

**Virginia Soil and Water Conservation Board  
November 15, 2007  
Association of Electric Cooperatives  
Glen Allen, Virginia**

**MINUTES**

**Virginia Soil and Water Conservation Board Members Present**

Linda S. Campbell, Chair  
Michael Altizer  
Susan Taylor Hansen  
Richard E. McNear

Joseph H. Maroon, Director, DCR  
Darlene Dalbec  
Granville M. Maitland, Vice Chair  
John A. Bricker, NRCS, Ex Officio

**Virginia Soil and Water Conservation Board Members Not Present**

Jean R. Packard  
Raymond L. Simms

Michael J. Russell

**DCR Staff Present**

Russell W. Baxter  
William G. Browning  
Nissa Dean  
Michael R. Fletcher  
Douglas Fritz  
Lee Hill

Ryan J. Brown  
Eric R. Capps  
David C. Dowling  
J. Michael Foreman  
Jack E. Frye  
Mark B. Meador

Elizabeth Andrews, Office of the Attorney General

**Others Present**

R. Gary Allen, Essex County  
Robert Barnett, Southampton County  
Debra Byrd, Goochland County  
Lisa Cahill, Watershed Services  
Kim Callis, Town of South Hill  
John Carlock  
Wilkie Chaffin, Virginia Association of Soil and Water Conservation Districts  
Stephen Cobb, Norfolk Naval Shipyard  
Cornelius Cooper, Arlington County  
Elizabeth Dietzman, Aqualaw  
Mike Gerel, Chesapeake Bay Foundation  
Mayo Gravatt, Nottoway County  
Charles Hudson, Town of South Hill  
John Jenkins, Southampton County

Fritz Knapp, Virginia Association of Soil and Water Conservation Districts  
Qianqian Li, Arlington County  
Charles Lively, Lake of the Woods Association  
Alyson Miller, Norfolk Naval Shipyard  
Steward D. Platt, City of Richmond  
Matt Poirot, Virginia Department of Forestry  
Jenny Reitz, City of Norfolk  
Shaun Reynolds, Powhatan  
Ronnie Roark, Nottoway County  
Johnnie Rourk, Appomattox County  
Bob Steidel, City of Richmond  
Gene Swearingen, Town of Haymarket  
Bill Wilson, Town of South Hill

### **Call to Order**

Chairman Campbell called the meeting to order and declared a quorum present.

### **Director's Report**

Mr. Maroon gave the Director's Report.

Mr. Maroon reminded Board members of the current budget situation. He said that Governor Kaine has made some announcements regarding reductions and that the first half of agency cuts has been announced. Additional adjustments are anticipated.

Mr. Maroon said that Governor Kaine would present his proposed budget in December.

Mr. Maroon said that DCR cuts were close to, but not quite, five percent. Not all of the cuts were accepted. He said that cuts fell in three basic areas:

1. State Park fees. Fees will increase by 5% as means to generate additional funding to offset the lost of some general funds.
2. Money in a special fund for dam safety and floodplain management issues. This money had to be diverted to cover dam repairs that were previously to be covered from general funds.
3. District support. The State provides over \$7 million in general funds to Districts. There will be a 5% reduction in this funding. Mr. Maroon said that DCR hoped to minimize the impact on district operations.

Mr. Maroon said that these cuts were permanent and that additional adjustments may occur in the spring.

Mr. Maroon reviewed a memo to the Board regarding Board travel reimbursement.

Mr. Maroon said that new positions regarding the agency were not likely to be included in the Governor's budget package unless those positions already have dedicated funding.

Mr. Maroon noted that Board members had previously been informed of a substantial effort by the farming and conservation community working to secure significant dedicated funding for nonpoint water improvements, especially agricultural BMPs. This coalition is hoping to enlist support for a substantial amount of funding in addressing this issue.

Mr. Maroon said that on November 14 he joined Secretary Bryant and Secretary Bloxom and many representatives from the poultry industry for the signing of an agreement to work towards a 30% reduction in phosphorus by 2010. A copy of the associated press release is included as Attachment #1.

Mr. Maroon acknowledged and welcomed Fritz Knapp as the new director of the Virginia Association of Soil and Water Conservation Districts.

#### **Approval of Minutes from September 20-21, 2007**

MOTION: Mr. Altizer moved that the minutes of the September 20 and 21 meeting of the Virginia Soil and Water Conservation Board be approved as submitted.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried with Mr. McNear abstaining

#### **Municipal Separate Storm Sewer Systems (MS4) Permit Program**

*Individual Permits for: Portsmouth, Virginia Beach, Chesapeake, Hampton, Newport News, and Norfolk*

#### **Overview of MS4 Individual Permits**

Mr. Dowling distributed a draft motion regarding the submission of draft MS4 permits to the EPA.

Mr. Fritz gave the following presentation regarding Municipal Separate Storm Sewer System Permits:

*The Reissuance of Six Phase I Hampton Roads Community Permits*

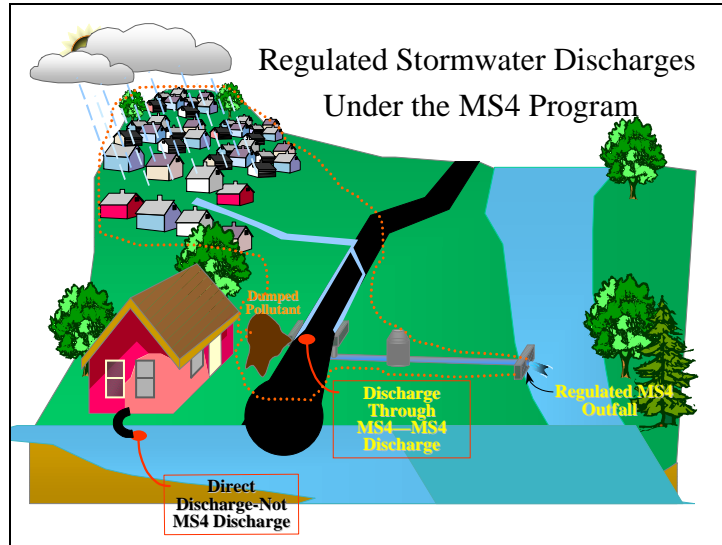
## The History of MS4 Permitting Regulations

- In 1972, Congress amended the Federal Water Pollution Control Act (Clean Water Act), to prohibit the discharge of any pollutant to waters of the U.S. from a point source discharge unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit.
- A permit is a license
  - Issued by the government
  - Granting permission to do something that would be illegal in the absence of the permit (e.g. driver's license)
  - There is no right to a permit and it is revocable for cause (e.g. reckless driving)
  - A NPDES permit is a license to discharge
- In 1987, Congress amended the Clean Water Act to require implementation, in two phases, of a comprehensive national program for addressing stormwater discharges.
  - In 1990, EPA promulgated "Phase I" of the comprehensive national stormwater program by requiring NPDES permits for municipal separate storm sewer systems (MS4) serving a population of 100,000 or more.
  - IN 1999, EPA promulgated "Phase II" of the stormwater permitting program by expanding it to include MS4 discharges from smaller municipalities (Small MS4s) in urbanized areas. Small MS4s were required to apply for coverage under the NPDES program prior to March 10, 2003. The original permit will expire December 9, 2007. This permit will replace it for the next five years beginning July 1, 2008.

## MS4 Definition

- A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains):
  - i. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body;
  - ii. Designed or used for collecting or conveying stormwater;
  - iii. Which is not a combined sewer; and
  - iv. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 50 CFR 122.2.
- "Today's rule does not regulate the county, city or town. Today's rule regulates the MS4. Therefore, ... if that county does not own or operate the MS4 systems, the county does not have to submit an application or develop a

stormwater management program.” Federal Register: December 8, 1999,  
Volume 64, Number 235, Page 68750



Discharges are authorized under either an individual or general permit

Individual Permit (11)

General Permit (105)

One application submitted – One permit issued

One permit issued many applications submitted

Appropriate where site-specific limits, management practices, monitoring and reporting, or other facility-specific permit conditions are needed

Appropriate where multiple dischargers require permit coverage, sources and discharges are similar, permit conditions are relatively uniform

Coverage valid for five years from date of issuance. Permittee given 5 years coverage.

Permit must identify

- Area of coverage
- Sources covered
- Applications process (Notice of Intent)

Required of Phase I MS4s

Permit valid for five years from date of issuance. Permittee may not be given 5 years coverage during first permit cycle.

