

**INFORMAL WORKGROUP TO DISCUSS THE VIRGINIA WATER
PROTECTION PERMIT PROGRAM REGULATION EXCLUSION
UNDER 9VAC25-210-310(A1)**

**DEQ Piedmont Regional Office – Training Room
4949-A Cox Road, Glen Allen, VA 23060**

**September 25, 2024
10:00 AM**

MEETING MINUTES

| Committee Members Present | |
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| Chris Pomeroy – AquaLaw/VMDWA | Pam Baughman – Board member, VRWA |
| Michael Kearns – Sussex Service Authority | Matt Longshore – Director, Hanover County Public Utilities |
| Ron Harris-Newport News Waterworks | Philip E. Gimple-Superintendent of Water Treatment, Strasburg, VA |
| Dave Hundelt – Greene County Water and Sewer Department | Andrea Wortzel (Mission H2O/VMA) Troutman Pepper |
| Bill Mawyer -Rivanna Water and Sewer | Erica Whitehurst – Deputy Director Department, Senior City of Richmond |

| Committee Members’ Alternates Present | |
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| Victoria Fort (alternate for Bill Mawyer) | Rivanna Water and Sewer |
| Gregory J. Prelewicz, P.E., ENV SP (alternate for Jamie Bain Hedges, P.E.) | Fairfax Water |
| Laura Zuranski (alternate for Jennifer Rogers) | Dominion Energy |

The following committee members were absent from the meeting; Alan Johnson – City of Danville Water and Wastewater Treatment; Dr. Julie Shortridge – Department of Biological Systems Engineering; David Jurgens, P.E. – Director City of Chesapeake Public Works; Donald L. Bowman, P.E. President and CEO, BVU Authority.

| Technical Support Staff Present | |
|--|-------------------------|
| Liz McKercher - DEQ | Scott Morris - DEQ |
| Weedon Cloe - DEQ | Jonathan Rak - DEQ |
| Morgan Emanuel - DEQ | Eric Seavey - DEQ |
| Trevor Lawson - DEQ | Robert Burgholzer - DEQ |

| Interested Parties | |
|---|---|
| Friends of the Rappahannock – Daria Christian | Potomac Conservation – Ken Wright |
| Shana Moore | Chesapeake Bay Foundation – Patrick Fanning |
| City of Norfolk – Ryan Mason | Christian & Barton – Christopher Gill |

Meeting Notes

Welcome and Introductions:

Mr. Jonathan Rak, DEQ’ Chief Policy Advisor, welcomed members to the second Informal Workgroup to Discuss the Virginia Water Protection Permit Program Regulation Exclusion Under 9VAC25-210310A1. He then identified the available handouts for today’s meeting.

Handouts:

- Review and Approval of Agenda,
- Presentation - Weedon Cloe, Office of Water Supply Manager – “*Surface Water Modeling for Water Supply Permitting and Planning*”
- Presentation - Eric Seavey, DEQ Office of Water Withdrawal Permitting Manager – “*Surface Water Withdrawal Permitting Process*”

He went over some housekeeping items, including location of facilities and emergency evacuation procedures.

Meeting Agenda:

Mr. Rak went over the planned meeting agenda outline.

1. Welcome and Introductions
2. Review and Approval of 09/30/2024 Agenda.
3. Presentation: Weedon Cloe, Office of Water Supply Manager - “*Surface Water Modeling for Water Supply Permitting and Planning*”
4. Questions
5. New Business – Discussion from Workgroup members
6. Public Comment Forum
7. Presentation: Eric Seavey, DEQ Office of Water Withdrawal Permitting Manager – “*Surface Water Withdrawal Permitting Exclusions for Existing Withdrawals Overview*”
8. Questions
9. Discussion

- 10. Public Comment
- 11. Next Meeting
- 12. Wrap Up

Approvals:

- **Agenda:** The committee approved the tentative agenda as presented.

Presentation: *Surface Water Modeling for Water Supply Permitting and Planning*

Discussions: Mr. Weedon Cloe gave a presentation to the workgroup on surface water modeling. The presentation covered; why we model, different types of surface water models, assumptions and limitations; technical evaluations, water supply planning, and future methods.

