

**TREES AS BEST MANAGEMENT PRACTICE (BMP)
STAKEHOLDER ADVISORY GROUP (SAG)**

MEETING #1 NOTES – DRAFT

TUESDAY, SEPTEMBER 21, 2021

DEQ PIEDMONT REGIONAL OFFICE – TRAINING ROOM

Meeting Attendees

| TREES AS BMP SAG MEMBERS | |
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| Phillip F. Abraham – Virginia Association for Commercial Real Estate | Alex Forsate – Virginia Department of Transportation |
| Evan Branosky Home Builders Association of Virginia – Alternate for Andrew Clark | Brent Hunsinger – Virginia Conservation Network |
| Corey Connors – Virginia Forestry Association | Brian Keightley – Fairfax County – Urban Forest Management |
| Jennifer Fioretti – Arlington County – Alternate for Jason Papacosma | Peggy Sanner – Chesapeake Bay Foundation |

NOTE: SAG Members NOT in Attendance: Andrew C, Clark – Home Builders Association of Virginia; Jen Cobb, PE – Henrico County; Karen Firehock – Green Infrastructure Center, Inc.; Drew Mulhare – Virginia Common Interest Community Board; Jason Papacosma – Arlington County

| PUBLIC/INTERESTED PARTIES | |
|----------------------------------|------------------------------|
| Ilana Creinin – Arlington County | Samantha Sedivy – Reed Smith |
| Taylor Privott - Dewberry | Jill Sunderland - HRPDC |

| TECHNICAL ADVISORS AND DEQ STAFF | |
|---|---------------------------------------|
| Stuart Blankenship - DCR | Drew Hammond - DEQ |
| Brandon Bull - DEQ | Lara Johnson – Department of Forestry |
| Robert Cooper - DEQ | Bill Norris - DEQ |
| Melanie Davenport – DEQ | |

The meeting convened at 10:00 a.m. and adjourned at 4:07 PM

1. Welcome/Meeting Logistics/Introductions – Melanie Davenport – DEQ:

Melanie Davenport, Director of DEQ’s Water Permitting Division welcomes the members of the Stakeholder Advisory Group and members of the interested public/stakeholder community to the meeting. She thanked everyone for working within and abiding by the current COVID workplace protection protocols’ She noted that there may be additional guidelines coming out from DEQ in the near future to address the latest Department of Labor’s Pandemic Guidelines.

SAG Members; members of the public/interested stakeholders, and technical support staff were asked to introduce themselves and to indicate who they were representing at the meeting.

It was noted that there would be an opportunity for members of the interested public to make comments at the end of the meeting but given the size of the group and the nature of the task that all meeting attendees were encouraged to share their expertise and ideas during the discussions to assist with the work of the Advisory Group.

2. Brief Overview of HB520 and Schedule – Melanie Davenport - DEQ:

Melanie Davenport provided an overview of the requirements for the Stakeholder Advisory Group (SAG) as identified in HB520 and outlined the process and procedures under which the SAG was to operate.

During the course of the 2020 Session of the Virginia General Assembly, House Bill (HB) 520 was enacted into law as Chapter 405 of the Virginia Acts of Assembly – 2020 Session. Chapter 405 (HB520) provides that:

1. That the Department of Environmental Quality (DEQ) shall convene a stakeholder advisory group for the purpose of studying the planting or preservation of trees as an urban land cover types and as a stormwater best management practice (BMP).
2. The stakeholder advisory group shall be composed of representatives of the residential and commercial development and construction industry, the community association industry, the linear infrastructure development industry, the Virginia Forestry Association, and the local Virginia stormwater management program authorities; professional environmental technical experts; and other technical experts whom DEQ deems necessary.
3. Technical assistance shall be provided to DEQ by the Department of Forestry and the Department of Conservation and Recreation. All agencies of the Commonwealth shall provide assistance to DEQ for this study, upon request.
4. The Department of Environmental Quality shall publish on its website a report containing the findings of the stakeholder advisory group by November 1, 2020, and shall include in the report a recommendation as to whether the planting or preservation of trees shall be deemed a creditable land cover types or BMP and, if so, how much credit shall be given for its optional use.
5. The Department of Environmental Quality shall, before the first day of the 2021 Session of the General Assembly, report the findings of the stakeholder advisory group to the Chairman of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources.

