

Rappahannock River Basin Commission Staff Support

Final Report

FY06 Task 47 (George Washington Regional Commission)

Submitted by:

Eldon James

December 5, 2007



This project was funded in part by the Virginia Coastal Zone Management Program at the Department of Environmental Quality through Grant #NA06NOS4190241 of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, under the Coastal Zone Management Act of 1972, as amended. The views expressed herein are those of the authors and do not necessarily reflect the views of the U.S. Department of Commerce, NOAA, or any of its subagencies.

Table of Contents

Rappahannock River Basin Commission Meeting minutes.....3

Staff supported the work of the Rappahannock River Basin Commission through the planning and conducting of the December 6, 2006, March 28, June 27 and September 12, 2007 Commission meetings. Staff also began planning for a meeting to be held after the grant period (December 5, 2007). The agendas, minutes and of the Commission meetings as well as copies of the presentations are posted at: http://www.rappriverbasin.org/meeting_events.htm

Non Point Work Group Meeting minutes.....32

Staff supported the work of the Non Point Work Group (NPWG) and the planning for the Rappahannock River Summit 2007. The work group held meetings on October 25 and November 21, 2006 and January 3, February 27, March 26, April 24, May 22, July 9, August 15, and September 5, 2007. The agendas and minutes of the NPWG meetings are posted at: http://www.rappriverbasin.org/meeting_events.htm

Rappahannock River Summit Handouts.....73

Upon the recommendation of the NPWG, the Commission voted at the March meeting to plan and conduct a River Summit in October 2007. The Summit is in response to the HB1150 Water Clean Up Plan. The NPWG finalized comprehensive comments on the Water Clean Up Plan in May 2007. The Commission endorsed those comments at the June meeting and forwarded them to Secretary of Natural Resources.

The NPWG led efforts to plan the River Basin Summit 07 in order to provide information on several critical topics that face localities, SWCDs, state agencies and other stakeholders in the basin. The Summit format is designed to provide for dialogue on the issues and a means of identifying next steps and action items. The three topic areas selected for the Summit will be: 1) the CAP, 2) TMDLs, and 3) Ongoing Planning in support of the required semi-annual updates to the Water Clean Up Plan. The Summit is to be held after the close of the grant period on October 30, 2007. (Planning for the River Summit 07 took the place of activities by the Water Allocation Group over the final 6 months of the CZM grant period). The NPWG will use the work done at the Summit to develop a series of draft recommendations to be presented to the Commission at the December meeting.

As listed above, the work on the RRBC Website was concentrated on updates relative to Commission and NPWG meetings, including the Summit. Summit materials and registration were also made available through the Website.

MEETING MINUTES

RAPPAHANNOCK RIVER BASIN COMMISSION

December 6, 2006

10:00 A.M.

House Room D, General Assembly Building
Richmond, Virginia

PRESENT:

LEGISLATIVE MEMBERS:

Delegate Robert Wittman, Chairman

Delegate Harvey Morgan

Delegate Ed Scott

LOCAL GOVERNING OFFICIALS:

Mr. Robert Anderson, Rappahannock Board of Supervisors

Mr. Butch Jenkins Lancaster County Board of Supervisors

Mr. Harry Atherton, Fauquier County Board of Supervisors

Mr. Maxie Rozell, Jr. Caroline County Board of Supervisors

Ms. Kerry Devine, City of Fredericksburg

Mr. Pete Fields, Stafford County Board of Supervisors

Mr. Walter Ball, Richmond County Board of Supervisors

Mr. Steve Nixon, Culpeper County Board of Supervisors

Ms. Terri Pace, Orange County Board of Supervisors

SWCD MEMBERS:

Mr. John Barber

STAFF MEMBERS:

Mr. Eldon James

Ms. Martina James

Mr. Bob Wilson

SPEAKERS:

Kathleen Dooley, Fredericksburg City Attorney

Gary Waugh, DCR Public Information Officer

Bill Keeling, DCR Water Quality Modeler

John Kennedy, Department of Environmental Quality

The meeting was called to order at 10:10 a.m. with Mr. Barber leading the Invocation and Mr. Ball leading the Pledge of Allegiance.

Determination of a quorum: It was determined a quorum was present.

Welcome and Introductions: Chairman Wittman thanked everyone for attending the meeting and thanked the legislative staff for making the room available. He also welcomed Mr. Wilson, the executive director of the George Washington Regional Commission (GWRC), and reminded the group that GWRC has recently been renamed, and is no longer called RADCO.

Approval of the Agenda:

Delegate Scott made a motion to approve the agenda and Mr. Barber suggested that an additional item be added to the last item for the future agenda, to include a report on the outcome of the General Assembly. It was also brought to Chairman Wittman's attention that Mr. Rodenburg was not present at the meeting to discuss his part of the agenda. Mr. Nixon made a motion to amend the agenda as discussed seconded by Delegate Scott, the motion passed unanimously.

Adoption of Meeting Minutes from June 21, 2006 Meeting.

Delegate Scott asked that the minutes be amended on page 3. He stated he is quoted as saying that the bulk of the time was spent talking about the estate tax land preservation issues, than the budget issues. Instead, he said that it should be corrected to show that he said the land preservation tax credit was part of the discussion to reach a resolution to the budget. Mr. Ball moved that the minutes be amended with a second from Ms. Devine. The motion passed unanimously.

Report of the Fiscal Agent, Mr. Bob Wilson, Executive Director, George Washington Regional Commission.

Mr. Wilson provided a summary report on the current fiscal year, which began on July 1. The report status was through November 30. There is a budget cash balance of \$38,000. He stated that the Commission has had expenditures of approximately, \$7500, which represents 20% of the annual cash flow. These expenditures are spent on professional staff, meeting and supply cost, as well as travel expenses. Currently, there is a balance of \$30,435. A motion was made by Mr. Rozell, seconded by Mr. Atherton to receive the fiscal agent report. The motion passed unanimously.

Public Comment:

There were no public comments offered.

Recommended Revisions to the Commission's Bylaws to conform to Code of Virginia changes, Chairman Wittman.

Mr. James stated that the Commission members should have received the revision of the bylaws. The changes reflect state code changes that occurred in 2004. Mr. James thanked Delegate Morgan who led efforts to negotiate on behalf of the Commission with the Joint Rules Committee members, to assure that the statute changes were workable for the Commission. He added that this revision to the bylaws is a formality because all the changes are based on statutory change.

Mr. Nixon asked about one of the changes, stating that the RRBC could only hold a maximum of 4 meetings a year. Mr. James stated that if the Commission chose to hold an additional meeting, than the legislative members will not be reimbursed for their expenses. Mr. Morgan said that if they anticipate another meeting it could probably be a legal continuation of the same meeting. Chairman Wittman clarified that they could have more than four meetings a year, if it is a continuation of a previous meeting. Mr. Nixon made a motion to adopt the revisions to the bylaws, seconded by Delegate Morgan, the motion passed unanimously.

Fredericksburg River Easement Program, Fredericksburg City Manager. City Manager Phil Rodenburg could not attend the meeting. Ms. Kerry Devine with the City of Fredericksburg provided some background, reporting that in April the city approved a conservation easement to put into permanent conservation a over 4200 acres of city owned land along the Rappahannock. She introduced the Fredericksburg City Attorney, Ms. Kathleen Dooley, who presented the conservation easement with a brief overview, what it entailed and what they see in the future.

She talked about how the city has to hire a river steward to pay full-time attention to this stretch of the river, and that they will be looking for someone with advanced environmental knowledge and an ability to talk to property neighbors and local government up and down the river. She also reported that they are seeking financial assistance from the General Assembly through the Department of Game and Inland Fisheries to add enforcement personnel. The City has also asked each one of these counties with significant acreage (Stafford, Spotsylvania, and Culpepper) to contribute \$18,000 each. She stated that the

entire project fits well with the Commission's mission and guidelines and asked that the Commission issue a statement of support for the City of Fredericksburg's request for state funding to support additional DGIF personnel.

Mr. Fields asked if the river steward position would be working for the City. Ms. Dooley said the position is envisioned to be employed by the City. Mr. Barber asked how far they are in developing the plan and asked if they will charge fees for recreation. Ms. Dooley said they do not charge fees and it has not been addressed at this time, and also stated there are recreational permits available. Mr. Barber asked her to clarify if the easement includes the provision to charge for recreation. Ms. Dooley said it does not. Delegate Morgan said he is very excited about the project and asked how many points are provided for public access to the River. Ms. Dooley stated that there is access on Elys Ford Road near where Rt. 17 crosses the Deep Run tributary. Mr. Barber noted that as time goes on there will be more demand to use the river. He suggested that maybe the management team and river steward may find it appropriate to identify sites for more public access. Ms. Dooley said the City plans on developing a master management plan which will include more public access areas.

Chairman Wittman asked if it is the Commission's wish to go on record to support the budget request that will be sponsored by Senator Houck to add personnel and funding to the budget of DGIF in support of protecting the easement. A motion was made by Ms. Devine and seconded by Mr. Fields to express support for the budget request. In response to a question from Mr. Jenkins, Ms. Dooley stated that the total dollar amount for the budget request has not been finalized. Delegate Morgan suggested to reflect in the letter that the project have a continuing effort to fund the easement. Mr. Jenkins said he supports this request but is unsure because there is no actual dollar amount. Delegate Scott felt that the intent was certainly good but because it spans across multiple counties and covers a huge amount of acreage, he felt the Commission needs to know more about the dollar amount. Mr. Fields asked the Commission to consider a special case scenario to reflect the magnitude of how far this project has come.

Chairman Wittman asked Ms. Dooley if they could lay the motion on the table until later in the meeting, and vote after they get a firm price tag on the project. The motion was passed by temporarily.

Update on Point Source Projects in the Basin - John Kennedy, Department of Environmental Quality. Mr. Kennedy presented a handout and gave an overview of the point source projects in the Rappahannock Basin.

Applicant	Basin	Grant Agreement Status	WQIF Grant Amt. Requested	Draft Agreement Grant Amt.	Target TN Conc.
Culpeper WWTP	Rappahannock	Negotiating	\$5,463,847	TBD	4.0
Fauquier Co. W&SA-Remington WWTP	Rappahannock	Awaiting PER Submittal	\$2,291,025	TBD	4.0
Fredericksburg WWTF	Rappahannock	Awaiting PER Submittal	\$5,928,524	TBD	4.0
HRSD-Urbanna WWTP	Rappahannock	Awaiting PER Submittal	\$1,635,600	TBD	3.0
Kilmarnock WWTP	Rappahannock	Awaiting PER Submittal	\$2,270,700	TBD	4.0
Marshall WWTP	Rappahannock	Awaiting PER Submittal	\$1,540,687	TBD	4.0
Montross-Westmoreland WWTP	Rappahannock	Awaiting PER Submittal	\$759,113	TBD	4.0
Orange STP	Rappahannock	Negotiating	\$8,737,000	TBD	3.0
Spotsylvania Co.-FMC WWTF	Rappahannock	Awaiting PER Submittal	\$945,000	TBD	3.0
Tappahannock WWTP	Rappahannock	Awaiting PER Submittal	\$3,400,000	TBD	3.0
Warrenton STP	Rappahannock	Drafted	\$4,501,980	\$2,972,573	4.0
Warsaw STP	Rappahannock	Negotiating	\$3,867,150	TBD	4.0
TOTALS			\$41,340,626		

Chairman Wittman asked about the current unobligated funds versus the amount requested for projects statewide. He clarified by asking Mr. Kennedy to address how the shortfall will be handled. Mr. Kennedy explained that DEQ will execute a grant agreement with every eligible project. The caveat is the reimbursements are subject to funds which are subject to appropriations by the General Assembly. Mr. Kennedy added that it allows them to continue the process, since the projects take 4 or 5 years to complete.

Mr. Kennedy shifted to the subject of Water Control Board allocation appeals requesting additional load allocations. Two were located in the Rappahannock River Basin. One in the City of Fredericksburg requested an increase in load allocations with the Board recommending this being approved. The second was Omega Protein in Reedville making some process modifications to convert wastewater discharge into an air discharge. He said this decision has been tabled to another date.

Non Point Work Group Update. Chairman Wittman provided an overview of the web portal proposal the Work Group has developed to establish a clearinghouse for information, or a one-stop shop to find the necessary state and local land use change information. He said that the project has been turned over to DCR to look at funding for the project. He added that the next immediate focus of the Workgroup centers on HB1150 (2006) but that it would come up later in the meeting.

Update on Non Point Activities in the Basin including the BMP Cost share and No-till programs and their effectiveness, Matt Criblez, Department of Conservation and Recreation. Mr. Criblez introduced Gary Waugh the public information officer with DCR and Bill Keeling, the water quality modeler, who will help with the presentation. Mr. James said that everyone should have received a copy via email of the presentation. Mr. Waugh discussed the agricultural conservation market research and communications plan. He talked about what caused DCR to begin the project, what they have done with the market research, items they discovered, and how they are moving forward with the information. He said they started it about a year ago to assist soil and water conservation districts with costs share programs in working with farmers to putting the conservation practices together.

Delegate Morgan asked if it was true that only 30 percent of the agricultural lands are utilizing best management practices and is it true that non point source is a greater percentage of our concerns. Mr. Waugh confirmed that information. Mr. Waugh said these studies were completed through focus groups with telephone interviews, to represent a geographic mix throughout the watershed. Chairman Wittman asked about the additional leaching of nitrogen phosphorus in coastal plains. Mr. Waugh clarified that they are talking about more course soils like sand, leaching was from saturated soil conditions that don't allow for as much phosphorus reduction. Mr. Keeling noted that it is a five-year practice for the no till program for farmers.

Mr. Barber asked if there are any numbers for what is happening in urban areas. Mr. Keeling said they do not have the numbers yet but they are working on tracking an urban database. Mr. Fields asked if the lands that are contributing to the loads are spread out. Mr. Keeling said that most of the coastal plain is not monitored and the bulk of the problem is there. Delegate Morgan asked if the farmers need to use more herbicide when they use no till. Mr. Keeling said it may increase the herbicide usage. Over time it decreases nutrient applications. He also asked what percent of farmers are using no till. Mr. Keeling said he can not tell him what percent are 100 percent no till, but some use it for at least one of their crops. He also stated that the silage crops work best for no till.

Chairman Wittman asked Mr. Keeling to get information to the Commission about the Polecat Creek study. Delegate Morgan clarified that it is his understanding that the monitoring efforts are stream plug data that is based on a model versus actual data. Mr. Criblez added that the urban/suburban tracking system that is being developed, which the localities can easily use for reporting. He added some localities are reporting data but it is not being used right now. "MS4" means municipal sewer storm water system. It applies to cities and other localities of 100,000 or greater population (Fredericksburg, Stafford and Spotsylvania).

There was more discussion on the cost of equipment, no till drill rental, cost of set up of the field, as well as tax credits that are still in place. Mr. Criblez said they have done a lot of work with agriculture but they need to get better local programs in place to improve planning practice, reduce the amount of land converted and have better local practices on site.

Reconsideration of the River Easement Issue:

Chairman Wittman read a letter addressed by Ms. Dooley for more information on the funding cost of the river easement project in Fredericksburg. He said it talks about the project in concept but not the dollar amount. He asked that the motion be placed back on the table for consideration. It was asked whether the Department of Games and Fisheries is supporting this request. Ms. Dooley said until the negotiating with Senator Houck was finalized they were not settling on any number. They are looking for between 2-4 game wardens, but did not ask the Department of Games and Fisheries for a direct expression of support of the request. Ms. Devine said they have explored the role of the Department of Games and Fisheries and said they wanted to partner with the City and take on a continuing role and that they would bring their resources and enforcement to the table. Chairman Wittman stated that there is a motion to adopt an expression of support to be relayed to the General Assembly Senate Finance House Appropriations Committee concerning this proposed budget amendment. The motion passed with one negative vote.

Status Update on RRBC FY07 Work Plan Staff.

Mr. James presented a copy of the current work plan with information on accomplishments to date. He discussed the highlights and comments made at the Executive Committee meeting. He stated that some entries in the document do not show activity, due to an extended 2006 General Assembly session which had an impact on the meeting schedule. Another factor was the level of state funding for the year. He added that hopefully funding levels will be higher for '08 and therefore maintaining a similar work plan may be practical. Chairman Wittman suggested upon inspection of the work plan, if some of the elements are not being actively pursued, is it time to reconsider whether they should stay in the work plan for 2008. He added this is merely information about where the NPWG stands and that they will ask for feedback on it at the March meeting.

Mr. Nixon asked what kind of foundation will be formed. Mr. James responded by explaining that when the Commission was created the state statute empowered the Commission to establish a 501(c) 3 entity. Because of budget levels it was the lowest priority. He said they have had some discussion with DCR about funding the work necessary to create the foundation. The intent would be that with 501(c)3 status the Commission would be better able to raise funds for certain projects. Mr. James stated that we would need to purchase some legal help and suggested that he would have the information at the March meeting concerning how much time is needed from a lawyer.

HB1150 and Future NPWG Activities. Chairman Wittman explained HB1150 requiring

the Secretary of Natural Resources to develop a plan for the cleanup of the Chesapeake Bay and Virginia's waters. The Plan is to address both point and nonpoint sources of pollution and shall include measurable and attainable objectives for water cleanup, attainable strategies, a specified timeline, funding sources, and mitigation strategies. It is to be presented next month and updated every 6 months. He noted that the Non Point Work Group will be involved to make recommendations on how this bill can be implemented throughout the basin.

Mr. James stated that the Executive Committee spent time discussing that the NPWG will provide feedback to the Commission. With that DCR has indicated an interest in committing a small amount of grant funds to the Commission for the NPWG to carry out the function. Chairman Whittman asked if the Commission desires to pursue grant funds through DCR and identify what the resources are needed by localities to address the issues. Mr. Barber asked whether the semiannual reports are needed. Delegate Scott asked if there is any indication of what the alternative funding resources are. Chairman Wittman answered that those are questions that need to be answered. Chairman Wittman asked if it is the Commission's desire to pursue grant funding for the NPWG to evaluate the impacts of HB1150 on local government and how local governments can comply. Mr. Nixon made a motion to direct staff to pursue the DCR grant, seconded by Mr. Ball, the motion passed unanimously.

Chairman Wittman raised a second issue - if they get to a point when the Secretary's report comes out and there are unfunded mandates. He asked again if it was the Commission's desire for the legislative delegation of the Commission to address those issues via budget language or dollars. Mr. Nixon made a motion to support such an effort, seconded by Mr. Fields, the motion passed unanimously.

Discussion of potential legislative initiatives. Chairman Whittman discussed another issue that came up at the Executive Committee meeting, concerning the budget amendment for continuance of funding for the Commissions operations. He stated that this is done normally on a year to year basis and without objection he would submit such an amendment and ask Senator Houck if he would also. There was no objection.

Chairman Wittman then discussed Mr. Shelton's legacy and asked everyone to consider how to catalog all the information he had compiled over the years in order to preserve his writings. He asked if there was a general desire to help with this project. Ms. Devine said that he was a wealth of information and that it would be a great library of resource.

Chairman Wittman asked if there are any other legislative issues that need to be addressed for funding. Delegate Morgan voiced his frustration concerning the varied rules from one county to the next. Chairman Wittman asked whether anyone else sees discrepancies from county to county. Many members of the Commission exchanged scenarios concerning the differences of rules and regulations throughout the counties. Chairman Wittman asked how they can address the inconsistencies across the county line or how it is written. He said one way is to look at existing structures to how those programs are being put into place and see if there is a way to resolve different opinions about them. Delegate Morgan asked Chairman Wittman to coordinate the program.

Delegate Scott asked that the Commission be aware of certain tasks of joint subcommittee studying land preservation and open space and its charge of finding funding sources. He added that the Committee has decided in seeking some start up appropriations for a Purchase and Development Rights (PDR) programs. Chairman

Wittman asked if there is something the Commission should support. Mr. Fields made a motion with a second. Chairman Whittman stated there is a motion to write a letter of support on the Commission of Open Space to support the funding for PDR. The motion passed.

Establish 2007 Meeting Dates and Future Agenda Items:

March 21, 2007, June 20, 2007, September 12, 2007, December 5, 2007

Potential Agenda Items for Next Meeting:

- Report of Legislative Activities
- Overview of water supply activity
- Fiscal year work plan for 2008

The meeting adjourned at 12:55 p.m.

MEETING MINUTES
RAPPAHANNOCK RIVER BASIN COMMISSION

March 28, 2007

10:00 A.M.

Warsaw Town Hall
Warsaw, Virginia

PRESENT:

LEGISLATIVE MEMBERS:

Delegate Robert Wittman, Chairman (by phone)

Delegate Ed Scott (by phone)

Delegate Mark Cole

Mr. Nathan Shrader (representing Delegate Lingamfelter)

LOCAL GOVERNING OFFICIALS:

Mr. Harry Atherton, Fauquier County (Vice-Chairman, presiding)

Mr. Robert Anderson, Rappahannock County

Mr. Joe Grzeika, King George County

Mr. Chris Yakabouski, Spotsylvania County

Ms. Teri Pace, Orange County

Ms. Margaret Davis, Essex County

Mr. Bill Crigler, Madison County

Mr. Bob Miller, Madison County (alternate)

Mr. Pete Fields, Stafford County

Mr. Walter Ball, Richmond County

Mr. Steven Nixon, Culpeper County

Mr. Butch Jenkins, Lancaster County

Ms. Kerry Devine, City of Fredericksburg

Mr. George Solley, City of Fredericksburg (alternate)

SWCD MEMBERS:

Mr. John Barber

Mr. Richard Street

STAFF MEMBERS:

Mr. Eldon James

SPEAKERS:

Jeff Corbin, Assistant Secretary of Natural Resources

Kevin Byrnes, Director of Regional Planning George Washington Regional Commission

Chester Bigelow, Shellfish TMDL Coordinator, DEQ

The meeting was called to order at 10:04 a.m. with Mr. Barber leading the Invocation and the Pledge of Allegiance.

Determination of a quorum: It was determined a quorum was present.

Welcome and Introductions: Mr. Ball welcomed the Commission to the Northern Neck, Richmond County and the Town of Warsaw.

Election of Chair and Vice Chair: Mr. James opened the floor for nominations for Chair. A nomination for Mr. Wittman for Chairman was made by Mrs. Davis and a second from Mr. Ball. A motion was made by Mr. Jenkins to close the nominations for Chairman, and Mr. Fields followed with a second. Delegate Wittman was elected Chairman unanimously. Mr. Grzeika made a motion to elect Mr. Atherton vice chair. Ms. Devine followed with a second. Mr. Atherton was elected vice chair unanimously.

At the request of Chairman Wittman Mr. James gave the gavel to Mr. Atherton to preside over the meeting since the Chairman was participating by telephone.

Election of Executive Committee: A nomination of Mr. Anderson as the executive committee representative from the upper basin was made by Ms. Pace. Mr. Crigler seconded the motion. The motion was approved unanimously.

Mr. Street nominated Mr. Grzeika as the executive committee representative from the middle basin. Mr. Fields seconded the motion. The motion was approved unanimously.

Mr. Jenkins nominated Mrs. Davis as the executive committee representative from the lower basin. The motion was seconded by Mr. Ball. The motion was approved unanimously.

Review and Approval of Agenda: Mr. Grzeika made a motion that the agenda be approved as presented. The motion was seconded by Ms. Devine. The motion was approved unanimously.

Adoption of Meeting Minutes from December 6, 2006 Meeting. After a correction to the list of members present at the December meeting Mr. Nixon made a motion to approve the minutes; Mr. Fields seconded the motion. The motion was approved unanimously.

Report of Fiscal Agent - Mr. Bob Wilson, Executive Director, George Washington Regional Commission. Mr. Wilson could not present at the meeting. Mr. James reported that revenue is at 75 percent and expenditures at 50 percent. He added that this is normal since the activities and expenditures are slowest in the 3rd quarter of the year. He noted that they will need all available resources as planning intensifies for Summit 2007 with its focus on the Water Clean Up Plan, the Cap and TMDLs. No questions were asked about the fiscal agent report. Mr. Nixon made a motion to approve the report and Mr. Fields made a second. The motion carried unanimously.

