

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

**Bank of America Building – 3rd Floor Multipurpose Meeting Room
1111 East Main Street, Richmond, VA 23219**

**August 27, 2024
10:00 AM**

MEETING MINUTES

Committee Members Present	
Chris Pomeroy – AquaLaw/VMDWA	Paul Baughman – Boardmember, VRWA
Michael Kearns – Sussex Service Authority	Whitney Katchmark – Hampton Roads Planning District Commission (HRPDC)
Ron Harris Newport News Waterworks	Jennifer Rogers – Dominion Energy
Dave Hundolt – Greene County Water and Sewer Department	

Committee Members’ Alternates Present	
Shannon Varner (Alternate for Andrea Wortzel)	Troutman Pepper
Victoria Fort (alternate for Bill Mawyer)	Rivanna Water and Sewer
Matt Ellinghaus (alternate for Matt Longshore)	Deputy Director, Hanover County Public Utilities
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; Erica Whitehurst – Deputy Director Department, Senior City of Richmond; David Jurgens, P.E. – Director City of Chesapeake Public Works; Donlad L. Bowman, P.E. President and CEO, BVU Authority; Philip E. Gimple – Superintendent of Water Treatment, Strasburg, VA

Technical Support Staff Present	
Brandon Bull - DEQ	Scott Morris - DEQ
Weedon Cloe - DEQ	Jonathan Rak - DEQ
Morgan Emanuel - DEQ	Eric Seavey - DEQ
Trevor Lawson - VDH	

Interested Parties	
Friends of the Rappahannock – Brent Hunsinger	Chesapeake Bay Foundation – Mike GereL
James River Association – Nathan Thomson	Chesapeake Bay Foundation – Patrick Fanning

Meeting Notes

Discussion:

Prior to the beginning of the meeting the committee members were addressed by Ms. Melanie Davenport, Director of DEQ’s Cross-Media Programs regarding the water advisory Incident at Wilderness Water Treatment Plant. On August 21, following reports of an unknown odor in the drinking water RSA and the Virginia Department of Health Office of Drinking Water (VDH ODW) initiated a multi-agency response. On August 24, 2024, the Rapidan Service Authority (in conjunction with the Virginia Department of Health (VDH) Office of Drinking Water (ODW) issued a Do No Drink Water Advisory. Ms. Davenport discussed the ongoing efforts to address the issue, and committee members for any input they might have into the issue. That Water advisory has since been rescinded.

Welcome and Introductions:

Mr. Jonathan Rak, DEQ’ Chief Policy Advisor, welcomed members to the first Informal Workgroup to Discuss the Virginia Water Protection Permit Program Regulation Exclusion Under 9VAC25-210310A1. He thanked everyone for attending today’s meeting. As this was the first meeting of the workgroup, he began by introducing himself. He then identified the available handouts for today’s meeting.

Handouts:

- Review and Approval of Agenda,
- Presentation - Eric Seavey, DEQ Office of Water Withdrawal Permitting Manager – *“Surface Water Withdrawal Permitting Exclusion for Existing Withdrawals Overview”*

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 08/27/2024 Agenda.
3. Presentation – Eric Seavey, DEQ Office of Water Withdrawal Permitting Manager – “*Surface Water Withdrawal Permitting Exclusions for Existing Withdrawals Overview*”
4. New Business – Discussion from Workgroup members
5. Public Comment Forum
6. Next Meeting
7. Wrap Up

Approvals:

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

Presentation:

Slide 1: Informal Work Group Members

Discussions: Mr. Rak gave an overview of the different organizations represented in the workgroup. The idea of the workgroup is to begin the conversation with stakeholders who are grandfathered users, with a focus on users with either significant withdrawals or the potential for significant withdrawals. This is an issue that has been around for quite a few years, and we thought it was best to engage with those who were most directly affected. We do intend to broaden the conversation as we go forward. This is our starting group but by no means where we will end the conversation. We are not here to make any regulatory amendments or legislative proposals. We are here to begin a conversation.

Slide 2: Common Pool Resources (CPR)

- A common-pool resource is a hybrid between public and private good. It is shared (non-rivalrous) but also scarce, having a finite supply.
- Common-pool resources are subject to the tragedy of the commons, where everybody acting for their own benefit over-consumes the resource, depleting it for all.
- Common-pool resources can be found in the examples of water-management issues, fisheries, and clean air rights among many others.

Discussion: Water withdrawals are an example of a common pool resource. They are a category of economics that are unusual because they can be withdrawn by different players, but they do have a finite supply. Subject to what is referred to as the Tragedy of the Commons, there is the risk that they are over-utilized. Common-pool resources can be found in the examples of water-management issues, fisheries, and clean air rights among many others. That is one end of the spectrum in terms of water management. The other end is what we have had since 1989 with Virginia water protection withdrawal permits, and also potentially with surface water management area regulation.

Slide 3: Common Pool Resource Management

- **Privatization**
 - **Riparian Rights**

- **Prior Appropriation**
- **Grandfathered Withdrawals**
- **Regulation**
 - **Virginia Water Protection Withdrawal Permits**
 - **Surface Water Management Area Regulation**

Discussion: The way that common-pool management has typically been done is either through privatization, meaning that property owners with land adjacent to a river or lake (riparian landowners) are entitled to withdraw water from the water body, with reasonable restrictions. Out west they have the Doctrine of Prior Appropriation; first in time first in right. Grandfathered withdrawals are a type of privatization.

Slide 4: Common Pool Resource Management

“There is no reason to believe that bureaucrats and politicians, no matter how well meaning, are better at solving problems than the people on the spot, who have the strongest incentive to get the solution right.”

Discussion: Elinor Ostrom is the first woman to win the Nobel Prize in Economics. She was the leading expert on alternative ways to manage common-pool resources, particularly water resources. Her perspective on what we do is a little bit challenging; one of her quotes is ““There is no reason to believe that bureaucrats and politicians, no matter how well meaning, are better at solving problems than the people on the spot, who have the strongest incentive to get the solution right.” She had a whole area of study and expertise focused on alternatives to the privatization or regulation of common-pool resources and has been a very influential advocate for the idea that there are other ways of solving these problems.

