

Appendix D



Planning District Commission

Metropolitan Planning Organization

Town of
Ashland
Counties of
Charles City
Chesterfield
Goochland
Hanover
Henrico
New Kent
Powhatan
City of
Richmond

AGENDA

**Regional Environmental
Technical Advisory Committee**

April 27, 2010

Richmond Regional Planning District Commission
Large Conference Room
9211 Forest Hill Ave, Ste. 200
Richmond, VA 23235

CALL TO ORDER9:00 A.M.

- I. OLD BUSINESS
None.
- II. NEW BUSINESS
 - a) Presentation on adopted changes to Chesapeake Bay Local Assistance Compliance Evaluation elements . –
(1 hour)
- III. OTHER BUSINESS
 - a) Announcements
- IV. ADJOURNMENT

CBLAB Approved Compliance Evaluation Review Elements - March 15, 2010

Requirement	Regulatory Citation	Description	Review Strategy	Compliance Standard
1 <i>Current CBPA Map</i>	9 VAC 10-20-60 1	Localities must have a current, accurate CBPA map.	Review map and verify it is consistent with local ordinance.	Map must show at least the general location of CBPAs. At a minimum, location of streams and adjacent RPAs must be based on stream features as shown on USGS quadrangle maps. If other than jurisdiction-wide map must show RMA limits. Map may be of any format, so long as it, along with the requirements in the CBPA ordinance, enables identification of CBPAs.
2 <i>Current CBPA Ordinance</i>	9 VAC 10-20-60 2, 4, 5 9 VAC 10-20-231 5 a & b	Ordinance and any modifications must be approved by CBLAB.	Verify no changes have been made to ordinance since last CBLAB approval.	Last CBLAB approved ordinance must be in place. Generally, a locality must be able to provide or direct us to a clean copy of the current ordinance.
3 <i>Current CBPA Comprehensive Plan</i>	9 VAC 10-20-60 3 9 VAC 10-20-171 9 VAC 10-20-231 2	<ul style="list-style-type: none"> • Requires localities to adopt specific data, maps, policy discussions and action items within Comprehensive Plans that address water quality protection. • Requires that all of this information be maintained. • Minimum requirements: <ol style="list-style-type: none"> i. summary of data collection, ii. analysis and policy discussion, iii. land use plan map, iv. implementing measures including objectives and time frame. 	<ul style="list-style-type: none"> • Verify that the information base is sufficiently current to inform Comprehensive Plan policy regarding land use and development relative to the protection of the quality of State waters. • Determine if required Phase II elements are still in the Comprehensive Plan, consistent with what was approved by CBLAB. • Identify any revisions to other elements of the local comprehensive plan that differ or are in conflict with the approved Phase II provisions. Determine if there are any consistency issues. • Localities to provide a report describing how policies adopted pursuant to the Phase II requirements are reviewed and updated as needed to ensure they remain current. 	<ul style="list-style-type: none"> • The Comprehensive Plan must contain the content originally approved by the Board. The data and information required in the Regulations should be sufficiently current in order to inform Comprehensive Plan policy regarding land use and development as they relate to the protection of the quality of State waters. If the data/information and related Comprehensive Plan policies are outdated and no longer relevant, the applicable data, information and policy must be updated in a period of time consistent with State Code requirements and the locality's Comprehensive Plan update process. • Locality must be able to provide a report describing how they are ensuring that the policies adopted pursuant to Phase II requirements are reviewed and updated as needed to ensure they remain current.
4 <i>Site Specific Refinement of CBPA Boundaries</i>	9 VAC 10-20-105	Requires site-specific evaluations for delineation of RPA on plans.	Review plans and files to verify locality requires/ receives site specific delineations.	The locality must either show proof in files that they are requiring the site-specific evaluations or if issue has not arisen, explain how they would do it.

CBLAB Approved Compliance Evaluation Review Elements - March 15, 2010

Requirement	Regulatory Citation	Description	Review Strategy	Compliance Standard
<p>5</p> <p><i>Performance Criteria Implementation - Minimization of Land Disturbance</i></p>	<p>9 VAC 10-20-120.1</p>	<p>Localities must be able to demonstrate that no more land shall be disturbed than is necessary to provide for the proposed use or development.</p>	<p>Determine if existing ordinance provisions and other procedures are being implemented and sufficient to enable implementation of this criterion. This will be accomplished by using the results of the Checklist for Advisory Review of Local Ordinances, other information provided by the locality, and by the review of approved development plans evaluating pre-development and post development condition.</p>	<p>Locality must:</p> <ul style="list-style-type: none"> ▪ have adopted specific standards for the implementation of this criterion ▪ implement existing ordinances and requirements for this criterion ▪ show how they are achieving this criterion
<p>6</p> <p><i>Performance Criteria Implementation - Preserving Indigenous Vegetation</i></p>	<p>9 VAC 10-20-120.2</p>	<p>Localities must be able to demonstrate that indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the use or development proposed.</p>	<p>Determine if existing ordinance provisions and other procedures are being implemented and sufficient to enable implementation of this criterion. This will be accomplished by using the results of the Checklist for Advisory Review of Local Ordinances, other information provided by the locality, and by the review of approved development plans evaluating pre-development and post development condition.</p>	<p>Locality must:</p> <ul style="list-style-type: none"> ▪ have adopted specific standards for the implementation of this criterion ▪ implement existing ordinances and requirements for this criterion ▪ show how they are achieving this criterion
<p>7</p> <p><i>Performance Criteria Implementation - Requirement for BMP Maintenance Agreements</i></p>	<p>9 VAC 10-20-120.3</p>	<p>Requires BMP maintenance agreements (or equivalent) and tracking/inspection program.</p>	<p>Verify tracking system remains current and locality has a follow up inspection/enforcement process.</p>	<p>Locality must have:</p> <ul style="list-style-type: none"> ▪ executed maintenance agreement in files for projects requiring BMPs ▪ a current tracking system ▪ some system of inspection and follow-up

CBLAB Approved Compliance Evaluation Review Elements - March 15, 2010

Requirement	Regulatory Citation	Description	Review Strategy	Compliance Standard
8 <i>Performance Criteria Implementation - Plan of Development Review Process</i>	9 VAC 10-20-120 4	Localities must have a POD process that meets the requirements of the Regulations.	Obtain written or verbal description of POD review process to ensure locality continues to administer the process in a manner consistent with the regulations.	Localities must continue to have a process for reviewing development in CBPAs consistent with the requirements of the Regulations.
9 <i>Performance Criteria Implementation - Minimize Impervious Cover</i>	9 VAC 10-20-120 5	Localities must be able to demonstrate that impervious cover is minimized for approved developments.	Determine if existing ordinance provisions and other procedures are being implemented and sufficient to enable implementation of this criterion. This will be accomplished by using the results of the Checklist for Advisory Review of Local Ordinances, other information provided by the locality, and by the review of approved development plans evaluating pre-development and post development condition.	<p>Locality must:</p> <ul style="list-style-type: none"> ▪ have adopted specific standards for the implementation of this criterion ▪ implement existing ordinances and requirements for this criterion ▪ show how they are achieving this criterion
10 <i>Performance Criteria Implementation - Control Erosion and Sediment for > 2,500 sq. ft.</i>	9 VAC 10-20-120 6	Localities must be adequately implementing an erosion and sediment control program for land disturbances of more than 2,500 square feet. E&S program must be in compliance with Soil and Water Board requirements.	CBLA staff will check with DSWC for status of local ESC program. The program must have been found consistent by SWCB. Selected plan review must verify compliance with E&S requirements. As part of site visits, verify existence and functionality of E&S measures and their condition.	Locality's E & S program must have been found consistent with state requirements.
11 <i>Performance Criteria Implementation - Septic Pump-out</i>	9 VAC 10-20-120 7	Requires five year pump-out, inspection, or filter and reserve drainfield site.	<ul style="list-style-type: none"> • Verify owners of all systems have been notified; locality has a follow-up process; determine level of compliance. • Verify that reserve drainfields are required for new development. 	<ul style="list-style-type: none"> • Locality has been sending notices as scheduled • Locality can demonstrate they undertake some follow-up for non-respondents (2nd notice minimum) • Locality has a mechanism for doing future follow-ups & enforcement beyond the 2nd notice • Locality can document notices have been sent out to 100% of tank owners required to comply • Locality has completed the notification cycle

