

**Chesapeake Bay Local Assistance Board  
Policy Committee Meeting  
Friday, February 15, 2008, 11:30 am  
101 N. 14<sup>th</sup> St. – James Monroe Building  
Richmond, Virginia**

**Policy Committee Members Present**

Donald W. Davis, Board Chair  
Beverly D. Harper

Gregory C. Evans  
John J. Zeugner

**Policy Committee Members Not Present**

William E. Duncanson, Chair

**DCR Staff Present**

Russell W. Baxter, Deputy Director  
Joan Salvati, Director, Division of Chesapeake Bay Local Assistance  
David Sacks, Assistant Director, Division of Chesapeake Bay Local Assistance  
Shawn Smith, Principal Environmental Planner  
Daniel Moore, Principal Environmental Planner  
Michael R. Fletcher, Board and Constituent Services Liaison  
Adrienne Kotula, Principal Environmental Planner  
Nancy Miller, Senior Environmental Planner  
V'lent Lassiter, Senior Environmental Planner  
Nathan Hughes, Watershed Specialist

**Call to Order**

Mr. Duncanson was not able to be at the meeting. Mr. Evans chaired the meeting on his behalf.

Mr. Evans called the meeting to order.

**Discussion of Proposed 2008 Annual Implementation Report**

Mr. Sacks gave a presentation regarding the Local Government Annual Implementation Report. A copy of the DRAFT report is included as Attachment #1.

**Requirements of the Chesapeake Bay Preservation Area Designation and Management Regulations**

9 VAC 10-20-250 1:

“In order to carry out its mandated responsibilities under § 10.1-2103.10 of the Act, the Board will:

a) Require that each Tidewater local government submit an annual implementation report outlining the implementation of the local program.

**What is it?**

A two-page survey for local governments to complete annually at the end of the fiscal year

**Who is affected?**

All localities that have undergone a CBLAB compliance review and have been compliant at least 9 months

**When will this start?**

July 1, 2008

**Assessment Survey Topics**

- I. Resource Protection Area Development Information
  - 1. RPA Development Activities
  - 2. Administrative Waivers and Encroachments
  - 3. Exceptions in RPAs
  - 4. WQIAs
- II. Water Quality BMPs
- III. Septic Tank Pump-out Program
- IV. RPA Delineations and CBPA Mapping
- V. Violations in RPAs

**Annual Implementation Report Components**

Proposed Schedule

February/March 2008	Policy Committee Recommendation and Board adoption of Annual Implementation review process, review materials, and locality deadlines.
March 2008	Notify all Tidewater local governments of Annual Implementation Report program adoption.

March/April 2008	Mail 2008 Survey to 35 localities currently compliant for more than 9 months. Request completed survey no later than July 31, 2008.
June 2008	Reminder of July 31, 2008 deadline sent to 35 localities
July 31, 2008	Deadline for first 35 locality survey reports
Ongoing	Local Government Outreach

**35 Localities required to Submit 2008 Annual Report**  
 (as of 7/1/08 all will be compliant for 9 months or more)

Cities	Counties	Towns
Alexandria 9/17/07	Accomack 3/22/04	Belle Haven 9/20/04
Hopewell 9/17/07	Fairfax 9/17/07	Cape Charles 3/22/04
Poquoson 4/3/06	Gloucester 4/3/06	Cheriton 6/18/07
Portsmouth 3/31/06	Hanover 6/18/07	Colonial Beach 3/26/07
Williamsburg 3/22/04	Henrico 6/21/04	Eastville 6/18/07
	James City 3/22/04	Hallwood 9/19/05
	King William 9/17/07	Herndon 9/17/07
	New Kent 6/18/07	Nassawaddox 6/18/07
	Middlesex 9/17/07	Occoquan 4/3/06
	Northampton 6/21/04	Onancock 9/15/03
	Northumberland 3/21/05	Painter 12/12/05
	Prince William 9/26/06	Urbanna 9/20/04
	Richmond 12/11/06	Vienna 3/22/04
	Stafford 3/22/04	Warsaw 6/18/07
	York 9/19/05	Windsor 12/8/03

**Annual Implementation Report Committee Action Requested:**

That the Policy Committee, recommend to the Chesapeake Bay Local Assistance Board adoption of the annual implementation report survey and implementation schedule as described in the staff report for the 35 localities required to submit a 2008 annual report and that the survey and schedule be effective upon full Board approval.

