

**AGENDA**  
**HAMPTON ROADS PLANNING DISTRICT COMMISSION**  
**EXECUTIVE COMMITTEE MEETING**  
**June 16, 2011**

- 9:30 1. Call to Order
2. Public Comment Period
3. Submitted Public Comments
4. Approval/Modification of Agenda
- CONSENT AGENDA**
5. Minutes of May 19, 2011 Executive Committee Meeting
6. Treasurer's Report
7. Regional Reviews – Monthly Status Report
- A. PNRS Reviews
- B. Environmental Impact Assessment/Statement Review
8. Consultant Services Contract – Web-Based Fats, Oil and Grease Training
9. Consultant Services Contract – Regional Construction Standards
10. Consultant Services Contracts – USGS – Groundwater Monitoring
11. Consultant Services Contracts – Continuing Engineering Services Agreements for Water, Wastewater and Stormwater
12. Consultant Services Contract – Special Legal Consultant on Stormwater Matters
13. Consultant Services Contract – Permit Administration Reporting System (PARS)
14. Grant Proposal – National Fish and Wildlife Foundation (NFWF)
15. Grant Proposal – Urban Area Security Initiative (UASI) Fiscal Year 2011 Application
16. Grant Proposal – 2011 Kodak American Greenways Program
17. 2011 Hampton Roads Data Book
18. Stormwater Program Effectiveness Indicators Report
- REGULAR AGENDA**
- 9:35 19. Resolution - Plastic Bag Forgiveness Day Resolution
- 9:40 20. FY 2012 Unified Planning Work Program
- 9:55 21. FY 2012 Budget
- 10:10 22. Hampton Roads Communications Interoperability
- 10:15 23. Regional Climate Change Report – Phase II
- 10:25 24. HRPDC Action Items: Three-Month Tentative Schedule
25. Project Status Reports and Advisory Committee Summaries
26. Correspondence of Interest

27. For Your Information

28. Old/New Business

**ADJOURNMENT**

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE 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 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 Schnaufer (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

**AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #6: TREASURER'S REPORT**

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

<b>ASSETS</b>		<b>LIABILITIES &amp; NET ASSETS</b>	
Cash & Cash Equivalents	135,466	Current Liabilities	932,895
Accounts Receivables	1,471,143	Net Assets	5,312,305
Investments	3,237,054		
Other Current Assets	664		
Net Capital Assets	<u>1,400,873</u>		
<b>Total Assets</b>	<u><b>6,245,200</b></u>	<b>Total Liabilities &amp; Equity</b>	<u><b>6,245,200</b></u>

**STATEMENT OF REVENUES AND EXPENDITURES**

<b>REVENUES</b>	<b>Annual Budget</b>	<b>Current Month</b>	<b>YTD</b>
Grant and Contract Revenue	9,028,006	363,454	5,539,337
VDHCD State Allocation	132,124	11,010	121,114
Interest Income	20,000	2,740	16,665
Local Jurisdiction Contributions	1,342,835	-	1,342,562
Other Local Assessment	1,166,835	-	1,392,794
Sales and Miscellaneous Revenue	117,530	5,044	41,728
Special Contracts	1,493,758	-	-
<b>Total Revenue</b>	<u><b>13,301,088</b></u>	<u><b>382,248</b></u>	<u><b>8,454,200</b></u>
<b>EXPENDITURES</b>			
Personnel	4,036,965	330,249	3,521,331
Standard Contracts	223,525	27,437	161,893
Special Contracts / Pass-Through	8,286,838	817,663	4,119,147
Office Services	723,760	52,473	502,554
Capital Assets	30,000	-	118
<b>Total Expenses</b>	<u><b>13,301,088</b></u>	<u><b>1,227,822</b></u>	<u><b>8,305,043</b></u>
<b>Agency Balance</b>	<u><b>-</b></u>	<u><b>(845,574)</b></u>	<u><b>149,156</b></u>

HRPDC Executive Committee Meeting - June 16, 2011

## **AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #7: 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 June 8, 2011 on this project.

Attachment 7A - 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 7B – Environmental Impact Assessment/Statement Review

# Project Notification and Reviews

**Date** 6/2/2011      **CH #** VA110510-1923760

**Title** FY12 CELCP - King William Proposal

**Applicant** Virginia Department of Environmental Quality

**State/Federal Program** NOAA - Coastal and Estuarine Land Conservation Program (CELCP)

**Type of Impact** York River Watershed

**Project Staff** Sara Kidd

## Project Description

This proposed project addresses the permanent protection of 188 acres along the Mattoponi River in King William County known as the Scotland Landing site. This was the proposed site of the King William Reservoir and is jointly owned by the City of Newport News and King William County. The Scotland Landing site is known for its pristine fresh water tidal wetlands and prime American shad spawning grounds. The site will be managed by the King William Economic Development Authority.

<b>Federal</b>	\$414,900.00	<b>Local</b>	\$414,900.00
<b>Applicant</b>	\$0.00	<b>Other</b>	\$0.00
<b>State</b>	\$0.00	<b>Income</b>	\$0.00
<b>TOTAL</b> \$829,800.00			

**Date** 6/2/2011      **CH #** VA110526-2023760

**Title** FY2011 State Revolving Loan Fund Capitalization Grant

**Applicant** Virginia Department of Environmental Quality

**State/Federal Program** Environmental Protection Agency

**Type of Impact** Statewide

**Project Staff** Sara Kidd

## Project Description

The Virginia Clean Water Revolving Loan Fund's objective is to meet the yearly loan demands of Virginia's local governments as well as citizens and corporations, as appropriate, to facilitate needed wastewater collection and treatment facilities and non-point source improvements across the Commonwealth of Virginia. DEQ will manage the Board's financial assistance programs assuring compliance with all applicable federal and state rules and regulations and in a manner which provides for program accountability and which continues federal support for Virginia's water quality activities.

<b>Federal</b>	\$30,220,000.00	<b>Local</b>	\$0.00
<b>Applicant</b>	\$0.00	<b>Other</b>	\$0.00
<b>State</b>	\$6,044,000.00	<b>Income</b>	\$0.00
<b>TOTAL</b> \$36,264,000.00			

**Date** 6/3/2011      **CH #** VA110531-2123xxx

**Title** Chesapeake Bay Program Information Management, Data Analysis, and Programmatic Evaluation Support

**Applicant** Virginia Polytechnic Institute and State University

**State/Federal Program** Chesapeake Bay Program

**Type of Impact** Chesapeake Bay

**Project Staff** Sara Kidd

**Project Description**

Will provide continued staff assistance for information management, data analysis, and programmatic support for the Chesapeake Bay Program in the areas of wastewater treatment, on-site treatment systems, and (newly) stormwater runoff. Proposal is to provide an on-site, full-time staff presence to meet these programmatic needs in support of the CBP's Water Quality Goal Implementation Team and other technical and management/policy organizational units of the CBP partnership.

<b>Federal</b>	\$839,916.00	<b>Local</b>	\$0.00
<b>Applicant</b>	\$44,227.00	<b>Other</b>	\$0.00
<b>State</b>	\$0.00	<b>Income</b>	\$0.00

**TOTAL** \$884,143.00

**Date** 6/3/2011      **CH #** VA110510-1823760

**Title** FY2012 CELCP - VA Lynnhaven Oyster

**Applicant** Virginia Department of Environmental Quality

**State/Federal Program** NOAA - Coastal and Estuarine Land Conservation Program (CELCP)

**Type of Impact** Virginia Beach

**Project Staff** Sara Kidd

**Project Description**

The proposed project addresses the permanent protection of approximately 82 acres located along Pleasure House Creek on the Lynnhaven Bay in the City of Virginia Beach. The site contains uplands, maritime forests, tidal and non-tidal wetlands and near shore habitat. The property would be acquired by the City of Virginia Beach Parks and Recreation and would be managed as a natural area with water access and oyster restoration.

<b>Federal</b>	\$3,000,000.00	<b>Local</b>	\$3,800,000.00
<b>Applicant</b>	\$0.00	<b>Other</b>	\$1,000,000.00
<b>State</b>	\$200,000.00	<b>Income</b>	\$0.00

**TOTAL** \$8,000,000.00

**Date** 6/3/2011      **CH #** VA110510-1723760

**Title** FY2012 CELCP - VA Eastern Shore Land Protection

**Applicant** Virginia Department of Environmental Quality

**State/Federal Program** NOAA - Coastal and Estuarine Land Conservation Program (CELCP)

**Type of Impact** Eastern Shore/Chesapeake Bay      **Project Staff** Sara Kidd

**Project Description**

This proposal addresses the permanent protection of three tracts of land on the Chesapeake Bay side of the Eastern Shore of Virginia totaling 1700 acres. These parcels support rare maritime forest habitats, dunes, tidal and non-tidal wetlands, migratory bird corridor, and habitat of the threatened northeastern Tiger beetle. The tracts would be protected through purchased and donated conservation easements managed by the Eastern Shore Southern Tip Partnership.

<b>Federal</b>	\$2,101,850.00	<b>Local</b>	\$3,660,000.00
<b>Applicant</b>	\$0.00	<b>Other</b>	\$316,650.00
<b>State</b>	\$0.00	<b>Income</b>	\$0.00
<b>TOTAL</b>		\$6,078,500.00	

# Environmental Impact Reviews

**Received** 5/10/2011

**Number** 11-084S

**Name** Grounds Maintenance Facility

**Sponsor** Christopher Newport University

## **Description**

Christopher Newport University (CNU) submitted an environmental impact report for the construction of a grounds maintenance facility on five parcels located along University Place in Newport News. The parcels are owned by the Rector and Visitors of CNU. The project will include improvements to an existing house and the construction of buildings, a parking lot, materials storage areas, a chemical storage building, maintenance shop building and construction of a bioretention facility. The project area is approximate 2.217 acres and approximate 1.409 acres will be disturbed.

**Affected Localities** Newport News

## **Finding**

**Comments Sent**

**Final State Comments Received**

**Received** 5/12/2011

**Number** 11-091F

**Name** Temporary Installation of an Administrative Pier at Joint Expeditioning Base Little Creek

**Sponsor** DOD/U.S. Navy

**Description**

The Department of the Navy (Navy) intends to construct a temporary administrative floating causeway as an ongoing training exercise at the mudflats training beach on Joint Expeditionary Base Little Creek in the City of Virginia Beach. The proposed exercise consists of excavating a 100-foot by 60-foot trench six feet deep from just below mean low water (MLW) upland, installing metal tie rods into the beach, and connecting cables to the tie rods to secure the floating causeway. The administrative pier is approximately 24 feet by 1,500 feet. The training exercise consists of building the administrative pier, including excavating the trench, unloading and reloading vehicles and equipment, disassembling the pier, and replacing the excavated material. The exercise will be completed on an annual basis up to three times per year. The Navy 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** Virginia Beach

**Finding**

**Comments Sent**

**Final State Comments Received**

**Received** 5/12/2011

**Number** 11-088F

**Name** Naval Special Warfare Development Group 400-Yard Firing Line

**Sponsor** DOD/U.S. Navy

**Description**

The Department of the Navy (Navy) proposes to upgrade the existing firing range by constructing a firing line berm and access road at Naval Air Station Annex, Dam Neck, in the City of Virginia Beach. The firing line will be an earthen berm structure constructed using select fill measuring approximately 470-feet long by 20-feet wide. In addition, a gravel access road will be constructed immediately adjacent to the firing line berm to provide vehicular access in case of a medical emergency. The access road will measure approximately 328-feet long by 15-feet wide. The Navy 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** Virginia Beach

**Finding**

The proposal appears to be consistent with local and regional plans and policies.

**Comments Sent** 6/3/2011

**Final State Comments Received**

**Received** 5/19/2011

**Number** 11-092F

**Name** Checed Creek Apartments

**Sponsor** U.S. Department of Housing and Urban Development

**Description**

The U.S. Department of Housing and Urban Development submitted a federal consistency determination for the construction of Checed Creek Apartments.

**Affected Localities** Newport News

**Finding**

**Comments Sent**

**Final State Comments Received**

**Received** 5/20/2011

**Number** 11-098F

**Name** Installation of Sandbags at an Existing Dune Slope, Dam Neck Annex

**Sponsor** DOD/Department of the Navy

**Description**

The Navy is proposing to stabilize 5,000 linear feet of existing stone core sand dunes, which are part of the shore protection system at Dam Neck Annex, with sandbags. Approximately 5,500 cubic yards of sand will be placed at the base of the dune to support the sandbags. Once the sandbags are installed, approximately 5,500 linear feet of sand fencing will be installed. 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** Virginia Beach

**Finding**

**Comments Sent**

**Final State Comments Received**

**AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #8: CONSULTANT SERVICES CONTRACT – WEB-BASED FOG TRAINING**

**SUBJECT:**

Authorize a contract for consultant services for web-based fats, oils and grease (FOG) training.

**BACKGROUND:**

The Hampton Roads Planning District Commission (HRPDC) has been tasked by the Directors of Utilities Committee through the Regional Wastewater Program to develop an Internet-based training and certification program to help member jurisdictions minimize sanitary sewer overflows and related problems caused by Fat, Oil, and Grease (FOG) deposits in the sanitary sewer system. Many sanitary sewer overflows can be attributed to consolidation of fat, oil, or grease in the drains and sewer lines coming from food service establishments. HRPDC would offer online training and certification to approximately 10,000 food service workers and grease haulers in the region, so that the incidence of FOG-related overflows can be reduced.

This scope of work provides for the design, coding, implementation, and initial maintenance of an Internet site and underlying database system that will provide training materials (presentations, documents, and videos) to food service workers and grease haulers. The system will track which individuals have completed the training, and provide an online test that must be passed in order to obtain a certificate. The system will track who has current training, when their certificate expires, and the results of any tests attempted. Reports will be produced that allow reviewing jurisdictions to check which establishments have, or do not have, workers on the premises who hold a valid FOG certification. Grease haulers will be trained and certified in a similar fashion.

Contract Amount: \$102,292

Period of Performance: Within six months of receipt of Notice to Proceed

**General Scope of Work:**

- Task 1: Project Coordination and Briefings
- Task 2: Design of Web Pages and Database System
- Task 3: Web Coding and Database Development
- Task 4: Testing, Documentation, Site Implementation and Development of Training Materials
- Task 5: Initial System Support

Funding to support this project is provided by the localities through the Regional Wastewater Program.

URS Consultants has developed and supported the web-based Sanitary Sewer Overflow Reporting System (SSORS) for the past several years. The HRPDC staff has negotiated a contract with URS to apply its experience with this initiative to the FOG Training Program.

**RECOMMENDED ACTION:**

Authorize the Executive Director to execute a contract for the FOG Certification Program with URS.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #9: CONSULTANT SERVICES CONTRACT – REGIONAL CONSTRUCTION STANDARDS**

#### **SUBJECT:**

Authorize a contract for consultant services to support the Regional Construction Standards effort.

#### **BACKGROUND:**

In April 2011, the HRPDC issued a Request for Proposals for engineering consultant services to update and maintain the Regional Construction Standards. Proposals were received on May 2, 2011 and a subcommittee of members of the Regional Construction Standards Committee and HRPDC staff reviewed the proposals. The firm of CDM was recommended and a contract has been negotiated with the firm. The firm's Project Manager has been the lead consultant on the Construction Standards process for a number of years while with other firms.

Contract Amount: \$60,000.

Period of Performance: July 1, 2011 to June 30, 2012.

#### **General Scope of Work:**

- Track and prepare updates/revisions to the 5<sup>th</sup> Edition of the Regional Construction Standards Manual.
- Assist in the development, as appropriate of new specifications.
- Gather feedback from localities and consulting engineers based on their use of the Standards.
- Conduct training on the content and use of the Standards, including related presentations.

Funding for this program is provided by the localities through the Regional Construction Standards Program.

