HAMPTON ROADS PLANNING DISTRICT COMMISSION
2015 LEGISLATIVE AGENDA

In preparation for the 2015 Session of the Virginia General Assembly, the Hampton Roads Planning District Commission has adopted this 2015 Legislative Agenda. It outlines, based on ongoing HRPDC projects, prior HRPDC legislative positions and work of the region's localities, a series of issues that warrant regional attention during the upcoming legislative session.

WATER RESOURCES

Water Quality Funding

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

Chesapeake Bay Watershed Improvement Plan (WIP) Funding

The HRPDC urges the General Assembly to increase funding to meet the goals established by Virginia's Chesapeake Bay WIP. HRPDC encourages the General Assembly to approve a third appropriation for the Stormwater Local Assistance Fund and increase the funding to $50M for FY16. The Fund should set aside up to 10% of the appropriation to support research and innovative BMPs to identify more cost effective methods of meeting the Chesapeake Bay TMDL requirements.

In addition, HRPDC requests that the General Assembly issue a legislative directive to evaluate voluntary water quality programs for effectiveness and to assess whether or not they are adequately funded to meet the WIP goals.

Sea Level Rise & Climate Change

The HRPDC supports the efforts of the General Assembly study committee regarding climate change and recurring flooding issues and requests that the Governor create a cabinet level position of Resiliency Officer to coordinate efforts relating to sea level rise and climate change.

Uranium Mining

In September 2012, the HRPDC adopted Resolution 2012-02 reaffirming its opposition to uranium mining and to the lifting of the moratorium on uranium mining. Based on review of the several scientific studies that have been completed and the ongoing work of the state's Uranium Mining Work Group, the HRPDC does not believe that an adequate

regulatory framework to address mining operations and waste disposal is either in place or likely to be developed and funded. The Hampton Roads region is dependent upon water from Lake Gaston as an integral component of the region's water supply. A catastrophic incident associated with uranium mining upstream from Lake Gaston, while of small probability, would result in enormous and unacceptable adverse consequences to this region.

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

Virginia Stormwater Management Program

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

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

Well Construction Data

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

Groundwater Permitting

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

Water Resources Study

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

(1) Extent to which ground and surface water consumption is unsustainable, the impact of any unsustainable consumption, and the risk for overconsumption in the future;

(2) Effectiveness of the state's permitting process for ground and surface water withdrawals;

(3) Effectiveness of state and local water resource planning;

(4) Adequacy of the funding and staff for managing Virginia's water resources; and

(5) Need for strategies and practices to increase current ground and surface water available for consumption.

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

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

Installation of chloride monitoring network for groundwater

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

Establish land subsidence monitoring program

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

Agriculture Programs

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

- Specifically, funding should be provided to meet the goals for the agricultural SL-6 practice to exclude livestock from streams. Agricultural practices are the most cost effective method to reduce nutrients and Virginia needs to provide financial support to encourage implementation and minimize costly urban retrofits. Continue to fund SLAF and allocate at least 10% for urban/innovative BMPs.
- Maintain funding for agricultural best management practices in the Chesapeake Bay Watershed
- Increase funding for agricultural best management practices via the Southern Rivers Watershed Enhancement Program.
- Require Soil & Water Conservation Districts to report installation of agricultural BMPs to localities to assist in meeting TMDL requirements.

Septic Tanks

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

The HRPDC supports the following recommendations:

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

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

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

EMERGENCY MANAGEMENT

Emergency Management Funding

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

Emergency Planning

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

State Support for Readily Deployable Assets

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

Alternate Power for Commercial Fueling Sites

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

Emergency Shelters

Emergency shelter capacity throughout Virginia is insufficient to meet the demand for shelter space in major disasters. In order for localities to increase current shelter capacity, engineering assessments of current and proposed hurricanes shelters need to be conducted to determine their wind rating, and additional staff and essential supplies must be acquired to support new shelters. The HRPDC supports legislation to provide funding to localities to enable them to conduct engineering assessments and acquire resources necessary to increase current shelter capacity.

Flooding & Sea Level Rise

Flooding and Sea Level Rise pose a substantial risk to the Commonwealth of Virginia. The geographic extent of the impact, and the potential and perpetual loss of land and revenue, touch the entire coast of the Commonwealth and beyond. The breadth of impact among localities, individual homeowners, the environment, businesses, the economy and national security is formidable. As such, the HRPDC supports recommendations as listed in the "Recommendation to the Secure Commonwealth Panel on the Issue of Sea Level Rise and Recurrent Flooding in Coastal Virginia Report."

ECONOMICS & HOUSING

Economic Development

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

Virginia Housing Trust Fund

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

FREEDOM OF INFORMATION ACT ISSUES

Advertising of Required Public Notices

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

FOIA Requirements

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

FEDERAL FACILITIES

The Hampton Roads region relies significantly on the defense sector. Proposals are moving forward from Hampton Roads localities to maintain state support for the industry and for protection of existing facilities.

To assist its member localities to ensure the continued viability of the defense presence in Hampton Roads, the HRPDC supports proposals to:

- Maintain state funding for the land acquisition program supporting mitigation of encroachment around NALF Fentress in Chesapeake and Joint Base Langley-Eustis in Hampton.

- Amend legislation governing the Federal Action Contingency Trust (FACT) Fund to clarify that such funds are to be used to encourage business growth and protect existing military resources and use of these funds is not contingent upon a new Base Realignment and Closure (BRAC) round or BRAC-like action.

- Ensure that DoD encroachment concerns are given full consideration when making onshore and offshore land use decisions affecting military bases in Hampton Roads. Specifically, carefully monitor all onshore and offshore energy proposals; support the development of any needed JLUS and all anti-encroachment activities.

EDUCATION

Higher Education

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

K-12 Education

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

MISCELLANEOUS

Recycling Requirements

Each locality in the Commonwealth, individually or through a regional collaboration, is required to achieve a 25% recycling rate. A key constraint to local ability to achieve or

exceed this recycling rate has been the lack of markets for the materials as well as access to industries that recycle or reuse the material. Recycling is an economic development tool as well as an environmental tool. Despite increased public awareness of the benefits of recycling, beverage container recycling has been declining in recent years, while the amount of beverage containers that are being sold and consumed has increased over time.

The HRPDC supports legislation that would:

- Grant localities the authority to require certain businesses to recycle glass.

- Prioritize incentives to businesses that recycle materials, such as glass, paper and electronics, while concurrently providing new employment opportunities.

Plastic Bags

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

Balloon Releases

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

- The General Assembly is requested to limit the release of balloons to ten (10) or less for those balloons which are (i) made of a non-biodegradable or non-photodegradable material which requires more than five minutes of contact with air or water to degrade and (ii) inflated with a substance which is lighter than air.
- Further, the HRPDC requests that any persons in violation be liable for a civil penalty no to exceed five dollars per balloon, which shall be paid to the Lifetime hunting and Fishing Endowment Fund.
- These provisions shall not apply to any balloons released for scientific or meteorological purposes or hot air balloons that are recovered after launch.

Increase Funding to PDCs

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

Unfunded Mandates

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