

AGENDA
HAMPTON ROADS PLANNING DISTRICT COMMISSION
EXECUTIVE COMMITTEE MEETING
March 17, 2011

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

CONSENT AGENDA

- 9:35 4. Minutes of December 15, 2010 Meeting
5. Summary of February 17, 2011 Retreat
6. Treasurer's Report
7. Regional Reviews – Monthly Status Report
 A. PNRS Reviews
 B. Environmental Impact Assessment/Statement Review
8. Urban Areas Security Initiative (UASI) Contract with Tidewater Emergency Medical Services Council, Inc
9. Coastal Zone Management Program – FY 2012 Grants
10. Hampton Roads Watershed Roundtable – Final Report
11. Coastal Zone Management Program – FY 2010 Annual Report – Hampton Roads Technical Assistance Program
12. Greenhouse Gas Emissions Inventory
13. 2011 Community Development Block Grant (CDBG) Regional Priorities

REGULAR AGENDA

- 9:40 14. Regional Building Ownership
9:50 15. Regional Private Property Infiltration/Inflow (I/I) Abatement Program
10:05 16. Regional Benchmarking Study: Cost of Living and Competitiveness
10:15 17. Chesapeake Bay Total Maximum Daily Load (TMDL) Update
10:20 18. HRPDC Meeting Schedule
10:25 19. HRPDC Action Items: Three-Month Tentative Schedule
20. Project Status Reports and Advisory Committee Summaries
21. For Your Information
22. Correspondence of Interest
23. 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.

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

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.

AGENDA NOTE- HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #3: 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
Quarterly Commission Meeting
Minutes of January 20, 2011

The Annual Commission 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:

COMMISSIONERS:

Thomas G. Shepperd, Jr. Vice Chairman (YK)	McKinley Price, D.DS(NN)
Dr. Alan P. Krasnoff (CH)*	Stanley Stein (NO)
Amar Dwarkanath (CH)	J. Randall Wheeler (PQ)
Clifton E. Hayes, Jr. (CH)	Kenneth L. Chandler (PO)
Ella Ward (CH)	Selena Cuffee-Glenn (SU)
Greg McLemore (FR)	Tyrone W. Franklin (SY)
Brenda Garton (GL)*	John Seward (SY)
Gregory Woodard (GL)	Harry E. Diezel (VB)
Ross A. Kearney (HA)	Robert M. Dyer (VB)
Mary Bunting (HA)	Barbara M. Henley (VB)
W. Douglas Caskey (IW)	Louis R. Jones (VB)
Bruce Goodson (JC)	William D. Sessoms (VB)*
Robert Middaugh (JC)	James Spore (VB)*
Neil A. Morgan (NN)	Jackson C. Tuttle II (WM)

Executive Director:

Dwight L. Farmer

*Late arrival or early departure.

ABSENT:

William E. Harrell (CH), June Fleming (FR), Molly Joseph Ward (HA), Stan D. Clark (IW), Paul D. Fraim (NO), Anthony Burfoot (NO), Thomas Smigiel (NO), Theresa Whibley, MD (NO), Sharon Scott (NN), Gordon C. Helsel (PQ), Kenneth Wright (PO), Michael W. Johnson (SH), Anita Felts (SH), Linda T. Johnson (SU), John E. Uhrin (VB), Clyde Haulman (WM), James O. McReynolds (YK).

OTHERS RECORDED ATTENDING:

John Gergely, Henry Ryto, Steve Klute & Drake Hoffman (Citizens); Earl Sorey (CH), Keith Cannady, Dianne R. Foster, & Brian DeProfio (HA); Beverly Walkup (IW); Jeff Raliski (NO), Eric Nielsen (SU), Tom Slaughter (NN), Laura Kirkwood – HRSD; Bob Burnley - Wise Energy of VA; Kim Vlahes – Hopes, Inc.; Darrell Morse – Sunbelt Rentals; Dean McClain, HRCC; Donna Morris – HRP; Mark Geduldig-Yatrofsky – Portsmouth City Watch, Org.; Peter Huber – Wilcox & Savage; Germaine Fleet – Biggs & Fleet; Staff: John Carlock, Rick Case, James Clary, Jennifer Coleman, Nancy Collins, Natalie Easterday, Richard Flannery, Kathlene Grauberger, Greg Grootendorst, Lisa Hardy, Julia Hillegass, Jim Hummer, Rob Jacobs, Whitney Katchmark, Sara Kidd, Michael Kimbrel, Robert Lawrence, Jay McBride, Ben McFarlane, Keith Nichols, Kelli Peterson, Camelia Ravanbakht, Jenny Redick, Katie Rider, John Sadler, Tiffany Smith, Jennifer Tribo, Joe Turner and Chris Vaigneur.

PUBLIC C OMMENTS

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

Bob Burnley

Thank you, Mr. Chairman and Commission members. Thank you again for being so accommodating. My Name is Bob Burnley, environmental advisor from Richmond. I am here today on behalf of Wise Energy from Virginia a coalition of clean energy and clean air advocates. I will be very brief. When I was here last month, I spoke to you about the costs to your local governments and citizens that will be associated with the coal and fired power plant, Cypress Creek Power Station, if that plant is built. You will be responsible for cleaning up nitrogen from the land and water that was put there by that plant. And today, I know that you are going to receive recommendations from your staff about the new Chesapeake Bay TMDL requirements. I just urge you to keep in mind during any conservation that you have about TMDLs and TMDL costs that if this power plant is built, you will be required to pay for cleaning up nitrogen that is emitted from the plant, and fall on your communities and the Chesapeake Bay. Thank You

Vice Chairman Shepperd stated this concludes the public comment session.

APPROVAL/MODIFICATION OF AGENDA

Vice Chairman Shepperd stated under New Business there is one item to be addressed, a Contract with the City of Franklin for the Franklin Comprehensive Plan.

CONSENT AGENDA

The Consent Agenda contained the following items:

Minutes of December 15, 2010 Meeting

Treasurer's Report

Regional Reviews

A. PNRS Items Review

Chesapeake Bay Program Office FY 2010 Request for Proposals for Communications, Outreach and Education

B. Environmental Impact Assessment/Statement Review

Mason Creek Canal Bulkhead Replacement, Naval Station Norfolk, DoD/Department of the Navy

Revision and Reissuance of Regional Permit 5 for the Construction of Small Impoundments, U.S. Army Corps of Engineers

Resident Hall V, Christopher Newport University

Nationwide Use of High Frequency and Ultra High Frequency SONAR Technology,
DHS/U.S. Coast Guard

Commissioner Goodson Moved to approve the Consent Agenda; seconded by Commissioner Kearney. The Motion Carried.

CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL) RECOMMENDED LOCAL GOVERNMENT ACTIONS

Vice Chairman Shepperd introduced Ms. Whitney Katchmark to present the Chesapeake Bay Total Maximum Daily Load Recommended Local Government Actions.

Ms. Katchmark stated EPA has accepted Virginia's Watershed Implementation Plan in the final TMDL. She also stated the HRPDC Board developed a subcommittee to discuss what the HRPDC could do to help the local governments. The subcommittee suggested the HRPDC staff develop a couple of short briefing papers to help explain to the public what the TMDL is about and what is required from EPA. Also discussed was how HRPDC could share its concerns about proposed state legislation. The HRPDC staff will send emails to the Commissioners and legislative liaisons highlighting the concerns and impacts TMDL have on localities and keep the Congressional Delegation staff informed.

Ms. Katchmark also indicated the Commission had talked about legal options for the localities to appeal the recommend actions. Mr. Dave Evans, Attorney with McGuire Woods will put together comments on the draft TMDL after talking with the city and county attorneys.

Ms. Katchmark indicated Phase II of the Watershed Implementation Plan is due by November 2011. EPA recently released its fact sheet and reiterated its expectation. EPA expects the nutrient reductions to be divided into smaller scales such as localities or sub-watershed. EPA wants to know what actions the localities are taking to get to those reductions. The state has not identified a process or guidelines on how the localities are to implement the practices to meet interim water quality goals. HRPDC staff is recommending creating a regional framework to coordinate data collection, data analysis and policy development. The long term objective is to identify what programs and projects the localities need and how much it would cost and conserve budgeting. The short term objective is to look at the model data and compare it to local data. The data needed to compare model data to local data is impervious cover, the number of BMPs and the number of septic tanks. These factors drive the pollution load and give a sense of what else is needed to meet those targets.

Ms. Katchmark gave details for the next step which is data collection to determine what the localities need; what data is available and who has it; and find alternatives for collecting missing data, such as cost estimates; and develop regional data standards so localities can determine how they want to get their data and still have the benefit and flexibility to do a regional analysis and avoid internal data disputes within the region. The next step is data analysis. A regional framework for data analysis needs to be developed. Assumptions,

such as pollution loading rates and BMP efficiencies, need to be defined in order to evaluate the most cost effective and efficient strategies.

Ms. Katchmark stated one of the benefits the localities have is to work as a region and feed changes to the model. The region is arguing the same points instead of each locality trying to negotiate and get changes in a short period of time, and doing regional framework, working together to make plans fit together. The benefit of this is if they fit together the EPA will be satisfied with the Phase II Implementation Plan and we could avoid those backstops that were previously discussed.

Ms. Katchmark stated there are three recommendations for the Commission to approve; a) approve the Chesapeake Bay TMDL Resolution; b) authorize HRPDC staff to develop a Regional framework for Phase II Watershed Implementation Plan; and c) authorize HRPDC staff to establish a steering committee of Source sector representatives.

(Commissioners Krasnoff and Spore arrive)

Vice Chairman Shepperd stated the Commission could approve the recommendations as one item, but he wanted to approach each item separately to make sure the Commission had an understanding of what was approved.

Commissioner Goodson Moved to approve the Chesapeake Bay TMDL Resolution; seconded by Commissioner Woodard. The Motion Carried.

Vice Chairman Shepperd asked for a motion to authorized HRPDC staff to develop a regional framework for the Phase II Watershed Implementation Plan that will be submitted by December 31, 2011.

Mr. Farmer stated the localities are at different levels in terms of data collection. The HRPDC staff wants to get everyone at the same level so that HRPDC can move forward on legal or technical strategies.

Commissioner Kearney asked that the Commissioners be informed of the process as it develops.

Mr. Farmer stated the Commissioners will be informed on a monthly basis.

Commissioner Kearney Moved to authorize HRPDC staff to develop a regional framework for Phase II Watershed Implementation Plan; seconded by Commissioner Price. The Motion Carried.

Vice Chairman Shepperd asked for a motion to authorize the HRPDC staff to establish a steering committee of source sector representatives.

Commissioner Jones Moved to authorize the HRPDC staff to establish a steering Committee of source sector representatives; seconded by Commissioner Kearney. The Motion Carried.

2011 ECONOMIC FORECAST

Vice Chairman Shepperd introduced Mr. Greg Grootendorst to present the 2011 Economic Forecast.

Mr. Grootendorst stated over the past several months HRPDC has been providing special reports on the HRPDC website when there have been significant developments in the regional economy. He indicated the HRPDC staff receives multiple requests from Commissioners, jurisdiction staff members, and regional organizations on what the economic impact has been on Hampton Roads, how it impacts the region and what can be expected. HRPDC staff decided to be proactive and produce special reports that can be viewed on the HRPDC website.

Mr. Grootendorst indicated the HRPDC staff has been presenting the regional economic forecast since 1990. January of each year is an exciting time for economists as they speculate on what is going to happen with the economy because there are so many unknowns. The dominant issue this year is the recession. Starting in December 2007, the upsets in the economy including the housing market crash, mortgage crisis, flawed securities, credit tightening, also a massive global impact, consumer confidence, decreased consumer demand, decreased employment and a large increase in unemployment indicate where the region is today. There was a 145% increase in fuel prices from February of 2007 through June of 2008 as well. There was a collapse in housing. The nation lost 8.4 million jobs since the beginning of the recession.

Mr. Grootendorst stated the recession in 2001 was a jobless recovery, where employment did not come back. Many of the older recessions were more industrial based-when the demand picked up, people went back to their own jobs. The general rule is Hampton Roads would have to grow approximately five percent each year to reduce the unemployment rate by one percent. Personal consumption expenditure makes up two-thirds of gross products. It is very important that people get back into the market place and start spending money in order to increase employment. Travel, tourism and leisure spending are the first to drop when people are uncertain about cut backs. The Hampton Roads area was not impacted as much as some of the areas in the country. Increased personal debt payments are reflected in the savings rate when people pay off credit cards or student loans.

With the recession on everyone's mind, people are more concerned about their finances and have increased their savings rates by paying down debt. Increased savings rates translate into decreased expenditures, which have a negative impact on economic output. This new focus on savings has led some to believe that the savings rate is likely to remain elevated, however, as baby boomers begin to retire they will start to draw down on their savings. Regardless of savings rates, consumption will continue to remain weak as long as consumer confidence is low and unemployment rates stay elevated.

Mr. Grootendorst indicated housing prices continue to drop. Housing prices are still going down and this trend is expected to continue for a little longer. An increase in gas prices

has preceded most recessions. Gas prices had a 145% increase and economists are looking toward the future seeing housing prices, gas prices and the forecast climbing.

Mr. Grootendorst presented a slide which showed employment growth in Hampton Roads had declined and approximately 50,000 jobs were lost in this region. Hampton Roads lost jobs in retail, natural resources, construction and manufacturing. Since December 2009, there has been an increase in jobs, but not necessarily from the jobs that were lost. Real employment increases did not start occurring until 2010.

Mr. Grootendorst stated the issue that is most important to this region is Joint Forces Command. The most recent information indicated there will be about 1,945 jobs lost in direct employment in the next year. The indirect employment loss will happen later. The total lost in jobs would be almost 4,000 in the coming year. The Hampton Roads forecast is 2.2% growth which is below the national rate.

Commissioner Ward asked that the data that was used in reference to the 2009 forecast be printed.

Mr. Grootendorst indicated he would have the information printed for distribution.

Vice Chairman Shepperd asked for a motion to release the 2011 Economic Forecast.

Commissioner Franklin Moved to release the 2011 Economic Forecast; seconded by Commissioner Price. The Motion carried.

(Commissioners Sessoms and Garton arrive)

BYLAWS AMENDMENT – FIRST READING

Vice Chairman Shepperd stated in accordance with the HRPDC Bylaws any proposed amendments to the Bylaws must be presented in writing and read at any regular meeting of the Commission. The Proposed amendment to the HRPDC Bylaws is to change the HRPDC meeting day to the Third Thursday of each month.

Commissioner Kearney Moved to approve the Bylaws Amendment; seconded By Commissioner Krasnoff. The Motion carried.

HRPDC ACTION ITEMS: THREE MONTH TENTATIVE SCHEDULE

Vice Chairman Sheppard indicated the HRPDC staff developed a tentative schedule for issues that will come before the Commission for action over the next three months.

Commissioner Franklin Moved to approve the three month tentative schedule; seconded By Commissioner Caskey. The Motion carried.

PROJECT STATUS REPORT

No questions or comments.

CORRESPONDENCE OF INTEREST

No questions or comments.

OLD/NEW BUSINESS

Vice Chairman Shepperd indicated there was one new business item for review, the Franklin Comprehensive Plan.

Mr. Farmer stated his request is to give staff permission to execute a contract with the City of Franklin to assist with its Comprehensive Plan.

Commissioner Kearney Moved to authorize the HRPDC staff to execute a contract with the City of Franklin for the Franklin Comprehensive Plan; seconded by Commissioner Garton. The Motion Carried.

ADJOURNMENT

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:22 a.m.

Stan D. Clark
Chairman

Dwight L. Farmer
Executive Director/Secretary

Hampton Roads Planning District Commission

Retreat Summary

February 17, 2011

The Retreat of the Hampton Roads Planning District Commission was called to order at 9:35 a.m. by Chairman Clark with the following in attendance:

COMMISSIONERS:

Stan D. Clark, Chairman (IW)	Stanley Stein (NO)
Thomas G. Shepperd, Jr. Vice Chairman (YK)	Kenneth L. Chandler (PO)
William E. Harrell (CH)	Kenneth Wright (PO)
Amar Dwarkanath (CH)	Selena Cuffee-Glenn (SU)*
Dr. Ella Ward (CH)	Tyrone W. Franklin (SY)
Gregory Woodard (GL)*	John Seward (SY)
Mary Bunting (HA)	Robert M. Dyer (VB)
W. Douglas Caskey (IW)	Barbara M. Henley (VB)
Bruce Goodson (JC)*	Louis R. Jones (VB)
McKinley Price, D.DS (NN)	James Spore (VB)
Sharon Scott (NN)*	Rita Sweet Bellitto (VB)
	Clyde Haulman (WM)

Executive Director:

Dwight L. Farmer

*Late arrival or early departure.

ABSENT:

Dr. Alan P. Krasnoff (CH), June Fleming (FR), Greg McLemore (FR), Brenda Garton (GL), Ross A. Kearney (HA), Molly Joseph Ward (HA), Robert Middaugh (JC), Neil A. Morgan (NN), Anthony Burfoot (NO), Paul D. Fraim (NO), Thomas Smigiel (NO), Theresa Whibley, MD (NO), J. Randall Wheeler (PQ), Gordon C. Helsel (PQ), Michael W. Johnson (SH), Anita Felts (SH), Linda T. Johnson (SU), Harry E. Diezel (VB), John E. Uhrin (VB), Jackson C. Tuttle II (WM), James O. McReynolds (YK).

OTHERS RECORDED ATTENDING:

John Gergely, Henry Ryto, Dr. A. S Anderson (Citizens); Dianne R. Foster (HA); Beverly Walkup (IW), Jeff Raliski (NO), Jay Bernas – HRSD; Ray Taylor – FHR; Jim Oliver - HRCCE; Jim Flatterty - Whitney, Bradley & Brown, Inc; Ellis James - Sierra Club Observer; Steve Romine – LeClair Ryan; Carolyn McPherson – Light Rail Now, Inc.; Dave Evans – McGuire Woods; Adam Jack – VDOT; Amy Inman – DRPT; Karen McPherson – Kimley-Horn; Shannon Kendrick, Congressman Scott Rigell’s Office; Bruce Williams - FHR HR 200 plus Men; Staff: John Carlock, Camelia Ravanbakht, Jessica Banks, Shernita Bethea, Rick Case, James Clary, Jennifer Coleman, Nancy Collins, Natalie Easterday, Richard Flannery, Kathlene Grauberger, Greg Grootendorst, Lisa Hardy, Julia Hillegass, Frances Hughey, Jim Hummer, Rob Jacobs, Whitney Katchmark, Sara Kidd, Robert Lawrence, Jay McBride, Ben McFarlane, Brian Miller, Kelli Peterson, Katie Rider, John Sadler, Tiffany Smith, Jennifer Tribo, Chris Vaigneur and Tara Walker.

