

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #1: MINUTES OF JANUARY 21, 2009

Minutes of the January 21, 2009 meeting are attached.

Attachment

RECOMMENDED ACTION:

Approval.

Hampton Roads Planning District Commission
Quarterly Commission Meeting
Minutes of January 21, 2009

The Quarterly Commission Meeting of the Hampton Roads Planning District Commission was called to order at 11:45 p.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

Commissioners:

Bruce C. Goodson, Chairman (JC)	Sanford B. Wanner (JC)
Stan D. Clark, Vice Chairman (IW)*	Joe S. Frank (NN)
James O. McReynolds, Treasurer (YK)	Sharon Scott (NN)
Amar Dwarkanath (CH)	Paul D. Fraim (NO)
Clifton E. Hayes, Jr. (CH)*	Barclay C. Winn (NO)*
Alan P. Krasnoff (CH)	Kenneth L. Chandler (PO)
Brenda G. Garton (GL)	Douglas L. Smith (PO)
Gregory Woodard (GL)	Selena Cuffee-Glenn (SU)*
Randall A. Gilliland (HA)	Tyrone W. Franklin (SY)
Jesse T. Wallace, Jr. (HA)*	Robert M. Dyer (VB)*
Molly Joseph Ward (HA)	William D. Sessoms, Jr. (VB)*
	Jackson C. Tuttle II (WM)

*Late arrival or early departure.

Others Recorded Attending:

Keith Cannady - Hampton; Patrick Small, Beverly Walkup - IW; Jeff Raliski - Norfolk; George Brisbin - Portsmouth; Eric Nielsen - Suffolk, Terry Boothe, John Gergely - Private Citizens; Richard Lockwood - VHB; Phil Hubbard, Ted Henifin - HRSD; Josh Gillespie - FMFADA; Martha McClees - Virginia Beach Vision; Ellis W. James - Sierra Club Observer; Dana Dickens - HRP; Peter Huber - Willcox & Savage; Germaine Fleet - Biggs & Fleet. Staff: Dwight Farmer, Richard Case, John Carlock, James Clary, Nancy Collins, Richard Flannery, Marla Frye, Kathlene Grauberger, Greg Grootendorst, Emilie Helms, Julia Hillegass, Frances Hughey, Jim Hummer, Robert Jacobs, Whitney Katchmark, Brett Kerns, Ben McFarlane, Kelli Peterson, Joe Paulus, Camelia Ravanbakht, Jenny Tribo, Joe Turner and Chris Vaigneur.

Consent Agenda

The Consent Agenda contained the following items:

Minutes of December 17, 2008

Treasurer's Report

Regional Reviews

- A. PNRS Items (Initial Review)
- B. Environmental Impact Assessment/Statement Review

GPC Green Energy, LLC MW Landfill Gas-to-Energy Generation Facility, PUE 2008-00085, State Corporation Commission; Suffolk

Franklin Municipal Airport Form C EA to Acquire Land for Runway Protection Zone, FAA; Isle of Wight

Oak Crest at Battlefield Apartments; US HUD; Chesapeake

Disposition of DOE Excess Depleted Uranium, Natural Uranium, Low-Enriched Uranium, U.S. Department of Energy; HRPDC

Contract – Gloucester County Comprehensive Plan

New HRMPO Staff Position: Public Involvement and Community Outreach Administrator

Hampton Roads Economic Quarterly

(Comr. Dyer departed.)

Mayor Fraim Moved to approve the Consent Agenda; seconded by Comr. McReynolds. The Motion Carried.

Hampton Roads Performs Regional Profile

Mr. Greg C. Grootendorst, HRPDC Chief Economist, stated the PDC approved a request for development of a regional profile for a Hampton Roads Performs website. He explained it is a list of several performance indicators unique and specific to the region and emulates the statewide website produced by the Council on Virginia's Future. Hampton Roads was designated as the first region and the Hampton Roads Partnership will publish the site that will be released by the Governor beginning in April.

He stated the contents of the profile include a historical overview, demographic information, gross product, employment, unemployment and quality of life indicators specific to Hampton Roads. The regional profile is designed to be an adaptive document that can be readily updated or restructured as needed once it is online. Mr. Grootendorst concluded and asked the Board to approve the regional profile for distribution.

Comr. Clark Moved to approve the document for distribution; seconded by Comr. Smith. The Motion Carried.

