

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #1: MINUTES OF November 18, 2009

Minutes of the November 18, 2009 meeting are attached.

Attachment

RECOMMENDED ACTION:

Approval.

Hampton Roads Planning District Commission
Executive Committee Meeting
Minutes of November 18, 2009

The Executive Committee Meeting of the Hampton Roads Planning District Commission was called to order at 9:35 a.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

EXECUTIVE COMMITTEE:

Bruce C. Goodson, Chairman (JC)	Paul D. Fraim (NO)*
James O. McReynolds, Treasurer (YK)	Douglas L. Smith (PO)
Dr. Alan P. Krasnoff (CH)*	J. Randall Wheeler (PQ)*
Brenda G. Garton (GL)	Selena Cuffee-Glenn (SU)
Molly Joseph Ward (HA)	Tyrone W. Franklin (SY)
W. Douglas Caskey (IW)	William D. Sessoms (VB)*
Joe S. Frank (NN)	Jeanne Zeidler (WM)

OTHER COMMISSIONERS:

William E. Harrell (CH)	Regina V.K. Williams (NO)
Ella P. Ward (CH)	Kenneth L. Chandler (PO)
Amar Dwarkanath (CH)	Barbara M. Henley (VB)
Clifton E. Hayes, Jr. (CH)*	Louis R. Jones (VB)
Gregory Woodard (GL)	James K. Spore (VB)
James B. Oliver (HA)	Jackson C. Tuttle II (WM)
Sanford B. Wanner (JC)	Linda T. Johnson (SU)*
Neil A. Morgan (NN)	

*Late arrival or early departure.

Absent: Stan D. Clark (IW), June Fleming (FR), Michael W. Johnson (SO)

OTHERS RECORDED ATTENDING:

John Gergely, Henry Ryto & Terri Boothe (Citizen); Keith Cannady (HA); Earl Sorey (CH); Ellis W. James - Sierra Club Observer; Bryan Pennington & Jeff Raliski (NO); Sherri Neil (PO); Senator Yvonne Miller – Senate of Virginia; Ann Flandermeyer & Angela Bezik - Principle Advantage; Aneil Kumar – Sencom; Randy Gilliland – GJA; Steve Goad – Cox Communications; Ray Taylor & Vince Thomas – FHR; Jay Bernas – HRSD; Irene Shuman – VDOT; Kristin Wells – Seventh Point–VB; Cathy Aiello – Biggs & Fleet; Peter Huber – Wilcox & Savage; Ben Reim, Karen McPherson & Carl Tewksbery – Kimley-Horn & Associates; W. Dewey Hurley – Branscome, Inc.; Mike Robinson – VMASC/ODU; Tim Wilkins – Paliria Energy, Inc. Staff: Dwight Farmer, John Carlock, Rick Case, James Clary, Nancy Collins, Richard Flannery, Kathlene Grauberger, Greg Grootendorst, Lisa Hardy, Julia Hillegass, Frances Hughey, Jim Hummer, Rob Jacobs, Claire Jones, Whitney Katchmark, Brett Kerns, Sara Kidd, Robert Lawrence, Ben McFarlane, Brian Miller, Glynis Mitchell, Kelli Peterson, Camelia Ravanbakht, Joe Turner, Chris Vaigneur and Eric Walberg.

PUBLIC COMMENT

One person requested to address the PDC members. Chairman Goodson asked him to limit his comments to three minutes.

John Gergely

My name is John Gergely. I attend here often, but I am a retired engineer from the Newport News Shipbuilding. I noticed you have the wind energy thing, demonstration or presentation on wind energy. My field is thermodynamics. I worked in this field very heavily in Research Development for the shipyard, for the shipyard land brakes program. We looked heavily at solar power and wind power things, and I am not against wind energy as such, but I want to point out a couple of things just looking through this brochure here. Basically, state of the art for wind turbines is 2.5 megawatts, and at the real level of operating winds is about 1.5 megawatts. So by looking at the numbers in here for the potential offshore, that the number on the slides, the 6500 megawatts is the long-term offshore wind energy potential, there would be basically four to five thousand windmills out there and for the 3500 megawatts that Virginia Energy Research Consortium talks about, that would put you around 1400 to 2400 megawatts. Now, that's 1400 to 2400 windmills offshore. One thing I do want to point out is they mention in Europe there are 2000 megawatts operating now. So basically in all of Europe, and Europe is heavily invested in wind energy, that's less than what we have in Surry right now. When the wind energy is – it's good but it's really a feel good thing. For every windmill out there, for every infrastructure you build, there has to be another land-based one of conventional power to back it up because you cannot count on wind energy or solar energy to supply all the time when you need it. So think about your infrastructure cost. For everything we build offshore, either wind or solar, we need the same infrastructure on shore to back it up. Just something to let you keep in mind when you look at pushing this stuff and spending our tax dollars on it. Thank you very much.

CONSENT AGENDA

The Consent Agenda contained the following items:

Minutes of October 21, 2009

Treasurer's Report

Regional Reviews

A. PNRS Items Review

VADEQ Virginia Naturally MWEE Grant; DEQ; NOAA – Chesapeake Bay Studies

VADEQ Section 128(a) State Response Grant; DEQ; EPA – State and Tribal Response Program Grants

B. Environmental Impact Assessment/Statement Review

Disposal and Reuse of Fort Monroe; DOD/U.S. Army; Hampton

Installation of an Artificial Oyster Reef, Naval Amphibious Base Little Creek; DOD/Navy; Virginia Beach

Historic Campus Utilities Improvement I; College of William and Mary; Williamsburg

Environmental Program Grants – Hampton Roads Roundtable & EECSBG

LIDAR Grant Endorsement/Climate Change

Critical Infrastructure/Key Resources (CI/KR) Program Contracts

HRSD Biogas to Energy Project

Mayor Krasnoff Moved to approve the Consent Agenda; seconded by Mayor Zeidler. The Motion Carried.

HRPDC FY 2010 Budget Amendments

Mr. James McReynolds introduced budget amendments, primarily from grants and funds, that staff has briefed the Personnel Budget Committee.

The recommendation is to approve the amendments.

Mr. McReynolds Moved to approve the HRPDC FY 2010 budget amendments; seconded by Mayor Fraim. The Motion Carried.

Stormwater Management Regulations - Update

(Mr. Wheeler and Mayor Sessoms arrive)

Ms. Julia Hillegass gave an updated presentation on the Stormwater Management Regulations. Ms. Hillegass stated the subcommittee of Commissioners that was established at the October meeting identified several key issues for comment, as well as a few items that would benefit from regional collaboration in moving the program forward.

Key Issue Number One is regulatory and permit consistency. There is concern that the regulations will merely be a starting point for regulatory compliance and the next round of permits will add additional requirements. The Committee and staff feel very strongly that the regulations and permits should be consistent rather than subjecting localities to two sets of requirements. These inconsistencies will lead to non-compliance beyond the reasonable control of localities.

Key Issue Number Two deals with buy-downs and nutrient credits. It is the consensus of the Committee and local staff that the Soil and Water Conservation Board (SWCB) should require the use of local buy-down programs where they exist regardless of the fees being charged. Under the regulations, this is one of the only ways to bring significant self-sustaining revenue to these local stormwater programs. In addition, this would help to ensure that pollution mitigation projects are funded where potential pollution impacts are occurring. Similarly, the associated phosphorus reductions from these buy-downs should be credited locally to assist local governments in meeting the onerous total maximum daily load requirements necessary to improve the health of the Chesapeake Bay and other impaired local waters. Where a local buy-down program does not exist, the state should invest those buy-down funds near the location of the associated land disturbing activity so that subsequent runoff is mitigated within the hydrologic unit or the locality whenever possible. These conditions would also support state and local program compliance goals.

Key Issue Number Three is the actual buy-down rate itself. The regulations currently set up a buy-down fee structure with a cap of \$23,900 per pound of phosphorus. This amount has been established through a report developed by the EPA, for which no documentation that would validate the appropriateness of this figure has been located. The recommendation is to take a look at what it really costs to install phosphorus removing best management practices and come up with a number that is regionally specific and more realistic.

Key Issue Number Four stems from the Committee strongly recommending a 180-day delay in the effective date of the Virginia Stormwater Management Regulations. This is based both on the stringent requirements that localities need to prepare for, as well as the current state of the economy. There is great concern that these two factors will effectively shut down any form of development in the near future. The recommendation is to extend the current suspension of the regulations for at least an additional six months thereby delaying the effective date of the regulations until January 1, 2011 and the other specific dates in the regulations should then be adjusted accordingly.

(Mayor Johnson arrives)

Key Issue Number Five is fees. While the fees were adjusted slightly from previous drafts of the regulations, overall costs for permit applications and maintenance fees have increased for all localities. Permit application fees for Phase I localities: Hampton, Newport News, Norfolk, Virginia Beach, Chesapeake and Portsmouth. Those fees are \$16,000, down from \$21,300. However, annual maintenance fees have been increased from \$3,800 to \$8,800 per year for the life span of the permit. Phase II localities receive an even bigger hit with application fees skyrocketing from \$600 to \$4,000 in the original version of the regulations. Phase II maintenance fees are now at \$3,000. These increases are simply too much for localities to absorb in the current budgetary climate.

The final key issue deals with the elusive guidance documents. Further guidance is warranted to help localities make sense out of all the various requirements. While Richmond states some progress has been made on technical guidance for stormwater

BMPs, there is no guidance available at this time to help localities know what criteria must be met to be deemed “a qualifying local program” nor any guidance for buy-down programs or acceptable watershed plans.

(Mr. Hayes arrives)

In moving forward, the recommendation is that Hampton Roads take a regional view with respect to developing an outline of what would constitute components of a qualifying local program, how a regional and consistent buy-down program might be structured, as well as developing guidance on what to consider in developing watershed plans. The Board is asked to endorse the regional comments with the various issues of concern, (those comments will go to the Virginia Soil and Water Conservation Board) and authorize staff to begin work on taking a regionally consistent approach to buy-down programs, watershed management planning and to explore residential fertilizer restrictions as a significant means to controlling phosphorus in area waterways.

Chairman Goodson stated his understanding is that the more aggressive the recommendations to weaken these regulations, the federal regulations could actually be more onerous. He inquired if there were some federal rulings that have come down since the last meeting. Ms. Hillegass stated there has been a ruling from EPA, which is basically a news release that says EPA will be working to accelerate cleanup of the Chesapeake Bay, and increase local accountability and actions.

Mayor Frank expressed his concern regarding the land area that would be required to put in the BMPs that are required by these additional regulations. He stated the urban communities will experience an enormous impact on development and redevelopment. Mayor Frank stated the area that it takes to put in these systems will prohibit the development of small lots and small blocks. These are the kinds of things that cities have to do because they built out most of their undeveloped land. In July, Mayor Frank wrote a letter to the Department of Conservation and Recreation requesting an economic impact study that was beyond the study that was already done to look at the impact on the ground, impact on costs, impact on the ability to develop in urban areas and the cost benefit. Mayor Frank proposes amending the action item to include a study done by the State to look closely at the regulations proposed and apply it to specific pieces of land around the Commonwealth in different kinds of environments to see what the impacts are, and then look at an economic analysis of those impacts. He stated perhaps once a thorough cost analysis is done, there will need to be a separate set of rules for rural and farm areas than in urban areas. Ms. Hillegass stated economic analysis can be added to the comments as well as working with Senator Wagner and the Joint Commission on Administrative Rules process in urging them to have an economic analysis done. Mayor Krasnoff cautioned requesting a study that possibly will not be considered because of cost. Mayor Frank suggested if the State refuses to do a study, local jurisdictions can do a small model study and provide the data to the State. Mr. Farmer suggested sending a letter to the State with a request to do a study and wait for their response.

