

**Attachment 1A
MEETING OF
DIRECTORS OF UTILITIES COMMITTEE
September 3, 2014
Newport News**

1. Summary of the August 6, 2014 Meeting of the Directors of Utilities Committee

There were no comments on, or revisions to the summary of the August 3, 2014 meeting.

ACTION: The summary of the August 6, 2014 meeting was approved.

2. Public Comment

There were no public comments.

3. Management of Private Wells

The Committee discussed the draft white paper describing policy proposals for managing the use of private wells and groundwater withdrawals less than 300,000 gallons per month to mitigate impacts to the Eastern Virginia Groundwater Management Area. The Committee could not agree on whether or not to recommend that the permit threshold be reduced from 300,000 gallons per month to 100,000 gallons per month.

ACTION: No action.

4. Groundwater Regulatory Update

The Committee discussed DEQ's groundwater permitting program. DEQ is holding meetings with the largest groundwater withdrawal permit holders and identifying permit reduction targets for each one. The current permitted withdrawals cannot be reissued using the existing management criteria. Eleven of the fourteen largest permits are due for renewal. The Committee is working on a regional response to this issue.

ACTION: No action.

5. State Water Control Board Draft Order by Consent

The Committee reviewed locality comments on the modified Consent Order drafted by DEQ to address the need for continued implementation of Management, Operations, and Maintenance (MOM) plans for local sewer systems. The Consent Order must be signed by December 31, 2014 to meet the deadlines in the regional Memorandum of Agreement signed in March 2014.

ACTION: No action.

6. HRPDC FY2015 Unified Planning Work Program – Water Resources

The Committee discussed priorities for FY15 HRPDC projects that are non-recurring program elements. The Committee agreed with the following staff recommendations:

- **Groundwater Policy Changes:** Continue membership in Mission H2O and continue participation in regulatory process, including DEQ’s development of short- and long-term policy options.
- **Update Groundwater Mitigation Program:** Revisit the MOA and technical guidelines for evaluating mitigation claims.
- **Source Water Assessment Update:** Update map of likely sources of contamination and revisit recommendations in the regional plan.
- **Customer Assistance Program Models:** As a follow-up to the 2020 cost scenarios and estimates of impacted households, identify and evaluate customer assistance and subsidy program models, associated costs to utilities, advantages and detriments.

ACTION: The Committee identified priority projects for the FY15 work program.

7. Draft FY2016 Wastewater and Water Program Budgets

The Committee discussed FY16 draft budgets for Wastewater and Water Programs. The revised budget will be considered at the October meeting.

ACTION: No action.

8. Staff Reports

- **FY15 Water and Wastewater Rate Data:** The deadline for utility responses to the annual water and wastewater rate data call is September 15, 2014. Responses should be sent to HRPDC staff (tsmith@hrpdcva.gov).
- **Affordability:** Regarding the assumptions for the 2020 water and wastewater cost scenarios, responses should be sent to HRPDC staff (tsmith@hrpdcva.gov).
- **Chlorides Whitepaper:** Pending technical clarification from USGS on one item, the final paper is will be distributed to the Committee.

ACTION: No action.

9. Other Business

No other Committee business was discussed.

Groundwater Permits & Proposals

Whitney S. Katchmark
Principal Water Resources Engineer
HRPDC Directors of Utilities Committee
September 3, 2014



State Water Commission

No date has been set for next meeting.

Waiting on the Administration's and DEQ's new management strategy and possible legislation for the Groundwater Management Area.



Talking Points: Top down approach

Approach should be top-down rather than bottom-up:

- Most effective and equitable method to successfully manage groundwater and make the aquifer sustainable is a top-down approach with a long time horizon.
- Current situation did not develop overnight and we cannot fix it overnight or even in the next 3, 5 or 10 years.

57% cuts to the Total Permitted withdrawals of 14 largest users seems to be DEQ's top down approach.



3

Talking Points: Priorities?

The Ground Water Management Act clearly states that “when available supplies of ground water are insufficient for all who desire to use them, preference shall be given to uses for human consumption, over all others.”

