

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #11: PROJECT STATUS REPORTS AND ADVISORY COMMITTEE SUMMARIES

A. DIRECTORS OF UTILITIES COMMITTEE SUMMARY MINUTES

The summary of December 5, 2012 joint meeting of the Directors of Utilities and Health Directors are attached.

Attachment 11-A

B. HAMPTON ROADS CHESAPEAKE BAY COMMITTEE AND REGIONAL STORMWATER MANAGEMENT COMMITTEE MEETING SUMMARY

The summaries of the December 13, 2012 and January 3, 2013 Hampton Roads Chesapeake Bay Committee and Regional Stormwater Management Committee Meeting is attached.

Attachment 11-B1

Attachment 11-B2

C. PROJECT STATUS REPORT

Attached are status reports on other HRPDC programs.

Attachment 11-C

Attachment 11-Ca

Attachment 11-Cb

JOINT MEETING OF THE DIRECTORS OF UTILITIES COMMITTEE AND HEALTH DIRECTORS

The Directors of Utilities Committee and Health Directors met on December 5, 2012. The following items were addressed during the meeting:

- The Committee discussed the revision and update of the Hampton Roads Water Quality Response Plan (WQRP). The plan was originally created to facilitate communication between sectors for both utility-driven and health-driven emergencies. The Committee agreed that the plan works well, however, certain appendices are no longer necessary. Applicable plan components will be updated for consistency with the National Incident Management System. Beginning in 2013, HRPDC staff will distribute an email notice each spring and fall with a short summary of the WQRP, the most recent emergency contact list, and hyperlinks to EPA fact sheets. Staff will also explore suggestions for additional plan formats such as email groups and mobile device applications.
- Mr. Dan Horne, Virginia Department of Health (VDH), Office of Drinking Water (ODW), advised the Committee of recent VDH staffing changes. Regarding the Long Term 2 Enhanced Surface Water Treatment Rule for control of microbial pathogens, Mr. Horne summarized the final EPA-hosted stakeholder meeting on November 15, 2012, which discussed a modified analytical method for *Cryptosporidium*. Mr. Horne also summarized the retrospective review of consumer confidence reporting rule, noting that electronic distribution of reports may be allowed in the future. EPA anticipates publishing the revised Total Coliform Rule by the end of 2012, followed by the long term revisions to the Lead and Copper Rule in early 2013. EPA is developing guidance for a new federal law, the Reduction of Lead in Drinking Water Act of 2011, which becomes effective January 4, 2014 and affects utilities, manufacturers, and compliance practices. The law provides a new definition of “lead free” and prohibits the sale or use of materials in drinking water systems that do not meet this definition.
- HRPDC staff briefed the Committee on the Chesapeake Bay Program’s draft protocol for estimating nutrients from illicit discharges and crediting successful locality programs for illicit discharge elimination. Staff noted that Fats, Oils, and Grease (FOG) programs may also be eligible for credit toward water quality improvement goals. The Committee discussed issues related to quantifying nutrient loads from the limited volume of sanitary sewer overflows and the effort required for documentation. Staff will run some estimates and convey information to the Regional Stormwater Management Committee. The Committee will discuss FOG programs at a future meeting.
- HRPDC staff summarized the briefing to Chief Administrative Officers (CAOs) on the first workshop of the Sanitary Sewer System Asset Consolidation Study. The second workshop is scheduled for December 7, 2012.

- The Committee approved final comments on the proposed Groundwater Withdrawal Regulations (9VAC25-610) for submittal to DEQ by the January 11, 2013 comment deadline.
- The Committee approved the final *Hampton Roads Water and Wastewater Systems Emergency Preparedness and Response Regional Improvement Plan*. Staff will provide three hard copies and an electronic copy to each locality. Committee members will coordinate distribution of the report among local government staff as appropriate.
- During the roundtable portion of the meeting, the Committee discussed the addition of water utilities to SSORS notification lists, authority to place property liens for unpaid utility bills, and utility participation in the Hampton Roads Incident Management Team.

