

ATTACHMENT 1A
THE DRAFT SUMMARY OF THE MEETING OF THE
HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE
REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE
CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE
February 7, 2013

1. Summary of the January 3, 2012 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee

Mr. Noah Hill, DCR, requested a change to the status update section of the January meeting summary to clarify the requirements for local stormwater program submissions to DCR. The Summary of the January 3, 2012 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as modified.

2. Phragmites Study

Mr. Bill Johnston, Virginia Beach, gave a presentation to the Committee on the results of a study conducted by Virginia Beach on the utility of harvesting phragmites as a water quality BMP. Phragmites are an invasive species that crowd out good species; however, the BMP is not designed to make room for good species. Instead, by removing the stalks in the fall before they die off in the winter, nitrogen and phosphorus can be removed. As part of the study, the city conducted a cost comparison of various BMPs. Oyster reefs are the most cost effective, while retrofits are very expensive. Phragmites harvesting is very good for removing nitrogen (it is the most effective BMP for removing nitrogen), less so for removing phosphorus, and does not provide any sediment-removal benefit. The full report is now available for other localities to examine.

Mr. Clay Bernick, Virginia Beach, noted that the city has started the process with DCR to get phragmites harvesting approved as a BMP.

Ms. Connie Bennett, York County, asked what was done with the harvested phragmites. They are taken to a landfill for disposal.

Ms. Jennifer Howell, DEQ, asked about the size of the areas harvested and if they were big areas or smaller areas. The city is currently harvesting phragmites on little parcels throughout the city.

Ms. Jenny Tribo, HRPDC, asked whether this would be an annual activity. Mr. Johnston replied that it is, but that it is not expensive.

HRPDC staff will make the report available to the Committee via the HRPDC ftp site.

3. Coastal Zone Management Program

Mr. Ben McFarlane, HRPDC, briefed the Committee on changes to the Section 309 Grant report since it was distributed to the Committee prior to the January meeting. There were only a few substantive changes to the report: two values were updated in the table describing average impervious cover amounts by locality, and another water quality assessment tool, the EPA Water Quality Scorecard, was added to the second section. Some policy descriptions in the second section were also added to.

The Committee was asked to vote on a recommendation to the Commission on whether to accept the report for publication and distribution. The Committee voted unanimously to recommend that the Commission accept the report.

4. Coastal Zone Management – Coastal Resiliency

Mr. Benjamin McFarlane, HRPDC, updated the Committee on the status of HRPDC and other regional efforts related to coastal resiliency, including the HRPDC's Coastal Zone Management grant project. The grant project is an extension of previous work, and includes updates to GIS mapping, policy research, and outreach. The project takes advantage of existing high resolution elevation data to create more accurate and precise maps of vulnerable areas. The project also incorporates new sea level rise scenarios developed for the 2013 National Climate Assessment. HRPDC staff is also working with ODU faculty to study the economic impacts of flooding and sea level rise. Mr. McFarlane also discussed the Hampton Roads Adaptation Forum, a joint partnership between HRPDC, ODU, and Virginia Sea Grant, and the VIMS Recurrent Flooding Study.

Mr. David Imburgia, Hampton, noted that he and other Hampton staff attended a very informative lecture at VIMS that focused on the Recurrent Flooding Study. He noted that there were no angry questions; rather, the questions focused on what the state was going to do about flooding, now that the report had been finalized.

Mr. Bill Johnston asked whether there are any recommended strategies for addressing flooding and sea level rise. Mr. McFarlane noted that the HRPDC Coastal Resiliency final report will include some recommendations. Ms. Gayle Hicks, Hampton, noted that FEMA was not allowing for flood hazard mitigation funds to be used to raise homes.

5. Hampton Roads Watershed Roundtable

Ms. Jai McBride, HRPDC, briefed the Committee on the Hampton Roads Watershed Roundtable final report for 2012. The roundtable is funded by DCR. Six meetings were held in 2012. The Committee voted unanimously to recommend that the Commission accept the report for publication and distribution.

