

**Virginia Soil and Water Conservation Board
Thursday, July 17, 2008
Association of Electric Cooperatives
Richmond, Virginia**

Virginia Soil and Water Conservation Board Members Present

Linda S. Campbell, Chair	Joseph H. Maroon, Director
Granville M. Maitland, Vice Chair	Michael Altizer
Darlene Dalbec	Susan Taylor Hansen
Michael J. Russell	Raymond L. Simms
John A. Bricker, NRCS	

Virginia Soil and Water Conservation Board Members Not Present

Richard E. McNear	Jean A. Packard
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DCR Staff Present

Russell W. Baxter	Ryan J. Brown
William G. Browning	Eric Capps
Anne Crosier	David C. Dowling
Jim Echols	Michael R. Fletcher
Jack E. Frye	Ed Liggett
Mark B. Meador	J. Michael Foreman
Jim Robinson	
Elizabeth Andrews, Office of the Attorney General	

Others Present

Jennifer Brian-Price, Wetland Studies
Kirk Bowers, McKinney & Company
Lisa Cahill, Watershed Services
Wilkie Chaffin, VASWCD
Thomas A. Davin, Sussex County
Chad Edwards, City of Franklin
Amanda Jarrett, City of Franklin
Mary E. Jones, Sussex County
Robin Knepper, Fredericksburg Freelance Star
Leon Muse, City of Petersburg
Nancy Olin, Clarke County
Russ Pace, City of Franklin
Jonathan Pickett, Prince Edward County
Chris Pomeroy, Aqualaw
Ricky Rash, VASWCD
Bob Steidel, City of Richmond

Richard Stockton, City of Richmond

Call to Order and Introductions

Chairman Campbell called the meeting to order and declared a quorum present. She asked members and guests to introduce themselves.

Approval of Minutes from May 15, 2008

MOTION: Mr. Altizer moved that the minutes of the May 15, 2008 meeting of the Virginia Soil and Water Conservation Board be approved as submitted.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried with Ms. Hansen and Mr. Russell abstaining

Director's Report

Mr. Maroon gave the Director's report.

Mr. Maroon said that the reconstituted Stormwater Management Technical Advisory Committee (TAC) had begun meeting. He said that Mr. Dowling would give an update regarding the status of the Stormwater Management Regulations. The intent is to bring the regulations to the Board at the September meeting.

Mr. Maroon said that the Dam Safety Regulations were in the Governor's office for review. He said he anticipated they would be approved before the September meeting.

In the area of agriculture, there was a meeting of the Principal Staff Committee of the Chesapeake Bay Program held at Westmoreland State Park. Assistant Secretary of Natural Resources Jeff Corbin and Mr. Maroon briefed the committee on what will potentially become Governor Kaine's Chesapeake Bay Agricultural Champion Initiative. He said that these were preliminary, but the heart of the matter was to seek sustainable and sustainable funding for Ag BMPs.

DCR is working with NRCS to target the funding from the new federal farm bill.

Mr. Maroon said that full funding for all 47 Soil and Water Conservation Districts has been a priority for some time. He said that he hoped to see movement in that direction.

An additional goal would be to accelerate and expand initiatives to keep livestock out of the streams. This may include changes in fencing options and bundling some existing practices.

There are hopes to do more in terms of working with the corporate agribusiness leadership and their suppliers.

Another goal would be to strengthen partnerships with key commodity groups to encourage greater conservation. Quite a bit has been done with the poultry industry but there are others with potential such as including the Dairyman's Association.

Mr. Maroon said there was consideration of establishing a startup transferable agricultural conservation tax credit program. Pennsylvania has a highly successful program.

DCR has had a marketing campaign and strategy in the Valley and there has been consideration of expanding that campaign.

Goals also include acceleration of the implementation of TMDL stream cleanup plans, targeting efforts in areas with impaired waters, and enhancing the criteria for the Clean Water Farm Award.

Finally, a goal would be working with the Department of Agriculture to bolster the Virginia Agricultural Stewardship Act.

Mr. Maroon said that DCR is excited about the list and while it was still preliminary, DCR hopes to pursue all of the goals in some fashion.

Mr. Maroon said that he had been invited to join the Commissioner of Agriculture for the agribusiness tour that will travel to six different areas of the state. Mr. Frye and Mr. Maroon will attend three of the events.

Mr. Maroon reviewed the meeting agenda.

Update of Regulatory Actions

Mr. Dowling gave an update regarding the current regulatory actions of the Department.

Mr. Dowling noted the following:

Public Participation Guidelines

Mr. Dowling said that this exempt final regulation was a new item and noted that he would address this as a separate issue under the next agenda item.

Dam Safety Regulations

- Virginia Soil and Water Conservation Board approved final regulations on February 1, 2008.
- The regulations were submitted for Administrative review on the TownHall on April 7, 2008.
- Recommended by DPB on April 21, 2008.
- Department staff met with the Secretary of Natural Resources to discuss the regulations on April 28, 2008.
- Approved by the Secretary on April 28, 2008.
- Review by the Governor's office is in process. The current target is:
 - File with the Registrar by July 30, 2008.
 - Printed in the Virginia Register of Regulations on August 18, 2008.
 - Public comment period ends and regulations are final on September 17, 2008 (at the earliest).

Stormwater MS4 General Permit

The MS4 General Permit Regulations were final on July 9, 2008.

Stormwater Local program and Water Quality and Water Quantity Criteria

- 60-day public comment period opened on the TownHall on February 18, 2008.
- NOIRA published in Register March 17, 2008 (previous NOIRA stage withdrawn)
- 60-day public comment period closed April 16, 2008.
- Two full TAC meetings have been held: June 10 and July 17.
- Three additional TAC meetings are currently scheduled: August 14, August 26 and September 10.
- The Water Quantity group has met four times.

Mr. Dowling said that the intent was to bring the proposed regulations to the Board at the September 2008 meeting and the final regulations at the September 2009 meeting.

Stormwater Permit Fees

Mr. Dowling said that the intent was to bring the proposed regulations to the Board at the September 2008 meeting and the final regulations to the September 2009 meeting.

Stormwater Construction General Permit

- Filed NOIRA with Registrar on March 24, 2008.
- NOIRA published in Register April 14, 2008.

- 30-day public comment period closed May 14, 2008.
- Three TAC meetings scheduled: July 22, August 19 and September 9.

Mr. Dowling said that the intent is to bring the proposed regulations to the Board at the September 2008 meeting and the final regulations to the Board at the March 2009 meeting. He said that the permit must be effective on July 1, 2009.

Mr. Dowling said there were several other stormwater regulatory actions being worked on.

Stormwater MS4 Individual Permits (Group 1) [HRPDC permits]

- Norfolk draft permit and fact sheet sent to EPA for comment on June 27, 2008.
- Send remaining 5 permits and associated fact sheets to EPA for comment after Norfolk has been resolved.

Stormwater MS4 Individual Permits (Group 2) [Northern Virginia permits]

- Contingent on Norfolk permit approval.

Stormwater MS4 Individual Permits (Group 3) [Central Virginia permits]

- Contingent on Norfolk permit approval.

Chairman Campbell thanked Mr. Dowling for the update.

Adoption of Statewide Revisions to the Board's Regulatory Public Participation Guidelines

Mr. Dowling said that the next regulatory issue was a request for authorization to file a final exempt action regarding the Board's Regulatory Public Participation Guidelines.

Chapter 321 (HB1167) and Chapter 575 (SB734) of the 2008 Virginia Acts of Assembly required the Department of Planning and Budget in consultation with the Office of the Attorney General to develop model public guidelines (to replace and standardize those existing across the Commonwealth). By December 1, 2008, each agency must either (a) adopt the model public participation guidelines (PPG) or (b) if significant additions or changes are proposed, promulgate the model public participation guidelines with the proposed changes as a fast-track regulation. In either case, a new PPG must become effective no later than January 1, 2009, in order for an agency to be able to promulgate any new regulations after that date.

Mr. Dowling said that the Public Participation Guidelines provide additional guidance to the Board on how they shall allow public participation during a regulatory action and communicate with the public during the process.

Mr. Dowling said that the staff recommendation was that the Board adopt the model procedures.

