

**THE DRAFT SUMMARY OF THE MEETING OF THE  
HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE  
REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE  
CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE  
September 5, 2013**

**1. Summary of the August 1, 2013 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee**

The Summary of the August 1, 2013 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

**2. Norfolk Flooding Study Presentation**

Mr. John White, Norfolk, gave a presentation to the Committee on Norfolk's effort to address flooding and sea level rise. Norfolk is currently dealing with both precipitation flooding and tidal flooding. The city's current efforts are intended to address both current flooding impacts and also increased flooding as a result of sea level rise, land subsidence, and climate change. The effort is multi-departmental within the city, with participation by staff from parks, the city manager's office, public works, planning, and emergency management. Specific work has included modeling and analysis of flooding impacts as well as investigating general and site-specific options for flood mitigation projects. The city has conducted a city-wide coastal flood mitigation study, as well as focused studies of four subareas: the Mason Creek, the Hague, Pretty Lake, and Ohio Creek. Norfolk has also conducted a precipitation study. The city has set up a website for the public to access information on flood projects ([www.norfolk.gov/flooding](http://www.norfolk.gov/flooding)).

Ms. Gayle Hicks, Hampton, suggested that in urbanized areas some retrofits of existing infrastructure are impossible to do (for example, increasing the size of stormwater drainage infrastructure can be impossible given existing public and private infrastructure and development onsite). One way of dealing with this is to promote redevelopment, which will allow for large-scale retrofits. Ms. Hicks asked if Norfolk has identified areas that should not be reinhabited after a significant storm event, and if that discussion has occurred with the public. Norfolk has not identified specific areas to retreat from; however, there are some areas that will likely not receive much in the way of public infrastructure investments, since it will be too expensive to protect them. Ms. Hicks also asked how the multi-departmental effort was working and how often they met. The group has met several times (about twice a month since starting). Mr. White pointed out that it helps to have an assistant city manager in charge of the effort.

Ms. Ellen Roberts, Poquoson, asked if Norfolk has assessed what the impact of Biggert-Waters (the 2012 law that reauthorized the National Flood Insurance Program) will be on the city yet. The city has not yet analyzed the situation and is still studying the changes in definitions and regulations as a result of the act. In general, the stove-piping

of the city's departments makes this task more difficult. Ms. Roberts also asked if raising roads to deal with flooding has resulted in additional drainage problems on neighboring properties, and if the city has provided funding for mitigation. Mr. White responded that the city is holding off on some road raising projects to allow for home raising projects to catch up.

### **3. askHRgreen.org Report**

Ms. Rebekah Eastep, HRPDC, presented the askHRgreen.org Final Report for FY12-13 to the Committee for its recommendation. The annual report documents survey results, media outreach efforts, and projects conducted by the program. The Committee voted unanimously to recommend that the Commission accept and approve the report for publication and distribution. Ms. Eastep also described askHRgreen.org's plans for FY13-14; these include search engine optimization and many seasonal media campaigns for fall, winter, and spring.

### **4. Coastal Zone 309 Grant Project Update**

Ms. Sara Kidd, HRPDC, gave a presentation to the Committee on the third component of the HRPDC's Section 309 land and water quality grant project for FY12-13. This component focuses on developing and testing modeling tools to be used in assessing the environmental impacts of development. Year 2 of the project focuses on using CommunityViz, an ArcGIS modeling extension, to model different development scenarios in Suffolk and Norfolk. The project is looking at both redevelopment and new development scenarios. CommunityViz has several advantages. Specifically, it can calculate result changes on the fly as a result of changing various inputs, and it allows for both locked and unlocked assumptions to be used as inputs to the model. One of the Norfolk areas being looked at is a redevelopment site at the intersection of Ingleside Road and East Princess Anne Road. Ms. Kidd calculated how different development scenarios (consisting of impervious cover, turf, and forest cover) affect nutrient loads. Her analysis compared the existing development with two post-development scenarios. In Suffolk, HRPDC staff will be looking at two sites to assess the use of clustering as a way to reduce nutrient loads. Ms. Kidd also described some lessons learned as a result of these test runs:

1. Using CommunityViz to model development scenarios in GIS is better for new development than redevelopment, and better for areas with multiple soil types
2. For redevelopment, the method is likely too time consuming and labor intensive
3. However, it could be used on a multiple site redevelopment study to test a uniform change to development standards

Mr. Benjamin McFarlane, HRPDC, stated that one possibility that has been considered is to test how various tree canopy requirements could affect load reductions. However, that would depend on if the spreadsheet and Bay model treat individual trees differently from larger forested areas. Mr. McFarlane asked the Committee if the current

tree canopy legislation in Virginia allowed for localities to dictate where tree canopy could go on a site (such as all in one place); it does not appear to do so.