### Which Individual MS4 Permits are Being Reissued at This Time?

- City of Chesapeake
- City of Hampton
- City of Newport News
- City of Norfolk
- City of Portsmouth
- City of Virginia Beach

- 
- County of Arlington (2007)
  - County of Chesterfield (2008)
  - County of Fairfax (2007)
  - County of Henrico (2008)
  - County of Prince William (2008)

### MS4 Phase I Program Requirements

<u>REQUIRED PROGRAM ELEMENT</u>	<u>REGULATORY REFERENCES</u>
Operation and maintenance of structural controls	40 CFR 122.26(d)(2)(iv)(A)(1)
Control of discharges from areas of new development and significant redevelopment	40 CFR 122.26(d)(2)(iv)(A)(2)
Operation and maintenance of public streets, roads, and highways	40 CFR 122.26(d)(2)(iv)(A)(3)
Ensuring flood control projects consider water quality impacts	40 CFR 122.26(d)(2)(iv)(A)(4)
Identification, monitoring, and control of discharges from municipal waste treatment, storage or disposal facilities	40 CFR 122.26(d)(2)(iv)(A)(5)
Control of pollutants related to application of pesticides, herbicides, and fertilizers	40 CFR 122.26(d)(2)(iv)(A)(6)
Implementation of an inspection program to enforce ordinances which prohibit illicit connections and illegal dumping into the MS4.	40 CFR 122.26(d)(2)(iv)(B)(1)
Field screening the MS4 for illicit connections and illegal dumping	40 CFR 122.26(d)(2)(iv)(B)(2)
Implementation of standard investigative procedures to identify and terminate sources of illicit connections or discharges	40 CFR 122.26(d)(2)(iv)(B)(3)
Prevention, containment, and response to spills that may discharge into the MS4.	40 CFR 122.26(d)(2)(iv)(B)(4)
Limit the infiltration of sanitary seepage into the MS4	40 CFR 122.26(d)(2)(iv)(B)(7)
Identification, monitoring, and control of discharges from municipal landfills; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee determines are contributing a substantial pollutant loading to the MS4	40 CFR 122.26(d)(2)(iv)(C)(1)
Control of pollutants in construction site runoff	40 CFR 122.26(d)(2)(iv)(D)(1)
Public education	40 CFR 122.26(d)(2)(iv)(A)(6) 40 CFR 122.26(d)(2)(iv)(B)(5) 40 CFR 122.26(d)(2)(iv)(B)(6)

## Technology and Water Quality-Based Effluent Limitations

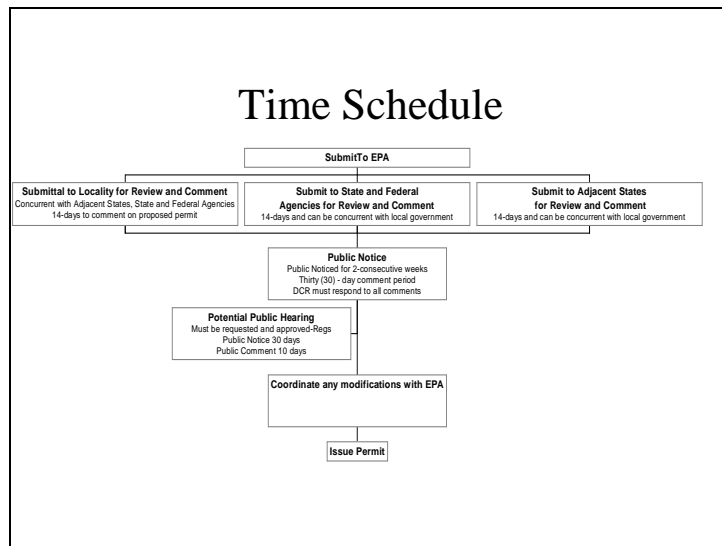
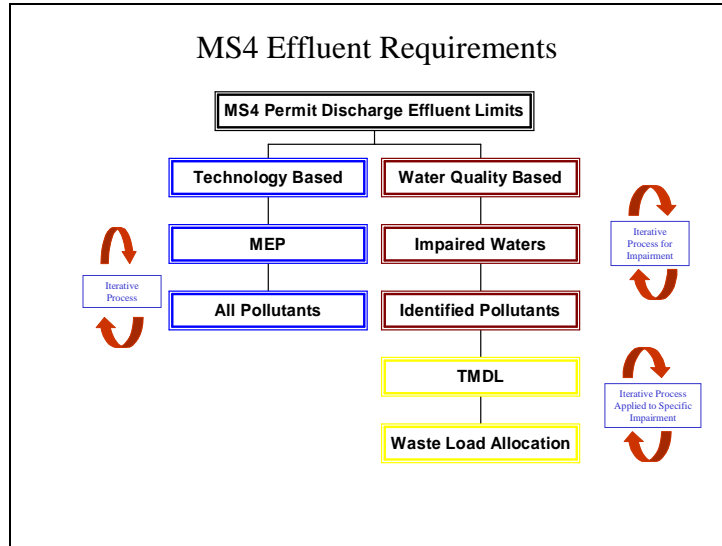
<u>Technology</u>	<u>Water Quality</u>
Goal: “Zero Discharge” (Performance)	Goal: “Fishable/Swimmable”
40 CFR §§ 122.44(a)&(e)	40 CFR §§122.44(d)
“Maximum Extent Practicable”	TMDL WMA Listed Impaired Waters

Relationship: Technology-based effluent limits are developed for all applicable pollutants of concern. If these limits are not adequate to protect water quality, then water quality-based effluent limits must be developed.

**PER FEDERAL REGULATION: THE MOST PROTECTIVE EFFLUENT LIMIT MUST BE INTEGRATED INTO NPDES PERMITS.**

### Integrating Effluent Limits into Stormwater Permits

- Difficult to develop actual numeric discharge limits.
- Utilize Iterative Process approach to addressing pollutant load reduction.
  - Develop measurable goals
  - Implement Best Management Practices (BMPs)
  - Evaluate BMPs for effectiveness meeting measurable goals
  - Refine BMPs if necessary to improve BMP effectiveness in meeting measurable goals
- Consistent with EPA’s “Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits.”



Mr. Maitland asked if the language in the permits was boilerplate language provided to the localities.

Mr. Fritz said that the language in the permits was developed by each locality to meet the requirements of the EPA. What was required of the communities was to develop programs to meet the guidelines established by the EPA.

Floor open for reps from any localities.



Mr. Maroon noted that Mr. John Carlock was present to address a letter submitted by the Hampton Roads PDC.

Mr. Carlock said that as whole the Hampton Roads localities were trying to move forward with the programs and that the expressed intent of the localities that the permits move forward for EPA review.

Mr. Maroon said that Mr. Carlock and the respective localities had done a significant amount of work towards the development of these permits.

Mr. Maroon said that the action the Board was being asked to undertake was the next step in the process to move the permits forward for EPA review. This was not the final step.

Mr. McNear asked if the permits would go forward to EPA before comments were received and changes made.

Mr. Maroon said this had been a collaborative effort and that EPA had already been involved on an informal basis. Changes from this point on will be sent to EPA.

McNear – clarification – these are going to EPA before comments for changes are made?

**MOTION:** Mr. McNear moved that having reviewed the draft MS4 Individual Permits for the Cities of Portsmouth, Virginia Beach, Chesapeake, Hampton, Newport News and Norfolk that the Board authorize the Department to submit the draft permits to EPA for formal review, and to take all necessary steps to develop recommended final permits for Board issuance, including but not limited to: amend the draft permits as necessary in response to comments made by EPA; arrange for and conduct necessary public notice, public comment periods, and public hearings (if necessary); amend and revise the permits based on comments received; conduct negotiations with EPA; and resubmit the permits to EPA for final review to permit issuance by the Board.

**SECOND:** Mr. Altizer

**DISCUSSION:** Ms. Hansen clarified that this motion pertained only to the Hampton Roads permits.

Mr. Maroon said that the Board was authorizing submittal for formal review and subsequent action following public comment and possible public hearings before the permits return to the Board for final approval.

**VOTE:** Motion carried unanimously

*Termination of dual permit coverage for Norfolk Naval Shipyard and Southeastern Public Service Authority (SPSA) landfill*

Mr. Hill said that two facilities, the Norfolk Naval Shipyard and Southeastern Public Service Authority (SPSA) currently had coverage under industrial permits from DEQ and stormwater permits from DCR. Staff recommendation was that the facilities not have dual coverage. Termination of the coverage under the MS4 general permit would mean the facilities were still covered under the industrial permit.

