

**Chesapeake Bay Local Assistance Board
Monday, December 12, 2011
Conference Room D, Monroe Building
Richmond, Virginia**

Chesapeake Bay Local Assistance Board Members Present

Gregory C. Evans, Chair
Patricia W. Cowan
Al Peschke

James N. Belote, III
Barry L. Marten, Vice Chair

Chesapeake Bay Local Assistance Board Members Not Present

William E. Duncanson
Rebecca Reed

Peter Farrell
Charles B. Whitehurst, Jr.

DCR Staff Present

David A. Johnson, DCR Director
Jeb Wilkinson, Chief Deputy Director
David C. Dowling, Director of Policy and Planning
Reese Peck, Director, Division of Stormwater Management
Virginia Snead, Regulatory Programs Manager
Joan Salvati, Program and Guidance Development Manager
Nancy Miller, Principal Environmental Planner
V'lent Lassiter, Principal Environmental Planner
Shawn Smith, Principal Environmental Planner
Anne Crosier, Enforcement and Compliance Manager
Michael Fletcher, Board and Constituent Services Liaison
Elizabeth Andrews, Office of the Attorney General

Others Present

Anna Drake, York County
William E. Johnson, III, City Manager, City of Petersburg
Bill Hefty, City of Petersburg
Mike Briddell, City of Petersburg
Darryl Walker, City of Petersburg

Call to Order and Introductions

Chairman Evans called the meeting to order and asked for the call of the Roll. A quorum was declared present.

Minutes

MOTION: Mr. Marten moved that the minutes of the September 19, 2011 meeting of the Chesapeake Bay Local Assistance Board be approved as submitted by staff.

SECOND: Mr. Belote

DISCUSSION: None

VOTE: Motion carried unanimously

Director's Report

Mr. Johnson gave the Director's report.

Mr. Johnson said that much had been happening since the last meeting, particularly associated with items related to the Chesapeake Bay.

He said that since the Board last met DCR had active discussions with the EPA over the quality and reliability of their computer model. He said it had caused Virginia and other states a great deal of consternation. He said that the EPA did not understand that the model was making it difficult for states to complete their plans. He said that the discussion had been going on since July and that at the time it was not being resolved.

Mr. Johnson explained that this caused a number of changes in the way DCR was doing things. He said that DCR had anticipated going to the localities with targeted loads. He said these targets were goals, but not regulatory. He said that because the model is only somewhat accurate that had been abandoned with the idea of submitting as part of the Watershed Implementation Plan base practices.

Mr. Johnson said that this discussion also had an impact on the RMP RAP process. There is a model for which the quantitative side does not give a great deal of confidence.

Mr. Johnson noted that this also causes problems with Nutrient Management Plans that utilize manure. He said under the model, the farmer would be polluting more than without a plan.

Mr. Johnson said that at this point DCR had not made headway with the EPA. He said that much of the discussions regarding the Chesapeake Bay were centered on the debate of the model.

He also stated that just prior to the September meeting the stormwater management regulations were made final. He said that the task was now for DCR to roll them out to the localities so that by July 2014 they can be implemented. He said that the Division of Stormwater Management would be creating guidance.

Mr. Johnson noted that the General Assembly session was forthcoming. He said that DCR anticipated putting forward a unified stormwater management program within the Chesapeake Bay Act area. He said that would mean one integrated process for all three aspects of stormwater to include; erosion and sediment control, the federal stormwater permit, and Chesapeake Bay Act compliance.

He said that this procedural change would not involve changing any level of protection. He said that he believed it would have a positive impact on the environment.

Mr. Johnson said that at one point the Governor's reform commission had considered the consolidation of the Chesapeake Bay Local Assistance Board into the Virginia Soil and Water Conservation Board. However, he noted that at this time he was not fully informed of the status of that recommendation. He said that he would keep Board members apprised of developments in that regard.

Guidance Program Manager's Report

Ms. Salvati gave the Guidance Program Manager's Report. She said that what used to be termed the division of Chesapeake Bay Local Assistance was now termed "Program and Guidance Development." She said that she was responsible for assisting with the rollout of stormwater management regulations and other programmatic changes. She said that the Director's vision is that all agency processes and reviews are very transparent and that local governments understand the procedures.