Mayor Frank Moved to endorse the recommendation from the Committee and add to it his comments; seconded by Mayor Zeidler. The Motion Carried.

International Paper Closing – Economic Analysis

Chairman Goodson introduced Greg Grootendorst to give a presentation on the economic analysis of the International Paper closing.

Mr. Grootendorst began his presentation by giving background on the Franklin Mill. The Mill dates back to 1887 when it was founded by the Camp brothers. It was originally a lumber mill. In 1938, it began making paper. International Paper bought the Mill in 1999 and soon thereafter in 2001, International Paper began shutting some of their assets and underwent some significant restructuring in 2005. International Paper states reducing their assets, restructuring and the decrease in demand for paper resulted in the decision to close the Mill.

On October 22nd, Franklin Mill was one of four closings announced by International Paper. They allocated \$60 million to severance costs although it has not been made clear how the money will be distributed. There will be 1,100 workers who will lose their jobs who make an average of \$74,000 in wages, not including benefits. Of that number, 321 workers are eligible for early pension. Some employees are going to be released in December with the majority being released in the first quarter of 2010. Employees are eligible for unemployment benefits, which max out at \$378 a week. That comes to less than \$20,000 a year, which is taxable.

Distribution of employment at the Mill shows 325 workers reside in the City of Franklin, 250 reside in the County of Southampton and 200 reside throughout North Carolina. With few employment alternatives, the unemployed in Franklin can reach upwards of 18 percent, and above ten percent in Southampton. Mr. Grootendorst stated the REMI model was used to estimate the potential impacts on the community surrounding the Franklin Mill. Since the Mill is not located in an urban core, there is an increased dislocation cost to workers and a more concentrated economic effect than would typically be seen. The loss to the region's gross product will be upwards of \$300 million, with \$180 million lost in personal income. Significant loss in employment is likely to lead to a decrease in the regional population of approximately 600.

Mr. Grootendorst stated retail trade, construction, wholesale trade all the way down to truck transportation will be impacted. The Mill closure will have significant tax implications according to analysis done by the Virginia Economic Development Partnership. Annual statewide tax revenue loss including local and state taxes will be about \$29.2 million. Approximately \$17.5 million of that will be from the State and \$12 million from the localities. The machinery and tools tax for localities will take a significant hit. Isle of Wight and the City of Franklin have a revenue sharing agreement but those two localities will see a significant decrease in their revenues.

The Virginia Economic Development Partnership and the local economic development agencies have come up with some ideas for reuse of the plant. One of those ideas is a

new paper factory, although it is very unlikely International Paper would be in favor of selling the plant to a competitor. Other alternatives are biomass, logistics, precision manufacturing, food manufacturing and information technology.

Mr. Grootendorst stated there has been a significant response across multiple agencies of those who are trying very hard to do what they can to assist those affected by the Mill closing. Each Friday there is a conference call that the HRPDC participates in with congressional delegation representatives, state and local officials, the Governor's Office and multiple state agencies.

Chairman Goodson inquired about the possibility that International Paper will choose to level the plant in order to keep from having the tax liability in the future. He asked if the State and locals can find a way to not exercise that option. Mr. Grootendorst stated he is not sure if there is anything the locality can do in terms of the legal aspect of holding the property. He stated much of the machinery and tools will be transferred to other locations to avoid taxation.

Chairman Goodson inquired if any studies have been done of the impact on real estate. Mr. Grootendorst stated real estate has not been studied specifically. Part of what the REMI model does is look at the indirect and the induced impacts, and one of the induced impacts is real estate. He stated the population decrease will be in part due to foreclosure or people moving out of the area.

International Paper Closing – Groundwater Analysis

Chairman Goodson introduced Whitney Katchmark to discuss the groundwater implications of the International Paper closing.

Ms. Katchmark stated most of the large groundwater users in the region have a permit, and International Paper has the largest permit in the entire region. International Paper is allowed to withdraw 37 million gallons a day, and last year they used 33 million gallons per day. For comparison sake, last year International Paper used the same amount of water as the City of Virginia Beach. A permit is good for ten years and International Paper's permit expires at the end of this calendar year. They applied to renew their permit in the spring and have not yet told DEQ they want to withdraw the application. Groundwater permits cannot be sold. A permit can be transferred to a new owner and if the owner wanted to process paper, it would be simple. If a new owner wanted to manufacture anything else, the permit would have to be amended which requires a formal, technical review like a new permit.

International Paper's pumping lowers the water levels throughout the region. In the City of Franklin, the water levels in the deep aquifers are 100 feet lower. In Norfolk and the Northern part of Isle of Wight, the water levels are 40 feet lower and in James City County the water levels are 20 feet lower. Since International Paper decided to stop pumping over the next few months, U.S. Geological Survey (USGS) and DEQ have installed a lot of monitoring equipment. Real-time water level measurements can be seen by going to USGS' website. The assumption is if International Paper stops

pumping, there will be extra groundwater, but according to DEQ's criteria, the groundwater system is over-allocated. DEQ uses a groundwater model to evaluate whether or not to issue permits. The model divides the region into cells. A cell is a three and a half mile square of the region. DEQ reviews the water levels at each cell and decides if water levels are high enough. If the water levels are high enough, DEQ may issue another permit. If they are too low, they will deny the permit. Utilizing DEQ's model and technical criteria, even if International Paper stops pumping, there will be 28 violations on authorized withdrawals. The over-allocation situation was partly created because some permits were grandfathered into the Groundwater Regulatory Program. International Paper was never evaluated based on the technical criteria. Ideally any new owner of the International Paper facility would use less water than International Paper does so the aquifer system would be less stressed. Ms. Katchmark stated local governments should be aware that the 37 million gallons a day that International Paper is permitted to use may not be available to expand groundwater permits. DEQ will look at any application and consider the justification of need. They will then model it based on a specific location and the depth of the well proposed. DEQ realizes there is a problem with their groundwater program. A Regulatory Advisory Panel was formed to study the program. They have been meeting since September and will continue to meet for at least another six months.

Wind Energy Resolution

Chairman Goodson introduced Ms. Ann Flandermeyer of Principal Advantage to discuss the Virginia Offshore Wind Coalition and bringing the offshore wind industry to the Commonwealth.

Ms. Flandermeyer stated in Europe wind energy has been proven to be commercially and technically feasible. In the United States, although we are a little behind, there are ten projects currently in development in the country, mostly on the East Coast. The first projects will be online within the next couple of years and the development process has already begun. Manufacturing will begin within the next year or so. It has been estimated that the overall capital investment in the offshore industry within the next ten years will be a minimum of \$15 billion.

The Virginia Coastal Energy Research Consortium (VCERC) has done a full analysis of the possibility of offshore wind. VCERC has looked at the coast of Virginia, its winds and the outer continental shelf and determined Virginia is an ideal location on the East Coast for offshore wind. Virginia has the capacity of up to 3500 megawatts, which would be a capital investment of up to \$10 billion. There are companies already trying to develop offshore wind projects that have turned in their lease applications to the Minerals Management Service and the Department of Interior and are waiting to hear back.

Ms. Flandermeyer stated the economic development opportunity for this area is huge. VCERC estimates a \$685 investment per installed kilowatt. Even if none of the manufacturing was done here, there is still the potential of \$2.4 billion in economic investment if the full potential of 3500 megawatts is reached. The National Renewable

Energy Lab estimates the construction employment would total 39 job years per cumulative installed megawatt. Virginia is particularly suited for the offshore wind industry because of its port capacity, maritime industry and manufacturing capacity. The pieces of the turbines are so huge that it is impossible to ship them over roads or rails, so the only option is to ship them over water. There is no other port on the East Coast that has the capacity to build and ship these pieces of equipment like the Hampton Roads area. Virginia could be the hub of manufacturing for all potential projects.

The Virginia Offshore Wind Coalition was recently founded with the mission of bringing the offshore wind industry to Virginia. The two-fold mission is to attempt to pass legislation that will equal the playing field and put Virginia in a position where we will be creating incentives and other opportunities for the offshore wind industry. Also, to reach out to the manufacturing companies and other supply chain members who will be supplying the offshore wind industry and promote Virginia as the hub for the offshore wind industry.

The recommendation is for the approval of the resolution in support of the growth of the offshore wind industry in Virginia.

Mayor Frank expressed his concern about whether anyone investigated the impact on radar and other operations out of Oceana and military bases. Mayor Sessoms stated the Navy and FAA have been very supportive and are looking into it.

Mayor Sessoms Moved to approve the resolution to support the growth of the offshore wind industry in Virginia; seconded by Mayor Krasnoff. The Motion Carried.

Southside Hampton Roads Hazard Mitigation Plan

Chairman Goodson introduced Mr. Richard Flannery to discuss the Southside Hampton Roads Hazard Mitigation Plan grant applications.

Mr. Flannery stated the mitigation plans are a foundation and commitment to help reduce risks from natural hazards and serve as a guide for decision makers in order to commit resources. On the Southside, there is a Southside Hampton Roads Hazard Mitigation Plan which includes Norfolk, Virginia Beach, Portsmouth, Suffolk and Isle of Wight, including Windsor and Smithfield. This plan was initially adopted in 2006 and requires an update every five years. The Southside is due for an update in fiscal year 2011 which is why we have to begin the planning process now. Part of the planning process consists of applying for grant funding through FEMA with a Pre-disaster Mitigation Grant. The Southside is requesting \$125,000 based on cost estimates received from consultants as well as doing our own analysis. Part of this grant requires a 25 percent cost match which is nearly \$31,000. We are allowed to do in-kind matches as well as cash matches. The intention is to do in-kind matches by using salaries and the efforts of different city and county officials.

The other part of the grant application requires letters of intent to be submitted, which is a commitment to update the plan. The entire plan does not need to be updated. The

Southside does not have to do a major revision of the plan until 2015/2016. One of the items the Southside will be updating is the flood plain information that will be available through the Digital Flood Insurance Rate Map (DFIRM). FEMA is in the process of updating all of the flood maps by digitizing them. What has been learned is that areas that were not previously in the flood plains are now on flood plains or pathways.

The Peninsula is in the process of working through a Pre-disaster Mitigation Plan. The City of Hampton's Office of Emergency Management is managing this plan update, which includes Hampton, Newport News, Williamsburg, James City County and York County. The Peninsula received \$279,000 in grant funds. Since this amount is higher than normally approved, FEMA has requested the Southside be included on this plan. If approved by FEMA, the Southside will withdraw its \$125,000 application and consolidate with the Peninsula creating a Hampton Roads Regional Hazard Mitigation Plan.

