Non-Point Nutrient Credit Certification
Regulatory Advisory Panel
Restoration Workgroup Meeting
May 13, 2016
Draft Meeting Minutes

Location: Virginia Department of Environmental Quality (DEQ)
2nd Floor Conference Room A
629 E. Main Street
Richmond, VA
Start: 9:05 a.m.
Break: 10:26 a.m. until 10:38 a.m.
End: 11:48 a.m.

Meeting Attendees:

*RAP WORKGROUP MEMBERS**	*INTERESTED PARTIES*	*RAP TECHNICAL SUPPORT*
Doug Beisch, Jr. – Wegnet	Rebecca Napier – Timmons Group	Melanie Davenport - DEQ
Brent Fults - Chesapeake Bay Nutrient Land Trust, LLC	Annemarie Abbondanzo – Ecosystems Services	Fred Cunningham - DEQ
S. Taylor Goodman - Balzer and Associates, Inc.	Tracey Harmon - VDOT	Dave Davis - DEQ
Larry Land – VACO	Pat Gleason – USEPA3	Sarah Woodford - DEQ
Joe Wood (alt) - Chesapeake Bay Foundation (CBF)	Bob Sigfrued - Angler	Derick Winn - DEQ
Mike Toalson - Home Builders Association of Virginia	Trieste Lockwood - VCN	Matt Richardson - DEQ
Shannon Varner - Troutman Sanders LLP	Jacob Dorman – Contech ES	Debra Harris – DEQ
Brian Wagner – VA Soil & Water Conservation Districts		Lee Crowell - DEQ
		Royce Stuteville - DEQ

Agenda Item: Welcome & Introductions

Discussion Leader: Debra Harris, DEQ
Discussion: Debra Harris welcomed all of participants to the meeting of the Regulatory Advisory Panel's Restoration Workgroup. Ms. Harris noted that at the last RAP meeting it was decided to convene a smaller workgroup to discuss the implementation plan provisions for restoration projects. Ms. Harris asked each attendee to provide a short introduction. Everyone was reminded to sign the sign-in sheet in order to provide a record of who was in attendance.

Agenda Item: Overview & Purpose

Discussion Leader: Melanie Davenport, DEQ Water Permitting Division Director
Discussion: Ms. Davenport provided a brief overview of the agenda and the purpose of the meeting today. She reminded all attendees that the objective was to discuss and develop what were the regulatory provisions needed for restoration projects that would be developed under this regulation and with the purpose of generating only nutrient credits.

Agenda Item: Restoration Projects – Requirements

Discussion Leader: Sarah Woodford, DEQ
Discussion: After an introduction by Ms. Davenport, Sarah Woodford informed the workgroup that she would be presenting concepts for discussion by workgroup to determine what criteria was necessary for inclusion in the regulation. Afterward, DEQ will revise the regulatory provisions based on these discussions of what criteria are necessary to insure the viability of a restoration project for nutrient credit reduction purposes. Ms. Woodford provided the suggested topics that the regulatory provisions would cover for restoration projects including implementation plan, performance standards, monitoring methods and reporting. Overall, the workgroup agreed with the criteria proposed for the regulatory provisions with minor. The DEQ will revise the regulation based on the workgroup discussions.

Agenda Item: Public Comment & Next Steps

Discussion Leader: Debra Harris, DEQ
Discussion: Debra Harris asked for any additional public comment. There was no further comment and it was noted that the next step will be for DEQ to take the information from today's meeting and revise as necessary the restoration provisions in Section 120 of the regulation. No future meetings were set at this time.

Certification of Non-Point Source Nutrient Credits, 9 VAC 25-900
RAP Restoration Workgroup Meeting
DEQ Central Office
2nd Floor Conference Room A
629 E. Main Street
Richmond, VA
May 13, 2016
9:00 a.m. to 12:00 p.m.

Agenda:

- Welcome & Introductions*
- Overview of Agenda & Meeting Purpose
- Restoration Projects – Requirements
    - Implementation Plan - Purpose & Components
    - Performance Standards - Purpose & Components
    - Monitoring Methods & Reporting Schedule
- Any Further Public Comment**
- Next Steps & RAP General Comments
- Adjournment

*Please remember to sign-in for the meeting (sign-in sheet will be out by 8:45 a.m.).
**For members of the public, if you wish to provide comment during an agenda topic, please sit at the public chair and wait to be recognized or you may provide your comments during the public comment agenda topic.

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Nutrient Trading RAP

Stream and Wetland Restoration Workgroup

Virginia Department of Environmental Quality
Office of VPDES Permits and Compliance
May 13, 2016

Workgroup Goals & Objectives

- Provide recommendations on the following questions:
  - Are the implementation plan requirements for restoration appropriate and reasonable for the nutrient credit program?
    Why?
  - What level of detail is appropriate for state regulations? What level of detail should instead be included in guidance documents?
    Why?