Ms. Salvati noted that the local liaisons are no longer centrally located, but had been moved closer to the customers in the regional offices. She said that staff was on target to complete 14 program reviews by the end of the fiscal year.

Local Program Compliance Evaluations

City of Portsmouth

Ms. Smith gave the following report for the City of Portsmouth. She noted that Stacy Porter, Senior Planner from the City was present.

The City of Portsmouth with a land area of approximately 30 square miles and a population of 100,565 people is located in the hub of the Hampton Roads Region. Recent changes to the City's Zoning Ordinance focus on developing the City in a greener, more environmentally friendly manner. An example of this is the use of green roofs, biofiltration and pervious pavers at the Simonsdale Elementary School.

The City's Chesapeake Bay Preservation Areas (CBPA) includes all required Resource Protection Area (RPA) components, and a Resource Management Area (RMA) that extends 530 feet inland from the RPA boundary, which corresponds to the limits of the 100-year floodplain in the City. The City's CBPA also includes a whole lot inclusion requirement if at least 25% is in, then whole lot is included. The City's CBPA program

also designated several Intensely Developed Areas (IDAs), which are located along the industrialized portions of the Elizabeth River. The City's IDAs include the Craney Island Fuel Depot, the Portsmouth Marine Terminal and other industrial areas along the riverfront.

The City's Chesapeake Bay program is implemented through the Department of Planning and Zoning which coordinated review of CBPA plans with other appropriate City departments, including the Department of Engineering. Exceptions are heard by the City's Planning Commission.

Department of Conservation and Recreation staff initiated the compliance evaluation for the City of Portsmouth on June 14, 2011, with meetings held between Department and City on August 16, 2011, September 8, 2011 and September 23, 2011 to gather information, review plans and files and perform site visits.

Staff recommends that the Board find that a certain aspect of the City of Portsmouth's implementation of its program does not fully comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations. Staff further recommends that the City of Portsmouth undertake and address the one condition recommended in this staff report no later than December 31, 2012.

During the plan review portion of this review, DCR staff found the delineation of the RPA and RMA on all applicable plans, plan notes that lands within RPAs are to remain in a natural undisturbed state except for the activities permitted in the CBPAOD and the delineation of building setbacks on plans and plats.

During the plan review and field visit portion of this review, staff noted no instances where clearing or impervious cover was approved or undertaken beyond which was needed for the project and also that vegetation was preserved onsite in accordance with the approved plans, with the protection of vegetation clearly shown on plans. The City works with individual projects to ensure clearing and impervious cover are limited and that existing vegetation is preserved. The field visits verified that clearing and impervious cover is limited as noted on the approved plans and that existing vegetation is preserved as approved.

The City also recently initiated the practice of requiring applicants to highlight a LIMIT OF LAND DISTURBANCE boundary on submitted plans, and erect construction fencing in the field on the boundary of such limits. This additional step will further enhance the City's program.

The single recommended condition relates to the requirement for the City to ensure that a water quality impact assessment is submitted and reviewed for all permitted and approved projects in the RPA. A review of approved project files did not include a WQIA as required. The City has already taken steps to address this condition, by developing a form to ensure that all required plan review documents, including a WQIA are in hand prior to sending plans for review by Department of Engineering. As no new

plans were available for review of this requirement, the lack of WQIAs requires a condition.

Based on the review of the City's program, staff recommends that the Board find that a certain aspect of the City of Portsmouth's implementation of its program does not fully comply with the Act and the Regulations. Staff further recommends that the City of Portsmouth undertake and address the one condition recommended in this staff report no later than December 31, 2012.

Ms. Porter offered to answer questions from Board members. There were none.

MOTION: Ms. Cowan moved that the Chesapeake Bay Local Assistance Board find that the implementation of a certain aspect of the City of Portsmouth's Chesapeake Bay Preservation Act program does not fully comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, and in order to correct this deficiency, directs the City of Portsmouth to undertake and complete the one recommended condition contained in the staff report no later than December 31, 2012.

