



Rivanna River Basin Commission
Board Meeting Agenda March 19th, 2024 from 1:00 to 2:30 P.M.
Location: Albemarle County Office Building, Room 241
 401 McIntire Rd, Charlottesville, VA 22902

Join Teams Meeting: [Meeting Link](#)
 Meeting ID: 279 783 871 839 Passcode: 2yCQZs
 (for Remote Participation in Compliance with All-Virtual Meeting Policy, Guest Speakers, and Members of Public)

Item	Time	Description
1	1:00-1:05	Call to Order, Attendance, Determination of Quorum
2	1:05-1:07	Approval of Agenda & 8.22.23 Meeting Minutes
3	1:07-1:13	Comments from the Public: limit of 3 minutes per speaker Public are welcome to provide comment on Rivanna River Basin related topics.
4	1:13-1:35	Moore's Creek Pump Station Update – Bill Mawyer, RWSA <ul style="list-style-type: none"> • Discussion
5	1:35-1:40	Bylaws Review (Elections) - Staff
6	1:40-1:45	Report of the Nominating Committee
7	1:45-1:50	Elections
8	1:50-2:05	Discussion Items <ul style="list-style-type: none"> • RRBC Annual Conference Recap and Continuity • Scottsville PFAS Letter shared by NGO Wild Virginia • Current Grant Opportunities
9	2:05-2:15	Staff Updates <ul style="list-style-type: none"> • Updated Orientation Packet • Stakeholder Advisory Group Meetings
10	2:15-2:30	Roundtable <ul style="list-style-type: none"> • Each Commissioner is invited to share updates related to the River/ River Basin from their jurisdiction. • Items for Next Meeting
11	2:30	Adjourn

TJPDC fully complies with Title VI of the Civil Rights Act of 1964 in all programs and activities. TJPDC provides reasonable accommodations for persons who require special assistance to participate in public involvement opportunities. For more information, to request language translation or other accommodations, or to obtain a Discrimination Complaint Form, contact Lucinda Shannon at (434) 979-7310, lshannon@tjpd.org or visit the website www.tjpd.org.



Rivanna River Basin Commission
Draft Board Meeting Minutes August 22nd, 2023

Rivanna River Basin Commission	Attendance
Ann Mallek, Albemarle BOS Chair	X
Bea LaPisto-Kirtley, Albemarle BOS	X
Lonnie Murray, Appointed Citizen	X
Lloyd Snook, Charlottesville City Council	X
Michael Payne, Charlottesville City Council	X
Jason Halbert, Appointed Citizen	X
Mozell Booker, Fluvanna County BOS	
Tony O'Brien, Fluvanna County BOS	
Marvin Moss, Appointed Citizen	X
Dale Herring, Greene County BOS	X
Abbey Heflin, Greene County BOS	
Alex Vidales, Appointed Citizen	X
Steve Morris, Culpeper SWCD	X
Angus Murdoch, Thomas Jefferson SWCD	X
Staff/Public	
Christine Jacobs, TJPDC	X
Sandy Shackelford, TJPDC	X
Isabella O'Brien, TJPDC	X
Justin Williams, DEQ	X
James Schoenster	X
Nesha McRae, DEQ	X
Madison Whitehurst, DEQ	X
Stephanie Kreps, DEQ	X
Greg Wichelns, CSWCD	X

Materials in Packet: April 14th, 2023 Meeting Minutes, August 22nd, 2023 Meeting Agenda

1. Call to Order, Attendance, Determination of Quorum

The Rivanna River Basin Commission (RRBC) Chair Ann Mallek, called the meeting to order at 1:00 p.m. Isabella O'Brien took roll call. A quorum was determined at 1:03 pm.

2. Approval of Agenda

Motion/Action: There was a motion to approve the 8/23/22 agenda by Dale Herring, which was seconded by Lloyd Snook, and unanimously approved by the Commission.

3. Comments from Public

Greg Wichelns, CSWCD District Manager, mentioned joining the meeting to listen in on DEQ's TMDL and Implementation Plan presentation.

4. Approval of Minutes



Motion/Action: There was a motion to approve the April 14th, 2023 Draft Meeting Minutes by Lonnie Murray, which was seconded by Chair Ann Mallek, and unanimously approved by the Commission.

