

**Chesapeake Bay Local Assistance Board
December 13, 2010
Patrick Henry Building, Conference Room 3
Richmond, Virginia**

Chesapeake Bay Local Assistance Board Members Present

Gregory C. Evans, Vice Chair
Barry L. Marten

Donald W. Davis
John J. Zeugner

Chesapeake Bay Local Assistance Board Members Not Present

William E. Duncanson, Chair
Charles B. Whitehurst

Rebecca Reed

DCR Staff Present

David A. Johnson, DCR Director
David C. Dowling, Director of Policy, Planning and Budget
Joan Salvati, Director, Division of Chesapeake Bay Local Assistance
David Sacks, Assistant Director, Division of Chesapeake Bay Local Assistance
Michael R. Fletcher, Board and Constituent Services Liaison
V'lent Lassiter, Senior Environmental Planner
Nancy Miller, Senior Environmental Planner
Melissa Doss, Senior Environmental Planner
Daniel Moore, Principal Environmental Planner
William Brenzovich, Director of Human Resources
Elizabeth Andrews, Office of the Attorney General

Others Present

Sheila Noll, York County Board of Supervisors

Call to Order

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

Consideration of the Minutes

Mr. Evans noted that the minutes of the September 20, 2010 Board Meeting had been distributed. He noted that, as there was no quorum, the minutes could not be approved. However, no corrections or additions were suggested.

Director's Report

Mr. Johnson gave the Director's report. He said that since the last meeting the Agency continued to be very busy with the Chesapeake Bay TMDL and the submission of the Watershed Improvement Plan (WIP). DCR had submitted a draft WIP on September 3. Following comments from EPA and a 45 day public comment period a final version was submitted on November 29.

Mr. Johnson noted that the EPA will release the Chesapeake Bay TMDL by December 31. Then in January this will move to Phase 2. He said that would require interfacing with localities to work toward local plans to meet target loads. That draft should be completed by June with EPA currently targeting final completion in December 2011.

Mr. Johnson said that DCR and the Soil and Water Conservation Board were also revising the stormwater regulations that had been put on hold by the General Assembly during the 2010 Session. He said the hope was to have this process completed by May with the regulations being effective in the Fall of 2011.

Ms. Salvati gave the Division Director's report. She gave an update regarding grant activity. She said that the agency had secured EPA funding for the Agricultural Program Coordinator position. Interviews are being set up for that position.

Ms. Salvati said that for the past three years the Division has received \$50,000 from Chesapeake Bay Implementation grant funds. She said that staff are in the process of developing an RFP for this year's Bay Grant allocation. One of the eligible projects in the RFP will be support for the agricultural provisions of the Bay Act that the Board approved in June.

Ms. Salvati said that staff was recently notified that it did not receive the National Fish and Wildlife grant applied for earlier year which would have funded two projects demonstrating Better Site Design practices.

Ms. Salvati said that staff is again planning Chesapeake Bay Local Assistance workshops. Shawn Smith has surveyed local governments regarding topics of concern. This may be one workshop or a series of regional workshops.

Ms. Salvati said that staff have been active in developing internal compliance evaluation tools. Staff have now initiated five compliance evaluations.

Ms. Salvati said that staff have been active participants in the Coastal Policy Team. At a recent workshop, staff gave a presentation on the Bay Act status and on Phase II of the TMDL.

Conflict of Interest Training Information

Mr. Bill Brenzovich, DCR Director of Human Resources gave a presentation regarding Board member requirements for completing Conflict of Interest training and providing

certification to the Secretary of the Commonwealth. A copy of Mr. Brenzovich's presentation is available from DCR.

Review of Division Work Plan

Ms. Salvati gave a review of the Division work plan. She said that her intent was to provide this to the Board on an annual basis.

Review of Division Work Plan

- Finalize Code & Ordinance Advisory reviews by summer 2011
- Complete 14 compliance evaluations for calendar year 2011
- Develop guidance on agricultural requirements
- Oversee local government & PDC grant funded projects
- Conduct spring locality workshop
- Seek additional grant funds
- Develop plan for provision of land planning assistance to localities outside the Bay Act area
- Conduct stakeholder briefings
- Coordinate DCR team for the development of the Phase II Watershed Implementation Plan process

On-going Division Activities

- Environmental Impact reviews
- Comprehensive planning reviews and assistance
- Assistance with drafting of local code language
- Provision of technical assistance
- Site plan reviews
- Education & outreach
- Provision of financial assistance

Advisory Review Update

Mr. Sacks gave the advisory review update.

Phase III Advisory Review of Local Government Ordinances

- Reviews completed: 44
(20 towns, 10 cities, 14 counties)
- Reviews in progress: 11
- Completion of Remainder expected in Summer 2011
- Web-based inventory of ordinance provisions updated as reviews are completed

http://www.dcr.virginia.gov/chesapeake_bay_local_assistance/requirements_search.cfm

Early Findings from 44 reviews

- Required Plan/Plat provisions
 - 5 localities have all required provisions
 - Remainder will need to add provisions to be found Compliant
 - Plat notation for pump-out requirement most common deficiency
- Provisions for Limiting Land Disturbance
 - All have at least one provision
- Provisions for Preserving Indigenous Vegetation
 - All but one town have at least one provision
- Provisions for Minimizing Impervious Cover
 - All but one town have at least one provision

Compliance Evaluation Review Process and Schedule

Mr. Sacks gave an update regarding the Compliance Evaluation process.