The General Assembly directed DEQ to convene an advisory group and identified the members to be included. Since this is not a regulatory action and the participants are set out in Chapter 405 (HB520), there will not be a Notice of Intended Regulatory Action (NOIRA) soliciting members. The primary function of the Stakeholder Advisory Group (SAG) is to “study the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP)”.

The creation of a SAG is the creation of a public body. All meetings of the group are public meetings. That means notice of the meeting has to be given to the public. In accordance with our Public Participation Guidelines, meetings of the SAG are to be posted on the Virginia Regulatory Town Hall website and the Commonwealth Calendar at least seven working days prior to the date of the meeting. Notice is to include the

name of the group; the date, time, and place of the meeting; a short description of the purpose of the meeting; and the name, address, phone, fax and email information of the contact for the meeting.

SAG meetings are subject to the requirements of the Virginia Freedom of Information Act and are open to the public. The Freedom of Information Act requires that minutes be prepared. DEQ staff participating on the SAG will prepare a summary of the meeting and provide those minutes to the Regulatory Affairs Director for posting to the Townhall. If the minutes must be approved by the group, a draft of the minutes must be posted within 10 days after the meeting with a final posted within 3 days of approval. If the minutes do not need to be approved by the group, the final must be posted within 10 days after the meeting. The minutes must include, but are not limited to, (i) the date, time and location of the meeting, (ii) the members of the public body recorded as present and absent, and (iii) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. Minutes of regulatory advisory panels do not have to be officially approved by the group unless the group establishes that requirement. Meeting minutes are taken and posted on the Virginia Regulatory Townhall website (www.townhall.virginia.gov/).

Meetings of the SAG will take place at the DEQ Piedmont Regional Office Training Room located at 4848-A Cox Road, Glen Allen, VA 23060. Meetings of the SAG have been scheduled for: Tuesday, September 21, 2021; Wednesday, October 20, 2021 and (if needed) Thursday, November 4, 2021. All meetings are scheduled to start at 10:00 AM.

After the SAG completes its work and makes its recommendations, DEQ staff facilitating and assisting the group will summarize the deliberations, outcomes, and recommendations. DEQ management will then review and determine recommendations and finalize the report language for submission to the General Assembly. The report will also be sent to the members of the SAG as information.

ACTION ITEM: DEQ staff will distribute a copy of the “Trees as Best Management Practice (BMP) Stakeholder Advisory Group (SAG) Process and Procedures document to the Members of the SAG and members of the Public and the Interested Parties after the meeting.

3. Review of the Virginia Stormwater Management Program (VSMP) Regulation – Stormwater Management Plans (9VAC25-870-55) - Drew Hammond – DEQ:

Drew Hammond provided an overview of Virginia’s Stormwater Management Program (VSMP) Regulation – Stormwater Management Plans (9VAC25-870-55).

Drew reiterated that HB520 directs DEQ and this Stakeholder group to study the planting or preservation of trees as an urban land cover type and as a stormwater best management practice (BMP) and make recommendations on implementation. The questions that this group needs to look at are “What would those recommendations?” and “What are the challenges of moving forward with those recommendations?” He noted that DEQ became responsible for the Stormwater Management Program when it was transferred from DCR and the Soil and Water Conservation Board on July 1, 2013.

4. Review of the Virginia Stormwater Management Program (VSMP) Regulation - Water Quality Design Criteria Requirements (9VAC25-870-63) - Drew Hammond – DEQ:

Drew Hammond provided an overview of Virginia's Stormwater Management Program (VSMP) Regulation – Water Quality Design Criteria Requirements (9VAC25-870-63).

5. Review of the Virginia Stormwater Management Program (VSMP) Regulation - Water Quality Compliance/VRRM (9VAC25-870-65) - Drew Hammond – DEQ:

Drew Hammond provided an overview of Virginia's Stormwater Management Program (VSMP) Regulation – Water Quality Compliance/VRRM (9VAC25-870-65).

6. Review of the Virginia Stormwater Management Program (VSMP) Regulation – Long-term maintenance of permanent stormwater management facilities. (9VAC25-870-112) – Drew Hammond – DEQ:

Drew Hammond provided an overview of Virginia's Stormwater Management Program (VSMP) Regulation – Long-term maintenance of permanent stormwater management facilities. (9VAC25-870-112).

