

1. Explain functions of Protecting Resources in Delicate Environments (PRIDE).

**RESPONSE:** PRIDE is an educational program which strives to improve water quality by teaching residents the importance of watershed protection. Turf Love, one of the programs under PRIDE, teaches residents how to grow healthy turf while reducing the use of fertilizers, pesticides and insecticides which pollute our streams, rivers, and the Chesapeake Bay. PRIDE also runs a Dog Valet program to encourage owners to pick up their pet's waste and throw it in the garbage.

2. The Steering Committee asked how the ozone non-attainment was corrected (i.e. was there an actual reduction in ozone levels, or was it due to some other reason).

**RESPONSE:** A reduction in emissions did occur. In 2004 the Hampton Roads Region failed to meet the 8-hour ozone standard and was classified as a non-attainment area. The state had to create both a redesignation request (to be reclassified as an attainment area) and a maintenance plan. This maintenance plan is a revision to the existing State Implementation Plan (SIP) which addresses how the National Ambient Air Quality Standards (NAAQS) will be met. Included in this SIP is an inventory to identify the level of emissions in the area which is sufficient to attain NAAQS and a plan to ensure that those levels are not exceeded. Once the area receives redesignation as an attainment area a monitoring network ensures that the NAAQS levels are not being exceeded.

3. The Steering Committee discussed other opportunities for stormwater management and possibly moving away from stormwater ponds and the 10 point system.

**RESPONSE:** According to state officials, the JCC 10-point system is one of the most effective measures for gaining compliance with state water quality targets. The 10-point system is unique in that it provides undisturbed open space which provides increased water quality protection. In the current JCC BMP guidelines, there are 23 different types of BMPs that a site can use to gain compliance with the traditional wet pond being one of these options. The Division is always open to new ideas and methods for stormwater compliance, such as Low Impact Development and Better Site Design techniques, LEED techniques, and green roof technologies.

4. The Steering Committee asked for information that supports the 60% impervious cover limit as more beneficial than not having that regulation.

**RESPONSE:** While there are many organizations that have produced information in support of the 60% impervious cover limitation, staff agrees that it would be helpful to have additional data to support the 60% impervious cover limit. A multi-year, multi-site study would need to be funded to best collect this information. The 60% impervious cover limitation is set in the Chesapeake Bay Preservation Ordinance which also allows for a site to go over this threshold in certain instances.

5. The Steering Committee asked about the number of septic systems in the County, and the number that are failing/at risk

**RESPONSE:** According to the pump-out records which the environmental division manages there are 3744 septic systems. However, there are no comprehensive records regarding

numbers of septic systems and failing systems. General statements regarding onsite systems in the JCC are as follows:

- 1) The Virginia Department of Health has received an average of 20 applications per year for septic system repair in JCC over the last three years.
- 2) The VDH, Division of Shellfish Sanitation survey conducted in June-August of 2005 revealed 3 onsite sewage deficiencies. They also note shellfish condemnation areas on their website.
- 3) There are a few areas subject to more onsite system failures primarily due to poor site and soil conditions, (ie., Greensprings Mobile home park/Brick Bat Rd area, Cypress Point)

6. The Committee discussed the issue of nitrogen loading.

**RESPONSE:** The County's Turf Love program is a residentially-based education program which teaches homeowners the proper techniques for lawn care, including proper fertilization, timing, and application rates to achieve an environmentally sound turf lawn while decreasing the negative impacts on the overall environment. Fully funding the Turf Love program would best provide this information to residents.

7. The Committee asked for examples of Green Infrastructure Planning.

**RESPONSE:** There are many sources of information on Green Infrastructure on the internet. The following are two recommended sites for additional information and examples. This summary document contains a selection of examples and case studies:

[http://www.conservationfund.org/sites/default/files/GI\\_SC21C.pdf](http://www.conservationfund.org/sites/default/files/GI_SC21C.pdf)

This link provides information on the State of Maryland's program:

<http://www.dnr.state.md.us/greenways/greenprint/>

The Hampton Roads Conservation Corridor Study can be found at:

[http://www.hrpdc.org/PEP/PEP\\_HRCCS.asp](http://www.hrpdc.org/PEP/PEP_HRCCS.asp)

8. Regional scale resource planning (for regional comp plan)

**RESPONSE:** HRPDC has created a regional green infrastructure map. Action 1.3.11. addresses the creation of a local green infrastructure map which would work in conjunction with the regional plan. The County is also involved in several other regional scale activities including HR Storm and HR Green, Regional Storm Water Management Committee, MS4 Phase II Committee, Illicit Discharge Training for Municipal Employees, and TMDL Development Coordination.

