

**THE SUMMARY OF THE MEETING OF THE  
REGIONAL ENVIRONMENTAL COMMITTEE  
March 3, 2016**

**1. Summary of the February 4, 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. Living Shoreline General Permit**

In 2015, the VMRC adopted a Group 1 General Permit for living shoreline projects meeting certain criteria. Since then, VMRC has been developing a Group 2 General Permit to address living shorelines in more exposed environments. Mr. Chip Neikirk, Deputy Chief, Habitat Management Division, VMRC, briefed the Committee on the living shoreline general permits.

Mr. Neikirk began by reviewing the concepts of the General Permit. It is not intended to cover all types of living shoreline projects. There are two types of permits, Group 1 (wetlands enhancement) and Group 2 (sills), with different levels of review.

The components of the Group 1 General Permit are as follows:

- Designed to allow for enhancement of intertidal area to support establishment wetlands vegetation
- Fiber logs, fiber mats and shell bags
- Sand fill to enhance planting area
- Identify source and utilize clean sand material with no more than 10% passing #100 sieve
- Maximum fetch of ½ mile
- Confined to areas above mean low water

Group 1 General Permit applications are reviewed by the Local Wetlands Board and VMRC concurrently. As long as the project qualifies, VMRC issues the General Permit. The process is designed to have an approximate 21-day turnaround.

The concepts for the Group 2 General Permit are as follows:

- Intended for the construction of riprap sills and for the placement of sand to create or enhance tidal wetland areas
- APOs will be required to be notified and must not object
- No public notice requirement
- Some simple monitoring required
- Permit processing fee may be required
- Project may extend channelward of MLW

Group 2 General Permit applications, including information regarding the adjacent property owner (APO), will be submitted to the Local Wetlands Board first. Once approved, it will then be submitted to VMRC for review of the subaqueous components.

Ms. Katchmark asked what the timeline is for completing the Group 2 General Permit. Mr. Neikirk replied that they are still working on the text. Once they are finished, there will be a public hearing followed by a 30-day comment period. He anticipates the whole process wrapping up by mid-summer.

Ms. Katchmark asked how many Group 1 General Permits have been issued so far. There have been two – YK and GL.

Ms. Brumbaugh mentioned that the review process will be different in Chesapeake because they do not have a Local Wetlands Board.

Ms. Roberts asked if VMRC will provide training to the Local Wetland Boards. Mr. Neikirk said that VMRC staff will present information and be available for assistance.

#### **4. VDOT MS4**

Mr. Chris Swanson, the new State MS4 Engineer for VDOT, gave a presentation updating the Committee on the status of the VDOT MS4 permit, MS4 program organization, and the Chesapeake Bay TMDL.

VDOT is currently operating under a Phase II General Permit. They have applied for a Phase I individual permit. DEQ staff indicated that VDOT will receive their Phase I permit after the Hampton Roads Phase I localities receive theirs. Mr. Swanson expected to receive the draft permit this summer.

Historically, VDOT has managed their MS4 program from the central office. They are now focused on getting the district offices more involved and have had hired MS4 Coordinators for each office. Ms. Jennifer Dail is the MS4 Coordinator for Hampton Roads. Mr. Drew Scott will continue to be involved with the program. They will serve as the local points of contact for infrastructure coordination with other MS4s. Ms. Dail and Mr. Scott will also be responsible for investigating reported illicit discharges, long term maintenance of post-construction BMPs, and pollution prevention in the right-of-way and at maintenance facilities.

Mr. Swanson provided a brief overview of how VDOT determined their MS4 service area for the Bay TMDL Action Plan. The VDOT roads were delineated using readily available LRS and VGIN roads data. Then the right-of-way and shoulders were added.

VDOT has some of their service area in each of the four river basins for the Bay TMDL. For the first permit cycle, VDOT is using historical BMPs, redevelopment, and nutrient credits to meet their required reductions. They are also considering stream restoration, land cover conversion, channel/outfall stabilization, street sweeping, and catch basin clean-out. In future permit cycles, VDOT will likely look to retrofit projects to meet their reduction requirements.

Ms. Katchmark asked if the MS4 service area maps are available. Mr. Swanson said it is included in Appendix A of the Bay TMDL Action Plan. She also asked if the BMPs are included on the maps. Mr. Swanson replied that they are not on the maps, but Mr. Scott has that information. Ms. Brumbaugh asked where they obtained the parcel data, and Mr. Swanson replied from the local governments.

Several members of the Committee asked about coordinating BMP maintenance with localities and specifically, about VDOT obtaining drainage easements. Mr. Swanson said they were working to get more maintenance agreements. Mr. McFarlane added that there had been some discussion at the Middle Peninsula PDC on ownership of drainage ditches. Mr. Swanson noted that VDOT has been focused on areas within the Census urbanized areas. In rural areas, VDOT often has no easement beyond the right-of-way. Ms. Katchmark said that the localities and VDOT are interested in coordinating to make the program work.