Mr. McNear asked if this would relax any of the requirements for the facilities.

Mr. Fritz said that the industrial permit was actually more restrictive.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board receive and approve staff recommendation to notify the Southeastern Public Service Authority that it is not required to retain coverage for its landfill under the VSMP General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems Registration Coverage Number VAR040102. Stormwater discharges from the facility are authorized under the Virginia Pollutant Discharge Elimination System Permit Number VA0090034.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Ms. Hansen move that the Virginia Soil and Water Conservation Board receive and approve staff recommendation to notify the Norfolk Naval Shipyard that it is not required to retain coverage for its shipyard under the VSMP General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems Registration Coverage Number VAR040036. Stormwater discharges from the facility are authorized under the Virginia Pollutant Discharge Elimination System Permit Number VA005215.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously.

*Acceptance of VDOT request to seek Individual MS4 Permit*

Mr. Fritz said that currently VDOT had coverage under 13 separate registration numbers for their general permit. VDOT approached DCR about writing an individual permit that addresses their specific type of storm sewer systems.

Mr. Fritz said that VDOT had indicated they would develop an individual permit application. They will be responsible for six minimum control measures more directly related to transportation issues.

Ms. Campbell recognized Roy Mills from VDOT.

Mr. Mills said that VDOT finds unique roadways and storm sewer outfalls in most localities. He said that VDOT believes they can properly address the issues of the MS4 requirements better by the individual permit process.

Mr. Mills said this would involve a general program for the state, but that the permit would be tailored to meet the requirements of the various thirteen urbanized areas in context of the general permit.

Ms. Hansen expressed a concern that this would create a substantial reduction in monitoring.

Mr. Mills said that VDOT was working with DCR to best determine how to meet that requirement and to stay within budget.

Mr. Fritz said there would be more directed monitoring.

MOTION: Mr. Maitland moved that in accordance with 4VAC50-60-410, the Virginia Soil and Water Conservation Board receive and approve the staff recommendation to accept the Virginia Department of Transportation's request to be excluded from the coverage of the General Permit for the Discharge of Stormwater From Small Municipal Separate Storm Sewer Systems for the reasons cited in the October 24, 2007 VDOT request. VDOT is directed to develop and submit an application for individual MS4 permit coverage as directed by 4 VAC50-60-360. Coverage under a single, individual MS4 permit will authorize discharges currently authorized under the following General Permit for the Discharge of Stormwater from Small Municipal Storm Sewer System Registration Statement Numbers: VAR040002 (Lynchburg Urban Area), VAR04003 (Danville Urban Area), VAR040014 (Richmond Urban Area),

VAR 040016 (Blacksburg Urban Area), VAR040017 (Roanoke Urban Area), VAR040031 (Harrisonburg Urban Area), VAR040032 (Winchester Urban Area), VAR040033 (Charlottesville Urban Area), VAR040044 (Hampton Road Urban Area), VAR040046 (Bristol Urban Area), VAR 040047 (Kingsport Urban Area), VAR040061 (Fredericksburg Urban Area) and VAR040062 (District of Columbia-Northern Virginia Urban Area). VDOT's existing coverage under the General Permit will remain in effect until an individual permit is issued, provided that all conditions for an administrative continuance of the permit coverages pursuant to 10.1-603.2:2(B) and 4VAC50-60-330 are met.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

### **Erosion and Sediment Control Program**

#### *Modifications to FY08 Erosion and Sediment Control Local Program Review List*

Mr. Hill said that the staff continually evaluates the list of local program reviews. He noted that the Board had previously approved the review schedule for FY08. He said that staff recommendation was to add the Town of Appomattox and to change the review of the Town of Colonial Heights to "if possible."

MOTION: Mr. McNear moved that the Virginia Soil and Water Conservation Board receive the staff update regarding the review of local erosion and sediment control programs and that the Board concur with the staff recommendation on the revised local programs to review for FY08 and approve the revised list of localities for completion of up to 38 reviews for FY08. The following is the revised list:

<b>Local Program</b>	<b>Type</b>	<b>Watershed Office</b>
Allegheny (if possible)	County	Staunton
Appomattox	Town	Richmond
Augusta	County	Staunton
Bedford	County	Clarksville
Carroll	County	Dublin
Chase City	Town	Clarksville
Chesterfield	County	Richmond
Clarke	County	Staunton

Colonial Heights (if possible)	City	Richmond
Dickenson	County	Abingdon
Dinwiddie	County	Suffolk
Dumfries	Town	Potomac
Fairfax	County	Potomac
Franklin (if possible)	City	Suffolk
Grayson	County	Dublin
Greensville	County	Suffolk
Henrico	County	Richmond
Herndon	Town	Potomac
Highland	County	Staunton
Hopewell (if possible)	City	Richmond
Isle of Wight	County	Suffolk
Lancaster	County	Tappahannock
Louisa	County	Richmond
Mathews	County	Tappahannock
Montgomery	County	Dublin
Northumberland	County	Tappahannock
Patrick	County	Dublin
Pittsylvania	County	Clarksville
Poquoson	City	Tappahannock
Russell	County	Abingdon
Salem	City	Suffolk
Surry	County	Abingdon
Tazewell	County	Abingdon
Warren	County	Staunton
Warrenton	Town	Potomac
Washington	County	Abingdon
West Point	Town	Tappahannock
Williamsburg	City	Tappahannock

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

*Linear Projects Annual Standards and Specifications*

Mr. Hill presented the Linear Projects Annual Standards and Specifications. He said that staff has reviewed these. The companies must provide a revised list of projects by December 14<sup>th</sup>.

MOTION:

Mr. Maitland moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the review of the 2008 annual standards and specifications for electric, natural gas, telecommunications and railroad companies and that the Board concur with staff recommendations for conditional approvals of the 2008 specifications for the utility companies listed below in accordance with the Erosion and Sediment Control Law and Regulations. Further that the Board request the Director to have staff notify said companies of the status of the review and the conditional approval of the annual standards and specifications.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2008 must be submitted by December 14, 2007. The following information must be submitted for each project:
  - Project name (or number)
  - Project location (including nearest major intersection)
  - On-site project manager name and contact information
  - Project description
  - Acreage of disturbed area for project
  - Project start and finish dates
2. Project information unknown prior to December 14, 2007 must be provided to DCR two (2) weeks in advance of land disturbing activities by email at the following address: [linearprojects@dcr.virginia.gov](mailto:linearprojects@dcr.virginia.gov)
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address: [linearprojects@dcr.virginia.gov](mailto:linearprojects@dcr.virginia.gov). The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

Companies recommend for conditional approval with the 4 conditions:

Gas: Dominion Gas Transmission, Roanoke Gas

SECOND:

Ms. Hansen

REVISED: 2/4/2008 11:22:58 AM

DISCUSSION: None

VOTE: Motion carried unanimously

*Approval of Alternative Inspection Program for the City of Fredericksburg*

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the proposed Alternative Inspection Program for the City of Fredericksburg as being consistent with the requirements of the Erosion and Sediment Control Law and Regulations and that DCR staff be requested to monitor the implementation of the alternative inspection program by the City to ensure compliance.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

*Initial Acceptance of Alternative Inspection Program for the Counties of Franklin, Mecklenburg and Nelson*

MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendations regarding the proposed Alternative Inspection Program for the Counties of Franklin, Mecklenburg and Nelson and that the Board concur with the staff recommendations and accept the proposed Alternative Inspection Programs for these counties for review and future action at the next Board meeting.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

*Local Programs recently reviewed and recommended to be found consistent*

Mr. Hill said that six additional localities have implemented corrective action agreements and have been determined by staff to be consistent with Erosion and Sediment Control laws and regulations.

MOTION: Mr. McNear moved that the Virginia Soil and Water Conservation Board commend the City of Martinsville, the Counties of Frederick, Loudoun, Rockingham, and the Towns of Bluefield and Pulaski for successfully improving their respective Erosion and Sediment Control Program to become fully consistent with the requirement of the Virginia Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Hill said that 81 localities, approximately 49% are now consistent.

Mr. Maitland asked how many were consistent under alternative plans and how many are under their original plans.

Mr. Hill said that he would need to verify the number but would estimate about 35% are under alternative plans.