Mr. Dowling said that in order to remain in compliance with the 2008 legislative action, the Department was recommending that the Board authorize the Department to repeal the Board's existing Regulatory Public Participation Procedures (4VAC50-10-10 et seq.) and authorize the Department to adopt through an exempt action the Department of Planning and Budget's recommended model PPG.

Ms. Hansen asked Mr. Dowling to summarize the main changes.

Mr. Dowling said that the changes included a cleanup of reorganization of existing language, emphasis on the use of the Regulatory TownHall, and the creation of two types of regulatory advisory panels. He noted that overall the public process will remain unchanged from how the Board currently conducts regulatory activities.

Mr. Brown said that there was also a potential timing change with regard to public hearings that would give a greater time span. He said that DCR was unlikely to do anything different.

Ms. Campbell gave the opportunity for public comment. There was none.

Ms. Hansen moved and Mr. Altizer seconded the following motion:

Motion to approve, authorize and direct through an exempt action the repeal of existing regulations and the filing of final regulations related to the Board's Regulatory Public Participation Procedures (§ 4 VAC 50-10)

The Board authorizes the repeal of its existing Regulatory Public Participation Procedures Regulations (§ 4 VAC 50-10), adopts the Department of Planning and Budget's recommended model Public Participation Guidelines Regulations (§ 4 VAC 50-11), and authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to submit through an exempt action these regulations and any other required documents to the Virginia TownHall and to the Registrar of Virginia.

This authorization extends to, but is not limited to, the drafting of the documents and documentation as well as the coordination necessary to gain approval from the Attorney General, the Administration, and the Virginia Registrar of Regulations for the final regulatory action publication.

The Board requests that the Director or the Regulatory Coordinator report to the Board on these actions at subsequent Board meetings.

The motion carried unanimously.

Erosion and Sediment Control Program

Mr. Frye said that the Erosion and Sediment Control Standards and Specifications for Stream Restoration was a new item for the Board. During the 2008 General Assembly Session the law was amended to include stream restoration projects where previously it was limited to wetlands mitigation bank projects.

Mr. Frye cited the following Code of Virginia reference:

§ 10.1-563 E. Regulated land-disturbing activities; submission and approval of control plan. Any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetlands mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the Board for review and approval consistent with guidelines established by the Board.

The Board shall have 60 days in which to approve the specifications. If no action is taken by the Board within 60 days, the specifications shall be deemed approved. Individual approval of separate projects under this subsection is not necessary when approved specifications are implemented through a project-specific erosion and sediment control plan. Projects not included in this subsection shall comply with the requirements of the appropriate local erosion and sediment control program. The Board shall have the authority to enforce approved specifications. Approval of general erosion and sediment control specifications by the Board does not relieve the owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations

Wetland and Stream Restoration Annual Standards and Specifications

Ms. Hansen moved the following:

REVISED: 10/23/2008 11:00:17 AM

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2008 annual standards and specifications for Wetland Studies and Solution, Inc. The Board concurs with staff recommendations for conditional approval of the 2008 specifications for Wetland Studies and Solution, Inc. in accordance with the Erosion and Sediment Control Law and Regulations. The Board requests the Director to have staff notify Wetland Studies and Solution, Inc. of the status of the review and the conditional approval of the annual standards and specifications and requests for variances to Minimum Standard 6.a and b.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2008 must be submitted by August 15, 2008. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to August 15, 2008 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address MitigationBank@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address MitigationBank@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook or per the approved annual standards and specifications.

A variance was requested to Minimum Standard 6.a and b. The requested variance is approved and the variance is as follows:

1. Minimum Standard 6.a and b: Allow the use of constructed wetland cells to treat a drainage area larger than three acres. The constructed wetland cell is either surrounded by a berm approximately 1 foot in height or is excavated at least 6 inches into the soil and will have a dry storage volume of at least 202 cubic yards per acre of drainage.

SECOND: Mr. Simms
DISCUSSION: None
VOTE: Motion carried unanimously

Mr. Altizer moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2008 annual standards and specifications for Foggy Bottom LLC. The Board concurs with staff recommendations for conditional approval of the 2008 specifications for Foggy Bottom LLC in accordance with the Erosion and Sediment Control Law and Regulations. The Board requests the Director to have staff notify Foggy Bottom LLC of the status of the review and the conditional approval of the annual standards and specifications and requests for variances to Minimum Standard 6a and 6b.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2008 must be submitted by August 15, 2008. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to August 15, 2008 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address MitigationBank@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address MitigationBank@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook or per the approved annual standards and specifications.

A variance was requested to Minimum Standard 6.a. The requested variance is approved and the variance is as follows:

Silt Fence Variance - Standard & Specification 3.05

Allow the use of reinforced silt fencing in lieu of a sediment trap in areas with slopes less than 2% and when the contributing drainage area is 3 acres or less. All other installation parameters including height, entrenchment, post spacing, etc., as well as maintenance requirements will be in accordance with Std. & Spec. 3.05 of VESCH.

A variance was requested to Minimum Standard 6.b. The requested variance is approved and the variance is as follows:

Temporary Sediment Trap Variance - Standard & Specification 3.13

Use a modified sediment trap measure in lieu of a temporary sediment basin when the contributing drainage area exceeds 3 acres. Although this request deviates from the stated drainage area limitation, staff believes that the use of a modified sediment trap for wetland construction is in accordance with the intent of the Minimum Standards. Historically, the design and construction of wetlands have notably demonstrated a lack of sediment runoff, as the actual constructed wetland area is simply one “giant” silt trap. The wetland areas are designed as large flat areas surrounded by berms with armored outlet structures. Typically the only denuded areas draining to the sediment trapping devices are the created wetland areas. The created wetland areas provide a storage volume that is much greater than typically required. Therefore, in lieu of using a sediment basin when the drainage area exceeds (3) three acres, a sediment trap will be sized to accommodate a total storage volume of 134 cubic yards per acre.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Simms moved the following:

The Virginia Soil and Water Conservation Board receives the staff update concerning the review of the 2008 annual standards and specifications for Angler Environmental. The Board concurs with staff recommendations for conditional approval of the 2008 specifications for Angler Environmental in accordance with the Erosion and Sediment Control Law and Regulations. The Board requests the

Director to have staff notify Angler Environmental of the status of the review and the conditional approval.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2008 must be submitted by August 15, 2008. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to August 15, 2008 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address MitigationBank@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address MitigationBank@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook or per the approved annual standards and specifications.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

Linear Projects Annual Standards and Specifications

Mr. Altizer moved the following:

The VSWCB receives the staff update concerning the review of the 2008 annual standards and specifications for Washington Gas Company. The Board concurs with staff recommendations for conditional approval of the 2008 specifications for the Washington Gas Company in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify said companies

of the status of the review and the conditional approval of the annual standards and specifications.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2008 must be submitted by August 15, 2008. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to August 15, 2008 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Maitland moved the following:

The VSWCB receives the staff update concerning the review of the 2008 annual standards and specifications for Virginia Natural Gas Company. The Board concurs with staff recommendations for conditional approval of the 2008 specifications for the Virginia Natural Gas Company in accordance with the Erosion and Sediment Control Law. The Board requests the Director to have staff notify said companies of the status of the review and the conditional approval of the annual standards and specifications.

The four items for conditional approval are:

1. A revised list of all proposed projects planned for construction in 2008 must be submitted by August 15, 2008. The following information must be submitted for each project:
 - Project name (or number)
 - Project location (including nearest major intersection)
 - On-site project manager name and contact information
 - Project description
 - Acreage of disturbed area for project
 - Project start and finish dates
2. Project information unknown prior to August 15, 2008 must be provided to DCR two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov.
3. Notify DCR of the Responsible Land Disturber (RLD) at least two (2) weeks in advance of land disturbing activities by e-mail at the following address LinearProjects@dcr.virginia.gov. The information to be provided is name, contact information and certification number.
4. Install and maintain all erosion and sediment control practices in accordance with the 1992 Virginia Erosion and Sediment Control Handbook.