**THE DRAFT SUMMARY OF THE MEETING OF THE
HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE
REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE
CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE
December 13, 2012**

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

The Summary of the November 1, 2012 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

2. Small MS4 General Permit Comments

Ms. Jenny Tribo, HRPDC, updated the Committee on the PDC's comment letter regarding the small MS4 General Permit. The latest edition has been sent out to the localities; there have not been too many changes since the previous draft. Dave Evans added some references to bullet #4. Footnotes will be retained in the comments.

Ms. Barbara Brumbaugh, Chesapeake, asked the Committee whether the permit forbids residential car washing. Mr. LJ Hansen, Suffolk, stated that it does not, since that is covered under the definitions, which have not been changed. Mr. Bill Johnston, Virginia Beach, stated that EPA wants to forbid residential car washing eventually.

The Committee voted to approve the comments.

3. Coastal Partners Workshop

Mr. Benjamin McFarlane, HRPDC, briefed the Committee on the Virginia Coastal Zone Management Program's Coastal Partners Workshop, which was held December 5-6 in Richmond. The Workshop included many panels and presentations covering the various projects and programs CZM supports. HRPDC staff participated in panels on four CZM-supported projects: Coastal Resiliency, Water Quality, Working Waterfronts, and Public Access.

4. MARCO Climate Change Adaptation Workshop

Mr. McFarlane briefed the Committee on a sea level rise workshop organized by the Mid-Atlantic Regional Council on the Ocean that was held in Wilmington, Delaware on December 10-11. The workshop brought together researchers, state agency representatives (mostly from state coastal zone programs or related agencies), and federal agency representatives (mostly from NOAA) to discuss efforts related to sea level rise adaptation and planning. MARCO is currently deliberating whether and how to pursue a regional effort or policy related to climate change adaptation. At the

workshop, staff from the NOAA Coastal Services Center presented their Sea Level Rise and Coastal Flooding Impacts Viewer, which allows users to visualize the potential impacts of sea level rise on coastal communities. The viewer, which can be found at <http://csc.noaa.gov/digitalcoast/tools/slrviewer/index.html> should be available for the Chesapeake Bay region sometime in the first quarter of 2013.

Mr. Clay Bernick, Virginia Beach, suggested that a regional work group for climate change adaptation composed of local government staff should be convened to develop recommendations for the region and its localities.

5. Coastal Zone Grant Project: Land and Water Quality Protection in Hampton Roads

HRPDC staff updated the Committee on the status of the 309 grant project. The project consists of three parts. Ms. Tribo briefed the Committee on the project's overview and the first section, which summarizes the new stormwater regulations, Chesapeake Bay TMDL, and the link between these regulations and local codes and ordinances. This section also includes a description of the new performance standards for water quality and a discussion of the impacts of these regulations on localities. Mr. McFarlane briefed the Committee on the second section, which discusses in greater detail the connection between the regulations and local ordinances and policies. This section discusses how policies related to new development, redevelopment, and public lands can be adjusted to help localities better meet the requirements of the Chesapeake Bay TMDL, and includes suggestions for new policies or ordinance changes. Ms. Sara Kidd, HRPDC, briefed the Committee on the third section, which includes a review of tools localities can use to model development impacts on water quality and a demonstration of the use of one tool, CommunityViz. HRPDC staff is currently working to integrate the various formulas from the Virginia Runoff Reduction Method spreadsheets into CommunityViz to enable modeling at various scales of potential changes to development plans or local ordinance and policy changes.

HRPDC staff will present drafts of the report sections at the January JEC meeting for Committee comments and discussion.

6. Status Reports

HRPDC staff reported the results of a conversation with DCR staff regarding the application of new development standards to redevelopment projects which involve clearing areas prior to new plans being in place. HRPDC staff had previously discussed the change in the definition of redevelopment with the region's Chief Administrative Officers, and in order to make local policies consistent with state policies contacted DCR about the issue. Mr. Dave Dowling, DCR, agreed that the wording of the definition was strange, and stated that documentation of the site's conditions prior to demolition (such as photographs, impervious cover percentage, etc.) would be sufficient and the standard redevelopment criteria would apply. Ms. Brumbaugh inquired whether aerial photography would suffice. Mr. Bernick asked if this would be included in DCR's

guidance documents so that there would be consistency across the region in terms of local policies.

