

A REPORT TO
THE HONORABLE TERENCE R. McAULIFFE, GOVERNOR,
AND
THE GENERAL ASSEMBLY OF VIRGINIA

VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE
2015 ANNUAL REPORT

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Virginia Roanoke River Basin Advisory Committee

Executive Summary

The Virginia Roanoke River Basin Advisory Committee (VRRBAC) was established in the executive branch of state government as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. Duties and powers of the VRRBAC are pursuant to Virginia Code § [62.1-69.34](#).

This report provides information regarding the Virginia Roanoke River Basin Advisory Committee's activities during the 2015 calendar year. The members met four times from December 2014 to December 2015.

The meetings included several discussions regarding the Kerr Lake Regional Water System interbasin transfer request and a final determination to be made by the North Carolina Environmental Management Commission, to which the VRRBAC submitted a formal public comment letter. The VRRBAC also received presentations related to water supply planning within the Roanoke River basin and potential alternatives to water supply allocation, including the Philpott Lake expansion example. Much focus was dedicated to strategic planning and the potential restructuring of the VRRBAC to enhance its effectiveness. The VRRBAC will continue to engage in planning activities at future meetings. Neither the standing committees nor the ad hoc committee met in 2015. No specific recommendations were made and a next meeting date is to be determined. Further details of this work can be found on the Virginia Roanoke River Basin Advisory Committee page on DEQ's website:

<http://www.deq.virginia.gov/Programs/Water/WaterSupplyWaterQuantity/VirginiaRoanokeRiverBasinAdvisoryCommittee/VRRBACMeetingMinutesandPresentations.aspx>.

This constitutes the Chairman's executive summary of activity and work of the advisory committee, pursuant to Virginia Code § [62.1-69.35:2](#).

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Pace", is written over a light blue rectangular background.

Tim Pace

Chairman, Virginia Roanoke River Basin Advisory Committee

Introduction

The Virginia Roanoke River Basin Advisory Committee (VRRBAC) was established as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. VRRBAC assists the Virginia delegation in fulfilling its duties and carrying out the objectives of the Commission pursuant to Va. Code § [62.1-69.39](#). VRRBAC is composed of 23 members that include one ex-officio U. S. Representative, six ex-officio Virginia legislative members, 13 non-legislative citizen members, and three ex-officio members from North Carolina. The planning district commissions (PDCs) located in the Roanoke River Basin (Basin) recommended 11 of the non-legislative citizen members of the advisory committee, while the Senate Committee on Rules and the Speaker of the House of Delegates each appointed one non-legislative citizen member. These non-legislative citizen members reside within the Basin's watershed, represent the diversity of interests within the Basin area, and have demonstrated interest, experience, or expertise in water-related Basin issues.

Organization

Tim Pace was elected in October 14, 2014 by membership to serve as Chairman of the VRRBAC. Billy Martin currently serves as 1st Vice-Chair and Al Zimmerman serves as 2nd Vice-Chair. Tim Pace presided over four VRRBAC meetings from December 2014 to October 2015.

Current Membership of VRRBAC

Virginia Code § [62.1-69.34](#) of the Code of Virginia establishes the details for membership on the Advisory Committee.

There are currently 19 members on the VRRBAC. Appointments of two non-legislative members are expected from the New River Planning District Commission and the Southside Planning District Commission to complete Virginia's membership. North Carolina is permitted by Virginia statute to provide three ex-officio members to the VRRBAC. To date, these members have not been appointed. A list of current members is provided below.

Congressman Robert Hurt	Al Zimmerman, 2 nd Vice-Chair
Senator William Stanley	Christopher Blakeman
Senator Frank Ruff	Read Charlton
Delegate James Edmunds II	Haywood J. Hamlet
Delegate Thomas Wright, Jr.	John Lindsey
Delegate Charles Poindexter	Gerald V. Lovelace
Delegate Sam Rasoul	Mike Mattox
Tim Pace, Chairman	Don Smith
Billy Martin, 1 st Vice-Chair	Mark Wagner

Standing and Ad Hoc Committees

Pursuant to Va. Code § [62.1-69.40](#), the VRRBAC has subcommittees that complement those established by the Roanoke River Basin Bi-State Commission: Agriculture, Forestry, and Soil and Water Conservation Districts; Permit Holders; Public Officials and Government Entities; and Roanoke River Basin Interests. The VRRBAC also has a Lake Interests Sub-Committee. These subcommittees mirror the structure of the North Carolina Advisory Committee in order for the groups to easily interface. Ad hoc committees may be established as needed. The subcommittees

are designed to bring together the most knowledgeable people on an issue to accomplish the work of VRRBAC. An effort is made to maintain a geographical and urban/rural balance in membership. VRRBAC members serve as the chairs and vice-chairs of these subcommittees. The VRRBAC is engaging in planning efforts to reenergize the subcommittees. Members would like the subcommittees to serve as beneficial components in advising the Roanoke River Basin Bi-State Commission and meet more regularly. No subcommittees met in 2015.