Slide 5: Alternative Cooperative Approaches

Discussion: Elinor Ostrom wrote the book “Governing the Commons.” She also studied different indigenous systems where groups figured out ways to regulate and manage their own common-pool resources. The Lobster Gangs of Maine which studied the way lobster fisherman over the years regulated their own fisheries, and enforced limits on who can put out how many traps and where. She also looked at Indonesian irrigation systems. All of this is kind of abstract but my purpose in mentioning this is her scholarship is that cooperative ways of managing water resources ultimately tend to be the best ways, not only in terms of economic efficiency but also in terms of the lasting success of those management structures. The purpose of saying all this is we know that there are different, tightly held positions on water withdrawals and how it can be interpreted, but we’d like to engage with you all as the initial stakeholders to try to come up with some cooperative solutions. We are bound by Virginia Law, so a true cooperative approach is not feasible, but we would like to at least approach this in a cooperative mode to come up with solutions that work well for the entire commonwealth

Presentation:

Eric Seavey, DEQ Office of Water Withdrawal Permitting Manager – “*Surface Water Withdrawal Permitting Exclusions for Existing Withdrawals Overview.*”

Jonathan Rak introduced Eric Seavey who will be giving the days presentation.

Eric Seavey is a Manager in the Office of Water Withdrawal Permitting. As part of his role Mr. Seavey is responsible for a large portion of the water withdrawal permits filed with the office. Mr. Seavey will be presenting on surface water withdrawals permitting exclusions for existing withdrawals.

DEQ Presentation:

Slide 1: Presentation Agenda

- **Background of Grandfathered Withdrawals**
- **Previous Interpretations on Requirements for a Permit**
- **Current Modeling Excluded Withdrawals**
- **Three Scenarios for Maximum Withdrawals of Excluded Facilities**

Discussions: Mr. Seavey gave an overview of what his presentation would cover.

Slide 2: Background of Grandfathered Withdrawals:

Slides 3: Exclusions for VWP Surface Water Withdrawal Permit Va. Code § 62.1-44.15:22

Notwithstanding any other provision, no Virginia Water Protection permit shall be required for any water withdrawal in existence on July 1, 1989; however, a permit shall be required if new § 401 certification is required to increase a withdrawal. No Virginia Water Protection Permit shall be required for any water withdrawal not in existence on July 1, 1989, if the person proposing to make the withdrawal received a § 401 certification before January 1, 1989, with respect to installation of any necessary withdrawal structures to make such withdrawal; however, a permit shall be required before any such withdrawal is increased beyond the amount authorized by the certification.

Slide 4: Exclusions for VWP Surface Water Withdrawal Permit 9VAC25-210-310(A)(1)

Any surface water withdrawal in existence on July 1, 1989; however, a permit shall be required if a new § 401 certification is required to increase a withdrawal. To qualify for this exclusion the surface water withdrawal shall be deemed to be in existence on July 1, 1989, if there was an actual withdrawal on or before that date and the withdrawal has not been abandoned.

Discussions: This is the code, basically stating that withdrawal in existence prior to July 1, 1989, is excluded. I have highlighted here an important part “however, a permit shall be required if new § 401 certification is required to increase a withdrawal.”

Slide 5, 6, 7, & 8: Previous Interpretations on Requirements for a Permit

Discussions: A letter to Fairfax Water Authority 2006 stated that the intake capacity for Fairfax Water of 400 mgd was excluded. In other words, they didn’t need a permit until they exceed that 400 mgd. This was also reflected in a Board decision from 2006 stating the same thing.

Slide 9 & 10: Other clarifications Letters for Exclusion (Emporia)

“The Code of Virginia at § 62.1-44.15:22 B states “...no Virginia Water Protection Permit shall be required for any water withdrawal in existence on July 1, 2989; however, a permit shall be required if a new § 401 certification is required to increase a withdrawal.” Based on this language it is clear that the maximum historic use as of July 1, 1989, is excluded from the need for a new permit. According to our records, that amount is 1.523 million gallons per day ((mgd) from the Water Treatment Plant Intake on the Emporia Reservoir.”

“The information provided to the DEQ shall not constitute a limit on the exempted withdrawal. Such information shall be utilized by the DEQ and board to protect existing beneficial uses and shall be considered when evaluating applications for new withdrawal permits.”

Discussions: Moving forward in time to 2013, a letter from DEQ stated something a little bit different. A little bit of background, in 2009 DEQ issued letters to everybody that had these grandfathered withdrawals asking them what their intake capacity was in an attempt to gain that data so we would have everyone’s intake data and also whether or not they were withdrawing above the borderline from 1989. Basically, in this language here it states that based on this language you need a permit if you need a 401 certificate to withdraw. Based on this language it is clear that the maximum historic use of July 1, 1989, and that is the withdraw amount. It goes on to say that they would not need a permit as long as they did not go above that amount. However, it says according to our records that amount is 1.523 million gallons per day from the Water Treatment Plant. It goes on to say “The information provided to the DEQ shall not constitute a limit on the exempted withdrawal. Such information shall be utilized by the DEQ and board to protect existing beneficial uses and shall be considered when evaluating applications for new withdrawal permits.” So basically, it wasn’t saying that it is creating that value its saying that they need the intake capacity.

Slide 11 & 12: Other clarification letters for Exclusion (Greene County).

Observations: According to Department records, the annual maximum withdrawal prior to July 1, 1989, from the intake for the Facility was 101.389 million gallons. Since 2990, the Facility's annual surface water withdrawals have increased above the July1, 1989 maximum surface water withdrawal and were reported as high as 249.99 million gallons in 2021. As such, the Facility's current surface water withdrawal is a different withdrawal than its July 1, 1989, surface water withdrawal and causes a greater alteration to instream flow and the hydrologic regime of the surface water. L. Allen Harrison has not submitted a Virginia Water Protection (VWP) permit application to the Department and no VWP permit has been issued for the Facility's current surface water withdrawal. A VWP permit is required for the Facility's current surface water withdrawal.

Legal Requirements: 9VAC25-210-50.A states in part: "Except in compliance with a VWP permit, unless the activity is otherwise exempted or excluded, no person shall ...withdraw surface water..." "Va. Code § 62.1-44.15:22(B) limits the pertinent exemption from VWP permitting requirements to "any water withdrawal in existence on July 1, 1989; however, a permit shall be required if a new § 401 certification is required to increase a withdrawal...." 9VAC25-210-310.A. similarly exempts "[a]ny surface water withdrawal inexistence on July 1, 1989; however a permit shall be required if a new § 401 certification is required to increase a withdrawal..." "Surface water withdrawal" is defined in 9VAC25-210-300 as "a removal or diversion of surface water in Virginia or from the Potomac River for consumptive or nonconsumptive use thereby altering the instream flow or hydrologic regime of the surface water.