CBLAB Approved Compliance Evaluation Review Elements - March 15, 2010

Requirement	Regulatory Citation	Description	Review Strategy	Compliance Standard
12 <i>Performance Criteria Implementation - Stormwater Management</i>	9 VAC 10-20-120 8	Stormwater management requirements.	Review of approved plans to check for correct calculations, adequacy of BMPs used, and site visits to verify correct BMP installation and operation.	Locality must be requiring development to meet current SWM requirements as supported by a review of development files, plans and site visits.
13 <i>Performance Criteria Implementation - Agricultural Activities</i>	9 VAC 10-20-120 9	Requires land upon which agricultural activities are being conducted to have a soil & water conservation assessment that evaluates the effectiveness of existing practices (ESC, nutrient management, pesticide management) is completed. When a Conservation Assessment reveals that additional practices are necessary to ensure water quality protection, requires localities to ensure that a plan is completed to ensure water quality protection is being accomplished. Local SWCDB are named as the plan approval authority for assessments and plans.		
14 <i>Performance Criteria Implementation - Silvicultural Activities</i>	9 VAC 10-20-120 10	Allows a conditional exemption for properties where silvicultural activities are occurring provided that the operations adhere to Virginia Dept. of Forestry (DOF) Streamside Management Zone (SMZ) standards. The current MOU between DCR and DOF requires notification of DCR-CBLA and the locality of SMZ violations.	Verify that the locality has a process in place for properly enforcing RPA requirements in instances where the SMZ criteria have not been adhered to (as notified by DOF).	Locality must demonstrate that they follow up with an enforcement action upon receipt of a copy of a Notice or other documentation from DOF. Where no notices have been received, locality must be able to describe how they would address the enforcement requirement.
15 <i>Performance Criteria Implementation - Wetlands Permits</i>	9 VAC 10-20-120 11	Requires wetlands permits to be obtained prior to development.	File review.	In cases where a wetlands permit is required, copies or equivalent documentation must be in the files.
16 <i>RPA Development Criteria - Permitted Uses and Activities</i>	9 VAC 10-20-130 1	Development RPA must meet the provisions specified in the regulations.	File and plan review; field visits where needed.	Plans and WQIAs reviewed must provide evidence that development activities approved in RPAs have met the required criteria.

CBLAB Approved Compliance Evaluation Review Elements - March 15, 2010

Requirement	Regulatory Citation	Description	Review Strategy	Compliance Standard
17 <i>RPA Development Criteria - Exempt Activities</i>	9 VAC 10-20-130 2	Localities must have administrative procedures for exemptions and require E&S for > 2500 ft. sq.	Review of written procedures; review of exemptions if tracked.	Localities must be able to provide copies of administrative procedures.
18 <i>RPA Development Criteria - Land Use Conversion (From Agriculture and Silviculture)</i>	9 VAC 10-20-130 3 b	Requires establishment of the 100' RPA when land is converted from agricultural or silvicultural to other uses.	Plan and file review and field visits as needed.	Plan reviews and site visits must provide evidence of adequate buffer establishment.
19 <i>RPA Development Criteria - Permitted Encroachments</i>	9 VAC 10-20-130 4	Allows for encroachments to be administratively approved.	File review of recently approved administrative encroachments.	File review of approved encroachments must show that permitted RPA encroachments met the requirements referenced in the regulations.
20 <i>RPA Development Criteria - Permitted Modifications (Vegetation Removal)</i>	9 VAC 10-20-130 5 a	Localities may permit the removal of RPA vegetation in specified instances provided that certain criteria are met.	<ul style="list-style-type: none"> • Review selected approved modification applications for consistency with the requirements. Field visits may be necessary to verify the information. • Shoreline erosion projects will be reviewed to ensure that the local review required the proper protection of the RPA and re-establishment of vegetation. • Verify locality has a mechanism for approving vegetation removal. 	<ul style="list-style-type: none"> • Where vegetation removal has been approved, must meet the requirements of the regulations. • Localities must have a process for reviewing and approving buffer modifications.

CBLAB Approved Compliance Evaluation Review Elements - March 15, 2010

Requirement	Regulatory Citation	Description	Review Strategy	Compliance Standard
21 <i>RPA Development Criteria - Permitted Modifications (Encroachments for Agriculture)</i>	9 VAC 10-20-130 5 b 1 & 2	Agricultural activities may encroach into the landward 50'/75' of the 100' RPA Buffer when agricultural BMPs as approved by the SWCD are provided.		
22 <i>RPA Development Criteria - Permitted Modifications (Active Agricultural Pollution)</i>	9 VAC 10-20-130 5 b 4	Requires that when agricultural activities are causing pollution of a nearby perennial water body or violating the performance standards of the buffer, a compliance schedule shall be developed by the local governments and the SWCDs for the landowner.	<ul style="list-style-type: none"> • Verify the process that the local government uses to determine when violations are occurring and ensure that they are requiring compliance schedules. • Request a list of violations/complaints and verify violations are properly addressed. • Verify that the locality has a mechanism in place for implementing this component of the regulations (eg. an MOU). Verify that the mechanism is up-to-date and properly functioning. 	Where complaint exists (or a violation is identified) the locality must have determined if 'pollution' occurred and a compliance schedule was forwarded to the land owner.
23 <i>RPA Development Criteria - Permitted Modifications (Landowner Refusal of Assistance)</i>	9 VAC 10-20-130 5 b 5	<p>Requires the SWCDs to report to the locality farmers that refuse assistance from the District in complying or documenting compliance with the Bay Act agricultural requirements.</p> <p>Local government must undertake enforcement action and develop a compliance schedule, in cooperation with the District, for the landowner.</p>	<ul style="list-style-type: none"> • Verify that local governments when notified are requiring conformance within the required 18 month period for compliance. • Verify that the locality has a mechanism in place for implementing this component of the regulations (eg. an MOU). Verify that the mechanism is up-to-date and properly functioning. 	Local government needs to have undertaken follow-up and enforcement action as described in the Regulations.

