

**THE DRAFT SUMMARY OF THE MEETING OF THE
HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE
REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE
CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE
January 6, 2011**

1. Summary of the December 2, 2010 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee

The Summary of the December 2, 2010 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

2. Chesapeake Bay TMDL Update

Ms. Jenny Tribo, HRPDC, briefed the Committee on the status of the Chesapeake Bay TMDL and the Virginia WIP. Virginia submitted its WIP on time. It was accepted by EPA and included in the draft of the Chesapeake Bay TMDL released at the end of December 2010. No backstops are being included at this time, though there will be increased oversight of stormwater programs and permits. The Phase II WIP will be coming out later this year.

The released draft of the Chesapeake Bay TMDL is based on 2009 progress loads, and includes those BMPs that were reported for that run of the model. The TMDL calls for reductions of 9% nitrogen, 16% phosphorus, and 20% sediments from impervious lands, and 6% nitrogen, 7.25% phosphorus, and 8.75% sediments from pervious lands.

Mr. Dave Evans is preparing a brief outlining the merits of appealing the TMDL, which will be discussed at the meeting with the attorneys later this month. HRPDC staff may also be presenting a briefing about costs and legislation to the Hampton Roads Caucus meeting on January 13th.

DCR will be the lead agency for developing the Phase II WIP and will be working with localities and PDCs as part of the process. Ms. Tribo will follow up with DCR staff to determine how localities will be involved.

3. Regional Land Cover

HRPDC staff is still in the process of looking at land cover options and methodologies. A meeting of Committee staff and locality GIS staff will probably occur in February instead of January.

4. Sustainable Communities

HRPDC staff added a new item to the agenda to cover recent developments concerning the Sustainable Communities Regional Planning Grant (SCRPG) program. Mr. Benjamin McFarlane, HRPDC, briefed the Committee on the region's SCRPG application, which was submitted in August 2010. HRPDC received a score of 78 out of 100 points, which qualified the grant application for funding, but due to the large amount of applications and limited funding only those scoring 85 or above were funded. The application was received well by reviewers. Improvements were suggested for public engagement, metrics and outcomes, and assurances of measurable change. HRPDC was offered and accepted Preferred Sustainability Status by HUD.

5. Status Reports

A. Hampton Roads Sanitation District

HRSD representatives had nothing to report.

B. Hampton Roads Planning District

The Corps of Engineers has submitted its proposed Revision and Reissuance of Regional Permit 5 for the Construction of Small Impoundments for public comment. The Committee had no comments.

C. Soil and Water Conservation Districts

In the absence of a SWCD representative there was no report.

D. Department of Conservation and Recreation

DCR representatives had nothing to report.

E. Department of Environmental Quality

In the absence of a DEQ representative there was no report.

F. U.S. Geological Survey

In the absence of a USGS representative there was no report.

G. Department of Transportation

VDOT representatives will be giving a presentation to the Committee at the February meeting on new stormwater regulations and requirements.

H. U.S. Navy

U.S. Navy representatives had nothing to report.

I. Local Programs

Virginia Beach's Environment and Sustainability office will be having a retreat to go over their 2011 objectives. On the table are the City's sustainability plan, expected to begin in March or April, working with IT staff to develop a new web portal for environmental and sustainability information for residents, and identifying goals and objectives that the City Council has adopted that relate to sustainability. The office will be tracking progress for those goals and objectives. The City Council is also considering the Energy Task Force Report, which looked at economic development and energy issues. As submitted it included mention of three controversial issues – a potential regional response to uranium mining proposals, a response to the Surry coal power plant, and modifying support of off-shore energy developments. The City Council may also establish a standing energy advisory committee that would consist of citizens appointed by the Council.

Chesapeake is beginning an update of its Sustainability Plan, which was originally adopted in 2009.

Suffolk is working with private groups on environmental education/projects, and asked Committee members for samples waivers of clear liability.

Mr. John Paine, URS, gave some comments to the Committee on the Chesapeake Bay TMDL. The model continues to unravel. 339 additional point sources were added right before the last run. The Chesapeake Bay Program is now working on a new calibration of the model that should be released in April. Documentation released by CBP indicates that it was not subjected to quality assurance/quality control. Governor McDonnell issued some comments that were critical of this lapse by CBP. Mr. Paine is also working on a project with Hampton to study the engineering and financial feasibility of purchasing properties in floodplains, demolishing them, and retrofitting them as wetlands for water quality purposes.

