

**THE SUMMARY OF THE MEETING OF THE
REGIONAL ENVIRONMENTAL COMMITTEE
June 1, 2017**

1. Summary of the May 4, 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 Studies (JLUS)

Mr. McFarlane provided an update on the NO-VB and PO-CH JLUS projects. The stakeholder interviews for the NO-VB project will be held the week of June 5, and the technical committee will meet on June 9. The first Fact Sheet, which introduces the study, has been uploaded to the project website (www.hamptonroadsjlus.com). Mr. McFarlane will distribute the Fact Sheet to the Committee members.

The RFP for the PO-CH is expected to be released in late June.

4. Coastal Zone Program Updates

Mr. McFarlane reported on matters related to the CZM. The amounts of the FY18 competitive grant awards have not yet been released. This year, the priorities for the grant program are improving rural economies and resiliency. The Middle Peninsula PDC has begun accepting applications for low interest loans for living shorelines. Funds are part of the VA Clean Water Revolving Loan Fund.

The eight coastal PDCs of Virginia meet on a quarterly basis, and the most recent meeting was held on May 24.

5. Virginia's Chesapeake Bay Phase III Watershed Implementation Plan (WIP)

Mr. Craig Nicol, Director of the Tidewater Regional Office of DEQ, introduced Ms. Joan Salvati, Manager of Local Government Assistance Programs DEQ Water Planning Division. Ms. Salvati is leading the public outreach for the Phase III WIP, and she delivered the presentation to the Committee.

First, Ms. Salvati reviewed the history of how Virginia is implementing the Bay TMDL. It is a large scale effort, involving 5 major river basins, 39 segment sheds, and 96 localities. The state is committed to improving the Bay by focusing on local water quality improvements. The Phase I WIP was submitted to EPA in November 2010, and the Phase II WIP, which included engagement with localities, was submitted in March 2012. The Phase III WIP is due April 2019. The top EPA expectations for the plan are as follows:

- Identify programmatic actions and pollutant reducing practices to be implemented between 2018-2025
- Plan for engaging local, regional and federal partners in implementation
- Account for changed conditions: climate change, Conowingo Dam infill, growth

- Develop local planning goals below the state-major basin scales

Ms. Salvati discussed the progress Virginia has made thus far. The state has met the 2017 target loads for TN and TP; however, the TSS loads remain too high. The nutrient reductions are attributed to significant reductions made by point sources. Agricultural sediment loads have decreased over the years yet further reductions are still needed. Additional nutrient and sediment reductions will also be required from urban sources to meet the 2025 goals.

The Bay Program has released the schedule for the Phase III WIP and Midpoint Assessment. The final planning targets will be released in March 2018. DEQ will subdivide the targets into local area planning goals, present the local goals to the Chesapeake Bay SAG for review, build input decks of strategies, and then have the plan reviewed by internal executive staff. The draft of the Phase III WIP is due in December of 2018. Following EPA review of the draft, there will be a public comment period in February 2019. The final Phase III WIP is due to EPA in April 2019. Ms. Salvati explained that this is not a lot of time for states to obtain and define state WIP III strategies.

Some factors to be considered, as outlined in the EPA expectations document, include climate change, which is considered to have minimal impacts to VA's WIP. Impacts from the Conowingo dam are unknown and may also be minimal. Accounting for growth must be included in the Phase III WIP, but VA feels that they already account for growth through milestone development and nutrient neutral policies for new development. Finally, the James River chlorophyll-a study is not yet completed but most likely will have impacts to point sources. There was general consensus that the updated model with new land use acreage is a positive and there is less angst this time around regarding the model.

DEQ continues to explore options for subdividing the local area planning targets and will begin working on this process once draft targets are released in October, 2017. The scale of how local the planning targets should be, whether jurisdictional boundaries, regional boundaries, sub watersheds, or SWCDs, will be evaluated later this year during DEQ's review of the Phase 6 model.

Ms. Salvati explained the role of localities in the process, highlighting actions to "identify, verify, report, and develop practices". DEQ requests that localities include all verified practices in the state databases, including the BMP Warehouse and CGP database. They have also encouraged localities to develop local water quality improvement strategies that yield multiple benefits, such as expanded tree canopy, environmental site design, and stormwater quantity control.

The role of MS4 permittees was also highlighted. Ms. Salvati encouraged them to implement pollutant reduction strategies in the unregulated portions of their locality. Ms. Salvati spoke of the gap between 2025 and the end date for the third MS4 permit cycles, which is 2028 for the Phase IIs and 2031 for Phase Is. DEQ will likely rely on wastewater treatment plant reductions to meet the gap; however, it has not yet been determined if there is sufficient overachievement at the segment-shed scale to address the difference.

