

Hampton Roads Planning District Commission
Executive Committee Meeting
Minutes of March 17, 2011

The Executive Committee Meeting of the Hampton Roads Planning District Commission was called to order at 9:30 a.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

EXECUTIVE COMMITTEE:

Stan D. Clark, Chairman (IW)	Stanley Stein (NO)
Thomas Shepperd, Vice Chairman (YK)	J. Randall Wheeler (PQ)
James O. McReynolds, Treasurer (YK)	Kenneth Chandler (PO)
Alan P. Krasnoff (CH)*	Selena Cuffee-Glenn (SU)
Brenda Garton (GL)	Tyrone Franklin (SY)
Mary Bunting (HA)	Louis R. Jones (VB)
Bruce Goodson (JC)	Jackson C. Tuttle, II (WM)
McKinley Price (NN)	

Executive Director:

Dwight L. Farmer

EXECUTIVE COMMITTEE (ABSENT)

June Fleming (FR)	Kenneth Wright (PO)
Molly Joseph Ward (HA)	Michael W. Johnson (SH)
Paul D. Fraim (NO)	Clyde Haulman (WM)

OTHER COMMISSIONERS:

William E. Harrell (CH)*	Robert Middaugh (JC)
Ella P. Ward (CH)	Neil Morgan (NN)
Amar Dwarkanath (CH)	Rita Sweet Belitto (VB)*
Clifton Hayes (CH)*	Robert M. Dyer (VB)
Gregory Woodard (GL)	

*Late arrival or early departure.

OTHERS RECORDED ATTENDING:

John Gergely, Henry Ryto, Linda Rice, Louis Bott, Andrew Baan (Citizens); Earl Sorey (CH); George Wallace, Brian DeProfio, (HA); Steven Hicks (JC); Bryan Pennington, Jeff Raliski, Jill Sunderland (NO); Cindy Linkenhoker (PO); Clay Bernick, Steve McLaughlin (VB); Eric Nielson, Karla Haynes, L. J. Hansen (SU); Michael King, Jacob Lay, Jerry Wilson (NN); Jim Oliver (HRCCE); Ray Taylor (FHR); Ted Henifin (HRSD); Dean McClain (HRCC); Ellis James (Sierra Club Observer); Mark A. Geduldig-Yatrofsky (Portsmouth City Watch Org.); Chris Wilson (Brown and Caldwell Engineers); L. Frank Mach (Mid-Atlantic Gateway); R. S. Pillow, J.R, Defiuppo (Virginia State Police); Matthew Bowles (Virginian-Pilot); William (Skip) Stiles (Wetlands Watch); Karen Forget (Lynnhaven River NOW); Christy Everett, Ann Jurczyk, Peggy Sanney (Chesapeake Bay Foundation); Beth Wilson, Beth Konopnicki, Patrick Konopnicki, (York County Waterways Alliance, Inc.) Adrienne Kotula (James River Association); John Haldeman, Dorothea Nemair' (James City County Citizens Coalition) K. Bezakova, Terra Pascaros (Terra-Scapes/Sierra Club); Peter Huber (Willcox & Savage); Germaine Fleet (Biggs & Fleet); Staff: John M. Carlock, Camelia Ravanbakht, Shernita Bethea, Rick Case, James Clary, Jennifer Coleman, Nancy Collins, Kathlene Grauberger, Greg Grootendorst, Richard Flannery, Lisa Hardy, Julia Hillegass, Frances Hughey, Jim Hummer, Rob Jacobs, Whitney Katchmark, Sara Kidd, Mike Kimbrel, Mike Long, Jay McBride, Benjamin McFarlane, Kelli Peterson, Katie Rider, Tiffany Smith, Joe Turner, Jenny Tribo, Chris Vaigneur.

Chairman Clark called the Hampton Roads Planning District Commission Executive Committee meeting to order.

Chairman Clark welcomed Poquoson Mayor W. Eugene Hunt, Jr.

PUBLIC COMMENT

Nine people requested to address the Hampton Roads Planning District Commission.