Mr. Altizer asked if the regulations needed to be changed.

Mr. Hill said that could be addressed when the Erosion and Sediment Control regulations area opened.

*Recommendation to find programs inconsistent and approval of Corrective Action Agreements (CAAs)*

Mr. Hill noted that for the localities in this category, staff had completed reviews and the programs were found to be inconsistent. Corrective Action Agreements (CAAs) have been drafted for these localities. Copies of those CAAs are available from DCR

Mr. Maitland asked if any of the localities in question were represented.

Ms. Byrd from Goochland County said that the review for Goochland was conducted in March. She said the County has had the opportunity to work on the program and to take care of the conditions. The County now has a certified plan review and has adopted ordinance changes.



Ms. Byrd said that there is difficulty in having reviewers take the exam. She said that it would be helpful if the exam were offered online.

Mr. Hill said that he would recommend that the Board approve the CAA for Goochland and that staff schedule a review. At the January meeting Goochland could be determined to be consistent.

Mr. Maroon said that DCR would take a look at the training and exam schedules.

Mr. Hill said that the regulations specify that the exam be given twice a year. A change in that would require a change in the regulations. He noted that re-certification could be handled online.

MOTION: Mr. Altizer moved that based upon staff review of the following localities Erosion and Sediment Control programs that the Virginia Soil and Water Conservation Board find the programs of the Cities of Charlottesville and Richmond and the Counties of Appomattox, Buckingham, Goochland and Prince Edward inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the County. Further that the Board accept staff recommendations and find the localities' Erosion and Sediment Control Program inconsistent and approve the localities' CAAs and that DCR staff be directed to monitor the implementation of the CAA by the localities to ensure compliance.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

*Follow up on September Board Action requesting Local Program response to CAA compliance*

Mr. Hill addressed the follow up on September Board action requesting that localities respond to CAA compliance. He said that this action refers to Step #28 in the enforcement chart.

Mr. Maroon said that this was a significant step toward bringing localities into compliance.

*Arlington County*

Mr. Hill said that the CAA for Arlington County addressed one program component in administration. He said the program administrator was not certified or not a combined

administrator as required by the regulations. He said that a second item required a revision in the ordinance.

Mr. Hill said that based on program review and a response to the letter from Mr. Maroon, Arlington County has informed staff that they have transferred the program from the individual to a certified program administrator. Further the ordinance revisions should be complete by January.

Mr. Hill said that the staff recommendation was to extend the CAA to January 25<sup>th</sup> to allow the County time to implement the revisions in the ordinance.

Mr. Cooper from Arlington said that the County has been moving forward. The ordinance change is on the agenda for a vote at the January meeting.

Mr. Maroon asked if the extension allowed the County enough time.

Mr. Cooper said that the County is on schedule to have the ordinance completed by the deadline.

MOTION: Mr. Altizer moved that based on the status report submitted by Arlington County for the Corrective Action Agreement and DCR staff review of the response, that the Board accept and approve the recommendation to extend the CAA for Arlington County to January 25, 2008 and that DCR staff be directed to monitor the County's compliance with implementing the CAA.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

*Essex County*

Mr. Hill said that the administration and plan review components of the Essex County program had been completed but that the inspection part had not.

Mr. Hill said that Essex County has made significant progress and that the staff recommendation was to extend the CAA to January 25, 2008.

Mr. Allen from Essex County said that this program was extremely difficult for a small county. He said that the County could not easily afford the technical expertise required.

Ms. Hansen asked if the extension was granted if the County was committed to complying.

Mr. Allen said that, while difficult, the County would comply.

Mr. McNear said that the County might choose to work with the Soil and Water Conservation District. He noted that the Culpeper district administers the program for three or four localities.

Mr. Hill said that the law allows for appropriate fees to cover the cost of program administration. However the County must hold a public hearing and establish the fees.

MOTION: Mr. Altizer moved that based on the status report submitted by Essex County for the Corrective Action Agreement and DCR staff review of the response, that the Board accept and approve the recommendation to extend the CAA for Essex County to January 25, 2008 and that DCR staff be directed to monitor the County's compliance with implementing the CAA.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

*Mecklenburg County*

Mr. Hill said that Mecklenburg County did not meet the requirements for inspection as outlined in the regulations. He said that the County has proposed an alternative inspection program that the Board will act upon at the next meeting.

Mr. Hill said that because of the proposed alternative inspection program the staff recommendation was to give the County time to implement the program and that the CAA be extended until March 20, 2008.

There was no one present from Mecklenburg County.

MOTION: Ms. Dalbec moved that based on the status report submitted by Mecklenburg County for the Corrective Action Agreement and DCR staff review of the response, that the Board accept and approve the recommendation to extend the CAA for Mecklenburg County to March 20, 2008 and that DCR staff be directed to monitor the County's compliance with implementing the CAA.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously.

*Northampton County*

Mr. Hill said there were issues in each of the four areas for Northampton County. Staff initially found that the County had not completed the CAA and the recommendation was to find the County inconsistent. On November 6, the County informed staff that they had completed the requirements for the program.

Mr. Hill said that the recommendation was that the Board accept the CAA and put Northampton on the list for the next Board meeting to be recognized as consistent.

Ms. Hansen asked if the email communication was from the County or DCR staff.

Mr. Hill said the email was from DCR staff who have reviewed the program.

Mr. Maroon asked Mr. Brown to comment on what the appropriate motion would be.

Mr. Brown recommended that the Board take no official action at this meeting.

Mr. Maroon said that it would be important to inform the County that the Board will take action after the proper review.

*Nottoway County*

Mr. Hill said that Nottoway County had not made substantial progress toward implementing the CAA. He said that Nottoway County still needed to address three of the program components. The components were in Administration, Inspection and Enforcement.

Mr. Rourk from Appomattox County said that rural counties do not have the staff available to adopt the programs as outlined in the regulations. He said that was evident from the adoption of the alternative programs for rural localities.

Ms. Campbell thanked Mr. Rourk for his comments and noted that many localities share the same concern. She noted that the Board is aware of the complexities of the program.

Ms. Dean, Regional Manager said that the appropriate thing would be to further review the CAA elements to determine what progress was made in order to give the proper extension.

Mr. Maitland asked if Nottoway County had applied for an alternative inspection program.

Mr. Hill said that the submission was not acceptable. He said that this could be revised by the County and could possibly be submitted at the next Board meeting.

Ms. Campbell said that the Board would basically not be taking any action, but would allow the conversation to continue and staff to make sure that the Board has the necessary information for the next meeting.

MOTION: Mr. McNear moved that the Virginia Soil and Water Conservation Board direct DCR staff to conduct further review of the Nottoway County program for compliance with the CAA and to review enforcement actions available to the Board regarding the County and to be prepared to brief the Board at the next meeting.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

*Powhatan County*

Mr. Reynolds said that Powhatan County had begun addressing the issues of concern in the CAA.

MOTION: Mr. Maitland moved that based on the status report submitted by Powhatan County for the Corrective Action Agreement and DCR staff review of the response, that the Board accept and approve the recommendation to extend the CAA for Powhatan County to March 20, 2008 and that DCR staff be directed to monitor the County's compliance with implementing the CAA.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

*Southampton County*

Mr. Hill said that Southampton County still needed to address three of the program components.

Mr. Barnett from the County said that he was surprised to hear that Southampton County was not in compliance. He said that when the review was done there were not enough plans available to complete a proper review.

Mr. Hill said that the memo from staff indicated that Southampton has done a commendable job and is only deficient in plan review.

MOTION: Mr. McNear moved that based on the status report submitted by Southampton County for the Corrective Action Agreement and DCR staff review of the response, that the Board accept and approve the recommendation to extend the CAA for Southampton County to January 25, 2008 and that DCR staff be directed to monitor the County's compliance with implementing the CAA.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

*Sussex County*

Mr. Hill said that staff was asking the Board to direct staff to conduct a full review to determine possible enforcement actions regarding Sussex County. No one was present from the County.

MOTION: Mr. Maitland moved that based on the County's response and DCR staff review of Sussex County's status report for the Corrective Action Agreement (CAA) that the Board determine that Sussex County has not made substantial and consistent progress toward implementing the CAA and that the Virginia Soil and Water Conservation Board direct DCR staff to conduct further review of the Sussex County program for compliance with the CAA and to review enforcement actions available to the Board regarding Sussex County, including a possible formal hearing, and that staff brief the Board at the next meeting concerning its options for potential enforcement action to be taken against the locality thereafter.