Discussions: Moving forward in time again to this past October, 2023, DEQ issued a letter where it stated that it was the 1989 value, and they had just obtain an intake from the Rappahannock River Surface Authority and this letter stated that the 1989 valued has been exceed overtime, there for a permit should be requiredThere has been confusion in the past and different interpretations.

Slides 13 & 14: Other clarification Letters for Exclusion (RockTenn Hopewell)

Based upon the water withdrawal data submitted to DEQ annually through VWUDS, the historical maximum daily volume of 16.5 mgd has been surpassed with a maximum daily volume of 21.1 mgd reported in August 1999. The information provided in the JPA and supported by the recent withdrawal data submitted to VWUDS, states the facility's water demand has increased since July 1, 1989 to 22 mgd. Additionally, Section 401 Certification was obtained to temporarily repair the intake structure and another Section 401 Certification will be required for the pending application for improvements to the intake structure to meet the current standards for intake screen mesh size and velocity. Based upon the information we have reviewed; we believe the Hopewell Mill James River waiter withdrawal is no longer excluded and now requires a VWP individual permit.

Discussions: This is another example of an exclusion for RockTenn Hopewell plant. This one was based on the fact that they were both above the 1989 value and they needed to upgrade their

intake. At that point the pre 1989 value was 16.5 mgd, and they had exceeded that amount. They went through the process and obtained a permit, and the limit is now 20 mgd. So going through the process to obtain a permit and they still have the amount of water they need. Their water needs have gone down over time, but this is an example of another scenario.

Slide 15: Current Modeling of Excluded Withdrawals*

- Current Modeling of grandfathered withdrawals uses previous 5-year rolling average

Discussion: Current modeling when we look at these grandfathered withdrawals, we'll take a rolling 5-year average and that's how we factor that into the cumulative impact analysis as part of the technical evaluation for any sort of permitting.

Slides 16: Current Total Grandfathered Withdrawals and Withdrawal Amounts*

- There are roughly 307 non-permitted intakes with pre89 data recorded in VAHydro (CEDDS)
- The total pre89 volume of withdrawal excluding power facilities + 163 MGD

*Volumes and total number of facilities are based on available information from historical records

Discussion: Looking at the data we have now there are roughly 307 non-permitted intakes with pre 1989 data. The total pre 1989 volume, and we excluded power facilities for a couple of reasons. Number 1, they're not usually one hundred percent consumptive, they return quite a bit, especially when you are talking about a hydro facility. A lot of them have also gone down in their usage over time based on new technology. But with those pre89 excluding facilities we get about 163 mgd.

Slide 17: Current Total Grandfathered Withdrawals and Withdrawal Amounts*

- The most recent 5-year average data from these facilities has a reported total withdrawal volume of 902 MGD
- The ratio between the 141 known intake capacities and pre89 volume of withdrawal for those intakes is approximately 9:1

*Volumes and total number of facilities are based on available information from historical records

Discussion: The most recent 5-year average from those withdrawals was 902 MGD. So that's a significant increase. Looking at 141 known intake capacities out of those 307 and comparing that to the pre89 values is roughly 9:1. In this first graph here we see this 5-year average vs the pre89.

Slide 18: Greene County WTP Trends:

- Greene County WTP
- Intake Capacity 1.75 MGD (639 MGY)
- Annual values in graph are MGY

Slide 19: Greene County WTP Trends:

- Assumes 5 MGY increase per year based on current increasing trend
- Demand reaches intake capacity in year 2100

Discussion: Regarding the Greene County WPTrends: This is one of the most recent from October. Looking at their current usage compared to previous usage, this data set is from 1982, it goes to 2022, so over a 40-year time stamp its increased from 50 million gallons per years to roughly 250 million gallons per year About an increase of 5 million gallons per year. The intake capacity at the facility is 1.75 mgd which equates to, roughly 639, 640 million gallons per year. So, if we push that out, with this 5 million gallons per year increase the demand would reach intake capacity around the year 2100.

Slide 20: Three Scenarios for Maximum Withdrawals of Excluded Facilities for North Fork of Shenandoah River, James River, and Nottoway River

Discussion: Three different scenarios over three different areas; one the North Fork of the Shenandoah River, one from the James River, and then the other from the Nottoway River, were discussed with the group

Slide 21: Three Modeling Scenarios Based on Proposed Withdrawals in North Fork Shenandoah Upstream of Strasburg

Discussion: First example scenario: the North Fork at the monitoring station at Strasburg.

Slide 22: North Fork of Shenandoah River Drainage Basin at Strasburg

Discussion: This is the watershed upstream of Strasburg. We looked at all the intakes in this watershed.

Slide 23: Three Scenarios based on Proposed Withdrawals in North Fork Shenandoah River Upstream of Strasburg

- 22 Total Reported Withdrawals
 - 3 facilities have provided intake capacity
 - 8 facilities with pre89 data with no VWP permit
 - 2 facilities with VWP permits
- Current Reported Demands: (5-year avg)
 - 3.5mgd/5.4 cfs

Discussion: In that watershed there were twenty-two total withdrawals. Of those three have provided intake capacity, so there's quite a bit of missing data there. Eight facilities have pre89 data with no VWP permit, and then two of the intakes were permitted. Current demands, looking at the five-year average were at about 3.5 mgd or about 5.4 cfs. So, we put this into a chart we looked at three different years 1999, 2002, and 2023.

Slide 24: Proposed Scenario 1 Based on Intake Capacity

- Intake Capacity/pre89/Permit Max
 - 12.5 mgd/19.3 cfs

Discussion: From that data set for this scenario, the first of the three, we used the intake capacity amount and then added to that the permit value or the pre89 value. From that we got 12.5 mgd/19.3 cfs. So, looking at this chart, it's those three years and looking at a minimum day, and then a minimum 3 day, 7 days, 30 days, and then 90 days. From that, as you can see, all this in red are times when this withdrawal amount of 19.3 cfs exceeds 100% of the consumptive use, in other words it takes all the water that was available during these times. There's no orange on this chart, but that is when it takes between 50 and 100%, and then yellow represents between 10 and 50%.

Slide 25: Proposed Scenario 2 based on pre89 Max

- **Limited withdrawal to historical maximum prior to 89 and permit max**
 - **Max Month; 8.2 mgd/12.7 cfs**

Discussion: The second scenario we went ahead and instead of using the intake capacity the max permit amount and just the pre89 amount were used. And from that we can see, it's a little bit better. You can see that some of the 3-day minimum actually turns yellow. Still quite a bit of red. You can see that the amount when up from, or went down I'm sorry, from 19.3 cfs to 12.7 cfs.