5. Presentation: TMDL and Implementation Plan Updates for the Rivanna Watershed

The presentation was led by Justin Williams, DEQ Manager of the Office of Watersheds and Local Government Assistance and Madison Whitehurst, DEQ NPS Data and Project Coordinator. DEQ shared an overview of the TMDL and Implementation Plan development processes, the upcoming Rivanna TMDL Implementation Plan public meeting, and resources to support understanding the process.

Questions:

- Is DEQ testing Virginia's Streams for PFAS? That is managed by another office at DEQ, under water quality monitoring and assessment.
- How can organizations like the Rivanna River Basin Commission stay up to date on DEQ activities? Town Hall, social media, and DEQ constant contact are outlets which provide notice of activities.
- Can you explain more about the grant funding available for Agricultural BMPs? Implementation Plans lay out practices such as Agricultural Best Management Practices, which can then be funded by NPS 319(h). This provides cost share to agricultural landowners implementing the recommended BMPs.
- What is the success rate? How do you track success of implementation plans? Success is measured by a delisting of the TMDL, on DEQ's impaired waters list, which means the water body is meeting water quality standards. Implementation plan monitoring occurs once plans are in place, to see if they are meeting targeted reductions. Water sampling is done by DEQ, and partner organizations such as the SWCD.
- Are we reducing the number of impaired streams across the state? What is the trend? In the integrated report, they address the trendlines more in depth. Overall, DEQ is seeing overall reductions in the number of impaired listings. Adding additional water pollutants may impact that.
- Only 20% of the Rivanna watershed has implementation plans underway, meaning most of the watershed does not have implementation plans underway. How do localities support the process to increase implementation in additional portions of the watershed? **A:** TMDL's are prioritized across the state, which are planned over the next two to four years. Once those TMDL's are finalized, implementation planning can begin. DEQ is interested to hear where there is interest in implementation, because they like to work with stakeholders and community members that will engage in the process.
- How are implementation plans prioritized? It depends on where the sources of pollution have been identified. If pollution is coming from a point source location, the pollutant would be addressed through permitting rather than an implementation plan. Community interest in implementation also impacts IP priority.
- What are the impairments for the North Fork Rivanna? **A:** Bacteria and Benthic Impairments are observed in the North Fork Rivanna. The more recent benthic tmdl paired with stakeholder interest helped to make this TMDL a priority. This presents the opportunity to address both problems in this singular. IP
- What impairments qualify a stream as a TMDL? That has changed over time, correct? **A:** Historically TMDL's were based on bacteria or fecal impairments. TMDLs now include benthic



and PCB impairments. Benthic impairments involve sediment, nitrogen, phosphorous, dissolved oxygen, and temperature, as they are stressors for the health of benthic organisms.

- Are invasive species being looked at as they relate to Benthic TMDLs? Invasive species are looked at during the benthic stressor analysis, when assessing at the functional feeding groups of the benthic organisms. The hope is that the TMDL addresses multiple stressors.

6. Report of Chair- Nominating Committee

Chair Mallek requested that Isabella O'Brien provide an update on the nominating committee's role and responsibilities. Chair Mallek appointed Lonnie Murray, Jason Halbert, and Angus Murdoch as the upcoming election's nominating committee. At the first meeting of calendar year 2024, the nominating committee will present their suggestions for officers of the RRBC. Other RRBC Commissioner's may nominate other commissioners as well. The current officers include a chair, vice chair and treasurer. Because the TJPDC acts as the fiscal agent to the RRBC, the role of the treasurer is not very extensive, but remains in place if it is needed again in the future.

7. Staff Updates

- a. RRBC Annual Conference: Staff presented on this year's annual conference topic, and the details of the Conference. The topic is PFAS from local, state, and federal perspectives, with presentations from EPA, DEQ, VDH, RSWA, and the Western Virginia Water Authority.
- b. Future Meeting Dates: Staff heard feedback from the RRBC on setting standing meeting dates and times for future board meetings. The third Tuesday of March and August from 1-2:30 was the proposed time. No scheduling conflicts were mentioned.
- c. Stakeholder Advisory Group Meetings: Staff presented two potential topics for the stakeholder advisory group meeting planned for October 2023. Topics included utility scale solar projects and environmental impacts, and Riparian Buffer Overlay Districts and opting in or out of the VSMP.

