

Hampton Roads Planning District Commission
Annual Commission Meeting
Minutes of October 20, 2011

The Quarterly 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:

Stan D. Clark, Chairman (IW)	McKinley Price, D.DS (NN)
Thomas G. Shepperd, Jr. Vice Chairman (YK)	Sharon Scott (NN)*
James O. McReynolds, Treasurer (YK)	Marcus Jones (NO)*
Dr. Alan P. Krasnoff (CH)*	J. Randall Wheeler (PQ)*
William E. Harrell (CH)	Kenneth L. Chandler (PO)
Amar Dwarkanath (CH)	Kenneth Wright (PO)
Dr. Ella Ward (CH)	Selena Cuffee-Glenn (SU)
Barry Cheatham (FR)	Tyrone W. Franklin (SY)
Mary Bunting (HA)	John Seward (SY)
Ross A. Kearney (HA)	Louis R. Jones (VB)
Molly Joseph Ward (HA)	James Spore (VB)
Bruce Goodson (JC)	Harry E. Diezel (VB)
Neil A. Morgan (NN)	Robert M. Dyer (VB)
	Barbara M. Henley (VB)
	Jackson C. Tuttle II (WM)

EXECUTIVE DIRECTOR:

Dwight L. Farmer

*Late arrival or early departure.

ABSENT:

Clifton Hayes (CH), June Fleming (FR), Brenda Garton (GL), Gregory Woodard (GL), W. Douglas Caskey (IW), Robert Middaugh (JC), Paul D. Fraim (NO), Anthony Burfoot (NO), Thomas Smigiel (NO), Theresa Whibley, MD (NO), W. Eugene Hunt (PQ), Michael W. Johnson (SH), Anita Felts (SH), Linda T. Johnson (SU), Prescott Sherrod (VB), John E. Uhrin (VB), Clyde Haulman (WM)

OTHERS RECORDED ATTENDING:

John Gergely – Citizen; Earl Sorey (CH); Bryan Pennington, Chuck Rigney, Jeff Raliski, Stanley Stein (NO); Eric Nielsen (SU); Brian DeProfio (HA); Michael King, Jerri Wilson, Tom Slaughter (NN); Beverly Walkup (IW); Sherri Neil (PO); Shelia Noll (YK), Don Alexander, Woolpert; J. Wendy James – LeClair Ryan; Ellis James – Sierra Club Observer; Leslie Roberts – Dixon Hughes Goodman, Rob Sinclair, W. Dewey Hurley – Branscome; Jim Oliver – HRCCE, Peter Huber – Wilcox & Savage; Germaine Fleet – Biggs & Fleet; Staff: John Carlock, Camelia Ravanbakht, Richard Case, Shernita Bethea, Melton Boyer, James Clary, Jennifer Coleman, Katie Cullipher, Nancy Collins, Natalie Easterday, Greg Grootendorst, Julia Hillegass, Frances Hughey, Jim Hummer, Whitney Katchmark, Sara Kidd, Robert Lawrence, Jay McBride, Ben McFarlane, Kelli Peterson, John Sadler, Tiffany Smith, Dale Stith, Jennifer Tribo, Joe Turner, Chris Vaigneur and Shelia Wilson.

PUBLIC COMMENTS

No public comments.

APPROVAL/MODIFICATION OF AGENDA

Chairman Clark asked if there were any modifications to the agenda.

Mr. Farmer stated a Grant for Chesapeake Bay Contract managed by the Middle Peninsula Planning District Commission was added under item #22..

Chairman Clark asked for a motion to approve the amended agenda.

Commissioner Kearney Moved to approve the agenda with the modification; seconded by Mayor Price. The Motion Carried.

EMPLOYEE RECOGNITION

Mr. Farmer stated HRPDC has five employees that reached milestone anniversaries between October 31, 2010 and October 31, 2011.

Chairman Clark acknowledged the following HRPDC staff: Shernita Bethea, Whitney Katchmark and Dale Stith with five years of service; and Greg Grootendorst and Shelia Wilson with ten years.

They were acknowledged by applause.

