

MEETING SUMMARY
CHESAPEAKE BAY TMDL STEERING COMMITTEE
October 6, 2011
1:00 P.M.

The meeting agenda was amended due to time constraints. Some items were postponed for future meetings as indicated below.

1. Meeting Summary

The summary of the September 1, 2011 Steering Committee meeting was approved with the following addition (indicated by underlined text):

Item 2 "Alternative Onsite Systems and the Bay TMDL," bullet 4:

- Locality authority for other/additional regulations is not limited by the new AOSS regulations. Section 15.2-2157.D of the Code of Virginia provides for the following: "A locality shall not require maintenance standards and requirements for alternative onsite sewage systems that exceed those allowed under or established by the State Board of Health pursuant to § 32.1-164."

2. HRPDC Progress Report

HRPDC staff provided updates on activities to address the priority issues as listed below. A copy of the slide presentation covering all progress report items is available on the HRPDC website.

- a. Summary and Status of Recent Grant Applications: The status of HRPDC funding requests, proposed projects, and deliverables were summarized for the Coastal Zone 309 grant program, the Coastal Zone Focal Area grant program, and the Chesapeake Bay Small Watershed Grants program. There were no questions or comments from the Committee.
- b. Creation of Regional Phase II WIP Strategy Templates: HRPDC staff reviewed the proposed outlines for regional and local plans and indicated that forthcoming guidance from the Department of Conservation and Recreation will also be incorporated. The outline for local plans includes three management scenarios based on three funding levels. It was also noted that staff will ask the Virginia Institute of Marine Science and the U.S. Geological Survey to discuss the value and feasibility of additional water quality monitoring stations at the November meeting. The Committee discussion is summarized below:
 - Use of a management scenario framework provides a good means to communicate with decision makers.

- A fourth management scenario should be added based on budget decrease. Also, localities can examine budget trends over the past three to five years to estimate future allocations.
 - The idea of outlining management scenarios based on funding levels is good, but it is difficult to estimate costs without locality waste load allocations or more specific information. Also, land acquisitions are expensive and difficult to estimate.
 - Some information on general costs for BMP practices are available. Other entities are looking into cost estimates for sector-specific practices.
 - A range of regional unit cost estimates for treatment practices could be determined and applied as appropriate by individual localities, similar to what is being done to estimate costs for Special Order of Consent rehabilitation plans.
 - Concrete proposals will be required to garner support for the program and to impact local budgets. Budgets need to be tied to specific actions.
 - For the agriculture sector, finer-scale land use data from the U.S. Department of Agriculture should be obtained and applied to groundtruth use and associated land area.
- c. Status of Outreach Materials for Elected Officials: Staff described two audiences – elected officials and citizens – and draft themes and key points to make in outreach materials. The Committee provided the following comments:
- The theme and points describing the impact to local budgets is good.
 - Provide “TMDL 101” information.
 - Go beyond basic TMDL information – focus on the budget and timelines.
 - Avoid technical information; stick to high-level statements.
 - Show the connection between the Bay TMDL and local TMDLs and indicate the difference in timeframes.
 - Advise localities to develop long-term budgets for the Bay TMDL and think of it like a CIP.
 - If the deadline for submittal to the Department of Environmental Quality is in February 2012, any necessary requests for approvals by City/County Councils need to be submitted as soon as possible.
 - Localities should insert markers or placeholders in the CIP to raise awareness among elected officials of pending costs.
 - Budgets cannot be developed without a plan. Localities need target loads before CIP items can be identified.
 - Many communities have already implemented projects and made significant investments; Boards and Councils are aware of this, but are not seeing these efforts credited to localities, which begs the question, “Are we the problem in the Bay?”

- The message to Boards and Councils should identify the consequences of not planning/implementing practices and should convey the urgency to act – this cannot be left to fall on the next person to hold office.
- Consistent but targeted messages should be developed for each sector – residential, businesses, commercial/retail, industrial.
- Watermen and recreational water uses comprise another audience with special connections, knowledge, and appreciation of the Bay. A message should be tailored for them also.
- Messages to citizens need to convey that the TMDL translates to costs to the public.