Mr. LJ Hansen, Suffolk, asked if there could be more assumptions set up in the model for multiple soil types. Ms. Kidd stated that that is definitely doable, but the more assumptions used the more prep work is required.

## **5. Coastal Zone Program Updates**

Mr. McFarlane briefed the Committee on the Coastal Program. HRPDC staff anticipates that the grants that were applied for earlier this year (Technical Assistance, 309, Native Plants, and Sea Level Rise) will be awarded, though the amounts of the two competitive grants may be slightly lower than the applied for amount. The Coastal Policy Team had favorable comments on both of the competitive grants at its meeting in August. HRPDC staff anticipates getting a final decision and any contracts sometime in September.

## **6. Chesapeake Bay Program Update**

Ms. Jenny Tribo, HRPDC, updated the Committee on recent events with the Chesapeake Bay Program. Currently, the Chesapeake Bay Program is planning for the midpoint assessment in 2017, where the Bay Model will be run with updated data to assess implementation progress. Following the midpoint assessment, approved changes will be made to the model. At this point, EPA will also determine if any revisions to the TMDL are necessary. One of the major issues HRPDC and Hampton Roads localities have had with the TMDL has been the use of Bay-wide data that does not match local land use and BMP implementation levels. HRPDC has recommended to the Bay Program that the next version of the model should include local land use data and locally verified BMP implementation levels. In response, EPA and the Chesapeake Bay Program have established the Land Use Workgroup to develop protocols for using local data. This Land Use Workgroup will define the land uses that will be included in the next model, coordinate with other workgroups and EPA to develop loading rates for new land uses, development a process to consider local land use data, and explore options for developing a spatial land use layer.

Another issue HRPDC identified with the Bay Model is that it should credit more BMPs. HRPDC recommended that Virginia and EPA should work together to identify practices that should be credited and develop the necessary pollutant reduction efficiencies for these practices. In response, the Bay Program has established expert panels to establish loading rates and specifications for many new practices. Recently, the Bay Program has approved reports by panels looking at state stormwater performance standards, stormwater BMP upgrades and retrofits, revised stream restoration, and urban nutrient management. Panels in progress include those covering illicit discharge detection and elimination, shoreline erosion control, oyster restoration, urban tree planting, and street sweeping. Upcoming panels will look at floating wetlands and wetlands. Ms. Tribo described in some detail the outcomes of the recently approved panel reports. The state performance standards panel focused on reporting and verification of

practices. The stormwater BMP upgrades and retrofits panel focused on new retrofit facilities and retrofits of existing BMPs. The stream restoration panel developed multiple protocols, some of which can be “stacked” to get more credit. The urban nutrient management panel looked at fertilizer sales and application and low risk versus high risk lawns.

Mr. Justin Shafer, Norfolk, asked about comments from Ms. Ginny Snead at DEQ. The state regulations did not address residential properties, and commercial properties were not regulated. Mr. Shafer asked who would be in charge of handling plans. The regulations require certified plan writers.

Ms. Tribo also covered the status of the in-progress panels. The illicit discharge detection and elimination panel is reviewing a draft report, so there may be something available in the spring. The shoreline erosion control panel has been meeting; they are looking at living shorelines and hardened shorelines. Mr. Kevin DuBois, Norfolk, was reported as saying something would be available in December. The oyster restoration panel’s work was described at a previous Committee meeting. Ms. Tribo was not sure when the report would be issued. Norfolk staff reported that they have heard that aquaculture will get credit, but oyster restoration projects will not. The street sweeping panel had its first conference call in July. The urban tree canopy panel is ongoing.

Ms. Barbara Brumbaugh, Chesapeake, asked what cities should do with street sweeping in the absence of new guidance. Ms. Tribo advised to the existing guidance for now, which allows for bulk sediment reductions. To get nutrient reductions localities must sweep at least bi-weekly.

