



Meeting Highlights from April 15, 2010 Rivanna River Basin Commission

The Chesapeake Bay TMDL and Virginia Stormwater Regulations: What's Ahead for Local Governments?

Mr. Jack Frye, Director of the Division of Soil and Water Conservation (Virginia Department of Conservation and Recreation – DCR), reported that 2010 General Assembly legislation required that the proposed Virginia Stormwater Management Program (VSMP) Permit Regulations be informed by the limits being set by Chesapeake Bay TMDL (the pollution diet for nutrients and sediment). The Bay TMDL is currently targeted for EPA approval in late 2010.

The Virginia Soil and Water Conservation Board suspended the final stormwater regulations in January 2010 in response to the receipt of 25 petitions requesting additional public comment. In March, the Board affirmed its intention to continue the suspension of the regulations until the Bay TMDL results are available for consideration. However, per the 2010 legislation, the Virginia stormwater regulations (Parts I, II, and III) “shall become effective within 280 days after the establishment by the United States Environmental Protection Agency of a Chesapeake Bay-wide Total Maximum Daily Load (TMDL), but in any event *no later than December 1, 2011.*”

In accordance with law, Chesapeake Bay Act localities and Municipal Separate Stormwater Sewer Systems (MS4) localities are required to adopt (no sooner than 15 months and not more than 21 months following the effective date of the regulation) a “qualifying local program.” The Virginia Soil and Water Conservation Board must approve this program. Other localities may elect to adopt and administer a local stormwater management program for land disturbing activities. In the absence of the delegation of a stormwater management program to a locality, the Department is required to administer a stormwater management program in that locality.

The permit fees (Part XIII), which were part of a separate regulatory action, became effective on February 3, 2010, although implementation is generally being phased-in with local program adoption. The new permit fees share costs between local governments and DCR based on whether a local program is implemented. However, the local share was calculated to fully support administration of the program by the locality, which the authority to adjust upward these fees if necessary to cover its costs.

The Chesapeake Bay TMDL signals the transition from the largely voluntary Bay clean-up effort to a regulatory process, driven by US EPA because the Bay comprises waters of multiple states. The Bay does not meet water quality standards for dissolved oxygen (necessary for aquatic life); turbidity (too much smothers underwater grasses essential for Bay health); and *Chlorophyll a* (harmful algae). Significant reductions in sediment and phosphorous and nitrogen (nutrients) from point sources (such as waste treatment plants and MS4s) and non-point sources (stormwater runoff from development and agriculture) will be required to achieve water quality goals. EPA has given allocations of this pollution diet to each state – and the states are required to provide back to EPA limits based on each major tributary and source sector. The Virginia Chesapeake Bay TMDL Stakeholders Advisory Group (SAG), which the RRBC sits on, is providing input to DCR and the Department of Environmental Quality (DEQ), which are leading the Bay cleanup effort for Virginia. The Bay TMDL and Watershed Implementation Plans are on a very aggressive schedule and include interim 2-year goals to meet the ultimate goal of a Chesapeake Bay with acceptable water quality in 2025.

Rivanna-Regional Chesapeake Bay TMDL Pilot Project

Based on the recommendation by DCR, EPA selected the Rivanna region as one of six pilot projects in the Chesapeake Bay watershed designed as a head start for engaging local governments and organizations for implementing the Chesapeake Bay TMDL. RRBC will coordinate the pilot project with



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its partners, including Culpeper and Thomas Jefferson SWCDs, TJPDC, and StreamWatch. Between now and December 2010, RRBC will have facilitation support from UVA's Institute for Environmental Negotiations and technical support from TetraTech. DCR staff from Richmond will be involved, and our local process will help inform the engagement process around the Commonwealth that will formally commence in 2011 once the Bay TMDL has been finalized. This pilot will give local governments a head start in understanding the impacts of the Bay TMDL – and the opportunity to identify the gap between what will be necessary to achieve the goals and the resources that will be required to achieve these goals.

Comprehensive Watershed Planning for the Rivanna

The Rivanna watershed community has been guided largely by the 1998 *State of the Basin Report* (TJPDC), which included recommendations for the development of comprehensive water quality-monitoring program (now StreamWatch) and a watershed-wide organization to help coordinate and guide policy for the watershed (now RRBC). Recent deliberations of RRBC's Technical Advisory Committee and discussions with leaders of organizations that work in the Rivanna point to the need for a comprehensive watershed plan, which is part of the original charter of the RRBC. Ms. Middleton will pursue private and public funding opportunities to develop a comprehensive watershed plan, including submission of a grant proposal to the National Fish and Wildlife Foundation Small Watershed Grant program (due May 17).

Commission Updates:

- Dr. Liz Palmer has been appointed the Albemarle County citizen representative to the RRBC, replacing Mr. John Martin who resigned in February. Dr. Palmer's term will run until April 2013.
- Rose Brown, part-time Program Coordinator for the RRBC since January 2010, is resigning to assume a fulltime position with StreamWatch.

Commission Decisions:

1. Elected Dr. Brown as Chair, Ms. Mallek as Vice-chair and Mr. Gooch as Treasurer.
2. Directed Ms. Middleton to seek funding for a comprehensive Rivanna watershed plan.
3. Changed meetings to 2nd Monday (every other month) from 12 noon to 2 p.m.
4. Selected Virginia Association of Counties insurance option for the Commission and approved required VACO resolution to join the self-insurance group.

Commission Requests of Staff:

1. Provide one-page PDF of meeting highlights as soon as possible soon after each meeting.
2. Find out if the determination of quorum is necessary for small-group meetings of RRBC.

Upcoming Meetings:

May 18 RRBC Technical Advisory Committee: 9 am – 12 noon (Alb-COB, McIntire, Room 241)

- Dr. Greg Garman (VCU, Rivanna Healthy Waters project update)
- Ms. Laura Gabanski (EPA, Healthy Watersheds Program Director, program overview)
- Discussion about comprehensive water quality monitoring program for the Rivanna

June 14 Rivanna River Basin Commission, 12 noon – 2 pm (Alb-COB, McIntire, Room 241)

Aug 9 Rivanna River Basin Commission, 12 noon – 2 pm (Alb-COB, McIntire, Room 241)