

Meeting Minutes

Thursday, August 23, 2018

HB1186 Groundwater Human Consumption Work Group (HB1186 WG)
DEQ Central Office, 1111 E. Main Street, Richmond, VA

Members Present: Andrea Wortzel, Bill Gill, Doug Powell, Frank Harksen, John Aulbach, Keith Martin, Louis Martinez, Martha Moore, Mike Kearns, Nikki Rovner, Peggy Sanner, Sandi McNinch, Dwayne Roadcap (for Allen Knapp,), Dan Holloway (for Ted Henifin), David Jurgens (for James Baker), Matt Wells (for Nina Butler), and Bob Carteris (for Kristen Lentz).

Members Absent: Allen Knapp, Andrew Clark, Brett Vassey, Charro Gauden, David Creason, James Baker, Kristen Lentz, Kendall Tyree, Morgan Quicke, Nina Butler, and Ted Henifin.

Other Participants: Jutta Schneider, Scott Kudlas, Brandon Bull, Trieste Lockwood, Gary Graham, Adrienne Kotula, Jason Early, Whitney Katchmark, Nelson Daniel, Chuck Duvall, Richard Grossman, Scott Johnson, and Curt Thomas.

Meeting convened: 9:00 a.m.

Meeting adjourned: 11:43 a.m.

Minutes:

1. Welcome and Introductions [Jutta Schneider, DEQ]. Jutta Schneider welcomed the Work Group members and public attendees to the meeting, and had attendees introduce themselves. A draft agenda for the meeting (attached) and final minutes for the last meeting on August 7, 2018 had been emailed to members and copies were available in the meeting room for public attendees. The draft agenda for this meeting and the minutes for the August 7th meeting were also available to the public on the [Virginia Regulatory Town Hall](#) prior to this meeting.
2. Overview and Discussion of Report Structure [Scott Kudlas, DEQ]. The proposed structure of the DEQ report to the House Committee on Agriculture, Chesapeake and Natural Resources was described for the Work Group. The report will consist of:
 - a. Executive Summary.
 - b. White Paper (attachment 4 of the July 19, 2018 meeting minutes).
 - c. Summary of the HB 1186 WG discussions distilled from the July 19, August 7, and August 23 meeting minutes, with some appendices.
 - d. Results of meeting consensus reached today and comments received from members subsequent to the meeting.
3. Poll for consensus. [Scott Kudlas, DEQ].

- a. Members proposed elements for consensus on statements concerning HB 1186 and the Current Regulatory Framework, they discussed and edited the elements, and then they voted by organization on consensus with the statements. There were four options for voting: (1) Agreement with the statement; (2) Can live with the statement position, but may have concerns; (3) Take no position on the statement; and (4) Do not support the statement. Consensus was achieved if all of the members voting on the statement either agreed with the statement or could live with it.
- b. Statement concerning HB 1186. "HB1186 is not needed at this time for the following reasons:
 - i. The existing science-based regulatory framework allowed for significant permit cuts, providing time to evaluate other alternatives that are underway. The framework would be undermined, creating regulatory uncertainty;
 - ii. The implementation of SWIFT and the aquifer recharge benefits it is expected to provide;
 - iii. Continued monitoring and characterization of aquifer conditions is needed in areas of hydrogeologic uncertainty;
 - iv. The benefits of ongoing water supply planning;
 - v. The annual forum allowing for continued stakeholder engagement, evaluating aquifer conditions and other alternatives identified by the Eastern Virginia Groundwater Management Advisory Committee;
 - vi. Adverse economic impacts;
 - vii. DEQ has tools, including reopening permits, to address future aquifer conditions; and
 - viii. There is already a human consumption priority in the Code."

CONSENSUS REACHED. Out of 17 members present at the time of voting; 13 members voted their agreement with the statement and 4 members voted that they can live with the statement.

- c. Statement concerning the Current Regulatory Framework:

"For the same reasons that we think it is not necessary at this time to move forward with HB1186, we do not recommend pursuing other major legislative changes to the framework for permitted groundwater withdrawals at this time. This framework enables the evaluation of alternative sources and alternative permitting options as well as the continued monitoring of the aquifer

characterization, which is underway. However, with respect to unpermitted groundwater withdrawals there is a need to consider regulating non-agricultural irrigation as recommended by the EVGMAC (Eastern Virginia Groundwater Management Advisory Committee).

CONSENSUS REACHED. Out of 15 members present at the time of voting; 13 members voted their agreement with the statement and 2 members voted that they can live with the statement.

- Member of the public's concern: In response to Chairman Marshall's request for DEQ to consider developing options for prioritizing human consumption, the work group should acknowledge that there is a problem with the current regulatory framework. Even the recent permit cuts did not result in meeting the 80% regulatory criteria. However, developing options for prioritizing human consumption would be very difficult. It is likely that DEQ doesn't have the authority to make changes of that magnitude and it would take a lot of stakeholder compromise to reach agreement on a new approach. Stakeholders are hopeful that SWIFT will be successful and eliminate the groundwater scarcity and the need to develop options for prioritizing human consumption. Therefore, the committee would prefer to delay tackling this difficult task or allocate significantly more time to developing options.
4. Public Forum [Jutta Schneider, DEQ]. There were no comments offered by members of the public attending the meeting.
 5. Action Items:
 - a. This meeting concludes the business of the HB 1186 Groundwater Human Consumption Work Group. The optional meeting on September 10, 2018 has been cancelled.
 - b. DEQ will have DRAFT minutes available to the members for review by close of business on August 29th. If members have comments, send them to Gary Graham at gary.graham@deq.virginia.gov prior to the close of business on September 7th.
 - c. DEQ will provide a DRAFT Work Group Summary to the members for review as soon as possible. If members have comments, send them to Gary Graham at gary.graham@deq.virginia.gov prior to the close of business on September 7th.

Attachment:

Draft Meeting Agenda.

HB1186 GROUNDWATER HUMAN CONSUMPTION WORK GROUP
Meeting 3 Agenda
August 23, 2018, 9 am - 12 noon
DEQ, 1111 East Main Street, Richmond VA
14th floor

The Department of Environmental Quality (DEQ) has established this work group to evaluate issues raised by House Bill 1186 during the 2018 General Assembly Session; specifically to consider developing options for prioritizing human consumptive water use through the groundwater withdrawal permit process.

1. Welcome and Introductions
2. Overview and Discussion of Report Structure
3. Positions on draft options by organization
 - a. Current regulatory framework
 - b. HB1186
 - c. Regulating non-agricultural irrigation
4. Public forum
5. Review of action items
6. Wrap up