Meetings and Locations

The VRRBAC conducted four meetings this year. Brief summaries of the meetings can be found below and full meeting minutes are included in Appendix A.

December 18, 2014 - Perry Memorial Library, Henderson, North Carolina

Tammy Stephenson (DEQ) provided the VRRBAC with a presentation on the State Water Resources Plan and its associated cumulative impact analysis of the Roanoke River Basin. The presentation outlined the water supply planning process and the main findings from the report. The VRRBAC engaged in a discussion of the subcommittee structure as well as the overall role of the Advisory Committee. Several members showed interest in strategic planning at a future meeting. Members also briefly discussed an update to the DEQ Petroleum Program Heating Oil Technical Guidance.

April 21, 2015 – Teleconference Call

This meeting was held to discuss the Kerr Lake Regional Water System interbasin transfer request as the official public comment period closed on April 31, 2015. The VRRBAC voted to submit a public comment letter to the North Carolina Department of Environmental Quality. See Appendix B for the full public comment letter.

July 29, 2015 – Roanoke Valley-Alleghany Regional Commission, Roanoke, VA

Two new members were formally appointed and introduced to the VRRBAC, Jerry Lovelace and Don Smith. DEQ provided an update on the Kerr Lake Regional Water System interbasin transfer request. The VRRBAC voted to send a representative to the September 10, 2015 N.C. Environmental Management Commission meeting, where the final determination of the interbasin transfer request was to be made. An extensive planning session regarding the role and structure of the VRRBAC followed. Members brainstormed and discussed many ideas to enhance the work of the VRRBAC. Additional planning was recommended for a future meeting. John Feild stepped down from the VRRBAC after many years of respected service.

October 14, 2015 – New College Institute, Martinsville, VA

The VRRBAC filled their vacant seat on the Roanoke River Basin Bi-State Commission by electing Jerry Lovelace as a non-legislative member. Mike Ward presented on the Philpott Lake water expansion project as an alternative perspective on water supply allocation. Melanie Davenport (DEQ) presented on the recent updates to stormwater management regulations and how they affect localities. The VRRBAC also briefly discussed the Ferrum College Roanoke River Currents Watershed Conference, the Virginia Uranium lawsuit, the Kerr Lake Regional Water System interbasin transfer request update, and a desire to continue strategic planning at the next meeting.

Appendix A – Meeting Minutes as prepared by Virginia Department of Environmental Quality

**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 fewer subcommittees may be more effective. Chairman Pace advised that he wanted 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 does not implement any law in a regulatory sense. 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 based on water supply plans, there is a greater water supply impact on basin localities from Virginia users upstream than any allocation from Kerr that could go to North Carolina. He suggested that working with each other in Virginia will have a much bigger impact on water availability than issues with North Carolina regarding Kerr Reservoir. Intra-state collaboration can achieve future water needs while also protecting Virginia 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 use 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.

**Virginia Roanoke River Basin Advisory Committee
Meeting Summary
Wednesday, July 29, 2015
Roanoke Valley-Allegheny Regional Commission, Roanoke, Virginia**

VRRBAC members present

Tim Pace (chair), Billy Martin (1st Vice Chair), Senator Frank Ruff, Senator William Stanley, Delegate Charles Poindexter, Delegate Tommy Wright, Delegate Sam Rasoul, John Feild, Read Charlton, Christopher Blakeman, Jerry Lovelace, Don Smith, Linda Green (representing Congressman Robert Hurt)

Guests

A. Lester

DEQ Staff present

Scott Kudlas, Curt Thomas

Call to Order

Chairman Pace called the meeting to order.

Recognition of Members and Guests

Chairman Pace welcomed members and guests. Introductions were given. Two new members were officially recognized, Jerry Lovelace and Don Smith.

Update on Kerr Lake Regional Water System Interbasin Transfer Request

Mr. Curt Thomas presented a brief update to the VRRBAC on the status of the Kerr Lake Regional Water System (KLRWS) interbasin transfer (IBT) request. At the time of the meeting, the Environmental Management Commission (EMC) of North Carolina delayed a final determination on the project until their September 10, 2015 meeting in Raleigh, NC. The EMC is reviewing public comments and will submit their determination to the public on September 10, 2015.

Several members asked if the Committee should send a representative to the EMC final determination meeting. After some discussion, Mr. Lovelace offered to make a statement in reference to the VRRBAC public comment letter submitted to the EMC. Chairman Pace motioned for Mr. Lovelace to make a presentation to the EMC; all in favor; motion passed.

Action Item: Send VRRBAC's KLRWS-IBT public comment letter and Sept. 10 EMC Agenda to Members (completed 07/30/2015)

Delegate Poindexter brought up the question how a proposed allocation process works with the Army Corps of Engineers. Mr. Pace believed that the main option is to put together a proposal and to purchase an allocation. Senator Stanley asked how much water allocations from the Corps cost and stated that the VRRBAC should think about legislative proposals.