Public Comment

No Public Comments

Operating Budget – FY 2012

Chairman Clark asked Mr. Farmer to give an overview of the Operating Budget for 2012.

Mr. Farmer stated that Nancy Collins, Chief Financial Officer would give a brief summary of the budget and financial conditions.

Ms. Collins presented slides to show the budgeting process of HRPDC. The current 2011 budget approved for HRPDC reflects total revenues of \$8.7 million with \$2.6 million budgeted for Core Operations. The funding for the HRPDC reserves balance began in FY 2010. Funding of \$341,000 annually is anticipated to keep these balances available for specific purposes. The current cash reserve is over \$2.2 million. These funds are used to maintain operation as HRPDC waits for grant reimbursement and to fund unanticipated projects that may arise throughout the year. The staff is reviewing anticipated expenditures to counter the expected \$200,000 shortfall. HRPDC plans to submit the FY 2012 budget to the Board at the May 2011 meeting.

Mr. Farmer indicated he would like to lock those dollars in the reserve account for things that will be a future liability for the HRPDC.

REGIONAL BUILDING OWNERSHIP

Mr. Farmer stated he had received a request from the SPSA Executive Director for HRPDC to purchase its share of the Regional Board Room and to reimburse SPSA for the initial investment of \$346,000 for the construction of the Board Room that was built about ten years ago. The cost share was approximately one-third SPSA and two-thirds HRPDC.

Mr. Farmer indicated if the Commission agrees, the HRPDC would like to get a reassessment of assets of the property and recommends a change in the ownership split for the Regional Building between the two organizations with HRPDC's share increasing. Mr. Farmer stated he would like to investigate with the assistance of a real estate professional the valuation of the building and grounds and what the recommended changes would be in the agreement that currently exist in terms of the split of ownership.

Commissioner Harrell stated unless there is some concern the Board should follow through with Mr. Farmer's decision.

Mayor Wright asked if the preliminary investigation would be in-house or outside with professional assistance.

Mr. Farmer stated HRPDC had previous outside assistance from Deborah Stearns of Harvey Lindsay and is hoping she can put the information she already has into a format that can be understood.

Commissioner Shepperd asked if the proposal for the assessment is for the entire building; and is SPSA requesting a buyout of 55% for the entire building.

Mr. Farmer stated that SPSA wants HRPDC to reimburse them for the initial \$346,000 for the Boardroom.

SUSTAINABILITY: A GROWING FEDERAL FOCAL AREA

Mr. Farmer stated sustainability is a central theme with several critical issues facing Hampton Roads. Sustainability is a new trend and has caused some local governments and regions to rethink their views. There is a need to reinvest in existing resources and infrastructure as sustainability emerges as a new movement. He indicated that partnerships for sustainable communities provide housing, transportation and other infrastructure investments.

(Commissioner Scott arrives)

CAPABILITIES AND RESOURCES

Mr. Farmer stated the HRPDC staff will provide a brief overview of staff resources and capabilities that are available to support the Commission and its member localities.

HRPDC staff gave a presentation on critical issues such as Housing and Human Services, Climate Change, Sea Level Rise, Emergency Management, Environmental Education, Water Supply, Solid Waste, Homeland Security, Economics and Communications that explained what the HRPDC staff does on a day to day basis and highlighted a number of ongoing regional programs and initiatives that will be considered as staff finalizes the FY 2012 Work Program.

(Commissioners Goodson, Bunting and Cuffee-Glenn arrive)

REGIONAL HOUSING SERVICE PORTAL

Ms. Shernita Bethea, Housing and Human Services Manager, provided a brief overview on the Regional Housing Portal, connecting housing services to the HRPDC community. The HRPDC staff and partner organizations have been in the process of collecting and organizing information related to the provision of housing services in Hampton Roads. There are numerous housing related organizations in Hampton Roads that provide varied services, but there is no centralized place to get information on available service providers, for citizens seeking assistance as well as other service providers.

Ms. Bethea stated by utilizing the information collected, a centralized database can be made to create a one-stop shop approach to making information on services and programs accessible to the public. This information can be a valuable resource to citizens seeking housing services, as well as for local governments, non-profit organizations and housing service agencies when providing assistance for those who need housing support.

Commissioner Scott asked from where does the information come for the data base and how does the information get out to the public.

Ms. Bethea stated some of the information came from different cities and localities, interviewed agencies, and as well information received from HUD-approved housing counseling sites. To get this information out to the public the plan is to use public education and public service announcements to inform the people this is a safe place to get information without running the risk of fraud.

Commissioner Goodson asked if the budget was being monitored.

Ms. Bethea stated this is a good time for this project because of the budget cuts and fewer organizations are doing more work in terms of supply and demand of what the clients need.

Commissioner Shepperd indicated he was not sure who the customers are that would be using this information.

Ms. Bethea stated the HRPDC has multiple customers including private citizens, local housing authorities as well as the Department of Housing and Community Development representatives. They all call the HRPDC asking for help for clients and what services may be beneficial.

Commissioner Scott asked if it would be linked to other jurisdictions.

Ms. Bethea indicated that no decision has been made but HRPDC will come back to the Commission to inform them on the process. The goal is to make the information easily accessible for everyone to review.

HAZARD MITIGATION PLANNING AND IMPLEMENTATION

Mr. Richard Flannery, Emergency Management Administrator stated the Disaster Mitigation Act was approved by Congress and signed into law in October 2000 and is the key component of the federal government's attempt to reduce the rising cost of disasters in the United States. The Act requires local governments to update and submit natural hazard mitigation plans in order to qualify for grant funding. The Act also requires the Plan to demonstrate that the jurisdictions reduce the risk of natural hazards serving as a guide for decision-makers as they commit resources to reduce the effect of natural hazards. Multiple Hazard Mitigation Plans are in the process of being updated to support eligibility for the Natural Flood Insurance Program, federal funding for mitigation activities and funding opportunities from disaster declarations. Mitigation practices will enable local residents, business, and industries to re-establish themselves in the wake of a disaster, getting the community and economy back on track with fewer interruptions. This is not an emergency management response plan. This is a community issue and the action that the community commits expands across many departments. Mitigation strategies were either

updated or changed to reflect regional and locality specific goals, and objectives to better prepare Hampton Roads for the risks associated with the hazards addressed in the plan.

Mr. Farmer stated identifying mitigation projects have multiple savings; it is money well spent. Each of the localities, through the Commission, has invested in a communication ring in order for the Mayors, Mangers and Councilmen to communicate with each other for several days to a week when there is a power outage.

Commissioner Shepperd wanted to know if HRPDC was involved in helping the localities prepare the documents and what services are provided.

Mr. Flannery stated HRPDC is in the process of helping the Peninsula, as well as South Hampton Roads, City of Franklin and Southampton County. HRPDC is working with consultants to help update these plans as well as providing the subject matter expertise in guiding the localities through the process. HRPDC is making sure the jurisdictions have help in setting goals and objectives for their communities. There are regional goals and objectives for all the localities participating in the plan.

PRIORITY DATA NEEDS

Mr. Farmer introduced Jay McBride, HRPDC Principal Regional Planner, to present an overview of the Hampton Roads Priority Data Needs.

(Commissioner Woodard arrives)

Ms. McBride stated she would brief the Commission on the need and the value of obtaining consistent GIS Data. Consistent GIS data is accurate, reliable, usable, compatible and complete. It is produced by others quickly through the use of common formats and access methods and provides faster response time, and improved operations. It allows you to develop applications faster and easier, provides better data for decision making, resolves problems created by conflicting data, and provides cost saving. It is used for regional land use and land cover data. Land use describes how people utilize the land and its socio-economic activity, and land cover is the physical material at the surface of the earth. Land covers include grass, asphalt, trees, bare grounds, and water.

Ms. McBride indicated some of the benefits associated with having a regional land use and land cover data set are: 1) provides interaction between the physical geography and the socio-economic activities of land; 2) provides the ability to analyze water pollution and sedimentation; 3) provides the data necessary for understanding the linkages between land use, nutrient loads and sedimentation rates; 4) supports predictive modeling techniques to better forecast areas of urban growth; and 5) aids in emergency management planning, green infrastructure management, regional housing planning and transportation.

Ms. McBride stated there is a need to acquire consistent high resolution data. This data is an accurate computer generated image that displays a very intense degree of sharpness when measuring an object or structure. There are two methods in collecting this data they

are IFSAR (also called INSAR) and LiDAR. The difference between the two is the method in which data is collected. IFSAR uses radar based technology and has a wide beam and scans the area when collecting height and depth. LiDAR uses laser based technology and a narrow beam width and measures objects in a direct line of sight. LiDAR provides more accurate data.

Commissioner Goodson asked if the recommendation is that the HRPDC go beyond what the state is doing with the flyovers.

Ms. McBride stated she was recommending that localities get together and research the best methods so that everyone could be on a consistent level. The state and some of localities have some LiDAR data but it is not on a consistent level.

REGIONAL GROUNDWATER POLICY

Mr. Farmer introduced Ms. Whitney Katchmark, Principal Water Resource Engineer to present a briefing on the Regional Groundwater Policy.

Ms. Katchmark stated the HRPDC staff recommends the region develop a policy that prioritizes types of groundwater use with the goal to influence how the Department of Environmental Quality issues groundwater permits. The HRPDC could facilitate a regional work group to reach consensus on a method to prioritize groundwater use and then share the input with the state. The regional work group should include water utilities, land use planners, and economic development. The HRPDC Directors of Utilities committee is already engaged in the groundwater issues and would be a critical component to the work group but in order to have a comprehensive policy, it should also include land use planners to consider whether groundwater should be reserved to support growth outside the public water system service area and also consider the impact on economic development if groundwater was not available to support new businesses or business expansion outside the water system service areas.

Ms. Katchmark indicated the reason for a groundwater policy is that DEQ has determined that the agency has over allocated the groundwater resources in Southeastern Virginia. The existing regulations do not identify a process for reducing allocations and prioritizing needs. The focus of the regulation was to avoid conflict between users. DEQ was trying to deal with this issue by scrutinizing all the permits and negotiating with everyone to reduce their permits especially if the current use is significantly less than the amount of water they are requesting in their permit.

Although the region is not on the verge of running out of ground our current use is not sustainable. The Southside has about two and half times more water than the Peninsula and in both cases groundwater comprises of about 22% of our sources with the rest of the water coming from reservoirs and river intakes. A regional groundwater policy needs to be developed because groundwater is a very inexpensive source of water and DEQ is allocating this valuable limited resource and localities do not have a role in prioritizing whether this water should be used for public water systems, residential wells, or private business.

The current regulations do not allow groundwater to be reserved for future uses and there is no long-term planning component to this process. The HRPDC contracted with USGS to create a new groundwater model, and we have better information and the state is engaged in this issue. We are not in a crisis yet so any changes could be phased in over many years which would make it less difficult and less expensive.

Chairman Clark indicated since we are not in a crisis, this is the approach we should be taking to move forward with the groundwater system and regulations.

LEGAL ASSESSMENT OF CHESAPEAKE BAY TMDL APPEAL

Mr. Farmer introduced Mr. David E. Evans from McGuire Woods to present an overview of the Legal Assessment of the Chesapeake Bay TMDL.

Mr. Evans stated he was asked to give a legal review and assessment of the final Phase I of Chesapeake Bay TMDL and its effect on urban stormwater in Hampton Roads.

Mr. Evans stated the HRPDC submitted five sets of comments and if there is an appeal, the considerations would revolve around those comments. If HRPDC chose to appeal, the appeal can be based upon any one or all of the comments along with EPA responses to the comments.

Mr. Evans stated it might be helpful to give an overview of the relevant considerations on whether to appeal. To challenge the TMDL would be to file an appeal in the U.S. District Court and in this case it would be the Eastern District of Virginia and that appeal would be filed pursuant to the Federal Administrative Procedure Act. There are three grounds for review of EPA agency actions. The first ground would be did EPA abuse its discretion by acting arbitrarily and capriciously? His assessment was that this is a very difficult standard, it is presumed that the agency is correct. The more technical and complex the issues are, the court tends to give flexibility toward the agency. The next issue did EPA act in excess of its legal authority? The final issue is did EPA commit procedural errors? Did EPA commit an error in their procedure when they adopted its final agency action.

Mr. Evans stated the most important consideration in deciding to appeal is what are the chances of winning or losing and, there are some other factors in deciding to appeal: 1) what are the likely impacts of EPA's action; 2) likelihood of success on appeal; 3) remedy if successful on appeal; 4) litigation costs weighed against above factors; and 5) political considerations.

Mr. Evans indicated these appeals are not trials. This is a review of the agency records. The records are submitted to the court, the case is briefed, argued and decided by the court. If HRPDC and the localities decided to file an appeal, Mr. Evans recommended filing by the end of March or soon thereafter.

The HRPDC staff and the Commissioners decided to have Mr. Evans come to the March 17, 2011 meeting for further discussion.

COCNCENSUS IN MOVING FORWARD

Mr. Farmer stated from the results of the discussion and the staff recommendation the HRPDC will have the critical issues incorporated into the FY 2012 draft work program.

FOR YOUR INFORMATION

No questions or comments.

ADJOURNMENT

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 11:30 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
January 31, 2011
BALANCE SHEET**

ASSETS		LIABILITIES & NET ASSETS	
Cash & Cash Equivalents	546,373	Current Liabilities	1,019,796
Accounts Receivables	1,057,601	Net Assets	5,776,086
Investments	3,736,588		
Other Current Assets	664		
Net Capital Assets	<u>1,454,656</u>		
Total Assets	<u>6,795,881</u>	Total Liabilities & Equity	<u>6,795,881</u>

STATEMENT OF REVENUES AND EXPENDITURES

REVENUES	Annual Budget	Current Month	YTD
Grant and Contract Revenue	9,028,006	819,549	3,273,185
VDHCD State Allocation	132,124	11,010	77,074
Interest Income	20,000	1,210	11,173
Local Jurisdiction Contributions	1,342,835	335,641	1,006,922
Other Local Assessment	1,166,835	287,310	869,430
Sales and Miscellaneous Revenue	117,530	2,019	19,468
Special Contracts	1,493,758	-	-
Total Revenue	<u>13,301,088</u>	<u>1,456,739</u>	<u>5,257,251</u>
EXPENDITURES			
Personnel	4,036,965	343,727	2,167,284
Standard Contracts	223,525	6,519	104,785
Special Contracts / Pass-Through	8,286,838	294,848	2,057,815
Office Services	723,760	44,092	314,431
Capital Assets	30,000	-	-
Total Expenses	<u>13,301,088</u>	<u>689,186</u>	<u>4,644,314</u>
Agency Balance	<u>-</u>	<u>767,553</u>	<u>612,937</u>

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #6: TREASURER'S REPORT

**FISCAL YEAR 2011
February 28, 2011
BALANCE SHEET**

ASSETS		LIABILITIES & NET ASSETS	
Cash & Cash Equivalents	538,033	Current Liabilities	917,235
Accounts Receivables	995,232	Net Assets	5,294,412
Investments	3,236,530		
Other Current Assets	664		
Net Capital Assets	<u>1,441,188</u>		
Total Assets	<u>6,211,647</u>	Total Liabilities & Equity	<u>6,211,647</u>

STATEMENT OF REVENUES AND EXPENDITURES

REVENUES	Annual Budget	Current Month	YTD
Grant and Contract Revenue	9,028,006	-	3,273,185
VDHCD State Allocation	132,124	11,010	88,084
Interest Income	20,000	1,479	12,652
Local Jurisdiction Contributions	1,342,835	-	1,006,922
Other Local Assessment	1,166,835	236,054	1,105,484
Sales and Miscellaneous Revenue	117,530	8,970	28,438
Special Contracts	1,493,758	-	-
Total Revenue	<u>13,301,088</u>	<u>257,513</u>	<u>5,514,764</u>
EXPENDITURES			
Personnel	4,036,965	350,288	2,517,572
Standard Contracts	223,525	12,905	117,690
Special Contracts / Pass-Through	8,286,838	334,236	2,392,051
Office Services	723,760	41,757	356,188
Capital Assets	30,000	-	-
Total Expenses	<u>13,301,088</u>	<u>739,187</u>	<u>5,383,501</u>
Agency Balance	<u>-</u>	<u>(481,674)</u>	<u>131,263</u>

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 March 9, 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

RECOMMENDED ACTION:

None required.

Project Notification and Reviews

Date 2/1/2011 **CH #** VA11010311-0923xxx

Title FY 2011 Technical and General Assistance Grant for Communications, Outreach, and Education

Applicant Alliance for the Chesapeake Bay

State/Federal Program EPA - Chesapeake Bay Program

Type of Impact Chesapeake Bay Watershed **Project Staff** Sara Kidd

Project Description

The Alliance for the Chesapeake Bay proposes to continue to support its Citizens Advisory Committee as well as continue to inform the public via various media outlets regarding Chesapeake Bay watershed issues.

Federal	\$431,000.00	Local	\$0.00
Applicant	\$36,400.00	Other	\$0.00
State	\$0.00	Income	\$0.00
TOTAL		\$467,400.00	

Date 3/4/2011 **CH #** VA11020711-1023760

Title FY2011 Tracking Wetlands in Virginia

Applicant Virginia Department of Environmental Quality

State/Federal Program Coastal Zone Management Administration Awards

Type of Impact Coastal Zone **Project Staff** Sara Kidd

Project Description

DEQ will subaward VIMS with the grant money to create a database to track wetlands data in coastal Virginia. The objectives are to track 1) tidal and nontidal wetlands created outside the regulatory process; 2) tidal wetlands impacts and losses occurring through the permit process; and 3) mitigation/compensation activities conducted through the tidal wetland permitting process.