#### **RECOMMENDED ACTION:**

Authorize the Executive Director to execute a contract with CDM to update and maintain the Regional Construction Standards Manual.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #10: CONSULTANT SERVICES CONTRACT – UNITED STATES GEOLOGICAL SURVEY (USGS) – GROUNDWATER MONITORING**

#### **SUBJECT:**

Authorize contracts for USGS to collect groundwater samples and measurements for the Chloride Monitoring Network and Water Level Network for the period of July 1, 2011 to June 30, 2012.

#### **BACKGROUND:**

The Chloride Monitoring proposal is a continuation of the long-term program begun in 1995 by the HRPDC Directors of Utilities Committee. The objective during FY 2012 is to continue to develop a groundwater quality database capable of supporting an assessment of the potential for lateral intrusion or upconing of saltwater in the Virginia Coastal Plain. Continued monitoring will allow water utilities in the Hampton Roads region to detect changes in groundwater quality which might impact locality-owned wells or require homeowners using private wells to connect to public utilities. Costs for the Chloride Monitoring Network are shared between U.S. Geological Survey (\$45,750) and the Hampton Roads Planning District Commission (\$47,240).

The Water Level Network proposal is a continuation of the long-term program to monitor groundwater level trends to support local utility and DEQ water management decisions. The HRPDC has supported this activity since the early 1990s. The Water Level Network is also used as a drought indicator and allows water utilities to track water levels in real-time. Costs for the Water Level Network are shared between U.S. Geological Survey (\$29,900) and the Hampton Roads Planning District Commission (\$29,900).

Contract Amount: \$77,140

Period of Performance: July 1, 2011 through June 30, 2012

General Scope of Work: Up to 15 ground-water quality samples will be collected during FY 2012 and analyzed for chloride, other major ions, and standard field water-quality parameters. Sample collection and analysis will include the controls and checks necessary to assure the quality of the data, which will be stored in USGS databases. Water level measurements will be collect at 30 wells. Nine of the thirty wells are equipped with sensors that provide real-time water level readings which are posted on the USGS website. Water levels in the other 21 wells will be measured quarterly.

Both projects are funded by the localities through the Regional Water Program.

#### **RECOMMENDED ACTION:**

Authorize the Executive Director to execute contracts with USGS to continue the Chloride Monitoring Program and maintenance of the water level network.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #11: CONSULTANT SERVICES CONTRACTS – CONTINUING SERVICES CONTRACTS FOR WATER RESOURCES PROJECTS**

#### **SUBJECT:**

Renew continuing services contracts with CH2M Hill and URS to provide assistance, on a Task Order basis, in the areas of water supply, wastewater and stormwater and associated activities.

#### **BACKGROUND:**

In April 2010, the HRPDC entered into Continuing Services Agreements with the firms CH2M Hill and URS to provide assistance, on a Task Order basis, in the areas of water supply, wastewater and stormwater and associated activities. The HRPDC authorized the execution of a Continuing Services Agreement, in accordance with a Request for Proposal approved and issued on December 17, 2008. These contracts may be renewed by the Commission upon written agreement of both parties for up to four (4) successive one year periods, under the terms of the current contract. Following a formal selection process, two firms – CH2MHILL and URS – were selected and appropriate contracts executed. In the past year, task orders were issued for assistance with the Regional Water Supply Plan and evaluation of the draft Chesapeake Bay TMDL.

Contract Amount: \$0. If assistance is required, a task order will be developed and the proposed budget will be presented to the Commission for approval.

Period of Performance: July 1, 2011 to June 30, 2012. The time of performance for specific tasks will be documented in the individual task orders as they are developed.

General Scope of Work: To provide assistance, on a Task Order basis, in the areas of water supply, wastewater and stormwater and associated activities. Individual localities may utilize these contracts through the HRPDC, if appropriate.

Generally, task order work has been funded by the localities through the Regional Water, Wastewater or Stormwater Program budgets.

#### **RECOMMENDED ACTION:**

Authorize the Executive Director to execute amendments to contracts with CH2M Hill and URS to renew existing Continuing Services Contracts.

**AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #12: CONSULTING SERVICES CONTRACT – SPECIAL LEGAL CONSULTANT ON STORMWATER MATTERS**

**SUBJECT:**

Authorize contract for McGuire Woods LLP to provide legal consulting services on stormwater matters.

**BACKGROUND:**

Mr. Dave Evans, McGuire Woods, has provided legal consultant services to the HRPDC for the past two years. Previous work has focused on advising the region and the Phase I MS4 localities on permit renewals and evaluating the Chesapeake Bay TMDL and Virginia's Phase I Watershed Implementation Plan.

Contract Amount: Up to \$84,000.

Period of Performance: July 1, 2011 through June 30, 2012

General Scope of Work: To provide legal consulting services in the areas of stormwater permits, TMDL requirements and associated activities.

This project is funded by the localities through the Regional Stormwater Management Program.

**RECOMMENDED ACTION:**

Authorize the Executive Director to execute a contract with McGuire Woods LLP to provide legal counsel, as needed in FY12.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #13: CONSULTANT SERVICES CONTRACT – PERMIT ADMINISTRATION AND REVIEW SYSTEM (PARS)**

#### **SUBJECT:**

Authorize contract for URS to continue maintaining the web-based PARS database that allows Hampton Roads localities to manage their stormwater program data.

#### **BACKGROUND:**

The PARS database was developed initially in 2007 to help localities comply with data reporting requirements in their MS4 permits. The database tracks the construction of stormwater management facilities (BMPs). The PARS data will be used to provide documentation for the Chesapeake Bay Phase II Watershed Implementation Planning process and to track progress during the TMDL implementation period.

This project is funded by the localities through the Stormwater Program.

Contract Amount: \$25,000

Period of Performance: July 1, 2011 through June 30, 2012

General Scope of Work: URS shall provide the following:

- Ensure that the database and webpage are working properly.
- Assist users with calls for help with procedures such as entering reports and generally troubleshooting.
- Proactively monitor the database to predict and solve problems, such as data corruption and storage problems on the WHRO server.
- Work with end users, time permitting, to troubleshoot client-side problems such as over-restrictive span and anti-virus filters and firewall problems.

This project is funded by the localities through the Regional Stormwater Program.

#### **RECOMMENDED ACTION:**

Authorize the Executive Director to execute a contract with URS to continue maintaining the PARS program.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM 14: GRANT PROPOSAL – NATIONAL FISH AND WILDLIFE FOUNDATION (NFWF)**

#### **SUBJECT:**

The HRPDC staff submitted a grant application to support the development of the region's input to the Chesapeake Bay TMDL Phase II Watershed Implementation Plan on June 3, 2011.

#### **BACKGROUND:**

The National Fish and Wildlife Foundation's Small Watershed grant program offers grants from \$20,000 to \$200,000 for a host of conservation planning and restoration implementation purposes. DCR encouraged local governments, PDCs and local nonprofits to apply for grants to assist with watershed implementation planning for the Phase II WIP process. Grants will be awarded in September 2011. The grant application was submitted on June 3, 2011 to meeting the grantor's deadline.

Grant Amount: \$64,577.61 with a match of \$56,304.15. The match will be met through the FY 2012 HRPDC Operating Budget.

Period of Performance: June 3, 2011 through June 30, 2012

General Scope of Work: The proposed project will assist in establishing regional stakeholder involvement in the Phase II Watershed Implementation Plan (WIP) process by establishing a Regional Steering Committee and local working groups. HRPDC staff will facilitate Steering Committee meetings, provide briefings to the Commission at its regular meetings, develop outreach materials for local governments to engage citizens, and provide briefings to local government officials at City Council and County Board meetings.

HRPDC staff will also develop a BMP Decision Support Matrix to help local governments identify strategies to meet the TMDL requirements. The matrix will incorporate the ancillary benefits of management practices so decision makers can prioritize the practices that maximize natural resource and quality of life benefits.

HRPDC staff will develop a BMP Suitability Map. Staff will work with local stakeholders to identify the GIS layers that are most useful for determining the appropriate location for structural stormwater management actions or restoration activities. HRPDC staff will compile these layers into a mapping tool that will be distributed to local governments to assist them in implementing their Community Conservation Information plans.

#### **RECOMMENDED ACTION:**

Authorize the Executive Director to submit the grant application and accept a grant award if offered.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM 15: GRANT PROPOSAL – URBAN AREA SECURITY INITIATIVE (UASI) FISCAL YEAR 2011 APPLICATION**

#### **SUBJECT:**

The HRPDC Emergency Management staff has worked diligently with the Hampton Roads Urban Area Work Group (UAWG) in the FY11 Department of Homeland Security's UASI Grant Program application process. The application for grant funds for the FY 2011 UASI Grant Program has been completed for submission to the Department of Homeland Security.

#### **BACKGROUND:**

The FY11 grant cycle began with the application process that was initiated in May 2011 through a coordinated effort with the UAWG, Governor's Office of Veterans Affairs and Homeland Security, and Virginia Department of Emergency Management. Prior to the grant application period and over the course of seven months, the UAWG worked through all of its members and/or respective stakeholders (Law Enforcement, Fire, Emergency Management, Communications, etc.) to solicit, develop, and approve proposals for projects that meet the criteria for the proposed UASI grant. The grant guidelines were released on May 19, 2011, versus the normal anticipated time frame of November 2010 due to the passage of the Congressional budget. These proposals, known as investment justifications, have been vetted through the UAWG and will be submitted to VDEM for review, which in turn, will be submitted to the Department of Homeland Security for vetting, review, approval, and awarding of funds.

The grant application is for \$5.14 Million in federal funds to support approximately seven (7) projects in the areas of law enforcement, emergency communications, incident management teams and critical infrastructure. Grant funds will be utilized during FY 2012 through 2014.

Hampton Roads was designated a UASI region for the FY07 Grant cycle and has successfully been granted UASI funding for the FY07, FY08, FY09 and FY10 cycles. The UASI grant is one of several grants that falls under the umbrella of the Homeland Security Grant Program. The UASI program addresses the unique multi-disciplinary planning, organization, equipment, training, and exercise needs of high-threat, high-density urban areas, and assists in building and sustaining capabilities to prevent, protect against, respond to, and recover from threats or acts of terrorism. The UASI program directly supports the National Priority on expanding regional collaboration in the National Preparedness Guidelines and is intended to assist participating jurisdictions in developing integrated regional systems and/or assets for prevention, protection, response, and recovery.

**RECOMMENDED ACTION:**

Authorize the Executive Director to submit the proposed grant application on behalf of the Urban Area Working Group and to accept a grant award when offered.

**STAFF COMMENTARY:**

See attached.

## Summary of Current Status of UASI Funding

The FY 2011 UASI grant awards were announced on May 19, 2011 and the reduction from 64 to 31 UASI regions caught many by surprise. While there was an expectation that the UASI list might go down to 40-45 in the FY11 funding cycle; 31 was a deeper cut than was expected. Hampton Roads survived this year's reduction, but in FY12, Hampton Roads may not be as fortunate as the proposed legislation looks to reduce the UASI regions to 10; the highest risk areas of the nation. Hampton Roads would not qualify as one of those 10 regions.

However, on June 2 2011, the House of Representatives, sitting as a Committee of the Whole, voted on amendments offered to the Homeland Security Appropriations Bill Amendment. Two of these dealt with the language of HB 2017 that limited the number of UASIs to ten.

1. An amendment to strike language relating to the top 10 highest risk urban areas was offered by Mr. Clarke (MI). That amendment passed at 1:28 P.M. – “On agreeing to the Clarke (MI) amendment agreed to by recorded vote”
2. An amendment offered by Higgins (NY) removing language in HR 2017, the FY12 Homeland Security Appropriations bill that would restrict Urban Area Security Initiative (UASI) funding to only 10 urban areas across the country 273-150, after 50+ nay votes switch yea when passage certain (Rs 143-92, Ds 130-58)

Time for guarded optimism. HR 2017 as amended still has to pass the Democrat controlled Senate, however, the Democratic membership on the House HS Appropriations Committee strongly urged the Republican Chair to remove the limitation on the number of UASIs. If the Senate amends the Bill, it will have to go to a House/Senate Conference committee. So there are still miles to go before we know the ultimate outcome. What is still not known is what effect this will have on DHS' unilateral decision to reduce the number of participating grant-eligible UASIs from 64 to 31 in FY 2011 funding.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #16: GRANT PROPOSAL – 2011 KODAK AMERICAN GREENWAYS GRANT PROGRAM**

#### **SUBJECT:**

Submit application for financial assistance to the Kodak American Greenways Grant Program to support the Southeast Coast Saltwater Paddling Trail

#### **BACKGROUND:**

HRPDC planning staff has been involved on the committee for planning the Virginia section of the new Southeast Coast Saltwater Paddling Trail. The concept behind the project is to plan a paddling trail along the Atlantic coast connecting Georgia, South Carolina, North Carolina, and Virginia using existing facilities (ramps, campgrounds, etc.). The planning effort is being facilitated by the National Park Service - Rivers, Trails & Conservation Assistance Program in partnership with representatives from each of the four states. Local stakeholders have also been involved in each state.

In order for the Trail to gain national recognition and support, the Trail committee recommended applying for grant funds in order to develop a website for the new Trail. The website will house Trail maps for all states and other important information all in one location. The HRPDC will manage the development of the website with input from NPS and the other state partners.

The Eastman Kodak Company, The Conservation Fund and the National Geographic Society team up each year to present the Kodak American Greenways Awards Program. One major element of the Program involves “seed” grant awards to organizations that are growing our nation's network of greenways, blueways, trails and natural areas.

The HRPDC proposes to apply for the grant on behalf of all the stakeholders due to the ineligibility of federal and state agencies to apply.

Grant amount: \$2500  
HRPDC in-kind: \$2500

Project period will be one year from the date of grant award.

#### **RECOMMENDED ACTION:**

Authorize the Executive Director to submit the grant application to the Kodak American Greenways Grant Program to support the Southeast Coast Saltwater Paddling Trail and to accept a grant award if offered.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #17: 2011 HAMPTON ROADS DATA BOOK**

#### **SUBJECT:**

The Hampton Roads Data Book is an annual publication from HRPDC Economics staff.

#### **BACKGROUND:**

Each year HRPDC staff publishes the Hampton Roads Data Book. This annual publication contains a variety of current and historical time series data on the region's population, income and earnings, employment, labor force, retail sales, building permits, real estate, lodging, ports, vehicle registrations, and local tax collections. In keeping with the Commission's green initiatives and to reduce paper and printing costs, the Board approved moving to an electronic review of the Data Book. A print edition for 2011 including only the more recent information will be made available by request. Complete data tables will be available online via the Commissions website at [www.hrpdcva.gov](http://www.hrpdcva.gov).

A draft version for 2011 is available for review via the Commission's website at <http://www.hrpdcva.gov/HRDatabook.asp>.

#### **RECOMMENDED ACTION:**

Approve the 2011 Hampton Roads Data Book for distribution.

## **AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #18: STORMWATER PROGRAM EFFECTIVENESS INDICATORS**

#### **SUBJECT:**

The Regional Stormwater Program Effectiveness Indicators report is developed annually by the HRPDC staff to summarize information in the localities annual stormwater permit reports.

#### **BACKGROUND:**

In September 1999, the HRPDC approved the Regional Stormwater Loading Study conducted through the Regional Stormwater Management Committee to assist the region's large municipalities (cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach) in complying with the terms of their Stormwater System Discharge Permits. These localities are referred to as Phase I localities under the state and EPA regulations. One element of that study was the development of a set of Program Effectiveness Indicators. In April 2001, the Virginia Department of Environmental Quality issued new permits to the six localities incorporating the Effectiveness Indicators as a key reporting element. The permit program was transferred to the Department of Conservation and Recreation effective January 2005 and the reporting requirement continued.

