

**THE SUMMARY OF THE MEETING OF THE
HRPDC REGIONAL ENVIRONMENTAL COMMITTEE
May 3, 2018**

1. Summary of the March 1, 2018 Meeting of the Hampton Roads Regional Environmental Committee.

There were no comments on the March meeting summary.

2. Public Comments

There were no public comments.

3. Chesapeake Bay Program Update

Dr. K.C. Filippino, HRPDC, presented an overview of the development of Virginia's Phase III Watershed Implementation Plan (WIP) for the Chesapeake Bay Program TMDL for nutrients. She gave a timeline of events related to restoration, which includes the establishment of the Chesapeake Bay TMDL in 2010 and a mid-point assessment in 2017 with an interim target of 60 percent. Dr. Filippino explained the process for Phase III WIP planning, which includes assessing the current status with the Phase 6 model and mid-point assessment; identifying gaps with a focus on unregulated urban and agriculture; and through prioritization and funding, implementing policies and practices.

Dr. Filippino provided an assessment of whether the Chesapeake Bay watershed and the Commonwealth are meeting the Bay TMDL. While the wastewater sector has achieved reductions for nitrogen and phosphorus, the urban and agriculture sectors are lagging behind. In Hampton Roads, nitrogen and phosphorus loads show an increase over time in the Phase 6 model, particularly in the unregulated urban sector. These increases may be a result of inaccurate accounting for the practices that have been implemented, a decrease in the regulated urban area and subsequent increase in unregulated urban areas due to MS4 service area delineation, and that the state as a whole may not be nutrient neutral with respect to new development.

Moving forward, Dr. Filippino explained a continued effort to understand why nutrient loads in the urban sector are increasing; ensure all practices are being appropriately reported; identify opportunities for implementation on unregulated urban lands; and to combine opportunities to maximize multiple benefits, such as local TMDLs and flooding/resiliency concerns. Last, she gave a timeline of Phase III WIP planning in VA. PDCs within the Bay watershed will be contracting with DEQ to develop lists of potential projects and suggested policies that would encourage reductions in the unregulated urban sector. The HRPDC will convene stakeholder meetings beginning in July and throughout October. The final report is due to DEQ by December 15, 2018.

Mr. Bruce Schwenneker, Whitman, Requardt & Associates, LLP, asked how to handle unregulated lands moving forward. Dr. Filippino replied that this is part of the on-going discussion and there are questions about what has been reported.

Ms. Shereen Hughes, Wetlands Watch, asked about coordination with Soil and Water Conservation Districts (SWCDs) and program funding for the VA Conservation Assistance Program (VCAP). Dr. Filippino replied that there is awareness that VCAP funding is an issue and needs to be restored. The PDCs will be in coordination with the SWCDs moving forward.

Ms. Barbara Brumbaugh, City of Chesapeake, noted that the MS4 service area for Chesapeake was incorrect, and Dr. Filippino responded that there are still inaccuracies in the land use data set and will look for them to be resolved through the Phase III WIP process.

4. Hampton Roads Native Plant Primer

Mr. Mike Barbachem, Associate, Whitman, Requardt & Associates, LLP, shared his experiences landscaping his own backyard with plants native to the region and to Virginia. He gave a history of how he became involved with growing native plants, then explained fundamentals of plant growth, how to know if plants are native, and sources of supplies and information. Last, he discussed basics of garden design and plants he has experience working with. Mr. Barbachem highly recommends Barbara Ellis's book, [Chesapeake Gardening & Landscaping: The Essential Green Guide](#), which is available for purchase from national booksellers. He also offered to provide additional information to interested Committee members.

Ms. Hughes noted several resources that may be helpful to understanding native plants in Hampton Roads, including the [Native Plant Guide](#) and materials from Lynnhaven River Now. Additionally, she mentioned innovative gardening practices at the Norfolk Botanical Gardens and Virginia Wesleyan University.

5. Regional Strategic Plan for Public Access to Waterways Follow-Up

Ms. Sara Kidd, HRPDC, provided an update on the public access project since the plan and website ([FishSwimPlay.com](#)) was completed in March. She discussed goals of the plan and shared findings, including high demand for public access to water; most residents (98 percent) live within a 30-minute drive to a public access site; and opportunities exist to fill in access gaps to create a more connected network. Ms. Kidd demonstrated the final version of the interactive map application. Last, she shared a history of other presentations given, press and marketing on the Plan, website traffic statistics, and distribution of rack cards.

