

## Stormwater Stakeholder Advisory Group (SAG)

September 11, 2015

Final Meeting Notes<sup>2</sup>

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

**Start:** 10:05 a.m.  
**End:** 3:54 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  
Jimmy Edmonds, Loudoun County  
Elizabeth A. Andrews, DEQ  
James Golden, DEQ  
Adrienne Kotula, James River Association (arrived 11:45 am)  
Katie Frazier, Va. Agribusiness Council (arrived 11:55 am)

### SAG Members Absent:

Melanie Davenport, DEQ  
Ann Germain, Paciulli Simmons Associates  
Douglas Beisch, Stantec

**Facilitator:** Mark Rubin, VCU

**Recorder:** Debra Harris, DEQ

### Guests and Public Attendees:

Kathleen O'Connell, DEQ  
Dale Chestnut, JMU  
Fred Cunningham, DEQ  
Richard Jacobs, Culpeper SWCD  
Jason Ericson, Dominion

Vivian Giles, Cumberland County  
Jack Miller, Middlesex County  
Drew Hammond, DEQ  
Debbie Byrd, Goochland County  
Sam Hollins, VTCA

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## I. Agenda Item: Welcome and Introductions

**Discussion:** Mr. Rubin welcomed all to the September 11<sup>th</sup> meeting of the SAG<sup>1</sup> and asked each attendee to provide a short introduction. He noted that, due to conflicting meetings, a couple of members will be arriving later. Mr. Rubin reminded all that the purpose of the group is to solve problems and then provided an overview of the ground rules on decision making and agreement. Afterwards, the meeting agenda (Attachment B) was then briefly reviewed.

## II. Agenda Item: Opt-In/Opt-Out Discussion

**Discussion:** Mr. Rubin introduced the discussion and asked the SAG to identify their interests or concerns with the opt-in lite proposal by those that are currently opt-out localities. The SAG discussed their concerns with not retaining opt-out and concerns with the proposed opt-in lite VESMP. The concerns were noted and ideas on how to address some of those concerns were discussed. Many of the concerns were related to the monetary obligations regarding the costs for the consolidated VESMP. The SAG identified some of those additional costs along with the additional responsibilities under the proposed VESMP opt-in lite as compared to the current VESCP. The SAG was then asked to come-up with some options to address these additional responsibilities.

*The SAG took a lunch break from 12:30 p.m. until 1:38 p.m.*

After lunch, the SAG continued to discuss ideas on how to address the concerns and additional responsibilities identified. The SAG discussed an option for very small localities with little development to have an opt-in "ultra" lite option. The SAG provided some ideas of what this opt-in ultra lite VESMP would entail. This ultra lite concept outlined during the meeting will be drafted and sent to the SAG.

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<sup>1</sup> See Attachment A for Acronym Definitions.

<sup>2</sup> Finalized 11/24/15

### **III. Agenda Item: Enactment Clauses Discussion**

**Discussion:** Ms. Andrews provided the SAG with an overview of the revised enactment clauses. The SAG noted some additional concerns such as requesting to have a SAG process for the fee report and some noted concern regarding the regulatory process exemption clause under #7. DEQ will reconsider the clauses and provide a revision to the SAG for their further consideration.

### **IV. Agenda Item: Nutrient Credit 15:35 Discussion**

**Discussion:** Ms. Andrews provided an overview of the revisions made to the section 15:35 and the reason for the revisions. The SAG discussed the issue of limiting offsite options to upstream.

Mr. Rubin then began the wrap-out discussion for the meeting. It was noted that the next meeting will be on October 19, 2015. The EWG will need to meet again and a doodle poll will be sent out to find a meeting date. The WWG will need to submit comments on the revisions to section 15:34 by September 18, 2015. The meeting was then adjourned.

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## Attachment A List of Acronyms

### Acronyms:

ACOE – Army Corps of Engineers  
BMPs – Best Management Practices  
CBPA – Chesapeake Bay Preservation 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  
VESCO – 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 VESCO 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



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Proposed Enactment  
Clauses to Address Tr