SECOND: Mr. Russell

DISCUSSION: None

VOTE: Motion carried unanimously

Final Approval of Alternative Inspection Program for the Town of Wytheville

Mr. Maitland moved the following:

The Virginia Soil and Water Conservation Board approves the proposed Alternative Inspection Program for the Town of Wytheville as being consistent with the requirements of the Erosion and Sediment Control Law and Regulations. The Board requests DCR staff to monitor the implementation of the alternative inspection program by the Town to ensure compliance.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

REVISED: 10/23/2008 11:00:17 AM

Initial acceptance of Alternative Inspection Program for the County of Lancaster

Mr. Simms moved the following:

The Virginia Soil and Water Conservation Board receives the staff update and recommendation regarding the proposed Alternative Inspection Program for Lancaster County. The Board concurs with the staff recommendation and accepts the County's proposed Alternative Inspection Program for review and future action at the next Board meeting.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Local Programs recommended to be found consistent based on Initial Review

Mr. Capps gave the report for the City of Poquoson.

DCR staff completed the initial program review for the City of Poquoson's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 75; Plan Review – 100; Inspection – 75; and Enforcement – 90. As all program components received a score of 70 or greater, staff recommends that the Virginia Soil and Water Conservation Board find the City's Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

Mr. Russell moved the following:

The Virginia Soil and Water Conservation Board commends the City of Poquoson for successfully implementing the City's Erosion and Sediment Control Program to be fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Capps gave the report for Matthews County.

DCR staff completed the initial program review for Mathews County's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 75; Plan Review – 85; Inspection – 80; and Enforcement – 85. As all program components received a score of 70 or greater, staff recommends that the Virginia Soil and Water Conservation Board find the County's Erosion and Sediment Control Program consistent with the Virginia Erosion and Sediment Control Law and Regulations.

Mr. Simms moved the following:

The Virginia Soil and Water Conservation Board commends Mathews County for successfully implementing the County's Erosion and Sediment Control Program to be fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Mr. Altizer
DISCUSSION: None
VOTE: Motion carried unanimously

Local Programs recommended to be found consistent following completion of Corrective Action Agreement (CAA)

Ms. Hansen asked that these actions be taken as a block.

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board commend the City of Charlottesville and the Counties of Appomattox, Buckingham and Sussex for successfully improving their respective Erosion and Sediment Control Program to become fully consistent with the requirements of the Virginia Erosion and Sediment Control Law and Regulations, thereby providing better protection for Virginia's soil and water resources.

SECOND: Mr. Simms
DISCUSSION: Mary Jones of Sussex thanked the Board and staff for their assistance.

There was no further discussion.

VOTE: Motion carried unanimously

Local Programs recommended to be found inconsistent based on Initial Review and request for Board approval of Corrective Action Agreement (CAA)

Mr. Capps gave the report for the City of Franklin.

DCR staff completed the initial program review for the City of Franklin's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 63; Plan Review – 95; Inspection – 25; and Enforcement – 100. As all program components did not receive a score of 70 or greater, staff recommends that the Virginia Soil and Water Conservation Board find the City's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the City.

Mr. Russ Pace from the City of Franklin addressed the Board. He introduced City Program Administer Chad Edwards and City Planner Amanda Jarrett. He distributed a document outlining program changes where the City fell short in the administrative evaluation. A copy of this document is available from DCR.

Mr. Pace said that the City would like to ask that the CAA be sent to the City of Franklin and another inspection scheduled. He said that the City would like to return at the September Board meeting with a positive recommendation.

Mr. Simms thanked Mr. Pace for the information and positive comments.

Mr. Simms moved the following:

The Virginia Soil and Water Conservation Board accepts staff recommendations and finds the City of Franklin's Erosion and Sediment Control Program inconsistent and approves the City's CAA. The Board directs DCR staff to monitor the implementation of the CAA by the City to ensure compliance.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Capps gave the report for the City of Salem.

DCR staff completed the initial program review for the City of Salem's Erosion and Sediment Control Program and the scores for the individual components were as follows:

Administration – 94; Plan Review – 80; Inspection – 60; and Enforcement – 80. As all program components did not receive a score of 70 or greater, staff recommends that the Virginia Soil and Water Conservation Board find the City's Erosion and Sediment Control Program inconsistent with the Virginia Erosion and Sediment Control Law and Regulations and approve the draft CAA for the City.

Mr. Altizer moved the following:

The Virginia Soil and Water Conservation Board accepts staff recommendations and finds the City of Salem's Erosion and Sediment Control Program inconsistent and approves the City's CAA. The Board directs DCR staff to monitor the implementation of the CAA by the City to ensure compliance.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Capps gave the report for Clarke County.

DCR staff completed the initial program review for Clarke County's Erosion and Sediment Control Program and the scores for the individual components were as follows Administration – 32; Plan Review – 25; Inspection – 0; and Enforcement – 20. As all program components did not receive a score of 70 or greater, staff recommends the following motion:

Mr. Capps said that DCR had requested that Clarke County be in attendance at the meeting.

Nancy Olin from Clarke County said that she had completed the program administrator course work and would take the exam in November. She said that the County's Erosion and Sediment Control code has not been updated since 1990 and the County is in the process of doing that. She said that at a recent planning commission meeting, staff noted that code enforcement activity has slowed down and that staff will be able to apply more time and resources to erosion and sediment control.

Ms. Olin asked if the County should send items as completed. Mr. Capps said that the updated items would be reviewed at the end of the six month time period.

Mr. Altizer moved the following:

The Virginia Soil and Water Conservation Board accepts staff recommendations and finds the Clarke County's Erosion and Sediment Control Program inconsistent and approves the County's CAA. The Board directs DCR staff to monitor the implementation of the CAA by the County to ensure compliance.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Capps gave the report for Patrick County.

DCR staff completed the initial program review for Patrick County's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 100; Plan Review – 75; Inspection – 45; and Enforcement – 85. As all program components did not receive a score of 70 or greater, staff recommends the following motion:

Ms. Hansen moved the following:

The Virginia Soil and Water Conservation Board accepts staff recommendations and finds the Patrick County's Erosion and Sediment Control Program inconsistent and approves the County's CAA. The Board directs DCR staff to monitor the implementation of the CAA by the County to ensure compliance.

SECOND: Mr. Simms
DISCUSSION: None
VOTE: Motion carried unanimously

Mr. Capps gave the report for Russell County.

DCR staff completed the initial program review for Russell County's Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 61; Plan Review – 80; Inspection – 15; and Enforcement – 30. As all program components did not receive a score of 70 or greater, the staff recommendation was that the Board find Russell County's Erosion and Sediment Control Program to be inconsistent and approve the County's CAA.

Mr. Sims moved the following:

The Virginia Soil and Water Conservation Board accepts staff recommendations and finds the Russell County's Erosion and Sediment Control Program inconsistent and approves the County's CAA. The Board directs DCR staff to monitor the implementation of the CAA by the County to ensure compliance.

SECOND: Ms. Hansen
DISCUSSION: None
VOTE: Motion carried with Mr. Altizer abstaining

Mr. Capps gave the report for the Town of Dumfries.

DCR staff completed the initial program review for the Town of Dumfries' Erosion and Sediment Control Program and the scores for the individual components were as follows: Administration – 85; Plan Review – 80; Inspection – 40; and Enforcement – 95. As all

program components did not receive a score of 70 or greater, the staff recommendation was that the Board find the Town of Dumfries' Erosion and Sediment Control Program inconsistent and approve the Town's CAA.

Ms. Hansen moved the following:

The Virginia Soil and Water Conservation Board accepts staff recommendations and finds the Town of Dumfries' Erosion and Sediment Control Program inconsistent and approves the Town's CAA. The Board directs DCR staff to monitor the implementation of the CAA by the Town to ensure compliance.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

Request for Board to extend Corrective Action Agreement (CAA) for local programs previously found inconsistent

Mr. Capps gave the report for the City of Richmond.

The Virginia Soil and Water Conservation Board (Board) approved the City of Richmond's Corrective Action Agreement (CAA) with a compliance date of May 13, 2008. At the direction of the Board, Department of Conservation and Recreation (DCR) staff reviewed the City of Richmond's progress on implementing the CAA. Based on the results of the review, the staff has determined that the City has not achieved compliance with the CAA and recommends that the Board extend the City of Richmond's CAA until September 17, 2008 to allow the City additional time to fully comply with their CAA.

Mr. Stockton from the City of Richmond said that the City wanted to thank DCR for doing the follow up audit. He said that as the Capital City, Richmond takes environmental stewardship seriously. He said that the Mayor has committed the necessary resources for the program and that the City is working to bring the program into compliance. He introduced Art Dahlberg and Bob Steidel also from the City.