Locality Compliance Evaluation Review Process

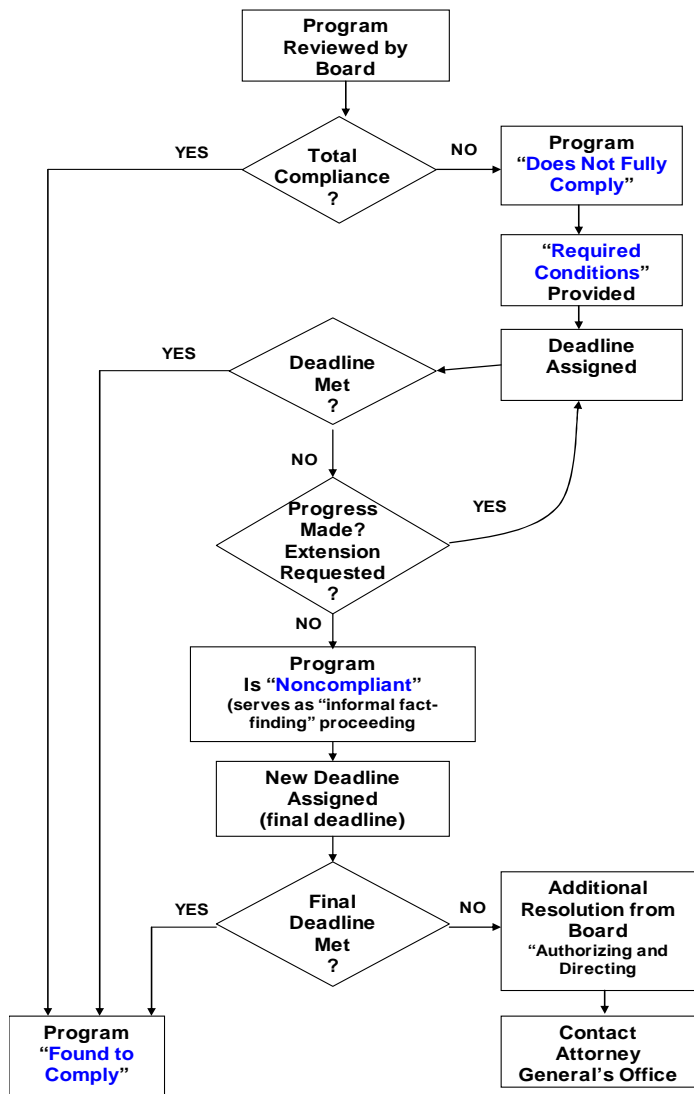
- Evaluation Process Steps:
 1. Formal notification to Chief Administrative Officer
 2. Initial meeting with locality staff to collect information and discuss program
 3. Review select sample of approved plans
 4. Site visits of developments in-progress and those recently completed
 5. Preparation of draft evaluation report; provide locality opportunity to review
 6. Preparation of final report and recommendations for CBLAB action
- Board conducts initial compliance evaluation; determines “compliant” or identifies conditions necessary for compliance
- Board conducts compliance evaluation condition review

Chesapeake Bay Local Assistance Board: Authority for Enforcement

- The Bay Act: § 10.1 – 2103.10: Board is authorized to “Take administrative and legal actions to ensure compliance by counties, cities and towns with the provisions of this chapter including the proper enforcement and implementation of, and continual compliance with, this chapter.”

- The Regulations: § 9 VAC 10-20-260: The Board shall take administrative and legal actions to ensure compliance by local governments with the provisions of the Act.

Compliance Review Process Flow Chart



Compliance Evaluation: Expected Schedule

March 2011

- Cape Charles
- Petersburg condition review

June 2011

- Gloucester
- Richmond County
- Williamsburg
- James City

Sept./Dec. 2011

- 3 Eastern Shore towns
- Portsmouth
- York
- Northampton
- Stafford
- Vienna

Local Program Compliance Evaluation

Program Update – City of Petersburg

Ms. Doss gave the following update.

The City of Petersburg's initial compliance evaluation took place in the spring of 2009 and resulted in 9 conditions. At the June 2010 meeting, the Board found that the City had addressed 5 conditions and granted a deadline extension to December 31, 2010 for the 4 remaining conditions.

Three of the remaining conditions require the depiction of CBPAs on plans, site specific evaluations when necessary, and ensuring development properly addresses non point source pollution. Since the last update given to the Board in September, the City requested assistance during a proposed landfill expansion site visit, and also requested our comments on the site plan. The City has submitted a draft of the Development Guide to Department staff, which clarifies and summarizes the review process and site plan submittal requirements. Comments on the chapter entitled "City of Petersburg Chesapeake Bay Preservation Ordinance Process" have been provided to the City.

Ms. Doss said that as long as the City continues to properly administer their program and incorporates our suggested changes into the Development Guide, staff believed they will have adequately addressed these 3 conditions.

The 4th condition requires the City to address issues within the corrective action agreement. On September 16, the Soil and Water Conservation Board extended the Corrective Action Agreement deadline to March 17, 2011.

Ms. Doss said that it was staff's opinion the City is making adequate progress toward meeting 3 of the 4 conditions.

There was no action needed.

2011 Meeting Schedule

The meeting schedule for 2011 is as follows:

Northern Area Review Committee

(all meetings are scheduled for Tuesdays at 10:00 a.m.)

February 8, 2011

May 10, 2011

August 9, 2011

November 1, 2011

Southern Area Review Committee

(all meetings are scheduled for Tuesdays at 2:00 p.m.)

February 8, 2011

May 10, 2011

August 9, 2011

November 1, 2011

Chesapeake Bay Local Assistance Board

(all meetings are schedule for Mondays at 10:00 a.m.)

March 21, 2011

June 20, 2011

September 19, 2011

December 12, 2011

New Business

There was no new business.

Public Comment

There was no public comment.

Adjourn

There was no further business and the meeting was adjourned.

Respectfully submitted,

Gregory C. Evans
Vice Chairman

David A. Johnson
Director