

Virginia Roanoke River Basin Advisory Committee
Final minutes
Thursday December 18, 2014
H. Leslie Perry Memorial Library, Henderson, North Carolina

VRRBAC members present

Tim Pace (chair), Al Zimmerman (2nd Vice Chair), Senator Frank Ruff, Delegate Tommy Wright, Read Charlton, Haywood Hamlet, Bob Jean, Christopher Blakeman, William Lindenmuth

Guests

J. Lovelace, A. Lester

DEQ Staff present

Scott Kudlas, Tammy Stephenson, Brian McGurk, Curt Thomas

DEQ Staff Update

Scott Kudlas provided an update to the committee that two new DEQ staff members, Brian McGurk and Curt Thomas, will assist VRRBAC.

Call to Order

Chairman Pace called the meeting to order.

Recognition of Members and Guests

Chairman Pace welcomed members and guests. Introductions were given.

Draft minutes of the October 23, 2014 meeting

The minutes of the October 23, 2014 VRRBAC meeting were unanimously approved after a motion by Chairman Pace, and seconded by Bob Jean.

Action Item: Send approved meeting minutes to webmaster (Completed December 19, 2014)

Other Business

Chairman Pace asked members if the meeting agenda could be altered to conduct other business prior to the DEQ State Water Resources Plan presentation in order to allow other members additional time to arrive. The request was approved.

Chairman Pace reminded members of the letter that DEQ staff wrote to the U.S. Army Corps of Engineers (USACE) regarding the Section 216 Study of Kerr Dam and Reservoir. The letter was sent to USACE and electronically distributed to members on November 18, 2014. Chairman Pace then notified members that the VRRBAC Annual Report is on the website and can be emailed to anyone that would like a copy. USACE responded to Chairman Pace's letter on December 18, 2014.

Mr. Charlton requested a synopsis on the email sent to members by Delegate Rasoul about the DEQ Petroleum Program Heating Oil Technical Guidance Revisions. Chairman Pace responded that Delegate Rasoul was notifying the committee regarding the revisions to the regulation. DEQ staff followed up to notify Delegate Rasoul and the committee of the extended comment period on the draft guidance. Mr. Kudlas noted the comment period is extended to February 18, 2015 and that the draft guidance is on the DEQ website. DEQ staff sent the committee a link on December 16, 2014. Members can find the draft guidance at: <http://www.deq.virginia.gov/programs/landprotectionrevitalization/petroleumprogram.aspx>.

Senator Ruff asked about the type of comments that DEQ is receiving on the Petroleum Program. Mr. Kudlas responded that directly impacted stakeholders are concerned the draft guidance may affect compensation when working with petroleum storage tanks. Mr. Blakeman asked if the storage tank program should be addressed by VRRBAC and what pertinence it has to the committee. Mr. Kudlas pledged to keep the group up to date on contact information for comments.

Action Item: DEQ staff to notify committee on any changes on Petroleum Program's relevance for VRRBAC

Chairman Pace brought up the structure of the VRRBAC subcommittees and the possibility of restructuring to improve their role within the advisory committee. Mr. Charlton noted that the subcommittees were formed for specific topics at a time of interest. Senator Ruff stated that less subcommittees may be more effective. Chairman Pace advised to discuss the structure of the committee at the next meeting. Senator Ruff moved to add an agenda item for the next meeting to talk about improvements to the subcommittees. Mr. Blakeman seconded the motion. All members were in favor; motion carried.

Action Item: DEQ staff to follow up with members via email to gauge their interest in remaining on each subcommittee (completed January 26, 2015)

Delegate Wright referenced the committee's role to advise the RRBBC and stated the big issue to focus on is water allocation within the Roanoke River Basin. Mr. Jean and Mr. Zimmerman agreed with Delegate Wright and inquired about discussions with North Carolina regarding water sharing. Mr. Kudlas spoke about the role of VRRBAC and RRBBC as an advisory body that can influence decisions but cannot put things into law. Delegate Wright mentioned that the idea behind the commission was to provide an agreement to the governors of Virginia and North Carolina, which they could take into account when making a decision. Chairman Pace reiterated the structure of VRRBAC and advised against taking on issues that are out of its control. Delegate Wright asked DEQ what type of application or request was submitted by Raleigh for water withdrawal/interbasin transfer from the Kerr Lake area. Mr. Kudlas responded that an application has not yet been submitted. They have only sent a letter of inquiry, thus there is no pending administrative action. Mr. Kudlas stated that working with each other in Virginia will have a much bigger impact than issues with North Carolina and intra-state collaboration can achieve future water needs while also protecting beneficial uses. Chairman Pace thanked members for the active discussion and noted that the role of the committee will be discussed further at the next meeting.

