

AGENDA
HAMPTON ROADS PLANNING DISTRICT COMMISSION
QUARTERLY COMMISSION MEETING
April 21, 2011

- 9:30 1. Call to Order
2. Public Comment
3. Submitted Public Comments
4. Approval/Modification of Agenda

CONSENT AGENDA

- 9:35 5. Minutes of March 17, 2011 Meeting
6. Minutes of March 31, 2011 Meeting
7. Treasurer's Report
8. Regional Reviews – Monthly Status Report
 A. PNRS Reviews
 B. Environmental Impact Assessment/Statement Review
9. Contract – City of Williamsburg Comprehensive Plan
10. State Homeland Security Grant Program (SHSGP) Fiscal Year 2011 Application
11. Urban Area Security Initiative Contract – Analytical Technical Support
12. Donation Agreements for Shelter Support Units
13. Personnel Manual Updates and Revisions

REGULAR AGENDA

- 9:40 14. Bylaws Amendments – Second Reading
9:50 15. Affordable Housing Awareness Week – Resolution
10:00 16. Hazard Mitigation Planning Update
10:10 17. Stormwater Management Program Permit Regulations
10:20 18. HRPDC Action Item: Three-Month Tentative Schedule
10:25 19. Project Status Reports and Advisory Committee Summaries
20. Correspondence of Interest
21. For Your Information
22. Old/New Business

ADJOURNMENT

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #1: CALL TO ORDER

The meeting will be called to order by the Chair at 9:30 a.m.

ITEM #2: PUBLIC COMMENT PERIOD

Members of the public are invited to address the Hampton Roads Planning District Commission. Each speaker is limited to three minutes.

ITEM #3: SUBMITTED PUBLIC COMMENTS

There are no recently submitted written public comments. Any new written public comments will be distributed as a handout at the meeting.

ITEM #4: APPROVAL/MODIFICATION OF AGENDA

Members are provided an opportunity to add or delete items from the agenda. Any item for which a member desires consideration from the Hampton Roads Planning District Commission should be submitted at this time, as opposed to under “Old/New Business”.

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

AGENDA NOTE- HRPDC QUARTERLY COMMISSION MEETING

ITEM #6: MINUTES OF HRPDC MARCH 31, 2011 SPECIAL MEETING

The minutes of the HRPDC Special Meeting on March 31, 2011 will be distributed at the meeting.

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #7: TREASURER'S REPORT

**FISCAL YEAR 2011
March 31, 2011
BALANCE SHEET**

| ASSETS | | LIABILITIES & NET ASSETS | |
|-------------------------|-------------------------|---------------------------------------|-------------------------|
| Cash & Cash Equivalents | 691,170 | Current Liabilities | 1,040,121 |
| Accounts Receivables | 736,154 | Net Assets | 5,052,527 |
| Investments | 3,236,939 | | |
| Other Current Assets | 664 | | |
| Net Capital Assets | <u>1,427,720</u> | | |
| Total Assets | <u>6,092,648</u> | Total Liabilities & Equity | <u>6,092,648</u> |

STATEMENT OF REVENUES AND EXPENDITURES

| REVENUES | Annual Budget | Current Month | YTD |
|----------------------------------|--------------------------|--------------------------|-------------------------|
| Grant and Contract Revenue | 9,028,006 | 668,818 | 3,942,002 |
| VDHCD State Allocation | 132,124 | 11,010 | 99,094 |
| Interest Income | 20,000 | 408 | 13,061 |
| Local Jurisdiction Contributions | 1,342,835 | - | 1,006,922 |
| Other Local Assessment | 1,166,835 | - | 1,105,484 |
| Sales and Miscellaneous Revenue | 117,530 | 4,562 | 33,000 |
| Special Contracts | 1,493,758 | - | - |
| Total Revenue | <u>13,301,088</u> | <u>684,799</u> | <u>6,199,562</u> |
| EXPENDITURES | | | |
| Personnel | 4,036,965 | 362,091 | 2,879,663 |
| Standard Contracts | 223,525 | 8,003 | 125,693 |
| Special Contracts / Pass-Through | 8,286,838 | 506,963 | 2,899,015 |
| Office Services | 723,760 | 49,627 | 405,814 |
| Capital Assets | 30,000 | - | - |
| Total Expenses | <u>13,301,088</u> | <u>926,683</u> | <u>6,310,184</u> |
| Agency Balance | <u>-</u> | <u>(241,885)</u> | <u>(110,621)</u> |

HRPDC Quarterly Commission Meeting - April 21, 2011

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #8: REGIONAL REVIEWS – MONTHLY STATUS REPORT

A. PNRS Items (Initial Review)

The HRPDC staff is routinely involved in the review of applications for grants to support projects involving federal or state funding. To ensure that all Commissioners are aware of projects being reviewed, brief summaries of these projects and anticipated review schedules are included in the Agenda. The HRPDC staff will continue to request comments directly from staff in localities that appear to be directly affected by a project. Review and comment by more than one locality is requested when a project may affect the entire region or a sub-regional area. There are no outstanding comments as of April 12, 2011 on this project.

Attachment 8A - PNRS

B. Environmental Impact Assessment/Statement Review

The HRPDC staff is routinely involved in the review of environmental impact assessments and statements for projects involving federal funding or permits as well as state development projects. To ensure that all Commissioners are aware of projects being reviewed, brief summaries of these projects and anticipated review schedules are included in the Agenda. The HRPDC staff will continue to request comments directly from staff in localities that appear to be directly affected by a project. Attached is a listing and summary of projects that are presently under review.

Attachment 8B – Environmental Impact Assessment/Statement Review

RECOMMENDED ACTION:

None required.

Date 4/7/2011 **CH #** VA11033111-1323xxx

Title Pinewood Heights Phase II Redevelopment Project

Applicant Town of Smithfield

State/Federal Program 2011 Virginia Community Development Block Grant Program

Type of Impact Town of Smithfield

Project Staff Sara Kidd

Project Description

The Town of Smithfield will implement Phase II of the Pinewood Heights Redevelopment Project. This Comprehensive Community Development project will include the acquisition of 16 housing units which are all occupied plus 2 vacant lots. Relocation workload will include 9 homeowners and 7 tenant households. The 16 units will subsequently be demolished and the property marketed for industrial use.

| | | | |
|------------------|-------------|----------------|----------------|
| Federal | \$89,800.00 | Local | \$1,214,706.00 |
| Applicant | \$0.00 | Other | \$1,000,000.00 |
| State | \$63,000.00 | Income | \$0.00 |
| TOTAL | | \$2,367,506.00 | |

Environmental Impact Reviews

Received 3/10/2011 **Number** 11-036S

Name Wild Duck Lane Property Acquisition

Sponsor Virginia Port Authority

Description

Virginia Port Authority (VPA) submitted an environmental impact report (EIR) for the acquisition of 7.6 acres of land that is next to the APM Terminal in the City of Portsmouth. VPA does not have specific development plans but intends to use the property to expand the terminal main near Wild Duck Lane.

Affected Localities Portsmouth

Finding

Comments Sent

Final State Comments Received

Received 3/15/2011 **Number** 11-039S

Name Warehouse E Newport News Marine Terminal

Sponsor Virginia Port Authority

Description

The Virginia Port Authority is proposing to construct a bulk storage warehouse at the Newport News Marine Terminal. The terminal is located at 25th Street and Warwick Boulevard. The proposed warehouse will be approximately 200,000 square feet in size. It will provide temporary storage for rubber, paper and other products. It will include areas for storage, offices, bathrooms and maintenance.

Affected Localities Newport News

Finding

The proposal appears to be consistent with local and regional plans and policies. We encourage VPA to utilize best management practices during construction and operation of this site to minimize negative impacts to water quality in the James River from stormwater runoff.

Comments Sent 4/8/2011

Final State Comments Received

Received 3/17/2011 **Number** 11-042S

Name Norfolk & Portsmouth Belt Line Rail Yard Reconstruction

Sponsor Virginia Port Authority

Description

The Virginia Port Authority is proposing to reconstruct a portion of the Norfolk and Portsmouth Belt Line Rail Yard in the City of Norfolk that currently services the Norfolk International Terminals. The project involves the design, repair and upgrade of the freight rail yard, rail infrastructure and associated railroad track. Repairs and updates will include the replace of 8,000 feet of track, switches, ties, stone ballast and improvement of supporting utility infrastructure systems.

Affected Localities Norfolk

Finding

The proposal appears to be consistent with local and regional plans and policies, as long as VPA complies with all relevant erosion and sediment control and stormwater management regulations. We encourage VPA to utilize available best management practices to reduce stormwater runoff volume if feasible.

Comments Sent 4/8/2011 **Final State Comments Received**

Received 3/22/2011 **Number** 11-051F

Name Mooring Upgrades to Pier 1, Naval Station Norfolk

Sponsor DOD/Department of the Navy

Description

The Navy is proposing to upgrade Pier 1 at Naval Station Norfolk to accommodate the berthing of the U.S. naval ship Comfort. Pier 1 is located along the mouth of the Elizabeth River on the southwest corner of the navy facility. The existing mooring platforms will be demolished. Potable water, fire protection systems and other utilities will be upgraded as part of the project. The work will occur within the existing footprint of the pier. The Navy submitted a federal consistency determination stating that the project would be consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Norfolk

Finding

Comments Sent **Final State Comments Received**

Received 3/23/2011

Number 11-050S

Name Student Center, Tidewater Community College

Sponsor Virginia Community College System

Description

The Virginia Community College System is proposing to construct a student center at its Tidewater Community College campus in the City of Portsmouth. The project also will include the construction of a short-term parking lot, service access and equipment yard. The center would be more than 59,000 gross square feet and include spaces for food services, book distribution, student organizations, yoga studio, building support and multi-purpose spaces.

Affected Localities Portsmouth

Finding

Comments Sent

Final State Comments Received

Received 3/23/2011

Number 11-048F

Name Construction of Parking Lots at the New Town Project

Sponsor NASA

Description

The National Aeronautics and Space Administration (NASA) proposes to construct parking lots associated with the New Town project at NASA Langley Research Center (LaRC) located in the City of Hampton. The New Town Project is an on-going major redevelopment project to revitalize NASA LaRC's infrastructure and capabilities. The Commonwealth reviewed and responded to a Federal Consistency Determination submitted by NASA LaRC in July 2008 for Phase I of the project (DEQ 09-149F). As Phase I of New Town is almost complete and Phase II begins, NASA has identified the need to construct additional parking to accommodate the new Administrative Office Building, as well as construct or modify parking areas at several other buildings to accommodate personnel that are being moved around the Center to prepare for building deconstructions and renovations. The project consists of constructing approximately 301,000 square feet of parking within and around the core of New Town. This includes 107,109 square feet of new parking lots and 193,905 square feet of extensions to existing parking lots. Design plans for the parking lots would include a base condition of 27% pervious pavers, 14% vegetation, and 59% pavement. NASA has submitted a federal consistency determination that finds the proposed action consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Hampton

Finding

Comments Sent

Final State Comments Received

Received 3/30/2011

Number 11-057F

Name The Spectrum at Willoughby Point (Phase I)

Sponsor U.S. Department of Housing and Urban Development

Description

The U.S. Department of Housing and Urban Development (HUD) proposes to provide mortgage insurance through its Section 221(d)(4) program to Berkadia Commercial Mortgage, LLC, for the construction of The Spectrum at Willoughby Point (Phase I) in the City of Norfolk. The HUD program provides mortgage insurance for multifamily rental housing for moderate-income families. The Spectrum at Willoughby Point will be a mixed-use community of residential and commercial structures and a yacht club. The development is planned in four phases (Phase I through Phase IV). The 3.79-acre property consists of undeveloped and cleared land, and a concrete building foundation and a concrete pier constructed in 2007 at which time the subject property was being developed as a condominium. Construction activities associated with the condominium ceased in March 2008. The proposed development is to include (1) four-story wood frame multi-family apartment building housing 190 residential units with a four-story precast parking structure. HUD has submitted a federal consistency determination that finds the proposed action consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Norfolk

Finding

Comments Sent

Final State Comments Received

Received 3/30/2011

Number 11-056F

Name Demolition of Building C at Lafayette River Annex, Naval Station Norfolk

Sponsor DOD/Navy

Description

The Department of the Navy (Navy) proposes to demolish Building C at the Lafayette River Annex (LRA) at Naval Station (NAVSTA) Norfolk in the City of Norfolk. The demolition of Building C would help accomplish the Navy's effort to reduce the inventory of obsolete, substandard facilities. The demolition would eliminate future building operation and maintenance costs. The Navy is also proposing to make necessary interior improvements to Building Z140 at NAVSTA Norfolk to accommodate office personnel and relocate the personnel who work in Building C to Building Z140. The Navy has submitted a Federal Consistency Certification that finds the proposed action consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Norfolk

Finding

Comments Sent

Final State Comments Received

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #9: CONTRACT – CITY OF WILLIAMSBURG COMPREHENSIVE PLAN

SUBJECT:

The City of Williamsburg has requested HRPDC assistance in preparing an update to its comprehensive plan.

BACKGROUND:

The City of Williamsburg has requested planning assistance from the HRPDC. This work entails updating the City's Comprehensive Plan. The HRPDC staff is working with City staff to finalize a scope of work and contract for the project. Work to be undertaken involves updating work performed by the HRPDC staff in the most recent Williamsburg Comprehensive Plan. It includes updating chapters on Demographics, Economics and Housing. Funding for this project will come from the City of Williamsburg.

RECOMMENDED ACTION:

The HRPDC staff recommends that the Executive Director be authorized to execute a Contract with the City of Williamsburg for the Williamsburg Comprehensive Plan.

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #10: STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) FISCAL YEAR 2011 APPLICATION

SUBJECT:

Submit application for financial assistance to the Office of Commonwealth Preparedness to support a Regional Interoperability Project Manager.

BACKGROUND:

The Emergency Management Administrator has worked diligently with the Hampton Roads Interoperability Communications Advisory Committee (HRICAC) over the last three years to support regional interoperability initiatives and programs in Hampton Roads. To that end, the technical expertise needed to properly manage this program is needed to better support the advancement of regional interoperable communications in Hampton Roads. The purpose of this grant application would be to fund a Regional Interoperability Project Manager to better manage and coordinate the grants, projects, and sustainment activities for Hampton Roads regional interoperable systems. The Regional Interoperability Project Manager would coordinate the multiple interoperability projects with the HRICAC and the Overlay Regional Inter-Operability Network (ORION) Steering Group.

