

REGULATORY ADVISORY PANEL: HB542

September 30, 2021

**Bank of America Building, 3rd Floor Conference Room,
1111 East Main Street, Richmond, VA**

MEETING SUMMARY

Committee Members Present:

Pamela Baughman, VA Rural Water Association, Louisa County Water Authority
Amy Martin, Virginia Department of Wildlife Resources
Robert Cornett, Washington County Service Authority
James Maupin, Virginia Water Well Association (Maupin Drilling)
Chad Neese, Southside PDC
Eldon James, Virginia Chapter American Planning Association/Rappahannock River Basin Commission
Whitney Katchmark, Hampton Roads Planning District Commission (HRPDC)
Pam Kenel, Loudoun Water
Eric Lawrence, Frederick Water
Ben Rowe (alternate), VA Farm Bureau
Randy Owen, Virginia Marine Resources Commission
Ross Phillips, City of Richmond
Kelly Evko (alternate), The RiverLink Group
Erin Reilly, James River Association
Dwayne Roadcap, Virginia Department of Health, Office of Drinking Water
Kyle Shreve, VA Agribusiness Council
Michael Ward, Henry County

Committee Members Absent:

Jessica Phillips, Virginia Regional Tribal Operations Committee/Chickhominy Indians Eastern Division
Kevin Byrd, New River Valley Regional Commission
Chris Edwards, Stafford County
Jay Ford, Chesapeake Bay Foundation
Anne Doyle, A-NPDC
Brett Vassey, Virginia Manufacturer's Association
Jonathon Weakley, Madison County, Virginia Environmental Justice Collaborative

DEQ Staff Present:

Scott Kudlas, Office of Water Supply, Director
Ryan Green, Water Supply Planning and Analysis Team Lead
Hannah Somers, Water Supply Planner
Gouri Mahadwar, Water Supply Planner

Members of the Public Present:

Normand Goulet
Donnie Autry
Greg Prelewicz
Barret Hardiman
Claire Gorman

- 1) Welcome and Introductions:
 - a) The meeting began at 10:05am and was called to order by Mr. Kudlas. A quorum was present. Mr. Kudlas went over the agenda. RAP members introduced themselves.
- 2) RAP Process, Ground Rules, and Goal
 - a) Mr. Kudlas reviewed the goal of the RAP, APA process, and the RAP ground rules.
- 3) Charge of the RAP – 2020 HB542
 - a) There are four main changes to be addressed in the RAP: Designating regional planning areas (Issue 1), and designating required participants in a regional plan (Issue 2), identification of water risks and how those risks will be addressed (Issue 3), and defining areas of cross-jurisdictional planning and accommodations for existing groups (Issue 4).
- 4) Water Supply Planning Program Overview
 - a) Mr. Kudlas reviewed the water supply planning program – including origin and development of program, program goals, and the main sections of Water Supply Plans.

Questions and Discussion: The panel discussed questions related to the scope of Issue 1. Discussion included existing plan development regions and the existing role of Planning District Commissions (PDCs), how to define a river basin and consider varying locality risks, how to handle jurisdictions that are split between multiple river basins, the need to address surface water basins in context of areas of groundwater reliance, and existing data and water source information by basin.

- 5) Facilitated Discussion and Information Gathering on Issue 1: Designating Regional Planning Areas
 - a) The panel discussed existing boundaries that should be considered to designate regional planning areas. Existing boundaries under consideration included utility service areas, political boundaries, current Water Supply Plan boundaries, drought evaluation regions, PDCs, watersheds, river basins (ex. Chesapeake Bay TMDL basins), and Soil & Water Conservation Districts (SWCDs).
 - b) The panel discussed reasons to deviate from river basin boundaries as regional planning areas are formed. Reasons included mixed uses of surface and groundwater, utility service areas / treatment plants that span basin boundaries, water demands across basin boundaries, localities that span multiple watersheds, having the scale of planning areas match the ability to create and implement plans, and the existence of current regional relationships (ex. PDCs, SWCDs).

- c) The panel considered reasons to use river basin boundaries. Reasons included the connection of upstream and downstream users of a shared resource, concerns that transverse localities (ex. saltwater intrusion, ecology), resource competition, lack of resources in smaller jurisdictions, having a venue for discussion across a region, and the potential that current boundaries are too small to effectively plan for risks that impact larger boundaries.
 - d) The panel discussed factors that make a regional planning area more manageable. A common theme of this discussion was that there are existing relationships across localities. Those relationships may have political, economic, historic, water planning, or other basis, and those connections support sharing across the region. Another common theme of this discussion was scale, while an individual locality scale may be too small to be effective for regional concerns, whole river watersheds may be too large for effective regional coordination. Risks on the basin scale will translate to actions and implementation at the locality scale, and that needs to be effective to meet water demands.
 - e) The panel discussed successful examples of approaches that address these factors in Virginia or elsewhere that should be looked at as a model. Examples included the Hampton Roads Planning District Commission and the SWIFT project in Hampton roads. The panel also discussed case studies including Louisa County partnering with another basin for a water source, Northern Virginia localities working with the PDC, and several other states.
- 6) The group summarized the major themes from the facilitated discussion on the slides which can be found [here](#). This included noting the purpose of the water supply planning process as defined in the statute includes ensuring that adequate and safe drinking water is available to all citizens of the Commonwealth as well as encouraging, promoting, and protecting all other beneficial uses of the Commonwealth's water resources.
- 7) Next Steps
- a) Plan Upcoming Meeting Dates: Aiming for a meeting in late October, mid November, and early December, as Covid-19 protocol compliant room availability allows.
 - b) DEQ requested to provide relevant data for the next meeting

The meeting adjourned at 3:00pm.