Federal	\$83,831.00	Local	\$0.00
Applicant	\$0.00	Other	\$0.00
State	\$0.00	Income	\$0.00
TOTAL		\$83,831.00	

Environmental Impact Reviews

Received 1/13/2011

Number 11-012F

Name Repairs to Existing Rip Rap Stabilization Structure at Piers A & C, Craney Island

Sponsor DOD/Department of Navy

Description

The Department of the Navy proposes to repair the existing riprap stabilization structure located between piers A and C at the Craney Island fuel depot in Portsmouth. The repairs are necessary to provide support and protection to the fuel lines and their supports. 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 Portsmouth

Finding

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

Comments Sent 2/11/2011

Final State Comments Received

Received 1/19/2011

Number 11-014F

Name York River Pier Repair at USCG Training Center Yorktown

Sponsor DHS/U.S. Coast Guard

Description

The Department of Homeland Security (DHS), U.S. Coast Guard (USCG) proposes to make repairs to the York River Pier located at the USCG Training Center Yorktown in York County. The pier is located along the southern shoal of the York River east of the Coleman Bridge. Repairs will include the replacement of twenty-seven deteriorated fender piles, six deteriorated bearing piles, and various damaged and deteriorated support and decking timbers. The fender piles will be replaced by removing the existing piles and replacing them with the same sized piles in the same locations. The bearing piles will be cut off below the mud-line and replaced with the same sized pilings immediately adjacent to the cut-off piles. The USCG has submitted a negative determination for the proposal pursuant to the federal Coastal Zone Management Act.

Affected Localities York County

Finding

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

Comments Sent 2/16/2011

Final State Comments Received

Received 1/26/2011

Number 11-017F

Name Marine Corps Security Force Regiment Consolidation, Naval Weapons Station Yorktown

Sponsor DOD/Navy

Description

The U.S. Marine Corps Security Force (MCSF) proposes to construct, operate, and maintain a consolidated security force operations complex at Naval Weapons Station (WPNSTA) Yorktown in York County. The MCSF Regiment currently has five companies operating at four separate locations in the Hampton Roads area. Four of the five companies would be consolidated at the new operations complex. The proposed site of the complex is at Gate 3 on Longfellow Road in the southern portion of the installation. Existing buildings at the site would be renovated and nine new buildings with parking and driveways constructed. New construction would include: two marine bachelor enlisted quarters; mess hall; regimental and FAST supply building; armory building; motor transportation building; regimental headquarters; multipurpose building; and enlisted recreation center. The MCSF has submitted a Federal Consistency Determination that finds the proposed project consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program

Affected Localities York County

Finding

Based on this review, the proposal appears to be consistent with local and regional plans and policies, as long as certain guidelines are followed during construction. County staff has indicated that the proposed site lies in both York County's Watershed Management and Protection Area Overlay District and its Historic Resources Management Overlay District. These designations indicate that the proposed site lies in a sensitive area; as such, the Hampton Roads Planning District Commission recommends that the design and construction of the project comply to the maximum extent possible with the relevant provisions found in the York County Zoning Ordinance. In addition, the Commission encourages the use of best practices regarding erosion and sediment control, stormwater management, and low impact development during construction.

Comments Sent 2/23/2011

Final State Comments Received

Received 2/7/2011

Number 11-019F

Name Transmitter Antenna Replacement at USCG CAMSLANT

Sponsor DHS/U.S. Coast Guard

Description

The U.S. Coast Guard (USCG) proposes to replace in-kind the transmitter antenna at the USCG Communication Area Master Station Atlantic (CAMSLANT) Pungo, at 1900 Indian River Road in the City of Virginia Beach. Project activities include the demolition of the TCI 540-1-03 antenna designated as Transmit Antenna NX28 including all antenna components, towers, foundations, guy pads and anchoring devices. Construction of the replacement antenna will consist of installation of Hand Holes #10 and #11 below grade with top covers at grade, the directional boring of four, 4-inch conduits to house four, 1 5/8" air-dielectric heliax cables, and the construction of four new 120-foot towers, foundations and anchors. Ninety-six feet of new fencing will be installed. The USCG has submitted a Federal Consistency Determination that finds the proposed project consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Virginia Beach

Finding

Based on this review, the proposal appears to be consistent with local and regional plans and policies.

Comments Sent

Final State Comments Received

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8: URBAN AREAS SECURITY INITIATIVE (UASI) CONTRACT WITH TIDEWATER EMERGENCY MEDICAL SERVICES COUNCIL, INC.

SUBJECT:

Partnership agreement between the Hampton Roads Planning District Commission and Tidewater Emergency Medical Services Council, Inc. in completing the FY 2010 UASI funded “Medical Special Needs Equipment and Supplies” project.

BACKGROUND:

The Hampton Roads Urban Area Working Group allocated \$1,115,000.00 from FY 2010 UASI funds to the “Medical Special Needs Equipment and Supplies” project. This project will provide essential medical equipment and supplies to operate multiple 50-bed Medical Special Needs Shelters, diagnostic, medical monitoring and other associated medical equipment for the Hampton Roads Metropolitan Medical Strike Team (HRMMST) to support prolonged pre-hospital treatment. As project manager and coordinator, Tidewater Emergency Medical Services Council, Inc. has requested that the HRPDC act as the fiduciary agent in completing this project. All funds expended in completing this project will be reimbursed to the HRPDC from the Department of Homeland Security via the UASI Program.

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

RECOMMENDED ACTION:

Authorize the HRPDC Executive Director to execute an agreement with Tidewater Emergency Medical Services Council, Inc. to complete the FY 2010 UASI funded “Medical Special Needs Equipment and Supplies” project.

AGENDA NOTE HRPDC – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #9: COASTAL ZONE MANAGEMENT PROGRAM – FY 2012 GRANTS

SUBJECT:

The Virginia Department of Environmental Quality manages the Virginia Coastal Zone Management (CZM) Program. PDCs are eligible for formula grants to support technical assistance programs and for competitive grants for projects addressing a high priority issue, as determined by the CZM Program.

BACKGROUND:

In October 1986, Virginia received its first grant from the National Oceanic and Atmospheric Administration for the State's Coastal Zone Management Program. Since that time, the HRPDC and its predecessors have received over \$2,400,000 through this program to provide technical assistance on environmental issues to the local governments and to complete a variety of technical studies.

The process for distributing funds for FY 2012 is now underway. Under the formula grants for PDCs, the HRPDC is eligible to receive \$60,000 in funding to support the ongoing Technical Assistance Program. The required match is \$60,000. This grant proposal will be submitted to DEQ on March 15, 2011. Additionally, it will be included in the UPWP and Budget for FY 2012.

The process is also underway for distributing funds for the FY2012 CZM 309 Strategy. CZM 309 funds are match free and must propose creation of enforceable polices in any of nine identified areas: wetlands, coastal hazards, public access, marine debris, cumulative and secondary impacts, special area management plans, ocean resources, energy and government facility siting and aquaculture. The HRPDC 309 proposal focuses on Cumulative and Secondary Impacts and was included in the state's proposed Section 309 Strategy. It will evaluate on a pilot basis the relationship between local plans and regulations and water quality. The grant proposal will be submitted to DEQ by April 1, 2011 and will be included in the UPWP and Budget for FY2012.

DEQ had also announced the availability of FY2012 CZM Program focal area funds, which are competitive, must be matched 1:1 by nonfederal fund sources, & areas of study must include one of the following categories: Water Quality, Coastal Resiliency, Working Waterfronts, & Public Access. The HRPDC staff was developing a focal area grant proposal to address Coastal Resiliency and Water Quality issues. On March 7, 2011, DEQ announced that the RFP for these projects had been suspended due to reductions in available federal grant funds and the raise granted to state employees through the FY 2012 state budget.

Matching funds to support these projects are available in the draft FY 2012 Budget. The proposal concepts were reviewed with the Joint Environmental Committee at its meeting on March 3, 2011.

RECOMMENDED ACTIONS:

Authorize the Executive Director to submit grant proposals to the DEQ to support the CZM Technical Assistance Program, CZM Focal Area grant, & CZM 309 Strategy grant as well as to accept grant offers when they are made.

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #10: HAMPTON ROADS WATERSHED ROUNDTABLE – FINAL REPORT

SUBJECT:

The HRPDC is facilitating the ongoing Hampton Roads regional watershed roundtable process and has completed an annual report for its 2010 activities.

BACKGROUND:

A report entitled *Hampton Roads Watershed Roundtable: Final Report 2010* has been completed to document the activities of the regional watershed roundtable group in calendar year 2010 and to recommend a course of action for the group in 2011. The purpose of the Hampton Roads Watershed Roundtable is to serve as a viable regional mechanism for improving dialogue between the private sector and state, local, and regional agencies on environmental issues. The Roundtable includes representatives from the agricultural community, the development community, chambers of commerce, and industry and civic organizations, in addition to local and regional environmental organizations. Through a series of meetings, opportunities were provided for education and regional dialogue. Recommendations for Calendar Year 2012 include expansion of the group to include additional small and start-up organizations and development of an electronic community to facilitate increased exchange of information.

The Hampton Roads Watershed Roundtable project is funded, in part, through a grant from the Virginia Department of Conservation and Recreation.

Enclosure – *Hampton Roads Watershed Roundtable – Final Report 2010*

RECOMMENDED ACTION:

Approve report for distribution.

STAFF COMMENTARY:

The report was presented to the HRPDC Joint Environmental Committee at its meeting on March 3, 2011. The Committee recommended the report for approval by the Commission at the HRPDC Executive Commission Meeting in March 2011. It has been submitted as a draft report to the Department of Conservation and Recreation

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #11: COASTAL ZONE MANAGEMENT PROGRAM: FY 2010 ANNUAL REPORT - HAMPTON ROADS TECHNICAL ASSISTANCE PROGRAM

SUBJECT:

The HRPDC staff has completed the FY 2010 Technical Assistance Program, funded, in part by the Virginia Coastal Zone Management Program.

BACKGROUND:

In March 2009, the HRPDC applied for and received grant funding from the Virginia Department of Environmental Quality through the Virginia Coastal Resources Management Program to continue the HRPDC Technical Assistance (Regional Coastal Resources Management) Program. The HRPDC has received annual funding through this grant program since 1986. This program encompasses HRPDC staff efforts to review state and federal Environmental Impact Assessment/Statements, support the Hampton Roads Chesapeake Bay Committee, the evolving Chesapeake Bay-wide TMDL process, and provide regular technical assistance on environmental issues. It also supports HRPDC staff participation in the Chesapeake Bay Program and a variety of state and federal environmental initiatives. In the past, this program has provided the seed money for the establishment of the regional water, stormwater and environmental education programs.

The HRPDC staff has completed the enclosed report, *Hampton Roads Technical Assistance Program (Regional Coastal Resources Management Program for Hampton Roads) Fiscal Year 2009-2010 Final Report*. The report documents HRPDC activities under this grant program for the period from October 1, 2009 through December 31, 2010.

Enclosure: *Hampton Roads Coastal Resources Technical Assistance Program – Fiscal Year 2009-2010*

RECOMMENDED ACTION:

The HRPDC staff recommends that the Commission approve the report as meeting the requirements of the grant and Work Program and approve for distribution.

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #12: REGIONAL GREENHOUSE GAS EMISSIONS INVENTORY

SUBJECT:

Update on the status of the Regional Greenhouse Gas Emissions Inventory, approved by the HRPDC at its May 19, 2010 Executive Committee Meeting.

BACKGROUND:

Over the past two years the HRPDC staff has worked with Hampton Roads localities to facilitate cooperation and coordination on programs developed in response to the federal Energy Efficiency and Conservation Block Grant Program (EECBG). One result of this facilitation was a proposal for a regional greenhouse gas emissions inventory. This proposal was included in the successful grant applications submitted by the Cities of Chesapeake, Norfolk, and Virginia Beach, with each government dedicating one percent of its EECBG funding toward the inventory project, which would cover the entire planning district region. HRPDC staff worked with staff representatives from each of the three funding cities and faculty from Old Dominion University to develop a scope of work and Memorandum of Agreement for the proposal.

At its May 19, 2010 Executive Committee Meeting, HRPDC staff presented the proposal to the Commission. The Commission authorized the HRPDC Executive Director, to execute the Memorandum of Agreement with Hampton Roads localities and the contract with Old Dominion University. HRPDC and locality staff worked with ODU faculty to shape the scope of work based on available technical capabilities and budget limitations. This process resulted in a proposal that was acceptable to all parties by late 2010.

In December 2010, locality staff received notification from the Department of Energy (DOE) that, although the GHG inventory was a previously approved activity, it may not meet new interpretations established by DOE Counsel. DOE indicated that regional studies such as the proposed Hampton Roads Regional Greenhouse Gas Emissions Inventory were no longer eligible for funding since EECBG funds would be used to benefit non-eligible entities, unless the funding locality could prove they received a proportional benefit. Requests for clarification from DOE staff produced no definitive statements as to whether the proposal was or was not eligible under the new interpretation, and although the participating localities believed that a proportional benefit would be received and could be documented, DOE would not provide definitive approval of the activity. Eligible entities were also warned that entities with projects later found to be ineligible would be required to reimburse DOE for the ineligible funds spent. Based on the initial approval of the proposal and conflicting statements by DOE, a case could be made to defend the project, if it were challenged by DOE. However, the lack of clear direction from DOE prompted the locality representatives to recommend diverting the funds set aside for this proposal to other eligible EECBG projects.

Because the Regional Greenhouse Gas Emissions Inventory was contingent on EECBG funding from Chesapeake, Norfolk, and Virginia Beach, it is no longer possible at this time to pursue the project. HRPDC staff will monitor for grant opportunities in the future that will enable this project to go forward. Locality representatives have requested that the HRPDC send a letter to DOE summarizing issues with the manner in which this project's eligibility was handled.

The staff has drafted the attached letter to the DOE.

RECOMMENDED ACTION:

Authorize the Executive Director to send the attached letter to DOE.

STAFF COMMENTARY:

The Regional Greenhouse Gas Emissions Inventory was planned to leverage EECBG funding from three Hampton Roads localities with HRPDC staff time to take advantage of ODU technical expertise and flexibility. Considerable preparatory work was done by the localities, HRPDC staff, and ODU in designing this project, and these parties have agreed that the project merits being conducted in the future if funding becomes available.

Attachment

DRAFT Letter to U.S. Department of Energy
RE: EECSBG Funding for Regional Greenhouse Gas Emission Inventory

March 17, 2011

DOE Contact
EECSBG Program Address

To Whom It May Concern:

The Energy Efficiency and Conservation Block Grant (EECSBG) Program, funded by Congress in 2009, provided significant funds to several localities in Hampton Roads to aid the implementation of four goals: reducing fossil fuel emissions, reducing the total energy use of funded localities, improving energy efficiency in various sectors, and creating and retaining jobs. This funding made possible many opportunities for those localities which received funds. Existing regional programs in Hampton Roads encouraged those funded localities to discuss best practices and coordinate potential regional activities. Three Hampton Roads localities, the Cities of Chesapeake, Norfolk, and Virginia Beach, elected to fund a regional greenhouse gas emissions inventory that would collect and analyze various datasets from all sixteen localities in the Hampton Roads Planning District and provide guidance on ways to reduce energy use and fossil fuels emissions and improve energy efficiency across the region, befitting the program's goal of maximizing "benefits for local and regional communities." This proposal was included in the grant applications for each of the three localities and was approved by DOE along with the rest of their applications.

However, later communications from DOE staff in December 2010 implied that the use of EECSBG funds for regional projects including non-eligible entities was no longer considered eligible. Based on the inability of DOE staff to provide a definite answer as to the proposal's eligibility, the three funding localities and the Hampton Roads Planning District Commission, as the coordinating entity, agreed that the proposal could no longer be pursued in the absence of clear guidance and approval of project funding by DOE.

The Hampton Roads Planning District Commission, along with the Cities of Chesapeake, Norfolk, and Virginia Beach, continues to advocate the goals of the EECSBG Program to reduce energy use and fossil fuel emissions and believes that regional greenhouse gas emissions inventories are excellent means of achieving those goals. While we are disappointed that the regional proposal was no longer officially approved, we hope that DOE will consider funding for regional energy efficiency projects and planning efforts in the future.

Sincerely,

Dwight Farmer
Executive Director/Secretary

BJM

Attachment 12

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #13: 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REGIONAL PRIORITIES

SUBJECT:

Prioritize regional non-entitlement Community Development Block Grant (CDBG) project types and activities.

BACKGROUND:

The Virginia Community Development Block Grant (CDBG) Program provides funding to eligible units of local government to address critical community development needs, including housing, infrastructure, and economic development. This Program has been administered by the Virginia Department of Housing and Community Development (DHCD) since 1982. CDBG funds are made available to DHCD by the U.S. Department of Housing and Urban Development (HUD).

Each year, the Virginia Department of Housing and Community Development requests Planning District Commissions to rank regional priorities for the Virginia CDBG Program and provide a list of anticipated CDBG project proposals from non-entitlement localities.

HRPDC staff have compiled the list of priorities that were collected from the non-entitlement jurisdictions (attached).

RECOMMENDED ACTION:

Approve the 2011 Virginia CDBG Regional Priorities list for transmittal to the Virginia Department of Housing and Community Development.

STAFF COMMENTARY:

The attached CDBG priorities and project list was coordinated with the planning staffs of the Cities of Franklin, Poquoson and Williamsburg and the Counties of Isle of Wight, James City, Southampton and York.

Attachment

**2011 Virginia Community Development Block Grant Program
Regional Priorities**

List of Project Types / Activity Categories and Ranking Worksheet

Project Types / Activity Categories

Please reference the 2011 CDBG Program Design for additional information on the Competitive Grant project types and activity categories. The following nine items must be ranked in one of the three priority groups below. **Please check no more than 3 per group:**

Ranking Worksheet

Planning District Commission: Hampton Roads Planning District Commission (PDC #23)

Priority (1 is highest, 3 is lowest)

#1	#2	#3	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comprehensive Community Development
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Economic Development – Job Creation and Retention
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Economic Development – Site Redevelopment
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic Development – Development Readiness
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Economic Development – Business District Revitalization
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Housing – Housing Rehabilitation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Housing – Housing Production Assistance
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Community Facility
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Community Service Facility

Expected 2011 CDBG Proposals:

1. Williamsburg- Blayton Site Housing Production Project- Housing Production Assistance

2. Franklin, Isle of Wight County, Southampton County - Economic Development - Job Creation and Retention

3. Franklin - Neighborhood Needs Assessment- Comprehensive Community Development

3. James City County - Richmond Road/Neighbors Drive - Comprehensive Community Development

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #14: REGIONAL BUILDING OWNERSHIP

SUBJECT:

SPSA has advised the HRPDC of its desire for HRPDC to purchase its share of the Regional Board Room.

BACKGROUND:

When the Regional Board Room was constructed, it was completed under a cost-sharing arrangement between the HRPDC and SPSA. The cost share was approximately 1/3 SPSA and 2/3 HRPDC. SPSA has requested the HRPDC purchase its share of the Board Room through reimbursing SPSA for its initial investment of approximately \$346,000. SPSA's use of the Board Room has declined significantly over the past several years. At this point, SPSA is using the Board Room approximately one day per month.

