

MEETING SUMMARY
CHESAPEAKE BAY TMDL STEERING COMMITTEE
December 1, 2011
1:00 P.M.

1. Meeting Summary

The summary of the November 3, 2011 Steering Committee meeting was approved.

2. Phase II WIP Process Update

HRPDC staff briefed the Committee the Stormwater Subcommittee's and the HRPDC Executive Committee's discussion of Virginia's November letter to local governments within the Bay Watershed outlining the expectations for Phase II cooperation and data submittal. A handout of staff's presentation was distributed to the group (available with the meeting materials on HRPDC's website). The Stormwater subcommittees and the HRPDC Executive Committee recommended that local governments proceed as follows: 1) use VAST to update BMP and land use data; 2) submit narratives on strategies and funding gaps to Virginia using the attached templates; 3) submit information and data to HRPDC staff on BMP scenarios that local governments can implement. HRPDC staff will take the information and data that local governments provide and create a Regional VAST scenario and accompanying narrative/report to document the effort. HRPDC staff reviewed this process and proposed schedule for data submission to HRPDC and Virginia:

- December 28, 2011: Localities submit BMP scenarios to HRPDC.
- January 5, 2011: Draft Regional VAST scenario and report reviewed by Committee.
- January 19, 2011: HRPDC approval of final document; distribution to localities for appending to local WIP strategies.

A template for submitting locality data for the regional scenario has been developed by HRPDC staff (the file is available for download with the meeting materials on HRPDC's website). A handout showing the template format was distributed to the group. Staff explained that the advantage in submitting the regional VAST scenario is that DCR will receive the basin-scale information requested for their numerical model and localities will avoid the application of the Phase I WIP default information to their jurisdictions. If desired, localities may submit to HRPDC information on non-urban stormwater sectors (such as agriculture and forestry) for inclusion in the regional scenario.

The Committee discussed the format of the Regional Scenario submittal and agreed that the information will not be provided to DCR in VAST; the scenario will be exported from VAST, most likely into Microsoft Excel file format, for submittal to DCR. Staff noted that HRPDC legal counsel cautioned that localities should not commit to meeting Phase I WIP goals if they will not be able to fulfill such a commitment; the idea is to quantify the projected reductions associated with strategies that localities *can* implement, identify the gap between the projected reductions

and the goal, then identify the strategies localities would implement to address the gap if the resources were available.

The group agreed that the regional narrative accompanying the scenario will explicitly indicate that the information has not been approved by locality councils and boards. The narrative will explain the purpose of the Regional Scenario, the intended use of information, the relationship to locality strategies, the conditions and caveats associated with the scenario inputs, and the assumptions and approach used to develop the regional scenario.

The comment was made that, using costs available from Maryland's BMP study, locality staff can provide implementation cost estimates to elected officials. Some localities may use these cost estimates to determine how much of the strategy implementation can be funded by stormwater fees and planned fee increases, and subsequently prioritize BMPs that require CIP investments, "free" BMPs from educational campaigns, and public private partnerships. Staff noted that Maryland's cost estimates are fairly robust and include long-term maintenance costs and assumptions for land acquisition.

The comment was made that the regional narrative should include the caveat that traditional watershed management is based on a goal, whereas the goal of the Phase II WIP planning process has been a moving target.

There were no objections to the proposed process and schedule for development of the Regional Scenario and narrative report. Localities will proceed with the development of local plans and the submittal of data to HRPDC for development the Regional Scenario according to the schedule above.

3. Identifying Cost Effective Management Actions

HRPDC staff summarized reports by the Chesapeake Stormwater Network (CSN), the Maryland Department of the Environment, and the Virginia Senate Finance Committee that provide information on nutrient removal efficiencies, non-traditional management actions, and the cost of implementing the Bay TMDL (staff's presentation is available with the meeting materials on HRPDC's website). Staff noted that the Maryland report includes downloadable spreadsheets with costs per acre treated (BMPs can be compared using common metric), unit costs, financing information, guidance on street sweeping versus enhanced street sweeping and ditch clearing/debris removal.

It was noted that Localities may find it helpful to begin by looking at the information reported in their MS4 permits and quantifying these items. One locality indicated that their strategy will take credit for anticipated septic conversions over the next 20 years and will also consider the elimination of illicit discharges such as SSOs.

