom Roberts), Beate Wright, Traci Goldberg (for Chuck Murray), Rick Linker, Bob White, Scott Smith, Susan Douglas, John Staelin, Bill Cox, Mike Lawless, Katie Frazier, Tom Botkins, John O'Dell, Blair Krusz

Guests: Vernon Lang, Gina Shaw, Cabell Vest, Speaker Pollard, Richard Grossman, Deidre Mason, John Lain

DEQ staff: James Golden, Angela Jenkins, Scott Kudlas, Tammy Stephenson, Brenda Winn, Heather Mackey, Mary Ann Massie, Angela Neilan

Ms. Stephenson welcomed everyone to the meeting and thanked Mr. Linker, Dominion Resources, for hosting the meeting and providing lunch. Introductions were offered.

Ms. Wortzel initiated review of the DRAFT WSPAC report. Section titles have been *revised* to reflect language used in legislation.

Section #1 *Procedures for incorporating local and regional water supply plans into the state water resources plan and minimizing potential conflicts among various submitted plans:*

Editorial changes were captured in the attached draft. There was much discussion over "Recommendations for Minimizing Potential Conflicts." It was reiterated that DEQ's review of the plans will identify conflicts. This information will be shared with authors of impacted local/regional plans. Addressing the conflict will be incorporated into the next iteration of the local/regional plan. This may not mean resolving the conflict, but the parties affected should be communicating about the conflict. Mr. Botkins and Mr. Linker preferred that some of the deleted language which specifically outlined the conflict process be reinstated. After discussion, it was decided that this language will remain and is captured in the attached draft. The addition of a closing sentence 'no need for additional procedures/legislation at this time' was embraced as members felt it was important to endorse the three methods for addressing conflict as adequate.

Section #2 *The development of methodologies for calculating actual and anticipated future water demand:*

Editorial changes were captured in the attached draft. There was discussion on methodologies and the concern that 'anything goes.' Mr. Kudlas noted that he would be concerned if this were a 'one and done' initiative, but the five year reviews and ten year resubmissions should address any weaknesses in methodologies. Mr. Petrini noted that the permitting process would also provide an opportunity for closer examination of figures.

Section #3 *The funding necessary to ensure that the needed technical data for development of a statewide planning process is available:*

Editorial changes were captured in the attached draft. There was discussion on DEQ's two year time frame for compliance review of local and regional plans (beginning November 2011 when the last plans were due). Mr. White expressed concern that the review process was inordinately long and that much of the collaborative momentum had been lost between participating localities. Discussion followed. Ms. Wright wanted to strengthen the recommendation for funding to provide 'thorough and timely reviews'. **ACTION ITEM:** Ms. Neilan asked committee members to provide language to Ms. Stephenson regarding the length of DEQ's compliance review and impacts to local government.

Section #4 *The effectiveness of the planning process in encouraging the aggregation of users into common planning areas based on watershed or geographic boundaries:*
Editorial changes were captured in the attached draft. Discussion followed on incentives for regional planning. Mr. White mentioned a study being conducted by JLARC on regional efforts. .

Section #5 *The impact of consumptive use and reuse on water resources:*
Editorial changes were captured in the attached draft. Discussion followed on methodologies for 'categorizing water uses by purpose' and the usefulness of doing so. It was understood that this recommendation is requesting a change to the existing regulation and specifics could be worked out through a TAC.

Section #6 *Opportunities for use of alternative water sources, including water reuse and rainwater harvesting:*
Editorial changes were captured in the attached draft. Mr. Botkins inquired on the role of the Department of Conservation and Recreation (DCR) in stormwater management issues. It was agreed that both DCR and the Virginia Department of Health should be included in the recommendation as having a role in evaluating stormwater as an alternative water source. Additionally, Mr. Kudlas pointed out the legislatures' interest in other potential sources of supply (desalinization, recycling, rainwater harvesting) and it was agreed to add a sentence to the report about the committee's focus and time restraints.

Section #7 *Environmental flows necessary for the protection of instream beneficial use of water for fish and wildlife habitat:*
Editorial changes were captured in the attached draft. Ms. Frazier requested an introduction to the section consistent with previous sections. **ACTION ITEM:** Tammy will work with Judy Dunscomb to develop an introduction. Discussion followed on the types of 'tools' referenced in bullet one. Committee members agreed the intent was for technical tools (modeling, data collection) and technical resources – not regulatory actions. Members discussed preferred terminology for climate impacts to water resources.

Section #8 The role of the State Water Control Board in complying with the state water resources plan:

Editorial changes were captured in the attached draft. Dr. Cox felt the neutrality of the recommendations was a shortcoming and should be strengthened so the State Water Resources Plan advanced permitting decisions. Mr. White supported the concept noting that there had to be value to the region for participating every five years. One benefit would be in support of the permitting process. Ms. Goldberg noted that water deficits may be identified in advance but depending on where you are in the planning process, all potential sources may not have been examined. Mr. Linker commented that it was too early to say what affect the State Water Resources Plan may have on permitting decisions. Mr. Botkins noted that locality A and B may list a waterbody as an alternative source but that locality C with an immediate need may receive a withdrawal permit. Mr. Kudlas agreed that under the current system that could happen. Mr. Kudlas added that it was unrealistic to think that a locality would suddenly identify an alternative source that was not part of their local/regional water supply plan. He also cautioned members about the concept of DEQ support – there have been occasions where federal permits were not issued after state permits had been issued by the State Water Control Board with DEQ support. Mr. Pollard asked Mr. Kudlas about any difference in the compliance review effort versus a more rigorous technical review, similar to the administrative and technical review on VWP permit applications. Mr. Kudlas indicated that the compliance or completeness review was underway with letters issued to local and regional authorities and that he expected another letter to follow a more technical analysis with modeling.

Section #9 Other policies and procedures that the Director of the Department of Environmental Quality determines may enhance the effectiveness of water supply and water resources planning in Virginia:

Editorial changes were captured in the attached draft. Ms. Frazier requested an introduction to the section consistent with previous sections. Mr. Kudlas thought the supply and reliability terms (b) ought to be defined in this context as they are not used in the planning or permitting regulations. **ACTION ITEM:** Ms. Goldberg to research previous drafts to reintroduce background to the narrative. Committee members decided to strike the Competing Regulations section because there was no impact to the water supply planning process. The ‘sunset’ clause was discussed and Mr. Kudlas assured committee members that legislative authorization was not necessary to continue to collaborate on water supply planning topics.

Other Issues Considered (Identified) Without Development of Recommendations:

Ms. Frazier asked for the background on these issues and expressed her concern over raising them to a higher level of scrutiny.

#1 Adequacy of state controls over water use – this was deleted because members felt it was covered in #9 c Data Gaps.

#2 Role of DEQ – this was deleted because members felt it covered by permitting.

#3 Mitigation for Consumptive Use – this language was moved to Section #5 The impact of consumptive use and reuse on water resources.

Ms. Neilan asked for any public comment. There was none.

Once Ms. Stephenson makes amendments to the draft report following this meeting's recommendations, she will send it out to all committee members for review. Comments and suggestions will be sent to Mrs. Stephenson only to comply with FOIA.

The meeting was adjourned.