

**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**

**June 25, 2026
10:00 AM**

MEETING MINUTES

Committee Members Present	
Ron Harris-Newport News Waterworks	Dr. Julie Shortridge – Virginia Tech, Department of Biological Systems Engineering
Matt Longshore –Hanover County Public Utilities	Chris Pomeroy – AquaLaw/VMDWA
Jennifer Rogers – Dominion Energy	Andrea Wortzel - (Mission H20/VMA) Troutman Pepper

Committee Members' Alternates Present	
Gregory J. Prelewicz, P.E., ENV SP (alternate for Jamie Bain Hedges, P.E.) – Fairfax Water	Bethany Houchens (Alternate for Bill Mawyer) – Rivanna Water and Sewer

The following committee members were absent from the meeting; Pam Baughman – Virginia Rural Water Association; Donald L. Bowman, BVU Authority; Philip E. Gimple – Strasburg Department of Water Treatment; Alan Johnson – City of Danville Water and Wastewater Treatment; David Jurgens, P.E. –City of Chesapeake Public Works; Michael Kearns – Sussex Service Authority; Scott Morris – Richmond Department of Public Utilities

Technical Support Staff Present	
Robert Burgholzer - DEQ	Jonathan Rak - DEQ
Weedon Cloe - DEQ	Eric Seavey - DEQ
Morgan Emanuel - DEQ	Byrant Thomas - DEQ
Trevor Lawson - DEQ	Ben Wojcicki - DEQ

Interested Parties	
Brent Hudsinger – Friends of the Rappahannock	Ryan Mason – City of Norfolk
Pete Campbell – Virginia Transportation Construction Alliance	Stephanie Collins – Troutman Pepper Locke
Shannon Orcutt – James River Association	Elizabeth Andrews - UVA
Jake Tabor – Virginia Farm Bureau	Patrick Fanning - Chesapeake Bay Foundation
Shana Moore - AdvanSix	

Meeting Notes

Welcome and Introductions:

Mr. Jonathan Rak, Deputy Director of the Virginia Department of Environmental Quality, welcomed members to the fifth Informal Workgroup to Discuss the Virginia Water Protection Permit Program Regulation Exclusion Under 9VAC25-210310A1. He began by giving a brief history of how the workgroup had been formed and what the intended purpose of the workgroup had been; the workgroup was formed in August of 2024, comprised of representatives from the members of the exempted community. The group was formed to discuss issues facing exempted withdrawals, and to help specify what that exemption encompasses. The workgroup met four times over the next year and a half and will conclude with this fifth meeting. Moving forward, DEQ intends to form a Regulatory Advisory Committee (RAP) with the intention of considering any potential new guidance, amendments or other clarifications related to the regulation. DEQ intends to release a NOIRA to begin the regulatory stage later this summer.

Mr. Rak then moved to outlining the goal for the meeting. Prior to the meeting DEQ staff had drafted a report on the work of the workgroup and shared it with the members of the group. Two members, Chris Pomeroy and Andrea Wortzel, provided written comments and feedback on the report.

Discussion: Before discussing the comments provided by workgroup members, Mr. Rak asked if there were any general comments on the report that members wished to share. One member asked to clarify how long DEQ would be accepting comments on the report. Another member noted that the comments submitted by Ms. Wortzel reflected the views of multiple workgroup members. He further stated that he felt that the report did not fully reflect the fact that the majority of the water basins in the Commonwealth have a robust supply of water available, and that in comparison, the management issues facing the Commonwealth are relatively small. He also noted that a few graphs in the report had been inaccurately labeled as “million gallons per day” as opposed to million gallons per year’.

The group then moved to discussing the specific comments provided by Ms. Wortzel and Mr. Pomeroy. Mr. Rak described the comments as falling into one of three categories; edits to correct mistakes, comments noting that certain sections of the report were overly broad and required more

specificity, and lastly, comments on differing perspectives between workgroup members and DEQ.

The first comment discussed was regarding the differing perspectives between workgroup members and DEQ. This was a point of note throughout the report. A committee member noted that the exemption is a statutory protection, and that while the workgroup was discussing the interpretation of a regulation, it is important to clarify that the regulation mirrors the statute. They further noted that in 1992, DEQ had withdrawers who qualified for the exemption, file their intake capacity with DEQ. The next comments noted that it was not the facility that was grandfathered, but rather the specific withdrawal. The committee member also noted that some of the language regarding 401 certification was confusing.

A committee member noted that there was a considerable amount of overlap between the two sets of comments that were received, echoing the comments regarding the need for clarification that this is a statutory protection, as well as focusing on the difference in perspective between DEQ and workgroup members. The next comments received discussed the need to clarify language regarding 401 certifications, as committee members felt it was unclear. A committee member suggested incorporating more neutral language to better encapsulate areas where the workgroups perspective differed from DEQs.

The committee then moved to discuss the appendix section of the draft report. Committee members discussed the possibility of including the actual presentations that DEQ gave during the workgroup meetings. Committee members noted that if the report only included the presentations, it could exclude some of the perspective of the workgroup members. Including summaries along with the presentations would help give context that the presentations lack. Members suggested DEQ staff include more documentation on historical communication between staff and grandfathered facilities, as well.

Another committee member echoed the idea that, while the report effectively articulates the concerns that led to the establishment of the workgroup, it fails to capture the historical grandfathered withdrawal owner's perspective, and that providing more background could help present a more complete picture. It was argued that while some areas of the Commonwealth show concern, that does not necessarily indicate a trend, and that withdrawals from larger facilities have been relatively consistent over the years.

Another member suggested including references to the annual state water resources report, as that would capture a lot of the relevant data.

A committee member requested that the report acknowledge conflicting views on the use of Surface Water Management Areas (SWMA). While DEQ has concerns about the limitations of the effectiveness of SMWA, that is not necessarily a consensus view among the workgroups. While the activation of a SWMA would put significant strain on DEQ resources, the same could be argued of a reinterpretation of grandfathered exemptions.

The report notes that DEQ is continuing data collection efforts among grandfathered facilities (as of the publishing of the report DEQ has an 81% response rate.). Workgroup members noted that

the annual water withdrawal reporting requirement would also help with collecting data. Committee members also mentioned that prior to collecting data on withdrawals by grandfathered facilities, DEQ had been concerned that the increase of withdrawals had been at a ratio of 9:1, however after collecting data it was determined to be a ratio of 3:1. Committee members requested that this information be included in the summary. Another committee member noted that the point of the data collection was to reduce the uncertainty regarding grandfathered withdrawals, and that the effort had been successful. Lastly, a committee member noted that while Crown Grant Rights were not discussed during the workgroup sessions, they should be included in the conversation moving forward.

Regarding the ongoing data collection efforts by DEQ, Mr. Rak noted that it is possible that several of the facilities are likely to have closed down, and while DEQ continues collection efforts it is unlikely that there will ever be a 100% response rate. Mr. Rak did note that DEQ had received responses from the majority of the substantial withdrawers.

Public Comment: Mr. Rak opened the floor for any comments from members of the public in attendance. No comments were provided.

Next Committee Meeting: DEQ staff will revise the draft report based on the edits and comments from committee members. Copies will then be circulated to members of the committee.

Adjournment: Jonathan Rak thanked all of the members of the committee, the interested public, and closed the meeting. The meeting was adjourned at approximately 10:56 a.m.