

EQAC March 10, 2010 Meeting, 7:15 pm Hidden Oaks Nature Center

EQAC members:

Stella Koch, Chair, Frank Crandall, Frank Divita, Ned Foster, George Lamb, Bob McLaren, David Ouderkirk, Ben Swanson, Rich Weisman and Larry Zaragoza.

County staff:

Kambiz Agazi, Noel Kaplan, Randy Bartlett, Kate Bennett

Guests:

Andrew Bernick, Tom Kennedy, Brook Khorashadi, Philip Latasa (Friends of Accotink Creek), Chet McLaren (Tree Commission), Pawan Sarang (VDOT), and Flint Webb

The meeting was called to order at 7:15 pm by Chair Koch.

**Discussion with staff from the Virginia Department of Transportation: VDOT's stormwater management policies and practices**

Pawan Sarang (VDOT) provided a presentation on VDOT stormwater management practices, which included a discussion of the role of Virginia Department of Conservation and Recreation (DCR). VDOT and DCR are the joint permit holders for the stormwater activities of VDOT. DCR rules also guide VDOT actions. Mr. Sarang's presentation is attached to these notes.

Mr. Sarang noted that VDOT is working to develop a new policy and a draft should be available sometime in April. The policy would apply to new projects that are not already approved. The new policy would provide for credits for grass swales along roadways and other activities that help improve water quality. Low Impact Development practices would also receive credit in the new process. The new process should help to better target activities to that the entire post construction area would be considered in the review process.

Questions:

1. What is the extent of clearing for roadway construction?

The clearing will be determined by the roadway design. Typically, this is the cut/fill limits for a roadway typical section plus additional distance for maintenance. A minimum of five feet is needed beyond a structure for maintenance, but the distance can vary based on site specific considerations.

2. Is there an example of VDOT work that employs low impact development practices?

The Lorton Road Project widening – administered by Fairfax County would be PILOT project that VDOT would accept for maintenance and will employ low impact development practices.

3. Why are subdivision streets so wide, can they be narrower to reduce impervious surface?

The response was that perhaps they could be narrower—this is something that could be examined. Then an EQAC member noted that the streets must be wide for emergency access purposes.

4. To what extent does VDOT use sheer stress to determine outfall?

MS-19 is used as the minimum standard to examine outfall.

5. How will inspectors be trained?

A VDOT University certification is required to oversee work. DCR RLD, Inspector or Combined Administrator certifications are also needed and accepted.

6. How often will work be inspected?

Inspections will depend upon the need, 7 to 15 days or after a rain event are generally expected.

7. What about meeting TMDL requirements?

Work may trigger a need for more action to meet Chesapeake Bay standards. There may be a need to take actions to meet TMDL standards even without new disturbance.

### **County Staff Briefing from the Department of Public Works and Environmental Services: Federal and state stormwater management initiatives**

Kate Bennett and Randy Bartlett presented this material. Ms. Bennett highlighted a few points:

- There are multiple, independent (and potentially conflicting) regulatory efforts currently ongoing at the state and federal levels that are all targeting urban stormwater. These efforts include TMDLs, MS4 permits, state and federal regulations, and federal legislation.
- The 303(d) list identifies impaired waters that do not meet water quality standards. Under the 1999 consent decree, Virginia must develop a TMDL within 12 years of a water being identified as impaired. Under state law, Virginia is also required to develop a TMDL Implementation Plan (IP).

- A TMDL assigns allocations to the sources in a watershed that are causing the impairment. Point sources and permitted sources are assigned a wasteload allocation (WLA), while nonpoint sources and sources that do not require permits are assigned a load allocation (LA). WLAs are implemented through permits and are therefore mandatory, while LAs are implemented through voluntary measures.
- MS4s collect and convey nonpoint source pollution but are covered by a permit, so they receive mandatory WLAs which are to be implemented through the MS4 permits. This means that when there are multiple MS4 permittees in an impaired watershed they will have to work independently to address their respective contributions to the impaired water, and rather than working collectively through an IP.
- Phase I permits are issued to localities with 100,000 residents or more. In Northern Virginia, Fairfax, Arlington and Prince William Counties all hold Phase I permits.
- Phase II permits are issued to facilities and portions of localities that fall within urbanized areas as defined by the 2000 Census. In Northern Virginia, the Cities of Alexandria, Fairfax and Falls Church, the Towns of Herndon and Vienna, and Loudon County all hold Phase II permits, as do facilities like George Mason, Fort Belvoir, Metro, and Dulles Airport.
- With the transfer of MS4 permitting authority from the Virginia Department of Environmental Quality to the Virginia Department of Conservation and Recreation, TMDL wasteload allocations assigned to MS4s are being implemented solely through permits; coordinated implementation plans for impaired waters that cross jurisdictional boundaries are no longer being developed. DPWES views this as a missed opportunity.