Mr. Dahlberg said that it had been a challenging year for the City. The City did lose the program administrator, but now has added an additional plan reviewer and inspector.

Mr. Dahlberg said that the City would implement the items in the CAA, but that it would take time. He said that a new ordinance was approved by the City Council in May. There have been significant changes on plan review and inspection procedures. The City has developed a code of conduct and procedures, including a plan review checklist.

Mr. Maroon questioned the wording of the proposed motion. He said the Board would not be finding the City inconsistent again.

Mr. Capps said that once the City signs the CAA, they become provisionally consistent.

Mr. Capps said that the staff recommendation would be to offer the City an extension until September 17, 2008.

Mr. Altizer moved the following:

The Virginia Soil and Water Conservation Board accepts the staff recommendations and extends the City of Richmond's CAA until September 17, 2008 to fully comply with the outstanding CAA. The Board further requests that the Director of DCR and his staff evaluate the City's compliance with the outstanding CAA and provide a report at the November 2008 Board meeting.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Capps gave the report for the City of Petersburg.

The Virginia Soil and Water Conservation Board (Board) approved the City of Petersburg's Corrective Action Agreement (CAA) with a compliance date of May 13, 2008. At the direction of the Board, Department of Conservation and Recreation (DCR) staff reviewed the City of Petersburg's progress on implementing the CAA. Based on the results of the review, the staff recommendation was that the Board extend the City of Petersburg's CAA until September 17, 2008 to allow the City additional time to fully comply with their CAA.

Mr. Muse from the City said that limited staff had resulted in an inability to achieve inspections on a regular basis. He said that the program administrator was recently certified. He said also that the requirement to revise the ordinance is being reviewed by the assistant city attorney.

Ms. Hansen moved the following:

The Virginia Soil and Water Conservation Board accepts the staff recommendations and extends the City of Petersburg's CAA until September 17, 2008 to fully comply with the outstanding CAA. The Board further requests that the Director of DCR and his staff evaluate the City's compliance with the outstanding CAA and provide a report at the November 2008 Board meeting.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Capps gave the report for Nottoway County.

The Virginia Soil and Water Conservation Board (Board) approved Nottoway County's Corrective Action Agreement (CAA) to May 13, 2008. At the direction of the Board, Department of Conservation and Recreation (DCR) staff reviewed Nottoway County's progress on implementing the CAA. Based on the results of the review, the staff recommendation was that the Board extend Nottoway County's CAA until August 1, 2008 to allow the County additional time to fully comply with their CAA.

Mr. Maitland asked why the recommendation was August, not September.

Mr. Capps said that would allow staff time to review the program prior to the September meeting.

Mr. Rash said that the problem was that the model ordinance had language omitted. The revised ordinance was in the process of being approved by the County.

Mr. Altizer moved the following:

The Virginia Soil and Water Conservation Board accepts the staff recommendations and extends the Nottoway County's CAA until August 1, 2008 to fully comply with the outstanding CAA. The Board further requests that the Director of DCR and his staff evaluate the County's compliance with the outstanding CAA and provide a report at the September 2008 Board meeting.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Chairman Campbell said that the County should be commended for bringing the program into compliance in a timely manner.

Mr. Capps gave the report for Prince Edward County.

The Virginia Soil and Water Conservation Board (Board) approved Prince Edward County's Corrective Action Agreement (CAA) with a compliance date of May 13, 2008. At the direction of the Board, Department of Conservation and Recreation (DCR) staff reviewed Prince Edward County's progress on implementing the CAA. Based on the results of the review, the staff has determined that the County has not achieved

compliance with the CAA. The DCR staff recommendation was that the County be given until September 17, 2008 to allow the County additional time to comply with their CAA.

Mr. Pickett from Prince Edward County said that the one area the County had not updated dealt with single family home inspections. He said that as of July 16, the County is now inspecting those homes. He said that the County intends to seek an alternative inspection program.

Ms. Hansen moved the following:

The Virginia Soil and Water Conservation Board accepts the staff recommendations and extends Prince Edward County's CAA until September 17, 2008 to fully comply with the outstanding CAA. The Board further requests that the Director of DCR and his staff evaluate the County's compliance with the outstanding CAA and provide a report at the November 2008 Board meeting.

SECOND: Ms. Dalbec

DISCUSSION: None

VOTE: Motion carried unanimously

Approval of Local Program reviews for FY09

Mr. Capps said that to date, 126 local programs have been reviewed. Of those, 98 or 78% of those reviewed have been found consistent. Five program reviews are currently in different states of completion. To complete review of all 164 programs, 33 must be reviewed by Fiscal Year 09.

Mr. Capps presented an amendment to the plan approved in July of 2007.

Mr. Altizer asked if any of the 33 programs on the list had been reviewed.

Mr. Capps said they had not been reviewed in the last five years.

MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board receive the staff update regarding the review of local erosion and sediment control programs, concur with the staff recommendations on the revised local programs to review for FY09, and approve the revised list of localities for completion of reviews for FY09. The following is the revised list:

33

Local Program	Type	Regional Office
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Amherst	County	Richmond
Botetourt	County	Staunton
Campbell	County	Richmond
Caroline	County	Tappahannock
Christiansburg	Town	Dublin
Clifton Forge	City	Staunton
Colonial Heights	City	Richmond
Covington	City	Staunton
Craig	County	Staunton
Cumberland	County	Richmond
Floyd	County	Dublin
Fluvanna	County	Richmond
Gloucester	County	Tappahannock
Harrisonburg	City	Staunton
Hopewell	City	Richmond
King & Queen	County	Tappahannock
King William	County	Tappahannock
Lee	County	Abingdon
Lexington	City	Staunton
Lynchburg	City	Richmond
New Kent	County	Tappahannock
Portsmouth	City	Suffolk
Prince George	County	Richmond
Prince William	County	Warrenton
Richmond	County	Tappahannock
Roanoke	City	Clarksville
Scott	County	Abingdon
Scottsville	Town	Richmond
Spotsylvania	County	Tappahannock
Stephens City	Town	Staunton
Suffolk	City	Suffolk
Tappahannock	Town	Tappahannock
Woodstock	Town	Staunton

SECOND: Mr. Simms

DISCUSSION: Mr. Maroon said that the approach taken by Mr. Capps and DCR staff had a tremendous affect on compliance and an improvement on DCR's oversight.

Mr. Frye said that the reviews needed to be completed in order to reach the goal of a 90% compliance rate.

VOTE: Motion carried unanimously

Mr. Maitland asked if in the cases where there were limited items to be corrected if the Board could not ask the locality to address the issues and come back at the next meeting. He asked if that would save time in the process rather than developing and signing a CAA.

Mr. Frye said that while the steps may appear to be over formalized, that was what made the program successful. In the past the position had been to provide technical assistance and encouragement. He said the review process had been successful.

Mr. Maitland asked if the County administrator or supervisors were aware of these programs.

Mr. Capps said that the letters are addressed to the administrator.

Mr. Capps said that there were two additional items for the Board to review.

Mr. Capps said that the first item dealt with Washington County. He said that at the May 15th Board meeting the Board recommended that the County's program be found inconsistent. The Board approved that recommendation.

Mr. Capps said that Lucy Phillips, the County attorney, had informed the Board at that meeting that the County would do what was necessary to bring the program into compliance. As of the date of the meeting, the CAA had not been signed. Mr. Capps said that he had received an email from Ms. Phillips on July 8 requesting to meet with staff to discuss giving up their program to the appropriate state agency. Mr. Capps said that in that event the program would actually go to the Soil and Water Conservation District. Mr. Capps said that the potential meeting dates provided by Ms. Phillips were not possibilities for Mr. Capps and Mr. Hill.

Mr. Capps said that any meeting would also include DCR regional staff. No meeting has been scheduled as of this time. Mr. Capps said that he spoke with the regional manager and that staff has asked Washington County to take action under the Erosion and Sediment Control law as DCR takes action under the VSMP permit on construction sites. The general response has been that it seems to be a DCR issue and that the County does not wish to be involved. DCR tries to work with localities to bring appropriate enforcement. Staff will be continue to coordinate with the County on this issue.

Currently DCR is not aware that the County is conducting inspections and some plans have been sent to DCR staff for review. DCR staff is returning those plans. There is some confusion.