CONSENT AGENDA

The Consent Agenda contained the following items:

Minutes of September 15, 2011 Meeting

Treasurer's Report

Regional Reviews

A. PNRS Items Review

DHCD Industrial Revitalization and Housing Authority - Portsmouth Redevelopment and Housing Authority

B. Environmental Impact Assessment/Statement Review

Airfield Clear Zone Management Plan, Naval Auxiliary Landing Field Fentress, DOD/U.S. Navy

Oil, Gas, & Sulphur Operations in the Outer Continental Shelf – Revisions to Safety & Enviro, DOI/BOEMRE

Force Structure Changes at Langley Air Force Base, DOD U. S. Air Force

Princess Anne Nursing Home, U.S. Department of Housing and Urban Development

Grant Application – Department of Housing and Community Development 2011-12
Virginia HOME Down Payment Assistance (DPA) Program

Contract Amendment – Hazard Mitigation Program

Contract Amendment – Urban Area Security Initiative Contract for Analytical Support

Regional Stormwater Cooperation Report

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

Commissioner L. Jones abstained on Item #8 of the Consent Agenda.

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

(Mayor Krasnoff arrives)

FY 2011 AUDIT REPORT

Chairman Clark introduced Ms. Nancy Collins to present the FY 2011 Audit Report.

Ms. Collins directed everyone to the last page of the audit - Schedule of Findings and Questioned Costs. An Unqualified opinion was issued and no material weaknesses, significant deficiencies, material non-compliance, findings, questionable costs and no deficiencies in internal controls were found. The statements were free of material misstatements, and complied in all material respects, with Generally Accepted Auditing Standards, the Government Auditing Standards Board and the OMB Circular A-133 which is the standard for consistency and uniformity for state and local governments and nonprofit organizations.

In addition, the management discussion and analysis report further details any changes that have occurred during the fiscal year. She also pointed out that the HRPDC indirect cost rate for 2011 was 34.79%. This was due in part to significant cuts in non-salary expenditures and no debt service at HRPDC.

Ms. Collins stated Ms. Leslie Roberts was present from the audit firm Dixon, Hughes and Goodman to answer any questions.

Ms. Collins stated the recommended action is to accept the audited financial report.

Chairman Clark asked for a motion to approve the FY 2011 Audit Report.

Commissioner McReynolds Moved to approve the 2011 Audit Report; seconded by Commissioner Franklin. The Motion Carried.

HR GREEN PROGRAM BRIEFING

Chairman Clark introduced Ms. Julia Hillegass to present the HR Green Program briefing.

Ms. Hillegass stated she would give an update on the regional research on environmental knowledge and behaviors in Hampton Roads. Of those surveyed, 84% described themselves as moderately to extremely knowledgeable regarding local environmental issues.

Based on the focus groups and actual reported behaviors of the people that were questioned in a baseline survey, many residents have an inflated opinion of both their knowledge about responsible environmental behavior and the actual practice of environmental behaviors. Through HR Green promotional and educational efforts they are trying to facilitate change. One of the changes is using the re-useable tote bags. Items like this show citizens how HR Green is trying to close the loop using materials made from recyclable items and give them promotional information to learn more about recycling. Many consumers do not make the connection to every day actions and the impact it has on water quality and other parts of the environment. A large percentage of those surveyed believed these various actions were not harmful to the environment.

Last year, the joint regional messages for things like Drinking Water Week, Plastic Bag Forgiveness Day, Plant More Plants, and basic fat, oils and grease disposal yielded a total of over nine million ad impressions that cost about \$183,000. Add to that, through news releases and public relations the total campaign value was \$250,000. This can only happen with the efforts leveraged through our partnerships.

Ms. Hillegass stated the regional "Good For You" campaign is about recycling. It is currently in print, on the web, radio, there are other advertisements to encourage people to recycle, and drink local tap water. The advertisement shows the importance of both sides that the water is a clean and safe resource, as well as saving money for local households. Also, proper disposal of fats, oils and grease is the key component of reducing sanitary sewer overflow and protecting area waterways. Pet waste disposal is another major issue of this campaign. HR Green has a variety of outlets, such as local news stations to enhance the "Good For You" campaign and to draw people to our website.

