

October 3, 2014

Memorandum #2014-134

To: HRPDC Legislative Ad-Hoc Committee

BY: Randy Keaton, HRPDC Interim Executive Director

RE: HRPDC Legislative ad-Hoc Committee Meeting – October 6, 2014

The next meeting of the HRPDC Legislative Committee Meeting is going to be held on October 6, 2014 at 2:00 p.m. in the HRPDC Board Room A, The Regional Building, 723 Woodlake Drive, Chesapeake, VA 23320.

If you have any questions please contact Randy Keaton (rkeaton@hrpdcva.gov).

/jc

HRPDC Legislative Ad-Hoc Committee:

Robert Dyer (VB)

Mayor Clyde Haulman (WM)

Sherri Neil (PO)

Bryan Pennington (NO)

Dr. Ella Ward (CH)

Mayor Kenneth Wright (PO)

Agenda
HRPDC Legislative Ad-Hoc Committee
October 6, 2014

Call to Order - 2:00 p.m.
Board Room A

1. Call to Order
2. Public Comment Period (Limit: 3 minutes per individual)
3. Approval of Agenda
4. Development of the HRPDC 2015 Legislative Agenda
5. Old/New Business
6. Adjournment

AGENDA ITEM #1: CALL TO ORDER

The meeting will be called to order at approximately 2:00 p.m.

AGENDA ITEM #2: PUBLIC COMMENT PERIOD

Members of the public are invited to address the HRPDC Legislative Ad-Hoc Committee. Each speaker is limited to three minutes

AGENDA ITEM #3: APPROVAL OF AGENDA

Members are provided an opportunity to add or delete items from the agenda. Any item for which a member desires an action from the HRPDC Legislative Ad-Hoc Committee should be submitted at this time.

AGENDA ITEM #4: DEVELOPMENT OF THE HRPDC 2015 LEGISLATIVE AGENDA

In preparation of the 2015 General Assembly Session, the HRPDC Legislative Ad-Hoc Committee is tasked with developing the HRPDC 2015 Legislative Agenda. Topic areas to be considered by the Committee include:

- Water Resources
 - Well construction records
 - Close loophole for subdivision groundwater permits
 - JLARC Study on water management
- Emergency Management
- Economics
- Housing
- FOIA
- Federal Facilities
- Education
- Miscellaneous

The City of Norfolk has requested the Chesapeake Climate Action Network (CCAN) initiative, the Virginia Coastal Protection Act, be included in the 2015 Legislative Agenda.

Attachments: 4-A
4-B
4-C
4-D

RECOMMENDED ACTION:

Recommend a 2015 Legislative Agenda for Approval by the Commission

AGENDA ITEM #5 OLD/NEW BUSINESS

AGENDA ITEM #6 ADJOURNMENT

1
2
3 *Department of Environmental Quality*
4 **2015 Session of the General Assembly**

5
6 **Draft Legislation**
7 **Amending the Ground Water Management Act to require well**
8 **drillers to register with the Department of Environmental Quality**
9 **new wells constructed in ground water management areas.**

10
11 **Be it enacted by the General Assembly of Virginia:**

12 **1. That § 62.1-258 of the Code of Virginia is amended and reenacted as follows:**

13 § 62.1-258. Use of ground water in ground water management area; *registration of well*
14 *construction required.*

15 It shall be unlawful in a ground water management area for any person to withdraw, attempt to
16 withdraw, or allow the withdrawal of any ground water, other than in accordance with a ground
17 water withdrawal permit or as provided in § 62.1-259, subsections C, D and F of § 62.1-260, and
18 subsection C of § 62.1-261. *Each water well constructed in a ground water management area*
19 *shall be registered by the well driller with the Department within 30 days of its completion.*
20 *Such registration shall be in a format defined by the Board, however, the Board and the Board*
21 *of Health are authorized to develop joint well permitting documents and processes. The*
22 *Department of Health shall provide the Board annually with a list of private wells permitted*
23 *during the past year, including well characteristics and locations.*

24
25 [Proposed enactment clause: **2. That the Department of Health shall provide the State Water**
26 **Control Board with historic data on private well construction permitted by the Department**
27 **of Health from 1992 through 2014, including well locations and characteristics.**]

1
2
3 *Department of Environmental Quality*
4 **2015 Session of the General Assembly**

5
6 **Draft Legislation**

7 **Amending the Ground Water Management Act to require a ground**
8 **water withdrawal permit for a subdivision in a groundwater**
9 **management area that will result in total withdrawals of 300,000**
10 **gallons or more a month.**

11 **Be it enacted by the General Assembly of Virginia:**

12 **1. That § 62.1-259 of the Code of Virginia is amended and reenacted as follows:**

13 § 62.1-259. ~~Certain~~ Ground water withdrawals; when permit not required.