Mr. Flannery stated Franklin and Southampton have stand-alone plans and have requested HRPDC to submit a grant application on their behalf to update their plans.

The recommendation is to authorize the HRPDC Executive Director to execute two grant applications; one for the Southside and one for Franklin and Southampton to update their plans.

Mayor Frank Moved to approve the recommendation to authorize the HRPDC Executive Director to execute two grant applications; seconded by Mayor Johnson. The Motion Carried.

Green Jobs Alliance Retrofit Ramp-Up and General Innovation Grant

(Mayor Krasnoff departed)

Chairman Goodson introduced Mr. Randall Gilliland, who is acting as a member of the Board of the Green Jobs Alliance to discuss the Retrofit Ramp-Up and General Innovation Grant.

Mr. Gilliland stated the Retrofit Ramp-Up and General Innovation Grant is a follow-up to the Department of Labor's grants that are being issued for green workforce training, which the Green Jobs Alliance has applied for on behalf of the region, and also a follow-up to the weatherization program for which the Commonwealth and the region received substantial funds.

This is going to be a highly competitive grant process. There will only be 8 – 20 awarded nationwide. Mr. Gilliland had the opportunity to meet with Claire Johnson, who is in charge of the weatherization and EECBG grant funds for the federal government who stated the grant needs to demonstrate job creation and reducing energy consumption in the region, in particular the residential and middle class. The weatherization funds were for the lower income. This grant is targeted at the middle class residential, the commercial and industrial manufacturing sector as well as public

facilities, which have not been addressed by the federal government in any of its grant opportunities to date.

Mayor Frank inquired about the participants in the Green Jobs Alliance. He also expressed concern about the money that will be required. Mayor Frank quoted from the resolution where it stated “you’re required to highly leverage grant funding in order to significantly enhance resources available for supporting the program.” The resolution also states “sustain themselves beyond the grant monies by designing a viable strategy for program sustainability” and “high-impact programs significantly improve energy efficiency to a large fraction of buildings within targeted neighborhoods.” Mr. Gilliland stated the Green Jobs Alliance was formed last year in response to the Green Jobs Act, which was funded in the amount of \$500 million. It includes private enterprise such as the Hampton Roads Tech Council, Oceana Sensors, and the Green Careers Center; training partners such as Thomas Nelson Community College, TCC, Paul D. Camp, Virginia Tech, Hampton Roads Center and the Virginia Tech Advanced Institute for Research; workforce investment boards such as the Peninsula Center for Workforce Development and Opportunity, Inc. It has been endorsed by the Virginia Workforce Council headed by Mr. Bob Leber, who is in charge of Education and Workforce Training for Northrop Grumman. It includes environmental groups such as the Sierra Club and the Chesapeake Bay Foundation. It required participation from individuals already involved in sustainability such as the Virginia Sustainable Building Network and Astro Corp. It required labor organizations such as iron workers, the International Brotherhood of Electrical Workers (IBEW), and Hampton Roads Building Trades. Mr. Gilliland stated they will apply for two grants; one for the residential market and one for the commercial/industrial/manufacturing market.

For the residential market, they will partner with the Southeastern Energy Alliance out of Atlanta, which represents the entire southeast. The partners who are included in that are Dominion Power, Duke Power, AGL Resources (a.k.a. Virginia Natural Gas), Cree Manufacturing, a LED lighting producer, and the National American Insulation Manufacturers Association. The benefit of partnering with these organizations is the work they have done since 2003 in developing proven programs, and models to develop residential energy efficiency. Mr. Gilliland stated according to Claire Johnson, the commercial/industrial/manufacturing grant is well positioned because no one is approaching the grant from that angle and approximately 35 percent of energy consumption in this marketplace is in that sector.

For the commercial/industrial/manufacturing grant they will partner with organizations such as the Virginia Manufacturing Extension Partnership, the Association for Manufacturing Excellence, the Virginia Business Excellence Consortium as well as participation from the major manufacturers in the region such as Northrop Grumman.

Mr. Gilliland stated leveraging funds do not have to be cash. It can be services of various kinds. For example, on the manufacturing side, entities such as the Manufacturing Extension Partnership, which delivers energy auditing services and energy retrofit consulting services at a discounted rate will be utilized. Also, taking advantage of the federal EPAC efficiency grants and leverage those in the

manufacturing sector where upgrades will receive incentives up to \$1.80 per square foot. That program runs through 2013. On the residential side, utilities will be partners providing rebates and incentives.

Mayor Fraim inquired why the staff has taken a neutral position on adopting the resolution. Mr. Farmer stated it is a huge amount of money that presents a great opportunity and if the Board members are in consensus, the resolution should be approved.

Mr. Gilliland stated the application would be strengthened if a unit of government, state or locality signs a letter authorizing the Green Jobs Alliance to pursue these funds on behalf of the region. He would need a separate letter for the residential and manufacturing applications from two separate localities.

Mayor Sessoms Moved to approve the resolution to submit a residential and manufacturing application; seconded by Mr. Franklin. The Motion Carried.

Minerals Management Service Task Force on OCS Renewable Energy

(Mayor Krasnoff returns) Chairman Goodson stated the Minerals Management Service (MMS) is establishing a Task Force and would like to appoint him.

Mayor Johnson Moved to approve the appointment of Chairman Goodson to the MMS Task Force; seconded by Mayor Sessoms. The Motion Carried.

Project Status Report

Chairman Goodson stated this agenda item does not require any action.

For Your Information

Chairman Goodson stated this agenda item does not require any action.

Old/New Business

Chairman Goodson discussed the conflict with schedules for the February HRPDC meeting date. Staff recommended the meeting be moved to February 10th at 9:30 a.m. with a two hour TPO retreat afterwards.

Adjournment

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:40 a.m.

Dwight L. Farmer
Executive Director/Secretary

Bruce C. Goodson
Chairman

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #2: TREASURER'S REPORT

**FISCAL YEAR 2010
NOVEMBER 30, 2009
BALANCE SHEET**

ASSETS		LIABILITIES & NET ASSETS	
Cash & Cash Equivalents	362,701	Current Liabilities	639,642
Accounts Receivables	862,094	Net Assets	5,306,371
Investments	3,184,468		
Other Current Assets	664		
Net Capital Assets	<u>1,536,086</u>		
Total Assets	<u><u>5,946,013</u></u>	Total Liabilities & Equity	<u><u>5,946,013</u></u>

STATEMENT OF REVENUES AND EXPENDITURES

REVENUES	Annual Budget	Current Month	YTD
Grant and Contract Revenue	12,751,264	36,350	1,881,772
VDHCD State Allocation	228,491	19,041	95,205
Interest Income	25,000	2,772	13,754
Local Jurisdiction Contributions	1,346,171	-	673,085
Other Local Assessment	1,281,943	100,000	767,717
Sales and Miscellaneous Revenue	1,078,120	195	14,907
Total Revenue	<u><u>16,710,989</u></u>	<u><u>158,358</u></u>	<u><u>3,446,441</u></u>
EXPENDITURES			
Personnel	4,269,377	329,368	1,579,592
Standard Contracts	188,985	34,137	92,467
Special Contracts / Pass-Through	11,045,564	91,648	1,113,481
Office Services	866,972	33,506	218,934
Capital Assets	149,950	-	-
Total Expenses	<u><u>16,520,848</u></u>	<u><u>488,659</u></u>	<u><u>3,004,473</u></u>
Agency Balance	<u><u>190,141</u></u>	<u><u>(330,300)</u></u>	<u><u>441,968</u></u>

HRPDC Executive Committee Meeting - December 16, 2009

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #3: 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. Attached is a listing and summary of projects that are presently under review. As of December 9, 2009, no grant applications had been received for review.

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

RECOMMENDED ACTION:

None required.

Environmental Impact Reviews

Date Received

Number

Name

Sponsor

Description

The National Aeronautics and Space Administration (NASA) at Langley Research Center (LaRC) proposes to deconstruct the Low-Turbulence Pressure Tunnel Complex (LTPT) at the center in York County. The project consists of the deconstruction of the LTPT complex to include Buildings 582, 582A, 583, 583A, and 585. Deconstruction activities would include the dismantling and extracting of reusable and recyclable materials prior to the removal of the buildings. All of the buildings are located in LaRC's East Area, on land leased from Langley Air Force Base (LAFB). NASA LaRC is currently in negotiations with LAFB regarding the possible transfer of Building 582 to LAFB for use as administrative office space. Should LAFB decide that transfer of the facility is not a viable option, NASA LaRC would deconstruct Building 582 along with the other LTPT complex facilities.

Affected Localities

Finding

This project was previously reviewed as DEQ #09-185F.

Based on this review, we offer the following comments. The proposed project involves the demolition of buildings that are designated as National Historic Landmarks (Building 582 – Variable Density Tunnel, Transonic Tunnel Facility), as well as being listed on the National Register of Historic Places and the Virginia Landmarks Register. As with previous similar projects, there is no stated need to construct other structures on the cleared site, which will subsequently become a vacant lot. Because this structure is significant on a local, state, and national scale, we feel that any plans for demolition should be postponed until a significant need for the removal of these buildings is identified. Alternatives may exist to demolition that have not yet been identified and the lack of an urgent need for this project offers the opportunity to explore other options before permanent actions are taken.

The HRPDC recently received an offer to assume operation and maintenance of this tunnel complex; however, this activity would lie outside the purview of this agency and the request was declined.

Comments Sent

Final State Comments Received

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #4: STORMWATER PROGRAM EFFECTIVENESS INDICATORS

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

The HRPDC staff has completed the enclosed report, *Indicators of Stormwater Management Program Effectiveness: Fiscal Year 2009*. This report describes the Indicators that have been developed for the regional program, summarizes the Indicator data for the region as a whole and provides graphical displays of the Indicator data for the region and for each locality. The locality sections were submitted in October to DCR by the six Phase I localities as components of their Annual Reports. This is the ninth annual report, documenting regional progress in addressing stormwater management concerns. It facilitates tracking of progress on an annual basis for the region and the individual localities.

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

Enclosure – Separate – Commissioners Only

RECOMMENDED ACTION:

Approve the report for distribution.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #5: HAMPTON ROADS TECHNICAL ASSISTANCE PROGRAM

In March 2008, 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 2008-2009 Final Report. The report documents HRPDC activities under this grant program for the period from October 1, 2008 through September 30, 2009.

Enclosure – Separate – Commissioners Only

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 #6: REGIONAL BENCHMARKING STUDY

In the Regional Cooperation Act, the Code of Virginia calls for planning district commissions to collect and maintain demographic, economic and other data concerning the region and member localities, and act as a state data center affiliate in cooperation with the Virginia Employment Commission.

In keeping with this mandate, HRPDC staff has completed the fifth annual Regional Benchmarking Study. This publication includes a locality profile for all 16 jurisdictions as well as graphical illustrations for 83 regional benchmarks covering the economy, demographics, housing, transportation, and various quality of life indicators. Each graph is accompanied by a brief explanation regarding the purpose of the benchmark and the current condition in Hampton Roads. Complete data tables for each of the data sets are included in the appendix. The report is enclosed separately (Commissioners only). Greg Grootendorst, Chief Economist, will make a brief presentation on the report.