The HRPDC staff has completed the enclosed report, *Indicators of Stormwater Management Program Effectiveness: Fiscal Year 2010*. This report describes the Indicators that have been developed for the regional program, summarizes the Indicator data for the region as a whole and provides graphical displays of the Indicator data for the region and for each locality. The locality sections were submitted in October to DCR by the six Phase I localities as components of their Annual Reports. This is the ninth annual report, documenting regional progress in addressing stormwater management concerns. It facilitates tracking of progress on an annual basis for the region and the individual localities.

The Regional Stormwater Management Committee reviewed the individual locality reports at its meeting in November and the regional report through email distribution in December. The Committee and HRPDC staff recommend the Commission approve the report.

Enclosure – Separate – Commissioners Only

#### **RECOMMENDED ACTION:**

Approve the report for distribution.

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #19: RESOLUTION – PLASTIC BAG FORGIVENESS DAY**

#### **SUBJECT:**

Resolution of the Hampton Roads Planning District Commission declaring June 25, 2011 as “Plastic Bag Forgiveness Day.”

#### **BACKGROUND:**

Plastic bag litter continues to be a problem for all localities in Hampton Roads. To encourage smart plastic bag use and disposal, HR Green is launching a plastic bag awareness campaign. The committee has been working with Keep Virginia Beautiful and A Bag’s Life, a national recycling awareness campaign, to design a campaign that will encourage residents of Hampton Roads to reduce the number of plastic bags they use; reuse plastic bags; and recycle plastic bags and wraps at participating stores. To kick the campaign off, HR Green will host “Plastic Bag Forgiveness Day” Saturday, June 25 from 10 a.m. to 2 p.m. at Peninsula Town Center in Hampton and Walmart at 7350 Tidewater Drive in Norfolk. Residents who stop by either location and drop off five plastic bags for recycling will receive a reusable shopping tote (one per person, while supplies last), along with other freebies and information on ways plastic bags can be repurposed.

#### **RECOMMENDED ACTIONS:**

Approve the resolution declaring June 25, 2011 as “Plastic Bag Forgiveness Day”.



**HAMPTON ROADS PLANNING DISTRICT COMMISSION  
RESOLUTION 2011-04**

**RESOLUTION OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION  
DECLARING JUNE 25, 2011 AS "PLASTIC BAG FORGIVENESS DAY"**

**WHEREAS**, Hampton Roads is a Region of great beauty and natural treasures that shall be preserved for all residents, tourists and future generations to enjoy; and

**WHEREAS**, plastic bags have become an unwelcome and unsightly addition to our waterways, roadways and other public spaces; and

**WHEREAS**, plastic bags and wraps are made from a non renewable resource and take many years to break down, and used bags and wraps are in demand by Virginia based industries which utilize recycled plastic bags and wraps for feedstock to make new products;

**NOW THEREFORE BE IT RESOLVED**, that the Hampton Roads Planning District Commission encourages everyone to help keep Hampton Roads beautiful by practicing the 3 R's of plastic bags by: *Reducing* plastic bag use; *Reusing* plastic bags in any number of ways including as trash can liners, dog waste bags, or lunch bags; and *Recycling* plastic bags and wraps at participating stores; and

**BE IT FURTHER RESOLVED**, that the Hampton Roads Planning District Commission declares June 25, 2011 as "Plastic Bag Forgiveness Day," a day to pardon all for their plastic bags faults, and to give everyone a fresh start to practice the 3 R's of plastic bags and wraps; and

**BE IT FURTHER RESOLVED**, that the Hampton Roads Planning District Commission encourages all Hampton Roads citizens to do right by the environment and seek "Plastic Bag Forgiveness" on June 25, 2011 by bringing five plastic bags to be recycled by HR Green at the Peninsula Town Center in Hampton, or the Walmart at 7350 Tidewater Drive in Norfolk from 10 a.m. to 2 p.m. Visitors will learn more about the 3 R's of plastic bags, take part in activities that give bags a second chance, and receive a reusable shopping tote.

**PASSED AND ADOPTED** by the Hampton Roads Planning District Commission this 16 day of June, 2011.

---

Stan D. Clark  
Chairman

---

Dwight L. Farmer  
Executive Director/Secretary

**AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #20: FY 2012 UNIFIED PLANNING WORK PROGRAM**

**SUBJECT:**

Annually, the HRPDC staff prepares the Unified Planning Work Program (UPWP) for the coming Fiscal Year. The UPWP describes the work activities that the HRPDC staff will undertake in support of the Commission and member localities.

**BACKGROUND:**

Enclosed separately is the proposed HRPDC Unified Planning Work Program for FY 2012, starting July 1, 2011. It is the result of input from the sixteen local governments served by the HRPDC and various state and federal planning requirements. The vast majority of the work elements evolved from local advisory and technical committees. It also includes ideas, comments and suggestions generated at the HRPDC Retreat on February 17, 2011.

The Budget to support the Work Program was also discussed at the February 2011 HRPDC Retreat and is included as Item #21 on the Agenda for the June 16, 2011 Executive Committee Meeting.

The HRPDC staff will be available to answer any questions.

Enclosure – Separate – Commissioners

**RECOMMENDED ACTION:**

Approve the FY 2012 HRPDC Unified Planning Work Program.

**HRPDC UNIFIED PLANNING WORK PROGRAM  
FY 2012  
PROGRAMMATIC INDEX**

**TASKS – PUBLIC INFORMATION AND COMMUNITY AFFAIRS**

120000 – Public Information and Community Affairs  
223500 – HR GREEN

**Litter Control and Recycling Education Program**

229500 – HR CLEAN – Technical and Administrative Support  
229600 – HR CLEAN Educational Materials

224000 – Hampton Roads Water Efficiency Team (HR WET)  
225400 – Drinking Water Quality Education  
225700 – Hampton Roads H2O – Help To Others – Program  
227100 – Hampton Roads Stormwater Education Program (HR STORM)  
229200 – Hampton Roads Wastewater Education Program (HR FOG)

**TASKS – REGIONAL PLANNING**

**Regional Planning and Technical Assistance**

221000 – HRPDC Staff Support and Technical Assistance  
221100 – City of Williamsburg Comprehensive Plan  
221200 – City of Franklin Comprehensive Plan  
222000 – Comprehensive Environmental Planning  
222100 – Regional Solid Waste Management Planning  
222200 – Regional Land Use Studies  
222300 – Chesapeake Bay TMDL Implementation Plan  
212300 – ODU Climate Change Study  
219400 – Hampton Roads Watershed Roundtable

**Regional Coastal Zone Management Program**

216000/226000 – Regional Coastal Zone Management Technical Assistance Program  
216200 – Regional Climate Change Project  
226300 – Land Water Quality Protection in Hampton Roads

**TASKS – WATER RESOURCES PLANNING**

**Regional Water Program**

225000 – Ground Water Management Program – Mitigation Administration  
225100 – Water Technical Assistance  
225200 – Water Priority Projects  
225300 – Regional Ground Water Management Program – USGS Continuing Studies  
225500 – Hampton Roads Source Water Assessment Program

650310 – Water Supply Assessment and Emergency Response Training (See UASI)

**Regional Stormwater Management Program**

227000 – Regional Stormwater Management Program – Technical

227600 – Stormwater Legal Consultant

227700 – Permit Administration and Reporting System (PARS) Consultant

**Regional Wastewater Program**

229000 – Wastewater Program – Consent Order Support, Special Projects, Reporting System (SSORS)

**Special Water Resource Studies**

292500 – Regional Bacteria Study

**TASKS - HOUSING AND HUMAN SERVICES**

300100 – Housing and Human Services – Technical Assistance

300400 – Hampton Roads Loan Fund Partnership (HRLFP) Administrative Support

300500 – Hampton Roads Loan Fund Partnership (HRLFP) Homeowner Assistance

300700 – Development of Regional Housing Service Portal

**TASKS - ECONOMICS**

591000 – Hampton Roads Economic Data Book

591500 – Regional Benchmarking

593000 – Economic Impact Studies

594000 – Annual Economic Forecast

595500 – Economic Technical Assistance

596500 – Hampton Roads Economic Quarterly

597800 – Analysis of Energy Development Strategies in Hampton Roads

598300 – 2040 Regional Socio-Economic Forecast

**TASKS - EMERGENCY MANAGEMENT**

398000 – Regional Emergency Management

**Metropolitan Medical Response System (MMRS)**

398700 – Metropolitan Medical Response System Sustainability

398909 – MMRS – FY 09 Grant

398910 – MMRS – FY 10 Grant

398911 – MMRS – FY 11 Grant

**First Responder Authentication Credential (FRAC)**

630009 – FY 09 Grant

**Hampton Roads Critical Infrastructure Protection Program**

630309 – FY 09 Grant

**Urban Area Security Initiative (UASI)**

650008 – Department of Homeland Security Urban Area Security Initiative (UASI) FY 08  
Grant

650108 – Capabilities Assessment

650508 – Medical Special Needs

650009 – Department of Homeland Security Urban Area Security Initiative (UASI) FY 09  
Grant

650309 – Pet Evacuation and Management

650509 – Medical Special Needs

650010 – Department of Homeland Security Urban Area Security Initiative (UASI) FY 10  
Grant

650010 – Special Needs Equipment

650310 – Water Supply

650710 – Regional WebEOC

650910 – Jail Assessment

650110 – Capabilities Assessment

650110 – Program Management

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #21: FY 2012 HRPDC BUDGET**

#### **SUBJECT:**

The FY 2012 HRPDC Proposed Budget is being presented to the Executive Committee for its review. The Personnel and Budget Committee reviewed the proposed budget at its May meeting.

#### **BACKGROUND:**

The FY 2012 Proposed Budget reflects the current economic conditions in that it is conservative in nature, and represents a 27% decrease from that of FY 2011. This decrease is mainly due to decreased pass-through activity in the Homeland Security (UASI) and Water/Environmental grants due to the cyclical nature of many of the activities within these grants.

The state (DHCD) for the first time after numerous cuts, increased its grant to the PDCs by 15%, resulting in increased revenue of slightly less than \$20,000. Member contributions from the localities remained constant at \$.82 per capita (unchanged since 2006) [\$.56 HRPDC & \$.26 HRTPO]. The resulting revenue stream actually increased by slightly less than \$20,000 due to a small increase in population figures as a result of the 2010 Census. Revenues total \$8.2M for FY 2012 as compared to the \$11.2M in FY 2011.

Expenditures for operations are down by over \$235,000. Software/Network Upgrades are down by 50%, Printing and Presentations down by over 60%, and Photo Copies is down 53% with smaller percentage decreases in several other categories, including: Public Notices/Advertising, Telephone, Storage Facilities, and Vehicle O&M. Some categories increased slightly, including Personnel (at just over two percent for a small performance-based increase), Recruitment, Training, Professional Education, and Postage.

HRPDC Chief Financial Officer Nancy Collins will provide an overview of the FY 2012 Budget.

#### **RECOMMENDED ACTION:**

Staff recommends the Commission approve the FY 2012 Budget.

Attachment

**HAMPTON ROADS PLANNING DISTRICT COMMISSION  
FY2012 DRAFT BUDGET**

	2012 PDC TOTAL	2012 PDC PASS-THRU	2012 PDC OPER BUDGET
<b>REVENUE</b>			
LJ Assess: Mbr Contribution	\$927,546	\$5,000	\$922,546
DHCD State Grant	\$151,943	0	151,943
Water & Environmental Programs	\$2,664,189	1,744,423	919,766
MMRS Federal & Local	\$1,832,518	1,754,266	78,252
MCSC	\$80,676	80,676	0
VDHCD HR Loan Fund Partnership	\$180,000	160,000	20,000
UASI	\$2,175,250	1,985,250	190,000
EM Projects (Haz Mit & Debris Mgmt)	\$103,000	103,000	0
Homeland Security (FRAC, ACAMS)	\$55,969	38,000	17,969
Gen'l Svcs & Miscellaneous	\$78,150	0	78,150
<b>TOTAL REVENUE</b>	<b>\$8,249,241</b>	<b>\$5,870,615</b>	<b>\$2,378,626</b>
<b>EXPENDITURES</b>			
PERSONNEL	\$1,939,083	\$0	\$1,939,083
STANDARD CONTRACTS	\$104,341	0	104,341
SPECIAL CONTRACTS	\$62,968	0	62,968
PASS-THROUGH ACTIVITY	\$5,870,615	5,870,615	0
OPERATIONS	\$272,234	0	272,234
<b>TOTAL EXPENDITURES</b>	<b>\$8,249,241</b>	<b>\$5,870,615</b>	<b>\$2,378,626</b>
<b>CHANGE IN FUND BALANCE</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

DHCD: Department of Housing & Community Development  
MMRS Metropolitan Medical Response System  
MCSC Munitipal Construction Standards Committee  
VDHCD Virginia Department of Housing & Community Development  
HR Hampton Roads  
UASI Urban Areas Security Initiative  
EM Emergency Management  
Haz Mit Hazard Mitigation  
FRAC First Responder Authentication Credentialing  
ACAMS Automated Critical Asset Management System

## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM 22: HAMPTON ROADS COMMUNICATIONS INTEROPERABILITY**

#### **SUBJECT:**

At the May 19, 2011 HRPDC Executive Committee meeting, Commissioner Clifton Hayes requested a presentation on the state of interoperable communications in the region.

#### **BACKGROUND:**

In 2003, the Hampton Roads Tactical Regional Area Network (HRTacRAN) was conceived and the HRPDC received grant funds to develop a highly survivable regional microwave system. The HRTacRAN is a public safety grade microwave network that supports the Land Mobile Radio Systems providing regional communications interoperability supports a Voice over Internet Protocol (VoIP) phone system and a secure collaboration tool that allows for instantaneous conference bridge setup and First Responder Alert through the use of an Automated Distribution Messaging system. It also provides the core architecture for linking the designated sites with key Federal, State and local agencies in the Hampton Roads area. This regional system leverages existing tower infrastructure capabilities by installing a redundant microwave network between designated sites in Virginia Beach, Chesapeake, Norfolk, Portsmouth, Suffolk, Hampton, Newport News, and York/James City County, Williamsburg, Gloucester, Franklin, Isle of Wight, Surry, Southampton, Poquoson and the Coast Guard Integrated Command Center, the Virginia Emergency Operations Center in Richmond, as well as the WHRO facility in Norfolk. This dedicated communications framework is the keystone for providing the reliable high-bandwidth backbone for the voice, video, and data systems needed during high stress or disaster related periods. The HRTacRAN is the backbone to another regional public safety communications system known as the Overlay Regional Inter-Operability Network (ORION) which provides a regional interoperability network for Command, Control & Communications (C3). Finally it also supports the HR Tactical Interoperability Communications Plan (TICP) and the Commonwealth's State Interoperability Communications Plan (SICP).

Starting in 2003 with grant funds, a microwave network known as the HRTacRAN was built with the HRPDC staff being the lead on the project. Since the system was built and the initial contracts expired, ownership and responsibility of this system has never been fully established. Additionally, multiple homeland security grants worth millions of dollars have been acquired to build out ORION which relies on the HRTacRAN as its base infrastructure. These grant funds have been assigned to multiple jurisdictions which has resulted in challenges in coordinating the projects for the Hampton Roads Interoperability Communications Advisory Committee (HRICAC) and the ORION Steering Group. To complicate matters, because the HRTacRAN was built with Port Security Grant funds, other Homeland Security Grant funds cannot be utilized to maintain the system per the DHS grant guidelines on sustainment.

HRPDC Emergency Management Administrator Richard Flannery will brief the Commission on the current status of interoperable communications in Hampton Roads.

**RECOMMENDED ACTION:**

Approve the Executive Director and staff to work with the Chief Administrative Officers to develop a local funding and management solution to maintain and sustain the interoperable communications networks, if HRPDC is unsuccessful in obtaining grant support.

