

POTOMAC WATERSHED ROUNDTABLE
Quarterly Meeting – January 8, 2016
Frying Pan Farm Park, Herndon

MINUTES

Members and Alternates

Hon. Penny Gross, Chair, Voting Member, Fairfax County
Hon. Deirdre Clark, Voting Member, John Marshall SWCD
Kristen Conrad-Buhls, Advisory Member, Virginia Cooperative Extension
Debbie Cross, Advisory Member, VA Department of Conservation and Recreation
Hon. Michael DeMarco, Voting Member, City of Fairfax
Hon. John Flannery, Voting Alternate, Loudoun SWCD
Hon. Jim Gehlsen, Voting Member, Prince William SWCD
Harry Glasgow, Voting Alternate, Environment
Alan Gray, Voting Member, Agriculture and Forestry (Forestry)
Jim McGlone, Advisory Member, VA Department of Forestry
Daniel Moore, Advisory Member, Chesapeake Bay Local Assistance
James Patteson, Voting Alternate, Fairfax County
Hon. John Peterson, Voting Member, Northern Virginia SWCD
Greg Prelewicz, Voting Member, Water, Wastewater
Bryant Thomas, Advisory Member, Virginia Department of Environmental Quality
Michael Trop, Voting Alternate, John Marshall SWCD
Hon. Elizabeth Ward, Voting Alternate, Prince William SWCD

Interested Parties

Hon. Jeff Adams, Tri-County City SWCD
Hon. Mike Anderson, Tri-County City SWCD
Randy Bartlett, Fairfax County
Monica Billger, Audubon Naturalist Society
Tom Broderick, Loudoun Water
Frank Dukes, UVA-Institute for Environmental Negotiation
David Ek, Fauquier County
Greg Evans, Virginia Department of Forestry
Suzie Foster, Fairfax County
Laura Grape, Northern Virginia SWCD
Glenn Harvey
Maria Harwood, Northern Virginia SWCD
Kyle Haynes, Tri-County City SWCD
Hon. John Jenkins, King George County
Kory Kreiseder, Northern Virginia SWCD
Doreen Peters, AECOM
Hon. Jerry Peters, Northern Virginia SWCD
John Price, Prince William SWCD

Asad Rouhi, Northern Virginia SWCD
Heather Shackley, Northern Virginia SWCD
Rebecca Shoemaker, Virginia DEQ
May Sligh, Virginia DEQ
Veronica Tangiri, Prince William SWCD
David Ward, Loudoun County
Aileen Winqvist, Arlington County
Willie Woode, Northern Virginia SWCD
Jay Yankey, Prince William SWCD

Call to Order and Introductions. Mrs. Gross called the meeting to order at 10:05 a.m. and invited everyone to introduce themselves.

Welcome. Mrs. Gross shared an overview of Frying Pan Farm Park, which she called a jewel in the Fairfax County Park Authority system. The park is preserved as a 1930s working farm covering an area of 135 acres, with extensive equestrian trails. Fairfax County's annual 4-H Fair takes place on the grounds every summer. Mrs. Gross thanked the Fairfax County Park Authority for the use of the Visitor's Center, Normandy Real Estates Associates for the donation of breakfast and the Northern Virginia Soil and Water Conservation District, especially Maria Harwood, for the coordination of meeting logistics.

Approval of Minutes. A **motion** (Gehlsen-Peterson) passed to approve the minutes of the October 2, 2015 meeting in Sterling, VA.

Updates from the Chair. Mrs. Gross announced that the Governor's budget did not include a contribution toward the Stormwater Local Assistance Fund (SLAF), which provides financial assistance to urban and suburban areas for enhanced stormwater management facilities. She expressed concerns about its availability in the future. Ms. Brabo shared that the Virginia Association of Counties and Virginia Municipal League have many questions about why it was not included and suggested that the Potomac Watershed Roundtable weigh in on the issues. Mr. Bartlett shared that the SLAF program has been available for the last two years and currently communities are applying for the remaining \$8-12 million. Mr. Bartlett expressed that additional funding in the bond that supports SLAF to continue to carry this program forward over the coming years will show the continued partnership between state and local governments on urban stormwater. Mrs. Gross requested that staff prepare a brief letter for submission to send to local legislators and to the chairs of house and senate committees on Finance, Appropriations, and Natural Resources.

Potomac Council Report. Mr. Peterson shared that during the Annual Meeting of the Potomac Council held on December 6, 2015 in Richmond, John Peterson and Deirdre Clark were re-elected to serve as chair and vice chair of the Potomac Council, respectively. In addition, Mr. Peterson shared that the host districts for the 2016 Potomac Watershed Roundtable program include Loudoun, Prince William, and the Northern Neck Soil and Water Conservation Districts. Finally, Mr. Peterson mentioned that the Potomac Council has been reviewing its Charter and Bylaws. Revisions will be presented at a later time.