HRPDC staff will revise outreach messages and compile examples of funding mechanisms and outreach materials from other areas for review by the Committee.

- d. Correspondence with EPA: A handout of the draft letter to EPA was distributed by staff. The Committee commented that the letter should be revised to more strongly recommend removing the waste load allocations from the TMDL. With this revision, the letter should be presented for finalization by the HRPDC.
- e. Status of VDOT/Industrial permit areas separation: HRPDC staff presented examples of two methods to identify areas within localities that belong to state agencies (e.g. VDOT), given the existing datasets on file with HRPDC (the two methods are described in the presentation available on the HRPDC website). Staff is also looking at the federal properties data set and industrial permittees. The committee discussion and comments are summarized below:
 - Localities willing to provide more accurate data toward this effort should contact HRPDC staff.
 - DCR considers surface water bodies as impervious surfaces. There are privately-owned water bodies and public water bodies. Localities need to know if the Bay model includes or excludes the area of water bodies. HRPDC staff should clarify whether parcel areas include surface waters. The 2010 census provided separate estimates of land area and water area.
- f. Update on BMP panel progress: HRPDC staff reviewed the status of work to update urban stormwater BMPs in the Chesapeake Bay Watershed Model. The urban stormwater BMP list, current Bay program efforts, and the scopes and schedules of working group panels were reviewed. The committee discussion and comments are summarized below:
 - An additional group outside the urban stormwater group is working on biological BMPs such as oyster reefs.

- Staff will research and report to the group on the status of freshwater biological BMPs, non-discharge zones, and artificial turf. Some information in the watershed model is not included in the water quality model.
- The guidance for tree planting needs to be revised since EPA has recognized urban trees as BMPs in Washington, D.C. Interim rates for tree planting BMPs are 100 trees per non-contiguous acre.

3. Incentives for Private Property Owners to Install BMPs

Ms. Michelle Virts, City of Richmond Stormwater Utility, briefed the Committee on Richmond's stormwater credit program, which offers customers the opportunity to receive a reduction in their stormwater fee for using "green practices" to reduce stormwater runoff or improve the quality of stormwater runoff from their property. Additional information can be found at <http://www.richmondgov.com/PublicUtilities/StormwaterCredits.aspx>. A copy of Ms. Virts' presentation is available on the HRPDC website.

Ms. Virts summarized the program history and credits offered for four categories of residential uses and four categories of non-residential uses. Stormwater industrial permittees also receive credit for their permit. Ms. Virts reviewed the application and review process. Most of the applications received are for single-family residences. To facilitate review, City billing staff is trained to review applications for credit from single-family residences. Utility staff also conducts site visits to help non-residential applicants identify potential BMPs. The City does not include BMPs at single-family residences in their BMP database. Multi-family use is included in the non-residential use category. The City does allow applicants to receive credit for BMPs installed in previous years. The committee discussion and comments are summarized below:

- Non-governmental organizations (NGOs) and local governments should cooperatively champion the development of a similar program in Hampton Roads. This is another strategy that can be applied by localities toward the Phase II WIP.
- This type of program is an opportunity for NGOs to help reduce nutrient loading. Projects facilitated by NGOs can be reported to local governments, and localities can in turn report these BMPs for credit. Localities should communicate to non-profits that it partnerships are desirable and that is possible for governments to facilitate such projects with funding matches in the form services. In return, localities may ask NGOs to assist with BMP maintenance.
- In the City of Virginia Beach, Lynhaven River Now has worked with the City to coordinate outreach activities to ask people to change their practices without any or with very little incentive aside from doing the right thing. The community responds to messages and people are interested in doing their part. The partnership has been effective and has provided credibility with certain audiences.
- The Plant More Plants campaign has received requests to provide more rain garden assemblies for public demonstration.
- HR STORM is seeking to partner more with garden centers this year under the Plant More Plants campaign.

4. Report from Septic System Legislative Subcommittee

The Committee agreed to postpone discussion of this item until a future meeting.

5. Facilitated Discussion

a. DCR update on Phase II WIP development: The Committee agreed to postpone discussion of this item.

b. Roundtable: Updates provided by Steering Committee members are summarized below.

VDOT: The Department is amendable to allowing localities to use VDOT rights-of-way for BMP installations on a case by case basis.