**STAFF COMMENTARY:**

The HRICAC and regional staffs have worked diligently for nearly 3 years to find a funding solution through various Homeland Security Grant fund programs to maintain and sustain the HRTacRAN to no avail. The FY09 Port Security Grant Program did approve the HRPDC's project proposal for nearly \$1 million dollars (+25% in-kind/cash match) to maintain and sustain the HRTacRAN. However, the Department of Homeland Security has yet to award these funds and the period of performance for this grant year expires in June 2012; leaving nearly no time to procure services. Also, the HRICAC and staff have recently submitted a State Homeland Security Grant Project proposal for FY11 that would fund a Regional Interoperability Coordinator position to manage all the various grants and projects associated with interoperability in Hampton Roads. This would relieve some of the burden on the localities communications staff.

## **AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #23: REGIONAL CLIMATE CHANGE PROJECT – PHASE II FINAL REPORT**

#### **SUBJECT:**

HRPDC Regional Planning staff has completed the second year of research and planning for the impacts of climate change on the Hampton Roads region and produced a synoptic report.

#### **BACKGROUND:**

The report, entitled Climate Change in Hampton Roads Phase II: Storm Surge Vulnerability and Public Outreach, summarizes the research, data, and methodologies used to estimate the region's vulnerability to hurricane storm surges and sea level rise. The report describes historical sea level rise in the region and how sea level rise due to global warming could increase sea level rise rates experienced by Hampton Roads localities. The report also includes descriptions of several case studies of similar projects. The main focus of the report is an analysis of the region's vulnerability, in terms of population and assets, at risk of flooding due to storm surges or inundation due to sea level rise. The report describes the data and methodologies used and the results of the analysis, and includes a series of tables and maps summarizing the results at the regional level and for each locality. The report also describes the various public outreach efforts HRPDC staff conducted or participated in during the grant period. The general costs and benefits of various adaptation options are described, as are several planning techniques that could be used to help the region adapt to climate change and sea level rise.

HRPDC's efforts to help the region plan for climate change continue into the third and final year of this Virginia Coastal Zone Management Program-funded project. This final phase will focus on working with local governments and other stakeholders and experts to further develop policy recommendations and decision-making tools for the region and localities to use in adapting to climate change. HRPDC will also continue to work with other organizations in the region working on projects related to climate change.

HRPDC Regional Planner Benjamin McFarlane will provide an overview of the report.

#### **RECOMMENDED ACTION:**

Approve the Climate Change report for distribution.

#### **STAFF COMMENTARY:**

The HRPDC Joint Environmental Committee has reviewed the report and recommended approval by the Commission at its June 2, 2011 meeting.

## **AGENDA NOTE- HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #24: 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.

#### **July 2011**

HRMFFA Briefing  
ULI Reality Check Briefing & Resolution  
Regional Competitiveness Study  
Regional Water Supply Plan  
HR GREEN  
Chesapeake Bay TMDL

#### **August 2011**

Recommend meeting cancellation

#### **September 2011**

Chesapeake Bay TMDL  
Housing Services Portal  
Regional Solid Waste Plan

**AGENDA NOTE- HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #25: PROJECT STATUS REPORTS AND ADVISORY COMMITTEE SUMMARIES**

**A. DIRECTORS OF UTILITIES COMMITTEE SUMMARY MINUTES**

The summary minutes of the June 1, 2011 Directors of Utilities Committee and Health Directors Joint Meeting are attached.

Attachment 25A

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

The summary minutes of the June 2, 2011 Hampton Roads Chesapeake Bay Committee, Regional Stormwater Management Committee and Chesapeake Bay Implementation Subcommittee Meeting are attached.

Attachment 25B

**C. PROJECT STATUS REPORT**

Attached are status reports on other HRPDC programs.

Attachment 25C

**Attachment 1A**  
**JOINT MEETING SUMMARY**  
**DIRECTORS OF UTILITIES COMMITTEE**  
**DIRECTORS OF HEALTH**  
**June 1, 2011**  
**HRPDC - Chesapeake**

**1. Summary of May 4, 2011 Meeting of the Directors of Utilities Committee**

The Summary of the May 4, 2011 meeting of the Directors of Utilities Committee was approved.

**2. Summary of December 1, 2010 Joint Meeting of the Directors of Utilities Committee and Directors of Health**

The summary of the December 1, 2010 joint meeting of the Directors of Utilities Committee and Health Directors was approved.

**3. Regulatory Update**

Mr. Dan Horne, VDH, provided a summary of the status of regulatory actions including:

- Implementation of the Ground Water Rule (effective December 2009);
- Long Term 2 Enhanced Surface Water Treatment Rule; and
- Stage II Disinfection/Disinfection By-Products Rule.

A copy of the summary from Mr. Horne is attached.

**ACTION:** No action.

**4. Regulations for Alternative Onsite Sewage Systems**

Mr. Dwayne Roadcap, Program Manager, VDH Division of Onsite Sewage, Water Services, Environmental Engineering, and Marina Programs briefed the Committee on the draft proposed regulations for Alternative Onsite Sewage Systems (AOSS), scheduled for presentation at the June 9, 2011 Board of Health meeting.

Mr. Roadcap provided a summary of the development of the draft regulations, beginning with the legislation that resulted from the 2008 House Bill 1166, which allowed the design of AOSS using standard engineering practices to meet horizontal setback requirements and performance requirements. Emergency Regulations effective in April 2010 to April 2011 were extended 6 months and will expire October 7, 2011. Significant comments were received during the 60-day comment period that ended February 2011, prompting the formation of a third technical advisory committee (TAC) and the drafting of the current proposed regulations.

Mr. Roadcap summarized the major issues addressed during the TAC meetings:

- Wetlands and agency permitting authority: The potential impacts to wetlands associated with AOSS-supported development led to the examination of VDH's authority and DEQ's Clean Water Act authority. The draft regulations will apply in wetland areas where DEQ cannot issue an NPDES permit (e.g., isolated wetlands).
- Septic tank effluent disbursement: For large systems, the prohibition has been removed in the draft regulations.
- Chesapeake Bay TMDL: The nutrient limits on the treatment process for large systems (8 milligrams per liter at the treatment plant and 5 milligrams per liter at the project boundary) were revised because such limits encourage development of single-family homes with individual systems instead of planned communities with larger systems. The draft regulations require large systems to reduce nitrogen by 50 percent with BMPs and to demonstrate 20 milligrams per liter at the treatment plant and 5 milligrams per liter at the project boundary.
- Engineering comments: The emergency regulations were too prescriptive. The draft regulations provide more flexibility with performance-based requirements. Also, some members of the engineering community wanted compliance monitoring in the field rather than at the end of the treatment process.
- Enforcement of operation and maintenance requirements: The draft regulations are written so that an out-of-compliance sample alone does not constitute a violation. Such a sample must be coupled with a report of non-functioning system.

Mr. Roadcap accepted questions from the Committee. He described VDH's approach to achieve compliance and noted the need for agency infrastructure and capability for follow-up action. VDH is initially seeking to educate the public on expectations and will be sending letters to homeowners to encourage voluntary compliance. VDH will have to deal with non-compliance using different measures. VDH's existing database system can alert staff of overdue submittals, and the agency hopes to implement a civil penalty system of fines rather than criminal penalties.

The proposed draft regulations are designed so that homeowners will work with private sector contractors who complete monitoring and reporting to VDH. For large systems, monitoring requirements are intended to mimic sewage treatment plant regulations and will be based on flow volumes.

VDH intends to retain a consultant to create GIS data for AOSS.

Localities may develop and enforce ordinances that are more restrictive than the State regulations. It is possible for VDH to work with localities to notify applicants when proposed projects may be in compliance with the State regulations but fail to meet local regulations.

**ACTION:** No action.

## 5. Water Reclamation and Reuse Regulations

The Committee discussed proposed amendments to the Water Reclamation and Reuse Regulation (9VAC25-740). It was noted that the TAC discussed potential public health concerns related the conversion of existing potable water distribution systems or existing sewer and wastewater collection systems for distribution of reclaimed water. The Committee noted that the regulatory process is so onerous that it discourages reuse projects, specifically conversion projects where pipe marking requirements are cost prohibitive.

It was noted that DEQ's first priority is to protect the environment, followed by public health. Encouraging reuse is not an agency priority; however there is some pressure from the Legislature to encourage reuse projects. There is also pressure to reduce surface water discharges.

Regarding the reclaimed water supplier's responsibility to ensure user compliance, it was noted that service contracts and end user agreements are not uncommon in areas with more reuse history. In California, Arizona, and Florida the regulatory agency looks to the water service provider to ensure end user compliance. This idea is relatively new to Virginia and does have additional costs to the service provider. Virginia is relatively water rich and in most cases, potable water is relatively inexpensive, removing the cost-related drivers for reuse.

The comment was also made that, relative to TMDLs, nutrient reduction credits should be sought for reuse projects, although the State is not pushing to receive such credits.

**ACTION:** No action.

## 6. UASI Water Supply Assessment and Emergency Response Training Project

Mr. Matt Branigan, Watermark Risk Management International, Inc. introduced the UASI Water Supply Assessment and Emergency Response Training project and briefed the Committee on the project approach, deliverables, and timeline. A copy of Mr. Branigan's presentation and contact information is attached.

Mr. Branigan emphasized that the final deliverable will be a regional plan to serve as a roadmap for future improvement and that information will be represented at the aggregate level to demonstrate trends. Appropriate procedures will be applied to

handle sensitive security information (SSI). The project team intends to commence data collection in June and outreach to localities in July 2011. Throughout the project, the Committee is encouraged to direct questions to Whitney Katchmark, HRPDC, or Mr. Branigan. His contact information is as follows:

Matt Branigan  
Watermark Risk Management International, LLC  
804-467-1958  
[matt.branigan@wrmi-llc.com](mailto:matt.branigan@wrmi-llc.com)

The Committee noted that some project information presented at future Directors of Utilities Committee meetings may include SSI and should be handled during closed sessions appropriately noticed in the meeting agenda.

**ACTION:** HRPDC staff will coordinate project tasks with the Committee.

## 7. Roundtable Discussion

It was noted that mosquito season is here and that localities may want to begin preparing for appropriate control/response measures.

**ACTION:** No action.

## **BREAK** (10 minutes)

The Joint Directors meeting concluded. Following the break, the meeting reconvened for topics pertaining to the Utility Directors.

## 8. Regional Water Supply Plan

HRPDC staff summarized the status of the Regional Water Supply Plan (WSP), indicating that the Commission briefing will be planned for July 21. Several localities have not provided comments to date. All localities must approve the same document and it would be preferable to incorporate any changes prior to beginning the local program adoption process, which could potentially be delayed if one locality requires changes to the plan after other localities have already adopted the document. Localities are encouraged to begin planning for scheduling city manager and governing body briefings, with the goal of plan adoption following July/August public hearings.

It was clarified that every local government must adopt the plan to be in compliance with the regulation; however, acceptance by the Commission is per the HRPDC process and is not a regulatory requirement. Public hearings must occur in each locality per the local government's public hearing process. Counties must adopt the plan via a resolution; however, cities and towns should use their established process for adopting an ordinance and the meeting minutes will serve to document the plan adoption. Written comments received through the local program adoption process and subsequent response letters will be included in the plan documentation. HRPDC staff

can assist in drafting response letters. HRPDC staff will compile the resolutions, meeting minutes, and written comments and responses from each local program adoption and submit these materials with the Regional WSP to DEQ by the November 2, 2011 deadline.

HRPDC staff will provide the Committee with a summary of the requirements for local program adoption. During the month of June, HRPDC staff will be contacting the localities who have not commented on the plan to seek input and advise as to local program adoption requirements. The Committee recommended the HRPDC send correspondence outlining the regulatory requirements, deadlines, and recommended actions.

In general, comments received thus far on the pre-final draft of the plan are not anticipated to result in significant changes. However, the summary of Section 7 is being revised and will be sent to the Committee for review and comment. HRPDC provided a handout summarizing locality comments received on section review drafts and the pre-final draft. The Committee indicated the status of their pre-final draft comments as follows:

- Newport News Waterworks: Comments pending.
- Chesapeake: No further comments.
- Norfolk: No further comments on Sections 1 to 6; review of Section 7 pending receipt of revised draft.
- Portsmouth: Comments pending.
- Suffolk: Comments pending.
- Virginia Beach: Comments may be pending.
- Isle of Wight: Comments pending.
- Windsor: Comments pending.

After all comments are incorporated, HRPDC staff will distribute an electronic copy of the final plan. The document must go to print by June 30, 2011 for distribution in the Commission's July agenda packet. Hard copies will be provided to the Committee as well.

It was noted that the next steps as far as the State Water Supply Plan are pending development by the advisory committee. Also, HRPDC staff has developed significant amounts of GIS data to support the plan. Pending completion of metadata documentation, staff will distribute the GIS shapefiles to localities.

**ACTION:** Committee members will submit comments on the pre-final draft and begin coordinating the local program adoption process. HRPDC staff will provide the Committee with a summary of local program adoption requirements, conduct outreach, incorporate all comments, and distribute the final document.

## 9. Staff Reports

- **Rehabilitation Guidelines, Standards and Tools (RGST) Business Rules:** The Committee discussed the Capacity Team's May 23, 2011 meeting with the Department of Environmental Quality (DEQ) to review the RGST Business Rules and application of the rules to rehabilitation plan development. DEQ had indicated that the Business Rules describe a different approach from the structure of the SOC and that staff would have to discuss whether DEQ would be amenable to this approach. DEQ had also anticipated a greater focus on basin-level cost and feasibility analysis.

The Capacity Team acknowledged that the performance-based Business Rules present a different concept from the scope-driven approach anticipated by DEQ; the Capacity Team emphasized that performance-based commitments established through the Business Rules will enable coordination of locality and HRSD rehabilitation work such that concurrently-planned Regional Wet Weather Management Plan (RWWMP) capacity improvements are appropriately sized.

The Committee discussed the budgeting component of the Business Rules. DEQ had expressed concern that the Business Rules do not result in scope and cost commitments. It was noted that DEQ's model evaluates program effectiveness based on financial commitments. The Capacity Team had emphasized that the Business Rules will result in a commitment to a budgeting process, but allows the locality flexibility in obligating spending, which benefits the customer base. The Business Rules are designed to provide rehabilitation plans developed with reasonable budgets and expectations of work. Localities should look at how the Business Rules would translate to rehabilitation plans and budgets for their system. The larger affordability discussion will be included in the development of the RWWMP and level of service.

The Business Rules will facilitate regional acceptance of plans and should streamline DEQ's plan review. It is important that DEQ understand the Business Rules and acknowledge that plans based on the Business Rules are acceptable. Further DEQ feedback is pending. A small group of Capacity Team members will be meeting with DEQ to discuss sample plans and walk through examples.

- **Private Property Infiltration and Inflow (I/I) Abatement Program:** On May 19, 2011, the HRPDC Executive Committee approved the development of a Regional Private Property I/I Abatement Program. The general concept of the program is included in the RGST Business Rules. The Capacity Team will develop program details.

- **Sanitary Sewer Overflow Reporting System (SSORS):** It was clarified that the current year budget is \$25,000 and that next year's approved budget is slightly more. HRPDC staff is coordinating with the consultant to finalize the scope of work based on the approved budget.