Mr. David Imburgia, City of Hampton, asked if staff would like to have photos of each boat ramp to load onto the site. Ms. Kidd replied that photos can be added to the application but staff will look at that as a future enhancement. She also noted staff would appreciate any updates on access sites from the localities going forward.

Mr. Matt Flanghella, DEQ, suggested including tide information on the site since that could impact use of the boat ramps.

6. Bay Star Businesses (BSB)

Ms. Katie Cullipher, HRPDC, provided an update on the launch of the BSB program, an extension of the regional Bay Star Homes initiative. The program encourages local businesses to take voluntary green initiatives inside and outside of their business, as well as in their community, to reduce their environmental footprint and protect water quality. She shared the sign-up page for businesses to use on askHRgreen.org. Ms. Cullipher also shared several resources available to businesses, such as rack cards on proper management of fats, oils, and grease (FOG), litter prevention, and landscaping best management practices.

7. Highlights from the Environment Virginia Symposium

Mr. Ben McFarlane and Ms. Jill Sunderland, HRPDC, attended the Environment Virginia Symposium held on April 3-5, 2018 in Lexington, VA. The conference agenda included presentations from state and federal agencies, consultants, nonprofit groups, and local government staff.

Ms. Sunderland gave an overview of Governor Ralph Northam's keynote address, which included his signing of Executive Order 6 (EO6). The EO directs DEQ to evaluate its needs, update outdated regulations, strengthen enforcement, identify permitting delay issues, and improve transparency. In his address, he also suggested concerns about sea level rise are not limited to Hampton Roads, noted the creation of the position of Special Assistant to the Governor for Coastal Adaptation, expressed support to increase General Funds for environment and natural resources, and promoted conservation of lands to achieve multiple benefits.

Ms. Sunderland also described water updates from DEQ, which included an administrative continuance for small MS4 permits expiring on June 30, 2018 and technical advisory committees for construction and industrial activity permits. DEQ also indicated procedures for phased implementation of new ammonia criteria would be released by November 1, 2018. New bacteria, cadmium, human health, and James River Chlorophyll-a criteria are expected to be proposed this year.

Ms. Sunderland summarized a report card on the state of the James River from the James River Association, which included progress with phosphorus reductions; plateaued nitrogen reductions; the need for more sediment reductions, and the introduction of bacteria reduction information on the report. She detailed the James River Water Quality Improvement Grant Program, available through the Virginia Environmental Endowment, which is designed to encourage riparian buffers, stream restoration, agricultural BMPs, and living shorelines along the James River. The area of potential effect for the grant includes areas within James City County, Newport News, Surry County, and Isle of Wight County.

Ms. Sunderland presented an update on the Waters of the United States (WOTUS) Rule, finalized in 2015, which has been challenged in court by environmental groups, industry groups, and 29 states. The Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers announced they would repeal and replace the rule on

February 28, 2017. A proposed rule to rescind the 2015 rule was released on June 27, 2017, and a proposed rule to replace the rule is expected to be released in May 2018, with a final rulemaking released in June 2019.

Mr. McFarlane detailed information about climate change and energy. The Regional Greenhouse Gas Initiative (RGGI) public comment period ended on April 9, 2018, and DEQ expects to present a final rule to the State Air Pollution Control Board later this year. On climate change at the federal level, EPA regulations are at a standstill and courts are driving integration of climate in wildlife and habitat decisions. Agencies are considering climate change in non-air permit decisions, litigation is actively pushing toward climate action, and there has been significant progress in industry. Energy developments included the Small Renewable Energy Permit by Rule program through DEQ and solar farm project proposals.

8. Status Reports

DEQ - Mr. Matt Flanghella reported that Phase II MS4 permittees should have received a letter detailing the process for submitting registration statements, which are due on June 1, 2018 to Mr. Jeff Selengut.

HRPDC – Ms. Rebekah Eastep announced that Bay Star Businesses rack cards, seed packets, and Native Plant Guides were available for Committee members to take with them.

The next meeting of the Regional Environmental Committee will be held on June 7, 2018.