(Comr. Winn departed.)

Sanitary Sewer Overflow Consent Order - Status Report

Mr. John M. Carlock, Deputy Executive Director, provided an update on the status of activities underway in response to the Regional Sanitary Sewer Overflow Consent Order.

Some major accomplishments have been achieved and he reviewed that the Regional Consent Order with the Department of Environmental Quality (DEQ) was approved in September 2007 and the localities have made good progress since that time.

Regionally, the localities and HRSD are complying with the Consent Order and are meeting deadlines. The EPA and Department of Justice (DOJ) continue to engage HRSD in discussions and negotiations. They are paying close attention to activities in the region to ensure the region meets all deadlines. It is the consensus of the utility directors and legal team that the best defense for the localities to avoid EPA and DOJ enforcement is to continue complying with the state order.

Mr. Carlock reviewed an outline of major consent order activities and a timeline showing their progress in meeting the deadlines. Another slide was shown with the activities and the approximate regional costs. He added that the regional cost estimate figures are becoming firmer based on actual regional experience. He noted that the amount shown for the Rehabilitation Plan/Regional Wet Weather Management Plan is the estimated cost of preparation, not the cost to actually implement the plan once it is developed.

Another slide revealed the approximate costs to date in studies and technical work as well as the estimates on the repair and fix work, and long term capital costs to implement the Regional Wet Weather Management Plan is finished.

Mr. Carlock then discussed the goals of the Sanitary Sewer Evaluation Survey program (SSES) to develop the data required to determine what is necessary regionally to return to compliance on the sanitary sewer overflow issue: develop the data, develop a prioritized regional program, and determine what is required in each of the basins to get peak flows down to an acceptable threshold.

He displayed a chart outlining the number of sewer basins within each community that have been identified as needing detailed sewer system evaluation surveys. The chart also depicts the percentage those basins comprise of all sewer basins within each community. With just a few exceptions, most of the percentage figures range between 60-80 percent which means there is more evaluation and field work than originally anticipated.

The rehab plan must assess the feasibility and cost effectiveness of reaching the peak flow threshold. It will provide an affirmative commitment from each locality to the regional system. These commitments will have an impact on the costs and EPA/DOJ will require a post implementation performance assessment system to be in place.

There are additional considerations of related costs in looking at the overall regional costs. They include the MOM commitments, the Management, Operation and Maintenance Plan submitted in December, to enhanced O&M practices and system improvements citywide, countywide and regionwide as opposed to the individual basins identified through the detailed surveys. The fats, oils and grease program is a key component of the MOM effort and is something each locality should proceed with developing.

To conclude, Mr. Carlock stated that work is proceeding but the costs of the next phase are higher than originally anticipated. The consent order costs will have a significant impact on budgets and rates for years to come. Some of the estimates show that many of the localities will need to consider double digit wastewater rate increases over several years to

come. The effort is challenging and work must still be done to develop the plan to fund the work over and above the rate increases. Mr. Carlock reiterated that maintaining the compliance with the State Order of Consent is the best defense in avoiding an EPA/DOJ action on the region. The compliance costs are in addition to any costs HRSD might incur to upgrade sewer treatment plants to meet Chesapeake Bay requirements.

Mr. Carlock concluded by asking that the briefing be accepted and refer this and subsequent staff briefings to the localities and HRSD for consideration.

Mayor Frank asked what the consequences would be if not enough communities can raise the funds to reach compliance on a regional basis.

Mr. Carlock replied if there are any jurisdictions that fall out of compliance, both civil and criminal penalties are associated with that.

Comr. Smith Moved to accept the briefing and provide information to the affected localities for consideration; seconded by Comr. Cuffee-Glenn. The Motion Carried.

2009 Economic Forecast

For more than two decades, the PDC Economics Department prepares an annual forecast in January of each year. Mr. Greg C. Grootendorst, Chief Economist, was asked to review the forecast.

Mr. Grootendorst reviewed that several events have contributed to the current state of the economy. Factors such as easy access to credit and low mortgage rates led to the housing boom that was spurred on by investors with ample liquidity. Rising home values made the market even more flush with cash as homeowners cashed in on their equity and increased their consumption. Then the housing values declined, equity diminished, mortgage defaults increased and the flawed securities market became evident. Credit immediately tightened, consumer confidence dropped, followed by consumer spending, business investment slowed, employment decreased and unemployment rates increased. The National Bureau of Economic Research officially declared the country has been in a recession since December 2007. Many economists expect the recession will continue to late 2009 making this the worst economic downturn since the Depression.