SECOND: Mr. Marten

DISCUSSION: None

VOTE: Motion carried unanimously

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
December 12, 2011**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
CITY OF PORTSMOUTH**

Local Compliance Evaluation - Conditional

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on June 18, 2008, for the purposes of reviewing local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board approved Compliance Evaluation Review Elements on June 21, 2010; and

WHEREAS in Winter 2011 through Spring 2011, the Department of Conservation and Recreation conducted a compliance evaluation of the City of Portsmouth's Chesapeake Bay Preservation Act program in accordance with the adopted compliance evaluation process and approved review elements; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds that the implementation of a certain aspect of the City of Portsmouth's Chesapeake Bay Preservation Act program does not fully comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, and in order to correct this deficiency, directs the City of Portsmouth to undertake and complete the one recommended condition contained in the staff report no later than December 31, 2012.

1. As required under Sections 9 VAC 10-20130 1 a and 9 VAC 10-20-130 6 of the Regulations and Sections 9.1-7(c) and 9.1-11(f) of the City's CBPA Overlay District, the City must ensure the submission and review of Water Quality Impact Assessments for any land disturbance, development or redevelopment projects in the RPA.

BE IT FINALLY RESOLVED that failure by the City of Portsmouth to meet the above established compliance date of December 31, 2012, will result in the local program becoming noncompliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations and subject the City of Portsmouth to the compliance provisions as set forth in § 10.1-2103 10 of the Act and § 9 VAC 10-20-250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2011, by the Chesapeake Bay Local Assistance Board.

David A. Johnson
Director
Department of Conservation and Recreation

Town of Vienna

Ms. Lassiter gave the report for the Town of Vienna on behalf of Mr. Moore.

DCR staff initiated the compliance evaluation for the Town of Vienna by sending a notification letter of the upcoming evaluation to the Town Manager on June 7, 2011. Department staff met with the Town's Planning Director on June 28, 2011, to discuss the compliance evaluation process and the local program and review additional information needed. Additional meetings to review site plan files and to carry out field investigations took place on July 26, 2011, and August 19, 2011.

The Town of Vienna's Chesapeake Bay Preservation Act Phase I program was last reviewed by the Board on March 22, 2004. At that time all the Town's required local ordinances were found consistent with the Act and Regulations. On June 19, 2006, the Board found that the Town was properly implementing the required Phase I components of its local Bay Act program.

The Town's designated Chesapeake Bay Preservation Areas (CBPAs) include all of the Resource Protection Area (RPA) features required by the Regulations. The Town has chosen to not designate a jurisdiction-wide Resource Management Area (RMA), instead preferring to base its RMA designation on environmentally sensitive areas, incorporating the 100-year floodplain, intermittent streams, slopes 15% or greater, lands with sensitive soil conditions (highly erodible soils and/or soils with high water tables, and other lands as identified by the Town of Vienna to be necessary to protect the quality of State waters. These "other lands" are not defined in the ordinance, but rather left to the discretion of the Zoning Administrator. The Town uses a variable width RMA, wherein the outer boundary of the RMA extends to the lot line abutting a parcel with RMA on it. There are no Intensely Developed Areas (IDA) lands in the Town, nor has the Town provided for the adoption of IDAs in their Zoning Ordinance.

A review of the Town's ordinances and plan review processes during the March 2010 advisory review revealed that two of the four applicable requirements found within § 9 VAC 10-20-191 A 4 & 5 had been satisfied. Subsequent to the advisory review and completion of this compliance evaluation, four other requirements have been addressed through ordinance revisions. Requirements related to on-site septic pump-outs are not applicable as there are no remaining on-site systems in the Town, and the Town Code prohibits the installation of any such septic systems. All new construction in the Town is required to connect to public sewer and building permits are not issued until such connections are made and documented.

On June 20, 2011 the Town Council adopted four ordinance amendments intended to address deficiencies identified during the Advisory Review process of January 2010.