Andrew Baan

My name is Andy Baan, I am here to say that I object to any delay in the implementation of the TMDL process. I do so for two reasons. First as a self interest in Virginia, I want TMDL implemented immediately in Pennsylvania, West Virginia, Maryland, Delaware and D.C. because we as Virginians get the pollution that comes from there. Secondly, I am a conservative Republican and let me qualify that by saying that I endorse Attorney General Cuccinelli's lawsuit against the EPA and I am also not a wild-eyed guy who wants a pristine John Smith standard, I don't think anybody here does. What I do believe in is the preamble to the Constitution which provides that the federal government's appropriate role is to concern itself with the general interest, and let me suggest to you that 64,000 square miles and seven jurisdictions is pretty general. The founders included this role because there are multiple states are involved final abettors' is required when the states can't do what needs to be done which is exactly what we have here at the bay. We don't need any further delays in something we have been unable to complete for many years. Another Republican, Governor Gilmore, signed off standards back in 2000 and it didn't work, which is why we need the EPA's TMDL process now. We don't like modeling and ask for more monitoring but we don't need to delay the process. I am also a Boy Scout who learned to leave things better than I found them. A delay won't reduce the cost of doing things, it will just push those costs into the future onto those who will live in the future and as a conservative

Republican I object to that just as we shouldn't push our debts off onto our children so we shouldn't leave them with a dirty bay. Others will tell you why a clean bay wins economically over not cleaning up the bay, but any lawsuit to delay this process really thwarts for Virginia's watershed improvement process. Phase II which is where the localities play a role and where they are defined and we haven't gotten there yet. So as the founders address the morality of the delay by creating a Country read the preamble again for the benefit of ourselves and our posterity. A delay goes against this benefit to us and certainly to our posterity. Thank You very much for your time.

William Stiles

Good morning, I am William Stiles, I live in Norfolk, Virginia and I am the Executive Director of Wetland Watch a statewide nonprofit. Seven years ago I spent a lot of time in this room with members of your staff putting together the Tributary Strategy for the James River and in that document we collectively laid out the measures we would take to clean up the James River to meet Chesapeake Bay 2000 standards for nutrients and sediments. The State of Virginia imposed the Chlorophyll A standard which ratchet it down a little more and then last year EPA modeling ratchet it down a little further and we were stuck with a little lower goals than we had already been agreed to that the state has imposed upon us. We all benefitted from avoiding the true cost of cleaning up the bay, it put money in my pocket over the last 35 years, the Chesapeake Bay agreement. I have lived in this watershed for 35 years and we all benefitted in paying lower fees and services, we pay less for goods, and what happening is the federal government is reminding us that the bill is coming due and we have agreed a number of times over the last seven years I been working on this here, to pay the true cost of cleaning up the bay, and it is sort of like there is a adjustable rate mortgage coming due and we have enjoyed the first few years of the mortgage but we have signed up to pay the true cost and now the feds and the states are reminding us the true cost of cleaning up the bay is come due. So I would certainly urge caution on the part of this body on moving ahead with the lawsuit that will spend some of my tax dollars on contesting an agreement that in my opinion we already agreed pretty much to meet. Thank you very much.

John Haldeman

Good morning, thank you for this opportunity. My name is John Haldeman, I represent James City County Citizens Coalition. Our membership in the case of the first two speakers strongly objects to any effort to delay the implementation of the TMDL. The other two speakers actually covered every point I made and I understand that you all have a copy of my remarks I sent earlier so in respect for your time I will not read this statement today. I just want you to know that our membership and I think fairly large percentage of the population of James City County, feels that a lawsuit against a large federal agency at this time would divert previous resources both financially and time from an urgent task at hand and we strongly object to this. Thank you very much.