Enclosure – Separate – Commissioners Only

RECOMMENDED ACTION:

Approve for distribution.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #7: REGIONAL CLIMATE CHANGE PROJECT

The HRPDC is currently working on the first year of a three year grant from the Virginia Coastal Resources Management Program to develop a framework for response to climate change in Hampton Roads. The HRPDC is one of three coastal Virginia Planning Districts working on a regional climate change project, with the Middle Peninsula Planning District Commission and the Northern Virginia Regional Commission being the other two. Climate change will present a mix of challenges and opportunities for Hampton Roads. While many aspects of climate change are potentially problematic for the region, sea level rise is the primary issue of concern. Based on national studies and marketing, Hampton Roads is among the most vulnerable regions in the United States in terms of population and infrastructure at risk to sea level rise and associated increases in storm surge. In terms of opportunities, the move away from carbon intensive sources of energy will increase the viability of offshore wind energy development along coastal Virginia and the development of an associated logistical support industry in Hampton Roads.

The anticipated outcomes from the first year of work on the project include a report summarizing the scientific literature on climate change as it pertains to the Mid-Atlantic region and geographic information system based mapping that highlights both the environmental features and infrastructure that is most vulnerable to sea level rise. Next steps in the process will include detailed mapping of critical infrastructure within the region that is vulnerable to sea level rise, completion of the synoptic report on climate change impacts in Hampton Roads, and expansion of the stakeholder process using the above-mentioned materials.

A Hampton Roads working group will be formed in the near future to provide input to the climate change project. A variety of groups will be invited to participate including local elected officials, local government staff, appropriate state and federal agency staff, academias, business and industry representatives, Department of Defense representatives and conservation organization members.

Mr. Eric Walberg, Physical and Environmental Planning Administrator, will brief the Commission on the project.

RECOMMENDED ACTION:

The Commission will have an opportunity to discuss the structure of the Hampton Roads climate change working group.

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8: HOUSE JOINT RESOLUTION 155 FINAL REPORT – MUTUAL AID FOR EMERGENCY SERVICES

The Hampton Roads Planning District Commission (HRPDC) was directed by the 2008 General Assembly through House Joint Resolution 155 to “study automatic aid for emergency responses across jurisdictional lines.” The HRPDC was to review the emergency responses of the localities of the Hampton Roads region, including responses across jurisdictional lines and also examine any other issues relevant to accomplish the purposes of the study, including the need for any additional enabling legislation and to issue all appropriate recommendations. In December 2008, a preliminary report was presented to the Commission and sent to the General Assembly. No further correspondence regarding this report was received from the General Assembly and attempts to determine if any further clarification was needed were met with no response.

An in-depth look at what would be necessary to facilitate dispatchers' ability to see across jurisdictional lines and to know what responders may be available in neighboring localities was studied. Representative Emergency Response professional associations and agencies throughout Hampton Roads participated in the study. This included the Hampton Roads Fire Chiefs Association, the Hampton Roads Police Chiefs Association, the 911 Dispatchers Association, the Peninsula and Tidewater Emergency Medical Services (TEMS) agencies, and military and private emergency response organizations that provide support to the Hampton Roads region. To finalize this report, staff explored other first responder entities (i.e. higher education and airport first responders) and further communicated with those first responders initially studied.

Within the region, since 2001, there have been over 8,000 incidents of mutual aid and over 1,600 automatic aid incidents between Fire and Emergency Medical Services departments. Pre-established mutual and automatic aid agreements between first responder agencies within the region lead to the conclusion that no legislative action is required to facilitate automatic or mutual aid among fire, emergency medical services, law enforcement, or 911 dispatch agencies.

A copy of HJR 155 and the 2009 report have been attached for your review. It should be noted that this is the final report and completes the General Assembly requirements.

Emergency Management Program Administrator, Richard Flannery will brief the Commission on the report.

Attachments

RECOMMENDED ACTION:

Approve the report and authorize the Executive Director to submit the report to the General Assembly.

**HAMPTON ROADS AUTOMATIC AID BETWEEN EMERGENCY SERVICES
PART II**

**A FINAL REPORT TO THE HONORABLE TIMOTHY M. Kaine, GOVERNOR AND
VIRGINIA GENERAL ASSEMBLY**

**Prepared in response to 2008 House Joint Resolution 155 by the staff of the
Hampton Roads Planning District Commission**

December 8, 2009

TABLE OF CONTENTS

EXECUTIVE SUMMARY ii

I. FIRE..... 1

 REPORT PART I..... 1

 A. Mutual Aid..... 1

 B. Automatic Aid..... 2

 C. Hampton Roads Fire Chief’s Association..... 3

 D. Conclusion and Recommendations 3

 REPORT PART II..... 3

 CONCLUSION 4

II. EMS..... 5

 REPORT PART I..... 5

 A. Automatic Aid 5

 B. Mutual Aid..... 5

 C. TEMS and PEMS..... 5

 D. Conclusion and Recommendations 6

 REPORT PART II..... 6

 CONCLUSION 6

III. LAW ENFORCEMENT 7

 REPORT PART I..... 7

 A. Automatic Aid 7

 B. Mutual Aid..... 7

 C. Virginia Port Authority Police 8

 D. Hampton Roads Chief of Police Association 8

 E. Conclusion and Recommendations 8

 REPORT PART II..... 9

 CONCLUSION 9

IV. 911 DISPATCH..... 10

 REPORT PART I..... 10

 A. Automatic Aid 10

B. Mutual Aid.....	10
C. APCO.....	11
D. Conclusion and Recommendations	11
REPORT PART II.....	11
CONCLUSION.....	11
V. REVIEW OF ADDITIONAL MUTUAL & AUTOMATIC AID INTERDEPENDENCIES	12
A. Norfolk International Airport.....	12
B. Old Dominion University	12
C. College of William and Mary.....	12
D. Christopher Newport University	13
E. Conclusion	13
CONCLUSION.....	14
REFERENCES	15

EXECUTIVE SUMMARY

This report is being provided to the General Assembly pursuant to House Joint Resolution (HJR) 155. HJR 155 directed the Hampton Roads Planning District Commission to “review the emergency responses of localities of the Hampton Roads region, including responses across jurisdictional lines” over a two year period and to produce two reports. The first report was submitted to the General Assembly in December 2008. This report will satisfy the two part study requirement.

Both reports were developed following a series of interviews with representatives from fire, law enforcement, EMS, and 911 dispatch agencies within the Hampton Roads region that focused on the usage and implementation of automatic and mutual aid operations. This report is organized in such a way that it incorporates the first report with the second report in order to provide the appropriate background information. However, the section titled ‘Review of Additional Mutual and Automatic Interdependencies’ is an expansion of the previous report.

The interviews and follow-up meetings determined that Hampton Roads fire departments actively use both automatic and mutual aid and with the exception of the City of Virginia Beach are also responsible for EMS response. Law enforcement agencies do not use automatic aid except in cases of pursuit across jurisdictional lines; however, resources are shared through mutual aid. Local 911 dispatch centers do not direct the use of mutual or automatic aid; rather, the decision is left to the first responder agencies and the dispatch centers facilitate the process the best way possible.

The conclusion of the report supports the previous report that no legislative action is required to facilitate automatic or mutual aid among fire, emergency medical services (EMS), 911 dispatch agencies, or law enforcement. Subsequently, law enforcement agencies are continuing to review alternative mutual aid formats that would offer all the legal protection and guarantees of service while minimizing the cumbersome nature of the mutual aid agreement.

I. FIRE

Fire departments throughout the Hampton Road region openly provide resources to geographically neighboring as well as non-adjointing jurisdictions during incidents that overwhelm the responding fire department. Assistance is provided primarily through mutual aid, with some support provided by automatic aid. The difference between automatic and mutual aid as defined by the fire departments within the region, is the means through which the resources are deployed. Mutual aid deployments are enacted upon receiving a request for additional resources from the responding jurisdiction. Conversely, automatic aid deploys several jurisdictions' resources through the 911 dispatcher at the jurisdiction where the incident is occurring. The specifics of both automatic and mutual aid are discussed further along with other factors contributing to the continual improvement of fire operations throughout the region.

REPORT PART I

A. Mutual Aid

As previously stated, mutual aid is the most used means of providing additional resources between fire departments. The use of mutual aid between fire departments is a long standing practice within the region. For instance, the city of Norfolk has had a mutual aid agreement with the Little Creek Naval Base since 1990 while York County, James City County, and the city of Williamsburg have maintained mutual aid agreements for approximately 30 years.

Previously the practice for establishing mutual aid agreements occurred between individual jurisdictions. This practice was deemed cumbersome as any single jurisdiction could hold several mutual aid agreements. As a result, the fire chiefs throughout the region are working toward establishing a regional mutual aid agreement. The agreement once established will network all resources together, much as they are now, however through a single unified mutual agreement thereby eliminating the need for each jurisdiction to establish its own mutual aid agreement. The Virginia Beach Fire Department has been taking the lead on facilitating the development of the regional mutual aid agreement.

In addition to local jurisdictional resources, the Navy Region Mid-Atlantic is a partner in fire mutual aid agreements. Similar to the local jurisdictions the Navy has previously established separate mutual aid agreements for each of its bases. However, the Navy is now using a regional mutual aid agreement that links all of its facilities together. Further, the Navy is establishing mutual aid agreements with local jurisdictions even if a naval base is not located within its jurisdictional boundaries. The new approach will make resources from every naval base available to all jurisdictions with which the Navy holds a mutual aid agreement. Previous agreements limited the exchange of resources to the specific Naval base and locality between whom the agreement had been signed.

The framework of existing mutual aid agreements maintains that requests for additional resources will be made by the City Manager, Fire Chief, Senior Officer on duty, or his/her designee. Within the requested jurisdiction, the decision to render assistance will be made by the City Manager, Fire Chief, Senior Officer on duty, or his/her designee upon receiving the mutual aid request. The response to the mutual aid request will be based on resource availability within the requested jurisdiction. Requests under the agreement can be for both personnel and

equipment trained or designed to meet the needs of the situation. Liability against the requesting jurisdiction is waived and all benefits entitled to the requested jurisdiction's personnel continue while responding in the requesting jurisdiction's boundaries. Finally, with a written 60 day notice the parties within the mutual aid agreement may terminate involvement.

B. Automatic Aid

While mutual aid is the dominant means through which resources are shared it also serves as the foundation for developing automatic aid agreements. The two areas within the region where automatic aid is the primary response mechanism occurs between York County, James City County, and the city of Williamsburg and between the Virginia Port Authority (VPA) and the jurisdictions that are home to VPA facilities.

York County, James City County and the City of Williamsburg can be considered the regional leaders in mutual and automatic aid operations. This designation is based upon their resource matrix dispatch method that identifies the nearest resource to an incident. The matrix is a static document based on the geographic location of resources and pre-identified incident subdivisions. Figure one provides an example of the resource matrix used by the 911 dispatcher.

Location: (subdivision where the incident occurred)	
<i>Engine truck:</i>	Unit 1 from York County, Unit 5 from James City County, etc.
<i>Ladder truck:</i>	Unit 7 from Williamsburg, Unit 4 from Williamsburg, etc.
<i>Medic:</i>	Unit 2 from James City County, Unit 4 from Williamsburg, etc.