SECOND: Ms. Dalbec

DISCUSSION: Ms. Hansen asked if the locality would be informed of this action.

Mr. Hill said that would be communicated in writing.

Mr. McNear asked if there was any indication that the County intended to address the deficiencies.

Mr. Hill said that there was no response to Mr. Maroon's letter of October 3, 2008. He said that the letter for follow up went to the County Administrator.

VOTE: Motion carried unanimously

*Town of Haymarket*

MOTION: Mr. Altizer moved that based on the Town's response and staff review of the status report for the Town of Haymarket for the Corrective Action Agreement that the CAA for the Town of Haymarket be extended to January 25, 2008 and that the Virginia Soil and Water Conservation Board accept this recommendation and approve the CAA extension. Further, that the Board request DCR staff to monitor the Town's compliance with implementing the extended CAA.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

*Town of Occoquan*

MOTION: Ms. Dalbec moved that based on the Town's response and staff review of the status report for the Town of Occoquan for the Corrective Action Agreement that the CAA for the Town of Occoquan be extended to January 25, 2008 and that the Virginia Soil and Water Conservation Board accept this recommendation and approve the CAA extension. Further, that the Board request DCR staff to monitor the Town's compliance with implementing the extended CAA.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

*Town of South Hill*

Mr. Callis said that the Town had experienced staffing challenges. The previous Town Manager left after the CAA was forwarded. He said that the Town believed the requirements had been met. He said that for the Town this was a documentation issue and that the records were being kept appropriately.

MOTION: Ms. Dalbec moved that based on the Town's response and staff review of the status report for the Town of South Hill for the Corrective Action Agreement that the CAA for the Town of South

Hill be extended to January 25, 2008 and that the Virginia Soil and Water Conservation Board accept this recommendation and approve the CAA extension. Further, that the Board request DCR staff to monitor the Town's compliance with implementing the extended CAA.

SECOND: Mr. Maitland  
DISCUSSION: None  
VOTE: Motion carried unanimously

At this time the Board recessed for lunch.

*Progress of Local Program Corrective Action Agreements (CAAs)*

*City of Staunton*

Mr. Hill said that the action is a request for additional information regarding their CAAs. Each locality is being asked to respond by December 14, 2008.

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board recognize that the City of Staunton, Charlotte County and Lunenburg County have a signed Corrective Action Agreement (CAA) making the locality's erosion and sediment control program conditionally consistent with the Virginia Erosion and Sediment Control Law and Regulations. Further that the Board acknowledge that the CAA contains established dates by which the locality is to implement corrective actions to bring the erosion and sediment control program into consistency with the law and regulations. Therefore, the Board requests that the City of Staunton, Charlotte County and Lunenburg County provide an updated status report regarding the implementation of the CAA to the Department of Conservation and Recreation by December 14, 2007 and that DCR staff be directed to obtain the requested report and to develop recommendations regarding the County's program for presentation at its next meeting.

SECOND: Ms. Dalbec  
DISCUSSION: None  
VOTE: Motion carried unanimously

**Dam Safety Certificates and Permits**



Mr. Browning presented the Dam Safety Certificates and Permits.

*Compliance Issues*

Mr. Browning reviewed the enforcement actions. A copy of the enforcement list is available from DCR.

No Board action was necessary on the Enforcement Actions.

*Compliance Issues – Conditional Certificates*

Mr. Browning presented the following recommendations for Conditional Certificates.

00369 Hunt Country Dam	ALBEMARLE	Class II Regular	11/30/09
04142 Lake Patrick Henry Dam	CHESTERFIELD	Class III Regular	11/30/09
04153 Rowlett Pond Dam	CHESTERFIELD	Class III	11/30/08
07918 Poplar Lake Dam	GREENE	Class II	11/30/08

**MOTION:** Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the Conditional Operation and Maintenance Certificate Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

**SECOND:** Ms. Dalbec

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

*Regular Operation and Maintenance Certificate Recommendations*

00370 Murray Lake Dam	ALBEMARLE	Class III Regular	11/30/13
00702 Anderson Dam	AMELIA	Class III Regular	11/30/13
01507 Upper North River Dam #77	AUGUSTA	Class I Regular	11/30/13
01512 South River Dam #11	AUGUSTA	Class I Regular	11/30/13
01929 Albert Water Plant – Sludge Lagoon	BEDFORD	Class III Regular	11/30/13
04925 Winston Lake Dam	CUMBERLAND	Class III Regular	11/30/13
08302 Conner Dam	HALIFAX	Class III Regular	11/30/13
10926 South Anna Dam #5	LOUISA	Class II Regular	11/30/13
10931 South Anna Dam #3	LOUISA	Class II Regular	11/30/13
10936 Lake Ellen Dam	LOUISA	Class III Regular	11/30/13
11309 Beautiful Run Dam #1B	MADISON	Class III Regular	11/30/13
14113 Ararat River Dam #63	PATRICK	Class III Regular	11/30/13
14114 Ararat River Dam #2	PATRICK	Class III Regular	11/30/13

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14116 Ararat River Dam #32	PATRICK	Class III Regular	11/30/13
17917 Celebrate Virginia Pond #12 Dam	STAFFORD	Class III Regular	11/30/13
68301 Winters Branch Dam	MANASSAS	Class II Regular	11/30/13
77001 Windsor Lake Dam	CITY OF ROANOKE	Class I Regular	11/30/13

**MOTION:** Mr. Altizer moved that the Virginia Soil and Water Conservation Board approve the Regular Operation and Maintenance Certificate Recommendations as presented by DCR staff with the exception of 11309 Beautiful Run Dam #1B and that DCR staff be directed to communicate the Board action to the affected dam owners.

**SECOND:** Hansen

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

**MOTION:** Mr. Altizer moved that the Virginia Soil and Water Conservation Board approve the Regular Operation and Maintenance Certificate Recommendation for 11309 Beautiful Run Dam #1B and that DCR staff be directed to communicate the Board action to the affected dam owner.

**SECOND:** Ms. Dalbec

**DISCUSSION:** None

**VOTE:** Motion carried with Mr. McNear abstaining

*Construction and Alteration Permits*

Mr. Browning presented the following recommendations for Construction and Alteration Permits.

04114 Lake Margaret Dam	CHESTERFIELD	Class III Alteration Permit	11/15/07 – 7/31/09
08723 West Broad Village Dam	HENRICO	Class III Construction Permit	11/15/07 – 11/30/08

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the Permit Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

### *Extensions*

Mr. Browning expressed a concern about dealing consistently with dam owners. He said that staff is striving to reduce the number of extensions.

Mr. Browning offered a summary of where the Department was with the dams owned by the Department of Game and Inland Fisheries. He said that the Board had requested that DGIF prepare a priority-based list of all dams. In a letter received on November 1, DGIF indicated that they cannot meet the commitment, but hope to have this inventory completed by January 2008.

Mr. Browning said that DCR staff recommendation would be to allow DGIF an extension to March 2008. That would give DGIF time to submit the list as well as give DCR staff time to review the list.

Mr. Maroon said that DCR had been working with DGIF and the Secretary of Natural Resources to propose legislation that would allow for a bond package to address funding needs for publicly owned dams, specifically for DGIF and DCR owned dams.

Mr. Browning said that of the 106 dams on the Extension list, over half were publicly owned. To assist the Dam Safety staff and Board with determinations on the type and length of operation and maintenance certificates for Virginia's Soil and Water Conservation Districts, Mr. Browning requested that a priority-based list similar to the one requested of DGIF be developed.

Mr. McNear said that the Board should express that this may be the last extension offered before further action is taken.

Mr. Maroon said that the Board might want to offer owners the opportunity to come before the Board.

If want to move this ahead, give the owners the opportunity to come to the Board and say what they're willing to do.

Mr. Browning presented the list of Extension recommendations.