Patrick Konopnicki

Good morning, my name is Patrick Konopnicki, as Chairman of York County Waterways Alliance, 501(c)(3) nonprofit organized to help protect the Chesapeake Bay in the 200 miles waterways estimated by the York County Economic Development. We are here today to oppose any litigation against the EPA. In preparing today's comments I ran across the fact that the Hampton Roads Planning District Commission had a recent retreat and that was regarding sustainability and that's a perfect coincidence because what I am talking about is sustainability of the Chesapeake Bay Watershed. We are here today because of the decades of environmental abuse that has wreaked havoc upon our greatest national treasure the Chesapeake Bay and its watershed is well documented in the last 400 years that the bay has declined in health, wealth and well being of the

Chesapeake Bay. I think the current grade is 31 which in my area is an F and in my own locality of York County. We have seen the damage of unchecked stormwater, what it can do to the local estuary. Moore's Creek has recently been declared an impaired waterway which is under study by your organization with university researchers from three states and we are anxiously awaiting those results. In order to accommodate economic growth and development of the county we are sacrificing ecological systems of Moore's Creek and Poquoson River by allowing excessive stormwater flow into the watershed, we know that causes trash, pollution and sediment which in some waterways have created an almost navigable situation with e-coli counts, 20 times the safe limits. The YCWA is doing its part with e-coli testing, helping with Clean the Bay Day, collecting 55,000 pounds of trash last year we recently asked the county to let us adopt the drainage outfall to prevent further pollution into the waterways and we are cooperating with the researchers of the Moore Creek Study. We have been an active partner in this process in cleaning and protecting the waterways and the bay and we will continue to do so. We would like to thank you for the recent vote you took in January to move forward on the TMDL Phase II as a cooperative regional approach. We understand this will restore the local waterways and I think this hits all the sustainability systems, socially it is going to benefit residents and tourists to keep enjoying our waterways and economically it will halt the loss of property values and tourism and fish habitat and environmentally restoring what is broken and allow it for the future generations. By taking a leadership role that you have, we hope that your decision to resist any litigation will be promoted and then any steps against that would be a giant step backward and we that is a difficult and courageous role of opposing any litigation and for that we thank you.

Ellis W. James

Thank you Chairman Clark, members of the Commission, top of the morning to all of you. My name is Ellis W. James I am a life-long resident of Norfolk. I am glad to hear the Chairman say that there is no lawsuit. I am not sure that is how it is going to play out, but I am here to urge you all to not fall into that trap. It is obvious that what we have neglected and I used the term we advisedly, what we have all, your members and we citizens have neglected to do for the last three decades especially but even beyond that, It is now time to take the action that we need to have through the TMDL and to quit the ridiculous attacks on EPA. I would like to remind each one of you EPA stands for the Environmental Protection Agency and it can into being because we the citizens and we the states has failed to do the job to protect public health. There are rough spots, I am not naïve I know that the counties and small town and the cities are under tremendous pressure economically in terms of revenue. I don't suggest for a moment that there aren't problems but I would urge you to make sure that the one thing that you don't do is to join any kind of suit and give aid and comfort to those who don't even understand the major climate change and sea rise that we are experiencing. Thank you Mr. Chairman.

Karen Forget

Good morning and thank you for the opportunity to comment this morning. I am Karen Forget, Director of Lynnhaven River NOW. We are a local environmental nonprofit organization in Virginia Beach with 4,000 members who think clean water is a very high priority. The communities surrounding the Chesapeake Bay recognize and acknowledged 30 years ago the value and importance of the Chesapeake Bay and the imperative need to undertake measures to clean up the bay. Thirty years later, little progress has been made. The time to make a serious commitment to bay clean up is now. It cannot be delayed further no time obviously will seem like a good time if it is not a priority. The longer we wait the more complex the issued become and the more expensive the clean-up effort becomes. At some point it may become impossible if we do not act now. The final version of the Virginia Watershed Implementation Plan does not present unreachable goals for Hampton Roads and with the new fertilizer legislation pass by our General

Assembly is even more attainable. Dirty water is expensive it cost jobs in the seafood industry in recreational boating in the tourist industry and in our quality of life. Cleaning up the bay is about cleaning up all of our waters, including the rivers that define our communities and our way of life in Hampton Roads. It is good for our economy, it is good for our quality of life and it is our responsibility. No community has more to gain from clean water than Hampton Roads. The City of Virginia Beach made a commitment to clean water in the Lynnhaven River seven years ago. It has cost money, but everyone, our city leaders, our business leaders and our citizens would agree that the benefits have outweighed the cost. I am opposed to using any time and money to sue the EPA rather than concentrating our efforts on the work we need to do and develop a plan to get it done. We cannot afford to look for loop holes that would further delay this effort, we owe this to our communities and to our children and to our grandchildren. Thank You.