Action Item: Find out how much water allocations cost and send information to Members

Group Discussion Regarding Role and Structure of VRRBAC

Due to a condensed timeframe, the Committee decided to engage the whole group in a discussion focused on the role and structures of the VRRBAC subcommittees. All statements were made as part of a brainstorming session.

Delegate Rasoul mentioned realigning the subcommittees to represent geographic interests, stating that the City of Roanoke is mainly concerned with pollution and tourism whereas other regions have different issues of importance. Several members agreed that different areas of the basin have distinct interests and subcommittees based on the Upper and Lower Roanoke Basin could help focus priorities. Mr. Martin put forward that greater prioritization of issues could help subcommittees work on more specific items, thus potentially increasing the likelihood of meetings.

Chairman Pace asserted that the Committee has mainly centered its work on water, though there is opportunity to explore other natural resource topics related to the Roanoke Basin. Delegate Rasoul felt this could represent a chance to get the public involved in task building in order to improve the Committee's relevance and importance. Members reaffirmed the need to stay relevant and important in regards to the issue of the Basin. Chairman Pace brought up the idea of establishing more of a web presence such as a revamped website or Facebook. DEQ staff would not be able to maintain social media accounts on behalf of the VRRBAC. Senator Stanley recommended that that the Committee needs foresight to advise the legislature on issues they may not see coming. This could result in a streamlined approach to issue identification and something that resembles a "committee on the fly".

The following points were recorded as part of a discussion on the specific subcommittees of the VRRBAC based on legislation. The objective was to determine if these subcommittees still fit into the scope of VRRBAC activities.

Permit Holders Subcommittee:

- Serve as a forum for permit holders to discuss relevant topics such as upstream use
- Produce informational quarterly or annual reports of permitted withdrawals & discharges occurring in the Basin
- Publish "Success Stories" of best practices used in the Basin in order to educate and promote environmental stewardship
- Stormwater permits are very relevant and could be the topic of a separate subcommittee
 - Related to TMDLs

- Help inform permit holders about drought condition assessments
- Greater focus on large agriculture and processing plants in regards to water use related to irrigation

River Interests Subcommittee:

- Produce an inventory report on recreational access points and points of interest along the rivers and streams of the Basin
 - Mr. Lovelace referenced an old report completed by Subcommittee during the 2nd or 3rd year of the VRRBAC
- Explore opportunities to boost/maintain tourism and economic development around rivers
- Engage in public outreach events such as a river cleanup
- Host or co-host an annual or biannual event such as an Annual Summit or Annual Riverfest
 - Mr. Blakemen informed members about Ferrum College's Roanoke River Currents Bi-Annual Conference, which will be held on October 9, 2015
 - Several members posited the idea of partnering to host a similar conference in the off-years
- Participate in Dan River spill damage projects
- Track gas pipeline projects in the Basin, specifically crossings of waterways
- Participate in TMDL implementation plans to try to get people interested in water resources

Action Items: Send the River Interests Subcommittee report on river access points to VRRBAC Members

Send information regarding the Roanoke River Currents Conference to VRRBAC Members (completed 07/30/2015)

Public Officials Subcommittee:

- Serve as a planning/policy and information source for the VRRBAC legislative members on Basin topics
- Provide a forum to recommend important Basin issues to legislators in order to receive feedback
- Maintain inventory of regulatory issues relevant to the VRRBAC

Lake Interests Subcommittee:

- Explore opportunities to boost/maintain tourism and economic development around lakes
- Research and provide recommendations on invasive species, specifically Hydrilla
- Participate in shoreline management planning and water level changes
- Track cross-lake pipeline projects on Smith Mountain Lake

Senator Ruff suggested that the subcommittees could be condensed into three groups: 1.) Recreation 2.) Regulation 3.) Economic Development. After some discussion, several members felt that with such a broad structure, a number of issues would be replicated in multiple groups. No consensus was reached. All members agreed that establishing a strong committee structure is paramount and that a follow-up meeting should be scheduled in the near future.

Other Business

Mr. Smith would like the Committee to investigate the Mountain Valley Pipeline project in further detail, specifically who is overseeing the process of exploration. Mr. Charlton expressed interest in learning more about the pipelines that may run through Virginia.

After serving a long role on the Virginia Roanoke River Basin Advisory Committee as well as the Roanoke River Basin Bi-State Commission, Mr. John Feild decided to step down as a member. The VRRBAC wished Mr. Feild all the best and thanked him for his service. He was an integral part to the success of many VRRBAC and RRBBC initiatives.

Next meeting

Members expressed interest in future meetings of the VRRBAC and the Roanoke River Basin Bi-State Commission. Mr. Thomas will be in contact with NC and hopes to arrange a meeting with the Bi-State Commission as soon as possible. Members would like to have a VRRBAC meeting in mid to late September, which will continue the discussion about the committee's structure and role. 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 2:30pm.