00305 Albemarle Dam	ALBEMARLE	Class III Conditional	3/31/08
00345 Crozet Sportsman Club Dam	ALBEMARLE	Class III Regular	3/31/08
00906 Early Dam	AMHERST	Class III Regular	5/31/08
01702 John Lawrence Dam	BLAND	Class II Regular	3/31/08
01910 Falling Creek Reservoir Dam	BEDFORD	Class II Conditional	5/31/09
02304 Blue Ridge Estates Dam	BOTETOURT	Class I Conditional	3/31/08
03331 Lake Devolia Dam	CAROLINE	Class II Conditional	3/31/08
03332 Lake Heritage Dam	CAROLINE	Class I Conditional	3/31/08
03333 Lake Dover Dam	CAROLINE	Class III Conditional	3/31/08
05106 Laurel Lake Dam	DICKENSON	Class III Conditional	3/31/08
05307 Burnt Quarter Dam	DINWIDDIE	Class III Regular	5/31/08
05902 Burke Lake Dam	FAIRFAX	Class I Conditional	3/31/08
05906 Lake Accotink Dam	FAIRFAX	Class I Conditional	5/30/08
06107 Thompson Dam	FAUQUIER	Class I Conditional	3/31/08
06122 Lake Brittle Dam	FAUQUIER	Class II Conditional	3/31/08
06136 Hideaway Hills Dam	FAUQUIER	Class III Conditional	3/31/08
06502 Fluvanna Ruritan Dam	FLUVANNA	Class III Conditional	3/31/08
06701 Upper Blackwater River Dam #6	FRANKLIN	Class II Regular	3/31/08
07706 Hidden Valley Estates Dam	GRAYSON	Class II Conditional	3/31/08
09903 Lake Jefferson Dam	KING GEORGE	Class III Regular	3/31/08
09906 Lake Monroe Dam	KING GEORGE	Class I Conditional	3/31/08
10923 Gordonsville Dam	LOUISA	Class III Conditional	3/31/08
11315 Deep Run Dam	MADISON	Class III Conditional	3/31/08
12501 Nelson Dam	NELSON	Class II Conditional	3/31/08
13714 Spring Vale Dam	ORANGE	Class III Regular	3/31/08
13901 Dry Run Dam #102	PAGE	Class I Conditional	3/31/08
14104 Squall Creek Dam	PATRICK	Class III Conditional	3/31/08
14117 Ararat River Dam #28	PATRICK	Class I Regular	3/31/08
14534 Avery Dam	POWHATAN	Class III Conditional	3/31/08
15302 T. Nelson Elliott Dam	PRINCE WILLIAM	Class I Conditional	5/31/08
15504 Hogan Dam	PULASKI	Class I Conditional	3/31/08
16505 Lake Shenandoah Dam	ROCKINGHAM	Class I Conditional	3/31/08
16701 Laurel Bed Dam	RUSSELL	Class I Regular	3/31/08
17101 Stoney Creek Dam #9	SHENANDOAH	Class I Conditional	11/30/08
18709 Apple Mountain Dam	WARREN	Class II Conditional	5/31/08
18711 Upper Apple Mountain Dam	WARREN	Class II Conditional	5/31/08
18712 Loch Linden Dam	WARREN	Class III Conditional	7/31/08

19308 Gardy's Millpond Dam	WESTMORELAND	Class III Conditional	3/31/08
19701 Rural Retreat Dam	WYTHE	Class I Regular	3/31/08

MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board approve the extension recommendations as presented by DCR staff with the exception of Inventory #04104 Swift Creek Dam and Inventory #16504 Lower North River #22B Dam and that DCR staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board approve extension recommendation for Inventory # 04104 Swift Creek Dam as presented by DCR staff and that staff be directed to communicate the Board action to the affected dam owner(s).

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried with Mr. Maroon abstaining

MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board approve extension recommendation for Inventory # 16504 Lower North River #22B Dam as presented by DCR staff and that staff be directed to communicate the Board action to the affected dam owner(s).

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried with Ms. Campbell abstaining.

### **Update on Dam Safety Legislation and Loan Round**

Mr. Dowling gave an update on possible legislation pertaining to dam safety in the upcoming session of the General Assembly.

He said that due to a particular issue in James City County there may be specific legislation. DCR is advancing two legislative proposals.

The first would be a bill to allow for the issuance of bonds through the Virginia Public Building Authority for the purpose of repairing or upgrading dams owned by the Department of Game and Inland Fisheries, the Department of Conservation and Recreation and Virginia Soil and Water Conservation Districts.

Mr. Dowling said that additionally DCR had been working on legislation aimed at addressing a major concern of dam owners who are often required to make significant upgrades and improvements to their dams due to the allowance/occurrence of residential and commercial development below dams that could place the public in potential risk.

Copies of both pieces of draft legislation are available from DCR.

**MOTION:** Ms. Hansen moved that the Virginia Soil and Water Conservation Board support the draft legislation to allow the Virginia Public Building Authority to issue bonds for the support of publicly owned dams in Virginia and further that the Board express that it would oppose any exemption for historic dams.

**SECOND:** Mr. Maitland

**DISCUSSION:** None

**VOTE:** Motion carried with Mr. Maroon abstaining

Mr. Brown gave an overview of the Dam Safety, Flood Prevention and Protection Assistance Fund.

The Department of Conservation and Recreation, in cooperation with the Virginia Resources Authority, administers the Dam Safety, Flood Prevention and Protection Assistance Fund, which is established by § 10.1-603.16 et seq. of the Code of Virginia. The Fund is authorized to make loans and grants to qualifying dam rehabilitation, dam break inundation zone mapping, and floodplain-related projects proposed by local governments and private entities. All funding will be awarded on a competitive scoring basis, and all qualifying loan applicants must additionally undergo a financial capability analysis by the Virginia Resources Authority prior to final approval.

An initial loan round will open on December 1, 2007, with all applications due no later than February 1, 2008.

Mr. Browning gave an update on federal legislation. He said that in July a resolution was introduced to provide assistance to states. This resolution was passed by the House and is currently in the Senate committee on Environment and Public Works.

**District Resignations and Appointments**

Mr. Meador presented the list of District resignations and appointments.

*Shenandoah Valley*

Resignation of Randolph Maupin, Rockingham County, effective 11/30/07, appointed director position (term of office expires 1/1/11).

Recommendation of Julian Price, Page County, to fill unexpired appointed term of Randolph Maupin (term of office to begin on or before 12/15/07 – 1/1/11).

*Virginia Dare*

Resignation of Melvin Atkinson, City of Virginia Beach, effective 9/27/07, appointed director position (term of office expires 1/1/11).

Recommendation of Herbert L. Powers, City of Virginia Beach, to fill unexpired appointed term of Melvin Atkinson (term of office to begin on or before 12/15/07 – 1/1/11).

MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board approve the list of District resignations and appointments as presented by staff.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried with Ms. Campbell abstaining

Mr. Meador presented a request from the Peaks of Otter Soil and Water Conservation District to appoint Teresa R. Bollinger as Secretary-Treasurer for the District.

MOTION: Mr. McNear moved that the Virginia Soil and Water Conservation Board approve the request of the Peaks of Otter Soil and Water Conservation District to name Teresa R. Bollinger as Secretary-Treasurer of the Peaks of Otter Soil and Water Conservation District.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

**DCR Assessment of SWCD Compliance with DCR/SWCD FY06-07 Grant Agreement Deliverables**

Mr. Meador distributed the DCR Assessment of SWCD Compliance with DCR/SWCD FY06-07 Grant Agreement Deliverables. A copy of this document is available from DCR.

No Board action was necessary.

**Partner Agency Reports**

*Virginia Department of Conservation and Recreation*

Mr. Frye gave the report for the Department of Conservation and Recreation. A copy is included as Attachment #2.

*Natural Resources Conservation Service*

Mr. Bricker gave the report for the Natural Resources Conservation Service. A copy is included as Attachment #3.

*Virginia Department of Forestry*

Mr. Perot gave the report for the Department of Forestry. A copy is included as Attachment #4.

*Virginia Association of Soil and Water Conservation Districts*

Wilkie Chaffin said that the Association is concerned about the cuts. He has had meetings with Mr. Maroon as well as with Secretary of Finance Wagner. He said he appreciated working with Mr. Maroon to discuss how to minimize the impact on districts.

**Public Comment**

Lisa Cahill with Watershed Services thanked the Board for their work and expertise with regard to the Dam Safety regulations. She said that letters of support for the proposed legislation would be very helpful.

**Next Meetings**



The next two meetings of the Virginia Soil and Water Conservation Board will be February 1, 2008 and March 20, 2008. Locations will be determined.

**Adjourn**

There being no further business the meeting was adjourned.