1. §18-216.1.3 (General Provisions) B. (Delineation of RPA Boundaries)
2. §18-216.1.5 (B) (2) (d) (Additional Performance Criteria for RPA)
3. §18-220 (Application for Building Permit)

4. §17-15 (Subdivisions, Article 2, Preliminary Plats)

All building permits in the Town are issued by Fairfax County. The Town has developed and maintains a *Development Guide*. The *Development Guide* is intended as a general overview of the Town's review process and is not designed to substitute for the detailed information set forth in relevant Town ordinances. Pre-application conferences with the Director of Planning and Zoning and the Director of Public Works are carried out for all applicable development projects in CBPAs, per a recommendation referenced in the *Development Guide*. The *Development Guide* references additional requirements of the Chesapeake Bay Preservation Act ordinance in the sections referencing building permits and fence, driveway, wall and sign permits.

DCR staff reviewed eight approved plans as part of this compliance evaluation. The plans reviewed were all for residential development, as this is the most prevalent type of development in the Town. Field investigations carried out on August 19, 2011, involved site visits to three residential projects. All projects involved the demolition of an existing structure and the construction of a new residential structure.

The Town of Vienna continues to administer a strong Chesapeake Bay Preservation Act program. Due to the nature of the Town's plan of development review process, proposed developments with implications for RPA and RMA lands are closely scrutinized by Town staff for compliance with all local provisions, including those associated with the Bay Act program. With regard to the three performance criteria (preserving indigenous vegetation, minimizing impervious cover and minimizing land disturbance), the results of this review indicate that Town staff work with applicants to facilitate development activities that integrate the three criteria standards into all aspects of approved projects.

The Town of Vienna is a small jurisdiction, with an active and concerned citizenry and a responsive and knowledgeable Town staff. Town staff have not had any Chesapeake Bay Preservation Act complaints or issued any violations in the past year. Department staff has observed the Town staff to be very detail oriented and careful that all local ordinances are fully complied with. In general, the Town is enforcing the requirements of the Chesapeake Bay Preservation Act program in an appropriate manner. Town staff has not hesitated to request assistance from the Department as necessary.

Based on staff's findings of this compliance evaluation review, it is recommended that the Board find the Town of Vienna's Chesapeake Bay Preservation Act program to be in full compliance with the Act and Regulations.

Ms. Cowan asked if staff was aware of the tree replacement policy in Fairfax County.

Mr. Evans said that Fairfax County has a robust tree ordinance and a separate tree commission. He said that the Town of Vienna adheres to that policy. He said rather than a one for one replacement policy, the replacement is determined by the amount of tree cover provided.

Mr. Evans turned the gavel to Mr. Marten for the purpose of the following motion.

MOTION: Mr. Evans moved that the Chesapeake Bay Local Assistance Board find the implementation of the Town of Vienna's Chesapeake Bay Preservation Act program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

SECOND: Ms. Cowan

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Evans resumed the chair.

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
December 12, 2011**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
TOWN OF VIENNA**

Local Compliance Evaluation – Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on June 18, 2008, for the purposes of reviewing local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board approved Compliance Evaluation Review Elements on June 21, 2010; and

WHEREAS Spring 2011 through Summer 2011, the Department of Conservation and Recreation conducted a compliance evaluation of the Town of Vienna's Chesapeake

Bay Preservation Act program in accordance with the adopted compliance evaluation process and approved review elements; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of the Town of Vienna's Chesapeake Bay Preservation Act program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2011, by the Chesapeake Bay Local Assistance Board.

David Johnson
Director
Department of Conservation and Recreation

York County

Ms. Miller gave the following report for York County. She welcomed Anna Drake, Manager of Environmental Projects for York County.

York County is located on a peninsula formed by the James and York Rivers and the Chesapeake Bay, and it includes approximately 207 miles of shoreline. James City County and the cities of Hampton, Newport News, Poquoson, and Williamsburg border York County. In 2005 York County ranked 18th in population among the state's 95 counties and based on the 2009 US Census population estimates, it is now home to approximately 65,964 people. Its land area of 105.6 square miles makes York County the third smallest county in Virginia, but the sixth most densely populated. While growth may have slowed in the current economic downturn, it is still steady in York County.