Chesapeake staff reported that the city's new planning director is Jaleh Shea. The city is also advertising a stormwater administrator position until January.

Windsor staff reported that the town is working with the PDC on its comprehensive plan update and will be holding a work session January 5th.

Suffolk staff asked the Committee if the Construction General Permit LGAC is still meeting. Ms. Brumbaugh reported that the next meeting will be held January 4th.

Virginia Beach staff reported that they are finishing work on the site design guidelines and that the sustainability plan will be going before council in February.

DCR staff reported that the stormwater training previously canceled due to Hurricane Sandy has been rescheduled and will be held at VIMS on December 19th. Todd Herbert has also left DCR for another position.

7. Other Matters

The next meeting of the Joint Environmental Committee is scheduled for January 3, 2012 at the HRPDC office in Chesapeake, Virginia. Materials will be sent in advance for review.

MEETING SUMMARY
CHESAPEAKE BAY AND REGIONAL STORMWATER MANAGEMENT COMMITTEES

The Chesapeake Bay and Regional Stormwater Management Committees met on January 3, 2013. The following items were discussed.

- Mr. Greg Grootendorst, HRPDC, gave a presentation to the Committee on the HRPDC 2040 Forecast.
- Ms. Jenny Tribo, HRPDC, updated the Committee on the status of the Regional Bacteria Study. The Committee recommended approval of the study report by the Commission.
- Mr. Benjamin McFarlane, HRPDC, gave a presentation to the Committee on two Coastal Zone Management Program grant projects, the Hampton Roads Coastal Resources Technical Assistance Program and the Section 309 project. The Committee recommended approval by the Commission of the final report for the Coastal Resources Technical Assistance Program and requested more time to review the Section 309r report.
- Status updates from HRPDC staff, Virginia Beach, Poquoson, James City County, and DCR.

PROJECT STATUS REPORTS

1. Regional Housing Program

Housing & Human Services Technical Assistance

The staff is monitoring the State's proposed program design for utilization of the Virginia Housing Trust Fund. An announcement will be made in the next few weeks to outline criteria for agencies and regions to apply. Approximately \$7 million has been appropriated for the fund to include up to 20% of the funding to be utilized for homelessness initiatives with the remaining portion to be used to fund affordable rental, loans, and down payment assistance. Staff is currently researching the proposed program application and design.

Hampton Roads Loan Fund Partnership

The Department of Housing and Community Development (DHCD) recently notified staff of additional funding available for Planning District #23. The Hampton Roads Planning District Commission will receive an estimated \$50,000 to provide down payment and closing cost assistance to qualified individuals. Staff members also completed HOME training on new program criteria and reporting mandates. Training will take place with local and regional partners to discuss program changes and procedures.

Regional Housing Portal

HRPDC staff members are continuing to work on the implementation of the Regional Housing Portal. Initial design of the online component is being finalized. This information will be used to create a regional web-based portal for consumers and housing providers to access appropriate services.

2. Regional Economics Program

Technical Assistance

Economics staff routinely provides technical assistance and support to member jurisdictions and regional organizations. Both the HRPDC Data Book and the Commission's Benchmarking Study provides easy access to a great deal of regional information. Staff also provides special reports on topics of timely significance, most recently on the Bureau of Labor Statistics jobs report. Over the past month, staff has delivered presentations to various community organizations and has responded to information requests from individuals, member localities, regional organizations, and the media.

3. Regional Stormwater Program

HRPDC staff continues to provide information to local government staff on regulatory actions related to stormwater and water quality through the Regional Stormwater Committee. HRPDC staff is currently tracking the Construction General

Permit, Nutrient Trading Regulations, Phase I MS4 Permit renewals, Phase II MS4 General Permit, and local government implementation of the new stormwater regulations.

At the November 15, 2012 Commission meeting, the Commission approved the HRPDC draft comment letter on the reissuance of the General Permit for Discharges of Stormwater from Small MS4s. The comment letter contained a request that DCR develop guidance for developing the Chesapeake Bay TMDL Action Plans required of the new permit. A similar requirement is expected to be contained in the Phase I MS4 individual permits likely to be issued in 2013. The Action Plans will detail how a local government plans to meet its TMDL requirements. However, neither the permit nor the fact sheet explains the methodology for developing the plan. Without such guidance, localities are left to assume what is required of them and thereby risk being charged with non-compliance despite their best efforts to submit and implement complete Action Plans.