Local support to prioritize Public Water system permits over industrial and commercial permits?



4

Talking Points: More analysis?

DEQ has stated they don't want to eliminate anyone's use but we know the size of the available groundwater "pie" is shrinking. Given these circumstances, it is even more critical to understand exactly who is using groundwater and for what purpose.

What kind of information would lead to a better solution?

- *Refine management objectives from 80% criteria to specific areas with water supply problems.*
- *Identify incentives for a few users to cut withdrawals instead of 14 largest users.*



5

Key Points: Modify Management Criteria

Recommends research and adaptive management approach to make technical evaluations more flexible

Declining water levels, saltwater intrusion, and land subsidence are all criteria to reject permit application.

- Refine management objective to balance the significance of these impacts with the cost of reducing groundwater withdrawals.
- Use Water Supply Plans to identify vulnerable groundwater users and sensitive natural resources.
- Install monitoring near those areas and set goals/triggers to avoid significant impacts.
- Use next 2-3 years to quantify impacts and estimate costs of alternatives.



6

Talking Points: more process

#2 - Insure the State Water Supply Plan currently under development contains timely information on groundwater availability since groundwater is only one of a number of potential sources to meet water demands.

The state needs to diligently work together with localities and regions to make sure all water supply plans at all levels are coordinated and in compliance with each other. Involve municipalities and regional planning organizations in the State Water Supply Plan development process. This process will help identify the “big” regional ideas previously mentioned.

Ask DEQ to release State Water Supply Plan findings before changing permits?

Ask for review and analysis of Economic Impact study from Virginia Tech team.



7

Talking Points: Big ideas

#1 - Investigate “big” regional ideas and alternatives such as HRSD’s 100 mgd groundwater recharge concept that has the potential to significantly address the main drivers of aquifer depletion across an entire region.

HRSD has funded this study to be completed early 2015.

Other studies?

- **Indirect potable reuse – feasibility & cost**
- **Draft Water Rights Exchange / Cap & Trade proposal**



8

Talking Points: unregulated use

#3 - Pursue legislative proposals to regulate and monitor current unregulated and unpermitted withdrawals especially for uses other than human consumption.

DEQ proposal – improve database and records for small wells.

Propose lowering the permit threshold?



9

Talking Points: Improve model

Support DEQ's efforts to improve their forecasting model since this is the main tool for making decisions that will have long term economic, political and behavioral consequences.

- Current model is only several years old. It forecasts unsustainable aquifer demands but these forecasts are based on **full permitted use** over a 50 year time span. Not one of the 14 heaviest users is using its current full permitted flow. Why not model **current flow** and compare the results?

A lot of modeling has been done; DEQ is not presenting it.

- Saltwater intrusion is often cited as a major driver of permit changes. There are clear weaknesses in past data gathering and no clear trend as to whether saltwater intrusion is an increasing threat. More "sentinel" monitoring points need to be established.

**DEQ has tasked USGS to develop monitoring system this fall.
Support increased DEQ budget for equipment?**



10

Talking Points: Improve model

- The model could also benefit from the addition of modules for saltwater intrusion and land subsidence.
 - DEQ has been funded to add module for subsidence.**
 - Support DEQ budget increase for modeling salt water intrusion?**
- Pursue ways to efficiently incorporate into the model both existing data such as VDH records and any new data made available through new legislative requirements
 - Ask DEQ to develop and fund a model maintenance program so available data is added to the model. (may already exist)**



11

Key Points: Water Reuse & Surface Water Storage

Water Reuse: Describes opportunities for reuse, projects in other states & few Virginia examples, reviews regulatory obstacles and need for incentives and funding.

Surface Water Storage: Describes past projects including Lake Gaston, Ware Creek, King William, & Cobb's Creek.

- New Surface Water Storage seems like an obvious solution.
- Localities unlikely to invest time and resources without stronger state support.
- May describe how state could facilitate multi-locality projects and site selection.