CBLAB Approved Compliance Evaluation Review Elements - March 15, 2010

Requirement	Regulatory Citation	Description	Review Strategy	Compliance Standard
24 <i>RPA Development Criteria - Water Quality Impact Assessment</i>	9 VAC 10-20-130 6	Requires a WQIA for development in the RPA.	<ul style="list-style-type: none"> • Review locality's procedures to ensure WQIAs are being required. • Review files to determine adequacy of WQIAs. 	Adequate documentation of a WQIA must be found in files for all projects requiring one.
25 <i>RPA Development Criteria - IDA Buffers</i>	9 VAC 10-20-130 7	Provides localities discretion in requiring buffers in IDAs.	Where applicable, review buffer establishment requirements; review files to confirm localities are adhering to their own requirements.	No specific standard.
26 <i>Nonconforming Uses and Noncomplying Structures</i>	9 VAC 10-20-150 A	Allows localities to permit the continued use, but not necessarily the expansion of, nonconforming structures and provides an administrative process for their review, provided certain criteria are met.	Review files to ensure administrative approvals meet required conditions.	If locality has chosen to use an administrative review process for nonconforming uses, approvals must be consistent with ordinance requirements.
27 <i>Public Utilities, Railroads, Public Roads, and Facilities Exemptions</i>	9 VAC 10-20-150 B	Allows localities to provide for exemptions of certain facilities, provided specific criteria are met.	<ul style="list-style-type: none"> • Obtain information regarding the local exemptions process • Review files of selected approved exemptions to ensure that they meet the required criteria. Field visits as needed. 	Utilities approved by a locality must be developed/installed consistent with requirements of the Regulations.
28 <i>Exceptions</i>	9 VAC 10-20-150 C	Requires localities to establish processes by which exceptions can be granted. Establishes required findings and process for granting exceptions.	<ul style="list-style-type: none"> • Obtain information regarding the local exceptions process. • Review files to ensure that exceptions meet the required criteria. Field visits as needed. 	Documentation must exist in case files that exceptions granted meet all the necessary findings, that the locality has appropriate processes for the administration of exceptions and that all requirements of the regulations have been applied.

CBLAB Approved Compliance Evaluation Review Elements - March 15, 2010

Requirement	Regulatory Citation	Description	Review Strategy	Compliance Standard	
29	Plat and Site Plan Requirements	9 VAC 10-20-191 A 4, 5	Through local land development ordinances localities must require certain information and notations on plats and site plans.	<ul style="list-style-type: none"> Using the results of the advisory reviews as noted by completion of the <i>Plan and Plat Requirement Checklist</i>, verify whether the local ordinances contain the necessary information. Review files to ensure that such information is provided on selected approved plats and site plans. 	<ul style="list-style-type: none"> Site plans reviewed in files must have the required elements. Approved plats must have required elements. Requirements to do so must be in ordinances.
30	<i>Delineation of Buildable Areas</i>	9 VAC 10-20-191 A 5	Requires local governments to require, through the plan of development review process, the delineation of buildable areas on lots.	Review selected plans to ensure that buildable areas are delineated.	Approved site plans must show buildable area or equivalent.
31	Comprehensive Plan Implementation	9 VAC 10-20-250 1 b	Requires that compliance evaluations ensure implementation of local programs, which includes the Bay Act Phase II elements of comprehensive plans per 9 VAC 10-20-60.	Localities will be requested to provide a report describing how they implement the Phase II components of the Comprehensive Plan, and the status of implementation.	Locality must be able provide a report describing how they implement the Phase II components of the Comprehensive Plan, and the status of implementation.

April 27, 2010 Environmental Technical Advisory Committee Meeting

Sign-In Sheet

Name	Organization	Email
Steven Herzog	Henrico County	Sshurzog@co.henrico.va.us
Keith White	Henrico Co	
DAVID SAEKS	DCR-CBLA	david.saeaks@dcv.org
Shawn Smith	DUR-CBLAD	
Sarah Stewart	RRPDC	sstewart@richmondregional.org
JONET PREVOST-WHITE	City of Richmond	jonet.prevost-white@richmondgov.com
Amy Walker	New Kent	acwalker@co.newkent.state.va.us
Allyson Finchom	RRPDC	
Amy Doss	DCR-CBLAD	
John Bragg	Charles City	

Building Water Quality Protection

A TOUR OF THE VCU WALTER L. RICE CENTER FOR ENVIRONMENTAL LIFE SCIENCES FIELD STATION



*Images courtesy of VCU Rice Center

OFFERED BY

THE RICHMOND
REGIONAL PLANNING
DISTRICT
COMMISSION



THURSDAY JULY 8,
2010

9:30 AM

FOR MORE INFORMATION
CONTACT:

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Richmond Regional Planning District Commission
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E-mail: sstewart@richmondregional.org

FUNDING PROVIDED BY



Virginia Coastal Zone
MANAGEMENT PROGRAM

The Walter Rice Center Field Station is located on 342 acres in Charles City County and includes a 70 acre wetland restoration site. The Field Station houses Virginia's first green building to be awarded LEED Platinum certification. Green building techniques exemplified by the Center include: rain gardens to collect and treat stormwater, a vegetated roof system, geothermal heating and cool system, rainwater collection for reuse, and many more!

The Walter L. Rice Center for Environmental Life Sciences Field Station serves as a facility for research, teaching, and public service. Educational activities provide field-based instruction for graduate and undergraduate students; outreach programs focus on environmental education for K-12 school children, teachers, and the public. For more information about the Rice Center visit the following website <http://www.news.vcu.edu/media/kits/rice.aspx>.

If you would like to join us on this wonderful opportunity to see one of Virginia's best examples of water quality-conscious development, please RSVP to the contact information provided to the left.

DIRECTIONS TO THE VCU RICE CENTER

From Richmond, either take Rt. 5 east out of Richmond, or travel to Rt. 5 by taking I-64 East to I-295 South and then exiting onto Rt. 5 East (New Market Rd.) at Exit 22A. New Market Road is later named John Tyler Memorial Highway. The entrance to the Rice Center is on the right, approximately 11 miles from I-295 and **exactly** one mile east of the intersection of Rt. 5 with Rts. 106/156. Take the gravel road one mile to the James River and our buildings.

GPS and Google Maps: The address is 3701 John Tyler Memorial Hwy, Charles City, Virginia". The pointer will locate you just before the entrance to the Rice Center.

See the interactive center location map online at www.vcu.edu/rice (follow the links to "About the Center" and "Maps and Directions").

Name

Leigh Dunn
Debbie Byrd
Richard Ayers
George Homewood
Bob Hammond
Natalie Spillman
Matthew Ebinger
Russ Mills
Ryan Ramsey
Beth Sykes
Greg Allen
Sarah Stewart
Jackie Stewart

Locality

Goochland
Goochland
Powhatan
New Kent
Goochland
Chesterfield
New Kent
Chesterfield
Chesterfield
Chesterfield
Chesterfield
RRPDC
RRPDC



AGENDA

Meeting of the Environmental Technical Advisory Committee

September 15, 2010

Richmond Regional Planning District Commission
Executive Meeting Room
9211 Forest Hill Avenue, Suite 200
Richmond, VA 23235

9:00 CALL TO ORDER:

1. Status of Chesapeake Bay TMDL development (handout)
2. Discussion and comment on nine water quality bills (handout)
 - a. Agricultural Nutrient Management Planning
 - b. Lawn Fertilizer Formulation and Use
 - c. Virginia Stormwater Nonpoint Nutrient Offset Program
 - d. Stormwater Management Local Programs
 - e. Chesapeake Bay Act Expansion
 - f. Livestock Stream Exclusion
 - g. Supplemental Environmental Projects
 - h. Consolidation of Water Quality Reports
 - i. Nutrient Management Plan Requirements for Local Lands
3. Suggestions for other environmental legislative items

ADJOURNMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III- OFFICE OF PUBLIC AFFAIRS
1650 Arch Street Philadelphia, Pennsylvania 19103-2029
Phone - 215/814-5100 Fax - 215/814-5102

EPA Environmental News

Contact: Roy Seneca 215-814-5567 seneca.roy@epa.gov

EPA Announces Public Meetings on Chesapeake Bay 'Pollution Diet' - Meetings in Six States; D.C.

