

**THE SUMMARY OF THE MEETING OF THE
REGIONAL ENVIRONMENTAL COMMITTEE
January 5, 2017**

1. Summary of the December 1, 2016 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. Old Donation School and Sustainability

Mr. Tim Cole was unable to attend the meeting and has asked to re-schedule.

4. Bay Act and Resiliency

Mr. Ben McFarlane explained how middle peninsula homeowners are conducting unpermitted activities to protect their homes from flooding and sea level rise (SLR). For example, there have been instances of homeowners putting down truckloads of dirt to elevate their property in the dark of night. Mr. Lewie Lawrence, Executive Director of the Middle Peninsula PDC, reached out to Mr. McFarlane to determine if such activities are also taking place in Hampton Roads. Mr. Lawrence would like to determine the scale of the issue before approaching Ms. Joan Salvati, DEQ.

Ms. Ellen Roberts agreed that they have experienced similar challenges in PQ. She said there should be environmentally friendly ways to protect homes, but the Bay Act is so restrictive with filling policies that it makes even environmentally friendly actions difficult.

Mr. Scott Rae mentioned that GL works with homeowners to enable them to protect their property. The County provides water quality assessments, explains the processes for wetland delineation and filling, and refers them to the USACE.

Mr. McFarlane confirmed that each locality tracks how the resource protection area (RPA) boundaries have shifted over time.

Ms. Roberts said the City Environmental staff has a good relationship with the Building Code Official. Even a small project, such as a deck, screened-in porch, or a shed, will be referred to Environmental staff. If the house was constructed prior to the Bay Act regulations, a small project is typically approved with mitigation measures added. If the house was constructed after the Bay Act, it becomes much harder to approve.

Ms. Drake responded that YK allows strategic filling; however, they have run into challenges with filling on wooded lots. There have also been a few issues where a developer does not plant as many trees as required on the approved site plans. They have had a few cases of litigation, but overall their program is successful.

Mr. McFarlane will relay the responses to Mr. Lawrence.

5. Department of Environmental Quality (DEQ) Study of the Effective Use of Stormwater Practices in Areas with a Seasonal High Water Table

Ms. Jill Sunderland briefed the group on the second and final report addressing House Joint Resolution Number 587, the Effective Use of Stormwater Practices in Areas with a Seasonal High Water Table. The following recommendations were proposed by DEQ:

- Site-specific flexibility in the separation distance
- Additional BMPs (tree BMPs, RSC, & stream restoration)
- Modifications to current design specifications
- Adjustments to BMP efficiencies, reassessing runoff reduction credit and develop tools for volume reduction credit
- Guidance to clarify the sequence of treatment trains
- Comprehensive Stormwater Management plans

DEQ held a public meeting on December 9, 2016 to address the draft report. The following topics were discussed:

- Specific design specifications for the coastal plain
- Decouple the design specifications from the regulation so there could be room for new technologies
- Consider the energy balance and a holistic approach with respect to water quality and quantity, and
- Add current CBP approved urban BMPs to the BMP clearinghouse.
- If the options didn't improve, nutrient credits will become a priority in HR.

The report will be finalized and sent to the General Assembly (GA) by January 11, 2017 and there may be proposed legislation based on the recommendations.

DEQ is working with VB to create a template for a Comprehensive Stormwater Management Plan. Ms. Diana St. John said they will keep the Committee apprised of the development of the Plan.

6. Manufactured Treatment Devices (MTDs) Data Call

Dr. Filippino briefed the Committee on the data call to stormwater managers regarding MTDs. Currently MTDs are not given credit as BMPs in the CBP models, even though DEQ does credit the practices. The data request is intended to provide a sense of scale for this discrepancy. So far, nine localities have responded and reported a total of 756 MTDs, which account for 759 acres of drainage area and approximately 294 TP lb/yr removed. Calculations were conducted for reporting localities that did not track pounds of total phosphorous removed. Assuming 0.5 lb TP/acre, a total of 434 lb TP/yr were removed by MTDs.

Contech also provided data and reported a total of 995 Filterras installed on public and private lands in Hampton Roads.

Using only the locality-provided data, cost estimates were created based on low (\$1500/acre/yr) and high (\$50,000/acre/yr) costs per acre treated. This resulted in costs estimates ranging from \$1-38 million per year spent on MTDs by the nine reporting localities.

Of the reporting localities, MTDs accounted for 2 to 29% of total active BMPs based on the historical BMP inventory.