Appoint Fiscal Agent: Mr. James explained that late last year RADCO was reorganized to form the George Washington Regional Commission (GWRC). He added that State Code requires the Commission to appoint a fiscal agent each year. Staff recommends that Mr. Bob Wilson the Executive Director of GWRC be appointed to be the fiscal agent for 2007. A motion was made by Ms. Devine to appoint Mr. Wilson as fiscal agent. Mr. Grzeika seconded the motion. The motion was approved unanimously.

Public Comment: Mr. Street reported to the Commission about a workshop on May 17 at the Fredericksburg Expo Center for Sustainable Development in Virginia, featuring a new way to plan projects, with keynote speaker Randall Arendt. He noted that the event is presented by the Rappahannock Conservation Council and the Rappahannock River Basin Commission and there is still a need for sponsors for the event.

Virginia's Water Clean-Up Plan (HB1150) - Jeff Corbin, Assistant Secretary of Natural Resources. Mr. Corbin presented a power point presentation on HB1150 which included the history and the timetables for new revisions. He stated that the public comment for the plan is open at all times, because they are looking for feedback from the plan, which has been designed to change. He said he knows there are few tools in place to incorporate the plan, and that they have to move forward in the most cost effective way. He added that as they move forward with the Water Clean Up Plan, it will take a much greater level of involvement from each locality to make it work. He quoted from Delegate Lingamfelter "a plan that can not be measured is no plan at all." He discussed some of the point source regulations in the plan, water quality improvement funds and nutrient trading, as well as the non point source sections such as the focus on the five priority agricultural practices and storm water management programs.

He also discussed at length the implementation of the nutrient offset program (trading) and the hopes to drive this to market so farmers can make money from their BMPs. Ms. Pace asked about the criteria for sewage treatment plants and where the trading would come in. Mr. Corbin explained when an expansion or new facility is planned, state of art technology is required, and trading is not allowed for someone who does not install the new technology. Mr. Atherton asked about the fecal coliform from livestock and if someone was going to start examining the baseline. Mr. Corbin said right now the trading program is for nitrogen, phosphorous and sediment. Mr. Nixon asked if a market value will be set. Mr. Corbin said the price is a \$1 per pound for nitrogen and \$1 per pound for phosphorous. Mr. Nixon also asked if credit's will go into a pool. Mr. Corbin replied that this will be a legally binding trade and that they must be done through a third party. The idea, Mr. Corbin said, is to make it simple for a farmer to determine what his credits are.

Mr. Anderson asked if there is any thought given to how to communicate the program and how to gain acceptance. Mr. Corbin stated that outreach will be a huge part of this program and that they need to sell the benefits to get them onboard with the plan. Mr. James noted that there are other nonpoint reductions that can or are being taken. Mr. Corbin added that on the nonpoint side of trading there are a lot more questions then there are answers at this time. He continued with his presentation to discuss jurisdictional loading caps, and moving toward a more comprehensive approach per locality where they take control of this total cap. A discussion followed with members of the Commission talking about situations concerning septic treatment plants and the cap concept in their counties. He urged that they are in the very early stages of this, but added that it is a direction they need to move to make progress.

Mr. Corbin continued to discuss a possible funding split and whether to focus on the large producers. He said this is something the General Assembly may need to address in the future.

He added that the future for the plan will depend on roundtables, listening to what other groups have to say about HB1150, defining legislative needs, tracking the progress of the plan and performing a six-month review of the plan. Mr.

Fields talked about the County of Stafford trying to implement a storm water utility fee asking to take over all the maintenance of the urban BMPs for \$4 a month per household. Chairman Wittman suggested that it would be nice to break it down by sources, to include what tools they currently have, and to identify what tools the counties need. He added that they really need to get down to that level to better define what tools they need and what it will cost. Mr. Corbin said they are working to break down what the sources are and will soon have answers.

Mr. Corbin concluded his presentation on HB1150 and asked anyone to contact him if they have questions. Mr. James said that the Non Point Work Group is working on comments for the plan. He added that three members from NPWG were in attendance at the meeting. They include Stuart Mackenzie, Joe Thompson and Matt Criblez. He noted that they are beginning to develop the plans for the 2007 summit, of which a significant part of the discussion will be focused on the Cap.

Demographic Changes in the Rappahannock River Basin - Kevin Byrnes, Director of Regional Planning, George Washington Regional Commission.

Mr. Byrnes defined what he refers to as the basin and stated that 51% of the growth has taken place in the watershed. Mr. James put the growth increase into perspective stating that a little under 10% of the state population lived in the jurisdiction touched by the basin when the Commission formed 10 years ago. Mr. Brynes looked at the ranking of the George Washington Region population that has gone from 18th place in the 1960s, to the 4th highest ranking population behind Northern Virginia, Tidewater and Richmond.

Mr. Byrnes reviewed demographic information with the Commission. He said that from the year 2000 to 2006 the population of the basin increase by 54,579 people, from 255,558 to 310,137. The percent of population by areas of the basin are: upper 38.7%, middle 48.9% and lower 12.3%.

Mr. Byrnes discussed the projected population growth in the watershed and concluded the change will be more centralized in the middle basin, rather than the upper or lower basins. He added that the best estimates of growth show the basin's population increasing to 334,487 by 2010, 410122 by 2020 and 466,559 by 2030.

Mr. James added that by the time the localities of the basin must have plans to respond to the nutrient loading cap in 2010, we can expect over 20,000 people living in the basin. The question is how will they deal with the cap in the future, when we are unsure how to deal with it today. Mr. Atherton commented that we have no idea what population increase from the 1950s has had an impact on the watershed. He added that it seems if you ignore the impact of population growth on the water quality of the basin, you are not addressing the problem. Even though agriculture practices have gotten better, the Bay is getting worse. He urged that the state needs to project for its own what the impact of population growth will have on the watershed itself. Mr. Fields suggested focusing on what is inevitable and what is

not, because we are not answering the fundamental question. We need to decide what the carrying capacity of the watershed is and ask if a million people could be sustained. Mr. Atherton said that if there is going to be a cap placed on the number of people coming in, then they better give us the authority on how to enforce this.

No Discharge Zone - Chester Bigelow, Shellfish TMDL Coordinator with DEQ. Mr. Bigelow discussed the water quality management process, the process for TMDL development and the objectives and strategy of the Water Cleanup Plan. Mr. James asked Mr. Bigelow to explain the difference between completing a TMDL and implementing the plan. Mr. Bigelow replied that the TMDL sets the target we are trying to meet, which are very conservative. Mr. Bigelow also discussed the TMDLs and the Rappahannock River Basin, the bacteria/nutrient sources, and the two no-discharge zones. Another major concern is that 95% of all pleasure boats are not inspected. He added that there are people who are direct discharging into the Bay today, not just releasing bacteria into the water, but also viruses. Mr. Bigelow also discussed the localities and groups who are interested in supporting a no discharge zone. He added that the DEQ is willing to meet with any locality who wants to support the no discharge zones. DEQ will provide any technical assistance and will also pay for signage to enforce this in the community. He concluded that there are 13 states that have total prohibition of discharge in the water.

Non Point Work Group Update, focus on implications of the Water Clean Up Plan - Chairman Wittman discussed that the NPWG is working to effectively make some inroads, take the data and come up with recommendations for the Commission. In December, the Commission authorized the staff to negotiate with DCR for a grant to focus on the Chesapeake Bay Water Cleanup Plan. Mr. James said the NPWG is working on extensive comments in response to the HB1150 Water Clean Up Plan. NPWG is beginning to plan for a 2007 Summit in October. Grant funds will provide staff time including staff support from the NNPDC and Rappahannock-Rapidan Regional Commission. The workgroup had a discussion about the major topics for the summit to include: The Cap, TMDLs, ongoing planning and how we are going to be a part of that effort. He added that all water quality improvement projection are based on the Bay Program's model. Mr. James said one of the questions that keep coming up relative to the model is: are we doing things to impact the results as shown by the model, or are we doing these things so we actually have improved water quality.

Review of the 2007 General Assembly Session - Chairman Wittman and other Legislative Members. Mr. Atherton stated that the summary of the General Assembly was included in everyone's packet. Chairman Wittman said that the major bill that passed authorizes \$250 million bonds for wastewater treatment plant upgrades. He added that there are other very important bills in the report but this bill stands out to him. Delegate Scott stated he agreed with Delegate Wittman about the bonds, but said from a resource standpoint one that stands out is HB

3113. This bill restructures the air board, water board and waste management board into one board. This bill will have to be acted upon again in the 2008 session. Delegate Cole agreed with the previous remarks and encouraged members of the Commission to give him and other legislators input on the impacts of legislation. Mr. Shrader, who was in attendance for

Delegate Lingamfelter, said he would to report back to the Delegate the Commission's comments on the HB 1150 Plan. Ms. Devine stated that she wanted to thank Senator Houck for working in support of additional funding for the Department of Game Inland Fisheries for Game Wardens to support the easement on the Rappahannock River in Fredericksburg.

Status Update on RRBC FY07 Work Plan – Staff. Mr. James said that the written report on work activities has been distributed. There were no questions.

Discussion of the RRBC FY08 Work Plan – Chairman and Staff. Chairman Wittman suggested bringing the executive committee together to discuss the FY08 plan to make sure the work plan is reflective of all the things that are needed and that it matches available resources. He added that once the executive committee reworks the plan and puts comments together, they can present it at the RRBC meeting in June. Mr. Fields stressed that information and education should be our emphasis. Mr. Grzeika stated how important it is to conduct another summit because it will help engage the public in these discussions.

Public Comment:

Mr. Mackenzie said he wanted to discuss a fundamental concept regarding the Cap. He explained that the whole concept of the Cap is unfair, because the urban areas have already grabbed all the nutrients. The rural locations can not grow because there are only so many nutrients that can be discharged across the basin. He said he does not know how to address it but somehow there needs to be some kind of allowances for those localities who have not enjoyed the benefits of economic development. Mr. Mackenzie asked if there is another way to grow without increasing the impact on the Bay in order to have an expanding economy.

Mr. Criblez discussed the project with Richmond County working with the EPA. He said they will set up the cap allocation for the county, but they will also address how they will live within their means. He said it is more of a case study to see how it works and take it out to the rest of the basin. He added that using this as a pilot project, may create more questions than answers. He concluded that he will update the Commission on any updates.

Establish 2007 Meeting Dates and Future Agenda Items:

June 27, 2007 - Jepson Center at Mary Washington University in Fredericksburg

September 12, 2007 – Upper basin

December 5, 2007 – Richmond

March 26, 2008 – Lower basin

Potential Agenda Items for June 27, 2007:

- Status Report on Water Supply Planning in the basin;
- Approval of FY08 Work Plan with an update from the executive committees meeting;
- Plans for Summit 2007.

MEETING MINUTES
RAPPAHANNOCK RIVER BASIN COMMISSION

June 27, 2007

10:00 A.M.

Jepson Alumni Executive Center, University of Mary Washington
Fredericksburg, Virginia

PRESENT:

LEGISLATIVE MEMBERS:

Delegate Robert Wittman, Chairman
Senator Houck
Delegate Ed Scott
Delegate Mark Cole
Mr. Nathan Strader, representing Delegate Lingamfelter
Mr. Curtis Moore, representing Delegate Harry Morgan

LOCAL GOVERNING OFFICIALS:

Mr. Harry Atherton, Fauquier County (Vice-Chairman)
Mr. Robert Anderson, Rappahannock County
Mr. Joseph Grzeika, King George County
Mr. Chris Yakabowski, Spotsylvania County
Ms. Teri Pace, Orange County
Mr. William Crigler, Madison County
Ms. Margaret Davis, Essex County
Ms. Kerry Devine, City of Fredericksburg
Mr. Pete Fields, Stafford County
Mr. Maxie Rozell, Caroline County

SWCD MEMBERS:

Mr. John Barber
Mr. Richard Street

STAFF MEMBERS:

Mr. Eldon James
Ms. Martina James

GUESTS:

Ms. Lisa Kelly, Madison County
Mr. Mac Saphir, Virginia Cooperative Extension
Mr. Kevin Byrnes, GWRC
Mr. Dudley Pattie, Rapidan Service Authority

SPEAKERS:

Mr. Don Alexander, Director of the Division of Onsite Sewage and Water Services
Mr. Robert Hicks, Director, Office of Environmental Health Services, Virginia Department of Health
Scott Kudlas, Manager, Office of Water Supply Planning, Department of Environmental Quality.

The meeting was called to order at 10:10 a.m. with Mr. Barber leading the Invocation and Mr. Fields leading the Pledge of Allegiance.

Determination of a quorum: Mr. James stated that a quorum was present.

Welcome and Introductions: Chairman Wittman thanked Ms. Devine for her hospitality. Ms. Devine stated that the Governor would be in Fredericksburg to celebrate the river easement that the City of Fredericksburg signed last year. Chairman Wittman announced that Mr. Curtis Moore, a soil scientist in Fredericksburg was here to represent Delegate Harry Morgan.

Chairman Wittman brought to light another issue with Mr. John Tippet, Executive Director of the Friends of the Rappahannock, recently received an environmental excellence award from the International Paper Company, for his work in the basin through the years. Chairman Wittman commented that they will send along to Mr. Tippet, the Commissions recognition of his award.

Review and Approval of the Agenda: A motion to approve the agenda as it was presented was received by Delegate Cole, with a second from Mr. Fields. The motion passed unanimously.

Adoption of Meeting Minutes from March 28, 2007 Meeting

Ms. Devine asked for Mr. George Solley's name to be corrected in the last minutes. Chairman Wittman acknowledged the one correction and asked for a motion to approve the minutes. Ms. Devine made a motion with a second from Mr. Fields. The motion passed unanimously.

Report of the Fiscal Agent — Mr. Bob Wilson, Executive Director, George Washington Regional Commission. Mr. Bob Wilson was not present at the meeting to deliver the report. Mr. James said the members should have received a balance sheet and an expenditures sheet. He said that the members who have been on the Commission for a while will recognize that the numbers are better than past years. He stated that this is a reflection of better times in the Commonwealth. He said the Commission will end the year with revenue ahead of budget, due to additional grant funds provided by DCR for preparations for the 2007 Summit. He added that the expenditures are where they should be which will result in some funds carried into next year. Mr. Grzeika made a motion for the approval of the fiscal agents report, with a second from Ms. Davis. The motion passed unanimously.

Public Comment: There was no public comment at this time.

Status of Virginia's Water Supply Planning Requirements — Scott Kudlas, Manager, Office of Water Supply Planning at DEQ Mr. Kudlas reviewed the legislation for the comprehensive state water supply planning for local and regional entities. This requires that every locality in the state develop a local program. Through a power point presentation, he reviewed the goals for the plan. He said his staff has been working with over 187 localities for which they have provided funding. He added that there are 25 regional planning efforts around the state. He provided a map to show where the regional activity is in the state. Ms. Pace asked what non conventional water sources are and Mr. Kudlas explained these are methods that are widely used in the Hampton Roads area. Mr. Kudlas talked about the deadline of 2011 and the recent grants DEQ has provided in the area. He described the different phases for the program and the recent submission of plans from Orange and Stafford counties. He said one thing that has caused some confusion is whether the regulation requires a plan or a program. He explained that it requires a submission of a program for review by

the state, and what it means is that it includes the water supply plan and any other ordinances that will be adopted in support of the plan. He reviewed the order of the documents for submission on the plan.

Research Agenda: Mr. Kudlas gave an update for digitizing a significant number of the watersheds in the state. He said this is the basis for developing water supply and water flow statistics that counties can use in the development of their plan. He said they have just gone live with this document on the USGS web site, which will provide a daily running average for a number of water supply planning statistics. In addition, he said they have just created a review of the hydrological framework for the state. Ms. Pace asked about expanding the ground water data in the state. He said this is the result of 35 years of research and very little work has been done on the Piedmont or western part of Virginia. He has a staff of three who are using a small budget to find suitable, abandoned wells to be used as part of the state monitoring network. He said they are actively looking for abandoned wells, if anyone has information on one. Ms. Pace asked Mr. Kudlas what their standards are for industry to obtain a permit for groundwater use. She also asked what about citizen's safeguards. Mr. Kudlas said the health department may have something to say about it, and part of the water supply planning process is to work with each jurisdiction on making this work for everyone.

Mr. Kudlas also explained a new process for determining whether a county is in a drought situation. He said this new tool will also be available online in the near future. Mr. Fields asked Chairman Wittman if the completion of the water supply process will help move this concept forward legislatively. Chairman Wittman said if the folks in the development community will take the time to understand what this means, that it is a projected measure for the availability of water, and public infrastructure has to be built around this. He said he hopes when the plans come out and they have the blessing of DEQ, they will understand that it is an objective document that can be used as a planning tool for localities. He added that they need to clearly link water supply and planning, and that he is engaging the development community on this. Delegate Cole said it will be tough to get it though, but in the meantime there is nothing that stops the local governing body from looking at zoning to make sure it matches supplies and resources. Senator Houck said he sponsored the legislation twice. He said the private sector had no appetite for this and they see this as a means of stopping growth. He added that this whole thing gets back down to what are the decisions that are being done at the local level. Mr. Fields said he appreciates everyone's efforts on this, but it always comes back to the issues of vested zoning versus the question of limiting development rights based on the actual availability of resources such as water. He said if Stafford County had alternatives to control the demand for water consumption, they could defer or delay the 100 million dollar reservoir that is in the near future. Chairman Wittman said he would like to be able to sit down with builders to honestly discuss their thoughts and concerns.

Mr. Grzeika said the state really needs to look at this and he does not see the progress on groundwater aspects. Mr. Anderson said his county is 98% dependent on groundwater, and they are putting in a tremendous amount of money to research the groundwater situation to deal with the areas on central water. The cost to the counties is going to be dramatic to research even the small portions. Mr. Kudlas said that in 1985 there was a network of over 500 stations for monitoring and now we are down to 200 due to funding cuts.

Ms. Pace said you don't ever fix a problem, until you know what the problem is. She said every elected official is pandering to the to special interest groups, we as elected officials need to be

guarding the trust that the public has given us and what is important to the generation. Mr. Grzeika said he does not agree with Ms. Pace, and that we would not be sitting here spending our time trying to solve these issues. He said he has a much more positive view of the world and most of us who run for office do. He asked that this be included in the record of the meeting.

Senator Houck said he understands what a difficult time the localities are having to measure groundwater and said he understands the limited resources for this at the state level. Mr. Kudlas said that the use of USGS funds requires matching funds and that DEQ has \$800,000 which does not go very far in these types of studies. Senator Houck asked how will we except the localities (whether individual or as a region) to come up with the planning and programs if we do not have the fundamental tools in place to measure groundwater. Mr. Kudlas said if they continue on with their limited research agenda, and we get a better sense of what localities expect to happen in their areas, and what source they expect to draw water from, they will get a better idea of where the potential conflicts are. He said this gives them the ability to decide how to invest to address those issues. Senator Houck said they are not really attempting to determine water supply planning, but instead they are really trying to determine what localities and regions anticipate in terms of land use decisions and growth. Mr. Kudlas said the first iteration of this document will focus on that.

Mr. Rozell said if we can get the authority to say we don't have the capacity, then the counties can say we don't have to allow the development. The counties who say this now go to court. What do the counties do when these decisions are in court. Delegate Cole said once the court cases are decided it might turn up the heat a little bit. Chairman Wittman said there has been discussion whether the statutory authority exists. He said some counties think the language is too general. It will be interesting to see how the court rules to see if counties have the authority. Mr. Fields said that the local political units have to have the political will to use everything that is given to them in the Code of Virginia. Mr. Barber said one of the key places to start to push this is in the Comprehensive Plans. He added that we are finding that developers can easily challenge the plans because they are so general. He said even if localities don't have the water data needed, they can at least look ahead. Chairman Wittman said a lot of the counties don't have the data, so they rely on people who are requesting the development to find the data. This raises an issue, that of the validity of the data being given and an independent review source needs to be used to confirm or question the findings. He added that it is a tough issue when you are trying to develop this to make an educated decision.

The Implications of the Growth of Alternative Wastewater Treatment Systems — Mr. Don Alexander, Director of the Division of Onsite Sewage and Water Services and Mr. Robert Hicks, Director, Office of Environmental Health Services, Virginia Department of Health.

Mr. Alexander's presentation included the discussion of alternative systems of treatment, dispersal, on-site and decentralized and their implications for different groups. He talked about the cost of the systems and how it works. The systems include suspended, attached and a combination of the two. He added that the treatments include aerobic, as well as a new treatment called membrane filtration and plasma torch technology that actually burns the waste. He presented pictures to the Commission on the different alternative wastewater systems available on the market. He discussed the concept of drip dispersal and how it distributes the water evenly. One of the implications, he said, is these systems need maintenance. They have a control panel to run them that is fairly susceptible to being hit by lightning, and there are parts that can break. He also talked about spray irrigation, which is not a popular method for dispersal. Mr. Alexander displayed a picture of a larger decentralized system in Loudoun County. He explained how a decentralized system works,

and how many people it serves. The implications come to the homeowners, he said, with a fairly steep initial cost, operational cost for electricity, lifestyle issues, maintenance cost and parts and personnel. For local government the implications are that more land becomes developable, infrastructure poorly done on-site will be a capital expense and will involve some utility expense, as well as more complex communications between agencies. He discussed the roles of many agencies and trades, and how their roles will change due to the alternative systems. Mr. Alexander discussed the life span of most individual systems with operations and maintenance may last 20 years.

Mr. Atherton said he has been dealing with alternative treatment systems for 15 to 20 years and the health department has changed its position. He said Fauquier County still requires a special exception for experimental systems for new construction. He added that they just lost a court case that said they can not do that, and said they have a legitimate governmental issue to see if the system works. He said this is not just a problem for us but for everyone down stream. He asked for help from the state to make determinations as to how these systems can and will function. Mr. Alexander said on experimental systems they require 100% backup. They will issue a limited number of pumps, 100 statewide and they want 100% reserve area to double the size of the dispersal field. He said they have changed their regulations for experimental systems, conventional systems and provisional systems asking for a reserve area with three years of data on 50 systems before they can issue construction permits. He added that they really need to move forward and not stay back with the 1950s technology.

Mr. Atherton asked what they will do about a failure rate on a system that is noticeably higher than a conventional system. Mr. Alexander said the drip dispersal system was the first one they looked at for failure, and most of the ones they found were a design flaw that the manufacturer fixed. He said they are looking at aqua aerobic systems and the failure rate is approximately 10%. He said they are repairable and that there is another design flaw in the system and in terms of public health risk he said he does not see a lot there. Mr. Moore reminded the group that the treatment technology is no different than anything other system, and that it is just on a small scale. Mr. Fields confirmed if there is a decentralized system with the proper maintenance could function indefinitely. Mr. Barber asked about the nutrients entering the water table, which will enter streams more quickly. Mr. Alexander said phosphorus is tied up in the soil and companies are trying to figure out a way to capture the nitrogen. For nitrogen they can get 30-60% removal and the remaining part will go into the soil with some being taken up by plants. He continued at length to discuss the removal of nutrients. Mr. Barber reminded everyone that we are facing caps on the nutrients in the streams. Mr. Alexander said every human being contributes 8-10 lbs. of nitrogen and there is a lot of nitrogen to move around. He said he does not have a real answer for it.

Chairman Wittman asked if there is a performance standard that is put in these systems as far as nutrient removal, is there someone to monitor this, and if the performance does not meet the criteria, is there a statutory ability to take action. Mr. Alexander said they are writing a performance standard, which will address how to monitor it. Economically it is not feasible and to carry out enforcement actions on the individual systems, it would be a nightmare. On a community system it would not be hard. He added that they are trying to do some statewide monitoring to look at the technology. Chairman Wittman commented on transportation plan HB 3202 that focuses on development taking place where they minimize infrastructure costs for transportation. He said this creates an issue at the end of the pipe relative to nitrogen caps. He said the alternative is to move the building further out, and brings us back to the point we are just moving nitrogen around. At the

end of the day we are just trying to cap nitrogen and if there is no performance standard, all we are doing is moving deck chairs around on the Titanic.