14 **A. Except as set forth in subsection B, no** ~~No~~ ground water withdrawal permit shall be required
15 for (i) withdrawals of less than 300,000 gallons a month; (ii) temporary construction dewatering;
16 (iii) temporary withdrawals associated with a state-approved ground water remediation; (iv) the
17 withdrawal of ground water for use by a ground water heat pump where the discharge is
18 reinjected into the aquifer from which it is withdrawn; (v) the withdrawal from a pond recharged
19 by ground water without mechanical assistance; (vi) the withdrawal of water for geophysical
20 investigations, including pump tests; (vii) the withdrawal of ground water coincident with
21 exploration for and extraction of coal or activities associated with coal mining regulated by the
22 Department of Mines, Minerals and Energy; (viii) the withdrawal of ground water coincident
23 with the exploration for or production of oil, gas or other minerals other than coal, unless such
24 withdrawal adversely impacts aquifer quantity or quality or other ground water users within a
25 ground water management area; (ix) the withdrawal of ground water in any area not declared a
26 ground water management area; or (x) the withdrawal of ground water pursuant to a special
27 exception issued by the Board.

28
29 **B. The developer of a subdivision, as defined in § 15.2-2201, located in a ground water**
30 **management area must obtain a permit if the projected total withdrawals by individual wells**
31 **within the subdivision amount to 300,000 gallons or more in any month, calculated pursuant**
32 **to a method established by the Department. This permit requirement applies to any such**
33 **subdivision for which the developer obtains plat approval on or after January 1, 2016, and the**
34 **developer must obtain the permit prior to withdrawals exceeding 300,000 gallons per month.**
35 **Upon completion of the subdivision, the developer may transfer the permit only after the**
36 **developer and transferee provide written notice to the Board in accordance with requirements**
37 **established by the Department. The construction of a new, individual well that will increase**
38 **the ground water withdrawal in a subdivision covered by a ground water withdrawal permit is**
39 **prohibited without an approved permit amendment.**

Scoping Document

JLARC review of Water Resource Management and Planning in Virginia

This memo details the scope of a water resource management and planning review as requested by the Joint Legislative Audit and Review Commission at its July 2014 meeting.

On the basis of preliminary research conducted to prepare this document, JLARC staff have determined that a review of water resource management and planning could add the most value by examining five areas: (1) extent to which ground and surface water consumption is unsustainable, the impact of any unsustainable consumption, and the risk for overconsumption in the future; (2) effectiveness of the state's permitting process for ground and surface water withdrawals; (3) effectiveness of state and local water resource planning; (4) adequacy of the funding and staff for managing Virginia's water resources; and (5) need for strategies and practices to increase current ground and surface water available for consumption.

This review could be completed no sooner than Fall 2015.

MAJOR ISSUES

Extent to which ground and surface water consumption is unsustainable

The state may be consuming its ground and surface water supplies at unsustainable rates. Unsustainable rates of water consumption may force localities, businesses, and other users to identify alternative water supplies and could increase the cost of water consumption. Past withdrawals of ground water in eastern Virginia appear to have contributed to several topographical and hydrological changes to the region, including lower water and ground levels, a relative rise in sea level, and increased potential for saltwater contamination of ground water. Excessive withdrawals of surface water throughout Virginia may have the potential to increase the frequency, length, and severity of drought.

Scope

- Examine the rate of ground and surface water consumption, the water supply, and current and future impacts

Purpose

- Understand whether and the extent to which Virginia's consumption of water resources is unsustainable

Potential benefit

- Assess the need for policy changes to reduce the consumption of ground and surface water

Effectiveness of the state's permitting process for ground and surface water withdrawals

The current permitting process for ground and surface water withdrawals may not adequately control the consumption of Virginia's water resources. Consequently, the state may not be fulfilling its responsibility to ensure that quality water is available for all beneficial uses, including residential, industrial, agricultural, and recreational. Permits are required for certain large withdrawals of ground and surface water, and the state uses the permitting process to manage the impact of these withdrawals. The permitting process may be hindered by several factors, including a lack of information regarding current water supplies and withdrawals, limited statutory or regulatory authority to regulate withdrawals through permits, and limited resources at DEQ to monitor withdrawals and review permit applications.

Scope

- Assess whether the state has sufficient data on current water supplies and withdrawals to effectively regulate ground and surface water consumption
- Determine whether the state has sufficient permitting authority under statute and regulations to regulate water withdrawals, including groundwater withdrawals resulting from new residential development
- Evaluate the adequacy of the state's process for reviewing permit applications, including the factors considered during the review, the length of the review, and the impact on applicants
- Identify permitting processes used in other states to successfully manage water withdrawals

Purpose

- Identify potential shortcomings in the state's permitting process and improvements to strengthen it

Potential benefit

- Implement a water withdrawal permitting process that better achieves sustainable water consumption

Effectiveness of state and local water resource planning

Little information is available about the quality of state and local water resource plans and the role they play in the state's review of water withdrawal permit applications. Water resource planning can have three important benefits for Virginia: (i) minimize the risk that water is consumed at an unsustainable rate by determining the demand for water and its current supply and location; (ii) identify instances where residential, industrial, agricultural, or other users will compete for the same

water source; and (iii) help inform the state's review and approval of ground and surface water withdrawal permits.