Mr. Altizer said that the general confusion is that if the locality does not wish to carry out the program that it desires to return the program to DCR. But he noted that this is a misunderstanding and that currently the Holston River SWCD was not aware that Washington County wanted to transfer the program.

Mr. Simms noted that Districts do not have the resources to carry out such programs.

Mr. Maroon said that there were a couple of localities in the eastern part of the state that had indicated a desire to turn the program over to DCR or the District. In each of those cases, the locality agreed to sign the CAA. Mr. Maroon said that DCR could handle the issue with Washington County at the staff level, but indicated that the Board could go on record with a statement strongly urging the County to work with the Board.

The sense of the Board was to have Mr. Maroon include such a statement from the Board in his letter to the County.

Ms. Hansen asked if the Holston River District was aware of this issue.

Mr. Maroon said that the District had been notified.

Mr. Capps said that for FY2008 there had been 2,513 construction general permit coverages issued. That is slightly down from the 2707 in FY2007, but likely reflects less construction activity rather than a decrease in staff efficiency.

Stormwater Enforcement Action Update

Ms. Crosier gave an update regarding Stormwater Enforcement Actions.

Virginia Stormwater Management Program Enforcement

Overview

- US EPA authorizes the Board and DCR to enforce the VSMP
- As part of that effort, we enforce two general permits to protect water quality
 - Stormwater Construction
 - Municipal Storm Sewer System (MS4)
 - According to US EPA, “enforcement is the set of actions governments take to achieve compliance within the regulated community.”
 - Enforcement actions DCR is undertaking on the Board’s behalf to achieve compliance within our regulated community.

DCR Enforcement Actions

- Our goal is to require the regulated community
 - To comply with program and
 - To remedy harmful impacts caused by noncompliance
- To achieve maximum efficiency, we leverage limited resources to get the most compliance

- Tiered approach
 - Initial actions are informal
 - Follow-up with formal actions, if need be
 - Informal Enforcement Actions
 - Cooperative approach
 - Where there is noncompliance
 - Offer permittee compliance assistance
 - Negotiate for a remedy; schedule of compliance
 - Goal is to get compliance
 - More Compliance equals greater improvements to water quality
 - Formal Enforcement Actions
 - Deterrence-based approach
 - Administrative or legal action to compel compliance
 - May Assess civil charges or penalties to deter potential violators
- STATEWIDE ACTIONS FOR 2007-2008
 - Informal enforcement
 - 1st tier – Est. 1600 Inspection Reports/Verbal Warnings; Requests for Information
 - 2nd tier – Est. 120 Notices of Corrective Action and Final Requests for Information
 - Formal enforcement
 - 3rd tier – Resolved 20 enforcement cases (50 total since 2006); 20 cases pending
 - 4th tier – Two Consent Special Orders, four Consent Decrees, six Orders pending
 - SOME RECENT CASES ILLUSTRATING HOW THE PROCESS WORKS
 - What happened
 - What we did about it

Ms. Crosier reviewed several examples of recent actions. Specific information regarding these actions is available from DCR.

Conclusions

- Overall, our compliance and enforcement efforts are proving successful
- Always room for improvement; we continue to improve
 - Inspecting more sites everyday
 - Achieving excellent return-to-compliance rates where we find problems
- Greater compliance results in improved water quality in the Commonwealth

Mr. Maroon commended Ms. Crosier and DCR staff on their enforcement actions.

At this time the Board recessed for lunch.

District Resignations and Appointments

Mr. Meador presented the District Resignations and Appointments.

Chowan Basin

Resignation of E. Carter Nettles, Jr. Sussex County, effective 7/17/09, elected director position (term of office expires 1/1/12).

Recommendation of Raymond Warren, Sussex County, to fill unexpired elected term of E. Carter Nettles, Jr. (term of office to begin on or before 8/16/08 – 1/1/12).

Lonesome Pine

Resignation of Carol Gilbert, Wise County, effective 5/1/08, elected director position (term of office expires 1/1/12).

Recommendation of Lynda G. Hubbard, Wise County, to fill unexpired elected term of Carol Gilbert (term of office to begin on or before 8/16/08 – 1/1/12).

Peter Francisco

Resignation of Mark Davis, Cumberland County, effective 11/9/07, appointed Extension Agent director position (term of office expires 1/1/09).

Recommendation of David Smith, Cumberland County, to fill unexpired appointed Extension Agent term of Mark Davis (term of office to begin on or before 8/16/08 – 1/1/09).

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board approve the list of District Director Resignations and Appointments as submitted by staff:

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Meador said that all of the 47 extension agent positions will be ending on December 31, 2008. He said that DCR staff is working with the Districts to bring forward as many as possible for appointment at the September Board meeting. He said the intent is to have recommendations for all 47 districts.

Mr. Meador addressed the Evaluation Guidance for DCR/SWCD FY 2008 – 2009 Grant Agreement Deliverables. He distributed a draft copy of this document. A copy is available from DCR.

Mr. Meador noted that at the May meeting the Board approved the list of performance deliverables for the 47 agreements DCR has with each of the conservation districts. The document he provided was the criteria that DCR staff use to evaluate how well a district fulfills the performance deliverables. This list took effect on July 1st.

Mr. Meador said that Board members had asked for additional clarification with regard to the first item which is a comprehensive list. He said that staff reviewed that information and provided evaluation language.

MOTION: Mr. Altizer moved that the Virginia Soil and Water Conservation Board approve the Evaluation Guidance for DCR/SWCD FY2008 – 2009 Grant Agreement Deliverables as presented by staff.

SECOND: Ms. Hansen

DISCUSSION: Mr. Russell asked if there would be an opportunity to add a deliverable before next year to require Districts to register with eVA to allow them to legitimately purchase from state contracts.

Mr. Meador said that in the body of the grant agreement criteria language was added that speaks to financial management. Staff are encouraged to seek and maintain criteria to enable them to purchase through eVA.

VOTE: Motion carried unanimously

Consultation with Board of Distribution of 5% of WQIF to Districts

Mr. Meador referenced a draft memo included in member packets regarding the subject of: Technical Assistance Funds Available to SWCDs from 5% of Ag BMP Cost Share Program Funds for Program Year 2009.

Mr. Meador referenced the proposed distributions of the funds. These were based on the District requests and the amount received in the previous cycle.

Ms. Campbell said at this time she would call for a recess of the Soil and Water Conservation Board and convene a joint meeting with the representatives from the Virginia Association of Soil and Water Conservation Districts Board.

Joint Meeting with the Virginia Association of Soil and Water Conservation Districts

Mr. Maroon said that historically, when the Board was working with a different meeting schedule the Board would meet in a joint meeting with the Virginia Association of Soil and Water Conservation Districts at their annual meeting in December. Typically at that meeting the Boards would discuss Director names to be forwarded to the Governor for consideration for Board appointment.

Mr. Maroon said that he had recently been informed that Mr. McNear did not wish to be reappointed to the Board.

Mr. Maroon said that while recommendations had been provided by the Association, there were complications with those recommendations. The statute requires that at least four members of the Board be farmers for which with Mr. McNear's departure would require an additional farmer. Also, under the Clean Water Act there is a provision that no member can be appointed if they are a direct permittee of this Board or derive 10% of their income from someone who is a permittee. The two candidates originally provided were not farmers and one had a conflict under the Clean Water Act.

Mr. Rash, President of the VASWCD presented two different names for Board consideration:

Gary W. Hornbaker, Loudoun Soil and Water Conservation District

James G. Byrne, Culpeper Soil and Water Conservation District

Mr. Rash provided additional biographical information for these gentlemen.

Mr. Rash said that while he was authorized to speak on behalf of the VASWCD Board that the Board had not officially voted on these recommendations.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board approve the nominations of Gary W. Hornbaker and James G. Byrne to be forwarded to the Governor for consideration for Board appointment contingent upon the receipt of a letter from the VASWCD stating that their board had approved the submissions presented by Mr. Rash.

SECOND: Mr. Maitland

DISCUSSION: None

VOTE: Motion carried unanimously

Ms. Campbell asked if there was other business the Association would like to discuss with the Board.

Mr. Rash said that Board members should have received a letter requesting an increase in the grant agreement between the Virginia Soil and Water Conservation Board and the VASWCD. The letter was a request to increase the amount from \$25,200 by \$7,000 to bring the total to \$32,200.

Mr. Rash said that the majority of Association funding is for education.