Discussion of the RRBC FY08 Work Plan and Status Update on RRBC FY07 Work Plan — Staff, Chairman Wittman and Executive Committee Members

Chairman Wittman announced that the executive committee has evaluated the work plan to make sure what they were putting on paper was something they were capable of achieving. Mr. James discussed the two handouts, one the current work plan and the work they have accomplished through the end of May. Chairman Wittman said the highlighted pieces tell you what has been the focus of work since the last Commission meeting. Mr. James said the work plan had been carried forward for a number of years back when the funding was a little higher and to focus in on a number of key issues. He said the primary focus will be on the water cleanup plan and the tributary strategies, with a continued focus on the non point side and more focus on the nutrient loading cap. The next section deals with communication and working to present current recommendations to the Commission and the Non Point Work Group to generate a report from the 2007 Summit. In Item #3, the Executive Committee shortened this with a focus on web-based and electronic communication and to be available when we are invited to speak to other organizations. Mr. James said they have streamlined many items out of the work plan that they weren't able to spend much time on. The major focus will be Summit 2007 with the work and recommendations that come from it and input into the water cleanup process that the state has. Senator Houck said there was nothing in the work plan that addressed the recent sewer overflows in Spotsylvania and other jurisdictions. He thought it would be appropriate to take a close examination for what is causing this, and what are the breakdowns, or to at least monitor a report. He added that with the incidents of these occurring, and the make up of this group, there should be some aspect of the work plan to address that. Chairman Wittman suggested putting it under Item 4 to discuss point source within the Basin. He said it is more of an issue as we get into the hard caps that have to be put into place. Mr. James said under the end of "4c" we could add something to look at these types of issues. Mr. Rozell said he agrees with what Mr. Atherton said about the experimental systems and is there anything being done to look at this. Mr. James said it is part of the water quality issue and it will be an ongoing issue of discussion. Chairman Wittman said he will make two additions to the work plan and asked for a motion to adopt. Senator Houck made a motion to approve the work plan with a second from Mr. Fields. The work plan was unanimously approved by the Commission.

Proposed FY08 Budget — Mr. James said the budget is very similar to past budgets with a few more resources to work with. He said the budget includes a grant from DCR for some of the planning and ongoing support for the Summit. That support will come from Rappahannock/Rapidan Regional Commission (RRRC) and Northern Neck PDC. The grant funds that they have now are for the planning, but he said we will have to seek additional funding to prepare the report generated from the Summit. Chairman Wittman asked for a motion to adopt the budget. Ms. Pace made a motion to approved the budget as presented with a second from Mr. Fields. The budget was passed unanimously by the Commission.

Review of RRBC Comments on the Virginia Water Cleanup Plan — Chairman Wittman and Staff.

Chairman Wittman pointed out that there is a letter to Assistant Secretary Jeff Corbin and proceeded to review a few of the 36 comments provided by the Commission and the Non Point Work Group. He said the cost for these water quality measures have been based on historical cost, which is therefore underestimated and that it needs to be accurately reflected in the cost of the

agricultural and forestry activities as part of the non point source program. He said a lot of the efforts are not credited and that they need to be catalogued for all the efforts as far as non point water quality efforts. The key to this is that soil and water conservation staff can recruit and retain the district specialists in all the areas throughout the basin. Another thing is to boost the number of farmers in non point conservation throughout the basin. Chairman Wittman said they want to address animal litter and the nutrients challenges it provides across the basin. Delegate Scott said he would urge us to proceed cautiously to think that nutrient management plans would be a silver bullet in terms of dealing with poultry litter applications offsite from where it is produced. There was a discussion on this issue. Chairman Wittman said he will make sure they can put that in the document to make sure it is streamlined so people can get their guidelines for the folks who do not fall under the regulatory requirements. Another issue that has come up is that the state needs to utilize the planning districts, especially with GIS information. Another issue is the loading analysis with nutrient caps and modifying the model that figures out how much nutrients are going into the waterways and to desegregate the data so that we have county specific information. The key is to having information that localities can use it for decision making. This boils down to resources and technical expertise and how do you make public policy to meet the caps. A big issue, Chairman Wittman said is that all planning efforts are based on the model and the question has always been to work to demonstrate results or are we working to satisfy the model. Another issue is septic tank pump out programs and many state organizations are working to resolve the problem of having to travel so far to dispose of septage.

Chairman Wittman added several points: residential development is pushing these water quality issues; a significant proportion of the implementation of TMDL plans will be local issues; and concern about failing septic systems, especially for low-income households and the need for alternative funding sources for these failing systems. All of these call for the need for some sort of continuous source of funding.

Chairman Wittman said that these are some of the highlights of the 36 items. He asked for feedback from the Commission on these items, and said that the Secretary's Office wants to hear from the Commission on this.

Mr. Fields said they really need to emphasize the failing septic system and he asked if any discussion has occurred that makes the homeowners have a reserve area to have a mechanism in new construction. Chairman Wittman said there has been some discussion to help the folks repair the failing systems.

In answer to a question about how the comments were developed Mr. James said the NPWG is made up of a number of participants, which include regional planning participants, local government, farm bureau, soil and water district, DCR, NCRS, and cooperative extension services. He said they spent 3 meetings developing 36 points and the group feels comfortable that a lot of issues have been covered. Mr. James announced to the Commission that Matt Criblez with DCR informed the Non Point Work Group that the Secretary has set up a series of cross agency meetings, and that they have established that there is no deadline, but instead an open comment period for the document. Mr. James clarified that the document pointed out that some localities are putting TMDLs in their Comp Plans. He added that the NPWG is concerned that a TMDL is an enforcement item but a comp plan is a guidance document. He added that as we move forward they need to figure out if there is sufficient authority exists where to enforce actions required of localities within TMDL implementation plans.

Chairman Wittman urged that this is a living document and that this is not the last time they will go through it to make comments on the Virginia Water Cleanup Plan. He suggested that as the Commission members go back to their Boards to gather feedback, and that it will remain as an agenda item for many RRBC meetings to generate feedback.

Discussion of Plans for Rappahannock River Summit 2007 — Staff and Members of the Non Point Work Group Mr. James reviewed the second draft for the plan for the day for the Summit. He said the steering committee for the Summit meets several times each month. The members include himself, Chris Conti (RRRC), Stuart McKenzie (NNPDC) and Mac Saphir (VCES). He added that an agreement has been reached with Judy Burtner and her group to facilitate the Summit. Mr. James talked about the logistics of the Summit and urged everyone at the meeting to take the postcards for the save the date for the Summit to pass along to anyone interested in attending the event. Mr. James said the items for discussion include TMDL implementation, the nutrient loading cap and the ongoing planning process establish in HB1150 and how we will deal with this in the Rappahannock River Basin. Mr. James said he is planning for 150 people to attend and in past Summits up to 160 people have attended. He urged everyone if they know someone dealing with water resource issues or land use planning, they should attend the Summit to hear what is being discussed. Recommendations developed will be going back to the people who make the decisions.

Chairman Wittman asked if there was any other business to come before the Commission.

Public Comment: Mr. Byrnes with the George Washington Regional Commission said that at the close of his presentation in March, he said, that in the past the state projections for growth have consistently been wrong. If so, how many more people will be coming to the region. With this in mind, Mr. Byrnes asked Mr. Kudlas if he could define for the group, not just the extension of the deadline, but what is the practical advantage of defining the growth. Mr. Kudlas said they believe that water is going to be a limiting factor in the growth of the communities and that very few of the jurisdictions will be able to meet all their water supply needs within the jurisdictions. Anytime we talk about water quality, he said, it is all flow related, and anytime we approve a TMDL, or have a nitrogen standard, or a new wastewater discharge, we are allocating flow. He said if we start to look at this comprehensively and how these incremental steps are taking water out of the surface water system there is very little left for water supply purposes. He added that we need to come to the realization that we work together, instead of saying it is each jurisdiction's water. We are also seeing it with the most recent round of storage facilitates and that they are getting increasingly expensive to construct and run. He concluded that there are a lot of economies of scale in terms of infrastructure, but water availability is going to be a significant issue that will necessitate not only some conjunctive use of the water, but more effective regional use of the water.

Chairman Wittman welcomed Lisa Kelly, the new county administrator for Madison County and thanked her for joining the meeting.

Review 2007 Meeting Dates an Future Agenda Items:

Chairman Wittman asked that the members mark these dates on their calendar. He discussed the agenda items for the next meeting and asked for other items to be added.

September 12 , 2007 - Fauquier

December 5, 2007 - Richmond

March 26, 2008 - Middle Basin

June 18, 2008 - Lower Basin*

a) Potential Agenda Items for September 12, 2007

- Final Plans for Summit 2007
- Local water quality/supply programs in upper basin

Mr. Fields made a motion to adjourn the meeting and Mr. Rozell followed with a second. The meeting adjourned at 1:00 p.m.

MEETING MINUTES
RAPPAHANNOCK RIVER BASIN COMMISSION
September 12, 2007
10:00 A.M.
The Barn at Lord Fairfax Community College
Warrenton, Virginia

PRESENT:

LEGISLATIVE MEMBERS:

Delegate Robert Wittman, Chairman

Delegate Mark Cole

Mr. Nathan Schrader, representing Delegate Lingamfelter

LOCAL GOVERNING OFFICIALS:

Mr. Harry Atherton, Fauquier County

Mr. Robert Anderson, Rappahannock County

Mr. Joseph Grzeika, King George County

Ms. Teri Pace, Orange County

Mr. William Crigler, Madison County

Mr. George Solley, City of Fredericksburg

Mr. Steve Nixon, Stafford County

Mr. Walter Ball, Richmond County

Mr. Joe Brito, Stafford County

SWCD MEMBERS:

Mr. John Barber

STAFF MEMBERS:

Mr. Eldon James

Ms. Martina James

GUESTS:

Mr. Mike Finchum, Caroline County

Ms. Denise Harris, Fauquier County

Mr. Todd Benson, Piedmont Environmental Council

Mr. David Nunley, Caroline County

SPEAKERS:

Preston Smith and Daniel Powell, Virginia Department of Health

Jack Frye, Director, Soil and Water Conservation Division, Department of Conservation and Recreation

Beverly Hunter, President RappFLOW

The meeting was called to order at 10:24 a.m. with Mr. Barber leading the invocation and Mr. Solley leading the Pledge of Allegiance.

Determination of a quorum: Mr. James stated that a quorum was present.

Mr. Atherton welcomed the Commission to the county, and pointed out that Fauquier County is the head waters of the Rappahannock. He added that what happens to our water is of immense interest to everyone downstream.

Review and Approval of Agenda: Mr. James stated that they have shifted the agenda to move the presentation by Mr. Jack Frye up, and the Health Department presentation will be moved further back in the agenda. A motion to adopt the agenda was made by Mr. Grzeika and Mr. Anderson followed with a second. The motion passed unanimously.

Adoption of Meeting Minutes from June 27, 2007: Ms. Pace stated a correction on page 4, second line of the paragraph, to include the words "at every level of local, state and federal." Mr. Atherton made a motion to approve the minutes, with one change, and Mr. Nixon seconded the motion. The motion passed unanimously.

Report of the Fiscal Agent — Mr. Bob Wilson, Executive Director, George Washington Regional Commission. Mr. Wilson was not present at the meeting to deliver the report. Mr. James reviewed the balance sheet with the Commission, which runs through the end of August. He noted that revenue stands at 21% and expenditures are at 14 %. Mr. Nixon asked about the state share. Mr. James responded that for the current year it is \$20,000. He said he does not know what the future holds and given the Commonwealth's revenue shortfall he does not expect to see the \$20,000 from the state in the next cycle. Mr. Nixon asked about budget requests. Mr. James said we need to start preparing budget submittals to member localities next month. Mr. Nixon made a motion to approve the fiscal agent report and Mr. Grzeika followed with a second. The motion passed unanimously.

Public Comment: There was no public comment at this time.

Changes to Virginia's Storm Water Management Program and their Implications — Jack Frye, Director, Soil and Water Conservation Division, Department of Conservation and Recreation
Mr. Frye said he was here to address the changes in the storm water program. He said that currently there are 165 erosion and sediment control (E&S) programs across the state, with only about 30% of local programs consistently applying the law. The Soil and Water Conservation Board is working with localities in corrective action agreements and monitoring the programs. Currently only about 60 programs are compliant. He stated a goal of 90% of the 165 programs to meet compliance standards by 2010.

He then talked about what is being considered as the "pre draft" proposed regulations. He said over 20 people from different agencies have formed a technical advisory group have worked for a year and half to work on the regulations. He added

that the proposed regulations may go to the Soil and Water Board within two weeks. The three areas for consideration are water quality and quantity, local program administration and the permit fee that everyone will have to charge. Mr. James asked how many MS4 localities are in the Rappahannock and Mr. Frye said he would find out and e-mail the answer to him. Mr. Frye said that all localities will need to adopt the program within 18 months of the final adoption of the regulations.

Mr. Barber asked if it VDOT will have separate authority. Mr. Frye said that VDOT is permitted separately. Chairman Wittman asked if the program covers storm water management or just land disturbance. Mr. Frye explained that it depends on why land is being cleared and discussed the different criteria for that. There was some discussion between Chairman Wittman and Mr. Frye concerning the criteria for the fee and the permit process. He said this will change due to staff time and on site visits. Mr. Frye discussed the maintenance agreement and the permit fee schedule based on time to review the plan. Ms. Pace asked if the locality could raise the fee if they felt like the fee was too low, and Mr. Frye said they could not raise the fee. She then responded, how is the state going to come up with the fair cost since they are not doing the work, but the locality is. Mr. Frye said they have worked with local government to look at different examples for how long it would take to inspect. Mr. Frye discussed the time frame for the proposed draft and the various levels of government and organizations that it needs to go through. Mr. James asked if there is a shortage of qualified contractors. Mr. Frye said they are talking about this issue and agreed that the people need to have some training certification in place to get a better handle on how to address the issues. When asked if DCR would take the lead on the project, Mr. Frye said that it will be an evolving process. Mr. Nixon asked if they have developed the criteria for inspection and certification to do this, and Mr. Frye said they plan to do that.

The Chair recognized Mr. Finchum of Caroline County. Mr. Finchum said there is seems to be a breakdown between the state and local programs, when state inspectors come on site and overrule local inspectors. He suggested the need for more efforts to coordinate the two levels. He also asked if there are any guidelines that local government can implement. Mr. Frye said his people are on site because of the federal permit requirements. He added that the inspectors should be working with localities to make sure the construction process is not interrupted unnecessarily. Mr. Barber asked what role the Chesapeake Bay Local Assistance Division (CBLAD) has. Mr. Frye said the final step of the reorganization has not taken place yet, but the law does not include that division in the storm water program. Chairman Wittman thanked Mr. Frye for his presentation, and stated there will probably be a continuing stream of questions as this all takes place.

Discussion of Plans for Rappahannock River Summit 2007 — Staff and Members of the Non Point Work Group

Mr. James encouraged everyone has looked at the web site for the RRBC. He demonstrated the web site for the Commission and pointed to the Summit section. The tag line for the Summit is "improving water quality will change the way you do

business.” He talked about the speakers at the event, sponsors, some of the topics to be discussed at the event, and the agenda. He added that he will work in a 15 - minute discussion on point source from a representative at DEQ. Mr. James demonstrated online how easy it is to register for the event.

Background on Summit 2007 Issues: Nutrient Loading Caps and TMDL Implementation — Jack Frye, Director, Soil and Water Conservation Division, Department of Conservation and Recreation

Mr. Frye discussed framed the subject by reminding everyone that the amount of nutrients introduced into the waters of the Rappahannock basin from point sources is about 6%. He explained the nutrient loading cap as the limit of nitrogen and phosphorous that can be added to the river and that over 90% is coming from unregulated non-point source pollution. He also described TMDL implementation, as the total maximum daily load of pollution that is allowed on an identified impaired stream segment. He added that exceeding these pollution loads is a threat to public health and a threat to public drinking water. Mr. Frye discussed some of the programs implemented within the state, as well as the successes and failures over time.

Mr. Frye discussed what this all means for local government and the issues such as land use, changes in management of land, growing interest in securing water quality for drinking, and commercial development. He pointed out various dilemmas with the point source or non point source bay cleanup, and the nutrient trading issue. He said limits and permits have been set for discharge in the bay. He stated that there is a basin wide goal. Since point sources are regulated by permits the state can control them but it is hard to control the non point, with the majority of the programs being voluntary and no assignment to responsible parties. The land management element is an unknown. It is site by site. There is no true accounting system at the basin at the state, regional or local level. This presents difficulty for implementing nutrient trading because a baseline of existing conditions does not exist. Mr. Frye raised the concept of looking at a locality cap goal NPS to develop loadings at the county level and to meet one on one with local government to look at land use data. This will improve what the Bay Model tells us relative to opportunities are to achieve reduction. Mr. Frye urged that until we have an accounting system, the idea is to work collectively to build a framework at a level that can be managed.

Mr. Atherton asked if anything was going to be done to get a handle on what the NPS loading impacts are relative to the conversion of land uses from farm or forest to residential or commercial. Mr. Frye acknowledged the problem. He said they will continue to look at that issue. DCR has been working to move from an education/demonstration program to one that is more implementation based. He said he thinks caps are ten years out, and said he does not know how it will be managed. Mr. Barber stated that at the (soil and water conservation) district level it is the fundamental problem of dollars to put people on the ground. He said it takes people to do the job and takes money to pay the people. Mr. Frye said that is where we are and have been. He restated that there currently is no accounting system for

actual non-point source loading. Mr. Frye finished up his presentation on TMDLs saying that once an TMDL has to be developed for the Bay he is unsure what will happen on the non point source side. Chairman Wittman said he appreciated Mr. Frye's presentation to give an overview of the topics for the Summit, and encouraged everyone attend the Summit.

No Discharge Zones — The Health Department Perspective, Preston Smith and Daniel Powell, Virginia Department of Health. Mr. Smith explained their role in the marina program. He explained what a no discharge zone (NDZ) is and reviewed a history that the state applied in 1981. He defined what a marine sanitation device is, as well as providing samples of the various types of marine sanitation devices. He also provided a background on the laws and regulations. He explained that the only existing NDZs in the state are Smith Mountain Lake and Lynnhaven Bay. These are clearly marked so boaters are aware of the changes. He presented the reasons for applying for a NDZ on the Rappahannock, which includes implementing a set of rules, it eliminates confusion and accidental discharge for poorly maintained systems, obvious health and water quality issues, and ensures adequate pump outs in a NDZ. Mr. Smith stated that there are approximately 137 boating facilities that are regulated by the health department on the Rappahannock.

Mr. Smith discussed the history of the pump out system, that used to achieve 10 gallons per minutes, now with improved pump outs, it achieves 20-30 gallons per minute. Mr. Smith stated that they conduct an annual inspection of boats. The waste goes to a holding tank or to a sewage collection system. He explained the fees for the boater is \$5. Ms. Pace asked if the marina can charge more. Mr. Smith explained that federal regulations require that amount for the pump out. He explained that boats tend to discharge 5-10 gallons of black water and if that boat discharges near productive shellfish, it can cause a serious problem. He presented the results of what comes through black water and a possible fecal coliform count.

Mr. Powell, who works for the division of sanitation, discussed the water sampling areas and where they are located. He said there are 15 growing areas on the Rappahannock, including the counties of Essex, Middlesex, Richmond and Lancaster. He explained the classification of the waters and when the shellfish can be harvested. He showed the statistics with 5700 condemned acres, 383 acres of prohibited and 288 acres seasonally condemned. Mr. Crigler asked if there are a lot of variables from boating to non boating activities. Mr. Powell said that rainfall is more of a variable with runoff. Mr. Smith reviewed the federal discharge zone regulations and data collection required for proposed NDZ application. Mr. James stated that with the increased activity with more people and boats and increased number of pump out locations, it all adds up to NDZs is more of a potential reality today then it ever has been before. Chairman Wittman asked if the application has been made for the Rappahannock to be a NDZ. Mr. Smith said he knows Mr. Bigelow, the Shellfish Coordinator with DEQ, has been working with some interested stake holders in Middlesex County.

He suggested that one idea is to designate the creeks first as a NDZ, where we know we have pump outs in place, instead of the whole river. Mr. Smith said that the lower Rappahannock has some interest in it. Chairman Wittman said that the members from that area were not present, but they would wait for other members from Essex and Lancaster County to make a determination. Mr. Smith said the success of a NDZ is through enforcement. He added that we can designate the river as a NDZ, but the agencies have to enforce it. Mr. Smith added that navigational buoys determine where the NDZ is on the river.

RappFLOW (Rappahannock Friends and Lovers of Our Watershed) Water Quality Efforts, including efforts to implement the Rappahannock Tributary Strategies and providing input on local ordinances — Beverly Hunter, President. Mr. Anderson introduced Ms. Hunter and stated that she has been a great asset to Rappahannock County, especially on the Comprehensive Plan. Ms. Hunter presented information on the history of RappFLOW and the mission of the organization. She said she was here today to discuss the importance of headwaters, watersheds and a little about the nature of the organization, some indicators of the progress in protecting the watershed and water quality, as well as some of the challenges we face. She said her volunteers cover a variety of professions from real estate to farmers to artisans because they know they can't make progress without everyone's voice at the table. She reported that over the past 8 months, they have logged well over 3,000 volunteer hours for a variety of projects.

RappFLOW's major partner is the county government, and they also work very closely with the local high school, where they help teachers with GIS and mapping. They also get a lot of technical assistance from DEQ, CSWCD and VA Save our Streams. Ms. Hunter talked about some of the current programs. She reported that she is very excited about the storm water ordinance, because they are the first locality to develop this when they are not required to do this. Another project they are starting to plan is the water supply assessment, which they will be combining with a quality assessment. She also talked about the water supply advisory board, of which RappFLOW initiated the formation. She discussed conservation easements and land use value taxation, which enables farmers to keep their farms intact, and in some cases, encourages landowners to move toward easements. There was some discussion on the counties and what they give up for land taxation. Ms. Hunter talked about some of the challenges facing the organization, such as the Water Quality Improvement Fund (WQIF) could be more predictable enabling agencies to hire staff for this. She said they need to find more flexible ways of working with farmers on BMPs. She added that they need more robust data to justify the expenditure of volunteer resources. In summary, Ms. Hunter stated that protection, not remediation the head waters is paramount.

Review 2007 Meeting Dates and Future Agenda Items:

December 5, 2007 - Richmond

March 26, 2008 - Middle Basin (possibly King George)

June 18, 2008 - Lower Basin

September 17, 2008 - Upper Basin

Potential Agenda Items for December 5, 2007

Report from Summit 2007, including recommendations for action

Discussion of potential legislative initiatives. Mr. Nixon talked about looking at certain policies and methodologies of the TMDL process and how to manage the process.

He then asked how do they not duplicate and spend resources twice. Chairman Wittman suggested placing the issue of the TMDL implementation plan and what the agencies will do on the agenda for the next meeting. Chairman Wittman also stated there was a request for the coming year to look at the local contributions to the Commission and any interest in changing the contribution level. He also noted that Mr. James can put together a budget and have the executive committee make a recommendation to the Commission to look very closely and see what our needs are. He concluded the meeting stating the key is to look at what we are doing and what we need to accomplish with the Commission. Mr. Ball made a motion to adjourn the meeting, with a second from Mr. Nixon.

The meeting was adjourned at 1:47 p.m.

NON POINT WORKGROUP

Meeting held at George Washington Regional Commission Minutes October 25, 2006

Next Meeting: November 21 at 10 a.m.

1. Welcome & Introductions

Attending:

Eldon James,

Sam Johnson,

Mac Saphir, VCE Caroline County

Matt Criblez, DCR

Bill Latane

Denise Harris, Fauquier County

Also on the conference call:

Stuart McKenzie, NNPDC

Rob Wittman

- The Minutes from August 9 were accepted by the group.