Adrienne Kotula

Good morning my name is Adrienne Kotula I am a Policy Specialist for the James River Association, thank you for giving me the opportunity to speak this morning. Hampton Roads stand to gain substantial benefits from clean Chesapeake Bay and James River. The restoration - I don't want to focus on restoration and the benefits that you guys will gain I think we have already covered that, but I do want to talk about two main points, first of all the James River Association understands that Hampton Roads communities are concerned regarding the cost associated with Chesapeake Bay TMDL, however there are ways to reduce cost of the implementation of the watershed plan that should be considered before any delay is decided upon. First of all options for lower cost Best Management Practices must be investigated. The impact of the newly passed fertilizer legislation needs to be understood as well as the impact of the newly proposed expanding nutrient trading program. In the future new technology could be developed to meet financial needs. Additionally the fact that cost will rise through time should not be ignored. Delaying implementation of TMDL runs the risk of costing these communities more in the long run. The James River Association understands the Hampton Roads communities are concerned about flexibility and adaptability throughout the TMDL process, but if the frame work of the approved Watershed Implementation Plan which includes significant reductions from unregulated sources is comprised the EPA will use their clear authority under the Clean Water Act to require more significant reductions from regulated communities such as the Hampton Roads Sanitation District and MS Four Communities. This may result in more costly improvements than the current TMDL calls for and threaten the flexibility that HRPDC communities do believe desire.. Finally, I want to emphasize the James River Association stands ready and willing to assist the Hampton Roads Planning District Commission and any localities with any if the needs that may arise throughout this process. Thank you for your time.

Christy Everett

Christy Everett, Chesapeake Bay Foundation Hampton Roads Director. I and nine other CBF staff members and 17,000 CBF members call Hampton Roads our home. I am here today in strong opposition on their behalf to consideration of legal challenge to the bay TMDL. I find it quite surprising, out of all the regions in Virginia Hampton Roads would be the one fighting this clean water is so important to us, we have the most to gain. I believe that this will not alleviate localities concerns about cleanup cost and it is contrary to our best interest and there are four reasons why. First a challenge to the bay restoration is a challenge to the restoration efforts to the cleanup of our local waterways, our waterway in our neighborhoods, streams, rivers and creeks it is a challenge that the efforts will prevent flooding, stop beach closures, protect our drinking water resources, help us grow healthy oysters, prevent algal blooms that plague our waterways. Look at the Lynnhaven as an example the same efforts envision in the bay restoration effort help clean-up the Lynnhaven that had long closed shellfish beds are now home to six private aquaculture

operations. Second, this is not going to absorb our responsibility from clean-up cost, actually it is just pushing it on our next generation. Many of the areas of Hampton Roads that don't have adequate stormwater control will need to be addressed, some with public infrastructure as we all know public infrastructure does not get cheaper if anything more expensive overtime. Third, lets look at the alternative, right now Virginia's Watershed Implementation Plan we have the ability to look at all sources of pollution, many hand make light work. We have nutrients trading to make it more cost effective. We have phased the implementation for over 15 years we have the ability for administrative credit and flexibility for items like lawn fertilizer bill that just passed in Richmond this legislative session. If we are bulk at the bay restoration effort EPA has the duty under the Clean Water Act to look at only regulated point sources that are owned and operated by our public utilities and funded by taxpayers, that is not an ideal way to clean up the bay. Finally, clean water is an economic driver for our region, but if you think about it tourist come and stay in our hotels and eat in our restaurants because they like to fish and swim in our waterways. Our friends and neighbors are in the seafood industry and many of us have chosen higher property value because of the lovely waterways we live around. If you don't believe me look at the numbers, recreational and saltwater commercial fishing contributed \$1.23 billion in sales and 13,000 jobs in Virginia, \$3.7 billion a year from tourism and 46,000 jobs to Hampton Roads. Properties near clean water are worth at least ten percent more. On the flip side of this there were jobs lost in the crabbing industry from 1998 to 2006 resulted in 4,486 jobs in the bay region. The Bay and its tributaries that flow through our community represent an economic engine that has boundless potential if fully restored. I vote against pressuring this legal challenge we need to decide what is best for our local waterways in Hampton Roads and the best cost effective solution by Hampton Roads, If we fight EPA who knows what the outcome will be, but we will be ending up with dirty waters, who wants that. Thank you.

