

**FINAL Meeting Minutes**  
**Rivanna River Basin Commission**  
**Chesapeake Bay TMDL informational meeting**

January 8, 2010  
10 a.m. – 12 p.m.  
Albemarle County office building (McIntire), Room 241

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**Attendance**

***Rivanna River Basin Commission Members***

***Present:***

Mr. Joe Chesser, Fluvanna County Board of Supervisors  
Mr. Lindsay Dorrier, Albemarle County Board of Supervisors  
Mr. Keith Lancaster, City of Charlottesville Citizen  
Mr. John Martin, Albemarle County Citizen  
Ms. Roberta Savage, Greene County Citizen  
Mr. Carl Schmitt, Greene County Board of Supervisors  
Ms. Sally Thomas, Albemarle County Board of Supervisors  
Mr. Andy Wilson, Fluvanna County Citizen

***Others present:***

Ms. Rose Brown, RRBC Recording Secretary  
Mr. Morgan Butler, SELC  
Mr. John Cannon, UVA  
Mr. Darren Coffey, Fluvanna County  
Mr. Jeff Corbin, Assistant Secretary of Natural Resources  
Ms. Louise Finger, VA DGIF  
Mr. Tom Frederick, RWSA  
Mr. Dan Frisbee, City of Charlottesville  
Mr. Greg Harper, Albemarle County  
Mr. Bill Kittrell, The Nature Conservancy  
Ms. Ann Malleck, Albemarle County BOS  
Ms. Leslie Middleton, RRBC Executive Director  
Mr. John Murphy, StreamWatch  
Ms. Liz Palmer, ACSA  
Mr. Rick Parrish, SELC  
Mr. Russ Perkinson, Virginia DCR  
Mr. Alan Pollock, Virginia DEQ  
Ms. Mary Rose Pratt, SELC  
Mr. Dan Ratzlaff, Greene County  
Ms. Kristel Riddervold, City of Charlottesville  
Ms. Alyson Sappington, TJSWCD  
Mr. David Sligh, Upper James River Keeper  
Mr. Leon Szeptycki, RCS

Ms. Katie Watlington, UVA  
Ms. Jess Wenger, UVA  
Mr. Greg Wichelns, CSWCD  
Mr. Steve Williams, TJPDC  
Ms. Erin Yancey, TJPDC

1. Call to order

Ms. Savage called the RRBC meeting to order at 10:09 a.m. No business of the RRBC was conducted during this meeting.

Ms. Middleton explained that she, Sally Thomas, and Rick Parrish are part of the Stakeholders Advisory Group (SAG). Ms. Middleton was appointed as a representative of the RRBC, Rick Parish as a representative of the Southern Environmental Law Center, and Sally Thomas as a representative of the Local Government Advisory Committee (LGAC) to Chesapeake Bay program.

Ms. Middleton, Ms. Thomas and Mr. Parrish went to Richmond on December 17 for a presentation by staff from the EPA, who described the Chesapeake Bay TMDL process. Localities are scheduled to be involved in the TMDL in 2011. Ms. Middleton, Ms. Thomas and Mr. Parrish convened this meeting to gauge whether there is local interest in getting involved sooner, or having a more focused response. This is not an RRBC project at this time, but it will be on the agenda of the RRBC's next meeting on January 21.

Ms. Middleton introduced Jeff Corbin, Assistant Secretary of Natural Resources, Russ Perkinson from Virginia Department of Conservation and Recreation (DCR), and Alan Pollock from Virginia Department of Environmental Quality (DEQ).

Ms. Thomas stated that she would like this TMDL to be a process that is worked out with localities, rather than a mandate that is put upon local governments by the state. The EPA plans to have local government involvement in phase 2 of the TMDL. This may be what the community prefers. But perhaps the community will decide to get involved now, and help shape how localities are affected by this TMDL. The timeline is short; a draft must be sent to the EPA in 6 months.

Mr. Parrish stated that TMDL requirements were contained in the 1972 Clean Water Act. Almost no TMDLs in the nation have been successfully implemented. Virginia requires implementation plans, but most states do not. The Chesapeake Bay TMDL is a unique and progressive step in the TMDL program. If this process is successful, the EPA may extend the program nationwide.

2. Introductions

Introductions were made.

3. Presentation by Jeff Corbin, Russ Perkinson, and Alan Pollock from

Mr. Corbin stated that the EPA continues to solicit local government input into the TMDL process. There will be some financial resources from EPA, available to groups that get involved early in the process. Facilitation services and technical services will also be provided. EPA staff have been very involved with community presentations and working with the SAG. Virginia must submit the Preliminary Watershed Implementation Plan (WIP) to the EPA by June 1, 2010.

