

VWPP – WATER SUPPLY PERMITTING WORK GROUP

MEETING

AMENDMENTS

TO THE

VIRGINIA WATER PROTECTION PERMIT REGULATIONS

Henrico County Water Treatment Facility
Wednesday, April 27, 2005

Meeting Minutes

Meeting Attendees	
VWPP Water Supply Work Group	Interested Parties
Bos, Bob	Hauger, Curt
*Crowder, Charlie (Greg Prelewiiz)	Kyger, Katie
Dunscomb, Judy	Land, Vernon
Field, John	Pollard, Speaker
Foster, Larry	Reid, Terry
Hayes, Tim	Thompson, Denise
Imhoff, Ed	Tinsley, Stephanie
James, Eldon	
Jennings, Ann	
Kiernan, Brian	Staff
Orth, Donald	Frahm, Kathy (DEQ)
Paylor, David	Gilinsky, Ellen (DEQ)
Petrini, Art	Harold, Catherine (DEQ)
Sanders, Frank	Hulburt, Barbara (The McCammon Group)
Strickland, Wayne	Kudlas, Scott (DEQ) (Team Leader)
*Taylor, Cathy (Ken Roller)	Linker, Rick (DEQ)
Weeks, Richard	Norris, William (DEQ)
Resource Group	Rubin, Mark (The McCammon Group)
*Gray, Tom (Ray Jackson)	Wagner, Terry (DEQ)
Kauffman, John	
Williams, Bruce	

- 1. Welcome/Introductions/Review of Minutes:** Mark Rubin opened the meeting and asked for brief introductions from the meeting attendees. The Work Group members approved the minutes from the April 4th meeting. He discussed the meeting agenda and noted that the majority of the meeting time would be spent in sub-groups”.

2. Report on Meeting with Maryland Officials about Potomac River

Withdrawals: Scott Kudlas reported that Virginia agency officials (DEQ & VMRC) and their counterparts in Maryland had a successful initial face-to-face meeting to discuss Potomac River withdrawals. He reported that the two states appeared to be thinking along the same lines with regard to piers, bulkheads and water withdrawals. It was decided that any activity along the Virginia Shore would no longer need a Maryland permit. In addition, Virginia will issue 401 Certificates for those activities along the Virginia shore of the Potomac with Maryland being given an opportunity to comment. An effort will also be made to minimize the need to work with both the Baltimore District and the Norfolk District of the Corps of Engineers. The majority of the coordination efforts will be through the Norfolk District. Maryland also agreed to incorporate the “Low Flow Allocation Agreement” into their permits. There are some additional discussions needed on dredging and NPDES Discharge permits. The two groups agreed to continue discussions and plan to either meet or to hold a conference call in early May to continue their discussions. A Memorandum of Understanding is also being developed.

3. Review and Discussion of Proposed Emergency Water Supply Permit

Language: Scott Kudlas indicated a couple of changes in the proposed language to address emergency water supply permits that had been incorporated as a result of the April 4th meeting discussions. (*Handout: Virginia Water Protection Permit Program Regulation – Emergency Permit Language Additions*) He noted that a definition of “drought” had been added that used the “Severe Intensity Drought” as declared by the weekly “U.S. Drought Monitor” as a precondition to applying for an emergency permit. Staff discussed the drought levels identified in the “Drought Monitor”. Work Group members discussed the criteria for Drought Management Plans and the use of the “Drought Monitor” drought index. It was noted that the Drought Response and Management Plans allow for some continued outdoor nonessential uses of water, such as watering lawns, golf course, washing cars a couple of days a week. Allowing of these activities would meet the requirements of the Drought Response Plan but would indicate that the locality is NOT in a public health emergency. The Work Group concurred with the use of the Drought Monitor Severe Drought indicator. Scott Kudlas also informed the group that the list of conservation measures had been left in the definition of “mandatory conservation measures” but that the word “may” had been added to indicate that these were just examples and not a definitive list of allowed measures. The Work Group discussed the Emergency Permit language and the 15 day timing requirement for application of a VWP after issuance of an emergency permit. It was noted that the “emergency language” is limited to water supply emergencies caused by drought conditions. It was also noted that even though the “emergency permit” expires in one year there was not prohibition for reapplying for another “emergency permit” in the unlikely event that extreme conditions continued for more than a year. **The Work Group agreed to the “Emergency Permit” language as proposed.**

4. **Schedule for the Day and Small Group Reporting Format:** Barbara Hulburt noted that the plan is to break into sub-group meetings for the balance of the day with the goal of returning to a full group meeting for sub-group reports at the end of the day. The 9 NOIRA issues were reviewed with the group. (*Handout: NOIRA: Issues*) A summary of all of the “Small Group Assignments – Issues” developed during the April 4th meeting was distributed to the Work Group members prior to breaking into small groups. (*Handout: VWP WSP Work Group – Small Group Assignments – Issues: April 4, 2005 Meeting*) In addition a small group summary packet was distributed to each of the groups with copies of information/documents that had been requested. (*Handouts: Summary Information Packets: “Alternative Analysis”; “Cumulative Impact”; “Exemption from VWP” & “Permit Process”*)

Barbara Hulburt noted that each sub-group must work to ensure clarity of purpose and to retain its focus on the NOIRA issues as its work progresses. She noted that each of the sub-groups would need to report on its purpose/focus to the full group at the end of the day. She instructed each of the sub-groups to review their original “blue wall” issues and rank them as being critical to the work of the group or as being “outside of the scope of the current conversations”. This information needs to be shared with the entire Work Group.

It is important for the entire group to be comfortable with the work that is going on in the sub-groups, so there will be ongoing reporting sessions similar to that planned for the end of the day today. Each of the groups also needs to identify any resources that are needed to reach its goal. She also encouraged the groups to identify any sub-group reports or presentations that might be of interest to the entire work group, so that those presentations can be arranged for future meetings. Prior to releasing the members to their sub-group work, she noted that there had been a couple of changes to the make-up of the groups. Scott Kudlas will be taking over as the facilitator for the “Alternative Analysis” while Barbara will be working with the “Cumulative Impacts” group. In addition, the “Grandfathering” group will now be identified as the “Exemptions from VWP” group.

5. **Sub-Group Reports:** Each of the sub-groups reported back to the Work Group on their goal and focus and identified the critical issues that they had would be working on. (*The sub-group reports will be distributed once they are compiled.*)
6. **Plans for Next Meeting:** The next meeting would be on Friday, April 13th at the DEQ Piedmont Regional Office. That meeting will also be largely devoted to sub-group meetings. Barbara Hulburt asked that each of the Work Group members bring their calendars with them so that potential dates for additional sub-group meetings can be identified. She noted that the goal of the process was to be done by the end of August so that the revised draft regulation can be presented at the September meeting of the State Water Control Board.