When HR Green first started, they had a blog and we continued that and incorporated it into a new website. HRPDC staff along with committee members and guest bloggers contribute regularly to the new website. AskHR Green.org has put basic information about all of our committees on the blog as well as upcoming events, and users can ask questions which direct them to content already on the website. The website is fully integrated with tips, resources and other related information.

Chairman Clark thanked Ms. Hillegass for her presentation.

(Mr. Wheeler arrives)

RESOLUTION FOR PARTICIPATION IN THE 2012 GREAT AMERICAN CLEANUP KICKOFF EVENT

Chairman Clark introduced Lisa Hardy to present the Resolution for Participation in the 2012 Great American Cleanup Event.

Ms. Hardy stated through the membership with HR Green, the region's recycling coordinators and in partnership with Keep Virginia Beautiful, the region received the honor of hosting one of fifteen Great American Cleanup National Kickoff Events in 2012. The great American Cleanup is led by Keep America Beautiful, the nation's largest volunteer-based community action and educational organization that engages individuals to take greater responsibility for improving their community environment. There are nearly 600 Keep America Beautiful affiliates across the country and internationally. The Great American Cleanup is the nation's largest community improvement program. Our recycling coordinators have had great success in the past in hosting local cleanup activities which included litter and construction debris removal, roadway beautification, cleanup of rivers, lakes and the ocean, youth education, litter free events and special promotions.

Ms. Hardy stated the Great American Cleanup Event will be a two-day kickoff event to bring national attention to the hard work and great efforts by the citizens of Hampton Roads to improve their community environment. The 2012 Great American Cleanup of Hampton Roads will be organized by HR Green and Keep Virginia Beautiful. The kickoff event will take place on a Friday and Saturday in early April or May. The goal is to have transformational cleanup projects in every locality in Hampton Roads. Friday morning will start with regional cleanups geared towards volunteers from local business and military communities, and an evening rally for all the volunteers, planning teams, sponsors and local and state officials. Norfolk's Town Point Park is the tentative location for the rally. Saturday will be a full day of cleanup events held across the region.

Keep America Beautiful is responsible for coordinating national program planning, providing resources for state and local initiatives along with providing national, state and local media and public relations support. The Hampton Roads Planning District Commission will be responsible for inviting participation on the Honorary Board, encouraging staff participation in HR Green and encouraging citizen and business participation. HR Green is responsible for recruiting volunteers, organizing cleanup projects, providing logistical support to localities and community groups and assisting with recruiting members for the Honorary Board. Keep Virginia Beautiful is responsible for organizing the kickoff rally, recruiting sponsors and managing donated funds.

Sponsorship funds will be dedicated to the rally and cleanup supplies, and the remaining proceeds will be divided between Keep Virginia Beautiful and participating localities. The goals for the kickoff are to hold a transformational event in each locality, recruit one thousand volunteers, raise at least \$100,000 in corporate donations, build positive awareness for HR Green and a clean, more beautiful Hampton Roads. Our transformational

projects will include gateway beautification, creating a community garden, restoring a living shoreline, holding e-cycling events, cleaning up rivers and other community beautification projects.

Ms. Hardy stated HR Green and Keep Virginia Beautiful would like to form an Honorary Board to bolster regional involvement in the event and bring local and state-wide recognition. HRPDC staff would like to extend an invitation to Governor Bob McDonnell and his wife to serve as the Co-Chairs and invite the Secretary of National Resources, Hampton Roads chief elected officials, and military commanding officers to serve on the Honorary Planning Board. They are not asking the board to meet; they would like the board to spread the word of the event through their own channels and encourage citizen participation and provide information with media releases, attend the kickoff rally and celebrate the beauty of Hampton Roads.

Ms. Hardy stated the recommended action is to adopt the Resolution and authorize the Chairman to sign the letter for the formation of the Honorary Planning Board.

Chairman Clark asked for questions.

Commissioner Kearney asked if a date has been set for the event.