Scope

- Evaluate (i) the process used to develop and maintain state and local water resource plans and (ii) the quality of these plans
- Evaluate the role state and local water resource plans play in the state's review of water withdrawal permit applications

Purpose

- Assess whether state and local plans (i) accurately identify water supply and demand and (ii) identify instances where localities, industrial and commercial entities, agricultural users, and others will compete for the same water source
- Assess whether recommended planning practices are being used to develop and maintain state and local water resource plans
- Assess whether state and local water plans are being properly considered during the review of water withdrawal permit applications

Potential benefit

- Develop water resource plans that better inform the regulation of water withdrawals

Adequacy of the funding and staff for managing Virginia's water resources

DEQ requires sufficient funding and staffing to carry out key functions regarding water resource management, such as monitoring ground and surface water levels, reviewing applications for water withdrawal permits, and overseeing state and local water resource planning. Insufficient resources may be contributing to unsustainable rates of water consumption, may have delayed the development of state and local water resource plans, and may be increasing the time needed to review permit applications. To address its lack of resources, DEQ may be shifting additional costs for monitoring water levels onto permit holders.

Scope

- Examine DEQ resources available to (i) monitor the withdrawal of ground and surface waters, (ii) oversee state and local water resource planning, and (iii) review applications for water withdrawal permits in a timely manner

Purpose

- Assess whether the state has adequate resources to oversee water resource planning and regulation

Potential benefit

- Carry out the state's water resource program more effectively

Strategies and practices to increase ground and surface water available for consumption

To reduce the risk of unsustainable water consumption, strategies and practices may be needed to consume water resources at a more sustainable rate. These strategies and practices could include (i) the recycling and reuse of water for industrial and agricultural purposes, (ii) techniques to recharge depleted aquifers, (iii) conservation initiatives to reduce water consumption, (iv) the development of new water infrastructure such as reservoirs, desalination plants, and water transfer pipelines, and (v) options for financing such infrastructure.

Scope

- Identify successful strategies and practices used in Virginia and other states to increase the supply of ground and surface water available for consumption

Purpose

- Provide detailed, actionable strategies and practices that could be successfully implemented in Virginia to increase the amount of ground and surface water available for consumption

Potential benefit

- Increase the availability of water resources for all beneficial uses
- Minimize increases in the cost of water consumption

RESOURCES AND TIMELINE FOR COMPLETION

Given the broad nature of a review of water resource management and planning in Virginia, JLARC staff would need approximately one year to complete this review. Two to three analysts would be needed to conduct the proposed research. With all staff currently assigned to ongoing studies, a review of water resource management and planning could begin no sooner than December 2014.

Climate Change in Coastal Virginia

The Impacts are Here Now, But So are the Solutions



Climate change—caused primarily by the burning of fossil fuels like coal, oil, and gas—is the major driver of sea level rise globally and in Hampton Roads. Virginia’s coastal communities are already experiencing costly impacts from flooding. Coastal Hampton Roads is especially vulnerable to worse climate change impacts to come—not only from rising seas but also from stronger storms and heavier rainfall.

- Coastal Virginia is second only to New Orleans and Louisiana’s Gulf Coast as the largest U.S. population center at greatest risk of flooding due to sea level rise.
- Sea levels along Virginia’s coast are rising at one of the fastest rates in the nation, partly because Hampton Roads is also sinking. Sea level in coastal Hampton Roads has risen over a foot in the past 80 years, compared to the global average of six inches in the last century.
- The Virginia Institute of Marine Science (VIMS) projects that Virginia’s coast will see 3-7 more feet of sea level rise by 2100.

Have you noticed?

- More frequent flooding
- Impassable roadways
- Property damage
- Homes being raised

Sea level rise also makes storm surges from hurricanes more damaging. When Hurricane Isabel hit Hampton Roads in 2003 it caused more damage than a bigger hurricane that hit the region in 1933. VIMS researchers believe Isabel was more destructive because the storm rode atop seas that were 14 inches higher.



The Stakes for Our Communities and Economy are High

» Hampton Roads is home to about 1.7 million people, yet the region has no strong plan for evacuation and shelter in the event of climate-related disasters like hurricanes. Even Governor McAuliffe has publicly noted that the region is woefully unprepared for mass evacuation.

» The Tidewater Region is critical to our national security, possessing the world’s largest naval base, the Langley Air Force Base, and extensive military and federal infrastructure. Sea level rise and extreme weather events pose a threat to these installations and thus our military readiness.

» Prominent historical sites like Fort Monroe, Tangler Island, Jamestown Island, Yorktown Battlefield, and Colonial Williamsburg are at risk of being inundated, or disappearing entirely, due to sea level rise and stronger storms.

» The region is known for its thriving beach tourism industry, which generated \$1.28 billion in 2012 alone.

» Hampton Roads is comprised of beautiful, ecologically sensitive wetlands and fisheries that stand to be adversely impacted by climate impacts.

» Hampton Roads possesses extensive import and export infrastructure, which supports the local economy and provides jobs. Port activity impacts the Hampton Roads economy substantially, generating \$12.3 billion in local output.

It's Time to Make Hampton Roads a Ground Zero for Solutions

Adapt to the sea level rise we're locked

into: The region needs a massive, coordinated investment in new and resilient infrastructure, living shorelines, emergency planning, and strategic retreat from vulnerable areas to keep people safe and dry. And we need money to pay for it—likely upwards of \$1 billion in Norfolk alone.