6. Opportunity to Provide Local Land Use Data to Chesapeake Bay Program

Ms. Jenny Tribo, HRPDC, gave a presentation to the Committee on a recent effort by the Chesapeake Bay Program to collect local land use and other data to inform the Program's modeling efforts. Ms. Tribo is expecting a data call from the state for local data in response to this effort, and noted that the Committee has discussed on several occasions the need for the Chesapeake Bay Program to make use of local data. The goal of the effort is to figure out if local data can be incorporated into the model, and, if so, what datasets are most useful. USGS is in charge of performing the analysis and developing recommendations. The first data call will help identify what datasets local governments have on hand, while the second data call will include more specific requirements. HRPDC staff will be contacting local GIS departments directly to obtain some of the needed data. The data call from USGS was included in the agenda packet for this meeting.

Localities should send data if they have special or better data.

The Committee noted that sewer data needs to account for local conditions, such as septic hookup requirements. Ms. June Whitehurst, Norfolk, asked whether the train station category includes just passenger stations or all facilities. HRPDC staff included just passenger stations. Ms. Barbara Brumbaugh, Chesapeake, suggested that Committee staff be copied on data requests made to local GIS staff, since some GIS functions have been decentralized in some localities. HRPDC staff will include Committee contacts on the communications.

Ms. Tribo stated that HRPDC staff will send the regional data to the state and then update it as needed. She suggested that localities begin identifying and getting their data together as soon as possible. Datasets that are not currently available can be provided to USGS as they are acquired.

Ms. Liz Schessele, Timmons, asked if there is a target year for the land use data. Ms. Tribo responded that the data layer will be called "Land Use 2017" for the model update, so that 2014 or 2015 data would be preferable. Ms. Ellen Roberts, Poquoson, inquired about historic land use data. Ms. Tribo responded that historic land use data can be used to backcast and inform the model. Ms. Roberts offered FEMA maps and aerial photographs as examples of historic land use data sources, and asked for more guidance on what kind of data USGS could use or would prefer.

Ms. Tribo asked the Committee to contact HRPDC staff if they think of other useful datasets. Ms. Roberts inquired about building permit data. Ms. Tribo suggested that that sort of data could be discussed and worked out at the work group level.

The goal of the USGS effort is a complete spatial layer of land use data. Local land use data will at least be used to compare and inform the federal land use data. There is a slim chance that 1-meter resolution land use and land cover data will be produced for the entire Chesapeake Bay watershed.

Ms. Connie Bennett, York County, asked about the use of roofs vs. footprints on a GIS data matrix distributed by HRPDC staff. Ms. Sara Kidd, HRPDC, responded that that was how localities reported the data.

Ms. Tribo stated that localities should reach out to federal entities and note in their submittals if they do not have data for federal lands.

7. Preview of FY14 Work Program

Ms. Jai McBride and Ms. Whitney Katchmark, HRPDC, briefed the Committee on the FY14 Unified Planning Work Program. Planning tasks include comprehensive plans, coastal zone management grants, and solid waste planning. Water resources tasks include studying rate structures, stormwater issues (regulations, permits, Chesapeake Bay Program), and waste water issues (consent orders and regional consolidation). Environmental education tasks are also included. The work program will be discussed at the February Commission retreat.

Mr. Clay Bernick, HRPDC, suggested looking at the Coastal Lands enforceable policy of the Coastal Zone Management Program, and expanding the policy to cover areas in the coastal zone that are not in the Chesapeake Bay watershed.

8. Status Reports

HRPDC staff made several announcements:

- 1) Educational materials are available for distribution to some localities.
- 2) National Park Service grants are available for water trails.
- 3) The Virginia Coastal Zone Management Program is sponsoring a Marine Debris Summit on February 27 and 28 at the Virginia Beach Aquarium. HRPDC staff will email out more details to the Committee.
- 4) At 2pm today there will be a webinar covering planning and stormwater issues.

Norfolk staff announced that the Arlington draft permit will be out for public review and comment early next week.

