

Meeting Minutes
2023 Virginia Stormwater Management Handbook
Stakeholder Advisory Group (SAG) Meeting #11
Tuesday, July 18, 2023
Location: DEQ Headquarters
1111 East Main Street
Richmond, VA 23219
Start - 9:30 AM

Attendees:

- SAG Members
 - Alex Forasté, VDOT
 - Benjamin Slaughter, Hazen and Sawyer
 - Blair Blanchette, VCAP
 - Chris French, Hydro International
 - Colin Walthall, WSSI
 - Dale Chestnut, James Madison University
 - Ellen Egen, AquaLaw
 - Gavin Pellitteri, City of Alexandria
 - Hannah Zegler, Dominion
 - Jacob Dorman, SW Manufacturers Association
 - Joe Wilder, Frederick County
 - John Burke, Montgomery County
 - Joseph Caterino, RES
 - Justin Doyle, James River Association
 - Kateri Simon, Luck Ecosystems
 - KC Filippino, Hampton Roads Planning District Commission (HRPDC)
 - Liz Scheessele, Timmons Group
 - Matthew Huston, City of Harrisonburg
 - Mike Hogan, ACEC Virginia/RKEK
 - Richard Jacobs, Culpeper SWCD
 - Robert K. Denton Jr., Terracon
 - Scott Jackson, Henrico County
 - Scott Smith, City of Hampton
 - Taylor James, Balzer & Associates
 - Hosein Foroutan, Virginia Tech
 - DEQ Staff
 - Mike Rolband, DEQ Director
 - Meghan Mayfield, Division of Water Permitting Director
 - Rebeccah Rochet, Division of Water Permitting Deputy Director
 - Nelson Daniel, Policy Analyst
 - Joseph Crook, Regulatory Analyst
 - Arcadis / Contractor for Handbook Development
 - Fernando Pasquel
 - Chris Soldan
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- Welcome, tenth meeting recap, and FOIA
 - Evan Branosky (Chief Stormwater Policy Advisor, DEQ) welcomed the SAG members and provided an overview of the Freedom of Information Act requirements because the SAG is a public body. He thanked the SAG members for so many good conversations that have taken place over the past several meetings.
- Handbook Development Tasks
 - Director Mike Rolband spoke to the SAG to thank everyone and emphasize the importance of finishing the Handbook. He acknowledged the Handbook will be a big step, but it won't be perfect. To that end, the Handbook will be a living document and will contain procedures for updating it on a regular basis.

For items that fall outside the focus of the Handbook, such as the proposed revisions to the Virginia Runoff Reduction Method, DEQ is working with Virginia Tech to address concerns raised by the SAG about the type of land use and amount of land conversion (i.e., forest vs. agriculture, with a larger portion of forest being converted to impervious surface compared to an earlier version of the proposed revisions) used in the model for calculations.

Keeping the Handbook up to date will include all suggestions and DEQ will keep in mind the concerns of the General Assembly and what might be done in the future for the development of manufactured treatment devices (MTDs).

DEQ plans to have the handbook available for final comments by the end of the year so that it can go through the required public notice process and be effective July 1, 2024 - to coincide with the effective date for the reissuance of the Construction General Permit regulation (9VAC25-880) and consolidated erosion and sediment control/stormwater management regulation (9VAC25-875). After his initial comments, Director Rolband answered questions from SAG members:

- Question: About the process to keep the Handbook up to date, the Department of Conservation and Recreation used to have a BMP Clearinghouse committee – should DEQ revisit the development of the Clearinghouse committee?
 - Director Rolband responded by saying the process didn't work as expected. He suggested that bringing the processes in-house may work better, and that DEQ may use a committee in the future.
- Question: Will DEQ be able to meet the requirements of regulatory updates and the NOIRA timeline?
 - Director Rolband said the goal is to get things done within the limits of the law and not to be a bureaucratic process.
- Question: How will DEQ address comments regarding updates?
 - The idea at this time is to get consensus on the Handbook so that it can go to public comment around the end of the year. After it becomes effective, DEQ will follow the process in the Handbook to receive comments and feedback, form a committee to sort through and consider them, and make improvements on a regular basis.