9. Provide information on what the County has to do (due to regulation) versus what the County has initiated of its own accord.

**RESPONSE:** See attached document entitled JCC Stormwater Program Institutional Layout.

10. Avoid clear cutting of construction sites.

**RESPONSE:** At this time staff is considering support for enabling legislation from the Virginia Assembly that would allow the County to adopt Tree Canopy Protection Legislation currently being utilized in northern Virginia. This legislation allows the locality to require tree conservation during development and may require that site plans provide for the preservation

or replacement of trees to meet specified percentages 20 years after development. Staff will discuss tree conservation measures to a greater extent in the Community Character Technical Report.

11. The Committee also asked about the reasons for the impairment in the impaired waterways table.

**RESPONSE:** Impaired Waterway List information does not specifically cite causes. Development of the required TMDL will determine the specific sources of pollution. After the last meeting, Stormwater checked the language of the new MS4 permit and determined that new permit language, effective in 2008, requires James City County to implement the management practices identified in any TMDL Plan or TMDL Implementation Plans for impaired waterways within the County. As noted in Table 6.1, a TMDL Plan has been developed for Skiffe's Creek and is under development for Powhatan and Mill Creeks. Development of an implementation plan for Powhatan and Mill Creeks is scheduled to begin in 2009.

12. The Committee asked about acknowledging the possible use of Transfer of Development Rights.

**RESPONSE:** Please see the following text that will be added to the "Conservation Tools" section of the Technical Report:

*Transfer of Development Rights (TDR)*

Another possible conservation tool is Transfer of Development Rights (TDR). TDR programs are designed to conserve farmland and open space while reinforcing the concept of urban growth areas like the PSA. A TDR program allows landowners who do not wish to develop their property to sell their development rights to another landowner, typically a developer who wants to develop another property at a density higher than existing zoning would allow, usually without the need for a rezoning. Creation of a TDR program involves designating "sending" areas - where density is transferred from - and "receiving" areas - the area where density is transferred to. The sending areas are areas that a community wants to protect from development because they are sensitive environmental areas, prime agricultural lands or have scenic, historic or open space value. Receiving areas are locations that are usually well-suited for development because utilities, transportation facilities and public services are present or planned. In 2006, by adoption of § 15.2-2316.2, the Virginia General Assembly authorized any Virginia locality to implement transfer of development rights.

13. The Steering Committee discussed green building and LEED. It was suggested that for JCC funded building projects, a cost/benefit analysis over a building's life cycle be completed for LEED features.

**RESPONSE:** Please see new action 1.4.4.

14. The Steering Committee discussed stormwater master planning for the County and stormwater master planning for areas.

**RESPONSE:** Newly added actions 1.3.3.-1.3.6. address the possibility of implementing a stormwater master plan

15. Re-arrange GSAs to consolidate water quality. Have one overall goal and strategies as posted on the blog.

**RESPONSE:** See Reorganized GSAs

16. Include habitat fragmentation GSA.

**RESPONSE:** See amended actions 1.3.1. & 1.1.7. This is also addressed by the green infrastructure action and Department of Natural Heritage mapping program which identifies recommended conservation sites.

17. Include measurable goals for flooding and water quality.

**RESPONSE:** GSA amended, see action 1.1.7. Also, strategies from the FY09-10 Strategic Management Plan for Stormwater Division address these issues:

- Continue watershed management planning for County watersheds to establish water quality baselines and identify restoration and retrofit needs
- Systematically identify failing neighborhood stormwater and drainage facilities and implement repairs on a prioritized basis
- Consider user fee funding for BMP construction inspection and private stormwater facility assessments. Implemented fee for construction – still considering for private systems.

18. 1.1.1 (watershed management plans) references to only those items that were adopted.

**RESPONSE:** See amended action 1.3.2.

19. Strengthen language on Goal 6 on BMP maintenance – make it a regulatory requirement that maintenance is done or some method of funding is developed.

**RESPONSE:** See amended and additional actions 1.1.1.a, & 1.1.14

20. Re-organize Goal 7.

**RESPONSE:** Action 7.1.2. now action 1.2.8. Action 7.1.3. now 1.4.3. Goal 7 and strategy 7.1. removed.

21. For goal 3, revise to say to DEQ standards. Also, have an action to actually implement the TMDL plans.

**RESPONSE:** Goal 3 revised. New action 1.1.8. addresses TMDL implementation.

22. Investigate possibility of a bond referendum on flood control.

**RESPONSE:** New actions 1.3.3.-1.3.6. address flood control and a bond referendum.