12

GOALS OF GROUNDWATER MANAGEMENT

1. Maintain long-term sustainable groundwater use in the Eastern Virginia GWMA through the development of management objectives, practices and conjunctive use projects to benefit the social, economic and environmental viability of the eastern area of Virginia.
2. Confirm whether and where degradation of groundwater quality by saline intrusion might be occurring and develop criteria and prevention goals.
3. Increase understanding of Eastern Virginia GWMA dynamics through the development of a sound research program to monitor, evaluate, and predict aquifer conditions.
4. Ensure local involvement in management of the groundwater aquifer through the responsible management of groundwater resources by overlying cities, counties, water districts, agencies, and landowners.
5. Formulate rational and attainable Eastern Virginia GWMA management objectives.
6. Formulate voluntary policies, practices and incentive programs to meet established aquifer management objectives.
7. Formulate appropriate financing strategies for the implementation of the options.



Attachment 1C
MEETING OF
DIRECTORS OF UTILITIES COMMITTEE
October 1, 2014
Chesapeake

1. Summary of the September 3, 2014 Meeting of the Directors of Utilities Committee

The summary of the September 3, 2014 meeting of the Directors of Utilities Committee will be provided for review and approval with the November meeting agenda.

ACTION: No action.

2. Public Comment

There were no public comments.

3. FY2016 Wastewater and Water Program Budgets

The Committee considered the revised FY16 budgets for Wastewater and Water Programs. The Committee members in attendance endorsed the FY16 budgets. HRPDC staff will seek consensus on the budgets via email to those localities that were not present.

ACTION: The Committee endorsed the FY2016 Water and Wastewater Program budgets.

4. State Water Control Board Order by Consent

Committee members provided updates on schedules for locality council and board approvals of the Consent Order. HRPDC staff will compile signature pages for transmittal to the Department of Environmental Quality (DEQ) by October 27, 2014.

ACTION: No action.

5. Groundwater Regulatory Update

HRPDC staff provided a presentation summarizing groundwater issues (see Attachment 1D). The Committee discussion is summarized below:

- DEQ's Target Permit Reductions: HRPDC staff provided a summary of DEQ's target reductions and a summary of water level trends in monitoring wells near International Paper and near critical cells in the groundwater model. Data indicates that water levels on the Peninsula are not as responsive to IP's

withdrawals. It was noted that model runs still result in critical cells even if IP's withdrawals are set to zero.

It was noted that some entities have adopted resolutions requesting that the DEQ take proactive measures to restore artesian head pressure and reduce high chloride concentrations in the Potomac aquifer: Middle Peninsula Planning District Commission; Middlesex County Board of Supervisors; and Rappahannock River Basin Commission.

- Mission H2O Virginia meeting: Regarding any proposed changes to the groundwater management criteria, DEQ is reluctant to seek regulatory changes, but the agency may not oppose changes proposed by another entity. The Committee discussed other concerns with the draft action plan, including the proposal for 15% permit cuts; timeframe for action plan implementation; the need for appropriate planning, infrastructure development, and rate setting; and regional relationships. The group agreed that proposing an action plan would be premature. It was noted that permit negotiations would be better informed if DEQ made available two documents: the State Water Supply Plan and DEQ's study, "An Investigation of the Economic Impacts of Coastal Plain Aquifer Depletion and Actions That May Be Needed to Maintain Long-Term Availability and Productivity." The Committee discussed comments on the draft letter from Mission H2O to DEQ and agreed that the letter should request a meeting with DEQ's Director as well as a copy of the economic impact study. HRPDC staff will participate in the Mission H2O conference call on October 4, 2014.
- October 16, 2014 HRPDC briefing on groundwater permits: HRPDC staff reviewed a draft outline of the presentation to the HRPDC. The Committee provided feedback on the information items and level of detail. The recommendation will be to authorize the HRPDC Chairman to send a letter to DEQ requesting that the permit negotiation process be slowed down to allow adequate time for localities to consider the impacts of permit cuts and to develop regional support for a long-term solution. HRPDC staff will set up a separate meeting for utilities that want to discuss groundwater permits.

ACTION: No action.

