

ATTACHMENT 1A
THE DRAFT SUMMARY OF THE MEETING OF THE
HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE
REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE
CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE
April 7, 2011

1. Summary of the March 3, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee

The Summary of the March 3, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

2. Hazard Mitigation Process Presentation

Mr. Robert Coates, Virginia Department of Emergency Management (VDEM), gave a presentation to the Committee on the Hazard Mitigation Grant Program. Due to a disaster declaration made last spring following the snowstorm in northern Virginia, hazard mitigation grant funds were made available to Virginia localities. All localities in Virginia are eligible to apply for these grants, though the communities where the disaster occurred are given priority. These grants require a 20% match (CDBG funds may be used as match) and localities must have a hazard mitigation plan in place to be eligible. 88% of funds are set aside for structural projects, such as infrastructure retrofits, structural retrofits of existing buildings, acquisition and demolition/relocation of residential structures, flood-proofing of non-residential structures, and minor localized flood control projects. To be eligible, projects must conform with the state hazard mitigation plan, conform with environmental, historical, and economic justice issues, provide long-term solutions, and demonstrate cost-effectiveness. Pre-applications are due to VDEM as soon as possible, and final applications are due to VDEM by May 31, 2011. Several other hazard mitigation assistance grants are also available on regular schedule, including pre-disaster mitigation, flood mitigation assistance, repetitive flood claims, and severe repetitive loss grants. For more information, contact Mr. Coates at robert.coates@vdem.virginia.gov or (804) 897-9976.

3. Virginia Stormwater Regulations Update

Ms. Jenny Tribo, HRPDC, updated the Committee on the status of Virginia's stormwater regulations. The Virginia Department of Conservation and Recreation (DCR) has released the proposed revisions to amend Parts I, II, and III of the Virginia Stormwater Management Program Permit Regulations for a 30 day public comment period beginning March 28, 2011. Comments are due to DCR by April 27, 2011. The Committee discussed a set of comments prepared by HRPDC staff in consultation

with the Stormwater Subcommittee, which will be incorporated into a letter for the Commission's approval.

In addition to the comments from the Stormwater Subcommittee, the Committee discussed several other issues. There was some concern over the language in the grandfathering section, specifically as to what qualifies projects for grandfathering and for how long they would be grandfathered under the existing regulations. Ms. Tribo will contact DCR for clarification on this section.

There was some concern that the regulations will allow grandfathered projects to be exempt from Chesapeake Bay Preservation Act requirements. The Committee also suggested that the letter to DCR request that additional terms be defined within the regulations, specifically in the section on stormwater pollution prevention plans.

The Committee suggested that the allowance to use the Modified Rational method for drainage areas up to 200 acres only be applied to VDOT or linear projects. For all other projects, the Modified Rational Method should only be used for sites less up to 20 acres.

Comments should be sent to Ms. Tribo as soon as possible. The draft letter will be sent to localities for comment next week, and it will be presented to the Commission at its meeting on April 21, 2011 for discussion and approval.

4. Stormwater Subcommittee Update

The Stormwater Subcommittee has decided to meet regularly on the fourth Wednesday of each month. Every other month beginning in April the meeting will be held on the Peninsula. Meetings will begin at 9:00am. Peninsula meetings will be followed by a Phase II Subcommittee meeting beginning at 10:30am.

5. Chesapeake Bay TMDL Special Meeting Update

Ms. Whitney Katchmark, HRPDC, briefed the Committee on a special meeting of the Commission focused on the Chesapeake Bay TMDL. Jeff Corbin, Special Assistant to the EPA Administrator, and Anthony Moore, Assistant Secretary of Natural Resources for Chesapeake Bay Restoration presented at the meeting. The Commission decided to send a letter to EPA detailing specific concerns that Hampton Roads localities have with the TMDL. These include:

- a) The model does not incorporate the most accurate land use and land cover data available.
- b) Individual Waste Load Allocations for Phase I MS4s were included in the final TMDL, but not in the draft TMDL.
 - i. EPA had stated that the model was not refined enough to do allocations for localities.
 - ii. EPA will be updating land use and land cover data, so including allocations when they will have to be changed does not make sense.

- iii. Total Suspended Solids (TSS) allocations were included, but the model was not calibrated for TSS.
- c) The 2025 deadline is extremely fast given the slow process for funding, designing, permitting, and implementing stormwater retrofits.
- d) Credit for other restoration projects, such as sanitary sewer overflow (SSO) elimination, oyster restoration, and wetlands restoration, should be given.

6. Climate Change Update

Mr. Benjamin McFarlane, briefed the Committee on climate change projects in the region. HRPDC staff is discussing the issue of subsidence with staff from USGS and VIMS. HRPDC is continuing with a CZMP-funded climate change research and analysis, including an analysis of regional vulnerability to sea level rise and storm surge and a synopsis of adaptation options. HRPDC and HRTPO are also cooperating with a UVA project that is looking at the vulnerability of transportation infrastructure to climate change and sea level rise. HRPDC also recently helped coordinate a series of sea level rise listening sessions in Virginia Beach, along with the Virginia Beach Environment and Sustainability Office, the Institute for Environmental Negotiation, and Wetlands Watch. The sessions were attended by over a hundred residents from across Hampton Roads and included presentations and small group discussions. More information on the sessions is available at www.virginia.edu/ien/sealevelrise, and preliminary findings will be presented at a meeting of the Virginia Beach City Council on April 19, 2011. A final report will be issued by IEN at a later date. Project staff from the UVA transportation project will be visiting HRPDC and HRTPO later this spring to give presentations to regional committees.