The next step will be to collect data from more localities to have a more accurate picture. Dr. Filippino will follow up to request data from localities that have not already provided it. Data should be submitted by January 20, 2017.

After gathering additional data, HRPDC staff intends to reach out to the CBP Urban Stormwater Workgroup and report the quantity and dollars spent on MTDs in Hampton Roads. There are a few different programs being proposed to evaluate and vet MTDs and having more data on MTD usage will be helpful for these programs.

While MTDs are not in the CBP Phase 6 model, there is a minimal credit placeholder for them in the model and this was discussed at the WQ Goal Implementation Team meeting on October 26, 2016.

7. Coastal Zone Program Update

Mr. McFarlane and Ms. Sunderland provided an overview of a new HRPDC study funded by CZM – Integrating Coastal Resilience into Local Plan, Policies, and Ordinances. The objective of the study is to develop new enforceable policy examples for localities to consider for implementation. There are four deliverables for this project:

- Assessment of Coastal Hazards in Current Local Plans and Policies in Virginia
- Coastal Hazards Planning Case Study Identification and Analysis
- Assessment of Best Practices for Addressing Coastal Hazards in Local Policies
- Education and Training on Best Practices Addressing Coastal Hazards

Ms. Sunderland described the assessment of 47 communities in coastal Virginia. The preliminary findings show that most comprehensive plans mention floodplains and floodplain management but not SLR. Few of the plans discuss flooding or SLR. Most communities have a freeboard requirement, and some of them participate in the community rating system (CRS).

A survey of local plans, policies, and ordinances of localities with CRS class ratings of 5 and higher is underway to determine how and if coastal hazards are addressed. So far, plans have been examined for Charleston, SC, Miami-Dade County, FL, and Savannah, GA. Some early findings suggest that there are common elements for high-rated communities, specifically public information, floodplain management plans, more stringent building requirements, and mapping.

The third deliverable will include a synthesis of best practices from case studies and the examples from coastal Virginia.

Finally, the research findings will be used as the basis for training materials and a short Workshop.

Mr. McFarlane also provided updates on the other CZM projects. The IW Nike Park Public access project is progressing, and CZM has submitted a package to NOAA for approval. NO is soliciting bids for the Lavalette Ave public access project.

CZM has developed the FY16-20 strategies which include ocean management, coastal hazards, and cumulative and secondary impacts of coastal development.

The Coastal Policy Team will meet on Jan. 18, 2017 and will discuss the final selection of focal areas for FY17-19.

8. **VCPC Conference Highlights**

Mr. McFarlane and Ms. Katchmark presented an overview of the Virginia Coastal Policy Center annual conference which was held at William and Mary on December 2, 2016. There was a significant discussion on shallow channel dredging. The rural localities in attendance at the Workshop noted that there is an issue because USACE funding is no longer available. The Committee members were asked if it was an issue in their locality, and CH, YK, and PQ responded that it was. HRPDC staff will follow up with the Eastern Shore and Middle Peninsula PDCs to determine next steps.

The HRSD SWIFT project was also featured at the conference. At this time, it is not clear if SWIFT will be specifically mentioned in Virginia's Phase III WIP or if it is sufficiently covered in the nutrient trading regulations. The Chesapeake Bay Foundation has made positive comments about the project; however, they do advocate against permanent credits for MS4s. There may be some limits on who can use the credits generated from SWIFT, especially since not many entities are downstream of current HRSD discharges.

9. **Status Reports**

- A. **HRPDC** – The Coastal Resiliency Committee met and proposed items for the legislative agenda package. They are asking the GA to dedicate funding to support a Chief Resiliency Officer for the state and the Virginia Shoreline Resilience Fund. These items will be discussed at the Commission meeting on January 19, 2017. The Virginia Trees for Clean Water program has funds available and applications are due in February. The Healthy Watersheds Consortium grant program might be a good fit for the region next year. The awards range from \$50-250,000. HRPDC staff will distribute the details.
- B. **VDOT** – A new GIS analyst was hired to distribute outfall maps and help with Phase I MS4 coordination. A draft of the new VDOT MS4 permit will be available for public comment sometime this spring.
- C. **IW** – A new planning and zoning director was hired.
- D. **GL** – The County has requested to modify their resource management area (RMA), which is currently county-wide. Eventually, it is anticipated that the RMA will be limited to a 100-foot buffer. DEQ is anticipated to respond to the request soon. Mr. Brian Lewis has left the County and has accepted a position with HA.

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