Currently, there is no central project manager for interoperability projects and systems in Hampton Roads. Starting in 2003 with grant funds, a microwave network known as the Hampton Roads Tactical Regional Area Network (HRTacRAN) was built with the HRPDC Executive Director being the lead on the project. The HRTacRAN is the backbone to another regional public safety communications system known as the ORION which provides a regional interoperability network for Command, Control and Communications (C3). Since the system was built and the initial contracts expired, ownership and responsibility of this system has never been established resulting in no one agency or jurisdiction managing the day-to-day needs for sustainment of this system. Additionally, multiple homeland security grants worth millions of dollars have been acquired to build out ORION. These grant funds have been assigned to multiple jurisdictions which have resulted in challenges in coordinating the projects for the HRICAC and the ORION Steering Group.

RECOMMENDED ACTION:

Authorize the Executive Director to submit the grant application to the Governor's Office of Commonwealth Preparedness via the Virginia Department of Emergency Management for consideration.

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM#11: URBAN AREA SECURITY INITIATIVE CONTRACT - ANALYTICAL TECHNICAL SUPPORT

SUBJECT:

Authorize a contract with the Virginia Modeling, Analysis and Simulation Center (VMASC) for analytical support for the Urban Area Security Initiative.

BACKGROUND:

As part of the Urban Area Security Initiative (UASI), the Homeland Security research staff at Old Dominion University Virginia Modeling, Analysis, and Simulation Center has provided “pro bono” analytical support to the Urban Area Working Group in support of the Homeland Security Grant Program, the regional Gap Analysis, and re-development of the Hampton Roads Homeland Security Strategy in 2010. As part of this support, VMASC has been able to facilitate additional research for its organization and provide needed analytical support to staff for the management of this high interest homeland security grant program. Staff would like to continue this analytical support to advance the UASI program by developing analytical tools for sustainment solutions, project selection models for future grants, and solutions for increased resiliency in homeland security planning. Staff applied for and budgeted funds in the FY10 UASI Program Management project specifically for this.

The UASI Program provides financial assistance to address the unique multi-disciplinary planning, operations, equipment, training, and exercise needs of high-threat, high-density urban areas, and to assist in building and sustaining capabilities to prevent, protect against, respond to, and recover from threats or acts of terrorism.

RECOMMENDED ACTION:

Authorize the Executive Director to execute a contract with Old Dominion University Virginia Modeling, Analysis, and Simulation Center for analytical support for the Urban Area Security Initiative.

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #12: DONATION AGREEMENTS FOR SHELTER SUPPORT UNITS

SUBJECT:

Authorize donation agreements with local governments for Shelter Support Units.

BACKGROUND:

The HRPDC has purchased Shelter Support Units (SSU) on behalf of Hampton Roads jurisdictions to support the functional and medical needs of individuals in shelters during mass casualty events or disasters using funds from Department of Homeland Security Urban Areas Securities Initiative (UASI) and Metropolitan Medical Response System (MMRS) grants and funds collected from the HRPDC jurisdictions for MMRS sustainment. Each SSU consists of a trailer, equipment and supplies to support medical and functional needs at sheltering operations. Since the HRPDC has purchased these SSU's on behalf of the jurisdictions, there is a need to execute a donation agreement transferring ownership of these assets, upon receipt, to the receiving jurisdiction.

In 2005, Hampton Roads began planning for Medical Special Needs Shelter Sites (MSNS). As such, staff applied for and budgeted funds in the UASI FY10 Medical Special Needs Shelter and MMRS projects specifically for this. The Project continues to build on a foundation laid to establish multiple functional MSNS within the region; designated by emergency managers, for which generators were acquired with MMRS and Health and Human Services-Assistant Secretary of Preparedness and Response grant funds to provide an uninterrupted source of power at designated shelters. The MSNS Project provides essential medical/functional equipment and supplies to operate multiple, 50-bed MSNS. To support this, staffing plans and operating policies are currently being developed.

RECOMMENDED ACTION:

Authorize the Executive Director to execute donation agreements with member localities for the SSUs upon receipt to support the Medical Special Needs Shelter Sites.

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #13: PERSONNEL MANUAL UPDATES & REVISIONS

SUBJECT:

The HRPDC has revised sections of the Personnel Manual to accurately reflect its current policies and procedures.

BACKGROUND:

The Personnel Manual is a reference for employees of the HRPDC that provides general information on current human resource policies, procedures and benefits furnished by the HRPDC. The organization constantly reviews its policies and procedures to ensure the most accurate and up-to-date information is provided to its employees as it relates to their employment with the HRPDC.

On March 17, 2011, the HRPDC Personnel and Budget Committee met with the Executive Director and Human Resources Manager to review the most recent revisions to the manual. Those revisions include:

- Section IV.A. (page 9). This section has been updated to reflect that employees are not permitted to carry a negative leave balance unless approved in advance by the Executive Director.
- Section IV.D (pages 17-22). This section has been revised in order to strengthen the HRPDC's staff development program. Specific guidelines have been established and changes have been made to employee eligibility and additional service obligation requirements.
- Sections VIII.A through VIII.C (pages 41 & 42). This section has been revised to more accurately reflect the HRPDC's current recruitment, application and background check processes.
- Section VIII.W (page 54). A new section has been added to address internships with the HRPDC.
- Appendix A (pages A1-A4). Updated organizational charts for the HRPDC and HRTPO are included.
- Appendix C, Section VIII (page C-5). The HRPDC's policy on FMLA leave has been updated to require that employees use their sick and/or annual leave concurrently with FMLA. If an employee on FMLA is out less than the 12 weeks allowed by law, the HRPDC will permit an employee to retain up to 40 hours of leave. Also, for long-term employees who have accrued extraordinary amounts of leave, have utilized their entire FMLA benefit and are no longer eligible for FMLA, a provision was added to permit them to continue leave under the HRPDC's sick leave policy with approval from the Executive Director.

RECOMMENDED ACTION:

The HRPDC Personnel and Budget Committee recommends approval of the revisions to the HRPDC Personnel Manual.

Enclosure - Separate

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #14: BYLAWS AMENDMENT - SECOND READING

SUBJECT:

Amend HRPDC Bylaws to change the HRPDC Meeting day to the Third Thursday of each month.

BACKGROUND:

In accordance with the HRPDC Bylaws, any proposed amendments to the Bylaws must be presented in writing and read at any regular or special meeting of the Commission. This will constitute the second reading. One amendment to the current HRPDC Bylaws is being recommended.

Due to the recent change in the meeting days of the HRPDC and HRTPO, it is proposed that the Bylaws reflect that change. Article IV.1 will be amended to reflect a new meeting day – the third Thursday of each month.

A copy of the HRPDC Bylaws is attached indicating the proposed change referenced above. The proposed amendment was initially approved by the Commission at its January 20, 2011 Quarterly Commission Meeting. This is the second reading and final approval before implementation.

RECOMMENDED ACTION:

Approve proposed change to Bylaws.

Attachment 14 - HRPDC Bylaws with proposed amendment

**BYLAWS OF
THE HAMPTON ROADS PLANNING DISTRICT COMMISSION**

ARTICLE I

NAME

The name of this organization is The Hampton Roads Planning District Commission (the "COMMISSION"). The COMMISSION was organized and exists pursuant to a Charter Agreement (the "Agreement") adopted by the Joint Resolution of the governing bodies (the "Governing Bodies") of its constituent member governmental subdivisions (the "Subdivisions") in accordance with the Virginia Area Development Act, Title 15.1, Chapter 34 § 15.1-1400 et seq., Va. Code Ann., (1950), as amended.

ARTICLE II

PURPOSE

The purpose of the COMMISSION is to promote the orderly and efficient development of the physical, social and economic elements of the twenty and twenty-first planning districts by planning and encouraging, and assisting Governing Bodies to plan for the future.

ARTICLE III

MEMBERSHIP

The members of the COMMISSION shall be appointed by the participating subdivisions in the manner and for terms as provided by the Agreement.

ARTICLE IV

MEETINGS

1. The meetings of the COMMISSION shall be held at 9:30 a.m. on the 3rd ~~Wednesday~~ **Thursday** of each month during the months of January, April, July and October at a place to be determined by the Chairman of the COMMISSION. The October meeting shall be the annual meeting of the COMMISSION. The COMMISSION or the Executive Committee may change the date and time of any regular meeting at any prior meeting. The COMMISSION may adjourn any meeting from time to time or to another place.

2. Special Meetings. Special meetings may be called by the Chairman at his discretion or by any two members of the COMMISSION upon 48 hours notice to all members in writing or by telephone of the time, place and purpose of the special meeting. A special meeting may be held without notice provided all members of the COMMISSION are present.

3. Quorum. A majority of the COMMISSION shall constitute a quorum, provided a member from at least a majority of the Subdivisions shall be present.

4. Voting. Each member of the COMMISSION shall be entitled to one vote on the COMMISSION. All actions of the COMMISSION may be taken by a majority vote of all members present and voting, provided that any action shall require the affirmative vote of members representing at least a majority of the Subdivisions for approval.

5. Procedures. Upon all questions not governed by the Agreement, these bylaws or any other adopted rule of the COMMISSION, the general principle of parliamentary procedure as set forth in Roberts Rules of Order shall govern.

ARTICLE V

OFFICERS

1. Officers and Duties. The officers of the COMMISSION shall consist of a Chairman, a Vice-Chairman, a Secretary, a Treasurer and such subordinate officers as may from time to time be elected or appointed by the COMMISSION. The Vice Chairman shall serve, and may also be known, as the Chair-Elect. No person may hold more than one office; provided, however, that the offices of the Secretary and the Treasurer may be held by the same person. All offices must be held by members of the COMMISSION; provided, however, the offices of Secretary and Treasurer may be held by persons who are not members of the COMMISSION. The office of Chairman shall be held by a member of the Governing Body of the Subdivision he or she represents. The offices of Chairman and Vice-Chairman shall be held by members representing different Subdivisions. Each of such officers shall serve without compensation.

2. Term of Office. All officers shall be elected for a term of one year or until their successors are elected or until they resign or are removed from office. The Chairman and Vice-Chairman may serve not more than two (2) consecutive one (1) year terms in succession. Any Chairman or Vice-Chairman who serves a partial term shall not be considered as serving a full term.

3. Election. Prior to the annual meeting at which an officer will be elected, the Chairman shall appoint a Nominating Committee, consisting of at least one member from at least half of the Subdivisions. The Nominating Committee shall, at the annual meeting, submit the name or names of one or more persons for each office to be filled. Further nominations may be made by any member at the meeting at which the election is held. The election of officers shall be by voice vote, unless changed by majority vote of those present.

4. Vacancies. Any vacancy occurring in an office shall be filled for the unexpired term by the COMMISSION at the next regular meeting following the occurrence of such

vacancy, or at a special meeting called for that purpose. If the vacancy occurs in the office of the Secretary or Treasurer, an acting officer shall be appointed by the Chairman pending such election.

5. Chairman. The Chairman shall preside at all meetings of the COMMISSION at which he is present and shall vote as any other member. He shall be responsible for the implementation of the policies established and the actions taken by the COMMISSION, shall have all of the powers and duties customarily pertaining to the office of the chairman of the board, and shall perform such other duties as may be assigned to him by the COMMISSION.

6. Vice-Chairman. The Vice-Chairman shall, in the event of the death or absence of the Chairman, or of his inability to perform any of the duties of his office or to exercise any of his powers, perform such duties and possess such powers as are conferred upon the Chairman, and shall perform such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION. The Vice-Chairman shall be expected to serve as Chairman, following the expiration of the incumbent Chairman's term of office.

7. Secretary. The Secretary shall give the members notice of all regular and special meetings of the COMMISSION and shall attend all meetings and keep a record of their proceedings, which shall be a public record, and copies of which shall be mailed with the notice of the next regular meeting to all members of the COMMISSION. In general, he shall perform all duties incident to the office of Secretary and such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION. The Secretary may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

8. Treasurer. The Treasurer shall have general charge and supervision of all of books and accounts of the COMMISSION, shall have custody of the monies and securities of the COMMISSION and keep an accurate record of the source of all monies. Unless otherwise provided, he shall sign or countersign such checks, vouchers or other instruments as require signature; shall make a brief financial report at each regular meeting of the COMMISSION; shall prepare an annual report as soon as practicable after the end of each fiscal year; and shall perform all other duties incident to his office that may be required of him by the COMMISSION. The Treasurer may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

ARTICLE VI

COMMITTEES

1. Executive Committee. There shall be, as one of the standing committees, an Executive Committee consisting of one member from each Subdivision designated prior to the annual meeting of the Commission by each respective Governing Body. If the Chairman or Vice-Chairman is not otherwise appointed as an Executive Committee member by his respective jurisdiction, that officer shall also serve as a member of the Executive Committee during his elected term of office. Except for the Chairman and Vice-Chairman, who shall serve while in

office, each member of the Executive Committee shall serve for a term of one (1) year or until his successor is appointed by the appropriate Governing Body, or until he resigns or is removed from the COMMISSION. The Chairman will serve as Chairman of the Executive Committee. Each member of the Executive Committee shall have one vote. However, if the Chairman or Vice-Chairman is not the Executive Committee member appointed by the Governing Body of his Subdivision, then the Subdivision's appointed member and the officer from that Subdivision who is also serving on the Executive Committee shall each be entitled to a vote counted one-half the vote of other Executive Committee members or, if only one of them is in attendance at a meeting, then that one shall have one full vote on behalf of his Subdivision. The Executive Committee shall hold regular monthly meetings upon the call of the Chairman. The Executive Committee shall hold special meetings upon the call of the Chairman or any two of its members. A majority of the members shall constitute a quorum. Every other member shall be an alternate member of the Executive Committee for the purpose of representing his jurisdiction on the Executive Committee, but an alternate member of the Executive Committee may vote only in the absence of the regular member from his jurisdiction. Subject to the control and direction of the COMMISSION, the Executive Committee shall supervise and manage the affairs of the COMMISSION between regular meetings of the full COMMISSION. The Executive Committee may act on all matters by, for or on behalf of the COMMISSION, and may exercise any and all powers granted to the COMMISSION by the Virginia Area Development Act, the Agreement, or these bylaws, except amending the Agreement or these bylaws. The Executive Committee shall have such specific duties as may from time to time be assigned to it by the COMMISSION.