He outlined housing values, credit, consumer confidence and employment graphs explaining the nation's lack of confidence in the economy.

The Department of Defense (DOD) accounted for about one-third of Hampton Roads' gross product with DOD expenditures topping \$15.6 billion in 2007. Defense spending should increase approximately 4.5 percent over the next year. With DOD spending being the greatest contributor to the Hampton Roads economy, it is comforting to know it has been consistently increasing for some time.

(Comr. Clark departed.)

A map of the U.S. from the Philadelphia Federal Reserve Board was displayed to compare each state's economic status to that of the rest of the country. The map depicts Virginia as doing relatively well compared to the nation and although the Federal Reserve Board indicates with the most recent release that Virginia is not in recession yet, other indicators

suggest it is headed towards recession. He added that Hampton Roads and several other regions are doing well compared to the nation which is contributing to the Commonwealth's growth.

Mr. Grootendorst stated Hampton Roads did not experience the 2001 recession that the U.S. did. The region experienced employment growth during that recession and benefited from defense expenditures over that time, explaining the drastic difference between Hampton Roads and the U.S. This has been one of the few regions able to continue to add jobs while the U.S. has been losing jobs since December 2007.

Hampton Roads has one of the lowest unemployment rates of any Metro area in the U.S. He noted that military personnel are not included in unemployment rates so the graph is overstating the region's unemployment rate. The unemployment rates are beginning to creep up for some of the same reasons as the nation, declining retail sales and vehicle sales, slowing of tourism, etc.

The ports have experienced extended growth for sometime but marked their first decrease in 20 years. The cheap dollar helped to get exports from other parts of the U.S. into the region for transport but it hurt imports. The reduced global demand that has been part of this recession is also reflected at the ports.

When looking at the housing market, builders pulled back rapidly at the first sign of weakness in the market. A decline is expected in the region in housing sales until the inventory of existing housing is reduced which is currently at about one year's worth of housing on the market.

Mr. Grootendorst stated the consensus for the national forecast is the recession will continue through late 2009 with a slow recovery that will continue to the end of 2010. The forecast for Hampton Roads is there will be an expected growth of about .5 percent for 2009 which would come from military defense spending. However, by the end of the year, a greater number of job losses will be experienced and the unemployment rate will creep up to 5.8 percent. Civilian employment will still grow but at a slower rate. Retail sales and auto and truck sales will continue to decline. The value of single-family residential building permits will decline at a rate of 19 percent. Hotel revenues will also decline in the coming year by 3.2 percent.

(Mayor Sessoms departed.)

He summarized that according to national forecasters, housing prices are expected to bottom out in late 2009 with foreclosures peaking early in 2010. Employment is expected to bottom out early in 2010 as well, and unemployment is expected to peak in mid-2010. Housing prices will hopefully begin increasing again in late 2010.

Mr. Grootendorst concluded the base economy of the U.S. is still fundamentally strong, so moving forward should not be as bad as some might expect. He offered to answer questions.

Mayor Fraim asked if the stimulus package information could be included in the forecast and the results provided at a future meeting.

Mr. Grootendorst replied once the details of the stimulus package unfold, he would review that information.

Chairman Goodson commented it is a fact that typically during a democratic administration there is less military spending. He asked what a reduction in military spending might have on the regional economy.

Mr. Grootendorst answered that a reduction in defense spending could be devastating to the region which is why so many regional economists are fearful to forecast beyond the year since nobody knows what will happen with those defense dollars.

Mayor Krasnoff Moved to approve the release of the 2009 Economic Forecast; seconded by Mayor Fraim. The Motion Carried.

Stormwater Management Program: Permit Status and Issues

Ms. Julia B. Hillegass, Senior Environmental Planner, was introduced to provide the status of the regional stormwater management program, the MS4 Permits and the evolving state regulations.

Ms. Hillegass reviewed a map of the region outlining the Phase I localities that have had individual permits since 1996. The localities depicted as Phase II communities were covered by state issuance of a Municipal State Storm Sewer System or MS4 general permit. She explained the delineation between the two phases was based on population thresholds which worked as a means for prioritizing statewide program implementation.