(PHILADELPHIA – September 8, 2010) The U.S. Environmental Protection Agency is scheduled to hold 18 public meetings this fall to discuss the draft Chesapeake Bay Total Maximum Daily Load (TMDL) – a strict “pollution diet” to restore local waters and the Chesapeake Bay.

“We encourage the public to continue to provide input as EPA moves forward in finalizing and implementing this blueprint for restoration,” said EPA Regional Administrator Shawn M. Garvin. “Restoring the Chesapeake Bay and the waterways that connect to it will not be easy, and every citizen in the Bay watershed has a stake and a role in this process.”

The Bay TMDL will set binding limits on nitrogen, phosphorus and sediment pollution throughout the 64,000-square-mile watershed to meet clean water standards for the Bay and its tidal tributaries and help restore local rivers and streams.

At the public meetings, EPA officials will outline the draft Bay TMDL and highlight key provisions designed to ensure that by 2025 all practices that are necessary to fully restore the bay are in place, with 60 percent of the actions taken by 2017.

EPA will also receive comments and answer questions from the public at the meetings, which are part of an official 45-day public comment period on the draft TMDL ending November 8. In addition, officials from the respective states and D.C. are expected to participate in the meetings to discuss their draft implementation plans to achieve and maintain the necessary pollution reductions. The implementation plans were submitted to EPA last week and are being used to help the agency shape details of the TMDL.

The draft Bay TMDL will be issued on Sept. 24. Instructions for submitting formal written comments to EPA will be included on the Bay TMDL web site - <http://www.epa.gov/chesapeakebaytmdl> - and contained in an upcoming Federal Register Notice. A final Bay TMDL will be established by Dec. 31, 2010.

(more)

To View All Press Releases: <http://www.epa.gov/region03/news.htm>

Page 2 – Page 2 -- EPA Announces Public Meetings

The public meetings will be held across the six watershed states, Virginia, Maryland, Pennsylvania, Delaware, West Virginia and New York, and the District of Columbia from late September to early November. One meeting in each state will be accessible online via webinar.

The public meetings are scheduled for:

- Washington, D.C., September 29, 1 p.m. – 3 p.m.*
- Harrisonburg, Virginia, October 4, 6 p.m. – 8 p.m.
- Annandale, Virginia, October 5, 6 p.m. – 8 p.m.
- Richmond, Virginia, October 6, 6 p.m. – 8 p.m.
- Webinar, October 7, 1 p.m. – 3 p.m.
- Hampton, Virginia, October 7, 6 p.m. – 8 p.m.
- Georgetown, Delaware, October 11, 5 p.m. – 7 p.m.*
- Easton, Maryland, October 12, 2 p.m. – 4 p.m.
- Annapolis, Maryland, October 13, 2 p.m. – 4 p.m.
- Hagerstown, Maryland, October 14, 2 p.m. – 4 p.m.*
- Lancaster, Pennsylvania, October 18, 2 p.m. – 4 p.m.
- State College, Pennsylvania, October 19, 2 p.m. – 4 p.m.
- Williamsport, Pennsylvania, October 20, 2 p.m. – 4 p.m.*
- Ashley, Pennsylvania, October 21, 2 p.m. – 4 p.m.
- Elmira, New York, October 26, 6 p.m. – 8 p.m.
- Binghamton, New York, October 27, 2 p.m. – 4 p.m.*
- Martinsburg, West Virginia, November 3, 6 p.m. – 8 p.m.
- Romney, West Virginia, November 4, 6 p.m. – 8 p.m.*

* Meeting also broadcast online via webinar.

Complete information on the meetings, including venues, directions and webinar registration links, can be found on the Bay TMDL web site. For more information visit <http://www.epa.gov/chesapeakebaytmdl>.

Agricultural Nutrient Management Planning: The Department is considering establishing a phased-in nutrient management planning requirement beginning with farms over 500 acres by March 2013 and decreasing to 50 acres by 2017 for a farm operator applying nutrients in any year in the Chesapeake Bay Watershed.

Lawn Fertilizer Formulation and Use: The Department is considering legislation that restricts statewide the use and application of phosphorus based lawn fertilizers for use on lawns and other turf areas and of deicing agents.

Virginia Stormwater Nonpoint Nutrient Offset Program: The Department is considering an amendment that would provide authority for the Department of Conservation and Recreation to establish and operate the Virginia Stormwater Nonpoint Nutrient Offset Program. The legislation clarifies how nonpoint offsets may be utilized to achieve nutrient reductions for permitted land disturbing activities.

Stormwater Management Local Programs: The Department is considering amendments to the Stormwater Management Law that would establish July 1, 2014 as the implementation date for local program operation of a stormwater management program. The language also makes local program adoption mandatory statewide as is already the case with erosion and sediment control.

Chesapeake Bay Act Expansion: The Department is considering an amendment to the Chesapeake Bay Preservation Act that would expand the coverage of the Act from “Tidewater” to the entire Chesapeake Bay Watershed to assist with Bay TMDL nutrient reduction requirements. The language contains a phase in schedule.

Livestock Stream Exclusion: The Department is considering legislation that would authorize localities under the auspices of the Chesapeake Bay Preservation Act to develop ordinances that require the installation of livestock stream exclusion practices on all agricultural lands upon which animal grazing occurs.

Supplemental Environmental Projects: The Department is considering legislation that would provide authority to the Department of Conservation and Recreation to utilize supplemental environmental projects as partial settlement of a civil enforcement action with the consent of the violator.

Consolidation of Water Quality Reports: The Department is considering an amendment that would consolidate Department of Conservation and Recreation Code required water quality reports into the Secretary of Natural Resources impaired waters clean-up plan progress reports.

Nutrient Management Plan Requirement for Local Lands: The Department is considering legislation that establishes a nutrient management requirement for lands owned or managed by a locality on which nutrients are applied. A similar requirement already exists for State-owned lands.

Environmental Technical Advisory Committee
September 15, 2010 Meeting

Name	Organization	Email	Phone
John Braga	Charles City VA, US	braga@ cc.charles-city. va.us	804 652-4708
JOHN NEWTON	HENRICO CO.	newton@co.henrico.va.us	804-501-4168
Bryant Phillips	Ashland	bphillips@town.ashland.va.us	404-798-1073
Ray Proops	Henrico Planning	proops@co.henrico.va.us	501-4636
Mik Fagg	Warren Co.	JMFAAGG@co.warren.va.us	365-6178
MICHELLE VERTS	RICHMOND	MICHELLE.VERTS@RICHMONDGOV.COM	646-5203
Shaun Reynolds	Powhatan	Sreynolds@powhatanva.gov	804-598-5623
Heather Barrar	Chesterfield	barrarhc@chesterfield.gov	748-1118
SCOTT FLAVIGNAN	Chesterfield	flavignans@chesterfield.gov	768-7435
Amy Walker	New Kent	acwalker@co.newkent.ste.vg.us	804 966-9686
Leigh Dunn	Beechland	ldunn@co.goochland.va.us	556-5850
Sarah Stewart	RRPDC		
Chuck Gates	RRPDC		
Jackie Stewart	RRPDC		

**Richmond Regional Planning District Commission
Environmental Technical Advisory Committee**

**Meeting Notes
September 15, 2010**

Members Present

Bryant Phillips	Town of Ashland
John Bragg	Charles City County
Heather Barrar	Chesterfield County
Scott Flanigan	Chesterfield County
Leigh Dunn	Goochland County
Mike Flagg	Hanover County
John Newton	Henrico County
Roy Props	Henrico County
Amy Walker	New Kent County
Shaun Reynolds	Powhatan County
Michelle Virts.....	Richmond City
Chuck Gates	PDC Staff
Jackie Stewart	PDC Staff
Sarah Stewart.....	PDC Staff

Introductions were made there was discussion on the proposed nine water quality bills.

