

**Southern Area Review Committee Meeting**  
**Tuesday, February 13, 2007 – 2:00 p.m.**  
**101 N. 14<sup>th</sup> St. – 17<sup>th</sup> Floor**  
**James Monroe Building**  
**Richmond, Virginia**

**Southern Area Review Committee Members Present**

Beverly D. Harper, Chair  
Richard B. Taylor

Gale A. Roberts  
John J. Zeugner

**Southern Area Review Committee Members Not Present**

Michael A. Rodriguez

**DCR Staff Present**

Joseph H. Maroon, Director  
Joan Salvati, Director, Division of Chesapeake Bay Local Assistance  
David Sacks, Assistant Director, Division of Chesapeake Bay Local Assistance  
Rob Suydam, Senior Environmental Planner  
Daniel Moore, Principal Environmental Planner  
Moiria Croghan, Environmental Manager  
Michael R. Fletcher, Board and Constituent Services Liaison

**Others Present**

Michael Flagg, Hanover County  
Tevya W. Griffin, City of Hopewell  
March Altman, City of Hopewell

**Call to Order and Opening Remarks**

Ms. Harper called the meeting to order and declared a quorum present.

Mr. Maroon referenced an article in the Citizens for a Better Eastern Shore newsletter. This was sent out via email to members. A copy of this article is available from DCR.

**Local Program Reviews:      Compliance Evaluation**

*Hanover County - Review of previous conditions*

Mr. Suydam gave the report for Hanover County. He introduced Mr. Michael Flagg, Director of Public Works for Hanover County.

The Department conducted a compliance evaluation for Hanover County in the spring of 2005.

In December of 2005, the Board found that the implementation of the City's Phase I program did not fully comply with the Act and Regulations with two (2) recommendations outlined in the resolution.

The two recommendations in the resolution pertain to a required Corrective Action Agreement (CAA) for the County's E&S program review, and the 5-year septic pump out program.

With regards to the E&S control program review, DCR SWC staff have confirmed that the required CAA is in its final stages of approval. Based on this development, staff subsequently finds that Hanover County has adequately addressed this recommendation.

With regards to the 5-year septic pump out program, staff has been working with Hanover County's Director of Public Works, Mr. Mike Flagg, and Assistance Director Mr. Steve Herzog, and has been providing assistance to him in this matter.

Staff has established cooperation between the Counties of Henrico and Hanover where Henrico has voluntarily provided a copy of its database design to Hanover as a means from which to start their notification and tracking program. In addition, the County has taken steps towards overall implementation.

These steps include:

- Assessment of its 23,000 existing systems
- Notification options
- Review of the County's septic hauler information maintained by the DPU
- Review of other local programs already in operation.

Nevertheless, staff inquired as to the reason for the delay of the septic pump-out program's completion. In response, Mr. Flagg noted:

- Budget submissions for additional operating and personnel support for this program.
- Previous director of Public Works, Rebecca Draper, resigned her position in 2006 and subsequent staff realignment also contributed to a delay in creating this program.

In January of this year the County formally requested an extension to the December 31, 2006 deadline to June 30, 2007 to provide them adequate time to complete and properly implement the one remaining recommendation of the Board.

Based on this request, it is staff's recommendation that the Board find the County not fully compliant with a final deadline of June 30, 2007 for the completion of the one remaining recommendation.

Mr. Flagg said that it was. He said the County anticipates about 5,000 notifications a year. The County hopes to begin this process in May. He noted that the County Administrator has recommended an additional position to give additional resources for this and other program activities.

Mr. Maroon asked if the County could meet the recommendation by the June meeting.

Mr. Flagg said the County would be prepared to do so.

Mr. Taylor asked if all the 23,000 homes in question fell under the program.

Mr. Flagg said that was one of the challenges because not all of Hanover County is within the Chesapeake Bay Act program area. However, he noted that it was staff recommendation to give the notice to everyone allowing homeowners not within the Bay area to opt out of the program.

MOTION: Mr. Taylor moved that the Southern Area Review Committee recommend that the Chesapeake Bay Local Assistance Board find that certain aspects of Hanover County's implementation of its Phase 1 program do not fully comply with §§ 10.1-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations and further that the County be directed to undertake and complete the recommendation contained in the staff report no later than June 15, 2007.

SECOND: Mr. Zeugner

DISCUSSION: None

VOTE: Motion carried unanimously

*City of Hopewell - Review of previous condition*

Mr. Suydam gave the report for the City of Hopewell. He recognized March Altman and Tevya Griffin from the City of Hopewell. Mr. Altman is the Assistant City Manager and Director of Community Development.

The Department conducted a compliance evaluation of the City of Hopewell in the spring of 2005.

In the summer of that year, the Board found that the implementation of the City's Phase I program did not fully comply with the Act and Regulations.

The Board's resolution outlined ten (10) recommendations to be addressed for compliance and set June 30, 2006 as the deadline.

Many of the 10 recommendations pertain to the basic fundamentals of a Bay Act program.

The Department was diligent in its efforts to assist the City in resolving the issues and sent two letters reminding them of the June 30, 2006 deadline.

In the summer of 2006, the City asked for and was granted an extension by the Board, establishing a new deadline of December 31, 2006.

A meeting was held on January 11, 2007 with City staff to assess their progress.