Ms. Hardy stated a date has not yet been determined by Keep America Beautiful.

Chairman Clark asked for a motion.

Commissioner Harrell Moved to adopt the Resolution and authorize the Chairman to sign the letter for the formation of the Honorary Planning Board; seconded by Commissioner Kearney. The Motion Carried.

(Mr. M. Jones arrives)

CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)

Chairman Clark introduced Ms. Katchmark to present an update on the Chesapeake Bay Total Maximum Daily Load (TMDL) and stated a Supplemental Agenda Item is a letter from the Environmental Protection Agency dated October 5, 2011, to the Secretary of Natural Resources, Doug Domenech and a letter drafted by the Commission to the Secretary.

Mr. Farmer stated the HRPDC staff was not aware of this letter until October 19, 2011, when EPA responded to a letter from the state. Ms Katchmark will brief us on this information in her presentation.

Ms. Katchmark stated she would discuss two issues: the first is the potential change and type of information that localities will need to submit to the state in February 2012, and the second issue is a proposal for the state to track nutrient reductions using a different

method. Both changes are based on two letters, one from the state to the EPA and other from EPA to the state which is correspondence that occurred over the last four weeks.

Ms. Katchmark gave a brief background about the framework of Virginia's Implementation Plan. Phase I of the Implementation Plan was completed in December. At that time, the state proposed goals in pounds of nutrients (nitrogen, phosphorus and sediment). Most of these goals were aggregated for whole sectors for example, there were a certain number of pounds for agricultural land across the entire watershed. However, the state agreed to include individual goals for the larger cities such as Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach. They have individual waste load allocations in the final TMDL. In March, the Commission asked EPA to take those goals out of the TMDL because they were concerned the numbers were not accurate, and to have those numbers not put into permits. The Commission has not received a response from the EPA on whether or not they would take those numbers out of the TMDL. Since December localities have been working on Phase II of the Implementation Plan. In Phase II the state proposed, city and county level targets in pounds of nutrients. The state created a web based tool called VAST. Localities could enter the number of BMPs and VAST could calculate the number of pounds of nutrients that would be removed by building BMPs. The framework for the entire Implementation Plan is based on tracking pounds of nutrients in the model.

Ms. Katchmark stated in September and August 2011, while the localities were waiting for the EPA, for new local targets with the VAST tracking tool, the state was holding it back because they had concerns that the model did not calculate the pounds of nutrients accurately. Virginia was not the only state to raise these issues. EPA agreed to have a meeting on the TMDL on September 16th to discuss these problems. The letter from Virginia to EPA was its proposal at the summit. The state recommended EPA focus on fixing the model and making sure it works at the local scale, that is what the state wants and in the meantime the state would submit plans at a basin level scale instead of a county level scale, and the state asked for an additional two months to get that done. The basin level plan is due in June.

(Ms. Scott arrives)

EPA's response to Virginia's proposal dated October 5, 2011, stated they did not expect the states to express local targets in terms of model inputs or outputs at the county scale. EPA agreed to the Virginia and Maryland proposals to do basin level plans in the spring; EPA did not agree to the extra time. EPA wants evidence that local governments are engaged even though this is a basin level scale. EPA is concerned and wants to move past the first phase where the only people involved are a couple of state agencies and planning for this whole process had not moved to the locality level. HRPDC staff has not heard from the state on how this summit decision would impact local governments. HRPDC staff's best guess at what all this means is that for the February deadline the localities will not be asked to submit VAST input files with significant number of BMPs; instead, localities will submit an outline of strategies. HRPDC is identifying the types of nutrient reductions localities could consider.

The next issue the states proposed is to change how nutrient reductions are tracked. The state feels the Bay model is not appropriate for use in assigning loads in permits in developing local targets or measuring progress. The state wants to change directions indicating localities should not be using the model this way. In the state's letter there is a "path forward" attachment and it suggests they would be moving from targets in pounds to performance standards. In the stormwater sector, the performance standard would be the percent of impervious area treated. The state wants to change the type of targets not the size of targets. If the localities move to a performance standard, the major advantage is that progress or compliance would be based on real world projects. The model calibration would not influence the metrics and it reduces the possibility that the model revisions would change local targets. The disadvantage of moving to a performance standard is that these formulas have not been established.