Because this guidance is an important part of implementation of the Chesapeake Bay TMDL, the HRPDC staff have requested the General Assembly to direct DCR and DEQ to jointly develop guidance through the creation of a Technical Advisory Committee by December 1, 2013. Through our contract with McGuire Woods, Preston Bryant drafted the enclosed Bill and Resolution that have been submitted by Senator Northam and Delegate Knight---no assigned bill number yet. Mr. Bryant is also working with DEQ and DCR policy program staff to gain agency support for this action.

Attachment 11-Ca
Attachment 11-Cb

4. Regional Consolidation of Sewer System Assets Study

HRPDC has contracted with HDR Engineering, Inc. to conduct a study to evaluate sewer system asset consolidation. The study will look at alternatives, costs, and benefits of combining local wastewater collection system infrastructure with HRSD's regional infrastructure. The project began in August 2012 and must be completed by July 2013.

Workshop No. 2 was held with the project stakeholders on December 7, 2012. Various project activities and approaches were discussed including:

- I. Data Evaluation Results
 - a. Rates and debt
 - b. Legal and governance
 - c. Asset and O&M data

- II. Discussion on Future Approaches
 - a. Methodology for developing rate models

- b. Economic development, service extensions, governance and coordination with local governments

III. Next Steps

Workshop No. 3 is scheduled for February 22, 2013 at HRPDC's Boardroom. Workshop agenda topics are consensus on asset valuation results, level of service for consolidated entity, staffing plan, legal review results, assignment of risk, debt analysis results, economic development, governance evaluation, customer services, and proper equipment and support facilities.

5. Emergency Management Project Update

Ready Hampton Roads

Staff continues to support the Ready Hampton Roads program. Current efforts include the launch of the Ready Insider e-newsletter, development of a mobile app, regional website integration, and regional outreach.

Pet Shelter Supply Trailers

The remaining three pet shelter supply trailers were delivered in December. Staff in coordination with the receiving localities will conduct inventory in early 2013.

Regional Emergency Management Technical Advisory Committee (REMTAC)

The Emergency Management staff continues to manage and support the Regional Emergency Management Technical Advisory Committee and its associated tasks and committees. The REMTAC last met on November 27, 2012. Recent activities included:

- A briefing by VDOT on the design of the 2013 Hurricane guide
- An overview of the National Disaster Recovery Framework by VDEM in light of Hurricane Sandy
- Overview by Charles Werner from Charlottesville VA and G&H's Regional Information Sharing Project on behalf of Secretary of Veterans Affairs & Homeland Security in light of Sandy
- A review of the Gap Analysis prepared by WBB as part of the ongoing Preparedness Report
- A discussion of recent and upcoming meetings with HRT officials involving coordinating emergency operation policies
- A decision to have REMTAC meet every other month beginning January 2013 in order to reduce stakeholder fatigue
- Sharing of experiences as a result of preparing for and responding to Hurricane Sandy

Hampton Roads Medical Special Needs

The Special Needs Subcommittee met October 16, 2012, regarding the following major items:

- The HRPDC has re-verified all registrants in the region whose records are older than one year on behalf of all the localities. There are 1,375 participants currently on the Registry.
- The updated Special Needs quad-fold self-mailing brochure has been printed and is available for distribution.
- Functional Needs Shelter training, under the guidance of a planning team of stakeholders, will focus on liability/legal issues.
- Subcommittee strategic focus was discussed for the next two years, to include transportation, registry robustness, sheltering and inclusive planning.
- Some of the region's emergency managers are meeting with Hampton Roads Transit to discuss and resolve issues that continue to arise prior to, during and post-emergencies.

Hampton Roads Tactical Regional Area Network (HRTacRAN)

HRPDC and VDEM staff have obtained an extension to the FY 2008 UASI grant from FEMA. The extension extends the FY 08 performance period until February 28, 2013. Communications stakeholders have indicated that the new timeframe allows for sufficient time to complete the augmentation of the HRTacRAN system. Since the extension has been received, communications stakeholders have published a request for proposals to complete the associated work.