Respectfully submitted,

Linda S. Campbell  
Chair

Joseph H. Maroon  
Director

Attachment #1

**FOR IMMEDIATE RELEASE**

*Date: November 14, 2007*

**Contacts: Gary Waugh, DCR, PR Manager**  
**(804) 786-5045**  
[gary.waugh@dcr.virginia.gov](mailto:gary.waugh@dcr.virginia.gov)



**News Release**

**Virginia Department of Conservation and Recreation**

**203 Governor Street, Suite 213  
Richmond, VA 23219**

## **Virginia Poultry industry, government officials sign agreements to help water quality**

(Harrisonburg, VA) - Virginia Secretary of Natural Resources L. Preston Bryant, Jr. and Secretary of Agriculture and Forestry Robert S. Bloxom today joined representatives from Virginia's poultry industry as they signed agreements with the Virginia Department of Conservation and Recreation with a goal of reducing by 30 percent the amount of phosphorus found in poultry litter by 2010. Phosphorus, along with nitrogen, is a nutrient that can cause significant water quality problems when it occurs in excessive amounts.

Representatives from Cargill Turkey Production LLC, Perdue Farms Inc., Tyson Foods Inc., Pilgrim's Pride Corporation, Virginia Poultry Growers Cooperative Inc. and George's Foods LLC agreed to use enzymes such as phytase to help broilers and turkeys better absorb the phosphorus in their feed. This in turn will allow them to adjust rations to include less of the nutrient.

These poultry integrators formulate the rations used by thousands of farmers under contract to raise millions of chickens and turkeys annually in Virginia.

"This is the latest in a list of steps the poultry industry has taken in conjunction with state agencies to

help reduce the potential of excess nutrients finding their way into Virginia's waters," said Bryant. "It is the continuation of a productive and cooperative partnership.

The Chesapeake Bay Program recognizes feed management as a promising and cost effective way of reducing phosphorus in poultry litter, a mix of manure and bedding that is often spread on farm fields as fertilizer. The multi-state and federal partnership addresses feed management in its ***Strategy for Managing Surplus Nutrients from Agricultural Animal Manure and Poultry Litter in the Chesapeake Bay.***

"This agreement reflects the poultry industry's longstanding commitment to proactive, environmental stewardship," said VPF president Hobey Bauhan. "Along with other voluntary initiatives, our industry has demonstrated a meaningful commitment to Virginia's water quality objectives, including the Commonwealth's Chesapeake Bay goals."

The agreement may also help the industry meet state law. The regulatory Virginia Poultry Waste Management Act requires commercial poultry processors to consider nutrient reduction strategies in the formulation of feed rations.

The use of these enzymes is not new. The state has provided assistance in the past to help the poultry industry with start up costs involved.

"In years past the Department of Conservation and Recreation has provided Water Quality Improvement Fund grants for poultry integrators to purchase and install enzyme injection equipment in feed mills," said DCR director Joseph H. Maroon who signed the agreements for the state. "This agreement builds on these previous efforts for the benefit of the industry and Virginia's waters."

Under the new agreements signed today, phytase or other enzymes will be used in rations for all broilers and turkeys being produced for market. There will also be an accompanying reduction in phosphorus in the feed for these birds.

Beginning next July 1, DCR will do annual assessments of phosphorus levels in poultry litter from broilers and turkeys. While litter for breeding stock will not be evaluated, integrators agree to use similar feed management to the extent possible with breeders.

"There are potentially more benefits to these agreements than just for water quality," said Bloxom. "There is the possibility the use of these enzymes will lower feed costs by lowering the amount of phosphorus the integrators need to purchase."

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Attachment #2

**Department of Conservation and Recreation  
Report to the Virginia Soil & Water Conservation Board  
November 15, 2007**

**1. DCR/SWCD Operational Funding:**

All 47 SWCDs were issued a grant agreement with DCR in late May, 2007 for Operational funding this fiscal year ('08). Each has returned a fully endorsed agreement to their CDC and all were issued an initial quarterly disbursement during late July and August. Second quarter disbursements will be issued during November. Third quarter disbursements may be expected to be issued during February. Final disbursements will be issued in late April and early May (2008).

This fiscal year (FY08), operational funding for all districts totals \$4,313,210. The total amount reflects an increase about FY07 operational funding and provides a slight overall increase above the previous peak funding level experienced by districts in FY01 (\$4,301,000).

**2. Employee Development**

The conservation partners continue to work through the "JED" – Joint Employee Development system which relies on 4 regional teams (coordinated through a separate state level JED team) to address training and development of SWCD and other partner agency field staff. The state level JED team has been meeting face to face, or through conference calls roughly every other month since last August. The group held a conference call on September 10<sup>th</sup> and has scheduled the next team meeting for January 16<sup>th</sup>, 2008 at the DOF state office in Charlottesville.

The short course "Conservation Selling Skills" was delivered by a professional trainer and consultant Chuck Hitzemann on November 7<sup>th</sup> and 8<sup>th</sup> at the Dorey Park facility east of Richmond. Fifteen individuals attended the course. Anonymous evaluations reflect very positive ratings of the quality of the session and the usefulness of the information. Broader training needs continue to be addressed regionally through the 4 regional JED teams. NRCS continues to pursue delivery of the EP&I (Effective Presentation and Instruction) short course with an initial focus on training course instructors that will deliver the course through the 4 regional JED teams.

**3. SWCD Dams:**

The SWCD dam owner work group comprised of representatives from the 12 SWCDs that own dams, DCR, NRCS and others, reached comfort with relaxing their meeting frequency from roughly every 2 months to approximately every 3 months (a quarterly annual schedule) now that most of the major training needs of the group have been addressed. Of the roughly 4 meetings per year, one will address Emergency Action Plans, another will address routine annual maintenance of district dams and the remaining two meetings will address priority topics identified by the group. The group is scheduled to meet again on January 24, 2008 in Charlottesville.

**4. Agricultural BMP Cost-Share Program:**

The Agricultural BMP Cost-Share Program is in the process of re-allocating unobligated BMP cost-share funds from fiscal year 2007 to that year's top performing SWCDs. This process rewards those SWCDs that had the greatest success in administering their cost-share funds.

DCR's Agricultural BMP Cost-Share Program Technical Advisory Committee (TAC) held their last meeting on October 18<sup>th</sup>. One outcome from this meeting was to define a prioritized focus of work for areas the group wishes to enhance and improve in the next (2009) program year. Subcommittees of the TAC have been formed to address and identified work tasks and will bring forward recommendations to the full TAC during upcoming meetings of this group. The full TAC will meet again on December 13<sup>th</sup> in Augusta County.

DCR's central office staff along with the VASWCD are now working very closely with an independent contractor – BearingPoint/CXI, that was selected to perform an assessment of the collection and processing of data needed for Virginia's Agricultural BMP Incentive Programs. This analysis will examine the entire system from data collection by SWCDs in the field, to central office processing by DCR. The contractor will visit no less than six districts throughout the state to gather information relative to their study about modernizing the Ag. BMP Tracking program. The assessment will be summarized in a final report that will include recommendations for improvements and the estimated expenses associated with those improvements. Completion of this independent assessment and the final report is expected during February 2008.

**5. Conservation Reserve Enhancement Program (CREP):**

The CREP Technical Advisory Committee met via teleconference on October 10<sup>th</sup>. The discussion focused on the possible use of Ag. BMP Cost Share Program funds in conjunction with CREP Cost Share Program funds to more broadly address an expanded livestock rotational grazing system. Existing CREP limitations on allowable costs that are borne by federal and state partners have resulted in somewhat stagnate program participation within the Chesapeake Bay basin. This examination of bringing additional incentives from the state's Cost Share Program is intended to stimulate enrollment in the Chesapeake Bay Basin. As the committee explores recommendations it will bring forward, the group is considering that the additional Cost Share program funding be made available to achieve buffer widths that would be wider than the required minimum thirty-five foot width, and that the amount of the cost-share funds made available be capped based upon the number of acres of buffer restored.

**6. Erosion and Sediment Control Program:**

The Virginia Soil and Water Conservation Board (VSWCB) adopted revised local program review criteria effective July 1, 2004. Utilizing the revised renew process, DCR staff has completed 86 local program reviews as of June 30, 2007. The remaining 79 local programs are scheduled for review in FY08 and FY09. As of the September 2007 meeting, the VSWCB has recognized 75 local programs as being consistent with law and regulations. The VSWCB will recognize an additional 6 localities as being consistent with the law and regulations at the November 15<sup>th</sup> meeting. Local programs reviewed but not found consistent with the law and regulations are required to develop and implement corrective action agreements. These programs are then considered as being conditionally consistent with corrective action pending.

