

# Water Supply Planning Update

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# Drought of 1999-2002

- Water shortages
- DEQ formed a Water Policy TAC in the Fall of 2002 to address ways to improve water supply planning.
- Legislation enacted by the General Assembly in 2003 required DEQ to develop criteria for local and regional planning and a preliminary state water resources plan.

# Regulation Development Process

- Regulation development by DEQ is a multi-step process: NOIRA, public comment, regulation drafting with help of Technical Advisory Committees (TAC's), publication of proposed regulation, public comment, and SWCB and administration approval.
- 30+ member TAC was formed to work with DEQ and VDH to draft regulation.
- TAC was made up of diverse interests, including business, environmental, local, and water supply representatives.

# TAC Process

- Limits of TAC authority
- Facilitators (McCammon Group)
- Guidelines for discussion
- Goal to seek consensus
- Consensus defined as “product that individual TAC participants could live with and would not work against at higher levels of authority within the Administration or the General Assembly”.

# VMA Constituent Concerns

- Primary concern was the “water supply planning” process could threaten our ongoing water usage needs.
- Consistent, sustainable source of water essential to the various manufacturing operations.
- Water user vs. water consumer vs. recycling

# Water Supply Plan Regulation

- After nearly 18-months of work, the TAC completed the draft regulation on October 1, 2004.
- VMA supported the language in regulation 9 VAC 25-780-10.C, which provides that the regulation does not alter, nor authorize the alteration of "any existing surface, ground water or common law water rights of any property owner with the Commonwealth, except as required by federal law or state law."
- VMA believed it was important to recognize that existing water rights be preserved and not affected by the submission of water supply plans, thus protecting existing users from having local plans establish new systems of water allocation on an individual basis.

# Water Supply Plan Regulation

- VMA also emphasized issues relating to protection of existing water rights, and any changes to the current water allocation system in Virginia should be debated and considered as part of the state-wide regulatory process.
- The State Water Commission endorsed the draft regulation and the State Water Control Board adopted final regulation June 28, 2005.

# Water Supply Plan Regulation

- Requires local/regional plan submissions between Nov. 2008 and Nov. 2011.
- DEQ expected to issue a "State Plan" in 2012.
- Local/regional plan and the "State Plan" will face challenges not addressed in the Water Supply Plan Regulation.
- Challenges include conflicts between plans, water rights and allocation, resources.

# Ongoing Concerns

- Recent droughts have demonstrated ongoing water shortage issues.
- DEQ just published a NOIRA to amend groundwater withdrawal regulations in eastern Virginia. The NOIRA states “we need to address for which users and for what purposes this finite resource should be allocated.”

# State Water Commission

- The State Water Commission is a 15-member legislative body established by statute that is charged with (i) studying all aspects of water supply and allocation problems in the Commonwealth, and (ii) coordinating the legislative recommendations of all state entities that have responsibilities with respect to water supply and allocation issues.
- The State Water Commission has shown more activity and met in July with the hopes that the Commission could review important issues related to water supply and translate its efforts into meaningful legislation.

# State Water Commission

- The Commission is considering recommending the General Assembly pass a study resolution as suggested by Mission H2O.
- In addition the Commission is considering
  - 1) codification of the reporting requirement for all grandfathered withdrawals, both surface water and ground water of 300,000 gallons per month for "watering" and of 1 million gallons/month for irrigation.
  - 2) formation of a state advisory board on water supply planning, much like the state advisory board on air pollution.
  - 3) amending the state water supply planning regulations to provide that permits may only be issued for water supply source alternatives included in an approved water supply plan.

# Conclusions

- Change is coming, whether driven by droughts, water supply plans, groundwater shortages, State Water Commission, etc.
- VMA constituents as well as others (i.e. agriculture) must have a reasonable, sustainable water supply.
- VMA is not advocating any specific changes at this time but desire to be part of the ongoing discussion/solution.