

Virginia Water Supply Planning Advisory Committee

Friday, November 4, 2011

Location: Henrico County Government Annex, Henrico, VA

Meeting Minutes

Members attending:

Bill Cox, Larry Dame, Tom Botkins, Mike Lawless, Beate Wright, Art Petrini, John Staelin, Rick Linker, Bob White, Scott Smith, Wes Kleene, Nikki Rovner, TNC (for Judy Dunscomb)

Participating via conference call:

Kevin Byrd, Traci Goldberg, Petrina Jones, John Carlock

DEQ staff:

Scott Kudlas, Tammy Stephenson, Sara Jordan (conf. call), Mary Ann Massie, Brian McGurk, Valerie Rourke

Guests attending:

Eric Ecklesdafer, Virginia Valley Water Inc.

Gina Shaw, City of Norfolk

Vernon Land, City of Suffolk

Speaker Pollard, Christian & Barton

Tal Day, Episcopal Diocese of Virginia, Stewardship of Creation Committee

Brent Waters, Golder Assoc.

Rev. Gayl Fowler, SAIF Water

Lisa LaCivita, George Mason University

Ron Harris, NN Waterworks

Ms. Stephenson opened the meeting and thanked Mr. Petrini for hosting the meeting and lunch. Ms. Stephenson presented the Meeting Minutes for the August 3 WSP Advisory Committee. There were no changes recommended so they will stand as presented.

Dr. Cox presented the report for Subcommittee #1. The first item discussed was an outline for the State Water Resources Plan (SWRP). He felt the first half of the outline would be well developed with information coming from a number of sources. The second half would be preliminary in nature because the information presented in local/regional plans may be incomplete, inaccurate, or contain inconsistent information. Mr. Botkins asked about the outline, specifically section "III iv. 4 relating to Special instream needs determinations". Dr. Cox replied that chapter or section would be brief due to limited special studies but referenced work in the Shenandoah Valley and Richmond. Ms. Wright asked about the intent of "IV Potential management strategies to address water problems." Dr. Cox indicated this section would develop out of information presented in V and VI. Strategies to address conflicts could appear in the SWRP but may not be well enough defined in this first iteration of plans to include. Mr. White noted the discussion in the plan should relate to strategies but may not solve the conflict. Mr. Kudlas responded that DEQ staff would not be solving conflicts – they would have

to be addressed locally. Discussion followed on other strategies and Dr. Cox agreed to revisit the list under Section IV to include infrastructure improvements and efficiency efforts.

Dr. Cox moved on to the second topic addressed by Subcommittee #1 – review of the approval process for local/regional plans and the SWRP. After some discussion, there were suggestions for improving the language relating to cumulative impact analysis and its role in the consistency determination. Dr. Cox reported subcommittee endorsement of an initial effort by DEQ staff to examine the local/regional effort to meet the requirements set forth in the regulation. This would be the ‘consistency determination’. The subcommittee agreed that this determination could be conducted by DEQ and it was not necessary to go before the State Water Control Board for action. Dr. Cox stressed the consistency determination is not a vote on accuracy of information presented. Mr. Dame asked how DEQ comments that were received as their plan was developed related to the consistency determination. Mr. Kudlas noted that the incorporation of comments would make it easier for DEQ staff to make the consistency determination but that some plans did not receive DEQ review/input as they were drafted.

Dr. Cox continued, noting the cumulative impact analysis would be the next step following consistency determinations. Mr. Staelin noted that the cumulative impact analysis could reveal conflicts between plans. Mr. Kudlas agreed and noted the SWRP would be the avenue to present the conflicts with dialog under Section 140G.

The subcommittee discussed the importance for public input on both the consistency determinations and the SWRP. Dr. Cox concluded his summary stating the subcommittee’s recommendation that the SWRP would be presented to the State Water Control Board but formal approval of the document would not be requested. This was consistent with other State planning efforts.

Dr. Cox agreed to rework the recommendation language on cumulative impact analysis and provide a revised version to Ms. Stephenson. Ms. Stephenson will then route to the subcommittee for approval and then to full committee.

The third topic addressed by Subcommittee #1 was the relationship between permitting and planning. The subcommittee recommends the permitting fact sheet currently used by permitting staff describe how the local/regional plans were evaluated as part of the permitting process. Dr. Cox indicated the local/regional plans should be utilized for any value it could contribute in the permitting process but it should not dictate approval/rejection. Ms. Goldberg stated it was important to keep in mind that permit writers could draw on parts of the plan but there may be more current resource information that is included as part of a permit application. The subcommittee felt it important that any projects included in the SWRP have DEQ support as they move through the federal permit process.

Mr. Linker presented the report for Subcommittee #2. The report includes ‘qualifiers’ which were the guiding principles the subcommittee worked under. Mr. Linker noted some subtle differences in recommendations between subcommittee #1 and #2. Dr. Cox did not believe the recommendations coming out of the subcommittees were incompatible. Mr. Linker agreed to revisit the language on ‘revised’ or ‘updated’ plans to clarify local/regional plans submitted for

the first time or in future iterations and on the subcommittee's use of the word 'reject' under A. 4.

