

**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**  
**October 6, 2011**

**1. Summary of the October 6, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee**

Mr. Noah Hill, DCR, requested that the September meeting summary of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee be corrected to show that Mr. Darryl Glover's title is Regional Operations Manager instead of Regulatory Operations Manager. The Summary of the October 6, 2011 Meeting was approved as modified.

**2. Nutrient Credit Exchange Program Presentation**

Ms. Fran Geissler from James City County gave a brief presentation on the status of the Chesapeake Bay Watershed Nutrient Credit Exchange Program. Three options are currently being considered: a performance baseline, a practice-based baseline, and a practice-efficiency baseline. Major questions remain:

1. Should every source have access to every credit?
2. Are any of the three options viable, or are there better alternatives?

The Committee discussed several questions:

Q. What is the possibility of the stormwater sector buying wastewater credits?

A. This relates back to the third option – as growth increases, wastewater credits will disappear because they are based on excess capacity. Wastewater credits can be bought annually, while other practices are term-based. All credits will be bought annually, but some are allowed in perpetuity, while others are allowed for specified terms.

Q. Have they talked about regulations?

A. The regulatory TAP was driven by banking needs, but was so complex that it drove the need for this study. Some conversations have taken place. DEQ is leading the regulatory discussion.

Mr. Noah Hill, DCR, will send Ms. Geissler information on the construction general permit.

Q. Who will keep track of the credits?

A. DCR will be charged with establishing standards for the regulations. DCR will be very involved in designing the program and approval process for credits and determining

the efficiencies for new BMPs. Subcommittees are currently working on program design, accounting, and enforcement. HRPDC will send out information.

Q. How to acquire BMP information agriculture?

A. This is a voluntary program. Other agencies will be involved in creating an integrated program. The goal is to have a transparent market with baselines for all participants. Ms. Jenny Tribo, HRPDC, added that there will be two baselines of concern for MS4 communities, one baseline for new development and redevelopment based on stormwater regulations, and another that is MS4-wide that is based on required TMDL reductions.

Q. Local governments should have the option to sell credits or apply them to MS4 permit requirements.

A. The local government must be certified (program in place) with a process for generating non-point source credits. Ms. Tribo added that non-point source credits only apply for MS4 localities. More specific information is needed for private BMPs. Ms. Geissler stated that DCR needs to address this issue. It is more likely that local governments will be able to sell between or within MS4 localities, but not to private sector actors.

Ms. Jenny Tribo will send more information to the Committee as it becomes available.

Nutrient Credit Exchange Study materials are located on the DEQ website:

<http://www.deq.virginia.gov/vpdes/NutCrdExStudy.html>

### **3. Stormwater Dialogue Presentation**

Mr. Frank Dukes from the University of Virginia's Institute for Environmental Negotiation (IEN) gave a presentation on a potential dialogue that would address stormwater issues in the Elizabeth River watershed. The U.S. Environmental Protection Agency contacted IEN to facilitate a dialogue with Elizabeth River localities on stormwater issues. These discussions will be informal, non-regulatory, and will involve other Elizabeth River stakeholders. Major stakeholders include the four cities (Chesapeake, Norfolk, Portsmouth, and Virginia Beach) and the Navy. There are three potential benefits from these discussions:

1. Cooperating to lower costs in complying with TMDLs,
2. The possibility of technical support from EPA, and
3. The possibility of improving relations with EPA.

Committee members expressed interest in such a dialogue and asked whether all Hampton Roads localities could be involved, rather than just Elizabeth River watershed localities. Committee members would also like to see some "ground rules" set up for the discussion to ensure that the information discussed remains confidential and the tone is respectful.

There is an open commitment to participate and see if the discussions add value. The initial meeting will go over ground rules and the purpose and goals of future meetings and discussions. Other stakeholders will be driven by the localities, but currently the goal is to have the cities, state agencies, and the Elizabeth River Project involved.

#### **4. Chesapeake Bay Phase II Watershed Implementation Plan (WIP) Update**

Ms. Jenny Tribo, HRPDC, updated the Committee on the status of the Chesapeake Bay TMDL Phase II Watershed Implementation Plan. HRPDC is following the progress of its grant applications to help with the WIP process. HRPDC staff is working on datasets for industrial permits and VDOT properties. The October interim deadline has been removed. HRPDC staff is also working on outreach materials and developing various messages to get out to stakeholders and the public. HRPDC staff has written a draft letter to EPA requesting that locality waste load allocations be removed from the Chesapeake Bay TMDL. The Septic Subcommittee also met.

#### **5. Stormwater Subcommittee Update**

HRPDC staff updated the Committee on items of interest from the September 28, 2011 Stormwater Subcommittee meeting. MS4 permit preparation is ongoing.

#### **6. Status Reports**

##### **A. Hampton Roads Sanitation District**

HRSD representatives had nothing to report.

##### **B. Hampton Roads Planning District**

HRPDC staff reported that HRPDC has received two competitive focal area grants from the Virginia Coastal Zone Management Program, one to help with WIP planning and the other to help with incorporating climate change planning into local planning efforts.

##### **C. Soil and Water Conservation Districts**

SWCD representatives had nothing to report.

##### **D. Department of Conservation and Recreation**

DCR representatives had nothing to report.

##### **E. Department of Environmental Quality**

DEQ representatives had nothing to report.

#### F. U.S. Geological Survey

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

#### G. Department of Transportation

In the absence of a VDOT representative, there was no report.

#### H. U.S. Navy

Navy staff is training on CWSP (a point of compliance tool for new regulations based on voluntary stormwater controls). Navy staff is also working on a program for residential BMPs for some standardization to do accounting for the WIP (such as master gardeners, garden clubs, etc.). They are looking at other models (such as Maryland) to get credits for BMPs in hard urban areas and will try to bring money to the table to help with implementation. Currently, \$100,000 is being spent on this effort.

#### I. Local Programs

Hampton staff reported that they received their audit finding from EPA. They received no fines and are in the process of responding to EPA.

Virginia Beach staff reported that they are conducting a floating wetlands study through the city engineer's office and are looking for partners. The goal is to enhance the BMP efficiency of existing wetlands. Virginia Beach is also conducting an oyster gardening project with VIMS. The City is working with VIMS and the USACE to resume oyster reef work on sanctuary reefs in the Lynnhaven River. The City has completed its database of water quality initiatives and will share with the region. The City is also kicking off its sustainability plan with public meetings this month.

York County staff report that the Board of Supervisors held a work session on the TMDL. They will complete their E&S evaluation at the end of the month.

Newport News staff reported that they received their audit finding from EPA; the City was fined \$155,000.

Isle of Wight staff asked the Committee how other localities were handling new stormwater standards that would be effective in 2014. DCR is supposed to give guidance on adjusting plans and ordinances. The DCR director is pushing hard to get this information out to localities next year. Staff also asked if there would be work groups with local governments to refine implementation plans for the regulations.

James City County staff reported that Ms. Geissler would be the regular County representative at JEC meetings, switching with Mr. Darryl Cook. James City County received a NWFR grant to expand their Turf Love program, an incentive to install rain

gardens. The grant will cover approximately 2,500 acres of turf to begin with; the state wants to see over 8,000 acres eventually.

J. Stimulus Project Report

7. **Other Matters**

The next meeting of the Joint Environmental Committee is scheduled for November 3, 2011 at the HRPDC office in Chesapeake, Virginia. Materials will be sent in advance for review.

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