

**Chesapeake Bay Local Assistance Board  
Southern Area Review Committee  
May 12, 2009 – 2:00 p.m.  
900 East Main Street, Pocahontas Building, 8<sup>th</sup> Floor  
Richmond, Virginia**

**Minutes**

**Southern Area Review Committee Members Present**

Barry L. Marten

John J. Zeugner

**Southern Area Review Committee Members Not Present**

Beverly D. Harper, SARC Chair  
Charles B. Whitehurst

Richard B. Taylor

**DCR Staff Present**

Joan Salvati, Director, Division of Chesapeake Bay Local Assistance  
David Sacks, Assistant Director, Division of Chesapeake Bay Local Assistance  
Shawn Smith, Principal Environmental Planner  
Melissa Doss, Senior Environmental Planner  
Adrienne Kotula, Principal Environmental Planner  
Michael R. Fletcher, Board and Constituent Services Liaison  
Kim Seckman, Administrative and Office Specialist

**Others Present**

Brooke Hardin, City of Richmond  
Tarran Richardson, City of Richmond  
Neville Simon, City of Richmond  
Bob Steidel, City of Richmond

**Call to Order and Opening Remarks**

Mr. Zeugner called the meeting to order. There was not a quorum present.

Ms. Salvati welcomed members to the new office conference room. The office move was completed in March. Ms. Salvati also welcomed Kim Seckman to the Division. Ms. Seckman will help with office and administrative duties.

### **Local Program Reviews**

#### *City of Virginia Beach – Review of Previous Conditions*

Ms. Smith gave the report for the City of Virginia Beach. No one was present from the City of Virginia Beach.

The City's original compliance evaluation was undertaken in June 2007 and the Board established June 30, 2008 as the deadline for addressing 9 conditions. On September 15, 2007, the Board found that the city had addressed 8 of the 9 conditions, and granted an extension for this one remaining condition until December 31, 2008. The remaining condition required the City to ensure that pools were included in impervious cover calculations.

On December 12, 2008, the City sent a letter requesting an additional extension until April 30, 2009. On March 23, 2009, the Board found the City's implementation of its Phase I program to be noncompliant, based on its failure to address the one condition by the December 31, 2008 deadline. The Board established April 30, 2009 as the deadline.

On April 28, 2009, the City Council adopted a revision to its Bay Act ordinance to address the condition. The revision makes it clear that the surface area of swimming pools is considered as impervious. In addition, the revisions include clarification on required buffer restoration standards for approved encroachments and shoreline erosion control projects.

Ms. Smith said that based on the adopted revision, staff opinion was that the City has addressed the condition and the staff recommendation was that the Review Committee find the City's implementation of its Phase I program is compliant.

Ms. Salvati thanked Ms. Smith for working through this process with the City of Virginia Beach. She said that Virginia Beach staff are also to be commended.

Consensus of members present was that it should be recommended that the Chesapeake Bay Local Assistance Board find that the implementation of the City of Virginia Beach's Phase I program is compliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

#### *City of Richmond – Review of Previous Conditions*

Ms. Smith gave the report for the City of Richmond.

The City of Richmond's compliance evaluation was undertaken by the Board on December 10, 2007. The Board found the City's implementation of its Phase I program

to not fully comply, set out 8 conditions for compliance along with a deadline of December 31, 2008. Staff began working with City staff to develop revisions to its Bay Act ordinance and Public Information Manual in fall 2008, and these revisions were under consideration by the City's Planning Commission in early 2009. The City Council adopted a revised Bay Act ordinance on March 9, 2009, and the adopted ordinance and revised Public Information Manual have been provided to staff.

