

**Chesapeake Bay Local Assistance Board
December 14, 2009
The Patrick Henry Building
Conference Room 1**

Chesapeake Bay Local Assistance Board Members Present

Donald W. Davis, Chairman
Rebecca Reed
Charles B. Whitehurst

Gregory C. Evans
Richard B. Taylor
John J. Zeugner

Chesapeake Bay Local Assistance Board Members Not Present

William E. Duncanson
Beverly D. Harper

Barry L. Marten

DCR Staff Present

Joseph H. Maroon, Director
Russell W. Baxter, Deputy Director
Joan Salvati, Director, Division of Chesapeake Bay Local Assistance
David Sacks, Assistant Director, Division of Chesapeake Bay Local Assistance
Melissa Doss, Senior Environmental Planner
Adrienne Kotula, Principal Environmental Planner
V'lent Lassiter, Senior Environmental Planner
Nancy Miller, Senior Environmental Planner
Daniel Moore, Principal Environmental Planner
Shawn Smith, Principal Environmental Planner
Michael R. Fletcher, Board and Constituent Services Liaison
Elizabeth Andrews, Office of the Attorney General

Others Present

John Bragg, Charles City County
Dick McElfish, Chesterfield County
James Shelton, Hands Across the Lake, Chesterfield

Call to Order

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

Consideration of the Minutes

MOTION: Mr. Whitehurst moved that the minutes of the September 14, 2009 Board Meeting, the November 3, 2009 Policy Committee Meeting

and the November 3, 2009 Southern Area Review Committee Meeting be approved as submitted by staff.

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

Director's Report

Mr. Maroon gave the Director's Report.

Mr. Maroon said that the Bay Act compliance progress was one of the agency's most significant accomplishments. He said that by the end of this meeting, 94% of the Bay Act localities would be fully compliant with Phase I of the Bay Act Regulations.

Mr. Maroon said that similar progress had been made in the Division of Soil and Water Conservation with regard to compliance with the Erosion and Sediment Control law.

Mr. Maroon noted that Loudoun County has been working with DCR staff in their progress toward adopting a Bay Act ordinance. They are concerned regarding the added staff costs for the Northern Virginia Soil and Water Conservation District regarding the proposed agricultural provisions of the draft ordinance as well as the need for outreach and education. He noted that Mr. Moore had been working with Loudoun County.

Mr. Maroon noted that staff would present a recommendation to find Chesterfield County fully compliant with their remaining condition, and noted his appreciation for the input of County Administrator Jay Stegmaier during this process.

Mr. Maroon noted that in 2010 the EPA would issue the Bay TMDL. Virginia will receive specific allocations. He said that the state is already beginning the development of implementation plans that will need to be put into place next year. He reviewed the following list of upcoming EPA meetings regarding the Bay TMDL.

EPA – Virginia Chesapeake Bay TMDL Meetings

December 14 — from 6:30 p.m. to 8:30 p.m. at Falls Church High School, Little Theater, 7521 Jaguar Trail, Falls Church, VA 22042.

December 15 — from 11:00 a.m. to 1:00 p.m. at Hampton Roads Planning District Commission, Regional Board Room, 723 Woodlake Drive, Chesapeake, VA 23320.

December 15 — from 6:30 p.m. to 8:30 p.m. at 2007 Legacy Hall, 4301 New Town Avenue, Williamsburg, VA 23188.

December 16 — from 6:30 p.m. to 8:30 p.m. at Spotswood High School, 368 Blazer Drive, Penn Laird, VA 22846.

December 17 —from 6:30 p.m. to 8:30 p.m. at Wingate Inn, 20 Sanford Drive, Fredericksburg, VA 22406. If you cannot attend in person, live computer access to the presentations and audio from the Wingate Inn meeting will be offered via webinar.

Reserve your seat at the webinar:

<https://www2.gotomeeting.com/register/949488162>

Mr. Maroon referenced an article from the *Richmond Times Dispatch* that gave the new target reduction numbers from the EPA for nutrients. A copy of this article is available from DCR. He said that the numbers show that there may need to be less done in order to make significant progress in the Bay, but noted that these were preliminary numbers that will be refined over the coming year.

Mr. Maroon noted that members were also provided two letters with regard to the stormwater management regulations. One from the EPA Administrator to Governor Kaine said that the EPA was very interested in the work Virginia is doing with regard to stormwater.

A letter from Thomas Shueler with the Chesapeake Stormwater Network said that when adopted, the stormwater regulations in Virginia will become the most advanced, scientifically defensible and practical set of stormwater regulations of any state in the watershed, and for that matter, any state in the nation.

Consent Agenda

MOTION: Mr. Taylor moved that the Chesapeake Bay Local Assistance Board approve the Consent Agenda items as presented by staff for the following localities:

City of Portsmouth – Phase I Major Program Modification –
SARC recommends a finding of consistent

Charles City County – Compliance Evaluation conditions review
– SARC recommends a finding of compliant

Surry County – Compliance Evaluation conditions review –
SARC recommends a finding of compliant

Town of Surry – Compliance Evaluation conditions review –
SARC recommends a finding of compliant

Town of Claremont – Compliance Evaluation conditions review – SARC recommends a finding of compliant

- SECOND: Mr. Zeugner
- DISCUSSION: None
- VOTE: Motion carried unanimously

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
December 14, 2009**

RESOLUTION

**LOCAL PROGRAM, PHASE I
CITY OF PORTSMOUTH**

Modification – Consistent

WHEREAS § 10.1-2109 of the Chesapeake Bay Preservation Act states that counties, cities, and towns in Tidewater Virginia shall designate Chesapeake Bay Preservation Areas and incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into local plans and ordinances; and