Discussion continued on resolving conflict and the incentives to resolve conflict. Mr. Linker noted the local/regional plans and the SWRP were tools to address conflicts in the future. The ten year update of local/regional plans would address conflicts noted in 140G of the SWRP. Immediate conflicts would be addressed in the permitting process. Mr. Pollard and Mr. Linker spoke on the permitting process and pre-application meetings as being an opportunity for local/regional plans to be a resource for informing those activities. The SWRP would be an opportunity to identify conflicts and initiate dialog. Ms. Goldberg questioned inclusion of commissions under B. 3 Conflict Resolution Process when the State was proposing to withdraw from the ICPRB. She felt this was inconsistent.

Mr. Lawless indicated a report was not yet available for Subcommittee #3. With all local/regional plans formally submitted, an inventory of projection methodologies could be conducted and recommendations would be forthcoming. Ms. Stephenson offered to provide pertinent sections of plans in electronic format to this subcommittee for use by this subcommittee.

Ms. Stephenson gave an update on the formal submission of plans. All local and regional organizations were successful in meeting the deadline with a few local governments still awaiting public hearings and/or official action. The next step will be to continue to support these localities as they move through the adoption process and initiate our consistency determination efforts.

Ms. Rourke gave a presentation on Consumptive Use and Water Reclamation and Reuse. This is a program that is shared between DEQ (commercial, industrial, and municipal reuse), VDH (domestic gray water), and DCR (stormwater). The power point will be made available with the draft minutes.

Ms. Stephenson initiated a discussion on subcommittees. Members felt Subcommittees #1 and #2 addressed their assignment and would not need additional meetings [this corresponds to subject matter in B. (i) from the legislation (§ [62.1-44.38:2](#). *State Water Supply Plan Advisory Committee copied in below*)]. Subcommittee #3 [B. (ii)] will continue their methodologies investigation.

Mr. Petrini and other members noted B. (iii) relating to funding had been acknowledged. Mr. Kudlas indicated their acknowledgement could translate to supporting increased fees to increase program funding. Mr. Kudlas will present information on funding to the State Water Commission; members did not feel a subcommittee was needed for this.

Mr. Kudlas noted no issues were discovered in the initial development of local/regional plans based on political boundaries and there were benefits in utilizing existing units of aggregation because of relationships and common understandings. But he also understood the value of planning by watershed. It was also agreed there was no need for a subcommittee for B. (iv) on common planning areas.

B. (v) relating to consumptive use and reuse generated much discussion. Ms. Goldberg noted the driving force for reuse regulations was reducing wastewater discharges and felt the issue and its relationship to downstream beneficial uses should be examined. Many members agreed and a subcommittee was established combining items B. (v), (vi), and (vii) below. The following members volunteered for this subcommittee: Larry Dame, Beate Wright, John Staelin, Tom Botkins, Rick Linker, Chuck Murray/Traci Goldberg, Scott Smith, and Judy Dunscomb/Nikki Rovner. Mr. Kudlas reminded those interested in serving on the subcommittee that the charge was examining this issue in light of development of the SWRP. Ms. Rourke noted there is a regulatory advisory panel forming for changes to the reuse regulation (this was discussed during her presentation).

Members felt B. (viii) dealing with the relationship of the State Water Control Board to the SWRP had been addressed. It was reiterated that the plan will be presented to the Board but approval of the plan will not be requested.

Finally B. (ix) other policies and procedures that may enhance the effectiveness of water supply and water resources planning was discussed. Mr. Linker specifically asked about Inter Basin Transfers (IBT). Mr. Botkins felt it important to get this topic before the State Water Commission. Mr. Kudlas stated the ‘donor’ basin impacts are well defined. However the ‘receiving’ basin often does not understand the water quality and water quantity impacts of having artificially elevated flows. Discussion followed and it was agreed that a subcommittee would be established to examine ‘other policies and procedures’ which would include this topic. The following committee members volunteered for this subcommittee: Bill Cox, Mike Lawless, Rick Linker, Tom Botkins, Bob White, and John Staelin.

B. The Committee shall examine: (i) procedures for incorporating local and regional water supply plans into the state water resources plan and minimizing potential conflicts among various submitted plans; (ii) the development of methodologies for calculating actual and anticipated future water demand; (iii) the funding necessary to ensure that the needed technical data for development of a statewide planning process is available; (iv) the effectiveness of the planning process in encouraging the aggregation of users into common planning areas based on watershed or geographic boundaries; (v) the impact of consumptive use and reuse on water resources; (vi) opportunities for use of alternative water sources, including water reuse and rainwater harvesting; (vii) environmental flows necessary for the protection of instream beneficial use of water for fish and wildlife habitat; (viii) the relationship between the State Water Control Board and the state water resources plan; and (ix) 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.

To summarize, two new subcommittees were established – one to address consumptive use/reuse impacts to supply planning and other beneficial uses; and a second to address IBT.

Mr. Kudlas reported the State Water Commission is planning to meet in December. The agenda being discussed includes an update from the Water Supply Advisory Committee, updates on Delegate Morgan’s initiative water reuse, and an explanation of DEQ efforts on improving water

withdrawal reporting. After some discussion, it was determined that Dr. Cox would provide the update for the WSPAC.

Ms. Stephenson asked if there was public input from non members. Rev. Fowler, SAIF Water Inc., encouraged the Advisory Committee to make a strong statement on the need for increased and sustained funding for water supply planning research and water supply planning activities across the State.

Ms. Stephenson will organize an Advisory Committee meeting in February 2012. The subcommittees will meet at least once before then. An update on the progress with consistency determinations will be included on the agenda.

The meeting was adjourned.