

Virginia Water Supply Planning Advisory Committee

Wednesday, August 3, 2011

Location: Draper Aden Offices, Richmond, VA

Meeting Minutes

Committee Members Present:

Rick Linker, Judy Dunscomb, Bill Cox, Chuck Murray, Mike Lawless, John Carlock, Andrea Wortzel for Tom Roberts, Tom Botkins, John Staelin, Art Petrini, Katie Frazier, Rob McClintock, John Staelin, Mark Bennett, Bob White, Larry, Dame, Mark Mansfield

DEQ Staff Present

Melanie Davenport, Scott Kudlas, Jeff Reynolds, Angela Neilan, Tammy Stephenson,

Others Present

Traci Goldberg, Gina Shaw, John Lain, John Martin, Petrina Jones, Mark Davis, Vernon Land, Lisa LaCivita, Brent Waters

Ms. Stephenson opened the meeting and welcomed everyone. Introductions were made around the room. Ms. Stephenson thanked Mike Lawless and Draper Aden for hosting the meeting and providing refreshments and lunch.

Subcommittee Reports

Dr. Cox gave the report for Subcommittee #1 – *Procedure for incorporating local and regional water supply plans into a state plan.*

Dr. Cox began by reminding everyone that the first iteration of the State Water Resources Plan (SWRP) will be a preliminary document that provides a framework to guide the continuing planning process. In order to provide a foundation for the continuing process, the first plan should contain a concise summary of Virginia water policy, including guidelines and principles adopted pursuant to the enabling legislation for planning as well as current policy originating in other legislation and programs through which water management is conducted. Although this document will not be in the form of a detailed plan, it will be significant since it will establish directions for continuing planning and begin to inform other aspects of management such as regulatory permitting.

The first SWRP should provide an overview of Virginia water resources and current water use. Sources of this information include both state data bases and local water plans, taking into account that local plans are not necessarily complete and should be viewed as preliminary at this point. Although care must be taken to avoid endorsement of the accuracy of submitted data at this point, the local plans will help with the preliminary identification of water conflicts. The first plan iteration should also be able to identify potential alternatives to alleviate conflicts, probably in generic form rather than in the form of specific projects or actions.

The subcommittee is continuing to consider mechanics for development of the SWRP, looking at other states' water plans and planning activities in other areas such as energy resources. The subcommittee is examining the appropriate process for approval of the first SWRP by considering the various approval processes used for other documents and hopes to develop recommendations for final SWRP approval.

Tom Botkins gave the subcommittee report - Subcommittee 2: (Identification) *Minimization of potential conflicts among various submitted plans.*

Mr. Botkins said the first round of submitted plans will basically be reviewed by checking the box for consistency to meet the minimum criteria. For this level, it will be an approved plan (for consistency) or DEQ will identify conflicts in the plan. If DEQ identifies conflicts, DEQ will notify affected parties of the conflict and encourage a resolution at the local level. DEQ may be able to provide data to assist this process. If the issue is not resolved at the local level, something more formal may be needed, possibly the formation of a river commission. The final hammer could be a declaration of a Surface Water Management Area (SWMA), declared by DEQ/State Water Control Board, or the locality.

Mr. Botkins said there is some concern about the interaction between planning and the permitting process, that planning should inform permitting. Also, it is acknowledged that there may be some changes needed in the water supply planning regulation.

Mr. Murray requested additional information on a Surface Water Management Area and how that could possibly help resolve conflicts. Mr. Kudlas explained the SWMA is similar to the Ground Water Management Area in that it is designated to address all users within the area. Some withdrawers that are excluded under the VWP program may not be exempt under the SWMA. The process would include identifying all withdrawers, establishing limits during specified low flows. Separate permits would be issued. Mr. Kudlas added that there are currently no SWMA designated.

After much discussion, it was acknowledged that the subcommittee needs to look closer at the SWMA process to determine if it is a viable process for some conflict resolution.

Mr. Murray said the Governor has proposed withdrawing from the Interstate Commission of the Potomac River Basin (ICPRB) because it costs the state money. He had great concern about the withdrawal, and also that the subcommittee is considering using similar bodies to resolve conflicts through the planning process.

There was much discussion regarding the state's withdrawal from ICPRB. It was requested that DEQ send the proposed legislation out to committee members in time for comment.

Mike Lawless gave the subcommittee report - Subcommittee 3: Development of methodologies for calculating actual and anticipated future water demand.

Mr. Lawless reported that the subcommittee discussed the different methodologies that have been used in the water supply plans, and it is different somewhat than the projections used in the permitting process. The water supply planning regulation requires disaggregated uses, which is a finer level of detail and requires assumptions and variability. They used census data (population), Virginia Employment Commission (job growth projections, industrial), and agricultural data, for which there is limited data.

The subcommittee discussed the future of agriculture, as plans showed much decline or, at best, flat lined growth. However, one subcommittee member thought there might be an increase in agriculture, particularly on the eastern shore.

Mr. Lawless said there is much variability in methodologies, thus not easily comparable. There is concern that if DEQ issues guidance on methodologies, it could eliminate the flexibility localities are currently able to use in the projections.

The subcommittee determined that after all plans are submitted, an inventory of all methods will be compiled. At that point, the subcommittee will review and analyze all methodologies.

Mr. Kudlas explained that the water supply plan demand projections are more reasonable (theoretically) and permitting is more optimistic. Also, it is hard on many of the rural communities to show a need for the future.

Mr. Murray said the subcommittee should look at the peak demand and how it is projected. This is becoming more important as focus on the percentage that is consumptive use. Systems promote reuse, which is a consumptive use.

With regard to permitting versus planning, Mr. Kudlas said the water supply planning process provides a good background, while the permitting process is more defined. The two cannot be mutually exclusive, depends on how many alternatives are available.

It was acknowledged that a five-year review of all plans is a good process with regard to demand projections.

Jeff Reynolds gave a presentation on Virginia's Legal Framework and Water Supply Planning. The presentation will be a part of these minutes.

Scott Kudlas and Angela Neilan facilitated discussion on the WSPAC annual report to the Water Commission. It was determined that the WSPAC Mission Statement would be included, as well as highlighting the items in the enabling legislation, summarizing where the WSPAC is with each. Ms. Stephenson will prepare a draft report for the WSPAC to consider. Also, the WSPAC needs to consider who from the WSPAC will make the presentation to the Water Commission.

Ms. Stephenson will poll members for a meeting in October or November.

Respectfully submitted by Tammy Stephenson, Committee Coordinator

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