Urban Area Security Initiative (UASI)

The Emergency Management staff continues to manage and support the Hampton Roads Urban Areas Security Initiative (UASI) Grant Program for the Urban Area Working Group (UAWG). In February 2012, the HRPDC received official notice that Hampton Roads has been eliminated from the UASI program in fiscal year 2012. As such, the HRPDC and UAWG leadership have been primarily focusing on the sustainment of UASI funded initiatives after September 2014 (end of fiscal year 2011 performance period). This involves:

a) Presidential Policy Directive 8

The federal government has adopted Presidential Policy 8 (PPD-8) which is designed to facilitate an integrated, all-of-nation/whole community, capabilities-based approach to preparedness. Involving federal partners, state, local and tribal leaders, the private sector, non-governmental organizations, faith based and community organizations – and most importantly the general public – is vital to keeping people and communities safe and preventing the loss of life and property when disasters strike. The HRPDC will work with stakeholders to transition regional preparedness efforts into the PPD-8 framework. This involves working with the state to draft an all encompassing Virginia Preparedness Plan and Regional Threat and Hazard Identification and Risk Assessment

(THIRA). HRPDC staff contracted to have a vendor currently working with the Governor's office coordinate with Hampton Roads emergency managers, Virginia Department of Emergency Management (VDEM), and the Office of Homeland Security and Veterans Affairs to complete a regional THIRA for the Hampton Roads UASI region, as there is overlap in the data that feeds both products. The final THIRA was submitted on the Hampton Roads behalf by the Governor's office on December 27 as a component of the DHS required State Preparedness Report.

b) UASI Effectiveness Study

Since the inception of the Hampton Roads region into the UASI program, over \$35 million has been invested to assist in building and sustaining capabilities to prevent, protect against, respond to, and recover from threats or acts of terrorism. A kickoff meeting was held with UASI project managers and relevant data is being collected by the HRPDC. The contractor briefed the UAWG at the December meeting.

6. **askHRgreen.org**

Public Relations Report

HRPDC staff continues to work with Cahoon & Cross to promote regional environmental education messages. Critical to the success of these efforts is earned media through news releases, etc. The following chart characterizes these efforts and assigns a dollar value based on the number of impressions, or circulation of the message, and how much it would have cost to purchase the same amount of space as a traditional advertisement. A value factor of three is the industry standard to compute total public relations value of the media item. Earned media has a higher value than paid media because it is more trusted by consumers. To date this fiscal year, askHRgreen.org has garnered media attention in print, online and television with a total value of \$24,150.00. The attached table also contains hot links to each item.