Terra Pascarosa

Good morning and thank you to the Commission for having us here and listening to our comments. My name is Terra Pascarosa I am the local Chair of the Chesapeake Bay Group Sierra Club and I also own a small business in Hampton Roads Terra-Scapes Environmental and I also do volunteer work for the Lynnhaven River NOW Chesapeake Bay Foundation here locally. I want to thank the HRPDC with the initiative they took on January to move forward on the Bay TMDL and Phase II Watershed Implementation Plan through a cooperative regional approach. The HRPDC will continue to play a critical role in the regions clean up of our local waterways and the Chesapeake Bay. The nonprofits such as the Sierra Club, Lynnhaven River NOW, the Chesapeake Bay Foundation and my small business Terra Scapes along with many other environmental firms in the area can't be the only ones that are actually doing something about this. WE are working has to clean-up the bay but we need your help. The state of Virginia needs to step up and take charge in making sure that we do something about this Watershed Implementation Plan that we make sure it is strong. Implementing the bay TMDL will only get more expensive as the cost of water quality Improvements rise and the responsibility to restore the bay is not shared by all. The cost that the Hampton Roads Planning District Commission originally estimated for the implementation of the bay TMDL which is around \$2 billion will go down significantly as and result of the fertilizer bill that was just passed this year in the Virginia's General Assembly so the Virginia General Assembly is working with us on this. We all need to play a more critical role to make sure that we make this work. The bay TMDL restores the local waters that this region is named for not just the Chesapeake Bay, but the James River, York River, Lynnhaven River, Lafayette, the Elizabeth River, Back River, Poquoson River and I could go on and on. We are surrounded by water we need to take care of it we need to clean it up. Please stop talking about the cost of clean-up without taking about the cost of bad water. Our region has suffered from lost jobs, people lively hoods because our water are fouled. We aren't even allowed to swim in pat of the Chesapeake Bay in our regions in Oceanview and Hampton and it will continue if we don't do something about it. If HRPDC files

this lawsuit they invite more federal involvement from the EPA, not less. As a Virginia Hampton Roads leader, business owner and a native that born and raised here in Norfolk and Virginia Beach I know that we can be a leader and we can also show the rest of the State of Virginia what we need to do to clean-up this bay. A recent study in Hampton, Virginia found that resident and non-resident boaters were responsible for \$55 million in economic impact to the city. This impact represents 32.5 million and new value added, 22.5 million in income and 698 jobs. Let's stand up and make sure we are fighting for Hampton Roads in cleaning up this bay, Thank you,

Chairman Clark stated this concluded the public comment session.

APPROVAL/MODIFICATION OF AGENDA

Chairman Clark stated under old/new business there is one item to be addressed, Water Resources Development Act Funding for the Western Branch Flood Prevention and Dam Safety Project.

Chairman Clark asked for a motion to accept the agenda with the modification.

Commissioner Shepperd Moved to approve the agenda with the modification; seconded by Commissioner Cuffee-Glenn. The Motion carried.

