

**THE DRAFT SUMMARY OF THE MEETING OF THE  
HAMPTON ROADS CHESAPEAKE BAY COMMITTEE AND THE  
REGIONAL STORMWATER MANAGEMENT COMMITTEE  
December 1, 2011**

**1. Summary of the November 3, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees**

The Summary of the November 3, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

**2. Climate Change Update**

Mr. Benjamin McFarlane, HRPDC, updated the Committee on the status of various climate change related projects underway in the region, including Coastal Zone Management projects at HRPDC, collaborative projects with Old Dominion University and the University of Virginia, and several projects that are proposed or beginning. HRPDC's CZM-funded focal area project will conclude at the end of the year. That project has focused on estimating the impacts of climate change, particularly from sea level rise, on the region's natural resources, infrastructure, and economy. The final report will be issued in spring 2012. HRPDC received a one-year CZM grant for 2012 that will focus on incorporating climate change into locality plans through adaptive management. HRPDC staff is also working with faculty from ODU's economics department to estimate the impacts of flooding on economic activity in the region. HRPDC staff collaborated with the Institute for Environmental Negotiation, Wetlands Watch, and the City of Virginia Beach to host a series of sea level rise/flooding public listening sessions in Virginia Beach in spring 2011. This work will continue with focus groups in 2012. HRPDC staff is also working with VDOT and UVA to incorporate climate change into regional transportation planning processes. In addition, HRPDC has partnered with Virginia Sea Grant and ODU to apply for national Sea Grant funding for a Hampton Roads Adaptation Forum that will further planning efforts for climate change in the region.

Questions about HRPDC's climate change and sea level rise efforts should be sent to Mr. McFarlane ([bmcfarlane@hrpdcva.gov](mailto:bmcfarlane@hrpdcva.gov)).

**3. Working Waterfronts Update**

Mr. McFarlane briefed the Committee on the Working Waterfronts planning process that is currently getting underway. This process is being led by the Virginia Institute of Marine Science and includes participation by three other planning district commissions in addition to HRPDC, including the Accomack-Norhampton, Middle Peninsula, and Northern Neck PDCs. This project was included as part of the five-year Section 309 Strategy update as part of the Cumulative and Secondary Impacts Section. There will be two components. The first will be for PDCs to work with their localities to develop

regional definitions of working waterfronts. The second will be a regional inventory of working waterfronts. The Committee supported using a small working group approach to develop the definition.

Questions about the working waterfronts project should be sent to Mr. McFarlane (bmcfarlane@hrpdcva.gov).

#### **4. Chesapeake Bay Phase II Watershed Implementation Plan (WIP) Update**

Ms. Jenny Tribo, HRPDC, updated the Committee on the status of the Chesapeake Bay TMDL Phase II Watershed Implementation Plan. Virginia sent a letter to localities describing a “shift in focus from establishing local reduction goals to BMP implementation levels of effort” and requesting information from localities. Each locality should:

- 1) Develop a current BMP inventory.
- 2) Evaluate land use/land cover information.
- 3) Review BMP scenarios identified in the Phase I WIP, and develop preferred local scenarios that provide a similar level of treatment.
- 4) Develop strategies to implement the BMP scenarios.
- 5) Identify any resource needs to implement the strategies.

Virginia will not be submitting information to EPA at the local government scale. The state still wants local government numbers for larger scale scenarios. If localities do not submit information, the state will use current data and Phase I WIP strategies to define locality obligations.

HRPDC staff recommended that localities each submit information to DCR and that HRPDC staff will translate locality strategies into a regional scenario. Localities should submit strategies to HRPDC staff by December 28, 2011. HRPDC staff will review the draft regional VAST input files and narrative with the Regional Steering Committee on January 5, 2012, and present the regional material to the Commission on January 19, 2012. Localities should submit their Phase II WIP input to DCR by February 1, 2012.

Questions about the Phase II WIP should be sent to either Ms. Tribo (jtribo@hrpdcva.gov) or Ms. Whitney Katchmark (wkatchmark@hrpdcva.gov).

#### **5. Proposed Stormwater Budget**

Ms. Tribo and Ms. Whitney Katchmark, HRPDC, briefed the Committee on the proposed Stormwater program budget, which was previously reviewed by the Stormwater Subcommittee. A change to the budget was that the legal considerations amount is now \$4,000 per locality. The motion to change the budget was made by Mr. Allsbrook, Hampton, and seconded by Ms. Bennett, York. The motion was approved by the Committee.

The Committee voted to recommend approval of the budget by the Commission.