The eight conditions were as follows:

- Revise the Public Information Manual to be consistent with the City's Bay Act Ordinance and processes – completed and revised Manual is now in use
- Ensure all CBPAs are depicted on plats and site plans – completed by revising submission requirements in Public Information Manual and checked on approved plans and plats.
- Review shoreline erosion control projects and require WQIA for any land disturbance in the RPA buffer – revised forms and checklists clarifying WQIA requirements in revised Manual
- Address the issues identified in the ESC Corrective Action Agreement –City's program is currently consistent.
- Adopt the 100 percent reserve requirement, or approved alternative – completed by adopted Bay Act ordinance amendments.
- Develop a program to ensure the regular or periodic maintenance and tracking of all water quality BMPs – revised Manual includes BMP maintenance agreement form and City also provides the Department with an annual inventory of all structural BMPs and their inspection and maintenance activities as part of their MS4 permit requirements.
- Ensure that BMP design and allowable pollutant removal efficiencies are in accordance with the Virginia Stormwater Management Handbook – Manual was revised and now refers to the removal efficiencies and BMP designs as outlined in the Stormwater Handbook. City staff began requiring conformance with the Handbook several months before the Manual revision.
- Require an on-site evaluation to identify water bodies with perennial flow – City staff routinely request assistance from the Department to verify onsite water body assessments.

Ms. Smith said that based on these actions, it was staff's opinion that the City has addressed all eight compliance conditions, and that staff recommended that the

Committee find that the implementation of the City's Phase I program be found compliant.

Mr. Zeugner offered the representatives from Richmond the opportunity to speak.

Mr. Simon said that he appreciated the opportunity to work with DCR. He said that Ms. Smith had been helpful in working through the process with the City.

Consensus of members present was that it should be recommended that the Chesapeake Bay Local Assistance Board find that the implementation of the City of Richmond's Phase I program is compliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

*Towns of Bloxom, Melfa, Saxis – Review of Previous Conditions*

Ms. Smith presented the reports for the Towns of Bloxom, Melfa and Saxis.

All three towns underwent a compliance evaluation in spring 2008 with the Board review occurring on March 17, 2008 and all three towns having the same compliance condition and deadline of December 31, 2008. The condition required the Towns to adopt a formal agreement with Accomack County to outline roles and responsibilities for Bay Act program implementation. To help the Towns in this, Department staff sent a draft MOU to all towns in September 2008 and again in January 2009. Two of the three towns (Bloxom and Melfa) failed to provide documentation that they had adopted a formal agreement by the original deadline. The Board established April 15, 2009 as the new compliance deadline for the towns of Bloxom and Melfa.

The Town of Bloxom approved its MOU on February 26, 2009, but did not provide Accomack County with a copy until April 6<sup>th</sup>. The County Board of Supervisors is scheduled to approve the MOU on May 20, 2009, and staff does not anticipate any issues with this approval since the MOU is identical to several other town MOUs.

The Town of Melfa approved its MOU on April 11<sup>th</sup>, with County BOS approval on April 15<sup>th</sup>. Staff has received a copy of the signed MOU.

The Town of Saxis approved its MOU on January 2, 2009, but did not provide a copy to the County until mid-February. The County BOS approved the MOU on March 18, 2009. Staff has received a copy of the signed MOU.

Ms. Smith said that based on these actions, staff recommendation was that the implementation of the Town of Bloxom's, Melfa's and Saxis' Phase I programs be found compliant.

Consensus of members present was that it should be recommended that the Chesapeake Bay Local Assistance Board find that the implementation of the Town of Bloxom's Phase I program is compliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

Consensus of members present was that it should be recommended that the Chesapeake Bay Local Assistance Board find that the implementation of the Town of Melfa's Phase I program is compliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

Consensus of members present was that it should be recommended that the Chesapeake Bay Local Assistance Board find that the implementation of the Town of Saxis' Phase I program is compliant with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

### **Other Business**

Ms. Doss provided an update on the City of Petersburg. She said that not enough time had elapsed since the March Board meeting to provide a full picture and that a more detailed report will be provided at the June Board meeting.

Ms. Doss said that she had met twice with Joe Hatch since the March Board meeting. She said that she is working with the City to help them implement the program. She said that upon review, there had been no building permit requests in Chesapeake Bay Preservation Areas since the meeting, but that the City is now requiring a note stating there are no Chesapeake Bay Preservation Areas if none are depicted.

Ms. Doss said that she had provided the City with sample forms and agreements along with the stormwater handbook and buffer manual. She said that the City is working to get documentation that there are no septic tanks in the watershed drainage area.

Ms. Doss said a more detailed update would be provided at the June Board meeting.

### **Adjourn**

There was no further business and the meeting was adjourned.