Staff noted that the Virginia Senate Finance Committee report focuses on who pays for the Bay TMDL, available funding, and anticipated needs for the wastewater, agriculture, and urban sectors. The report anticipates that the state contribution will be approximately \$3.2 billion

(20 percent). A chart comparing BMPs shows stormwater BMPs as the most expensive. The Committee's discussion of this report is summarized below:

- Regarding the chart comparing BMP costs: It was noted that, in considering the use of agriculture BMPs as low-cost alternatives to stormwater BMPs, lands dedicated to agriculture BMPs (cover crops and forest) are not taxable, whereas stormwater BMPs can be placed on urban lands that still generate long-term tax revenues.
- Localities may have more incentive to fund stormwater BMPs since they have public health benefits and can address community-specific issues.
- Localities may want to take a closer look at specific BMPs – what works for some may not work for others. Some localities may not have enough partners for non-urban stormwater sector strategies. Hobby farms are another issue.
- The goals for the agriculture sector may not leave much capacity for trading with other sectors.

Staff reviewed a draft BMP decision matrix developed in part based on the CSN, Maryland, and Virginia documents, and explained how the matrix, along with cost estimating tools developed by Maryland, may assist localities in evaluating and selecting BMPs for use in local strategies. The matrix provides cost-benefit comparisons and has potential applications for assisting localities with public education. VAST BMPs, Technical Bulletin No. 9 BMPs, and some new BMPs are included in the matrix, as well as costs per the Maryland report and criteria for localities to consider in choosing BMPs.

Staff requested feedback as to the immediate or future usefulness of the matrix and whether localities would like staff to include a “pick list” function for BMPs. Some localities commented that such a tool will be useful to them immediately, while other localities will likely rely on their existing CIP-related procedures for prioritizing actions. It was noted that some pick lists will be site specific and it would help to be able to sort by certain criteria and prioritize.

HRPDC staff will make the matrix available to localities by mid-December. HRPDC will convene a work group consisting of volunteers from the Committee to review and comment on the BMP decision matrix. The final matrix is anticipated for distribution by mid-December.

4. Update on Exclusion of VDOT Lands

HRPDC staff presented the results of a GIS analysis to quantify land areas owned and operated by VDOT (staff's presentation is available with the meeting materials on HRPDC's website). The analysis was performed to help localities exclude these areas from the jurisdictional area that needs to be addressed in local Phase II WIP strategies. The state will address VDOT lands. Staff presented the assumptions, data sources, method, and results and explained how the analysis could be augmented to derive estimates of VDOT pervious and impervious land areas. If available, localities may provide HRPDC staff with edge of pavement GIS data to support further estimates of pervious versus impervious areas.

Localities may contact HRPDC staff (Ben McFarlane, bmcfarlane@hrpdcva.gov) to provide any additional data to help validate estimates or request a copy of the analysis. The results will be incorporated into the development of the Regional VAST scenario (see item 2 above).

The following comments and clarifications were made during the Committee discussion:

- The Chesapeake Bay Model assumes that runoff from VDOT lands drain to the surrounding locality lands. The model is not useful for quantifying the amount of runoff from VDOT roadways.
- VDOT maintains a BMP database. Some of these BMPs may be included in the BMP spreadsheets given to localities by DCR.
- Information is also needed on other lands. HRPDC has calculated the area occupied by federal facilities and VDOT roads; the next step is to determine the areas attributed to state lands, colleges and universities, and industrial properties.
- For locality calculations of percent of area treated, the total locality land area should be used. Adjustments to subtract non-locality lands will be done by HRPDC staff in developing the regional scenario. These land exclusions will be identified in the regional narrative as to be addressed by federal and state strategies.
- VAST does not look at MS4 boundaries – it looks at the local government boundary.
- The Navy information will be rolled up into the Department of Defense (DOD) submittal. The Navy is providing facility data and the percent of implementation of BMP categories. It is unclear whether DOD information will be split up by locality.
- In the development of the Regional BMP scenario, the Phase I WIP default numbers will be applied to all other non-locality lands.

5. Facilitated Discussion/Roundtable

Updates provided by Steering Committee members are summarized below.

Chesapeake: The City continues to work with their consultant. The BMP inventory is complete, and the City is currently adjusting land use and watershed boundaries. Chesapeake trying to correct areas miscategorized as agriculture lands and inflated animal population numbers. The City is identifying BMP and retrofit sites. Preliminary information is anticipated in mid-December, with final information in January. Chesapeake may use the BMP matrix as a checklist to make sure the City receives all possible credits. Much of the information that will be submitted to the HRPDC will not have been briefed to or approved by the City Council due to the time constraints.

Norfolk: The City has additional information on land area exclusions and will provide this to the PDC for the regional scenario. The City's draft local strategies document has been submitted to the locality task force for review. Norfolk is continuing to look at land use changes and estimate future percent conversions.

