

**FINAL Meeting Minutes
Rivanna River Basin Commission
Charlottesville Informational Meeting**

March 31, 2010
3 p.m. – 4:30 p.m.
Charlottesville Community Design Center

Attendance

Rivanna River Basin Commission (Commission) Members Present:

Dr. David Brown, Charlottesville City Council
Ms. Holly Edwards, Charlottesville City Council, Vice Chair
Mr. Keith Lancaster, Charlottesville Citizen

Others present:

Ms. Leslie Middleton, RRBC Executive Director
Ms. Rose Brown, RRBC Program Coordinator
Ms. Missy Creasy, RRBC TAC, Charlottesville
Mr. Dan Frisbee, Charlottesville
Ms. Kristel Riddervold, RRBC TAC, Charlottesville
Mr. Nick Rogers, Charlottesville
Ms. Liz Palmer, citizen

1. Call to order

The meeting began at 3:05 p.m. At 3:11 p.m., a quorum was established, and Dr. Brown called the RRBC meeting to order.

2. Roll call and introductions

Ms. Middleton introduced the agenda and asked for suggestions. Ms. Riddervold requested that the discussion about the Chesapeake Bay TMDL be a priority.

3. Charlottesville information and discussion

Ms. Middleton stated that the meeting would be informational and informal and that participants would be welcome to ask questions and gather more information about RRBC projects, especially as they impact Charlottesville.

Land Cover Map. Ms. Middleton explained that the GIS-based map would be available very soon. The map was created by World View Solutions using aerial data from 2009, which includes infrared images that enable a higher resolution and accuracy to 1 meter. WorldView Solutions used software to identify land cover/land use by categories. StreamWatch will use the map to study the relationship between land cover and stream health. The RRBC TAC Modeling Subcommittee will use the map layer to support analysis by watershed models. Mr. Frisbee stated that in 2006 or 2007, the City needed a more complete picture of its impervious surfaces as the basis for developing a stormwater utility. At that time, all impervious cover in the City of Charlottesville was digitized into GIS using aerial photographs. Categories were assigned for

each type of impervious cover. The city then provided that data to World View Solutions to be included in the land cover map. Ms. Middleton noted that Chris Bruce at The Nature Conservancy continues through 2010 as the project manager on behalf of the funding partners (including RRBC). There will be quarterly updates during 2010 based on user feedback.

NFWF grant. Ms. Middleton explained that the NFWF grant was an outcome of the RRBC TAC's determination that altered hydrology, resulting in excess sedimentation in streams, was identified as the major threat to the Rivanna. In late 2008, the RRBC sent a letter to localities with recommendations about Best Management Practices (BMPs). See:

<http://rivannariverbasin.org/meeting-RRBC-081023.php>

Click on J_Letter_from_RRBC_to_Localities_08Oct23 and K_Letter_Attachment_FINAL.

The recommendations mirrored many of the practices that may be required in order to meet the guidelines of the proposed stormwater regulations for new development. These recommendations were the basis for the NFWF proposal. The grant enables the RRBC to work with and bring resources to the localities and provide tools to help implement stormwater BMPs.

The NFWF grant provides cost-share funding for stormwater BMPs at the Charlottesville High School and Martin Luther King Performing Arts Center. The bioswale is linked with a rainwater harvesting system for the Performing Arts Center, which in turns feeds the irrigation system for one of the athletic fields. Ms. Middleton referred to the RRBC NFWF MOU that outlines the mutual responsibilities between the City and RRBC regarding this grant.

Dr. Brown asked what other projects would be implemented with this grant. Ms. Middleton stated that Fluvanna County will receive approximately \$150K for stormwater management at the new High School. Albemarle County will receive approximately \$113K for construction of stormwater wetlands near Crozet. Ms. Palmer asked if this is in addition to the Lickinghole Basin, and Ms. Middleton replied that it is a separate facility. Mr. Frisbee added that the new Crozet wetlands are being designed to account for planned future development of Crozet. Ms. Middleton stated that Greene County will receive approximately \$50K for the design and installation of a bioswale and other features at their community park.