**Virginia Roanoke River Basin Advisory Committee
DRAFT Meeting Summary
Wednesday, October 14, 2015
New College Institute, Martinsville, Virginia**

VRRBAC members present

Tim Pace (chair), Al Zimmerman (2nd Vice Chair), Senator Frank Ruff, Delegate Tommy Wright, Read Charlton, Haywood Hamlet, Christopher Blakeman, Jerry Lovelace, Don Smith, Linda Green (representing Congressman Robert Hurt), Phil Rapp (representing Senator William Stanley)

Guests

Mike Ward, Bob Jean, Andrew Lester, Barry T. Dunkley

DEQ Staff present

Scott Kudlas, Melanie Davenport, Curt Thomas

Call to Order

Chairman Pace called the meeting to order and thanked New College Institute for hosting the VRRBAC meeting.

Recognition of Members and Guests

Chairman Pace welcomed members and guests. Introductions of members and guests were given.

Approve Draft Meeting Minutes from July 29, 2015

The minutes of the July 29, 2015 VRRBAC meeting were unanimously approved after a motion by Senator Ruff, and seconded by Haywood Hamlet.

Action Item: Send approved meeting minutes to webmaster (completed October 21, 2015)

Election of Non-Legislative Representative to Bi-State Commission

Chairman Pace notified the Committee that a non-legislative member of the VRRBAC needs to be elected in order to fill the vacant seat on the Roanoke River Basin Bi-State Commission. After some discussion, the Committee decided that the non-legislative members should represent distinct geographic areas of the Roanoke River Basin. Thus, the non-legislative member should represent the

southern portion of the Basin. Senator Ruff nominated Jerry Lovelace and was seconded by Al Zimmerman. Haywood Hamlet moved to close the nominations, seconded by Christopher Blakeman. The motion was passed and Jerry Lovelace was elected as a non-legislative member to the Bi-State Commission.

Action Item: Send materials to Governor's Office for Jerry Lovelace's appointment to RRBBC

HCPSA Water Expansion Project at Philpott Lake Presentation

Chairman Pace welcomed Mr. Mike Ward from Henry County Public Service Authority (HCPSA) to present to the VRRBAC on the Philpott Lake water expansion project. The presentation was a case study on increasing a water withdrawal to satisfy the projected demand of a region. The expansion project started in 2007 and seeks to increase a withdrawal on Smith River from 4 MGD to 6 MGD. Mr. Ward stated that economic development in Henry County, VA is the main driver of the project.

Several options existed for Henry County to increase their water allocation including a reallocation with the U.S. Army Corps of Engineers (USACE). Mr. Ward outlined the process that had to be undertaken in order to acquire a water reallocation from USACE. This includes a reallocation study that would cost Henry County approximately \$679,000 as well as a purchase of the additional 2 MGD allocation for about \$2.5 million. Additional operation and maintenance as well as repair costs would also exist.

Due to the high costs and timeline of a reallocation study, HCPSA opted to explore a different option for the short to mid-term. HCPSA is working with DEQ to prepare a water withdrawal permit and modeling analysis for the Smith River intake if it were to increase its withdrawal by 2 MGD. Mr. Ward and HCPSA found that weekend releases from the Philpott Reservoir are occurring, which could be favorable in relation to the proposed withdrawal. Mr. Lovelace stated that an additional weekend release schedule provided mutually beneficial results on the Staunton River in the past. HCPSA continues to work with DEQ, the Department of Game and Inland Fisheries, and USACE to satisfy Henry County's projected water demand.

Mr. Ward answered several questions from VRRBAC members and guests. Mr. Blakeman asked if there is significant consumptive loss associated with the water use. Mr. Ward answered that because most of the demand is for drinking that there is not significant consumptive water loss. Mr. Zimmerman questioned the effect that industries leaving had on water demand. Mr. Ward responded that there was a significant drop in water use but that several other water sources are currently inactive or going offline. Mr. Blakeman asked if HCPSA receives wastewater from facilities, which Mr. Ward confirmed it received treated and untreated wastewater.

Chairman Pace and the VRRBAC members thanked Mr. Ward for his presentation.

Update on the Current State of Stormwater Management Regulations

Chairman Pace welcomed Mrs. Melanie Davenport, Director of Water Permitting from the Virginia Department of Environmental Quality, to present on the recent updates to stormwater management regulations and how they affect localities. Mrs. Davenport outlined the various aspects of the Virginia Stormwater Management Program (VSMP) including MS4 permits and Construction General Permits.

MS4 permits are designed to regulate discharges from municipal separate storm sewer systems in urban environments, which carry pollutants into nearby waterways. Mrs. Davenport stated that a particular goal of the MS4 program is to minimize pollution prior to rain and storm events. There are two types of MS4 permits: Phase I and Phase II. Phase I municipal separate storm sewer systems are authorized

under individual permits and serve populations of over 100,000 people. Phase II systems are regulated under a General Permit and are smaller urban areas such as a county, town, or federal facility. Phase II systems also require Total Maximum Daily Load (TMDL) action plans for local watersheds.