2. Standing Committees. The COMMISSION may establish such other special and standing committees, advisory, technical or otherwise, as it shall deem desirable for the transaction of its affairs.

ARTICLE VII

ADMINISTRATION

1. Staff. The COMMISSION shall employ a staff of qualified professional and other persons, pay to them such compensation as it shall deem advisable to carry out its duties; and implement projects, programs and other functions.

2. Director. The chief executive officer of the staff shall be the Executive Director, who shall have direct supervision of all the other employees of the COMMISSION, and, subject to the authority of the COMMISSION and its officers, shall have direct control of the management of the affairs of the COMMISSION.

3. Duties of Executive Director. The Executive Director shall act as disbursing officer, and shall be responsible for the payment of all bills, or of all warrants or requisitions, after payment thereof is authorized by the Treasurer. He shall be responsible for keeping a record of all monies paid out and received and of receipts and vouchers to cover such expenditures.

4. Execution of Instruments. The Executive Director, upon specific authorization by the COMMISSION, shall have the power to sign in its behalf any agreement or other instrument to be executed by the COMMISSION. Unless otherwise provided, he may sign or countersign checks and vouchers in payment of obligations of the COMMISSION.

ARTICLE VIII

FINANCES

1. Finances. The monies of the COMMISSION shall be deposited in such bank as the COMMISSION shall designate, and all payments (with the exception of those from petty cash) shall, so far as is practicable, be made by checks. Checks and drafts may be signed in the name of the COMMISSION by the Executive Director, the Secretary, the Treasurer, or their designee.

2. Audit. The COMMISSION, at least once each year, shall cause an audit to be made by an independent certified public accountant of the general funds of the COMMISSION and any special project funds which are not audited by the federal or state government or by other independent accountants.

3. Bonds. The COMMISSION shall cause fidelity bonds to be issued covering each of its employees who receive or disburse funds in amounts deemed by it to be adequate.

ARTICLE IX

SEAL

1. Seal. The COMMISSION may adopt a seal for the Commission in such form as it deems appropriate.

ARTICLE X

AMENDMENTS

1. Any proposed amendment of these bylaws shall be presented in writing and read for a first time at any regular or special meeting of the COMMISSION. Such proposal may be considered and amended at such meeting, but shall not be acted upon by the COMMISSION until a subsequent meeting which may be held no earlier than thirty (30) days after the first meeting. At the subsequent meeting, the proposal may be adopted only by the affirmative vote of at least two-thirds (2/3) of the entire COMMISSION members.

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #15: AFFORDABLE HOUSING AWARENESS WEEK - RESOLUTION

SUBJECT: Resolution of the Hampton Roads Planning District Commission proclaiming the last week of April as “Affordable Housing Awareness Week.”

BACKGROUND: The Housing Roundtable, a partnership of public, private, and non-profit organizations, who promote workforce housing opportunities in Virginia Beach and the surrounding region, is requesting the assistance of the Hampton Roads Planning District Commission to proclaim the last week of April as “Affordable Housing Awareness Week”. This effort has also been adopted in other areas of Virginia such as Richmond and Fredericksburg, where several community activities and events are planned to recognize the importance of affordable housing. This year’s Affordable Housing Awareness Week will take place during the week of April 24-30, 2011.

RECOMMENDED ACTION:

Approve resolution proclaiming the last week of April as Affordable Housing Awareness Week.

Attachment 15 – HRPDC Resolution 2011-03



**HAMPTON ROADS PLANNING DISTRICT COMMISSION
RESOLUTION 2011-03**

**RESOLUTION OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION
PROCLAIMING THE LAST WEEK OF APRIL AS AFFORDABLE HOUSING AWARENESS
WEEK.**

WHEREAS, our communities and our region desire to offer housing opportunities to residents at all income levels and life stages;

WHEREAS, our communities and our region want to provide inclusive neighborhoods that allow people to live, work, play and retire;

WHEREAS, raising the awareness of our region regarding the need for quality affordable and workforce housing and inclusive communities is a valuable activity that will promote the achievement of these goals;

WHEREAS, everyone deserves the opportunity to have a safe, decent, affordable place to call home, and that we are called to make this a reality in our communities;

NOW THEREFORE BE IT RESOLVED that the Hampton Roads Planning District Commission does hereby declare the week of April 24, 2011 through April 30, 2011, to be "Affordable Housing Awareness Week" and does hereby declare its support for activities to increase our region's awareness of these issues.

BE IT FURTHER RESOLVED, that the Hampton Roads Planning District Commission encourages all community leaders, especially those in the housing and real estate industries, to join in supporting these activities.

APPROVED AND ADOPTED by the Hampton Roads Planning District Commission this 21 day of April 2011.

Stan D. Clark,
Chairman

Dwight L. Farmer
Executive Director/Secretary

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #16: HAZARD MITIGATION PLANNING UPDATE

SUBJECT:

Updates are being prepared for the Hazard Mitigation Plans for the Cities of Franklin, Portsmouth, Norfolk, Suffolk, and Virginia Beach and the Counties of Isle of Wight and Southampton.

BACKGROUND:

The HRPDC staff, in coordination with the Southside/Southampton/Franklin (SS/SH/FR) Hazard Mitigation Planning Committees (HMPC) which includes staff representatives from the Cities of Franklin, Portsmouth, Norfolk, Suffolk, and Virginia Beach along with the Counties of Isle of Wight and Southampton, is in the process of updating the Southside Hampton Roads Hazard Mitigation Plan, City of Franklin All-Hazards Mitigation Plan, and Southampton County All-Hazard Mitigation Plan. The updates have involved an evaluation and adjustment of the regional profiles, the Hazard Identification and Risk Assessment (HIRA), and the vulnerability assessment. The next step in this process is the most critical in that mitigation strategies will be updated and/or changed to reflect regional and locality mitigation specific goals and objectives to better prepare Hampton Roads for the risks associated with the hazards addressed in the plan.

Multiple Hazard Mitigation Plans (South Hampton Roads, Southampton County, and Franklin) were originally created as required by the Disaster Mitigation Act of 2000. In order for communities to remain eligible for the National Flood Insurance Program, various federal funding for mitigation activities, and funding from disaster declarations, all plans are reviewed and updated every 5 years. The updates involve an evaluation and revision of the planning process, capability assessment, Hazard Identification and Risk Assessment (HIRA), vulnerability assessment, a review, update, and/or creation of the goals and objectives, and development of the mitigation action plan.

To ensure jurisdictional mitigation strategies are updated and/or changed to reflect regional and locality mitigation specific goals and objectives to better prepare Hampton Roads for the risks associated with the hazards addressed in the plan, we ask that your staff participate as much as possible in the next couple of months. In addition to the Emergency Management Coordinator, Staff recommends the following types of staff participate:

- Public Safety officials, Planning department staff, the Community Rating System Coordinator or potential Coordinator, Building officials, Zoning officials, Public Works officials, Finance/Procurement/Budget office staff, Assessor's office representatives, Parks & Recreation staff, GIS staff, School Board members, Engineering staff, Public Information staff, Public Health officials, and Elected Officials.

HRPDC Emergency Management Administrator Richard Flannery will provide an overview on the current status of this planning initiative and the need for widespread local government participation.

RECOMMENDED ACTION:

Encourage participation by staff from local government organizations, as described in the Background in the ongoing Hazard Mitigation Plans.

STAFF COMMENTARY:

The Hazard Mitigation Plans are not just emergency management plans. These plans cross multiple disciplines and departments in the city/county and provide a tool to assist communities in reducing risk and vulnerabilities to hazards.

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #17: VIRGINIA STORMWATER MANAGEMENT PROGRAM PERMIT REGULATIONS

SUBJECT:

The Virginia Department of Conservation and Recreation (DCR) released its proposed revisions to amend Parts I, II, and III of the Virginia Stormwater Management Program Permit Regulations for a 30 day public comment period on March 28, 2011.

BACKGROUND:

On December 9, 2009, the Virginia Soil and Water Conservation Board (VSWCB) adopted final revisions to the regulations, and then on January 14, 2010, suspended the effective date of these regulatory actions, in response to 25 petitions received during the 30-day final adoption period, in accordance with the Administrative Process Act. In response to legislative action taken by the 2010 General Assembly, DCR convened a Regulatory Advisory Panel (RAP) to further review the regulations and to make recommendations to the Virginia Soil and Water Conservation Board.

HRPDC staff and staff representatives from Chesapeake and Virginia Beach served on the RAP from July 2010 through March 2011. During this time, staff also participated on the five subcommittees created to deal with the following topics: water quality, water quantity, nutrient offsets, grandfathering, and local program adoption. Major changes to the suspended Final (December 2009) Stormwater Regulations were based on the recommendations of these subcommittees with consensus from the full RAP. The most significant change to these Regulations is the establishment of a statewide water quality standard of 0.41 pounds of phosphorus per acre per year for new development.

HRPDC staff has compiled a list of comments and concerns on the proposed Regulations in consultation with the Regional Stormwater and Joint Environmental Committees. A draft comment letter will be provided at the meeting for review.

HRPDC Senior Water Resources Planner Jennifer Tribo will brief the Commission on the Stormwater Regulations and the draft letter.

RECOMMENDED ACTION:

Authorize the HRPDC Executive Director to submit a comment letter to DCR based on the comments and concerns presented.

AGENDA NOTE- HRPDC QUARTERLY COMMISSION MEETING

ITEM #18: HRPDC ACTION ITEMS: THREE-MONTH TENTATIVE SCHEDULE

The HRPDC staff has developed a tentative schedule of issues that will come before the Commission for action over the next three months. These issues are the primary action items the Commission will be considering for action. Other items may be added depending on new priority requests from the Commission, state and federal legislative and regulatory activities and new funding opportunities.

May 2011

Chesapeake Bay TMDL
Hazard Mitigation Planning
Solid Waste Management Plan

June 2011

Data Book
Housing Portal
HR Green
Chesapeake Bay TMDL
FY 2012 Budget
FY 2012 Unified Planning Work Program

July 2011

HRMFFA Briefing
Regional Climate Change Study – Phase II Report
Regional Competitiveness Study
Regional Water Supply Plan
Stormwater Indicators Report

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #19: PROJECT STATUS REPORTS AND ADVISORY COMMITTEE SUMMARIES

A. DIRECTORS OF UTILITIES COMMITTEE SUMMARY MINUTES

The summary minutes of the April 6, 2011 Directors of Utilities Committee Meetings are attached.

Attachment 19A

B. HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE SUMMARY MINUTES

The summary minutes of the April 7, 2011 Hampton Roads Chesapeake Bay Committee, Regional Stormwater Management Committee and Chesapeake Bay Implementation Subcommittee Committee Meeting are attached.

Attachment 19B

C. PROJECT STATUS REPORT

Attached are status reports on other HRPDC programs.

Attachment 19C

Attachment 1A
MEETING SUMMARY
DIRECTORS OF UTILITIES COMMITTEE
April 6, 2011
Chesapeake

1. Summary of March 2, 2011 Meeting of the Directors of Utilities Committee

The Summary of the March 2, 2011 meeting of the Directors of Utilities Committee was approved.

2. Private Property Infiltration and Inflow (I/I) Abatement Program

The Committee discussed the March 17, 2011 Commission meeting presentation recommending a regional private property I/I abatement program and the upcoming follow-up discussion of the issue at the April 21, 2011 Chief Administrative Officers (CAO) meeting. It was noted that Mr. Ted Henifin will represent HRSD at the CAO meeting. The Committee's discussion is summarized as follows:

- The purpose of the Commission brief to move forward with developing a regional I/I program was lost among the questions on details.
- The Commissioners were concerned about doing repairs on private property and wanted more information on the cost of the proposed program.
- It seemed that some elected officials did not think that private property work should be funded with public money. The brief stated that the Special Order of Consent (SOC) requires private property I/I abatement but that point was not brought up during the Commissioners' discussion.
- The HRSD Commission agreed to the regional program concept, the point being that costs for private I/I abatement will not come out of localities budget. Also, the HRSD Commission thought that it is unlikely that local governments would force individual homeowners to pay for their own abatement projects.
- The cost of the Private Property I/I program is estimated to be \$13-16M/year. HRSD has included placeholders in its CIP for SOC work, and the private property I/I work could probably be accommodated by these placeholders. Essentially, success of the private property I/I abatement work will offset other future costs estimated for interceptors and wastewater treatment plant upgrades.
- All of the Utility Directors support developing a regional program. It is expected that a longer discussion with the CAOs at the April 21st meeting may facilitate acceptance of the idea to create a regional I/I program.
- Localities should re-brief CAOs prior to the meeting and emphasize that we are seeking agreement to move forward toward development of a regional program and remind them that private property I/I is a requirement identified in the SOC.
- The questions on rate increases, private property access, and liability will likely come up at the CAO meeting.

- Questions on the details of coordination between the localities, HRSD, and homeowners are also likely.
- Questions regarding tax consequences related to work on private property still need to be resolved.
- CAOs should be aware that the regional program would include development of agreements between HRSD and localities, and HRSD and property owners to address liability issues.
- Private property I/I abatement is integral to basin-level peak flow commitments (PFCs), which must be made by May 1, 2012. The Rehabilitation Guidelines, Standards, and Tools Business Rules can be applied regardless of who is responsible for private property work. The planning process for basin PFC is time sensitive and needs to proceed regardless. The post-rehabilitation PFC determines the sizing of all downstream infrastructure and directly impacts the Regional Wet Weather Management Plan (RWWMP).
- I/I accounts for 300 to 500 mgd of wet weather capacity. Reducing I/I benefits local pump stations and regional infrastructure by reducing the volume of flows to be treated.

ACTION: HRPDC staff will report back to the Committee with a summary of the April 21, 2011 CAO meeting.

3. Rehabilitation Guidelines, Standards and Tools (RGST) Business Rules

Mr. Richard Stahr, Brown and Caldwell, briefed the Committee on the draft RGST Business Rules developed by the Capacity Team. The purpose of the Business Rules is to provide a regionally agreed upon approach to assure that the Rehabilitation Plans submitted in November 2012 are appropriately developed to allow the Wet Weather Management Plan to be completed in November 2013. Rehabilitation costs across the region are estimated at \$750 million.