Mr. Agazi noted that it will be expensive to meet the standards currently being developed, citing an EPA cost estimate of \$7.9 billion per year for MS4s in the Chesapeake Bay Watershed to meet the Bay TMDL.

### **Development of EQAC budget testimony for the FY 2011 county budget**

Chair Koch noted that there are many priorities that the EQAC holds for the environment but that this is a very tough budget year. The committee members agreed and then went on to discuss several areas that we might stress for the EQAC testimony. Because the committee believes that the County is making the best choices that they can with their limited budget, the committee agreed to focus the EQAC testimony on the 1.5 cents for stormwater.

### **2010 Annual Report on the Environment: Discussion of format**

The committee agreed to stay with the current format.

## **EQAC follow-up to issues from the Annual Report presentation to the Board of Supervisors and from the annual public hearing**

Noel Kaplan reviewed follow-up items from the presentation and the public hearing. He noted that EQAC plans, at some time in the future, to meet with the Metropolitan Washington Airports Authority, perhaps in conjunction with the county's Airports Advisory Committee, to discuss the issue of noise from Dulles Airport operations. He also noted that a discussion of VDOT's 527 review process was tentatively set for EQAC's June meeting. In regard to the issue of lighting for trails, EQAC agreed that Mr. Crandall had dealt with the issue sufficiently. EQAC deferred the discussion of household hazardous waste collection to a future meeting. In regard to prioritization of stream restoration projects and leveraging of efforts being undertaken by communities, the Council asked that Craig Carinci be invited to a future meeting to discuss these matters. There was a discussion regarding the disposition of the policy recommendations from the watershed management planning process, and it was agreed that this would be added to that meeting's agenda. Also identified as an issue was a request for EQAC to pay more attention to highway noise.

### **Chair's Items**

Noted the dates for the Tysons Task Force meeting on April the 11 and 17<sup>th</sup> and the Planning Committee Hearing on April 21. EQAC agreed to discuss this at its April meeting.

### **Council Member Items**

David: Noted the Earth Day activities on April 21 on the NOVA Campus and the Celebrated Trees program.

Frank Divita praised the presentation from Kate on stormwater and recommended that the committee provide advice.

George noted an upcoming Green Breakfast program and noted that Mason Neck State Park was no longer being proposed for closure by the state.

Larry noted a conversation he had with a reporter regarding air quality. He also noted his desire for a Board member to champion climate change issues.

Frank Crandall noted that a report on the feral cat issue had been released but that he had not gone through it in detail. He indicated that he'd provide a copy to Noel Kaplan for circulation to all EQAC members.

Ned noted EQAC's April agenda item of a panel discussion on visual blight issues. He suggested a couple of panelists and agreed to work with Noel on the development of this program.

Richard noted a letter from Chuck Turner, VA DEQ on the annual network review (air quality monitors). He noted that the assessment is to be completed by July 1 and that a draft report is to be issued in the spring. He stressed the importance of a timely review once the report is issued.

### **Staff Items**

Noel Kaplan noted that the Park Authority was recommending small group coordination with EQAC as opposed to a formal joint meeting between the committees.

The materials for the student volunteer should be posted soon.

The environmental excellence awards will have an online application form with a deadline of the end of May.

For May we should hear about Cool Counties and work of the Energy Efficiency and Conservation Coordinating Committee and Arlington LEED Building work. A discussion of the VDOT 527 review process is tentatively set for June.

Other items that should be scheduled for future meetings include DPWES waivers, stormwater planning, disposition of policy recommendations from the watershed management plans, deer management, airports and noise, trails coordination, and pedestrian safety.

Kambiz noted that the materials for BOS Environmental Committee meeting on Tuesday will be available on Friday. Also the responses to the EQAC Annual Report recommendations will be available soon.

### **Adjournment**

The meeting adjourned at 10:10 pm.