CONSENT AGENDA

The Consent Agenda contained the following Items:

Minutes of January 20 2011, Meeting

Summary of February 17, 2011 Retreat

Treasurer's Reports

Regional Reviews

A. PNRS Items Reviews

FY 2011 Technical and General Assistance Grants for Communications, Outreach and Education - Alliance for the Chesapeake Bay

Virginia Department of Environmental Quality - Coastal Zone Management Program

B. Environmental Impact Assessment/Statement Reviews

Repairs to Existing Rip Rap Stabilization Structure at Piers A & C, Craney Island – DOD/Department of Navy

York River Pier Repair at USCG Training Center Yorktown - DHS/US Coast Guard

Marine Corps Security Force Regiment Consolidation, Navy Weapons Station Yorktown – DOD Navy

Transmitter Antenna Replacement at USCG CAMSLANT – DHS/US Coast Guard

Urban Areas Security Initiative (UASI) Contract with Tidewater Emergency Medical Services Council, Inc.

Coastal Zone Management Program – FY 2012 Grants

Hampton Roads Watershed Roundtable – Final Report

Coastal Zone Management Program – FY 2010 Annual Report – Hampton Roads Technical Assistance Program

Greenhouse Gas Emissions Inventory

2011 Community Development Block Grant (CDBG) Regional Priorities

Chairman Clark asked for a motion to approve the Consent Agenda.

Commissioner Shepperd Moved to approve the Consent Agenda; seconded by Commissioner Cuffee-Glenn. The Motion carried.

REGIONAL BUILDING OWNERSHIP

Mr. Farmer stated SPSA had advised HRPDC of its desire for HRPDC to purchase SPSA's share of the Regional Board Room through reimbursing SPSA for its initial investment of approximately \$346,000 when the Board Room facility was built approximately ten years ago. However, Mr. Rowland Taylor, SPSA Executive Director, has withdrawn that request and has come to HRPDC with an additional suggestion regarding operational sharing of cost for the entire building.

Mr. Framer asked Mr. Taylor to meet with SPSA Board and come back to HRPDC with their recommendations.

Chairman Clark stated the Regional Building Ownership will be continued until a later date.

REGIONAL PRIVATE PROPERTY INFILTRATION/INFLOW (I/I) ABATEMENT PROGRAM

Chairman Clark stated Ms. Whitney Katchmark would present the Regional Private Property Infiltration/Inflow (I/I) Abatement Program.

Ms. Katchmark stated she would be talking about waste water and would first give a brief review on the background information. The sanitary sewer consent order states that HRSD and localities must develop a Private Property Infiltration and Inflow (I/I) Abatement Program. Ms. Katchmark indicated the localities are under consent order because the sewer system overflows and the untreated sewage reaches public waters. The overflows occur for a variety of reasons: pumps can stop working because of electrical outages; fats, oils, and grease and tree roots can block the pipes; and large storms can cause flow from heavy rain falls. There are several ways to reduce the overflow; 1) repair the broken pipes

and pumps; 2) replace some of the pipes and pumps with larger pieces and increase the capacity of the system; 3) reduce the extra water that enters the system by eliminating infiltration and inflow. The sewer system was never designed to treat additional ground water and stormwater. An abatement program would eliminate these sources of infiltration and inflow. There are two options to implement the abatement program: 1) each locality would enact the required model ordinance and create their own private property I/I abatement program consistent with regional standards; or 2) HRSD would develop a program in partnership with the localities under its existing authority and implement the program on a regional basis. HRSD would recover all costs from this program directly from its rate payers.

Ms. Katchmark indicated the Directors of Utilities Committee and HRPDC staff met and recommend option 2 because it is a regionally consistent approach that could be implemented across the region with fewer contracts, less overhead, does not compete for resources with other critical local government programs, and the cost is spread across all communities and rate payers. She also indicated the preliminary cost estimate for the HRSD program is \$13 to \$16 million a year for fifteen years. It was estimated it will take fifteen years for the region to implement the projects that are required under the consent order and HRSD would be responsible for funding this Infiltration/Inflow Abatement Program.

Chairman Clark asked for questions for Ms. Katchmark.

Commissioner Shepperd asked about the \$13 to \$16 million per year in order to pay for this project. What are HRSD's plans for collecting the money and how are they going to proportionally spread this fee or will it be a pre-standard rate for everybody?

Ms. Katchmark indicated the rate payers will pay the fees and all residential customers have the same rate fee.

Commissioner Goodson stated that it was unclear as to who would pay the cost of retrofitting the homes, because some homes have their stormwater drains going to the sewer or have plants around the house. Are we suggesting that HRSD will pick up the cost of repairing private property?