The PDC completed the development of a stormwater program for the Town of Smithfield and is working on a similar program for the Town of Windsor. Both programs were developed voluntarily ahead of requirements associated with House Bill 1177. The Counties of Gloucester and Surry will also be required to develop stormwater programs.

She displayed the list of goals for the Stormwater Management Committee which has remained the same for the past decade. Addressing citizen concerns is still viewed as the priority for the program with cost-effective and flexible solutions being a key element to making that happen.

(Comr. Hayes departed.)

Ms. Hillegass reviewed key regulatory dates, adding it is expected that all six of the Phase I communities will be reissued permits this calendar year. Final stormwater regulations are targeted for September 2009. She added that January is the scheduled release date for permits for three of the Phase I localities to be offered for public review and comment. EPA then has two to three months for review and negotiation. Unfortunately, new state programs include increased requirements and increased costs. She displayed a table outlining the cost increases for the new program.

The permits have changed during reissuance and the requirements have become more stringent. Phase II localities have completed the reissuance process. With the help of PDC staff, they have developed their MS4 plans and submitted them to DCR. No timeline has been provided for feedback on those plans from the state.

Parallel efforts have been coordinated by DCR during this permit work. A Technical Advisory Committee (TAC) has worked on technical criteria and fees, as well as issues associated with local program delegation. Separate TACs were established to review issues related to Construction General Permits and a revised Best Management Practices Handbook to be available online. The region has been represented on all the TACs by local government and/or PDC staff and will continue to monitor the efforts. DCR hired a consultant to complete an economic impact analysis for the regulations which has just been released to the public.

Ms. Hillegass reviewed that the bulk of the requirements of the stormwater regulations fall into four categories: Procedural, Water Quality, Public Education/Participation and TMDLs. She reviewed details on each of these requirements.

Regional activities include:

- Memorandum of Agreement renewal
- Permit Administration and Reporting System (PARS) - Streamline reporting and integrating data into the DCR reports
- Program Refinements - Staff will be developing a preferred monitoring protocol for water quality monitoring requirements
- Regional Training Program - Regional training is coordinated on both the Peninsula and Southside for the convenience of locality staffs
- Regulatory Participation - The Committee has participated in development of comments submitted by both staff and this body as appropriate to the regulatory process. Local and regional staffs continue to maintain a presence on all state TACs.

The implications to Hampton Roads of the enhanced cooperation and additional regulatory requirements includes positive benefits such as improved water quality, improved stormwater management, improved development practices, revenue from permit fees and improved quality of life. The risks include expenses associated with new programs, link to numerical limits in TMDL, increased scrutiny, increased development costs and increased costs.

Ms. Hillegass concluded by asking the Commission to accept the regional briefing to be provided to the affected localities for consideration as needed.

Comr. Smith Moved to accept the briefing and provide information to the affected localities for consideration; seconded by Comr. Gilliland. The Motion Carried.

(Comrs. Wallace and Cuffee-Glenn departed.)

Closed Meeting - Personnel

Chairman Goodson requested a motion for a Closed Meeting in accordance with the Virginia Code, Section 2.2-3711.A.1, for the purpose of finalizing the Executive Director's six-month evaluation review.

Treasurer McReynolds Moved for a closed meeting; seconded by Mayor Frank. The Motion Carried.

(CLOSED MEETING)

Upon completion of the Closed Meeting, Mayor Fraim Moved that the Hampton Roads Planning District Commission's Executive Committee hereby certifies that, to the best of each member's knowledge: (i) that only public business lawfully exempted matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body; seconded by Treasurer McReynolds; the Motion Carried.

Chairman Fraim Moved that the Executive Director's salary be raised to where the previous Executive Director was and his base salary be increased to \$166,726 which is commensurate with the earlier discussions of his initial employment; seconded by Treasurer McReynolds. The Motion Carried.

Project Status Report

No questions or comments were noted.

For Your Information

No questions or comments were noted.

Old/New Business

Discussion was held regarding the length of the HRMPO meeting and whether the HRPDC meeting should be held first to avoid having the Commissioners waiting when the meeting is delayed. It was noted that the original change of meeting times was to accommodate the public so they would know the exact time to be at the meeting if they wished to make a public comment for the record. It was agreed to leave the meeting times unchanged and strive to finish the meetings on time.