The Regional Technical Standards (RTS) were developed without monitoring information to indicate the extent of I/I in the regional system. The RTS delineates a post-rehabilitation peak flow threshold (PFT) of 775 gpd/ERU. After the RTS, it was determined that 70% of basins in the region exceed the PFT, and many basins exhibit flows well over the PFT. The Business Rules will apply to all localities and HRSD for the development of consistent Rehabilitation Plans, which will contain basin-level scopes, costs, schedules, and PFCs. The elements of the Rehabilitation Plans are enforceable by DEQ.

In developing the Business Rules, the Capacity Team first examined data from other parts of the country and found that although spot repairs reduce structural failures, such “band-aid” repairs are not effective in reducing I/I and more comprehensive rehabilitation is needed. Next, the Capacity Team examined data from two rehabilitation projects in Virginia Beach, where approximately 70% of public infrastructure was replaced at a cost of \$2.5 to \$3.5 million per basin and I/I flow

volumes were reduced by 35 to 40%. This amount of I/I reduction compares favorably with national data. The Capacity Team also considered issues of equity and comparable approaches in developing the Business Rules.

Mr. Stahr reviewed each section of the rules and highlighted key points for the Committee's consideration, as listed below. Questions or comments from the Committee are italicized.

Introduction

- Clarifies that Sewer System Evaluation Survey (SSES) basin status is based on the 10-year peak flow.
- Clarifies that the 10 year peak flow standard was not meant to establish a 10 year level of service (LOS) commitment.

Rehabilitation Plans

- The region agrees to have all PFCs made by May 1, 2012.
- Locality plans will address public infrastructure.
- HRSD plans will address HRSD and private infrastructure.
- *How do the Business Rules address new or planned construction projects that feed into existing basins?*

This remains to be established. Capacity Assessments must be based on 2030 population projections. The Capacity Team must have additional technical discussion on what RTK values (measure of "leaky-ness") are to be assigned to such developments.

Gloucester has been working with DEQ on clarifying this. Compared to estimates using houses, using lots resulted in very different estimates.

Partially developed subdivisions tend to be very leaky. The Capacity Team will look at this issue.

- This section provides a formula to determine the extent of locality rehabilitation, or the scope of rehabilitation commitments for the localities. The formula considers a 40% reduction in I/I as the maximum reduction achievable through rehabilitation work. This prevents planning for unrealistic flow reductions and precludes undersizing of downstream infrastructure. The formula also identifies 1126 gpd/ERU as the maximum 10-year peak flow threshold where a 40% reduction in I/I can result in flows at or below the PFC.
- Comprehensive rehabilitation is defined as rehabilitation of 70% or more of the infrastructure in the basin.
- Localities have flexibility in concentrating work on leakier portions of basins.
- When a locality can demonstrate achievement of the PFC in a basin, rehabilitation work in that basin is considered completed, regardless of how much of the planning scope was actually executed.

- The guideline for comprehensive rehabilitation (70% of basin) is a guideline for project scoping. If a locality completes rehabilitation of 70% of the basin but still has not achieved the PFC, the locality must continue rehab work.
- Page 2, paragraph 4 detailing HRSD's scope will be revised per DEQ comments received on 4-4-11.
- The PFC must be maintained for the long term. The system cannot be allowed to deteriorate such that flows exceed the PFC. The Capacity Team felt the need to clarify that the PFC is "forever" and that funding will be required to maintain facilities.

Why does the language here make further commitments? Why tie this to the MOM plan?

The commitment is needed to ensure timely progress. Page 2, paragraph 5 will be revised to remove the reference to MOM activities. Most localities did not include PFC in the MOM plan.

- Storage may be cost-effective in some basins.

Storage on the locality's side or on HRSD's side?

Either side is feasible.

Is storage only an option after you have achieved the PFC and then fall into non-compliance? The reference to storage seems out of place.

Storage can be implemented both during and after rehabilitation work. This is clarified in the following section on "Peak Flow Commitments."

- The HRSD scope commitment for private property work is illustrated in the examples at the end of the document. In general, private lateral work is not anticipated in basins where the 10-year peak flow is less than 1126. Exceptions exist in basins with primarily commercial uses. Also, in a non-SSES basin where the 10-year peak flow is less than the PFT, the PFC is the PFT.

Establishing the PFC as the PFT in non-leaky basins is a concern. If the estimated 10 year peak flow is less than 950 gpd/ERU, the business rules place the responsibility for the entire I/I reduction on the locality. It should be reasonable to apply the same percent reduction on the high end for HRSD's commitment.

The Capacity Team worked with the understanding that cooperation and information sharing will be critical in this effort. Information regarding significant private contributors should be shared with HRSD.

The Business rules will be revised to include language to add previously identified private lateral defects to HRSD's scope.

Rehabilitation Toolbox

- This section will provide budget cost estimates for sample rehabilitation techniques to be used in planning. This information may likely be placed in a separate document.

Pipe replacement should be added to the list of rehabilitation techniques. Past experience with lining has been unsatisfactory. Norfolk does not plan on employing lining techniques.

Newport News completed two analyses; one based on the method described in the draft Business Rules, to estimate the cost of rehabilitation over a sampling of basins and is willing to share with interested localities. The results indicated that the Business Rules result in more conservative cost estimates.

The group discussed the options for how to memorialize the Business Rules. Mr. Stahr outlined the options as follows:

- Technical memorandum signed by Utility Directors (least formal);
- MOA;
- Minor Revision to the RTS signed by Utility Directors and DEQ Regional Director;
- Amendment to the SOC.

There was discussion over whether the Business Rules constitute a material change to the SOC and the need for a DEQ-enforceable document. The group also discussed the consequences of not having written confirmation of DEQ buy-in on the approach. Another issue raised was what entity would be subject to EPA enforcement actions. The group also expressed concern that some understandings reached by the Capacity Team and applied in the development of the Business Rules were not recorded in the document.

The group explored the idea of submitting several plans to DEQ as early as summer 2011 to gage the agency's acceptance of the method and revise the rules as needed per comments received.

Mr. Stahr advised that if written buy-in from DEQ is desired, then the document needs to be enforceable by the agency. In that case, a Minor Revision to the RTS should be sought. Mr. Stahr noted that the document as written is not suitable for a Minor Revision and would have to be re-crafted as the majority of the material concerns behavior between the partners, not technical requirements. A Minor Revision would require an additional 3 to 4 months to complete.

The Committee agreed to proceed under the approach outlined in the Business Rules and that a Minor Revision should be the mechanism to memorialize the Business Rules. DEQ will be contacted to determine whether they are amenable to a Minor Revision or whether they will require an amendment to the SOC. The group also agreed to proceed with early submission of several plans for DEQ review.

ACTION: Mr. Stahr will contact DEQ regarding the potential Minor Revision to the RTS and the Capacity Team will coordinate with the Committee for preparation of plans for early submission.

4. State Water Supply Plan Advisory Committee

Ms. Whitney Katchmark briefed the Committee on the March 29, 2011 State Water Supply Plan Advisory Committee meeting. A handout was distributed summarizing the key points of presentations made at the meeting. Staff will email the electronic copy of the meeting summary as well as a table pertaining to the first presentation, which compared water supply programs in several East Coast states with riparian rights. In response to a question from the group, Ms. Katchmark summarized the benefits of switching to a permitting system as identified in the presentation: reduction of disputes; clarify use priorities under drought conditions; clarify reasonable use; and clarify permit authority.

In discussion of the second presentation regarding the State Water Resources Report 2010, the group briefly discussed the tracking of water discharges, including wastewater and VPDES discharges, and the relationship to interbasin transfer issues. There were no questions regarding the third presentation on DEQ's Environmental Flow Project.

Ms. Katchmark will distribute future advisory committee meeting announcements to the group. Ms. Kristen Lentz indicated that Norfolk may be interested in attending future meetings as Mr. Carlock's alternate.

Handout:

HRPDC: "HRPDC Summary, Water Supply Plan Advisory Committee, Tuesday, March 29, 2011"

ACTION: No action.

5. Irrigation Submeter Readings and Wastewater Credits

The Committee discussed the practice of providing wastewater billing credits based on irrigation submeter readings. Ms. Lentz indicated that Norfolk is looking to revise the process for allowing commercial customers to call-in submeter readings for wastewater credits. Large users have claimed over a million dollars annually in credits for water used in cooling processes, and Norfolk is considering the use of effluent meters to be read by City staff.

Mr. Craig Ziesemer commented that Suffolk only applies credits to HRSD waste treatment charges and does not apply credits to Suffolk's water/sewer charges. Mr. Brian Ramaley commented that Newport News's ordinance requires that credits be offered as long as the customer has the means to measure it. Mr. Phil Hubbard commented that HRSD reads submeters in some locations, although most reporting is done via phone calls, and that HRSD requires the submeters to be installed and calibrated per HRSD standards.

Continuing on the discussion of submeters, Mr. Ramaley noted several issues related to irrigation submeters and shared examples from North Carolina where there has been much discussion of separate irrigation meters and different water rates for irrigation use. The group discussion is summarized as follows:

- North Carolina requires new homes to have separate irrigation meters; existing customers are grandfathered.
- The argument has been made that irrigation water rates need to be at conservation rates, otherwise the utility is encouraging non-essential water use.
- Landscape and garden centers have complained that new secondary meters are not allowed, therefore, they cannot benefit from reductions to sewer charges.
- Growth fees and secondary meters (one tap, two meters) are also being examined.
- Due to a more urbanized and diversified customer base, Newport News does not experience as high peaks in use as in the past. However, the current price of water should already discourage irrigation use. Newport News Waterworks will be introducing a new rate structure with three tiers to encourage conservation by large users without significant impacts to average customers. The threshold for the conservation tier will be approximately twice as high as that of JCSA. The rate structure is pending Council approval, but thus far has not received much criticism.
- Localities are not in a position to regulate shallow wells; permitting authority under DEQ only pertains to users that withdraw more than 300,000 gallons per day. As water rates increase, installation of irrigation wells becomes a more economical option than using city water for irrigation.
- There has been no discussion among the Committee members as to concerns of more well installations and well interference, nor of encouraging more restrictive well permitting by VDH.

ACTION: No action.

6. UASI Grant RFP Release and Pre-Proposal Conference

Ms. Katchmark provided a summary of the Pre-Proposal Conference for the “Water Infrastructure Assessment and Emergency Response Training” project held on March 25, 2011. The meeting was attended by representatives from 10 consulting firms. Proposals are due on April 14, 2011. If consultant selection goes according to schedule, staff anticipates that contract award and notice to proceed can occur by the end of May 2011.

ACTION: No action.

7. Advisory Committee Reports

Water Reclamation and Reuse Regulations: The Advisory Committee will hold its first meeting on April 21, 2011. A summary of the meeting will be provided at the May 4, 2011 Committee meeting.

ACTION: No action.

8. Staff Reports

A. H2O Program Status Update: Ms. Julia Hillegass provided a summary of recent activities and circulated a contact list to be updated by the Committee. As the H2O program has received section 501(c)(3) tax-exempt status, staff is currently following up on the possibility of accepting donations via text messaging and on-line donations through HRSD. The logo remains the same and staff is working on a website and updating the outreach materials. As H2O allocations will be based on customers, utilities are asked to confirm the number of customers served. Scheduling of the next H2O Board and committee meetings is pending. Topics for discussion include the following:

- Potential transfer of service delivery to a single third party, such as the Salvation Army;
- Delinquency requirements and the ability to provide one-time assistance to customers in good standing; and
- Potential application of funds to wastewater bills.

B. FOG Program Status Update: Ms. Hillegass reported that training for food service establishments (FSEs) and grease haulers will be held on April 20, 2011. FSE training will be at 8:00 a.m. and hauler training will be at 10:00 a.m.

The FOG technical committee will reconvene with a meeting on May 17, 2011. Utilities are urged to send a representative. The discussion will address the following:

- Grease haulers are requesting information on how localities plan to enforce the “no decanting” rule;
- Localities have requested an inspection check list; and
- Restaurant owners have submitted technical questions about sludge judges and various types of grease control devices (GCDs).

Localities who do not have technical staff on the FOG committee are requested to provide HRPDC with contact information for a technical representative.

Newport News indicated that they have been receiving requests for a list of certified GCD installers, similar to the list of certified haulers. This will be added to discussion topics for the technical committee meeting.

- C. **Committee Decision-Making Procedures:** The Committee discussed the pre-final draft of the guidelines for Committee decision-making procedures, which incorporates comments received as of April 5, 2011. It was clarified that all Committee members, not just those present at regular Committee meetings, must agree to the proposed budget. As not all Committee members attend meetings, it was agreed that the last two sentences of guideline number 3 pertaining to voting will be revised such that Committee members may express their support of proposed budgets either in-person at Committee meetings or via written communication to HRPDC staff.
- D. **Regional Water Supply Plan:** Staff reported that the consultant's revised draft of Section 6/7, "Statement of Need/Alternatives" is anticipated by April 15, 2011. Staff will distribute the document for Committee review as soon as possible.

ACTION: No action.

9. Other Business

- A. Newport News Department of Public Works introduced the topic of planning for safe shelter for municipal assets during a major catastrophe. The City's Department of Public Works and the City's Division of Emergency Management requested feedback from other localities as to their interest in exploring options to safeguard equipment/assets by moving these resources out of the area of potential impact due to an impending Category 3 or greater storm or similar event.

Mr. Steve Land provided context for the issue and shared that the City is interested in minimizing loss of equipment assets that will be necessary for post-disaster recovery. Ideas have included possibly utilizing the rail road system to transport equipment to the Richmond area or loading equipment on to ships that will ride out storm events at sea. The Department is seeking input and information on how other locality emergency management plans are handling this issue. The goal is to have a Public Works plan ready with options to inform emergency mitigation and response decisions by elected officials. The discussion is summarized as follows:

- Ms. Lentz noted that Norfolk had considered the use of federal government ships. Mr. James Rogers, Norfolk's emergency manager, had arranged for staff to tour one of the vessels. These ships are moored to withstand Category 5 storms and, therefore, do not need to ride out storms at sea.
- Mr. Land added that pre-positioned Navy supply ships are unsuitable for sheltering locality equipment, as they must deploy immediately if ordered. The question is whether there are vessels not committed to a mission that have space and are available to the localities.
- The question was raised as to whether such activities have been executed in Florida or Gulf Coast areas. It was noted that staff was evacuated, but not equipment.
- Mr. Ramaley commented that, in planning for equipment staging, the Newport News Waterworks Lee Hall Maintenance and Operations Center

was located on high ground in an area unlikely to experience wind damage. According to the utility's hurricane plan, equipment is deployed to designated staging areas in advance of the storm. If equipment is moved out of the area, it is possible that equipment may be delayed in its return to the area of need, hindering recovery efforts.

