

**MEETING SUMMARY**  
**Stakeholder Meeting #2 – Chesapeake Bay Total Maximum Daily Load (TMDL)**  
**Phase III Watershed Implementation Plan (WIP)**  
**September 6, 2018**  
**Chesapeake, VA**

**Attendance List attached**

**1. Review of Stakeholder Meeting #1**

Dr. KC Filippino began the meeting with a brief summary of the topics discussed at the first Stakeholders Meeting, which was held on August 2, 2018. She reviewed the local area planning goals (LAPGs) for the region, which is the difference between 2017 loads and 2025 WIP II loads in the Phase 6 model. Approximately 42,000 pounds of nitrogen and 36 pounds of phosphorous are what the state determined could be reduced from the unregulated urban, natural, and septic sectors. Dr. Filippino reviewed maps to explain which lands are considered unregulated developed for this planning effort. Most of the acres in the unregulated developed are considered natural.

**2. Unregulated Natural Lands**

Unregulated natural lands make up approximately 49 percent of the unregulated developed acres. The natural land use description includes water, stream bed and bank, harvested forest, shoreline, mixed open, non-tidal floodplain wetland, headwater or isolated wetland, and true forest. Minimal changes in the number of acres for each of these land uses are predicted from 2017 to 2025.

Several attendees questioned why the region would need to reduce nitrogen from areas with natural land uses.

Ms. Ellen Roberts asked which category would include tidal wetlands. The group was fairly certain that they fall into true forest.

There were some questions about the definition of harvested forest. If a forest is harvested, the land could either be replanted or the land use could be changed.

Mr. Tim Hare suggested that the land trusts be strengthened to encourage conservation. There is only one local land trust, the Living River Trust.

Ms. Whitney Katchmark suggested policy that would incentivize developing agricultural land instead of forested.

**3. BMPs for the Natural Sector**

As listed in the input deck provided by DEQ, there are four BMPs for the natural sector that are applicable to Hampton Roads. These include urban shoreline management, urban stream restoration, wetland enhancement and wetland rehabilitation. Increasing tree canopy and forest buffers are also applicable, but would create reductions in the unregulated developed sector as opposed to the natural sector.

### *Shoreline Management*

Several local MS4s have completed shoreline restoration projects to meet their pollution reduction requirements. The credits generated by those projects are used for MS4 permit compliance at the state level. However, those credits are counted towards the natural sector at the CBP level if they are installed in areas beyond the delineated MS4 service area.

Dr. Filippino asked the local government representatives if they have shoreline restoration projects planned that could be included in the Phase III WIP. The local representatives could utilize the locality portal housed by the Center for Coastal Resources Management (CCRM) to help identify preferred shoreline BMP solutions, such as riparian buffers, land use management, beach nourishment, etc.

Ms. Roberts suggested that we be conservative using the data from the portal because it includes canals and lands without access.

Some policy suggestions included encouraging the state to install shoreline management at state parks and provide funding for localities to partner with NGOs to use partial contractors and volunteers to install projects like this.

### *Wetland Enhancements*

There was some discussion on what types of wetland projects are considered enhancements compared to restoration. Mr. Kevin DuBois explained that enhancement usually refers to re-planting. This often becomes necessary as sea levels rise and plant density decreases.

Ms. Katchmark asked if the localities would be willing to do more wetlands restoration and shoreline projects if funding was provided. There are other challenges, in addition to funding shortages, to implementing these projects. These projects would have to be implemented on private property and there are many barriers for homeowners to put in living shorelines. The Elizabeth River Project recently completed a survey in which they asked citizens about implementing shoreline management. Many property owners resist having any government involvement on their property. Another challenge is the hassle of wetlands permit applications. Ms. Roberts suggested including ideas for easing the permitting process in our Phase III WIP policy recommendations. Property owners are also skeptical that living shorelines work to protect their land. Having more demonstration projects on public property would be helpful to ease their minds.

Additionally, localities requested there be more options for tidal wetland BMPs. Currently many wetland BMPs are specific to non-tidal areas.

### *Tree Planting*

There are three tree planting BMPs listed in the input deck that could be applicable to the region: 1) forest buffer, 2) forest planting, and 3) tree planting to increase canopy. Dr. Filippino asked whether the localities have established tree planting and/or

riparian buffer goals and if so, what progress has been made towards meeting them. She will send out a data call for this information and/or look into locality green infrastructure plans to obtain information.

