

Meeting Summary
May 5, 2010; 10:00 AM
Senate Room A, General Assembly Building
Richmond, VA

Staff Present: Elizabeth Palen

- 1. Welcome and Call to Order—Senator Frank Wagner (Chair)**
 - Meeting was called to order by Senator Wagner at 10:00 A.M.

- 2. Michael S. Rolband—President, Wetland Studies and Solution, Inc.**
 - Imperviousness and Population Increases in the Chesapeake Watershed
 - Wetland Studies and Solution, Inc. (WSSI) disagrees with the Environmental Protection Agency (EPA) statement that “from 1990 to 2000, impervious surfaces increased by 41% - a rate 5 times great than the 8% rate of population growth during that time.”
 - Does not agree with U.S. Census data from that time period nor the 5.2 Chesapeake Bay model, which was the most advanced model available at the time.
 - Using U.S. Census data, WSSI calculated the population increase from 1999 to 2000 to be 10.3%, not the previously reported 8%.
 - On March 9, 2010, the EPA agreed with WSSI population calculations.
 - Rate does matter—without rate, we cannot forecast future pollutant loads. This is in response to the EPA memo claiming, the rate at which impervious surfaces are growing is not the most important variable, but rather it is the amount added each year.
 - Pollutant loads from impervious surfaces are directly related to impervious area. The impervious areas must be accurate for the pollutant loads to be accurate.
 - **Delegate Albert Pollard**—*We need to rate the existence of impervious surfaces. I agree if you're going to input the numbers then we need to be talking about the same numbers. Where can the peer reviews be found?*
 - **Senator Frank Wagner**—*New surfaces have offset some impacts. Higher density is the best BMP.*
 - **Delegate Albert Pollard**—*The data is frustrating, we can't have bad data. The 41% was not used in the Bay model. Are the sound bites irresponsible?*
 - **Senator Ryan McDougle**—*Which is more accurate, the 5.2 or the 5.3 model?*
 - The 5.2 model is more accurate. The numbers changed both the rate and amount. The 5.1 model is not accurate.

- 3. Jeff Corbin—Senior Advisor to the Regional Administrator, United States Environmental Protection Agency Region III**
 - EPA takes the claims seriously and believes the best data needs to be used
 - EPA has taken the following action as a result of the inquiry by WSSI:

- Updated population numbers for period 1990-2000 (10.3% increase)
- Updated population number for period 1990-2007 (18% increase)
- Calculated the changes in impervious surface using a different, less refutable, and very conservative method for the period 1990-2007 (33.8%).
- Consulted with the President of WSSI and his staff on their claims and revised EPA position.
- Issued memorandum from EPA Regional Administrator to the Chesapeake Bay Program Principals' Staff Committee detailing new efforts and issuing new statement on impervious surface.
- Reached out to the broader development community asking for their involvement as further discussion continues.
- EPA's new statement regarding impervious surface throughout the Bay watershed: "Over the 17 year period between 1990 and 2007, impervious surfaces associated with growth in single-family houses are estimated to have increased by approximately 34% while the Bay watershed population increased by only 18%."
- Key points, critical to any discussion on impervious surfaces:
 - Computer models don't tell us what to do, they only inform policy decisions.
 - The impervious surface statistic in question did not impact pollution allocations to the urban sector nor did it impact regulator proposals.
 - There is no chance that the EPA is going over-control pollution entering Virginia's waters. Significant pollution reductions are needed from all pollution sources, including developed and developing lands.
 - More important, and more difficult, than reducing pollution levels is maintaining those reductions in the face of continued population growth and land conversion.
 - Regardless of what statistic is used, we add more impervious surface every day, further challenging our efforts to reduce pollution entering our waters.
 - Our impervious "footprint" is getting bigger (i.e. bigger houses with fewer people living in them).
- EPA is committed with working with Virginia and all Bay jurisdictions to ensure the best science and tools are made available to inform policy decisions throughout the Bay restoration process.
- The EPA cannot figure out how much impervious surface exists. It could be to 2 to 1, 3 to 1, or 4 to 1. We would want to err on the low side.
- **Senator John Edwards**—*There is no chance to over control pollution. No one is saying stop building, stop growing.*

4. **Dr. Jim Burns—Deputy Commissioner for Public Health Programs**

- Virginia Women, Infants, and Children (WIC) – Status Report
 - Currently, there are 776 authorized stores.
 - One hundred and thirty-seven new vendor applications have been processed in the last twelve months.

- Twenty-five applications are pending.
- Fifty-one new stores were enrolled.
- Twenty-five stores were denied authorization for failure to meet minimum stocking requirements.
- Denied Authorization for Slots
 - Fifteen stores were denied because there were no slots available.
 - Fourteen stores did not appeal their denial.
 - One store was authorized based on an exception to the regulations.
- Retail Grocery Advisory Committee
 - Committee meetings are held every two months instead of quarterly.
 - A neutral facilitator was assigned for the meeting.
 - The Division Director was active in the meetings.
 - There was increased participation by small stores.
 - Final decisions were made about program changes, such as the definition of minimum stocking requirements.
 - Members were kept informed about the implementation of new federally authorized foods.
 - Deadlines were extended for foods to meet needs of retail stores.
 - The committee was routinely updated on plans to move to an electronic benefits system.
 - An eWIC workgroup was established that represented all stakeholders to help state make business and technical decisions.
- Peer Groups
 - The CROSSROADS system will accommodate a variety of factors in defining peer groups.
 - A contractor will work with retailers.
 - An RFP was released for contractor research and assistance in designing structure.
 - Specifically looking for an objective factor for store size and geography.
- Vendor Limiting Policy
 - The policy was maintained.
 - The participant to store ratio was reduced in order to increase the number of slots.
 - CROSSROADS system will support vendor limiting as required USDA. It will also support other methods of cost containment.
- **Delegate Howell**—*Was the store on the Eastern Shore accommodated?*
- Mathews Market has been accommodated.
- **Lori Alderage**—*A form is now required for ever check-out person.*
- **Delegate Thomas Gear**—*Are stores more informed about the conflict with the new requirement for annual certification at the store level?*
- Yes. Stores are more aware. There is now a training requirement for the store manager or owner.
- **Delegate Albert Pollard**—*Are there any available WIC retailers in Richmond?*
- There is only one in Richmond County.

- **Sheila Brewer**—There are two levels of manager-vender requirements, federal and state. The state requirement is modeled after the federal guidelines. Stores guard against conflict of interests.

5. Meeting adjourned at 11:15 AM.