Mr. Shafer reported that Norfolk is also looking at pumpouts, waste removal, catchbasin cleanouts, trash BMPS/collection, and yard waste collection. Mr. Shafer also asked about the advanced erosion and sediment control and buffer workgroups, and if the buffer workgroup would be looking at stream or tidal buffers.

Mr. Hansen stated that it was his understanding that advanced E&S would only be applicable for West Virginia.

Ms. Tribo also provided brief comments on the upcoming panel. The wetlands panel will be looking at wetlands as a BMP and separate loading rates and mapping. Mr. Tim Hare, CH2MHill, asked if the panel would be including marshes. The floating wetlands panel was established this past summer following a research workshop held in 2012; the panel will start meeting in September or October 2013.

Mr. Shafer asked if anyone from the region was on these panels, and if not, would there be an option to have someone. He suggested that the region should encourage the wetlands group to look at tidal marshes.

Mr. Clay Bernick, Virginia Beach, asked if there would be a phragmites group. Mr. Tribo stated that there has been interest, but nothing in motion yet. A phragmites BMP would probably have to go through an existing group.

Mr. John Paine, URS, stated that a petition was taken to DEQ to get sanctuary oyster reefs, phragmites removal, and no discharge zones included in the model. DEQ said they would take them to the Bay Program, but that there was a big back log of BMPs under consideration.

A future panel will also be looking at practices like education, pollution prevention, and pet waste management.

In addition to the BMP workgroups, Ms. Tribo reported that the Bay Program is also working on BMP verification requirements and the development of a new Chesapeake Bay Watershed Agreement.

## **7. Comments on Proposed Building Code Changes for Rainwater Non-Potable Water Systems**

Ms. Katchmark briefed the Committee on draft regional comments related to proposed building code changes related to rainwater non-potable water systems. The proposed action under consideration is for the Committee to recommend the Commission approve the letter. The current building code does not allow rainwater to be reused. The new code will treat reclaimed, rain, and gray water differently, which should be an improvement. The Committee voted unanimously to recommend the Commission approve the letter. HRPDC staff will keep the Committee apprised of any new developments or results.

## **8. Regional Cooperation Summary**

Ms. Tribo briefed the Committee on the Regional Cooperation Summary, which is written by HRPDC staff to be included in locality annual stormwater reports. The report summarizes the HRPDC's regional stormwater efforts for the previous year. The Committee unanimously recommended that the Commission accept and approve the report for publication and distribution.

## **9. Status Reports**

Ms. Tribo stated that local data is still needed for the regional stormwater indicator report.

Mr. McFarlane reminded the Committee that there is a sea level rise training session with the U.S. Army Corps of Engineers following the meeting.

Ms. Whitehurst reported that Phase I communities submitting reports in October should send one electronic copy to Drew.

Ms. Hicks reported that next Friday at William & Mary there will be a conference on adaptive planning and sea level rise. The conference will also include information resulting from the VIMS Recurrent Flooding report.

Suffolk staff thanked those who contributed comments on MS4 Guidance for the Chesapeake Bay TMDL. The next meeting will be in Henrico County.

Newport News staff reported that the city had its first XXX citizen information meeting, which was well attended (100+).

Gloucester staff asked about the Virginia Town Hall reporting meetings of Soil and Water Conservation Districts. There will be a meeting at HRPDC on October 3<sup>rd</sup>. The SWCDs have not been moved from DCR to DEQ, so the upcoming meeting might be for information gathering to determine how they will move forward.

Mr. Bernick reported that the Sustainable Living Expo was held August 28. It focused on environmental education and was attended by over 400 educators. Highlights have been posted on the expo's website: <http://www.hrsustainablelivingexpo.com/>. On September 26 there will be a public workshop on changes to the city's stormwater and floodplain ordinances at the Virginia Beach TCC campus.

DEQ staff thanked those who participated in the Poquoson/Back River Bacteria TMDL meeting. DEQ is still working on an implementation plan for the TMDL.

Ms. Whitehurst stated that comments for the industrial stormwater general permit are due September 13 and she recommended localities provide comments on two specific matters:

- 1) Industrial sites should be required to use runoff reduction.
- 2) Industrial uses should be required to monitor for any TMDL for their location/watershed, not just the Chesapeake Bay TMDL.

## **10. Other Matters**

The next meeting of the Joint Environmental Committee is scheduled for October 3, 2013 at the HRPDC office in Chesapeake, Virginia. Materials will be sent in advance for review.