THE SOLUTION:

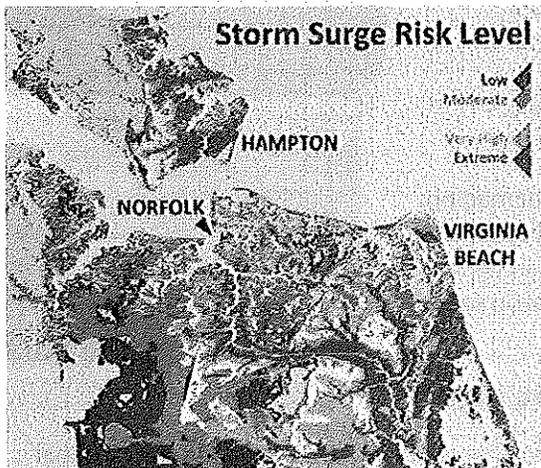
Virginia can generate significant funds by participating in the Regional Greenhouse Gas Initiative (RGGI), a market-based collaboration of nine states from Maine to Maryland that caps carbon pollution from power plants. Through auctions of pollution permits, RGGI could raise as much as \$209 million per year to help pay for adaptation solutions, while reducing the fossil fuel pollution at the root of the problem.

Reduce fossil fuel emissions to protect the coast from the worst impacts:

If we want to avoid catastrophic levels of global warming, we need to keep at least two-thirds of the world's known fossil fuel reserves in the ground. In Virginia, that means we need to phase out dirty energy and transition to clean energy sources like offshore wind and solar power. Yet our largest utility company, Dominion Virginia Power, plans to increase carbon emissions by 37% over the next 15 years.

THE SOLUTION:

Instead of accepting Dominion's regressive plan, we need to pass state legislation that incentivizes Virginia-based clean energy solutions, including a mandatory Renewable Portfolio Standard, while removing existing barriers to solar power and wind power.



Virginia has vast clean energy potential

While Virginia currently has NO utility-scale renewable energy, we could:

- Power 700,000 homes with offshore wind.
- Power one million homes with solar energy.
- Save \$159 per household annually and create 5,600 jobs by 2020 by increasing energy efficiency.



JOIN US! If we're going to protect Hampton Roads from the worst climate impacts, we need to build a climate movement that matches the scale of the problem. To get involved, contact: Sydnie Baker, Hampton Roads Organizer, at sydnie@chesapeakeclimate.org or 757-542-0493. Learn more and view citations at chesapeakeclimate.org/virginia/safe-coast

The Regional Greenhouse Gas Initiative:

How Virginia can Reduce Climate Pollution, Comply with Federal Standards, and Generate New and Significant Funds

Introduction

The East Coast of the United States is threatened by an Atlantic Ocean that is rising three to four times faster than the global average, and it is rising particularly fast in Virginia. A perfect storm of melting polar ice, rising ocean temperatures, and a change in the behavior of the Gulf Stream—all due to global warming—is being exacerbated by the natural subsiding of the sediment underlying Virginia's coastline. With rising tides lapping at Virginia's shores, bold action is necessary to put the Commonwealth on track towards greater sustainability.

Climate change prevention and adaption investments can no longer be delayed. This year, the federal government issued proposed rules for states to reduce power plant carbon pollution by 30 percent below 2005 levels by 2030. As states explore how these new rules will affect them, it is now clear that Virginia—and every other state in the nation—will have to figure out a way to reduce its greenhouse gas output in a fair, efficient, and cost-effective way.

The Regional Greenhouse Gas Initiative

The Commonwealth of Virginia can reduce its emissions, comply with federal standards, and generate significant new funds to reduce emissions and protect its coasts by participating in the Regional Greenhouse Gas Initiative (RGGI). RGGI is a cooperative effort among nine East Coast states from Maine to Maryland that caps and reduces carbon emissions from power plants. Under RGGI, power plants in participating states purchase allowances for every ton of carbon pollution that they emit. RGGI states agree amongst themselves how many pollution allowances to offer for sale each year, thus setting a *cap* on emissions, and they gradually lower the cap each year. It's a flexible market-based system in that once states set a carbon cap, power plants decide for themselves how to stay below it.

RGGI states have shown that strong climate policy is also sound economic policy by cutting carbon pollution 2.7 times faster than the rest of the country since 2008, even as RGGI's states' economies have grown 2.5 times faster than other states. Over that same period, electricity prices dropped by 8 percent on average across the region while electricity prices in non-RGGI states increased by 6 percent.