**7. Stormwater Management Program:**

DCR staff continues to receive and process registration statements for the General Permit for Discharges of Stormwater from Construction Activities. As of November 13, 2007, staff has reviewed and issued permit coverage to 882 projects. In FY07, permit coverage was issued to 2,707 projects.

**8. Nutrient Management Program Activities:**

Memorandums of Agreement were signed between DCR and six individual poultry integrators on November 14<sup>th</sup> in Harrisonburg. The companies agreed to a goal of reducing phosphorus in poultry litter by 30% from baseline numbers through the maximization of Phytase use in feeds coupled with reductions in phosphorus containing ingredients. DCR will monitor progress with each company and meet with them individually once per year to discuss progress. The companies include: Cargill Turkey Production, LLC; George's Foods, LLC; Perdue Farms, Inc.; Pilgrim's Pride Corp.; Tyson Foods, Inc.; and Virginia Poultry Growers Cooperative, Inc.

Attachment # 3

**NRCS REPORT  
VA Soil & Water Conservation Board Meeting  
November 15, 2007  
Association of Electric Cooperatives**

**FARM BILL PROGRAMS REPORT**

Sign-up is currently underway for the FY 2008 EQIP program. Sign-up started on October 1, 2007 and runs until January 15, 2008. Funds have been allocated to approve a number of FY 2007 applications that were on the waiting list. High priority practices will be approved during the sign up period to expedite contract development and obligation of funds.

NRCS offices in watersheds designated by the Conservation Security Program (CSP) are currently making FY-08 payments to participants. Producers can elect to receive their payment in either the 2007 or 2008 tax year. Funding for an additional sign-up in FY 2008 is still dependant on final budget figures.

All other NRCS Farm Bill programs such as the WHIP and all easement programs are on hold pending passage of the new Farm Bill. We are currently closing easements for several prior year program applications, but no new applications will be received until a new bill is passed.

Differences in the House and Senate versions of the Farm Bill will require a conference committee to agree to a compromise bill. No time table has been set, but passage is expected before spring planting of commodity crops.

**WATERSHED PLANNING AND SURVEYS**

NRCS has developed a draft watershed plan for the North Fork Powell River Watershed in Lee County. The final plan will be developed in FY-08 as a land treatment project that will address water quality issues associated with abandoned mines and acid mine drainage. The project sponsors are the Daniel Boone SWCD, Lee County, and the Virginia Department of Mines, Minerals, and Energy. If approved and funded, the project will provide 65% cost-share for the installation of needed measures in this watershed. The estimated construction cost is \$963,000.

**DAM REHABILITATION**

**South River Site 23 (Robinson Hollow) in Augusta County** – Construction has been completed on the rehabilitation of South River Site 23. The riser has

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been replaced, the two auxiliary spillways have been hardened with articulated concrete blocks and a concrete parapet wall has been constructed in order to raise the dam about 4 feet. Augusta County administered the contract and NRCS staff provided engineering and construction inspection services.

**South River Site 26 (Inch Branch) in Augusta County** – NRCS has awarded a contract for the rehabilitation of the Inch Branch Dam. The contract price was \$640,035. The auxiliary spillway will be widened by 50 feet, the riser will be replaced, a new access road built, and all disturbed areas will be seeded and mulched. A federal contract will be used to implement this construction project. It will be completed in 2008.

**South River Site 25 (Toms Branch) in Augusta County** – NRCS has initiated the final design process of Toms Branch dam rehabilitation. An outside consultant has been hired to complete the final design. The design should be completed by the end of FY-08. Construction is scheduled for FY-09.

**Pohick Creek Site 4 (Royal Lake) in Fairfax County** – Fairfax County will soon begin the contracting process for the rehabilitation of Royal Lake. The final design is almost completed. A project agreement obligating the local and federal funds was signed in September. The NRCS share of this project is \$2,033,000. A local contract will be administered by Fairfax County for the construction that will occur in FY-08.

**Pohick Creek Site 3 (Woodglen Lake) and Pohick Creek Site 2 (Lake Barton) in Fairfax County** – NRCS is working with Fairfax County to develop plans for rehabilitation of Woodglen Lake and Lake Barton. Public meetings are scheduled for November and December. The draft plans should be completed by January 2008 and final plans by May 2008.

**New FY-08 Dam Rehabilitation Plans** – NRCS Planning Staff have begun planning on Pohick Creek Site 8 in Fairfax County - Huntsman Lake and Stony Creek Site 9 in Shenandoah County - Lake Laura.

**New Dam Rehabilitation Applications Received** – NRCS now has 14 dam rehabilitation applications that are awaiting planning assistance. In FY-07, NRCS received 4 new requests for planning assistance under the Dam Rehabilitation Program. These sites need to be assessed and a risk analysis completed for each of them. However, according to agency direction, new dam assessments cannot be performed during a Continuing Resolution. The four sites are South River Watershed in Augusta County Site 7 - Lake Wilda; South River Watershed in Augusta County Site 19 - Waynesboro Nursery Lake; Upper North River Watershed in Augusta County Site 10 - Todd Lake; and Johns Creek in Craig County - Site 3.



## **WATERSHED OPERATIONS**

**Buena Vista Flood Control Project** – A construction contract is ongoing to replace two undersized bridges in Buena Vista. The contract for \$860,165 will be paid 100% by PL-566 watershed funds. The contract should be completed in December 2007.

## **RAPID WATERSHED ASSESSMENT**

South Fork Shenandoah River - NRCS has contracted with the Virginia Department of Conservation and Recreation to conduct a Rapid Watershed Assessment (RWA) on the South Fork of the Shenandoah River. The cooperative agreement which became effective July 1, 2006 provides nearly \$38,000 in Cooperative Conservation Partnership Initiative funds to collect and analyze data, and to develop a watershed profile. This watershed is a high priority for the state because of the heavy agricultural concentrations and severe fish kills that have occurred over the last few years. The assessment is scheduled to be completed in December 2007.

North Fork Shenandoah River – NRCS received funding to conduct a Rapid Watershed Assessment on the North Fork of the Shenandoah River in FY-07 and FY-08. This is a multi-state project between West Virginia and Virginia. A similar watershed assessment as the one ongoing on the South Fork Shenandoah River will be completed by NRCS staff by the end of June 2008.

Attachment # 4

**Virginia Department of Forestry  
Report for Virginia Soil and Water Conservation Board  
November 15, 2007**

**Forest Protection:**

- The Fall Wildfire Season in Virginia began on October 15 and runs to November 30
- Governor Kaine Issues Statewide Burning Ban – Declares Statewide state of emergency

**Water Quality:**

- DOF continues to promote leaving forest riparian buffers on harvesting operations to protect Virginia's water resources. There is also a Riparian Forest Tax Credit available for landowners who chose to do so.
- Hired 9 Water Quality Specialists in the past year (will be hiring one more in the next month for a total of 10) spread out across the state to assist with harvest planting and Water Quality Law enforcement.
- Have one Forest Engineer located in each of our 6 DOF administrative regions to provide oversight and consistency for the operational side of the Water Quality Program under the oversight of the Division of Forest Resource Management, Assistant Director for Water Quality
- Water Quality Improvement Act Grant from DCR provided cost-share assistance to install BMPs by logging contractors on 96 projects last year which resulted in the direct purchase by the logging contractors of 88 sets of portable bridges for stream protection.

**Forestland Conservation:**

- The Department has established a procedure to begin accepting conservation easements. We are in the process of reviewing several properties and preparing the paperwork.
- First donated easement accepted since hiring new Assistant Director for Forestland Conservation.
- DOF donated conservation easement criteria – at least 50 acres, 75% wooded, landowner interested in working forests.
- Completed purchase of new state forest on the Dragon Run in King & Queen County. 1800 acres of former Chesapeake land that we bought from TNC.
- Hiring conservation specialists for our Charlottesville, Tappahannock and Waverly regions to work with landowners, localities and private groups for protection of working forests.
- Hope to complete purchase of Brumley Mountain property (SW Virginia) for State Forest in very near future.

**Forest/Resource Management:**

- Due to the late freeze in the spring of 2007 that caused an acorn production failure in many of the oak trees that the Department of Forestry normally collects from. Therefore, the public has been asked for assistance.
- DOF has updated the Hardwood Planting Guidelines and is placing a higher emphasis on monitoring hardwood plantings and survival across the state.