

Use of a Technical Advisory Committee (TAC) in the Development of the Water Supply Planning Program

Thomas G. Botkins, Jr.

TAC Member

Virginia Manufacturers Association (VMA)

TAC Process

- Any regulation development by DEQ must be conducted in accordance with the Virginia Administrative Process Act and with the DEQ 's public participation guidelines.
- Regulation development by DEQ is a multi-step process: NOIRA, public comment, regulation drafting with help of Technical Advisory Committees (TAC's), publication of proposed regulation, public comment, and SWCB and administration approval.

TAC Process

- In the NOIRA, DEQ solicits public comment on the proposed regulation, whether a TAC should be used and volunteers to serve on the TAC.

TAC Process

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

Water Policy TAC Composition

- Conservation Interests
- Agriculture
- Trade Organizations
- Power Generation
- Regional Interests
- Local/Regional Utility Managers
- Army Corps of Engineers
- U.S.G.S.
- Academia
- DEQ/VDH
- Professional facilitators
- Total of 31 invited participants

VMA

- VMA is an organization formed to encourage and support industries located within the Commonwealth of Virginia. VMA provides the means for industries to participate effectively in the shaping of laws, regulations, and administrative rulings that affect their manufacturing operations.
- VMA represents greater than 32% of the manufacturing base in the Commonwealth of Virginia.

VMA

- Supports environmental programs and policies that have an appropriate balance between environmental protection and economic development; are based on good science; consider cost impacts and comparative risk assessments in the regulatory process; and, allow for flexible and performance-based approaches.

VMA Constituents

- Honeywell
- Georgia Pacific
- Smurfit
- ALCOA
- MillerCoors
- Altria
- Tyson
- Merck
- Celanese Acetate
- Giant
- Greif
- Omega Protein
- International Paper
- BWXT
- MWV
- AEP*
- Dominion*

VMA Constituent Concerns

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

Water Supply Plan Regulation

- VMA supported the language in regulation 9 VAC 25-780-10.C, which provides that the regulation does not alter, nor authorize the alteration of "any existing surface, ground water or common law water rights of any property owner with the Commonwealth, except as required by federal law or state law."
- VMA believed it was important to recognize that existing water rights be preserved and not affected by the submission of water supply plans, thus protecting existing users from having local plans establish new systems of water allocation on an individual basis.
- Issues relating to protection of existing water rights, and any changes to the current water allocation system in Virginia should be debated and considered as part of the state-wide regulatory process.

Ongoing Concerns

- Recent droughts have demonstrated existing water shortages.
- Final water supply plans will claim more need than available supply.
- DEQ just published a NOIRA to amend groundwater withdrawal regulations in eastern Virginia. The NOIRA states “we need to address for which users and for what purposes this finite resource should be allocated.”

Ongoing Concerns

- Change is coming, whether driven by droughts, water supply plans, groundwater shortages, etc.
- VMA constituents as well as others (i.e. agriculture) must have a reasonable, sustainable water supply.
- VMA is not advocating any specific changes at this time but desire to be part of the ongoing discussion/solution.
- Andrea Wortzel's Mission H₂O presentation will cover more specific concerns.

Use of TAC's

- VMA appreciates the time and effort that DEQ staff invests in developing proposed regulations and especially the use of the TAC process.
- The use of a TAC allowed stakeholders to present new or additional information, express concerns, propose/discuss alternatives, understand all stakeholder interests and ultimately support "consensus" positions.