

Hampton Roads Planning District Commission
Executive Committee Meeting
Minutes of May 19, 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)	Marcus Jones (NO)*
Thomas Shepperd, Vice Chairman (YK)	J. Randall Wheeler (PQ)
James O. McReynolds, Treasurer (YK)	Kenneth Wright (PO)*
Alan P. Krasnoff (CH)*	Selena Cuffee-Glenn (SU)
Greg McLemore (FR)	John Seward (SY)
Brenda Garton (GL)	Louis R. Jones (VB)
Molly Joseph Ward (HA)	Clyde Haulman (WM)
McKinley Price (NN)	

Executive Director:

Dwight L. Farmer

EXECUTIVE COMMITTEE (ABSENT)

June Fleming (FR)	Michael W. Johnson (SH)
Bruce Goodson (JC)	Tyrone Franklin (SY)
Paul D. Fraim (NO)	

OTHER COMMISSIONERS:

William E. Harrell (CH)*	Robert Middaugh (JC)
Clifton Hayes (CH)*	Neil Morgan (NN)
Ella P. Ward (CH)	Kenneth L. Chandler (PO)*
Clifton Hayes (CH)*	Rita Sweet Belitto (VB)
Gregory Woodard (GL)*	James K. Spore (VB)
Mary Bunting (HA)	Barbara Henley (VB)*
Ross A. Kearney (HA)	Robert M. Dyer (VB)
W. Douglas Caskey (IW)	Jackson C. Tuttle, II (WM)

*Late arrival or early departure.

OTHERS RECORDED ATTENDING:

John Gergely, Eunice Woodard (Citizens); Earl Sorey (CH); Brian DeProfio (HA); Bryan Pennington (NO); Eric Nielsen, L. J. Hansen, Karla Haynes, Sherry Earley (SU); Michael King, Jerri Wilson (NN); Mark Schnauffer (VB); Ted Henifin, Bonnie Morgan, (HRSD); Doug Smith (Kaufman & Conoles); Ellis James (Sierra Club Observer); Steve Romine (LeClair Ryan) Mark A. Geduldig-Yatrofsky (Portsmouth City Watch Org.); Christy Everett, Ann Jurczyk, Peggy Sanner, Megan Jessee (Chesapeake Bay Foundation); Peter Huber (Willcox & Savage) Staff: John M. Carlock, Camelia Ravanbakht, Rick Case, Jennifer Coleman, Nancy Collins, Kathlene Grauberger, Greg Grootendorst, Richard Flannery, Lisa Hardy, Julia Hillegass, Frances Hughey, Jim Hummer, Rob Jacobs, Whitney Katchmark, Sara Kidd, Robert Lawrence, 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.

PUBLIC COMMENT

One person requested to address the Hampton Roads Planning District Commission.

Ellis W. James

Thank you Chairman Clark, members of the Commission, My name is Ellis W. James I reside in Norfolk. I would like to call something to your attention that I hope all of the communities will pay close attention to. There is a very serious movement, it is called the sovereign citizens movement afoot. In the last couple of years, they have killed eight police officers, and two civilians. Now for those of you who did not see the report on this, I have done some checking to find out if we, as a region, are prepared for the unexpected. These nice folks do not believe they are subject to our laws and our courts, and they will shoot you on a whim. That is not Ellis James trying to convince you of that, the facts should convince you of that. It is why our attention is focused much on SEAL TEAM 6, and the danger that they may be in. I would respectfully request that you and each of your communities pay close attention to the home grown terror that we are confronted with and the need to try to make sure that every community ensures that its criminal intelligence section of the police departments is fully apprised of what this group is doing, how dangerous they are, and to help saves lives, both our police officers on the street as well as our citizens. Thank you Mr. Chairman.

(Commissioner Henley arrives)

Chairman Clark stated this concluded the public comment session.

APPROVAL/MODIFICATION OF AGENDA

Chairman Clark asked if there were any modifications or changes to the agenda. Hearing none, he requested is there a motion to approve the agenda.

Commissioner McReynolds Moved to approve the agenda; seconded by Commissioner Ward. The Motion carried.

Chairman Clark asked for comments before the approval of the consent agenda.

Commissioner McReynolds stated the Personnel and Budget Committee met and the Committee is planning to endorse the recommendation for a two percent average merit increase for the HRPDC staff in the next year budget. The overall budget is down approximately 27% which includes the two percent merit increase. The budget will be coming before the Commission next month.

Chairman Clark stated there are no increases for the overall budget and no impact to localities.