WHEREAS § 9 VAC 10-20-60 of the Chesapeake Bay Preservation Area Designation and Management Regulations states that the elements in subsections 1(a map delineating Chesapeake Bay Preservation Areas) and 2 (performance criteria applying in Chesapeake Bay Preservation Areas) shall be adopted by local governments; and

WHEREAS City adopted a local Phase I program on August 28, 1990, with amendments adopted on January 13, 2004; and

WHEREAS on March 21, 2005, the City’s Phase I program was found consistent by the Chesapeake Bay Local Assistance Board; and

WHEREAS the City of Portsmouth adopted revisions to its approved Phase I local program on August 25, 2009; and

WHEREAS the Chesapeake Bay Local Assistance Board has adopted *Procedural Policies for Local Program Review* which addresses, among other items, review of modifications to local programs; and

WHEREAS staff reviewed the amendments made to the City of Portsmouth’s revised program for consistency with the Act and Regulations; and

WHEREAS on November 3, 2009 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the staff report and concurred with the staff recommendation as outlined in the staff report; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the City of Portsmouth’s revised Phase I program consistent with §10.1-2109 of the Act and §§ 9 VAC 10-20-60 1 and 2 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 14, 2009 by the Chesapeake Bay Local Assistance Board.

Joseph H. Maroon
Director
Department of Conservation and Recreation

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
December 14, 2009**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
CHARLES CITY COUNTY**

Local Compliance Evaluation - Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on September 15, 2008, the Chesapeake Bay Local Assistance Board found that implementation of certain aspects of Charles City County’s Phase I program did not fully comply with the Act and Regulations and further that the County address the two recommended conditions in the staff report no later than September 30, 2009; and

WHEREAS in the summer of 2009, the County provided staff with information relating to the County’s actions to address the two recommended conditions which were evaluated in a staff report; and

WHEREAS on November 3, 2009 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the compliance evaluation staff report and concurred with the staff recommendation as outlined in the staff report; and,

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of Charles City County’s Phase I program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 14, 2009 by the Chesapeake Bay Local Assistance Board.

Joseph H. Maroon
Director
Department of Conservation and Recreation

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
December 14, 2009**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
SURRY COUNTY**

Local Compliance Evaluation - Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on September 15, 2008, the Chesapeake Bay Local Assistance Board found that implementation of certain aspects of Surry County's Phase I program did not fully comply with the Act and Regulations and further that the County address recommended conditions #2 and #6 no later than September 16, 2008, and address the four remaining recommended conditions no later than September 30, 2009; and

WHEREAS in the summer of 2009, the County provided staff with information relating to the County's actions to address the six recommended conditions which were evaluated in a staff report; and

WHEREAS on November 3, 2009 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the compliance evaluation staff report and concurred with the staff recommendation as outlined in the staff report; and,

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of Surry County's Phase I program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 14, 2009 by the Chesapeake Bay Local Assistance Board.

Joseph H. Maroon
Director

Department of Conservation and Recreation

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
December 14, 2009**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
TOWN OF SURRY**

Local Compliance Evaluation - Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on September 15, 2008, the Chesapeake Bay Local Assistance Board found that implementation of certain aspects of the Town of Surry's Phase I program did not fully comply with the Act and Regulations and further that the Town address the three recommended conditions in the staff report no later than September 30, 2009; and

WHEREAS in September 2009, the Town provided staff with information relating to the Town's actions to address the three recommended conditions which was evaluated in a staff report; and

WHEREAS on November 3, 2009 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the compliance evaluation staff report and concurred with the staff recommendation as outlined in the staff report; and,

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of the Town of Surry's Phase I program to be in

compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 14, 2009 by the Chesapeake Bay Local Assistance Board.

Joseph H. Maroon
Director
Department of Conservation and Recreation

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
December 14, 2009**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
TOWN OF CLAREMONT**

Local Compliance Evaluation - Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on September 15, 2008 the Chesapeake Bay Local Assistance Board found that implementation of certain aspects of the Town of Claremont’s Phase I program did not fully comply with the Act and Regulations and further that the Town address the three recommended conditions in the staff report no later than September 30, 2009; and

WHEREAS in September 2009, the Town provided staff with information relating to the Town's actions to address the three recommended conditions which was evaluated in a staff report; and

WHEREAS on November 3, 2009 the Local Program Review Committee for the Southern Area considered and evaluated the information contained in the compliance evaluation staff report and concurred with the staff recommendation as outlined in the staff report; and,

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report and of the Review Committee; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of the Town of Claremont's Phase I program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 14, 2009 by the Chesapeake Bay Local Assistance Board.

Joseph H. Maroon
Director
Department of Conservation and Recreation

Local Program Compliance Evaluations

Town of Irvington

Ms. Lassiter gave the report for the Town of Irvington.

The Department initiated a compliance evaluation for the Town of Irvington in April of 2008. On September 15, 2008, the Board adopted a resolution that required the Town to undertake and complete six recommendations by September 30, 2009.

The first, third, fifth and sixth conditions are related to the implementation of the Town's Bay Act program. All of these conditions require that the Town review CBPA development proposals using the correct process, including documenting the submission of WQIAs, requiring that all development address nonpoint source pollution in accordance with the VA Stormwater Management Regulations, ensuring that CBPAs are depicted on plans and WQIAs, and administering exceptions consistent with Town code

requirements. Department staff provided training to Town staff concerning each element of their program, and applications, forms, and documentation procedures were developed to assist them. Ms. Lassiter said that Department staff was confident that the Town now has the knowledge and tools to administer their Bay Act program effectively.