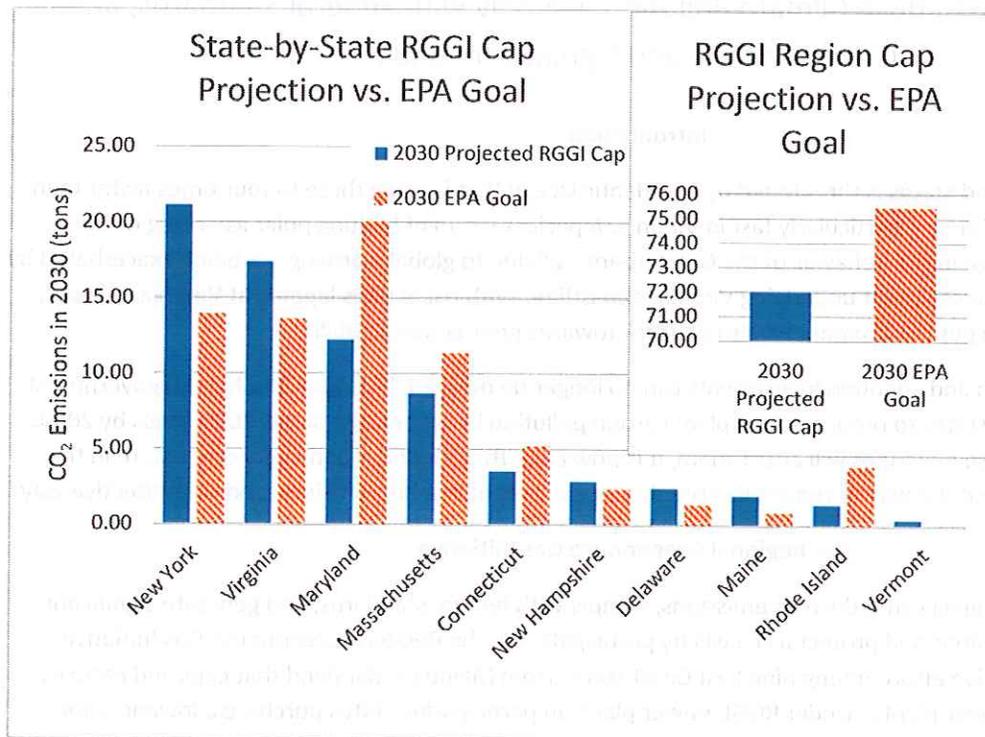
Carbon Reductions from RGGI

RGGI states individually develop carbon allowance programs that cap CO₂ emissions from fossil fuel power plants at "X" tons per each year. In 2013, RGGI states agreed to set their carbon caps based on the region's 2012 emission levels, and then lower that cap by 2.5 percent per year starting in 2015. In 2012, Virginia's RGGI-eligible power plants emitted almost 29 million tons of CO₂. If Virginia began participating in RGGI in 2015 and lowered their CO₂ cap by 2.5% each year—using 2012 emissions as the baseline—Virginia would reduce roughly 3.6 million tons of CO₂—the equivalent of taking 635,000 cars off the road.

Complying with Federal Standards

The figure below illustrates how extending the RGGI program cap to 2030 compares with the proposed federal carbon reduction targets for the RGGI states and Virginia. The projected 2030 RGGI cap, including Virginia, (71,990,616 short tons) falls below total emissions (75,465,278 short tons) projected for implementation of EPA's alternative building-block approach in RGGI states and Virginia. This figure shows that with a few minor program changes, the *region-wide cap* would likely be low enough in 2030 to meet the requirements of the new federal

carbon standards—thus allowing all participating states to use RGGI for compliance—even though individual states’ portions of the regional cap (called allowance budgets) come in both above and below EPA’s requirements.



Assuming that the RGGI cap is lowered by 2.5% each year from the current 2012 baseline cap, a region-wide emissions reduction approach should allow Virginia to comply with federal standards even if Virginia’s projected allowance budget in 2030 is slightly higher than the EPA emissions target.

*Methodology adopted from June 2014 Environment Northeast report. Available at http://www.env-ne.org/public/resources/ENE_RGGI-EPA_Clean_Power_Plan_06262014_Final.pdf

New and Significant Funding for Coastal Protection and Economic Growth

RGGI would provide a stable and much needed source of funding, which could be partially spent on coastal adaptation, thus diversifying Virginia’s stream revenue to include more state-based non-federal dollars. Such funding is vital given that a study recently commissioned by the city of Norfolk and completed by the Dutch engineering firm Fugro found that the costs to build seawalls and elevate homes in the city would exceed \$1 billion. By not participating in RGGI, Virginia is potentially leaving up to \$200 million per year on the table, and almost \$1.2 billion in allowance auction proceeds cumulatively by 2020.

	2012	2013	2014	2015	2016	2018	2020
Virginia Emissions (tons)	28,984,360	28,984,360	28,984,360	28,259,751	27,553,257	26,192,815	24,899,545
Regional CO ₂ price (2010 \$/ton)*	1.86	2.92	6.02	6.37	6.73	7.52	8.41
Virginia Allowance Income (2010 \$)*	53,939,894	84,663,315	174,514,831	179,901,574	185,460,974	196,891,391	209,430,071

*All figures are in 2010 real dollars, as per the dollar values provided in the RGGI program review.

Over the last 6 years of RGGI program history, the states’ use of allowance proceeds has provided economic benefits, while helping them meet a wide variety of social, fiscal, and environmental policy goals, such as assisting low-income customers, achieving advanced energy policy goals, addressing state and municipal budget challenges, and restoring wetlands. According to a recent study by *Analysis Group*, RGGI produced in total \$1.6 billion in net present economic value for participating states from 2009-2011 and led to over 16,000 additional jobs (job-years). The study also found that the scope of RGGI’s positive economic benefits varied by state and region, with those states investing the heaviest in energy efficiency realizing significantly higher economic benefits.

For more information, please contact Dawone Robinson: dawone@chesapeakeclimate.org or 804-767-8983.

HAMPTON ROADS PLANNING DISTRICT COMMISSION DRAFT 2015 LEGISLATIVE AGENDA

In preparation for the 2015 Session of the Virginia General Assembly, the staff of the Hampton Roads Planning District Commission has developed this 2015 Legislative Agenda. It outlines, based on ongoing HRPDC projects, prior HRPDC legislative positions and work of the region's localities, a series of issues that warrant regional attention during the upcoming legislative session. It also provides a recommendation or recommendations addressing each of the issues for consideration by the HRPDC.