6. Legislative Agenda

The Committee provided feedback to HRPDC staff on the list of ideas for legislative proposals. The Committee recommended that the following ideas be forwarded to the HRPDC Legislative Subcommittee for consideration:

Groundwater-related proposals:

1. Support DEQ proposal – VDH provide well construction data

2. Support DEQ proposal – require groundwater permit if subdivision withdrawals collectively exceed 300,00 gal/month
3. Support JLARC study
4. Lower groundwater permit threshold (300,000gal per month to 100,000)
5. Support DEQ – installation of chloride monitoring network
6. Request DEQ establish subsidence monitoring network or assessment like InSar

Septic-related proposals:

1. Grant all counties authority to require sewer hookups
2. Increase funding for sewer hookup grants
3. Require VDH to track & report septic pump outs and properties that have not met pump out requirement

It was also noted that utilities have concerns with the proposed changes to the Virginia Water Protection (VWP) regulations. Some Committee members are planning on attending the VWP Citizens Advisory Group meeting on October 6, 2014 and submitting comments on the regulatory action.

ACTION: The Committee’s legislative recommendations will be considered by the HRPDC Legislative Subcommittee for inclusion in the regional legislative agenda.

7. Staff Reports

- **FY15 Water and Wastewater Rate Data:** The compiled responses to the FY15 data call were distributed to the Committee on September 24, 2014.
- **Chlorides Whitepaper:** The final document, “[Chloride Concentrations in Hampton Roads Drinking Water Sources](#),” is available on the HRPDC website.

ACTION: No action.

Committee Meeting Sign-In Sheet
October 1, 2014

Attachment 1D

Locality/Agency	Representative	Representative	Representative	Representative
HRSD				
Chesapeake	Craig Maples	Ted Garty		
Franklin				
Gloucester	Arnie Francis			
Hampton	Tony Reyes			
Isle of Wight	Donald Jennings			
James City County	Doug Powell	Stephanie Luton		
Newport News	Kofi Boateng			
Newport News	Reed Fowler			
Newport News				
Norfolk	Kristen Lentz			
Poquoson	Bob Speechley			
Portsmouth	Bryan Foster	Erin Trimyer		
Smithfield				
Southampton				
Suffolk	Al Moor	Craig Ziesemer		
Surry				
Virginia Beach	Tom Leahy	Bob Montague		
Williamsburg				
Windsor				
York				
HRPDC	Whitney Katchmark	Julia Hillegass	Tiffany Smith	
HRPDC				
New Kent				
DEQ				
EPA				
USGS				
VDH				
VDH				
VDH				
Emergency Managers				
Emergency Managers				
Emergency Managers				
AECOM				
AquaLaw				
Arcadis				
Brown & Caldwell				
CH2M-Hill				
Christian Barton				
Golder Associates				
HDR				
Hurt & Proffitt, Inc.				
McGuire Woods				
Rice Associates				
REMSA				
Troutman Sanders				
Virginia Fusion Center				
Virginia WARN				
URS				
Whitman, Requardt & Assoc.				
Private citizens				

Groundwater Discussion

Whitney S. Katchmark
Principal Water Resources Engineer
HRPDC Directors of Utilities Committee
October 1, 2014



State Water Commission

No date has been set for next meeting.

Waiting on the Administration's and DEQ's new management strategy and possible legislation for the Groundwater Management Area.



Economic Impact Analysis

DEQ does not know when it will be released.

Maybe at next State Water Commission meeting tentatively planned for October.



3

Mission H2O

Members of Groundwater Subcommittee:

- RockTenn (West Pt mill)
- International Paper
- Smithfield Foods
- Genco (Cogentrix)
- Ashland (Hercules)
- Virginia Agribusiness
- VA Nursery Landscape Assoc
- Bennetts Creek Nursery
- Tankard Nursery
- New Kent County
- HRPDC
- CH2M Hill
- Draper Aden
- Kimley Horne

*Includes 5 of 6 largest non-municipal permits.
Missing Colonial Williamsburg.*

All large municipal permit holders (8) are part of HRPDC.