7. Break for Lunch – 11:50 AM – 1:02 PM

8. Review of the Virginia Stormwater Management Program (VSMP) Regulation - Water Quality Compliance/VRRM (9VAC25-870-65) – CONTINUED - Drew Hammond/Robert Cooper – DEQ:

Melanie Davenport welcomed everyone back to the meeting and introduced the topic of the Virginia Runoff Reduction Method (VRRM). Drew Hammond provided an overview of the Virginia Runoff Reduction Method (VRRM).

ACTION ITEM: Provide links to the Updated Virginia Runoff Reduction Method Guidance Manual (GM16-2001-Virginia-Runoff-Reduction-Method_V3.pdf (vt.edu)) and Spreadsheets (VRRM_New_Compliance_Spreadsheet_v3_082017-1.xlsm (live.com)) & (VRRM_ReDev_Compliance_Spreadsheet_v3_082017-1.xlsm (live.com)).

ACTION ITEM: Members of the SAG with experience with smaller lot development were asked if they could provide specific examples and scenarios using a potential 4th category of land use – Urban Tree Canopy. Jennifer Fioretti and Jason Papacosma from Arlington were asked if they could provide specific spreadsheet scenarios to the group.

9. Review of the Virginia Stormwater Management Program (VSMP) Regulation - Water Quality Compliance/VRRM (9VAC25-870-65) – CONTINUED – BMP Worksheet - Drew Hammond/Robert Cooper – DEQ:

Drew reviewed the BMP Worksheet and the various input requirements. He reviewed possible inputs into the spreadsheet for a site development.

ACTION IEM: Staff discussed taking a small site and running some numbers so that we can see on a micro scale the impact of these various scenarios.

ACTION ITEM: Staff asked the group to provide whatever information, scenarios, examples and concerns related to the identification of “trees as a BMP” and “trees as a land cover condition/category” that the staff could review prior to the meeting on October 20th. Staff would appreciate any input that would inform the discussions at the next meeting.

ACTION ITEM: Staff will look into the process and method of making changes to the Runoff Reduction Method and report its findings back to the SAG at its next meeting.

ACTION ITEM: It was suggested that it might be useful for the SAG members to read through the recommendations in the Expert Panel Report in greater detail as a way to prepare for the needed discussions at the next SAG Meeting.

10. Wrap up of Long-Term Maintenance and Trees as BMPs and as a Land Cover Type Discussions (9VAC25-870-112) - Drew Hammond - DEQ:

Drew wrapped up the discussions on “Long Term Maintenance”; the use of “Trees as BMPs”; and “Trees as a Land Cover Type”.

ACTION ITEMS: Staff asked if folks in the room would be willing to share information on existing standards related to trees and their long-term viability and inspection methods and requirements that they were aware of that might be useful to this process. Please send those references to Bill Norris for distribution to the group for consideration.

11. Review of the Urban Tree Canopy Expansion Expert Panel Report (Expert Panel Report)- Drew Hammond - DEQ:

Drew provided a summary and an overview of the Expert Panel Report. He noted that we have talked a lot about the Expert Panel Report but we have not really delved into all of the details that are in the report.

ACTION ITEM: Staff will reach out to Karen Firehock with the Green Infrastructure Center to see if she would be willing to share details from her Trees to Offset H2O Tool with the group at the next meeting.

ACTION ITEM: In addition to trying to run some simple calculations at a small level, DEQ staff see what Minnesota is doing in this arena for consideration at the next SAG meeting.

ACTION ITEM: SAG Attendees were encouraged to share information regarding available tree planting details and protocols with Bill for routing to the group. In addition, staff will reach out to localities with Tree Canopy Ordinances and try to get examples of their standard “tree planting details” to share with the group.

ACTION ITEM: The group was asked to share any contact information on private sector arborist and contacts for the Virginia Nursery and Landscape Association with Bill Norris so that staff could contact them for information and possible input to this process.

12. Final Thoughts – Drew Hammond/Melanie Davenport (DEQ):

Based on today’s discussions, we will need to hold at least one more meeting of the SAG. We have had a lot of good discussions today and lots of good conversations. It seems like folks are at all at a similar level of understanding.

The next meeting is scheduled for Wednesday, October 20, 2021, here at the DEQ PRO Training Room starting at 10:00 AM.

If any of the SAG members or other meeting attendees has information or examples that they would like to share with the group please route that information to Bill Norris for distribution to staff and to the group.

13. Public Comment

An opportunity for members of the public who were in attendance to make any public comment to the group.

- **No Public Comment was offered.**

14. Adjournment

The meeting was adjourned at 4:07 PM