Construction General Permits are a state program that requires operators of construction activities resulting in land disturbances equal to or greater than one acre or part of a larger common plan of development or sale that disturbs one or more acres to acquire a permit. Construction General Permits collect a permit fee and 78% of the fee goes back to the locality administering a VSMP. There is a database for VSMP localities in order to track project activities and review best management practices (BMP). The VSMP Best Management Practices Clearinghouse helps identify BMP's to abide by stormwater regulations. Mrs. Davenport also referenced a Stakeholder Advisory Group (SAG) that is reviewing the stormwater program. The goal of the SAG is to clarify the stormwater law and aid stakeholders in knowing what to do in the event of a land disturbance.

Mrs. Davenport then responded to questions from VRRBAC members and guests. Mr. Dunkley asked how VSMP addresses pollution that may come from nature but affects a TMDL. Mrs. Davenport answered that nutrient source tracking can help determine whether a pollutant is from nature or not, and work with a permittee regarding the issue. Mr. Charlton asked about the status of citizen and student monitoring programs within DEQ. Mrs. Davenport responded that DEQ works with many citizen monitoring groups and that the monitoring data is used based on tiers that inform quality control. Mr. Zimmerman asked how much VSMP funding is derived from permit fees. Mrs. Davenport answered that funding from permit fees is relatively modest.

Chairman Pace and the VRRBAC members thanked Mrs. Davenport for her presentation.

Other Business

Chairman Pace recommended that the Committee continue discussion of planning and reorganization of the VRRBAC again at the next meeting. Mr. Blakeman concurred with Chairman Pace regarding the planning exercise.

Mr. Blakeman provided a synopsis of the Ferrum College Roanoke River Currents Watershed Conference. One of the main topics discussed at the conference was the Mountain Valley Pipeline and how it would intersect the Roanoke River Basin. Mr. Smith asked about the permitting process regarding pipelines and if there are associated permit fees. After some discussion, it was noted that linear utility projects do not get regulated under locality ENS law and once a project is approved it does not require a permit. Chairman Pace suggested that the Mountain Valley Pipeline be a topic for the next meeting.

Mr. Lester informed the Committee on the recent lawsuit against the Commonwealth of Virginia by Virginia Uranium. The Roanoke River Basin Association and the Dan River Basin Association asked to be intermediaries on the case.

Mr. Lovelace updated the Committee on the status of the Kerr Lake Regional Water System interbasin transfer request, as he attended the September Water Allocation Committee in Raleigh, NC. The Committee received a memo from Mr. Lovelace and reiterated that the final determination will be made in November 2015.

Mr. Dunkley suggested that the VRRBAC acknowledge the contribution of Mr. John Feild, who worked with the VRRBAC and RRBBC for many years and recently stepped down. All members agreed that a gesture of appreciation should occur.

Action Item: Research previous acknowledgements to VRRBAC members

Next meeting

Members expressed interest in future meetings of the VRRBAC and the Roanoke River Basin Bi-State Commission. Mr. Thomas will be in contact with the VRRBAC to circulate dates for the next meeting. 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 pm.

**Appendix B – VRRBAC Public Comment Letter on the Kerr Lake Regional Water System
Interbasin Transfer Request**

Virginia Roanoke River Basin Advisory Committee

Mr. Tim Pace, P.E., Chairman

County of Henry

PO Box 7

Collinsville VA 24078

276-634-2559

April 27, 2015

Kim Nimmer
Division of Water Resources
1611 Mail Service Center
Raleigh, NC 27699-1611

RE: Comments on Kerr Lake Regional Water System Interbasin Transfer Certificate Request

Dear Ms. Nimmer,

The Virginia Roanoke River Basin Advisory Committee (VRRBAC) reviewed the *Environmental Assessment for an Interbasin Transfer from the Roanoke River Basin* as well as other relevant documents, including the Appendices, Interbasin Transfer Petition, and FONSI. It is the opinion of the VRRBAC that the Environmental Assessment does not take into account all of the potential impacts from this interbasin transfer (IBT) request. For that reason, the VRRBAC opposes the Interbasin Transfer Certificate request based on the current Environmental Assessment and advises the Environmental Management Commission (EMC) to necessitate a full Environmental Impact Statement (EIS).

A full EIS should be required based on the following factors as identified by the VRRBAC:

- Environmental Impact Statements are the accepted practice for projects of this magnitude, specifically surface water transfers between river basins. The scale of this proposed IBT will involve multiple local and regional jurisdictions as well as cross a state boundary, all of which should justify a full EIS.
- The Environmental Assessment does not take into account the effect that cumulative withdrawals (multiple interbasin transfers) could have on the basin systems.
- The Environmental Assessment does not sufficiently analyze the potential upstream impacts of the interbasin transfer, which may include restrictions on future water withdrawals for localities that reside upstream.
- The Environmental Assessment contains minimal analysis of economic and environmental impacts. An EIS will provide stronger technical analysis to demonstrate that any negative economic and/or environmental impacts are mitigated.
- The Environmental Assessment lacks detailed information and statistics regarding the projected regional need for water use by the Kerr Lake Regional Water System.