**ACTION:** No action.

## 10. Other Business

The Committee discussed the following items:

- **DEQ Ground Water Withdrawal Permit - International Paper Franklin Paper Mill:** DEQ staff had indicated their availability to brief the Committee on the status of the permit. This may be included in the July Committee meeting agenda.
- **Irrigation meters:** Newport News Waterworks is evaluating the potential 2013 implementation of irrigation meters and may desire to brief the Committee on findings in August/September. It was noted that a regional consensus on the implementation of irrigation meters and treatment of related issues, including sewer meters and private community water systems, may be desirable.
- **2030 Population Data Call:** HRSD is seeking population estimates to support modeling activities. It was noted that information beyond population may be necessary to more accurately project the number of sewer connections.
- **Safe Store for Utility Assets:** Newport News is moving forward with exploring the use of Maritime Administration ships to provide shelter for equipment in the event of a Category 3 storm surge. Norfolk has already made arrangements to utilize the vessels. This topic will not be included on the July Committee agenda. Localities interested in more information may contact HRPDC staff. The Committee may choose to re-engage this topic as the UASI Water Supply Assessment and Emergency Response project progresses.

**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**  
**June 2, 2011**

**1. Summary of the May 5, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee**

The Summary of the May 5, 2011 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

**2. Chesapeake Bay Phase II Watershed Implementation Plan (WIP) Update**

Ms. Whitney Katchmark, HRPDC, summarized a presentation given at the Commission's May meeting. The presentation included the concerns over the WIP that were included in the Commission's letter to EPA. The Phase II WIP process requires localities to submit spreadsheets documenting BMPs and other data as well as a list of implementation strategies. HRPDC's proposed approach to the WIP includes a regional tier and a local tier, which would consist of multidisciplinary teams in each locality working together.

**3. Stormwater Subcommittee Update**

Ms. Katchmark updated the Committee on the results of the last Stormwater Subcommittee meeting. The Subcommittee discussed the regional approach to implementing the WIP and the issues that were conveyed to EPA through the Commission's letter.

**4. Regional Stormwater Indicators Report Update**

Ms. Jenny Tribo, HRPDC, summarized the Regional Stormwater Indicators Report for FY 2010. The report aggregates data on BMPs and other information from across the region. The Committee had no comments on the report and recommended its approval by the Commission at its June meeting.

**5. Proposed Wetlands Delineations Guidance Regulations Update**

Mr. Benjamin McFarlane, HRPDC, summarized proposed guidance from EPA and the U.S. Army Corps of Engineers on determining which waters and wetlands qualify as "waters of the United States" for purposes of regulation and permitting. The proposed guidance was developed to implement two recent Supreme Court cases,

*Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* and *Rapanos v. United States*. Two tests, from the plurality opinion and a concurring opinion in *Rapanos*, are proposed for determining waters of the United States. The first test designates waters that are “relatively permanent, standing or flowing bodies of water” and wetlands with a “continuous surface connection” as waters of the United States. The second test designates wetlands and other waters that have a “significant nexus” to traditional navigable waters as waters of the United States. A significant nexus is defined as one that affects the chemical, physical, and biological integrity of other covered waters.

The Committee expressed several concerns regarding the proposed guidance. The proposed guidance seems to indicate that more waters and wetlands may qualify as waters of the United States than previously, and that this may require more permits. The Committee expressed interest in having a representative from the Norfolk District of the U.S. Army Corps of Engineers give a presentation on the implications of the proposed guidance.

Comments on the proposed guidance are due July 1, 2011.

**6. National Fish and Wildlife Foundation (NFWF) Grant**

Ms. Tribo briefed the Committee on a grant opportunity available from the National Fish and Wildlife Foundation (NFWF). HRPDC staff proposes to apply for this grant to support a regional steering committee for the Chesapeake Bay TMDL WIP process and to aid in the development of two tools. The first tool would be a BMP decision support matrix, and the second tool would be a BMP suitability map. Submissions require a 25% match and are due June 3, 2011. Notification to recipients would be made in September at the earliest.

**7. University of Virginia Transportation Climate Change Presentation**

Dr. Andres Clarens, UVA, and Mr. G. Michael Fitch, VDOT, gave a presentation to the Committee on a study analyzing the vulnerability of transportation infrastructure in Hampton Roads to climate change. The study is one of several pilot projects funded by the Federal Highway Administration to test out a conceptual risk assessment model developed by FHWA. The Hampton Roads project is looking at assets (infrastructure, policies, and communities) and climate scenarios (impacts such as sea level rise, increased wave height, flooding, etc.) to develop a risk assessment tool. The team will be seeking input from local government staffs in the upcoming months.

**8. Climate Change**

Mr. McFarlane gave a presentation to the Committee summarizing the findings of the second year of HRPDC’s climate change project supported by the Virginia Coastal Zone Management Program. The report describes sea level rise in Hampton

Roads and the data and methodology used to estimate the region's vulnerability to storm surge and sea level rise. The report finds that the region is at significant risk to both population and assets as a result of storm surge or sea level rise. The report includes tables and maps summarize the exposure of each of the twelve localities included in the analysis.

## **9. VIMS Subsidence Presentation Summary**

Mr. McFarlane summarized a presentation on sea level change in the Chesapeake Bay given by Dr. John Boon of the Virginia Institute of Marine Science to a group including HRPDC and USGS staff. The absolute sea level trend in the area is less than the global average; however, the relative trend is higher due to regional subsidence due to a combination of factors. There is no clear evidence from the tide gauge record of an acceleration of sea level rise in the Chesapeake Bay. However, continued monitoring and analysis is recommended.

## **10. Status Reports**

### **A. Hampton Roads Planning District Commission**

HRPDC representatives had nothing to report.

### **B. Hampton Roads Sanitation District**

In the absence of an HRSD representative there was no report.

### **C. Soil and Water Conservation Districts**

SWCD representatives had nothing to report.

### **D. Department of Conservation and Recreation**

Mr. Todd Herbert, DCR, reported that as of June 1, 2011 the Soil and Water Conservation and Chesapeake Bay Local Assistance sections of DCR had been merged into the new Division of Stormwater Management.

### **E. Department of Environmental Quality**

DEQ representatives had nothing to report.

### **F. U.S. Geological Survey**

Mr. Mark Bennett, USGS, reported that the National Academy of Sciences has published a report on the Chesapeake Bay Program. More information is available here:

<http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=13131>.

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

Ms. Kim Hummel, Isle of Wight County, reported that VIMS no longer has funds for tidal wetlands field visits.

Ms. Jill Sunderland, Norfolk, reported that she would be transitioning to part-time, and that a full-time position would be advertised.

Mr. Scott Rae, Gloucester County, reported that they will be meeting with other localities on the Middle Peninsula to discuss the TMDL process. VIMS is offering wetlands delineation training from June 7-10, but it is full.

**11. Other Matters**

The next meeting of the Joint Environmental Committee is scheduled for July 7, 2011 in the HRPDC Regional Board Room. Materials will be sent in advance for review.

## **PROJECT STATUS REPORTS**

### **1. Regional Housing Program**

#### **Regional Housing Portal**

HRPDC staff members are continuing to work on the implementation of the Regional Housing Portal. Staff is continually researching methodologies to host and develop the portal system. Options concerning GIS tools and portal components are being defined to ensure that this web based tool can be easily navigated by both consumers and regional housing providers. This finished tool will be used to create a regional web-based portal for consumers and housing providers to access appropriate services. Letters have been sent out to community partners and stakeholders in an effort of creating a steering committee that will evaluate the data, the actual portal mechanism as well as evaluate the project to ensure that final product is consumer and housing provider friendly.

#### **Hampton Roads Loan Fund Partnership**

The staff is processing requests for downpayment 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 of this program through marketing efforts that include meetings with community partners to increase awareness of affordable housing tools and resources.

### **2. Regional Economics Program**

#### **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. Staff is currently exploring the development of an index of regional economic conditions in cooperation with economists from several higher education institutions.

#### **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 with research the potential economic benefits associated with energy development.

## **3. Emergency Management Project Update**

### **Debris Management**

The annual debris management meeting was held May 26, 2011 at the HRPDC. Representatives from the jurisdictions throughout Hampton Roads were in attendance to discuss the current pre-approved contracts and any changes associated with them. Also, the process for activating any of the said contracts was discussed by SPSA and VPPSA representatives as they are the holders of these pre-approved contracts. Finally, the vendors of the pre-approved contracts were present to provide presentations and discussions on the debris management process from activation to the completion of work and services. This proved very beneficial as it has been nearly 8 years since Hurricane Isabel and all those attended felt that this opportunity to talk to the vendors, hear lessons learned in recent events nationally, and understand what would be required of them was of great value in preparation for this year's hurricane season.

### **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. We are still waiting for DHS approval. Also, the FY08 UASI investment supporting ORION was modified to support HRTacRAN and has been sent to DHS 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.

### **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 on-going with the consultant. The Hazard Mitigation Planning Committees for each of these plans continue to meet to provide input and review the updated materials developed for these plans. Additionally, public meetings will be held for all of these plans in June. The City of Franklin held their last public meeting on June 1 at City Hall. The Franklin plan is available on-line for public review and input. The Southampton County plan had a public meeting on June 14 in Courtland. This plan is also available on-line for public review and input.

Each of these will be available for 30 days. Once the period has passed, the plans will be finalized and sent to VDEM and FEMA for review and approval. Once approved, they will be ready for their respective community adoption process. The South Hampton Roads plan will be following the same path with public meetings scheduled at the end of June.

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 when requested.

A website supporting this project for the staff, local agencies and future public participation has been established: [www.remtac.org/mitigation](http://www.remtac.org/mitigation). The Peninsula plan is now represented on this site.

### **Regional Catastrophic Planning Grant Program (RCPGP) Support**

The Emergency Management staff continues to support the Regional Catastrophic Planning Team and the three workgroups to ensure existing projects and data is integrated. Current efforts are focused on the Evacuation Demand Analysis that will be incorporated into the framework being developed.

### **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 guidance was released May 19, 2011. There is a 30 day turn around period for submitting the grant application to DHS. Staff has been working diligently with the UAWG, Virginia Department of Emergency Management Grants Office, and the Governor's Office of Veteran's Affairs and Homeland Security to ensure the application is in on time and complete.

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

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

The Special Needs website and registry ([www.hrspecialneeds.org](http://www.hrspecialneeds.org)) continues to be populated by/for citizens with special needs in Hampton Roads. Registrations have recently increased as a result of outreach activities. The new hurricane guide now has a page dedicated towards special needs emergency preparedness planning.

### **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 this month and continue into July.

### **Pet Sheltering Support (FY09 UASI Project)**

The first of seven trailers with pet sheltering supplies and equipment was delivered to the City of Chesapeake. Emergency Managers and animal control officials were able to view the trailer configuration and make recommendations for adjustments before the rest are built. Challenges with the weight of the trailer arose and have since been mitigated with the vendor and jurisdictions receiving them.

## **4. Environmental Education Program**

### **Page Middle School Mini-grant**

In response to the destruction to Page Middle School in Gloucester, HR Green recently selected the school as a recipient of an Environmental Education Mini-Grant in the amount of \$2,000. The funds will be split between the combined sixth and seventh grade science department of Page and Peasley Middle Schools and the science department at the eighth grade complex. In addition to funding this mini-grant, representatives from HR Green are currently working to coordinate an environmentally-themed project with the seventh grade life science students in the coming fall semester.

HR Green, the regional awareness campaign comprised of the HR CLEAN, HR FOG, HR STORM and HR WET education committees, is proud to fund environmental mini-grant projects throughout Hampton Roads. The HR Green mini-grant program offers competitive grants available to all Hampton Roads school teachers (K-12) and youth leaders/organizations. Grants are intended to provide supplemental funding for environmentally-related projects such as: waste reduction; water conservation and water-wise landscaping; litter and pollution prevention; soil erosion; watershed education; habitat restoration and beautification; and fats, oils, and grease disposal and recycling.

## **5. Regional Solid Waste Program**

The HRPDC staff and consultant SCS Engineers are continuing work on two major solid waste planning initiatives – 2010 Update to Regional Solid Waste Management Plan for Southeastern Virginia and the Post-2018 Study. Both projects address the solid waste management situation for the eight localities that are members of the Southeastern Public Service Authority of Virginia (SPSA). Both projects were presented to the Solid Waste Technical Committee on May 17, 2011 and to the Southside CAOs on May 19, 2011.

The 2010 Plan Update is being developed to assist the Southside localities to meet the state Regional Solid Waste Planning Regulation. Following revisions to reflect Technical Committee review, the HRPDC will release a draft Plan for public review and comment. The draft Plan will be the topic of a Public Hearing to be conducted by the HRPDC staff. The Public Hearing will be held during July 2011. Based on any public comment that is received, the Plan Update may be revised. Following any necessary revisions, the Plan Update will be presented to the Commission for

approval and referral to the Southside localities for consideration and use. Concurrently, the HRPDC staff will be working with the Southside localities, including the eight Towns in Isle of Wight and Southampton to complete the redesignation of the Regional Solid Waste Planning Agency, as approved by the HRPDC and the SPSA Board in March 2010. The redesignation effort was placed on hold until the Plan Update could be completed.

The Post-2018 Study is being conducted on behalf of the Chief Administrative Officers of the SPSA member localities. This study examines solid waste management options that may be available to the SPSA member localities after 2018, when the existing contracts between the localities and SPSA expire. It is expected that a draft will be provided to the localities for review during June 2011. This report will be the subject of extensive discussion by the eight localities as they determine how to manage solid waste after 2018. Once the localities reach consensus on this direction, the 2018 Study will be presented to the HRPDC and to the SPSA Board for consideration.

## **AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #26: CORRESPONDENCE OF INTEREST**

**A. Letter, Dolores Moore, Chesapeake City Clerk, to William E. Harrell, May 25, 2011**

Attached is a letter from Dolores Moore, Chesapeake City Clerk, to William E. Harrell, advising him of his reappointment to the Hampton Roads Planning District Commission for a term from July 13, 2011 to July 12, 2013.

**B. Letter, Dolores Moore, Chesapeake City Clerk, to Ella P. Ward, May 25, 2011**

Attached is a letter from Dolores Moore, Chesapeake City Clerk, to Ella P. Ward, advising her of her reappointment to the Hampton Roads Planning District Commission for a term from July 13, 2011 to July 12, 2013.

**C. Letter, Dolores Moore, Chesapeake City Clerk, to Amar Dwarkanath, May 25, 2011**

Attached is a letter from Dolores Moore, Chesapeake City Clerk, to Amar Dwarkanath, advising him of his reappointment to the Hampton Roads Planning District Commission for a term from July 13, 2011 to July 12, 2013.

**D. Letter from Nikki L. Tinsley to Jennifer Tribo, May 23, 2011**

Attached is a letter from Nikki L. Tinsley, Chair of the Citizens Advisory Committee to the Chesapeake Executive Council to Senior Water Resources Planner Jennifer Tribo thanking Ms. Tribo for her presentation at the May 5, 2011 meeting of the Citizens Advisory Committee.

**E. Letter from HRPDC Chairman Stan D. Clark to Mr. Jeff Corbin, EPA, June 3, 2011**

Attached is a letter from HRPDC Chairman Stan D. Clark to Mr. Jeff Corbin, EPA, raising follow-up questions on the Chesapeake Bay TMDL. This letter is in response to Mr. Corbin's letter of May 3, 2011.

**F. Letter from HRPDC Chairman Stan D. Clark to Mr. Anthony Moore, Assistant Secretary of Natural Resources, June 6, 2011**

Attached is a letter from HRPDC Chairman Stan D. Clark to Mr. Anthony Moore, Assistant Secretary of Natural Resources, Virginia, raising questions about the state's Watershed Implementation Plan – Phase II process. These questions follow-up to Mr. Corbin's letter of May 3, 2011 on issues specific to the Virginia process.

**G. Letter, Virginia Members of the Chesapeake Bay Local Government Advisory Committee to Mayors, Chairs and Chief Administrative Officers of localities in Virginia's Chesapeake Bay Watershed, June 1, 2011**

Attached is a letter from the Virginia Members of the Chesapeake Bay Local Government Advisory Committee (CBLGAC) to Mayors, Chairs and Chief Administrative Officers of localities in Virginia's Chesapeake Bay Watershed introducing the CBLGAC and its members and encouraging all localities to participate in the Chesapeake Bay Restoration effort.