Commissioner McReynolds stated the per capita amount will remain the same at \$0.82 per capita.

(Commissioners M. Jones and Chandler arrive)

CONSENT AGENDA

The Consent Agenda contained the following Items:

Minutes of March 31, 2011 Special Meeting

Minutes of April 21, 2011 Quarterly Commission Meeting

Treasurer's Reports

Regional Reviews

A. PNRS Items Reviews

FY 2012 Chesapeake Bay Monitoring Program – Virginia Department of Environmental Quality

VADEQ Monitoring Technical and Scientific Support Services - Virginia Department of Environmental Quality

Blayton Site Housing Production Project – City of Williamsburg

B. Environmental Impact Assessment/Statement Review

Environmental Assessment (EA) for Proposed Force Structure Changes at Langley AFB, VA - DOD/U.S. Air Force

Wormley Creek Pier Extension – DHS/U.S. Coast Guard

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

Commissioner Shepperd Moved to approve the Consent Agenda; seconded by Commissioner Kearney. The Motion carried.

(Commissioner Wright arrives)

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

Mr. Farmer introduced Mr. Ted Henifin, HRSD General Manager and stated he would brief the Commission on the recommended Regional Private Property Infiltration/Inflow (I/I) Abatement Program.

Mr. Henifin stated he would highlight a few points and answer questions. This issue is not whether private property infiltration needs to be addressed, but how it will be addressed. Both the Department of Environmental Quality (DEQ) and the Environmental Protection Agency (EPA) have made Private Property Infiltration/Inflow (I/I) reduction a requirement by Regional Special Order by Consent.

Mr. Henifin stated the EPA and the DEQ are addressing Private Property Infiltration/Inflow requirements because they both recognize private sewers can be a significant source of infiltration/inflow; although smaller in diameter, private property sewers can represent almost 40% of a regional sewer system. There is a significant amount of private sewer contributing to the infiltration/inflow problem. There is no way to get significant reduction in infiltration/inflow without addressing the private property side. DEQ focused on HRSD to minimize the amount of sewage that overflows out of the system during storm events.

Mr. Henifin indicated HRSD has the capacity to treat 249 million gallons a day of sewage in Hampton Roads. Last year HRSD treated an average of 171 million gallons per day, and only billed for 123 million gallons a day. That is how much water went through the meters that should be coming through our sewage, which is a difference about 48 million gallons a day in the amount of inflow/infiltration that is entering our system. This represents about 30% of what HRSD is treating. There is a large cost impact on HRSD's part to get the Inflow/infiltration reduced. The peak flow is what EPA and DEQ are looking for in reduction. During storm events we can use as much as 400 million gallons a day.

Mr. Henifin stated the Special Order by Consent requires HRSD and the thirteen localities to develop a program to pursue comprehensive strategies to prevent sanitary sewer overflows, and subsequent water quality and human health impacts and required HRSD and the localities to develop a program to identify and correct system deficiencies that contribute Inflow and Infiltration to the regional sanitary sewer system. There are two solutions - reduce the amount of water getting into system or build additional capacity.

Mr. Henifin stated HRSD is interested in private property work because a successful private property program will be one that focuses on where the greatest needs are and not jurisdictional boundaries. Individually developed and managed programs are likely to be administered differently and will achieve different results and HRSD thinks a regional approach is better in order to get consistent results across the region. Many property owners in Hampton Roads own property in multiple jurisdictions and HRSD wants to make

sure they are treated the same way. The regional approach gives us the opportunity to do that.

Mr. Henifin stated HRSD has an economic stake in this. HRSD does not have to build additional capacity, to deal with peak weather flows that reduce our capital needs in the future. Currently our CIP total is about \$1.2 billion over the next ten years and over \$3 billion over the next 20 years. HRSD maintains a 20 year financial forecast and sets rates based on the 20 year financial forecast. Our current forecast has our rates increasing at a minimal of 4% every year over the next 20 years. HRSD can avoid some capital cost to increase the capacity that would only be needed for peak flow as a result of reducing I/I on the private side. HRSD could exchange the cost, as programmed into the CIP, to pay for the cost of private property I/I reductions. There are details that need to be worked out. HRSD is asking for authority to move forward with developing more details with the Utilities Directors. Model agreements will be established and executed between each locality and HRSD as to how the work will happen. HRSD will work in close coordination with local Utilities Directors and identify the areas they think the work needs to be done.

Chairman Clark asked for questions for Mr. Henifin.

Commissioner Shepperd asked if there is some idea of cost between the regional approach and local government approach.

