

Meeting Notes: Waterbar and Utility Access Road Advisory Committee Meeting #1

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TO: Advisory Committee Members and DEQ staff (Listed Below)

Prepared by: Anthony Cario, Guidance and Regulatory Specialist

Date: 8/20/2024

An Advisory Committee meeting was held on 8/20/2024 at 9:30 am at the DEQ Piedmont Regional Office located at 4949-A Cox Road Glen Allen, VA 23060. The following advisory committee members attended the meeting:

<u>Name</u>	<u>Organization</u>
Cory Chalmers	EQT
Eric Clay	Dominion Energy
Josh Henry	Williams
Kyle W. Marshall	Williams
Chris Soldan	Arcadis (DEQ Consultant)
Jared Webb	AEP

The following members of the public attended the meeting:

<u>Name</u>	<u>Organization</u>
Jay Lemmerman	WSSI
Chris Schrinel	WSSI
Colin Walthal	WSSI

The following DEQ staff attended the meeting:

<u>Name</u>	<u>Title</u>
Michael Rolband	Director
Meghan Mayfield	Director, Division of Water Permitting
Rebecca Rochet	Deputy Director, Division of Water Permitting
Daniel Nelson	Policy Analyst
Anthony Cario	DEQ

Discussion

Director Rolband outlined the advisory group's purpose and guidelines. He tasked the committee to create specifications for linear utility construction access roads and waterbars that will be used

to update the Virginia Stormwater Management Handbook (Handbook). For linear utility access roads, the specification should include provisions for being able to leave roads in place after construction is complete. The new specifications for waterbars should address issues including: when to build waterbars; in the case of a pipeline, where their use in the right-of-way is common, how to deal with interim installation of the pipeline; end treatments; temporary easements; and their placement in permanent versus temporary areas. Once consensus is reached, the specifications will be reviewed by the Technical Review Committee (TRC) for the Handbook and considered for inclusion in the next update to the Handbook.

Director Rolband, members of the TRC, and their consultants who attended the meeting discussed the use of waterbars on the Mountain Valley Pipeline (MVP) project between Virginia and West Virginia. In West Virginia, waterbars were allowed in temporary easement areas; while in Virginia, they were not. The group debated the benefits of allowing permanent waterbars in temporary construction areas. They also discussed the need for agreements with landowners to maintain waterbars in temporary easement areas to meet regulatory requirements, aiming to avoid permanent maintenance agreements.

Access Road discussion

Rebecca Rochet led the group discussion about the intent of the specification for electric utility access roads to meet requirements established in legislation from 2023 [HB2126, SB1178]. DEQ incorporated the language from the law about electric utility access roads into the current version of the Handbook. There was discussion about extending the specification beyond electrical utility access roads to include other linear utilities such as natural gas, though challenges were noted. It was clarified that this would not apply to new VDOT roads or existing gravel access roads. The specification should cover new permanent gravel access roads for linear utility construction and maintenance.

The need to include ditches in the specification was discussed. Utility roads are generally limited in nature and often do not require ditches, resulting in minimal concentrated flows. Access roads that create concentrated flow must meet channel and flood protection requirements. Forestry specifications for constructing roads were suggested as a template. These include flared ditches that dissipate flow as sheet flow. The group may need to determine the maximum drainage area or flow rate as part of the specifications.

DEQ suggested focusing on water quantity, not quality, for the specifications. Parameters to be included in the specification were discussed. The intent is to create a single specification applicable to various situations, such as different slopes.

DEQ will share forestry specs with the group to use as a guide.

The group also discussed the use of plunge pools or sumps as a way to avoid channeling flow. The technique is used in West Virginia.

Waterbar discussions

The team discussed separating the current right-of-way specifications to create a new waterbar specification. This new specification will address both temporary and permanent waterbars. Right-of-way diversions are typically temporary, requiring construction and removal once the site is completed, usually within the same workday.

The group discussed appropriate spacing for waterbars based on slope. A comparison chart showing Virginia's standards versus nearby states and the Federal Energy Regulatory Commission (FERC) was reviewed. The chart indicated that Virginia's standards are more stringent. The group debated whether Virginia's standards should be modified or aligned with FERC. All states except West Virginia have only permanent specifications. The discussion also covered whether waterbars should be temporary or permanent.

It was discussed if the specification should allow waterbars to be designed with variable heights, cross-slope angles, and spacing to accommodate different site conditions. This would provide more flexibility and adaptability for various terrains and slopes.

The group discussed using end treatment protection structures to prevent erosion downstream of waterbars. This would help maintain the waterbars and prevent downslope erosion. At the edge, the waterbar should release water onto a stabilized surface.

The group agreed that there should not be an issue with extending the waterbars to the edge of the temporary easement and including this language in the specifications. Part of the agreement with the property owner is to determine if the waterbars should remain permanent.

The group also discussed the concept of waterbars being discharged to meet channel and flood protection regulatory requirements. They concluded the revised waterbar specification should include design requirements to address regulatory requirements and discharge in a non-erosive manner.

Action Items:

DEQ will share the forestry specification with the group to use as a guide for access roads. The agency will also provide Microsoft Word version of the existing specification to the group.

Group members are asked to provide DEQ with suggestions for details to be included in the waterbar and access road specifications by September 20.

DEQ will use designs and details provided by members of the group to develop draft specifications to present at the next meeting.

Follow-up Meeting:

A follow-up meeting will be scheduled, possibly in late September or early October, to discuss any remaining issues and finalize the specification.