

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
September 6, 2012

1. Summary of the July 12, 2012 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee

The Summary of the July 12, 2012 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

2. Stormwater-Related Regulations Update

Ms. Tiffany Smith, HRPDC, briefed the Committee on several matters related to stormwater regulations. The state's Pesticide Technical Advisory Committee met. Ms. Whitney Katchmark, HRPDC, attended the meeting and will send out a summary of proposed changes to the regulations (not much has changed).

CH2MHill is assisting HRPDC with participating on the Regulatory Advisory Panel for the Construction General Permit. Mr. Mike Barbachem and Mr. John Paine, URS, attended the meeting on August 29th. The next meeting will be held September 19th (the Stormwater Committee meeting will be moved so that discussion can take place before the RAP meeting). Under the new permit, impaired waters will need to be addressed. Also, individual lots will need permits, even if there is a "common plan of development". According to Mr. Noah Hill, DCR, this rule comes from the EPA. Ms. Barbara Brumbaugh, Chesapeake, commented that the process needs to be streamlined and that there does not appear to be a definition of a comprehensively planned development in the permit regulations (possibly three or more lots). There will be a 60 day comment period.

HRPDC staff is also monitoring the Phase II MS4 General Permit Regulatory Advisory Panel. The panel met twice in August and is meeting today. At the August 22nd meeting the panel discussed how to include the Chesapeake Bay TMDL in Phase II MS4 permits. Hampton Roads localities should anticipate providing comments. This will be discussed at the next Stormwater Committee meeting. Extra time will be given to localities to meet the 5% reduction requirement. Also, the 2009-2014 gap has been removed from the requirements.

There was no update on the Stormwater Local Government Advisory or the model ordinance.

3. Redevelopment

Ms. Smith updated the Committee on the HRPDC Redevelopment study, which is funded in part by a grant from the Virginia Coastal Zone Management Program. CH2M Hill conducted the study on behalf of HRPDC, and the study was reviewed by the Stormwater Committee. Ms. Shelly Frie presented the findings to the Committee. They found a wide range in the definition of redevelopment across Hampton Roads localities, and local definitions differ from state regulations. Currently, nutrient removal is not tracked as part of the redevelopment process. In some localities, a change in use (without any accompanying physical change in the site or its buildings) may qualify as redevelopment. There also appears to be a “penalty” for clearing blight, since redevelopment is based on the immediate prior state, which would appear to be an empty lot. Overall, redevelopment may be useful for counting reductions, but only for counting what has taken place as opposed to projecting future redevelopment. This could be done as part of the five-year updates and action plans.

The Committee recommended that the Commission approve the report for publication and distribution.

4. Great American Clean Up Update

Ms. Lisa Hardy, HRPDC, updated the Committee on the Great American Clean Up final report and additional activities by askHRgreen.org. The final report has been completed and is on the Commission’s September meeting agenda. The Committee recommended that the Commission approve the report for publication and distribution. AskHRgreen.org is preparing a fall fertilizer campaign and two electronic recycling events that will be held in November (one in Newport News and one in South Hampton Roads). They are also working on plans for next spring’s Great American Clean Up event.

5. Legislative Agenda

Mr. John Carlock, HRPDC, led a discussion on the Commission’s legislative agenda for the 2013 General Assembly session. Last year the Commission adopted a legislative package which included several positions;

- Support for the SAFE Act and mortgage licensing
- Support for the integration of erosion and sediment control, stormwater, and Chesapeake Bay Preservation Act regulations
- Support for water quality improvement funding
- Support for maintaining the moratorium on uranium mining
- Support for funding land acquisition around Oceana and Langley
- Support for recycling requirements

Ms. June Whitehurst, Norfolk, made several comments. The current draft of the integration bill (ESC, SW, CBPA) contradicts the regulations. Norfolk is including the following in its agenda:

- Support for requiring monitoring of industrial permit holders as issued by DEQ for TMDLs

- Support for funding for flooding studies, planning, and construction (also sea level rise)
- Support for money for water quality improvements, including staffing at DCR
- Support for restoring funding to PDCs

Ms. Barbara Brumbaugh, Chesapeake, stated that Chesapeake is supporting nutrient trading at the local level only (not outside the watershed) and that any nutrient trading should need approval by localities.

Ms. Connie Bennett, York, stated that right of way easements cannot be owned by homeowners associations or private parties – they must be owned by localities. (Staff believes this has to do with VDOT requirements)

Ms. Ellen Roberts, Poquoson, stated that drainage areas should be accurate and consistent across programs.

Mr. Carlock stated that stormwater fees would be on the October agenda.

6. Environment Virginia Conference

Mr. Carlock briefed the Committee on the 2013 Environment Virginia Conference, which will be held next April on the campus of the Virginia Military Institute in Lexington. Organizers are looking for agenda topics, speakers, and panels. A draft topic list was distributed to the Committee. Ms. Brumbaugh stated that stormwater sessions need more space at the conference. Ms. Whitehurst suggested the following topics: national rulemaking from EPA, new development and redevelopment performance standards, retrofit standards, expanding MS4 areas, and regulations for municipal yards.

7. Status Reports

HRPDC staff made several announcements. The Hampton Roads Watershed Roundtable will be meeting September 12 to discuss green building in Hampton Roads. South Hampton Roads communities are discussing what to do about recycling and solid waste after the contract with SPSA ends. HRPDC is now the regional planning agency for solid waste planning in South Hampton Roads (both the Commission and SPSA approved the change). Recycling numbers are up across the region. Ms. Whitehurst suggested that storms over the last year could have caused an increase in yard waste composting.

The Coastal Zone competitive grants HRPDC applied for on behalf of Norfolk and Suffolk have been preliminarily approved, and HRPDC staff is working with those localities to finalize documentation to send to CZM and NOAA.

VDOT is working with DCR on older projects, MS4 programs, retrofit projects, and wrapping up a flooding study.

Norfolk staff announced that they have an environmental specialist position open, which closes this weekend.

Virginia Beach staff announced that DCR audited the City's Erosion and Sediment Control Programs. The City will be having program administrators for each department that has projects, instead of only one administrator for the entire city.

Ms. Brumbaugh announced that she is now in the Stormwater Management Division of Public Works. Chesapeake also has a vacant stormwater manager position.

Hampton staff announced that DCR reviewed the City's program as well; they will be putting administrative responsibilities under the Public Works Department.

Suffolk staff announced that the City has several open positions advertised on its website.

York County staff announced that DCR wanted more detail from their auditions on downstream impacts.

DCR staff announced that Reese Peck has left the agency and Robert Bennett is now Acting Director of Stormwater Management. Stormwater Program Development Grant applications are due Monday, September 10.

8. **Other Matters**

The next meeting of the Joint Environmental Committee is scheduled for October 4, 2012 at the HRPDC office in Chesapeake, Virginia. Materials will be sent in advance for review.