Overall:

- Support increased funding for implementation and enforcement
- Support strengthening of enabling authority to control non-point and point sources of pollution through zoning and environmental regulation
- Oppose the loss of local authority

1. Agricultural Nutrient Management Planning

- Support greater resources for enforcement of provisions
- USDA and Ches Bay standards appear to conflict in some areas
- Support strengthening existing enforcement authority
- Oppose removing enforcement authority
- SWCD board member’s dual role as both regulator and as local farmer
- Size of Farms and why 50 acres, equitable treatment, and the definition of ‘Farm Operator’; encourages large farms to subdivide to delay implementation
- Need to know relative impact of the farms implementing voluntary plans; how many farms are implementing voluntary plans
- Certified stamp for PE/ESC/SWM

2. Lawn Fertilizer Formulation and Use

- Turf Farms:
 - Under agricultural nutrient planning requirement or under this provision; clarification needed
- MS4 Policies
 - Illicit discharges
 - Opposed limiting government authorities
 - Support point of sale origination ban
- Enforcement Issues:
 - Questions arose on how to know if there is a phosphorus application
 - Impossible to enforce by local government
 - There are natural fertilizers that contain phosphorus
 - Support education of homeowners

3. Virginia Stormwater Nonpoint Nutrient Offset Program

- Support local government authority to make credit decisions
- Opposed by majority of the members because it is already in place but has not been applied yet and would like to see if what is in place works before making any changes
- Kills fee-in-lieu of program and favors “banks”
- Watershed versus jurisdiction – regulatory issues
- Offset credits favor private “banks”

4. Stormwater Management Local Programs

- Impacts rural counties; need adequate resources to implement
- Questions: Funding for training, staffing and other resources
- Could possibly promote sprawl with impervious surface threshold
- Opposed generalized standards

5. Chesapeake Bay Act Expansion

- Proposal lacks transparency; what is the science behind the standards
- Support:
 - Equitable treatment of local governments
 - Local authority to set locality-specific fees to implement locality-specific program requirements
 - Providing local government access to performance measures and modeling
- Oppose:
 - Why there isn't a credit for existing BMPs including buffers
 - Unfunded mandates
 - State program that requires locality to raise fees and taxes; should be at the state level

6. Livestock Stream Exclusion

- Questions arose concerning enforcement and size affected; for example does standard apply to owning one cow
- Support authorization but opposed mandate

7. Supplemental Environmental Projects

- Members object because the authority is already in place and are concerned it will be used to extort from counties; for example civil fines resulting of local program audits

8. Consolidation of Water Quality Reports

- Unfunded mandate

9. Nutrient Management Plan Requirements for Local Lands

- Unfunded mandate
 - Forces more bureaucracy, not change
 - Adds recording keeping such as compliance with certification requirements
 - Need to remove provisions that add program administrative costs

Suggestions for other environmental legislative items

Dam Safety (Hanover)

- Support prioritization of dam regulations based on safety
 - Roll back dam safety to year 2000
 - Focus on high priority dams and safety issues
 - State is understaffed to get to the other dams that are not as high priority
 - Too much cost for county to get necessary permits
 - Conditional certificates are too costly

Agricultural Forestry District (New Kent)

- Maintained, updated and streamlined

Environmental TAC

Sept 15, 2010

Agri Nut Man Planning

Soil & Water Cons District

- We support increased funding for implementation and enforcement
- Don't want to lose authorities (ex., Erosion sediment control)
- Support strengthening of enabling authorities to control non-point & point sources of pollution in zoning & environmental rules
- Sizes of farms
 - ↳ enforcement resources we don't have
 - ↳ sizes seem strange (why 50)
 - ↳ equitable treatment
 - ↳ we support thorough analysis
 - ↳ What is a "farm operator" mean?
 - subdividing
 - ↳ Section B - 100 acres / 50 acres
~~what is it~~
 - ↳ What is the science?
 - ↳ Avoid bureaucracy of certifying
 - actual work to improve water quality
 - not adding more bureaucracy

Lawn Fertilizer Formulation and Use

- Turf farms:

- ↳ under Agricultural Nutrient?
- ↳ or under this limitation?

- MS4 policies

↳ illicit discharges?

↳ limit government authorities? (oppose)

support point of origination ban (sale)

- Enforcement Issues

- ↳ how do we know if phosphorus application
- ↳ impossible to enforce by local governments

< Natural fertilizers that contain phosphorus

- Support education of homeowners

- More emphasis on point of sale
Less on county "shall"

- Effectively achieve goals

Va Stormwater Nonpoint Nutrient Offset Program

- Leave this alone!

- ↳ Don't touch this until it is applied
- ↳ We worked this out and need to give it a shot
- ↳ backdoor attempt to create privacy for "private"

- Why benefit a single private "bank" holder?

↳ let ~~the~~ localities

↳ why service area is so big?

- ~~The~~ lieu fee program: will fill counties' ^{local} program (priority over any other prog)

↳ Can buy ~~from~~ from large service area (maybe to watershed)

- Should be managed like wetlands banking

Stormwater Management Local Programs

- Local govt should have authority to set priorities

↳ allow either local program or private

→ EQUAL FOOTING (as in prior bill)

Driven by one powerful bank holder

Brent Fults

↳ owns wetland banks

↳ stormwater banks

↳ urban credit

Funding commensurate

w/ mandate

No unfunded mandate

Fees different by CBA

Connection between fee & mandate/policy

We oppose state setting fees locals should be able to charge according to cost

no analysis from state
no analysis from state
justifying state cut

~~3) best vices rendered~~
set fees

Stormwater Management Local Programs

- Impacts rural counties
 - training, staffing, resources (funding)
- Good thing: local govt option
 - ↳ State has to come in if local govt opts out
 - ↳ keeping burden on state implementation/operation
- Threshold of permeable surface
 - ↳ promotes sprawl
 - ↳ oppose generalized standards

Chesapeake Bay Act Expansion

- Science?

- ↳ can we see the scenarios for bay loading (modeling)
- ↳ question science w/ no

We oppose ^{if no credit in modeling for ~~the~~ program} (ie buffers) ^{running a}

↳ why no credit for positive use of BMPs

We support ~~the~~ providing ^{local gov} access to

- Performance measures
- Modeling

- Baseline date

↳ **EQUITABLE TREATMENT**

↳ we support Eq Tr of jurisdictions

- This bill opens the toolbox

- Timing?

- Resources (funding)
- Phased in timing

Before local gov'ts
provided funds for staff
↳ Now?