Public Relations Report July 2012 - December 2012



COMMITTEE	DATE	MEDIA OUTLET	REPORT TITLE and LINK	CIRC./IMP	PR VALUE
askHRgreen	Sat. July 14, 2012	Daily Press 'Diggin' In' Blog	Enter summer staveation, save states by in free passes...	31,000	\$ 930.00
askHRgreen	Tues. Sept. 25, 2012	Daily Press 'Diggin' In' Blog	Name that place offers trip for two as prize	31,000	\$ 930.00
CLEAN	Nov. 2012	Tidewater Women	Calendar: Electronics Recycling Events, Nov. 12, 17	30,000	\$ 450.00
CLEAN	Nov. 2-7, 2012	Cox Communications 'Hot Ticket'	America Recycles Day, Electronics Event Newport News, Nov. 12	2,500	\$ 75.00
CLEAN	Nov. 8-14, 2012	Cox Communications 'Hot Ticket'	America Recycles Day, Electronics Event Virginia Beach, Nov. 12	2,500	\$ 75.00
CLEAN	Fri. Nov. 7, 2012	Daily Press 'Diggin' In' Blog	America Recycles Day ... dis pose of you unwanted electronics ...	31,000	\$ 930.00
CLEAN	Thurs. Nov. 15, 2012	The Virginian-Pilot 'Pulse' section	Calendar: Electronics Recycling and Safe Shredding, Nov. 12	156,968	\$ 375.00
askHRgreen	Thurs. Nov. 15, 2012	WVEC-TV Evening News	Green Learning	55,000	\$ 1,500.00
WATER	Sat. Nov. 17, 2012	James River Journal	Holiday shopping got you thirsty? Tap into TapIt.	25,000	\$ 45.00
FOG	Sun. Nov. 18, 2012	The Virginian-Pilot 'Gracious Living' section	Don't let your butterball turn pipes into a grease ball	156,968	\$ 9,000.00
FOG	Wed. Nov. 21, 2012	The Virginian-Pilot 'Flavor' section	Let's talk turkey	156,968	\$ 750.00
FOG	Mon. Nov. 19, 2012	Daily Press 'Diggin' In' Blog	Turkey grease: avoid putting drippings down the drain ...	31,000	\$ 930.00
WATER	Wed. Nov. 21, 2012	Daily Press 'Diggin' In' Blog	Thirsty while you shop? Reuseable water bottle refill network ...	31,000	\$ 930.00
askHRgreen	Mon. Dec. 3, 2012	Daily Press 'Diggin' In' Blog	Tips for making it a green, environmentally friendly Christmas	31,000	\$ 930.00
CLEAN	Tues. Dec. 26, 2012	WVEC-TV News 12 p.m. Newscast	Project Green: Where you can recycle your Christmas tree	31,000	\$ 375.00
CLEAN	Wed. Dec. 27, 2012	WAVY-TV News 6 p.m. Newscast	Recycling Christmas Trees	60,000	\$ 1,425.00
CLEAN	Wed. Dec. 27, 2012	The Virginian-Pilot	Cities want to recycle your old Christmas trees	156,968	\$ 4,500.00
CLEAN	Wed. Dec. 27, 2012	Alt Daily	How to recycle your natural-use-only Christmas trees in Hampton Roads		\$ -
askHRgreen	Mon. Dec. 31, 2012	Daily Press 'Diggin' In' Blog	Living green is a good way to embrace 2013, suggests askHRgreen.org	31,000	\$ 930.00

Total PR

1,019,872 \$24,150.00

JOINT RESOLUTION NO. _____

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2 Directing the Virginia Department of Conservation and Recreation and the Virginia Department
3 of Environmental Quality to jointly prepare guidances (i) identifying methodologies to be
4 used by municipal separate storm sewer system (“MS4”) permittees in calculating
5 nutrient reductions and Best Management Practices efficiencies as part of their
6 Chesapeake Bay TMDL (“Bay TMDL”) planning activities pursuant to MS4 permits, and
7 (ii) to assist MS4 permittees in developing and implementing their Bay TMDL Action
8 Plans.

9 WHEREAS, Virginia’s Best Management Practice (“BMP”) Clearinghouse and the
10 Chesapeake Bay Program’s guidance relating to BMPs are not consistent with respect to
11 methodologies for calculating nutrient reductions and BMP efficiencies and the differences
12 between some of the methods and calculations are not inconsequential; and

13 WHEREAS, Bay TMDL planning activities by MS4 permittees are expected to lead to
14 the development and implementation of a Bay TMDL Action Plan (“Action Plan”) by each
15 permittee, which will contain the permittee’s plan for fulfilling its Bay TMDL-related
16 obligations; and

17 WHEREAS, in order to develop consistent and effective Bay TMDL compliance
18 strategies for pollutant load reduction, MS4 permittees would benefit from State guidances (i) on
19 those BMPs that can be included in their Action Plans and the BMP efficiencies to be assigned to
20 those BMPs; (ii) on the equivalencies that can be used for non-traditional BMPs so that they can
21 use these equivalences in obtaining credit for their implementation; and (iii) to assist them in
22 developing and implementing their Action Plans; and

23 WHEREAS, such guidances do not exist, and in the absence of such guidance, MS4
24 permittees are left to assume that they are fulfilling the State’s expectations regarding their
25 compliance obligations; and

26 WHEREAS, such guidances should be published as a document separate from the MS4
27 permits, with such publication taking place in time assist permittees with their Bay TMDL

28 planning activities pursuant to their MS4 permits and in the development of their Action Plans;
29 now, therefore, be it

30 RESOLVED by the _____, the _____ concurring, that the Virginia
31 Department of Conservation and Recreation and the Virginia Department of
32 Environmental Quality be directed to publish, on or before December 1, 2013, joint
33 guidance (i) identifying methodologies to be used by MS4 permittees in calculating
34 nutrient reductions and Best Management Practices efficiencies as part of their Bay
35 TMDL planning activities pursuant to MS4 permits, and (ii) to assist MS4 permittees in
36 developing and implementing their Action Plans.