- Mr. Bill Meyer noted that Chesapeake has plans to move staff, but not equipment.
- Mr. Moses Thompson said that Portsmouth's plan in the event of a Category 4 or 5 storm is to move equipment to the Richmond Area one to two days in advance of the storm.
- The group discussed the lead time for evacuation and noted it will take Hampton Roads 48 to 72 hours to evacuate. Equipment should be moved well in advance. However, the rarity of such storms hitting the region makes it unlikely that evacuation orders will be given in time.
- Mr. Bob Speechley commented that it would be prudent to utilize an agreement with the rail road to move equipment to Richmond, if such an agreement could be made.
- Mr. Ramaley said localities should also take advantage of the Virginia Water and Wastewater Agency Response Network (VA WARN).
- Mr. John Carlock suggested that HRPDC's Emergency Management Administrator, Mr. Richard Flannery, and Mr. Rogers (Norfolk) should discuss this issue. A presentation at a future Committee meeting should be coordinated with Mr. Flannery, Mr. Rogers, and with Newport News Department of Public Works and the City's Office of Emergency Preparedness and Response, Division of Emergency Management.

ACTION: HRPDC staff will coordinate a presentation for the June agenda.

- B. Rate Increases: Mr. Ramaley asked if other localities were planning rate increases for this year. As he indicated during the discussion of agenda item 5, Newport News Waterworks is adopting a tiered rate structure, which will result in an approximate 4% increase for some customers. Mr. Meyer noted that Chesapeake implemented an increase last year, and is not planning an increase this year. Mr. Everett Skipper said that, although wastewater and stormwater rates are not increasing this year, Newport News stormwater rates may increase by approximately 40% next year. Mr. Land indicated that the impact of rehabilitation planning on Newport News wastewater fees remains to be determined.

ACTION: No action.

ATTACHMENT 1A
THE DRAFT SUMMARY OF THE MEETING OF THE
HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE
REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE
CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE
April 7, 2011

1. Summary of the March 3, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee

The Summary of the March 3, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

2. Hazard Mitigation Process Presentation

Mr. Robert Coates, Virginia Department of Emergency Management (VDEM), gave a presentation to the Committee on the Hazard Mitigation Grant Program. Due to a disaster declaration made last spring following the snowstorm in northern Virginia, hazard mitigation grant funds were made available to Virginia localities. All localities in Virginia are eligible to apply for these grants, though the communities where the disaster occurred are given priority. These grants require a 20% match (CDBG funds may be used as match) and localities must have a hazard mitigation plan in place to be eligible. 88% of funds are set aside for structural projects, such as infrastructure retrofits, structural retrofits of existing buildings, acquisition and demolition/relocation of residential structures, flood-proofing of non-residential structures, and minor localized flood control projects. To be eligible, projects must conform with the state hazard mitigation plan, conform with environmental, historical, and economic justice issues, provide long-term solutions, and demonstrate cost-effectiveness. Pre-applications are due to VDEM as soon as possible, and final applications are due to VDEM by May 31, 2011. Several other hazard mitigation assistance grants are also available on regular schedule, including pre-disaster mitigation, flood mitigation assistance, repetitive flood claims, and severe repetitive loss grants. For more information, contact Mr. Coates at robert.coates@vdem.virginia.gov or (804) 897-9976.

3. Virginia Stormwater Regulations Update

Ms. Jenny Tribo, HRPDC, updated the Committee on the status of Virginia's stormwater regulations. The Virginia Department of Conservation and Recreation (DCR) has released the proposed revisions to amend Parts I, II, and III of the Virginia Stormwater Management Program Permit Regulations for a 30 day public comment period beginning March 28, 2011. Comments are due to DCR by April 27, 2011. The Committee discussed a set of comments prepared by HRPDC staff in consultation

with the Stormwater Subcommittee, which will be incorporated into a letter for the Commission's approval.

In addition to the comments from the Stormwater Subcommittee, the Committee discussed several other issues. There was some concern over the language in the grandfathering section, specifically as to what qualifies projects for grandfathering and for how long they would be grandfathered under the existing regulations. Ms. Tribo will contact DCR for clarification on this section.

There was some concern that the regulations will allow grandfathered projects to be exempt from Chesapeake Bay Preservation Act requirements. The Committee also suggested that the letter to DCR request that additional terms be defined within the regulations, specifically in the section on stormwater pollution prevention plans.

The Committee suggested that the allowance to use the Modified Rational method for drainage areas up to 200 acres only be applied to VDOT or linear projects. For all other projects, the Modified Rational Method should only be used for sites less up to 20 acres.

Comments should be sent to Ms. Tribo as soon as possible. The draft letter will be sent to localities for comment next week, and it will be presented to the Commission at its meeting on April 21, 2011 for discussion and approval.

4. Stormwater Subcommittee Update

The Stormwater Subcommittee has decided to meet regularly on the fourth Wednesday of each month. Every other month beginning in April the meeting will be held on the Peninsula. Meetings will begin at 9:00am. Peninsula meetings will be followed by a Phase II Subcommittee meeting beginning at 10:30am.

5. Chesapeake Bay TMDL Special Meeting Update

Ms. Whitney Katchmark, HRPDC, briefed the Committee on a special meeting of the Commission focused on the Chesapeake Bay TMDL. Jeff Corbin, Special Assistant to the EPA Administrator, and Anthony Moore, Assistant Secretary of Natural Resources for Chesapeake Bay Restoration presented at the meeting. The Commission decided to send a letter to EPA detailing specific concerns that Hampton Roads localities have with the TMDL. These include:

- a) The model does not incorporate the most accurate land use and land cover data available.
- b) Individual Waste Load Allocations for Phase I MS4s were included in the final TMDL, but not in the draft TMDL.
 - i. EPA had stated that the model was not refined enough to do allocations for localities.
 - ii. EPA will be updating land use and land cover data, so including allocations when they will have to be changed does not make sense.

- iii. Total Suspended Solids (TSS) allocations were included, but the model was not calibrated for TSS.
- c) The 2025 deadline is extremely fast given the slow process for funding, designing, permitting, and implementing stormwater retrofits.
- d) Credit for other restoration projects, such as sanitary sewer overflow (SSO) elimination, oyster restoration, and wetlands restoration, should be given.

6. Climate Change Update

Mr. Benjamin McFarlane, briefed the Committee on climate change projects in the region. HRPDC staff is discussing the issue of subsidence with staff from USGS and VIMS. HRPDC is continuing with a CZMP-funded climate change research and analysis, including an analysis of regional vulnerability to sea level rise and storm surge and a synopsis of adaptation options. HRPDC and HRTPO are also cooperating with a UVA project that is looking at the vulnerability of transportation infrastructure to climate change and sea level rise. HRPDC also recently helped coordinate a series of sea level rise listening sessions in Virginia Beach, along with the Virginia Beach Environment and Sustainability Office, the Institute for Environmental Negotiation, and Wetlands Watch. The sessions were attended by over a hundred residents from across Hampton Roads and included presentations and small group discussions. More information on the sessions is available at www.virginia.edu/ien/sealevelrise, and preliminary findings will be presented at a meeting of the Virginia Beach City Council on April 19, 2011. A final report will be issued by IEN at a later date. Project staff from the UVA transportation project will be visiting HRPDC and HRTPO later this spring to give presentations to regional committees.

7. Environmental Impact Review Update

Mr. Benjamin McFarlane, HRPDC, briefed the Committee on the 2011 Regional Permit 5 (11-RP-05) from the U.S. Army Corps of Engineers. The permit authorizes the discharge of dredged or fill material in non-tidal waters of the United States, including wetlands and streams, for the construction of earthen dams and impoundments for general farm use and other private uses. The Committee had no comments on the permit.

8. Regional Trails Update

Ms. Sara Kidd, HRPDC, updated the Committee on several regional trails projects. The Dismal Swamp Connector Trail between Chesapeake and Camden County is currently in a preliminary design stage that is required before the federal and state government owners of the land allow for the project to move forward. The Southeast Coast Paddling Trail is being facilitated by the National Park Service, with DCR serving as the coordinator for Virginia. The proposed route in Virginia is complete, and HRPDC will start coordinating some of its planning. There is also the potential for spur trails off the main trail that could enter several localities in

Southside Hampton Roads. The Captain John Smith Trail in the Chesapeake Bay consists of ten segments, with the James River segment to be the first completed. The organizers are currently identifying the best places for sites along the trail, focusing on notable historical or natural sites. They are also addressing use conflicts between different sets of users. A meeting will be held later this month for the Star-Spangled Banner Trail.

9. Plant More Plants Campaign Update

Ms. Julia Hillegass, HRPDC, updated the Committee on the Plant More Plants Campaign. The campaign is mostly funded by the Chesapeake Bay Program and is designed to get residents to plant more plants to help reduce stormwater runoff and pollution in the Chesapeake Bay. The campaign is mostly web-based, but television and radio ads are currently running in the DC, Richmond, and Hampton Roads areas. More information is available at www.plantmoreplants.com.

10. UPWP

Mr. John Carlock, HRPDC, updated the Committee on the HRPDC Unified Planning Work Program (UPWP) for Fiscal Year 2011-2012. The program is mostly set, and includes components for water resources, including stormwater, coastal zone management, emergency management, economics, and housing.

11. Status Reports

A. Hampton Roads Sanitation District

HRSD representatives had nothing to report.

B. Hampton Roads Planning District

HRPDC staff is looking into data standards and methodologies for impervious cover analysis. Citizen nominations for stream monitoring by DEQ are due at the end of April. Mr. Carlock is participating in the American Planning Association's Mid-Atlantic roundtable, which will be hosting webinars on the Chesapeake Bay Program and TMDL in May and July. These will be eligible for CM credits for AICP members. The May meeting will have presentations from EPA, Maryland, and DC, while the July meeting will have presentations from EPA, Pennsylvania, and Virginia.

C. Soil and Water Conservation Districts

SWCD representatives had nothing to report.

D. Department of Conservation and Recreation

Mr. David Sacks, DCR-CBLA, reported that Gloucester County, James City County and Williamsburg are currently undergoing CBPA program compliance evaluations. CBLA is looking at programs using a systematic approach that takes into account whether issues that occur are anomalies or recurring problems. Chesapeake Bay Implementation Grant awardees will be notified April 8, 2011 of their status.

Mr. Todd Herbert, DCR, announced that the Lafayette River Riverfest will include one-mile and a six-mile kayak races, as well as a catch-and-release fishing tournament.

Mr. Noah Hill, DCR, reported that the next round of local program Erosion and Sediment Control reviews will begin July 1. He will bring the list of programs to be reviewed to the next meeting.

E. Department of Environmental Quality

In the absence of a DEQ representative there was no report.

F. U.S. Geological Survey

USGS representatives had nothing to report.

G. Department of Transportation

VDOT representatives had nothing to report.

H. U.S. Navy

In the absence of a U.S Navy representative there was no report.

I. Local Programs

Virginia Beach is reviewing stormwater management regulations, the Chesapeake Bay TMDL, and Southern Watersheds TMDLs.

Hampton is continuing its impervious surface study.

Mr. John Paine, URS, informed the Committee that the state cannot run the Chesapeake Bay model at this point.

Norfolk's Colonial Place neighborhood will be the site of Lafayette River Riverfest on April 30th from 10am to 4pm.

Gloucester is currently undergoing a CBPA program review with DCR-CBLA. The County will be placing more emphasis on agriculture accountability.

Ms. Barbara Brumbaugh, Chesapeake, noted that DEQ has suspended its pesticide permit. Ms. Katchmark stated this was probably due to delays in EPA's release of a nation-wide permit.

Cindy Linkenhoker, Portsmouth, stated that Frank Dukes from the Institute for Environmental Negotiation contacted her about working with EPA to deal with toxic waters. It appears that EPA has engaged IEN to facilitate a dialogue with the four cities that surround the Elizabeth River, as well as the U.S. Navy.

12. Other Matters

The next meeting of the Joint Environmental Committee is scheduled for May 5, 2011 in the HRPDC Regional Board Room. Materials will be sent in advance for review.

DRAFT

PROJECT STATUS REPORTS

A. Regional Housing Program

Regional Housing Portal

HRPDC staff members are continuing to work on the implementation of the Regional Housing Portal. Staff is currently meeting to discuss methodologies to host and develop the portal system that will be a web based tool. Options concerning GIS tools and portal components are being defined. Future meetings with community stakeholders are being planned to discuss the portal. The finished tool will be used to create a regional web-based portal for consumers and housing providers to access appropriate services. Staff is currently working on the completion of a gap analysis of services and programs.

Hampton Roads Loan Fund Partnership

The staff is processing requests for down payment and closing cost assistance funding from local administrators for qualified first-time homebuyers in the region. In an effort of ensuring that all qualified candidates are receiving this much-needed program, staff has increased material about this program through marketing efforts that include meetings with community partners to increase awareness of affordable housing tools and resources.

B. Regional Economics Program Report

Technical Assistance

Economics staff routinely provides technical assistance and support to member jurisdictions and regional organizations. Information from both the HRPDC Data Book and the Commission's Benchmarking Study provides easy access to a great deal of regional information. Over the past month, staff has responded to information requests from individuals, member localities, regional organizations, and the media.

Regional Competitiveness

Staff is working on a regional competitiveness study. The purpose of the study is to review the components of growth in competitive economies and evaluate the regional capacity for growth. This analysis will include an in-depth analysis of the region's occupational and industrial composition, with a particular focus on the region's labor supply.

Analysis of Energy Development Strategies

Staff is beginning work on an analysis of energy development strategies in Hampton Roads. At present, very little is commonly understood as to the ability for the region to capitalize on various forms of energy development. Staff will be collecting and compiling information on the region's capacity to develop energy and will research the potential economic benefits associated with energy development.