Slide 26: Proposed Scenario 3 Based on Limiting capacity

- Capacity of infrastructure for treatment prior to 89 and Permit Max
 - Max Month; 10.7 mgd/16.6 cfs

Discussion: Third scenario we ran where we looked at infrastructure, so if we had a capacity for a water treatment plant, we did that, and it came about middle of the road at 16.6 cfs you can see on the chart.

Slide 27: Comparison of 3 Scenarios – North Fork Shenandoah River at Strasburg

Discussion: The three scenarios were put into a bar chart. You can see here on the far-left hand side the intake capacity, which is much bigger, pre89 is the least and then the middle of the road.

Discussion: Staff opened the floor to questions from the group.

- Your using Strasburg as a gage, did you expand or subtract for the size of the basin compared to the whole watershed? In other words, did you prorate it?
 - No, we just strictly looked at the values.
- When you say intake capacity infrastructure at the treatment was that based on a VDH, where they will typically go through your process of intake to finished water is that what that's based on?
 - Yeah, the limiting factor of the plant itself how much it can actually produce.
- So, let's say a pump station capacity that minimum is based on VDH?
 - Yes

- Going back a few slides I want make sure that I'm understanding these numbers correctly. The pre89 volume was 163 mgd, and the most recent 5-year average was up to 902 mgd?
 - Yes, so if we go back, yes 902 for the five-year rolling average and the same facilities if you look at the pre89 it was 163.
- So, did that increase trigger any of these 401 permitting requirements for any of these facilities?
 - For these facilities the ones that we used were not permitted.
- I guess I'm just not understanding I thought once they exceeded their pre89 level that they would have to fall under the 401.
 - That's the reason why we are here today, to discuss that.

Slide 28: Three Modeling Scenarios Based on Proposed Withdrawals in James River at Bent Creek

Discussions: Ok on to the next one which was on the James River at Bent Creek.

Slide 29: James River Drainage Basin at Bent Creek

Discussions: Now there was more area, as far as the drainage basin for this area

Slide 30: Three Scenarios Based on Proposed Withdrawals in the James River Upstream of Bent Creek:

- 90 Total Reported Withdrawals
 - 17 facilities have provided intake capacity
 - 60 facilities with pre89 data without VWP Permits
 - 6 facilities with VWP Individual Permits
- Current Reported Demands
 - 100 mgd/154.7 cfs

Discussion: As you can see there were more reported withdrawals, with 90. 17 facilities provided intake capacity. 60 facilities with pre89 data and then 6 with permits. About 100 mgd total, about 154.7 cfs

Slide 31: Proposed Scenario 1 Based on Intake Capacity

- Intake Capacity/pre89/Permit Max
 - 309.6 mgd/479 cfs

Discussions: So, this is that first scenario where we looked at intake capacities. As you can see here there are sometimes when its 100% use, like the drought of 2002 where its 479 cfs.

Slide 32: Proposed Scenario 2 Based on pre89 Max

- Limiting withdrawal to historical maximum prior 89 and Permit Max
 - Max Month: 234.6 mgd/362.9 cfs

Discussions: Moving forward just looking at the 89 values that 100% use disappears and the value is 362.9 cfs.

Slide 33: Proposed Scenario 3 Based on Limiting Capacity

- Capacity of infrastructure for treatment prior to 89 and Permit max
 - Max Month: 247.8 mgd/383.3 cfs

Discussion: And then that middle of the road scenario where we have 383.3 cfs

Slide 34: Comparison of Three Scenarios – James River at Bent Creek

Discussion: Here is the bar chart. Intake capacity is the greatest still, pre89 is pretty high but its still under the other two scenarios. And limiting capacities is still middle of the road.

Slide 35: Three Modeling Scenarios based on Proposed Withdrawals in Nottoway River Near Rawlings

Discussion: The last one we looked at was Nottoway River new Rawlings.

Slide 36: Nottoway River Drainage Basin Near Rawlings

Discussion: It's just south of Petersburg. It's much smaller.

Slide 37: Three Scenarios based on Proposed Withdrawals in the Nottoway River Upstream of Rawlings

- 7 Total Reported Withdrawals
 - 4 facilities have provided intake capacity
 - 6 facilities with pre89 data with no VWP Individual Permit
 - 0 Facilities with VWP Individual Permits
- Current Reported Demands: (5-year average)
 - 1.5 mgd/2.3 Cfs

Discussion: There were only seven reported withdrawals, but we have a much high percentage with four facilities that have provided intake capacity. Six facilities with pre89 data, no facilities with VWP permits and about 1.5 mgd/2.3cfs

Slide 38: Proposed Scenario 1 Based on Intake Capacity

- Intake Capacity/pre89/Permit Max
 - 7.6 mgd/11.8 cfs

Slide 39: proposed Scenario 2 Based on pre89 max

- Limiting withdrawal to historical maximum prior to 89 and Permit Max
 - Max Month: 2.5 mgd/3.9 cfs

Slide 40: Proposed Scenario 3 Based on Limiting Capacity

- Capacity of infrastructure for treatment prior to 89 and Permit Max
 - Max Month: 6.4 mgd/9.9 cfs

Slide 41: Comparison of Three Scenarios – Nottoway River Near Rawlings

Discussion: Similar to the other charts the difference between intake capacity vs pre89 vs limit capacity. One thing to note is that for 2023 the 90-day minimum is actually less than 10%. As you can see the intake capacity that's because we have more data as far as intake capacity.

Slide 42: Fairfax Intake

Discussion: And to wind up we look at Potomac withdrawal, this is for Fairfax County

Slide 43: Three Modeling Scenarios Based on Proposed Withdrawals in North Fork Shenandoah Upstream of Mount Jackson

Slide 44: Potomac River at Point of Rocks

- Given potential exempt values of 400 MGD in the Potomac, from Fairfax Water, with 300 MGD flow-by at Point of Rocks:
- “Allocation” of 700 MGD (1,083 cfs) would mean no pumping upstream when flows are **bold**

Discussion: Just for reference that intake is for roughly between Little Falls and Potomac River Point of Rocks. We looked at the station at Potmac River Point of Rocks and two other stations, Strasburg and Mount Jackson. The difference in flow between Point of Rocks and Little Falls is roughly maybe 10% difference. What we did was we looked at, so we had 400 mgd which was the amount allowed by intake capacity. There is an amount that needs to be a flow-by further downstream of 300 mgd so we add those two we get 700 mgd available, which is about 1,083 cfs. Now if we plug that into this graph, which basically shows monthly usages with minimum value on the far left, that's the least it's ever been. You stretch that data out from least to greatest as far as flow. That's the 5% least flow, 10%, 25% etc. What we can see is over here on the minimum usage in the months of July to December there's basically, they can't meet that 300 mgd flow-by. Something needs to cut back. It limits everybody upstream.

