

**THE SUMMARY OF THE MEETING OF THE
REGIONAL ENVIRONMENTAL COMMITTEE
February 2, 2017**

1. Summary of the January 5, 2017 Meeting of the Hampton Roads Regional Environmental Committee (REC).

There were no comments on the meeting summary.

2. Public Comments

There were no public comments.

3. Joint Land Use Study Update

Mr. Ben McFarlane discussed the need to evaluate how civilian development impacts nearby military installations and presented an overview of the Joint Land Use Study (JLUS) program. The studies are primarily funded by the Department of Defense (DoD) Office of Economic Adjustment. The studies must evolve from community planning efforts and be nominated by a local military installation. The JLUS process helps communities identify and address concerns of neighboring military installations. Issues could be related to air and water quality, habitat, climate change, security, etc. and outcomes can result in real estate disclosures, zoning ordinances, land purchasing/leasing, etc.

The Peninsula JLUS project between NN, HA, JC, PQ, and YK and Langley AFB and Fort Eustis is underway. Stantec is the consultant. The partners will evaluate military compatibility issues around Fort Eustis and flooding and sea level rise around Langley AFB. AECOM was recently awarded a bid for a JLUS study between HRPDC, NO, and VB and military installations in those cities focusing on impacts of flooding and sea level rise on development patterns and infrastructure. A third application is under review between HRPDC, PO, and CH and will focus on incompatible land use and infrastructure projects, land and water use conflicts, and flooding. The overall goal of the Hampton Roads JLUS projects is to help local governments identify steps they can take to address incompatibility issues with military installations and to better the long-term relationships among the community partners.

Mr. John Harbin asked if there was going to be a statewide JLUS assessment, and Mr. McFarlane noted that the HRPDC comments were to shelve that study until other stakeholders were engaged.

Mr. Joe Rieger (ERP) asked whether base realignment and closure (BRAC) was on the table for any of the installations, and Mr. McFarlane said no, not at the moment.

4. Eastern Branch Restoration Plan

Mr. Joe Rieger, Deputy Director of Restoration for the Elizabeth River Project (ERP), presented an overview of the restoration plan for the eastern branch of the Elizabeth River. It is a 40 mi² watershed inclusive of VB, CH, and NO. There is significant impairment in Broad and Indian Creeks due to harmful bacteria based on assessments made in 2014. These assessments gave the eastern branch an F in their scorecard,

mainly for bacteria impairments. They convened a 90-member stakeholder group who developed an action plan that will 1) tell the story and enlist the public, 2) restore wildlife and habitat, 3) restore clean water, and 4) clean the sediments on the river bottom. The goal is to improve the score from an F to a D. So far two meetings of the implementation team have occurred and ERP was awarded a 3-year \$750,000 grant by the National Fish and Wildlife Foundation to execute the plan. All action items have specific goals to meet. Some highlights include creating more access to the river through boat ramps, recruiting more River Star homes, businesses, and schools, conserving small properties through the Living River Restoration Trust, a living shorelines campaign, and reduce bacteria through retrofits and by forming a regional septic tank task force.

Ms. Whitney Katchmark asked why the goal is to only go from an F to a D, and Mr. Rieger explained that it will take a long time to see big changes, so within the 3-year time frame for the grant deliverables, going beyond a D is not a realistic goal. While source tracking for bacteria has been conducted by the Hampton Roads Sanitation District, only dry weather sampling has taken place and so far they do not see human sources of bacteria. Determining the sources and removing them will take considerable time.

Ms. Katchmark asked Committee members to share any ongoing river restoration projects on the peninsula, so they can also be featured.

