Stormwater Stakeholder Advisory Group (SAG)
October 19, 2015
Draft Meeting Notes

Location: DEQ Piedmont Regional Office
Training Room
4949-A Cox Road, Glen Allen, VA

Start: 10:10 a.m.
End: .2:15 p.m.

SAG Members Present:
Jim Filson, Dewberry
Michael L. Toalson, HBAV
Philip F. Abraham, VACRE
Bart Thrasher, VDOT
Peggy F. Sanner, Chesapeake Bay Foundation
Chris Pomeroy, Aqua Law
Rick Parrish, formerly SELC/concerned citizen
Larry J. Land, VACO
Lewie Lawrence, MPPDC
Joe Lerch, VML
Whitney Katchmark, HRPDC
L. Eldon James, Jr., Rappahannock River
Austin R. Mitchell, Amherst County
Adrienne Kotula, James River Association
Katie Frazier, Va. Agribusiness Council
Elizabeth A. Andrews, DEQ
James Golden, DEQ
Melanie Davenport, DEQ

SAG Members Absent:
Ann Germain, Paciulli Simmons Associates
Douglas Beisch, Stantec
Jimmy Edmonds, Loudoun County

Facilitator: Mark Rubin, VCU
Recorder: Debra Harris, DEQ

Guests and Public Attendees:
Richard Street, Spotsylvania County
Lisa Turner,CBF
Jack Miller, Middlesex County
Ann Jennings, Chesapeake Bay Commision
Barbara Brumbraugh, City of Chesapeake
Joe Wood, CBF
Jason Ericson, Dominion
Carla Pool, DEQ
Shannon Varner, Troutman Sanders
Debbie Byrd, Goochland County
Chris French, Contech/SWEMA
Fred Cunningham, DEQ
Vivian Giles, Cumberland County
Drew Hammond, DEQ

I. Agenda Item: Welcome and Introductions

Discussion: Mr. Rubin welcomed all to the October 19th meeting of the SAG[1] and asked each attendee to provide a short introduction. After the introductions, Mr. Rubin provided a brief overview of the topics to be discussed today.

II. Agenda Item: Ultra Lite Draft

Discussion: Elizabeth Andrews provided an overview of the draft for the ultra-lite VESMP option that the SAG was considering. For the ultra-lite option, the DEQ would provide the locality with technical assistance plan review and also provide assistance with BMP maintenance and enforcement. This concept was discussed at the last meeting and the localities' SAG representatives took this to their constituencies for discussion. It was reported that the ultra-lite VESMP option was discussed but it was not received well by the current VSMP opt-out localities even though the DEQ has been working on outreach to these local governments to explain what was going on with the SAG and what the goals of this SAG are in regards to the consolidation effort. Based on the discussions, Mr. Rubin noted that the ultra-lite VESMP alternative does not resolve the opt-out localities' issue and will not be included in the proposed legislation.

III. Agenda Item: Other Ideas

Discussion: Mr. Rubin asked the SAG to consider other ideas regarding consolidating the statutes but that consider the concerns voiced over the budget issues and opt-out locality position. The SAG focused on the option to retain the consolidated VESMA for the current opt-in VSMPs and MS4s and to retain the status quo for the current VSMP opt-out localities.

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[1] See Attachment A for Acronym Definitions.

The SAG broke for lunch from 12:17 p.m. and reconvened at 1:26 p.m.

III. Agenda Item: Consolidated Article & Opt-Out Alternative Status Quo

Discussion: After lunch, Mr. Rubin summarized the morning discussion and asked the SAG for its comments on retaining the consolidated VESMA for the current opt-in VSMPs and MS4s, and the status quo for the current VSMP opt-out localities (meaning they would retain administration of their E&SC programs and DEQ would remain the administrator of their VSMPs). A main concern was that CBPA localities that opt out of administering a VSMP still are required to administer the stormwater and E&SC requirements for Chesapeake Bay Preservation Act land disturbing activities that disturb 2,500 square feet or more. Under this new option being discussed by the SAG, those localities that continue to opt-out would continue to have to regulate those land disturbing activities. The opt-in lite alternative under the consolidated VESMA was intended to be the "fix" that issue, as it would allow localities to have DEQ provide the technical reviews (i.e. review of the application of the water quantity and, if applicable, water quality technical criteria) of their plans, including those for land disturbing activities of under an acre.

Based on the discussions, a revised document will be drafted for the next meeting to include the VESMA consolidated article with revisions to retain the status quo for the current opt-out localities. The SAG members will take this new approach and concept back to their constituencies to provide feedback on its viability. Additionally, bullet points on what this legislation will encompass will be provided to assist the SAG members with this effort. The members were also asked to provide their comments on the consolidated VESMA draft that includes the opt-in and opt-in lite alternatives (no ultra lite) to Debra Harris within two weeks.

The meeting was then adjourned.

Attachment A
List of Acronyms

Acronyms:

ACOE – Army Corps of Engineers
BMPs – Best Management Practices
CBPA – Chesapeake Bay Preservation Act
CWA – the Federal Clean Water Act
DEQ – Department of Environmental Quality
DPOR - Department of Professional and Occupational Regulation
ESC – erosion and sedimentation control
ESCL – Erosion and Sedimentation Control Law
EWG – Enforcement Work Group (a subgroup of the SAG)
IWG – Implementation Work Group (a subgroup of the SAG)
LDA – land disturbing activity
NWG – Nutrient Trading Work Group (a subgroup of the SAG)
RLD – Responsible Land Disturber
SAG – Stormwater Stakeholder Advisory Group
SWCB – State Water Control Board
SWCL – State Water Control Law (in this context the term normally refers to the general provisions)
SWMA – Stormwater Management Act
VESCP – Virginia Erosion and Sediment Control Program
VESMA – Virginia Erosion and Stormwater Management Act (proposed act to consolidate the SWMA and the ESC)
VESMP – Virginia Erosion and Stormwater Management Program (proposed consolidation of the VESCP and VSMP)
VPDES - Virginia Pollutant Discharge Elimination System
VSMP – Virginia Stormwater Management Program
WWG – Wordsmithing Work Group (a subgroup of the SAG)

Attachment B
Handouts

10-16_VESMA_UltraLi
te Sections.docx

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5.pdf

Example of Petition from Opt-Outs

10-15_Consolidated_
VESMA and Other Arti