The second condition requires the Town to develop and implement a five-year septic system pump-out program. On September 9, 2009 the Town initiated their septic pump-out program by sending out notices to all property owners within the Town, and Department staff provided the Town with an excel spreadsheet to track their responses.

The fourth condition states that the Town must require BMP Maintenance Agreements for all BMPs and must track BMP installation, inspection, and maintenance. Department staff provided the Town with a BMP Maintenance Agreement and an excel spreadsheet to track BMPs.

Ms. Lassiter said that since the Town of Irvington had addressed all six conditions, staff recommended that the Board find that the Town’s implementation of its Bay Act program fully complies with the Act and Regulations.

MOTION: Mr. Evans moved that the Chesapeake Bay Local Assistance Board find the implementation of the Town of Irvington’s Phase I program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

SECOND: Mr. Zeugner

DISCUSSION: None

VOTE: Motion carried unanimously

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
December 14, 2009**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
TOWN OF IRVINGTON**

Local Compliance Evaluation - Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on September 15, 2008, the Chesapeake Bay Local Assistance Board found that implementation of certain aspects of the Town of Irvington's Phase I program did not fully comply with the Act and Regulations and further that the Town address the six recommended conditions in the staff report no later than September 30, 2009; and

WHEREAS in the Spring and Summer of 2009, the Town provided staff with information relating to the Town's actions to address the six conditions which were evaluated in a staff report; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of the Town of Irvington's Phase I program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 14, 2009 by the Chesapeake Bay Local Assistance Board.

Joseph H. Maroon
Director
Department of Conservation and Recreation

Town of Kilmarnock

Ms. Lassiter gave the report for the Town of Kilmarnock.

The Department initiated a compliance evaluation for the Town of Kilmarnock in May of 2007. On September 15, 2008, the Board adopted a resolution that required the Town to undertake and complete five recommendations by September 30, 2009.

The first and fifth conditions are related to the Town's Chesapeake Bay Preservation Ordinance. Condition #1 states that all references to "reduced buffer width" must be

removed from the ordinance and condition #5 requires a section of the ordinance referencing buffer equivalency to be deleted. The compliance evaluation was originally conducted using an older version of the Town’s ordinance. After the initial review was completed, the Assistant Town Manager located a newer version of the ordinance in which both of these conditions were met.

The second condition requires that the Town develop and implement a five-year septic pump-out program. On September 29, 2009, the Town initiated their septic pump-out program by sending out notices to all property owners within the Town who are not connected to public sewer, and the Town has developed their own database to track responses.

The third condition states that the Town must require signed BMP Maintenance Agreements for all BMPs. The Town has developed a BMP Maintenance Agreement and will require all newly installed BMPs to have one. In addition, the Town has created a BMP Tracking Database to track BMP installation and maintenance.

The fourth condition requires the Town to develop a methodology to determine which areas are within the RMA and create a map to accurately depict them. The Town Council voted to amend its Bay Act ordinance to include all land areas outside of the RPA as RMA, and the Assistant Town Manager has created a new CBPA map to reflect this change.

Ms. Lassiter said that since the Town of Kilmarnock had addressed all five conditions, staff recommended that the Board find that the Town’s implementation of its Bay Act program fully complies with the Act and Regulations.

MOTION: Mr. Zeugner moved that the Chesapeake Bay Local Assistance Board find the implementation of the Town of Kilmarnock’s Phase I program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

SECOND: Mr. Whitehurst

DISCUSSION: None

VOTE: Motion carried unanimously

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
December 14, 2009**

RESOLUTION

LOCAL PROGRAM COMPLIANCE EVALUATION
TOWN OF KILMARNOCK

Local Compliance Evaluation - Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on September 15, 2008, the Chesapeake Bay Local Assistance Board found that implementation of certain aspects of the Town of Kilmarnock's Phase I program did not fully comply with the Act and Regulations and further that the Town address the five recommended conditions in the staff report no later than September 30, 2009; and

WHEREAS in the Spring and Summer of 2009, the Town provided staff with information relating to the Town's actions to address the five conditions which were evaluated in a staff report; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of the Town of Kilmarnock's Phase I program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 14, 2009 by the Chesapeake Bay Local Assistance Board.

Joseph H. Maroon
Director
Department of Conservation and Recreation

Chesterfield County

Ms. Kotula gave the report for Chesterfield County.

Chesterfield County's initial compliance evaluation revealed eight program areas in need of attention. Department and County staff worked together to address the original conditions and on December 15, 2008, the Board found that Chesterfield County had properly addressed seven of the eight conditions. The County had failed to address Condition # 1, which required the County to correctly delineate RPA non-tidal wetlands. Since Condition #1 had not been adequately addressed, the County was found noncompliant.

On January 29, 2009 Chesterfield County appealed the Board's finding of noncompliance. Since that time, County and Department staff have held numerous meetings and conducted extensive fieldwork to address the one outstanding issue.

At this time, Chesterfield County has issued a revised policy document entitled *Designation of Resource Protection Areas Resulting from the Perennial Flow & Nontidal Wetland Determination Process*. Department staff has reviewed the County policy and found it to be consistent with the requirements of the Regulations. The new policy became effective on September 23rd, 2009, and the County held a public meeting to describe the new policy to the development community on December 1st, 2009.

In order for the Department to ensure the proper administration of this new policy, the County has agreed to a file review in one year in order for the Department to ensure proper administration of the new County policy. The results of this review will be presented to the Board at the December 2010 meeting and the Board may determine at that time if further action is necessary.