(Several items are carry-overs from last session. New language is highlighted in yellow.)

WATER RESOURCES

Water Quality Funding

The HRPDC urges the General Assembly to maintain its commitment to water quality through dedicated and adequate state appropriations to the Water Quality Improvement Fund and to make full and timely payments under point source upgrade contracts with local governments.

Chesapeake Bay Watershed Improvement Plan (WIP) Funding

The HRPDC urges the General Assembly to increase funding to meet the goals established by Virginia's Chesapeake Bay WIP. Specifically, funding should be provided to meet the goals for the agricultural SL-6 practice to exclude livestock from streams. Agricultural practices are the most cost effective method to reduce nutrients and Virginia needs to provide financial support to encourage implementation and minimize costly urban retrofits.

Uranium Mining

In September 2012, the HRPDC adopted Resolution 2012-02 reaffirming its opposition to uranium mining and to the lifting of the moratorium on uranium mining. Based on review of the several scientific studies that have been completed and the ongoing work of the state's Uranium Mining Work Group, the HRPDC does not believe that an adequate regulatory framework to address mining operations and waste disposal is either in place or likely to be developed and funded. The Hampton Roads region is dependent upon water from Lake Gaston as an integral component of the region's water supply. A catastrophic incident associated with uranium mining upstream from Lake Gaston, while of small probability, would result in enormous and unacceptable adverse consequences to this region.

The General Assembly of Virginia is requested to maintain the existing moratorium on uranium mining in Virginia.

Virginia Stormwater Management Program

The HRPDC supports adequate funding to enable local governments to meet ongoing costs associated with local stormwater management programs. The HRPDC believes it will be critical to evaluate the effectiveness of the fee structure in the Virginia Stormwater Management Permit regulations as the chief source of revenue for funding local stormwater management programs.

- Amend Virginia Stormwater Management Law to distribute a maximum of 10% to the statewide stormwater fees revenue to the Virginia Stormwater Management Fund, with 90% remaining with local governments.
- HRPDC supports an amendment to Virginia's Stormwater Management Program that would authorize a local government to fund its VSMP through such sources deemed appropriate by the local governing body without approval from the State Water Control Board.
- Localities have been unable to receive approval for certain innovative stormwater treatment protocols that they believe are less expensive and more effective (oyster reefs, phragmites harvesting, etc.) than those protocols currently allowed. The General Assembly is requested to amend the Code of Virginia to establish a regulatory framework, including timeline and appeals procedures for localities to obtain approval for innovative stormwater treatment protocols to meet TMDL requirements.

Well Construction Data

The HRPDC supports DEQ's proposal that VDH provide well construction data for private wells that require a VDH permit. VDH would be required to provide data for new wells and historic data for wells installed from 1992 to 2014. This information will allow DEQ to more effectively manage the groundwater resource. DEQ only permits groundwater users that withdraw more than 300,000 gal per month which is enough water for a 100 home subdivision. DEQ does not have a good estimate of the number of individual homes and businesses that have wells that use less than 300,000 gal per month.

Groundwater Permitting

The HRPDC supports DEQ's proposal to require groundwater permits for subdivision withdrawals which collectively exceed 300,000 gallons/month. DEQ has proposed significant cuts to municipal and industrial groundwater permits based on concerns that the system is over allocated. DEQ's proposal would provide a mechanism to better manage the resource and closes a loophole that allows a subdivision to install wells at each home to avoid the permit required if one well was installed to serve the whole subdivision.

Water Resources Study

The HRPDC supports the proposed a JLARC study exploring the management of state water resources. The proposed study would address the following 5 areas:

- (1) Extent to which ground and surface water consumption is unsustainable, the impact of any unsustainable consumption, and the risk for overconsumption in the future;
- (2) Effectiveness of the state's permitting process for ground and surface water withdrawals;
- (3) Effectiveness of state and local water resource planning;
- (4) Adequacy of the funding and staff for managing Virginia's water resources; and
- (5) Need for strategies and practices to increase current ground and surface water available for consumption.

Lower groundwater permit threshold (300,000gal per month to 100,000)

The HRPDC supports lowering the permit threshold for groundwater withdrawal permits from 300,000 gallons per month to 100,000 gallons per month. A withdrawal of 100,000 gallons per month would provide water for approximately 20-30 homes. Requiring a permit for these withdrawals will allow DEQ to track these withdrawals and consider them in the management of the resource.

Installation of chloride monitoring network for groundwater

HRPDC supports the installation of monitoring stations to detect changes in the salinity of groundwater in the Coastal Plain aquifer system. Existing monitoring wells are inadequate to track saltwater intrusion and assess impacts to drinking water wells. DEQ and USGS are currently designing a sentinel monitoring network to install stations in locations that would provide early detection of threats to drinking water wells. HRPDC recommends that funds be added to DEQ's budget to support the installation of monitoring wells in FY16.

Establish land subsidence monitoring program

Land subsidence contributes recurrent flooding and the impacts of sea level rise. There are very few measurements of land subsidence in Hampton Roads. The USGS study "Land subsidence and relative sea-level rise in the southern Chesapeake Bay region" reviewed the existing data and estimated that the rate of land subsidence is roughly equal to historic sea level rise. HRPDC recommends that the Commonwealth establish a program to measure or monitor land subsidence with the goal of developing tools to improve future projections of land subsidence in flood prone areas.