Discussion of DCR's level of commitment to the website project Mr. James summarized the memo sent by Jack Frye. He said Mr. Frye expressed his continued interest to see the project move forward. Although this does not include money to go with the endorsement, Mr. James said the conversation was positive. Mr. Frye recommended a 2-step process: 1- hire a technical person to develop an appropriate scope of work to develop the web portal and 2 – seek grant funds to develop the web portal. He said Step 1 would be used as a resource to apply for the funding through grants. Mr. James also said there may be a very slight possibility that DCR would have a few thousand dollars to pay a technical person.

Mr. Wittman stated he would like to get a firm commitment from DCR for a few thousand dollars to fund the technical person to research the website cost and setup. He also added that they really need to assess things they can or can't do with the website.

Mr. James said he will make arrangements for a meeting with Joe Maroon, Director of DCR.

Follow-up on Action Items:

Grant Search Committee Report

Mr. James reviewed who the grant search committee is including Mr. Saphir, Mr. Latane, Ms. Harris and Mr. Criblez.

Mr. Saphir researched the grant that funded the LUPIN website in California and provided details on that grant. He stated that Digital Libraries has a 10-year implementation period with the money coming on in 2010. Ms. Harris asked what the benefits were to bring a university online with the grant process like LUPIN did through UC Davis.

Mr. Saphir stated that the website will probably cost less than a couple hundred thousand dollars, even though this grant source gives millions. Mr. Latane suggested using much of the same verbiage from the LUPIN grant if it is attainable.

Mr. Criblez provided his search for a grant that is due December 18 with a one-year cycle. The grant is the Cooperative Institute for Coastal and Estuarine Environmental Technology. He said \$750,000 can be applied for that is specific to land use planning, conservation plans, water resources and targeting more geospatial tools, etc. It was determined that this could be used for startup costs for the website.

Mr. James asked both Mr. Criblez and Mr. Saphir to forward the information on the grant search to him.

Potential Pilot Localities

Mr. James said he had spoken with Chris Conti, who said he has not had the chance to speak with officials in the Rapidan area due to staff reorganization.

Ms. Harris said that Fauquier County has some interest.

1-page description of project & talking points

Mr. James distributed the 1-page description of projects and talking points and discussed the changes for the rewrites.

He stated that the changes were made after the last meeting to reflect the comments from the Group. Mr. Latane suggested writing "non compliance" in the second part of the Problem statement, versus the word "ignorance."

Action Items:

Mr. James talked about his meeting with Mr. Criblez and Mr. Wittman to discuss the role of the Non Point Workgroup in 2007. He said that before the General Assembly convenes in January, HB 1150 plan, the legislative passed administration has to lay out a plan of how to spend the Chesapeake Bay money. He suggested that the plan will impact a lot of state agencies and that this work group may be valuable as one of the tasks on our list to take the plan before the commission and work with localities to have discussions on local implementation on the HB 1150 plan.

Mr. Wittman agreed that this is a critical roll for the Workgroup, because the HB will require a significant amount of effort to determine who needs to do what to meet water quality. He said they really need to work to identify what is worth the money and are they doing it in the most efficient manor possible. He said they need to concentrate on the web portal project and get it going because that is exactly what the Commission had in mind for the Workgroup when it was started.

Mr. Criblez said that as we get into HB 1150 there is a study group that the Secretary has pulled together, with a report in January to define the funding to compliment the final report. He felt that our agency is latching on to this to implement discussion with Secretary's office on how to establish that to move forward.

Mr. James explained how the money is being identified. He said that the state is only putting in a set amount to meet the need and is expecting partners including local government, development and the agriculture community to have financial roles in this.

Ms. Criblez said that there will soon be an update to watershed model. It will help to define by locality a goal for non point source work. Then there will be a couple pilot projects to identify what they can do for resources to develop new projects.

Ms. Harris said there is no where to go to get the resources for the localities to put projects in place.

Mr. McKenzie said they need to identify what it will take to do this and what resources it will take. He said he does not see it being on the scale to have to hire a person. He also agreed that the state needs to provide funding to help with the cost of this for localities.

After reading the summary of House Bill 1150 to the group, Mr. James added that the plan also calls for analysis of funding sources with a semiannual progress report completed by January 1. Mr. James said we do not know what the plan will say but the Workgroup may want to react to some of the non point recommendations.

Mr. Saphir and Ms. Harris both agreed that they would like to respond to the HB as it is happening. Mr. McKenzie stated it is better to be part of the process. Ms. Harris asked if the Work Group could receive a draft of House Bill 1150 and discuss it during the December meeting.

Mr. Wittman suggested that the Committee can make comments on the plan before the General Assembly is back in session sometime in early January.

Agenda and Dates for future meetings

The next meeting is scheduled for November 21. It was also determined there would not be a meeting in December and then have a meeting the first week of January on Wednesday, January 3, from 10 a.m. to noon.

Mr. James said he would get the House Bill 1150 recommendations out to everyone in the group when it is released a couple days before the January meeting.

Mr. James summarized the tasks for the next meeting:

- ❖ Mr. James asked the grant Committee do a little more work on the research for grants.
- ❖ Mr. McKenzie will continue to talk to localities.
- ❖ Mr. James said he would follow up with Larry Land of VACo and Chris Conti.
- ❖ Ms. Harris will follow up with the Virginia Chapter of the American Planning Association (VAPA) at the appropriate time.

The meeting adjourned at 11:06 a.m.

NON POINT WORKGROUP
Meeting held at George Washington Regional Commission
Minutes
November 21, 2006

Next Meeting: January 3 at 10 a.m.

1. Welcome & Introductions

Attending:

Eldon James, Staff

Larry Dunn, JMSWCD

Mac Saphir, VCE Caroline County

Matt Criblez, DCR

Bill Latane, VAFB

Denise Harris, Fauquier County

Joe Thompson, USDA

- The Minutes from October 25 were accepted by the group.

Report from Staff on meeting with DCR on the Web portal

Mr. James reported that the Chairman and he met with Joe Maroon, Russ Baxter and Jack Frye. He said the information for grants including the Digital Library grant was passed along and said he would followup later to discuss the potential of localities involved. He concluded that the project and its timeline is back in their hands because they need to look at whether they will apply for the grants.

Follow-up on Action Items:

Grant Search Committee Report

Mr. Saphir reported that he emailed the project director for the Digital Library grant. His response indicated that they do not have an open request for proposals at this time. Mr. Saphir said he followed the director's advice and browsed the website to get more direction on the grant. Mr. James asked Mr. Saphir to email the group the reply from the director after he spoke to him again.

Mr. Latane stated that he knows someone who retired from the EPA, who offered to help the NPWG search for grants. He asked Mr. Latane and the NPWG to send him a proposal and two or three issues the group is trying to fix, and the volunteer will get started in the search.

The Workgroup brainstormed ideas for Mr. Latane, with Mr. James kicking off the discussion by asking how this website would help any situation to determine what

permits are needed. Mr. Saphir added that by making the process more transparent and to clearly define who is behind the process it will make it easier for users. Mr. Thompson suggested that at least the website is one central place for people to start if someone is looking to do something right and Mr. Saphir said that the website will probably not help 5% of the people using it, but should ultimately help most people. He said the bulk of the applicants that come through fit into the norm. Mr. Criblez said that people can use this web portal as a resource to be educated to make sure the neighbors do the right thing. Mr. James asked Mr. Saphir to followup with the Program Director. It was suggested that Mr. James look into the Bill and Melinda Gates Foundation to figure out if the website project fits the criteria for a grant. Mr. James said he would look into it.

Potential Pilot Locations

Mr. James suggested to table this discussion to a later date because the project is not at that level yet.

Report on RRBC Executive Committee's discussion and recommendations on NPWG assignment for 2007

Mr. James reported that when the (HB1150) plan comes out, the non point portions will have a significant impact on the Rappahannock and people who deal with it. He said the Executive Committee agreed that this Workgroup should respond to this, and that the Workgroup also needs to reach out to bring more local government reps to the table. Ms. Harris suggested getting someone who actually wrote the plan to speak at one of the meetings for the Workgroup. Mr. James added the plan will be released before January 1.

Mr. Saphir said it looks like they are rewriting the Tributary Strategies and asked how they could possibly rewrite a document in three months that is better than the current document. He asked Mr. Criblez to explain this. Mr. Criblez said the Tributary Strategies are not being rewritten, but instead the basic premise is to take the goals and objectives, and look at the Tributary Strategies and develop how they are going to set and achieve milestones. He added that to establish what the goals are, they need to add a much more detailed implementation schedule to it. Ms. Harris suggested that it is a workplan, and Mr. James added that it is a workplan with dollars, time and expected outcomes. Ms. Harris asked if the money will be distributed to the localities and Mr. Criblez said that is an element of the study that needs to be determined. He also said the Secretary and the Governor is responsible to report on a semi annual basis to the General Assembly about what is being accomplished.

Mr. James distributed a copy of the Secretary of Natural Resources' website to clearly define who was invited to participate in the study. Ms. Harris asked what the timeline is for the plan and Mr. James said the initial plan will be released Jan. 1. He said the message was the money was appropriated at this level and it will not keep happening unless they see a greater detail of implementation. Mr. James said that the plan is not written to be a one-shot deal, and that there will be time for reaction to the report and there will be regular updates. He added that this is something we will be living with for the next several years and the Workgroup needs to be able to respond to what is working or not working.

Ms. Harris asked if this plan will impact every jurisdiction in Virginia and what timeframe will the localities need to respond to this. It was concluded that it will all be written in the plan.

Mr. Criblez reported on a new Chesapeake model that will develop allocations on a by-county basis. This model coupled with HB 1150, will be able to say how things will be implemented and funded. Mr. James asked what are the kind of things we should tell the commission relative to this plan. Mr. Saphir responded stating the group should take a look at it but need to see the report first. Ms. Harris suggested that there needs to be some kind of education effort with local officials to make sure they understand this plan. Mr. James agreed that it is clear that specific responsibilities will be thrust on the localities. He suggested that this group could develop recommendations for the localities and others, including the General Assembly.

Action Items

Mr. James asked who should the group invite to the table and Mr. Criblez suggested that the group look at the document first. A suggestion of inviting someone from the development community was offered.

Ms. Harris said the December newsletter for the Virginia Chapter of American Planning Association (VADA) will focus on starting the education process for planning commissions, with a number of articles addressing the many issues of planning. Mr. James suggested asking Mr. Whitman to submit an article. He said he would contact him for it.

Future Meeting:

The next meeting for the NPWG will be January 3. Discussion on HB1150 will be on the agenda.

The meeting concluded at 11:35 a.m.

NON POINT WORKGROUP

**Meeting held at George Washington Regional Commission
Minutes**

January 3, 2007

Next Meeting: February 27 at 10 a.m.

1. Welcome & Introductions

Attending:

Chris Conti, RRRC

Larry Dunn, JMSWCD

Denise Harris, Fauquier County

Eldon James, Staff

Stuart McKenzie, NNPDC (by phone)

Mac Saphir, VCE Caroline County

Richard Street, Spotsylvania County

The Minutes from November 21, 2006

The minutes were amended by the group, concerning the change of organization initials from VADA to VAPA (Virginia Chapter, American Planning Association).

Report for the December 6 RRBC meeting

The RRBC expressed support and looking forward to what the Nonpoint Workgroup can do relative to the HB1150 Plan. Mr. James said he has asked Mr. Criblez about a small grant. He said the RRBC authorized the grant fund application. Mr. James also noted that the RRBC had to adopt revisions to the bylaws including the creation of a foundation. He said a foundation could be established to exist as a 501(C)3, to seek grants and donations, with a purpose to promote river stewardship. He said he has to do some research on establishing a foundation to report back to RRBC. Mr. Saphir asked if everything the workgroup does has to be targeted to the Rappahannock River Basin Commission. Mr. James reviewed the mission statement with the group to reflect what the RRBC encompasses. Mr. James said the RRBC will have to decide what the perimeters are for a foundation if they decide to move forward. He noted that the tentative date for the next RRBC meeting is March 28 in Warsaw.

Discussion of the HB1150 Plan

HB1150 plan was supposed to be distributed by the meeting date, but unfortunately it was not released for the Workgroup to review and discuss. Mr. James asked Ms. Harris about her VAPA newsletter, and the contents of it once it would be distributed. She reported that Rob Wittman wrote a cover story on the health of the bay and David Bulova wrote another cover on why water is important and how planners need to be visionaries. Scott Kudlas and members of his staff wrote about the history of water supply. Jack Frye wrote an article about DCR and Joan Salvati wrote an article on Chesapeake Bay. Mr. James said the newsletter would benefit the group with some background material.

Mr. James said the plan for the group today was to walk through HB1150 and identify how to digest it and what it means. He noted that the Commission is asking the Workgroup to take the document apart and identify what the impact is on the people who need to implement it and provide feedback to the Commission on what it means, Mr. Saphir suggested putting together a series of focus groups with planners of the regions, citizens, and soil conservationists to work on the plan. Ms. Harris said that every quarter they have a conservation roundtable where this plan will be discussed. Mr. James stated that the HB1150 will have some far reaching implications and agreed that the previous summits did lead to some positive outcomes. Mr. James suggested that the summit would be beneficial in getting local, regional and state agencies to participate, as well as trying

to get some citizens involved. Ms. Harris suggested that the Group needs to see the report before considering who the target group may be. Mr. James suggested that the Group should determine who will be affected by the HB1150 plan. Ms. Harris agreed that the planning commissions are very much out of the loop on the plan. Mr. McKenzie clarified that the Plan is an efficiency measurement, which will rate accountability and cost. Mr. James said the intent is improving the accountability, so the yearly money appropriated by the General Assembly is identified as going toward the right projects. Mr. James brought up the Governor's Water Quality Bond Initiative and stated that the money will be going toward point sources. He said he does not read the budget as giving them any more resources to work with on non point source.

Other: Mr. McKenzie said he contacted Lancaster and Richmond counties regarding the website, and they said it was something they would be interested in. One county mentioned that a lot of the information is highly technical and it might be of more use for developers, instead of average citizens. Mr. Saphir said he talked to Caroline County and said most of their county information is online, so it would simple to add a link. Mr. James asked Mr. McKenzie for the address of the current gateway. He said it is www.Virginia.gov/cmsportal2/. Mr. Saphir said he contacted the representative from the Digital Library Initiative and found that they are in the process of evaluating Phase II and not planning on evaluating Phase III. He mentioned that he did not think it would be on the same schedule as the last two iterations.

Identification of other representatives to invite to join the Work Group
This could not be discussed since the HB1150 Plan was not distributed.

Action Items, Agenda and Dates for the future meetings

Scheduled Future Meeting Dates. The next meeting will be held Tuesday, February 27 at 10 a.m. Mr. James stated that he would try to get Mr. Jeff Corbin, the writer of HB1150 and the Assistant Secretary of Natural Resources, to join the Workgroup to discuss HB1150. Mr. James also asked the group to distribute their ideas via email about the plan once they are able to look at it.

The meeting concluded at 11:02 a.m.

NON POINT WORKGROUP

Meeting held at George Washington Regional Commission Minutes February 27, 2007

Next Meeting: March 27 at 10 a.m.

1. Welcome & Introductions

Attending:

Eldon James, Staff

Mac Saphir, VCE Caroline County

Matt Criblez, DCR

Larry Land, VA Association of Counties

Bill Latane, VAFB

Denise Harris, Fauquier County

Richard Street, Spotsylvania County and RCC Chair Joe Thompson, USDA Stuart McKenzie (phone), Title????

The Minutes from January 3 were accepted by the group.

Summary of water supply and water quality Legislation form the General Assembly session:

Mr. James distributed a summary of water quality bills that passed during the General Assembly session. He noted that HB3113 was inadvertently left off the list. It requires consolidation of the three environmental boards that DEQ supports: water control board, air board and waste management. He said the legislation does not take effect until July 1, 2008 and will have to be reenacted by the Assembly. He said there will be an effort to bring industry and environmental groups together in the next 12 months and work through some of the details. This will lead to a bill in the next year, that should reflect whatever compromise that has been worked out.

Mr. Criblez asked to mention the bill that impacted the CSO in Lynchburg that dedicates nonpoint funding of \$3 million from the existing nonpoint budget. Mr. Saphir also mentioned the Bill that impacts dam maintenance. Mr. James said he would research those and add them to the list for another email to be sent to the group.

Discussion of the HB1150 Plan

Mr. James informed the group that Mr. Wittman is looking for comments on the Plan from the group to be discussed at the next RRBC meeting March 28. He asked how the group will go about providing meaningful comments back to the secretary's office. Mr. Street and Mr. Saphir agreed that the group should have some formula for feedback as a group.

Mr. James stated that the process for public comment is every six months and the comments the group will be offering will be included in the next iteration of the plan. Mr. Saphir commented that there is no listing of money for roundtables or any grassroots within the document.

Mr. Land said the General Assembly will probably revisit HB1710 (Water Quality Bonds) with amendments coming from the direction of the Governor. He feels the ceiling will be removed for the \$250 million. He added that it would be important for the Group to make some sort of a statement that will be communicating support for the Governor's amendments on that issue, and to increase funding for this area.

Mr. James pointed out page 6 & 7 illustrate the two top tiers of projects totaling \$609 million. Mr. McKenzie asked if anyone has added up all the non point source items in the document. He added the group needs a dollar amount so the General Assembly needs to know what it is going to take to do these things. Mr. Land suggested adding a comment that would request that they get some realistic estimates post TMDL. Mr. James suggested the Non Point Workgroup should be talking about point source or should they assemble comments predominately on non point source to include agriculture and forestry and developing land.

Agriculture Forestry:

Mr. McKenzie stated that he is glad to see that they realize they need staff and money to put this plan out there. He said that he is not comfortable with the amount of staff people and that the amount is too simplistic. He added that they need people in there to have a presence and to educate. Mr. Saphir suggested using that number is a stretch and they need to think about other factors missing in the workplace. Mr. Thompson said these numbers are based on the historic amount. He said one of the tools missing is the carrot and the stick, with no mention of a deadline. Mr. James stated further in on the report there are actual references to developing land and public involvement. He added the state works through the local governments to manage local development. Agriculture viewed by Richmond is a little different. Mr. Thompson stated that because agriculture is an industry they need to make changes over time to clean up the industry. He added, because these need to be met on a timeline, some need to have a little push with an incentive.

Mr. Latane said he had several issues on the agriculture side: 1) nothing to capture the volunteers that practice it; 2) hold agriculture as an industry to that standard. This needs to be done across the board to include homeowners and golf courses. He thinks in the long run they may spend more money on compliance. If they can get 95% of the goal. He added that ultimately if you drive people out of forestry, you reduce water quality. He talked about the 5 priority practices, with the first nutrient management practices being paper (Nutrient Management Plans – NMPs), the following four are actually doing something for water quality. Mr. Criblez said that long term nutrient management planning does ensure there is some implementation. He said there will be more subtle ways tied to cost share, without a regulatory program. Mr. Thompson stated that the majority of the farmers he works with do not see these things as necessary. He suggested there has to be a very strong statement coming from the state, federal government, educational system to the agriculture industry to say these are the things that have to be done to protect public health and the welfare and sustainability of resources on their farms. Mr. Land mentioned the Stewardship Act and said there has not been a comprehensive evaluation and that there are some imperfections in the law. He suggested that this needed to be revisited because it is a complaint driven process, not based on inspection. He said it falls under the Commissioner of Agriculture and suggested that it is something the Group needs to discuss. Mr. Criblez said that he learned from a Forestry Exemption presentation by Darryl Marshal, that once a founded complaint is leveled, that site is always on his list.

Mr. James noted that the group has hit on something that is not even mentioned in the document, the enforcement and management of the Ag Stewardship Program.

• Staffing Issues:

Mr. Land said he would like to see more people employed who know the intricacies of the programs. He added that the staff funding has been up and down and it really drives people away.

Mr. McKenzie said that is how things get done is through personal conversation, not by filling out forms and sending them in. He also mentioned that this is a training ground that leads to other opportunities. He added that the entry level position should be supported with the highest level of funding. Mr. Thompson added that the turnover is high because there is no growth for individuals in that position. Mr. Criblez asked Mr. Saphir how good an extension agent is after a year on the job. It was agreed that it takes five years to know who the players are and what is happening, etc. Mr. James summarized that there has not been a mention in the document of the staffing problem to keep people in the system, so they are not constantly at a point of retraining people.

- More Comments on Document: Ms. Harris mentioned that the document is written at a state centric position and it does not delve into local government and what it is going to cost. Mr. McKenzie noted he did not see the word “cap” mentioned anywhere in the document. Mr. James verified that it is listed later in the document. He suggested that later documents may address this more closely.

- Page 19: Mr. James asked the group what they thought of the statement to explore ways to boost farmers participation in the cost-share program. Mr. Criblez said there is a plan based on a survey to create a new program, which is much more comprehensive and wide spread with more people getting the award. Mr. Thompson clarified that it would be more like a certification. Mr. Latane said if it was coupled with a streamline examination process for cost share it means something. The Soil and Water District knows they do not have to check on this person. He added there is some value where some other specified practices are publicly noted. Mr. James stated that he likes the idea to be certified as a “good player” and cost share through a streamlined process. Mr. Thompson mentioned a program through NRCS does to work with a farmer. If that individual has the knowledge to read and practice standard specifications they are allowed to self certify. Mr. Thompson discussed the existence of a person in a position in Culpeper, who is responsible for increasing new participants by 4-5% and that district has the highest cost share in the state because of his work. He added that there is no higher value than the trust developed through the staff and farmers. Mr. James added that if we are effective in getting people to participate in the program than relationships are essential. He suggested that this is worth pointing out as a comment, that they need to have a system that makes it accepted and appreciated and hence effective.

- #2 - under potential problem areas. Mr. James said they need to be able to break that down. Mr. Criblez suggested that that comes right out of the Tributary Strategies. He mentioned DCR is funding a model project to break the allocations down by locality and try to get the locality to take over the (responsibility). Mr. McKenzie suggested that the wording of 56% is very improbable, and it would be more realistic at 80%.

- Page 20: Mr. James asked if the statement at the top of page 20 concerning poultry litter movement or translocation is not as significant as he is reading it. Mr. McKenzie suggested it is more of a problem in the Shenandoah area. He asked for some clarification for the potential problem areas that talks about resistance of poultry companies to support growers. Mr. Latane stated that the poultry companies are looking at it as a money maker by selling fuel or developing it into a value added crop. Mr. McKenzie said some companies are paying by the bird. Mr. Thompson suggested that the increased cost of fertilizer based on the increased cost of oil is going to have an impact on the value and movement of litter. Mr. McKenzie suggested that manure, sludge and all forms of organic matter should be held to the same standards, because anything that has the potential to leach into the waterways should be treated the same. Mr. Latane suggested if they are

serious in moving litter out of the valley they need to have something to move it besides trucks. He added they will have a bottleneck of either spending a lot of dollars trucking or spend a lot of money to use it another way.

page 21 & 21 concerning changing feed for poultry. Mr. Criblez stated that DCR is already funding the project.

- Accelerating land conservation efforts: Mr. Thompson said the entity responsible for managing the easements, bringing them online and providing the followup, that VOF has not been provided with the resources proportional to the workload that is expanding. Mr. Thompson asked if there has been any cost analysis as to the value of water quality to obtaining the easements versus the cost of tax credits and staffing.

- #5 on page 24 Mr. McKenzie suggested that the planning district commissions might want to focus some efforts to assist them to determine where to prioritize their efforts. Mr. James clarified that they would not have to add staff at the state level. Ms. Harris commented on page 24, #2 under strategies. She mentioned that this state is so weighted toward private ownership and not developing, that they should not just focus on conservation easements. She added if they want to raise a generation of people who care about their lands, they need to have access to it. Mr. James summarized that the most significant land should have the opportunity for some type of public access.