Ms. Hansen asked Mr. Maroon to address this in the context of staff and resources.

Mr. Maroon said that the issue had been discussed at the May meeting. He said that he had a strong understanding and appreciation of the role of the Districts. He said that the hope was that DCR would be able to limit the cost of advertising District elections, thereby making more funds available for the Association in the future. He said that the request could be revisited at that time.

Mr. Meador said that the funding held in reserve by DCR is to cover expenses that come on a three to four year cycle, including bonding and public notices.

Mr. Chaffin noted that the Association also provides support to DCR and that there was a definite benefit to the state from the activities of the Association.

Mr. Simms said that it was a difficult choice, but that the budget must be balanced.

Mr. Maroon asked if a gesture of a \$1500 increase would help.

Mr. Rash said that every amount helped. He said that the Association was struggling to meet their budget. He said that it was also an investment.

Ms. Campbell adjourned the joint meeting and reconvened the meeting of the Virginia Soil and Water Conservation Board.

MOTION: Mr. Russell moved that the Virginia Soil and Water Conservation Board increase funding to the Virginia Association of Soil and Water Conservation Districts by \$7,000 as requested.

SECOND: Mr. Simms

DISCUSSION: Mr. Maroon said this would take the money from the reserve fund.

Mr. Maroon suggested making the supplemental funding \$10,000. That would represent an increase of \$4,800 with the understanding that DCR would need the funds the following year if there was no reduction in the requirement for advertising.

Mr. Maroon said that he would abstain from the vote.

VOTE: The motion carried with Mr. Maroon abstaining.

Dam Safety Certificates and Permits

Mr. Browning presented the Dam Safety Certificates and Permits.

Compliance Issues

Mr. Browning said that no action was needed by the Board, but gave the following update.

#01516 Upper Wallace Dam – No progress has been made at this point.

#06119 Lake Mellott Dam – A complaint action has been drafted to bring in the third owner. When the complaint action is filed with the Court, it will consolidate this action with the prior case.

#07507 Pruitt's Dam – Two letters have been issued to the dam owner and he has promised to fulfill the requirements but no progress has been made. DCR will be proceeding with an administrative order to bring the dam into compliance.

#07915 Greene Mountain Dam – Staff was in contact with the president of the Nathaniel Greene Corporation. On 7/15/08 the paperwork was being sent to the Warrenton regional office. The hope is that the information will be sufficient to issue a certificate.

#17907 Little Lake Arrowhead Dam and #17908 Lake Arrowhead Dam – A conference call had been set up to discuss the dams, but the call was not confirmed and did not take place. DCR staff is attempting to reschedule the call to determine the County's willingness to move ahead.

Compliance Issues – Conditional Operation and Maintenance Certificates

Mr. Browning said that the number of dams requiring Conditional Certificates increased from 9 to 15 since the Board mailing. The six added are Soil and Water Conservation District dams. Their consulting engineer has indicated that six months will be sufficient to complete the work.

Conditional Operation and Maintenance Certificate Recommendations

00352 Mink Creek Dam	ALBEMARLE	Class I	7/31/10
01518 Staunton Dam	AUGUSTA	Class I	7/31/09
01703 Bath Alum Farm Dam	BATH	Class II	7/31/09
02903 Willis River Dam #3	BUCKINGHAM	Class III	1/31/09
02904 Willis River Dam #4	BUCKINGHAM	Class III	1/31/09

02905 Willis River Dam #5E	BUCKINGHAM	Class III	1/31/09
02906 Willis River Dam #5F	BUCKINGHAM	Class III	1/31/09
02908 Willis River Dam #6A	BUCKINGHAM	Class III	1/31/09
02910 Willis River Dam #9	BUCKINGHAM	Class III	1/31/09
07903 Greene Acres Dam	GREENE	Class I	7/31/09
08583 Tiller Lake Dam	HANOVER	Class III	7/31/09
09510 Lake Matoaka Dam	JAMES CITY	Class II	7/31/10
16307 Cold Sulpher Springs Dam	ROCKBRIDGE	Class II	7/31/09
19517 UVA Wise Dam #1	WISE	Class I	7/31/10
19518 UVA Wise Dam #2	WISE	Class I	7/31/10

Mr. Browning said that there were no Board member conflicts with the District owned dams.

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board approve the Conditional Operation and Maintenance Certificate Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

Regular Operation and Maintenance Certificate Recommendations

00924 Buffalo River Dam #4A	AMHERST	Class II	7/31/14
02907 Willis River Dam #6	BUCKINGHAM	Class II	7/31/14
03102 Timberlake Dam	CAMPBELL	Class II	7/31/14
04117 Tates Dam	CHESTERFIELD	Class III	7/31/14
05941 Reston Town Center Western BMP Dam	FAIRFAX	Class III	7/31/14
05942 Reston Northern Sector Pond 1 Dam	FAIRFAX	Class I	7/31/14
09501 Whittaker Lake Dam	JAMES CITY	Class III	7/31/14
09502 Horne's Lake Dam	JAMES CITY	Class II	7/31/14
09537 Wingfield Lake Dam	JAMES CITY	Class III	7/31/14
10727 Ashburn Village Lake Dam #1	LOUDOUN	Class II	7/31/14
10734 Ashburn Village Lake Dam #2	LOUDOUN	Class II	7/31/14
10735 Tippecanoe Lake Dam	LOUDOUN	Class III	7/31/14

Mr. Browning said that he would like the Board to separately consider #04129 Woodland Pond Dam. He said that the engineering work is accurate, but that staff had not received the appropriate documentation.

MOTION: Mr. Simms moved that the Virginia Soil and Water Conservation Board approve the Regular Operation and Maintenance Certificate Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Ms. Hansen

DISCUSSION: None

VOTE: Motion carried unanimously

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board conditionally approve the certificate for Woodland Pond Dam, Inventory # 04129 Chesterfield County, Class II, 7/31/14 based upon the provision of necessary documentation to DCR staff.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning presented the following permit recommendation.

01934 Boonsboro Country Club Dam #1	BEDFORD	Class III	7/31/09
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MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the Permit Recommendation as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owner.

SECOND: Mr. Altizer

DISCUSSION: None

VOTE: Motion carried unanimously

Mr. Browning presented the list of Extension recommendations. He made the following comments:

#09509 Jolly Pond Dam – Mr. Browning said that staff had met with James City County, the current dam owner. He said that the County wishes to keep the road open. This was issued with the understanding that the County would move forward with the construction and the removal of vegetation from the dam. At this point the County is still reviewing the engineering work. They have asked for a four month extension and have agreed to implement a weekly monitoring of the dam.

Department of Game and Inland Fisheries Dams – Mr. Browning said that at the Board's request, DGIF has begun to look at and assess their large number of dams that they own. Twelve DGIF dams were on their suggested extension list, some with two-year extensions. DCR staff is not comfortable with that time frame. Mr. Browning said that DCR informed DGIF staff that there was a need to develop a plan of action that would list in priority how the repairs will be made if conditional certificates are issued.

Ms. Hansen said that she continued to be concerned about any appearance of treating DGIF any differently than other dam owners.

Lake of the Woods – Mr. Browning said that the certificate on the Lake of the Woods dam expires, but that staff would like to have two more months to review the work that has recently been submitted.

