



LAND USE & ENVIRONMENT COMMITTEE

Meeting Minutes – November 15, 2012

Attendees:

Jenny Biche'	Rappahannock-Rapidan Regional Commission
Holly Carpenter	US Army Corps of Engineers
Deirdre Clark	John Marshall Soil & Water Conservation District
John Cooley	Town of Orange
Michelle Edwards	Rappahannock-Rapidan Regional Commission
Brian Higgins	Piedmont Environmental Council
Jim Hoy	Town of Culpeper
Chuck Hoysa	John Marshall Soil & Water Conservation District
Steve Hubble	Stafford County
Beverly Hunter	RappFLOW
Jim Sawyer	Fauquier County
Gary Switzer	Virginia Department of Health

Welcome & Introductions

Attendees were welcomed and introductions were made. Copies of the Agenda were distributed.

Stormwater Program Update: Local Perspective

Steve Hubble, Assistant Director of Public Works, Stafford County

Mr. Hubble serves on the Stormwater Local Government Advisory Committee (SWLGAC) that was created to assist the Virginia Department of Conservation and Recreation (DCR) with the development of guidance materials for localities to address the design and implementation of the new stormwater program regulations. He provided an overview of the revised Virginia Stormwater Program Regulations, discussed their potential impacts to localities, and provided an update on the SWLGAC's activities. His presentation is available on the Land Use and Environment Committee's webpage at www.rregion.org/envcmte.html.

Local Stormwater Programs will need to address the following key components when meeting the new state regulations:

- Plan Review
 - Specific plan acceptance and review timelines in regulations

- Long term maintenance
 - Agreements required
- Inspections
 - For erosion and sediment control (ESC), stormwater management, and Stormwater Pollution Prevention Plans (SWPPP)
- Locality adopts inspection program, subject to:
 - Virginia Soil and Water Conservation Board (SWCB) Approval
 - County inspections of all post construction BMPs at least once every 5 years
- Enforcement
 - Administrative procedures
 - Civil or criminal penalties
- Exceptions
 - May be granted, but not for economic hardship alone
- Reports and Recordkeeping
 - Annual reports

All local programs must be approved by the SWCB. Localities will need to submit a draft stormwater ordinance, a funding and staffing plan, and local program policies and procedures.

Localities will need to consider how they will structure their stormwater program fees. Localities may charge higher fees than prescribed in the state regulations upon approval by the SWCB. 28% of the collected fees will go to DCR and the locality will keep 72%. Currently Stafford County charges separate fees for plan review and permitting, while the new regulations combine them. The SWLGAC is awaiting a decision from DCR as to whether localities will be allowed to charge separate fees for Erosion & Sediment and Stormwater. Stafford County anticipates a reduction in revenue due to the new regulations.

To date, the SWLGAC has assisted with:

- Development of a local program checklist, *Required Elements of Local Stormwater Management Program Application Package*
- Local Program Development Timeline, providing key dates and steps
- Development of E-Permitting System — DCR's online system for obtaining permits. It will include Permitting Functions for the public and Administrative Functions for DCR and Localities
- Model Stormwater Ordinance — a draft is complete and available online, however, the final ordinance has been delayed until VSMP construction general permit regulation development has been completed (expected December 2012)
- Local Program Development Training Sessions
- Certificate Program — DCR is developing a new certification program for stormwater similar to the ESC certification program. Combined and separate certifications will be

available. Unlike with the ESC certification program, there will be no grandfathering/reciprocity for those with P.E. licenses.

- BMP Handbook — completed portions available on DCR website (www.dcr.virginia.gov/lr2i.shtml). Guidance documents include frequently asked questions, roles & responsibilities and process flow charts.
- SWPPP Review — local government review of pollution prevention plans now allowed.

The local program checklist, program development timeline and draft model ordinance are currently available on the DCR website at

www.dcr.virginia.gov/stormwater_management/swmrollout-tools.shtml. Additional local program development tools will be added as they become available. Further information concerning the SWLAG is available at www.dcr.virginia.gov/lrswlgac01.shtml.

Following the presentation, Mr. Hubble shared the key actions Stafford County would be addressing to comply with the new regulations (see attached). He offered to share information on Stafford County's progress and work with the Land Use and Environment Committee in the future. Committee members stated that it would be helpful if DCR could provide a local stormwater ordinance checklist, which includes items required for consistency with state regulations. Mr. Hubble said he would forward the request to the SWLAG Committee.

Rappahannock River Basin Gauge Analysis and Group Discussion of Potential Sites

Holly Carpenter, US Army Corps of Engineers

Ms. Carpenter has been gathering input from stakeholders for the Army Corps of Engineers' (Corps) Rappahannock River Basin Gauge Analysis. She is still seeking information on hot spots of water quality and flooding issues, and recommendations on the **specific** locations and type of the gauges needed. She has collaborated with the Virginia Department of Emergency Management and the National Weather Service and received their recommendations; however, she is asking localities for their input as well. The gauges being considered by this study would collect real-time data on stream flow, rainfall and water quality.

Ms. Carpenter provided two maps for committee members to review and stated that the maps and data would be available for viewing on line as well.

Highlights of the group discussion include:

- Though groundwater is a key issue in the basin, the complexity of groundwater would require more in-depth analysis than the other components. Due to limited funding and staffing, groundwater will not be included in this initial study. It is possible that a Phase II could be pursued after completion of the gauge analysis study.
- Each station could include all three types of gauges (i.e. rainfall, stream and water quality), if needed, but not necessarily.
- All recommendations will be collected and then prioritized. It is anticipated that only five gauges total throughout the river basin can be funded by initially.

- The Corps currently do not have a list of criteria as to what constitutes a water quality hot spot/problem area.
- The gauges are surface water gauges only.
- The Corps would like each county within the basin, to be represented in the study. After recommendations have been submitted, overlap can be identified and prioritization can occur.
- Representatives of Piedmont and Environmental Council and John Marshal Soil and Water Conservation District stated interest in locating gauges at agricultural and urban BMP locations, to document effectiveness.

Next Land Use & Environment Committee Meeting:

The next Land Use & Environment Committee meeting will be held on February 14, 2013 at 10am at the Regional Commission.

Please email Michelle at medwards@rrregion.org with suggestions for future meeting topics.