

Chesapeake Bay Local Assistance Board
Local Program Review Committee for the Southern Area
Chesapeake Bay Local Assistance Department
101 N. 14th Street, 17th Floor, James Monroe Building
Richmond, Virginia
Tuesday, October 29, 2002

MINUTES

Members Present:

The Honorable Colin D. Cowling
The Honorable Daniel B. Nice
The Honorable Sue H. Fitz-Hugh
The Honorable David C. Froggatt, Jr.

Members Absent:

The Honorable Anna Lee Bamforth

Staff Present:

Mr. C. Scott Crafton, Acting Executive Director
Ms. Carolyn J. Elliott, Administrative Assistant
Ms. Martha Little, Chief of Environmental Planning
Mr. Shepard Moon, Principal Environmental Planner
Mr. Doug Wetmore, Principal Environmental Planner
Ms. Robbie Rhur, Senior Environmental Planner

Local Government Officials Present:

Chesterfield County – Ms. Joan Salvati

Mr. Crafton called to order the Southern Area Review Committee Meeting at 2:00 p.m. Mr. Crafton welcomed guests, and recognized Ms. Sue H. Fitz-Hugh and Mr. David C. Froggatt, recently appointed by Governor to the Board. He called the role, noting that there was quorum.

Mr. Crafton updated the Committee members regarding the Governor's budget reduction impacts, noting that as a part of the 6.8 percent budget cut, Dr. Ram Gupta, manager of the Polecat Creek Water Quality Monitoring project, will be laid off. He went on note that even though the position was eliminated, the funding to continue the water quality monitoring was kept and that he is exploring whether this activity might be continued by Dr. Gupta as a P-14.

Mr. Crafton advised that he had been working closely with the Secretary of Natural Resources and Mr. Joe Maroon, Director of the Department of Conservation and Recreation (DCR), and Bob Burnley, Director of the Department of Environmental Quality, in order to

provide to the Governor and General Assembly a plan to consolidate the Chesapeake Bay Local Assistance Department (CBLAD) into the Department of Conservation and Recreation. He said that a draft of the consolidation is due the first of next week. He reminded everyone the Governor's budget cuts were only about half of what is needed for the Commonwealth and that CBLAD's current circumstances could change from this date to the end of the 2003 General Assembly session.

The members understood the situation and expressed their appreciation to Mr. Crafton for the update.

Mr. Crafton called for Phase I Local Program Reviews, and recognized Ms. Robbie Rhur for staff's presentation regarding Chesterfield County Phase I modification pertaining to a regional stormwater management plan for the Swift Creek Reservoir watershed.

Ms. Rhur noted that Mr. Crafton had introduced Ms. Salvati earlier. She thanked Ms. Salvati for attending, and began her presentation noting that on December 2, 1993 Chesapeake Bay Local Assistance Board found Chesterfield County's Phase I program consistent with the Act and Regulations subject to two conditions. She said that these conditions were satisfied and on March 27, 1997 when the Board found Chesterfield fully consistent with Phase I.

Ms. Rhur stated that for a number of years that Chesterfield County had experienced intense growth, particularly in the Swift Creek watershed, and had conducted an assessment of the conditions of the Swift Creek watershed. She continued noting that the Board of Supervisors' had directed County staff to prepare the Watershed Management Master Plan and Maintenance Program for the Swift Creek Reservoir Watershed. She said that the Master Plan was adopted October 25, 2000 with the Pro-Rata Ordinance adopted on March 14, 2001. She finished her background, stating that on November 28, 2001 the process for implementing the Watershed plan was completed when the County Board of Supervisors adopted an ordinance restricting uses in the flood plains designated by the plan.

Ms. Rhur noted that the County did not employ the EPA simple method for determining pollutant loads, upon which CBLAD's default criteria are based. She said that rather than use this simple method, the County conducted detailed discussions with their consultant and developed their own approach. The County's approach is outlined in a spreadsheet that examined and explained the various stormwater modeling methods used in their overall Watershed program.

Ms. Rhur went on to say that staff and Chesterfield's consultant, worked together to compare the County's approach with the simple method to make sure that equivalent stormwater management would be met. She noted that the proposed wet pond BMPs yielded roughly seventy-one percent of the total removal requirement that was determined using the simple method. She continued, stating that the remaining 29 percent of phosphorus was to be removed through non-traditional means of addressing nonpoint source pollution. Ms. Rhur went on to explain in some detail the phosphorus removal rates assigned to the three non-traditional practices: included twenty percent removal for the non-RPA Resource Conservation and Management Areas (RCMA) buffers, five percent for the enhanced floodplain areas, and fifteen

percent through the regional stormwater wetland areas. Ms. Rhur said that this allowed the Department staff to conclude that the practices are satisfactory in meeting the pollutant removal requirements.