May 25, 2011

Mr. William E. Harrell  
City Manager's Office  
City of Chesapeake  
Chesapeake, VA 23328

Dear Mr. Harrell:

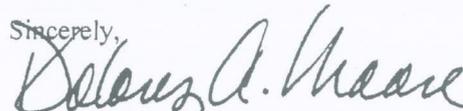
I am pleased to advise you that City Council, at its meeting of May 24, 2011, reappointed you to your third term on the Hampton Roads Planning District Commission. Your term will begin on July 13, 2011 and expires on July 12, 2013.

Your Certificate of Appointment is enclosed. As required by State law, you must take the Oath of Office prior to taking your voting position on the Board/Commission. Failure to be sworn in prior to taking your seat on the Hampton Roads Planning District Commission could result in all actions of the Board/Commission on which you participate as an active member being nullified. The oath is administered by Ms. Faye Mitchell, Clerk of the Circuit Court. Please contact Ms. Mitchell's office at 382-3022 to arrange to take your oath. Again, it is necessary to be sworn in before you take your position on the Board/Commission.

By copy of this letter, the chairperson/liaison will be notified of your appointment and will advise you of the next meeting date. In the near future, you will receive additional information regarding this appointment from the Office of the City Attorney. This information includes the Freedom of Information Act (FOIA) recently amended by the Virginia State Legislature. Section 2.2-3702 of the Act requires officials of any public body to read and familiarize themselves with the information contained in the FOIA. Additionally, Section 2.2-3701 of the Act defines a public body as "...any legislative body, any authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth ...supported wholly or principally by public funds." Carefully review the information contained in the FOIA when your package arrives from the City Attorney's office.

Should you have any questions, please call Sandy Madison, Deputy City Clerk, 382-6151.

Sincerely,



Dolores A. Moore, MMC  
City Clerk

DAM: sm  
Enclosure

cc: Faye Mitchell, Clerk of the Circuit Court  
Ronald S. Hallman, City Attorney  
Nancy G. Parr, Commonwealth's Attorney  
Kelly Peterson, Liaison, Hampton Roads Planning District Commission

**RECEIVED**  
MAY 26 2011  
HRPDC

May 25, 2011

Council Member Ella P. Ward  
1517 Pine Grove Lane  
Chesapeake, VA 23321

Dear Council Member Ward:

I am pleased to advise you that City Council, at its meeting of May 24, 2011, reappointed you to your fourth term on the Hampton Roads Planning District Commission. Your term will begin on July 13, 2011 and expires on July 12, 2013.

Your Certificate of Appointment is enclosed. As required by State law, you must take the Oath of Office prior to taking your voting position on the Board/Commission. Failure to be sworn in prior to taking your seat on the Hampton Roads Planning District Commission could result in all actions of the Board/Commission on which you participate as an active member being nullified. The oath is administered by Ms. Faye Mitchell, Clerk of the Circuit Court. Please contact Ms. Mitchell's office at 382-3022 to arrange to take your oath. Again, it is necessary to be sworn in before you take your position on the Board/Commission.

By copy of this letter, the chairperson/liaison will be notified of your appointment and will advise you of the next meeting date. In the near future, you will receive additional information regarding this appointment from the Office of the City Attorney. This information includes the Freedom of Information Act (FOIA) recently amended by the Virginia State Legislature. Section 2.2-3702 of the Act requires officials of any public body to read and familiarize themselves with the information contained in the FOIA. Additionally, Section 2.2-3701 of the Act defines a public body as "...any legislative body, any authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth ...supported wholly or principally by public funds." Carefully review the information contained in the FOIA when your package arrives from the City Attorney's office.

Should you have any questions, please call Sandy Madison, Deputy City Clerk, 382-6151.

Sincerely,

  
Dolores A. Moore, MMC  
City Clerk

DAM: sm  
Enclosure

cc: Faye Mitchell, Clerk of the Circuit Court  
Ronald S. Hallman, City Attorney  
Nancy G. Parr, Commonwealth's Attorney  
Kelly Peterson, Liaison, Hampton Roads Planning District Commission

**RECEIVED**

MAY 26 2011

H

Office of the City Clerk  
306 Cedar Road  
Chesapeake, Virginia 23322  
email: council@cityofchesapeake.net  
(757) 382-6151  
Fax (757) 382-6678

May 25, 2011

Mr. Amar Dwarkanath  
City Manager's Office  
Chesapeake, VA 23322

Dear Mr. Dwarkanath:

I am pleased to advise you that City Council, at its meeting of May 24, 2011, reappointed you to your fourth term on the Hampton Roads Planning District Commission. Your term will begin on July 13, 2011 and expires on July 12, 2013.

Your Certificate of Appointment is enclosed. As required by State law, you must take the Oath of Office prior to taking your voting position on the Board/Commission. Failure to be sworn in prior to taking your seat on the Hampton Roads Planning District Commission could result in all actions of the Board/Commission on which you participate as an active member being nullified. The oath is administered by Ms. Faye Mitchell, Clerk of the Circuit Court. Please contact Ms. Mitchell's office at 382-3022 to arrange to take your oath. Again, it is necessary to be sworn in before you take your position on the Board/Commission.

By copy of this letter, the chairperson/liaison will be notified of your appointment and will advise you of the next meeting date. In the near future, you will receive additional information regarding this appointment from the Office of the City Attorney. This information includes the Freedom of Information Act (FOIA) recently amended by the Virginia State Legislature. Section 2.2-3702 of the Act requires officials of any public body to read and familiarize themselves with the information contained in the FOIA. Additionally, Section 2.2-3701 of the Act defines a public body as "...any legislative body, any authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth ... supported wholly or principally by public funds." Carefully review the information contained in the FOIA when your package arrives from the City Attorney's office.

Should you have any questions, please call Sandy Madison, Deputy City Clerk, 382-6151.

Sincerely,

  
Dolores A. Moore, MMC  
City Clerk

DAM: sm  
Enclosure

cc: Faye Mitchell, Clerk of the Circuit Court  
Ronald S. Hallman, City Attorney  
Nancy G. Parr, Commonwealth's Attorney  
Kelly Peterson, Liaison, Hampton Roads Planning District Commission

**REC'D**

**MAY 26**

**HRT**



**Citizens Advisory Committee**  
TO THE CHESAPEAKE EXECUTIVE COUNCIL

*CHAIR*  
Nikki Tinsley  
Maryland

*VICE CHAIR*  
John Dawes  
Pennsylvania

Bill Achor  
Pennsylvania

Nancy L. Alexander  
Virginia

Nina Beth Cardin  
Maryland

Andrew Der  
Maryland

Jim Elliott  
Pennsylvania

Christy Everett  
Virginia

C. Victor Funk  
Pennsylvania

Rebecca Hanmer  
Virginia

Verna Harrison  
Maryland

Stella M. Koch  
Virginia

Patricia Levin  
Pennsylvania

Joseph Maroon  
Virginia

William D. Martin, Jr.  
Washington, DC

Karen McJunkin  
Maryland

Dan Milstein  
Washington, DC

Deborah Nardone  
Pennsylvania

Betsy J. Quant  
Pennsylvania

Angana Shah  
Washington, DC

Charlie Stek  
Maryland

Charles E. Sydnor, III  
Maryland

Neil Wilkie  
Maryland

*Young Delegate*  
Jess Cadwallender, VA

May 23, 2011

Jennifer Tribo  
Hampton Roads Planning District Commission  
723 Woodlake Dr.  
Chesapeake, VA 23320

Dear Ms. Tribo:

Thank you for meeting with the Citizens Advisory Committee (CAC) in Alexandria, VA on May 5, 2011. Your presentation on the HRPDC's plans and perspectives on Virginia's Watershed Implementation Plan was helpful for the CAC to hear and discuss. CAC believes the local governments in the Chesapeake Bay watershed are a key component to restoring and protecting local waterways.

Thank you for all you do for the Chesapeake Bay and your communities' rivers and streams.

Sincerely,

Nikki L. Tinsley  
Chair, Citizens Advisory Committee

**RECEIVED**  
JUN 03 2011  
**HRPDC**

MEMBER JURISDICTIONS

June 3, 2011

CHESAPEAKE

Mr. Jeffrey Corbin  
Senior Advisor  
Office of the Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20004  
[Corbin.jeffrey@epamail.epa.gov](mailto:Corbin.jeffrey@epamail.epa.gov)

FRANKLIN

GLOUCESTER

HAMPTON

ISLE OF WIGHT

Re: Chesapeake Bay TMDLs

JAMES CITY

Dear Mr. Corbin:

NEWPORT NEWS

Thank you for your May 3, 2011 letter and the attached responses to the Commission's questions. The Commission greatly appreciates the time and effort that you and your EPA colleagues devoted to preparing the responses.

NORFOLK

POQUOSON

Your responses have prompted the Commission to ask several follow-up questions, some of which are directed to EPA in this letter while others are directed to the Commonwealth of Virginia in separate correspondence on which you are copied.

PORTSMOUTH

SOUTHAMPTON

Before turning to the follow-up questions, I want to say that the Commission is encouraged by EPA's responses to questions A.6, B.1, and B.2 because together, they appear to state that EPA will not object if the Virginia Department of Conservation and Recreation (DCR) employs the Maximum Extent Practicable (MEP) standard when developing MS4 permit conditions based on the Bay TMDLs.

SURRY

VIRGINIA BEACH

This is an extremely important issue for MS4 jurisdictions because proper application of the MEP standard must necessarily take into account limits on the authority of local governments to require retrofits on private property. On average, the Hampton Roads localities own less than 10 percent of the impervious land within their jurisdictional boundaries. This is significantly less than the amount of impervious land that would have to be treated to achieve the Bay TMDL WLAs. The remaining impervious land is privately owned, and the Hampton Roads localities cannot compel private landowners to install retrofits in the absence of redevelopment requiring local land use approvals. Consequently,

WILLIAMSBURG

YORK

Attachment 26E

Mr. Jeffrey Corbin  
June 3, 2011  
Page 2

Bay TMDL-based permit conditions that incorporate fixed BMP retrofit schedules independent of the MEP standard would require the localities to acquire extensive retrofit easements through negotiation and condemnation. Easement acquisition, in turn, would not only add billions of dollars to the cost of compliance, but also expose the localities to enforcement for failure to comply with the BMP retrofit schedules because land acquisition, particularly condemnation, can be extraordinarily time consuming.

As you may know, we have been advocates for an MEP-based approach to MS4 permitting in Hampton Roads that would call for achieving the nutrient and suspended solids load reductions needed to attain the Bay TMDLs' MS4 WLAs using BMP retrofit targets tied to redevelopment rates. Although it would take longer to implement the needed retrofits under this approach, fixed impervious cover and BMP retrofit schedules are not feasible and most certainly do not reflect the MEP standard. While we acknowledge that MS4 permits employing this approach would have to be supported by appropriate documentation on a case-by-case basis, we understand from EPA's responses to questions A.6, B.1, and B.2, that it would not object to such an approach. Please let us know as soon as possible if we have drawn the wrong conclusion from your responses.

### **Follow-up Questions for EPA**

1. In its response to Question A.1, EPA states that it did not include individual WLAs for the Phase I MS4s in the other Bay jurisdictions because they "included discussion of the more specific, anticipated permit requirements in their Phase I WIPs to explain how MS4s would meet aggregate WLAs, thus providing EPA with sufficient assurance that compliance with aggregate WLAs would be achieved". We have two follow-up questions based on this response:
  - (a) What discussions of more specific, anticipated permits requirements did the other Bay jurisdictions include in their Phase I WIPs that Virginia did not include in its Phase I WIP?
  - (b) Why does EPA believe that individual WLAs in the Phase I permits provide sufficient assurance that the WLAs will be achieved?
2. EPA's response to Question A.3.ii states that the individual WLAs for the Hampton Roads Phase I MS4s included urban stormwater loads from permitted sources within the boundaries of the MS4 jurisdictions. Although EPA goes on to state that it does not assume that the NPDES permit requirements for the Phase I MS4 jurisdictions will include any conditions or controls for regulating the activities of other NPDES permittees, the response suggests that the WLAs for these other NPDES permittees will need to be subtracted from the individual Phase I MS4 WLAs at some point in the future. Aside from appearing to acknowledge that the individual WLAs were established based

Mr. Jeffrey Corbin  
June 3, 2011  
Page 3

on incomplete data, EPA's response prompts us to ask whether EPA does, in fact, intend to subtract the WLAs for other NPDES permittees from the individual WLAs, and if so, when?

3. Thank you for your response to Question A.7. Section 4.5.4 of the TMDL says that "Although the Bay Watershed Model does not specifically account for SSOs, the nitrogen and phosphorus load contributions from SSOs are part of the background conditions incorporated into the Phase 5.3 watershed model and, therefore, such loads are accounted for in the data used for calibration of the Bay Watershed Model. Because SSOs are illegal, however, the Chesapeake Bay TMDL assumes full removal of SSOs and makes no allocation to them." Since the SSOs were included as part of the nutrient load for urban lands when the model was calibrated, how will the EPA account for improvements to the sanitary sewer systems and their impact on water quality in future model revisions?

We ask that EPA respond to these questions in writing within 30 days of the date of this letter. I look forward to receiving EPA's response to the follow-up questions, and please do not hesitate to contact the Commission's Deputy Executive Director, John Carlock at 757.420.8300 or [jcarlock@hrpdcv.gov](mailto:jcarlock@hrpdcv.gov) if you wish to discuss this matter further.

Sincerely,



Stan D. Clark  
Chairman

SDC/kp

copy: Anthony Moore, Assistant Secretary Chesapeake Bay Restoration, Office of the Secretary of Natural Resources  
David A. Johnson, Director, Virginia Department of Conservation and Recreation  
Dwight L. Farmer, Executive Director, Hampton Roads Planning District Commission  
John M. Carlock, Deputy Executive Director, Hampton Roads Planning District Commission

MEMBER JURISDICTIONS

June 6, 2011

CHESAPEAKE

Mr. Anthony Moore  
Assistant Secretary  
Chesapeake Bay Restoration  
Office of the Secretary of Natural Resources  
Patrick Henry Building  
1111 East Broad Street  
Richmond, VA 23219

FRANKLIN

GLOUCESTER

HAMPTON

Re: Chesapeake Bay TMDLs

ISLE OF WIGHT

Dear Mr. Moore:

JAMES CITY

This letter is a follow up to EPA's May 3, 2011 responses to the Hampton Roads Planning District Commission's March 31, 2011 questions related to the potential impacts of the Chesapeake Bay TMDLs on the Hampton Roads MS4 localities. Although you were copied on both the questions and the responses, I am including copies for your convenience.

NEWPORT NEWS

NORFOLK

As you can see from its responses, EPA appears to be giving the Commonwealth of Virginia a number of opportunities to mitigate the impacts of the Bay TMDLs on the Hampton Roads MS4 localities. I am writing to request that the Commonwealth provide answers to the following questions so that the Commission's assessment of the likely impacts of the Bay TMDLs is based on the most complete and accurate information possible.

POQUOSON

PORTSMOUTH

SOUTHAMPTON

**Questions of the Commonwealth**

SUFFOLK

1. In its response to HRPDC Question A.1, EPA states that it did not include individual WLAs for the Phase I MS4s in the other Bay jurisdictions because they "included discussion of the more specific, anticipated permit requirements in their Phase I WIPs to explain how MS4s would meet aggregate WLAs, thus providing EPA with sufficient assurance that compliance with aggregate WLAs would be achieved". Does the Commonwealth intend to provide EPA with the more specific, anticipated permit requirements provided by the other Bay jurisdictions so that the individual WLAs for the Virginia Phase I MS4s can be removed from the TMDL at the conclusion of the Phase II WIP process?