**6. Discussion on adopting local programs in accordance with the new revised stormwater regulations**

Ms. Virginia Snead, DCR, gave a presentation to the Committee on new requirements for local governments. The reorganization of DCR has resulted in a Stormwater Management Division with a regulatory programs section that covers permits, training and certification, and program and guidance development. New stormwater regulations were adopted by the Soil and Water Conservation Board in May 2011 and became effective September 13, 2011. Implementation will occur July 1, 2014 through the State Construction General Permit and local ordinances. Localities have until then to update and/or develop their programs and ordinances. DCR will establish a local government advisory team and develop a program requirement checklist and a model ordinance for localities. Program elements will include:

- 1) Permit application/fee collection
- 2) Plan review
- 3) Permit issuance
- 4) Inspections
- 5) Compliance/enforcement
- 6) DCR oversight – program compliance review

DCR is also in the process of developing an enterprise website to help localities with tracking and program metrics. DCR is also developing a stormwater professional training and certification program and expanding the BMP clearinghouse.

Ms. Snead also discussed some upcoming legislative actions. These include integrating the Erosion and Sediment Control Law, Virginia Stormwater Management Act, and the Chesapeake Bay Preservation Act into a single law and expanding nutrient trading.

Questions about new local program requirements can be directed to Ms. Snead ([Virginia.Snead@dcr.virginia.gov](mailto:Virginia.Snead@dcr.virginia.gov)).

**7. Discussion on the Impact of Water Quality Regulation resulting from the Chesapeake Bay TMDL and Virginia State Stormwater management regulations on Hampton Roads localities**

Ms. J. Rax-McBride provided the Committee with an overview of HRPDC's Section 309 project that will aim to improve land use and development policies in Hampton Roads to help localities meet requirements from stormwater regulations and the Chesapeake Bay TMDL. HRPDC will be leading this project and working with two localities (TBD) as pilot areas. The project will result initially in three deliverables:

- 1) An assessment of water quality regulations impacts on local plans and programs
- 2) Development of a methodology to evaluate plans

- 3) Evaluation of different tools available for modeling development impacts on water quality

Questions about the Section 309 project can be direct to either Ms. Tribo ([jtribo@hrpdcva.gov](mailto:jtribo@hrpdcva.gov)) or Mr. McFarlane ([bmcfarlane@hrpdcva.gov](mailto:bmcfarlane@hrpdcva.gov)).

## 8. Legislative Agenda

Ms. Tribo and Ms. Katchmark gave an overview of the Commission's legislative agenda to the Committee. The agenda includes support for:

- 1) BRAC-related land acquisition at NAS Oceana and Langley AFB
- 2) Water quality funding
- 3) Restoring PDC funding
- 4) An effort by the City of Norfolk to study adaptation options for sea level rise and coastal flooding
- 5) Enabling legislation allowing localities to require glass recycling
- 6) Enabling legislation for localities to adopt tree canopy preservation programs
- 7) Legislation addressing issues with septic systems (including shifting responsibility to VDH, incentivizing upgrades, requiring hook-ups, and developing a cost-share program for system improvement and replacement)
- 8) Expanding nutrient credit trading
- 9) Stormwater program consolidation
- 10) Creation of the Virginia Federal Facilities and Defense Industry Caucus

In addition, the Commission opposes state taxes, fees, or surcharges on local services and unfunded mandates. The Commission is also concerned about proposals to change the state's eminent domain laws, specifically the proposal addressing lost access and lost profits. The Commission does not support the proposal in its current form.

Mr. Clay Bernick, Virginia Beach, stated, in regard to septic tank issues, that localities can maintain inventories of septic tanks (since they are required to for CBPA compliance), but that enforcement of inspections and maintenance should be conducted by VDH. The Committee expressed opposition to moving permits back to DEQ, as suggested by the Governor's government reform recommendations.

## 9. Status Reports

### A. Hampton Roads Sanitation District

In the absence of a HRSD representative, there was no report.

### B. Hampton Roads Planning District

HRPDC representatives had nothing to report.

C. Soil and Water Conservation Districts

In the absence of a SWCD representative, there was no report.

D. Department of Conservation and Recreation

DCR representatives had nothing to report.

E. Department of Environmental Quality

In the absence of a DEQ representative, there was no report.

F. U.S. Geological Survey

In the absence of a USGS representative, there was no report.

G. Department of Transportation

VDOT representatives had nothing to report.

H. U.S. Navy

In the absence of a Navy representative, there was no report.

I. Local Programs

Virginia Beach staff reported that the City is working to get BMPs accepted by DCR. The City is continuing with its floating wetlands study and is also moving forward with oyster reef BMPs. The City recently completed a large acquisition of land in the JLUS area between NAS Oceana and NALF Fentress. The City Council also recently appointed a steering committee for its sustainability plan.

Poquoson staff reported that Kurt Stephenson is looking at the use of SAV planting to meet environmental quality requirements.

Norfolk staff reported that they have started a flooding work group for citizens that will provide input to the City's efforts to handle flooding.

**10. Other Matters**

The next meeting of the Joint Environmental Committee is scheduled for January 5, 2011 at the HRPDC office in Chesapeake, Virginia. Materials will be sent in advance for review.