Additionally, the VRRBAC proposes that the EMC assign certain operational conditions to any IBT certificate issued in the event that an EIS is not completed.

1. The IBT should be limited to the existing service area of the Kerr Lake Regional Water System. The transfer request spans a larger geographic scale than the grandfathered system, as some localities listed in the Certificate are not currently in the service area.
2. The IBT Certificate should require submittal of a Drought Management Plan for NCDENR review and approval. The Drought Management Plan should include, at a minimum, the following requirements:
 - a. Assignment of specific water elevations in Kerr Reservoir that determine specific drought stage conditions (e.g., Watch, Warning and Emergency) that trigger reductions in water use within the areas served by Kerr Lake Regional Water System.
 - b. A procedure to assess vulnerability to drought conditions and adjust water usage to prolong available supply
 - c. A detailed description of the conservation measures to be taken whenever either of the following occur:
 - i. Lake Kerr water elevations are at or below the prescribed drought trigger elevations
 - ii. A Drought Emergency has been declared by either the Commonwealth of Virginia or by the North Carolina Drought Management Advisory Council for an area that includes all or parts of the Roanoke River Basin.

The VRRBAC remains deeply interested in the Kerr Lake Regional Water System Interbasin Transfer Certificate request and hopes that the EMC fully considers our stated position. This letter was approved by the membership of the Virginia Roanoke River Basin Advisory Committee (listed below) and signed by the Chairman.

Chair and Vice-Chair	Legislative Members	Non-Legislative Members
Chair: Tim Pace 1 st Vice Chair: Billy Martin 2 nd Vice Chair: Al Zimmerman	Congressman Robert Hurt Senator Frank Ruff Senator William M. Stanley, Jr. Delegate James Edmunds, II Delegate Charles D. Poindexter Delegate Sam Rasoul Delegate Thomas C. Wright, Jr.	Christopher Blakeman Read Charlton John Field Haywood J. Hamlet Evelyn Janney Bob Jean John Lindsey Gerald V. Lovelace Don Smith Mark Wagner

Sincerely,

Tim Pace, P.E.
Chairman, Virginia Roanoke River Basin Advisory Committee

cc: Tom Fransen, Chief, Water Planning Section
NC DENR

VRRBAC members (electronic distribution)

Appendix C - Chapters 5.4 and 5.5 of Title 62.1 of the Code of Virginia

Chapter 5.4

§ 62.1-69.34. Virginia Roanoke River Basin Advisory Committee established; purpose; membership; terms; meetings.

A. The Virginia Roanoke River Basin Advisory Committee, hereinafter referred to as the "Committee," is hereby established in the executive branch of state government as an advisory committee to the Virginia delegation to the Roanoke River Basin Bi-State Commission. The Committee shall assist the delegation in fulfilling its duties and carrying out the objectives of the Commission, pursuant to § [62.1-69.39](#). The advisory committee shall be composed of 23 members as follows: two members of the Senate, whose districts include a part of the Virginia portion of the Roanoke River Basin, to be appointed by the Senate Committee on Rules; four members of the House of Delegates, whose districts include a part of the Virginia portion of the Roanoke River Basin, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member at large appointed by the Senate Committee on Rules; one nonlegislative citizen member at large appointed by the Speaker of the House of Delegates; 11 nonlegislative citizen members selected by the legislative members of the advisory committee such that two are chosen from recommendations of each of the following: the Central Virginia Planning District Commission, the West Piedmont Planning District Commission, the Southside Planning District Commission, the Piedmont Planning District Commission, and the Roanoke Valley Alleghany Planning District Commission; and one member selected by the legislative members of the advisory committee from among recommendations submitted by the New River Valley Planning District Commission; and the Virginia member of the United States House of Representatives, whose district includes the largest portion of the Basin, or his designee, and three representatives of the State of North Carolina appointed in a manner as the General Assembly of North Carolina may determine appropriate. Except for the representatives of North Carolina, all nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. The Virginia member of the United States House of Representatives, the members of the Virginia General Assembly, and the representatives of North Carolina shall serve ex officio without voting privileges. Of the recommendations submitted by planning district commissions authorized to recommend two members, one member shall be a nonlegislative citizen who resides within the respective planning district. However, the New River Valley Planning District Commission may recommend either one nonlegislative citizen at large who resides within the planning district or one member, who at the time of the recommendation, is serving as an elected member or an employee of a local governing body, or one member of the board of directors or an employee of the planning district commission. All persons recommended by the planning district commissions to serve as members of the advisory committee shall reside within the Basin's watershed, represent the diversity of interests in the jurisdictions comprising the respective planning district commissions, and demonstrate interest, experience, or expertise in water-related Basin issues.