Mr. Corbin, Mr. Perkinson and Mr. Pollock gave a presentation that was given at the first SAG meeting.

#### 4. Questions and Answers

Q: (Greg Wilchelns) Do the locality inputs from the tributary strategy still have relevance?

A: (Russ Perkinson) It is not clear at this time. These issues will be revisited during the TMDL, but the exact process has not yet been developed.

Q: (Greg Wilchelns) You stated in the presentation that the EPA will provide 2010 acreage and 2008 loads. What is the process for determining these numbers?

A: (Alan Pollock) The loads will come from watershed models. The state provides data such as wastewater to the EPA, which is plugged into a watershed model.

(Rick Parrish) Current loads are calculated using ambient monitoring, not reported discharges. There are risks of miscalculations when loads are based on estimates rather than field data.

(Jeff Corbin) The EPA is aware that some numbers will change. This is one reason that the EPA broke the TMDL into 2 phases. By the end of 2010, Virginia has to divide its loads into 35 segments. Locality loads will not be written into the TMDL, but will be used to track progress. In 2011, there will be time to fine tune locality loads.

Q: (Sally Thomas) At what point will this community find out what the Rivanna river discharge is allowed to be?

A: (Jeff Corbin) The EPA may be able to give Virginia the numbers very soon. This locality can ask the EPA what the local watershed load should be.

(Russ Perkinson)– The EPA can probably provide a gross load, which will not be broken into agriculture vs. urban, etc. A more specific breakdown will be possible in phase 2.

Ms. Thomas and Ms. Middleton led the group through the 8 steps of a Watershed Implementation Plan. Some preliminary questions had been listed under each question, and the group added more questions:

##### **1. Determine Interim and Final Nutrient and Sediment Target Loads**

Q: (David Sligh) Shouldn't loads be set on current conditions of watershed? When and how will the current TMDLs be implemented?

A: (Rick Parrish) Local conditions for the Rivanna watershed, especially sediment, are likely to require greater efforts than our contribution to the Bay recovery. We will have to take measures to implement current TMDLS and the Chesapeake Bay TMDL.

Q: (Leon Szeptycki) Will the more current local TMDLs fit into the Bay TMDL, or will there be separate consequences?

A: (Alan Pollock) The TMDLs are being implemented separately. Many TMDLs are currently in process in Virginia. When the Bay TMDL process is complete, it will not be all-encompassing and cover all water quality in the state. Every 2 years, there is an impaired waters list update. This will continue. There will likely be hundreds of more TMDLs to do. When the Bay TMDL is complete, there will be a focus on areas where more effort is needed.

Q: (Leslie Middleton) What region or regions are we thinking of, for this possible local involvement? Planning District Commissions and Soil and Water Conservation Districts? Watersheds? What are the thoughts from the group about the local scale; where would the boundary lines be drawn?

(Sally Thomas) For example, would our local scale include the Hardware River watershed?

A: (Greg W) Some relevance to the 35 segments shown on the handout would be important.

(Rick Parrish) Our watershed is located in the Lower James segment, so that would include the Rivanna and the Hardware watersheds.

Q: (Lindsay Dorrier) There is a broad issue of who is going to pay for this. If standards are too high, local governments cannot pay for implementation.

A: (Jeff Corbin) There will be gaps. At the state level, we do not have enough fund for all implementation. As local levels receive their loads and break the loads into agriculture, urban etc, then the gaps will be reported. Localities and the state will have to find the money.

(Rick Parrish) It is important to note that the target loads of the TMDL will not be putting the Bay back to pristine levels. These levels will achieve barely acceptable levels. Compromises have already been made.

Q: (Robbi Savage) During this TMDL process, how will DEQ also complete all of its current obligations like current TMDLs, MS4 permits, etc. Can DEQ even process its current obligations?

A: (Alan Pollock) DEQ does not plan to sign a Memorandum of Agreement that it cannot fulfill. These goals must be resource-based as well as standard-based. DEQ is already behind on TMDL implementation plans. Difficult choices will have to be made.

Q: (Joe Chesser) Is there technology available that will help us to implement? What are the costs?

## **2. Current Loading Baseline and Program Capacity**

Q: (Leslie Middleton) The RRBC has been active in amassing sedimentation data, and the RRBC TAC is discussing this and gathering more information. Localities in the Rivanna watershed and the Hardware watershed have a lot of information that could inform a local TMDL or local load suggestions. What are the thoughts from the group? What data are we missing? What resources/structures are missing?