Slide 45: Restrictions Would Propagate Upstream

Discussion: Going upstream, looking at these values, basically what we did was we reflected the same months and values at which these other stations at Strasburg and Mount Jackson at which they would not be able to go either because we don't have enough downstream.

Slide 46: Conclusions

- There is a significant amount of unknown data related to capacities (intake, WTP, infrastructure).
- There would be significant stress on water resources if modeling is based on just the intake capacity for the grandfathered withdrawal facilities.
- The studies presented are a conservative approach because they do not factor potential effects of increased times of drought in the future and increases in population/water needs

Discussions: There is a significant amount of unknown data, specifically related to capacities, things like intake, WTP, and infrastructure. •There would be significant stress on water resources if modeling is based on just the intake capacity for the grandfathered withdrawal facilities. Lastly the studies we presented were conservative approach because they do not factor potential effects of increased times of drought in the future and increases in population/water/ travel needs

Discussion: The floor was opened for questions at this point.

- Was there no consideration of the other downstream factors between Point of Rocks and Little Falls that we also see, or upstream?
 - No, we didn't factor that those in. That's certainly a good point that in a basin there are other factors that need to be considered. What we wanted to do was give you a sort of overall look at watersheds throughout the Commonwealth. An emerging issue about whether there is enough capacity for basically maintaining all of the grandfathered withdrawals, depending on how we interpret that. We're not trying to tell you that there's an emergency in any of these watersheds, and we know that there are ways the constraints on these resources are being mitigated but from an overall Commonwealth point perspective we are concerned that we have problems developing where we may not be able to maintain the maximum withdrawals depending on your interpretation of the grandfathered regulations. That's really kind of the reason why we wanted to engage this group.

At this point Mr. Rak invited Scott Morris, Director of the Water Division to speak.

Discussion: The overarching concern is there is the general inconsistencies that have been done over the years in the interpretations but also in how we've done the voluming efforts. What Eric had mentioned there is we're currently doing the 5-year average when we do the analysis of the withdrawals and the reissuance of those withdrawals. And so that's inconsistent with the interpretation, so right now that rolling average is not reflective of the intake capacity. If we want to be consistent with how the state evaluates these resources, we're going to have to figure out a way to change the model to reflect the conditions that we believe are there. When we go through, and we receive the intake capacity is the true value that we need to do. Some of those models we do both in the in the state water resource plan, or permittees or the reissuance of permits those analysis are going to be reflected by that, and right now they're not. Right now, they're reflected based off that 5-year average. And so, one of the concerns we have is that when we do this analysis were undervaluing the constraints on the resources, and so that has to be clear up. And that's something we've kind of picked the middle ground on, in previous years, taking the 5-year rolling average. But we've come to the realization recently that basically the data we have, I don't know how familiar everybody is with VAhydro but we recently migrated to CEDs and

through that migration we have a lot more capabilities to do reviews and so that's enhanced some of these annual reviews for compliance. And so that new data that's available to us to review, we want to make sure that we're using it appropriately but also that any models or scenarios that we're basing our issuance of permits, but also of reports that we generate for the state is reflective based off the current conditions. And everybody's understanding of how we're operating.

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

New Business –Topics of Interest from Committee Members: Mr. Rak then turned to a list of potential discussion topics.

- How to fill in data gaps? Rerun scenarios after compiled?
- Surface Water Management Areas, an alternative to consider?
- Other approaches not considered as alternatives.
- Impacts to Surface Models for withdrawals
- Impact to State Water Resource Plan
- Review current permit issuance and reissuance process versus old approach.
- Phasing of permit issuance for new permits based on resources, how would this be accomplished.
- New permit processing times, major and minor modifications.
- Compliance assistance/enforcement of permit requirements going forward with new technology.

Discussion: One way to look at the interpretations is there a different approach to the interpretation of what the capacity is that would potentially mitigate some of the concerns we have going forward. What are other ways we can come up with solutions to this resource constrain. We realize that it may take a couple of meetings. We're not trying to dictate the flow of the conversation. So, we wanted to identify those discussion topics, talk about what you all think is important and then potentially with future meetings drill down into discussion areas to come up with a plan going forward.

Mr. Morris then addressed the list of potential discussion topics.

Discussion: This was by no means an all-inclusive list. Just us putting together some idea of things to discuss going forward, if you have other ideas we can add to the list. One item we can add is something that Eric mentioned at this a data gap with DEQ in the 08, 09 timeframe. We don't have a complete list of intake capacities. The question is when we do that, how are we going to get that list. I don't know if I have the authority to ask everybody to submit that data, but also from a scenario basis, it's because very difficult to run this analysis and make an interpretation of the impact. The big issue underlying most of this is DEQ needs to know what those intake capacities are. That is an assumption we have been operating on. Another item frequently mentioned in this discussion is surface water management areas and is that an alternative. There are valid points both pro and con to that, something we can discuss. Then as Jonathan mentioned earlier, is there another approach we haven't considered. We laid out three approaches, one being the default intake capacity, one being the pre 1989 historical withdrawal capacity, and the other one being the middle

of the road and looking at what the facilities had as the limiting factor for their ability to withdraw water pre-1989. So those are the three general approaches that run the gamut, one is the lowest withdraw and one is the highest, and one is the middle road. But if there is another alternative, we didn't consider we're open to that. Whichever interpretation we move forward with, that has ramifications on how we do our surface water modeling, so we need to consider those impacts. This could also affect the state water resource plan. Anything we do that would change the surface water modeling efforts would change the outputs of the surface water resource plan. I also think it would be pertinent to look at the permit issuance process. There have been a lot of changes in the last year and a half to the permit process, some people might not be familiar with that process. A big topic is how this would be phased over the years. Right now, DEQ does not have the resources to issue 300 + permits immediately. There needs to be some discussion on, whatever interpretation you think is appropriate how we would phase this in. Ideally, we would phase this over a fifteen-year period, just because I don't have the staff. We have very firm commitments on the processing time of permits, and so to make all of that work we would have to phase that in over multiple years. And then the next item there is compliance assistance/enforcement of permit requirements going forward with new technology. Like I said we have migrated to CEDS, and we do now have the ability to run these models instantaneously. We do have two compliance technicians that work under our compliance manager and work with withdrawal staff. Moving forwards, whatever approach we take we would have to discuss how we handle compliance and enforcement. We would want to make sure everyone is on the same page with what the expectations are.