Hampton Roads Regional Data Book

The Hampton Roads Data Book is an annual publication of the HRPDC. Throughout the year, staff compiles data on the region's employment, income, population, retail sales, unemployment, and building permits. This information is published in the Hampton Roads Regional Data Book and is also made available for download via the Commission's website. Staff has begun the process of preparing the Data Book for publication.

C. Emergency Management Project Update (April 2011)

Debris Management

Debris management training is being offered by the Virginia Department of Emergency Management (VDEM) and provided by the U.S. Army Corps of Engineers

Hampton Roads Tactical Regional Area Network (HRTacRAN)

The EM Administrator continues to work with the Hampton Roads Interoperability Communications Advisory Committee (HRICAC) Oversight Group in an effort to find a funding solution for sustainment of the system for follow-on service and maintenance procurement. The FY09 Port Security Grant Application that was submitted to VDEM in August 2010 as a potential temporary solution for sustainment. This is awaiting DHS approval. Also, the FY08 UASI investment supporting ORION was modified to support HRTacRAN and was sent to DHS for approval. This request was denied by DHS since the HRTacRAN was built with FY06 Port Security Grant Funds. On-going discussions with VDEM and the Governor's Office of Commonwealth Preparedness continue as we seek solutions to advocate an approval from DHS with a re-submission of the request.

Peninsula Local Emergency Planning Commission (PLEPC)

The HRPDC continues to support the work for updating the Peninsula Local Emergency Response Plan. A draft of the new plan has been delivered and was

reviewed and commented on by staff. The PLEPC met, collated all comments and discussed them with the consultant hired by the City of Hampton for this project.

FY11 Healthcare Organization Emergency Preparedness Seminars (HOEPS)

The HOEPS planning committee continues meeting on a monthly basis to advance the plans for this year's seminar. This year's seminar will include a scaled down tabletop exercise for participants. The exercise team members are working on the development of the exercise component and are nearly complete. Dates for this year's event are May 4th on the Peninsula and May 5th on the Southside.

Hazard Mitigation Planning

The HRPDC and Hazard Mitigation Planning Committee (for the Southside Hampton Roads Hazard Mitigation Plan, the Franklin Hazard Mitigation Plan and the Southampton Hazard Mitigation Plan) are continuing to work with the consultant. The Hazard Mitigation Planning Committees for each of these plans met this last month to review the updated materials developed for these plans. Additionally, public meetings were held for all of these plans. Public participation was negligible despite the advertising of these opportunities.

The Emergency Management staff continues to work with the City of Hampton's Fire Chief (Project Manager) by providing support to update the Peninsula Hazard Mitigation plan.

A website supporting this project for the staff, local agencies and future public participation has been established: www.remtac.org/mitigation. Currently, the Peninsula plan is not represented on this site. This will change in the near future as the consultant is working with the HRPDC to have the Peninsula section included at their (peninsula localities) request.

Urban Area Security Initiative (UASI)

The Emergency Management staff continues to manage and support the Hampton Roads Urban Areas Security Initiative (UASI) Grant Program for the Urban Area Working Group (UAWG). FY11 UASI Grant planning continues in anticipation of grant guidance being released at any time. Unfortunately, until Congress approves the budget, DHS cannot release the new grant guidance. But we remain engaged by proactively developing the grant applications now so that we are ready to implement the actions of the guidance once released.

Hampton Roads Medical Special Needs and WebEOC Implementation Update (FY08 UASI Project)

The WebEOC Subcommittee continues to implement its plan for institutionalizing WebEOC in the region.

The Special Needs website and registry (www.hrspecialneeds.org) continues to be populated by/for citizens with special needs in Hampton Roads.

Multi-Region Target Capabilities Assessment (FY08 UASI Project)

The Emergency Management staff provides program management and implementation support for the Target Capabilities Assessment (TCA), through the UASI Grant program. Workshops to interview the health districts staff for additional data gathering have been established and will commence in May. On-going activities are currently centered around analyzing the data received to date.

Pet Sheltering Support (FY09 UASI Project)

The first of seven trailers with pet sheltering supplies and equipment is scheduled to be delivered by April 8, 2011 to the City of Chesapeake. Emergency Managers will be able to view the trailer configuration and make recommendations for adjustments before the rest are built.

D. Sea Level Rise

As one element of its climate change/sea level rise work, the HRPDC is participating in a cooperative project with the University of Virginia Institute for Environmental Negotiation, UVA School of Planning, Wetlands Watch, Virginia Sea Grant and the City of Virginia Beach. On March 30 and 31, the city of Virginia Beach hosted four listening sessions at various locations around the City for residents to discuss the issues posed by sea level rise and flooding.

The four listening sessions included presentations from Wetlands Watch, the Hampton Roads Planning District Commission (HRPDC), and the city of Virginia Beach Environment and Sustainability Office (ESO). Skip Stiles, Executive Director of Wetlands Watch, described the process of sea level rise and how it is affecting Virginia Beach. Ben McFarlane, a Regional Planner for the HRPDC, gave a presentation on HRPDC's regional climate change and sea level rise planning and research efforts. Clay Bernick, Administrator for the Virginia Beach ESO, concluded the presentations by describing how the city of Virginia Beach is addressing sea level rise and outlining the City's sustainability planning efforts.

Staff and volunteers from the UVA Institute for Environmental Negotiation, Wetlands Watch, the city of Virginia Beach, and the Hampton Roads Planning District Commission facilitated small group discussions to help citizens understand the issues and identify which parts of the city were being affected by sea level rise and flooding. These small group discussions allowed residents to share their personal experiences with sea level rise and flooding in all parts of the City. The residents also were able to point out the impacts of sea level rise and flooding (such as erosion, stormwater overflows, etc.) on maps. Residents were also given an opportunity to make suggestions for distributing information to City residents on sea level rise and flooding, as well as for the City's Sustainability Plan. Preliminary findings from the sessions will be presented to the Virginia Beach City Council at its meeting on April 19, 2011. A final report will be released by IEN later this year. The report will be available on the IEN website at <http://www.virginia.edu/ien/sealevelrise/index.html>. Following release of the report, the HRPDC will include a summary of the sessions in a presentation to the Commission on Phase II of the regional Climate Change study.

E. South Hampton Roads Resource Conservation and Development (RC&D) Council

Attached is the Virginia RC&D Councils Annual Report. The South Hampton Roads RC&D Council will be developing its area plan this summer and is currently conducting a needs survey.

Copies of the South Hampton Roads RC&D Annual Report for 2010 is attached.

F. HR Green

HR Green encourages environmental stewardship among all residents in the 16 southeastern Virginia cities and counties we represent. Work on the HR Green campaign began in July 2010 through efforts to consolidate individual programs begun by HRPDC's HR CLEAN, HR FOG, HR STORM and HR WET committees into one central-focused, regional awareness campaign.

Under the advisement of the HR Green Executive Committee, the HRPDC staff and Committees are moving forward with research, creative concepts and the development of a new website, as well as outreach through public relations and social media. The campaign is scheduled to be officially launched in the summer 2011.

Marketing research and analysis has been completed and message testing has been conducted with representative samples from the Hampton Roads region.

HRGreenblog.com is fully functioning, with committee members and HRPDC staff contributing content. Developments of a new website, which will incorporate all of the environmental education messages are currently underway.

Some limited advertising and programming will air during Earth Week in April and Drinking Water Week in early May under the new umbrella brand of HRGreen.

Virginia Association of

RC&Ds

RESOURCE
CONSERVATION
& DEVELOPMENT COUNCILS

2010 ANNUAL REPORT

Partnerships Serving America's Communities



Citizens know what is best for their communities. Non-profit RC&D Councils comprised of local leaders identify community needs and work with the United States Department of Agriculture to plan and realize projects.

Message from the VARCDC Chair

The past year has been one of dynamic progress for Virginia's Resource Conservation and Development Councils as each works to address the needs of its particular constituency.

The diversity of Virginia is reflected in a wide range of projects that address the needs of folks from the Eastern Shore RC&D at the ocean to Black Diamond in the Southwest Virginia coalfields. From the Shenandoah to South Hampton Roads, Old Dominion, Tidewater, South Centré Corridors, New River-Highlands and our newest applicant council, Upper James River, Virginians have benefitted from projects initiated by our volunteer councils.

In 2010, our councils leveraged 4:1 the value of projects completed with what it costs USDA's Natural Resources Conservation Service (NRCS) to administer the program statewide. That figure translates into 63 completed projects with a total value of more than \$3.7 million. These projects

are investments in our rural communities, creating jobs and businesses while benefiting the land and water resources.

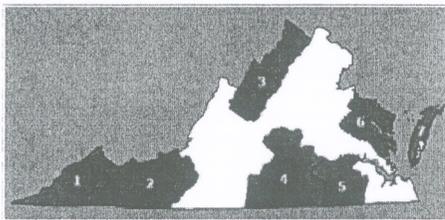
In my two years as chair of the Virginia Association, I have seen our voice grow in support of the RC&D program at the state, Southeast Region, and National levels. The Association is moving forward with energy and enthusiasm.

It has been an honor to serve in a leadership capacity. I look forward to the coming year in which our councils will continue to respond to local and regional concerns, building on a platform that works for America's communities today just as it was designed to do almost 50 years ago.

Sincerely,

H. William "Bill" Smith
Black Diamond RC&D

Virginia RC&D Areas



There are seven designated and two applicant RC&D Councils in Virginia.
All RC&D programs are offered on an equal opportunity basis.

Black Diamond RC&D Area Office -
Lebanon, VA (1)
PH: 276-889-4180
Web: www.blackdiamondrcd.org

New River-Highlands RC&D Area Office -
Wytheville, VA (2)
PH: 276-228-2879
Web: www.newriverhighlandsrcd.org

Tidewater RC&D Area Office-
Tappahannock, VA (6)
PH: 804-443-1118, Ext. 3
Web: www.tidewaterrcd.org

Eastern Shore RC&D Area Office-
Accomac, VA (7)
PH: 757-787-2786
Web: www.esrcd.org

South Centré Corridors RC&D Area
Office- Prince George, VA (5)
PH: 804-732-4375
Web: www.southcentrecorridorsrcd.org

Shenandoah RC&D Area Office- Verona, VA
PH: 540-248-3321 (3)
Web: www.shenandoahrcd.org

Old Dominion RC&D Area Office-
Charlotte Court House, VA
PH: 434-542-5489 (4)
Web: www.olddominionrcd.org

South Hampton Roads
RC&D Applicant Area
PH: 804-732-4375

Upper James River
RC&D Applicant Area
PH: 540-562-6828

Mission: To enhance the ability of RC&D communities to achieve their goals by providing leadership, capacity building opportunities, training and resources.

Vision: Prosperous communities in harmony with the environment through wise use of natural resources.

“

“Without a doubt, the strength of this project is based on strong local partnerships and a whole community approach.”

”

Re: Onancock Creek Watershed Restoration

Kristen Hughes Evans
Chesapeake Bay Foundation
Virginia Staff Scientist
Richmond, VA

Sustainable Timber Grows Local Economies

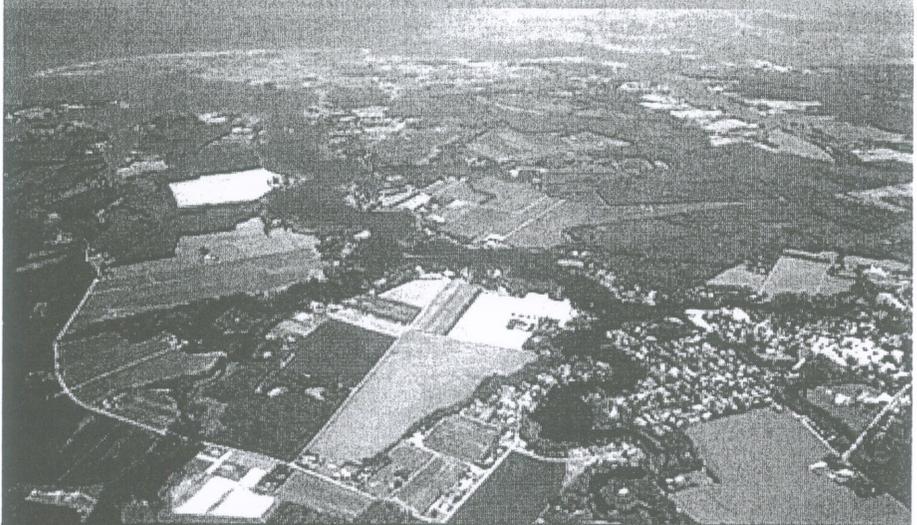
Black Diamond RC&D serves southwest Virginia in the mountainous Appalachian coal belt. Landowners in this region face a challenge in creating jobs and growing local economies based on sustainable natural resource management. Black Diamond RC&D has demonstrated how to maintain and harvest productive timber stands, improve wildlife habitat and recover abandoned strip mines for local economic growth.

In October, the Council partnered with Virginia Cooperative Extension to host a day-long Forestry and Wildlife Tour for land managers in Russell and Wise Counties. Participants discussed fueling local economies through renewable resources as they viewed a prescribed burn demonstration, a successfully reforested strip mine and an active harvest site. The tour is slated to become an annual event to promote tools and techniques to realize the economic, social and environmental benefits of sound land management.

Working to Improve Chesapeake Bay Water Quality Watershed by Watershed

Virginia's Eastern Shore peninsula is located between the Chesapeake Bay and the Atlantic Ocean. Nutrients and sediment lost from its productive farmland and rural landscape negatively impact water quality. Partnering with the Chesapeake Bay Foundation, the **Eastern Shore RC&D** developed a three-year \$1,329,000 project that will combine citizen outreach, planning, technical assistance and use of best management practices to reduce nitrogen and phosphorus pollution in Onancock Creek watershed.

Project components include installing systems to capture rainwater runoff from two municipal parking lots; encouraging homeowners to use rain gardens, rain barrels, and better lawn management techniques; restoring two miles of stream buffers on farm and non-farm land; and demonstrating how farmers can vary rates of fertilizer they apply on row crops. The project emphasizes how Bay clean-up involves the entire watershed community and that, by working together in Onancock Creek, annual reductions of over 385,000 pounds of nitrogen, 155 pounds of phosphorus and 20,000 pounds of sediment are possible.