B. State and federal legislative members and local government officials appointed to the advisory committee shall serve terms coincident with their terms of office. Nonlegislative citizen members appointed by the Senate Committee on Rules and the Speaker of the House of Delegates to serve on the advisory committee, and ex officio members representing the State of North Carolina shall serve a term of two years. Initially, planning district commissions authorized to recommend two nonlegislative citizen members to the advisory committee shall recommend one member for a term of two years and one member for a term of one year. However, the nonlegislative citizen member recommended to serve on the advisory committee by the New River Valley Planning District Commission shall serve a term of one year. After the initial staggering of terms, the term of office of nonlegislative citizen members recommended by the planning district commissions shall be for two

years. Nonlegislative citizen members recommended by planning district commissions shall be eligible for reappointment, if such members shall have attended at least one-half of all meetings of the Commission during their current term of service. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment.

The advisory committee shall elect a chairman and a vice-chairman from among its voting members. A majority of the voting members shall constitute a quorum. The meetings of the advisory committee shall be held at the call of the chairman or whenever the majority of the voting members so request.

§ 62.1-69.35. Compensation and expenses.

Legislative members of the advisory committee shall receive such compensation as provided in § [30-19.12](#) and non-legislative members shall receive such compensation for the performance of their duties as provided in § [2.2-2813](#). All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-2813](#) and [2.2-2825](#). Funding for the costs of compensation and expenses of members shall be paid from such funds as may be provided to the Department of Environmental Quality in the appropriations act for this purpose.

§ 62.1-69.35:1. Staffing.

The Department of Environmental Quality shall provide staff support to the advisory committee. All agencies of the Commonwealth shall provide assistance to the advisory committee, upon request.

§ 62.1-69.35:2. Chairman's executive summary of activity and work of the advisory committee.

The chairman of the advisory committee shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the advisory committee no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Chapter 5.5

§ 62.1-69.36. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Basin" means the Roanoke River Basin.

"Roanoke River Basin" means that land area designated as the Roanoke River Basin by the Virginia State Water Control Board, pursuant to § [62.1-44.38](#), and the North Carolina Department of Environment and Natural Resources.

§ 62.1-69.37. Roanoke River Basin Bi-State Commission established; purpose.

The Roanoke River Basin Bi-State Commission is hereby established as a bi-state commission composed of members from the Commonwealth of Virginia and the State of North Carolina and hereinafter referred to as the Commission. The Commission shall:

1. Provide guidance, conduct joint meetings, and make recommendations to local, state and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, regarding the use, stewardship, and enhancement of the Basin's water and other natural resources;
2. Provide a forum for discussion of issues affecting the Basin's water quantity, water quality, and other natural resources;
3. Promote communication, coordination and education among stakeholders within the Basin;
4. Identify Basin-related problems and recommend appropriate solutions; and
5. Undertake studies and prepare, publish, and disseminate information through reports, and other communications, related to water quantity, water quality and other natural resources of the Basin.

§ 62.1-69.38. Membership; terms.

A. The Commission shall be composed of 18 voting members that include nine members representing the Commonwealth of Virginia and nine members representing the State of North Carolina. The Virginia delegation shall consist of the six legislative members appointed to the Virginia Roanoke River Basin Advisory Committee, and three nonlegislative citizen members appointed to the Virginia Roanoke River Basin Advisory Committee, who represent different geographical areas of the Virginia portion of the Roanoke River Basin, to be appointed by the Governor of Virginia. The North Carolina delegation to the Commission shall be appointed as determined by the State of North Carolina. All members appointed to the Commission by the Commonwealth of Virginia and the State of North Carolina shall reside within the Basin's watershed. Members of the Virginia House of Delegates and the Senate of Virginia, the North Carolina House of Representatives and Senate, and federal legislators, who have not been appointed to the Commission and whose districts include any portion of the Basin, shall serve as nonvoting ex officio members of the Commission.

B. Legislative members of the Virginia delegation, federal legislators, and local government officials, whether appointed or ex officio, shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed to serve two-year terms, unless the member is reappointed by the appointing authorities of each state. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment.

C. Each state's delegation to the Commission may meet separately to discuss Basin-related issues affecting their state, and may report their findings independently of the Commission. A majority of the voting members shall constitute a quorum.

§ 62.1-69.39. Roanoke River Basin Bi-State Commission powers and duties.