Update on the Benthic TMDL Load Study for the Accotink Creek Watershed. Mr. Thomas, Water Permitting Program Manager with Virginia Department of Environmental Quality (DEQ) – Northern Regional Office provided an overview of the efforts to develop a replacement Total Maximum Daily Load (TMDL) for the Accotink Creek watershed. Mr. Thomas began by sharing the history of the TMDL along Accotink Creek, which began in 2007. In July 2013, DEQ committed to developing a replacement TMDL for Accotink Creek by 2016, after the flow TMDL established by EPA was remanded by the U.S. District Court for the Eastern District of Virginia. Mr. Thomas provided an introduction to the water quality standards that all of DEQ's water quality programs revolve around, through a continuous planning process. Mr. Thomas explained that water quality standards are comprised of designated or beneficial uses (recreation, aquatic life, wildlife, fish consumption, shellfish, and water supply), water quality criteria (numeric or narrative), and an anti-degradation policy. Accotink Creek is listed as impaired for aquatic life use and therefore DEQ is working with its partners to develop a TMDL to determine the amount of pollutant the waterbody can receive and not exceed the water quality standard. Mrs. Gross mentioned that the reason why Fairfax County pursued the lawsuit with EPA, was because flow was determined to be the pollutant. However, it is what is in the water that is the pollutant, not the water itself. Mr. Thomas acknowledged that the entire mainstem of Accotink Creek is listed with a benthic impairment, along with the upper Long Branch Section. These areas are continuously monitored by DEQ and the U.S. Geological Survey, at three gauges. Mr. Thomas reviewed the three phases to developing the plan, which include the stressor analysis (identifying the cause of the impairment), TMDL development, and ultimately implementation. Throughout the process, DEQ, as the lead agency has been working with the Interstate Commission of the Potomac River Basin (ICPRB), a technical advisory committee, and the general public. Mr. Thomas explained that the Accotink Creek watershed is 87% developed and that the creek itself is suffering from "urban stream syndrome." The Department completed the stressor analysis in September 2015 and found that TMDLs will be developed for the two most probable stressors – sediment and chloride. Mr. Thomas shared that chlorides are associated with de-icing materials and there are seasonal spikes associated with the application of road salt during the winter months. DEQ is working with partners to identify alternatives to road salt that do not compromise public safety. Mr. Thomas requested that Roundtable members share information regarding the purchasing and application rates of de-icing materials, to him. The draft TMDL report will be available in summer 2016 and final TMDL report is anticipated for completion in December 2016, which is consistent with the agreement made with EPA. Implementation of the TMDL will take place through permits, including Industrial, Construction, and Phase I and Phase II MS4 permits. Mr. Thomas concluded that Accotink Creek is introducing new challenges to the TMDL process regarding urban stormwater and there may be a need to consider an alternative approach to the TMDL in order to address these kind of impairments in the future.

Mrs. Gross thank Mr. Thomas for his presentation and shared that original flow TMDL suggested the reduction of impervious cover, which was infeasible for the already extensive built environment of the Accotink Creek watershed. She reiterated the importance of addressing the chloride in a manner that does not compromise safety and reinforces collaboration between state and local snow removal agencies. In response to Mr. Moore's question regarding challenges of working with a perhaps out-of-date definition of TMDL, Mr. Thomas shared that in some areas TMDLs do work and

are a very good tool. However, DEQ is seeing the need to possibly expand the toolbox to address the contaminant in urban stormwater. Mr. DeMarca asked what happens after the TMDL report is developed in December. Mr. Thomas replied that the TMDL goes through a review and approval process by EPA and the Virginia State Water Control Board. Most of the Accotink Creek watershed is regulated through permits and the permittees will be responsible for implementation. Mr. Thomas explained that DEQ and its partners are exploring alternatives to salt, including the use of sand and other abrasives and understanding the potential environmental implications of all options. Mr. Hynes asked if there is an acceptable threshold for chloride. Mr. Thomas explained that DEQ monitors for specific conductance. The results show that there are acute and chronic criteria for chloride, but there is not criteria in the standards for specific conductance. Mr. Perlewicz shared that the Potomac River Drinking Water Source Protection Partnership has had several speakers discuss road salts, including a USGS study on the trend in chloride due to urbanization. He recommended contacting the Regional Transportation Center to discuss the alternatives currently under consideration, including environmental certification for plow operators, trainings, and alternatives to chemicals. Mr. Perlewicz shared that the partnership would be happy to share the information that they have collected with DEQ and its partners.