Mr. Morris then opened the floor to a group discussion for initial feedback.

- So, I have been at Fairfax water for 21 years, so first of all thank you for having this discussion because it's been an issue the whole time, I have been there for us, for DEQ, for VDH, so thank you. The question is did the General Assembly, in 1989, intend for the water of the Commonwealth to run dry. You're showing examples during 1999, 2002 where things were running dry. I think we need to look at why that language was drafted and what was the intent of that language. What mechanisms were put into place to resolve conflict when conflict was there. I understand this idea of negotiating or looking at permits for people who are exempt, but I would argue there is no authority to issue permits. It's there in the language that its exempt. Phasing in of permits is I think a bit premature. I think there needs to be a determination of what is the authority of that language. I do recognize that there are going to be localized issues, I don't think anyone would deny that. I think there might be some background we need on it. Maybe there is a JLARC study, maybe a legislative action to help provide clarity.
 - Yeah, I think that would be part of the background when we finally decide what that interpretation would be. One interpretation is that the amount valued is the amount withdrawn pre-1989. What your reference is as long as you don't need a 401 certification you are exempt as well. Those are two different interpretations. I also recognize that the intent of the General Assembly was not to over allocate the resource and run the rivers dry. I think one concern is while we adjudicate the approach of wait and see and allow a legislative action to remediate this, but what we have now is the way the models are run is not reflective of either interpretation. So right now, they're running state resource reports predicated on a 5-year rolling average for these grandfathered withdrawals. I don't think that's reflective for these

reports of either interpretation. So, moving forward a decision is going to have to be made by DEQ on how to run these models. Is it to reflect the intake capacity? We could do that. We could also reflect a pre-1989 value, or somewhere in between and wherever we put on that report its going od demonstrate the resources this Commonwealth has, and that's going to be handed to the General Assembly. I think you have to take that into context. Right now, those models that are run are not reflecting either position, its reflecting a middle ground which is not accurate. Moving forward we need to make sure that those models are run in a way that is accurate. Right now, I can tell you that if I go back in and I change those scenario runs in the water resource plan and change it from the 5-year plan to intake capacity that paints a vastly different picture. So, the next report we need to figure out what are the limitations we have. How can we address these issues and get a general consensus on how to move forward. Right now, I think there's two opposing viewpoints. One is that whatever your max withdrawal was pre-1989, that's your limitation. The other is that as long as I don't go in and modify a structure and get a 401 certification, I am exempt from there on out. The picture that I am trying to paint here is that those two opposing viewpoints can't coexist. We have to come to consensus on either one of them, or an interpretation that is in the middle ground that we can land on so we can accurately reflect the models that are being run for the General Assembly.

- I don't want to get into the nuts and bolts of the modeling, but you did kind of ask the question during the presentation, and we do see the results of the regional plan. And I could tell you that it's inaccurate. Unfortunately for utilities that have multiple intakes often in multiple basins, a lot of them the capacity that you assign to them is completely overstated. The actual water is what the plants make, regardless of the capacity. The additive capacity of my intakes is many times greater than the actual plant capacity. So, any adding or subbing, or 5-year prediction of that capacity is really overstating the potential impacts to water resources. I would use the actual withdraws with some allocation with some allocation against the flow resources of that basin. That would be a scenario that I don't think I've actually seen. You are doing your planning and looking into the future but in that summation and in that combination, it really becomes a lot more alarming than if you just look at the withdraw. I can't speak to the scenarios you showed today only the ones that you do that have waterworks involved we have 6 intakes and only 1 or 2 is run on a given day, we never run 6 at a time. Its all based on availability and water quality related. So that's the modeling that might balance out some of the modeling. The other is a general comment, but we have been around since the 19th century. And the assets that have been acquired and built over the past 130 years exceed half a billion dollars. In actual assessed value, that put any value on water availability, sales, operational nuances. That's the actual assed value in the ground that we pay taxes on. Seven federal facilities, the largest military shipbuilding in the US, the largest industrial employer in the state of Virginia. Any change to that system would be consequential. So were really looked at droughts back to Jamestown town, 2002 drought kind of woke everybody out. Theres a lot worse droughts. The assessment could be even more robust to look at, and modeling regression studies have done some of that already, 5-year droughts were common 300 years ago. Theres a lot of questions in my mind, will we have a problem? Do we have a problem?

- Greatly appreciated. We can definitely look at multiple drought year scenarios. That's something we didn't consider for this. I do agree about the State Water Resource Plan. I have a similar background in running utilities. Just one comment how these impact situations, how that's reflected in the State Water Resource plan, but also new permit issuances. When we evaluate those, were doing the 5-year average for the new issuance as well. Realistically if someone is grandfathered that should be the intake capacity because that is what they have potentially over the next 15 years and withdraw and never have an issue with it.
- If they could use it. Potential to withdraw is, my car has the potential to drive 130 miles an hour, it has that potential to.
 - I have no mechanism to go back and ask you to give me your 15-year projections because you don't have a permit, right? So absent that I'm going to have to use intake capacity. I'm not going to go to every utility and say next 15-year value when I issue a permit, that would not work. We don't have the mechanism to pull that off, that's a good discussion point how would you try to actively reflect the values. We have to take a conservative approach. Another item we probably need to add, based off what you just said, is how we safeguard those resources. You have invested millions and millions of dollars in infrastructure and if a permit is required, how are those protected, because right now when we go through the permit process, and this is something a lot of permittees are a little bit of uncertainty on when resources are overallocated and they have to do some type of validation and vetting process to ensure the permitted capacity is protected for that resource. The way it set up right now is the last 12 months is highest use, and that's flatlined. So, an instance where a resource was overallocated based off say human needs, you would look at the previous 12 months highest use, that would be the permitted capacity for the facility. I don't think anyone is proposing we need to go through that permitting discussion. We don't want to cut anyone beyond what they're already supplying that not the intention.
- I think you said power companies are excluded does that include all industry?
 - They were just excluded from the analysis.
- From the analysis thank you. And then you had a slide just now, and I just missed the last piece of that? I think it mentioned drought?
 - There is a missing data gap. And so, in an instance where those intake facilities are much higher, they would elevate that initial number even more because right now that pre-1989 number is being used as a placeholder
- You were talking about the modeling. We submitted the regional water supply plan 10 years ago, and so I think there was, from what I recall, where demands in the state water plan were used to evaluate, rather than intake capacities, you ran the projected demands through whatever they were. Is that a more reasonable evaluation for modeling purposes?
 - That is part of the discussion, what is reasonable going forward. With the modeling and what caveats do you have to put in place to understand the full context. I think one of the misunderstandings is on how we do the modeling. I think we could consider something like that I just think we have to show the full picture, which is if you are using the last 5-year average you need to state that as one of the factors, but you also need to provide a full picture. Which is these facilities have the

authority to pull up to this capacity. We need to be transparent so everyone can see what those values are. I think there is nuance to the modeling that needs to be stated.