4

Mission H2O – Proposed Action

Groundwater subcommittee meeting on Sept 24th:

- Consensus that permittees would like to meet with DEQ jointly to discuss alternatives to proposed permit targets before holding individual, follow-up meetings.
- Andrea Wortzel with Troutman Sanders tasked with drafting a letter requesting the meeting.
- Consensus that Mission H2O members might need to offer some commitments or specific actions to get meeting with DEQ. Various ideas were considered but the details were not hashed out.

Sept 25th - Andrea sent out draft letter for review.

Sept 26th - Andrea sent out draft Action Plan for review.

Oct 3rd – Conference call on sending letter



5

Draft Action Plan

Asks for:

- administrative continuance for 5 years
- change in Groundwater Management Criteria

Offers:

- 15% reduction from Total Permitted for each of 10 large permits.
- conduct feasibility studies, identify funding options, explore credit exchange.



6

Draft Action Plan – Response?

Should HRPDC support the letter and action plan as written?

Should HRPDC propose an alternative?

i.e. Draft language sent out by Suffolk with no mention of an action plan.

If Directors of Utilities Committee does not support the letter or concept of a group meeting with DEQ, can HRPDC abstain from Mission H2O vote?

- Mission H2O is supposed to make decisions by consensus.
- Some HRPDC member localities may want to support the group meeting and evaluate multi-partner solutions to develop alternate water sources.



7

HRPDC Groundwater Brief – Oct 16th

At HRPDC CAO meeting on Sept 18th, CAOs requested that staff provide high level brief to Commissioners on groundwater permits at October meeting.

Primary concerns were the fast pace of the permit negotiations and the desire to understand the big picture and have information about other permits under review.



8

Coordination of Enforcement for Fats, Oils, and Grease (FOG) Programs

Responses to these questions will enable HRSD to clearly establish how they will interact with the various locality FOG programs.

- 1) Although HRSD has authority to handle FOG-related issues using Problem Notifications (PNs) and other enforcement tools, are the locality FOG representatives okay with HRSD implementing enforcement responses, including instructing dischargers regarding how to manage FOG-related issues, either on the spot when discovered at the facility or through follow-up correspondence?
- 2) Does HRSD need to contact the FOG representative prior to issuing a PN on the spot?
 - a. If YES, does HRSD need to wait for the FOG rep to investigate the facility before HRSD goes any further? For example: an FSE has a severely neglected GCD that is making it difficult for HRSD P3 staff to complete the facility investigation due to grease build up in the clean out/manhole. Does HRSD revisit the location after the FOG rep addresses the problem? Or does HRSD initiate enforcement action and follow-up/address the problem on their own?
 - b. If NO, how would the rep like HRSD to keep him/her informed? Call/email about what HRSD found and how they are handling it? Call/email about the follow-up visit? Does the FOG rep need pictures or something in writing for documentation purposes?
- 3) In the case of broken or missing GCDs, what does the locality desire regarding who requires and enforces the repair or installation?
- 4) Please provide the following (2) contacts for your locality:
 - a. Primary FOG representative – Name/email/phone
 - b. Secondary FOG representative – Name/email/phone