Demonstrating the Value of Retaining Forestland in the Chesapeake Bay Watershed. Mr. Evans, Mitigations Program Manager and Chesapeake Bay Program Lead with the Virginia Department of Forestry shared the results of a pilot study in the Rappahannock River Basin that determined that forest retention actions by localities, private land owners, and others will result in a decrease of the actual located over 2025 projected TMDL load allocation land cover. Mr. Evans shared that the current Chesapeake Bay model does not provide an incentive for retaining forests. The first phase of the pilot study, that uses the Rappahannock River Basin as a proxy for the Chesapeake Bay, focuses on building the economic case for incorporating existing forests into the Bay model. The second phase is the development of the incentives and policies needed to retain forests and will include additional partners, including state and local agencies in Virginia and Pennsylvania. For phase I, Mr. Evans mentioned that the Virginia Department of Forestry worked with the George Washington Regional Commission, which had one-meter resolution data for its service area to model four alternative growth trend scenarios to understand the economic benefits and bay impacts for development and forest retention. The results confirmed that water quality and healthy watershed value of forestland retention that could reduce BMP treatment costs needed to meet stormwater regulations and maximize ecosystem services. In turn, Mr. Evans shared that in the pilot study area alone, there is approximately \$125 million in possible future offset savings when compared to current Bay model 2025 projections. During phase II Pennsylvania will validate Virginia's modeling approach, while the Department of Forestry continues its work with localities in the Rappahannock River Basin to build standards and guidance. Mr. Evans acknowledge the intent to develop incentives and requirements for forestland retention and ultimate build the case for a TMDL credit for forest retention in the Bay and other TMDL models.

Mrs. Gross mentioned that an existing incentive for landowners to retain forestland are Agricultural-Forestal Districts, which reduce the real estate tax on the property. Mr. Evans shared the concern about how A-F Districts are identified in the TMDL model and that the land type may not be permanently conserved through this program. To Mr. Peters question about how High

Conservation Value Forests are defined, Mr. Evans replied that the Virginia Tech Water Resources Center and the BayFAST model provide characteristics. The BayFAST model also measured the cost-savings in meeting TMDL reductions.

Chesapeake Bay Stakeholders Assessment. Dr. Dukes, Distinguished Institute Fellow with the University of Virginia-Institute for Environmental Negotiation, shared the results of an assessment of stakeholder experiences with Phase I and Phase II Watershed Implementation Plans (WIPs) developed by state and the District of Columbia as part of the Bay TMDL accountability framework. Dr. Dukes explained the Water Quality Goal Implementation Team (WQGIT) of the Chesapeake Bay Program interest in hearing the perspectives of stakeholders across the state. The results of the assessment is a reflection of what was shared. It does not reflect consensus among the stakeholders. Dr. Dukes explained that the Bay TMDL is unique because of the scope and because EPA is administering it. As the program nears the mid-point assessment, the WQGIT wanted to know what worked well in Phase I and II. Dr. Dukes contacted 204 stakeholders across the Bay watershed and spoke with 122. The draft assessment that reflects upon the stakeholder conversations was released in September 2015 and revealed the following three stories or themes:

1. Implementing the Chesapeake Bay TMDL and meeting applicable water quality standards in the Bay and its tidal rivers is our highest priority
2. The Bay TMDL is one priority among many, largely because of regulatory or institutional mandates
3. The Bay TMDL is an unfair burden that impinges on other priorities

Dr. Dukes mentioned that the conversations revealed many several positives, including efforts for communication and outreach, financial & technical support, demonstration of local benefits, adaptation of models and mandates. Additionally, the conversations suggested shared common concerns regarding equity, communication and collaboration, accountability and flexibility, the need for support, schedule, and the role of the Bay Model. In regards to the schedule, Dr. Dukes shared that even those that really want the TMDL to happen also feel as though the schedule is too rushed or feel like the 2025 deadline is not practical. They also realize that abandoning the current schedule would open the issue up to lawsuits. Several common questions arose during the discussions, particularly related to whether or not loads will change in the future, how to make the reductions clear to those making them, funding for the Phase III model, and simply what needs to be done. The assessment findings will be translated into actions to inform the development and expectations of the Phase III WIP and to strengthen local involvement in the process.

Ms. Cross asked what federal partners EPA will work with to coordinate with the states. Dr. Dukes replied that in some states a significant amount of land area is owned by federal partners, such as GSA in Washington, D.C. Mr. Bartlett shared that the results from the assessment are valuable and that there are many shared questions and concerns. Dr. Dukes suggested connecting with Lucinda Power at the EPA, who is on the management team to develop the plan, to share the needs of local governments and to ensure knowledge is shared across the various levels of government.

Member Time and Announcement. Mrs. Gross invited participants to share any news or announcements.

- Mr. Gray shared that the Virginia Wilderness Committee has a part-time position open.
- Mrs. Gross mentioned that a two-day finance summit on stormwater funding is being coordinated by UMD's Finance Center will take place on April 26 and 27 looking at private sector and how they can participate.
- Mr. Prelewicz shared that Fairfax Water just opened the 2016 Water Supply Stakeholder Outreach Grant Program, which provide small grants for community groups, up to \$10,000 for projects. More information is available online at:
<https://www.fcwa.org/outreach/grants.htm>

Adjournment. Mrs. Gross expressed her thanks again to the Northern Virginia Soil and Water Conservation District and announced that the next meeting will take place on April 8 in King George County. The meeting adjourned at 1:45 p.m.

Respectfully submitted,



Laura Grape