Comment: (Jeff Corbin) The EPA may be able to provide a tool to help localities enter current loads and practices, and then add BMPs to model the potential effects. Localities will be informed when the tool is available.

Q: (Carl Schmitt) One budget challenge will be paying for staff. Who will work on this TMDL? When the state has allocated loads to Greene County, for example, we will need staff and tools to address the allocations. We do not have the resources; we will need help from the state or from EPA.

A: (Rick Parrish) Technical assistance will be available at some point. Additional staff will not be needed for the planning stage. Implementation plans will probably require more stormwater staff in the localities and at the Department of Conservation and Recreation.

Comment: (Alyson Sappington) It makes sense for Soil and Water Conservation Districts to have a role, especially in the allocation of nonpoint sources. However, we have the same issue with

resources. We are always a step behind our current work loads. Resources will be very challenging.

Comment: (David Sligh) There is a new permit for construction stormwater and post – construction stormwater. These already require increased measures. There will be more and more requirements every step of the way. If we work to implement the current TMDLs and permits, we may be able to meet many of the Chesapeake Bay TMDL requirements.

Comment: (Sally Thomas) The EPA will address the air quality component of the TMDL. States will not have to address this.

### **3. Account for Growth**

Comment: (Alan Pollock) The outgoing Secretary of Natural Resources was the patron of the credit exchange program. One facet of this deals with growth. The program allows for securing of offsets to counterbalance growth. One long-term goal is to develop programs for reclamation and reuse of wastewater. Localities should keep this in mind when developing implementation plans. For example, golf courses could use treated wastewater.

Comment: (Darren Coffey) For planning purposes, every jurisdiction has a comprehensive plan with growth statistics, predictions, and planned growth. The Planning District Commission has access to all of that information.

- 4. Gap Analysis**
- 5. Commitment and Strategy to Fill Gaps**
- 6. Tracking and Reporting Protocols**
- 7. Contingencies for Slow or Incomplete Growth**
- 8. Detailed Targets and Schedule (Appendix)**

Ms. Thomas noted that there was not enough time to discuss questions 4-8. Final questions/comments were made:

Q: (Krystal Riddervold) We are not one of the 35 segments shown in the presentation, but our watershed drains to one of the 35 segments. Can we come up with useful information to inform the segment that we contribute to? Can we work with that segment?

A: (Rick Parrish) This could be too large of a scale. The Lower James watershed will probably receive an allocation. This will be divided to immediate dischargers and all that is upstream. There will be representatives from each area meeting with DEQ and DCR to help sub-allocate the Lower James allocation.

Q: (Krystal Riddervold) If we don't know what the implementation of current TMDLs will yield, how do we predict what else needs to be done?

A: (Rick Parrish) The EPA modeling tool will be designed to do this. It will not be perfect, but it will give estimations.

(Tom Frederick) If we're ahead of most local communities, at least we've had a good start. (Rick Parrish) In phase 1, we can use estimates and see where that will get us. We can then improve on this in phase 2.

Comment: (Morgan Butler) When newer standards are in place, these will influence what technologies are available. Localities will have to look at development differently. At the site level, developers will look at projects differently. New standards will help create incentives to explore and utilize new technological options.

Comment: (John Martin) The starting point for this will be political. The Rivanna watershed is a geographical area spanning 4 jurisdictions. There has to be agreement in these jurisdictions in order to move forward.

Comment: (Sally Thomas) Elected officials will need to know more about the process in order to make decisions. The group at this meeting can help determine and explain that.

Q: (John Cannon) Can a future meeting distill in text form a proposal or some options that we can focus on and use to organize discussion? We can then talk to state and county officials to develop some options about how to proceed.

Q: (Sally Thomas) Can some people in this room put together these possible options? Can we get a blueprint from the state, or do we need to provide a blueprint to the state?

Comment: (Leon Szeptycki) We must make a distinction between resources involved in planning vs. implementing. Implementation must happen, so it will. Participation of localities is important because they can help prioritize.

Ms. Thomas asked if the group would be interested in further exploration of these issues at another meeting. A show of hands indicated that the majority were in favor of another meeting.

## 5. Adjournment

Ms. Savage adjourned the RRBC meeting at 12:11 p.m.

### Attachments:

RRBC\_agenda\_10Jan08

ChesBayTMDL\_presentation\_10Jan08

TMDL\_implementation\_letter\_110409