5. DEQ Updates

Mr. Roger Everton, Water Compliance Manager from the DEQ Tidewater Regional Office (TRO), briefed the committee about the recent changes within the TRO. There is a new regional director, Mr. Craig Nichol, and Deputy Director, Ms. Janet Weyland. Mr. Everton described the planning program process as iterative and walked the committee through assessments, TMDL development, implementation plans, and monitoring. Water quality monitoring within TRO consists of ambient monitoring for trend analysis, watersheds, and TMDL assessments, Chesapeake Bay Program monitoring, probabilistic monitoring of freshwater and coastal, biological, lakes, fish tissue and special studies. Ambient monitoring includes decades of data, watershed monitoring is rotated throughout the region, and TMDL monitoring is additional work that occurs prior to TMDL development. Chesapeake Bay monitoring consists of more parameters, is more specific, and has been on-going since 1984. Probabilistic monitoring includes stations that are picked at random by a computer and includes very extensive data collection. Biological monitoring is done with probabilistic monitoring or has specific targets in question. Lakes are monitored on a rotating 2-year basis. Fish tissue monitoring is not very extensive anymore because it is expensive, but it is being expanded upon because of PCB and Hg impairments. Special study monitoring includes assessment following a kepone spill (not as frequent anymore), harmful algal blooms, and spill response.

Ms. Kristy Britt, Water Planning Supervisor at TRO, then discussed the 305(b) and 303(d) integrated reports that evaluate the health of state waters and list the impaired waters. Mr. Steve DeVilbiss is the point of contact for the impaired waters reports. These reports are released every 2 years. Local TMDL reports are the charge of Ms. Rachel Hamm.

The integrated reports (IR) evaluate waters based on VA water quality standards and are based on 5-year assessment periods. The 2016 IR includes the time periods of Jan. 2009 – Dec. 2014. Waters are classified as either supporting, not supporting, or have insufficient data. Waters classified as not supporting will be placed on the 303(d) list and a TMDL will be needed. Ms. Britt informed the committee that there are four TMDLs planned for 2017. There is also the multi-region PCB TMDL for the tidal James and Elizabeth River but it is still in the modeling phase. TRO released their TMDL program priorities in accordance with the EPA 303(d) Program Vision, the first phase of the vision is for 2016 through 2022. Those priority impaired waters can be found on the DEQ website.

All TMDL reporting is available on the website via a searchable report database and mapping program through VA Environmental Geographic Information System (VEGIS). There are funds to implement the nonpoint source program EPA-approved IPs from the 319 program and applicants can submit requests again in April 2017 depending on funding availability. A request for applications (RFA) will outline requirements and eligibility.

Mr. Mike Barbachem commented that probabilistic monitoring is a state-wide view and it is not used in assessments. Assessments are done using ambient data only.

Mr. Joe Grist asked about the timeline for the PCB TMDL. Ms. Britt responded that it will require significant public involvement, and the current projection is for 2018. There may be a final draft at the end of this year, and Mr. Mark Richards at DEQ is the point of contact. In order to determine waste load allocations (WLAs), shape files for the regulated service areas are needed. DEQ staff will send a data request within the next two weeks.

Mr. Bruce Schwenneker asked if the Back and Poquoson Rivers TMDL is revised because of the MS4, why aren't others modified. Including the MS4 service areas was not the driver for the TMDL modification. DEQ needed to incorporate the most recent bacteria standard. Ms. Britt explained that they need to stay on track for the prioritization schedule, the Phase II prioritization will begin in 2020.

Ms. Hamm announced the public meeting for the Back and Poquoson Rivers TMDL will be held March 16 at 6pm at Sandy Bottom Nature Center in Hampton.

6. Regional Public Access Plan Update

Mr. McFarlane presented an update on the regional plan for public access in Hampton Roads. Many public access projects have been funded through the VA Coastal Zone Management (CZM) Program, and HRPDC has applied for and received grants for public access projects in the region. There have been some lessons learned with these projects. Several are not yet finished and getting NOAA approval was a time consuming process, which is not unique to Hampton Roads. It is important to time availability of local funds with grant opportunities and one way to solve the issue is to develop a regional strategic plan. This would identify needs and potential opportunities ahead of time and would prioritize potential sites for grant opportunities among the localities. The plan

will engage localities, NGOs and state agencies to develop a regional network of connected trails and access sites that improve the quality of life of residents and visitors. There are four deliverables outlined. The project started October 1, 2016, and will end September 30, 2017. The next steps are to identify local government staff and other contacts for information and review. Data collection will include local, state, federal, and NGO data for public access locations, usage and plans for new public access sites or improvements.