00305 Albemarle Dam	ALBEMARLE	Class III Conditional	9/30/08
00351 Peacock Hill Dam	ALBEMARLE	Class III Conditional	11/30/08
00701 Amelia Dam	AMELIA	Class III Conditional	1/31/09
01702 John Lawrence Dam	BATH	Class II Regular	11/30/08
01906 Springhill Lake Dam	BEDFORD	Class II Conditional	7/31/09
01908 Spring Lake Dam	BEDFORD	Class III Conditional	7/31/09
01927 Falwell Jr. Dam	BEDFORD	Class III Regular	11/30/08
01934 Boonsboro Country Club Dam #1	BEDFORD	Class III Conditional	7/31/09
02303 Rainbow Forest Dam	BOTETOURT	Class I Conditional	9/30/08
02304 Blue Ridge Estates Dam	BOTETOURT	Class I Conditional	9/30/08
03504 Olde Mill Golf Club Dam	CARROLL	Class III Conditional	7/31/09
05106 Laurel Lake Dam	DICKENSON	Class III Conditional	9/30/08
05902 Burke Lake Dam	FAIRFAX	Class I Conditional	1/31/09
06102 DiGiulian Dam	FAUQUIER	Class III Conditional	7/31/09
06107 Thompson Dam	FAUQUIER	Class I Conditional	1/31/09
06122 Lake Brittle Dam	FAUQUIER	Class II Conditional	1/31/09
06502 Fluvanna Ruritan Dam	FLUVANNA	Class III Conditional	1/31/09
06701 Upper Blackwater River Dam #6	FRANKLIN	Class II Regular	9/30/08
07907 Saponi Dam	GREENE	Class III Regular	7/31/09
07912 Twin Lakes Dam #2	GREENE	Class III Conditional	1/31/09
07913 Twin Lakes Dam #1	GREENE	Class III Conditional	1/31/09
09509 Jolly Pond Dam	JAMES CITY	Class II Conditional	11/30/08

10733 Lawrence Dam	LOUDOUN	Class III Conditional	11/30/08
12501 Nelson Dam	NELSON	Class II Conditional	9/30/08
13701 Lake of the Woods Dam	ORANGE	Class I Conditional	9/30/08
13901 Dry Run Dam #102	PAGE	Class I Conditional	11/30/08
14111 Jackson/Moore Dam	PATRICK	Class II Conditional	11/30/08
14117 Ararat River Dam #28	PATRICK	Class I Regular	11/30/08
14304 Burton Dam	PITTSYLVANIA	Class III Conditional	1/31/09
14319 Elkhorne Dam	PITTSYLVANIA	Class III Conditional	7/31/09
14515 Moyer Pond Dam	POWHATAN	Class III Conditional	11/31/08
14534 Avery Dam	POWHATAN	Class III Conditional	1/31/09
15306 Lake Jackson Dam	PRINCE WILLIAM	Class II Regular	11/30/08
16505 Lake Shenandoah Dam	ROCKINGHAM	Class I Conditional	1/31/09
16901 Bark Camp Dam	SCOTT	Class III Regular	1/31/09
17923 Bridle Lake Dam	STAFFORD	Class I Conditional	11/30/08
18501 Upper Clinch River Dam #8	TAZEWELL	Class I Conditional	7/31/09
18712 Loch Linden Dam	WARREN	Class III Conditional	7/31/09
19308 Gardy Millpond Dam	WESTMORELAND	Class III Conditional	1/31/09
19701 Rural Retreat Dam	WYTHE	Class I Regular	9/30/08
77002 Spring Valley Lake Dam	ROANOKE CITY	Class I Conditional	1/31/09
80003 Lake Burnt Mills Dam	SUFFOLK	Class I Conditional	5/31/09

MOTION: Ms. Hansen moved that the Virginia Soil and Water Conservation Board approve the extension recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Simms

DISCUSSION: None

VOTE: Motion carried unanimously

Partner Agency Reports

Department of Conservation and Recreation

Mr. Frye gave the report for the Department of Conservation and Recreation. A copy is included as Attachment # 1.

Natural Resources Conservation Service

Mr. Bricker gave the report for the Natural Resources Conservation Service. A copy is included as Attachment # 2.

Public Comment

Mr. Bailey from Lake of the Woods Association thanked the Board for communicating with the Association. He said that Lake of the Woods Association has their own internal Erosion and Sediment Control program and also do stormwater management. Two staff members have attained their Erosion and Sediment Control Program certification.

Board Elections

Chairman Campbell turned the meeting over to Mr. Maroon.

Mr. Maroon said that the first meeting at the beginning of the fiscal year called for the election of officers.

Mr. Simms moved that Linda Campbell be reelected to serve as Board Chairman. Ms. Hansen seconded. Mr. Maitland moved that the nominations be closed.

Ms. Campbell was reelected unanimously.

Mr. Maroon turned the meeting back over to Ms. Campbell.

Ms. Hansen moved that that Granville Maitland be reelected as Board Vice Chair by acclamation. Mr. Simms seconded.

Mr. Granville was reelected unanimously.

Next Meeting

The next meeting of the Virginia Soil and Water Conservation Board will be a two-day meeting September 24-25, 2008. The location is to be determined.

Adjourn

There was no additional business and the meeting was adjourned.

Respectfully submitted,

Linda S. Campbell
Chairman

Joseph H. Maroon
Director

Attachment # 1

**Department of Conservation and Recreation
Report to the Virginia Soil and Water Conservation Board
July 17, 2008**

1. DCR/SWCD Operational Funding:

All 47 SWCDs were issued a grant agreement with DCR in May, 2008 for Operational funding this fiscal year ('09). Each is returning a fully endorsed agreement to their CDC. It is expected that all districts will be issued an initial quarterly disbursement during late July or August. Second quarter disbursements will be issued during November. Third quarter disbursements may be expected to be issued during February, 2009. Final disbursements will be issued in late April and early May (2009).

This fiscal year (FY09), operational funding for all districts totals \$3,943,790. The total amount reflects a decrease below FY08 operational funding and represents a decrease below the peak funding level experienced by districts in FY01 (\$4,301,000).

2. Conservation Partner Employee Development

The conservation partners continue to work through the "JED" – Joint Employee Development system which relies on 4 regional teams (coordinated through a separate state level JED team) to address training and development of SWCD and other partner agency field staff. The state level JED team meets no less than quarterly through face to face meetings or through conference calls. The group held a conference call on April 30, 2008 and will meet face to face on July 23, 2008 at the DOF headquarters in Charlottesville.

The state level JED team continues to focus on delivery of 3 "core courses." The short course "Conservation Selling Skills" was delivered last fall and is tentatively planned for this fall (2008) if sufficient need exists to justify course delivery. NRCS is supporting delivery of the EP&I (Effective Presentation and Instruction) short course with an initial focus of training course instructors that will deliver the course through the 4 regional JED teams. The third "core course" – Conservation Orientation for New Employees is delivered regionally when sufficient need exists to justify the sessions. Broader training needs are being addressed regionally through the 4 regional JED teams.

3. SWCD Dams:

The SWCD dam owner work group comprised of representatives from the 12 SWCDs that own dams, DCR, NRCS and others, continue to meet approximately every 3 months (a quarterly annual schedule). Of the roughly 4 meetings per year, one session is focused on Emergency Action Plans, another addresses routine annual maintenance of district dams and the remaining two meetings will address priority topics identified by the group. The group last met on April 24th in Charlottesville and had over 20 in attendance. The focus of that meeting was Emergency Action Planning. The group will meet again on July 31st and the primary focus will be procurement processes districts must satisfy to

comply with the Virginia Public Procurement Act as they perform many of the smaller repairs and maintenance tasks are necessary to fulfill dam certification requirements.

4. Agricultural BMP Cost-Share Program:

A Steering Team (comprised of representatives from DCR, SWCDs and NRCS) for the “modernization” of the Ag BMP Tracking Program has received a report from the SWCD user’s group outlining their desired capabilities for the modernized tracking program. DCR has submitted the project charter and project proposal to VITA for approval. When approval is received a scope of work and supporting documents can be posted to seek proposals from VITA pre-qualified suppliers that have interest in performing the programming and development of a new computerized program that will collect Ag BMP Cost Share Program data from SWCDs. DCR is working to fully implement a more efficient and effective tracking program by July 1st, 2009.

The Cost Share program Technical Advisory Committee (TAC) is receiving and welcomes suggestions for modifications and/or addition to existing agricultural BMPs for the 2010 Cost Share program. Input is due to DCR by July 31st. The TAC will address all recommendations received at its August 21st meeting.

5. Conservation Reserve Enhancement Program (CREP):

A subcommittee of the Virginia Agricultural BMP Cost Share Program Technical Advisory Committee along with the CREP TAC has scheduled a teleconference for August 7 at 1 PM to explore how the cost share program can provide additional financial incentives to encourage CREP enrollment in the Chesapeake Bay. It is hoped that by increasing the available cost share funds new participants will enroll in the Chesapeake Bay CREP. Of the 25,000 acre goal authorized for the Chesapeake Bay basin in Virginia, there are approximately 10,300 acres remaining to enroll.