- My general point would be that were all going through the effort of putting these water supply plans together, and we want to make sure that that information gets captured by the state and that's reflected. There's going to be some uncertainty in the modeling with different projections. I think Rob's point about the actual withdrawals is good. I can say from our perspective the demands we submitted 10 years ago have not come to fruition. So, there is a sort of reality check that's needed in the modeling.
- Would the model be able to show what the actual withdrawal is and then difference to what the actual intake is capable of?
 - I think we can probably find a middle ground with that and say that based off the particulars that are provided, based off the regional water supply plans, these are the projections over the foreseeable future, 15-year interval. However, there is a caveat to that. Grandfathered permittees have up to intake capacity. I think you can do that; you just need to be transparent. To Greg's point I think conveying the actual picture, what someone is actually doing and what they could theoretically do, they both need to be there. Absent one or the other you can't make a sound decision.
- Going back to the point on regional planning submission and how that was included in the state plan previously. There were various sets of different scenarios that were included in that time period that included that reported demand projection amount for individual facilities, and it was broken down, and then their current reported use over that 5-year period was used as the basis for the foundation one of those scenarios for the 2020, 2030, 2040 projection amounts. And then for intakes or other uses you have exempt amounts. There is a scenario with those users and then a situation apply of just the current average for those facilities so their reported actual use provided with various client scenarios as well. So, we are taking into account that current use metric
 - What's not taken into account is last say the scenario is based off of there's a limiting factor for a plant. So, let's say an example would be a permittee has plans to expand up to a certain value and the ability for them to get that withdrawal based off the intake capacity is limited, that scenario is not run in the current State Water Resource Plan.
- And we only know what we know. A good example of that is from the North Fork of Shenandoah, identification of other water users that aren't currently reporting their water use to DEQ is not included in this model. Their impact of XYZ can't be assumed if we don't know of them currently. Within some of these watersheds, DEQ and other planning entities know that other water uses exist and are currently utilizing the resources but cannot accurately reflect their impact their impact, since we don't know their current withdrawal amounts.
 - Scott is on the Interstate Commission on the Potomac River basin, and one of the things they do is look at data to try and figure out what is the estimated use
- We work with Virginia Tech quite a bit on trying to develop technologies that can estimate that level, even a river segment level. That will probably be communicated to you all through upcoming water resources planning development phases.

Discussion: Scott Morris at this time took a general poll of the committee members regarding the approach members believed should be taken. The first option provided was using the pre-1989

actual withdrawals, one is the middle ground which is the total infrastructure could process in 1989, and the third would be the maximum capacity intake. A general show of hands was used to display preference. It is important to note that this was by no means intended as a vote, but simply as a means to determine if committee members could live with that interpretation. The general consensus regarding the first option was that no members of the committee were in favor of it.

- When you have two water treatment plants with 6 intakes that support those, and those only use one intake at a time. Pre1989 I might have run that at some relatively small number, Growth since that really increased that number at the terminal plants. Also, we shut plants down, VDH makes us run shutdowns to calibrate our system which on our daily basis gets us up to that 60 70 mgd. So based on that scenario that situation wouldn't work operationally.
 - We fully understand. The nuance of that is not fully discussed. When we do an analysis, they should be looking at those incremental from facility to the other, and that is baked into the permitting process.
- Is it baked into the annual average as well?
 - It is baked into the annual average as well. So that's a component that's not fully understood by most parties because permittees have different numbers of facilities. But that is a discussion that has to be held during permitting.

Returning to the discussion of a general consensus, Mr. Morris affirmed that if the pre1989 value good be avoided then committee members would prefer to avoid it. The next option provided was the middle ground approach, which is looking at the capacity of the full pre1989 capacity.

- What does that look like, numbers wise?
 - So, what that would look like is you go to a facility, and you look at what their max 1989 value was. Some facilities have stable use, some declining, so it might not be an issue with them. But in an instance where they have an intake capacity of 100 mgd, and then they have a few plants only designed to go up to 70, and a few designed only to go up to 60. You would go back they would be grandfathered in at the maximum withdraw they could have gotten in 1989 with the infrastructure in place. So, it kind of locks you into that infrastructure.
- How does that work with facilities that have been upgraded under grandfather status?
 - We would have to talk to you about it individually. From a public utility perspective, you would be required to get, in that scenario, the permitting process would probably be needed.
- Just another general comment. How do you account for, if you put limitations based on intake capacity from 1989, and then you say our intent is to put in construction once that permit is in place but in effect we don't have any downstream release requirement in grandfather status, but when you take into account the required environmental releases you actually are limited to the amount your allowed to withdraw at certain facilities whether it's on an daily, monthly or annual basis..
 - That is something you'd have to consider. There are environmental evaluations that occur during the permitting process, and there could be an instance where you open yourself up to new environmental regulations during the permitting process.
- Same point where we have installed hundreds of millions of dollars infrastructure since 1989

- I think there's an accuracy issue too. Less so on the actual pre 1989 withdraw than to nuance the infrastructure, and I can't imagine with 170 miles of pipelines and surge towers and pump systems and intakes, I think it would be difficult for some to certify what that capacity really is.
 - I think what we will be doing is we would have to figure out a way, nobody wants to be falsely reporting anything which is the concern you're having. I think the intention would be keep us updated and be as close as possible. That is the dilemma. Right now, how does DEQ, if we were to say the intake capacity is the determining factor, how do we go back in and make sure that's accurate unless I have a value to base that off of.

Returning to the discussion the committee was lukewarm to the second proposal. The third option, using intake capacity, was the option most favored by the group.

