

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

VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE
2017 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 VRRBAC's activities during the 2017 calendar year. The VRRBAC met one time from December 2016 to December 2017.

The meeting included a succession of VRRBAC Officers consistent with the Committee By-Laws. The VRRBAC engaged in a discussion about changes to Virginia Water Protection Regulations and how those changes could impact water withdrawal applications that include an interbasin transfer. Virginia DEQ staff also updated the VRRBAC on the status and findings of the Eastern Virginia Groundwater Management Advisory Committee. The VRRBAC also received a drought status update for the Roanoke River Basin. Neither the standing committees nor the ad hoc committee met in 2017. VRRBAC members recommended that the next meeting focus on strategic planning to improve the effectiveness of the Committee.

Further details of this work can be found on the [VRRBAC](#) page on DEQ's website:

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,



Billy Martin

Chair, 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 Virginia Code § [62.1-69.34](#). 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

Billy Martin assumed the VRRBAC Chair position on June 29, 2017 consistent with the VRRBAC By-Laws. Al Zimmerman moved to the 1st Vice Chair and Gerald Lovelace was elected to serve as 2nd Vice Chair by the membership.

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 20 members on the VRRBAC. 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 Thomas Garrett	Read Charlton
Senator William Stanley	Haywood J. Hamlet
Senator Frank Ruff	Bernard Jones
Senator David R. Suetterlein	John Lindsey
Delegate Thomas Wright, Jr.	Gerald V. Lovelace, 2 nd Vice-Chair
Delegate Charles Poindexter	Mike Mattox
Delegate Sam Rasoul	Tim Pace
Billy Martin, Chair	Don Smith
Al Zimmerman, 1 st Vice-Chair	Randolph W. Stow
Christopher Blakeman	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 2017.

Meetings and Locations

The VRRBAC conducted one meeting this year. A brief summary of the meeting can be found below and full meeting minutes are included in Appendix B.

June 29, 2017 – Clarksville Distance Learning Center, Clarksville, Virginia

The meeting started with a motion by Delegate Wright, seconded by Senator Ruff, to elect Billy Martin as the new VRRBAC Chair. Billy Martin previously served as the 1st Vice-Chair. Al Zimmerman, previously 2nd Vice-Chair, assumed the position of 1st Vice-Chair. Senator Ruff made a motion, seconded by Al Zimmerman, to elect Gerald Lovelace as the new 2nd Vice-Chair. DEQ provided an update on changes to the Virginia Water Protection Regulation and how those changes may impact water withdrawal applications that include an interbasin transfer. DEQ then presented a drought status update on conditions in the Roanoke River Basin as well as the tools that are used to perform drought analysis in the Commonwealth. The VRRBAC expressed interest in a future meeting to cover topics such as VRRBAC strategic planning, renewable energy projects, the Hampton Roads Sanitation District aquifer injection project, and local TMDL implementation plans.

Appendix A - 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.

Appendix B – VRRBAC Meeting Minutes as Prepared by the Virginia Department of Environmental Quality

Virginia Roanoke River Basin Advisory Committee Draft Meeting Minutes Thursday, June 29, 2017 Clarksville Distance Learning Center, Clarksville, Virginia

VRRBAC members present

Billy Martin (Chair), Al Zimmerman (1st Vice-Chair), Jerry Lovelace (2nd Vice-Chair), Senator Frank Ruff, Delegate Tommy Wright, Christopher Blakeman, Read Charlton, Randolph Stow

DEQ Staff Present

Brian McGurk, Curt Thomas

Call to Order

1st Vice-Chair Al Zimmerman called the meeting to order.

Succession of VRRBAC Chairman and 1st Vice-Chair and Election of 2nd Vice-Chair

DEQ staff explained to VRRBAC members that it is time for the succession of VRRBAC officers. Delegate Wright made a motion for Billy Martin to assume the Chair position and Al Zimmerman to assume the 1st Vice-Chair position, seconded by Senator Ruff and approved by all members. Senator Ruff then made a motion to elect Jerry Lovelace as the 2nd Vice-Chair, which was seconded by Al Zimmerman and approved by all members.

Action Item: Update VRRBAC Commission Profile

Approve Meeting Minutes from October 14, 2015

The minutes of the October 14, 2015 meeting were unanimously approved after a motion by Al Zimmerman, and seconded by Senator Ruff.

Action Item: Send approved meeting minutes to webmaster

Highlight Changes to Virginia Water Protection Regulations related to Interbasin Transfers and Update on Eastern Virginia Groundwater Management Advisory Committee Report

Curt Thomas presented on the Virginia Water Protection (VWP) regulations related to water withdrawal applications that involve an interbasin transfer. The new application requirements include that the source and receiving basins, both in and outside of Virginia, must both perform an analysis on any impacts. Delegate Wright asked DEQ to clarify the definition of “analysis.” Brian McGurk, a Water Withdrawal Permit Writer with DEQ, explained the modeling and analysis done for water withdrawal applications.

Curt Thomas then presented on the status and objectives of the Eastern Virginia Groundwater Management Advisory Committee (EVGMAC). He outlined the Committee’s structure, which has a main workgroup as well as more specific subcommittee workgroups. The Committee’s objectives included identifying long-term alternative water sources, funding opportunities for study and implementation, alternative management structures, and any other policies that could positively impact aquifer system health in the Coastal Plain. Al Zimmerman asked a question about water reuse and Delegate Wright suggested that the Hampton Roads Sanitation District aquifer injection project be a future meeting topic.

Drought Status Update for Roanoke River Basin

Brian McGurk presented on the drought monitoring and analysis tools used by DEQ to assess drought probabilities in the Commonwealth as well as the drought status of the Roanoke River Basin. The Roanoke River Basin does not currently have a drought declaration but does have lower than normal precipitation through the current water year. Jerry Lovelace asked about the difficulty of finding drought monitoring wells. Brian McGurk answered that DEQ often works with permittees to identify or construct monitoring wells though the Groundwater Characterization program is usually searching for additional wells to be used for monitoring. Christopher Blakeman asked about the impacts to local governments when there is a drought declaration. Brian McGurk responded with the various voluntary recommendations and mandatory requirements put in place under the different drought declarations such as Watch, Warning, and Emergency.

Action Item: Send Drought presentation to VRRBAC Members

Revisit Strategic Planning Exercise for Advisory Committee

There was insufficient time to revisit the strategic planning exercise from a previous meeting. Members expressed interest in a future meeting to focus on the strategic planning exercise. Members did request that the VRRBAC meet at least once or twice a year for specific issue based meetings.

Action Item: Send Subcommittee Structure list to VRRBAC Members

Future Meetings: Calendar Considerations, Agenda Items

Members expressed interest in future meetings of the Virginia Roanoke River Basin Advisory Committee. The requested topics to be covered at future meetings include renewable energy projects in the Roanoke River Basin, the Hampton Roads Sanitation District aquifer injection project, local TMDL implementation plans, pipeline projects, interbasin transfer certificates, and strategic planning. Members also requested a briefing from another River Basin Advisory Committee to explore organizational and funding opportunities. 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.

Other Business

Jerry Lovelace asked if non-legislative members can be reimbursed for mileage to and from VRRBAC meetings. Senator Ruff stated that they put in a legislative amendment for mileage and other expenses.

Action Item: Curt Thomas will check with DEQ Procurement about funds for mileage reimbursements and other activities

Delegate Wright asked if the EVGMAC Report will be presented to the State Water Commission in August.

Action Item: Curt Thomas will check with Scott Kudlas about status of EVGMAC Report presentation

Adjournment

Meeting adjourned at 12:10pm.