Ms. Kotula said that based upon the issuance of the new County policy and the September 23rd, 2009 effective date of the document, staff opinion is that Chesterfield County has adequately addressed the one outstanding condition and should be found compliant.

Ms. Kotula introduced Mr. McElfish from Chesterfield County. She thanked him for working with staff through the process.

Mr. McElfish thanked Mr. Maroon and the Department for working with the County. He noted that the County felt in some areas it was necessary to be more strict than the state guidelines.

Ms. Salvati commended Ms. Kotula and Mr. Hughes for their work with the County.

Mr. Davis thanked Mr. McElfish for attending the meeting. He asked that he convey the Board's appreciation to the County Administrator and Board members.

MOTION: Mr. Evans moved that that the Chesapeake Bay Local Assistance Board find the implementation of Chesterfield County’s Phase I program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

SECOND: Mr. Whitehurst

DISCUSSION: None

VOTE: Motion carried unanimously

**CHESAPEAKE BAY LOCAL ASSISTANCE BOARD
December 14, 2009**

RESOLUTION

**LOCAL PROGRAM COMPLIANCE EVALUATION
CHESTERFIELD COUNTY**

Local Compliance Evaluation - Compliant

WHEREAS § 10.1-2103 of the Chesapeake Bay Preservation Act states that the Chesapeake Bay Local Assistance Board shall take administrative and legal steps to ensure compliance by counties, cities and towns with the provisions of the Chesapeake Bay Preservation Act, including the proper enforcement and implementation of, and continual compliance with the Act; and

WHEREAS § 9 VAC 10-20-250 1 b of the Regulations required the Board to develop a compliance evaluation process for evaluating local Bay Act compliance; and

WHEREAS the Chesapeake Bay Local Assistance Board adopted a compliance evaluation process on September 16, 2002 for the purposes of reviewing local Bay Act compliance; and

WHEREAS on December 15, 2008, the Chesapeake Bay Local Assistance Board found that implementation of a certain aspect of Chesterfield County’s Phase I program was noncompliant with the Act and Regulations and further that the County address the one recommended condition in the staff report no later than February 13, 2009; and

WHEREAS in the Autumn of 2009, the County provided staff with information relating to the County’s actions to address the six conditions which were evaluated in a staff report; and

WHEREAS after considering and evaluating the information presented on this date, the Board agrees with the recommendation in the staff report; now,

THEREFORE BE IT RESOLVED that the Chesapeake Bay Local Assistance Board finds the implementation of Chesterfield County's Phase I program to be in compliance with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations.

The Director of the Department of Conservation and Recreation certifies that this resolution was adopted in open session on December 14, 2009 by the Chesapeake Bay Local Assistance Board.

Joseph H. Maroon
Director
Department of Conservation and Recreation

Program Update

Ms. Doss gave a program update for the City of Petersburg.

On March 23 2009, the Board found that Petersburg's implementation of its Phase I program did not fully comply with the Act and Regulations, and established a deadline for condition 7 in accordance with the deadlines and requirements established by the Virginia Soil and Water Conservation Board; a deadline of March 31 2010 for the City to address condition number 8, and a deadline of March 24, 2009 for the City to address the remaining seven conditions.

The City of Petersburg has continually updated DCBLA staff with the progress of their program. Technical assistance is provided to the City through monthly meetings and reviews of building permit files and plans.

The first six conditions deal with the City properly reviewing applications for development within CBPAs. Since the compliance evaluation, DCBLA staff has reviewed building permits and additional files on seven occasions. The zoning administrator is noting whether or not CBPAs are present on the parcels. Staff has observed many examples of this. The zoning administrator has also requested staff's comments on plans submitted to the City for review. The City needs to refine their screening process to include erodible soils and must continue to improve their documentation and filing system.

Condition #7 is that the City must address issues in the 2008 Corrective Action Agreement. A review of the CAA was done on October 9, 2008 and the CAA completion date was extended to May 21, 2009. Soil and Water staff have not yet returned to complete the evaluation. Condition #8 is that the City must develop and implement a septic pump-out program. A list of property owners with septic tanks has

been developed and notification is ready to be mailed. Petersburg staff anticipate the septic notice will be mailed by the end of the year. Once the letter is mailed, the condition will be met. Condition #9 is that the City must develop a program to track BMP installation, inspection, and maintenance. Mr. Bridell, with the City's Department of Public Works, has set up a BMP database on the city's website. All of the appropriate fields are in the database; however, the fields need to all be filled in. In order to address this condition the City needs to complete the database, send the BMP checklist to DCBLA, and determine a cycle for inspections of BMPs.

Ms. Doss said that staff believed that the City of Petersburg is continuing to address the conditions of the compliance evaluation and that staff was hopeful that the City will continue to make progress in addressing each condition.

Mr. Davis asked when staff would next meet with the City.

Ms. Doss said that staff tries to visit with the City the first of each month. She said that an appointment had not yet been scheduled for January.

There was no Board action required.

Policy Committee Report

Mr. Sacks reported that the Policy Committee met on November 3, 2009 and received a detailed presentation on staff's recommendations for modifications to the locality compliance evaluations. He added that the staff and Committee recommendations are summarized in a staff report the Board had received via mail, and that attached to the staff report is a chart entitled "Proposed Compliance Evaluation Review Elements" that summarizes the elements of the compliance evaluation as recommended by the Committee. A copy of the chart is available from DCR.

Mr. Sacks noted that the chart lists 31 unique elements identified for review, each of which is linked to a specific requirement of the regulations.

Mr. Sacks said that as of the Board action at this meeting, 79 localities are now fully compliant. Four localities are addressing compliance conditions. The Town of Montross has not yet been formally reviewed due to an outstanding compliance issue with Westmoreland County.