If approved by the HRPDC, staff recommends a change in the ownership split for the Regional Building between the two organizations with the HRPDC share increasing. This action would also impact the division of operating costs between the two agencies, which impacts the annual HRPDC Operating Budget.

This matter was discussed at the HRPDC Retreat on February 17, 2011. At that time, there was a general consensus that the HRPDC staff should obtain additional professional analysis. A preliminary analysis should be available prior to the Executive Committee Meeting.

HRPDC Executive Director Dwight Farmer will provide a summary of the value analysis for Commission consideration.

RECOMMENDED ACTION:

Per discussion.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #15: REGIONAL PRIVATE PROPERTY INFILTRATION/INFLOW (I/I) ABATEMENT PROGRAM

SUBJECT:

The Regional Special Order by Consent (SOC) addressing Sanitary Sewer Overflows requires that HRSD and the localities develop a Private Property Infiltration/Inflow (I/I) Abatement Program.

BACKGROUND:

The SOC was issued by the State Water Control Board in 2007 and requires that the Hampton Roads Sanitation District (HRSD) and thirteen Hampton Roads localities pursue comprehensive strategies to prevent sanitary sewer overflows and subsequent water quality and human health impacts. Among other requirements, the SOC obligates HRSD and the localities to develop a program to correct identified system deficiencies that contribute Inflow and Infiltration to the regional sanitary sewer system. Inflow and Infiltration or I/I are terms used to describe the ways that groundwater and stormwater enter into the sanitary sewer systems. Inflow is stormwater that enters into sanitary sewer systems at points of direct connection to the systems. Sources of inflow include footing/foundation drains, roof drains or leaders, downspouts, etc. These sources are typically improperly or illegally connected to sanitary sewer systems. Infiltration is groundwater that enters sanitary sewer systems through cracks and/or leaks in the sanitary sewer pipes. Cracks or leaks in sanitary sewer pipes or manholes may be caused by age related deterioration, loose joints, poor design, installation errors, damage or roots. The required I/I abatement programs will address problems with portions of the sewer systems in both the public right of way and on private property.

The Capacity Team subcommittee of the HRPDC Directors of Utilities Committee evaluated two options to address private property I/I. One option requires each locality to administer its own program and implement new ordinances, rules, and regulations to establish authority to work on private property. The second option takes advantage of HRSD's existing authority to address private property I/I.

On January 25, 2011, the HRSD Commission approved an action to offer the localities a regional program to address private property I/I, administered in coordination with the localities and funded through HRSD's rates. This program would be limited to the sewer service areas requiring rehabilitation under the SOC and would be accomplished after all feasible public side rehabilitation has been completed. HRSD estimates the cost of the program to be in the \$200-\$500 million range over 15 years. On February 2, 2011, the Directors of Utilities Committee unanimously agreed to endorse the option for a regional program.

Principal Water Resources Engineer, Ms. Whitney Katchmark, will brief the Commission on the recommended Private Property I/I Abatement Program.

RECOMMENDED ACTION:

Approve the development of the Regional Private Property I/I Abatement Program.

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #16: REGIONAL BENCHMARKING STUDY: COST OF LIVING AND COMPETITIVENESS

SUBJECT:

Follow-up briefing on the region's cost of living and level of competitiveness.

BACKGROUND:

At the Commission's December Executive Committee meeting, staff delivered a presentation on the Regional Benchmarking Study. Following the presentation, staff was asked to provide further information on the region's increased cost of living as well as growth comparisons between Hampton Roads and competitor metropolitan areas.

Mr. Greg C. Grootendorst, Chief Economist, will provide a follow-up briefing on the region's cost of living and comparative growth measures.

RECOMMENDED ACTION:

No action required.

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #17: CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)

A. PROGRAM UPDATE

SUBJECT:

The Environmental Protection Agency (EPA) released the final Chesapeake Bay TMDL on December 29, 2010 that incorporated Virginia's Phase I Watershed Implementation Plan (WIP). Virginia is required to develop a Phase II WIP November 2011 that divides target nutrient reductions into a finer geographic scale (counties, sub-watersheds) and identifies specific controls and practices that will be implemented, no later than 2017, to meet interim water quality goals.

BACKGROUND:

At the January 20, 2011 Quarterly Commission meeting, HRPDC staff provided the Commission with an update on the Chesapeake Bay TMDL and outlined the actions that HRPDC staff would take to assist localities in preparing for the requirements of the TMDL. Phase II of the Watershed Implementation Plan is currently due by November 2011, but may be extended to February 2012. EPA expects the nutrient reductions to be divided into smaller scales such as localities or sub-watersheds. EPA wants to know what actions the localities will take to get to those reductions. HRPDC staff recommended creating a regional framework to coordinate data collection, data analysis and policy development.

Based on the Commission's direction in January, HRPDC staff:

- Distributed the Hampton Roads Chesapeake Bay TMDL Resolution to Hampton Roads General Assembly representatives.
- Sent a letter to the Secretary of Natural Resources requesting guidance on Phase II WIP development. (Attachment A)
- Met with locality GIS staff to determine what impervious cover data localities currently have.
- Developed a FAQ sheet on the Chesapeake Bay TMDL and Watershed Implementation Plans. (Attachment B)

At the HRPDC Retreat in February, HRPDC special legal consultant provided a further briefing to the Commission on the TMDL process and potential alternative methods for achieving the TMDL and WIP. The general consensus of the Commission at that time was that this discussion should be continued at a later meeting possibly at the March Executive Committee Meeting during closed session.

HRPDC staff is working to develop a regional framework for Phase II Watershed Implementation Plans, but is awaiting guidance from the State addressing the key

factors laid out in the letter to the Secretary of Natural Resources. Virginia has developed a framework for Statewide WIP development that was presented to the Chesapeake Bay Program's Principals' Staff Committee (Virginia Secretary of Natural Resources and his counterparts from the other Bay states and EPA) at its February 17, 2011 meeting. (Attachment C) Virginia's framework would utilize PDCs to coordinate development of "Community Conservation Profiles" containing locality scale resource assessment, source identification, baseline assessment, program evaluation, and conservation strategies. The Secretary of Natural Resources has indicated in letters to PDC Executive Directors that staff from his office would like to present Virginia's Plan for Phase II WIP development to the Commissions within the next month. (Attachment D)

Three Hampton Roads elected officials have recently been appointed by the Governor to the Local Government Advisory Committee (LGAC) of the Chesapeake Bay Program. New members are Sheila Noll, York County; Debbie Ritter, Chesapeake; and Rosemary Wilson, Virginia Beach. HRPDC staff met with and provided the representatives with background information on the TMDL and WIP development ahead of the LGAC meeting held on February 17-18, 2011. At that meeting, EPA presented information on the Phase II WIP development process and asked the Committee members for feedback on how EPA can facilitate local involvement in Phase II WIP development. HRPDC staff assisted the representatives in completing the survey which has been submitted to EPA. (Attachment E)

In light of:

1. several ongoing developments related to the Chesapeake Bay TMDL
2. the opportunity for a briefing by the Secretary of Natural Resources or his representative
3. the need for a more extensive discussion with legal counsel

The HRPDC staff recommends that the Commission hold a Special Executive Committee meeting on March 24, 2011. Time is of the essence in addressing these issues.

RECOMMENDED ACTION:

Schedule a special meeting of the HRPDC for March 24, 2011 to address the Chesapeake Bay TMDL and the Virginia process for developing the Phase II WIP. This meeting would include a briefing by the Secretary of Natural Resources or his representative. It is further recommended the HRPDC Executive Committee continue discussion with staff and legal counsel in closed session.

Attachments: HRPDC letter to Secretary of Natural Resources – 17A
HRPDC FAQ Sheet on the Chesapeake Bay TMDL – 17B
Virginia's Presentation on Phase II WIP – 17C
Letter from Secretary of Natural Resources to PDC Directors – 17D
LGAC Survey Responses to EPA -17E

B. PERMIT IMPLICATIONS OF CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)

SUBJECT:

The final Chesapeake Bay TMDL included Waste Load Allocations for Phase I MS4 localities in Virginia. The Department of Conservation and Recreation (DCR) is moving forward with issuing new MS4 permits based on the Waste Load Allocations.

BACKGROUND:

Virginia is required to develop a Phase II Watershed Implementation Plan (WIP) that divides target nutrient reductions into a finer geographic scale (counties, sub-watersheds) and identifies specific controls and practices that will be implemented. If DCR issues permits for the Phase I MS4 localities (Hampton, Newport News, Chesapeake, Norfolk, Portsmouth, and Virginia Beach), the flexibility and adaptive approach of Virginia's proposed Phase II WIP process will be impacted.

HRPDC staff had previously consulted with DCR staff and raised concerns that the Waste Load Allocations for Phase I MS4 localities should not be in the TMDL. HRPDC staff also pointed out that the Waste Load Allocations were not in the draft TMDL, so comments on them were not generated during the review process.

Principal Water Resources Engineer Whitney Katchmark will provide an overview of how the Waste Load Allocations in the TMDL might influence future MS4 permits.

This information is provided to inform Commissioners about the impact of the Phase I MS4 Waste Load Allocations on future permits and the development of the Phase II Watershed Implementation Plan. HRPDC legal council will also address this issue at the proposed special meeting on March 24, 2011.

RECOMMENDED ACTION:

For informational purposes in preparation for the proposed special meeting on March 24, 2011.



STAN D. CLARK, CHAIRMAN • THOMAS G. SHEPPERD, JR., VICE CHAIR • JAMES D. McREYNOLDS, TREASURER
DWIGHT L. FARMER, EXECUTIVE DIRECTOR/SECRETARY

February 7, 2011

MEMBER JURISDICTIONS

The Honorable Doug Domenech
Secretary of Natural Resources
Commonwealth of Virginia
P.O. Box 1475
Richmond, VA 23218

CHESAPEAKE

FRANKLIN

GLOUCESTER

RE: Virginia's Chesapeake Bay TMDL Phase II Watershed Implementation Plan

HAMPTON

Dear Secretary Domenech:

ISLE OF WIGHT

The staff of the Hampton Roads Planning District Commission (HRPDC), on behalf of the HRPDC Regional Stormwater Management Committee, requests that Virginia develop guidance and expectations for local governments regarding development of the Chesapeake Bay TMDL Phase II Watershed Implementation Plan (WIP). While the HRPDC appreciates the considerable time and effort that DCR and partner agencies dedicated to the development of Virginia's Phase I Watershed Implementation Plan for the Chesapeake Bay TMDL, we have concerns with the delay in State coordination with local governments on the development of a Phase II WIP.

JAMES CITY

NEWPORT NEWS

NORFOLK

EPA expects Virginia to develop a Phase II Watershed Implementation Plan that divides load allocations and aggregate wasteload allocations among smaller geographic areas, or facilities or sources where appropriate. This Plan will require a significant amount of time for development and intensive stakeholder involvement and negotiation, and a quick start will benefit all those involved. As MS4 permit holders, the members of the Regional Stormwater Management Committee have a special interest in the Phase II WIP as it will influence the requirements in their future permits.

POQUOSON

PORTSMOUTH

SOUTHAMPTON

SUFFOLK

SURRY

The HRPDC and its local governments are willing partners in the development of the Phase II WIP, but we cannot begin to prepare for the investments needed to implement the requirements of the Chesapeake Bay TMDL without significant guidance and resources from Virginia agencies especially DCR. At a minimum Virginia should provide the following information to local governments:

VIRGINIA BEACH

WILLIAMSBURG

YORK

1. Methodology used by Virginia or EPA to develop segmentshed allocations. Segmentshed load allocations were not included in Virginia's Phase I WIP, but they are included in the TMDL in Appendix Q. Localities need to know how these allocations were determined and if there will be flexibility to modify them as part of the Phase II WIP development.

Attachment 17A

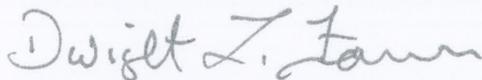
February 7, 2011

Page 2

2. Baseline stormwater management facilities for each locality that were included in the '2009 Progress Load' model run as BMPs.
3. Guidance on how WLAs will be determined for small MS4s given the likelihood that permit boundaries could be expanded beyond the urbanized area as part of EPA's ongoing stormwater rulemaking.
4. Guidance on planning tools that local government can use to determine the impact of potential management actions. Local governments need guidance on the tools that are appropriate to use for evaluating implementation alternatives and compatible with inputting future management scenarios into the Bay Model.
5. Guidance on how Virginia's HUC 6 watershed boundaries will be reconciled with the Chesapeake Bay TMDL segment sheds.

We are aware that the Chesapeake Bay Watershed Model is undergoing revisions that will impact the specific load reductions that will be required to meet the TMDL. However, we urge Virginia to begin the process of developing the Phase II WIP prior to the release of the new loads in June 2011. There is a significant amount of work that can be accomplished even without revised loading targets. As a Regional agency that was actively involved in the development of Virginia's Tributary Strategies, the Hampton Roads Planning District Commission looks forward to working with the State to coordinate local government involvement in the development of Virginia's Phase II WIP.

Sincerely,



Dwight L. Farmer
Executive Director/Secretary

JLT/fh

Copy: Mr. Anthony Moore, Assistant Secretary of Natural Resources
Mr. David Johnson, Director, Department of Conservation and Recreation
Mr. David Paylor, Director, Department of Environmental Quality

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.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.



Virginia Discussion on Phase II Watershed Implementation Plan Approach



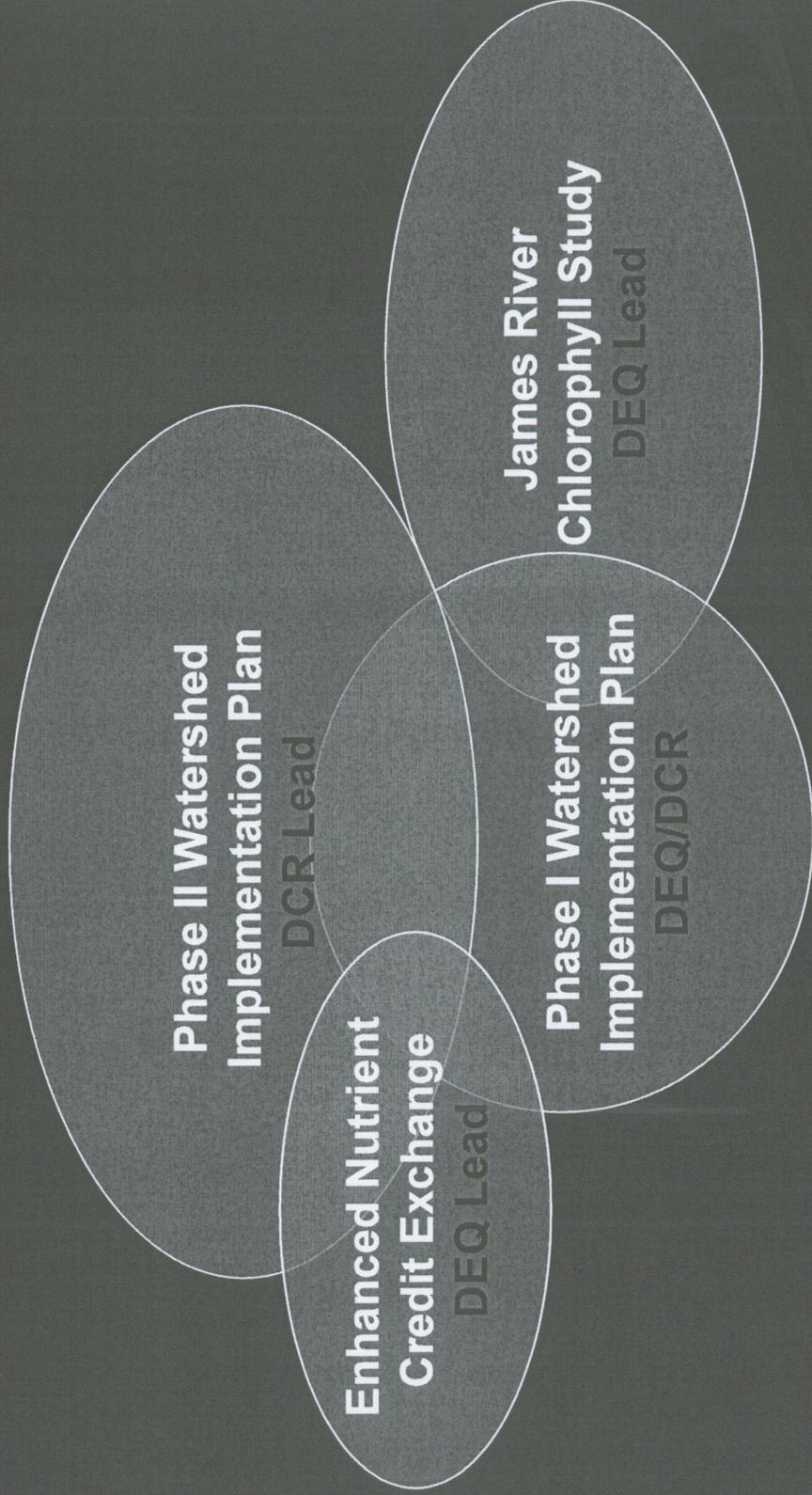
Presented to Chesapeake Bay Program PSC

David Johnson, Director, DCR

David Paylor, Director, DEQ

17 February 2011

Virginia's Chesapeake Bay TMDL Planning Components



Dividing up Virginia's Chesapeake Bay Watershed

- 5 Major Basins
- 16 Planning District Commissions
- 32 Soil and Water Conservation Districts
- 40 Segment sheds
- 96 Localities (Counties and Cities)
- 216 Locality-Segments