Livestock Stream Exclusion

- Enforcement
 - STWCD?
 - Stick? ⇒ enforcing
 - ^{crim/civil} summons / citation

- Size? All?
 - ↳ 1 horse?
 - ↳ Livestock farms

→ ~~We want~~ authori:

→ we don't object to authorization, not mandate
(may) (shall)

Plans?
→ Conservation Assessment?
• vague, but must do livestock

Supplemental Envir Projects

- ↳ We object because we feel they already have the authority
 - ↳ concerned it will be used to extort from county (actions)
 - legislative endorsement of practice of extorting actions

Consolidation of Water Qu Rep

- ↳ unfunded mandate

Nutrient Management Plan Req

- ↳ addl unfunded mandate
 - ↳ ~~add~~ Forces more bureaucracy, not change
 - adds record keeping
 - unnecessarily remove costs

- ↳ whole new mandate for some

Other Environmental Issues

- Initiative (Hanover) Dam Safety

- Roll back dam safety to 2000 ~~reg~~ period

- but attention on high priority

↳ state is understaffed to get to the others

↳ too much ~~money~~ cost for county to get permit

↳ want to focus on high priority safety issues

↳ residents wanting to decommission retention lakes
to costs of permitting

↳ conditional certificates (too costly)

↳ We support ~~the~~

prioritization of dam regulations
based on safety

- AFD (New Kent)

Agricultural Forestry District (maintaining the AFD - pr

- ridiculous and cumbersome and redundant

- needs to be updated & streamlined (process

2011 RRPDC Legislative Agenda

Development Process

RRPDC Legislative Agenda

- **Purpose:** Demonstrate regional support on issues impacting the Richmond Region
- **Objective :** Present a unified voice to inform state and federal officials.
- **Goal:** A powerful statement of regional agreement.

What to include in a regional legislative agenda?

- Not all issues are regional issues
 - VML/VACo agendas designed to cover issues concerning all localities
 - Agreement from all 9 jurisdictions, doesn't necessarily mean it should be included
 - Yet, sometimes there is strength in regional confirmation and unanimity
- Questions to consider
 - "Is this really an issue on which the PDC *needs* to chime in?"
 - "Is this an issue for which regional support would provide a strong statement?"
- Ultimately, the RRPDC Board decides what to include

Types of issues to consider

- Regional legislative issues should be considered...
 - Truly regional in nature – Ask: "Is this really a *regional* issue?"
 - Involve inter-locality cooperation
- Planning issues should be considered...
 - Because we are the *Planning* District Commission
 - Common planning issues among the localities
- Transportation issues should be considered...
 - Because RRPDC is staff to Metropolitan Planning Organization
 - Common transportation issues among the localities
- Other discretionary issues may be considered...
 - Any issue on which the Board seeks a regional demonstration of support
 - Local issues for which regional support will provide strength
 - Ask: "Will a regional statement on this issue be valuable?"

Legislative Agenda Development Process

Committees developing recommendations for RRPDC Board

- | | |
|---|---------------------------------|
| • RRPDC's Small and Large Jurisdictions Committees | All issues |
| • Regional Legislative Liaisons | All issues |
| • RRPDC's Environmental Technical Advisory Committee (ETAC) | Environmental issues |
| • Richmond Area Metropolitan Planning Organization (RAMPO) | Transportation issues |
| • RAMPO's Technical Advisory Committee (TAC) | Technical transportation issues |
| • RAMPO's Citizens Technical Advisory Committee (CTAC) | Citizen's transportation issues |

Calendar of the Development Process *(tentative)*

July	RRPDC Board Meeting	September	RAMPO's CTAC Meeting
8	<ul style="list-style-type: none"> Review of 2010 Legislative Session Call for possible issues for legislative agenda 	28	<ul style="list-style-type: none"> Discuss merits of possible transportation issues Adopt recommendation for RAMPO Board
July	Large/Small Jurisdiction Committees Meeting	Early Oct	Staff work
22	<ul style="list-style-type: none"> Brief overview of legislative agenda development process and calendar Call for possible issues for legislative agenda 		<ul style="list-style-type: none"> Create 2nd draft of legislative agenda incorporating recommendations of SJC-LJC, ETAC, TAC, CTAC
August	RAMPO's TAC Meeting	October	Meeting of Legislative Liaisons
19	<ul style="list-style-type: none"> Brief overview of legislative agenda development process and calendar Call for possible transportation issues for legislative agenda 	TBD	<ul style="list-style-type: none"> Discuss merits of possible issues raised thus far Adopt recommendation for RRPDC and RAMPO Boards
August	Large/Small Jurisdiction Committees Meeting	October	RRPDC Board Meeting
26	<ul style="list-style-type: none"> Brief update on legislative agenda development process and calendar Call for possible issues for legislative agenda 	14	<ul style="list-style-type: none"> Discuss recommendations (SJC/LJC, Leg Liaisons, TAC, & CTAC) for legislative agenda
August	Meeting of Legislative Liaisons	October	RAMPO Board Meeting
31	<ul style="list-style-type: none"> Call for possible issues for legislative agenda Discuss merits of possible issues raised thus far 	14	<ul style="list-style-type: none"> Discuss transportation recommendations (SJC/LJC, Leg Liaisons, TAC, & CTAC) for legislative agenda
September	RAMPO Board Meeting	Late Oct	Staff work
9	<ul style="list-style-type: none"> Brief overview of legislative agenda development process and calendar 		<ul style="list-style-type: none"> Create 3rd draft of legislative agenda based on discussion from RRPDC and RAMPO Board
September	RRPDC Board Meeting	October	Large/Small Jurisdiction Committees Meeting
9	<ul style="list-style-type: none"> Very brief update on legislative agenda development process and calendar Repeat Call for possible issues for legislative agenda 	TBD	<ul style="list-style-type: none"> Discuss 3rd draft Last chance to modify recommendations to RRPDC and RAMPO Boards
September	RAMPO's TAC Meeting	November	RRPDC Board Meeting
16	<ul style="list-style-type: none"> Discuss merits of possible transportation issues Adopt recommendation for RAMPO Board 	11	<ul style="list-style-type: none"> Adopt legislative agenda
Mid-Sept	Staff work	November	RAMPO Board Meeting
	<ul style="list-style-type: none"> Create 1st draft of legislative agenda 	11	<ul style="list-style-type: none"> Last chance to make recommendation to RRPDC Board
September	RRPDC ETAC Meeting	December	RRPDC Board Meeting
15	<ul style="list-style-type: none"> Discuss merits of DCR water quality proposals 	9	<ul style="list-style-type: none"> Absolute deadline for adopting 2011 RRPDC Legislative Agenda
September	Large/Small Jurisdiction Committees Meeting	January	Legislative Reception
23	<ul style="list-style-type: none"> In-depth discussion on 1st draft Adopt recommendation for RRPDC and RAMPO Boards 	TBD	<ul style="list-style-type: none"> Breakfast reception

2011 RRPDC REGIONAL LEGISLATIVE AGENDA

The Richmond Regional Planning District Commission unanimously adopted the following 2011 RRPDC Regional Legislative Agenda during its meeting on November 11, 2010.

LEGISLATIVE REQUESTS

REQUESTED STATE LEGISLATIVE ACTIONS

Commonwealth Transportation Board

Add a third urban at-large seat to the Commonwealth Transportation Board (see Va. Code Ann. § 33.1-2) to be filled by a resident of the Richmond-Petersburg Metropolitan Statistical Area. Historically, the two urban at-large seats are filled with citizens residing in the Northern Virginia and Hampton Roads areas.

Rail Transportation Funding

Establish state mechanisms to fund passenger rail capital improvements and operations.

Regional Emergency Management Cooperation

Empower localities with comprehensive and general authority to provide assistance to other localities as needed without the requirement for emergency declarations or inter-jurisdictional agreements for each of the various types of services or procurement processes.

REQUESTED FEDERAL LEGISLATIVE ACTIONS

Public Infrastructure Investment

Allow rehabilitation expenditures for public school buildings to qualify for the federal rehabilitation tax credit. Current federal law allows for tax credits when a historic school is rehabilitated and used by another user, but not where the buildings are reused as public schools.

LEGISLATIVE PRIORITIES

STATE LEGISLATIVE PRIORITIES

Government Reform

We **SUPPORT** local government autonomy to make policy decisions on local issues, particularly concerning land-use regulation and local revenue measures.