Figure One: Automatic Aid Matrix

The matrix identifies all fire resources followed by the order in which resources should be requested. To deploy a resource the 911 dispatcher consults the matrix and then deploys the first available resource within the string of identified resources. If the resource is within the jurisdiction then the deployment is based upon the information within the computer aided dispatch (CAD) system; however, if the resources are outside the jurisdiction the 911 dispatcher contacts the jurisdiction with the desired resources to determine if the resource is available. If available the resource would be deployed by the 911 dispatch center within its jurisdiction. If the resource is unavailable then the 911 dispatcher within the jurisdiction with the incident would continue across the resource matrix until an available resource was found and deployed.

The second area of automatic response between York County, James City County and the City of Williamsburg are interstate accidents. This method is preferred as information provided to 911 dispatchers regarding interstate accidents is not always detailed or accurate. By eliminating jurisdictional boundaries the accident victim has the largest chance for survival.

Next, the Virginia Port Authority does not maintain its own fire department; therefore, during a fire incident fire services would automatically be deployed from a neighboring jurisdiction. Currently, the City of Norfolk is the primary jurisdiction set to respond to a fire

incident at the Norfolk International Terminal; whereas the Portsmouth fire department is the primary responder to an incident at the Portsmouth Marine Terminal and the Newport News fire department is the primary responder at the Newport News Marine Terminal. If the incident at the port developed beyond the primary responding jurisdiction's ability then the mutual aid resources previously discussed would be deployed to provide assistance.

C. Hampton Roads Fire Chief's Association

Automatic and mutual aid agreements are the product of cooperative fire operations throughout the region primarily through the Fire Chiefs Association. The Fire Chiefs Association is comprised of regional jurisdictions' fire chiefs. The association meets monthly to discuss the issues impacting the region and foster the continual improvement of fire operations. In addition, the association has six working groups that address topics such as operations and communications. The membership of the working groups is expanded to include operational leaders and the necessary individuals to accomplish the task at hand. Current tasks of the association, in no particular order, include standardized resource typing, unifying standard operating procedures, interoperability, regionally interlinked CAD system, and automatic vehicle locators in all response vehicles. Funding is the primary factor limiting the advancement of each task.

Finally, regional fire leaders look to the Phoenix, Arizona metro area and Northern Virginia region as models for automatic aid operation development. Briefly stated, the Phoenix metro area links twenty fire departments using a satellite enhanced CAD system and Automatic Vehicle Location (AVL) to deploy the nearest resource to the incident regardless of jurisdictional boundaries.¹ Emergency calls received in the Phoenix area are first routed through the local law enforcement agency and if the caller is in need of fire or EMS services the call is transferred to the regional dispatch center for resource deployment.² Similarly, the North Virginia region joins the resources for two cities, three counties, Army Base Fort Belvoir, and the Metropolitan Washington Airport Authority.³ Under the mutual response agreement the participating jurisdiction's resources will be automatically deployed without regard for jurisdictional boundaries to meet the needs of the incident.³ The request for additional resources from other jurisdictions will be made through the telephone, radio, or computer network.³

D. Conclusion and Recommendations

Resources are freely exchanged between jurisdictions throughout the region under pre-established mutual and automatic aid agreement while professional networks facilitate the continual improvement of fire operations. Consequently, no legislative action is required to facilitate automatic or mutual aid response among fire departments within the Hampton Roads region.

REPORT PART II

Fire departments throughout Hampton Roads have maintained strong working relationships. Likewise, the mutual aid agreements discussed in the previous report have remained in effect and been updated as necessary. The Hampton Roads Fire Chief's Association (HRFCA) has continued to meet on a regular basis. During these meetings they have prioritized several regional projects and assigned them to functional working groups for implementation. Project

examples include station back fill procedures, processes for coordinated communication, and resource typing.

Additional efforts among Hampton Roads fire departments since the last report include leading the development of regional Incident Management Teams with FY 09 Urban Areas Security grant funding. Operationally when possible, fire departments have moved to similar shift schedules. Training and exercises have continued to be conducted in both interagency and multi-jurisdictional formats with participation from both Hampton Roads as well as northeastern North Carolina. Subsequently, this interaction with northeastern North Carolina is also part of a continued partnership with northeastern North Carolina that includes developments in communication and mutual/automatic aid agreements. The fire departments have also continued to participate in the regional effort to improve radio communication interoperability.

CONCLUSION

Due to the high level of collaboration and current willingness to share resources through mutual aid, no legislative action is necessary to require the use of automatic or mutual aid response among fire departments within the Hampton Roads region.

II. EMS

The majority of EMS providers are under the direction of the local fire departments within the Hampton Roads region. The exceptions are the rural counties and the City of Virginia Beach EMS. Therefore, mutual and automatic aid agreements entered into by the fire departments, as previously discussed, are also applied to many of the EMS agencies. The unique components of automatic and mutual aid as they relate to EMS are discussed below in addition to the professional organizations facilitating the continual improvement of EMS service.

REPORT PART I

A. Automatic Aid

Currently, automatic aid is not the primary means through which additional resources are requested and deployed. The exception, previously discussed under fire, includes the operations between York County, James City County, and the city of Williamsburg, and the Virginia Port Authority.

B. Mutual Aid

Rather than automatic aid, EMS providers generously provide resources when requested under mutual aid agreements. The agreements are enacted when the requesting jurisdiction contacts the requested jurisdiction for additional resources. In addition to existing mutual aid agreements, EMS providers are required by 32.1-12 and 32.1-111.4 of the Code of Virginia to provide mutual aid within their localities and with all jurisdictions immediately bordering their jurisdiction.⁴

C. TEMS and PEMS

Tidewater Emergency Medical Services Council (TEMS) and the Peninsula Emergency Medical Services Council (PEMS) are two professional organizations whose purpose is to bring EMS leaders together to address issues impacting the region, standardize EMS protocols, and facilitate the continual improvement of EMS service delivery. TEMS and PEMS have no authority over EMS providers to establish rules or regulation; rather, they work with EMS providers to improve service and establish common protocols. The two organizations could serve as a forum to discuss and plan future changes or improvements to mutual aid or automatic aid. TEMS and PEMS already share a joint mass casualty planning workgroup which meets monthly.

The jurisdictional boundaries of TEMS and PEMS extend beyond the Hampton Roads region boundaries; however the two jurisdictions currently meet the needs of the EMS providers. Recently, the consolidation of TEMS and PEMS into a single council was discussed and evaluated. The recommendation following the evaluation was for the two organizations to remain separate entities while continuing to collaborate together. The recommendation was based on the findings that patient care and EMS providers would be better served under a two organization system.⁵

D. Conclusion and Recommendations

Mutual aid agreements are the primary means of requesting additional EMS resources. Under these agreements resources are freely exchanged when requested and follow the Code of Virginia regarding mutual assistance among EMS providers. Professional organizations further facilitate EMS processes focused on collaboration and improved service among the region's EMS providers. Consequently, no legislative action is required to facilitate automatic or mutual aid response among EMS providers within the Hampton Roads region.

REPORT PART II

The EMS function continues to remain under the fire department, with a few exceptions regarding private EMS service providers. Therefore, mutual and automatic aid agreements entered into by the fire departments are also applied to EMS. Through the fire department the EMS response function has continued to improve with enhanced partnerships with northeastern North Carolina EMS agencies. Mutual aid agreements that include EMS have continued to remain in effect and have been updated as necessary. Lastly, the Tidewater Emergency Medical Services Council (TEMS) and the Peninsula Emergency Medical Services Council (PEMS) continue to bring EMS leaders together to address issues impacting the region, standardize EMS protocols, and facilitate the continual improvement of EMS services.

CONCLUSION

No legislative action is required to facilitate automatic or mutual aid response among EMS providers with the Hampton Roads region.

III. LAW ENFORCEMENT

Law enforcement, for the purposes of this report, is used to describe city police departments, city sheriff departments, county police departments, county sheriff departments, and the Virginia Port Authority police. Within the region these law enforcement agencies are willing to offer support through mutual aid agreements upon the request of another jurisdiction. Mutual aid is preferred over automatic aid due to the unique nature of law enforcement. The specifics of both automatic and mutual aid are discussed further along with other factors contributing to the continual improvement of law enforcement operations throughout the region.

REPORT PART I

A. Automatic Aid

Automatic aid, defined as the immediate deployment of resources to another jurisdiction, is not a standard operating procedure used by Hampton Roads law enforcement. While officers are allowed to pursue individuals beyond their jurisdictional boundaries there are specific limitations as to the functions they are allowed to perform while operating within another jurisdiction's boundaries. Unlike other first responders, the role of law enforcement as the name implies is to enforce the laws. As a result, automatic aid is not always in the best interest of the parties involved.

B. Mutual Aid

For the reasons previously stated, mutual aid is the preferred method of offering assistance between law enforcement agencies. As a result a regional mutual aid agreement has been developed. Signed into effect July 1, 2003 the Law Enforcement Mutual Aid Agreement facilitates the distribution of resources throughout the region when local resources are unable to meet demand.

The agreement maintains that all jurisdictions involved will provide law enforcement support, if available, when requested. Requests will be made by the Chief of Police, Sheriff, or designee of the requesting jurisdiction. Acceptance of the request will be made by the Chief of Police, Sheriff, or designee of the requested jurisdiction. Upon acceptance the requesting jurisdiction agrees to provide the requested jurisdiction radios upon arrival to ensure communication of all parties. All personnel sent will be under the direction of the requesting jurisdiction's Chief of Police, Sheriff, or designee. Any activities undertaken by law enforcement personnel dispatched by the requested jurisdiction while assisting the requesting jurisdiction will be protected from liability as dictated by their individual jurisdiction and will be provided with the same powers and immunities in each other's jurisdiction including the authority to make an arrest. The agreement is updated as needed and jurisdictions may withdraw from the agreement following a thirty day written notice period.

A law enforcement specific example of productive mutual operations was the National Socialist Movement on June 25, 2005 in York County. The event received assistance from twelve jurisdictions within the region. Table one demonstrates which jurisdictions participated and the total number of officers supplied.

Agency	Personnel
United States Park Police	110
Virginia Beach Police	32
Chesapeake Police Department	27
Portsmouth Police Department	15
Virginia State Police	148
Norfolk Police Department	18
Newport News Police Department	22-25
Hampton	12
York Poquoson Sheriff Office	69
James City Police Department	16
Williamsburg Police Department	12
Gloucester Sheriff Office	10
Poquoson Police Department	2
Isle of Wight Sheriff Office	5

Table One: National Socialist Movement Mutual Aid

C. Virginia Port Authority Police

Currently, the Virginia Port Authority police are working with its neighboring jurisdictions to develop individualized mutual aid agreements that will grant the Port Authority police the legal authority to pursue an individual leaving the port. The agreements once completed will provide Port Authority officers access to very specific roadways within its neighboring jurisdictions. Localities have been supportive of the Virginia Port Authority police requests for access into their jurisdictions.