Growing a Tourist Economy

Recognizing the power behind locally-led conservation, stakeholders in the upper reaches of the James River have organized as a 501c-3 and are in the process of applying for designation as a new RC&D Council.

The **Upper James RC&D** Applicant Area would encompass six western counties and members are already working on the Upper James River Heritage Trail with funding from the National Park Service Rivers and Trails Program. With beautiful mountain scenery, the Upper James RC&D is poised to grow their economy with tourist dollars. The current initiative will create an integrated trails system incorporating regional water, hiking and bicycling trails, and historic and natural resources in one strategic master plan.

2010 Accomplishments: 63 completed projects across Virginia valued at \$3.7 million.

Energy efficiency and alternative fuels can make a bottom-line impact for institutions such as Longwood University. In 2010, the **Old Dominion RC&D** funded a study at Longwood to look at types of fuel and costs of improvements to their physical heating plant that now uses sawdust in lieu of heating oil.

The study evaluated the cost/benefit ratios of switching over to other renewable energy sources and upgrading the current technology to use heat exchange to produce cool air. Three viable technical solutions provide the university with actionable improvements that will reduce their energy costs.

Powering the Future with Alternative Energy



Creating Local Incentives to Protect Forest Lands

The **Tidewater RC&D** Forestry Committee created a model land-use taxation ordinance to encourage RC&D counties to provide economic incentives to landowners to sustain working landscapes. The ordinance requires landowners to have management plans addressing their objectives to receive land use tax benefits. These objectives can include production forestry, conservation and/or aesthetic value.

Foresters and consultants helped draft the ordinance that was distributed to the 10 county planning commissions and boards of supervisors. At least one county used the model when rewriting their land use policy this year. The long-term impact is that more landowners will seek to develop professional management plans for their lands that will promote sustainable forestry throughout the region.

Green infrastructure, a strategically planned and managed network of natural lands and open spaces, contributes many community benefits - improved air quality, better stormwater filtration, energy conservation, carbon sequestration, and an attractive urban setting.

With grants from the Virginia Department of Forestry and the USDA Forest Service, **New River-Highlands RC&D** and the City of Radford partnered to evaluate green resources within the city. Project partners identified and mapped Radford's street trees, urban tree canopy, forest parcels, karst resources and the storm water basins. This baseline assessment builds awareness that green infrastructure is an investment in local communities with economic value that contributes to the quality of life for City residents.



Protecting Green Infrastructure for the City of Radford

Improving Water Quality in the Elizabeth River

Over six square miles of the Elizabeth River bordering the Cities of Chesapeake, Virginia Beach, Portsmouth, Norfolk and Suffolk are impaired waterways that violate Virginia's water quality standards for bacteria. To improve the river's water quality, **South Hampton Roads RC&D** partnered with the Virginia Department of Environmental Quality and the Louis Berger Group, Inc., to begin planning an Elizabeth River cleanup. The process began with a Total Maximum Daily Load Study (completed in April) to identify pollution sources and how much they must be reduced. The next step will be to develop cleanup strategies in an implementation plan. Once actions are identified and carried out, the Elizabeth River will be a greatly improved water resource and removed from the State's 303d list of impaired waterways.

2010 Annual Report Virginia Association of RC&Ds

RESOURCE
CONSERVATION
& DEVELOPMENT COUNCILS

Connecting Farms to Table

To improve the economic vitality of Southside farmers, **South Centré Corridors RC&D** initiated the 75th Buy Fresh Buy Local Chapter in the U.S.

This nationwide program builds greater awareness of local and community food systems and improves the infrastructure needed for local consumption and institutional buying of local foods.

With funding from the Virginia Tobacco Commission and the Cameron Foundation, the new South Centré Corridors Buy Fresh Buy Local Chapter has secured funding for a three-year start-up campaign. One of the chapter's first tasks was to create a local food guide for the Counties of Dinwiddie, Greensville, Prince George, Southampton, Sussex, and Cities of Hopewell and Petersburg.

This guide includes the names and contact information of 32 farmers, specialty vendors, CSA's, farmers markets, specialty stores, and restaurants that sell or buy locally grown foods. These businesses are further supported with web-based marketing and branded promotional materials.



Marketing Conservation Through Local Food Systems



Everyone eats. The most direct way to engage farmers and consumers in their shared responsibility for water quality in the Chesapeake Bay is to touch on how food is produced and consumed.

Shenandoah RC&D's "Creating a Culture of Conservation from Farm to Table" is an initiative to build lucrative markets for "Bay friendly" products. The program offers farmer incentives to reduce nutrients and encourages consumers to achieve their own reductions, in part by purchasing fresh, local Bay-friendly products.

Developed through a \$700,000 grant from the National Fish and Wildlife Foundation, the project capitalizes on the combined expertise of Virginia Cooperative Extension, Water Stewardship, Lexington/Rockbridge Grows, Washington and Lee University, and the Shenandoah Valley Food and Farm Working Group. These partners will verify nutrient and sediment reductions being made on participating farms, profile and market farmers who are making those reductions, and encourage consumers to buy locally-produced, Bay-friendly products. They will also seek to persuade consumers to reduce their nutrient and sediment footprints by sharing tips for improving water quality.

This effort is a natural follow-up to the Shenandoah RC&D Council's ongoing work on local food systems which includes:

- Advocating for a regional agricultural director
- Funding/supporting a Buy Fresh Buy Local Shenandoah Valley Chapter and the Crossroads Media Resource Center's study to promote community investment in local food production
- Participating in a local Food and Farm Working Group
- Supporting local co-ops that sell and feature local foods and projects to help reduce grocery bills by creating community gardens.

Virginia's RC&D Forestry Program:

**A USDA, NRCS and
Virginia Department of
Forestry Partnership**

Virginia's forest resources contribute an estimated \$30.5 billion annually to the state's economy. RC&D Foresters work with Councils across Virginia to identify and implement projects that conserve the forestland base while promoting forest-based ecosystem services, industry and diversified markets.

In 2010, the RC&D Forestry partnership developed strategies to identify and promote biomass to energy business opportunities in the Tidewater, New River-Highlands and Old Dominion RC&D areas. Using woody biomass as an energy source can lead to sustainably managed forests as an abundant, renewable natural resource, local energy dollars and forestry and agricultural job creation in the surrounding regions.



**South Hampton Roads
Resource Conservation and Development Council**
310 Shea Drive, Chesapeake, VA 23322
757-547-7172

2010 Accomplishments Report

Chesapeake
Jo Ann Clarke
Bonnie Tazewell

Isle of Wight
Rachel Chieppa, Secretary
Kenneth M. Bunch

Norfolk
Jack Erwin

Portsmouth
Meg Pittenger
Marlene W. Randall

Suffolk
Cindy Taylor, Vice-Chair
Joseph Barlow

Surry
Judy Lyttle, Chair
Rev. Daniel Baltimore

Virginia Beach
David E. Trimmer
Clay Bernick

**Hampton Roads Planning District
Commission**
Julia Hillegass

**Peanut Soil and Water
Conservation District**
Keith Seward
Tara Outland-Williams

**Virginia Dare Soil and Water
Conservation District**
Kathleen Hickman, Treasurer

The South Hampton Roads Resource Conservation and Development Council had a very rewarding year. The Council provided financial and technical assistance for five key projects:

- Camp Young Living Shoreline Restoration
- Elizabeth River Total Maximum Daily Load (TMDL) Study
- Isle Be Green – Isle of Wight County Recycling Project
- Development of Bacteria and Benthic Macroinvertebrate TMDLs in Virginia
- South Hampton Roads Environmental Education Program

Camp Young, owned and operated by Norfolk Public Schools, is a day camp for City of Norfolk elementary school students. The facility is located on 30 acres along the Intercoastal Waterway in the City of Chesapeake. The Council completed phase 1 of this project which was restoring 700 linear feet of shoreline to prevent soil erosion. The site had severely eroded areas and extreme cases of soil degradation due to runoff. This project was able to be completed with a \$75,000 grant the Council received from the Chesapeake Bay Trust.

The Council completed a \$184,303 partnership agreement with the Virginia Department of Environmental Quality (DEQ) and the Louis Berger Group, Inc for a Total Maximum Daily Load (TMDL) Study along the Elizabeth River. The TMDL study focused on the development of bacteria in the Elizabeth River over six square miles bordering the Cities of Suffolk, Norfolk, Portsmouth, Chesapeake, and Virginia Beach. Once actions are identified and carried out, the Elizabeth River will be a greatly improved water resource and removed from the State's 303d list of impaired waterways.

To promote plastic bag recycling the Council continues to partner with Isle of Wight County in their Isle Be Green Project. We are into our 2nd year of utilizing \$4,000 in grant funds that we acquired for educational programs. Those funds will be used to conduct recycled material art classes for youth and adults to promote awareness among citizens and encourage recycling efforts.

In 2010, the Council decided to continue our partnership with DEQ by entering into a new contract for \$262,404. This TMDL study is titled "Development of Bacteria and Benthic Macroinvertebrate TMDLs in Virginia." This project is statewide and focuses on 13 TMDL projects that are in 20 impaired segments throughout northern and southeastern Virginia.

South Hampton Roads RC&D Council also started an Environmental Education Mini-Grant Program for teachers and other educators. The Council awarded \$5,640 of funding for 12 mini-grants that ranged from \$220 - \$500 for schools and one Soil & Water Conservation District to educate students on natural resources and the environment. All schools in our project region were eligible to apply. The Council was able to secure \$2,000 in grant funds from the Virginia Environmental Endowment for this project.

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #20: CORRESPONDENCE OF INTEREST

A. Letter, HRPDC Chairman Stan D. Clark to Mr. Jeff Corbin, EPA

Attached is the letter to Mr. Jeff Corbin, Senior Advisor to the Administrator, EPA, regarding HRPDC concerns on the Chesapeake Bay TMDL, approved by the HRPDC at its Special Executive Committee Meeting on March 31, 2011.

B. Letter, Governor Bob McDonnell, Robert S. Duvall, Joe Thomas and Carol McCormack to Dwight Farmer, March 9, 2011

Attached is a letter to HRPDC Executive Director Dwight Farmer acknowledging the support provided to the United Way by the HRPDC. The letter also transmits a certificate, recognizing the work of Kelli Peterson as the HRPDC Campaign Coordinator. A copy of the certificate is attached.

C. Letter, Kevin Hughes to Dwight Farmer, March 14, 2011

Attached is a letter to HRPDC Executive Director Dwight Farmer from Suffolk Economic Development Director Kevin Hughes, acknowledging Mr. Farmer's contributions to the City's Technical Assistance Panel Project with the Urban Land Institute.

D. Letter, Kevin Hughes to Greg Grootendorst, March 14, 2011

Attached is a letter to HRPDC Chief Economist Greg Grootendorst from Suffolk Economic Development Director Kevin Hughes, acknowledging Mr. Grootendorst's contributions to the City's Technical Assistance Panel Project with the Urban Land Institute.

Attachments

MEMBER JURISDICTIONS

March 31, 2011

CHESAPEAKE

Mr. Jeffrey Corbin
Senior Advisor to the Administrator
U.S. Environmental Protection Agency, Region III
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Corbin.jeffrey@epamail.epa.gov

FRANKLIN

GLOUCESTER

HAMPTON

RE: Chesapeake Bay TMDLs

ISLE OF WIGHT

Dear Mr. Corbin:

JAMES CITY

Thank you for attending the March 31, 2011 special meeting of the Commission's Executive Committee and for presenting EPA's perspective on the Chesapeake Bay Total Maximum Daily Loads (TMDL).

NEWPORT NEWS

NORFOLK

POQUOSON

PORTSMOUTH

SOUTHAMPTON

SUFFOLK

SURRY

VIRGINIA BEACH

As you know from recent reports in the media, the Commission has been evaluating the potential impacts of the TMDL on its member localities that operate Municipal Separate Storm Sewer Systems (MS4s) together with legal options for addressing any flaws in the TMDL that could cause adverse socio-economic impacts on the Hampton Roads region without providing any meaningful water quality benefit. Based on that evaluation, we have concluded that there are legitimate reasons to be concerned about the potential impacts of certain aspects of the TMDL. Those concerns, however, largely reflect uncertainty about the outcome of the Phase II Watershed Implementation Plan (WIP) process now underway as well as EPA's intentions with respect to the way in which the Hampton Roads region's MS4 permits must be written to be consistent with the assumptions and requirements of the TMDL. Therefore, the Commission wishes to know EPA's answers to the following questions so that we can make the best informed assessment of the TMDL's likely impact on the region's MS4 localities. The Commission has decided to defer further consideration of its legal options pending receipt of EPA's response.

WILLIAMSBURG

To put the questions in context, the Commission wishes to make clear that it and its member MS4 localities are supportive of the TMDL's goals as reflected in their ongoing commitment of significant resources to implementation of the

YORK

Hampton Roads region's MS4 programs. No other region of Virginia has a greater stake in a clean Bay than Hampton Roads, and as stated in the Commission's comments on the draft TMDL, the region's MS4 localities are prepared to commit more money and resources to their storm water programs where needed to help restore the Chesapeake Bay and protect the James and York rivers. However, the Commission and its member MS4 localities believe that a clean Bay can be attained without wasting scarce resources or exposing the MS4 localities to enforcement actions for failing to achieve unrealistic and unattainable TMDL-derived compliance obligations. Unfortunately, it appears that these may well be the consequences of several flaws in the TMDL as reflected in the following issues of greatest concern to the Commission and the MS4 localities. I want to emphasize that the Commission and the MS4 localities believe the TMDL is flawed in other respects, but they are most concerned with the following issues because they are likely to have the greatest impact on the MS4 localities.

I. Issues of Greatest Concern

A. Land Use Data Used to Derive the MS4 WLAs

The waste load allocations (WLAs) in the TMDL are based on land use data, specifically the amount of impervious area within the locality. An analysis of representative Geographic Information System (GIS) land use data shows that the satellite imagery used by EPA for its land use inputs to the watershed model underestimates the extent of imperviousness in the Hampton Roads region by an average of approximately 48 percent. Locally developed imperviousness data is more accurate than the satellite imagery relied on by EPA, but EPA did not take the time to work with the Hampton Roads' localities to collect this information and use it in the model. EPA has acknowledged that the land use data used to develop the TMDL is inaccurate and has stated that it plans to develop revised load reduction estimates based on revised imperviousness data. However, we understand that EPA intends to continue using satellite imagery rather than local GIS data.