37 In preparing the guidances, the Department of Conservation and Recreation and the
38 Department of Environmental Regulation (the “Departments”) shall coordinate with a technical
39 advisory committee consisting of nine individuals who reside or are employed in the
40 Commonwealth and who have experience in the design and implementation of stormwater
41 management systems and/or MS4 operation and maintenance. The technical advisory committee
42 members shall be appointed jointly by the Directors of the Departments. Six members of the
43 committee shall be representatives of MS4 jurisdictions and the three other members shall have
44 technical expertise in the subjects considered by the committee. The technical advisory
45 committee shall advise and provide recommendations on the development of the guidances.

46 In addition, the Departments shall (i) review materials available on the BMP
47 Clearinghouse and through the Chesapeake Bay Program relating to BMPs and their nutrient
48 reduction and efficiencies; (ii) review guidance on these same issues prepared by other states in
49 the Chesapeake Bay watershed; (iii) identify nutrient reduction methodologies and BMP
50 efficiencies, which may include identifying an appropriate and consistent resource to use for
51 obtaining such information; (iv) identify and explain suggested components for Action Plans;
52 and (v) make specific recommendations in the form of guidances identifying methodologies for
53 calculating nutrient reductions and BMP efficiencies for traditional and non-traditional nutrient
54 reduction techniques and to assist MS4 permittees in developing and implementing their Action
55 Plans.

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_____ **BILL NO.** ____
Offered _____
Prefiled _____

A BILL to amend § 10.1-603.3 of the Code of Virginia, relating to the development of guidances (i) identifying methodologies to be used by municipal separate storm sewer system (“MS4”) permittees in calculating nutrient reductions and Best Management Practices efficiencies as part of their Chesapeake Bay TMDL (“Bay TMDL”) planning activities pursuant to MS4 permits, and (ii) to assist MS4 permittees in developing and implementing their Bay TMDL Action Plans.

Patron -- _____

Referred to Committee on _____

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-603.3 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-603.3. Establishment of Virginia stormwater management programs.

A. Any locality, excluding towns, unless such town operates a regulated MS4, shall be required to adopt a VSMP for land-disturbing activities consistent with the provisions of this article according to a schedule set by the Board. Such schedule shall require adoption no sooner than 15 months and not more than 21 months following the effective date of the regulation that establishes local program criteria and delegation procedures, unless the Board deems that the Department's review of the VSMP warrants an extension up to an additional 12 months, provided the locality has made substantive progress. Localities subject to this subsection are authorized to coordinate plan review and inspections with other entities in accordance with subsection H.

B. Any town lying within a county, which has adopted a VSMP in accordance with subsection A, may adopt its own program or shall become subject to the county program. If a town lies within the boundaries of more than one county, the town shall be considered to be wholly within the county in which the larger portion of the town lies. Towns shall inform the Department of their decision according to a schedule established by the Department. Thereafter, the Department shall provide an annual schedule by which towns can submit applications to adopt a VSMP.

C. In support of VSMP authorities, the Department shall:

1. Provide assistance grants to localities not currently operating a local stormwater management program to help the localities to establish their VSMP.

2. Provide technical assistance and training.

39 3. Provide qualified services in specified geographic areas to a VSMP to assist localities in the
40 administration of components of their programs. The Department shall actively assist localities
41 in the establishment of their programs and in the selection of a contractor or other entity that may
42 provide support to the locality or regional support to several localities.

43 D. The Department shall develop a model ordinance for establishing a VSMP consistent with
44 this article and its associated regulations, including the Virginia Stormwater Management
45 Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.