D. Hampton Roads Chief of Police Association

Contributing to improved police operations and mutual aid, the Hampton Roads Chief of Police Association, with membership from all law enforcement entities within the region, meets monthly to discuss issues affecting the region and jurisdictions. The association includes city police chiefs, county sheriffs, and the Virginia Port Authority Chief of Police. The meetings provide an opportunity for networking, touring other police facilities, understanding other jurisdiction's operations, and improving regional operations.

E. Conclusion and Recommendations

When requested, law enforcement resources will be shared among jurisdictions under the Law Enforcement Mutual Aid Agreement. The Hampton Roads Chief of Police Association fosters the continual improvement of police operations and mutual aid response. Therefore, given the already established procedures for resource sharing no legislative action is required to require the use of automatic or mutual aid response among law enforcement departments within the Hampton Roads region. Subsequently, during 2009 at the request of the Hampton Roads Chief of Police Association with support from the Hampton Roads Planning District Commission staff will be working to develop legislation for the 2010 session of the Virginia General Assembly that will eliminate the need for regional mutual aid agreements while offering the same legal protections and guarantees of service.

REPORT PART II

Within Hampton Roads law enforcement agencies continue to have strong working relationships. Likewise, mutual aid continues to be preferred over automatic aid; however, resources are shared between agencies when requested through the Law Enforcement Mutual Aid Agreement that remains in effect. The Chiefs of Police have continued their regular monthly meetings to address pertinent operational and planning issues. The Chiefs have also continued to review alternative mutual aid options including possible legislation that would reduce the burden of mutual aid agreements while still offering the same protections.

CONCLUSION

Due to the high level of collaboration and current willingness to share resources through mutual aid, no legislative action is necessary to require the use of automatic or mutual aid response among law enforcement agencies within the Hampton Roads region.

IV. 911 DISPATCH

The phone number 9-1-1 is the designated direct line for citizens to request emergency assistance.⁶ Therefore, when a citizen dials 9-1-1 the call is routed to a 911 dispatch center which provides the conduit for fire, EMS, and law enforcement to render services. The process between when a citizen dials 9-1-1 and the call is received at the 911 dispatch center varies depending on three phone service options to which an individual subscribes.

The first is a wired phone service or more commonly referred to as a landline telephone. When a citizen dials 9-1-1 from a landline telephone they are automatically directed to the 911 dispatch center within the jurisdiction where they reside. The second type is a wireless phone service also known as a cell phone. When a cell phone user dials 9-1-1 their phone call is routed through the nearest cell phone tower. Cell phone towers then direct the call to a designated 911 dispatch center based upon the preprogrammed designation. As a result a cell phone user may be directed to a 911 dispatch center located outside the jurisdiction from which they are calling. The third is an alternate phone service called Voice over Internet Protocol (VoIP) which uses an internet connection to provide phone services. Following a mandate from the Federal Communications Commission (FCC) all interconnected VoIP providers are required as of November 2005 to route 911 calls to the 911 dispatch center; provide the 911 dispatcher with the caller's phone number and location; and inform the customer of the differences between services.⁷

Once the call is received by the 911 dispatch center, regardless of phone service, the individual's location and phone number are verified. Then, based upon the needs of the caller the 911 dispatcher deploys the required services. The decision to deploy resources using automatic or mutual aid agreements is based upon previously established agreements between fire, EMS, and law enforcement departments.

REPORT PART I

A. Automatic Aid

As previously stated, whether automatic aid is implemented is based upon the actions of the first responders. As a function, 911 dispatch centers can be equipped with automatic aid facilitating technology. However, regionally, upgrades would be required and the operational 911 managers are conducting preliminary talks with vendors to determine feasibility and cost. Structural differences between localities regarding the placement of 911 dispatch centers within the local government impact operations as well as locality population size. As a result the 911 dispatch centers will provide the service that best meets the needs of the first responders to facilitate prompt response while working with them to continually improve emergency response operations.

B. Mutual Aid

Similar to automatic aid, 911 dispatch centers have the capacity to coordinate mutual aid response; however, will follow the requests of the first responders. The two primary ways that mutual aid is coordinated through the 911 dispatch centers occurs during an ongoing incident or when backfilling another jurisdiction's stations. In the first example, first responders would coordinate with their 911 dispatcher to request additional resources. The 911 dispatcher for that

jurisdiction would then contact a 911 dispatch center in another jurisdiction to request additional resources. The second example occurs when a jurisdiction is receiving a high volume of emergency response calls. When this situation occurs the 911 dispatch center may contact another 911 dispatch center to request that some of their resources be moved to the requesting jurisdiction's stations to facilitate short response times for both localities.

C. APCO

The Association of Public-Safety Communication Officials (APCO) is a professional organization whose purpose is to provide leadership, promote professional advancement, and improve the use of technology for the benefit of citizens.⁸ Project 36 is a current initiative of APCO focusing on developing standard CAD-to-CAD interchange.⁹ Once complete the results should set the foundation for interlinking different CAD platforms together.

D. Conclusion and Recommendations

The 911 dispatch centers within the region are willing to coordinate automatic and mutual aid response of first responders. However, since the 911 center serves as the pass through between citizen requests and emergency response to citizens the decision to implement automatic and mutual aid is left to the discretion of the first responder. Further, solutions for interlinking different CAD systems are currently being studied by the APCO. As a result, no legislative action is required to facilitate automatic or mutual aid response efforts by the 911 dispatch centers within the Hampton Roads Region.

REPORT PART II

The 911 dispatch centers continue to provide assistance based on the preference of the first responder agencies with automatic and mutual aid agreement implementation. The Association of Public-Safety Communication Officials continues to advance 911 dispatch systems. Project 36, previously discussed has become a national best practice. Furthermore, the implementation of this technology lead to the issuance of the Governor's Technology Award to York County.

CONCLUSION

Due to the high level of collaboration and current willingness to share resources through mutual aid, no legislative action is necessary to require the use of automatic or mutual aid response among 911 dispatch centers within the Hampton Roads region.

V. REVIEW OF ADDITIONAL MUTUAL & AUTOMATIC AID INTERDEPENDENCIES

Following comments and additional information received locally after the last report this section was added to further explore how mutual aid among all first responders in the Hampton Roads region is integrated. However, this is only a sampling and not an all-inclusive review of first responders operations within special jurisdictions of the Hampton Roads region. The purpose of this additional review is to demonstrate that automatic and mutual aid interdependences extend beyond locality borders and into special jurisdictions.

A. Norfolk International Airport

The Norfolk International Airport maintains its own police and fire department. These emergency services are self-contained on-site and include an emergency dispatch center.

The Airport Police Department “consists of fully empowered law enforcement officers that undergo the same training as their municipal counterparts and act in cooperation with other local, state and federal agencies.”¹⁰ The Airport Police Department maintains concurrent jurisdiction with the City of Norfolk for areas surrounding the airport including roads leading to the airport.¹¹

The Airport Fire Department is specially trained to handle aircraft rescue and fire fighting and includes EMS services. The EMS service provided by the Airport Fire Department does not include transport. If transport is required, the City of Norfolk EMS is contacted to provide the service. Additionally, the Federal Aviation Administration requires airport fire departments to have MOUs and update them annually. As a result of this requirement written MOUs are maintained with the City of Virginia Beach Department of Emergency Medical Services & Fire Department, Navy Region Mid-Atlantic, and the City of Norfolk Fire-Rescue Department.

B. Old Dominion University

Old Dominion University (ODU) maintains its own police department with state-certified law enforcement officers. The jurisdictional boundary of the ODU Police Department includes the university as well as some concurrent jurisdiction with the City of Norfolk Police Department. Additionally, the ODU Police Department and the City of Norfolk Police Department have a signed MOU. As stated in the MOU the two police departments will “provide an increased police presence and enhance response time in the area of concurrent jurisdiction.”¹² The MOU also states that “ODU officers, while performing their normal patrol duties, shall respond to all observed violations of State and City laws within the area of concurrent jurisdiction and shall take appropriate police action.”¹²

Fire and EMS services for ODU are provided by the City of Norfolk. Automatic and mutual aid operations for fire and EMS are managed by the City of Norfolk and governed by its MOUs.

C. College of William and Mary

The College of William and Mary (W&M) maintains a full-time police department with sworn law enforcement officers that have the same authority as state, municipal, or county law

enforcement. The W&M Police Department maintains a signed MOU with the City of Williamsburg. The MOU serves as a “reciprocal agreement for mutual aid for emergency purposes, for maintenance of peace and good order and for cooperating in the furnishing of police services.”¹³

Fire and EMS services for W&M are provided by the City of Williamsburg. Automatic and mutual aid operations for fire and EMS are managed by the City of Williamsburg and governed by its MOUs.

D. Christopher Newport University

Christopher Newport University (CNU) has its own police department. All officers of the CNU Police Department are sworn and certified by the Virginia Department of Criminal Justice Services.¹⁴ The jurisdictional boundary of the CNU Police Department includes all University-owned, -leased, and -controlled property and the adjacent streets and sidewalks.¹⁴ The CNU police department maintains a mutual-aid agreement with the City of Newport News Police “for mutual aid and for cooperation in the furnishing of police services.”¹⁵

Fire and EMS services for CNU are provided by the City of Newport News. Automatic and mutual aid operations for fire and EMS are managed by the City of Newport News and governed by its MOUs.

E. Conclusion

The additional review of special jurisdictions continues to demonstrate the strong working relationship and willingness to share resources among Hampton Roads localities and special jurisdictions. MOUs are maintained and resources are shared when requested. No legislative action is necessary to require special jurisdictions’ law enforcement or fire departments to use automatic or mutual aid.

CONCLUSION

HJR 155 directed the Hampton Roads Planning District Commission to study automatic aid among first responders within the Hampton Roads region. Within the region, since 2001, there have been over 8,000 incidents of mutual aid and over 1,600 automatic aid incidents between fire and EMS departments.¹⁶ Further, a 2005 National Socialist Movement gathering generated assistance from twelve law enforcement agencies within the region. These examples along with the pre-established mutual and automatic aid agreements between first responder agencies within the region lead to the conclusion that no legislative action is required to facilitate automatic or mutual aid among fire, emergency medical services, law enforcement, or 911 dispatch agencies.

REFERENCES

Representatives from Fire, EMS, Law Enforcement, and 911 Dispatch departments within the region were consulted during the development of this report. Text sources citations are provided below.