Holding a Summit:

Mr. James stated that the Commission talked about having the NPWG be able to communicate back to the Commission and others. He asked how the best way to work toward the charge of what affects local government.

Mr. Saphir suggested putting together a white paper and call it the comments on water cleanup act and circulate it. He added that the next step is to analyze it and make meaningful comments. Ms. Harris suggested that maybe the document should focus on one key area every six months. Mr. Latane asked Mr. James to take the comments already stated and insert them into the document side by side. Mr. James asked if it is time to call a summit together? The questions of what is the Group trying to accomplish with a summit and who do they want to attend was discussed. Mr. James also asked if they are planning to put together a summit this summer, it is a major undertaking. He suggested a successful summit takes 10 months to plan, which would take place in September or October. He said that the comments generated from the summit will be applied to the iteration of the plan after it has been out for a year. Another discussion concerning the cost of the summit and the structure of the summit was explored by the Group.

Other:

Mr. James said he would work on the comments already produced by the Group and said he would then distribute it. He also asked the NPWG to give some thought to the concept of holding a summit and think about how to get organized in this endeavor. It was clarified that it would be a basin wide summit which would provide a public comment forum for DCR, as well as helping to create a better understanding for what is ahead for the key players.

Future Meetings:

The next meeting for the NPWG will be Monday, March 26 at 10:00 a.m.

Further discussion on HB1150 will be on the agenda, as well as making a decision on a future summit and organizing it.

- Future meetings were also planned for Tuesday, April 24 at 10:00 a.m. and Tuesday, May 22 at 10:00 a.m.

The meeting concluded at 12:00 p.m.

NON POINT WORKGROUP

Meeting held at George Washington Regional Commission Minutes March 26, 2007

Next Meeting: April 24, at 10 a.m.

1. Welcome & Introductions

Attending:

Eldon James, Staff

Mac Saphir, VCE Caroline County

Chris Conti, RRRC

Matt Criblez, DCR

Bill Latane, VAFB

Joe Thompson, USDA

Stuart McKenzie, NNPDC

By Phone -- Members of the Fauquier County Water Resources Committee including: Denise Harris, Norman Goulet, Dierdre Clark, ??

- The Minutes from January 3 and February 27, 2007. The Workgroup accepted the minutes for both January and February meetings.

Continuation of the Discussion of the HB1150 Plan. After meeting with the Fauquier County Water Resources Committee Ms. Harris added that a few more issues were brought up concerning comments to the Water Clean-Up Plan that the NPWG had worked on at the February meeting. The beginning of the document references the year 2013 and the rest of the document references 2010. Another comment from the group, asked if horses are included in ag land and overall what is the definition of ag land. Mr. Criblez said the numbers were directly from the Tributary Strategies, which does not include horses in the document. Ms. Harris responded that it is a fairly large omission for the areas that have a substantial horse industry. Ms. Harris added that the soil scientist from Fauquier County said that poultry litter can not be analyzed in Virginia anymore and that it all goes to Clemson. She said the factors are time and resources that are going to be modeled and analyzed. Mr. James suggested that it still takes the same amount of time for the analysis of poultry litter wherever it goes. He commented that the issue is that it would be better off if it was analyzed for free.

Mr. James asked the Group if there were any questions with the transcribing of previous meeting's notes. Ms. Clark commented on Point 11, and said she disagrees with the term "broaden". She finds the comment broad and lacking in focus. She added that she agrees they need to look at local government. Mr. James stated that the plan is heavily focused on the state and does not go into detail for other levels of government. He added that they will change the language, to read it should focus more thoroughly on multiple levels of government.

Page 26 - Mr. James commented on the objective and what it means to the Rappahannock, that by the year 2010, local programs will be consistent with the law. Mr. Criblez said they try to be on a five-year cycle, but they are slightly behind a five-year cycle. The idea is for RRFP to sub it out and have program reviews done by a consultant. Mr. James asked that the additional cost was reasonable to accomplish this is 2-3 years. Mr. Latane asked if the \$650K to \$900K estimate was just to get the paper work in compliance and that it does not include enforcement costs.

Ms. Harris stated that there is a lack of discussion on enrichment funding, and the lack of political will where there are people not following the regulations. Mr. Criblez stated that the enforcement on local programs will begin in the near future where every program that is out of compliance will be reviewed by the Soil and Water Board. They are looking at the 2006 program reviews, to get an update of where they are, how to take corrective actions and what to do to enforce it. He added that within the next 6-8 months the Board will start taking action on local governments who are not enforcing it. Ms. Clark asked if they will be taking measures to take the CLD certification away. Mr. Saphir asked Mr. Criblez what the percentage is for localities making a good faith effort within compliance. Mr. Criblez guessed that 50% were in compliance.

Page 27 - #2 provide state funding assistance for local programs. Mr. McKenzie said the cost of the people and the travel time is a lot and one person can only cover so much. Mr. Latane said maybe it makes more sense to use contractors for the many localities. Ms. Clark said that in the past it has not worked well for them to hire outside contractors. Mr. Thompson added that when builders hire their own contractors, there has been a problem with timing and coordinating the inspection process. Mr. Thompson said generally the person will have more allegiance to whoever is writing the paycheck. Mr. Conti said that in Pennsylvania they were trying to implement a statewide building code. He said there have been a lot of trials and tribulations with outside contractors. Mr. McKenzie said he feels localities would probably feel better with their own inspectors.

#3 - Review the need for legislative action for site specific non compliance. Mr. James asked if there is already legislative authority for local government bodies to raise the fee and is it a political will problem or does the authority not exist. Mr. Latane said they should look at the fines and penalties being applied back to the local level.

Mr. Criblez said that when they do reviews of the local programs that have fee revenue returned to the inspection/enforcement program, they seem to be more serious. Mr. James said that it is a local discretion when the funds are deposited into the general fund versus returned to the program and that it can be problematic.

#2. Ms. Clark asked that the nutrient reductions be clarified. Mr. McKenzie said this is a way to integrate nutrient loading into the decision and planning process of counties. Mr. Saphir agreed with Ms. Clark that this looks like they need to study the nutrient load again. Mr. Criblez said the nutrients have been assigned by watershed and sub basin but they have not been taken down to a local level yet. He also added that there is a program to assign a load per county and see how a local government can use and live with this assigned load. Mr. James explained the perplexing question of are we working toward achieving good model runs or are we working toward seeing water quality improvements? He added that it is vitally important to continually field check and calibrate the model to see if the assumptions, calculations and predictions are realistic.

Mr. McKenzie noted that #1 is basically trying to get the model and localities numbers right in the model. He added that population projections are also in that mix and that process will be starting soon, with a reality check on the land use numbers for each county.

Page 28 - Mr. McKenzie made an observation concerning the cap. He said the Northern Neck is having difficulty managing septage pump out. The counties have discussed building a regional septage facility. He added the counties are concerned about who will have to take the nutrient loadings. He said maybe there is a way to adjust the nutrient loads for the transfer of waste, so one

county would not be penalized for hosting such a needed facility. He said they are still moving the sewage from one place to another, in other words just moving the problem around and not reducing nutrients.

Page 29- Mr. McKenzie said he did not see anything regarding de-nitrification. He suggested adding media that encourages the use of denitrification technology in new construction, repair work and retrofit. He added that the only thing pumping does is extend the life of the system and keep the drain field clear of solids, therefore If we keep going the way we are, we are not really reducing nitrogen.

Page. 30 - #2. I was pointed out that \$100,000 across all localities for BMPs seems a surprisingly small amount of funding. Mr. McKenzie asked what BMPs they are. It was decided that it is part of the Bay Act BMPs and that this needs to be better identified in the document. It was noted that the amount of money may be adequate for a pilot study, but not the whole program.

Page 31 - Revised local codes and ordinances so as to not conflict with water quality measures: Mr. McKenzie said we need to include VDOT in this item, not just localities. Mr. Criblez said the Chesapeake Bay Local Assistance Program will soon start Phase III to review all codes and ordinances. After reviewing them they will develop suggested language. Mr. Harris added that according to an article written by Joan Seblat(?), while it will go through reviews, it is not their intent to make jurisdiction changes.

#2 - Mr. James asked about the performance measure. Mr. Norman Goulet stated that there was some talk of an impervious cover. Mr. McKenzie suggested that they are leaving it open ended and that it could be done by watershed. They want to encourage a reduction in an impervious area. Mr. James said if they are talking about rehab commercial development, what is that measure or if they are talking about new commercial development build on what was previously ag or forestland, what reduction is that. Ms. Harris quoted Mr. Atherton of Fauquier County and the RRBC, stating that residential growth is driving this and that there is no baseline study about converting ag land to residential land so what levels of impervious covers are being measured. Mr. McKenzie added that it should be 10%. Mr. James said if regulation is too expensive on the ag side without adequate cost share then we risk of driving people out of the industry, resulting in a high likelihood of conversion of use and more impervious surfaces. He added that this is all a system that works together. Mr. McKenzie commented that the Comp Plans need to address residential development, such as where is the line going to be drawn on future growth area and where are we going to protect the land that we need to protect.

Page 32 - Mr. Criblez said that the Storm water Protection Act is being reviewed by the Center for Water Protection and the EPA. He guessed it would be another six months before it goes to the Board and another year before it gets adopted.

Page 33- Mr. McKenzie added that local state coordination in #1, may mean that he does not think that any rural locality will take on their own program.

The Air Element of the Plan - Mr. Latane commented that Air has a significant impact on the nutrients going into the Bay. Mr. Thompson said he did not see the discussion in the document of pollutants coming into our air shed from coal fired plants from the midwest. He added that he did see any limitations on the issues being addressed with the Chesapeake Bay, Virginia Water

Cleanup. Mr. Goulet expressed his concern how land use management has a direct impact on air quality and vice versa. Mr. James asked Mr. Goulet to send him a couple of sentences that captures what he said, to be inserted in the comments. If we are dealing with the air issues by “ignoring them” it has an impact in other areas such as urban BMPs, then we need to go on record stating that it is problematic. Mr. Goulet stated that there definitely needs to be a better accounting for what is being deposited in the soil.

Page 39 - State and Local Coordination - #1 Mr. Goulet asked which localities have incorporated the TMDL implementation plans into the Comp Plan. Mr. McKenzie said they are encouraging practices that will help the TMDL implementation. Mr. Goulet suggested that the language needs to be changed to not give the state the thought process to incorporate TMDL into the Comprehensive Plan. Comp Plans are guidance documents and TNDL Implementation Plans are regulatory.

Page 40 - Cost Containment. Ms. Harris commented that money needs to go to things that can be measured and that grant funding should be available for each locality. She asked if funding would be provided for direct staff costs.

Page 41 - Some members of the group agreed that there are many gray areas within the document. Mr. McKenzie stated that if you are going to participate in nutrient trading, you need to know what you have before you trade it.

Alternative Funding Mechanisms:

Page 43 - Ms. Clark commented on alternative financing on failing septic systems. Mr. McKenzie said the whole thing is using private dollars for public benefits and there should be money allocated to each health department. There should be some funding for low to moderate income people to repair the septic system, as well as continued maintenance. Mr. James asked if there should be more modification to the state’s IPR program to allow it to support septic repair. Mr. McKenzie asked if it is more for individual needs. Mr. James explained that the program has two parts to it. There is a direct allocation to each locality, small localities may get enough money for one house with no indoor plumbing or partial plumbing. There is also a portion of the fund that can be allocated for special larger projects. He added there are very low expenditure caps. He suggested that it is worth putting it on the table to have the state look at it.

Mr. James said he has spoken with Jeff Corbin stating that the Group has decided to ignore his March 15 deadline for comments. He added that they will be working together to provide meaningful comments for the next iteration of the Plan. Mr. James said the RRBC is looking to the Nonpoint Work Group to be the planning committee to put together another river summit to be held in the fall. Mr. James explained for the Group the history of the previous summits. This included the one held by the original study committee that recommended the creation of the Rappahannock River Basin Commission. He added that with this plan they will look to develop a mechanism to provide feedback to the state on what works in the real world and what is needed to effectively implement the plan.

Identification of other representatives to invite to join the Work Group -- Mr. James asked who else should be part of the group and suggested that they think about any local planning people who should be in involved. Mr. Conti suggested contacting Hal and Beth Hunter from RappFlow in Rappahannock County. Mr. Latane suggested asking the county administrator from King George to be a part of the Work group. Mr.

McKenzie suggested contacting Chris Jett from his area.

Action Items, Agenda and Dates for future meetings Scheduled Future Meeting Dates May 22, 10 a.m. (Later changed by consensus to May 23).

June 11, 10 a.m.

July 9, 10 a.m.

NON POINT WORKGROUP

Meeting held at George Washington Regional Commission Minutes April 24, 2007

Next Meeting: May 23, at 10 a.m.

1. Welcome & Introductions

Attending:

Eldon James, Staff

Mac Saphir, VCE Caroline County

Chris Conti, Rappahannock/Rapidan Regional Commission

Matt Criblez, DCR

Denise Harris, Fauquier County

Lucy Mallinak, Department of Forestry

Kevin Byrnes, GWRC

Mr. James said he heard from Mr. Latane and that he felt the points captured were consistent with to his notes. Mr. James also noted that Delegate Wittman would be attending the special recognition for Gordon Shelton at the Fredericksburg City Council meeting that evening. He added that they are hoping to capture all of Gordon's archives about the Rappahannock River, and that they need to define some way to locate a place to present the comprehensive archives that he assembled.

Continuation of the Discussion of the HB1150 Plan Mr. Saphir noted that the summary of comments for HB 1150 clearly defined what was discussed at the meetings. Mr. Criblez had a question concerning the last sentence in #1. Mr. James responded that he tried to capture the implication that there will need to be recognition of increased enforcement. Mr. Saphir agreed, and said that one of the weak points of the document is that there is a bunch of things that are positive with implied reactions. Mr. Criblez said that the under the latest changes to storm water law that DCR can fine localities up to \$32,500 for each violation.

A general discussion of the Plan ensued. There was agreement of the need to have more discussion in broader circles on the issues in the Plan. It was pointed out that this is one of the reasons for holding another river summit. Mr. James pointed out that four topic areas have been selected for the summit that should get to the heart of some key issues. Mr. Saphir questioned how many planners have actually seen this document.

Mr. Criblez said the proposed project in Richmond County will look at the goals, use the model and take it down to the local level, and attempt to make it real on the ground. This is intended to address some of those things implied in the Plan and help to spell out the local implications.

Mr. James said the group needs to take the comments and turn them into sometime usable for readers. Ms. Harris suggested 2-3 sentences that are very clear and to the point summarizing what HB 1150 means. Mr. James asked if there are any comments that need work and reviewed that Comment #1 needs to be more specific, and comment #15 needs information back from Mr. Goulet. He said he will integrate these comments into the first set the group developed and present it to the RRBC Executive Committee in May. Mr. Byrnes suggested that there is a disconnect that is not synchronized with what the local government needs for growth management tools. Ms. Harris said the whole plan needs to be looked at in the light of land use, the same way they are looking at transportation. Mr. Byrnes said until they look at land use and growth management, they will not really get to all the issues. It was suggested that the relationship of water quality and land use in this plan is comparable to the implications of land use

issues in the recently approved transportation bill (HB3202). This plan needs to be reviewed and synchronized with the all aspects of land use planning including land use planning issues that deal with transportation. Mr. Byrnes said the comments allude to the comp plan as it exists in statute and practice and that more legal status could be vested in the official map.

It was pointed out that there are references in this document to putting TMDL implementation plans in comp plans and this is an inappropriate mixing. Mr. Criblez said part of the problem is there is no where else to put a TMDL plan. Mr. Saphir urged that if we are to put regulatory items in a comp plan, such as a TMDL implementation plan, then comp plans should be a more binding document. Mr. James said taking this idea further then the legislature needs to change the nature of the comp plan or they need to create a new authority for a new ordinance for TMDL implementation plans. Mr. Criblez suggested referencing it in the comp plan, then developing the separate document. Mr. Byrnes said it creates an overlay zone that implements the guidance of the plan. Mr. Saphir said this plan implies enforcement, but does not include the meat. Mr. James said there is no clear authority in the state code for a locality to implement a TDML plan.

#16 - Mr. James said there needs to be some rework on #16, but they will raise the question of TDML at the Summit. He continued on to state that for #18, he listed one sentence because the concept was difficult to express in words. Mr. Criblez stated that they missed the point that point source is only 80% of the problem and cleanup is 92% before trading. Mr. James said to summarize the plan that the group agrees that 96% is an absolutely absurd number. Mr. Saphir suggested rewording it to state "a realistic way" versus a more thorough way. He added that they are trying to get them to define their terms and for this to not get misconstrued. Mr. James said this takes us back to the baseline and to have more residential coverage. Mr. Criblez suggested that this is a political answer to a difficult problem that we do not know how to deal with.

Planning for the 2007 Summit

Mr. James said the Rappahannock Summit is officially scheduled for October 30 with four themes to cover. They are: The Cap, TDMLs, ongoing planning (process, revisions), and The Model. Mr. James reviewed who should be invited to the Summit, to including those with local, state and regional perspectives. Specifically: elected officials, soil and water conservation directors and staff, planning directors and anyone interested from the public. Mr. Byrnes asked if economic development organizations will be invited. Mr. James said they are not going to be excluded. He added that they will use a format similar to Summit #3 in 2001. DCR has provided some grant money to the RRBC for some planning for the event through September. Ms. Harris asked how they envisioned getting everyone attending on the same page and asked if they would use a power point presentation for this task. Mr. James said they are planning via conference calls once a week, and the next step is how to put the program together. He asked if anyone would like to join the planning committee for conference call meetings every Thursday at 3 p.m. Mr. Saphir said he would like to join the group, and also asked that Mr. James send him an archive of notes taken during these calls to bring him up to date in the planning. Mr. James said they will begin to designate time at the NPWG meetings to move forward on the panning.

The discussion then turned to location. The Expo Center is not available for the event. He reported that he has called Germanna Community College, which may offer the opportunity for a teleconference that allows anyone from other community colleges in the state to be a part of the Summit. He said he will call to check on the Jepson Center at the University of Mary Washington.

Concerning notification to potential attendees Mr. Conti said they will be sending hold the date postcards out. Ms. Harris said they need to state who the audience is on the postcards and that they are more likely to get county administrators if they know others will be there.

On a side note, Mr. James asked if anyone in this group had met Dr. Loganathan, one of the top engineers in the field of water resources? He was one of the Virginia Tech team that had worked with the RRBC on the water supply planning project and was one of the victims of the shootings at Tech. Mr. Byrnes suggested having a commemoration of his efforts included in the program.

The discussion then turned to the speakers. Mr. James asked for some thoughts on a keynote speaker. He said Delegate Wittman would be slated to deliver the opening remarks. He also talked about past opening remarks done at various Summits which described the Basin. Mr. Byrnes suggested getting some type of celebrity identity to paint the big picture of the Basin, and then someone to walk the audience through the details of what will be discussed, then go into breakout sessions. Mr. James asked if Delegates Wittman and David Bulova could set the stage, since both are recognized as very knowledgeable on water quality issues.

Ms. Harris suggested trying to get someone even larger like the manager of EPA's Chesapeake Bay program. Mr. James suggested that Governor Kaine could be invited to speak and that they should also invite the Secretary of Natural Resources, Secretary Bryant. Ms. Mallinak suggested looking into asking an author to speak, perhaps the author of Deep Economy, which focuses on the communities from a broader sense to a more local approach. Mr. Criblez suggested Richard Lourne, author of Last Child in the Woods. He suggested asking both Delegate Wittman and Delegate Bulova to speak on the first phase of the Summit. Mr. Byrnes suggested searching for well published authors on the environment. Ms. Harris said that the Governor does not have to be the keynote speaker but if he accepts we will have to put him on the agenda whenever he is available. Mr. Conti said the speaker needs to be dynamic and that he was unsure if authors are dynamic enough to hold everyone's attention. I was agreed that all would give this more thought for further discussion.

Action Items, Agenda and Dates for future meetings. Mr. James said he would send information on the planning group to Mr. Saphir. He also asked everyone to keep thinking about all the components of the Summit.

The next meeting for the NPWG is on May 22 (this has since been changed to May 23). Mr. James said that he believes that we could be the first in the state to have as broad and meaningful discussion on these issues.

Ms. Mallinak reported that she is starting a watershed community forum, which will be an ongoing process, lasting 6-8 months. Mr. James said he would appreciate emails on any community forums taking place. He informed Ms. Mallinak that Chairman Wittman could give her some good ideas on the northern neck for her forum and that he would add her to the email list for the NPWG.

- Scheduled Future Meeting Dates
- May 23, 10 a.m.
June 11, 10 a.m.
July 9, 10 a.m.

NON POINT WORKGROUP

Meeting held at George Washington Regional Commission Minutes May 23, 2007

Next Meeting: June 11, at 10 a.m.

1. Welcome & Introductions

Attending:

Eldon James, Staff

Mac Saphir, VCE Caroline County

Matt Criblez, DCR

Denise Harris, Fauquier County

Kevin Byrnes, GWRC

Greg Wichelns, NACD

Jeff Walker, Rappahannock-Rapidan Region Commission

Joe Thompson, USDA

Judy Burtner, Facilitator for Summit

Martina James, Staff

Stuart McKenzie, NNPDC

Update on Submission of Comments on the Water Cleanup Plan Mr. James reported on the submission of comments on the plan. He said after several meetings with the NPWG, the modified comments have been sent through the chain of command, where Delegate Wittman will send the final comments, on his letterhead, to the Assistant Secretary of Natural Resources. He added that Delegate Wittman wanted to thank everyone in the group for putting so much time into modifying the comments for the plan. Mr. Criblez stated that several colleagues from DCR have been tasked to work on sub committees concerning the plan. He said that rather than defining actual deadlines for the comments, there will no longer be a deadline for comments. He added that there is a lot of work at the state level to sift through the plan and refine it. His subcommittee will focus and comment on the On Site Wastewater Treatment section of the plan. He said there are several other subcommittees focusing on all the topics listed in the plan. He said on each subcommittee, other agencies are represented, which gives a much broader perspective without so much overlap. Mr. Saphir reported that he was invited to sit on the technical committee for the Rappahannock TMDL for the section from the Stafford/Fauquier boundary to the 301 bridge. Mr. James said he had also been invited to participate. Mr. Criblez said that this group will be the technical advisory committee for the TMDL.

Mr. James said that he has asked Mr. Corbin to speak again at the June meeting of the RRBC. He said he has also extended an invitation to Mr. Hicks from the Health Department to discuss their oversight of alternative wastewater systems. Mr. James asked Ms. Harris to identify people on the conference call during the March meeting to make sure they are listed correctly in the minutes. He also mentioned that in the April minutes, he would like Mr. Criblez and Mr. Saphir to help summarize the thoughts more precisely on item #16.

Planning for the 2007 Summit - Discussion of Summit Planning with Summit Facilitator (This discussion will cover all preliminary program items)

Mr. James said after searching for a location to hold the summit, they have decided to hold it at The University of Mary Washington, University Hall on Rt. 17. He said this facility can be divided into a 60/40 room with room for breakouts in three different classrooms. There is also room for a lunch buffet and vendor displays, with room for up to 200 people to attend the event.

Mr. James introduced Ms. Burtner, who led the discussion during Summit #3 in 2001. She said in order to develop a draft plan for the Summit, the NPWG needs

to figure out what they want the outcome to be. She also asked what topics were going to be discussed and, are the small groups looking at the same topics? She also asked about the theme for the day. Mr. Thompson asked who the target audience is. Mr. McKenzie said staff, elected officials, local government and interested citizens will attend. Ms. Harris suggested possibly a land trust person could attend the Summit.