SURRY

VIRGINIA BEACH

WILLIAMSBURG

YORK

2. EPA's response to HRPDC Question A.3.ii states that the individual WLAs for the Hampton Roads Phase I MS4s included urban stormwater loads from permitted sources within the boundaries of the MS4 jurisdictions. Although EPA goes on to state that it does not assume that the NPDES permit requirements for the Phase I MS4 jurisdictions will include any conditions or controls for regulating the activities of other NPDES permittees, the response suggests that the WLAs for these other NPDES permittees will need to be subtracted from the individual Phase I MS4 WLAs at some point in the future. If the WLAs for the Phase I MS4s cannot be removed from the TMDL, does the Commonwealth intend to delay renewal of Phase I MS4 permits until this issue is addressed?
3. EPA's response to HRPDC Question A.5.c related to distribution of the TSS load reserve for the James and York river basins states that Virginia may propose reallocations of the load reserve and that EPA will rely heavily on Virginia's proposals. Does Virginia intend to redistribute some or all of the James and York TSS load reserves to the MS4 localities in these basins? If so, what criteria and/or formulae will the Commonwealth use in making the distribution?
4. EPA's responses to HRPDC Questions A.6 and B.2 appear to state that EPA will not object if the Commonwealth employs the Maximum Extent Practicable (MEP) standard when developing MS4 permit conditions based on the Bay TMDLs. As explained in the enclosed follow-up letter to Mr. Corbin, this is an extremely important issue for MS4 jurisdictions. Will the Commonwealth exercise the discretion accorded by EPA and employ the MEP standard when developing MS4 permit conditions based on the Bay TMDLs?
5. In its response to HRPDC question A.7 related to credit for boat no-discharge zones and oyster restoration, EPA indicates that although these practices have not been approved, it is willing to work with Virginia to consider crediting them as placeholder BMPs. Is Virginia committed to working with EPA to credit boat no-discharge zones and oyster restoration as placeholder BMPs, and if so, what is the timing and extent of such a commitment? If not, why?
6. EPA's response to HRPDC Question A.8 indicates that Virginia can count nutrient load reductions from the fertilizer ban when they are reported and verified by the Commonwealth in annual progress reports. Does Virginia intend to report and verify nutrient load reductions from the fertilizer ban in its annual progress reports? If so, how does the Commonwealth propose to verify the nutrient reductions achieved by the fertilizer ban, and when will the Commonwealth provide estimates of those reductions by locality?

Mr. Anthony Moore  
June 6, 2011  
Page 3

7. EPA's response to HRPDC Question A.9 states that EPA will accept Virginia's BMP efficiencies only where they have been approved by the Chesapeake Bay Program Water Quality Goal Implementation Team. Is the Commonwealth committed to seek approval of its BMP efficiencies so that they can be used to assess compliance? If so, what is the timing and extent of such a commitment? If not, why?

We ask that you respond to these questions in writing within 30 days of the date of this letter. Thank you for your consideration of this request and we look forward to hearing from you at the earliest opportunity. Please contact John Carlock at 757.420.8300 or [jcarlock@hrpdcva.gov](mailto:jcarlock@hrpdcva.gov) if you have any questions about this request.

Sincerely,



Stan D. Clark  
Chairman

SDC/kp

Enclosures (2): Letter from HRPDC to Mr. Jeffrey Corbin, dated March 31, 2011  
Letter from Mr. Jeffrey Corbin to Mr. Stan Clark, Dated May 3, 2011

copy: Mr. Jeffrey Corbin, Senior Advisor to the Regional Administrator  
David A. Johnson, Director, Virginia Department of Conservation and Recreation  
Dwight L. Farmer, Executive Director, Hampton Roads Planning District Commission  
John M. Carlock, Deputy Executive Director, Hampton Roads Planning District Commission  
Hampton Roads State Delegation

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](mailto: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](mailto: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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

May 3, 2011

Mr. Stan D. Clark  
Chairman, Hampton Roads Planning District Commission  
The Regional Building  
723 Woodlake Drive  
Chesapeake, Virginia 23320

Dear Chairman Clark,

I want to thank you for the opportunity to appear before the Hampton Roads Planning District Commission when they met in special session on March 31<sup>st</sup>. It was a privilege to speak about EPA's Total Maximum Daily Load (TMDL) for the Chesapeake Bay and the critical role that Virginia's Watershed Implementation Plan (WIP) will play in restoring the health of Virginia waters.

As I said at the beginning of my remarks, while I can't guarantee that EPA's responses will alleviate every concern expressed by Commission members, I feel very strongly that continued, open, frank dialogue between all parties is essential – and can only help to resolve conflicts.

I believe that Commission members, as stated at the meeting and in your follow-up letter, are committed to protecting and restoring waters in the Hampton Roads region. In an effort to answer questions that the Commission has submitted to EPA, clarify remaining uncertainties, and correct any misinformation that may exist, please find attached a detailed response to your letter dated March 31<sup>st</sup>.

This response represents input from many EPA experts who have been involved with the development of the TMDL, evaluation of the states' WIPs, and implementation of Bay

restoration efforts for many years. I trust that you will find this response helpful as the Commission continues to work with the Commonwealth of Virginia on development of its Phase II WIP and implementation of necessary restoration activities.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,



Jeff Corbin  
Senior Advisor

Attachment

Cc:

Lisa P. Jackson, Administrator

Robert Perciasepe, Deputy Administrator

Shawn Garvin, Regional Administrator

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

Dwight L. Farmer, Executive Director, Hampton Roads Planning District Commission

II. Questions for EPA.

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?

**Response:** The Commonwealth of Virginia's final WIP submission and discussions with the Virginia Department of Conservation and Recreation (DCR) in the fall 2010 were the basis for EPA's inclusion of individual WLAs in the final TMDL. Other jurisdictions included discussion of more specific, anticipated permit requirements in their Phase I WIPs to explain how MS4s would meet aggregate WLAs, thus providing EPA with sufficient assurance that compliance with aggregate WLAs would be achieved. After EPA established the TMDL, VA DCR expressed some concerns about individual WLAs. We are currently in discussions with DCR to explore options for proposed refinements to the VA WIP and TMDL in Phase II and will stay in touch with the MS4 jurisdictions.

2. Why weren't the individual WLAs included in the draft TMDL?

**Response:** The draft TMDL proposed aggregate "backstop" WLAs for urban stormwater in which EPA assumed different retrofit and redevelopment standards than what the Commonwealth proposed in its draft Phase I WIP. Based on Virginia's final WIP submission and discussions with VA DCR to remove the draft "backstop" WLAs, EPA established final WLAs that assumed the same stormwater management actions as Virginia proposed in its final Phase I WIP. In order to increase EPA's assurance that Phase I MS4 jurisdictions would achieve these WLAs, EPA established individual WLAs for Phase I MS4 jurisdictions as described in the previous response.

3. How did EPA derive the individual WLAs for the Hampton Roads Phase I MS4s?  
i. What MS4 boundaries were used?

**Response:** EPA used the boundaries illustrated in Figure 4-12 of the Chesapeake Bay TMDL to define the boundaries for the 11 Phase I MS4 jurisdictions in Virginia. These boundaries align with the boundaries of MS4 jurisdictions.

- 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?

**Response:** Yes. EPA identified all loads associated with urban stormwater within each Phase I jurisdiction as currently regulated and included them within the individual WLA for the Phase I MS4. EPA did not have sufficient data to assign separate aggregate or individual WLAs for urban stormwater to sources subject to construction or industrial stormwater permits, or other NPDES permits for urban stormwater within the Phase I jurisdictions. Accordingly, loads associated with urban stormwater discharges that are regulated under separate permits were included in the individual WLA associated with the MS4 jurisdiction. However, by including such loads in the MS4 WLA, EPA does not assume that the NPDES permit requirements for the Phase I MS4 jurisdictions include any conditions or controls for regulating the activities of other NPDES permittees. EPA expects Virginia to continue to issue urban stormwater permits to other non-Phase I MS4 sources within Phase I jurisdictions, and that those permit conditions and controls are consistent with assumptions for nitrogen, phosphorus and sediment reductions and stormwater management actions associated with the Bay TMDL WLAs and Virginia's Watershed Implementation Plan.

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?

**Response: Yes. EPA will work with the Commonwealth and the localities during the Phase II process to ensure that the latest GIS and other data are factored into the “data input deck” of practices that will be implemented on urban lands in the Hampton Roads region. The primary role for preparing a Phase II WIP rests with the Commonwealth’s environmental agencies.**

**EPA is not making additional modifications to the data used in Phase 5.3.2 of the Watershed Model in 2011 beyond the updates to address the land cover and nutrient management changes agreed upon by the Chesapeake Bay Principals’ Staff Committee. The agreed-upon land cover update, which will be used for the Phase II WIPs, is more consistent with local land use data where such data are available. If there are additional suggestions for simulating urban land uses in the Hampton Roads region or elsewhere in the watershed, EPA will work with localities and the Commonwealth to evaluate these options as part of the model reviews that will be happening in advance of the Phase III WIPs in 2017.**

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?

**Response: Yes. As described in the *Guide for Chesapeake Bay Jurisdictions for the Development of Phase II Watershed Implementation Plans*, one purpose of the Phase II WIPs is for the 7 Bay jurisdictions, in consultation with their local partners, to propose refinements to the TMDL allocations based on the agreed upon Chesapeake Bay Watershed Model updates. Following the Phase II WIP process, EPA intends to make revisions to the TMDL and WLAs if necessary and appropriate. In doing so, EPA will rely heavily on what the Commonwealth of Virginia proposes as modifications to its Phase II WIP, assuming the changes are designed to implement water quality standards.**

- 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?

**Response: EPA disagrees that the Bay models are not calibrated for sediment. The Watershed Model Phase 5.3 and the Water Quality Sediment Transport Model of the Bay are calibrated for sediment. The number of sediment calibration stations increased from approximately 15 in the Watershed Model Phase 4.3 to 200 in Phase 5.3 used for the TMDL. The Water Quality Sediment Transport Model also provides a better calibration of sediment than previous model versions.**

- 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?

**Response: EPA will rely heavily on what the Commonwealth of Virginia proposes as modifications to its Phase II WIP, assuming the changes are designed to implement water quality standards. Virginia may propose reallocations of the load reserve. The Phase II WIP process allows Bay jurisdictions, working with their partners, to propose to EPA how to divide the nitrogen, phosphorus and sediment allocations for each major basin among the pollutant sources - including any reserves. This is first and foremost a state decision, with EPA providing oversight to ensure that pollutant discharges are consistent with TMDL and NPDES**

requirements and that water quality standards are attained in all tidal segments of the Bay and its tributaries.

- d. Can all of the MS4 sector WLAs be revised as part of the Phase II WIP process if the basin allocations are met?

**Response: Yes. Through the Phase II WIPs, Virginia and the other six Bay jurisdictions may propose refinements to the TMDL wasteload and load allocations. EPA will determine appropriate revisions to the WLAs based primarily on whether: 1) such proposed refinements would meet water quality standards in all tidal segments of the Bay; and 2) the jurisdiction has demonstrated assurance that these allocations will be achieved and maintained.**

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.”

**Response: Full achievement of the TMDL WLAs for urban stormwater may occur over multiple permit cycles so long as there is a demonstration that controls are being carried out to the Maximum Extent Practicable. Virginia's Phase I WIP commits to full conformance with the TMDL WLAs over 3 permit cycles, or 15 years. According to the WIP, the first permit cycle focuses on institutional changes necessary to achieve stormwater reductions and only assumes a 5% reduction in loads. As a result, some refinements can be made in the TMDL WLAs before the final compliance dates come due with little risk that permits issued this year would ‘overshoot’ reduction targets contemplated in VA’s Phase II WIP.**

**EPA will continue to work closely with VA DCR on both the content of permit proposals and their linkage to the current TMDL and any refinements resulting from the Phase II WIP process. EPA will consider MS4 jurisdictions’ input as it reviews individual permits and, working with DCR, will help explain permit and fact sheet provisions issued by DCR. EPA believes that through compliance staging, allocation refinements can be accommodated without further delaying the reissuance of MS4 permits in the Tidewater region which expired in 2006.**

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?

**Response: EPA acknowledges the important actions of HRSD to reduce nutrient loads including those efforts to address SSOs under the recently entered Consent Decree between EPA, Virginia and HRSD. *US & Virginia v HRSD*, Civil Action No. 2:09-cv-481 (E. D. Va). Under the CWA, SSOs are unauthorized discharges and therefore are not assigned a permit number or WLA in the TMDL. Therefore no additional credit can be given for removal of such SSOs, even though it is an important regulatory requirement and a component of restoring the local water quality and protecting public health. EPA looks forward to continued progress on reduction of SSOs under the framework of the consent decree.**

EPA will give credit in the Phase II WIPs and annual progress assessments for practices that 1) have been approved through the Chesapeake Bay Program Partnership's protocol; and 2) were implemented in 2006 or later, after the Watershed Model calibration time period. Partners may initiate a Chesapeake Bay Program review of practices at any time through the Chesapeake Bay Program Water Quality Goal Implementation Team (WQGIT) and the relevant WQGIT sector workgroup.

Jurisdictions may include "placeholder BMPs" in their Phase II WIPs for practices that have not yet been approved so long as they 1) submit supporting documentation; 2) EPA agrees to nitrogen, phosphorus and TSS reduction values; and 3) the practice is reviewed and approved through the Chesapeake Bay Program protocol prior to reporting in an annual progress assessment. EPA is willing to work with Virginia to consider crediting oyster restoration and no-discharge zones as placeholder BMPs.

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?

**Response: Yes.** EPA can count nutrient load reductions from non-structural BMPs when they are reported and verified by the state in annual progress reports. If Virginia reports urban nutrient management and fertilizer bans within MS4 jurisdictions where the loads from urban stormwater are included in the Bay TMDL WLAs, those MS4 jurisdictions will receive credit toward meeting TMDL WLAs.

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?

**Response: No.** As discussed above, EPA will only use BMP definitions and efficiencies approved by the Chesapeake Bay Program Water Quality Goal Implementation Team for annual progress assessments. While EPA doesn't "defer" to the efficiencies used by Virginia, there is an established process in place for Virginia to propose a revision to the efficiencies currently used in the Bay Watershed Model. Additionally, in their Phase II WIPs, Virginia and other jurisdictions may take credit for nitrogen, phosphorus and sediment reductions resulting from "placeholder BMPs" so long as Virginia 1) submits supporting documentation; 2) EPA agrees to a nitrogen, phosphorus and sediment reduction value; and 3) Virginia commits to have the BMP reviewed and approved through the Chesapeake Bay Program protocol prior to reporting it in an annual progress assessment.

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?

**Response: Yes.** The Chesapeake Bay Executive Council, comprised of governors of the Bay states, the Mayor of the District of Columbia, the Chair of the Chesapeake Bay Commission, and the Administrator of EPA, set a goal that all practices necessary to restore the Bay be in place by no later than 2025. EPA referenced this goal in the Chesapeake Bay TMDL, and jurisdictions set strategies to meet this goal in their Phase I WIPs. EPA assumes that jurisdictions will use their permitting and other authorities to ensure that practices to reduce loads from point and nonpoint sources are in place as soon as possible but not later than 2025 as part of their efforts to meet this shared commitment. EPA will assess progress toward this goal.

May 3, 2011

**At the present time based on the information at hand EPA believes the existing timeline should be adequate to achieve the necessary reductions. However, the crafting of an appropriate compliance schedule for each permit will be governed by Clean Water Act regulatory requirements, e.g., 40 CFR 122.47, as well as state regulations governing NPDES permits. The schedules would be proposed by DCR in a public process and be subject to EPA review on a facility-by-facility basis.**

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?