The NFWF grant requires monitoring for effectiveness, and RRBC must demonstrate that water quality is being improved as was described in the grant application. RRBC staff and TAC members have been determining how to best monitor the BMPs at Charlottesville HS and the Crozet site. This type of monitoring is state-of-the-art and can be difficult and expensive. Through the grant, RRBC is investing in automatic samplers for the Charlottesville site, with monitoring starting late spring and running through the summer with the help of a monitoring team from UVA. Erin Yancey at TJPDC is coordinating this monitoring project on behalf of the RRBC. Ms. Riddervold noted that the monitoring has been much more complicated than the building of the bioswale. She added that she is working with the teaching staff at Charlottesville High School to ensure that the data will be available to students and teachers. The City and the RRBC will be developing a mobile unit to use in classrooms and for other educational opportunities. Beyond its uses for education at the high school, the project has value in demonstrating that a retrofit can work.

Ms. Middleton described Task Four of the NFWF grant, which calls for identifying obstacles to implementing stormwater BMPs. The Chesapeake Bay TMDL and the pending stormwater regulations are affecting how to craft the work plan for this task. The RRBC might begin by bringing together planning staff from different localities to discuss how each locality deals with stormwater management during site plan review. Last year, the RRBC hosted a series of developer roundtables, in an effort to provide information to developers about stormwater regulations. Dr. Brown asked who attended these meetings. Ms. Middleton replied that participants included locality staff, major developers, and elected officials. Ms. Riddervold said that staff from VA Department of Conservation and Recreation (DCR) were present to explain the regulations. The format allowed for a constructive discussion. Ms. Middleton said that RRBC consolidated and forwarded the comments from those events in a letter to DCR. See: (<http://rivannariverbasin.org/meeting-RRBC-090723.php>, Click on L_RRBC_Letter_to_SWC_Board_09Aug12.

Ms. Middleton stated that some Commissioners wished that the RRBC had also provided comments on the stormwater regulations. Dr. Brown stated that Commissioners may not be able to collaborate all opinions, but he noted that the TJPDC has provided comments based on areas where there was clear agreement and provided a range of comments for subjects where there was disagreement. Ms. Middleton stated that the RRBC letter did reflect some agreements, such as the TAC and RRBC's determination of sediment as a major threat to the watershed. Mr. Lancaster stated that he thought the roundtables were helpful. Developers are a part of the community and have a lot of on-the-ground knowledge about stormwater.

Ms. Middleton explained that the RRBC TAC has a Rainwater Harvesting Subcommittee, which has been encouraging the state agencies to develop guidelines for the use of harvested rainwater. The Virginia Department of Health (VDH) was required by law to provide guidance for the use of harvested rainwater in 1998, so the RRBC and others are now encouraging VDH to move forward. Ms. Riddervold stated that the TAC Subcommittee met last month with the VDH and other state agencies. Ms. Riddervold stated that the community is willing to address VDH concerns with water testing, monitoring, or other methods. Dr. Brown asked if Delegate Toscano has assisted. Ms. Middleton stated that Delegate Toscano has been involved in the process at several points. Last year, RRBC wrote a letter to Governor Kaine. See: (<http://rivannariverbasin.org/meeting-RRBC-090723.php>

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Delegates in Northern Virginia are also supporting this effort. Mr. Lancaster noted that other states, including Washington, Oregon and Texas, have been able to include regulations on rainwater harvesting. These may serve as examples.

What's ahead: Chesapeake Bay TMDL. Ms. Riddervold stated that the Chesapeake Bay TMDL (Total Maximum Daily Load) process is very different from the local TMDL processes because of the scale. For example, the Rivanna watershed currently has approximately 17 local TMDLs, meaning there are 17 segments that do not meet water quality standards and have been given target pollutant loads that theoretically will achieve clean water. These local TMDLs have been developed for particular stream segments and have been approved by DEQ and EPA. Once a TMDL has been approved, an Implementation Plan is developed that charts the course for clean up of that segment. However, clean up or implementation requires funding for inspections

and possibly regulatory changes, and certainly ongoing political will. There are very few implementation plans that have been written for local TMDLs, and even fewer that have been actually implemented.

This process is being replicated for the entire Chesapeake Bay. The first stage is to define the amounts of sediment and nutrients that can be delivered to the Bay, while returning the Bay to health and maintain its health. Since the Bay states have not achieved Bay health through primarily voluntary efforts, a clean Chesapeake Bay, the process has now become regulatory and is driven in part by two lawsuits against VA and DC. Each major tributary is being “given” an allowable pollutant load for phosphorous, nitrogen and sediment. Each tributary is further divided into segments, each of which will be given its own target loads for each pollutant, as well as an allocation between point sources (such as waste treatment plants and Confined Animal Feeding Operations) and non-point sources (such as urban or agricultural runoff).