Virginia Bay TMDL Segmentsheds

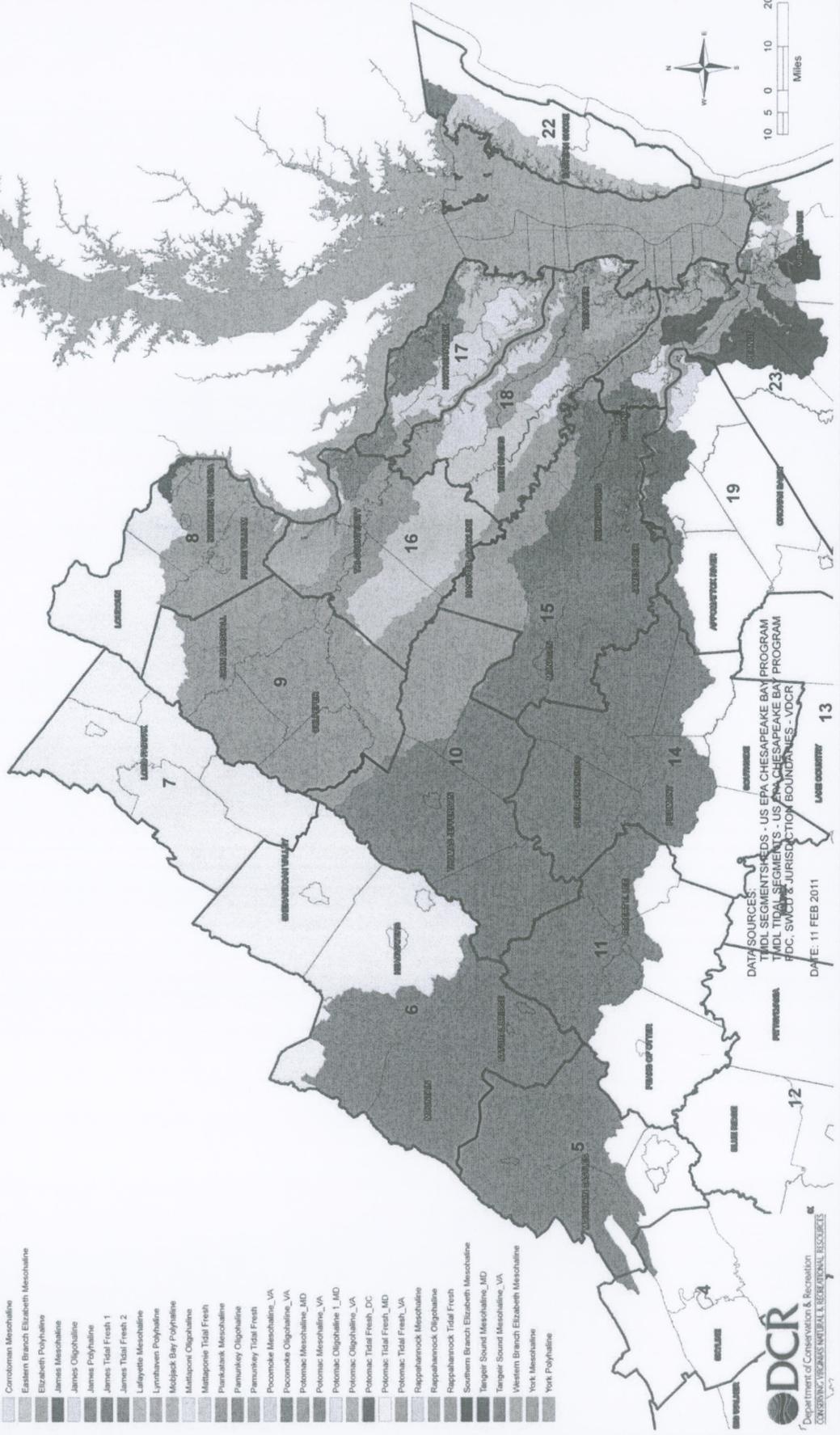
TMDL Segmentsheds

- Appomattox Tidal Fresh
- Chesapeake Bay 5 Mesohaline_VA
- Chesapeake Bay 6 Polyhaline
- Chesapeake Bay 7 Polyhaline
- Chesapeake Bay 8 Polyhaline
- Chickahominy Oligohaline
- Corroinan Mesohaline
- Eastern Branch Elizabeth Mesohaline
- Elizabeth Polyhaline
- James Mesohaline
- James Oligohaline
- James Polyhaline
- James Tidal Fresh 1
- James Tidal Fresh 2
- Lafayette Mesohaline
- Lynnhaven Polyhaline
- Mobjack Bay Polyhaline
- Muttapor Oligohaline
- Mattaponi Tidal Fresh
- Prankstark Mesohaline
- Pranaukey Oligohaline
- Pamunkey Tidal Fresh
- Pocomoke Mesohaline_VA
- Pocomoke Oligohaline_VA
- Potomac Mesohaline_MD
- Potomac Mesohaline_VA
- Potomac Oligohaline 1_MD
- Potomac Oligohaline_VA
- Potomac Tidal Fresh_DC
- Potomac Tidal Fresh_MD
- Potomac Tidal Fresh_VA
- Rappahannock Mesohaline
- Rappahannock Oligohaline
- Rappahannock Tidal Fresh
- Southern Branch Elizabeth Mesohaline
- Tanger Sound Mesohaline_MD
- Tanger Sound Mesohaline_VA
- Western Branch Elizabeth Mesohaline
- York Mesohaline
- York Polyhaline

- Jurisdiction Boundaries
- Soil & Water Conservation Districts
- PDC Boundaries
- TMDL Tidal Segments

Planning District Commissions

- 5 - Roanoke Valley - Alleghany Regional
- 6 - Central Shenandoah
- 7 - Northern Shenandoah Valley
- 8 - Northern Virginia
- 9 - Shenandoah - Rapidan
- 10 - Thomas Jefferson
- 11 - Region 2000
- 14 - Commonwealth
- 15 - Richmond Regional
- 16 - George Washington
- 17 - Northern Neck
- 18 - Middle Peninsula
- 19 - Crater
- 22 - Accomack - Northampton
- 23 - Hampton Roads



DATA SOURCES - US EPA CHESAPEAKE BAY PROGRAM
 TMDL TIDAL SEGMENTS - US EPA CHESAPEAKE BAY PROGRAM
 PDC, SWDC & JURISDICTION BOUNDARIES - VDCR
 DATE: 11 FEB 2011

DCR
 Department of Conservation & Recreation
 CONSERVING TRADITIONAL & RECREATIONAL RESOURCES

Dividing up Virginia's Chesapeake Bay Loads

TMDL

- 40 Segment sheds
- 1275± TMDL Allocations

Local Targets

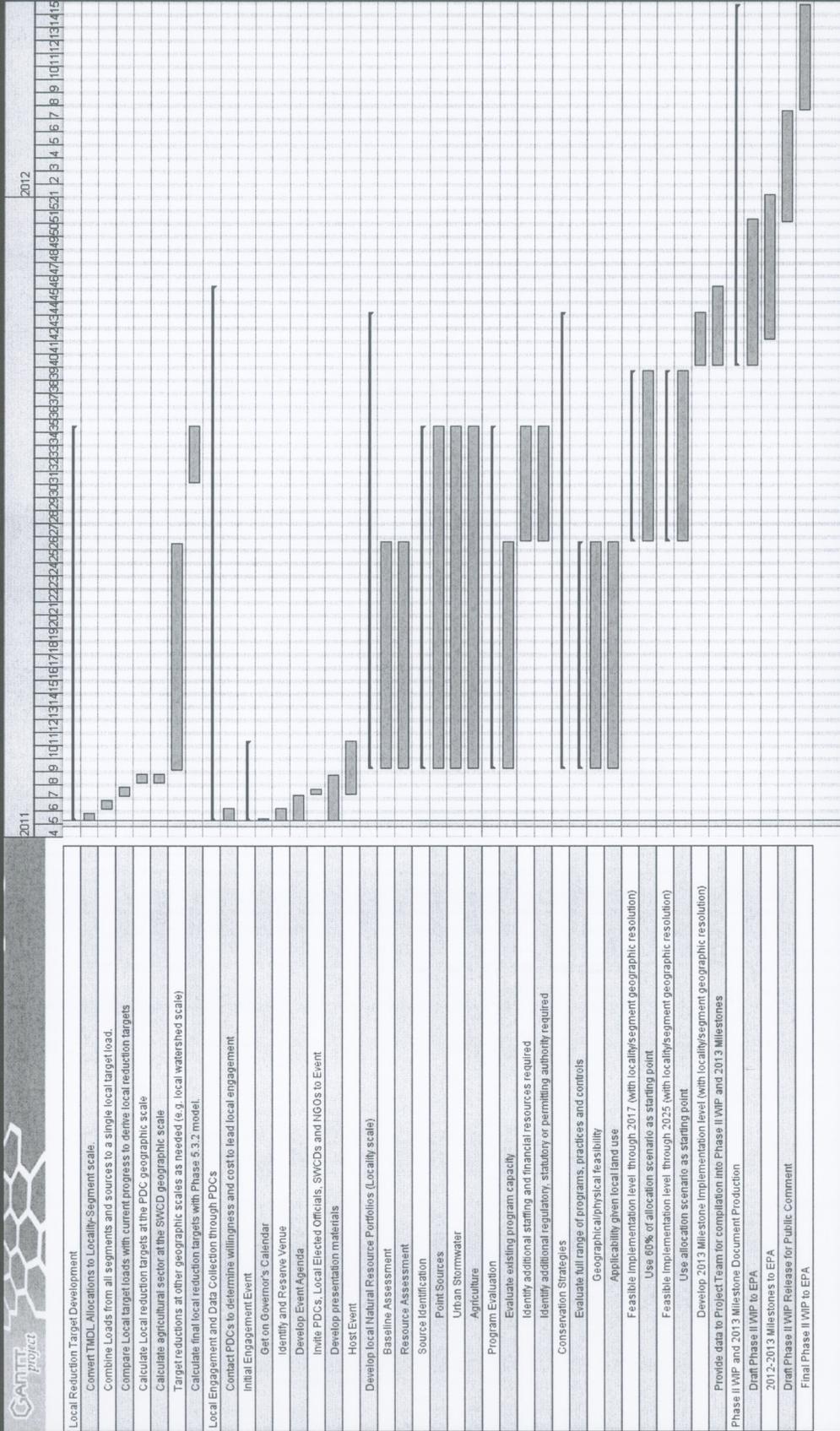
- 96 Localities (Counties and Cities)
- 216 Locality-Segments
- 4890± Locality-Segment Source Targets

Virginia's WIP II Process

- Assigned Project Manager and Department Leads
- Established Inter-Departmental Phase II Team and Steering Committee
 - DCR, DEQ, DOF, VDACS, VDH
- Develop Project Plan
- Create an new Stakeholder Advisory Group
 - Inform planning process
 - Communicate process to constituents
 - Increased participation from local governments

Virginia's WIP II Process

Project Plan

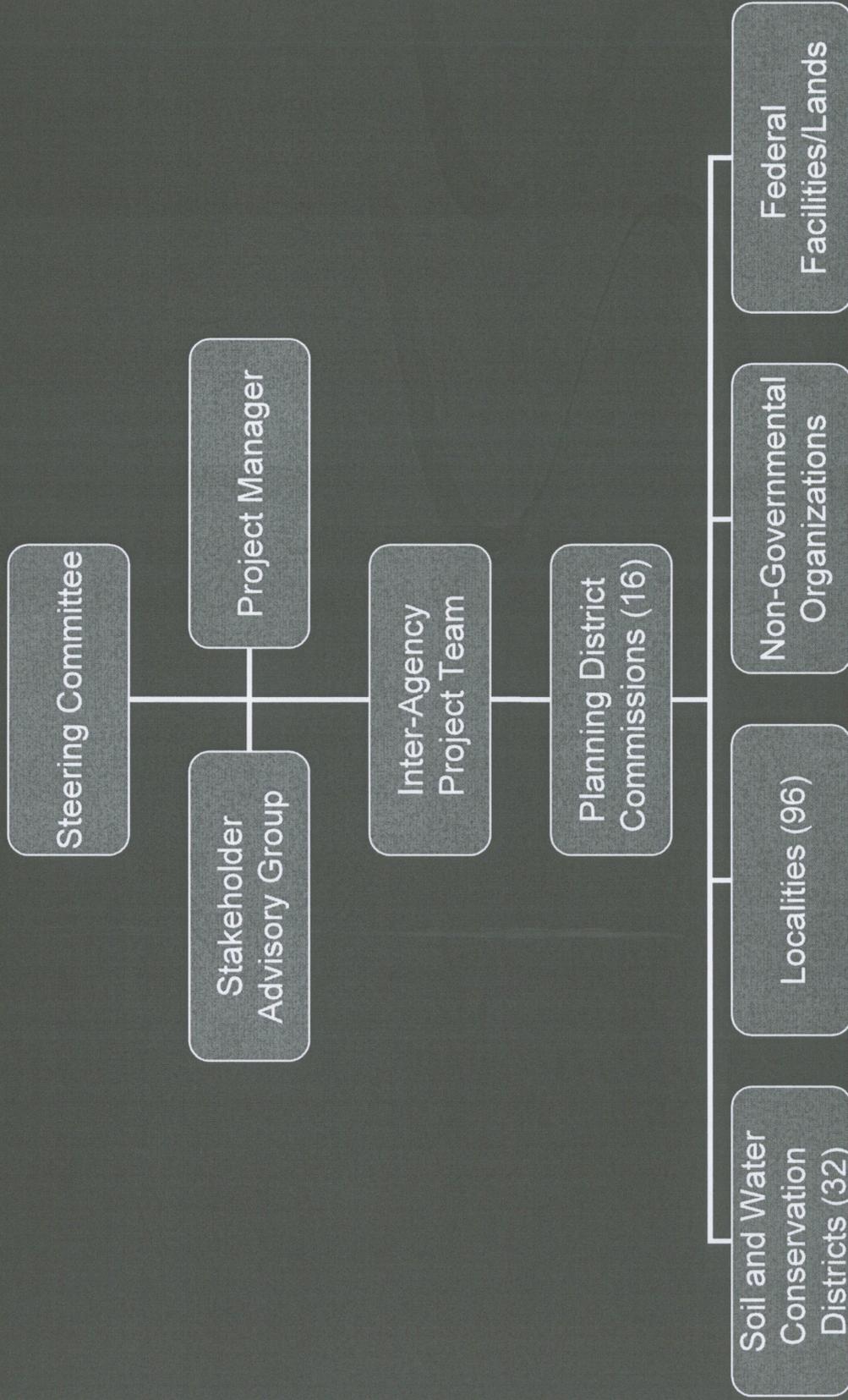


Virginia's WIP II Process

- Develop Locality Targets
 - Initially as percent reduction from current loads
 - Upon completion of model revisions, update targets
- Engage 96 Localities, 32 SWCDs and NGOs
 - Explore the Use of the 16 Planning District Commissions to facilitate local engagement
 - Develop Community Conservation Profile (locality scale)
 - Resource Assessment
 - Source Identification
 - Baseline Assessment
 - Program Evaluation
 - Conservation Strategies
 - 2013 Milestones, 2017 Plan, 2025 Strategy

Virginia's WIP II Process

Project Organization



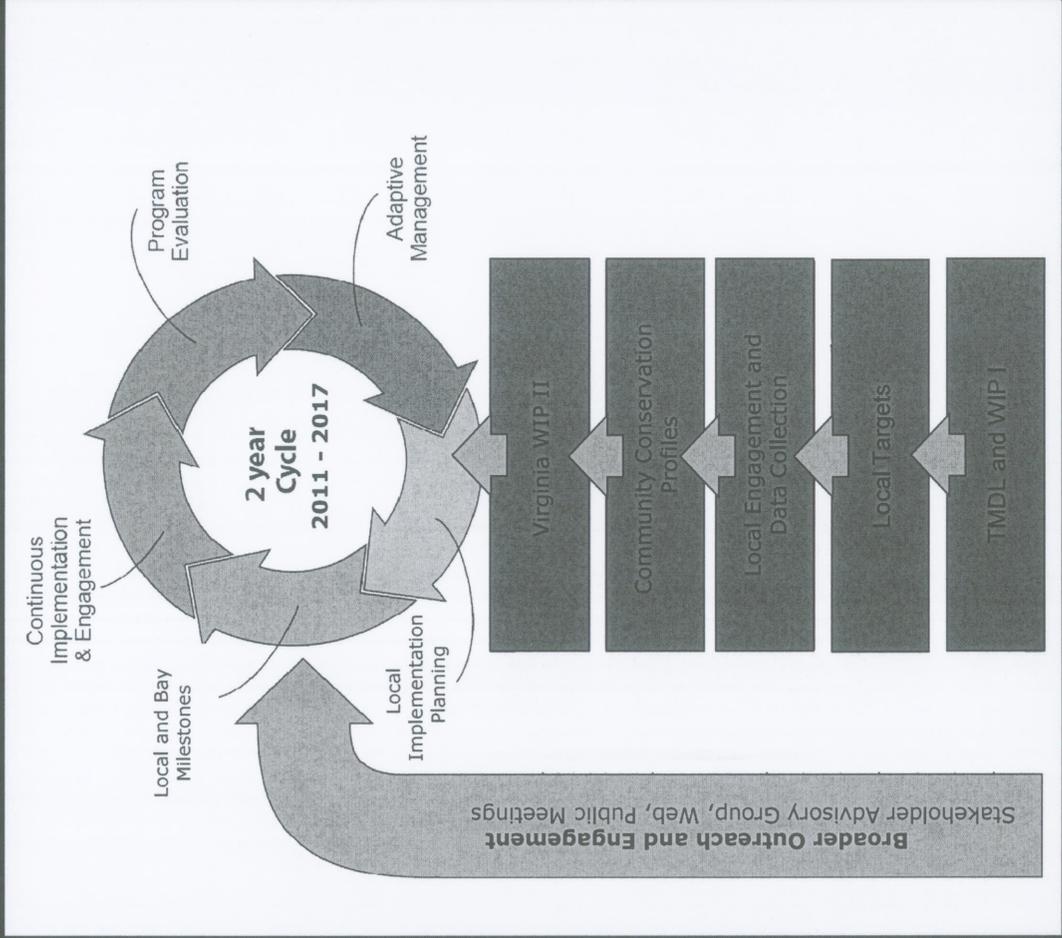
Virginia's WIP II Process

- Elements of Community Conservation Profiles compiled to form Virginia's WIP II and 2013, 2015 & 2017 Milestones
- Milestone implementation progress tracking and future Milestone development to follow a similar process

Localities ↔ PDC ↔ State ↔ EPA

Virginia's Milestones

Development, Tracking, Accountability and Adaptive Management



Virginia's WIP II Issues

- Bay Model resolution & accuracy at the local scale
- Uncertainty around delivery of approved 5.3.2 Model
- Timeline – starts from model delivery?
- Recognition of pollution mitigating actions, local water quality and land use not currently accurately accounted for in the model
- Dealing with federal lands
- Funding for WIP II & 2013 Milestone planning process and implementation
- Need a modeling tool for use by localities to develop scenarios and evaluate trading
- PDC and Locality willingness to participate

James River Chlorophyll Study

- DEQ Lead Agency
- VA WIP proposes evaluation of numeric James River chlorophyll standard
- Workplan developed and Scientific and Stakeholder panels being established
- Budget amendment under consideration by General Assembly
- Timeframe for Study: Now – 2017 (scientific analysis done by 2014)
- Results will inform any 2017 revisions to the WIP and TMDL

Nutrient Credit Exchange Study

- DEQ Lead Agency
- VA WIP proposes expansion of VA Nutrient Credit Exchange
- Stakeholder Committee to be formed soon
- Likely 5 meetings between March 2011 and November 2011
- Report to Governor and General Assembly late fall 2011
- Revisions to Virginia Code introduced in 2012 session of the General Assembly



COMMONWEALTH of VIRGINIA

Office of the Governor

Doug Domenech
Secretary of Natural Resources

March 2, 2011

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

Dear Mr. Farmer:

As you may know, the U.S. Environmental Protection Agency (EPA) recently approved Virginia's Watershed Implementation Plan (WIP) for the cleanup of the Chesapeake Bay. Our plan was developed to meet EPA requirements for the reduction and capping of nitrogen, phosphorus, and sediment loads into the Bay and its tidal tributaries. The WIP was accepted by EPA on December 29, 2010, and it was included in EPA's Bay Total Maximum Daily Load (TMDL) with minor modifications. A full copy of the Virginia plan can be found at: <http://www.deq.virginia.gov/tmdl/chesapeakebay.html>. A copy of the TMDL documents released by EPA can be found at <http://www.epa.gov/chesapeakebaytmdl/>.