The County's Department of Environmental and Development Services administers the local Bay Act Program, providing support to the board of zoning/subdivision appeals and the Chesapeake Bay Preservation Area (CBPA) Board, which hears requests for exceptions to the County's CBPA Ordinance and appeals to administrative decisions. They also provide support to the York County Wetlands Board.

Department staff initiated the compliance evaluation on May 25, 2011, met with York County staff on July 15, 2011, reviewed plan files and conducted field investigations on August 9, 10 and 17, 2011. County staff provided additional information via phone and email exchanges regarding the County's site plan review process and Ordinance implementation policies.

Highlights from the staff report include the following:

Regarding: Site Plan and Plat Notation Requirements

The Advisory Review conducted by the Department in preparation for the County's compliance evaluation revealed that County ordinances included requirements for plat notations regarding primary and reserve drainfields, the delineation of buildable areas on all plans, and the depiction of RPAs and RMAs on all submitted plats and site plans. The remaining provisions, which require notations on plats regarding pump-out requirements, retaining an undisturbed 100' RPA buffer and permissible development within the 100' RPA buffer, were adopted by the York County Board of Supervisors on November 16, 2011, during the compliance evaluation review process.

- a. Regarding the General Performance Criteria: Minimizing land disturbance and impervious cover, and preserving indigenous vegetation—the following practices are employed by the County to implement these criteria.
 - In every site plan file reviewed for the compliance evaluation there was documentation of the County's standard practice of securing modifications to proposed projects to minimize land disturbance.
 - Natural Resources Inventories were present in every site plan file reviewed for the compliance evaluation; the County uses these to ensure the preservation of existing vegetation wherever possible when development is reviewed and approved.
 - Pre-development consultations are conducted by County staff when development is proposed, and the files reviewed documented the applicants' strategies and plan revisions made to minimize impervious cover and land disturbance.

b. Regarding the Agricultural Requirements:

The County was already working with the agricultural requirements in their local ordinances, and in the context of the compliance evaluation, they have established a plan, included in the staff report, to ensure that the agricultural requirements of the County's local Bay Act program are fully implemented. It should be noted that less than one-half of one percent of the total land area in York County is devoted to agricultural use (a total of 249.8 acres in York's Chesapeake Bay Preservation Areas) and that there is a zoning amendment now under review by the County to eliminate agriculture as a use permitted by right in the only two districts where it is currently allowed.

c. Regarding the Comprehensive Plan Requirements:

The County's Comprehensive Plan addresses the requirements in the Regulations, including elements that serve as a basis for the County's Future Land Use Map, to guide the County's land use decisions. For the compliance evaluation County staff provided a report, noting that the Comprehensive Plan and Future Land Use Map are consulted in the development of staff reports when code amendments and applications for rezonings, conditional use permits, special exceptions, etc. are reviewed. These staff reports include a determination regarding consistency with the County's comprehensive plan and these

reports are provided to the County Chesapeake Bay Preservation Area Board, Planning Commission, Board of Zoning Appeals and Board of Supervisors. The County's report to the Department also included terms to ensure that the County's Comprehensive Plan elements adopted pursuant to Phase II requirements remain consistent and current.

d. In Summary:

The County's practice of providing residents and developers with pre-application consultations, site visits and technical assistance sessions is effective in securing project applications that are consistent with the Act and the Regulations and minimizing the requests for encroachments in the 100-foot RPA buffer. The County policy of denying projects that do not meet the requirements is effective in limiting inappropriate encroachments into the RPA. The County is to be commended for its performance in securing the establishment of vegetative buffers in the RPA and implementing the local Bay Act program in compliance with the Act and Regulations.

Pursuant to the Act and the Regulations, the Department has conducted a compliance evaluation of York County's Chesapeake Bay Preservation Act program and recommends that the Board find the implementation of York County's program compliant with the Act and the Regulations.

Ms. Drake said that she was available to answer questions.

Mr. Marten asked about the procedure for working with a developer. He asked if these were recommendations or mandatory changes.

Ms. Miller said that York County maintains a booklet to guide the developer through the process.

Ms. Drake said that there is a pre-application meeting with the developer prior to submitting an application. If the developer participates in a pre-application meeting the review is guaranteed within two weeks rather than a month.