Ms. Katchmark put everything into perspective as to why localities should care about how nutrient reductions are tracked. The TMDL will be enforced by the permit conditions in the new MS4 stormwater permits. If the TMDL is based on pounds removed, it is going to be more difficult to make sure that the permit conditions are based on the performance standard, the acres treated. It is better for localities and better for compliance to be based on performance standards than model results. In other words, did a locality accomplish what it promised. If the TMDL is enforced by the permit conditions the localities should be issued new permits and the permits must be consistent with the TMDL. It is better for compliance to be based on performance standards, not model results because sufficient monitoring data is not available. HRPDC and localities need to go back to EPA and ask them to remove individual waste load allocations from the TMDL. The question is what do localities do now, since they do not have local targets. The state needs to provide more detailed information about the state's path forward and what they want from the localities.

HRPDC staff recommends the localities continue to focus on the preparation for MS4 permit renewals. Also, continue to groundtruth land use data and existing BMPs; look at potential nutrient reduction strategies and develop rough cost estimates of those strategies. At some point, the state is going to show up with draft permits and localities are going to need this information to negotiate the best permit conditions for the city or county to ensure they have the flexibility needed and the desired options to do the best cost effective permit compliance.

Ms. Katchmark stated she would not suggest localities do all this work and give the information to the state in February; this is for local use. It is for the localities' benefit to know what they can do and how much it would cost them.

Ms. Katchmark stated the recommended actions for the Commission is to approve the draft letter to EPA requesting removal of the individual waste load allocations for the Phase I MS4s from the Chesapeake Bay TMDL and approve the draft letter to Secretary Domenech requesting more information about the localities' role in the state's proposed path forward and commitment from the state to participate actively in the Hampton Roads Chesapeake Bay TMDL Steering Committee Process.

Chairman Clark asked for questions.

Commissioner Franklin asked if the estimated cost for the region with the new performance goals path forward would positively or negatively impact the overall estimates.

Ms. Katchmark stated it does not change the requirements, it is more on how it is defined and tracked; she did think it would change the cost.

Commissioner Shepperd stated in the briefing, EPA was concerned they would only be working with a few state agencies. His concern is that localities have spent millions of dollars in sewer improvements. The state may be struggling with policies with EPA and meanwhile the cities and counties are implementing improvements. This involves more than just a few state agencies.

Ms. Katchmark stated the Phase II process was supposed to move from the state level down to the local level to make sure the local data was incorporated into the plan. This would give localities a chance to put their data forward such as the local land use data, what BMP's and other activities are being done. There are annual reports on some of these things that go to the state; we would hope they received the data and rolled that into the first phase. It looks like that did not happen. This is another chance for everybody to get their data right. It shows that EPA was saying the first phase is at very high level, at the state level; but if they do not move it down to city and county levels then localities are not necessarily going to get good data or buy into this and make this happen.

Commissioner Shepperd stated he thought everybody understood the value of the bay and looking forward to water improvements. In this process, how are they going to determine the water being improved is in the actions we are taking?

Ms. Katchmark stated there are some water quality monitoring stations and the Steering Committee will discuss what it would take to do more stations; there is not enough money to do all the monitoring needed. The Bay Program has proposed doing some more monitoring as well and continue to support those efforts because all localities want to go out and measure and see results and not just focus on spreadsheet calculations.

Commissioner Shepperd stated the localities are up in the front end of this problem, not down where they can go with a cup of water and measure contents.

Ms. Katchmark stated there are some measurements but not enough.

Commissioner Shepperd asked if EPA changed its schedule.

Ms. Katchmark stated the letter is suggesting that EPA is not changing its schedule.

Commissioner Shepperd stated the schedule makes no sense because localities have no guidelines.

Ms. Katchmark stated the state has asked for extra time which has been a continuing argument as the issues unfold. As we look at specific problems, we need a solution and we should get more time; EPA has not adjusted the schedule.

