

Stormwater Stakeholder Advisory Group (SAG)

August 24, 2015
Draft Meeting Notes

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

Start: 10:11 a.m.
End: 3:18 p.m.

SAG Members Present:

Ann Germain, Paciulli Simmons Associates
Lewie Lawrence, MPPDC
Jim Filson, Dewberry
Michael L. Toalson, HBAV
Philip F. Abraham, VACRE
Bart Thrasher, VDOT
Peggy F. Sanner, Chesapeake Bay Foundation
Adrienne Kotula, James River Association
Rick Parrish, formerly SELC/concerned citizen
Larry J. Land, VACO

Joe Lerch, VML
Whitney Katchmark, HRPDC
L. Eldon James, Jr., Rappahannock River
Katie Frazier, Va. Agribusiness Council
Austin R. Mitchell, Amherst County
Jimmy Edmonds, Loudoun County
Elizabeth A. Andrews, DEQ
Melanie Davenport, DEQ
James Golden, DEQ

SAG Members Absent:

Chris Pomeroy, Aqua Law
Douglas Beisch, Stantec

Facilitator: Mark Rubin, VCU

Recorder: Debra Harris, DEQ

Guests and Public Attendees:

The Honorable Keith Hodges
Fred Cunningham, DEQ
Drew Hammond, DEQ
Valerie Thomson, DEQ
Richard Street, MPPDC
Debbie Byrd, Goochland County
Lee Hill, Joyce Engineering
Carla Pool, DEQ
Sam Hollins, VTCA

Shannon Varner, Troutman Sanders
Ginny Snead, Louis Berger
Joan Salvati, DEQ
Chris French, Contech
Holly Sepety, DEQ
Daniel Carawan, DEQ
Casey Jensen, CBNLT
Jesse Whitehurst, Norfolk
Barbara Brumbaugh, Chesapeake

I. Agenda Item: Welcome and Introductions

Discussion: Mr. Rubin welcomed all to the August 24th meeting of the SAG¹. It was noted that, due to members resigning from the SAG, there are now three new members in the group. The new SAG members are: Ann Germain (replaces Peter J. Rigby), Lewie Lawrence (replaces Ann Neil Cosby), and Jim Filson (replaces Glenn Telfer). Mr. Rubin also introduced Delegate Keith Hodges. The Honorable Keith Hodges addressed the SAG and noted his appreciation for the important work that the SAG is doing.

Mr. Rubin then asked each attendee to introduce themselves to the group. After the introduction, the SAG was asked to review the previous meeting minutes for their July 13, 2015 meeting. There were no comments and these minutes will be finalized. The meeting agenda and handouts (see Attachment B) were then briefly reviewed by Mr. Rubin.

II. Agenda Item: Opt-Out Discussion

Discussion: Mr. Rubin introduced the opt-out discussion which was raised at the Wordsmithing Work Group meeting. The concerns noted were summarized for the SAG by Mr. Lawrence. A major concern is that even though all localities currently implement a VESCP, there is some apprehension among some localities that even under the opt-in lite VESMP program there will be more resources needed as compared to the localities current obligations under the VESCP. Ms. Davenport provided a review of the program responsibilities for localities and DEQ under the current VSMP. Ms. Davenport also reviewed what would be the program

¹ See Attachment A for Acronym Definitions.

responsibilities for localities and DEQ under a consolidated VESMP's opt-in, opt-in lite and opt-out programs. It was noted that under the consolidated VESMP, if given the choice to opt-out, localities would not have any control of any aspect of the VESMP including those sites with only ESC impacts (i.e., the projects that are currently under the locality's VESCP authority). The SAG discussed this issue for a considerable time with concerns noted on both sides of why there should be or should not be an opt-out choice for localities under the consolidated VESMP.

The SAG broke for lunch from 12:10 p.m. until 1:10 p.m.

The opt-out discussion continued after the lunch break. It was noted that additional outreach to localities is needed so that their concerns can be better understood in order to properly address them and to provide these localities with additional information so that they have a better understanding of the VESMP opt-in lite. In order to move the agenda forward, the DEQ will take a further look at this issue and come back to the SAG with a proposal regarding opt-out. The DEQ will look at the possibility of providing a pool of inspectors at regional offices to assist opt-in lite localities for those localities that are currently VSMP opt-outs.

III. Agenda Item: Fees Discussion

Discussion: Ms. Valerie Thomson, DEQ's Director of Administration and Environmental Enhancement, provided an overview of the fees collected over the last couple of years and possible projections for future years (Attachment B). It was noted that there are no more permit renewal fees. Permittees will now pay an annual permit maintenance fee which goes to the VSMP authority. A concern that the numbers presented do not reflect the locality costs was noted. Ms. Andrews then presented the proposed enactment clause #6 for a one-year fee study. The SAG asked that DEQ edit proposed enactment clause #6 to address their concerns including the need to obtain information from VESCP and VSMP authorities on their use of the fees and for that information to be considered in the analysis.

IV. Agenda Item: Nutrient Credit Issue Discussion – Strawman § 62.1-44.15:35

Discussion: The SAG reviewed the proposed language for § 62.1-44.15:35 (Attachment B). The proposed language will be sent to the SAG for their review and further discussion at the September 11th meeting.

V. Agenda Item: Proposed Enactment Clauses #1- #5

Discussion: The SAG reviewed the proposed enactment clauses (Attachment B). The SAG asked that the clauses be consistent with the use of "assistance" or "coordination". Additionally, the SAG asked for inclusion of a provision in #5 to allow for reciprocity for current persons who have a joint certification. Additional comments regarding the elimination of the RLD program were mentioned. There is some concern to have some type of training program to replace the RLD.

The SAG took a break from 2:47 p.m. until 2:58 p.m.

VI. Agenda Item: Discussion of Strawman § 62.1-44.15:24 to 15:33

Discussion: Ms. Andrews presented the draft of sections 15:24, 15:25, 15:26 and 15:27 to the SAG. The remaining sections were not reviewed during the meeting. The SAG noted the following comments:

- Spell out the acronym "VPDES" in the 15:24 definition of "permit".
- Edit 15:25 to clarify that the further powers of the SWCB are tied to the permit.
- The RLD discussion was again noted as a concern for some regarding 15:27 and a need for a training program for contractors.

The SAG will review the remaining sections at their next meeting on September 11th. The draft strawman will be sent to the SAG for their review.

Attachment A List of Acronyms

Acronyms:

ACOE – Army Corps of Engineers

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)

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

VPDES - Virginia Pollutant Discharge Elimination System

VSMP – Virginia Stormwater Management Program

WWG – Wordsmithing Work Group (a subgroup of the SAG)

Attachment B Handouts



Stormwater SAG
draft agenda 82415.doc



1_SAG_2015_07_13_
DraftMins.pdf



2_SWM_ESC_Consoli 2_Population Map.pdf
dated For 824 SAG mt



3_SAG_2015_08_24_
PropEnactmentClause:



4_SAG_2015_08_24_
Strawman_Part B.doc



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Strawman_Part A.doc