7. Environmental Impact Review Update

Mr. Benjamin McFarlane, HRPDC, briefed the Committee on the 2011 Regional Permit 5 (11-RP-05) from the U.S. Army Corps of Engineers. The permit authorizes the discharge of dredged or fill material in non-tidal waters of the United States, including wetlands and streams, for the construction of earthen dams and impoundments for general farm use and other private uses. The Committee had no comments on the permit.

8. Regional Trails Update

Ms. Sara Kidd, HRPDC, updated the Committee on several regional trails projects. The Dismal Swamp Connector Trail between Chesapeake and Camden County is currently in a preliminary design stage that is required before the federal and state government owners of the land allow for the project to move forward. The Southeast Coast Paddling Trail is being facilitated by the National Park Service, with DCR serving as the coordinator for Virginia. The proposed route in Virginia is complete, and HRPDC will start coordinating some of its planning. There is also the potential for spur trails off the main trail that could enter several localities in

Southside Hampton Roads. The Captain John Smith Trail in the Chesapeake Bay consists of ten segments, with the James River segment to be the first completed. The organizers are currently identifying the best places for sites along the trail, focusing on notable historical or natural sites. They are also addressing use conflicts between different sets of users. A meeting will be held later this month for the Star-Spangled Banner Trail.

9. Plant More Plants Campaign Update

Ms. Julia Hillegass, HRPDC, updated the Committee on the Plant More Plants Campaign. The campaign is mostly funded by the Chesapeake Bay Program and is designed to get residents to plant more plants to help reduce stormwater runoff and pollution in the Chesapeake Bay. The campaign is mostly web-based, but television and radio ads are currently running in the DC, Richmond, and Hampton Roads areas. More information is available at www.plantmoreplants.com.

10. UPWP

Mr. John Carlock, HRPDC, updated the Committee on the HRPDC Unified Planning Work Program (UPWP) for Fiscal Year 2011-2012. The program is mostly set, and includes components for water resources, including stormwater, coastal zone management, emergency management, economics, and housing.

11. Status Reports

A. Hampton Roads Sanitation District

HRSD representatives had nothing to report.

B. Hampton Roads Planning District

HRPDC staff is looking into data standards and methodologies for impervious cover analysis. Citizen nominations for stream monitoring by DEQ are due at the end of April. Mr. Carlock is participating in the American Planning Association's Mid-Atlantic roundtable, which will be hosting webinars on the Chesapeake Bay Program and TMDL in May and July. These will be eligible for CM credits for AICP members. The May meeting will have presentations from EPA, Maryland, and DC, while the July meeting will have presentations from EPA, Pennsylvania, and Virginia.

C. Soil and Water Conservation Districts

SWCD representatives had nothing to report.

D. Department of Conservation and Recreation

Mr. David Sacks, DCR-CBLA, reported that Gloucester County, James City County and Williamsburg are currently undergoing CBPA program compliance evaluations. CBLA is looking at programs using a systematic approach that takes into account whether issues that occur are anomalies or recurring problems. Chesapeake Bay Implementation Grant awardees will be notified April 8, 2011 of their status.

Mr. Todd Herbert, DCR, announced that the Lafayette River Riverfest will include one-mile and a six-mile kayak races, as well as a catch-and-release fishing tournament.

Mr. Noah Hill, DCR, reported that the next round of local program Erosion and Sediment Control reviews will begin July 1. He will bring the list of programs to be reviewed to the next meeting.

E. Department of Environmental Quality

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

F. U.S. Geological Survey

USGS representatives had nothing to report.

G. Department of Transportation

VDOT representatives had nothing to report.

H. U.S. Navy

In the absence of a U.S Navy representative there was no report.

I. Local Programs

Virginia Beach is reviewing stormwater management regulations, the Chesapeake Bay TMDL, and Southern Watersheds TMDLs.

Hampton is continuing its impervious surface study.

Mr. John Paine, URS, informed the Committee that the state cannot run the Chesapeake Bay model at this point.

Norfolk's Colonial Place neighborhood will be the site of Lafayette River Riverfest on April 30th from 10am to 4pm.

Gloucester is currently undergoing a CBPA program review with DCR-CBLA. The County will be placing more emphasis on agriculture accountability.

Ms. Barbara Brumbaugh, Chesapeake, noted that DEQ has suspended its pesticide permit. Ms. Katchmark stated this was probably due to delays in EPA's release of a nation-wide permit.

Cindy Linkenhoker, Portsmouth, stated that Frank Dukes from the Institute for Environmental Negotiation contacted her about working with EPA to deal with toxic waters. It appears that EPA has engaged IEN to facilitate a dialogue with the four cities that surround the Elizabeth River, as well as the U.S. Navy.

12. Other Matters

The next meeting of the Joint Environmental Committee is scheduled for May 5, 2011 in the HRPDC Regional Board Room. Materials will be sent in advance for review.

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