Adjournment

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 12:53 p.m.

Dwight L. Farmer
Executive Director/Secretary

Bruce C. Goodson
Chairman

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #2: TREASURER'S REPORT

**FISCAL YEAR 2009
JANUARY 31, 2009
BALANCE SHEET**

ASSETS		LIABILITIES & NET ASSETS	
Cash & Cash Equivalents	241,269	Current Liabilities	549,433
Accounts Receivables	1,267,046	Net Assets	5,238,634
Investments	2,730,866		
Other Current Assets	664		
Net Capital Assets	<u>1,548,222</u>		
Total Assets	<u>5,788,067</u>	Total Liabilities & Equity	<u>5,788,067</u>

STATEMENT OF REVENUES AND EXPENDITURES

REVENUES	Annual Budget	Current Month	YTD
Grant and Contract Revenue	6,628,705	778,142	2,740,426
VDHCD State Allocation	275,106	22,925	160,476
Interest Income	55,000	5,760	44,165
Local Jurisdiction Contributions	1,341,946	335,487	1,006,460
Other Local Assessment	2,319,772	397,743	1,156,350
Sales and Miscellaneous Revenue	50,584	6,716	37,767
Total Revenue	<u>10,671,113</u>	<u>1,546,771</u>	<u>5,145,643</u>
EXPENDITURES			
Personnel	3,962,546	323,305	2,101,660
Contractual	185,791	13,448	117,728
Special Contracts	5,505,819	296,803	1,850,123
Operations	785,189	80,115	299,693
Capital Assets	160,000	-	-
Total Expenses	<u>10,599,345</u>	<u>713,671</u>	<u>4,369,203</u>
Agency Balance	<u>71,768</u>	<u>833,100</u>	<u>776,440</u>

**FISCAL YEAR 2009
FEBRUARY 28, 2009
BALANCE SHEET**

ASSETS		LIABILITIES & NET ASSETS	
Cash & Cash Equivalents	270,859	Current Liabilities	509,438
Accounts Receivables	278,254	Net Assets	4,810,381
Investments	3,233,179		
Other Current Assets	664		
Net Capital Assets	<u>1,536,862</u>		
Total Assets	<u>5,319,818</u>	Total Liabilities & Equity	<u>5,319,818</u>

STATEMENT OF REVENUES AND EXPENDITURES

REVENUES	Annual Budget	Current Month	YTD
Grant and Contract Revenue	6,628,705	18,000	2,758,426
VDHCD State Allocation	275,106	22,925	183,401
Interest Income	55,000	2,480	46,644
Local Jurisdiction Contributions	1,341,946	-	1,006,460
Other Local Assessment	2,319,772	-	1,156,350
Sales and Miscellaneous Revenue	50,584	5,552	43,318
Total Revenue	<u>10,671,113</u>	<u>48,956</u>	<u>5,194,600</u>
EXPENDITURES			
Personnel	3,962,546	320,532	2,422,192
Contractual	185,791	14,528	132,256
Special Contracts	5,505,819	108,711	1,958,834
Operations	785,189	33,438	333,130
Capital Assets	160,000	-	-
Total Expenses	<u>10,599,345</u>	<u>477,209</u>	<u>4,846,413</u>
Agency Balance	<u>71,768</u>	<u>(428,253)</u>	<u>348,187</u>

RECOMMENDED ACTION:

Accept the Treasurer's Report.

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. As of March 11, 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 U.S. Navy proposes to construct seven breakwaters and place approximately 120,000 cubic yards of sand fill along the shoreline between the "O" and "E" Beaches at Naval Amphibious Base Little Creek in the City of Virginia Beach. In addition, various species of dune grasses would be planted along the proposed backshore. The plan consists of the construction of four breakwaters with crest lengths of 350 feet and three breakwaters with crest lengths of 250 feet. The breakwaters would be 50 feet wide, no higher than 8 feet above mean sea level and constructed of four-ton armor stone. The gaps between the breakwaters would range from 300 to 800 feet. The breakwaters would be located approximately 100 feet offshore. Construction would take place from the waterway with barges and heavy lifting equipment. The Navy has submitted a federal consistency determination that finds the proposal consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Resources Management Program (VCP) (also called the Virginia Coastal Zone Management Program).