This WIP, which was developed as part of a broad stakeholder process, gives Virginia the flexibility to implement cost effective practices in each watershed and emphasizes actions in the wastewater, urban/stormwater, agriculture, and on-site sectors with appropriate timeframes to achieve reductions. All levels of government and private interests will need to work together to meet these ambitious goals and to share information and approaches that fairly distribute costs and responsibilities.

The next step in the TMDL is the development of a Phase II WIP which will extend the reduction goals established for large watersheds to more local levels, and further refine plans for state and local action. It will be imperative to work closely with local stakeholders in this process so that they can provide guidance for the local actions that will reduce pollution loads into the Bay and maintain those reductions over time. In order to explain the details of the Phase I WIP and possible approaches for the Phase II WIP, I would like to offer a briefing to your Commission at your earliest convenience. This will be an opportunity to give a detailed overview of the plan to your members and begin the process of charting out our next steps together.

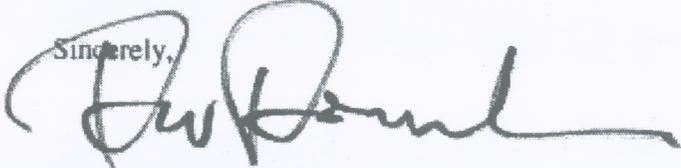
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MAR 03 2011

HRPDC

A Department of Conservation and Recreation staff person will be contacting your Commission within the next week to determine the most convenient method and time to meet and discuss the WIP.

In the meantime, if you have questions regarding this process, please don't hesitate to contact Anthony Moore in my office at 804-786-0044.

Sincerely,


Douglas W. Domenech

cc: Stan D. Clark, Chairman

LGAC Questions for 2/18/2011 LGAC Session

Responses of Virginia Representatives: Sheila Noll, Debbie Ritter, and Rosemary Wilson

Local Government Perspective on Phase II WIPs:

1. Based on the presentation on EPA's expectations to jurisdictions for Phase II WIPs, would the proposed ideas on slides _8_ - _9_ meaningfully facilitate local implementation? No

2. What other suggestions do you have for material to include in the Phase II WIP to facilitate local implementation?

EPA and Virginia should provide the localities with clear information on the methodology for developing the load limits; summarize the input decks for the urban BMPs that were included in the 2009 progress load run that was used to calculate baseline loads; provide localities with an option to utilize local land use data when it is more accurate than the EPA land use estimates; develop a consistent methodology for localities to receive credit for on the ground practices that were omitted from the 2009 progress load model run; provide tools to localities that will enable them to optimize BMP implementation by choosing practices that have the highest benefit to cost ratio.

3. How do you believe that a Phase II WIP could benefit your community?

A Phase II WIP, if developed thoughtfully, should improve local water quality. In order to maximize this benefit, localities must be given the flexibility to implement the most cost effective management actions first. Localities should not be expected to continue to implement practices when the incremental cost exceeds the incremental benefit.

4. What would motivate you to actively participate in the development of the Phase II WIP (e.g. more information on the purpose and components of the WIP and associated deadlines; benefits to local waters; or ensuring local input into the Phase II WIP)?

In order to be motivated to participate in the Phase II process, localities need 1) Funding; 2) more information on the benefits to local waters; 3) more information on how the segment shed load limits were calculated; 4) flexibility to implement the most cost effective practices.

5. What do you believe should be EPA's top priority for supporting the Bay states in engaging local partners in the Phase II WIP development process?

1) Providing funding to local governments to develop local/regional components of the Phase II WIP. 2) Providing understandable model documentation to local governments. 3) Provide credit for existing management practices. 3) Technical assistance to localities to develop cost effective management plans. 4) Develop achievable goals for local plans.

LGAC contribution to Phase II WIP

6. What suggestions do you have for how LGAC could contribute to the Phase II WIP process (both in terms of working with EPA and working with your state)?

LGAC members can assist each other by attending meetings and sharing experiences and best practices. LGAC members can assist EPA by communicating the local government perspective, challenges, and limitations. They can provide EPA with a reality check on the difficulty and cost of implementation.

7. What are key meetings, workshops, or conferences that you believe EPA should attend to help share information about the Phase II WIPs?

EPA should communicate with a broad range of stakeholders through annual meetings and workshops held by organizations such as: Planning District Commissions, Virginia Municipal League (VML), Virginia Association of Counties (VACO), Chamber of Commerce, Virginia School Board Association, Virginia Farm Bureau, Home Builders Association of Virginia, and Virginia Association of Realtors.

EPA has drafted a questionnaire for local government elected officials, managers, planning staff, and conservation districts to help EPA prioritize its support. After we receive input from the states, we will distribute it.

8. Who should receive the questionnaire?

PDCs should receive the questionnaire in Virginia because they have the ability to reach out to local government staff and elected officials and provide a consolidated response to EPA.

9. Are you comfortable using the EPA questionnaire as a mechanism to assess local government needs? If so, how should it be modified to assess these needs?

LGAC members will need to review the questionnaire before answering this question.

10. Would LGAC be willing to co-sponsor such a workshop? If so,

- a. Who should be invited?

Hampton Roads LGAC representatives would be interested in hosting a workshop to facilitate Phase II WIP development in the Hampton Roads Region. The workshop's target audience should be elected officials and locality staff.

- b. What are preliminary ideas for tools to include, other topics, and presenters?

Topics should include local government requirements of the Phase II WIPs and information on how to conduct outreach with the general public on the TMDL and WIPs. Tools for estimating load reductions and optimizing implementation of cost effective practices would also be useful.

AGENDA NOTE- HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #18: HRPDC MEETING SCHEDULE

SUBJECT:

Changing the date of the HRPDC Meeting.

BACKGROUND:

At its November 2010 Meeting, the Hampton Roads Transportation Planning Organization (HRTPO) determined that it would move its regular meeting to the third Thursday at 10:30 a.m. of each month, beginning in January 2011. Discussion at the HRTPO meeting indicated a consensus that the HRPDC meetings should also move to the third Thursday to minimize travel impacts on Commissioners and other participants.

At the December 15, 2010 HRPDC Executive Committee Meeting, the HRPDC agreed to move the January Quarterly Commission Meeting to Thursday, January 20, 2011. At the January meeting, the HRPDC also agreed to move its February and March meetings to the third Thursday. The same action is now required to move the April meeting.

Modifications to the Bylaws require two readings by the full Commission. The first reading of an amendment to change the date of HRPDC meetings was held at the Quarterly Commission Meeting on January 20, 2011. The second reading will be held at the Quarterly Commission Meeting on April 21, 2011.

RECOMMENDED ACTION:

Schedule the April 2011 HRPDC Quarterly Commission Meeting for April 21, 2011 from 9:30 AM to 10:30 AM in the HRPDC Board Room.

AGENDA NOTE- HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #19: 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.

Attachment

HRPDC ACTION ITEMS

TENTATIVE FUTURE AGENDA TOPICS

March 2011

Special Meeting on Chesapeake Bay TMDL

April 2011

Regional Climate Change Study – Phase II Report

Regional Competitiveness Study

Regional Water Supply Plan

Stormwater Indicators Report

Chesapeake Bay TMDL

May 2011

Stormwater Regulations

Chesapeake Bay TMDL

HRMFFA Briefing

June 2011

Data Book

Housing Portal

HR Green

Chesapeake Bay TMDL

FY 2012 Budget

FY 2012 Unified Planning Work Program

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #20: PROJECT STATUS REPORTS AND ADVISORY COMMITTEE SUMMARIES

A. DIRECTORS OF UTILITIES COMMITTEE SUMMARY MINUTES

The summary minutes of the February 2 and March 2, 2011 Directors of Utilities Committee Meetings are attached.

Attachment 20A

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

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

Attachment 20B

C. PROJECT STATUS REPORT

Attached are status reports on other HRPDC programs.

Attachment 20C

**Attachment 1A
MEETING SUMMARY
DIRECTORS OF UTILITIES COMMITTEE
February 2, 2011
HRPDC – Chesapeake**

1. Summary of January 5, 2011 Meeting and Annual Retreat of the Directors of Utilities Committee

The Summary of the January 5, 2011 meeting and annual retreat of the Directors of Utilities Committee was approved.

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

Mr. Richard Stahr, Brown and Caldwell, briefed the Committee on the Capacity Team's alternatives analysis for development of a private property I/I abatement program. The team explored two options as follows: (a) development of locality-specific ordinances, as presented at the October 13, 2010 Committee meeting; and (b) development of a regional program coordinated between localities and HRSD. Mr. Stahr provided a presentation on option (b). He noted that a similar presentation was also made to the HRSD Commission on January 25, 2011 and that DEQ has also been briefed. Following the presentation, Mr. Phil Hubbard, HRSD, and Mr. Stahr responded to questions. The Committee discussion and comments on are summarized as follows:

- An advantage to option (b) is that property rights issues may be addressed through HRSD's enabling act. HRSD will still require permission from the homeowner to perform work beyond inspection and monitoring.
- It is estimated that 20-30% of residential laterals require repair at an approximate cost of \$5000 per lateral. Cost estimates for option (b) are inclusive of program administration costs.
- In option (b), regarding future maintenance responsibilities for work done on private property, HRSD indicated that there will be no assumption of ownership or maintenance obligations. Homeowners would sign an agreement explicitly releasing HRSD from further responsibilities.
- The peak flow commitments to be made by localities and HRSD will apply indefinitely. Rehabilitation and maintenance issues will be revisited through MOM-related activities.
- In option (b), private property I/I abatement in non-SSES basins may be addressed through MOM plan activities.
- Would HRSD consider a monthly fee for lateral maintenance or build such a fee into the base rate? Would HRSD consider a maintenance program for sewer and water laterals?
- The HRSD Commission approved the concept of option (b). DEQ had some questions, but no objections.

- HRSD envisions the development of separate MOAs with each locality to facilitate option (b) and ensure program continuance. However, coordination of the technical work required to prepare for implementing this option should begin as soon as possible.
- Another idea would be for all localities to apply an enforcement approach consistently across the region. City and county councils may not support an enforcement program that causes the homeowner to incur costs.
- Work on private laterals may be prioritized using information from SSES reports, construction observations made during public-side rehabilitation, and general system information such as age and pipe material.
- The perception of equitable program implementation may be a potential public relations issue for option (b). The key message is that the cost of I/I abatement is less than the cost of expanding the conveyance and treatment system.
- Political issues will need to be addressed under either option through a public outreach program.
- Most of the concerns expressed apply to the implementation process for both options. In general, a regional approach is preferable.
- The regional approach of option (b) will require significant and continuing collaboration between HRSD and the localities.

Handout:

HRSD presentation: "Private Property Inflow/Infiltration (I/I) Abatement Program"

ACTION: The Committee unanimously agreed to endorse option (b) development of a regional program coordinated between localities and HRSD. This recommendation will be presented to the Planning District Commission for consideration in March 2011.

3. Committee Decision-Making Procedures

HRPDC staff requested input on the Committee's procedures for decision making and actions that impact budget planning and expenditures. The Committee's comments are summarized as follows:

- HRPDC should remain sensitive to the budget mechanism. The funding source may be endangered without strong consensus or unanimous support.
- Any action regarding budget planning by the Committee is ultimately an endorsement until locality budgets are finalized.
- Legislative recommendations and budget issues should be agreed to by consensus.
- Locality representatives or proxy representatives may vote.
- The Committee should consider whether action may be taken on items brought up as new business and therefore were not included on the advertised agenda.
- A less formal procedure is preferred for Committee activities.

ACTION: Staff will draft a proposal for consideration by the Committee in March 2011.

4. Water Reuse

The Committee discussed the DEQ Notice of Intended Regulatory Action (NOIRA) for Water Reclamation and Reuse Regulations and the nomination of a representative for the Regulatory Advisory Panel (RAP). It was noted that HRSD has offered a nomination to DEQ (Mr. Jim Pletl). The Committee felt a representative from a groundwater user/water supply background would complement the wastewater representative and agreed to nominate Mr. Eric Tucker, City of Norfolk Assistant Director of Utilities, with Mr. Craig Ziesemer, Assistant Director of Public Utilities to serve as alternate.

ACTION: HRPDC staff will submit the nomination to DEQ by the February 14, 2011 deadline (see copy of February 8, 2011 letter to DEQ, included as Attachment 1D to March 3, 2011 DUC agenda).

5. UASI Grant – Request for Proposals (RFP)

The Committee reviewed the draft RFP for the “Water Infrastructure Assessment and Emergency Response Training” distributed previous to the meeting (comments due February 11, 2011). The Committee had no comments on the draft RFP.

Staff will distribute a final draft to be approved at the Directors of Utilities Committee meeting on March 2nd.

6. Staff Reports

A. Capacity Team Update: As directed by the Committee at the December 1, 2010 meeting, the Capacity Team completed an alternatives analysis for development of a private property I/I abatement program (see agenda item 2). In February 2011, the Capacity Team will return to developing business rules to address system rehabilitation and peak flow reduction. The Team will also develop estimates for effectiveness of various I/I abatement methods, which tend to be technology- and contractor-dependent. Mr. Hubbard provided an update on the development of the hydraulic model, summarizing the EPA workshop held on January 24, 2011 and the first of three rounds of locality meetings toward model calibration and verification (EPA submittal due July 31, 2011).

B. Regional Water Supply Plan: The Committee discussed the fulfillment of requirements for plan development and submission, and the scheduling of public hearings for local program adoption.

The Committee agreed that the plans should include estimated ranges of water volumes potentially generated by alternative water sources (desalination, UAW reduction, reuse, etc.).

Regarding local program adoption procedures, it was noted that city and county councils may vote on a proposed resolution at the same council meeting during which the public hearing is held. The Committee clarified that the required response letters to any written comments received will be reviewed by the DUC and that copies of the final response letters may be provided to city and county councils for information purposes.

Committee members were asked to consider targeting a timeframe for holding local public hearings. It was noted that such hearings would likely be placed on city and county council agendas no sooner than June 2011. As for HRPDC staff support for public hearings, it was expressed that presentation materials would be helpful, but localities are not likely to require HRPDC staff at the public hearings.

HRPDC staff reviewed the tentative schedule for plan completion. The remaining portions of the plan will be distributed for review in February, with DUC plan review and revisions through March/April, and a final packaged plan completed in April for use in briefing city managers. The local program adoption process may occur over the summer months, and staff will compile the final package in September/October. The deadline for final plan submittal to DEQ is November 2, 2011, including all records of public hearings, written comments and responses, and resolutions and meeting minutes reflecting adoption of local programs.

ACTION: HRPDC staff will email Committee members to poll them on potential hearing dates and support needs. Staff will prepare general presentation materials, a hearing announcement, and a resolution for plan adoption.

- C. Committee meeting minutes, Retreat topics: HRPDC staff provided a courtesy advisory that beginning in January, draft Committee meeting minutes are being included in the HRPDC agenda packet. No concerns were expressed regarding this distribution of draft minutes prior to Committee review.

HRPDC staff briefed the Committee on the Water Resources department's topic for the PDC retreat on February 17, 2011. Staff presentation will describe a proposal to develop a regional policy for groundwater use, with the intent of eventually informing revisions to groundwater regulations. The development of such a policy would engage the HRPDC economic development staff and planning staff. There were no comments on the retreat topic.

7. Other Business

There was no other Committee business.

ACTION: No action taken.

Attachment 1A
MEETING SUMMARY
DIRECTORS OF UTILITIES COMMITTEE
March 2, 2011
Newport News

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

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

HRPDC staff announced that the H2O - Help To Others - Program received the IRS determination that the program is exempt from Federal Income Tax under 501(c)(3) of the IRS Code. HRPDC staff will proceed with coordinating the advisory committee and fund raising and public education campaigns.

2. UASI Grant - Request for Proposals (RFP)

The revised draft RFP for the “Water Infrastructure Assessment and Emergency Response Training” project was approved, and the schedule for RFP release and contract award was updated to include the RFP pre-proposal conference on March 25, 2011 (instead of March 24, 2011). HRPDC staff will proceed with the follow-up actions described in the schedule. It was noted that release of the UASI grant funds is still pending.

The Committee agreed that the RFP selection panel will be comprised of four locality representatives and one HRPDC representative. The selection panel will participate in the pre-proposal conference on March 25, 2011 and the vendor interviews on April 28, 2011.

- ACTION:**
1. The revised draft RPF was approved for finalization and release.
 2. The Committee agreed to the RFP selection panel membership as follows:
 - Suffolk representative
 - Norfolk representative
 - Mr. Parimal Patel, Newport News Waterworks
 - Mr. John Edwards, Surry
 - HRPDC representaive

3. Committee Decision-Making Procedures

The Committee discussed the Draft Guidelines for Committee Actions, specifically the number of Committee members required for a quorum and agreed to revise the guidelines to specify that six members or their designated representatives will

constitute a quorum. The Committee also considered a formal public comment period for meetings; it was clarified that although public meetings are open, they differ from public hearings in that there is no requirement to provide for an oral comment period. A formal comment period will not be included in the agendas. There were no further comments on the document.

ACTION: Staff will email the revised document to the Committee for comment. Any further revisions will be discussed at the April meeting. Otherwise, the document will be considered approved by the Committee.