Agriculture Programs

The HRPDC supports a well-financed and fully staffed state program to address the problem of non-point source runoff from agricultural operations. The program continue to include cost-share assistance to agriculture and should effectively encourage and incentivize implementation of priority best management practices such as nutrient management planning, use of cover crops, continuous no-till farming, development of forested riparian buffers, livestock stream exclusion and other practices essential to meeting agriculture's share of the Chesapeake Bay TMDL and Virginia Watershed Implementation Plan.

- Maintain funding for agricultural best management practices in the Chesapeake Bay Watershed
- Increase funding for agricultural best management practices via the Southern Rivers Watershed Enhancement Program.
- Require Soil & Water Conservation Districts to report installation of agricultural BMPs to localities to assist in meeting TMDL requirements.

Septic Tanks

The Chesapeake Bay TMDL establishes limits on the amount of nitrogen, phosphorus, and sediment that can enter the Bay. As part of the effort to meet the nitrogen limits set forth in the TMDL, reductions in the nitrogen load from the onsite sewage system sector must be achieved. Monitoring of septic tank pump out (once per 5 years), as required by the Chesapeake Bay Preservation Act, should be conducted by the Virginia Department of Health not by localities. The HRPDC supports the following recommendations:

- Seek legislative changes necessary to establish state tax credits for upgrade/replacement of existing conventional systems with nitrogen reducing systems, or connection to existing sewer.
- General Assembly should grant all counties the authority to require hook-ups to existing sewer lines when appropriate.
- Provide additional funding for the cost share program supporting septic tank owners to hook up to sewer systems.
- Amend the Chesapeake Bay Preservation Act to require that regulation and enforcement of septic tank pump out requirements be conducted by the Virginia Department of Health. At a minimum, VDH should develop an annual report identifying septic tank owners that have not complied with pump out requirements. Localities would continue to maintain an inventory and tracking system for septic tank locations.

State Fees on Local Government Services (water, sewer, solid waste)

The HRPDC strongly opposes the imposition of a state fee, tax or surcharge on water, sewer, solid waste or any service provided by a local government or authority to finance the nutrient reductions imposed by the Chesapeake Bay TMDL.

EMERGENCY MANAGEMENT

Emergency Management Funding

Virginia's vulnerability to an increased number and variety of threats, a greater frequency of actual emergency events, and a growing population base, severely strain and threaten to overwhelm the budgets and capacities of local emergency management programs. HRPDC, in agreement with the Virginia Emergency Management Association, supports the establishment of dedicated funding to enable localities to adequately prepare for, respond to and recover from emergencies and disasters.

Emergency Planning

HRPDC, in agreement with the Virginia Emergency Management Association, supports the establishment of minimum criteria as part of the certification requirements for nursing homes, assisted living facilities, adult day care centers, and child daycare centers to include the development of emergency plans, coordination of emergency plans with local emergency management agencies, and provision of alternate power (generators) to support essential facility functions (emergency lighting, medical equipment, communications).

State Support for Readily Deployable Assets

The HRPDC supports efforts to provide liability coverage, hold harmless, and workers compensation to emergency responders. Additionally, the HRPDC supports the use of State resources for sustaining and replacing used/damaged equipment and supplies for the Hampton Roads Medical Metropolitan System Strike Team (HRMMST), Hampton Roads Incident Management Team (HRIMT), and other regional readily deployable assets, without activating the State Mutual Aid agreement and/or obtaining a federal emergency declaration.

Alternate Power for Commercial Fueling Sites

Commercial fueling sites are essential to support major evacuations as well as post-disaster transportation, however, loss of power would disable their pumps. The HRPDC supports legislation to provide incentives for commercial fueling sites located on or adjacent to primary evacuation and transportation routes to acquire generators in order to maintain their ability to pump gas when standard power is lost.

Emergency Shelters

Emergency shelter capacity throughout Virginia is insufficient to meet the demand for shelter space in major disasters. In order for localities to increase current shelter capacity, engineering assessments of current and proposed hurricanes shelters need to be conducted to determine their wind rating, and additional staff and essential supplies must

be acquired to support new shelters. The HRPDC supports legislation to provide funding to localities to enable them to conduct engineering assessments and acquire resources necessary to increase current shelter capacity.

ECONOMICS & HOUSING

Economic Development

- Support continued state and federal funding and technical assistance for infrastructure investments and economic development programs as effective means for enhancing business development.
- Support economic development policies that bolster local and regional efforts.

Virginia Housing Trust Fund

Housing trust funds are distinct funds established by city, county, or state governments that receive ongoing dedicated sources of public funding to support the preservation and production of affordable housing opportunities for families and individuals to access decent affordable housing. The HRPDC supports legislation that would appropriate a dedicated funding stream to the VHTF for future housing programs and projects.

FREEDOM OF INFORMATION ACT ISSUES

Advertising of Required Public Notices

Many provisions of the Code of Virginia require the advertising of public notices in a “newspaper published or having general circulation in the locality.” As newspaper circulation continues to decline and citizens look increasingly to the internet for news and information, it appears that alternative means of providing public notice would be appropriate. Increasingly, state agencies are using their websites and other electronic media to handle public notice requirements. The HRPDC supports legislation that would allow local governments, planning district commissions and other regional agencies to publish legal advertisements and public notices on their website and to use other media outlets, such as local public access channels, in order to meet legislative requirements for public notices.