6. Marketing Agricultural Conservation Messages:

DCR is winding down a contract with Open Door Communications (ODC, formerly McFadden-Clay Marketing Group) that began over two years ago with special funding from Virginia Income Tax Checkoff contributions for Chesapeake Bay restoration. Market research about Virginia farmers was conducted to understand how to best reach farmers with conservation messages and how they perceive staff of conservation partner agencies as technical resources for conservation. The research and outreach materials were tested in the Shenandoah Valley during 2007.

7. Erosion and Sediment Control Program

The Virginia Soil and Water Conservation Board and DCR established a goal of 90% of 164 locality adopted erosion and sediment control programs to be consistent with the Erosion and Sediment Control Law and Regulations by July 2010. To meet this goal, DCR staff implemented a 5-year local program review cycle in FY2005. DCR staff has completed 126 reviews and 98 programs (78%) have been determined to be consistent with the law and regulations. The program reviews for the remaining 38 localities will be completed by the end of FY09.

8. Stormwater Management Program

The Virginia Soil and Water Conservation Board and DCR have three regulatory actions underway regarding the stormwater management program and regulations: (1) involves revisions to Part II: Stormwater Management Program Technical Criteria and Part III: Local Programs, (2) involves revisions to Part XIII: Fees, and (3) involves revisions to Part XIV: General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities. Information regarding the draft proposed regulations for the regulatory actions may be found on the DCR webpage at www.dcr.virginia.gov/lawregs.

9. Nutrient Management Related Issues

The State Water Control Board has issued a Notice of Intended Regulatory Action to consider changes to the Biosolids Regulations. This will be the first opportunity to modify the biosolids regulations that were transferred from the Board of Health to the Water Control Board last January 1st. Comments are due by July 1st.

DCR is working to develop a new category for nutrient management planner certification for developed lands, to supplement the current certification program that is aimed at agricultural lands. The idea for a new category is supported by the Virginia Turfgrass Council and the Virginia Agribusiness Council.

10. Total Maximum Daily Load (TMDL)

An idea exchange and coordination meeting is being held with SWCDs that are implementing 319 TMDL grant projects in the Southern Rivers watershed on July 24th at Claytor Lake State Park. Districts with current projects include Holston River, Skyline, Peaks of Otter, and Blue Ridge.

Attachment # 2

NRCS REPORT
VA Soil & Water Conservation Board Meeting
July 17, 2008
Association of Electric Cooperatives
Glen Allen, VA

FARM BILL PROGRAMS:

Existing 2002 Farm Bill

Environmental Quality Incentive Program (EQIP): Additional funding allocation of 2.4 million has been received to bring the FY 2008 total available to 13.58 million dollars. This is the largest annual allocation ever received for Virginia. All funds need to be obligated by August 29.

Wildlife Habitat Incentive Program (WHIP): An additional funding allocation of \$554,000 has been received to bring the FY 2008 total to 1.55 million dollars. This also is the largest annual WHIP allocation ever received for Virginia. All funds need to be obligated in this program by July 30.

Farm and Ranchland Protection Program: An additional 1 million dollars was received in FRPP to be used on existing 2007 agreements. This will allow those entities to add additional farm tracts to the easement process.

New Farm Bill of 2008

The rule making process is currently underway to develop new guidelines and procedures for existing programs to meet the language in the bill. New rules are expected by the start of the FY 2009 fiscal year on October 1. All new rules will be published in the Federal Register and will be open for public comment.

A Listening Session was held on July 14 in Annapolis, Maryland to obtain public input and comment on how NRCS should administer the funds authorized in the Bill for the Chesapeake Bay Initiative. Fourteen presenters were from Virginia, eight of them, farmers. Written comments are also being taken by the NRCS National Office. No cut-off date has been set. Language in the Bill directs NRCS to use existing programs to delivery this additional funding. The process for distribution among the states and which programs will be utilized will be determined after the public comment is analyzed.

ECOLOGICAL SCIENCES

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A series of In-Service trainings have been conducted around the state for all NRCS and SWCD technical staff by the NRCS Agronomist on Integrated Pest Management concepts for crop and pasture land situations. VDACS Category 10 recertification is available for all staff that attends.

Staff is currently working on revisions to the statewide Average Cost List and program guidance for the FY 2009 programs. The Average Cost List is expected to be completed by July 18, 2008 for use with the State financial assistance programs also.

WATERSHED PLANNING AND SURVEYS

NRCS funding for watershed planning will be restricted in FY-09 to ongoing planning efforts and no new planning will be funded.

DAM REHABILITATION

South River Site 26 (Inch Branch) in Augusta County – Construction began in March on the rehabilitation of the Inch Branch dam and is almost complete. The project is being constructed by Hammond – Mitchell, Inc. of Covington, Virginia at a contract price of \$640,035. The auxiliary spillway has been widened by 50 feet, the riser replaced, a new access road built, and all disturbed areas seeded and mulched. Construction should be completed in July 2008.

South River Site 25 (Toms Branch) in Augusta County –The design should be completed by September 2008. Construction is scheduled for FY-09.

Pohick Creek Site 4 (Royal Lake) in Fairfax County – Construction is underway on the rehabilitation of Royal Lake. The contract price is about \$1.5 million. Construction will run through December 2008.

Pohick Creek Site 3 (Woodglen Lake) in Fairfax County – NRCS has completed the final plan for rehabilitation of Woodglen Lake. A plan-signing ceremony between Fairfax County, the Northern Virginia SWCD, and NRCS was held on June 30, 2008. The design is underway now. The plan has been submitted to the Chief of NRCS for authorization and funding requested in the FY-09 budget. If all goes well, construction should begin in the spring of 2009.

Pohick Creek Site 2 (Lake Barton) in Fairfax County – NRCS is developing a draft plan for rehabilitation of Lake Barton. The draft plan should be complete by December 2008.

Moratorium Lifted on New Assessments of High Hazard Dams – The Chief of NRCS lifted a two-year moratorium on assessments of new dams for FY-09. He will only allow assessments on “High Hazard Dams”. Funding has been requested by NRCS in FY-09 for the South River Watershed Site 7 - Lake Wilda in Augusta County; Upper North River Watershed Site 10 - Todd Lake in Augusta County; and Johns Creek Site 3 in Craig County. NRCS will not be able to assess the South River Dam No. 19, Waynesboro Nursery Lake in Augusta County until the moratorium is lifted for other dams.

RAPID WATERSHED ASSESSMENT

North Fork Shenandoah River – NRCS has completed a watershed assessment on the North Fork Shenandoah. This watershed assessment involved the collection of data and information for the purpose of developing a watershed profile, including a description of the natural resource conditions and trends, issues, concerns and problems along with recommendations for local action. The information will assist in making informed decisions and facilitate the timely implementation of various conservation programs. Copies are available on the NRCS website.

Lower Shenandoah River – NRCS staff in Virginia and West Virginia have been funded to conduct a watershed assessment of the Lower Shenandoah River Watershed. The assessment will be completed by June 2009.

Northern Neck Chesapeake Bay Principals Meeting

Approximately 35 members of EPA’s Chesapeake Bay Program office participated in a tour of Lloyd Mundie’s farm on the Northern Neck at the end of June arranged by NRCS and the SWCD. The event kicked off a two-day meeting with the Ag Secretaries and other top leaders from the 6 Chesapeake Bay states and District of Columbia. Keith Boyd, NRCS Assistant State Conservationist for Field Operations in Smithfield, VA provided opening comments on behalf of NRCS State Conservationist, Jack Bricker. Craig Derickson, NRCS State Conservationist from Pennsylvania gave an update on the Farm Bill. Debbie Bullock explained conservation practices installed on the farm and Chris Lawrence, NRCS Agronomist talked about improving soil quality. It was an overall excellent presentation and Lloyd Mundie gave positive feedback on assistance received from NRCS and the SWCD. The front page of the Northern Neck News featured a photo of Chris Lawrence along with a lengthy article on the event.

STATE OFFICE RESTRUCTURING

Effective July 6, NRCS consolidated the State Resource Conservationist and the Assistant State Conservationist for Water Resources into one position titled, Assistant State Conservationist for Technology. Wade Biddix will lead the new staff. The Watershed Planning Staff was reassigned to match current and projected staffing needs.

OFFICE CLOSURES/CONSOLIDATIONS

As a result of Virginia NRCS' reorganization, the following field offices have been closed and consolidated. Sussex closed and is now combined with the Emporia Field Service Center; and Suffolk closed and is now combined with the Smithfield Field Service Center.