It is widely accepted that the Bay clean up will only happen if it is successful at the local level, implemented through local governments, Soil and Water Conservation Districts, Planning District Commissions and watershed groups (such as the RRBC). Mr. Frisbee stated that there is an unprecedented level of regulatory backing by the EPA for this TMDL, and that there is a possibility that MS4s (Municipal Separate Storm Sewer Systems) could be targeted for the enforcement of the regulations.

The EPA has offered support to a small number of local pilot projects, selected to determine how implementation at a local level could happen. The RRBC submitted a successful proposal along with partners TJPDC, Thomas Jefferson SWCD, Culpeper SWCD, and StreamWatch. The project will include the entire service area of the TJPDC and the Thomas Jefferson SWCD. The groups may receive \$5K for some expense, plus substantial contract hours for facilitation support from the Institute of Environmental Negotiation (IEN) and technical assistance from Tetra Tech. The EPA will provide load data from the model, and Tetra Tech can compare these to the existing Rivanna area data. Working with IEN, the partners will craft a stakeholder involvement process across multiple jurisdictional boundaries. Ms. Riddervold noted that Task 4 of the NFWF grant (Identify Obstacles to BMPs) might be accomplished through this pilot project.

Ms. Creasy asked if there is a current standard for how loads are determined. Ms. Middleton explained that EPA first allocates per major tributary. Next, allocations will be broken up by sectors (point sources, agriculture sources, urban sources, etc). The draft load numbers have already been provided to VA DCR. DCR has also identified many small “segment-sheds” which are watersheds in tidal areas. The rest of the state is broken into several large segments, including the Upper James. The scale above the fall line is very coarse, and the numbers that will be provided may not be accurate. Ms. Palmer asked if the Rivanna area would be divided into small watersheds. Ms. Middleton stated that this is one of the questions to address during the pilot project. The land cover map will be an important tool. The Chesapeake Bay watershed model includes some assumptions about land use.

The EPA’s goal is to have all implementation tools in place by 2025, with 2-year evaluation points to assess progress and apply adaptive management. Each of the Chesapeake Bay states must submit draft numbers to the EPA this summer. The numbers will be finalized in early

2011. States will then begin working on local level implementation. Pilot projects will take place from April to December 2010.

The pilot project is an opportunity to be involved early and to possibly get resources for the Rivanna area. The pilot project will also help the community define what resources will be required for implementation. Ms. Riddervold stated that, in addition, it would be a chance to insert some reality checks into the process, lest some goals be unrealistic. Dr. Brown added that it would be helpful to inform the state's approach before mandates are given. Mr. Frisbee noted that the community could use real data instead of a theoretical model. The state does not have the time or funds to verify the model data. Ms. Palmer asked if the community would receive credit for current projects. Ms. Riddervold confirmed that the community would get credit for projects that are already addressing loads. Mr. Frisbee noted that this is another advantage to the pilot project: the community can highlight projects that might otherwise be overlooked. Ms. Middleton stated that Jack Fry from DCR would be making a presentation about the Chesapeake Bay TMDL at the RRBC meeting on April 15.

Mr. Rogers asked Ms. Middleton to describe the current status of the stormwater regulations. Ms. Middleton stated that the regulations were released for another period of public comment, which will close soon. A bill was recently passed that puts the regulations on hold until the EPA issues new figures for nutrient levels loads, or December 2011, whichever comes first. Mr. Frisbee stated that the reason for this bill is that the Chesapeake Bay TMDL development process suggests that the stormwater standard (for phosphorus) required by the new regulations may not be required to meet the Chesapeake Bay TMDL. Ms. Middleton stated that the problem is that increasing the allowable loads may not address the health of local waters, even if it satisfies the requirements of the TMDL.

Healthy Waters (DCR) grant. Ms. Middleton explained that over the years, more resources have been focused on cleaning up impaired waters than keeping healthy waters clean. The RRBC is part of a pilot project with the EPA called Healthy Waters. RRBC is working with Virginia Commonwealth University under a program called INSTAR that combines biological and habitat data gathered from random sites around the watershed to identify healthy stream segments. The data will be available at the end of April. RRBC is working with VCU and StreamWatch to ensure that, as the data are released to the public, there is a common message.

4. Other Information

Ms. Middleton explained her interest in developing a Rivanna Watershed Plan to focus the work of the RRBC, coordinate efforts between partners, and seek future funding sources.

5. Adjournment

Ms. Edwards departed at 4:15, at which time the RRBC meeting adjourned. The informational meeting ended at 4:23 p.m.

Attachments:

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