Mr. Sacks said that the intent of the annual report is to provide a linkage with the compliance evaluation process and to identify any substantial changes to a local program that may occur in the five-year period between formal compliance evaluations. He said the recommendation is that the

localities that have undergone a compliance review and have been determined compliant will be required to submit the annual report.

Mr. Evans said that he understood the rationale for the recommendation, but that if the report is a requirement of the regulations he was not sure the Board had discretion to do only partial enforcement.

Mr. Sacks said that the regulations provide that the Board can develop the reporting criteria and a specific timeframe for submission by localities.

Ms. Salvati said that gives the Board latitude on the questions to be asked and the timing, but not in selecting the localities for the long term. She said that this action would allow a phase-in approach for the annual reporting criteria, but would not jeopardize the Board's ability to require submittal of the an annual report by all Bay Act localities.

Mr. Davis said it would be appropriate for the Policy Committee to send this to the full Board for consideration.

Mr. Baxter said that ultimately all localities would participate.

Mr. Evans said that he would be more comfortable with the process if it were referred to as a phase-in program.

Mr. Baxter suggested that on the second page of the staff report the words "only be imposed" be replaced with "begin with."

Mr. Evans recommended that the localities be given the opportunity to provide information on other water quality initiatives or programs. Mr. Sacks indicated that the survey would be revised to add such a provision.

Mr. Sacks indicated that concern was expressed about making locality comparisons.

Ms. Salvati said that the purpose of the survey is not to compare one locality with another, but to monitor continued compliance with the Phase I requirements.

Mr. Evans said that it would be better to call this the "Annual Report" and not the "2008 Survey." He also stated that it would be beneficial if some of the information from the survey could be used to show overall progress on Bay Act implementation.

MOTION: Mr. Zeugner moved that the Policy Committee recommend that the Chesapeake Bay Local Assistance Board adopt the annual implementation report survey and implementation schedule as described by staff and as amended by discussion for the 35 localities required to submit a 2008 annual report and that the survey and schedule be effective upon full Board approval.

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

Mr. Davis asked that a copy of the revised draft staff report be sent to Board members. Mr. Sacks indicated it would be included in the Board packet mailed out on approximately March 3.

**Staff Update on Phase III Review Process - Review of Proposed Schedule and Checklists**

Mr. Sacks gave a powerpoint presentation on the Phase III program. He said that the most important item to note is that staff is recommending a revision to the schedule that was previously reviewed by both the Policy Committee and the Board.

**Phases of Local Government Chesapeake Bay Implementation**

**Phase I:** Mapping of Chesapeake Bay Preservation Areas and adoption of management program in local ordinances

**Phase II:** Adoption of Comprehensive Plan components

**Phase III:** Review and revision of local codes for inclusion of specific standards that implement the water quality performance criteria

A full copy of Mr. Sacks' presentation is available from DCR.

**Phase III Outreach Activities**

- Local Government Outreach:
  - Have met directly with staff representing 40 of 47 cities and counties primarily through group meetings at PDCs
  - Direct communication to all local staff in December 2007 and early February 2008 soliciting comment on checklists
  - One-on-one discussions with local staff as a component of other liaison discussions
- Conducted presentations/work sessions at 11 PDC meetings with 6 others scheduled over the next month
- Met and sought feedback from advocacy/technical groups (CBF, JRA, Homebuilders, CWP)
- Posted draft checklists and Phase III program description on DCR website
- Commitment to provide rapid response to local government comments and questions

### **Other On-going Activities**

- Draft checklists being “tested” using five localities’ ordinances (process has taken longer than expected)
- Researching and evaluating issues identified through feedback (plat requirements, rural and urban issues, clarifications)
- Additional localities to be tested
- Receiving feedback and evaluating alternatives to identifying threshold

Mr. Davis asked about the reaction of groups with whom staff had been meeting.

Mr. Sacks said the responses were varied, but most appeared pleased with the process. He said that staff has yet to meet with organizations such as the Virginia Association of Counties and the Virginia Municipal League.

Mr. Sacks reviewed the revised schedule.