Mr. Henifin stated the actual cost has not been calculated. It can be assumed the saving will be by not having to duplicate administrative and contract issues, and HRSD has not reached the level of detail to determine what the real savings are.

Commissioner Shepperd asked what is HRSD asking from Commission.

Mr. Henifin stated HRSD is asking for approval to develop a regional plan and once the plan is developed, HRSD will come back to HRPDC Board for approval.

Commissioner Shepperd asked if this is part of the Consent Order.

Mr. Henifin stated yes, the Consent Order requires some kind of private property Inflow/Infiltration program. It does not define how it is administered but it does require us to all be involved.

Chairman Clark stated on February 2, 2011, the Utilities Directors endorsed the program.

Commissioner Cuffee-Glenn stated the Chief Administrative Officers met on April 21, 2011 and recommended the Commission consider moving forward with this process.

Commissioner Cuffee-Glenn Moved to approve the development of a Regional Private Property Infiltration/Inflow Abatement Program; seconded by Commissioner L. Jones. The Motion carried.

(Commissioners Krasnoff and Harrell arrive)

CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)

EPA Response to HRPDC Letter

Chairman Clark introduced Whitney Katchmark who would provide a presentation summarizing the response to the Commission letter to the Environmental Protection Agency (EPA) regarding its concerns.

Ms. Katchmark stated she would give a brief summary of the highlights and major issues in the letter.

Ms. Katchmark stated at the special meeting on March 31, 2011, the region decided to send a letter to Mr. Jeff Corbin, Senior Advisor to the Administrator at EPA that described the region's concerns with the Chesapeake Bay TMDL. The letter included fifteen questions focused on how EPA counted nutrient reductions and how are they allocated. She stated EPA responded to the Commission's letter on May 3, 2011, and she would review the concerns in the HRPDC letter. The first question asked if individual Waste Load Allocations (WLAs) assigned to Phase I MS4s would be removed from the TMDL? The response was EPA and the state had not decided on whether or not to remove the individual Waste Load Allocations. EPA explained the reason Virginia had these individual waste load allocations and other Bay states did not was because the other states provided a discussion of specific anticipated requirements in MS4 permits that we did not have. The Commission may want to be more specific on exactly what those requirements are. HRPDC also asked how the permit requirements for the military installations and other industrial permits were counted. EPA stated those permits, land and loads were rolled up under the MS4 permits in those waste load allocations which were concerns and EPA confirmed they did not expect the MS4s the localities to enforce nutrient reductions on those properties. HRPDC asked whether or not the localities could get credit for other nutrient removal programs and get additional time to meet stormwater nutrient reductions. EPA stated they would work with us but they were not interested in working in order to have localities get credit for reducing sewer over flows. HRPDC asked could localities have more time to do nutrient reductions for stormwater systems because stormwater reduction will be enforced with permits and standards, and for those types of permits the maximum extent practicable is required and the permit should be economically feasible. HRPDC indicated we might need more time for this to be economically feasible and EPA said maybe on a case-by-case basis they would consider it; they feel like the localities have enough time.

Ms. Katchmark stated the recommendation is to have the Commission's TMDL Subcommittee reconvene the first week of June with HRPDC staff and Dave Evans to draft questions for EPA and the state agencies and authorize the Chairman to send a response.

Chairman Clark asked for a motion.

Commissioner Wheeler Moved to authorize the Commission's TMDL Subcommittee to reconvene the first week of June with HRPDC staff and Dave Evans to draft questions for EPA and the state agencies and authorize the Chairman to send a response; seconded by Commissioner McReynolds. The Motion carried.

(Commissioner Woodard arrives)

Phase II Watershed Implementation Plan (WIP) Update

Ms. Katchmark stated the second part of her presentation will be about the Phase II Watershed Implementation Plan Updates.

Ms. Katchmark stated Joan Salvati, Acting Regulatory Program Manager from the Department of Conservation and Recreation (DCR) presented the state concept to the local stormwater and planning staff. The state goal would be to define the planned requirements at the locality level. DCR proposed the state role would be primarily to provide model data and also provide an assessment tool which is critical.

Ms. Katchmark stated the localities and HRPDCs role is to provide detailed plans to meet nutrient reductions required by the TMDL and collect and analyze data to develop strategies to meet TMDL reductions. These are to be provided to the state by November. The model spreadsheets will be revised and implementation strategies for each locality will be written to identify programs that reduce nutrients not in the spreadsheet and identify additional resources and regulations needed to achieve implementation goals.