Questions: Mr. Cloe then opened the floor for questions and discussion from members of the workgroup. Topics of discussion included; the differences between entrainment and entrapment, what factors are included in the modeling (such as wastewater discharge, climate change, and conservation measures), how modeling takes into account upstream withdrawals, specifically hydroelectric dams, how the risks identified in water supply planning regulations are generally consistent with the risks assessed in modeling work, how future scenarios will affect permittees, the concept of safe yield and how rather than describing the water available to a single intake, it must be considered as the available water to meet the entire suite of beneficial uses, how DEQ is currently evaluating the strengths and weaknesses in our current models ability to simulate multi-year drought, and techniques needed to improve multi-year drought models, how modeling up and downstream returns is based on data submitted to DEQ, changing the methodology of the modeling, how the modeling differently impacts permittees vs grandfathered facilities, and short term modeling versus long-term.

Public Comment: Public comments were received from three individuals; Anthony Park of AdvanSix, asked a question regarding what discharge rate was assumed for grandfathered users. Cathy Binder of the King George Service Authority asked a question regarding how modeling accounts for human consumption. Patrick Fanning of the Chesapeake Bay Foundation asked questions regarding what localities without data centers base their projected usage on.

ACTION ITEM: The department will post the Presentation on the DEQ Website.

New Business –Topics of Interest from Committee Members: Mr. Rak then opened the floor for the workgroup to engage in a general discussion. Topics of discussion included:

- how to incorporate grandfathered users into the modeling,
- whether a 5-year rolling average is appropriate and what data DEQ would need from users and what methodology to use to conduct the modeling,
- what actual issues the current modeling programs have faced,
- how agriculture plays a role in the planning process,
- how the model accounts for landscape irrigation and suburban developments, and,
- a summary of what the current available capacity supply is.

Break: At this point the committee broke for lunch at approximately 12:00 p.m.

Reconvene: The committee reconvened at approximately 1:05 p.m.

Presentation: *Surface Water Withdrawal Permitting Process*

Discussions: Mr. Eric Seavey gave a presentation on the permitting process for surface water withdrawals. His presentation covered what a permit is required for, exclusions from permitting, the permitting process, the permitting enhancement and evaluations platform (PEEP), PEEP workflow, fees, permit justification, agency coordination, cumulative impact analysis, special conditions, permit issuance, modification to the permit, timeframes, grandfathered withdrawal, and grandfathered withdrawals timing.

Questions: Mr. Seavey then opened the floor for questions from members of the workgroup. Questions included the role of a water conservation plan in water supply planning rather than as a part of the permitting process, whether there is a threshold for what the greatest impact would be, who issuing a permit for a grandfathered amount could be employed to work toward a long term resolution, if proposed permits would include growth and economic factors, what the potential limit for permits would be, whether people will exceed their pre 1989 capacity, what a combination of the 5 year average and the pre1989 numbers would look like, whether permits considered withdrawals that are allowed but not being used, how the surface water management area concept relates to the permitting process.

Discussion: Mr. Rak then opened the floor for a group discussion. Topics included:

- what information DEQ should request from grandfathered withdrawal,
- a timeline for when this information could be collected and provided,
- what factors DEQ would prioritize,
- what the intended order of operations for the workgroup is, and the format of meeting minutes moving forward.

Specific Comments Made by Committee Members Included:

- A statement was made that Surface Water Management Areas could solve the predicted water shortages during droughts without curtailing grandfathered rights, and
- A concern was raised that grandfathered uses may be preventing some localities from meeting current demands for water. (Strasburg was given as an example for such a locality.)

Public Comment: No comments were provided.

Next Committee Meeting: Johnathan Rak then turned to scheduling and planning the next meeting. A vote was held to determine if it would be more beneficial to schedule the next meeting for after the grandfathered facilities had been able to provide the requested information. The group consensus was that a meeting should be held prior to that, with members requesting a presentation

on surface water area management. The group agreed that future meetings would be held at DEQ's Piedmont Regional Office, with the next meeting tentatively scheduled for late October.

Adjournment: Jonathan Rak thanked all of the members of the committee, the interested public, Mr. Cloe and Mr. Seavey for their presentations and closed the meeting. The meeting was adjourned at approximately 02:13 P.M.