We **SUPPORT** reform measures and financial incentives that encourage regional cooperation.

We **SUPPORT** full funding of all state and federal mandates on local governments.

Transportation

We **SUPPORT** the development of funding mechanisms to meet the state's current and future transportation funding needs.

We **SUPPORT** enhancements to intercity passenger rail service connecting through Richmond, especially those that increase reliability, on-time performance, and speeds of travel.

Land Use

We **SUPPORT** local growth management tools that:

- can be tailored to the needs of the local jurisdiction;
- are flexible to the specific needs of development locations;
- are simple to implement and easy to understand;
- transparently allow all parties of interest to freely and fairly negotiate agreements; and
- only require development to contribute its fair share for infrastructure improvement.

Resource Protection

We **SUPPORT** the protection and enhancement of Virginia's natural resources through environmental regulations and programs that:

- are based on well-researched scientific foundations;
- have demonstrated an ability to achieve meaningful improvements to the environment;
- offer short and long-term solutions;
- fully consider unintended consequences;
- consider the size, location, or type of development being regulated instead of imposing a generalized standard;
- can be implemented in a reasonable time period and in a cost-effective manner;
- embrace the planning authority of local government and allow flexibility for local government to determine the best approach to meet program goals; and
- are connected with adequate funding to implement mandated programs.

Education Funding

We **SUPPORT** a state budget that meets the Commonwealth's obligations to localities for K-12 education funding.

FEDERAL LEGISLATIVE PRIORITIES

Federal Mandate for Collective Bargaining

We **OPPOSE** federal legislation that would require localities to provide collective bargaining rights for public safety employees.

Passenger Rail Funding

We **SUPPORT** the Commonwealth's efforts to obtain federal funding for capital improvement projects that will enhance passenger rail service in the Richmond Region.

POLICY STATEMENTS

GOVERNMENT REFORM

Governing Locally

We **SUPPORT** a study by the Joint Legislative Audit and Review Commission to examine the impact of the Dillon Rule on local government's ability to efficiently address local issues such as public safety, land use, and revenue.

Taxes and funding Mechanisms

We **SUPPORT** the continuation of local government tax authority and encourage the study of revenue-neutral or enhanced local tax authority.

We **SUPPORT** a comprehensive evaluation of local tax authority, including the ability to generate sufficient revenue to provide services and comply with state and federal mandates, while reducing dependence on real estate and personal property taxes.

We **OPPOSE** piecemeal attempts to eliminate existing local funding sources and urge that any elimination of single sources of local funding be replaced by realistically implementable tools that enable localities to generate equal or greater funds.

We **SUPPORT** giving counties equal taxing authority as cities and towns.

Regional Solutions

We **SUPPORT** a study by the Joint Legislative Audit and Review Commission to examine the costs and benefits of the Commonwealth establishing incentives to localities for the joint utilization of existing capital facilities, joint construction of capital facilities, and joint provision of operating services.

We **SUPPORT** increased state funding of Virginia's planning district commissions based upon a formula jointly agreed upon by the Virginia Association of Planning District Commissions, the Virginia Municipal League, and the Virginia Association of Counties.

TRANSPORTATION

Passenger Rail

We **SUPPORT** the extension of high-speed rail from Washington, DC to Richmond followed by further extensions from Richmond to Raleigh, North Carolina and from Richmond to Norfolk along the Southeast High Speed Rail corridor.

We **SUPPORT** allowing federal funds to serve as matching funds for passenger rail projects seeking funds from the Commonwealth's Rail Enhancement Fund (see Va. Code Ann. § 33.1-221.1:1.1). Currently, the code only allows matching contributions from private sources, local government sources, or a combination of both.

Regional Transit

We **SUPPORT** enhancing the Richmond Region's regional transit system.

Regionally-Allocated Transportation Funding

We **SUPPORT** efforts of local jurisdictions, metropolitan planning organizations, the Commonwealth Transportation Board, the Virginia Department of Transportation, and the Virginia Department of Rail and Public Transportation to allocate, obligate, and expend regionally-allocated transportation funds in a timely manner, so long as any deadlines for allocation, obligation, and expenditure:

- are developed in cooperation with the Virginia Association of Metropolitan Planning Organizations;
- realistically balance the timely delivery of projects with adequate time to complete the phases of transportation projects;
- reflect federal deadlines;
- do not penalize metropolitan planning organizations for delays that are outside their control; and
- enable metropolitan planning organizations to appeal any rescission of funds on a case-by-case.

LAND USE

We **SUPPORT** strengthening local government authority to manage future growth in the Region.

Growth Management Tools

We **SUPPORT** cash proffers or impact fees as tools for local governments to require developers to pay for public infrastructure improvements required to accommodate development.

We **SUPPORT** the authority to require cash proffers be paid at the time of final building inspection and not at the time of occupancy.

We **SUPPORT** local government authority to apply zoning laws and comprehensive plans to all private residences and private businesses, including:

- businesses that sell liquor and
- assisted living centers of all sizes.

Public Infrastructure Investment

We **SUPPORT** growth that maximizes public infrastructure investment, including infill development and redevelopment of areas where existing infrastructure is under-utilized.

We **SUPPORT** local government authority to adopt adequate public facilities ordinances.

PUBLIC SAFETY

Public Safety Funding

We **SUPPORT** full funding of the Commonwealth's commitment for local law enforcement assistance, including Compensation Board funding for Sheriff's offices and HB 599 funding for police departments.

Emergency Management

We **SUPPORT** restructuring the program for state regulation of dams to focus on those dams which involve the potential for significant risk to public safety or property.

Hanover County

Legislative Agenda for 2011 General Assembly Session

2009 Legislative Agenda Action Items

- Amend Va. Code §46.2-1222.1 to add Hanover County to the list of counties authorized to regulate the parking of boats, trailers, recreational and commercial vehicles on secondary roads.
- Amend Title 15.2 to provide comprehensive and general authority for localities to provide assistance to other localities as needed without the requirement for emergency declarations or interjurisdictional agreements for each of the various types of services.
- Amend Title 51.1 to establish a defined contribution plan through the Virginia Retirement System as an option for localities, in lieu of the defined benefit plan, for employees hired after July 1, 2011.
- Amend the provisions of the Dam Safety Act, Article 2, Chapter 6 of Title 10.1 of the Code of Virginia to restructure the program for state regulation of dams to focus on those dams which involve the potential for significant risk to public safety or property.

Hanover County Position on Legislation Anticipated to Come before the 2011 Session

- Supports legislation that would provide counties with the same local taxing authority as cities in order that counties might reduce their dependence on real estate and personal property taxes.
- Opposes legislation that would eliminate or phase out the authority for machinery and tools taxes or business professional occupation license taxes unless alternative and equivalent additional revenue sources are made available to localities.

2011 Legislative Agenda Policy Statements

- Supports the protection of existing authority regarding local budget decisions and opposes any shifting of funding responsibility from the state to localities for existing mandated programs.
- Supports the protection of existing local government authority in areas including but not limited to eminent domain, revenue authority and land use authority.
- Supports environmental regulations and programs that are scientifically valid, reasonably cost effective and will result in substantial and demonstrable improvements to the environment.

- Hanover County supports equitable reallocation of revenue and service responsibilities between the state and local government to provide for ongoing stability in taxation and the delivery of government services.