Ms Katchmark stated the HRPDC staff has proposed a two tier approach to develop the region's input for the Phase II WIP. The first is a regional tier that would include a steering committee with members from local government staffs, HRSD, Department of Defense, Soil and Water Conservation District, VDOT, and representatives from other groups. The regional steering committee would develop agreements between sectors and identify the nutrients reduction commitment from non-locality entities. Also, the committee would expand on BMPs that localities can get credit for. The reason to do that is because there may be other more effective options. If we wanted to expand we will have to provide the information to EPA on why these BMPs work and how efficient they are, and HRSD and VIMS might be able to help us with that. Those agencies have experience locally with water quality issues and may be aware of studies and data that would help prove our point with EPA. Another function of the group is to provide regional feedback to the state on what the localities need from the state to make this work as effectively as possible.

The second tier of this approach is a local tier. The local tier of this approach would be a multi-department team in each locality. Team members should include the CAO or his/her representative and staff from public works, utilities, planning, GIS, parks and recreation, legal counsel, economic development, and the school board. The locality teams would identify the feasible nutrient reductions that could be implemented by the locality. Implementation strategies might include: stormwater retrofits at parks, schools, and municipal centers; development of green streets, new nutrient management techniques or materials to maintain ball fields and golf courses; no discharge zones in tidal waters; increased tree canopy requirements, increased street sweeping; septic tank pump-outs or upgrades; increased sewer maintenance or recordkeeping to quantify leaks and overflows; proffers from new development; and financial incentives for private property partners.

Ms. Katchmark stated the recommended action is to notify the state that HRPDC staff will coordinate data collection and facilitate development of implementation strategies for the localities in the region.

Mr. Farmer stated there is no action needed. This is to inform the Commission that we will be working with the state.

Chairman Clark asked for questions.

Commissioner Shepperd commented he likes that we are starting to put some framework around what the localities are going to have to pay and that each municipality should make sure their staff is providing the correct data. Also, these briefings are vital and it would be helpful to keep the Commission informed of any critical actions.

Ms. Katchmark stated with the regional committee we can establish a good line of communication.

Commissioner Wheeler commented he agreed with the approach and appreciates what has been done. When responding to the state, it should be stated again that this is an important body of work they are asking us to do. Also, the expectation of the localities has changed since April; he thought the state was going to take the lead role in Phase II, and now the localities are and it is a lot of work to do in three months.

HRGREEN PROGRAM BRIEFING

Chairman Clark introduced Julia Hillegass to present a briefing on the HRGreen Program.

Ms. Hillegass stated she would give a brief overview on regional social marketing efforts. In 1994, representatives from both the Peninsula and Southside approached HRPDC about conducting regional water conversation awareness efforts. Since that time, additional environmental education efforts such as stormwater, litter control, recycling and most recently fat, oils and grease abatement have been added as regional initiatives. Consistent messages and economies of scale make this approach a smart choice in times of limited budgets. There are four committees that worked on special areas with great success. The committees all collaborated together and printed ads, distributed several publications that went to schools as well as a mini-grant program. Pooling committee resources and expertise, this effort has now evolved into HRGreen. While still functioning as separate committees on technical aspects of their respective missions, representatives of the committees now meet regularly to discuss messaging under the HRGreen umbrella brand.

Ms. Hillegass stated to ensure effective delivery, market research and message testing has been done. Focus groups and surveys for research were used. The objective was to determine what motivates residents to act in an environmentally responsible manner and identify barriers to desired behavior. We learned most people think they are acting at some level of being environmentally responsible but most do not see the connections to many of their actions. Many people are consistent in certain environmental behaviors such as recycling, but once it becomes an inconvenience, they stop. The first step was how

people characterized themselves and the majority of the people felt they exhibit standard environmental behaviors. Offenders did not define themselves as such and failed to see the connections. Offenders were characterized as those who routinely exhibit behavior such as littering, using a garbage disposal, accepting plastic bags at retailers, buying bottle water or not picking up after their pets. Non-offenders encourage recycling, take their own reusable shopping bags, soil test before applying fertilizer and dispose of fats, oils and grease.

The survey indicates that over one-third of the population consider themselves knowledgeable about the environment. When judging the use of source information, the majority of respondent rely on the internet and television and an overwhelming majority preferred news sites. Focusing on the general behavior: 80% use grocery bags provided by the retailer, 70% drink bottled water at home, 60% use their garbage disposal, 50% of respondents disposed plastic shopping bags in the trash, rather than reusing them, 38% place recycle items in their trash. Less than five percent admitted to leaving faucets or toilets unrepaired. Focusing on lawn fertilizing, only 50% said they fertilized their lawn, just under 50% recognize the potential impact on water quality and only 20% of people have never had their soil tested at the current residence. This is important information as we move forward with the Bay TMDL and storm water regulation permits; 95% said they knew what a storm drain was but when further questioned, half of them did not realize stormwater goes untreated into area waterways.