Mr. Sacks said that the compliance reviews began in 2004 and were based on a program adopted by the Board that included a review of the following 11 performance criteria:

1. Minimize land disturbance
2. Preserve indigenous vegetation
3. BMP maintenance
4. Plan of Development review process

5. Minimize impervious cover
6. E & S for development > 2,500 sq. ft.
7. Septic pump-out
8. Stormwater management
9. Agricultural conservation assessments
10. Silviculture exemption
11. Wetlands permits

He explained that the review is undertaken by DCR staff. Staff meet with local staff to review how the program is implemented and review development files and plans to verify appropriate implementation of the local program.

Mr. Sacks reviewed the chart provided to Board members. He explained that he would focus his presentation on those items in the chart that represent a recommended change in either the review strategy or the compliance standard from what had been previously used.

Mr. Sacks said that during September and October staff met with representatives of local governments to discuss the upcoming Phase III advisory reviews and at that time also discussed in-general proposals for changes to the compliance evaluations. Following the November 3 Policy Committee the "Proposed Compliance Evaluation Review Elements" chart was posted on the department's website and localities were notified of its availability. He said that comments from the localities are anticipated in January.

Mr. Evans asked if there had been an effort to reach out to the Soil and Water Conservation Districts.

Mr. Sacks said that CBLA staff had been in discussion with central office staff and that regional managers and conservation district coordinators have been made aware of what was being proposed. He said specific efforts to reach out to the Districts would probably begin just after the first of the year.

Mr. Evans suggested that the outreach be done according to District Areas.

Ms. Salvati said that in discussions with Jack Frye, Director of the Division of Soil and Water Conservation, that Mr. Frye had said that it would be best to approach each district on an individual level.

Mr. Sacks continued with the review of the document.

Mr. Sacks said that, with regard to the septic pump-out program, the Board had previously required localities to develop a schedule of notification to septic tank owners. This is typically scheduled over five years. The initial step would be sending out the first round of notices. The revised standard would be that the locality has sent out notices to 100% of the owners, that there is a method for follow up and that there is a procedure in place for enforcement.

Mr. Sacks said that there was no specific percent of compliance for the localities. The requirement would be that notices are sent out.

Mr. Evans expressed a concern that there was no requirement for a verification of the septic pump-out.

Mr. Sacks said that depending on the local ordinance, there would be a series of notifications and perhaps a court summons.

Ms. Salvati said that it would depend on the local ordinance and the local zoning requirements. She noted that the annual report would contain information regarding the number of systems pumped in each of the localities.

Mr. Maroon said that the Board would be able to address this from a compliance standpoint in the future. He noted that it would be difficult to recommend a required percentage for compliance.

Ms. Andrews said that the regulations require that all systems be pumped out, so any Board selection of a percentage number used to deem a locality compliant would be an arbitrary number.

Ms. Salvati noted that DCR had been providing funding to a combination of localities and PDCs for the purpose of pump-outs, for low and moderate income homeowners. She said that this has ensured a much better compliance rate on the part of the localities.

Mr. Sacks said that on item #13 regarding the requirement for conservation assessments for all lands upon which agricultural activities are being conducted, virtually no locality could demonstrate that such assessments were being conducted. He said that there are a variety of plans completed and that typically the information is maintained by the Soil and Water Conservation District. He said that staff would still need to determine a specific recommendation for the Board.

Mr. Sacks said that there were a variety of issues involved related to obtaining information regarding which agricultural lands had current agricultural practices and which did not. In some cases, the plans were current, but the information was not available to the public due to confidentiality issues and proprietary data, as well as technical issues.

Mr. Maroon said that the Board benefited from the fact that two members had been involved with their local Soil and Water Conservation District. He suggested that Mr. Taylor be invited to attend the policy committee meetings.

Mr. Sacks reviewed the proposed schedule:

Compliance Evaluation and Phase III

Expected Schedule

- Nov 3, 2009:** Policy Committee work session on Compliance Evaluation program and recommended revisions
- Dec 14, 2009** CBLAB Review/Discussion of Compliance Evaluation program (action requested)
- Dec- February 2010** Further refinement as needed on Compliance standards; discussions and comment period for local governments.
- February 2010** Policy Committee Consideration of Compliance Evaluation Program Revisions; Recommendation to CBLAB
- March 2010** CBLAB Formal Consideration of Compliance Evaluation Program Revisions
- June 2010** First compliance evaluation under revised program

Mr. Sacks explained that the overall process for undertaking compliance evaluations is described in the Board’s Procedural Policies for Local Program Review and no changes to that document are anticipated. He said that staff intended to bring a final version of the compliance review components to the Policy Committee in February and to the Board in March for final consideration. . The first compliance action would likely come before the Board at the June meeting.

Mr. Sacks reviewed the Policy Committee recommendation:

- Policy Committee recommended that the Board authorize and direct staff to proceed with the development of a revised Compliance Evaluation process based on the 31 review elements and corresponding review strategies described in the *Proposed Compliance Evaluation Review Elements* chart.
- Policy Committee further recommended that the Board authorize and direct staff to bring in February 2010 and to the Board in March 2010, a revised Compliance Evaluation program for consideration and adoption.

MOTION: Ms. Reed moved that the Chesapeake Bay Local Assistance Board authorize and direct staff to proceed with the development of a revised Compliance Evaluation process based on the 31 review elements, and corresponding review strategies described in the Proposed Compliance Evaluation Review Elements Chart and to authorize and direct staff to bring to the Policy Committee in February 2010 and to the Board for adoption, in March 2010, a revised compliance evaluation program.