Virginia Beach: The City's baseline data is ready and will be provided to HRPDC staff. Virginia Beach is planning on including strategies, such as wetlands, that require additional studies.

Gloucester: The County continues to update baseline data, but may not be completed by December 28, 2011. Gloucester may opt to work on the Chesapeake Bay TMDL through the Middle Peninsula PDC.

VDOT: The agency is maintaining its MS4 program and is trying to incorporate innovations in highway projects.

Williamsburg: The City has completed the BMP inventory and update of baseline information in VAST. The City is working on land use information.

York: The County is continuing with data collection.

Newport News: Pending some BMP information, the City is finalizing data and plans to present a briefing to City Council.

Suffolk: The City is finalizing baseline data and has begun developing the narrative for local strategies.

Lynnhaven River NOW: The group is continuing to support Virginia Beach in the City's effort to evaluate the use of alternative BMPs.

James City County: The County has completed updating baseline data and has developed a list of strategies that will be presented to the Board. The County is not inclined to submit specific numbers for the HRPDC regional scenario.

Poquoson: The City has completed updating baseline data; and continues to look for BMPs that work for low lying coastal areas. The City Council will be briefed in December.

Surry: The County Council will consider the local strategy narrative at their meeting on December 1, 2011. The County anticipates being able to submit information for the regional scenario by December 28, 2011.

Meeting Attendance

Regional Steering Committee for the Chesapeake Bay Phase II WIP:

Chesapeake Bay TMDL Steering Committee members in attendance at the September 1, 2011 meeting are indicated by a “√” in the list below. Those represented by an alternate are indicated with a “Δ” (see list of alternate representatives below).

- √ Amar Dwarkanath, CH
- √ Eric Martin, CH
- Stanley Stein, NO
- √ June Whitehurst, NO
- √ Dave Hansen, VB
- √ Clay Bernick, VB
- Randy Wheeler, PQ
- √ Ellen Roberts, PQ
- Mary Bunting, HA
- √ Lynn Allsbrook, HA
- √ Brian Lewis, NN
- √ Dave Kuzma, NN
- Richard Hartman, PO
- √ James Wright, PO
- √ Steve Martin, WM
- Carolyn Murphy, WM
- √ John Hudgins, YK
- √ Connie Bennett, YK
- √ Fran Geissler, JCC
- Darryl Cook, JCC
- Δ Rhonda Mack, SY
- Patrick Roberts, SU
- √ L. J. Hansen, SU
- √ Frank Haltom, IW
- Δ Peter Stephenson, SM

- √ Brenda Garton, GL
- Δ Martin Schlesinger, GL
- Michael Stallings, WN

- Ted Henifin, HRSD
- Carl Hershner, VIMS
- Marjorie Mayfield Jackson, Elizabeth River Project
- Christy Everett, Chesapeake Bay Foundation
- √ Karen Forget, Lynnhaven River NOW
- Bill Street, James River Association
- Tara Outland-Williams, Peanut SWCD
- Chuck Griffin, Peanut SWCD
- √ Roy Flanagan, Virginia Dare SWCD
- W. Brian Noyes, Colonial SWCD
- Laverne Calhoun, Tidewater SWCD
- Δ Joan Salvati, DCR
- √ Mark Sauer, DEQ - TRO
- John Carroll, Forestry
- Robert Hicks, VDH
- Δ Andrew Scott, VDOT
- John Gordon, DOD – Air Force
- David Cotnoir, DOD - Navy
- √ Mark Bennett, USGS

Alternate Steering Committee Representatives in Attendance:

- Russell Mack, SY
- Wayne Griffin, SM
- Scott Rae, GL
- Noah Hill, DCR
- John Harman, VDOT

Additional Attendees:

Justin Schafer, NO
Barbara Brumbaugh, CH
Casey Magruder, CH
Weston Young, HA
William J. Johnston, VB
Todd Herbert, DCR
Karl Mertig, Kimley-Horn
Ken Dierks, Kimley-Horn
John Paine, URS

Liz Scheessele, Timmons Group
Tim Hare, CH2M Hill
Don Alexander, Woolpert
Robyn Niss, Kimley-Horn
Diana St. John, Kerr Environmental
Richard Phillips, College of William & Mary
Lisa Jeffrey, Brown and Caldwell
Claudia Cotton, Tidewater Builders Assoc.

HRPDC Staff:

John M. Carlock
Whitney Katchmark
Jennifer Tribo

Lisa Hardy
Ben McFarlane
Tiffany Smith