Williamsburg: The City is almost finished with its summary of City BMPs and has found that local data is dramatically different from model estimates.

York: The Board of Supervisors received the latest TMDL briefing on October 4, 2011.

Poquoson: The City has found local BMP data to be significantly different from model estimates. The City is proceeding with assessing land cover.

DCR: The VAST tool is complete and guidance is forthcoming. The HRPDC will be hosting a viewing of DCR's training webinar and can accommodate ten to fifteen wireless connections. VIMS is also hosting a training in an auditorium with a live presentation.

Meeting Attendance

Regional Steering Committee for the Chesapeake Bay Phase II WIP:

Chesapeake Bay TMDL Steering Committee members in attendance at the September 1, 2011 meeting are indicated by a “√” in the list below. Those represented by an alternate are indicated with a “Δ” (see list of alternate representatives below).

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|--------------------------|--|
| √ Amar Dwarkanath, CH | Δ Ted Henifin, HRSD |
| Eric Martin, CH | Carl Hershner, VIMS |
| √ Stanley Stein, NO | √ Joe Reiger, Elizabeth River Project |
| √ June Whitehurst, NO | Christy Everett, Chesapeake Bay Foundation |
| Dave Hansen, VB | Chris Moore, Chesapeake Bay Foundation |
| √ Clay Bernick, VB | √ Karen Forget, Lynnhaven River NOW |
| Randy Wheeler, PQ | Bill Street, James River Association |
| √ Ellen Roberts, PQ | Tara Outland-Williams, Peanut SWCD |
| Mary Bunting, HA | Chuck Griffin, Peanut SWCD |
| √ Lynn Allsbrook, HA | Roy Flanagan, Virginia Dare SWCD |
| √ Brian Lewis, NN | √ W. Brian Noyes, Colonial SWCD |
| √ Dave Kuzma, NN | Laverne Calhoun, Tidewater SWCD |
| Richard Hartman, PO | Joan Salvati, DCR |
| √ James Wright, PO | Todd Herbert, DCR |
| √ Steve Martin, WM | √ Noah Hill, DCR |
| √ Carolyn Murphy, WM | √ Mark Sauer, DEQ - TRO |
| √ John Hudgins, YK | Roger Everton, DEQ- TRO |
| √ Connie Bennett, YK | John Carroll, Forestry |
| √ Fran Geissler, JCC | Robert Hicks, VDH |
| Darryl Cook, JCC | √ David Tiller, VDH |
| Rhonda Mack, SY | John Harman, VDOT |
| Patrick Roberts, SU | √ Andrew Scott, VDOT |
| √ L. J. Hansen, SU | John Gordon, DOD – Air Force |
| Frank Haltom, IW | Ron Joyner, DOD – Air Force |
| √ Gretchen Gonzalez, IW | √ David Cotnoir, DOD - Navy |
| Δ Peter Stephenson, SM | Sarah Diebel, DOD -Navy |
| √ Brenda Garton, GL | √ Mark Bennett, USGS |
| Δ Martin Schlesinger, GL | √ |
| Michael Stallings, WN | Δ |

Alternate Steering Committee Representatives in Attendance:

Wayne Griffin, SM
Scott Rae, GL

Jennifer Reitz, HRSD

Additional Attendees:

Barbara Brumbaugh, CH
Casey Magruder, CH
Joseph M. DuRant, NN
Michelle Virts, City of Richmond
Kayla McCray, City of Richmond
Frank Dukes, IEN/UVA
William J. Johnston, VB
Chris Moore, CBF
Mary Heinrich, Mary M Heinrich,
Consultant

Shereen Hughes, Wetlands Watch
Donald Cole, Woolpert
Karl Mertig, Kimley-Horn
Daren Pait, Kimley-Horn
Lisa Jeffrey, Brown and Caldwell
Lisa Scheessele, Timmons Group
Richard Phillips, College of William and Mary
Cindy Linkenhoker, Parsons Brinckerhoff
John Paine, URS

HRPDC Staff:

John M. Carlock
Whitney Katchmark
Jennifer Tribo

Lisa Hardy
Ben McFarlane
Tiffany Smith