The implications of underestimated imperviousness are significant because it means that the Hampton Roads localities, including those with MS4 permits, will have to reduce their urban runoff loads based on modeling data which assumes that they are less impervious than they actually are. In other words, the urban land area that will have to be treated in order to attain the WLAs would be greater than the land area assumed in the TMDL. This has potentially serious implications for not only the ultimate cost of compliance, but also the ability of the MS4 localities to achieve their WLAs by the TMDL's 2025 deadline.

B. Establishment of Individual WLAs for the Hampton Roads Phase I MS4s

EPA should not have included individual WLAs for Virginia's Phase I MS4 localities (including the six Phase I MS4 localities in Hampton Roads) in the final TMDL. The individual WLAs were not included in the draft TMDL, so there was no notice of or opportunity to comment on the WLAs before they were established in violation of the Administrative Procedures Act. We are also troubled by the fact that Virginia's Phase I MS4s were singled out for individual WLAs as well as EPA's failure to provide any justification for adding the individual WLAs or explanation of how they were derived.

As you know, EPA and the Bay states agreed that not enough information was available during the TMDL development process to generate individual WLAs for MS4s, and therefore, agreed to defer dividing aggregate point source targets to a finer scale until the Phase II WIP process. Accordingly, we suspect that the individual WLAs are based on the same inaccurate land use data that was used to derive the proposed aggregate WLAs in the draft TMDL, but we have no way of knowing whether this is, in fact, the case or whether other errors are built into the WLAs because EPA has not explained how the individual WLAs were derived. In particular, we strongly suspect that the individual WLAs for Total Suspended Solids (TSS) are inaccurate because in addition to the use of inaccurate land use data, the TSS WLAs were derived using a model that EPA has acknowledged could not be calibrated for sediment.

The potential consequences are far reaching because the Phase I MS4 localities would be at significant risk of federal, state, and citizen enforcement for failure to comply with their permits if EPA proceeds with TMDL implementation using individual Phase I MS4 WLAs derived from erroneous land use data.

C. 2025 Deadline

As explained in the Commission's comments on the draft TMDL, we do not believe EPA has the authority to establish a deadline in the TMDL. MS4s are uniquely affected by the 2025 deadline because they are regulated as point sources, but face far greater implementation challenges than any other source sector, point or non-point. The MS4 WLAs will require widespread implementation of storm water retrofits on private property in a heavily urbanized region. The MS4 localities could implement these retrofits cost effectively through their land use approval process as redevelopment occurs, but the 2025 deadline will make it impossible for the MS4s to achieve their WLAs in this fashion because the average rate at which land is redeveloped will

not allow it. Instead, the MS4 localities will be forced to not only install and operate storm water retrofits on private property, but also to acquire retrofit easements by purchase or condemnation. Again, the potential consequences are far reaching. Aside from the cost, easement acquisition takes time, making it highly unlikely that the MS4s could achieve their WLAs by 2025, thereby exposing them to federal, state, and citizen enforcement despite their best efforts to comply.

II. Questions for EPA.

While the Commission and the MS4 localities believe their concerns are well founded, they wish to hear from EPA. Therefore, it will be greatly appreciated if EPA will answer the following questions.

A. Hampton Roads MS4 WLAs

1. Why does the final TMDL include individual WLAs for the Phase I MS4s in Virginia, but not the Phase I MS4s in the other Bay states?
2. Why weren't the individual WLAs included in the draft TMDL?
3. How did EPA derive the individual WLAs for the Hampton Roads Phase I MS4s?
 - i. What MS4 boundaries were used?
 - ii. Did the WLA calculations for the Phase I MS4s include areas in the Phase I boundaries that are covered by other permits held by private companies, the state, or federal agencies?
4. Is EPA prepared to work with the Hampton Roads localities during the Phase II WIP process to ensure that the urban runoff WLAs reflect the most accurate land use data available, including the available GIS data?
5. Under what circumstances will EPA modify the WLAs at the conclusion of the Phase II WIP process?

Specifically:

- a. The EPA has agreed to run the Bay model with revised land use data in 2011. Will the WLAs be revised if the WLAs increase for some Phase I MS4s?

- b. Why were Total Suspended Solids (TSS) WLAs included in the TMDL given EPA's acknowledgement that the Bay model could not be calibrated for sediment?
 - c. Does EPA intend to distribute any of the 9.5 percent TSS load reserve in the James River Basin or the 9.2 percent TSS load reserve in the York River Basin to Hampton Roads MS4s as part of the Phase II WIP process?
 - d. Can all of the MS4 sector WLAs be revised as part of the Phase II WIP process if the basin allocations are met?
6. How can the Hampton Roads region follow the Phase II WIP process when the Department of Conservation and Recreation (DCR) has already started writing permits based on the individual Phase I MS4 WLAs? EPA's Phase II WIP Fact Sheet states as follows:
- “EPA expects the Bay jurisdictions to develop Phase II WIPs that further divide final nonpoint source and aggregate point source target loads for the 92 303(d) segment drainage areas using a finer geographic scale such as counties, conservation districts, sub-watersheds, or, where appropriate, individual sources or facilities. EPA expects the local targets to be used for planning purposes and does not intend to establish local targets as separate allocations within the Bay TMDL.”
7. The Hampton Roads localities are already investing in programs that will reduce nutrient loads. Existing EPA documentation indicates that the localities cannot count these programs as efforts to meet the TMDL. How can localities get credit for investments that reduce Sanitary Sewer Overflows (SSOs)? Implementing no discharge zones for boats? Increasing oyster restoration?
 8. Will EPA count nutrient load reductions from non-structural BMPs like nutrient management and the fertilizer ban as MS4 reductions or treat them as nonpoint source reductions?
 9. Virginia's BMP efficiencies and EPA's model BMP efficiencies are not equivalent. Will EPA defer to Virginia's BMP efficiencies to assess compliance?

B. 2025 Deadline

1. Will EPA expect DCR to include compliance schedules designed to meet the applicable WLAs by the 2025 deadline in the Phase I MS4 permits when they are reissued and in the Phase II MS4 general permit when it is reissued?
2. NPDES (MS4) permits will be the enforcement tool to implement TMDL-based storm water nutrient reductions. NPDES storm water permits are based on the "maximum extent practicable" (MEP) standard. The evaluation of the MEP standard includes technical and economic achievability. Will the EPA consider adjusting the timeline for storm water load reductions in the TMDL if the existing timeline is not reasonably achievable?

We ask that EPA respond to the questions in writing within 30 days of the date of this letter. Should EPA choose not to answer the questions, we would appreciate knowing that as well within the next 30 days. EPA's responses to the questions may well lead to additional questions so it would be helpful to arrange a meeting as soon as possible to discuss the questions and answers before EPA responds in writing.

Thank you for your consideration of this request and we look forward to hearing from you at the earliest opportunity. Please contact the Commission's Deputy Executive Director, John Carlock at 757.420.8300 or at jcarlock@hrpdcva.gov if you wish to discuss this matter further.

Sincerely,



Stan D. Clark
Chairman

copy: Douglas Domenech, Secretary of Natural Resources
Anthony Moore, Assistant Secretary for Chesapeake Bay Restoration
David A. Johnson, Director, Virginia Department of Conservation and Recreation
David K. Paylor, Director, Virginia Department of Environmental Quality
Hampton Roads General Assembly Delegation
HRPDC Commissioners
Dwight L. Farmer, Executive Director, Hampton Roads Planning District Commission
John M. Carlock, Deputy Executive Director, Hampton Roads Planning District Commission
David E. Evans, McGuireWoods, LLP

March 9, 2011

LIVE UNITED

Dwight Farmer
Hampton Roads Planning District Commission
723 Woodlake Dr
Chesapeake VA 23320-8909

United Way
of South Hampton Roads



Dear Dwight Farmer:

Thank you for your ongoing commitment to our community. Your support helps United Way of South Hampton Roads improve the lives of people in our community by helping kids succeed, supporting people with special needs and disabilities, caring for our elderly and assisting South Hampton Roads' residents who are experiencing unforeseen hardships.

Our ability to change lives depends on your commitment, but also on the hard work and dedication of your company's Campaign Coordinator. We want to thank **Kelli Peterson** for devoting time and energy to United Way of South Hampton Roads' 2010 campaign. The willingness of people like **Kelli** to go beyond their day-to-day responsibilities in helping those in need is vital to a healthy community.

Enclosed is a certificate of appreciation to be presented to **Kelli Peterson** as a special thank you for helping make our community a better place to live and work. We hope it will serve as a reminder of the people whose lives have been changed.

Thank you again for supporting your Campaign Coordinator, and for giving your employees the opportunity to help their community in a meaningful way. We look forward to working together with you again during 2011 to create lasting change in the community we share.

Sincerely,

Bob McDonnell
Governor of Virginia

Robert S. Duvall
2010 Campaign Chair
Vice President & General Manager
of Virginia Natural Gas

Joe Thomas
2010 Board Chair
Regional Vice President, GEICO

Carol McCormack
President & CEO
United Way of South Hampton Roads

RECEIVED

MAR 28 2011

HRP

Attachment 20B

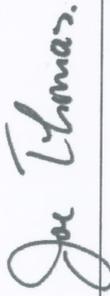
ORG: UNITED WAY

Kelli Peterson

On behalf of a grateful community, United Way of South Hampton Roads would like to recognize your leadership and thank you for helping to create a better life for all.



Bob McDonnell, Virginia Governor



Joe Thomas, Regional Vice President, GEICO
United Way of South Hampton Roads, Board Chair



Robert Duvall, Vice President and General Manager,
Virginia Natural Gas
United Way of South Hampton Roads, Campaign Chair



Carol McCormack, President and CEO
United Way of South Hampton Roads

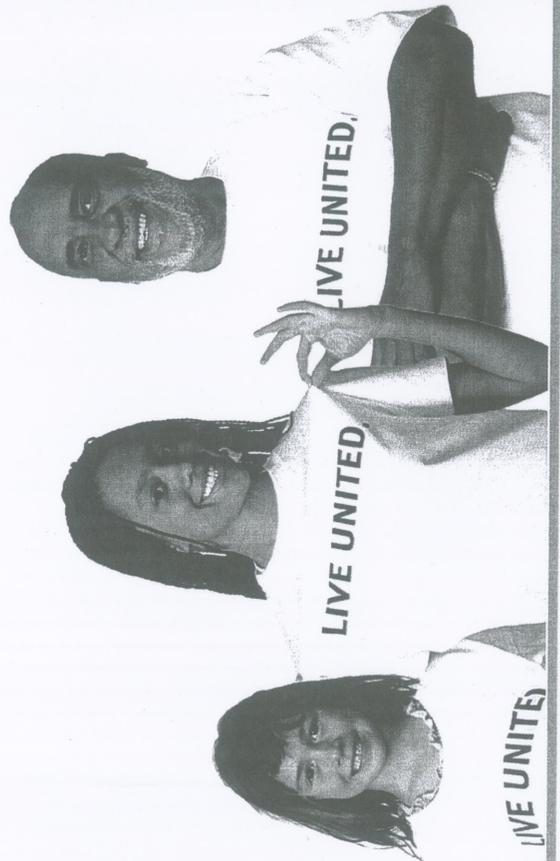


United Way
of South Hampton Roads

Attachment 20B

Because of your leadership and generosity, you provided:

- 5,561 people a safe haven at an emergency shelter
- Distribution of 13 million pounds of groceries for our neighbors who are hungry
- 5,045 hours of after school tutoring for at risk children
- Home away from home support to 5,500 military families





P.O. Box 1858
Suffolk, Virginia 23439
Telephone 757-514-1111
Facsimile 757-923-3628
www.YesSuffolk.com

March 14, 2011

Mr. Dwight Farmer
Executive Director
Hampton Roads Planning District
723 Woodlake Drive
Chesapeake, Virginia 23320

Dear Mr. Farmer:

Thank you for your recent participation in the Suffolk Economic Development Authority (EDA) and the Tidewater Community College Real Estate Foundation (TCCREF) sponsored Urban Land Institute's Technical Assistance Panel Project. As you know, the EDA and TCCREF own significant properties with tremendous development opportunity for the City of Suffolk and the Hampton Roads region. It is for this very reason that we invited you to provide your insight as a stakeholder in the Commonwealth, Region and the City during our recent project.

A copy of the final presentation given by ULI as well as the briefing book on the site and the surrounding area can be found at www.yessuffolk.com. We will be sending you a final report on the project when we receive it from ULI in the next 60 days.

Your feedback regarding future development opportunities is valuable and I hope we can work together to continue the momentum of the ULI project forward as these sites develop over the next decade.

Sincerely,



Kevin Hughes
Director

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MAR 16 2011
HRPDC



P.O. Box 1858
Suffolk, Virginia 23439
Telephone 757-514-4040
Facsimile 757-923-3628
www.YesSuffolk.com

March 14, 2011

Mr. Greg Grootendorst
Chief Economist
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, Virginia 23320

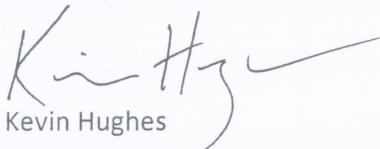
Dear Mr. ~~Grootendorst~~ ^{Greg}:

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Your feedback regarding future development opportunities is valuable and I hope we can work together to continue the momentum of the ULI project forward as these sites develop over the next decade.

Sincerely,


Kevin Hughes
Director

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MAR 15 2011
HRPDC

It's a good time to be in Suffolk
Attachment 20D

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #21: FOR YOUR INFORMATION

Chesapeake Bay TMDL Stakeholder Advisory Group

Virginia is convening a Stakeholder Advisory Group (SAG) to advise in the development of the Phase II Watershed Implementation Plan for the Chesapeake Bay TMDL. HRPDC Senior Water Resources Planner Jennifer Tribo has been invited to participate on the SAG. At this point, the HRPDC staff is not aware of the other members of the SAG, but understands that it will include representatives from localities, agriculture, industry, wastewater agencies and environmental organizations. The first meeting of this group is scheduled for April 26, 2011. The HRPDC staff will provide an update following the initial meeting of the SAG.

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #22: OLD/NEW BUSINESS