Chairman Clark stated the environmental, water and sewer experts from the localities meet on a regular basis to brainstorm strategies and make sure they are sharing everything.

Ms. Katchmark stated there are monthly meetings of the water and wastewater utilities and monthly meetings of environmental planners and stormwater staff and also a separate meeting for stormwater staff and a regional meeting. We are doing our best to make sure when people come across good ideas, everyone hears about it from their colleagues.

Mayor Krasnoff asked about the analysis to see the benefits of the restoration, if the model numbers were correct.

Ms. Katchmark said the HRPDC staff can provide additional information.

Mayor Krasnoff stated Chesapeake has set aside \$10 million over the next five years and unless we get better workability between the agencies, we are just sitting.

Commissioner Shepperd stated when he asked about the schedule, and how will they do the measurements, they wanted to identify the data for BMPs, are we going to get credit. The problem is that we have to double our tax base to try and pay for this bill. The schedule is 60% has to be done by 2017.

Ms. Katchmark stated the 60% is a statewide standard.

Commissioner Shepperd stated he was concerned that the localities are not getting credit for all the hard work they have done. The schedule is a wall of requirements piling up that we will not be able to make.

Ms. Katchmark stated some of these local teams have come up with ideas that are less expensive ways to get nutrient reductions. When we did a regional cost estimate we made very simple assumptions that localities would use certain kinds of BMP's that would cost certain amounts, there were other options but there is no way to do a quick reasonable estimate with 25 different options that are based on specific circumstances of what public land is available that localities could work with, what projects they are already doing that could add some component. Tree planting seems cheap, it adds up to nutrients removed; hooking up septic tanks to sewer is not cheap. We have to encourage localities to keep looking. You may get to the point no matter what you come up with it is still not cheap enough and you cannot afford it. But if you continue to do a little bit more work, you will be in a better position to push back and say what you really can do.

Chairman Clark asked that Ms. Katchmark keep coming to the Commission with an update regularly.

Mr. Farmer stated Ms. Katchmark is scheduled to come back every month.

Chairman Clark asked for a motion.

Commissioner Kearney Moved to approve the draft letters from the Commission requesting EPA remove the individual Waste Load Allocations for the Phase I MS4 permits from the Chesapeake Bay TMDL; and the letter to the Secretary requesting additional guidance; seconded by Commissioner Goodson. The Motion Carried.

NOMINATING COMMITTEE REPORT/ELECTION OF OFFICERS

Commissioner Shepperd stated the HRPDC bylaws provide that at its Annual Meeting the Hampton Roads Planning District Commission will elect a Chair, Vice Chair, Secretary and Treasurer. The nominating committee met and based on the bylaws the elected officials can serve for two consecutive one-year terms; the Secretary and Treasurer can be reappointed. The Committee recommends that the current slate; Chair, Stan Clark; Vice Chair, Thomas G. Shepperd; Secretary, Dwight L. Farmer; and Treasurer, James McReynolds; and the current Executive Committee continue.

Mayor Krasnoff Moved to approve the slate of officers; seconded by Mayor Price. The Motion Carried.

HRPDC ACTION ITEMS: THREE MONTH TENTATIVE SCHEDULE

No questions or comments were noted.

PROJECT STATUS REPORTS

No questions or comments were noted.

CORRESPONDENCE OF INTEREST

No questions or comments were noted.

FOR YOUR INFORMATION

No questions or comments were noted.

OLD/NEW BUSINESS

Mr. Farmer stated the new business item is a grant application and contract. The recommended action is to authorize the Executive Director to participate in a Super Regional project and execute a Memorandum of Agreement with the Middle Peninsula Planning District Commission for this project.

Chairman asked for a motion.

Commissioner Cuffee-Glenn Moved to authorize the Executive Director to participate in the Super Regional project and to execute a Memorandum of Agreement with the Middle Peninsula PDC for this project; seconded by Mayor Price. The Motion Carried.

ADJOURNMENT

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:15 a.m.

Stan D. Clark
Chairman

Dwight L. Farmer
Executive Director/Secretary