



Chesapeake Bay TMDL Phase II WIP Rappahannock-Rapidan Region Stakeholder Committee Meeting

Meeting Summary - November 18, 2011

Attendees:

Jenny Biché	Rappahannock-Rapidan Regional Commission
Julie Bolthouse	Piedmont Environmental Council
Brian Daniel	Madison County
Michelle Edwards	Rappahannock-Rapidan Regional Commission
Steve Hopkins	VA Cooperative Extension- Orange County Office
Jim Hoy	Culpeper County
Kris Jarvis	John Marshal Soil & Water Conservation District
Kevin McMahan	Orange County
Patrick Mulhern	Town of Culpeper
Mary Sherrill	Fauquier County
Carl Stafford	VA Cooperative Extension- Culpeper County Office
Jeffrey Walker	Rappahannock-Rapidan Regional Commission
Kerry Wharton	Fauquier County
Greg Wichelns	Culpeper Soil & Water Conservation District
Greg Woods	Town of Orange

Overview of the WIP Process

Michelle Edwards, RRRC, began the meeting by providing an overview of the Chesapeake Bay TMDL Watershed Implementation Plan (WIP) process, including potential positive and negative consequences of participation (see attached presentation).

Discussion of Meeting Goals

Ms. Edwards proposed a list of goals for the meeting. Participants discussed the potential issues with participating in the Phase II WIP Process, including lack of incentives, lack of support from the state/DCR, validity of the Chesapeake Bay Watershed Model, and time constraints. Ms. Edwards pointed out that localities are not required to participate and can choose to complete all, some or none of the tasks DCR has requested. Any data and comments localities provide to DCR will be aggregated by the state for the final Virginia WIP, which the state will send to the U.S. Environmental Protection Agency (EPA). A few localities outside of this region have

already submitted information to DCR. EPA seems to be mainly looking for evidence of localities' commitment to cleaning up the Chesapeake Bay, acknowledging that the Bay cannot be restored without locality participation.

The WIP process gives localities the opportunity to submit actual data into the Bay model. DCR's 2009 Progress BMP data estimates the urban BMPs installed from 1985-2009. DCR has requested that localities submit local urban BMP data from 2006-2009, so the actual data can be input into the Chesapeake Bay Watershed Model. The Culpeper SWCD already has collected most of the requested urban BMP data for Culpeper, Madison, Orange, and Rappahannock Counties, through site plan review. Fauquier County is currently compiling its urban BMP data in preparation for the new VA Stormwater regulations. It was pointed out that the way DCR defines each urban BMP differs from localities definitions in some cases.

DCR has offered that the region can submit the BMP data through the Virginia Assessment and Scenario Tool (VAST) or directly to DCR in its existing format. Additionally, localities in Hampton Roads chose not to use VAST to build BMP scenarios. They instead are reviewing the data in the Excel spreadsheets DCR sent; and plan to submit their suggested BMPs in directly to DCR, and let DCR determine whether the mix of BMPs meet the nutrient and sediment goals. This could be an option the localities in this region may want to consider.

Greg Wichelns, Culpeper SWCD noted that the State Agricultural Technical Advisory Committee is planning for very robust funding in the next biennium, so there should be cost share money to install agricultural BMPs in the near-term.

RRRC can assist with finding funding for localities to work with the Health Department to improve/develop a tracking system for septic systems within their counties. Madison County is currently working with their Health Department and Culpeper SWCD on this task.

The question was raised whether the Bay TMDL and WIP process or similar processes have been implemented anywhere else. Ms. Edwards responded that the other states in the Chesapeake Bay watershed and Washington D.C. are also required to submit WIPs to EPA. EPA has stated that the Chesapeake Bay program and watershed model are considered model programs that other states and countries are reviewing and trying to imitate.

One of the participants asked whether DCR will have a public comment period for the Phase II WIP. It is expected that there will be a public comment period that will consist of the state posting the draft WIP on the State Register, before submitting the final document to EPA. The state is also required to respond to each comment in writing.

DCR intends to send a letter this week to the Board of Supervisors and County Administrators reiterating the WIP II process (see attached). DCR has also stated that they will be sending an Excel spreadsheet with pull-down menus for localities to submit implementation strategies and resource needs for implementation, by the end of the week (see attached).