### **Phase III Revised Schedule**

Sept. - Nov. 2007:	Checklist questions and review approach developed with Advisory Committee assistance
Nov. 27, 2007:	CBLAB Policy Committee update
Nov./Dec. 2007:	Initial meetings with locality staff at PDCs
Dec. 10, 2007:	CBLAB (Board) Update and discussion
Dec. 2007:	Draft checklist available for comment
Dec.- Feb. 2008:	Testing of checklist on local programs - modify as needed based on testing and comment
Feb/March 2008:	CBLAB update and further discussion
April 2008:	Revised materials available for public review
May/June 2008:	CBLAB adoption of Phase III review process review materials, and locality deadlines
July 2008:	Official Notification to Localities; Initiate Advisory Reviews
January 2010:	Begin Formal Reviews

Ongoing: Local Government Outreach

Mr. Baxter asked if the document would be considered Board guidance.

Mr. Sacks responded that the annual implementation report serves as a tool for the Board to measure implementation of a regulatory requirement, similar to the checklists and review materials approved by the Board for Phase I and II reviews and the Compliance Reviews

Mr. Davis asked what would occur between 2008 and 2010.

Mr. Sacks said the intent is to use this period of time to meet with the local Bay Act coordinators. Some localities may be able to move more quickly.

Mr. Davis said that once the Board reviews this, it will come back to the Policy Committee and to the full Board for final approval.

Mr. Evans asked if there could be a legislative update, particularly in regard to the budget, at the Board meeting.

Ms. Salvati said that would be included in the Director's report.

### **Set Next Meeting Date**

The next meeting of the Policy Committee is tentatively scheduled for 11:30 a.m. between the NARC and SARC meetings on May 6, 2008.

There was no further business and the meeting was adjourned.

Gregory C. Evans  
Acting Chair

Joseph H. Maroon  
Director





For the following formal exceptions that can be granted by a locality for activity within the RPA, indicate the number of requests and approvals for each:

	<b>Applied for</b>	<b>Approved</b>
<b>Principal Structures</b>		
<b>Accessory Structures</b>		
<b>Other (Driveways, etc.)</b>		

How many of the above-referenced applications required a building permit (or other permits)?  
 \_\_\_\_\_

**4. Water Quality Impact Assessments (WQIA) Submitted**

Total WQIAs: \_\_\_\_\_ Minor\* WQIAs: \_\_\_\_\_ Major\* WQIAs: \_\_\_\_\_

*\* leave blank if no distinction is made between major and minor WQIAs*

**PART II - WATER QUALITY BMPS IN CBPAs**

5. Total number of BMPS installed in the past year: \_\_\_\_\_
- Total number of acres served by BMPS in the past year: \_\_\_\_\_
  - Of the BMPS installed in the past year, how many have Maintenance Agreements? \_\_\_\_\_
  - On a separate page, provide a list of the types and numbers of BMPS inventoried

**PART III - SEPTIC TANK PUMP OUT PROGRAM IN CBPAs**

6. In the past year, how many notices have been sent to on-site septic owners regarding the pump-out and inspection requirement? \_\_\_\_\_
7. In the past year, how many on-site septic tanks have been determined to meet Bay Act regulations by being pumped, inspected or fitted with plastic effluent filters? \_\_\_\_\_
8. Total number of septic systems that have been pumped out, inspected or fitted with plastic effluent filters since the local pump-out program was initiated? \_\_\_\_\_
9. Total number of septic systems located in local Chesapeake Bay Preservation Areas? \_\_\_\_\_

**PART IV - RPA DELINEATIONS AND CBPA MAPPING**

10. Total land area in CBPA: \_\_\_\_\_  
 Total land area included in the RPA: \_\_\_\_\_  
 How were these figures determined? \_\_\_\_\_

- 11.** If the RPA number above was determined from local mapping resources (GIS, etc.), how frequently are these resources updated based on completed Perennial Flow and/or Wetlands Determinations? \_\_\_\_\_
- 12.** Based on your CBPA map, how much Resource Protection Area was added (or subtracted) as a result of Perennial Flow Determinations? \_\_\_\_\_  
(Please indicate unit of measurement: acres, square feet, linear stream miles, etc.)

**PART V - VIOLATIONS IN RESOURCE PROTECTION AREAS**

- 13.** Total number of RPA violations identified: \_\_\_\_\_
- Violations identified through complaints: \_\_\_\_\_
  - Violations identified through local staff observation: \_\_\_\_\_
  - Violations for vegetation removal only: \_\_\_\_\_
  - Violations reported for all other RPA requirements: \_\_\_\_\_