46 E. Each locality that administers an approved VSMP shall, by ordinance, establish a VSMP that
47 shall be administered in conjunction with a local MS4 program and a local erosion and sediment
48 control program where applicable, and which shall include, but is not limited to, the following:

49 1. Consistency with regulations adopted in accordance with provisions of this article;

50 2. Provisions for long-term responsibility for and maintenance of stormwater management
51 control devices and other techniques specified to manage the quality and quantity of runoff; and

52 3. Provisions for the integration of the VSMP with local erosion and sediment control, flood
53 insurance, flood plain management, and other programs requiring compliance prior to
54 authorizing construction in order to make the submission and approval of plans, issuance of
55 permits, payment of fees, and coordination of inspection and enforcement activities more
56 convenient and efficient both for the local governments and those responsible for compliance
57 with the programs.

58 F. The Board may approve a state entity, including the Department, federal entity, or, for linear
59 projects subject to annual standards and specifications, electric, natural gas and telephone utility
60 companies, interstate and intrastate natural gas pipeline companies, railroad companies, or
61 authorities created pursuant to § [15.2-5102](#) to operate a Virginia Stormwater Management
62 Program consistent with the requirements of this article and its associated regulations and the
63 VSMP authority's Department-approved annual standards and specifications. For these
64 programs, enforcement shall be administered by the Department and the Board where applicable
65 in accordance with the provisions of this article.

66 G. The Board shall approve a VSMP when it deems a program consistent with this article and
67 associated regulations, including the Virginia Stormwater Management Program (VSMP)
68 General Permit for Discharges of Stormwater from Construction Activities.

69 H. A VSMP authority may enter into agreements or contracts with soil and water conservation
70 districts, adjacent localities, or other public or private entities to carry out or assist with the
71 responsibilities of this article.

72 I. Localities shall issue a consolidated stormwater management and erosion and sediment control
73 permit that is consistent with the provisions of the Erosion and Sediment Control Law (§ [10.1-](#)
74 [560](#) et seq.). When available in accordance with subsection J, such permit, where applicable,

75 shall also include a copy of or reference to state VSMP permit coverage authorization to
76 discharge.

77 J. Upon the development of an online reporting system by the Department, but no later than July
78 1, 2014, a VSMP authority shall then be required to obtain evidence of state VSMP permit
79 coverage where it is required prior to providing approval to begin land disturbance.

80 K. Any VSMP adopted pursuant to and consistent with this article shall be considered to meet
81 the stormwater management requirements under the Chesapeake Bay Preservation Act (§ [10.1-](#)
82 [2100](#) et seq.) and attendant regulations, and effective July 1, 2014, shall not be subject to local
83 program review under the stormwater management provisions of the Chesapeake Bay
84 Preservation Act.

85 L. All VSMP authorities shall comply with the provisions of this article and the stormwater
86 management provisions of the Erosion and Sediment Control Law (§ [10.1-560](#) et seq.), and
87 related regulations. The VSMP authority responsible for regulating the land-disturbing activity
88 shall require compliance with the issued permit, permit conditions, and plan specifications.

89 M. VSMPs adopted in accordance with this section shall become effective July 1, 2014, unless
90 otherwise specified by the Board.

91 *N. On or before December 1, 2013, the Department and the Virginia Department of*
92 *Environmental Quality, shall jointly develop and publish guidances (i) identifying methodologies*
93 *to be used by municipal separate storm sewer system (“MS4”) permittees in calculating nutrient*
94 *reductions and Best Management Practices efficiencies as part of their Chesapeake Bay TMDL*
95 *(“Bay TMDL”) planning activities pursuant to MS4 permits, and (ii) to assist MS4 permittees in*
96 *developing and implementing their Bay TMDL Action Plans. In preparing the guidances, the*
97 *Department and the Department of Environmental Regulation shall coordinate with a technical*
98 *advisory committee consisting of nine individuals who reside or are employed in the*
99 *Commonwealth and who have experience in the design and implementation of stormwater*
100 *management systems and/or municipal separate storm sewer operation and maintenance. The*
101 *technical advisory committee members shall be appointed jointly by the Directors of the*
102 *Department and the Department of Environmental Regulation. Six members of the committee*
103 *shall be representatives of MS4 jurisdictions and the three other members shall have technical*
104 *expertise in the subjects considered by the committee. The technical advisory committee shall*
105 *advise and provide recommendations on the development of the guidances.*