MOTION: Ms. Cowan moved that the Chesapeake Bay Local Assistance Board find the implementation of York County's Chesapeake Bay Preservation Act program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

SECOND: Mr. Peschke

DISCUSSION: None

VOTE: Motion carried unanimously

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**December 12, 2011
RESOLUTION**

**LOCAL PROGRAM COMPLIANCE EVALUATION
YORK COUNTY**

Local Compliance Evaluation – Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on June 18, 2008, for the purposes of reviewing local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board approved Compliance Evaluation Review Elements on June 21, 2010; and

WHEREAS in Summer of 2011 through the Fall of 2011, the Department of Conservation and Recreation conducted a compliance evaluation of York County's Chesapeake Bay Preservation Act program in accordance with the adopted compliance evaluation process and approved review elements; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of York County's Chesapeake Bay Preservation Act program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 12, 2011, by the Chesapeake Bay Local Assistance Board.

David Johnson
Director
Department of Conservation and Recreation

Update: City of Petersburg

Ms. Lassiter gave an update regarding the City of Petersburg.

The Corrective Action Agreement process is still suspended for the City of Petersburg. The Soil and Water Conservation Board felt that the City's issues with their MS-4 program warranted more immediate attention than their erosion and sediment control issues. Also, as part of their MS-4 requirements, they will need to address their erosion and sediment control deficiencies, so the Soil and Water Conservation Board elected to defer the Corrective Action Agreement process, as their erosion and sediment control issues will likely be resolved as part of enforcement action on the City's MS-4 program.

Ms. Crosier, Enforcement Manager, said that she had spoken with the Board at the June meeting regarding the need for the City of Petersburg's programs to meet minimum standards. She said that since that time an administrative order had been signed to ensure that the Erosion and Sediment Control Program meets the minimum standards. She said that the City had been working diligently with DCR staff to meet the regulatory requirements.

Mr. Bill Hefty, City Attorney for the City of Petersburg said that the new City Manager, Mr. Johnson, had taken the matters of MS4 and Erosion and Sediment Control issues very seriously. He said that he had been meeting with Ms. Crosier and Ms. Andrews to discuss these matters. The City has also retained Chris Pomeroy with Aqualaw to advise regarding compliance. He said that the City will meet the deadlines to be in full compliance.

Mr. Johnson, City Manager for the City of Petersburg thanked the Board for the opportunity to speak. He noted that the City had hired Darryl Walker to do stormwater management and had also hired Mike Briddell to work with the City.

Mr. Johnson said that the City is committed to addressing the stormwater management issues. He said that the City would meet the deadlines.

Mr. Evans thanked Mr. Johnson for his remarks and for bringing the staff to the meeting. He noted that this was an update and did not require Board action at this time.

Chesapeake Bay TMDL WIP Phase II Update

Ms. Salvati noted that Mr. Johnson had addressed the TMDL WIP Phase II in his Director's remarks. Preliminary milestones have been submitted to EPA. A draft Watershed Improvement Plan (WIP) has been prepared for review by the Secretary of Natural Resources. Teams are now reaching out to local governments. She said that thus far the technical assistance provided to localities has been very well received.

Ms. Salvati said that staff had developed a guidance document for the format of submittals requested from local governments. She said that the staff believes that localities have the necessary tools to provide the information requested.

New Business

There was no new business.

Public Comment

There was no further public comment.

2012 Board Meeting Dates

Scheduled meeting dates for 2012 are as follows:

Monday, March 19, 2012

Monday, June 18, 2012

Election of Officers

Procedurally turn gavel over to Mr. Johnson as staff representative.

Mr. Marten nominated Mr. Evans to serve as Chair. Mr. Peschke seconded. There were no further nominations. The nominations were closed and Mr. Evans was elected unanimously.

Mr. Evans resumed the chair.

Mr. Evans nominated Mr. Marten to serve as Vice Chair. Mr. Peschke seconded. There were no further nominations. The nominations were closed and Mr. Marten was elected unanimously.

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

Gregory C. Evans
Chair

David A. Johnson
DCR Director