Ms. Katchmark stated the proposal for areas where they decided private property I/I is a major contributor to excess flow and can cause overflow, HRSD would fund the repairs. Disconnecting a storm drain is not expensive but replacing a lateral would be; that is where the cost is. The overall goal is less expensive for everyone than building a bigger system.

Commissioner Price asked if there is an estimate on how much proportionally HRSD's fee will have to increase because of this new program.

Ms. Katchmark stated at this point there is not a very good estimate. HRSD has already planned to pay for extra capital improvement projects with the consent order and managing the private side of infiltration/inflow is less expensive than some of their other capital improvement projects.

Commissioner Chandler asked if HRSD will go on private property and make repairs for the homeowners and is there any additional information available, or are there more details that have to be worked out?

Commissioner Cuffee-Glenn indicated the Chief Administrative Officers should discuss this issue before the Commission makes a decision.

Ms. Katchmark stated there is additional coordination to take place between HRSD and the localities.

Mayor Krasnoff stated in listening to the questions it might be more helpful to have an HRSD representative come to the meeting.

Commissioner Shepperd Moved to table the Regional Private Property Infiltration/Inflow Abatement Program and have HRSD staff come in the future and present more details to the Commission in order to make an informed decision on how to proceed; seconded by Commissioner Price. The Motion carried.

REGIONAL BENCHMARKING STUDY: COST OF LIVING AND COMPETITIVENESS

Chairman Clark stated Mr. Greg Grootendorst will present a briefing on the region's cost of living and comparative growth measures.

Mr. Grootendorst stated he will talk about the cost of living index. The ACCRA Cost of Living Research Index is generally accepted as the most comprehensive cost comparison between urban areas. This is not a measure of inflation; it is a matter of relative price levels, and their information is based on expenditure patterns for professional and executive households in the top income quintile. The cost of living index breaks down; it tracks approximately 60 items and then they are broken down into six categories; 32% for miscellaneous and services goods, 29% housing, 13% grocery items, 10% utilities, 12% transportation, and 4% health care. He indicated the relative prices in Hampton Roads increased from 19th in 2000 to a substantial increase to 4th in 2010,

Mr. Grootendorst stated Hampton Roads' relative cost of living going back to 2000 until 2005 was average, then the area started climbing. Housing climbed substantially because housing prices increased and the people used the equity in their homes which made demand and prices increase.

In comparing Hampton Roads to the top 50 metro areas, and looking at growth from 2001 to 2008 Hampton Roads ranked 28th in terms of employment growth and 34th in population growth among the MSA areas. Hampton Roads has grown substantially in gross products which is very good for the region. In terms of per capita income in 2009 Hampton Roads ranked 36th it has seen some growth in that area.

CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)

Chairman Clark stated the Commission does not oppose clean air and water or the Chesapeake Bay clean-up. This Board and all the elected officials have an obligation to make sure the science and the models are correct and there are more cost effective ways to clean up the bay especially when the cost is so high and the numbers we have seen attributed to each household and each citizen. We are making sure that 70% of the cost is not borne by 30% of the citizens which is our obligation. Keeping in mind the bay clean-up is imperative and the Board has the obligations to make sure it is done in a way the region can economically handle.

Mr. Farmer stated that a couple of weeks ago, HRPDC staff decided with all the content of the agenda more time was needed to address the perceptions, mis-perceptions, questions, and concerns about TMDL, and the Commission needed a special meeting no later March 31.

Mr. Carlock stated he wanted to briefly talk about the relationship between stormwater permits and the TMDL stormwater discharge permits that particularly apply to the six large municipalities in the region: Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach, as well as the permits issued to the region's six medium sized communities: Poquoson, Suffolk, and Williamsburg and the Counties of Isle of Wight, James City and York because they are working under general permits but the same concept.

TMDL, or Total Maximum Daily Load, is the maximum amount of a pollutant that can be discharged to a water body and still allow the water body to meet water quality standards. TMDL is translated into a waste load allocation which is the amount of pollutant that any individual permit holder such as a wastewater plant, industry or a large municipal stormwater system can discharge.