Ms. Barbara Brumbaugh, Chesapeake, briefed the Committee on development with stormwater regulations. She attended meetings of the Offsets and Local Program subcommittees of the Stormwater RAP. It appears that the stormwater regulations are being completely rewritten. The offsets group is currently using 75% as the baseline for the required amount of onsite offsets. A private nutrient bank representative on the subcommittee is attempting to make private banks the required first option for mitigation offsets; there is a possibility that legislation will be introduced to this effect. The local programs subcommittee discussion revealed that DCR will still be the permitting authority, so localities

will have to enforce DCR permits through local ordinance that mimic DCR regulations. DCR will be able to override local decisions. The draft of the regulations is expected to be released in April and taken to the Board in May. A meeting of the full RAP will be held January 21, 2011 in Richmond at noon. A meeting of the quantity subcommittee will be next week. The quality subcommittee will not be meeting before the full RAP meeting. 0.36 lbs P is still the working standard, though the decision to use a hybrid land use or impervious cover standard has not been finalized. The offsets subcommittee is looking to expand the trading program. The private sector appears to be pushing for a larger geographic area for offsets, which poses issues for stormwater utilities looking for offsets that count within their MS4 permits. A JCAR meeting is being held next week; Ms. Tribo will send out a summary of that meeting to the Committee.

6. Annual Committee Retreat

The Committee approved the distributed budget for the FY2012 Stormwater Program budget, using a hybrid budget that bridges the gap between last year's budget and the proposed redistribution based strictly on a per capita basis. The committee had some concerns with funding for litigation that may or may not be needed, but the legal money set aside could also be used for Phase I permits or other legal needs. A line item for technical consultants need not be assessed immediately, but could be put into the budget now as a contingency in case it is needed. Committee members requested that legal services be submitted as separate line items on bills.

Mr. Benjamin McFarlane discussed the planning program elements for the previous year and for the next year. Major planning programs include the comprehensive environmental planning program, which supports historic resources, Joint Land Use Study work, recycling and solid waste, and energy, coastal zone technical assistance, which supports public education and information, environmental impact review, committee support, and technical analysis, and specific coastal zone grants such as focal area grants. HRPDC is currently planned to receive a Coastal Zone Section 309 grant to look at water quality and planning issues, and may receive another focal area grant. Major efforts for the remainder of the current fiscal year will include finishing the second phase of the climate change work, environmental impact review, and technical reports, which could potentially look at issues such as legislative tracking, sustainability, low impact development, model ordinances, best development practices, alternative septic systems, stormwater regulations, floodplain regulations, and offshore energy impacts on land use. Committee members also suggested discussing these issues through the Planning Committee, which would take the place of the Chesapeake Bay Implementation Committee. Planners and other interested local government staff would have to be recruited to participate.

Ms. Jenny Tribo and Ms. Whitney Katchmark discussed the stormwater program elements for the previous year and for the next year. The PARS list of BMPs does not match the list used by the BMP Clearinghouse; it needs more updates to work effectively

for localities, especially Norfolk. A PARS user group was suggested, with biannual meetings. The Committee asked HRPDC staff to look at options for stormwater monitoring since it may be required in new permits, with presentations on options based on what other localities are doing. There is still interest in TMDL development coordination, especially with the upcoming PCB TMDL, as well as implementation plans (with possible DEQ funding). Expected program elements for the next year include Chesapeake Bay TMDL Phase II WIP development and stormwater permit tracking and negotiations. The annual regional effectiveness indicators report is not useful in its current form and the Committee recommended a revised format based on watersheds and new requirements resulting from impending stormwater regulations and the Chesapeake Bay TMDL. Stormwater Phase I permits and Chesapeake Bay TMDL implementation planning/technical assistance will be activities in FY12.

Remaining FY11 projects for the Stormwater Phase II program include Illicit Discharge Detection and Elimination program development, the Low Impact Development checklist, and an expanded fact sheet series (restaurants, paint stores, auto maintenance shops and car washes), in addition to monthly meetings, annual report assistance, and program plan revisions. The Committee identified additional training for MS4s, monitoring, and TMDL plans as areas for more support from HRPDC staff.

HR Storm distributed new dog waste bag dispensers and “scoop the poop” magnets in FY11. Remaining tasks include coordination with the Phase II Program Plan and the HR Green Campaign. New activities for FY12 will include Chesapeake Club Coordination and Environmental Tabloids.

As part of the Regional Bacteria Study, data collection and microbial analysis was conducted in the first half of FY11, with blind study development remaining to be done. FY12 will see the study completed and the final report produced.

TMDL work in FY11 has included meetings for the Northwest River TMDL and the James/Elizabeth River PCB TMDL, with the stormwater component of PCB TMDLS remaining to be done.

Several Committee members recommended to their peers that they join VAMSA and described many of the benefits they receive from their memberships, including significant aid on responding to the Chesapeake Bay TMDL.

7. Other Matters

The next meeting of the Joint Environmental Committee is scheduled for February 3, 2011 in the HRPDC Regional Board Room. Materials will be sent in advance for review.