8. Roundtable discussion: Each Commissioner was invited to share updates from their jurisdiction.

Jason Halbert offered to look into potential grant opportunities for the region, alongside RRBC Staff support. Lonnie Murray mentioned that many times there are extensive amounts of funding in place, particularly for Agricultural BMPs and Septic repairs, but it can be difficult to spend all of the funds. Addressing how to most effectively target areas that are in need of BMPs.

One topic of interest for the RRBC to address is the impact of invasive species and their presence along local waterways.

9. Adjourn: There was a motion to adjourn by Jason Halbert, which was seconded by Lonnie Murray, and unanimously approved by the Commission.

Commission meeting materials may be found at <https://rivannariverbasin.org/meetings-events/>.

RRBC REMOTE ELECTRONIC PARTICIPATION and ALL-VIRTUAL MEETING POLICY

This policy has two purposes. The first is to provide for the Rivanna River Basin Commission (RRBC) to permit a member to participate in a Commission meeting through electronic communication means from a remote location, and the second is to allow the Commission to conduct of all-virtual meetings, in the manner allowed by the Virginia Freedom of Information Act (FOIA) and as set out in this policy.

POLICY:

It is the policy of Rivanna River Basin Commission (RRBC) that individual members of the RRBC may participate in RRBC meetings by electronic communication as permitted by subsection B of § 2.2-3708.3 of the *Code of Virginia*. This policy shall apply to the entire membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

In order for an individual member to participate from a remote location, a quorum of the Commission must be physically assembled at the primary or central meeting location. When such individual participation is due to a personal matter, set out in section A.4, below, such participation is limited to two meetings per calendar year or 25 percent of the meetings held per calendar year, rounded up to the next whole number, whichever is greater.

Further, it is the policy of the RRBC that the Commission may hold all-virtual public meetings pursuant to subsection C of § 2.2-3708.3 of the *Code of Virginia*. Such all-virtual public meetings are limited to two meetings per calendar year or 25 percent of the meetings held per calendar year, rounded up to the next whole number, whichever is greater. An all-virtual public meeting may not be held consecutively with another all-virtual public meeting.

This policy shall apply to the Commission and to all committees created by or under the authority of the Commission.

REMOTE ELECTRONIC PARTICIPATION BY COMMISSION MEMBERS:

"Remote participation" means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

A. Notification of Inability to Attend Because of Disability, Medical Condition, Location or Personal Matter

In advance of the meeting at which remote participation is requested, the member shall notify the Chair or Executive Director that he or she is unable to attend the meeting

- 1) due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
- 2) because a family member's medical condition requires the member to provide care for such family member;
- 3) because such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
- 4) due to a personal matter. The member must identify with specificity the nature of the personal matter and may not use remote participation due to personal matters more than two meetings per calendar year, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

B. Quorum Physically Assembled; Approval of Remote Electronic Participation

A quorum of the Commission must be physically assembled at the primary or central meeting location. The Commissioners present must approve of the remote electronic participation in order for the member to participate remotely; however, the decision shall be based solely on the criteria in Section A, without regard to the identity of the member or items that will be considered or voted on during the meeting.

C. Record of Action

The Commission shall record in its minutes the remote location from which a member participated. The minutes also shall reflect the specific nature of the personal matter; the disability or medical condition; the fact that a family member's medical condition that required the member to provide care for such family member, thereby preventing their physical attendance; or that that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting. If the absent member's remote participation is disapproved because participation would violate this policy, the disapproval shall be recorded in the Commission's minutes with specificity.

ALL-VIRTUAL MEETINGS:

"All-virtual public meeting" means a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of

the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

The RRBC may hold all-virtual public meetings, provided that it follows the requirements of this policy, other meeting requirements under FOIA, and the following statutory requirements:

- 1) An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;
- 2) Public access to the all-virtual public meeting is provided via electronic communication means;
- 3) The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;
- 4) A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;
- 5) A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
- 6) The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
- 7) No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;
- 8) If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;
- 9) The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

10) Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.