Mr. John Harbin confirmed that the City of Chesapeake is a tree city and has established goals.

Mr. Shafer described the potential crediting for expanding existing buffers. There would be runoff reduction and land use change credits available.

#### **4. On-site Wastewater Systems**

The localities provided actual septic data to Dr. Filippino, who compared those numbers to those in the Phase 6 CBP model. The region has approximately 17,000 conventional septic systems currently in use; however, the model estimated just over 10,000.

The Virginia Department of Health (VDH) tracks the number of alternative/denitrifying systems across the state, but they do not designate whether they are located within the Chesapeake Bay watershed. The Western Tidewater office reported 706 systems, while the Peninsula office reported 172. These numbers vary significantly from the 2025 model prediction of 2,000. Mr. Adam Feris also clarified that the numbers reported from the VDH office could be off by as much as 15% due to errors in data entry from hardcopy reports.

Dr. Filippino pointed out discrepancies between locally-provided information on connections to sanitary sewer and the number of pump-outs compared to the Phase 6 model estimates. Because these numbers were underestimated in the model, there is an underestimate of TN reductions in the model.

VDH and the localities have responsibilities to report septic tank pump-outs and connections to DEQ. There is sometimes confusion regarding how this is handled. Dr. Filippino reviewed VDH's responsibilities for reporting based on whether it is a denitrifying/alternative on-site system, a conventional system pump-out, or a sewer connection. VDH does not track septic pump-outs if they are beyond the CBPA, and the pump-out companies do not have solid records. The localities' Utilities Departments track connections when they add new customers.

There are several state and federal programs designed to provide financial assistance for septic tank repairs, replacement, and connections but many are not available in our region. Some local programs, such as community block grants, cost-share, and the NFWF Chesapeake Bay stewardship fund, can also provide funding. The Middle Peninsula Planning District has a cost-share program for on-site repair and maintenance that HRPDC could model.

VDH has proposed a new program that would fund repair of failing systems and remediate straight pipes in James City, Isle of Wight, and Surry Counties. They are seeking \$500,000 from the Virginia Environmental Endowment James River Water

Quality Improvement Program for a three-year program. If funded, HRPDC would provide assistance.

## **5. Land Use Policy BMPs**

The Phase 6 CBP model estimates future land use change using a scenario based on current zoning. DEQ offered the following land use policy BMPs that would receive pollution reduction credits: 1) forest conservation, 2) growth management, and 3) agricultural conservation. A locality would need to select one of the options and follow all of the associated provisions to qualify for the credit.

Though the stakeholders agreed that conservation is an important goal to maintain, the three policy options are impracticable since they must be considered county or city-wide.

The locality representatives discussed various types of conservation, such as easements and conserved open space BMPs. DCR tracks these acres with a monthly data call to the localities. Some localities have ordinances to for conservation easements on new development and open space ordinances. But there is not a consistent way to track these lands and a policy to track easements better was recommended.

The acres covered by VPDES Industrial Permits are included in the unregulated developed sector, and several questions came up regarding nutrient management on these properties. The industrial permits require permittees to manage nutrients so that they do not discharge more than the state requirement of 0.41 pounds of phosphorous per year. If the monitoring results demonstrate exceedances, they are required to implement BMPs. The industrial permittees are not required to enter the BMPs in the state BMP Warehouse, so there are questions concerning reporting and verification.

Mr. Justin Shafer noted that industrial permittees are not required to make up for historical pollutant loads from their sites. Their reductions are based solely on existing loads, as detected in the required monitoring.

## **6. Next Steps**

Dr. Filippino explained the process HRPDC is using to for the Phase III WIP effort, beginning with an assessment of the current status, moving to gap identification, and lastly, proposing new strategies such as policy recommendations and funding needs. Future data calls will include BMPs installed on unregulated developed lands, linear feet for proposed and existing shoreline management projects, linear feet for stream restoration, and detailed septic tank data.

Several stakeholders remain concerned about the baseline credit provision for BMPS implemented in MS4 localities beyond the service area boundary. Dr. Filippino will continue to investigate this issue, but shared that the decision to remove baseline could like with DEQ and/or EPA Region 3.

Dr. Filippino shared potential strategies including funding and research needs. She asked the stakeholders to share their ideas and to let her know if they do not agree with any of the ideas presented.

The third stakeholder meeting will be held on October 10, 2018 at 10:00 am at City Center in Newport News.