Water Policy Technical Advisory Committee
Minutes of Meeting of September 29, 2003
9:00 a.m. to 4:00 p.m.

Attendance:

Water Policy Technical Advisory Committee Members:

Bob Burnley, DEQ
Tom Gray for Robert Taylor, VDH
Tom Botkins, VMA
Mike Thacker, AEP
Shelton Miles, CPR
Frank Sanders, City of Winchester
Judy K. Dunscomb, The Nature Conservancy
Terry Reid, VAWWA
Cathy Taylor, Dominion
Mike West, HBAV
Brian Ramaley, Newport News Water Works
Eldon James, RRBC
Patti Jackson, James River Association
Sam Hamilton, VA. Agribusiness Council
David Kovacs for Jesse Richardson, VAPA
Jerry Higgins, Blacksburg,Christiansburg,VPI Water Authority
Jeffery Irving, U.S. Army Corps of Engineers
Josh Rubinstein, VA. Rural Water Association
Ed Imhoff
Dan Kavanaugh, VAPDC
Traci Kramer Goldberg for Charlie Crowder, Fairfax County Water Authority
William Stoneman, VA. Farm Bureau
William E. Cox, Virginia Tech
Ward Staubitz, USGS
David Paylor, Deputy SNR
Art Petrini, Henrico County
Robert Royall, VA. Water Well Association
Christopher Pomeroy for Guy Aydlett, VAMWA

Members Absent:

Christopher Miller, Piedmont Environmental Council
Robert Conner, Brunswick County

DEQ and Facilitation staff:

Terry Wagner
Scott Kudlas
Joe Hassell
Kathy Frahm
Barbara Hulburt
Mark Rubin
Bill Ellis

Interested Parties:

John Kauffman, DGIF
John Carlock, VAPDC alternate
Becky Mitchell, City of Virginia Beach
Wyatt Little, DHCD
Paul Holt, City of Richmond
Larry Land, VACO
Denise Thompson, VML
Kristen Lentz, City of Norfolk
Peter Nash, Golder Associates
Paul Jacobs, Christian & Barton
Ray Jackson, WWAC

Summary of the Meeting:

The minutes of the previous meeting were distributed and a request was made to e-mail any objections or comments to DEQ.

The meeting began with a brief presentation by Barbara Hulburt regarding the day's agenda. She stated the "firm yield" discussion would be the first topic as promised at the last meeting. After completing that discussion, the TAC would return to reviewing the revised regulatory language and then conclude the day with a discussion of the state plan. She said the facilitators would also be contacting each WP-TAC member to assess where they were relative to the products.

Mark Rubin briefed the group on his proposed presentation to the State Water Commission scheduled for September 30th.

Initial comments by the group expressed a need for a better understanding of the state plan, what its purpose is, and how it might support localities and local projects. Another line of comment acknowledged the need for a significant new level of planning effort at DEQ to contemplate having a legitimate state water resources planning function and a concern about funding that effort. Still another comment expressed concern over the timeline proposed for development of the state plan.

The group concluded the discussion by requesting that the state plan agenda item be moved up in the agenda. The agenda was revised to have the discussion on firm yield, then a break, and then begin the state plan discussion.

Joe Hassell began the discussion of firm yield by explaining the difference with safe yield and why DEQ was proposing an alternative. He indicated that DEQ's primary goal was to establish a consistent level of risk. The WP-TAC commented that the period of record would be a very important consideration with this definition and an additional suggestion was for DEQ to consider using a regional statistical probability factor. There was a lot of discussion regarding the relationship of yield to in stream flows. A concern was raised that a possible result of applying in stream flow requirements after the firm yield would be the need to develop storage to maintain flowbys. Another concern expressed was a caution to DEQ staff not to create a situation where human consumption needs would have to assert their priority over minimum flows for other beneficial uses. An additional concern was how the definition of firm yield would apply to grandfathered intakes. Other comments from TAC members focussed on the fact that many of these issues may need to be addressed through guidance or technical assistance from the state rather than in regulatory language.

The TAC took a break at 10:45 a.m.

When the TAC reconvened, Joe explained his two-tier conception of firm yield and how they relate to MIF. The issue of equal treatment of uses was raised and debated. Staff indicated that they would work on addressing the issues raised on firm yield in the next drafting session.

The TAC moved on to a discussion of the state plan envisioned by work group # 3 which included some recommendations:

DEQ as lead agency
Coordination with other permit agencies (VDOT model)
Conflict resolution
Identification of funding sources
Incentives for regionalization
Technical assistance
Data gathering function.

The TAC provided a number of comments including that the state needs to make sense of the data (ideally by watershed) for planners, recognize the relationship between water quantity and water quality and whether it could be generalized to something simple like a mission statement. Another comment was that to do many of the things discussed by the plan would need new resources at DEQ. The TAC was asked to place items on a chart that should be included in the state plan. The staff agreed to have a more structured state plan discussion as the first agenda item at the next meeting.

The TAC broke for lunch.

After returning from lunch, Dave Paylor was asked what funding the state was requesting for water supply planning. He said that funding water supply planning was the Natural Resources Secretariat's highest priority. He told the TAC that $850,000 had been incorporated into the base budget and that he hoped the Governor's budget would request at least that much more for the 2005-06 biennium. He also discussed DEQ's pending reorganization that creates a new Water Resources Division. In response to a question, he indicated that providing money to localities has been discussed as part of the budget proposal as well as at the Secretary's Natural Resource Funding Commission. Mark and Barbara reminded the group that some of them have been asked to serve on a funding subcommittee to brainstorm about potential available sources of funding.

The group began discussion of the regulation where they ended the previous meeting (Existing Water Use). There was a lot of discussion on population estimates and the consequences of using particular data sets. Some members wanted this issue clarified in the regulation while others thought it was best addressed through guidance. Staff indicated that the goal was to have a data source used consistently within a plan.

Other comments suggested that the section be redrafted to create more parallelism with the previous section on water sources and the addition of an item on assessing existing beneficial uses as an existing water use. There was a lot of discussion on this

issue and some concerns raised about whether this was the proper location in the regulation for that kind of assessment.

The TAC took a short break.

The concluded the discussion on existing water use by discussing the meanings of several terms including “light” and “heavy” industrial use, and the different ways “unaccounted for losses” are determined and the implications.

The TAC moved to the section on projected water uses. An initial concern was whether this section was too detailed for a regulation. Other comments provided guidance on how to rearrange the section to be clearer. Other comments included how this regulation would impact groundwater rights, the state’s role in evaluating impact to beneficial uses of proposals, and that the concept of “study area” had been lost in the regulation.

Staff told the TAC that they would supply these revisions in a complete regulation and provide an outline for the discussion of state plan prior to the next meeting. The next meeting is scheduled for October 15, 2003, at the same location and time.

The meeting was then adjourned.

Guidance:

Acceptable data sources for population figures
Population projection methodologies
Calculation of firm yield—statistical probability or period of record
Use of firm yield with instream flow thresholds
Define extent of reach to be evaluated for beneficial uses
Planning horizon for groundwater use estimates