Ms. Hillegass stated the majority of Hampton Roads is social with two-thirds of respondents having some type of social media account, the vast majority is utilizing Facebook and 80% were moderate users of social media. The respondents were getting information from a variety of sources with internet and television at top of the list. The review of information sources in the region found that people spend most of their time online which slightly outweighs television for the first time ever. Delivering environmental messages will benefit from an enhanced social media presence with the news partners because they are the most trusted sources. People did not want to be made to feel guilty, but they did want to understand their environmental connection and have an understanding of what greener options might be available. Many respondents did want to do better but did not know how or if they were willing to change their behavior when provided an easy alternative.

Mr. Farmer stated it would be helpful for the Commission to understand why we are doing these educational programs.

Ms Hillegass stated this is a serious initiative. Water conservation is part of all the localities utility operations. We are focusing the message on the value of tap water, recycling and stormwater education because they are mandates, and fat, oil and grease abatement is a mandated by the Special Order by Consent and is helping to meet some of the regulatory requirements.

Chairman Clark asked for questions.

Commissioner Kearney asked Ms. Hillegass when doing the research, was there any disparity between homeowners and those renting when it came to the amount of waste that was put into the sewer lines in the home.

Ms. Hillegass stated there is some disparity particularly for the people who were not paying the utility bills and in multi-family units they might not have recycling available.

Commissioner Kearney asked if that would become a focus as far as going to landlords or the owners of such properties to encourage them to become HRGreen.

Ms. Hillegass indicated it could become a focus area.

Commissioner Kearney stated the media has printed a lot about this over the years. When it comes to the age discrepancies, he did not see that information when talked about who watches the television and reads the newspaper.

Ms. Hillegass stated there is a lot of data we could have shared, but basically the boomer generation is the fastest growing age group in social media and they also have an allegiance to print the younger generation does not have.

Commissioner Kearney indicated the newer generation in many reports is already HRGreen,; they consider the environmental issues to be on top.

Ms. Hillegass stated they are greener; young families are very interested in the environment, but they were not broadly aware of all the issues. They would focus on one thing, like recycling or taking their bags to the grocery store, but they did not have the knowledge we hoped they would have.

Commissioner Kearney said he mentioned this because when we go into compliance you will need several strategies that could be based on ownership or geography but each one will take a different message in order to reach those not just HRGreen.

Ms. Hillegass stated HRGreen will be the umbrella brand but we will be targeting different segments and hope to present some of those strategies at a later date.

HRPDC ACTION ITEMS: THREE MONTH TENTATIVE SCHEDULE

Mr. Farmer stated he would like to bring the attention to the recommendation to cancel August meeting.

PROJECT STATUS REPORTS

No questions or comments were noted.

CORRESPONDENCE OF INTEREST

No questions or comments were noted.

FOR YOUR INFORMATION

No questions or comments were noted.

OLD/NEW BUSINESS

Commissioner Hayes stated HRPDC staff presented information on communication about public safety national and federal after 911. It would be good to see how that communication has enhanced. After some of the major challenges we face as a nation, when public safety agencies went to the aid at ground zero one of the major challenges was the difference in the type of communication. The public safety agencies were willing to go but the communication equipment and technology was different. There was some talk about how there could be a unified effort and unified system of communication with each other. As we approach the ten year anniversary, could we have an update on this information and see what can be done as a region to help support those efforts.

Mr. Farmer stated he would have that presentation at the June meeting. He indicated that he was cognizant of the increasing role of emergency management particularly in communication.

Chairman Clark stated the Virginia Municipal League and VACO were sponsoring a one day seminar on Chesapeake Bay Clean Up and EPA proposals on May 26, 2011 from 9:30 am to 3:15 in Hanover. He also had the opportunity to attend the mid-year VACO Conference and sat in on the environmental committee and there were no elected officials from the Hampton Roads area on that committee. He also attended the transportation committee meeting and Hampton Roads had no one attending that meeting especially on the ports and rail subcommittees.

Mr. Farmer stated that if anyone wants to become more involved with VACO or VML and need additional background information, the HRPDC staff would be glad to help.

ADJOURNMENT

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:25 a.m.

Stan D. Clark
Chairman

Dwight L. Farmer
Executive Director/Secretary