Ms. Barbara Brumbaugh asked if this would be locality wide or restricted to particular watersheds, and Mr. McFarlane responded that this would be locality wide and a regional effort.

7. MS4 General Permit Technical Advisory Committee (TAC) Update

Ms. Jill Sunderland briefed the group on the status of the MS4 General Permit TAC. Four more meetings are scheduled, and the main changes stem from the new EPA Remand Rule that requires more public participation. DEQ intends to put all of the requirements in the permit so that the Program Plan is not subject to a public review process. This will ensure the Program Plan remains a planning tool that is easy to revise.

In order to adhere to the “clear, specific, and measureable” language in the Remand Rule, DEQ is attempting to add specific language while still preserving permittee flexibility. This can be seen in changes made to minimum control measure (MCM) 1, in which categories of education strategies are listed. A permittee would be required to pick activities that would fall within the categories. The requirement to meet 20% of the target audience for each high priority issue has been removed. DEQ also presented categories for public involvement activities. DEQ proposed changes to the illicit discharge mapping requirements, including requiring mapping all points of discharge in cases where the outfall is beyond the MS4. These requirements, among others, would be burdensome and will be under review again at the next TAC meeting.

Ms. Brumbaugh asked whether or not it has come up that even though dry weather screening is required to locate illicit discharges, those screenings rarely if ever find anything. Ms. Sunderland responded that no, this issue has not come up yet.

Ms. Sunderland went on to mention edits that were being made to MCM 4 that instead of repeating language from Erosion and Sediment Control law, the law and regulations will be referenced, but there is concern regarding regulations for the consolidated VESMP. With respect to MCM 5, there was concern about unrealistic maintenance requirements.

Ms. Brumbaugh had concerns about putting a time frame in for maintenance requirements. Ms. Sunderland said that DEQ is open to changing the proposed language regarding required timelines for BMP maintenance.

Ms. June Whitehurst also suggested that the terminology for stormwater management facility (SWMF) and BMPs be clarified as that was an issue in the Phase I permits. Ms. Sunderland responded that several TAC members have requested the same clarification.

Ms. Sunderland expects DEQ to distribute new proposed language two weeks prior to the next meeting which is February 24, 2017.

8. Coastal Zone Program (CZM) Update

Mr. McFarlane updated the committee on the VA CZM program. The FY17 focal area grants will run from October 1, 2017 to September 30, 2018, and proposals should be for one year but with a 3 year vision. Funding for subsequent years is dependent on the success of the first year. The grants are to be focused on building natural and community resilience, preserving the rural landscape and economy, and resolving near-shore use conflicts. There is no separate pot of funds anymore, PDCs and state agencies will compete for funds.

9. Status Reports

A. **HRPDC** – VA Water Environment Association (VWEA) is hosting its annual Stormwater Seminar, Thursday April 27, 2017. Flyers were handed out.

Ms. Jai McBride announced her resignation from the HRPDC; she will be returning home to Texas at the end of February.

Mr. McFarlane announced RFPs for VA Trees for Clean Water, NOAA resiliency grants, and a CZM survey.

B. **YK** – Ms. Drake asked if any localities have used the Clean Water Revolving Loan fund for stormwater projects. Ms. Sunderland suggested she contact NO.

C. **Wetlands Watch** – Mr. Skip Stiles announced an opportunity for localities to collaborate with universities on improvement projects. Funding was granted for four years to coordinate efforts between students in capstone or field study courses at Virginia universities and localities implementing projects. This would be similar to work that was already done between ODU, Hampton University, and the Chesterfield Heights community.

The next meeting of the Regional Environmental Committee will be held on March 2, 2017 in the Regional Boardroom at the HRPDC in Chesapeake, VA.