4. Uranium Mining

Mr. Tom Leahy briefed the Committee with a presentation on the “Preliminary Assessment of Potential Impacts of Uranium Mining in Virginia on Drinking Water Sources” initiated by the City of Virginia Beach. Committee questions (*italicized*) and discussion are summarized as follows:

- *Following a flood/containment cell failure event, would VDH deny use of the source? Would VDH allow pumping from Lake Gaston when radiation levels in the water column are near the Maximum Contaminant Level (MCL)?*
It is unclear how VDH would respond to such a situation. Current, radiation levels in drinking water are 5-10% of the MCL. With a flood/failure event, levels could increase but remain below the MCL. Approximately 50% of the radiation could be removed by water treatment plants (WTPs); although the water would be safe, the public relations and public perception issues remain. Additionally, the disposal of the contaminated sludge from the WTP could be very costly and problematic. All WTPs that receive water from the Norfolk system would be affected by the sludge disposal problem.
- *Has the Nuclear Regulatory Commission provided guidance on catastrophe response?*
Their position is that containment cells will not fail. They provide design specifications, with safety features stipulated to withstand probable maximum precipitation (PMP) events.
- *Has the City of Virginia Beach done any analysis of the financial impacts to the region?*
No, not at this point. Compared to other communities closer to the source, Virginia Beach is well positioned to shut down the Lake Gaston source for a few months, but not for 2 years should drought conditions prolong the presence of radiation in the water column. If a flood/failure event were to occur, the radiation levels would be temporary and the utility would not have to abandon the pipeline and water treatment plant.

- *Everyone in the region benefits from Virginia Beach being proactive in this effort.* It has been the public's perception that water quality impacts from uranium mining would only occur in Virginia Beach. Other localities that use water from the Norfolk system should co-advocate Virginia Beach's position, and the City is available to discuss the issue with other localities.
- *The Sierra Club is also interested in the issue and the interconnections between area water systems. Should a flood/failure occur, there will be ample warning time to stop pumping Lake Gaston water and to prevent radioactivity from entering area reservoirs.*

The model indicates that after a flood/failure event, it would take one year for water quality to recover under normal precipitation and two years in drought conditions. Currently, there are six-month periods where rainfall is such that Lake Gaston water is not required. Virginia Beach may not have to use the Lake Gaston source at all following a flood/failure event, and the City would have adequate time to conduct testing and prioritize water use.

The mining company is considering deep shaft mining techniques where mine tailings are mixed with concrete and returned to the bore hole. This adds to costs and the company is not required to use such techniques. This technique would decrease the risks of a failure occurring and impacting water supplies.

- *Who in the General Assembly has been the most interested in this issue?* Dominion Power supporters advocating energy independence have expressed their support. There has been talk that the moratorium on uranium mining will likely be lifted in 2012 if Republicans have a majority in the State Senate.

Handout:

City of Virginia Beach Presentation: "City of Virginia Beach Uranium Mining Impact Study, Lake Gaston Water Safety Council, February 23, 2011"

ACTION: No action.

5. Interbasin Transfers

The Committee discussed legislation introduced during the 2011 session by Senator Frank M. Ruff, Jr. (Senate Bill No.1307) and Delegate Thomas C. Wright, Jr. (House Bill No. 2402) regarding the regulation of interbasin transfers of water. SB 1307 was withdrawn, however it will likely be resubmitted next year.

Ms. Kristen Lentz recommended that Hampton Roads localities stand uniformly against such legislation, as regulations for interbasin transfers are unnecessary and onerous. During the discussion, it was noted that North Carolina has regulations in place regarding interbasin transfers and that Senator Ruff and Delegate Wright represent areas near Kerr Reservoir. Other areas of the state are fearful that Hampton Roads and

Richmond represent future water transfers. However, Virginia Beach is bound by the Federal Energy Regulatory Commission (FERC) license until 2044 which stipulates that the City cannot request additional withdrawals from Lake Gaston. The Committee commented that the definition of a “basin” is not clear; that there should be state support for streamlining the development of new sources. It was noted that the Virginia Water Protection (VWP) Permit Program already provides regulatory oversight, and that language could be added to the VWP Program to clarify what constitutes an interbasin transfer and what criteria should be applied in considering such transfers.

The Committee agreed to take a position against any new regulations for interbasin transfers. As the proposal is anticipated to be a topic of discussion at the next Water Supply Advisory Committee meeting, the Committee agreed that that HRPDC Deputy Director John Carlock, Hampton Roads representative on the State Advisory Committee, should communicate the Utility Director’s position to the state committee.

Handout:

City of Norfolk Department of Utilities: “Public Water Supply System Concerns Related to Interbasin Transfers as Part of State Water Supply Planning (Draft 2/10/2011)”

ACTION: The State Advisory Committee will be advised of the Directors of Utilities Committee’s position against any new regulations relating to interbasin transfers.

6. Staff Reports

A. Capacity Team Update: Mr. Craig Ziesemer summarized the Capacity Team’s continuing efforts to develop business rules, providing a benchmark standard for evaluation of rehabilitation plans. The proposal, which is in the draft stage, provides for consistency in scope development, reduction of I/I flows, and investment by the utilities. Mr. Ziesemer noted the expectation that the peak flow commitments made per the rehabilitation plans are to be maintained.

It was clarified that the impacts of new development should be addressed through 2030 in basin-level growth plans for both existing and potential basins; therefore, the peak flow commitment should anticipate planned growth through 2030. New development or redevelopment must be jointly approved by HRSD and localities for flow acceptance and capacity assurance. Once projects are approved, the locality base flow, as well as peak flow, is increased. Ziesemer emphasized that it is in the interest of the utilities to send representatives to Capacity Team meetings to participate in the planning process.

B. Private Property Inflow/Infiltration (I/I) Abatement Program: HRPDC staff previewed a draft of the brief to be presented at the March 17th meeting of the Commission and requested input from the Committee. Comments are summarized as follows:

- It was noted that the peak flow commitment is married to private property rehabilitation work. Large I/I contributors were identified through the SSES process. While work on the public side can be planned, the question remains as to how to address the I/I contribution from private property.
 - The group discussed the typical private property I/I contribution and estimated ranges from 30-50% and from 1/3 to 2/3.
 - Slide 2: It was clarified that the area affected by the Consent Order does not extend past Gloucester.
 - Slide 8: P3 enforcement should be clarified. Reduction of public and private I/I flows is typically more cost effective than conveying and treating flows. HRSD's capital plan incorporates the work to be done under the Regional Private Property I/I Abatement Program. It is possible that the general rate structure will be adjusted to accommodate costs.
- C. Regional Water Supply Plan: Staff updated Committee members, as work on the plan continues with the review draft of Section 6/7 forthcoming.
- D. HRPDC Retreat Summary: HRPDC staff provided a summary of the Water Resources and Regional Planning Departments' February presentations at the HRPDC retreat. The Commission was supportive of the development of a regional groundwater policy and the project will be included in the work plan for FY2012. The Commission was also receptive to the Planning Department's regional priority data needs and development of land use categories. Staff noted that the delineation of land use categories may help with source water protection.

7. Other Business

- A. Ms. Lentz inquired with the other localities as to the practice of allowing commercial entities to call in irrigation submeter readings to receive credits on wastewater bills. Most localities indicated that this was not permitted, although for existing submeters, Newport News Waterworks allows such crediting via call-in reporting to HRSD. Newport News Waterworks anticipates that this issue will come before the City Council.

ACTION: HRPDC staff will conduct an email poll of committee members and the issue will be included on the next Committee meeting agenda for further discussion.

- B. Mr. Leahy asked if any other localities besides Virginia Beach set their water rates in thousands of gallons. Gloucester and Isle of Wight indicated that they also do so.

- C. The Committee discussed the consistency of information reported for the annual water rate study. Portsmouth reports the water rate in terms of total cost to the customer, including the utility tax. Other localities have excluded the tax. For future reporting, HRPDC staff will request both the rate and tax information.

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
February 3, 2011

1. Summary of the January 6, 2010 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee

Ms. Barbara Brumbaugh asked for a modification to the January Summary. The distributed version read, under Local Programs,

“The offsets group is currently using 75% as the baseline for the required amount of onsite offsets.”

The requested change reads, “The offsets group is currently using 75% as the baseline for the required minimum amount for onsite treatment before offsets can be purchased.”

The Summary of the January 6, 2010 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as modified.

2. Stormwater Regulations Update

Ms. Jenny Tribo, HRPDC, updated the Committee on the status of state stormwater regulations. Initial RAP comments will be sent to DCR February 9. The next RAP meeting is February 28. The public comment period will be from March to April, with the proposal being sent to the SWCB in May. Regulations will become effective in fall of 2011, but will not be implemented until July 1, 2014 upon renewal of the general construction permit.

The water quality group recommends developing a single statewide standard of 0.41lbs P/year/acre, using the runoff reduction method. The standard will be reviewed in 2017. For redevelopment, sites less than one acre will need a 10% reduction, while sites greater than one acre will need a 20% reduction. If a site redevelopment will increase the amount of impervious cover, the site will have to meet the standard for new development.

Grandfathering would be possible through June 30, 2019, as long as the project meets of one five conditions.

Offsite compliance would be accomplished through: (1) stormwater management plans; (2) pro rata fees; (3) nutrient offset programs; and (4) negotiation with local programs.

Regarding nutrient offsets, some onsite requirements for reductions will be implemented if development is greater than 5 acres or required to reduce more than 8 lbs P/year.

Local programs will need to be in place by July 1, 2014. DCR will oversee local programs; these programs will implement the regulations by mirroring state criteria in their ordinances. DCR will be putting together model ordinances for localities to use. These new requirements will supersede the stormwater requirements contained in the Chesapeake Bay Preservation Act.

Relevant information on the stormwater regulations is available on DCR's website. Comments should be delivered to Ms. Tribo by February 8.

3. VDOT Presentation

Staff from VDOT gave a presentation to the Committee on new guidelines the Department is using to address new stormwater regulations. IIM-195.7 has been rewritten to change how water quantity and quality must be addressed on VDOT roads and rights-of-way. Under the previous system, water quality features were not required if the net increase in impervious area was less than 16% of the project area, and if the area was greater than 16%, only the new impervious areas had to be treated. Under the new system, the requirement for a net increase of less than 16% remains the same, but if the net new impervious area exceeds 16%, the total impervious area must not be treated. In 2012, water quality features will be required for any increase in impervious area.

4. Chesapeake Bay TMDL Update

Ms. Jenny Tribo, HRPDC, updated the Committee on the status of the Chesapeake Bay TMDL. Some BMPs are included in the model, but others still need to be. The deadline for Phase II WIPs is in flux. The original deadline was November 2011, but a decision is expected in February or March that will push that deadline back. EPA has stated, in response to comments received on the stormwater rulemaking, that they are going through survey responses and will propose a rule by September 2011 with a final rule being out by November 2012.

Chesapeake Bay Watershed Model 5.3, used for development of the TMDL, underestimated impervious cover. USGS has spent the last several months revising their methodology to better detect suburban and rural development. The revised impervious cover estimates will be included in the version 5.3.2 model that will be used to determine revised nutrient and sediment targets. Revised targets are expected to be released in spring 2011. It still underestimates impervious cover, but not by as much as previously.

There is some confusion about which BMPs are in the model. Street sweeping and stream restoration are in the model. Guidance is needed from EPA on how to document BMPs moving forward. Other BMPs to include are the runoff reduction approach to development and loading standards. Maryland is pushing for BMPs by era (using assumptions of BMPs based on contemporary development standards). Stream restoration is being reconsidered to reflect new research. Urban tree planting will have to be added as a BMP; it can be added now, but only as acres of trees planted. Urban nutrient management also needs to be looked at again. Soil and erosion control standards need to be added. Shoreline erosion is currently credited in the water quality model, but not in the watershed model.

For existing BMPs, 2009 progress loads are the baseline. Localities need to know what was already credited in the model. BMPs put in place after 2005 may still be credited.

5. Regional Land Cover Discussion

Mr. Benito Pérez, HRTPO, gave a brief presentation to the Committee on HRTPO's regional land use data project. HRTPO is developing a set of regional maps covering current land use and zoning and future land use for transportation planning purposes. Mr. Pérez requested feedback from the Committee on the project's proposed regional land use classification system. Committee members had several comments on the proposed system:

- 1) Localities use different timescales for future planning purposes, so the map and documentation should reflect different planning horizons.
- 2) Several members cautioned against using zoning and land use data on the same map.
- 3) Different types of agriculture require different services or place different strains on the surrounding environment; several of the more rural localities were not comfortable with classifying all agricultural areas under a single designation.
- 4) The classification system as currently envisioned will not be a very useful environmental planning tool.
- 5) The system needs a Rural Residential classification that would identify residential areas where there is less than one unit per acre.
- 6) Committee members suggested looking at designations used by locality real estate assessors, as well as a land use designation system developed by Maryland.

HRPDC staff is still in the process of looking at land cover options and methodologies. A meeting of Committee staff and locality GIS staff will be held February 16.

6. Preview of HRPDC Annual Retreat

HRPDC staff informed the Committee of the agenda for the HRPDC annual retreat. Each department will give a brief summary of their past, current, and ongoing work, as well as a focused presentation on a specific subject. The Water Resources Department will give a presentation on groundwater issues, while the Planning Department will give a presentation on regional data needs, including LiDAR. Mr. Dave Evans will also give a presentation on issues with appealing the Chesapeake Bay TMDL.

7. Legislative Update

Ms. Jenny Tribo, HRPDC, led a brief discussion of legislative agenda items. HRPDC opposes the offsets bill currently being considered. HRPDC staff is monitoring SB1055, which prohibits the sale of lawn maintenance fertilizer that contains phosphorus. Under the bill, the state will be responsible for enforcement, as well as for certification and licensing requirements.

8. Status Reports

A. Hampton Roads Sanitation District

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

B. Hampton Roads Planning District

HRPDC staff had several updates.

- a) Individual waste allocations for Phase I permits were included in the Chesapeake Bay TMDL; Dave Evans and Chris Pomeroy are setting up a meeting to discuss.
- b) The draft protocol for the BMP Clearinghouse is out; the final should be finished by spring 2011. It will be taken to the director at the end of February. Only removal of phosphorus is certified.
- c) There will be a Center for Watershed Protection webcast in March covering stormwater issues; they have requested a speaker to cover stormwater wetlands maintenance for the webcast. If interested, please contact Ms. Tribo.
- d) HR Storm is updating its fact sheets.
- e) There will be a PARS user group meeting on February 18 in the morning.

C. Soil and Water Conservation Districts

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

D. Department of Conservation and Recreation

DCR staff reported that the second round of CBPA compliance evaluations is underway; Gloucester County, James City County, and Williamsburg are currently being evaluated. An RFP was distributed for Chesapeake Bay Implementation Grants in January; applications are due February 21. A DCR workshop that was planned for the spring will not be held in the fall because of compliance evaluations.

Norfolk asked DCR representatives for state guidance on developing responses to the Phase II WIP. Poquoson suggested that localities have input in the development of the WIP.

E. Department of Environmental Quality

DEQ representatives reported that Frank Daniels, former Director of the DEQ Tidewater Regional Office, retired at the end of December, 2010.

F. U.S. Geological Survey

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

G. Department of Transportation

VDOT representatives had nothing to report.

H. U.S. Navy

U.S. Navy representatives had nothing to report.

I. Local Programs

Chesapeake: The City Council unanimously passed the update to the City's Sustainability Plan. Brian Ballard is leaving his job as Senior Planner for the City of Chesapeake to become a Community Planning Liaison for the Department of the Navy.

Poquoson: The mayor of Poquoson is a candidate in the special election for the House of Delegates seat representing the 91st House District.

Norfolk: A new city manager started working February 1, 2011. The director of public works has been designated an acting assistant city manager. Alice Kelly is serving as acting director of public works.

Gloucester: County staff is concerned with the classification system proposed by HRTPO for their land use map. County staff appreciated recent information sent by DCR to consultants regarding construction standards. Gloucester is putting together comments regarding Alternative Onsite Sewage Systems.

9. Other Matters

The next meeting of the Joint Environmental Committee is scheduled for March 3, 2011 in the HRPDC Regional Board Room. Materials will be sent in advance for review.

DRAFT

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
March 3, 2011

1. Summary of the February 3, 2010 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee

The Summary of the February 3, 2010 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

2. Chesapeake Bay TMDL Update

Ms. Jennifer Tribo, HRPDC, updated the Committee on the status of the Chesapeake Bay TMDL. A Principals Staff Committee (PSC) meeting was held in February, as was a meeting of the Local Government Advisory Committee (LGAC). Hampton Roads is now represented by three local elected officials on the LGAC: Sheila Noll of York County, Debbie Ritter of Chesapeake, and Rosemary Wilson of Virginia Beach.

DCR continues to develop the process to be used for Phase 2 WIP development and implementation. Mr. James Davis Martin is the project manager. Ms. Tribo described the process and schedule so far. Community conservation profiles will be included in the WIP. There has been no official change to the schedule as of the PSC meeting, though with the current three-month delay in the process it is expected that the Phase 2 WIP will be due in February 2012.

Ms. Tribo presented answers to a LGAC questionnaire that were developed by HRPDC staff and Hampton Roads LGAC members. Ms. Tribo asked for comments on the answers. These answers will eventually be used to design a survey to be sent to local governments.

Mr. David Sacks, DCR, stated that the Office of the Secretary of Natural Resources will be sending letters to PDC executive directors, seeking to have its staff brief the Commissions on the Phase 1 and 2 WIPs and the expected/desired role for PDCs in their development.

3. Regional Land Use/Cover Discussion

Ms. Sara Kidd, HRPDC, briefed the Committee on a meeting that was held with HRPDC staff and locality GIS representatives. Several localities have planimetric data to various degrees, including building footprints, driveways, parking lots, and

other datasets. Data availability is not consistent across the region, but building footprint and parking lots are the most widely available. Several localities possess some land cover data, but it is not standard.

Mr. L.J. Hansen, Suffolk, stated that regionally consistent land use and land cover standards would be the most useful.

Due to the timing of the Chesapeake Bay TMDL process, any data acquired would not be included in load allocations now, but could be used in the calibration of the next model.

HRPDC staff will develop several alternatives for the Committee to consider at a later meeting.

4. Local Program Presentation

Chuck Fleming, Hampton, described collaboration by the City of Hampton and Kimley-Horn and Associates to develop a more precise dataset of impervious cover to help the city respond to the Chesapeake Bay TMDL. Mr. Karl Mertig, described the project. The analysis included both water quality and water quantity, and consisted of two parts. The first was an analysis of impervious cover in the city. The second was an overlay of the impervious cover layer with parcels to use to make stormwater utility charges more accurate.