VIA EMAIL

August 19, 2010

David C. Dowling
Policy, Planning and Budget Director
Virginia Department of Conservation and Recreation
203 Governor Street, Suite 302
Richmond, Virginia 23219

Re: Water Quality Legislation Under Consideration

Dear David,

Thank you for the opportunity to comment on proposed legislation under consideration by DCR for the 2011 General Assembly. It is my understanding that these proposals are a preliminary examination of options for demonstrating compliance with Virginia's Chesapeake Bay TMDL plan currently under development. In fact many (if not all) of these proposals appear to have had their origin in discussions of the TMDL stakeholder advisory group of which VML is a member.

Given the limited amount of time to provide feedback, I will focus my comments to two areas: (1) general concern for the costs to local governments to implement new water quality measures; and (2) initial specific concerns and recommendations related to the details of each proposal. Should any of these proposals become filed legislation, VML will conduct a more thorough analysis in developing our respective legislative position.

State and local governments are faced with a difficult task in meeting a new legal deadline for cleaning up the Chesapeake Bay. Local governments are committed in partnering with Virginia to meet this deadline. However, our member governments - at this time - simply do not have the financial resources to implement the measures currently under consideration in Phase 1 of the watershed implementation plan (WIP). Given local budget shortfalls, limited revenue generation capability, and evaporating debt service capacity, local governments require the necessary federal and state appropriations to meet these mandates. As reflected in our 2010 legislative statement on water quality funding, VML ... *urges the federal government and the Commonwealth to provide adequate funding for these water quality improvements*. Should any of these proposals placing a financial burden on local governments become filed bills, we request a fiscal impact statement from the Commission on Local Government be filed with the General Assembly (pursuant to Va. Code §§ 30-19.03 and 30-19.03:1.1). This will aid the Governor and General Assembly in making the necessary budget amendments to fund these mandates.

In regards to the details of each proposal I offer the following comments and recommendations:

Lawn Fertilizer Formulation and Use (NR-DCR-2)

- This proposed mandate will require local governments to regulate these provisions therefore creating a fiscal impact upon local governments that will need to be evaluated. Specifically, local governments will have to adopt new ordinances, monitor compliance and assess civil penalties for violations.
- Subsection G, the prohibition of the application of any “deicing agent containing urea”, will have a fiscal impact on municipal airports that will need to be evaluated. Specifically, general aviation, local service, and community airports utilize powdered urea for deicing runways. A switch in deicing agents will require capital improvements and result in new operations and maintenance costs. The alternative is to provide an exemption for deicing for these operations. I recommend consulting with the Virginia Department of Aviation for more information.

Virginia Stormwater Nonpoint Nutrient Offset Program (NR-DCR-3)

- Consistent with previous comments on the proposed stormwater management regulations, VML opposes incorporating a post-construction stormwater standard within a Clean Water Act permit that is specifically for construction activities. Therefore we recommend the following language amendments:
 1. Lines 53-55, strike ... land disturbing activities operating under a General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities or a Construction Individual Permit; and insert ...post construction discharge.
 2. Lines 85-87, strike ... a land disturbing activity's General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities on-site requirements or Construction Individual Permit on-site; and insert post construction water quality.
- The proposed amendments to section D (lines 85-100) will severely limit the authority and ability of local governments to administer and manage their stormwater programs. Specifically, VML opposes (1) the requirement to allow for nonpoint nutrient offsets (as opposed to the permission under current law); and (2) the preemption of local fee-in-lieu-of programs in determining compliance. Given the anticipated requirements under pending municipal separate storm sewer (MS4) permits (as well as anticipated Phase 2 WIP requirements) local governments need flexibility in allocating resources to improving stormwater infrastructure. These proposed changes will hamper this ability and will result in additional fiscal impacts that should be evaluated.

Stormwater Management Local Programs (NR-DCR-4)

The proposal to require all local governments to adopt and establish stormwater programs should be evaluated in comparison to existing local erosion and sediment control (ESC)

programs. Specifically, under § 10.1-562 of the Code of Virginia, the requirement to establish an ESC program falls upon the local soil and water conservation district should any county, city or town not have an approved ESC program. Additionally, any town, lying within a county which has adopted its own ESC program, may adopt its own program or become subject to the county program. Given that a local stormwater program may be administered in conjunction with a local ESC program (as intended by the 2004 stormwater law adopted by the General Assembly), it makes sense to align the requirements for establishing both programs. For example, a town that currently has its ESC program administered by a surrounding county should probably have the option to have its stormwater program administered by the county as well.

Chesapeake Bay Act Expansion (NR-DCR-5)

By expanding the Chesapeake Bay Preservation Act (CBPA) to all localities within the Chesapeake Bay watershed, 109 new local programs will have to be established. The fiscal impact of local program development needs to be evaluated. Additionally the state will incur costs related to an expanded program. As background it will be useful for DCR to review the results of the 2002 Joint Legislative Audit Review Commission (JLARC) report (HJ 622) that included a Chesapeake Bay Local Assistance Department (CBLAD) study to assess the benefits and costs of extending the CBPA to all localities within the watershed. It is relevant to note that JLARC analysis of the CBLAD study - citing the fiscal stress of the financial recession experienced at the time - concluded that it was not *...a particularly advantageous time for aggressively addressing the expansion issue*. Additional insights of the JLARC analysis include the following:

- *...the report could have done a better job of describing what is known about the demonstrated (field-tested) effectiveness of practices such as the 100-foot buffer zone, while also acknowledging the limitations and gaps in knowledge that still exist regarding these practices.*
- *...the report does not adequately address the issue of the potential redundancy of Bay Act programs with other water quality programs that may be operative in the region, such as programs to develop farm plans.*

Ultimately, should the state pursue an expansion of the CBPA, it will be necessary not only to understand the relative fiscal limitations on state and local budgets, but also whether the potential water quality benefits would provide demonstrable results in meeting the nutrient and sediment reduction goals agreed to by Virginia in the draft WIP.

Nutrient Management Plan Requirement for Local Lands (NR-DCR-15)

VML recognizes the inherent cost-effectiveness for local governments to implement nutrient management planning on publicly-owned lands as a means to demonstrate compliance with a MS4 permit. An additional benefit may also be realized in cost savings due to a reduction in fertilizer use. However, the requirement for all local governments to develop and implement nutrient management plans on publicly-owned lands will have fiscal impacts that need to be evaluated. These include (but are not limited to) the following:

- Local governments will incur initial and ongoing costs to hire, train and certify staff to develop nutrient management plans.
- Some local governments currently apply bio-solids on publicly-owned lands as a cost-effective means for disposal. The costs for developing nutrient management plans for such operations may make it more fiscally prudent to place this material in a landfill.
- The proposal does not specify a minimum area for nutrient application that will require a plan. Therefore local governments would have to prepare nutrient management plans for smaller landscaped areas thereby raising issues related to the cost-effectiveness of such a practice in achieving relative water quality benefits.

It is my hope that these comments will be useful to DCR as it develops and refines its legislative proposals. Should you have any questions, or wish to discuss in greater detail, please call me.

Regards,

Joe Lerch
Director of Environmental Policy

<http://www2.timesdispatch.com/weather/2010/sep/29/flash-flood-watch-issued-across-region-ar-531589/>

Richmond Times-Dispatch

Published: September 29, 2010

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Flash flood watch issued across region

By Rex Springston

The National Weather Service has issued a flash-food watch for this evening to tomorrow evening. The watch covers much of Virginia, including the Richmond area.

The National Weather Service has issued a flash-food watch for this evening to tomorrow evening.

The watch covers much of Virginia, including the Richmond area.

Rains could total 3 to 4 inches, and possibly more in places. The rains should become more intense overnight.

Motorists should not try to drive across flooded roads, the weather service said.

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