Mr. Kudlas provided an update on term appointments for members. He indicated that he followed up with Planning District Commissions and they will respond to communicate approvals and reappointments. Chairman pace notified the committee that Mr. Gene Adesso provided a handout with a status update on the Kerr Lake 216 Study for distribution.

Presentation on State Water Resources Plan and cumulative impact analysis findings

Mrs. Tammy Stephenson, DEQ, gave a presentation on the Virginia State Water Resources Plan (SWRP) and water supply planning in the Roanoke River Basin. The Virginia water supply planning effort received 38 regional plans and 10 local plans, all of which were found compliant based on the water-supply planning regulation. The SWRP is the first in Virginia's history and encompasses information from the local and regional water supply planning process. All of the collected information is entered into a content management system that can analyze the cumulative impacts of current and future demands on water resources. DEQ will provide feedback on SWRP findings to regions and localities. Several important points from the SWRP include:

1. Approximately 450 MGD is needed by 2040 to supply Virginia needs
2. The 32% increase in water demand is consistent with the increase in population
3. Approximately 77% of water demand will be from surface water
4. 97% of surface water withdrawals are predicted to occur in 25% of stream reaches

Projected demands are highly concentrated and will create lower drought flows, which can negatively impact in-stream beneficial uses. Approximately 82% of surface water withdrawals are unregulated and have a potential impact on water resources. Unregulated withdrawals are generally grandfathered permits for users that had water rights prior to 1989. Grandfathered users can operate as they wish during low flow. Similarly impactful, 75% of groundwater demand comes from outside the Virginia Groundwater Management Area.

Specifically to the Roanoke River Basin, water resource projections from 2010 to 2040 include *a 14% increase in population, 24% increase in projected water demand, 33% increase in groundwater use, and 11% increase in surface water use.* DEQ also used four indicators to conduct a cumulative impact analysis on the Roanoke River Basin. These four indicators are *August Low Flow, 7Q10, Change in Drought of Record Flow, and Withdrawal as Percent of September Drought Warning.* The presentation demonstrated the number of critical indicators projected for 2040 within each stream reach of the Roanoke River Basin. Additionally, Mrs. Stephenson noted water demand alternatives and deficits for all of the planning regions located within the Roanoke River Basin.

Below is a synopsis of the questions and answers during the SWRP presentation:

- Mr. Zimmerman asked which large withdrawal was located in the Roanoke River Basin on the "VA Spatial Trends in 2040 Demand" slide. Several members responded that it is the Lake Gaston withdrawal for Virginia Beach.

- Senator Ruff asked for an example of an unregulated withdrawal. Mr. Kudlas responded that they are grandfathered surface water withdrawals that had right prior to 1989. An example of an unregulated withdrawal is Dupont.
- Mr. Jean asked about what happens to an unregulated withdrawal when the withdrawal stops. Mr. Kudlas responded that they can retain their water rights or formally release them with a letter to DEQ.
- Mr. Lovelace asked how DEQ got their data on withdrawal changes. Mrs. Stephenson responded that the data comes from water supply planning reporting that was submitted by localities in decadal increments.
- Mr. Blakeman asked why people are moving away from community water systems, which goes against conventional wisdom. Mr. Kudlas and Mrs. Stephenson responded that there is a trend for developers and residents to build individual wells instead of joining a community water system. Mr. Blakeman suggested an additional bullet for clarification.
- Mr. Charlton asked where DEQ got the definition of 7Q10. Mr. Kudlas responded that it comes from the EPA's definition of 7Q10 or critical flow. It is the lowest 7-day average flow that occurs on average once every 10 years.
- Chairman Pace asked if the presentation could be made available to the committee. Mr. Thomas responded that he will send a link to the presentation when it is on the VRRBAC website.
- Mr. Blakeman asked about the status of the SWRP report. Mrs. Stephenson responded that it is going through executive review and it will be distributed for comments after approval.

Action Item: DEQ staff to send presentation to webmaster (completed December 19, 2014)

DEQ staff to send presentation link to VRRBAC (completed December 31, 2014)

DEQ staff to send State Water Resources Plan document to VRRBAC (completed May 1, 2015)

Next meeting

Members expressed interest in future meetings of the Roanoke River Basin Bi-State Commission meeting. It was noted that North Carolina currently chairs the Commission and will continue through the spring of 2015. Mr. Thomas will be in contact with NC and hopes to arrange a meeting after the Virginia General Assembly session ends in February. Members would like to have a VRRBAC meeting on the same day as the RRBC meeting, which will include a discussion about the committee's structure and mission statement. All suggestions for a time and location can be sent to Curt Thomas via email, Curtis.thomas@deq.virginia.gov, or phone, 804-698-4024.

Meeting adjourned at 12:15.