**Response: Yes. On a case-by-case basis EPA would consider a request to adjust the timeline, although at the present time based on the information at hand EPA believes the existing timeline should be adequate to achieve these reductions.**

**Of course, the state NPDES authority has discretion to consider a number of factors in determining an appropriate compliance schedule. The determination of what is appropriate for each permit will be determined at the time of permit renewal.**

**MS4 permits are not the only avenue for achieving stormwater nutrient reductions. The Virginia Phase I WIP proposed to achieve significant urban nutrient reductions through a state-wide program to restrict turf grass fertilizer use. Other turf grass fertilizer restriction programs around the country have demonstrated very rapid nutrient reductions in receiving streams. As discussed above, if adopted, such reductions could be counted towards achieving the jurisdictions’ WLAs or LAs.**



# Chesapeake Bay Local Government Advisory Committee - Virginia Representatives

June 1, 2011

**REPRESENTATIVES**

Name  
Address  
Address  
Address

**TANGIER ISLAND**  
James Eskridge

Dear Name:

**FAIRFAX COUNTY**  
Penelope A. Gross

The members of the Virginia Delegation to the Chesapeake Bay Local Advisory Committee (LGAC) are writing to you today to make sure that you, and your local jurisdiction, have every opportunity to fully participate in the process of setting policy and finding reasonable and cost effective solutions to meet the EPA mandated pollution reduction goals for the Chesapeake Bay and its tributaries.

**YORK COUNTY**  
Shella S. Noll

As Virginia's local Government Advisory Committee representatives, we know that we cannot achieve our goal of a clean Chesapeake Bay without the help of every member of local government within the Chesapeake Bay Watershed. The rigorous pollutant reduction goals will require all sources of nitrogen, phosphorus, and sediment to do their fair share to make reasonable reductions. A healthy Chesapeake Bay relies on a bottoms up locally based implementation effort with broad based grassroots participation. We encourage you to partner with Virginia and your local Planning District Commission to analyze the pollutant loadings attributed to your local government and to develop a feasible and cost effective strategy to reduce those loadings.

**CITY OF CHESAPEAKE**  
Debbie S. Ritter

**NORTHAMPTON COUNTY**  
Larry Trala

**CITY OF VIRGINIA BEACH**  
Rosemary Wilson

The Chesapeake Bay Local Government Advisory Committee (LGAC), established in 1988, is a body of officials appointed by the Governors of Maryland, Pennsylvania, Virginia, and the Mayor of the District of Columbia to improve the role local government plays in Bay restoration efforts and develop strategies to broaden local government participation in the Chesapeake Bay Program. LGAC has actively supported local government participation in the Chesapeake Bay Program. Quarterly meetings of LGAC provide the forum for policy development and periodic adjustment to programming functions and organizational direction. Improving communication, supplying technical assistance to local governments, and providing a local government perspective on policy development within the greater Chesapeake Bay Program are the chief means by which LGAC works to enhance the participation of local governments in the Bay restoration effort.

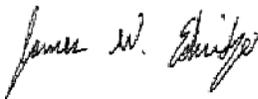
Mr. Name  
June 1, 2011  
Page 2

As advisors to the Chesapeake Bay Executive Council, the members serve as a conduit for local governments to communicate concerns and potential solutions to EPA, the Mayor of the District of Columbia, the Governors of Virginia, Pennsylvania, and Maryland, and the Chairman of the Chesapeake Bay Commission. Your LGAC members are your advocates.

We will continue to raise issues deemed critical to local government. There must be clear expectations, consistent regulations, and committed funding during the continued development of restoration strategies for the Chesapeake Bay.

LGAC is currently preparing its annual "Report to the Chesapeake Bay Executive Council" that will be submitted in June. The report will lay out LGAC's key principles and concerns as well as outline its significant activities. The annual report will be made available to you as soon as it is finalized. The next LGAC quarterly meeting is scheduled for August 4-5, 2011 in Pennsylvania. Please contact any of the Virginia representatives if you have questions or concerns about the Chesapeake Bay Total Maximum Daily Load (TMDL) and Implementation Plan process. Please find attached a FAQ sheet developed by the Hampton Roads Planning District Commission (HRPDC) on the Chesapeake Bay TMDL.

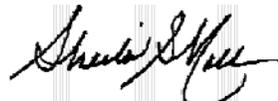
Sincerely,



James Eskridge  
Tangier Island



Penelope A. Gross  
Fairfax County



Sheila S. Noll  
York County



Debbie S. Ritter  
City of Chesapeake



Larry Trala  
Northampton County



Rosemary Wilson  
City of Virginia Beach

Attachment

JMC/jcc

# CHESAPEAKE BAY TMDL FAQ SHEET

On December 29, 2010, the U.S. Environmental Protection Agency (EPA) established the Chesapeake Bay Total Maximum Daily Load (TMDL), a “pollution diet” to initiate actions to restore water quality in the Chesapeake Bay and the region’s streams, creeks and rivers. This FAQ sheet is the compilation of information adapted from EPA, Virginia Department of Conservation and Recreation, and Chesapeake Bay Foundation websites.



## SIGNIFICANT DATES

### 2011

- EPA completes TMDL and model revisions
- States submit Phase II Watershed Implementation Plans (WIPs) detailing actions proposed at a local scale.

### 2017

- States submit Phase III WIPs.
- EPA modifies TMDL allocations

### 2025

- States complete implementation actions.

## TMDL Background

### Q. What is a TMDL?

A. The Clean Water Act (CWA) sets an environmental goal that all waters in the United States be “fishable” and “swimmable.” It requires states to establish appropriate uses for their waters and adopt water quality standards that are protective of those uses. Every two years, states are required to develop a list of waterways that are impaired by pollutants and do not meet water quality standards. For those waterways identified on the *303(d) list* of impaired waters, a TMDL must be developed. A TMDL is essentially a “pollution diet” that identifies the maximum amount of a pollutant the waterway can receive and still meet water quality standards.

### Q. Why was a TMDL developed for the Chesapeake Bay and its tidal tributaries?

A. Despite extensive restoration efforts during the last 25 years, the Bay TMDL was prompted by insufficient progress and continued poor water quality in the Chesapeake Bay and its tidal tributaries. The TMDL is required under the federal Clean Water Act and responds to consent decrees in Virginia and the District of Columbia from the late 1990s.

### Q. How large is the Chesapeake Bay? How big is the watershed that drains into it? How many people live within the watershed?

A. The Bay itself is about 200 miles long, home to more than 3,700 species of plants, fish and other animals. The Bay watershed totals about 64,000 square miles, stretching from Cooperstown, New York, to Hampton Roads. The Bay TMDL and its implementation plan will be enacted throughout the entire Chesapeake Bay watershed.

### Q. What is the Chesapeake Bay Program?

A. The Chesapeake Bay Program includes the signers of the original 1983 Chesapeake Bay Agreement –Maryland, Virginia, Pennsylvania, and the District of Columbia; EPA, representing the federal government; and the Chesapeake Bay Commission, representing Bay jurisdiction legislators. It also includes the U.S. Department of Agriculture and the headwater jurisdictions of Delaware, New York and West Virginia. The Program is led by the Chesapeake Executive Council, which includes the EPA Administrator, the governors of Maryland, Pennsylvania and Virginia, the mayor of the District of Columbia, and the chair of the Chesapeake Bay Commission. The Principals’ Staff Committee, which includes the EPA Region 3 Administrator, state secretaries and others, serves as an advisory body to the Executive Council.

### Q. How long has the Bay TMDL process been underway?

A. Since 2000, the seven jurisdictions in the Chesapeake Bay watershed (Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia), EPA, and the Chesapeake Bay Commission, have been planning for a Chesapeake Bay TMDL. During the October 2007 meeting of the Chesapeake Bay Program’s Principals’ Staff Committee, the Bay watershed jurisdictions agreed that EPA would establish the multi-state TMDL.

## Additional Information:

[http://www.dcr.virginia.gov/soil\\_and\\_water/baytmdl.shtml](http://www.dcr.virginia.gov/soil_and_water/baytmdl.shtml)

<http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/index.html>

<http://www.cbf.org>



## Water Quality

### Q. What water quality problems affect the Bay?

A. Nitrogen and phosphorus pollution are the most serious problems facing the Bay. Too much nitrogen and phosphorus cause algae blooms that block sunlight to underwater grasses. When the blooms decompose, they create “dead zones,” where dissolved oxygen levels are too low to sustain fish and shellfish. Excess sediment also degrades water quality. Poor water quality results in the loss of habitat for aquatic species throughout the Bay and its tidal and free flowing rivers.

### Q. How do activities on the land impact Chesapeake Bay water quality?

A. At its healthiest in the early 1600s, the Chesapeake watershed was mainly comprised of forested buffers, wetlands, and resources lands (open space and farmland) that absorbed and filtered nutrients. As development occurred throughout the watershed, farms, factories, cities, and suburbs have replaced natural wetland filters and forested buffer areas, resulting in the increased flow of nutrients into waterways.

### Q. How are the TMDL pollution limits set?

A. EPA utilized a modeling tool called the Bay Watershed Model to determine nitrogen, phosphorus, and sediment load caps for each state and the District of Columbia. These pollution limits are expressed as allocations by “segment-shed” (sub-basins of major rivers) and by the larger river basins. Within each basin, allocations are identified for the following source sectors: wastewater, onsite/septic, agriculture, urban stormwater, and forest.

### Q. Will the Bay TMDL have benefits for waterways throughout the watershed?

A. The pollution controls employed to meet the TMDL will have significant benefits for water quality in the streams, creeks and rivers throughout the region, improving waterways that support local economies and livelihoods, provide for fishing, swimming, and boating opportunities, and often serve as sources of drinking water.

## Sources of Nitrogen, Phosphorus and Sediment:

- Agricultural operations
- Urban and suburban runoff (runoff from roadways, development, residential and commercial lawn fertilizers)
- Wastewater facilities
- Septic systems
- Air pollution (from vehicle exhaust, power plants)

## TMDL Implementation

### Q. How will the Bay TMDL be implemented? What is the relationship between the TMDL and the Watershed Implementation Plan (WIP)?

A. The accountability framework includes Watershed Implementation Plans (WIPs) developed by the states, two-year milestones identified in the WIPs, EPA’s tracking and assessment of restoration progress and, as necessary, specific federal actions if jurisdictions do not meet their commitments.

### Q. What are the expected consequences if a segment or basin fails or exceeds an assigned loading level, or if two-year milestones are not met?

A. If state actions fall short, EPA is prepared to impose consequences to assure progress. For example,

- Expand stormwater permit coverage to currently unregulated sources
- Object to stormwater permits and increase program oversight
- Require additional reductions of loadings from point sources

### Q. When does the TMDL anticipate the Bay will be restored?

A. All pollution control measures will be in place by 2025. While it will take years after 2025 for the Bay to fully heal, EPA expects some areas of the Bay will recover before others and there will be gradual improvement in water quality as controls are put in place around the watershed.

### Q: How will the TMDL implementation be funded?

A: Virginia has increased funding to support agricultural management practices. Wastewater and stormwater system upgrades will be funded primarily by ratepayers. Virginia’s Water Quality Improvement Fund may provide loans to some systems. An expanded nutrient trading program may allow sectors to trade credits and reduce nutrient loads more cost effectively.



## **AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING**

### **ITEM #27: FOR YOUR INFORMATION**

#### **A. Hampton Roads Economic Quarterly**

On May 25, 2011, the Commission released Volume 3, Issue 3 of the Hampton Roads Economic Quarterly. This quarterly report provides up-to-date information on the most current relevant economic indicators, as well as narratives that discuss issues of timely importance. The primary topic of the May article focused on the Hampton Roads housing market. A copy of the most recent release is included in the agenda packet.

Separate Enclosure

#### **B. Chesapeake Bay TMDL Subcommittee**

Attached for your information is the summary of the June 2, 2011 meeting of the Chesapeake Bay TMDL Subcommittee.

Attachment 27B

#### **C. Watershed Implementation Planning Course**

Attached for your information is a certificate presented to Senior Water Resources Planner Jenny Tribo on completion of a workshop on “Watershed Implementation Planning for Your Municipality.”

Attachment 27C

**MEETING SUMMARY**  
**HRPDC CHESAPEAKE BAY TMDL SUBCOMMITTEE**  
**June 2, 2011**  
**1:00 p.m.**  
**HRPDC - Chesapeake**

**Attendees:** HRPDC Chesapeake Bay TMDL Subcommittee  
Stan D. Clark, IW  
Amar Dwarkanath, CH (for William E. Harrell)  
Brian Lewis, NN (for Mayor McKinley L. Price)

Regional Stormwater Management Committee

Barbara Brumbaugh, CH  
Joseph M. DuRant, NN  
LJ Hansen, SU  
Greta Hawkins (Kimley-Horn), HA  
William J. Johnston, VB  
David Kuzma, NN  
Ellen W. Roberts, PQ  
Erin Rountree, SU  
Justin Shafer, NO  
Jill Sunderland, NO

Staff

Dwight Farmer, HRPDC  
John Carlock, HRPDC  
Whitney Katchmark, HRPDC  
Jenny Tribo, HRPDC  
Tiffany Smith, HRPDC

Others

Phil Hecht, Woolpert

Per action at the May 19, 2011 HRPDC Executive Committee meeting, the HRPDC Chesapeake Bay TMDL Subcommittee met to finalize follow-up questions to the May 3, 2011 letter from Jeff Corbin, EPA. The Subcommittee discussed the content of draft letters to EPA and to Anthony Moore, Virginia's Assistant Secretary for Chesapeake Bay Restoration and agreed to the revisions described below. The draft letters had been circulated via email to the Subcommittee for review prior to the meeting. No comments were received. The final letters dated June 3, 2011 are attached.

**1. Letter to Mr. Jeff Corbin, EPA**

The subcommittee agreed to the following revisions:

- a. Page 1, paragraph 3: Add reference to question B.1. (B.1 is also referenced on page 2, paragraph 1.)
- b. Page 2, paragraph 1: Reference to “affordability” was deleted.
- c. Page 2-3, Question 3: Add language to clarify question on the development of TSS reductions.
- d. Page 3, Question 4: Add follow-up question asking for clarification on how the EPA will account for improvements to the sanitary sewer system and water associated water quality impacts.
- e. Page 3, last paragraph: Add language to request EPA written response within 30 days.

**2. Letter to Mr. Anthony Moore, Assistant Secretary, Chesapeake Bay Restoration**

The subcommittee agreed to the following revisions:

- a. Page 1, paragraph 1: Spelling correction.
- b. Page 1-2, Question 2: Add language to clarify whether the Commonwealth intends to delay renewal of Phase I MS4 permits until the waste load allocations (WLAs) from other NPDES permittees can be subtracted from the individual Phase I MS4 WLAs.
- c. Page 2, Question 6: Grammatical correction.
- d. Page 3, last paragraph: Add language to request EPA written response within 30 days.
- e. Page 3, copy list: State legislators and DCR staff should be copied on the letter.

# Certificate of Completion

Presented to

*Jenny Triska*

To certify that he/she completed to satisfaction a three hour workshop on the  
subject of:

**Watershed Implementation Planning for YOUR MUNICIPALITY**

3 Professional Development Hours (PDH)

Presenters:  
Joan Salvati, Director DCR  
Lisa Ochsenhirt, Aqualaw  
Jeff Herr, P.E., Brown and Caldwell

\_\_\_\_\_  
May 12, 2011

Date

*Lisa Jeffrey*

\_\_\_\_\_  
Lisa Jeffrey, P.E., C.F.M.  
Managing Engineer

**Brown AND Caldwell**

**AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING**

**ITEM #28: OLD/NEW BUSINESS**