SECOND: Mr. Whitehurst

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Davis expressed his appreciation for the efforts of staff in developing the compliance review element matrix. Mr. Sacks stated that it was done with the help of many staff. Joan indicated that the matrix was the result of the significant efforts of numerous Division staff.

Stormwater Management Regulations

Mr. Baxter gave the following review of Stormwater Management in Virginia.

Stormwater Management in Virginia:
Amendments to Parts I, II, III, and XIII of the Virginia Stormwater Management Program Regulations

Key Points:

- Stormwater runoff is a significant contributor to water quality problems in Chesapeake Bay and Virginia waters.
- Contributes to closing beaches, shellfish beds, downstream flooding, channel erosion, etc.
- Some localities have standards exceeding proposed state rules; many localities have NOT addressed stormwater runoff
- Nearly 4 year regulatory process
- One of most open and inclusive processes ever
- Virginia is not alone; EPA and many states are aggressively addressing pollution impacts from stormwater
- EPA establishing new accountability measures for states along with consequences for not meeting Chesapeake Bay pollution reduction milestones
- EPA has developed a new Bay model and recently released preliminary draft revised nutrient reduction allocations; science changed upon which 0.28 was based; 0.45 statewide in final regulation
- Board will establish through future regulatory action water quality design criteria for new development in Bay Watershed that is consistent with pollutant loadings called for in Virginia Bay TMDL Implementation Plan.

Why regulate Stormwater?

- Regulated for 20 years in areas east of I-95 covered by Bay Act or Larger Municipalities covered by federal MS4 permit. No local programs statewide
- Actual water quality monitoring still showing declines in stream health
- Today's standards still result in significant flooding and channel erosion
- Involves treating runoff during construction as well as long-term runoff post construction
- Concerns both Water Quality (pollutants carried off in SW runoff) and Water Quantity (volume and runoff velocity creating downstream flooding and channel erosion)
- Addressing stormwater management is key component to improving VA's rivers, streams, lakes, and Chesapeake Bay (along with addressing impacts from agriculture, point sources, and air deposition)
- Regulations aimed at reducing the impacts from new construction; even more stringent regulations would be required to have no impact

State and Federal Authority

VA Stormwater Management Act (HB 1177) - 2004

- Consolidated into DCR and Virginia Soil and Water Conservation Board.
- Was administered by 4 boards, 3 state agencies.
- Board has authority to "...permit, regulate, and control stormwater runoff in the Commonwealth...and otherwise act to ensure the general health, safety and welfare of the citizens of the Commonwealth as well as protect the quality and quantity of state waters from the potential harm of unmanaged stormwater".
- Board is authorized to:
 - adopt regulations that specify minimum technical criteria
 - establish minimum design criteria to control nonpoint source pollution and localized flooding
 - encourage low impact development designs, regional and watershed approaches, and nonstructural means for controlling SW
 - promote the reclamation and reuse of SW to protect state waters and public health and to minimize the direct discharge of pollutants into state waters
 - establish a statewide permit fee schedule set at a level sufficient to carry out its responsibilities under this article.

Federal Clean Water Act

- Received EPA authorization to administer federal CWA program 1/29/05
- Involves both new construction and MS4 systems

Regulatory Process

- Process started December 2005
- Over 50 public meetings to develop regs and supporting documents
- 2 Technical Advisory Committees plus subcommittees
- A series of design charrettes (over 400 attended)
- Established BMP Clearinghouse with Virginia Water Resources Center, VT
- Worked with nationally-acclaimed Center for Watershed Protection and the Chesapeake Stormwater Network to develop Runoff Reduction Methodology and new and updated SW practice design specifications
- Contracted with the Department of Agricultural and Applied Economics at Virginia Tech to conduct an economic impact analysis
- Reviewed site design analyses
- Developed guidance to address the use of stormwater nutrient offsets
- September 2008, Virginia Soil and Water Conservation Board authorized DCR to go to public comment
- Legislation in 2009 session to delay effective date to July 2010 and give localities more time to adopt
- Public Comment Period (Summer 2009)
 - 5 public hearings across the state
 - Over 3400 public comments
 - Over 50 additional meetings with groups and individuals
 - Director held two "Sounding Board" meetings with key stakeholders
- Board meeting and public comment Sept. 17
- Final Action October 5, Regulations suspended to allow for an additional 30-day public comment period. Consideration of final regulations on December 9.

Part II: Technical Criteria

- Criteria that will be employed by locality-run stormwater programs and by DCR when it administers a program.
- Two major components:
 - Water Quality
 - Water Quantity

Part III: Local Construction SW Programs

- Contains requirements for locality-administered & DCR-administered programs
 - Locality adoption projected to occur between October 2011 and April 2012
- Also contains local program authorization and review procedures to be used by the Virginia Soil and Water Conservation Board

Part XIII: Fees

- Code of Virginia requires stormwater program to be funded by permit fees
- Fees proposed to be established at a level sufficient to support administration of local programs
- Minimum 70% go back to local program; Proposal will return 72% to localities and remainder to DCR for program implementation
- Scaled based on acreage of project

Addressing Comments

With the changing of the Chesapeake Bay model should the same water quality standards apply statewide? [Should we maintain 0.28 in the Chesapeake Bay Watershed?]

Final Regulation:

- A 0.45 standard shall apply statewide
- Localities may elect to use a stricter standard. (ex: Swift Creek Reservoir 0.22)
- Upon the completion of the VA TMDL Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL, the Board shall by regulatory action establish a water quality design criteria for new development activities that is consistent with pollutant loadings called for in the Plan.
- Motion developed to begin such regulatory action and to establish a Regulatory Advisory Panel

Should same standards exist for small sites and redevelopment sites?