Outcome - Mr. Saphir said his feeling for what is going on with water quality issues on a local, state and middle management level, are that a lot of people have a lot of ideas. He does not believe everyone is on the same page, so he said he would like for this issue to be clarified on all levels, and to start a meaningful dialogue at the end of the day. Mr. McKenzie said that we have reached a turning point from planning for pollution reduction and now things are starting to happen. He suggested that localities need to change the way they do business and need to be educated and be able to give feedback to the state, instead of the localities feeling that they are being dictated to. Ms. Harris said she hopes a coalition of cohesive jurisdictions are formed, that can understand and formulate comments back to the state. Mr. Saphir reiterated that in order for this to happen all levels need to be thinking about the same thing. Mr. Thompson asked what levels they anticipate the discussion to be? Are they talking about the systematic problems that have to be addressed and the ways to do this, or the details on how to implement? Mr. Saphir and Ms. Harris agreed that both elements need to be focused on at the Summit. Mr. James explained that the steering committee has focused on 3 major problems to be discussed at the Summit. This includes: TMDLs and the implications; nutrient loading caps and implementation; ongoing planning; and are we trying to get positive model outcomes or clean water. He distributed a document with a quick overview of each of these issues. Mr. Conti wrote the piece on TMDLs, Mr. McKenzie wrote the portion focusing on the cap and Mr. James wrote the overview of on-going planning. Ms. Harris asked if HB 3202 will be weaved into any of the discussion at the Summit. Mr. James said that HB 3202 is the state's recent transportation legislation. He said it is the most significant piece of land use legislation that has been passed by the General Assembly since the 70s.

Ms. Harris said that is what people are taking about at the local level, in conjunction with the nutrient caps. She explained that HB 3202 requires localities that meet a certain population projection, based on the census and based on the growth rate, to have urban development areas in the comp plan, with four dwellings per acre gross. These areas also have to accommodate the growth projections for the next 10 years. She added now that they are finally having a discussion on land use transportation, they need to add environmental uses and make it a three-way discussion. Mr. James said that the legislature talked repeatedly about having a better linkage between transportation land use decision-making because part of the high cost of transportation is due to not making coordinated decisions. Mr. Saphir asked for clarification on HB 3202 stating that no more than 4 dwellings. Ms. Harris said a minimum of 4 dwellings/acre in the identified Urban Development Areas, which makes it very dense for some jurisdictions. Mr. James added that this is intended to also takes the pressure off the open land and force clustering of development. Mr. James said he will send a PDF for the description of land use via email. He said there is another area in HB 3202 for localities that are over 90,000 population, to take over maintaining the roads within their Urban Transportation Service Districts. The counties will build and maintain the roads within those designated areas. Mr. Criblez reported that as soon as that kicks in, it changes the MS4 permit.

Ms. Burtner said there could be 5 breakout rooms at the Summit. Ms. Harris said her concern is that if there is a breakout room on HB 3202 they will get too

many attending this breakout session, versus the other sessions. Mr. James suggested that they could have 3 breakouts and repeat them once so each attendee can participate in two. Ms. Burtner asked assuming there is an overall plenary session, will the discussions have more implications for local government or more for other stakeholders. Mr. Wichelns stated that local government is key because they hold the power cards. Ms. Harris asked if it is a goal to educate the localities and have them as a target audience or is it also a goal to get state people there to educate them too. Mr. James said they need to get DCR, VDOT, Forestry, etc. in the same room with localities and other stakeholders to start the dialogue. Mr. Byrnes said don't force the choice for what breakout session they go to. He added, when you have different people going through at different times, they don't benefit from other people's questions. Mr. McKenzie suggested they will breakdown into small groups and at the end of the day will be able to share ideas with others. Ms. Burtner said the concern is there are breakout sessions and they all go to one. Also, with this many people for this amount of time they need to move around and interact with others. If HB 3202 is going to have a major impact on local government, then that group can form into little groups to discuss the implications. Ms. Saphir said we can go through the scenario with the whole group and then talk about it. Mr. McKenzie said that we will derail the whole conference if we talk about HB 3202. He added that he thought the reason for the Summit was for water cleanup and to give suggestions back to the state. Mr. James added that any discussion of HB 3202 needs to be in the context of water quality and the facilitator will have to hold those lines. Ms. Harris asked if one of the goals will be to have each locality come up with questions or needs to bring back to the state. Mr. Criblez said that if there are no high level state people there then it doesn't matter. Mr. James said the ongoing planning that one of the responsibilities of the plan is to tell the legislature where there are legislative needs for water cleanup. This discussion for this day will help them fulfill that obligation that they have by statute. He said the membership of the RRBC with legislators can help with this mission.

Ms. Burtner said the beginning session needs to set the stage, keeping the context on water quality in a very general way. Mr. James said they have extended an invitation to the Governor's office. Mr. Criblez said the Governor will be a keynote speaker and give a broad picture, not tell you about what the state is going to do. Mr. James said they have talked about asking David Bulova and Rob Wittman, or the head of the EPA's Bay Program to speak. The downside of Mr. Wittman, he said, is everyone knows him. The upside is that he has a high level of understanding of the issues and is a member of the General Assembly. Mr. Criblez asked if Mr. Bulova and Mr. Wittman could do a dual presentation. Mr. James said Mr. Wittman's background is from the science of shellfish and fisheries Mr. Bulova comes from land use planning.

Mr. McKenzie said he wants to clarify whether we are focused on the water cleanup plan as tributary nutrient reduction strategies, or is the water cleanup Trib Strategies or is it all the same thing. He stated the cleanup plan is the implementation plan and the Tributary Strategies is the plan plan. Mr. Thompson said we are trying to juggle this thing and you are telling me that one person is going to get up in front of all the people and tell how all the agencies are woven together. Mr. Criblez said getting the Governor would be great, as well as Delegate Wittman and Delegate Bulova from another perspective. He added the only person from a real state perspective is Jack Frye. Ms. Harris said the benefit of getting the Governor there is to get people's attention. Mr. James added that there is an appeal to local officials. He said that when speaking to local officials the Governor plays on the fact that he was a mayor so he knows local government.

Mr. Byrnes said that an underwritten goal is to have an outcome of how we will get from here to there. He said it seems that whatever the process is, it needs to help the audience find what the technical assistance steps they need collectively from state agencies, and how do we collectively calculate what the cost impact will be, and how we change land use and environment. Add this up and give it back to the state to give funding tools, or the cash so we can do this effectively. He added if we can structure the meeting to see this is a process that they need to continually be involved in, they will continue through workgroups in the future. Ms. Harris said inviting someone from the EPA will set the tone that the state and localities are in this together. Mr. McKenzie said the whole thought for this is a partnership, instead of an adversarial relationship with the state throwing down things, it is how to get from point A to B and working together to get there. Ms. Burtner noted that if there is a preliminary session with legislators, someone from the EPA and Jack Frye, it sets the tone for the Summit. At this point, she said, break them into groups and give them structured questions to come to solutions on how to work together. It is structured, time defined, and gets their feelings out. Then go back into breakout sessions. Ms. Harris said if we have all the state people speaking up front, would we not have knowledgeable local officials. Mr. Criblez said he feels Harry Atherton from Fauquier County and Pete Fields from Stafford would be good for this phase.

Ms. Burtner said the audience has to see the value in what they are hearing and it gives them a chance to process what they have heard. Mr. James said some of these discussions may foster other breakout groups. Ms. Harris said that if a topic comes out repeatedly we need to have the flexibility to talk about the topic. Mr. Saphir said we could have a discussion about what major issues that came out of each group and have a discussion in the afternoon on this.

Mr. McKenzie asked what the first session is talking about. Mr. James said depending on the mix of speakers, the breakdown will be the real big picture, water quality and Virginia's policy from the General Assembly (2 Delegates), then Jack Frye on how these perspectives fit together to help with the water cleanup plan. Mr. Saphir said it will set the stage for more detailed discussions. Mr. Wichelns said that a lot of Board members will not be sitting there to have these aha moments about the implications, but Mr. Frye's roll could be to talk about what the implications are. If you want them to go into these small breakouts with a bunch of vinegar, tell them what the reality means. Ms. Harris asked if Mr. Frye could do a second presentation in the afternoon for the technical breakout. Mr. Criblez said he felt it sounds like DCR is running the event. Ms. Burtner said there needs to be someone who sets the stage with an overview of the topics. There may even be a resource person to give an overview and then the group goes into a detailed discussion. Ms. Harris suggested that Mr. James write a piece. Mr. James suggested that Delegate Wittman and Harry Atherton would be the best people to write this piece. Mr. McKenzie said that the more brains we get in one room, the more alternatives we will have. The group brainstormed some ideas. Ms. Burtner suggested taking the discussion from this meeting and developing a draft plan to give to Mr. James, who will then send it to the group.

Other Comments: Mr. Byrnes asked if the geographical audience goes beyond where the cleanup plan is planned. Mr. James said it is the same discussion we have with everyone around the state. Mr. Byrnes said that down the road, the audience that is impacted by the message, it may be influential to get them on board earlier in the game for lobbying efforts in future programs. Mr. James said Denise Thompson of VML and Larry Land of VACo are on the committee and have been discussing that same idea.

Ms. Harris noted that on July 24 in Henrico, there will be a day-long meeting on HB 3202. Could the nutrient cap be a part of the discussion? Mr. Walker said with regard to VAPDC, there is also a good window of opportunity as far as putting a module in place, and incorporating it into the upcoming summer conference and should include this if it is advantageous. The conference is July 18-20 in Virginia Beach. He said he would be glad to add anything to the mix. Mr. Thompson asked if they are going to address the ramifications of noncompliance. Ms. Harris said she thinks that kind of discussion will come out. Mr. Saphir said we cannot direct the discussion to talk about noncompliance and he raised the question on who would attend the meeting to talk about noncompliance. Mr. James explained the history of HB 1150 as first to authorize a \$1 billion bond package to pay for implementation but was amended through the process to become planning legislation. In 2007 there was a \$250 million bond was authorized to pay for all the largest point source improvements. Ms. Harris suggested to Mr. James that it would be informative to include the history of HB 1150 in the overview for the Summit.

Ms. Burtner said she would develop a draft plan that will be forwarded to Mr. James. In June she will return to discuss the draft plan with the group. She said she feels by the end of the day, issues will be raised and hopefully there will be a number of committees formed with an action plan to follow. Mr. James said he is working on a mailing list for save the date postcards. He said he is still waiting for the list for IDAs and EDAs. There was some discussion about the reason behind inviting IDAs and EDAs, versus the general public. Mr. James explained that EDAs and IDAs have strong links to the business community.

The meeting concluded at 11:45 p.m.

Action Items, Agenda and Dates for future meetings • June 11, 10 a.m.

- July 9, 10 a.m.

NON POINT WORKGROUP
Meeting held at George Washington Regional Commission
Minutes
June 11, 2007

Next Meeting: July 9, at 10 a.m.

1. Welcome & Introductions

Attending:

Kevin Byrnes, GWRC

Chris Conti, Rapahannock/Rapidan Regional Commission (phone)

Eldon James, Staff

Mac Saphir, VCE Caroline County

Denise Harris, Fauquier County (phone)

Melissa Hooper,

Bill Latane, VAFB

Joe Thompson, USDA

Molly Burtner, Facilitator for Summit

Stuart McKenzie, NNPDC (phone)

Update on Submission of Comments on the Water Cleanup Plan: Mr. James said he has not received a copy of the final version of the Water Cleanup Plan, but once he does, he will forward it to everyone in the Group.

Planning for the 2007 Summit - Continued Discussion of Summit Planning with Summit Facilitator- Mr. James said today the Group will have the opportunity to answer Judy's questions. Ms. Burtner asked if this is what the group wants for the Summit. She said she can go through the set up part with Mr. James later. She asked if the Group was arranging for small group facilitators and scribes. Ms. Burtner said she can email this ahead of time, and at 7:30 a.m. the day of the event they can get together to discuss this. She asked if the Group will walk everyone through the introductory part or do they want her to be the moderator. Mr. James said we can do that. Mr. Saphir said he sees us as the topical people and Ms. Burtner will keep the wheels moving. She also asked if NPWG is lining up the speakers. Mr. James said he has talked to Chairman Wittman and he is in agreement with extending a formal invite to the Governor's office. If he does not attend, then maybe we would get the Secretary. Chairman Wittman liked the idea of inviting the head of the Chesapeake Bay Program. Mr. Latane asked if there was any point in inviting Speaker Howell. Mr. James said he will pass the invite along. He stated that Chairman Wittman is interested in holding a joint presentation with Delegate Bulova on water quality, to set the stage. Ms. Harris said she will talk to Delegate Bulova and extend an invitation to him. Ms. Burtner asked how long the speakers part will take. It was decided that it would take 45 minutes to one hour. She asked if the room could be set up in round tables and asked if her series of questions will produce the information they want out of the session. Mr. Thompson asked if there will be enough time for the people to process before they jump into the questions. He added do the people need any type of clarification for what they have just heard. Ms. Burtner asked if they need to work into the speaker session a question or two following their speech. Mr. James said if they do that after each speaker it will take all morning. He suggested that it be placed after Jack Frye's session. Mr. Latane suggested placing handouts at each table to give the attendees a chance to look at something. It is something to keep people on focus and something they can refer back to if they need it. Ms. Hooper

asked if there will be any additional personnel around to help answer questions. Ms. Burtner said that other than Jack Frye the information will be broad. If Mr. Frye provided a handout that was bulleted and easy to read, it would help pull it all together. Ms. Burtner suggested that maybe it is too soon in the Summit to ask the question what kind of assistance we need from the state. Mr. James suggested making the questions more broad and asking “what do you need to be successful.” He suggested not using the word assistance. Ms. Burtner said she thought the easiest thing is to not take a lot of time in collecting the information on the template, and that the tables are going to have to facilitate themselves. She confirmed that it will be 20 tables, 10 people each. They will facilitate themselves with a template on the table, collect the info, and take up, each group will present one implication that has not been thought of before. She said they need removable mics for this. Mr. James said what do you think is the most significant implication and not to repeat one they have already heard. He suggested it would be good if three of the speakers and some of us are moving around the room, just to answer questions and not get in their way. Ms. Burtner said the second bullet needs to be deleted. She added if 20 tables report out with 1 implication it will take 30 minutes. She said it needs to be recorded on power point to get up on the screen for everyone to view. Ms. Harris said she just spoke to Mr. Atherton and said she has asked him about being in the welcome remarks at the Summit. She said he tentatively agreed to the Summit as long as Mr. James and Ms. Harris write his speech for him.

Ms. Burtner broke down the time to include the Intro - 15 min.; speakers - 1 hour; break- 15 min.; people are given instruction and working at the table, 10 min. instruction with 45 min. to brainstorm; report out at 11:00-11:30 a.m.; 11:00-11:45 lunch. She said someone has to hold the removable mic and pick up the templates so they don't get lost. They need to record who is in the group, then the questions, and star the most significant on the page. She suggested once they have all reported out, we could ask if something came up in their group that you may have a question about. Mr. James said some of the speakers will stay around to answer questions. Ms. Burtner asked if NPWG wants attendees to write down questions that they can be placed in the final report. Ms. Harris said it is a good idea to place questions in a box and have the Governor answer them in a Q & A. Mr. James said if our time is too compressed, we will run into a time problem. Ms. McKenzie said pick one or two of the best. Ms. Burtner asked how long lunch will take. Mr. James said it will be box lunches with a 1 hour max time limit. Ms. Burtner suggested setting up 4 lines versus 2 lines to pick up the lunches .

Breakout Session: Ms. Burtner suggested keeping the groups to 25 people or less because people do not talk in large groups. She added that her agency will bring the flip charts and markers and one computer. Mr. Saphir suggested if the NPWG generates an email list they can send the book of the Summit to them later. Mr. James said 5 rooms is the most they can get for the breakout sessions. Ms. Burtner asked if there is some way for the attendees to sign up for topics and run them again in order to keep the groups smaller. Mr. James said while they are eating lunch, they need to divide the big room. Ms. Burtner said it is harder to manage a larger group, and if you get larger than 30, you will need microphones. Mr. James said some of the rooms max out at 35, one has a 60-40 split. He added that they can limit the attendance to less than 200. Ms. Burtner said since we are just guessing at numbers, and we know we are limited by 5 spaces, with 3 topics, we can run two groups at the same time and still repeat. Mr. James said once he gets registration set up online, give them 2-3 of the breakout topics to check. Ms. Burtner said if we have all the infrastructure there, we can still make changes that morning and just be flexible to make it work. Ms. Burtner said we know what the limitations are, so she suggested holding this decision until they know how many people register. She asked if there is anything they need to change about the process.

Ms. Hooper suggested changing the wording to what are the needs and what are the types of needs. Mr. Latane said our facilitators need to answer the question of what local government will do about it. He said the question will hit the floor at some point. Mr. Saphir said he was hoping we could get someone there to answer it. Mr. James said if we have 3 sessions going, he would hope there are enough people within the groups to help answer the question. Mr. Byrnes suggested pushing the conversation toward some more productive thing, such as what are we going to do about it. Ms. Burtner said the ideal to plant the question, is in the morning session before lunch. If it does not come up, then someone needs to plant it and get the question out of the way. Mr. Saphir offered his understanding of the question in a very general sense. Mr. James said many people believe that the EPA does not have the resources, so they will be looking for some other ways in the cap. Mr. McKenzie said if we are going to approach the goals of the water cleanup plan, he does not see how it will be done in a voluntary manner. Ms. Burtner said since the group will meet twice in the afternoon, it seems like 4 questions is too much, and asked if it needs to be limited to 2 questions. Mr. Latane said we can simplify the questions with each group. Ms. Burtner suggested the facilitator keep a tight rein on the crowd and not let anyone break in and dominate it. Mr. Thompson suggested that the upside is efficiency and the downside is that you will lose some insight. Ms. Burtner suggested providing index cards for each group to write questions and ask later. She added if the facilitators will time themselves and stay on the question they can do it.

Mr. James said if they were to turn the formatting on its head, is there a way to do this in one large group or two large groups. He said each group of ten self selects the scribe and the facilitator and Ms. Burtner facilitates from the podium. The other thing is they all hear the same thing and it standardizes the presentation. Mr. James told Ms. Burtner we don't have the facilities you have in Richmond or VA Tech, and he is afraid they will lose them with the breakouts. Ms. Burtner suggested placing a number on their name tags to mix up the attendees and have assigned seating. Mr. James said at registration, we can simply look at who they are and what agency they are from, and place the numbers on them. Mr. Thompson said it is very important they get mixed up so we can hear diverse viewpoints. Ms. Burtner said if there are less than 200 people, a smaller number can be at each table and there will be room for a flip chart. Mr. Saphir said this is more efficient. Mr. Thompson said we need to have enough people patrolling the room. Mr. Byrnes said they need to organize the break schedule so they have rolling breaks. Ms. Burtner said we can tell people to take care of their own needs, but in between each topic they can stand up and fluff their feathers. She also suggested that the most important topic needs to be discussed first, because people will start leaving near the end of the Summit. Mr. Latane suggested changing the first questions from what are the implications, to what are the opportunities. Ms. Burtner said people don't often see concerns and opportunities as the same thing, and chances are the concerns will come up anyway.

Mr. Thompson said we should clarify that part of the reason for the Summit is that we are expecting attendees to provide good information, so it will be used for feedback to the state. Ms. Burtner said she will complete the draft for the input collection, as well as timing it out.

Discussion of Report to RRBC on Summit 2007

Mr. James said he has a meeting with the RRBC June 27th and asked if he could have the new draft the Friday before, on June 22nd to report to the RRBC. Mr. James announced that the meeting will be held at the Jefferson Alumni Center at the University of Mary Washington. He said he will be reporting to the Commission on the planning for the Summit. Mr. James read the agenda for the meeting and extended an invitation to everyone to attend. He also asked if there was anything in the

report to stress to the Commission. Mr. Saphir suggested stressing the need for feedback from the bottom to the top, and that we need to hear from the people. Mr. Thompson said the concept of having everyone hear everything at the same time is very important, so there are not pieces floating out there and they are not trying to fill in the gaps. Mr. Latane asked what handouts will be available at the Summit. He suggested what Dr. Cox wrote would be nice to be able to pick them up in print form or on a CD. Ms. Harris said one of the things they are trying to do is to have the plan not be so state centric. She said the three objectives as they are written, come across to be very state centric. Ms. Burtner said she will try to rewrite it so they are not so state centered. Mr. McKenzie said that we are building on there is support in the county level, with needs to be more cooperation at the state level so they are not just dictating to the counties. there is there needs to be more cooperation for the state Mr. James said maybe some of the objective is to move toward a more cooperative approach than a mandate. He thanked everyone for their advice and Ms. Burtner said she will rework the objectives with the advice in mind.

Action Items, Agenda and Dates for future meetings

July 9, 10 a.m.

Mr. James said GWRC will be moving to 405 Princess Anne St. and that there has been a request to move the NPWG meetings off of Mondays. The Group decided on the future meeting dates: July 9 at 10 a.m., August 15 at 10 a.m., September 5 at 10 a.m. and October 10 at 10 a.m.

Ms. Harris asked if save-the-date postcards are being sent out. Mr. James responded stating the postcard was in the process and he will resend an electronic postcard, as well as a press release to local newspapers.

The meeting concluded at 11: 30 a.m.

NON POINT WORKGROUP
Meeting held at George Washington Regional Commission
Minutes
July 9, 2007

Next Meeting: August 15 at 10 a.m.

1. Welcome & Introductions

Attending:

Kevin Byrnes, GWRC

Eldon James, Staff

Mac Saphir, VCE Caroline County

Denise Harris, Fauquier County

Bill Latane, VAFB

Joe Thompson, USDA

Stuart McKenzie, NNPDC

Mr. Jeff Walker, Rapidan/Rappahannock Regional Commission(phone)

News - Mr. Thompson reported that he is working for the Northern Neck Land Conservancy and not USDA anymore.

Report on June RRBC Meeting - Mr. James reported that the Commission reacted positively to the proposed Summit program. They did not have any suggestions or changes.

Update on Planning for Summit – Mr. James distributed a detailed outline of the Summit. He said the planning group is still working out the details. He informed the Group that Chairman Wittman and Mr. Jack Frye are available to speak. Ms. Harris has contacted Delegate Bulova to speak. Mr. James reported that Mr. Jeffrey Lape with the EPA, has a conflict on the day of the Summit and can not attend. His office asked if someone can be sent in his place. Mr. James announced that there has been further contact with the Governor's office and Speaker Howell's office. He said the planning group has some concern that there may be too many speakers. Chairman Wittman said some may not attend. Ms. Harris asked Mr. James to talk to Mr. Atherton. Mr. James said they have planned the opening as far as they can, without more confirmations from speakers.

Mr. James said he would like some comments back from the Group about the objectives and how the plan is working. He also stated that they need to talk about logistics. Mr. Byrnes said since the objectives are focused on water quality, is there any attempt throughout the program to leave in water supply planning. Mr. McKenzie replied stating that the issue is being addressed statewide. The whole idea is growth within the cap and how does a locality have economic growth. Ms. Harris suggested that there needs to be a 4th objective that talks about the implications of land use. She said there is a real disconnect between the state and local people. Mr. James said this event is the opportunity for some clear articulation of different perspectives. He added this should be a chance to be a little less abstract. Mr. Saphir said the 3 fact sheets should be helpful to the discussions. Mr. Latane commented that Ms. Burtner took the less poignant term "water quality." He said water quality has some definite perimeters to it, and asked that it be defined better during the Summit. Mr. McKenzie stated that he would love to get some answers that day. He said, everything that he sees and hears, is that they will track nutrients. Mr. McKenzie said he would like to see Objective 1 rewritten so "Cap" can be in it. Mr. James urged that the RRBC wants the subject of the nutrient

loading cap discussed at the Summit. Ms. Harris suggested changing the word “specifically to” to “to include.” Mr. McKenzie said that TMDLs are the least of his worries and he is amazed at the amount of money spent to do the TMDLs in the Northern Neck. Mr. James asked if it was worthwhile to have that statement made in the group. Mr. James asked about using “Cap” in the subtitle for the Summit. Mr. Latane said introduce what the issues are and use the objectives, to bullet point it, and include some sort of a mission statement. Mr. James suggested adding an introductory sentence and asked Mr. McKenzie to take a first cut at it.