Department staff met with Assistant City Manager Mr. March Altman and newly hired City Planner Tevya Williams Griffin.

While discussions at this meeting were productive, it was concluded that none of the 10 recommendations had been adequately addressed at this time.

Thus, staff recommends that the Board find the implementation of the City of Hopewell's Phase I program noncompliant.

Ms. Harper asked if the June 30 date was acceptable.

Mr. Suydam said that the hiring of Ms. Griffin a new city planner encouraged him. He said it appeared the City had not had enough staff and tools previously.

Mr. Maroon asked Mr. Altman if the City now believed they could meet the requirements.

Mr. Altman said the issues in the past were more issues of habit over the years, including some issues of personnel. He indicated that the City was moving forward.

Ms. Salvati asked Mr. Altman if there were concerns regarding the ability to meet the deadline.

Mr. Altman said the main concern remains the septic pump out program, but that the City would be comfortable with a date change to June 15, 2007.

**MOTION:** Ms. Roberts moved that the Southern Area Review Committee recommend the Chesapeake Bay Local Assistance Board find the implementation of the City of Hopewell's Phase I program noncompliant with §§ 1.10-2109 and 2111 of the Act and §§ 9 VAC 10-20-231 and 250 of the Regulations, based on the City's failure to adequately address the ten (10) Board recommendations, and further that the Board direct the City of Hopewell to undertake and complete the ten (10) recommendations contained in the staff report no later than June 15, 2007.

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

Updates

*City of Petersburg*

Mr. Suydam gave an update regarding the City of Petersburg. He provided members with a handout with a schedule of adoption for the four remaining recommendations. A copy of that schedule is available from DCR.

Mr. Suydam said the goal of the City is to meet the recommendations by the June Board meeting.

*Policy Committee issues*


Ms. Salvati gave an update of where staff is with respect to three outstanding issues.

**Policy Committee Meeting Summary**  
**January 26, 2007**

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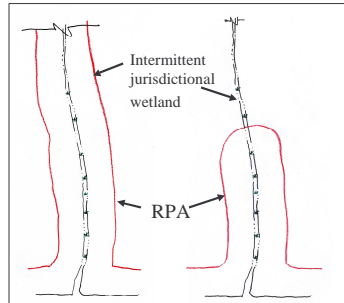
**Outstanding Issues:**

- ❖ Channelized and/or Elongated and Narrow Wetlands
- ❖ Interrupted and Disconnected Wetlands
- ❖ Definition of “Surface Flow” (Guidance Document Issue)

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### Channelized and Elongated Wetlands



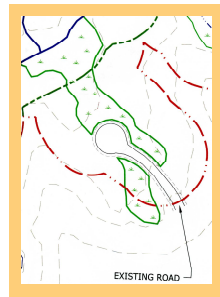
- ❖ Many of these are intermittent streams
- ❖ Strict interpretation includes them as RPA features requiring a buffer
- ❖ Intent was not to include intermittent streams in RPA



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### Interrupted and Disconnected Wetlands Options



1. Guidance to exempt from RPA nontidal wetlands bisected pre-Bay Act.
2. Require inclusion in RPA of nontidal wetlands bisected by post Bay Act man-made activity
3. Develop guidance that allows for local discretion.
4. Some combination of the above



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### Definition of "Surface Flow"

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- ❖ Draft Guidance equates surface flow with "ground saturation or inundation" as described in 1987 Corps Wetlands Delineation Manual
- ❖ Ad-Hoc Committee members expressed concern that this definition is not supported by the Regulations
- ❖ *Options include:*
  - *Keeping original definition*
  - *Revising definition to more closely match Corps guidance*
  - *Develop new definition*



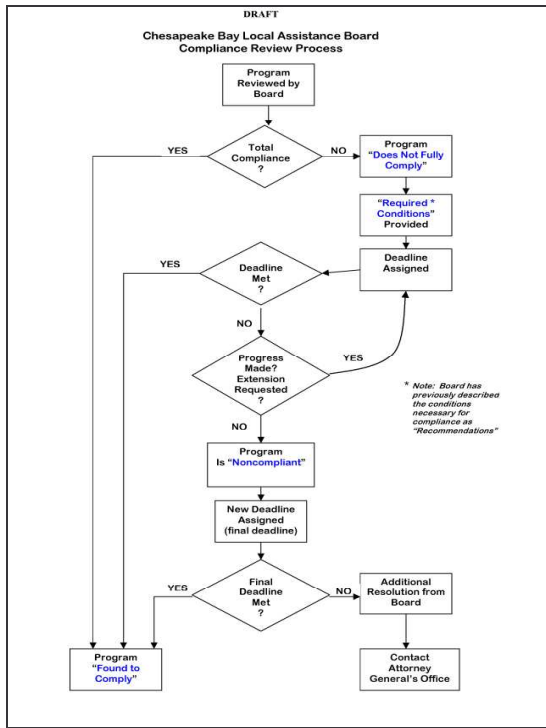
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Ms. Salvati said that the Policy Committee would meet on March 26 at 10:00 a.m.

### Other Business

Mr. Sacks presented an overview of the Board finding decision flow chart. A full size copy of the chart is available from DCR.



Public Comment

There was no additional public comment.

Adjourn

Being no further business, the meeting was adjourned.

Respectfully submitted,

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Beverly D. Harper  
Chair

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Joseph H. Maroon  
Director