Final Regulation:

- Small Sites (less than 1 acre disturbance) would be held to the statewide 0.45 standard
- Redevelopment sites disturbing less than 1 acre would be held to the 10% standard, rather than 20%

Will applying the stormwater standards in Urban Development Areas affect growth patterns?**Final Regulation:**

- Should the Board establish a standard more stringent than 0.45 in the Bay Watershed by future regulatory action, then a local program, with Board approval, may establish a modified standard no greater than 0.45 within UDAs in order to promote smarter growth
- UDA standards can be based on density, level of imperviousness, mixed-use and transit oriented development potential, proximity to the Chesapeake Bay or local waters of concern, presence of impaired waters, etc.

Will the State allow for additional offsite compliance options?

- Current proposal includes 3 offsite options (pro-rata, watershed stormwater management plan, and developer site)
- 4th added by 2009 GA (nutrient offsets certified by Nutrient Credit program at DEQ)
- 5th Option: New State-level Buy-Down – Offered in October version; must achieve 0.45 on site then can utilize

Final Regulation:

- The 5th Option, the New State-level Buy-Down, will remain in the regulation but will not be available unless the Board establishes by future regulatory action a standard more stringent than 0.45 pounds per acre per year in the Chesapeake Bay Watershed.

Should the final regulations provide for Grandfathering of existing projects?

- Not specifically addressed in current proposal
- However, anyone obtaining coverage under the existing Construction General Permit will be held to today's standards until the end of permit cycle on June 2014

Final Regulation:

- Establish new section on Grandfathering that includes vesting concepts
- Grandfather projects that:
 - Meet specified government vesting requirements by July 1, 2010; and
 - Obtain SW permit coverage by July 1, 2010
- Project would be grandfathered to June 30, 2014
- If permit coverage is continuously maintained, the project will remain subject to today's existing criteria until June 30, 2019

- If governmental bonding or public financing has been issued for a project prior to July 1, 2010, the project will remain subject to today's existing criteria.

Inspection Requirements

- **Concern raised by local governments**

Final Regulation:

- BMPs designed to treat stormwater from individual lots are not subject to inspection requirements (once every five years.) Locality may propose strategy for such lots including education, periodic inspection or other methods.

Water Quantity

Concerns about stringent water quantity; channel protection and flood protection provisions

Final Regulation:

- "Good pasture standard" when flowing to an unstable channel unless pre-existing condition is forest, then forest standard
- Exception for redevelopment (<5 acres) or <1 acre new development

Fees

Concern about adequacy of fees to administer local programs

- Qualifying local program may charge higher fees upon demonstration of need to the board.

Cost Considerations

- All project cases studied were able to achieve requirements
- Costs vary considerably due to site factors (ex: soils and topography) and local provisions
- Early site assessment important to reduce costs
- Costs of addressing water quality impairments after-the-fact exceed the costs of addressing SW during development.
- Lower costs from greater varieties of BMPs and increased BMP efficiencies
- Offsite options will reduce the costs of compliance

- VA Tech analysis did not take into account more recent offsite options or board adopted amendments
- Establishment of 0.45 statewide water quality design standard will reduce costs

Summarization of Recommendations to the Board

- EPA has released new draft-Bay-wide target loads for nitrogen and phosphorus that would need to be achieved in order to restore the Bay and which will serve as the basis for development of the Bay TMDL. Our water quality standards need to use the best science.
- The 0.28 standard in the Chesapeake Bay Watershed for new development changes to 0.45 statewide until new science is available to further refine the standard.
- Upon the completion of the VA TMDL Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL, the Board shall by regulatory action establish a water quality design criteria for new development activities that is consistent with pollutant loadings called for in the Plan.
- Motion developed to begin such regulatory action and to establish a Regulatory Advisory Panel.
- UDA and the state-level buy down provisions are caveated that they will become available should the Board establish a standard more stringent than 0.45 in the Bay Watershed by future regulatory action.

Current Events

1. October 5: Adoption by Board and suspension for additional comment on changes adopted following public comment period
2. Public comment began Oct 26 and ended November 25 on board adopted changes
3. Board meets again on December 9
4. July 2010: Effective Date but on-the-ground impact is phased-in when local programs are adopted
5. October 2011-April 2012: Approval of local programs by Board

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

Mr. Davis asked what happened next.

Mr. Baxter said that there was a 30-day adoption period after the regulations were published in the Virginia Register on January 4, 2010. During that 30 days the Governor can file an objection.

Mr. Maroon said that after the December 9, 2009 meeting of the Soil and Water Conservation Board the regulations were reviewed by the Attorney General's Office, the Department of Planning and Budget, the Secretary of Natural Resources and the Governor. That review had to occur prior to submittal for publication.

Mr. Davis asked with DCR would be doing with regard to education.

Mr. Baxter said that there was an individual in the Division of Soil and Water Conservation charged with public outreach and education. He said that support from the Department would be significant. He said that the next step was to see that the regulations went into effect and that there were no hurdles in the General Assembly session.

Mr. Maroon said that DCR had already done a lot of outreach through regional office staff. He said that the Bay Act localities would be in a much better position than other localities throughout the Commonwealth.

Ms. Salvati next reviewed performance indicators. She stated that, with the concurrence of the Board, staff will be reporting out on several Bay Act output measures in addition to other performance indicators that have been reported in the past.

Quarterly Performance Indicators

Ms. Salvati reviewed the quarterly performance indicators.