- Question: Will there be additional SAG meetings after this meeting?
 - Yes, DEQ intends to have at least one additional meeting after this meeting. It is tentatively scheduled for mid-October.
- Question: Will DEQ review where the Handbook states: “should,” “may,” and/or “must” to ensure the distinction between discretionary and mandatory requirements is clear?
 - DEQ has staff that are going to review the Handbook to address these types of issues.
- Question: The timeline and review timeline has been difficult to meet for many SAG members.
 - This has been a long time coming and the Handbook will be the best handbook possible. Up to this point, staff, time, and resources have been the big difference between what took place before now, what is taking place now, and what will take place into the future.
- Handbook Development Tasks
 - Fernando Pasquel went over the planned schedule and review periods. He provided brief comments about the chapters under development and when the draft versions of the chapters will be made available for review by the SAG members. (PowerPoint slides from the presentation follow the minutes.)
 - In the first draft DEQ will emphasize Chapter 1 and other sections that might need additional review. DEQ and ARCADIS have partnered with ENCODE Plus for the development of the handbook and exportability to PDF for people in the field.
 - Evan provided more information about ENCODE Plus, a digital platform that DEQ plans to use for the Handbook. Several localities use the platform (Fairfax, Chesterfield, Harrisonburg). It has features that will help the Handbook be a living document, including the ability for readers to submit comments and to retain those comments for future consideration by the committee that will keep the Handbook updated.
 - Downsides – hurdles with getting approval from VITA to use; time required to digitize content. This will also be new software for everyone to learn and use in a short timeframe. Impact - one of the main challenges will be overcoming the uploading time and meeting the timeline.
 - The outreach and engagement plan includes briefs for stakeholder groups, workshops, and procurement for new training.
 - SAG members were asked to provide examples (pictures) of good and bad BMPs for inclusion in the Handbook.
- Content Update – Plans
 - Chapter 8, this is the section on MTDs to include MTD specs with descriptions for each MTD category. The table listing all approved MTDs in VA and associated information will be included. This information will include the approved removal rate for treatment, approved max treatment flow rate, testing verification and specifications for each MTD.
 - Detailed information about karst conditions will be in the appendix of Chapter 6. Content will include general erosion and sediment control and stormwater design principles. General Erosion & Sediment Control and Stormwater Design Principles for Karst will include karst landscape features and components, step-by-step approach for

storm water design in karst terrain, site investigation and design, stormwater modeling, types of direct sampling, site assessment report and supporting documents for submission, final site design considerations, E&S control principles, responses to and remediation of sinkholes occurring during construction, stormwater design principles, the importance of karst swales, and the incorporation of manufactured BMPs.

- A SAG member asked about the introduction of new BMPs – that are not on the Clearinghouse or specified in the current regulation (9VAC25-870-65). The member had concerns about regenerative stormwater conveyances (RSC); that the SAG/DEQ is ignoring requirements in state law that these go through an established practice for vetting. Specifically, for RSC, the member felt the SAG is not being asked to come up with nutrient removal rates, instead it is considering a standard developed for West Virginia that doesn't have scientific basis for what they say can be done with respect to pollutant removal rates – and RSC has not gone through the process.

Arcadis responded by suggesting that this is what the subcommittee is being asked to consider and recommend during the meeting today. The proposal is to use wet swale as basis to reduce RSC. Ultimately this will be a decision that DEQ will make, taking into consideration that RSC is not entirely new and there are references to the practice in other BMPs.

- Public Comment
 - Evan invited SAG members and members of the public to provide thoughts and comments. No one offered comments.
- The meeting concluded at 11:05 am.
- Following a break, SAG members divided up into subcommittees to provide feedback on draft content for the Handbook (i.e., erosion and sediment control BMPs, stormwater BMPs, the Handbook outline/chapter outlines, and calculations).