Ms. Salvati explained there is no regulatory requirement to participate in the Phase III WIP. However, if Virginia does not meet the pollution reduction targets issued by EPA, new programs and regulations may be necessary.

Ms. Salvati presented four local stormwater BMP success stories from across the state. The City of Alexandria completed the Four Mile Run Stream Project, which is anticipated to reduce TP by 43 lb/yr. The City of Staunton completed the Lake Tams retrofit project, which added a riprap energy dissipater and a sediment forebay to the wet pond. The project, which was partially funded through SLAF, should result in a TP reduction of 39 lb/yr. The town of Kilmarnock recently completed a stream restoration project that is expected to reduce TP by 279 lb/yr. The City of Harrisonburg added about 200 smaller-scale BMPs in the Blacks Run watershed including rain barrels, bioretention practices, buffer plantings, and pet waste digesters.

Dr. Bruce Schwenneker asked if there was a plan to incorporate the Phase 6 model updates into the next MS4 General Permit. Ms. Bauer replied that there is not enough time to incorporate the model changes because the General Permit has to go to the SWCB in September in order for it to become effective on July 1, 2018. DEQ will not have the final planning targets until March 2018. She added that permittees will have a lot of time before their third permit cycle to plan for changes in the required reductions as a result of the Phase 6 model.

Mr. Justin Shafer asked whether DEQ will offer incentives to encourage water quality improvement projects in unregulated urban areas. Ms. Salvati has plans to conduct training sessions and provide examples of projects that help meet local goals while also improving the Bay. Ms. Bauer said that DEQ is evaluating options to improve the cost effectiveness of BMP implementation in an MS4 permittee's unregulated area. Currently, they are required to meet a baseline before credit can be granted on unregulated land. Mr. Kennedy said that DEQ will continue to push for SLAF dollars in the GA, and he also requested cost data to support the effort. One issue related to the effort is to ensure that funds are being spent, if it looks like projects aren't using funds, the GA is unlikely to support additional funds. Ms. Katchmark added that order of magnitude estimates could be obtained fairly easily. Ms. Bauer added that some NGOs had been working to collect that data. Mr. James Davis-Martin mentioned the agriculture sector with help from DCR is conducting studies on stabilizing funding and urban areas are not as vocal at lobbying the GA for stable funds and could look to the report for suggestions.

Mr. Joe Grist asked how additional local area goals change project planning and Ms. Bauer responded that it is unclear at the moment but DEQ is sensitive to moving targets.

Mr. Joe Rieger asked why DEQ is considering a potential climate change impact of 2% minimal. Mr. Davis-Martin responded that he anticipates a programmatic approach to accounting for climate change. For example, resiliency to sea level rise should be a factor when considering which stormwater BMPs to implement. There may be changes to the design criteria.

Mr. Ted Henifin asked if DEQ intends to promote trading as a strategy in the Phase III WIP. Mr. Allan Brockenbrough said that the trading legislation is in place. There is some concern

that the MS4s may rely on trading too heavily. Mr. Davis-Martin referred to the EPA expectations document that requires compliance not just statewide or river basin, but also at the segment-shed scale. The challenge is that the Phase 6 model does not work as well at the smaller scale.

Mr. Tim Hare asked DEQ to expand their focus beyond stormwater management in the Piedmont region and to consider the challenges of stormwater management in the Coastal Plain.

Dr. Filippino asked about the James River chlorophyll-a study. Mr. Kennedy explained that VIMS is running ten modeling scenarios and has planned to run about five more and they are solely focused on point sources. None of the scenarios account for HRSD's SWIFT project due to the time frame for SWIFT implementation (2036 vs 2025) and a variety of uncertainties. If the scenarios suggest that current limit of technology (assuming continued discharges and current waste load allocations) does not meet the chlorophyll a criteria, then they may have to look into a variance with respect to water quality standards, similar to what MD has done in the past.

6. Status Reports

- A. HRPDC** –Mr. McFarlane thanked those who attended the Coastal Hazards workshop on May 9. The certificates will be sent to participants.
- B. GL** – Mr. Rae announced that the County is seeking a Stormwater Plan Reviewer. The County has been working with DEQ to reduce their Resource Management Area.
- C. IW** – Mr. Jennings announced that the County is hiring a Utility Inspector.
- D. VB** – Ms. Gallagher announced that the City is seeking two Stormwater Engineers.

The next meeting of the Regional Environmental Committee will be held on Thursday July 6, 2017 in the Regional Boardroom at the HRPDC in Chesapeake, VA.