As of September 14, 2009:

Localities Found Compliant: 72

Localities Found Noncompliant: 1

Localities Addressing Compliance Conditions: 10

Expected Status as of December, 2009:

Localities Phase I Consistent: 84

Phase II Consistent: 84

Compliance Reviews Completed: 83

Localities Compliant: 79

Localities Addressing Compliance Conditions: 4

Compliance Reviews in Progress: 1

2009 Annual Implementation Report

Mrs. Salvati said that the Annual Implementation Reports for 2009 had all been received and the information contained in the reports had been evaluated. The data below is based on information from those reports. She commended Ms. Smith for the work done on this effort. Joan summarized the annual report requirements as follows:

- Section 9 VAC 10-20-250 1.a requires localities to submit an annual report outlining the implementation of the local program.

- Annual report information for a given locality is used to monitor year-to-year implementation of local Bay Act programs and identify potential implementation issues.
- Localities found compliant 9 months or more are required to submit an annual report
- 53 localities required to submit 2009 Annual Report:
 - 24 towns, 20 counties, 9 cities
- 57 localities submitted

Mrs. Salvati next reported on some of the aggregated data from the annual reports:

Septic Pump-outs 2008-09

- 10 of 57 localities reported no septic tanks in CBPA
- 12 of 25 towns have pump-out enforced by surrounding county
- 164,663 onsite septic systems identified in 47 local CBPAs
- 42,600 notices mailed for 47 localities
- 18,280 systems pumped, 135 inspected and 28 had plastic filter installed
- Pump-out total (for 47 localities, as of June 30, 2009): 91,606 pump-outs reported since beginning of program

Water Quality BMPs

- 31 local governments reported installation of 794 new water quality BMPs
- 7,237 acres of development were reported as treated by new water quality BMPs
- 2-year total: 1388 new BMPs; 17,835 new acres treated
- 3 localities report BMP information through MS4 reporting
- Maintenance agreements or similar mechanism was required for all water quality BMPs

CBPA Mapping

- 14 of 21 counties reported CBPA and RPA acreages; 5 reported updating CBPA map
- 11 of 11 cities reported CBPA and RPA acreages, 3 reported updating CBPA map
- 6 of 25 towns reported CBPA and RPA acreage; 2 reported updating CBPA map
- 6 of the 10 localities that update CBPA map reported doing so in time frames ranging from monthly to once every 5 years.

RPA projects and WQIAs

- 24 of 57 localities reported no development in the RPA
- 23 of the 33 localities with development in the RPA clearly required WQIAs for all RPA projects
- 10 localities required follow-up and were found to require WQIAs for all applicable projects; reporting error was the reason for discrepancies

2010 Meeting Schedule

Staff presented the following proposed meeting schedule:

Calendar Year 2010

Proposed Meeting Schedule for Southern and Northern Area Review Committees

Southern Area Review Committee Meetings

(All meetings are scheduled for Tuesdays)

<u>Date</u>	<u>Time</u>	<u>Location</u>
February 9, 2010	2:00 p.m.*	DCR-CBLA conference room
May 11, 2010	2:00 p.m.*	DCR-CBLA conference room
August 10, 2010	2:00 p.m.*	DCR-CBLA conference room
November 2, 2010	2:00 p.m.*	DCR-CBLA conference room

Northern Area Review Committee Meetings

(All meetings are scheduled for Tuesdays)

<u>Date</u>	<u>Time</u>	<u>Location</u>
February 9, 2010	10:00 a.m.*	DCR-CBLA conference room
May 11, 2010	10:00 a.m.*	DCR-CBLA conference room
August 10, 2010	10:00 a.m.*	DCR-CBLA conference room
November 2, 2010	10:00 a.m.*	DCR-CBLA conference room

Calendar Year 2010

Proposed Meeting Schedule for Chesapeake Bay Local Assistance Board Meetings

(All meetings are scheduled for Mondays)

<u>Date</u>	<u>Time</u>	<u>Location</u>
March 15, 2010	10:00 a.m.*	TBD
June 21, 2010	10:00 a.m.*	TBD
September 20, 2010	10:00 a.m.*	TBD
December 13, 2010	10:00 a.m.*	TBD

Mr. Davis suggested that staff send the suggested dates out to Board members and ask for conflicts and that the schedule be adjusted accordingly.

Public Comment

James Shelton, Hands Across the Lake

Mr. Shelton said that he understood that Chesterfield County was out of compliance with RPA issues. He said that he had discussions with Diana Parker with the Sierra Club. He said that Chesterfield County had posted on their website that they only needed a 50 0ft buffer in the RPA. He said that his organization had concerns about Chesterfield County allowing too much phosphorus to enter county waters.

Mr. Shelton said that his second comment was with regard to the stormwater regulations. He said that his understanding was that they were modified to allow grandfathering and that the southern rivers portion of the state had a more relaxed requirement. He said that grandfathering was an issue in Chesterfield County because of Swift Creek Reservoir.

Mr. Shelton said that he hoped the state would use the original stormwater regulations and not allow grandfathering. He said that he thought there should also be a stricter phosphorus standard.

Mr. Davis thanked Mr. Shelton for his comments but noted that the stormwater management regulations were not under the purview of the Chesapeake Bay Local Assistance Board. He suggested that Mr. Shelton speak with the local authorities concerning the RPA issue.

Ms. Salvati said that with regard to the 500 ft. reference that the County had revised their policy and had been deemed compliant.

Mr. Evans said that his hope was that the next Governor would reappoint Mr. Maroon as DCR Director. But he wanted to go on the record to thank Mr. Maroon for his service.

Adjourn

There was no additional business and the meeting was adjourned.

Respectfully submitted,

Donald W. Davis
Chairman

Joseph H. Maroon
Director