Virginia Beach staff announced that they have received the report on their VPDES audit. They have not received a compliance order and are in the process of answering observations from the audit. The auditors appear to be interested in the city's erosion and sediment control program, industrial inspections, and dry weather screening. Also, Virginia Beach staff is taking the Sustainability Plan to council this month and also starting the comprehensive plan update. The Centerville/Regent University Strategic Growth Area plan is being taken to council next month. The city is also pursuing a sea level rise and flood management plan. The city is also finalizing its design guide.

Chesapeake staff announced that DCR is taking the Construction General Permit to the Soil and Water Conservation Board this month.

York County staff announced that had a meeting with FEMA concerning new storm surge maps. They expect to receive the first draft of the maps in March.

Poquoson staff announced that they may ask FEMA to delay the process to that the new regional LIDAR data (to be acquired this year) as part of the appeals process. Committee members should contact Ms. Ellen Roberts if they are interested in discussing the issue further.

Suffolk staff asked for input from the Committee on whether other localities were billing railway beds. Suffolk is also updating its comprehensive plan and expects to be finished by the end of the year.

Hampton staff noted that they had discovered a significant mistake in FEMA floodplain maps produced by Dewberry. They are now relooking at maps in Hampton Roads. The issue involves stillwater elevations vs. surge elevations for flood insurance purposes. They recommend other localities take a second look at their maps.

Navy staff announced that they have finished low-level PCB modeling. Their consultant, CH2MHill, will be presenting at VLWA in March on their work with the state to develop baseline loadings. The Navy is also continuing work on stormwater BMP opportunity assessments for area facilities.

DCR staff updated the Committee on developments concerning local program adoption. Conference calls of DCR staff are being held every two weeks. April 1 is the deadline for submittals to DCR regional offices. Regional offices have until May to review and pass local submittals on to the central office. DCR will then send notification letters to localities, which will fall into three categories: (1) everything is fine; (2) the locality has demonstrated progress, but needs to address some issues; or (3) the locality has not shown progress and needs to take these actions. Regarding the integration of ordinances, the new regulations do not need to be implemented as a single ordinance. Individual ordinances (stormwater, E&S, Chesapeake Bay) can be updated on their own along with plans and procedures. Localities may want to wait until the General Assembly session ends before proceeding. Mr. Noah Hill, DCR, will send out a schedule to the localities. Local submittals/extension requests should consist of four parts: (1) a cover letter requesting a one-year extensions; (2) a narrative of authorities, positions, and responsibilities; (3) the draft ordinance; and (4) a staffing plan, suggested as an Excel spreadsheet with an accompanying narrative addressing the various components, including program administration.

Ms. Barbara Brumbaugh, Chesapeake, asked what the program administration section should include. Mr. Hill responded that it should include tasks such as receiving and processing applications, accounting between localities and DCR, and other similar administrative duties.

If a locality does not request an extension, they will have to follow a schedule which is being presented to the board at its February meeting. The local program will have to be approved in June. The central office is developing a FAQ document. If a locality refuses to develop a local program, it will not be able to issue general permits, and individuals would need to seek an individual permit from DCR. The application cost for an individual permit is \$15,000. Once extensions and local programs are approved, DCR will develop a new timeline, probably by June, for final submittals.

Ms. Brumbaugh asked whether the regulations require the issuance of a combined permit for projects that do not meet the threshold to require a VSMP permit, but may require a Chesapeake Bay permit, for example. Mr. Hill stated that if the threshold for the VSMP permit is not met, the project would only need the lower local permits and not a combined permit.

Ms. Liz Schessele, Timmons, announced that the VLWA conference agenda will be online next week. The early bird registration rate has been extended to February 15. Also, VWEA is hosting a seminar, "The Cost of Compliance: BMP Planning, Cost, and Maintenance", in Richmond on March 19. 5 CEUs will be offered to attendees.

9. Special Presentation

On behalf of the Committee, Ms. Jai McBride, HRPDC, presented a Resolution of Appreciation to Mr. John Carlock, former HRPDC Deputy Executive Director, in recognition of his recent retirement. The resolution is attached.

10. Other Matters

The next meeting of the Joint Environmental Committee is scheduled for March 7, 2013 at the HRPDC office in Chesapeake, Virginia. Materials will be sent in advance for review.