#### **5. Cigarette Litter Prevention Program**

Ms. Katie Cullipher updated the Committee on the regional Cigarette Litter Prevention Program (CLPP) that recently won a national award from Keep America Beautiful. Cigarette waste is recognized as the most frequently littered item in Hampton Roads. The askHRgreen.org Recycling and Beautification Committee was awarded a \$12,500 grant and used an additional \$5,000 of their own funds to administer the program. There were seven project locations in seven different HR localities, HA, JC, NN, NO, PO, SU, and VB. The first step was to conduct a pre-scan at each location. Then the cigarette waste receptacles were installed in strategic locations. Outreach was conducted directly to smokers encouraging them to be mindful of their disposal habits. The last step was to complete a post-scan and report the results. The decrease in cigarette litter ranged from 46% to 95% at the seven locations over the 5-month period. The Committee found a smaller decrease in cigarette litter in natural or less populated areas, where smokers may be less likely to properly dispose of the waste if no one is watching. The program was selected as the winner of the Keep America Beautiful CLPP National Program Award, which also included a \$1,500 prize. The Recycling and Beautification Committee will discuss using the funds to continue and/or expand the project.

Ms. Brumbaugh asked how the baseline was established. Ms. Cullipher said that the pre and post scans were conducted under similar circumstances. For example, they were done following similar events and weather conditions.

Mr. Paine added that Albemarle County has a similar program that was incorporated into their MS4 stormwater permit. Mr. Greg Harper is point of contact.

Ms. Dyba mentioned that the program is ongoing, and the receptacles are still in place.

#### **6. Regional GIS Update**

Ms. Sara Kidd briefed the Committee on the Regional GIS proposal. Mr. Joe Bouchard of the Blue Moon Fund approached ODU and HRPDC with the opportunity to apply for a grant. The Blue Moon Fund typically funds sustainability and resiliency projects. He

invited ODU and HRPDC to develop a proposal for a regional GIS focusing on coastal resiliency. The idea is to provide a centralized access point for integrated local and regional GIS data.

Putting the proposal together has been a significant effort that has taken several months. ODU and HRPDC staff first met with local GIS managers and staff to define what is needed. The concepts were then presented to the CAOs. Members of the ODU and HRPDC team met with Esri reps to plan the design sprint process. Local representatives met with the Esri team in Redlands, CA for the design sprint. The core project team has met on a weekly basis since January to refine and develop the proposal. They have sought out representatives from other states that have developed similar projects. The next steps will be to gather letters of support and submit the proposal in mid-March.

The project will consist of the following:

- Data collection, continually updated
- Systems architecture
- User interface, including interactive map browsing, data download options, etc., analysis tools for resiliency planning
- Training and outreach

Ms. Kidd will continue to keep the Committee apprised of the progress.

## **7. Coastal Zone Program Update**

Mr. McFarlane provided an update on the Coastal Zone grants. He is working on the application for the Technical Assistance grant, which is due next Wednesday. This application will focus on the effect of raising the threshold for land disturbance permits in the City of Hampton. He asked that the Committee send him any ideas they have for future studies. The grants run on the federal fiscal year.

HRPDC has received favorable feedback on the two competitive PDC grant proposals – uses for dredging materials and the regional public access plan. We should find out within a month or so if they were awarded.

The eight coastal PDCs meet regularly, and the HRPDC will host the next meeting. The topic will be statewide floodplain management.

The Coastal Zone Program is in the process of changing its enforceable policies from state code references to narrative policy statements.

The Chesapeake Bay Program has a new Climate Resiliency Workgroup. The purpose of the Workgroup is to examine how climate change will affect Bay Programs, including water quality and habitat. They will identify topics to research, put on Workshops, and recommend policy changes in the next year. It is not yet clear what impact it will have on the Bay TMDL.

## 8. Status Reports

- A. NO – Ms. Whitehurst reminded the Committee that she is collecting stormwater utility data to determine how each locality is charging unique properties, such as the airport, railroad tracks, etc. She also announced that NO received a SLAF award in the latest round. Mr. Kevin DuBois, Recycling Coordinator, is leaving the City to work for the Navy. His position will soon be advertised.
- B. JC – Ms. Dyba asked that a call-in option be available for REC meetings.
- C. DEQ – Ms. Howell noted that the affected localities should have received a letter from her regarding the modification to the Back and Poquoson Rivers TDML. No one caught that the TMDL was written to the wrong standard. At least one public meeting will be held during the modification process. Ms. Howell added that she is leaving DEQ to work for the Navy, and her last day will be March 18. Ms. Roberts told her that the HRPDC is drafting a letter to DEQ in response to their letter. She was most interested to know if the TMDL would have to go back to the State Water Control Board for approval after it is modified and if the MS4 services areas could be used for the WLAs instead of the Census urbanized areas. Ms. Howell responded that it will have to go back to Board for approval, and as long as the localities have their MS4 service areas delineated, she saw no problem using them for the WLAs. Ms. Howell mentioned that in her absence, Mr. Roger Everton will be the point of contact at DEQ for the local TMDLs.
- D. VDOT – Mr. Scott said that VDOT will be looking to coordinate some of their BMP projects with the localities. They have a large BMP project in JC that is slowly making progress.
- E. HRPDC – Mr. McFarlane announced that the HRPDC will be hosting an APA AICP webinar on April 4, 2016 titled, “Parks that Reshape Cities.” He reminded the members that the Coastal Resiliency Committee will meet on March 25 to discuss the multi-jurisdictional studies with the USACE. FEMA has released an RFP for pre-disaster and flood mitigation grants. Mr. McFarlane will distribute additional information. Ms. Katchmark invited the members to attend the Water Quality Technical Workgroup at 1:00pm that afternoon in the Boardroom.