The analysis combined 4-band imagery (1-foot) from the Virginia Base Mapping Project with Hampton's planimetric data (pavement, parking, building footprints). The imagery was classified into six classifications: impervious cover, turf, water, wetlands, and other (which included shadows, hard packed soil, bare soil, and Bermuda grass).

The proposed next steps for the project are: (1) to use the Virginia Runoff Reduction model to calculate stormwater pollutant loads from individual properties; (2), to review stormwater billing; and (3), to recalculate the ERU value for residential properties.

5. Upcoming Local TMDLs

Ms. Jennifer Tribo, HRPDC, informed the Committee of the schedule for local TMDLs over the next year. The presentation included a map of bacteria TMDLs that will be needed by May 2012. Chesapeake, Virginia Beach, Portsmouth, Suffolk, and Southampton all have water bodies on the list, with the order of priority to be determined.

A meeting for the Hoffer Creek TMDL will be held at Northern Shores Elementary on March 9, 2011 at 7pm.

6. Coastal Zone Management Program

Mr. Benjamin McFarlane, briefed the Committee on several grants from the Coastal Zone Management Program. The annual Coastal Technical Assistance program report includes descriptions of HRPDC's Coastal Zone work, including coordination with local government staff, training, data collection and analysis, environmental impact review, and public education and outreach. The Committee recommended approval of the report, pending distribution to the Committee for review.

Several CZMP grant applications are due soon. The Coastal Technical Assistance program grant is due to CZM March 15, 2011. Applications for Focal Area Grants are due April 1, 2011. HRPDC is eligible for a focal area grant in four areas: coastal resiliency, water quality, public access, and working waterfronts. HRPDC staff is currently working on proposals for coastal resiliency and water quality, and will submit one. HRPDC staff is also developing a proposal for a Section 309 grant that will focus on implementable policies and regulations for improving water quality in response to the Chesapeake Bay TMDL. The Committee recommended the Commission approve HRPDC applications for all three grants.

7. Hampton Roads Watershed Roundtable Report

Ms. J. McBride, HRPDC, gave a presentation to the Committee on the annual Hampton Roads Watershed Roundtable Report. The report includes a description of the Roundtable and its history and meetings and activities that have been held in the last year. Ms. McBride also described future plans for the Roundtable, including some potential meeting topics and holding regular quarterly meetings.

8. Review of HRPDC Annual Retreat

HRPDC staff briefed the Committee on the annual HRPDC Retreat that was held in February. Senior HRPDC staff presented potential future projects to the Commission. Ms. Whitney Katchmark briefed the Commission on regional groundwater policies, and Ms. J. McBride briefed the Commission on regional data needs, including LiDAR and land cover. The Commission also saw presentations on existing programs. Overall, the program was well-received by the Commission.

9. Joint Environmental Committee (JEC) Structure and Future Meeting Schedule

Ms. Jennifer Tribo, HRPDC, led a discussion by the Committee on potential changes to its structure. There is a proposal to hold separate meetings of stormwater and planning committees, with Joint Environmental Committee meetings being held to hear presentations of interest to both committees and to discuss regional positions and make recommendations to the Commission. HRPDC staff will put together some alternatives for the Committee to consider. Committee members offered some suggestions, including using conference calls for committee meetings and having the

Joint Environmental Committee reduced in size to focus solely on discussing recommendations to the Commission.

10. Status Reports

A. Hampton Roads Sanitation District

HRSD representatives had nothing to report.

B. Hampton Roads Planning District

HRPDC staff had several updates.

- a) Mr. John Carlock presented a Resolution of Appreciation to Brian P. Ballard, Chesapeake, for his work with Hampton Roads localities and regional committees.
- b) Ms. Jennifer Tribo informed the Committee that:
 - a. a Stormwater RAP meeting will be held next Wednesday, March 9, at 10am. The location is to be announced.
 - b. Perennial stream training will be held at VIMS on March 24 and 25.
- c) Mr. Benjamin McFarlane informed the Committee that:
 - a. CELCP grant applications are due next Thursday, March 10, to CZM.
 - b. The Institute for Environmental Negotiation is looking for additional Hampton Roads localities to develop public outreach for sea level rise education and discussion.
 - c. Due to a change in guidance by the U.S. Department of Energy, the Regional Greenhouse Gas Emissions Inventory has been placed indefinitely on hold until alternative funding can be identified.

C. Soil and Water Conservation Districts

SWCD representatives had nothing to report.

D. Department of Conservation and Recreation

Mr. David Sacks, DCR-CBLA, reported that the second round of CBPA compliance evaluations is underway; James City County and Williamsburg are currently being evaluated. Applications for Chesapeake Bay Implementation Grants are due February 21.

Mr. Todd Herbert, DCR, announce that a Water Quality Implementation Fund grant has been awarded to the James River Association for Extreme Makeover BMP training in Newport News that will be held April 11 to 15. The Elizabeth River Project will be participating in Riverfest on April 30. They are also promoting a Riverstar Homes Program that aims to reduce pollutants in runoff from residential properties.

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

E. Department of Environmental Quality

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

F. U.S. Geological Survey

USGS representatives had nothing to report.

G. Department of Transportation

VDOT representatives had nothing to report.

H. U.S. Navy

U.S. Navy representatives had nothing to report.

I. Local Programs

Chesapeake: Chesapeake will be conducting its own greenhouse gas emissions inventory.

Virginia Beach: The Department of Interior will be entering wind lease blocks into the federal register sometime in the next few weeks. Virginia Beach staff has heard of between two and ten proposals, with the closest proposal about 15 miles offshore.

Mr. John Paine, URS, informed the Committee of the upcoming Virginia Water Conference, and encouraged Committee-members to attend.

Gloucester: There will be a continuing education course at VIMS for land surveyors on March 9 from 2pm to 6pm, with a focus on wetlands and the application of CBPA Resource Protection Areas. Contact Scott Rae if interested.

11. Other Matters

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

Resolution of Appreciation

to

Brian P. Ballard

Whereas, Brian P. Ballard has faithfully served the Hampton Roads Planning District Commission and its Joint Environmental Committee since 2003; and,

Whereas, he has provided leadership in encouraging the Committees and the HRPDC staff to pursue cooperative programs to address Chesapeake Bay stormwater management and environmental planning issues; and,

Whereas, he served in a variety of positions with the Cities of Chesapeake, Hampton, and Norfolk from 2003 through 2011; and,

Whereas, he played active roles in developing cooperative regional environmental planning and stormwater management programs to support local stormwater permits and initiatives, Chesapeake Bay and Elizabeth River restoration and provided ongoing advice to the HRPDC staff and the members of the Committees in program implementation; and,

Whereas, he has served the region on a number of environmental committees, including the Hampton Roads Chesapeake Bay, Regional Stormwater Management and Elizabeth River Restoration Study Steering Committees; and,

Whereas, he has provided leadership to the efforts of the HRPDC staff effort, in cooperation with the City of Chesapeake to develop a Watershed Management Plan for the Northwest River; and,

Whereas, he has completed important work, in cooperation with the City of Virginia Beach and the HRPDC, to preserve natural resource lands as buffers around the region's military airfields.

Now Therefore, Be It Resolved by the Hampton Roads Joint Environmental Committee that Brian P. Ballard is commended for his dedication and outstanding service, and presented this resolution as a token of the Committee's gratitude; and

Be It Further Resolved that the Hampton Roads Joint Environmental Committee expresses its hope that Brian P. Ballard will continue to serve the region and orders that a copy of this Resolution be spread upon the minutes of the Committee this 3rd day of March 2011.



Executed this 3rd day of March 2011

John M. Carlock
Chairman

PROJECT STATUS REPORTS

A. Regional Housing Program

Housing and Human Service Technical Support

Staff routinely provides information and support to those seeking information on housing programs in the Hampton Roads region. Staff is also working with the Hampton Roads Housing Consortium (HRHC) to provide trainings for regional housing providers.

Regional Housing Portal

HRPDC staff members are continuing to work on the implementation of the Regional Housing Portal. Currently all known housing resources pertaining to foreclosure prevention and mortgage defaults services have been identified and a database has been created. Staff is currently planning meetings with community stakeholders concerning the development of the portal and working to complete the gap analysis of services and programs.

Hampton Roads Loan Fund Partnership

The FY11 allocation of HOME funds for the downpayment and closing cost assistance program has been announced for the HRPDC. Planning District #23 will initially receive \$180,000. Staff has begun to receive requests for funding from qualified first-time homebuyers in the region and is processing those requests.

B. Regional Economics Program Report

Technical Assistance

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

Regional Competitiveness

Staff is working on a regional competitiveness study. The purpose of the study is to review the components of growth in competitive economies and evaluate the regional capacity for growth. This analysis will include an in-depth analysis of the

region's occupational and industrial composition, with a particular focus on the region's labor supply.

Analysis of Energy Development Strategies

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

C. Emergency Management Project Update (March 2011)

Hampton Roads Regional Jail and Inmate Evacuation Committee

On January 13, 2011, this committee met and conducted a conference call with representatives from CSX, Amtrak and Norfolk Southern. Ken Jones (EM in Newport News) facilitated the call and proceeded to explain to the transportation representatives, the plan for potentially evacuating inmates using rail if circumstances warranted such an action. The intent described for this is to run from Newport News to Emporia (where track is in need of repair), then continue on to Lawrenceville, where there is a brickyard that could be used for unloading. Ken also described the plan for evacuating Southside, once Amtrak out of Norfolk is complete. Discussions and planning will continue at future meetings.

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. Awaiting DHS approval. Also, the FY08 UASI investment supporting ORION was modified to support HRTacRAN and is currently awaiting DHS approval.

Peninsula Local Emergency Planning Commission (PLEPC)

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

FY 2011 Healthcare Organization Emergency Preparedness Seminars (HOEPS)

The HOEPS planning committee continues meeting on a monthly basis to advance the plans for this year's seminar. This year's seminar will include a scaled down tabletop exercise for participants. The exercise team members are working on the

development of the exercise component and are nearly complete. Dates for this year's event are May 4th on the Peninsula and May 5th on the Southside.

Hazard Mitigation Planning

The HRPDC and Hazard Mitigation Planning Committee (for the Southside Hampton Roads Hazard Mitigation Plan, the Franklin Hazard Mitigation Plan and the Southampton Hazard Mitigation Plan) are on-going with the consultant. Data calls for required information, plans, and GIS files were initiated and well supported by all involved jurisdictions. Draft components of the Franklin plan have been delivered and reviewed by staff. Anticipate the draft components for the Southampton plan this month. Anticipate Hazard Mitigation Planning Committees to be meeting on these two plans in late March followed by a public meeting to review the draft components of the plans.

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. Staff participated in the first of the jurisdictional Hazard Mitigation Planning Committee meetings for the update to the Hazard Identification and Risk Assessment review.

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

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. The project was re-scoped for consultant support with a contract recently awarded by VDEM. The existing workgroups and structure of the Regional Catastrophic Planning Team will be changing to reflect the new Scope of Work.

Urban Area Security Initiative (UASI)

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

The FY07 UASI grant is completed.

Hampton Roads Medical Special Needs and WebEOC Implementation Update (FY07 & FY08 UASI Project)

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

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

Multi-Region Target Capabilities Assessment (FY08 UASI Project)

The Emergency Management staff provides program management and implementation support for the Target Capabilities Assessment (TCA), through the UASI Grant program. A project kick-off meeting was held in February 2011 with the stakeholders (Public Health, Medical, EMS, Hospitals, EM's, etc.). The assessment process is now in the data gathering and review phase.

Pet Sheltering Support (FY09 UASI Project)

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

First Responder Authentication Credential (FRAC)

The FRAC Committee met on January 24, 2011 for an update from the project manager at the Governor's Office of Commonwealth Preparedness. Issuance stations were provided to stakeholders and will be connected over the next few months.

Hampton Roads Critical Infrastructure Protection Program (HR CIPP)

Strategic planning by the Emergency Management staff for the development of a regional Critical Infrastructure and Key Resources (CIKR) program is on-going in coordination with the Office of Commonwealth Preparedness Critical Infrastructure Protection Coordinator.

The Regional Critical Infrastructure Protection Resiliency Strategy was delivered electronically on January 5, 2011 and staff has begun reviewing it. Additional efforts with the Governor's Office of Commonwealth Preparedness will be implemented to implement and manage the strategy. A website supporting this project has been established: www.hrcipp.org

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #21: FOR YOUR INFORMATION

A. SEA LEVEL RISE LISTENING SESSIONS

The HRPDC staff has been working with the University of Virginia Institute for Environmental Negotiation, Wetlands Watch, and the City of Virginia Beach to hold a series of listening sessions for the public to learn about and discuss the impacts of flooding and sea level rise on their community. The meetings will be held March 30 and 31, 2011 in Virginia Beach at four sites:

March 30, 1:00pm – Virginia Aquarium
March 30, 5:30pm – Red Mill Elementary School
March 31, 1:00pm – Meyera E. Oberndorf Central Library
March 31, 5:30pm – Bayside Recreation Center

Information from the Listening Sessions will be reflected in the ongoing HRPDC Climate Change studies, as well as in a report from the UVA Institute for Environmental Negotiation. The UVA work is supported by a grant from the Virginia Sea Grant Program.

B. AIR QUALITY STANDARDS

In March 2010, Mr. Tom Ballou of the Virginia Department of Environmental Quality briefed the HRTPO Board on the reconsideration of the ozone standard by the U.S. Environmental Protection Agency (EPA). EPA proposed in January 2010 a new, more stringent standard and requested comments by late March 2010. The new standard, which was expected to be in the range of 0.060 – 0.070 parts per million (ppm) versus the current standard of 0.075 ppm, was to be promulgated by August 2010. Promulgation of the new standard was subsequently delayed until October and then to December 2010.

DEQ has recently advised the HRPDC staff that EPA has now requested that the court again extend the deadline until July 31, 2011. EPA indicates that the extension will allow the Agency's Clean Air Science Advisory Committee adequate time for further review of the epidemiological and clinical studies used as the basis for the proposed new standard. The HRPDC staff is continuing to monitor this process.

C. HAMPTON ROADS H2O – HELP TO OTHERS – PROGRAM

The Hampton Roads H2O – Help To Others – Program (H2O Program) was established by the HRPDC and the participating jurisdictions in 1999. It was incorporated as a 501(c)(3) nonprofit corporation under Virginia law in 2007. The Board of Directors of the Hampton Roads H2O Program consists of the Director of

Utilities of the participating localities and the General Manager of the Hampton Roads Sanitation District. The HRPDC staff provides staff support for the Program.

In late February, the HRPDC staff was advised that the Internal Revenue Service has approved the tax exempt status of the H2O Program, thus future contributions to the program will be tax deductible. Based on this determination, the HRPDC staff is developing appropriate educational and donation materials so that the program may once again be an active contributor to the quality of life in the region.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #22: CORRESPONDENCE OF INTEREST

A. LETTER, MAYOR WILLIAM D. SESSOMS TO DWIGHT L. FARMER

Attached is a letter from Virginia Beach Mayor Will Sessoms to Dwight L. Farmer advising HRPDC of his resignation from the HRPDC and indicating that the City Council had appointed Councilwoman Rita Sweet Bellito to the HRPDC.

Attachment 22A

B. LETTERS, MS. LESLEY J. GREER TO JULIA B. HILLEGASS

Attached are letters from Smithfield Town Clerk Lesley J. Greer to HRPDC Public Information and Community Affairs Administrator that she has been appointed to the Town's Board of Historic and Architectural Review and reappointed to the Smithfield Planning Commission.

Attachments 22B



City of Virginia Beach

WILLIAM D. SESSOMS, JR.
MAYOR

26 January 2011

VBgov.com

MUNICIPAL CENTER
BUILDING 1
2401 COURTHOUSE DRIVE
VIRGINIA BEACH, VA 23456-9000
(757) 385-4581
FAX (757) 385-5699
wsessoms@vbgov.com

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

Dear Mr. Farmer:

Thank you for the tremendous effort you are making and the successes of the Hampton Roads Planning District Commission in Hampton Roads.

I am sure you know the complexities of the Hampton Roads Transportation Planning Organization at this time so I am sure you will understand my necessity to resign membership on the HRPDC while I chair the HRTPO. Please accept my resignation effective immediately. I appreciate the many years I have been privileged to serve HRPDC as one of the Virginia Beach City Council's representative and the leadership you have given us.

At the Formal Session of the Virginia Beach City Council on Tuesday, January 25, 2011, I submitted my verbal resignation and the City Council appointed Council Lady Rita Sweet Bellitto to fill my unexpired term.

Best regards to you and each member of the Commission.

Sincerely,

William D. Sessoms, Jr.

RECEIVED

JAN 28 2011

HRPDC
Attachment 22A



TOWN OF SMITHFIELD

"The Ham Capital of the World"

February 4, 2011

Ms. Julia B. Hillegass
205 North Mason Street
Smithfield, VA 23430

Dear Julia,

Congratulations! The Smithfield Town Council, at their February 1st, 2011 meeting, unanimously voted to appoint you to the Board of Historic and Architectural Review. This five (5) year term will expire on January 31st, 2016. Your willingness to serve and give of your time to the betterment of the community is appreciated. We are looking forward to working with you in the coming years.

As you are well aware, the Board of Historic and Architectural Review normally meets on the third Tuesday of each month at 7:30 p.m. in Suites A & B at the Smithfield Center located at 220 North Church Street, Smithfield. An agenda is prepared and mailed on the Wednesday prior to the meeting.

For any questions or comments concerning the agenda, please contact Mr. William Saunders, Planner/ GIS Coordinator at (757)365-4200. Again, thank you for your personal commitment to the Smithfield Community.

Sincerely,

Lesley J. Greer
Town Clerk

TOWN MANAGER'S OFFICE

Attachment 22B



TOWN OF SMITHFIELD

"The Ham Capital of the World"

February 4, 2011

Ms. Julia B. Hillegass
205 North Mason Street
Smithfield, VA 23430

Dear Julia,

Congratulations! The Smithfield Town Council, at their February 1st, 2011 meeting, unanimously voted to appoint you to the Board of Historic and Architectural Review. This five (5) year term will expire on January 31st, 2016. Your willingness to serve and give of your time to the betterment of the community is appreciated. We are looking forward to working with you in the coming years.

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For any questions or comments concerning the agenda, please contact Mr. William Saunders, Planner/ GIS Coordinator at (757)365-4200. Again, thank you for your personal commitment to the Smithfield Community.

Sincerely,

Lesley J. Greer
Town Clerk

TOWN MANAGER'S OFFICE

Attachment 22B

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #23: OLD/NEW BUSINESS