Locality	Primary FOG Contact(s)	Secondary FOG Contact(s)	Agree with HRSD implementing enforcement responses?	Does HRSD need to contact prior to issuing a Problem Notification (PN)?	How should HRSD contact locality FOG representative?	Who should enforce GCD repair or installation?
Chesapeake	David Jurgens, Director of Utilities 757-382-6401 djurgens@cityofchesapeake.net Ted Garty, Water and Wastewater Administrator 757-382-3402 tgarty@cityofchesapeake.net	NA	YES	NO	We would ask that they Notify our Director, David Jurgens and Ted Garty our Water and Wastewater Administrator once any enforcement response is begun.	HRSD
Gloucester	Arnie Francis jfrancis@gloucesterva.info	Robert Mickelborough rmickelb@gloucesterva.info	YES	NO	Call or e-mail	HRSD with info share to us.
Hampton	Regina Duncan rduncan@hampton.gov (757) 726-2962	NA	NO	YES	Call or e-mail	Hampton will require and enforce
Isle of Wight						
James City	Tom Fauber tom.fauber@jamescitycountyva.gov (757) 259-4138	Danny Poe danny.poe@jamescitycountyva.gov (757) 259-5452	YES	NO	We would greatly appreciate all of the feedback you can provide including photos if applicable. Email would be the preferred method of contact please.	Due to the fact that the JCSA has not adopted a FOG ordinance thus far, we would welcome any enforcement assistance that you may render. Please proceed with the level of enforcement you deem appropriate.
Newport News	William (Joe) Mann Office: 269-2775 Cell: 508-8206 wjmann@nngov.com	Joyce Heffington 269-2468 jheffington@nngov.com	YES	NO	We would like a call or email and any pictures or documentation in case we have to enforce against the FSE in the future.	We are fine with HRSD requiring and enforcing a repair or installation, just keep us informed.
Norfolk	Brian Wilson office: 757-823-1090 cell 757-620-2688 brian.wilson@norfolk.gov	Cathy Filipowski office: 757-823-1064 cell: 757-377-6940 catherine.filipowski@norfolk.gov other: fog@norfolk.gov	YES	NO	Please email what was found and any action taken, include follow up and pictures (if needed).	Norfolk will enforce broken or missing GCD repair or installation.
Poquoson						
Portsmouth						
Smithfield	Josiah Jendrey jjendrey@smithfieldva.gov 757-504-6518	Sonja Eubanks seubanks@smithfieldva.gov 757-365-4200	YES	NO	Email or phone call will work and any additional information that could be provided such as pictures or copies of the report would be nice.	HRSD can enforce repairs / installation we ask only that we be kept informed of what is being done just like in the case of PN's.
Suffolk	<i>Currently in the process of filling vacant FOG manager position, will update when complete.</i>	Craig Ziesemer 757-923-3670 cziesemer@suffolkva.us	YES	NO - if they are acting within their authority	Typically a follow up e-mail would be sufficient but a call if an "urgent" matter or it was a high profile facility.	Same as in the case of a PN - typically a follow up e-mail would be sufficient but a call if an "urgent" matter or it was a high profile facility.
Virginia Beach	Brent Werlein bwerlein@vb.gov	2nd: Kate Nixon knixon@vb.gov.com 3rd: Jason Truitt JCTruitt@vb.gov	YES	NO	An Email can be sent to Brent Werlein or FOG@vb.gov.com. Please include what HRSD found and how they are handling it. If it is determined that an increase in cleaning frequency is needed by HRSD please indicate that and we will document it in our database and use that as our enforcement standard. Example. If HRSD determines an Exterior interceptor must be cleaned monthly vs every 90 days, we will change the required frequency in our database from 90 days to monthly and continue to do our annual inspections based on this new required frequency.	HRSD can require and enforce the requirement of repairing or installation. If a new GCD is required we ask that HRSD inform us of the FSE that is getting one installed through email and by asking the FSE to fill out a City of Virginia Beach GCD registration form.
Williamsburg	Paul Reeser preeser@williamsburgva.gov 757 897 8663	Robbie Herrmann rherrmann@williamsburgva.gov 757 753 4649 <i>For GCDs:</i> John Street (Planning & Codes Compliance) jstreet@williamsburgva.gov 757 220 6138	YES	YES	HRSD needs to notify us prior to issuance of PN so we can meet on-site prior to issuance. HRSD should handle the follow-up/addressing the problem.	HRSD should handle the follow-up/addressing the problem. Check with our Building Codes folks on how they want to handle.
York	Michael Coy EDSFOG@yorkcounty.gov 757-890-3900	Randy Yokum ryokum@yorkcounty.gov 757-890-3751	YES	NO	We would like a phone call when convenient with a follow-up email for written documentation. If pictures are taken we would like a copy of those as well.	We wish for HRSD to continue their protocol regarding enforcement of repair or replacement of broken/missing GCD's.