1. City of Phoenix Public Information Office (2007) PV Fire Service Closes Hole in Automatic Aid. Retrieved from <http://phoenix.gov/FIRE/chiefjuly2007.html>
2. City of Phoenix Fire Department (2008) Regional Dispatch Center Retrieved from <http://phoenix.gov/FIRE/rdc.html>
3. Northern Virginia Emergency Services (No Date) Mutual Response Agreement. Retrieved from <http://www.novaregion.org/DocumentView.asp?DID=1682>
4. Virginia General Assembly Legislative Information System (No Date) Designated emergency response agency mutual aid. Retrieved from <http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+12VAC5-31-630>
5. Process Action Team (2008) Analysis of Region E Proposal (Consolidated PEMS/TEMS Region). Retrieved from www.tidewaterems.org
6. National Emergency Number Association (No Date) 9-1-1 Facts. Retrieved from <http://www.nena.org/pages/ContentList.asp?CTID=22>
7. Federal Communication Commission (2007) VoIP Background. Retrieved from <http://www.voip911.gov/>
8. Association of Public-Safety Communications Officials (2008) About APCO. Retrieved from <http://www.apco911.org/new/about/index.php>
9. Association of Public-Safety Communications Officials (2008) Project 36. Retrieved from http://www.apco911.org/new/membership/past_projects.php
10. Norfolk International Airport (2009) Frequently Asked Questions. Retrieved from <http://www.norfolkairport.com/airportinfo/faq.htm>
11. College of William and Mary Police Mutual Aid Agreement
12. Christopher Newport University (2009) 2008-2009 Campus Safety and Security Retrieved from <http://police.cnu.edu/pdf/08annualreport.pdf>
13. Christopher Newport University Mutual Aid Agreement
14. Old Dominion University Mutual Aid Agreement
15. Norfolk Airport Authority Police Department General Orders
16. National Fire Incident Reporting System (2008) NFIRS 5.0 Summary Output Reports. Retrieved from <https://reporting.nfirs.fema.gov/nfirsweb/webBasedReporting.htm>

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #9: WESTERN BRANCH FLOOD PREVENTION AND DAM SAFETY PROJECT

The City of Norfolk is seeking authorization for \$15,000,000 in Water Resources Development Act (WRDA) funding for the construction of a new emergency spillway and rehabilitation of the existing primary spillway at the Western Branch Dam. The Dam is located in the City of Suffolk and is an important part of the water supply system for Norfolk, Virginia Beach, Portsmouth, Chesapeake and Suffolk. The Dam is noncompliant with federal and state dam safety regulations 4V1FC50-20-00, effective September 2008 and revised and needs to be rehabilitated to reduce the risk of dam failure. Over 120 properties including several small businesses, a major highway and raw water transmission mains are located directly downstream from the Dam and could be damaged by a dam failure. The enclosed resolution supports the City of Norfolk's efforts to obtain \$15,000,000 in WRDA funding for the dam repair project.

Attachments

RECOMMENDED ACTION:

Approve the resolution on the Western Branch Flood Prevention and Dam Safety Project.



CITY of NORFOLK

Office of the Mayor

November 24, 2009

Paul D. Fraim
Mayor

Dwight L. Farmer
Executive Director
Hampton Roads Planning District
The Regional Building
723 Woodlake Drive
Chesapeake, VA 23320

Subject: Western Branch Flood Prevention and Dam Safety WRDA Request

Dear Mr. Farmer:

On behalf of the City of Norfolk, I am writing to seek the support of the Hampton Roads Planning District Commission (HRPDC) for the Western Branch Flood Prevention and Dam Safety Project. Specifically, I am seeking the formal support of the HRPDC for including the project in the Water Resources Development Act (WRDA) of 2010. Members of the U.S. House of Representatives are in the process of developing a WRDA bill and the Senate will do the same shortly and a letter of support for this project from the HRPDC would be most helpful.

This project is truly regional in nature. As you know, the Western Branch Dam is located in the City of Suffolk and provides drinking water to the Cities of Norfolk, Virginia Beach, Portsmouth, Chesapeake, and Suffolk. This project will help ensure these cities continue to have access to a reliable source of drinking water while protecting life and property downstream.

Currently, the dam is noncompliant with federal and state dam safety regulations (VR 625-01-00 effective February 1, 1998) and needs to be rehabilitated to reduce the risk of dam failure. There are over 120 properties, including several small businesses, a major highway (Route 10-32), and raw water transmission mains that could be damaged by a dam failure. This project will provide for the construction of a new emergency spillway and rehabilitation of the existing primary spillway. We are seeking an authorization of \$15,000,000 in WRDA to address safety deficiencies with the dam.

Sincerely,

Paul D. Fraim
Mayor

RESOLUTION OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION IN SUPPORT OF WATER RESOURCES DEVELOPMENT ACT FUNDING FOR THE WESTERN BRANCH FLOOD PREVENTION AND DAM SAFETY PROJECT

WHEREAS, the Hampton Roads Planning District Commission supports the safety and wellbeing of the residents of Hampton Roads; and

WHEREAS, the Hampton Roads Planning District Commission supports the continued viability of the regional drinking water supply system; and

WHEREAS the Western Branch Dam is a critically important element of the water supply system for Norfolk, Virginia Beach, Portsmouth, Chesapeake, and Suffolk; and

WHEREAS, there are over 120 properties including several small businesses, a major highway and raw water transmission mains directly downstream from the Dam that could be damaged by a dam failure; and

WHEREAS, the Western Branch Dam is noncompliant with federal and state dam safety regulations 4VAC50-20-00, effective September 2008 and needs to be rehabilitated to reduce the risk of dam failure,

WHEREAS, the City of Norfolk is seeking authorization for \$15,000,000 in Water Resources Development Act (WRDA) funding for the construction of a new emergency spillway and rehabilitation of the existing primary spillway; and

NOW, THEREFORE, BE IT RESOLVED that the Hampton Roads Planning Commission does hereby support the City of Norfolk's efforts to obtain \$15,000,000 in WRDA funding for the dam repair project.

APPROVED AND ADOPTED by the Executive Committee of the Hampton Roads Planning District Commission this 16 day of December 2009.

Bruce C. Goodson, Chairman
Hampton Roads Planning District Commission

ATTEST:

Dwight L. Farmer, Executive Director/Secretary

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #10: PROJECT STATUS REPORTS

A. Joint Environmental Committees

The December Joint Environmental Committees meeting was canceled. The regular meeting schedule will resume in January. Subcommittees and staff are working on the following issues:

- A comment letter on the draft Virginia Stormwater Management Regulations was submitted to the Virginia Department of Conservation and Recreation based on discussion and action at the November 18, 2009 HRPDC Executive Committee meeting. A copy of the letter is included in this agenda packet. The Soil and Water Conservation Board is scheduled to meet on December 9, 2009.
- The Regional Stormwater Management Committee held a special meeting with legal counsel on November 20, 2009 to develop a strategy for addressing the Chesapeake Bay TMDL relative to stormwater permitting.
- The regularly scheduled HR STORM meeting was held on November 20, 2009. The committee developed future priority messages, focusing on various aspects of illicit discharges. The committee will also run an abbreviated version of the Chesapeake Club campaign this spring.
- The Phase II Subcommittee met again on December 3, 2009.
- The HRPDC staff has completed development of a draft Stormwater Management Program for the Town of Windsor. The Windsor Planning Commission has recommended the program for approval by Town Council.
- The Minerals Management Service is in the process of assembling a Virginia Task Force on Renewable Energy Uses of the Outer Continental Shelf. The HRPDC will be represented by Chairman Bruce Goodson and Eric Walberg, Physical and Environmental Planning Administrator. The first meeting of the Task Force is scheduled for December 8, 2009 at the Virginia Beach Convention Center.
- The Department of Conservation and Recreation Division of Chesapeake Bay Local Assistance (DCBLA) has developed an updated matrix on the Compliance Evaluation Process. The draft matrix will be posted to the DCBLA web site in the next few days. A meeting of the Chesapeake Bay Implementation Subcommittee will be scheduled in January to review the matrix with DCBLA staff.
- The Study Plan for the Regional Bacteria Study has been finalized, and a letter agreement between HRSD and HRPDC has been signed to facilitate transfer of funds from the participating localities to the researchers. Contracts between UNC and Virginia Tech and HRSD have also been executed. It is expected that field surveys will begin in January/February 2010, tracer screening will take place in the spring, and bacteria sampling will begin in June.

Attachment

B. Directors of Utilities Committee Meeting

The Directors of Utilities Committee met on December 2, 2009. The Committee received briefings on the following:

- The Directors of Utilities Committee endorsed the staff recommendation for expanding the FOG program, including a consultant effort for web-based training for Food Services Establishment (FSE) employees and grease haulers. This effort falls under the requirements of an effective Management Operations and Maintenance (MOM) Program as a part of the Regional Special Order by Consent with DEQ.
- The new website, www.fatfreedrain.org, is up and running. Tips and information appeared in the two major daily newspapers regarding turkey frying and grease disposal. Television and radio ads will be running through the holiday season. Social media audiences continue to grow.
- Mr. Clarence Warnstaff presented a summary of the Virginia Water and Wastewater Agency Response Network (VA WARN) and demonstrated some of the features of the new website. Several Hampton Roads localities indicated that they intend to join the network and sign the Mutual Aid Agreement.
- Mr. Dan Horne, VDH, provided an update on the Groundwater Rule which went into effect on December 1, 2009.
- The Directors of Utilities Committee asked staff to draft a letter to the State Water Commission in opposition to the proposed bill that would link surface water permits to the state water resources plan. Specifically, the proposed bill states "The State Water Control Board shall....issue a Virginia Water Protection Permit if it has determined that the proposed activity is consistent with the provisions of the Clean Water Act, the State Water Control Law, and the state water resources plan required by subsection B of 62.1-44.38:1, when the proposed activity is the withdrawal of surface water, and will protect instream beneficial uses". Following Committee review of the draft letter, it will be included on the agenda for consideration at the HRPDC Quarterly Commission meeting in January.

C. Emergency Management Project Update

House Joint Resolution 155

The final report has been completed and will be submitted upon approval from the Commission to the General Assembly. See Agenda Item #8.

Debris Management

No new activity this period.

Hampton Roads Regional Jail and Inmate Evacuation

No new activity this period.

Hampton Roads Tactical Regional Area Network (HRTacRAN)

The EM Administrator continues to work with the Hampton Roads Interoperability Communications Advisory Committee (HRICAC) in an effort to facilitate an RFP for the HRTacRAN follow-on service and maintenance procurement. Engineering Associates, Inc. has completed the bid specification and the RFP will be released through HRPDC during December. A potential funding source resolution has been identified. The Department of Homeland Security (DHS) has provided updated guidance and authorization on utilizing grant funds for maintenance and service contracts for those capabilities developed with previous and/or current homeland security grant funds. The new challenge will be identifying a method to reallocate current grant funds to this maintenance and service contract before awarding a contract. The EM Administrator will work with the HRICAC, Urban Area Working Group and Virginia Department of Emergency Management (VDEM) to ensure funds are reallocated and properly used in accordance with DHS guidelines.

FY 2010 Healthcare Organization Emergency Preparedness Seminars (HOEPS)

The Emergency Management staff continues to make progress in developing this seminar with public health partners and multiple health care organizations. The dates for this event are May 6 on the Peninsula and May 7 in Virginia Beach. Venues for this event are being vetted for selection.

Hazard Mitigation Planning

The Emergency Management staff has completed and submitted the Pre-Disaster Mitigation grant applications to VDEM for the Southside Hampton Roads Hazard Mitigation Plan, the Franklin Hazard Mitigation Plan and the Southampton Hazard Mitigation Plan. VDEM has entered the applications in the Federal Emergency Management Administrations grant portal and submitted the applications formally. Notification of an award is expected in the spring of 2010.

Regional Catastrophic Planning Grant Program (RCPGP) Support

The Emergency Management staff continues to support the Regional Catastrophic Planning Team for the three workgroups to ensure existing projects and data are integrated. Due to the Nor'easter, most activities planned in mid to late November were curtailed at the request of the Emergency Managers. Activities in December have resumed.