FOIA Requirements

The Virginia FOIA Council is currently reviewing FOIA requirements and exemptions. The HRPDC opposes any changes to the Virginia Freedom of Information Act that would impose additional burdens on localities.

FEDERAL FACILITIES

The Hampton Roads region relies significantly on the defense sector. Proposals are moving forward from Hampton Roads localities to maintain state support for the industry and for protection of existing facilities. To assist its member localities to ensure the continued viability of the defense presence in Hampton Roads, the HRPDC supports proposals to:

- Maintain state funding for the land acquisition program supporting mitigation of encroachment around NAS Oceana in Virginia Beach and NALF Fentress in Chesapeake.
- Maintain state funding for the land acquisition program supporting mitigation of encroachment around Joint Base Langley-Fort Eustis in Hampton.
- Amend legislation governing the Federal Action Contingency Trust (FACT) Fund to clarify that such funds are to be used to encourage business growth and protect existing military resources and use of these funds is not contingent upon a new Base Realignment and Closure (BRAC) round or BRAC-like action.
- Ensure that DoD encroachment concerns are given full consideration when making onshore and offshore land use decisions affecting military bases in Hampton Roads. Specifically, carefully monitor all onshore and offshore energy proposals; support the development of any needed JLUS and all anti-encroachment activities.

EDUCATION

Higher Education

The HRPDC recognizes the important role that public institutions of higher education play in contributing to the economic vitality of the Commonwealth and the well-being of its citizens. Hampton Roads is home to several public institutions with clear commitments to providing access to a top-quality and affordable higher education experience. The HRPDC supports proposals to ensure adequate funding to hire enough full-time faculty to bring the faculty student ratios in line with the average of 17-1. In addition, the HRPDC supports elevating the Base Adequacy Funding percentage of all institutions in the region.

K-12 Education

The lack of adequate state funding support for K-12 public education has placed an inordinate burden on localities. A strong public school system is essential to economic development and prosperity. The HRPDC opposes legislative efforts to further shift K-12 per pupil funding responsibility away from the Commonwealth and onto local governments.

MISCELLANEOUS

Recycling Requirements

Each locality in the Commonwealth, individually or through a regional collaboration, is required to achieve a 25% recycling rate. A key constraint to local ability to achieve or exceed this recycling rate has been the lack of markets for the materials as well as access to industries that recycle or reuse the material. Recycling is an economic development tool as well as an environmental tool. Despite increased public awareness of the benefits of recycling, beverage container recycling has been declining in recent years, while the amount of beverage containers that are being sold and consumed has increased over time.

The HRPDC supports legislation that would:

- Grant localities the authority to require certain businesses to recycle glass.
- Prioritize incentives to businesses that recycle materials, such as glass, paper and electronics, while concurrently providing new employment opportunities.

Plastic Bags

Plastic bags that are not properly disposed of contribute to unsightly littering of Virginia's landscape, contaminate various agricultural crops, contribute to mortality of aquatic species and birds and contribute to urban stormwater problems. While voluntary recycling programs and substitution of reusable shopping bags has had some success in reducing the volume of plastic bags that must be disposed of, improper disposal of plastic bags appears to be increasing. In reaction to the problems associated with improper disposal of plastic bags, restrictions on the use of plastic bags by localities throughout the country is becoming more widespread. The HRPDC supports legislation that would provide localities the option of restrictions on the use of plastic bags through increased voluntary programs, incentives, taxes or outright bans.

Balloon Releases

The Virginia Code currently allows the release of up to fifty (50) balloons an hour; however, balloons present a significant threat to wildlife and the environment and are a significant part of the litter collected from area waterways.

- The General Assembly is requested to limit the release of balloons to ten (10) or less for those balloons which are (i) made of a non-biodegradable or non-photodegradable material which requires more than five minutes of contact with air or water to degrade and (ii) inflated with a substance which is lighter than air.
- Further, the HRPDC requests that any persons in violation be liable for a civil penalty no to exceed five dollars per balloon, which shall be paid to the Lifetime hunting and Fishing Endowment Fund.

- These provisions shall not apply to any balloons released for scientific or meteorological purposes or hot air balloons that are recovered after launch.

Increase Funding to PDCs

In FY 2001, HRPDC received \$366,628 or \$0.24 per capita in basic funding from the Commonwealth's budget through the Department of Housing and Community Development. The legislative agenda of the Virginia Association of Planning District Commissions supports overall funding of Virginia's Planning District Commissions at a level of \$0.35 per capita or a minimum of \$100,000 per commission, whichever is greater.

Unfunded Mandates

The HRPDC opposes unfunded mandates by the Commonwealth. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the state, and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided. Furthermore, HRPDC opposes the shifting of fiscal responsibility from the state to localities for existing programs. Any unfunded mandate or shifting of responsibility, such as maintenance of state transportation facilities or litter control, should be accompanied by a full fiscal and program analysis to determine the relative costs to the state and to the locality and to assure the state is meeting its full funding responsibility before taking effect.