EPA has included Waste Load Allocations for all of the large municipalities in Virginia, the eleven that have municipal stormwater discharge permits that includes six localities in Hampton Roads. Having waste load allocations means each locality has been given a specific amount of nitrogen, phosphorus, and sediments that its stormwater system can discharge into the Bay tributaries.

The State Department of Conservation and Recreation is moving forward with issuing new stormwater permits based on these nutrient allocations.

In parallel to the Waste Load Allocation issue, the state has been charged with developing the Phase II Watershed Implementation Plan which is the detailed guide to include some flexibility looking at agriculture and point sources and stormwater as to how we will go on about meeting the Bay TMDL. It is assumed that this effort will result from a cooperative process and will entail some degree of flexibility.

By including individual Waste Load Allocations in the final TMDL, EPA has preempted that process in-terms of our ability as a region to work out what is best for Hampton Roads or for the James River. Those developments have raise significant staff concerns with stormwater permits, and those that do not have permits will be governed or impacted by the Watershed Implementation Plan.

HRDPC Staff have several concerns: 1) the Waste Load Allocations were not included in the draft TMDL that the Commission reviewed and commented upon in November. There has been no opportunity for public review and comment on this element of the TMDL; 2) EPA has not issued any guidance on how the Waste Load Allocations are to be incorporated into the stormwater permits, and how that will be evaluated and measured as we move forward; 3) the Waste Load Allocations in the TMDL and the Stormwater permits is a significant change to the permits we have been operating under for the last fifteen years. Localities need some assurance that their investment over the last several years will in fact enable them to meet permit requirements and advance in terms of meeting Chesapeake Bay and other tributaries' cleanup goals; 4) there are continuing concerns about the accuracy of the Waste Load Allocation based on issues raised about the land use information included in the watershed model as well as the accuracy of the model. EPA has acknowledged this issue by indicating that the model will be run with new data and loadings will be revised if the new runs warrant it; and 5) the inclusion of the Waste Load Allocations in the TMDL and the inclusion of the Waste Load Allocations in local stormwater permits conflicts directly with the agreed-upon process for developing the state Watershed Implementation Plan.

Mr. Farmer indicated this item does warrant a need for a special meeting where HRPDC staff can show the connections of TMDL, and there will be a time where there is an opportunity to ask questions. The recommendation is to have a special meeting on March 31, 2011 at 9:30 a.m. and the Secretary of Natural Resources' office will have a senior staff person available to brief the Commission as well as the HRPDC attorney.

Commissioner Shepperd Moved to have a special meeting on March 31, 2011 at 9:30 a.m.; seconded by Commissioner Belitto. The Motion carried.

HRPDC MEETING SCHEDULE

Mr. Farmer stated in April, the HRPDC will present its second reading of the amendment to officially change the bylaws to meet on the third Thursday. The second reading will occur at the HRPDC Quarterly Commission meeting on April 21, 2011.

Commissioner McReynolds Moved to have the second reading of the amendment to the bylaws on April 21, 2011; seconded by Commissioner Tuttle. The Motion carried.

HRPDC ACTION ITEMS: THREE MONTH TENTATIVE SCHEDULE

No questions or comments were noted.

FOR YOUR INFORMATION

No questions or comments were noted.

PROJECT STATUS REPORTS

No questions or comments were noted.

CORRESPONDENCE OF INTEREST

No questions or comments were noted.

OLD/NEW BUSINESS

There was one item for discussion under new business.

Mr. Farmer stated the City of Norfolk has asked the Commission to adopt a resolution on Water Resources Development Act Funding for the Western Branch Flood Prevention and Dam Safety Project.

Commissioner Franklin Moved to adopt the resolution on the Water Resources Development Act Funding for the Western Branch Flood Prevention and Dam Safety Project; seconded by Commissioner Stein. The Motion carried.

ADJOURNMENT

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:35 a.m.

Stan D. Clark
Chairman

Dwight L. Farmer
Executive Director/Secretary