Mr. James reviewed the outcome of the last meeting for the Group. He said it was decided that Ms. Burtner would facilitate the entire room from the podium and each participant will get exposed to every topic. Mr. McKenzie stated that they are going to prompt whether we ask the question or someone else asks it. He added that if it does not seem to be going the way we want it to go, that is people get off track, we will have to lead the discussion. Mr. James reiterated the fact that there needs to be enough support people to facilitate and to help with the discussion, but not get in the group’s way. He added that when the Summit is over all the information gathered needs to be put in the final report. Mr. Saphir said they need this information for a synopsis at the end of the meeting to hit the high points. Mr. McKenzie suggested that the dynamics around each table will be important. Ms. Harris asked if they were thinking about assigning seating around the table to mix it up. She said her concern is the educational tradeoff to getting in-depth. She asked what everyone thought about categorizing the attendees. She added that the goal is a cross pollination of urban/state/local/regional kind of mixed crowd at the table. Mr. Thompson introduced the idea of “vertical mixing” where there would be a seat at each level that mixes with other levels. Mr. McKenzie said the framework is the same whether it is upper, middle and lower. He said he sees this Summit as asking the state questions and making them start to deal with land use and growth.

Mr. James suggested inviting Ms. Burtner back to the next meeting of the NPWG to work through the session. He said as we talk about this, he realizes that everyone is reading it differently. Ms. Harris said there are so many universities teaching this topic, maybe they can invite some students to be scribes for each table. Mr. Latane recommended looking into the Chesapeake Bay Governor's School. Mr. Walker suggested there are people always on the lookout for facilitator experience as volunteer mediators. Mr. McKenzie said we just need to draft someone to write on the flip chart and that it is good to have someone on the outside. Mr. Thompson said he does not see this as a heavy duty facilitating position. There was some talk by the group that five of them would be enough to help patrol the room, but than they could not be a voice at the Summit. Ms. Harris said that this group may not need facilitation and the most important thing is to get things written down. She added that we don’t need someone to facilitate delegates and county supervisors. Mr. Latane said that extension agents have a lot of training in that area and Mr. Saphir said he could get five or six county extension agents to assist.

Mr. James said to plan on reviewing this discussion with Ms. Burtner in an extended meeting until possibly 1:00 p.m. on August 15. He said he will have the registration in place by that date and will make every effort to do it online. It won’t prevent people from registering through the mail. He plans to get one system for getting names on a list for a mail out, and also plans to have them write checks for the event, instead of pay pal. Mr. James said he will have the opening session more clearly defined by the meeting in August. He plans to call Mr. Atherton, but feels he won’t need a lot of pointers on what to say. He added that Mr. Atherton will be the first one to say we have a dilemma.

Ms. Harris informed the Group about the VAPA meeting in Henrico July 24. She said there is a one-day session to talk about the land use elements of the transportation bill. Mr. James added that this is led by counties primarily impacted by urban development. On July 25 to July 27, VAPA will have their annual conference at Wintergreen.

Mr. James said he would like each member of the NPWG to digest the information discussed at the meeting, and if there are thoughts to clarify it in an email. He reviewed the tasks at hand to include:
Mr. McKenzie writing the opening
Mr. James talking to Mr. Atherton

At the next meeting the Group will walk through each session to see how it is working. Mr. Latane said this meeting got questions framed, and Mr. Saphir said the group may have not gotten into that level of detail.

Mr. James asked everyone to make note of Mr. Thompson's new contact information. Mr. Saphir said he would send a targeted email to associates to see if they are available on October 30th.

The meeting concluded at 11:15 a.m.

NON POINT WORKGROUP
Meeting held at George Washington Regional Commission
Minutes
August 15, 2007

Next Meeting: September 5 at 10 a.m.

1. Welcome & Introductions

Attending:

Judy Burtner, Consultant, Summit 2007 Facilitator

Matt Criblez, DCR

Larry Dunn, John Marshall SWCD

Denise Harris, Fauquier County

Eldon James, Staff

Martina James, Staff

Adrienne Kotula, DCR - CBLA

Stuart McKenzie, NNPDC

Chip Rice, DCR Watershed Coordinator

Mac Saphir, VCE Caroline County

Mr. Jeff Walker, Rapidan/Rappahannock Regional Commission(phone)

Greg Wichelns, Culpeper Soil & Water Conservation District

Review of RRBC Summit 2007 Program

Mr. James said he would like to walk through the program with two goals in mind: what they need to talk about concerning the program and what will accomplish the goals, and the other is to look at the logistics of the day. Mr. James explained the three documents he distributed to the group. Ms. Burtner asked if this is the format and the content the group wants, and will this get them what they need that day. She suggested going through the document for the day, step by step. Mr. James suggested starting with the objectives and explained some of the recent changes. Mr. James asked the group if they have captured the objectives correctively. Mr. Wichelns asked if urban loading was missing from the objectives. Mr. James said he will make a note in the margin and asked if there needs to be something parenthetical as to what is included in point source, urban loading, etc. Mr. Saphir said it is not so good to make it so complicated that they need to explain every constituent. Mr. Wichelns asked how non nutrient loading is factored into the caps, and Mr. Criblez explained the Phase 5 model and all the criteria for this. Mr. Wichelns also asked if local government knows this is happening and suggested that they put it down on the brochure, to get them to attend. Mr. James said the 3 issues will include all point and non point source loading issues. Mr. Mackenzie suggested instead, saying county nutrient loading caps. Ms. Harris suggested that VAPA come on as a sponsor, because continuing education requirements will get more people to attend the Summit. She added, if they want to get planning language to catch their eyes, add the words "land use." Mr. James said he will work with Ms. Harris later to get VAPA as a sponsor and asked the group again if the objectives capture what they are trying to do. Mr. Mackenzie suggested adding federal and state. Mr. James talked about sponsors and said they are on the list because of dollars or time contributions. He said they will be adding the Virginia Cooperative Extension Services and asked if he could add the Soil and Water Conservation Districts to the list.

Program: Ms. Burtner reviewed the listing of the equipment and said she is bringing a lot of the equipment with her, but the screens need to be provided. Mr. James said they will only need one screen. Ms. Burtner said she will be bringing laptops and LCD projectors, but it would be good if someone else brought a laptop. Ms. Harris asked if they are bringing presentations on flash drives, are they going to arrange for it to be provided earlier. She also suggested that they can burn it onto CDs for the attendees to take home. Mr. James said he will work with the University on how to get it up on the screen. He said that they will also work with presenters to provide hard copies for the packets, but it most likely they will be in the final report instead. Ms. Burtner asked if they will have logos for the groups and that it just needs to match theirs.

Personnel & Staff Support - Ms. Burtner asked if all the resource people are lined up for the session. Mr. Saphir said he is asking his colleagues to help at the Summit. Ms. Burtner suggested having the extension agents there, as well as members of the NPWG at each table. Mr. James asked if everyone present at the NPWG meeting will be present at the Summit. Mr. James confirmed that everyone but Ms. Kotula will be present. Ms. Burtner said the tables seat 8 people, and it would be best if everyone spread themselves around and serve as a scribe. She added that the flip charts will be lined up along the walls, and that they will be using templates. She said the reason they use flip charts are for people to see their words are being captured, and that they do not repeat themselves. The template is used to have it available to be included in the final report. She said the idea was to use a flip chart with markers for each table, plus a template, a blank form with questions for the scribe to write on, so the templates can be used to create the final report, versus folding up all the flip chart pages. She said there are advantages to each method and you can do both. Mr. James said there needs to be two scribes. It was decided that both methods be used that day and Ms. Burtner said she would prepare the templates for each table. She said once they have an agreement on the questions they will prepare those templates for the Summit.

Formation of Small Table Groups: Mr. James said he has created an early bird registration and all the information will be posted on the web site. He said they have received more coverage from e-mail than postcards. He said the perspective attendees will have the registration five to six weeks before the Summit. Ms. Burtner said someone needs to pre assign people to the tables. Mr. James said the maximum for the room is 175 and at some point it needs to be cut off. Ms. Burtner said once the groups are formed, they need to put names on the table. She said she would do this for the Summit if they share the list with her group.

Orientation for Small Group Facilitator/Scribes: Ms. Burtner asked if this is still needed. Mr. Saphir said he could take care of this, and it could be done in 5-10 minutes. Ms. Burtner said she would prepare a one-pager to list all the things that should be on the table.

The Plan: Ms. Burtner said she rewrote this based on the changes to have everything in the same room. Mr. James reviewed the program's speakers and how the day is going to work, as well as special guests in attendance. He said they have an invitation to the Governor Office, but have not confirmed anything. He said Speaker Howell has confirmed

he will be there. He said there will be a combined presentation from Chairman Wittman and Delegate Bulova. Mr. James asked if Ms. Harris has contacted Delegate Bulova. Mr. James said that Jeff Lake's office has not gotten back to him, and Mr. Jack Frye confirmed with Mr. Criblez that he will be there for a presentation. He added that he has left a voice mail for Mr. Atherton. Mr. James asked the group to consider what order the presenters should go, assuming they have a federal presenter. He asked if Mr. Atherton should go between the federal presenter and Mr. Frye. Mr. James asked if it would work for Mr. Atherton to talk about local government perspectives before Mr. Frye. He said Mr. Atherton will probably want to talk about, "until we figure out how to solve the growth issues, we will not solve these problems." Mr. McKenzie said the link between point and non point needs to be talked about and flushed out somewhere. Ms. Harris said Mr. Atherton will not talk about going after the agricultural community to do their portion. There was some discussion on what direction Mr. Atherton's presentation should go. Mr. James said he will work with Chairman Wittman to make sure important points are mentioned. He also said he will endeavor to get the 3-4 presenters to share their information with each other. Ms. Burtner confirmed that Chairman Wittman will preside over that session.

Plenary Session I: Ms. Burtner explained that the point of the session is to give them an opportunity to discuss what they have heard earlier. She then asked the group if these are the right questions to ask. Mr. James asked Ms. Burtner to walk the group through the process of how she will facilitate. She said she will explain the whole process from here to 4 p.m., and to explain that these questions are to frame your answers at the table. Ms. Harris asked if there needs to be time for Q & A. Ms. Burtner said there will be a stack of index cards at the table on which to write questions. Ms. Burtner said once the questions start it is hard to stop. There was some discussion on the questions that could be asked. Mr. James said if someone has a process question, they can handle that at the table. If someone has a global question it needs to be asked. Mr. McKenzie said we should tell them the only way to ask questions is through the index cards and we can edit them. Ms. Harris asked if it was possible for Mr. Frye to take 15 minutes to address global questions. Ms. Burtner asked if 8:30 to 11:00 is too much time for the speakers. Mr. Wilcheln stated that if we don't do what Ms. Harris is suggesting, we could lose people. Mr. James said if each presenter keeps to 10 minutes each, we can get through this by 9:45. He said there is a chance that someone may not show up, so there will be time in the morning session. He said it would be better than taking time out of the second session. Ms. Burtner suggested having the index cards on the table, and charging Chairman Wittman to inform the group to write one question per card. The cards will then go to a member of the planning committee at the table. If they are global questions, then get them to the front and allow time for them to be answered before the break. Chairman Wittman can say that the questions that do not get answered today can be addressed in the summary report. Ms. Burtner said she will write something for Chairman Wittman to announce about the cards. She also gave directions for how to sort the cards, which includes pulling out duplicates and holding onto the burning questions. She also said there needs to be an extra work table to sort the cards. Mr. James asked who will screen the questions. It was decided that this person needs to be selected after they know how many people are there to help that day. Ms. Burtner said she will not do the templates until two weeks before but they need to get clarity on the questions if they need to be changed.

Report Outs: Ms. Burtner said the planning committee needs to do the report outs and

each table will share one thing, but not have duplicates. They need to share the one thing that is most significant and the one thing they need to be successful given what they have heard that morning. There was some discussion on how the issues would be captured for the entire room to see. Mr. James confirmed they want to capture the issues of concern and issues that are in need of further discussion, and recommendations that may come forward. Ms. Burtner said there are 3 rounds per question. She went through the process of each table sharing their outcomes of the questions and how they will be calculated. She said they will only ask each table to respond once, but they do not respond if they have already answered. Ms. Burtner said the third question needs to be rewritten. The group looked at the afternoon questions and it was decided that they need to take out question 2 & 3 for the morning sessions. She reiterated that the 1st set of questions is a way to process what they heard in the morning. She said framing the question to state, "at this point, knowing what you know, what do you perceive your needs would be." Ms. Harris said if they are gaining time and narrowing it down to 1 question, do they want to open it up to the whole room to brainstorm. Mr. Rice said it will help clarify the morning session in order to move into the afternoon session. Ms. Kotola said she would want someone to summarize what the speakers said in the first half, before you ask the attendees to answer the questions. Mr. Mackenzie said it is an idea but he said he feels like we are force feeding them our ideas. He suggested to hold Mr. Atherton's presentation until after the break and have him preface it with "these are some of the things we have heard about and these are my concerns...." Mr. James clarified that they pull Mr. Atherton out of the first session, do the questions and answers, break, come back and Mr. Atherton will set the stage for the question. He will keep it brief by himself and we need to get the presentations from other speakers beforehand, so we can put Mr. Atherton's presentation together. Mr. McKenzie said it is time to let the counties know we are done talking and it is time to do something. Ms. Burtner said Mr. Atherton will have 10-15 minutes to share his hopes and concerns, and then she will say to the group, based on what you have heard this morning, talk about the implications of what you think the input implications are in your part of the basin. Once you have completed your list, choose the two most significant issues. The outcome of the discussion will be a brainstorm list; the second part will be significant implications. They will report in two rounds and then a frequency count can be obtained. This will be asked with based on what you know right now. Mr. James said the follow-up report will be drafted by Mr. Mackenzie, Mr. Saphir and Mr. James and between the 3 of us, we will know what part of the Basin the attendees of the Summit are coming from.

Afternoon Session: It was decided that all 3 topics will be done in one large group with the tables. Ms. Burtner said there is a planning member at each table and a resource person to do an overview of the topic area. Ms. Burtner said there are too many questions and asked which one should be eliminated. It was decided to combine question 2 & 3, and take question #5 out. Ms. Burtner clarified that there will be a planning member at each table, and the resource people who wrote the topical pieces will give a 10 minute presentation. The questions for this session will include #1 What are the opportunities for local government? Other key stake holders? #2 How might this topic be addressed locally and regionally? #3 What is it you need to be successful? The tables need to report out one item per topic area and everything on the flip chart and template will go in the final report. Ms. Burtner said that if there are ideas of people forming groups it will evolve and there will be flip charts located around the room for people to sign up for these new

groups. She said they can write ideas for further work, or put titles on them, and remind people from the podium that there are flip charts located in the back of the room to form groups across jurisdictional lines.

Ms Burtner said she needs to rewrite the program for the day. Mr. James talked about the pricing for the event. The group agreed \$50 for early bird registrations. Mr. Criblez asked if they will encourage businesses to set up displays and that he will get storm water to set something up for the Summit. Mr. Criblez said he will get a list together of agencies, businesses, etc. to ask them to attend. Mr. James said they can offer a lower price for non profits or agencies. Mr. James set the price for the Summit at \$50 for early bird, after early bird \$65 and on site \$85. Mr. James said they will charge \$250 per display with one registration, and non profit is \$75 and includes one registration. Mr. James said he will work this out before the next meeting.

Action Items, Agenda and Dates for Future Meetings

- Next NPWG meeting is September 5, 10 a.m.
- RRBC, September 12, 2007. Mr. James said they will give some information presentations on nutrient loading and TMDLs. The meeting will be located at the barn at Lord Fairfax Community College in Fauquier County.
- The NPWG meeting for October was scheduled for October 10, at 10 a.m.
- October 30 - Summit 2007

NON POINT WORKGROUP
Meeting held at George Washington Regional Commission
Minutes
September 5, 2007

Next Meeting: October 10, at 10 a.m.

1. Welcome & Introductions

Attending:

Matt Criblez, DCR (soon to be RRRC)
Larry Dunn, SWCD
Eldon James, Staff
Mac Saphir, VCE Caroline County
Martina James, Staff (phone)
Denise Harris, Fauquier County (phone)
Bill Latane (phone)
Stuart McKenzie, NNPDC (phone)

Continued Preparations for RRBC Summit 2007:

Review of the discussion/planning at the last NPWG, confirm program plans and identify tasks to be completed

Mr. James stated that by going through the minutes, it really lays out what we have all agreed on and gives us a chance to look at what we need to work on. He asked the group if there is anything we need to reflect on, and if there is anything we need to change. Mr. Saphir said it is pretty well figured out, but in the process we may come up with other items. Mr. Latane said he could not comment since he was not at the last meeting. Mr. Saphir said he was glad Ms. Burtner was at the last meeting to help clear everything up. Mr. James informed the group that NPWG is still meeting in the same place until GWRC moves.

Speakers update

Mr. James reported that the Speaker of the House, Bill Howell will be attending the Summit to give a presentation. The Governor responded that he has a conflict that day and can not attend. They have since extended an invite to the Secretary of Natural Resources. Mr. James said that Delegate Bulova and Delegate Wittman will be coordinating together on their presentations during the Summit, much like they did for an article in a recent VAPA newsletter. Mr. James stated that Mr. Rich Batiuk, the Associate Director of Science Chesapeake Bay Office and Jack Frye have also confirmed that he will speak at the Summit. Mr. James said he is going to try to get information ahead of time from the speakers.

Mr. Criblez announced to the group that he is leaving DCR and will be employed by the Rappahannock/Rapidan Regional Commission.

Review online registration material and procedure

Mr. James asked the NPWG about their comments on the website for registration. Mr. James told Ms. Harris that they need to work with Mr. Atherton about his presentation. Ms.

Harris said Mr. Atherton might be interested in a power point presentation. Ms. Harris said her BOS staff person already registered Mr. Atherton and found that it was a very easy process. Mr. James said that by the end of the week anyone registering will get a confirming email back. Mr. Saphir asked if the volunteers working the event need to pay for the registration. Mr. James said that there will be a volunteer at each table, totaling 20 people. Mr. James said he needs 150 registrations to cover his cost, or if he can come up with at least 6 sponsors that total number for attendees can go down.

Discussion of Sponsors and Exhibitors

Mr. Criblez said he has already called some of the sponsors, which include vendors with different products for storm water management. He said it will not be hard to get \$250 per sponsor. Ms. Harris reported that VAPA has agreed to \$100. She said they can either give \$100 toward it or national may charge per credit hour. She said national has not given them the amount yet. Mr. James reviewed the August minutes of the NPWG concerning the amount of fees for sponsors. A regular nonprofit is \$75 such as the Friends of the Rappahannock. For-profit businesses will be \$250 and includes a registration. Mr. James asked what is the appropriate acknowledgment for the Farm Bureau's participation? Mr. Latane said he will see if they are interested in having a display. Mr. James said there should be minimal cost to the Farm Bureau. Mr. Latane said he may need assistance to set up a static display. Mr. James said he should have enough people from the soil and water conservation districts to help during the Summit. Mr. James asked Mr. Latane if they should add the Farm Bureau to the sponsorship list, but only after he gets approval and supplies some language for the sponsorship. Mr. Criblez said he could recruit 5-6 sponsors for the event. Mr. James said he and Mr. Criblez will serve on a subcommittee for sponsorship and anyone else is welcome to join them. He said if they are able to pull in \$1500 to \$2000 from sponsors, then if they need to comp 15-20 people to serve as table facilitators, then they should be all right for the Summit financially. Mr. James reviewed where some of the money has come from for the Summit.

Mr. McKenzie said he emailed Sandy Spencer with the Rappahannock River Wildlife Refuge and she asked how she could help. He said he will ask her to be a nonprofit exhibitor. Mr. Saphir said he would email John Tippet to be an exhibitor from the Friends of the Rappahannock. Mr. James asked Ms. Harris if there were any groups in Fauquier or the upper basin who may be interested in being an exhibitor. She suggested contacting the Piedmont Environmental Council, or the Goose Creek Association. Mr. James said he has talked to Rapp FLOW to see if they will be an exhibitor. Ms. Harris said she will contact the two groups in her area. She also suggested the Conservation Round table, which meets quarterly and includes Airlee. She said she can send them information. Mr. Criblez asked if there is a short piece on sponsorship/displays that can be emailed to the members of the NPWG, so they can send it to potential sponsors. Mr. James said they have sponsors listed on the web page. He added that the facility should have enough room for up to 15 exhibitors. Mr. James made note that he needs to draft an exhibitor piece to email to the group, and said this should help generate the interest.

Mr. James said at the end of next week, when someone registers for the Summit, they will get an emailed response. A carbon copy will also go out to Mr. James. He said two weeks before the event we should be able to figure out the seating, from who has registered and what area they are from. Mr. McKenzie suggested that an email about display

opportunities will help get the word out. Mr. James said he is encouraging that everyone forwards the email to their own lists.

Action Items, Agenda and Dates for Future Meetings

- *RRBC, September 12, 2007, review agenda* (setting the stage for the Summit) Mr. James distributed copies of the agenda for the upcoming meeting. He reviewed who will be making presentations at the meeting. He said Mr. Jack Frye will lay out some of the same things that will be talked about at the Summit. Mr. James said this is to get the Commission members ahead of others before the Summit. He added that the Executive Committee met earlier in the year to ask to include some of the water resources efforts in the different areas of the basin, on the agenda at the RRBC meetings. This time they are including Rapp FLOW as an initiative in the upper basin. He asked if anyone from the NPWG group will be coming to the meeting. Mr. Saphir asked why the Virginia Water Cleanup Plan was not on the agenda. Mr. James said they have not focused on the other items in a while, and the last RRBC meeting in June covered this item extensively. Mr. Saphir said he feels the Virginia Water Cleanup Plan is slipping under the rug, and that it is really driving the Summit. Mr. James said he does not think it is slipping under the rug, but that they really need to highlight the Cap and TMDLs. Mr. James said he will remind the Commission of the Plan and that discussion of it will be part of the Summit.

- *October 10 NPWG meeting*, at George Washington Regional Commission. Mr. James said they need to talk about who is on the team for the Summit.

- *October 30 - Summit 2007*

- *November NPWG meeting* the group will meet at a new location. Mr. James said they will review what went on at the Summit and Mr. Criblez, Mr. McKenzie, Mr. Saphir and Mr. James will be working on the final report. He said the goal will be to finish the final report on the Summit in time for the December 5 RRBC meeting. He added that their charge for the NPWG may change after the feedback from the Summit, but they will need to talk about what is next for the group at a future meeting.

Other:

Mr. Latane said he will work on asking the Farm Bureau for the sponsorship.

Mr. Criblez noted that the printout for the Summit, on Objective #2 was missing some words. Mr. James confirmed the website has the correct words.

Mr. James thanked everyone for their hard work and said he feels they are better organized than before, when they were going into the last Summit. Mr. McKenzie said his preference is to write the report as soon after the meeting as possible, while it is fresh in their minds.

The meeting concluded at 11:00 a.m.

Rappahannock River Basin Summit 2007

*Improving water quality will change
the way you do business*

Issues: Nutrient Loading Cap, TMDL's and Virginia's Water Cleanup Plan

University of Mary Washington Stafford Campus - North Building
Fredericksburg, VA

October 30, 2007 8:30 a.m. - 4:30 p.m.

The Objectives:

1. Become familiar with the water quality initiatives at the federal and state level, AND the implications for governmental action at the local level
2. To have a meaningful dialogue on how water quality expectations can best be addressed locally and, regionally, through a cooperative approach
3. To provide recommendations to local, regional, state and national entities relative to local needs in addressing water quality expectations

The Sponsors:

The Rappahannock River Basin Commission was created by the Virginia General Assembly to improve communication and coordination between the jurisdictions, on issues of basin-wide importance and make recommendations to the General Assembly and the localities of the basin.

The George Washington Regional Commission serves the counties of Caroline, King George, Spotsylvania and Stafford and the City of Fredericksburg.