Urban Area Security Initiative (UASI)

The Emergency Management staff continues to support the Hampton Roads Urban Areas Security Initiative (UASI) Grant Program for the Urban Area Working Group (UAWG). Recently, the Federal Emergency Management Agency (FEMA) has examined the issue of sustainment as it relates to purchasing maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees with preparedness grant funding. Effective immediately, the use of FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees is allowable under all active and future grant awards, unless otherwise noted. We have been reminded to be sensitive to supplanting issues. Maintenance contracts,

warranties, repair or replacement costs, upgrades, and user fees previously purchased with State and or local funds cannot be replaced with Federal grant funding. The intent of this is to provide direct support to the critical capabilities developed using FEMA preparedness grants and other DHS support activities. Routine upkeep (i.e. gasoline, tire replacement, routine oil changes, monthly inspections, grounds and facility maintenance etc.) is the responsibility of the grantee and may not be funded with preparedness grant funding.

Hampton Roads Medical Special Needs WebEOC Implementation Update (FY 2007 & FY 2008 UASI Project)

The implementation of WebEOC within Hampton Roads is part of a larger UASI funded regional initiative to expand and enhance emergency preparedness planning and outreach related to the region's population with special needs. A conduit from the developing Hampton Roads Medical Special Needs Registry at www.hrspecialneeds.org, to each city/counties instance of WebEOC, has been completed. The final phase of testing the website registry and conduit is now being conducted with a small group of Special Needs citizens to ensure the system is fully functional. A public outreach plan is in development and is expected to be implemented in early 2010, advertising the website and registry after the Commission and local government representatives and stakeholders have been briefed by the Emergency Management staff.

Maritime Security and Response (FY 2007 UASI Project)

The Emergency Management staff working with the Area Maritime Security Committee (AMSC), VDEM, and a contractor (CRA) completed a Tabletop Exercise (TTX) on November 10, 2009. The purpose of the TTX was to examine and discuss policies, procedures and coordination of a port response to a major disruption of maritime business in Hampton Roads and port recovery operations. The exercise was considered very successful as noted by the Captain of the Port. An after action report is being developed.

Multi-Region Target Capabilities Assessment (FY 2008 UASI Project)

The Emergency Management staff, on behalf of and in cooperation with the Hampton Roads and Central Virginia UASI regions, provide program management support for the development and hiring of a contractor for a Target Capabilities Assessment (TCA), through the UASI Grant program. Currently, a detailed listing of regional critical infrastructure is being compiled to complete the risk verification analysis for this region.

Pet Sheltering Support (FY 2009 UASI Project)

No new activity this period.

First Responder Authentication Credential (FRAC)

The Emergency Management (EM) staff continues to foster the First Responder Authentication Credential (FRAC) pilot program in Hampton Roads initiated and lead by the Governor's Office of Commonwealth Preparedness (OCP) through State Homeland Security Grant funds. Current efforts are focused on completing the contracting process to initiate the program.

Critical Infrastructure/Key Resources (CI/KR)

Strategic planning by the Emergency Management staff for the development of a regional Critical Infrastructure and Key Resources (CI/KR) program is on-going in coordination with the Office of Commonwealth Preparedness (OCP) Critical Infrastructure Protection Coordinator. The development of a cooperative agreement/contract with UVA and JMU for support is in progress. Also, the identification of members for the steering committee is being vetted with OCP.



November 19, 2009

Mr. Joseph H. Maroon, Director
Department of Conservation and Recreation
203 Governor Street, Suite 302
Richmond, VA 23219

Dear Mr. Maroon:

The members of the Hampton Roads Planning District Commission (HRPDC) commend the Department of Conservation and Recreation (DCR) on conducting such a thoroughly vetted public discussion of the evolving Virginia Stormwater Regulations. Our Commissioners and staff have been fully engaged at every opportunity, and we greatly appreciate yet another occasion to voice our concerns about the impact of these Regulations on development costs, water quality and local governments all in a time of economic crisis.

At its Executive Committee meeting on November 18, 2009, the HRPDC acted to endorse the attached positions and comments reflecting its discussion of the technical issues raised by Commissioners, the HRPDC staff and members of the Regional Stormwater Management Committee. The HRPDC believes that these technical and financial concerns must be addressed in order to ensure that future long-term local government compliance with Municipal Separate Storm Sewer System (MS4) permits and the Chesapeake Bay TMDL is not jeopardized by unachievable standards.

The Commission requests that DCR extend the current suspension of the regulations for at least an additional six months, thereby delaying the effective date of the regulations until January 1, 2011. The addition time should be used to accomplish the following items:

1. Contract for additional economic analysis for the regulations as they are now amended.
2. Conduct an analysis of land consumption and associated impacts of the additional BMP requirement on development and redevelopment.
3. Develop guidance documents on what constitutes a qualifying local program, a framework for local buy-down programs and a template for acceptable watershed plans.

Mr. Joseph H. Maroon
November 19, 2009
Page 2

Although the Hampton Roads Planning District Commission and the members of the HRPDC Regional Stormwater Management Committee believe that considerable progress has been made in developing a regulatory system to address the water quality and quantity issues associated with stormwater, we cannot support the Regulations as currently proposed for the reasons stated above. Attached is an extended list of technical concerns and recommended revisions to the proposed Regulations.

We look forward to continue working with DCR to address the above-noted concerns and to continue improving the regulations to the benefit of the Commonwealth.

Sincerely,

A handwritten signature in cursive script that reads "Dwight Z. Farmer".

Dwight Farmer
Executive Director

JBH/fh

Attachment

cc: L. Preston Bryant, Jr., Secretary of Natural Resources
Hampton Roads General Assembly Delegation

COMMENTS OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION ON VIRGINIA STORMWATER MANAGEMENT PROGRAM REGULATIONS (4VAC50-60, OCTOBER. 26, 2009 VIRGINIA REGISTER OF REGULATIONS)

Introduction:

Over the past five years, the Soil and Water Conservation Board (SWCB) and the Department of Conservation and Recreation have pursued an ambitious and aggressive program to enhance and strengthen Virginia's ability to manage stormwater in order to improve water quality. The Hampton Roads Planning District Commission and its member localities have been and remain active in all phases of this effort. The HRPDC appreciates the steps taken by the SWCB and the Department to involve stakeholders in this initiative and to address concerns raised by the participants including local governments and the HRPDC.

The HRPDC understands that the rationale for the variety of state regulatory initiatives, including the proposed Stormwater Management Regulations, is to maintain, restore and enhance water quality throughout the Commonwealth. The HRPDC and its member localities concur with the importance of these goals as essential to the economic prosperity and quality of life and, in fact, through both regulatory requirements and locally-driven efforts are pursuing many innovative and often expensive programs to achieve these goals. Although substantial improvements have been made to the Regulations, the HRPDC remains concerned about the impact of several provisions on the localities, when these provisions are viewed in the broader context of stormwater permits and TMDL requirements.

At its Executive Committee Meeting of November 18, 2009, the Hampton Roads Planning District Commission adopted the following comments on the proposed Stormwater Management Regulations and urges the Soil and Water Conservation Board to address them prior to final adoption of the Regulations.

Key Issues Still Needing Attention:

Regulation and Permit Consistency

The regulations should be consistent with the Municipal Separate Storm Sewer System (MS4) permits—and future permits should be consistent with the regulations. Localities are subject to two sets of requirements issued by the Soil and Water Conservation Board (SWCB) and the Department of Conservation and Recreation (DCR), namely (1) the Regulations at issue today and (2) the Virginia Stormwater Management Permits for Municipal Separate Storm Sewer Systems (MS4s) (both Phase I MS4 Individual Permits and the Phase II MS4 General Permit). The Regulations and MS4 Permits must be consistent with and support each other. Inconsistencies will lead to non-compliance beyond the reasonable control of the MS4 locality.

Need for buy downs to be kept local & phosphorus reductions to be credited locally . . .

The HRPDC strongly urges the SWCB to require utilization of a local buy-down program where one exists, regardless of the fee charged. This would help to ensure that the pollution mitigation is happening where the pollution impacts are occurring. Similarly, the associated phosphorus reductions should be credited locally to assist localities in meeting the onerous Total Maximum Daily Load (TMDL) requirements necessary to improve the health of the Chesapeake Bay and other impaired waters. Where a local buy-down program does not exist, the state should invest buy-down revenue near the location of the land disturbing activity, so that the subsequent run-off is mitigated within the Hydrologic Unit or MS4 permit locality whenever possible. This also supports permit compliance.

Appropriateness of the \$23,900 per pound for the buy down

The amount of \$23,900 has been established in the regulations essentially as a cap for the buy down option. It is understood that this is a national average established in a report developed by EPA; this report does not demonstrate nor provide documentation that would validate the appropriateness of this figure. That aside, buy down programs should be based on regional cost factors rather than a flat fee approach.

Request a 180-day delay in the effective date - make the regulations effective on January 1, 2011. Delay of the effective date would then result in new local program adoption and approval dates ranging from January 1, 2012 to April 1, 2012.

There is great concern from the development community, as well as elected officials, that the more stringent requirements in these regulations, compounded with the current state of the economy will effectively shut down any form of development in the Commonwealth. The HRPDC strongly urges the SWCB to extend suspension of these regulations for at least an additional six months, thereby delaying the effective date until January 1, 2011. Other dates specified in the regulations should also move 180 days out.

Permit Application & Maintenance Fees

The Phase II localities in Hampton Roads are vehemently against the 27 fold increase in permit application and maintenance fees. While the HRPDC member localities realize the most recent version of the regulations reflect an overall decrease in fees for Phase II permits, the increase from prior years is still too much to absorb in the current local government budgetary climate. The total cost of a Phase II MS4 permit was \$600. The total cost under the new regulations will now be \$16,000, which is nearly a 3000% increase in cost over the life of the permit.

Lack of Guidance Documents

Several portions of the regulations will require extensive guidance to clarify what is expected by the state for the following:

- Qualifying local programs
- Buy down programs
- Acceptable watershed plans

HRPDC proposes taking a regional approach to developing a model for each of these components of the stormwater program, which will allow some flexibility by providing templates for these new initiatives that can be tailored to meet local and regional needs and priorities.

A new economic analysis of the impacts of the regulations as currently promulgated should be conducted by DCR.

Numerous changes have been made to the regulations since the economic analysis was conducted by Virginia Tech for the Department of Conservation and Recreation. Those changes will have a very real impact on the cost of compliance for both developers and local governments and more information is needed as localities develop their budgets in these tight economic times.

Analysis of available land for both BMPs and mitigation sites should be conducted and prioritized to ensure the best use of resources gathered from the buy-down option.

Greater use of BMPs will be needed to ensure appropriate phosphorus reductions when developing property. More BMPs require more acreage. Similarly, the buy-down option will necessitate best management practices and mitigation projects be sited, also requiring more available land. This can be especially problematic for built-out communities. An analysis of land consumption on representative sites—large and small, greenfields and redevelopment—using both the current and proposed regulations would be helpful in evaluating the full impact of these regulations and in siting both regional BMPs and mitigation projects resulting from buy-downs.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #11: FOR YOUR INFORMATION

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #12: OLD/NEW BUSINESS