- I'd first like to say I appreciate the way the three of you have teed up a very difficult question. It seems to me we are now 35 years, 2 months, and about 95 minutes into this issue, and to move the three options which I gather you have been working on all summer, but coming out with a preference for the answer today is a difficult question. The question is what is the interpretation of the statute, which is a difficult question without a lot of context. One thing that might be useful, if I may respectfully disagree, I think the statutory language is pretty clear. I don't want to argue that point though, the point I want to get to is if were to take the idea that that 401 certificate really is the trigger, if we look at that piece and we look at your second bullet, surface water management area, I'm wondering if there is a way to look at this from a process standpoint. And you say back to me ok we have a resource challenge here and then I'm responding saying ok maybe we look at the framework. What would that look like, and would that be a vehicle for getting to a constructive answer?
 - Surface water management area is perhaps not the route. Part of it is the regs and code on that also embed the same grandfather rights, so we still have to deal with trying to define what that grandfather right is.
 - And we have to address, you have a facility that may have a need for some of that resource. So potentially you have another facility that is accessing that resource.
- I guess I'm perhaps looking at the surface water management area as a tool to apply some added attention where a challenge like that exists, coupled with what Ron was saying earlier about modeling based on some recent actuals with some allocation to know where the tightest spots really exist as a practical matter in lieu of running models with say the recent 5-year average.
 - You could definitely do that; I think the nuance of that is they're going to have to find an alternate water supply because they can't go to that source like they have or they're going to have to reach out to a regional partner to assist them. Those are all more facility focused questions, but it is definitely something to consider. I don't think it solves the issue, but it is a tool we could use.
 - One of the reasons that area has such a narrow scope is that it seems like each of the examples that comes across has been, every time I talk to community members, I'm told there are important nuances, it might be system or facility specific

- One of the reasons bullet number one is there is I need to understand the facilities. The number one issue we have here is that data gap
- One last question here. On the data gap you alluded to perhaps some limitations on your authority to insist on filling those gaps.
 - If you don't have a permit my mechanism is very limited. I don't have the ability to have a permit condition to make you report that to me, so my mechanism to get that information is very limited.
- I suggest the Virginia water supply lines. You've basically got that; you've got that from everybody in Northern Virginia.
 - The nuance again is how do I get you to report that. If I come in and ask you what's your raw pump capacity, what authority do I have to get you to report that. I don't know if I have the statutory authority to ask for all the different questions that are needed.
- A great place to, at least for those of use who are water purveyors, start is our Health department permit. Whether we are supply limited, tank limited, pump limited, or clear well limited it's all there. That analysis has been done, even if it is a little limited.
 - We have talked to VDH, and they have given what they have. It is missing some data that we would need.
- I think there is a deep difference less than a mgd and 400 mgd. Last time I was in Harbor Mill it wasn't over that. You established large systems, and some of the ones that come from the same river are more at an 89 number and 89 capacity, maybe lower out in some rural communities, they've grown a lot in the last 35 years.
 - That was a conversation we had internally, we felt that the small and medium size facilities would probably be ok with the middle ground approach. Most of the restrictions they had they haven't outgrown or outpaces. Obviously, the larger facilities would be different.
- I guess where I was going really was the largest facilities probably have networks and intakes in the 89 timeframe that exceed what they need today, and they've had to do increases.
 - Or exceed what they would need over the next 100 years. Based off of historical demand
- The smaller systems are coming from well and septic.
 - And most of those, if you are in the Eastern Groundwater management area, most of those are converted from groundwater to septic water. So, in that instance there are withdraws, so the nuance to this is, is it a traditional groundwater withdraw within the groundwater management area. Maybe that's another bullet. Those facilities are going to have to go to surface water, and when they go for a permit that's when they would be evaluated.
 - I think I want to emphasize no one is talking about going to any grandfathered facility and telling them you have to significantly reduce your usage today. The real issue is when do you become subject to a permit. Part of what triggered this is, a lot of stakeholders have come to us with compelling arguments about why it has to be intake capacity. But if you add all of those up, you would exceed the resources.

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

Discussion: Jonathan Rak reconvened the committee at approximately 1:00 p.m. Mr. Rak reminded everyone to sing in and opened up the floor to group discussion.

- So just thinking about it over the last hour I think the three options might present some problems, I think we saw that with all the different nuances. And I think if you try to put it in one of those three buckets, I think you will still have differences of legal opinion. This maybe a discussion for a future workgroup, but what are our other options. The General Assembly enacted this grandfathered provision, and they also followed that up with the surface water area management legislation as a mechanism to address these issues, and I there are other alternatives that need to be looked at. It does seem like the General Assembly was thinking about these issues and came up with a strategy to address it.
 - That is on our list as number 2.
- It would be helpful to know the Departments thinking on the pros and cons of that way of thinking to help us understand what you see as the potential shortcomings of that approach. That would be helpful background.
 - We were not expecting anyone to say here's the solution. We wanted to begin the discussion and we wanted to learn from the stakeholders, from your perspective what's important for us to know.

Public Input Forum: Jonathan Rak asked if there was any public input. One statement was provided.

Nathan Thomson from James River Association

- My name is Nathan Thomson from the James River Association, and while I'm not a Nobel prize winning economist I do take your point earlier about individuals that utilize the resource being well equipped to regulate themselves. What I am though is a sportsman and a conservationist. I think back to between World War 1 and World War 2 we basically had no turkeys within the United States, and it took hunting our turkey population to the precipice in order for folks to begin to self-regulate so that we can undertake what's been a really successful conservation effort in this country. So, my concern, and my, what I would say to the folks who are at the table who are the real, the folks who can really influence what could be a great conservation win for the Commonwealth is to not wait until we get to, to not wait until we get to the edge of the precipice. So, I appreciate everybody being here to be part of the solution. I hope that these meetings continue to bear fruit. Oh, and one more thing. I would encourage some discussion on regarding DWR's intake design and operation standards within these discussions. We know that water intakes can have a tremendous impact on aquatic life, flora and fauna. And so, I think that it's important to talk about intake screening, velocity, those sort of things. Thank you.

Next Committee Meeting:

Johnathan Rak then turned to scheduling and planning the next meeting. Two suggested topics of discussion for the next meeting were a deep dive into how modeling works, and the pros and a permit review session in one meeting, and the pros and cons of surface water management areas in the following meeting. It was also noted by Brandon Bull, Esq.,

DEQ's Director of Policy, that these committee meetings are public meetings, and they are open to any member of the public who wished to come. Committee members are welcome to bring any support staff to aid them in answering questions and providing feedback. DEQ simply asks that, outside of public comment, those comments are funneled through committee members for the sake of keeping the meeting organized. The group consensus was that future meetings be set to run for roughly the same amount of time, and for meetings to be held once a month, with the next meeting to be held in mid to late September.

Adjournment:

Jonathan Rak thanked all of the members of the committee, the interested public, and Mr. Seavey for his presentations and closed the meeting. The meeting was adjourned at approximately 01:28 P.M.