The Northern Neck Planning District Commission serves the counties of Lancaster, Northumberland, Richmond and Westmoreland.

The Rappahannock-Rapidan Regional Commission serves the Counties of Culpeper, Fauquier, Madison, Orange and Rappahannock.

The Virginia Department of Conservation and Recreation works with Virginians to conserve, protect, and enhance their lands and improve the quality of the Chesapeake Bay and our rivers and streams, promotes the stewardship and enjoyment of natural, cultural and outdoor recreational resources, and insures the safety of Virginia's dams.

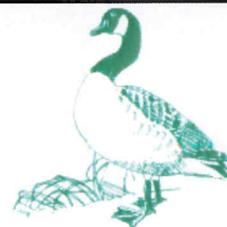
Virginia Cooperative Extension Service helps people improve their lives by providing research-based educational resources through a network of on-campus and local Extension offices and educators.

The Soil and Water Conservation Districts of the Rappahannock Basin. The mission of Soil and Water Conservation Districts is to provide leadership, technical assistance, information, and education to citizens in proper soil stewardship, agricultural conservation methods, and water quality protection so as to ensure the wise use of our natural resources.

Virginia Chapter of the American Planning Association. The mission of the chapter is to promote planning as the foundation for effectively addressing the physical, economic and social changes taking place in Virginia. The Virginia Chapter of the American Planning Association is committed to increasing awareness about planning's many benefits, and enhancing its practise throughout the Commonwealth.

The Virginia Farm Bureau Federation. An organization of farmers and rural families who belong to one of 88 county Farm Bureaus across Virginia. The organization works to support its members through legislative lobbying, leadership programs, commodity associations, rural health programs, products, insurance, marketing and other services.

THE PROGRAM



8:30 - 10 A.M.

WELCOME AND PLENARY SESSION I

- Welcome and Overview of Summit 2007 - RRBC Chairman, Delegate Rob Wittman welcomes participants, shares purpose/objectives of session, and introduces "special guests:"
- Special welcome and the challenge facing those in attendance - Speaker of the House of Delegates William Howell;
- The Big Picture: Setting the Stage - Chairman Wittman and Delegate David Bulova;
- Water Quality and Local Land Use Decisions, The Federal Perspective - Richard Batiuk, Associate Director of Science, USEPA, Chesapeake Bay Program Office;
- The Status of Virginia's Point Source Pollution Program - Alan Pollock, Manager, Office of Water Quality Programs, Virginia Department of Environmental Quality;
- Expectations of local government, how things will be different, and how all the pieces fit together - Jack Frye, Director, Soil and Water Conservation Division, Department of Conservation and Recreation;
- Brief Q & A

10:00 - 10:15 A.M.

• **BREAK**

10:15 - 10:30 A.M.

A LOCAL GOVERNMENT PERSPECTIVE

- Harry Atherton, Chair of the Fauquier County Board of Supervisors and Vice Chair of the RRBC

10:30 - 11:45 A.M.

PLENARY SESSION II,

LED BY FACILITATOR JUDY BURTNER

- Processing the Information (10:30 - 11:00 A.M.)
Participants, working in small groups at tables, discuss the following question:
What are the implications of what we have heard - implications for local government and implications for other key stakeholders? Questions that arise during discussion that cannot be answered at the table are written on index cards. Cards will be collected for use during Q & A time.
- Report Out (11:00 - 11:30 A.M.)
Each small group reports out the most significant implication.
- Responding to the Questions (11:30 - 11:45 A.M.)
Those unanswered questions raised during the group discussions will be drawn from the box/basket and read from the podium. The appropriate person will provide a response. All questions, including those not answered because of time limitations, will be addressed in the final report.

11:45 -NOON

Break - preparation for lunch time to check your voice mail

NOON - 1:00 P.M.

LUNCH

1:00 - 1:15 P.M.

TOPIC AREA DISCUSSIONS

Facilitator Judy Burtner will set the stage and explain how the three topic areas will be discussed. There will be no formalized breaks during the afternoon, participants/tables groups are encouraged to take breaks as needed.

1:15 - 2:10 P.M.

First Topic: The Nutrient Loading CAP

2:10 - 3:05 P.M.

Second Topic: Implementing TMDLs

3:05 - 4:00 P.M.

Third Topic: Ongoing Planning

- For each topic there will be a brief background presentation.
- For each topic the Table Facilitator guides the group through the Questions: (35 minutes)

Questions:

1. What are the opportunities for local government? Other key stakeholders?
2. How might this be addressed locally and/or regionally?
3. What do you need to be successful?

• Report out (15 minutes) - each table facilitator shares one innovative action/idea that was contributed in their group with no duplications given among groups.

4:00 - 4:30 P.M.

NEXT STEPS AND CLOSURE

Facilitator summarizes the work of the day including action items and turns the session back to Chairman Wittman for closing comments, next steps, and an explanation of the preparation of the Summit 2007 Report and who will receive it.



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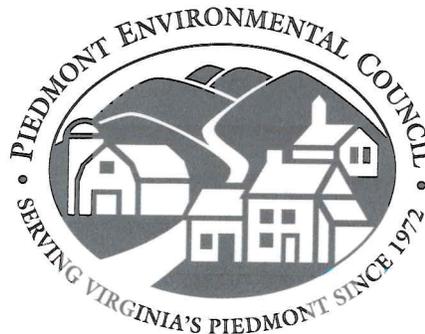
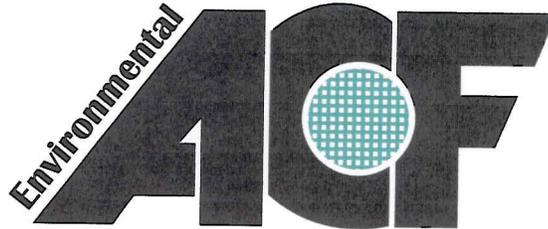
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THE NUTRIENT CAP AND ITS IMPLICATIONS

WHILE VIRGINIA IS STILL TRYING TO REDUCE THE NUTRIENTS ENTERING THE CHESAPEAKE BAY, (I.E. THE NUTRIENT "GAP"), THERE LOOMS A LARGER SPECTRE ON THE HORIZON, THAT OF THE NUTRIENT "CAP".

VERY SOON, LOCALITIES WILL BE GIVEN, BY THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION, A NITROGEN AND PHOSPHOROUS LOADING AMOUNT FOR THEIR JURISDICTION. THAT AMOUNT (WITH UNITS OF POUNDS) IS THE MAXIMUM AMOUNT OF THAT NUTRIENT THAT THE LOCALITY MAY DISCHARGE, IN PERPETUITY. THAT MEANS FROM TODAY UNTIL THE END OF THE EARTH, OR AT LEAST UNTIL THE END OF THE HUMAN CIVILIZATION, RUNOFF AND DISCHARGES FROM THE COUNTY MUST BE BELOW THAT MAXIMUM LOADING. LOCALITIES MUST KEEP THEIR NUTRIENT DISCHARGES (POINT AND NON POINT COMBINED) BELOW THAT MAXIMUM LOADING, WHILE STILL ACCOMMODATING GROWTH AND DEVELOPMENT, AND THIS WILL CONTINUE...FOREVER.

HOW CAN GROWTH CONTINUE WITHOUT INCREASING NUTRIENT LOADS?
IS IT POSSIBLE TO HAVE ECONOMIC GROWTH WITHOUT LAND CONVERSION AND DEVELOPMENT?

THERE ARE OTHER QUESTIONS THAT THE NUTRIENT CAP RAISES, ESPECIALLY WITH REGARDS TO EQUITY. THE NUTRIENT CAP "FREEZES" NUTRIENT LEVELS DEPENDING ON THE CURRENT LEVEL OF DEVELOPMENT AND LAND COVER IN A LOCALITY. THOSE COUNTIES THAT HAVE ALREADY DEVELOPED FULLY AND ARE APPROACHING BUILD-OUT (NORTHERN VIRGINIA COUNTIES) HAVE HIGHER NUTRIENT CAP LEVELS THAN MORE RURAL COUNTIES, SUCH AS RICHMOND AND ESSEX COUNTIES. THUS, RURAL LOCALITIES HAVE HAD THEIR EQUAL SHARE OF THE NUTRIENT "PIE" USURPED EARLIER BY THOSE MORE METROPOLITAN COUNTIES FURTHER UPSTREAM. RURAL LOCALITIES ARE PENALIZED FOR NOT DEVELOPING SOONER TO GET THEIR "PIECE" OF THE NUTRIENT ALLOCATION FIRST, AND ARE THUS CONSTRAINED IN REGARDS TO THEIR FUTURE GROWTH OPTIONS.

IS THE NUTRIENT CAP EQUITABLE FOR RURAL LOCALITIES?

NUTRIENT TRADING HAS PROMISE IN RECTIFYING THIS INEQUITY, BUT ONLY IF PAYMENTS ARE MADE FROM METROPOLITAN LOCALITIES TO RURAL LOCALITIES TO OFFSET THE LOSS IN GROWTH POTENTIAL FOR THE RURAL LOCALITIES. THIS MAY NOT BE POLITICALLY FEASIBLE, OR POSSIBLE UNDER THE CURRENT FRAMEWORK.

IN ADDITION, IN ORDER TO HAVE A FUNCTIONAL TRADING PROGRAM, A STATEWIDE MEASURING AND TRACKING SYSTEM NEEDS TO BE *IN PLACE*, BEFORE ANY TRADING CAN OCCUR. SO FAR, THE STATE DOES NOT SEEM TO HAVE THAT LEVEL OF DETAIL IN A STATEWIDE SYSTEM AT THIS POINT IN TIME.

IT SHOULD BE NOTED, HOWEVER, THAT TRADING MAY BE THE PANACEA FOR THE NUTRIENT CAP, BUT THERE IS ONLY A FINITE AMOUNT OF NUTRIENTS THAT ARE ALLOWED STATEWIDE.

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UNINTENDED CONSEQUENCES MAY ALSO OCCUR AS A RESULT OF THE CAP. IF A LOCALITY CANNOT GET A NPDES DISCHARGE PERMIT FOR A NEW SEWAGE TREATMENT PLANT, THEY MAY DECIDE THAT SPRAY IRRIGATION OF THE EFFLUENT IS THE BEST ALTERNATIVE. HOW IS THE NUTRIENT LOAD OF THAT SEWAGE TREATMENT PLANT CALCULATED? IS IT NON POINT SOURCE POLLUTION OR POINT SOURCE POLLUTION? (OR DOES IT MATTER?)

A LOCALITY MAY DECIDE TO DEVELOP LARGE AREA OF THEIR LOCALITY USING SEPTIC SYSTEMS, BECAUSE THEY ARE NOT MONITORED, AND ARE "UNDER THE RADAR" OF THE "NUTRIENT POLICE", HIDDEN BY THE HARD TO MEASURE NON POINT SOURCE NUTRIENT LOAD.

BY CAPPING NUTRIENT LOADS, ARE WE FORCING DEVELOPERS TO DEVELOP LAND USING SEPTIC SYSTEMS, WHICH DO NOTHING TO REDUCE NUTRIENTS, INSTEAD OF SENDING THE WASTEWATER TO A TREATMENT PLANT THAT ACTUALLY REMOVES NITROGEN AND PHOSPHOROUS?

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THE TOTAL MAXIMUM DAILY LOAD

THE TOTAL MAXIMUM DAILY LOAD (TMDL) PROGRAM IS A WATERSHED-BASED REGULATORY PROGRAM DESCRIBED IN THE FEDERAL CLEAN WATER ACT AND VIRGINIA'S WATER CONTROL LAW. VIRGINIA'S TMDL PROGRAM PROVIDES THE MANAGEMENT STRATEGY FOR RESTORING WATER QUALITY IN VIRGINIA'S IMPAIRED STREAMS, RIVERS, LAKES AND ESTUARIES AND INVOLVES FOUR MAJOR STEPS SUMMARIZED BELOW:

- 1) DEVELOPMENT OF TMDLS - TMDLS IDENTIFY THE LEVEL TO WHICH POLLUTANTS IN THE STREAM MUST BE REDUCED TO MEET WATER QUALITY STANDARDS. UNDER CONSENT DEGREE WITH THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY, VIRGINIA HAS TO DEVELOP TMDLS FOR 644 SEGMENTS OF IMPAIRED WATERS BY MAY 1, 2010.
- 2) DEVELOPMENT OF TMDL IMPLEMENTATION PLANS - TMDL IMPLEMENTATION PLANS (IP) IDENTIFY THE ON-THE GROUND CORRECTIVE ACTIONS NECESSARY TO MEET THE POLLUTANT CAPS IDENTIFIED IN THE TMDL. THE IP ALSO INCLUDES ESTIMATED COSTS, COMPLETION DATES AND DATE OF EXPECTED ACHIEVEMENT OF WATER QUALITY STANDARDS.
- 3) IMPLEMENTATION - VIRGINIA'S IMPLEMENTATION EFFORTS HAVE RELIED UPON FEDERAL FUNDS FROM EPA'S 319 NONPOINT SOURCE MANAGEMENT PROGRAM, MAINLY INVOLVING SIGNIFICANT EFFORT TO ENCOURAGE VOLUNTARY PARTICIPATION IN BEST MANAGEMENT PRACTICES (BMP) PROGRAMS.
- 4) MONITORING - FOLLOW-UP MONITORING OF IMPAIRED WATERS CONDUCTED PERIODICALLY TO ASSESS IMPROVEMENTS IN WATER QUALITY RESULTING FROM IMPLEMENTATION OF MANAGEMENT ACTIONS.

VIRGINIA HAS IDENTIFIED THE TMDL PROCESS AS ONE OF TWO PRIMARY PROGRAMS TO RESTORE IMPAIRED WATERS IN THE COMMONWEALTH. PERFORMANCE MEASURES REGARDING THE TMDL PROCESS ARE FOUND THROUGHOUT THE *CHESAPEAKE BAY AND VIRGINIA WATERS CLEAN-UP PLAN*. IDENTIFIED STRATEGIES INCLUDE SHIFTING RESOURCES FROM TMDL TO IMPLEMENTATION PLAN DEVELOPMENT.

HOWEVER, SINCE 2001 ONLY SIXTY LISTED IMPAIRMENTS HAVE ASSOCIATED COMPLETED IMPLEMENTATION PLANS. THIS IS COMPARED TO 1,937 IMPAIRMENTS THAT DO NOT HAVE ASSOCIATED PLANS. TMDL IMPLEMENTATION HAS CENTERED ON VOLUNTARY STRATEGIES/PARTICIPATION, BUT THE PLAN INDICATES "FIVE YEARS OF SIGNIFICANT FUNDING, EXTENSIVE OUTREACH EFFORTS AND TECHNICAL ASSISTANCE HAVE STILL FAILED TO GARNER FULL VOLUNTARY PARTICIPATION IN TWO OF THE MOST CRITICAL CONSERVATION PRACTICES - STREAM FENCING (LIVESTOCK EXCLUSION) AND REPAIRING/REPLACING FAILING SEPTIC SYSTEMS



RAPPAHANNOCK RIVER SUMMIT 2007

AND ILLEGAL STRAIGHT PIPE DISCHARGES.” THE PLAN ALSO ACKNOWLEDGES A SIGNIFICANT GAP BETWEEN FUNDING NEEDS AND CURRENTLY AVAILABLE FUNDING.

CONSIDERING NUMEROUS APPARENT OBSTACLES SURROUNDING THE TMDL PROCESS, IS IT REALISTIC TO STRONGLY RELY ON THIS PROGRAM TO ACHIEVE CLEAN WATER IN VIRGINIA?

RAPPAHANNOCK RIVER SUMMIT 2007

ON-GOING WATER QUALITY PLANNING AS REQUIRED BY HB 1150 (2006)

THE VIRGINIA WATER CLEAN-UP PLAN IS THE OUTGROWTH OF THE PLANNING MANDATE CREATED BY HB 1150, PASSED IN 2006. THE SECRETARY OF NATURAL RESOURCES IS REQUIRED TO DEVELOP THE PLAN "*FOR THE CLEANUP OF THE CHESAPEAKE BAY AND VIRGINIA'S WATERS DESIGNATED AS IMPAIRED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY.*"

SECTION 62.1-44.117 (B) SPELLS OUT THE MINIMUMS THAT MUST BE ADDRESSED IN THE PLAN. THESE INCLUDE:

- ✦ MEASURABLE AND ATTAINABLE OBJECTIVES;
- ✦ DESCRIPTION OF THE STRATEGIES TO MEET SPECIFIC AND ATTAINABLE OBJECTIVES;
- ✦ TIME FRAMES;
- ✦ A CLEARLY DEFINED, PRIORITIZED, AND SUFFICIENTLY FUNDED PROGRAM OF WORK;
- ✦ DISBURSEMENT PROJECTION PLAN OF EXPENDITURES FOR POINT AND NON-POINT PROJECTS;
- ✦ POTENTIAL PROBLEM AREAS WHERE DELAYS IN THE IMPLEMENTATION OF THE PLAN MAY OCCUR;
- ✦ A RISK MITIGATION STRATEGY DESIGNED TO REDUCE THE POTENTIAL PROBLEMS;
- ✦ DESCRIPTION OF THE EXTENT OF COORDINATION BETWEEN STATE AND LOCAL GOVERNMENTS;
- ✦ ASSESSMENTS OF ALTERNATIVE FUNDING MECHANISMS;
- ✦ RECOMMENDATIONS FOR LEGISLATIVE ACTION.

THE PLAN SHALL INCLUDE MEASURES TO ASSESS THE PROGRESS IN ACCOMPLISHING THE PROGRAM OF WORK, INCLUDING:

- ✦ STREAM MILES ADDED AND REMOVED FROM THE 303(D) LIST;
- ✦ TOTAL REDUCTIONS OF NITROGEN, PHOSPHORUS, AND SEDIMENT BY TRIBUTARY BASIN FROM POINT AND NON-POINT SOURCES OF POLLUTION;
- ✦ SCOPE OF WATER QUALITY MONITORING OF RIVERS, STREAMS, ESTUARIES, AND LAKES
- ✦ NUMBER OF BEST MANAGEMENT PRACTICES (BMP) IMPLEMENTED;
- ✦ PARTICIPATION LEVEL IN BMP COST-SHARE PROGRAMS;

RAPPAHANNOCK RIVER SUMMIT 2007

- ✦ NUMBER OF TOTAL MAXIMUM DAILY LOADS DEVELOPED AND IMPLEMENTED;
- ✦ LOCAL COMPLIANCE LEVELS WITH NON-POINT PROGRAMS, SUCH AS EROSION AND SEDIMENT CONTROL, STORMWATER MANAGEMENT, AND THE CHESAPEAKE BAY PRESERVATION ACT;
- ✦ NUMBER OF WASTEWATER TREATMENT UPGRADES UNDERWAY AND NUMBER COMPLETED;
- ✦ LEVELS OF COMPLIANCE WITH NUTRIENT-BASED PERMIT LIMITS; AND
- ✦ UPDATED OR NEW STRATEGIES THAT WOULD PERMIT THE OPTIMAL USE OF RESOURCES TO MEET PLAN OBJECTIVES AS THE PLAN IS REVISED OVER TIME.

A PROGRESS REPORT ON THE IMPLEMENTATION OF THE PLAN SHALL BE SUBMITTED SEMIANNUALLY.



RAPPAHANNOCK RIVER SUMMIT 2007

THERE IS LOTS OF VALUABLE INFORMATION ON THE TOPICS BEING DISCUSSED TODAY AND OTHER RELATED WATER TOPICS TO BE FOUND ON THE WEBSITES OF AGENCIES AND ORGANIZATIONS PARTICIPATING IN THIS EVENT. BELOW IS A PARTIAL LIST OF IMPORTANT WEB LINKS:

RAPPAHANNOCK RIVER BASIN COMMISSION: WWW.RAPPRIVERBASIN.ORG

CHESAPEAKE BAY COMMISSION: WWW.CHESBAY.STATE.VA.US

CHESAPEAKE BAY FOUNDATION: WWW.CBF.ORG

CHESAPEAKE BAY PROGRAM: WWW.CHESAPEAKEBAY.NET

CHESAPEAKE INFORMATION MANAGEMENT SYSTEM:
[HTTP://WWW.CHESAPEAKEBAY.NET/CIMS/](http://WWW.CHESAPEAKEBAY.NET/CIMS/)

EPA – OFFICE OF INSPECTOR GENERAL EVALUATION REPORT
DEVELOPMENT GROWTH OUTPACING PROGRESS IN WATERSHED EFFORTS TO RESTORE THE CHESAPEAKE BAY
[HTTP://WWW.EPA.GOV/OIG/REPORTS/2007/20070910-2007-P-00031.PDF](http://WWW.EPA.GOV/OIG/REPORTS/2007/20070910-2007-P-00031.PDF)

FRIENDS OF THE RAPPAHANNOCK: WWW.RIVERFRIENDS.ORG

SECRETARY OF NATURAL RESOURCES WATER QUALITY INITIATIVES
INCLUDES THE TRIBUTARY STRATEGIES AND VIRGINIA'S WATER CLEANUP PLAN
[HTTP://WWW.NATURALRESOURCES.VIRGINIA.GOV/INITIATIVES/INDEX.CFM](http://WWW.NATURALRESOURCES.VIRGINIA.GOV/INITIATIVES/INDEX.CFM)

U S DEPARTMENT OF AGRICULTURE: WWW.USDA.GOV

U S ENVIRONMENTAL PROTECTION AGENCY: WWW.EPA.GOV

U S FARM SERVICE AGENCY: WWW.FSA.USDA.GOV

U S NATURAL RESOURCES CONSERVATION SERVICE: WWW.NRCS.USDA.GOV

VIRGINIA AG VITALITY PROGRAM: WWW.SAVEFARMS.COM

VIRGINIA COASTAL GEOSPATIAL AND EDUCATIONAL MAPPING SYSTEM:
WWW.DEQ.VIRGINIA.GOV/COASTAL/COASTALGEMS.HTML

VIRGINIA COOPERATIVE EXTENSION: WWW.EXT.VT.EDU (SEE WEB LISTING FOR DETAILS)

VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION: WWW.DCR.STATE.VA.US

VIRGINIA DEPARTMENT OF CONSERVATION & RECREATION, DIVISION OF SOIL & WATER CONSERVATION: [HTTP://WWW.DCR.VIRGINIA.GOV/SOIL & WATER/INDEX.SHTML](http://WWW.DCR.VIRGINIA.GOV/SOIL & WATER/INDEX.SHTML)

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY: WWW.DEQ.STATE.VA.US

VIRGINIA DEPARTMENT OF FORESTRY: WWW.DOF.VIRGINIA.GOV

VIRGINIA FARM BUREAU: WWW.VAFB.COM

VIRGINIA SOIL AND WATER CONSERVATION DISTRICTS: WWW.VASWCD.ORG

VIRGINIA WATERSHED ALLIANCE: WWW.VAWATERSHEDS.ORG

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TMDL WEBSITES

EPA – REGION 3: 303(D) BY STATE

[HTTP://WWW.EPA.GOV/REG3WAPD/TMDL/303LIST.HTML#V](http://www.epa.gov/reg3wapd/tmdl/303list.html#V)

EPA – REGION 3: VIRGINIA TMDLS BY STREAM SEGMENT

[HTTP://WWW.EPA.GOV/REG3WAPD/TMDL/VA_TMDLS/INDEX.HTM](http://www.epa.gov/reg3wapd/tmdl/va_tmdls/index.htm)

EPA – REGION 3: 2004 SECTION 303(D) LIST FACT SHEET FOR VIRGINIA

[HTTP://OASPUB.EPA.GOV/WATERS/STATE_REPT.CONTROL?P_STATE=VA](http://oaspub.epa.gov/waters/state_rept.control?p_state=va)

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

FINAL 2006 305(B)/303(D) WATER QUALITY ASSESSMENT INTEGRATED REPORT

[HTTP://WWW.DEQ.STATE.VA.US/WQA/IR2006.HTML](http://www.deq.state.va.us/wqa/ir2006.html)