A. The Commission shall have no regulatory authority.

B. To perform its duties and objectives, the Commission shall have the power to:

1. Develop rules and procedures for the conduct of its business or as may be necessary to perform its duties and carry out its objectives, including, but not limited to, selecting a chairman and vice-chairman, rotating chairmanships, calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this subdivision shall be effective upon an affirmative vote by a majority of the Commission members;
2. Establish standing and ad hoc advisory committees, which shall be constituted in a manner to ensure a balance between recognized interests. The purpose of each advisory committee shall be determined by the Commission;
3. Seek, apply for, accept and expend gifts, grants and donations, services and other aid from public or private sources. With the exception of funds provided by the planning district commissions and funds appropriated by the General Assemblies of Virginia and North Carolina, the Commission may accept funds only after an affirmative vote by a majority of the members of the Commission or by following such other procedures as may be established by the Commission for the conduct of its business;
4. Establish a nonprofit corporation to assist in the details of administering its affairs and in raising funds;
5. Enter into contracts and execute all instruments necessary or appropriate; and
6. Perform any lawful acts necessary or appropriate for the furtherance of its work.

§ 62.1-69.40. Standing and ad hoc committees.

To facilitate communication among stakeholders in the Roanoke River Basin, and to maximize participation by all interested parties, the Commission shall establish both standing and ad hoc committees. The Commission shall appoint the members of the standing and ad hoc committees, in accordance with guidelines adopted by the Commission. The standing committees shall include, but not be limited to, the following:

1. Permit holders. The Commission shall identify those entities that hold permits issued by a federal, state or local regulatory agency pertaining to the water of the Basin. Such entities may recommend a representative to be appointed to the committee by the Commission;
2. Roanoke River Basin interest groups. The Commission shall identify interest groups that may recommend a representative to be appointed to the committee by the Commission;
3. Public officials and government entities. The committee shall be composed of representatives of each county, city and town located completely or partially within the Basin, and any other governmental entities that the Commission deems appropriate may recommend one member to be appointed to the committee by the Commission. The committee may also include the U.S. Senators from Virginia and North Carolina or their designees, and any member of the U.S. House of Representatives or his designee, whose district includes any portion of the Basin, if such members elect to serve on the committee; and
4. Agriculture, forestry and soil and water conservation districts. The Commission shall identify persons who represent agricultural and forestry interests throughout the Basin and representatives from the soil and water conservation districts within the Basin and shall appoint representatives from these groups to the committee.

§ 62.1-69.41. Staffing and support.

The Virginia Department of Environmental Quality and the North Carolina Department of Environment and Natural Resources shall provide staff support to the Commission. Additional staff may be hired or contracted by the Commission through funds raised by or provided to it. The duties and compensation of such additional staff shall be determined and fixed by the Commission, within available resources. All agencies of the Commonwealth of Virginia and the State of North Carolina shall cooperate with the Commission and, upon request, shall assist the Commission in fulfilling its responsibilities. The Virginia Secretary of Natural Resources and the North Carolina Secretary of the

Department of Environment and Natural Resources or their designees shall each serve as the liaison between their respective state agencies and the Commission.

§ 62.1-69.42. Funding.

A. The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses. Funding for the Commission shall be shared and apportioned between the Commonwealth of Virginia and the State of North Carolina. The appropriation of public funds to the Commission shall be provided through each state's regular process for appropriating public funds. The Virginia planning district commissions within the Basin shall bear a proportion of Virginia's share of the expenses, which may be in the form of in-kind contributions.

B. The Commission shall designate a fiscal agent.

C. The accounts and records of the Commission showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Virginia Auditor of Public Accounts and the North Carolina State Auditor prescribe, provided that such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by similar enterprises. The accounts and records of the Commission shall be subject to an annual audit by the Virginia Auditor of Public Accounts and the North Carolina State Auditor or their legal representatives, and the costs of such audit services shall be borne by the Commission. The results of the audits shall be delivered to the appropriate legislative oversight committees in each state.

§ 62.1-69.43. Compensation and expenses.

A. Legislative members of the Virginia delegation to the Commission shall receive such compensation as provided in § [30-19.12](#), and non-legislative members shall receive such compensation for the performance of their duties as provided in § [2.2-2813](#). All voting members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-2813](#) and [2.2-2825](#). However, all such expenses shall be paid from existing appropriations and funds provided to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.

Members of the Virginia House of Delegates and the Senate of Virginia, and members of the Virginia Congressional delegation, who have not been appointed to the Commission, whose districts include any portion of the Basin, and who serve as nonvoting ex officio members of the Commission shall serve without compensation and expenses.

Nonlegislative citizen members appointed to any standing committees or ad hoc committees shall serve without compensation and expenses.

B. The North Carolina members of the Commission shall receive per diem, subsistence, and travel expenses as follows:

1. Ex officio legislative members who are members of the General Assembly at the rate established in North Carolina G.S. 138-6;
2. Commission members who are officials or employees of the State or of local government agencies at the rate established in North Carolina G.S. 138-6; and
3. All other members at the rate established in North Carolina G.S. 138-5.

§ 62.1-69.44. Annual report required.

The Commission shall submit an annual report, including any recommendations, to the Governor and General Assembly of Virginia and the Governor and General Assembly of North Carolina.

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