Current draft regulations = Underlined

Implementation Plan

- *Purpose:*
  - *"The implementation plan shall provide information detailing how the nutrient credit-generating entity will generate credits…" 9VAC25-900-120(A)*
- Why?
  - Confirm restoration need / design approach
  - Confirm nutrient credit-generating requirements
  - Reduce add info requests during application
  - Verification independent of permitting
  - Consistency with other DEQ programs

Restoration Implementation Plan

- Components:
  - Restoration Design Plans – Wetland & Stream
  - Performance Standards
  - Monitoring Methods & Schedule

Restoration Design Plan

- *Purpose:*
  - *Confirm restoration need / design approach*
  - *Confirm nutrient credit-generating requirements*
  - *Consistency with other DEQ programs accepting stream and wetland restoration for crediting*
- Recommendations, so far….
  - Existing VWP requirements
  - Include requirements in guidance only
  - Other?

Wetland Design Plans

- Conceptual Design Plan – Provide with Application
  - Goals & objectives
  - Location map (with HUCs) & surrounding land uses
  - Hydrologic analysis (draft water budget, D/N/W Years)
  - Groundwater elevation data or monitoring well locations
  - Wetland delineation confirmation & support information
  - Conceptual grading & planting plans
  - Description of existing soils
  - Draft design of water control structures
  - Proposed buffer areas
  - Description of any structures or features necessary for site success
  - Preliminary schedule for site construction
- Final Design Plan – Provide Prior to Construction
  - Stream and wetland impacts, where applicable, and proposed compensation
  - Site access plan
  - Erosion and sediment control plan
  - Final construction schedule
  - Monitoring plan

Stream Design Plans

- Conceptual Design Plan – Provide with Application
  - Goals & objectives
  - Location map (with HUCs)
  - Surrounding land use
  - Proposed plan view and cross-section sketches
  - Existing stream deficiencies to be addressed
  - Proposed measures - dimensions, design flows, types of instream structures
  - Conceptual planting plan
  - Reference stream data, if available
  - Proposed buffer areas
  - Preliminary schedule for site construction
- Final Design Plan – Provide Prior to Construction
  - Stream and wetland impacts, where applicable, and proposed compensation
  - Detailed plan view, profile, cross-sections, and proposed restoration measures
  - Site access plan
  - Erosion and sediment control plan
  - Final construction schedule
  - Monitoring plan

Restoration Monitoring Plan

- *Purpose:*
  - *Monitor stability and function of restored wetland or stream*
  - *Confirm nutrient credit-generating requirements*
  - *Confirm bank or facility performance*
- Will the following recommendations for monitoring protocol meet the goals of the nutrient credit program?

Monitoring Plan

- Components:
  - Monitoring goals
  - Proposed performance standards
  - Parameters to be monitored
  - Methods of monitoring
  - Length of monitoring period
  - Monitoring and reporting schedule
  - Reporting requirements
  - Entities responsible for monitoring and reporting

Performance Standards

- Components:
  - Specific, measureable parameters
  - Wetland restoration
    - Wetland formation and physical stability
    - Measured by hydrology, soils, vegetation, stability
  - Stream restoration
    - Stream channel physical stability
    - Measured by dimension, pattern, profile, stability
- No biological parameters

Wetland Monitoring Methods

- Components:
  - Methods shall be based on type of resource, design plan, & performance standards
  - Wetland Restoration
    - Location of photo stations, monitoring wells, vegetation sampling plots, other equipment, reference wetlands
- Recommendations, so far….
  - Existing VWP requirements
  - Other?

Stream Monitoring Methods

- Components:
  - Methods shall be based on type of resource, design plan, & performance standards
  - Stream Restoration
    - Location of photo stations, topographic surveys, stability measurements, vegetation surveys, bank pins, scour chains, stream & rain gages, other equipment, reference streams
- Recommendations, so far….
  - Existing VWP requirements – Physical stability
  - Function Based Framework for Streams
  - USFWS Stream Monitoring Protocol

Monitoring & Reporting Schedule

- Components:
  - As-built survey
  - Ten (10) year monitoring period
  - Minimum of six (6) M&R events – Years 1, 2, 3, 5, 7, & 10
  - All monitoring during growing season, unless otherwise stated
  - After Year 3, physical stream monitoring may be done outside growing season
  - For planting, monitoring should occur a minimum of six (6) months after planting
  - If all performance standards are not met by Year 10, additional monitoring may be required
  - Monitoring may be reduced, upon DEQ approval, in response to consistent attainment of performance standards
  - Submittal of a Year 10 report is required as a baseline for long term management

Discussion

Stream and Wetland Restoration Workgroup

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Office of VPDES Permits and Compliance

Thank you!