Discussion of Tasks to Pursue:

Submit BMP Data

- In the Bay Watershed Model, the Virginia agricultural BMP data is hard data, while the Virginia urban BMP data is currently modeled data.
- Urban BMPs are captured by Culpeper Soil and Water Conservation District through Plan Review.
- Fauquier County is currently collecting Urban BMP data in preparation for the new 2014 Storm water Regulations.
- RRRC can submit the urban BMP data to DCR for individual localities or the region if localities so choose, so local staff do not need to learn to use VAST.

Submit Land Use Data

- A participant suggested that localities could compare the land use data in the model to its comprehensive plan and comment on glaring inaccuracies.
- The general consensus of locality staff was that they do not have time to complete this task.

Develop BMP Scenarios

- Stakeholders can use VAST to review DCR's proposed BMP scenarios and develop BMP scenarios
- Alternatively stakeholders can review the proposed BMP scenarios in VAST or the Phase I WIP document and submit written comments/recommendations on any issues they find.
- If comments/recommendations from localities eliminate a BMP DCR proposes, localities should recommend another BMP to maintain the same level of effort. Otherwise DCR will make that determination to fill in the gap.
- A participant suggested that the agricultural stakeholders review the agriculture BMP scenarios and the local government staff review the urban BMP scenarios for their locality. Comments would be submitted to RRRC and Michelle would compile them to be submitted for the region.
 - ✓ There was general consensus to this course of action among the participants.

Develop Implementation Strategies

- DCR will have a spreadsheet available by the end of next week for localities to submit their implementation strategies if they would like, but it is not required (see attached).
- Ms. Edwards suggested that localities could describe how the environmental programs that they are currently planning would impact the Bay, such as implementation of Culpeper County's Low Impact Development Ordinance, Green Infrastructure Planning in Fauquier County and the proposed pet waste management project in Orange County.

Outline Resources Needed for Implementation

- Resource needs may include funding, technical assistance, authority, legislation, etc.
- DCR will have a spreadsheet available by the end of next week for localities to submit the resources needed for implementation if they would like, but it is not required (see attached).

Additional Comments on Overall Bay TMDL Process & Resource Needs

- DCR needs to demonstrate more leadership and guidance, and participate in local meetings
- Localities would like DCR to tell them what specifically they want from them

- In order to gain support in this region, the focus should be on local water quality, not the Bay
- Other stakeholders should be involved such as non-profits who will be able to assist with education and outreach
- PEC is available to assist with implementation
- RRRC is available to assist with locating funds for implementation and providing staff support
- Model Ordinances from DCR are needed for implementation.
- DCR needs to re-evaluate the voluntary program practices (i.e. cost-share requirements) and be more flexible. Fauquier County is second in the state for horse farms, yet horse owners are not generally eligible for the cost-share programs. Furthermore, those farmers that do qualify for cost-share often do not have the money to pay up front and then get reimbursed.
- A participant suggested that DCR should create a state public educational program on the importance and benefits of urban best management practices, especially urban nutrient management. The educational materials could then be utilized by local governments, creating a unified message across the state.

Next Steps

The Stakeholder Committee chose to separate into agriculture and urban stakeholders and to analyze their jurisdictions' respective BMP implementation scenarios that DCR proposed in the Phase I WIP. The intent is to look for glaring issues rather than an in-depth analysis. Comments will then be compiled by RRRC staff.

- Greg Wichelns, Culpeper SWCD, agreed to work with the agriculture stakeholders in his jurisdiction and review the proposed agriculture BMPs. Kris Jarvis, John Marshall SWCD, agreed to do the same for Fauquier County.
- There was a general consensus amongst the local government staff present to review proposed urban BMPs, though support was weak in some cases.
- Localities should keep in mind when drafting comments that if they only state which BMPs or amount of BMPs they cannot implement without providing suggested alternatives, DCR will use their own judgment to maintain the level of effort required by EPA.
- Any comments should be sent to Michelle Edwards, RRRC, before Dec. 25, 2011.
- Michelle will compile the comments and send a draft to the stakeholder group for review.
- The stakeholder committee will reconvene in early January 2012 to finalize comments.
- Localities may also request that RRRC submit the existing urban BMP data that Culpeper SWCD has compiled to DCR, so they can receive credit in the Bay Watershed Model for the work they have already accomplished.