Ms. Rhur also explained that the plan used a pro-rata fee as the funding source, and that the fee is \$5010.00 per impervious acre. She said that the fee is assessed to all properties, not just those that fall above the sixteen percent impervious threshold. She indicated that the County's goal is to raise the \$1.2 million per year needed to implement the program. She said that the total cost of the program is estimated to range from \$24 to \$36 million over 30 years of project development.

Ms. Rhur closed her comments noting that based on the estimates conducted, the program appeared to provide the same level of water quality protection that would be required by a normal watershed-wide application of CBPA pollutant removal criteria, and that staff recommended that the Watershed Management Master Plan and Maintenance Program for the Swift Creek Reservoir Watershed be found consistent with the Act and Regulations.

Ms. Rhur asked Ms. Salvati if she had wished to address the Committee. Ms. Salvati gave a brief overview of the County's approach to protecting the Swift Creek Reservoir, noting that the watershed is the last area in the County targeted for growth due in part to the construction of Route 288 and the eventual extension of the Powhite Parkway. In her background discussion, she noted that the County had previously required more stringent pollutant removal requirements for the reservoir watershed, and that the new Watershed plan provides even greater water quality protection. She indicated that a variety of stakeholders worked together in the development of the Watershed plan, including developers, environmental groups, and others. She explained that the development community liked the new approach as it relieved them of the requirement to build and maintain onsite BMPs.

Mr. Nice asked Chesterfield County's plan compared with that of Henrico County.

Mr. Crafton responded that the County's plan has some similarities to the Henrico plan, as well as some differences. However, he said the Chesterfield program will achieve results at least equivalent to the standard Bay Act stormwater requirements and may actually provide better water quality results.

Mr. Crafton asked if there were any further questions. There were none.

Mr. Crafton thanked Ms. Rhur for the report and called for a motion.

On a motion by Mr. Nice, seconded by Mr. Cowling, the Committee voted 4-0 for the following:

The Southern Area Review Committee recommends to the Chesapeake Bay Local Assistance Board that the Phase I local program amendments adopted by Chesterfield County be found consistent with § 10.1-2109 of the Act and §§ 9VAC10-20-60.1 and 2 of the Regulations.

Mr. Crafton called for Phase II Local Program Reviews (regarding Comprehensive Plan updates), and asked Mr. Doug Wetmore to update the Committee regarding James City County.

Mr. Wetmore advised that there was no action required by the Committee regarding this item. He then indicated that on September 21, 1998, the Chesapeake Bay Local Assistance Board found James City County's comprehensive plan consistent with five conditions and established a compliance date of December 31, 2000. He said that on September 18, 2000 the Board granted an extension of the deadline to December 31, 2001, and in April 2001, the County submitted comprehensive plan revisions to the Chesapeake Bay Local Assistance Department.

Mr. Wetmore said that the Department indicated that, with minor revisions, the proposed plan amendments would sufficiently address the five consistency conditions, however, James City County failed to adopt the amendments by the December 31, 2001 deadline and the Board found them inconsistent with the Act and Regulations on March 18, 2002.

Mr. Wetmore explained that the March 18, 2002 Resolution indicated that if James City County did not adopt a consistent comprehensive plan by September 30, 2002, the County would be subject to the compliance provisions as set forth in §10.1-2103.10 of the Act and §9VAC10-20-260 of the Regulations. Mr. Wetmore noted that to date, James City County has not adopted comprehensive plan amendments and will not be able to adopt any amendments until July 2003.

Mr. Wetmore continued by stating that the County had an excellent record for implementation of their Phase I program and that the County indicated that they did not have available staff resources to adopt the Bay Act amendments prior to July 2003, when the full Comprehensive Plan is scheduled to be amended. Mr. Wetmore concluded his presentation by indicating that at their December 2002 meeting, the Chesapeake Bay Local Assistance Board could refer the consistency issue to the Attorney General's office if they so desired.

Mr. Nice commented that he was aware that the County was far ahead of other localities in their implementation of the Bay Act and Regulations. Mr. Nice also asked if the County had asked for an extension. Mr. Wetmore responded that at this time they had not, however, they did submit a schedule for comprehensive plan adoption that indicated a completion date of July 2003.

Mr. Nice stated that he wanted it to be clear that the Committee was aware of the action that could be taken at the Board meeting. Mr. Cowling agreed with Mr. Nice, and no action was taken by the Committee

Mr. Crafton called for Other Business. There was none.

Mr. Crafton called for a motion to adjourn the meeting.

Mr. Cowling motioned to adjourn. Mr. Nice seconded. The meeting was adjourned at 3:00 p.m.

