

York River and Small Coastal Basins Roundtable

April 2005 Roundtable meeting synopsis

Sixteen participants, including representatives from the Counties of New Kent and Gloucester; staff from the Richmond Regional, Hampton Roads, and Middle Peninsula Planning District Commissions; Virginia DCR; Virginia DEQ; the Colonial, Thomas Jefferson, and Tidewater Soil and Water Conservation Districts, private industry representatives including KCI and a representative from the Lake Anna Watershed Roundtable attended the quarterly roundtable discussion meeting at the Aylett Fire House on April 8, 2005. A list of attendees is attached to the end of this meeting summary.

- A. Sharon Conner, Roundtable Chair called the meeting to order and asked the group to introduce themselves.
- B. Adoption of Mission Statement: After a discussion by Bob Ehrhart, DEQ, the Roundtable group adopted the following revised mission statement:

The York River and Small Coastal Basin Roundtable provides a forum for information exchange to address regional water quality and planning issues within the York River, Mobjack Bay, and Piankatank River Watersheds, as they relate to tributary strategy implementation. The Group will discuss and develop position statements for practices and policies, affecting water quality in these Watersheds, so as to influence state agencies and decision makers. Such practices and policies include Agricultural Best Management Practices (BMP's), Low Impact Development (LID) practices, Forest Harvesting Practices, Nutrient Tracking programs, Point-Source Regulations, Nutrient Funding opportunities, and Nutrient Reduction efforts for On-site Disposal Systems.

Wayne Davis made the motion to adopt this Mission Statement and the motion was seconded by Bob Ehrhart. Motion carried.

There was a discussion of the role of the Roundtable. Essentially, the group wants to serve as a resource or a collection of expertise. One of the potential goals discussed was to serve as an advisory group for local government and citizens

The group would like to update the website with links to resource pages, agency links, SWCD links and links to information contacts.

- C. Presentation of Papers
 - a. David Powers (KCI Technologies, Inc.)- David Powers presented information regarding the state task force established to discuss Low Impact Development (LID) and establish some consensus of guidelines for LID use and maintenance. The task force consists of local government, consultants, state agencies and the Army Corps of Engineers amongst others. This task force developed an

unofficial LID design manual that provides technical guidance. Copies of the draft model ordinances can be provided by David Powers. However, there is a disclaimer that this is not a comprehensive document.

David Powers discussed long term view opposition to LID including: that there is no manual; that maintenance is unclear; that there is no direct responsibility tied to the development; and that the efficiency may be limited.

David Powers noted that traditional stormwater management is actually a form of LID and that low impact development should actually be referred to as lower impact development.

It was discussed that site layout is a huge component of LID and should be addressed in the front end of the effort before developers involved or at the rezoning stage. The group feels that this information should be taken to the local government and that stormwater must be managed as a community issue.

- b. Van Gallier (DEQ)- Van Gallier presented information on the Agriculture Best Management Practices Loan Program. This program has been working with farmers before there were TMDLs, although they were aware that the waters were impaired. TMDLs are a tertiary ranking factor in prioritizing funding.

Applications for the loan program are referred through NRCS, the sanitation districts and EQIP contracts. The program does not reach loan saturation. They operate on a revolving schedule. The farmers have become used to inconsistent funding over time.

Wayne Davis asked whether the program will fund other types of BMPs that are not currently listed (like the Greenseeker). Van Gallier acknowledged that stakeholders can make suggestions by submitting their ideas in writing. He did note, however, that the cost effectiveness of a BMP involving equipment and its devaluation factor are a consideration when approving new BMPs.

- c. Sharon Conner- Sharon Conner provided information about purchasing development rights and other approaches to farmland preservation. She discussed the lack of effectiveness of BMPs as the land use of an area changes over time. Localities consider rural protection areas to be sufficient protection of their agriculture land, however these areas are still be developed and dissected. In addition to land use changing, the local infrastructure that supported these farms moves out also.

The aim of the farmland preservation program is to set aside areas specifically providing for agriculture and its infrastructure and to protect the healthiest and most productive areas. Currently there are 12 counties in Virginia purchasing land.

The Farmland Ranchland Protection Program has 4 million dollars. Localities must have a protection program (at the county or watershed level) in place. The locality selects property (or properties) to protect and submits its selection to the USDA.

The program provides 50% of the appraisal costs and the county can either provide 50% or provide 25% and the farmer has an option to donate the other 25%. This approach benefits the farm by providing a viable future. It does not change the uses on the farm, just the developmental rights. The owner can set aside properties within the parcel that can have some limited development.

James City County had the Watershed Institute pick the best farmlands to protect. One of the aims of this program is to deter haphazard protection. Challenges to getting on the books are that everyone will want to participate and that the locality will need to develop or hire a technical committee such as the Watershed Institute to narrow down the selection.

BMPs that have to be in place include:

1. Compliance with the Farm Bill
 2. Water quality would have to rank highly when competing across the state
 3. Conservation plan is a requirement
- d. Will Hunley (HRSD)- Will Hunley presented information on point source nutrient regulations and nutrient permit trading system. The proposed regulations 9 VAC 25-40 and 9 VAC 25-720 affect new, existing and expanded plants. They also discuss trading, exceptions and compliance schedules.

The new legislation also establishes a general permit that is developed for each tributary and covers multiple facilities. This system relies on exchange of credits between sources and dictates the development of compliance plans. In addition to affect current facilities, it also covers new and expanded facilities

The nutrient trading system allows for point source to point source, point source to nonpoint source and payment into the Water Quality Improvement Fund. The Virginia Nutrient Credit Trading Association is being established to manage trading.

Exceptions to the concentration limits include:

1. Technical feasibility
2. Economic feasibility
3. If not needed to attain WLA

The legislation provides for a phased approach of multiple projects, takes into account cost minimization, availability of funding sources and compliance plans by 9 months of general permit.

The legislation is more flexible and cost effective approach than proposed regulations. The James and York allocations are interim. The numbers for their allocations are expected around September.

- e. Matt Criblez (DCR)- The time for Matt Criblez's presentation was cut short, so this topic will be discussed at the next meeting. Matt Criblez discussed local government projects and how local government can participate in implementation strategies.

Also discussed was Phase V, which addresses establishing lifespans on BMPs. This approach will be modeled differently from the current situation.

Matt Criblez discussed negative issues with regard to point source to nonpoint source nutrient trading. There is concern that by trading point source allocations to nonpoint sources, the burden on the nonpoint will be substantially increased and the responsibility of the nutrient reduction will be forced away from the point source facilities. Additionally, since the strategies discuss a 96% BMP allocation, there should only be about 4% of nonpoint areas available for trading.

During the next meeting, we will discuss trading, offsets and pilot programs in detail.

D. Other Business- none

- E. Discussion for next meeting-it was decided that the group wanted to meet in a workshop environment to further discuss trading, offsets and pilot programs in detail.