

Technical Advisory Committee: GP for Non-Agricultural Surficial Aquifer Withdrawals

Electronic Communication Meeting via GoToWebinar

May 13, 2021

Meeting Minutes

Committee Members Present:

Scott Vogel, Virginia Department of Health
Joe Nicholas, Legacy Park HOA (Hanover)
Jason Early, Cardno
Martha Moore, Virginia Farm Bureau
Samuel Doak, Virginia Tech

DEQ Staff:

Scott Kudlas, Director, Office of Water Supply
Joseph Grist, Water Withdrawal Permitting and Compliance Program Manager

Visitors:

Ben Rowe, Virginia Farm Bureau sat in for Martha Moore at 10:00 am
Stanley Beckham

Proceedings:

- 1) Welcome and Introduction:
 - a) The meeting broadcast was started at 8:00am, and the meeting was called to order at 8:05am by Mr. Kudlas.
 - b) Mr. Grist called the roll and each member present introduced themselves to the Committee.
- 2) May 3, 2021 Meeting Minutes
 - a) The committee approved the draft meeting minutes for the May 3, 2021 TAC meeting as final.
- 3) Creation of a General Permit for Use of the Surficial Aquifer on the Eastern Shore
 - a) Mr. Kudlas provided a brief overview and background on the creation of a General Permit for use of the surficial aquifer on the Eastern Shore for the committee. Mr. Kudlas also briefly discussed the proposed changes to base regulation Chapter 610 and proposed regulation Chapter 910 and how those Chapters relate to the pending development of Chapter 920.
- 4) Strawman for Chapter 920 (GP for Use of Surficial Aquifer in a Groundwater Management Area)
 - a) Mr. Grist and Mr. Kudlas reviewed by section the strawman draft copy of Chapter 920 with the committee. The Committee members discussed segments within each section and Mr. Kudlas provided context and background information as needed. The

Committee members highlighted sections of the draft copy that would need further discussion.

5) Next Steps

The Committee identified the following items for further discussion:

- a) Staff to provide the definition of the surficial aquifer from the base regulation (Chapter 610);
- b) Discuss alternative criteria, other than a general maximum depth alternative used for the Eastern Shore general permit, for establishing and identifying surficial wells that can be applied to the draft sections concerning reasons to deny coverage, application requirements, and the permit well construction criteria. Mr. Early volunteered to provide a presentation at the next Committee meeting on surficial aquifer depth issues in the Eastern Virginia Groundwater Management Area. Mr. Kudlas advised the Committee that the alternative should both incentivize applications for the general permit and not increase general permit issuance time. He also indicated that regional maximum depths may also be something to consider.
- c) Discuss potential to cause adverse impacts to both water quality and surface water sources. Mr. Kudlas noted the committee may need to propose alternative language for consideration. The agency felt strongly about this language in the SB1599 process.
- d) Discuss the ability to appeal a denial of a general permit. Staff will research this item and bring back information to the committee, to include if there is a potential area in the regulations a reference may be added.
- e) Staff to provide draft application and documentation forms for the general permit to the Committee.
- f) Discuss for application section of regulation language for what an applicant would need to submit if they have made a determination that the available water quantity (volume) or the water quality of the surficial aquifer will not meet the need of the applicant. Mr. Kudlas noted that in some cases to meet volume, a well field (multiple wells) may be necessary, and the committee may need to decide what is a reasonable number of wells, or the level of effort an applicant would need to show to utilize the surficial aquifer versus a confined aquifer. Mr. Kudlas also noted a similar standard may be needed for water quality concerns, such as chloride and iron, i.e. what level makes the use of a confined aquifer versus the surficial aquifer justifiable. Mr. Doak volunteered to provide guidance on the amount of chlorides or iron that may be considered as water quality concerns for non-agricultural and golf course irrigation.

6) Public Comment

- a) There were no public comments provided.

The meeting adjourned at 10:50am.

Meeting Minutes Approved by TAC May 27, 2021 by consensus.