Affected Localities

Finding

Based on this review, the proposal is generally consistent with local and regional plans and policies. City staff has provided additional comments (attached). We concur with their findings.

1-The documentation provided by the Navy incorrectly states that no wetlands will be affected by the project. Under Virginia's Coastal Zone Management Program, wetlands include nonvegetated areas located between mean low water and mean high water; therefore, wetlands will be impacted by the proposed project.

2-While federal activities are technically exempt from needing local wetlands board permits, it is suggested that the Navy contact the City to schedule an informational briefing to the Wetlands Board on the proposed project, as the project is located in an area under the jurisdiction of the Wetlands Board.

3-It is suggested that the Navy coordinate its planned activities with the City's Public Works Department, Coastal Engineering Division, to ensure that the proposed project is coordinated with any planned or projected City activities for the adjoining areas to the east of the project site.

Comments Sent

Final State Comments Received

Date Received 1/26/2009

Number 09-010F

Name Draft Proposed 5-Year OCS Oil & Gas Leasing Program for 2010-2015 & NOI to Prepare EIS

Sponsor DOI/MMS

Description

On behalf of the Commonwealth, DEQ is coordinating the development of comments for the Department of the Interior, Minerals Management Service's request for comments on the Draft Proposed 5-year Outer Continental Shelf Oil and Gas Leasing Program for 2010–2015 (DPP) and Notice of Intent to prepare an Environmental Impact Statement for the proposed 5-year program. The proposal is for a new oil and gas program to succeed the current program that is set to expire on June 30, 2012, and forms the basis for conducting the studies and analyses the Secretary of Interior will consider in making future decisions on what areas of the OCS to include in the program. The response to the DPP is intended to gather information to allow the new Administration to design the program that best fits its assessment of how to balance energy needs and environmental risks and benefits. The DPP proposes a total of 31 OCS lease sales, including Sale 220 offshore Virginia. Pursuant to the National Environmental Policy Act, the MMS also will prepare an EIS for the new 5-year program. The NOI starts the formal scoping process for the EIS, and solicits information regarding issues and alternatives that should be evaluated in the EIS. Finally, the DOI invites other federal agencies, state, tribal, and local governments to consider becoming cooperating agencies in the preparation of the EIS.

Affected Localities HRPDC

Finding

Based on this review, we would like to reiterate the comments made in response to the scoping notice in September 2008. As stated in that letter, energy exploration and development in Virginia's coastal waters have the potential to exacerbate use conflicts in the absence of proper planning. To address these potential use conflicts, it is essential that state and local governments be involved in the planning process associated with the development of the lease program.

Comments Sent 2/24/2009

Final State Comments Received

Date Received 1/26/2009

Number 09-012F

Name Notice of Intent & Call for Geological & Geophysical Exploration on the Atlantic OCS

Sponsor DOI/MMS

Description

DEQ is coordinating the development of comments on behalf of the Commonwealth for submission to the Department of the Interior, Minerals Management Service's Notice of Intent to prepare a Programmatic Environmental Impact Statement and Call for interest for future industry geological and geophysical activity on the Atlantic OCS. The NOI initiates the scoping process for the PEIS and also seeks interest from other federal agencies, and state, tribal, and local governments to consider becoming cooperating agencies in the preparation of the PEIS. Through the scoping process, federal, state, and local government agencies and other interested parties have the opportunity to aid MMS in determining the significant issues and alternatives for analysis in the PEIS. MMS is also using the NOI to solicit information from industry on any potential interest for future geological and geophysical activities on the Atlantic OCS, including seismic surveys, side-scan sonar surveys, all types of electromagnetic surveys, geological and geochemical sampling, and remote sensing and the geographic areas of these activities. The MMS will specifically use this information to develop the scope of the PEIS scenario and its proposed action area.

Affected Localities HRPDC

Finding

Based on this review, we offer the following comments. As stated in previous comment letters on related matters, energy exploration and development in Virginia's coastal waters have the potential to exacerbate potential use conflicts. To address these potential use conflicts, it is essential that state and local governments be involved in the planning process associated with the development of the lease program. In addition, the nature of the proposed exploration may impact endangered species and marine mammals in general and should be addressed during the development of the programmatic EIS for this project.

Comments Sent 2/24/2009

Final State Comments Received

Date Received 1/26/2009

Number 09-011F

Name Dredging of Norfolk Harbor Channel, Norfolk and Portsmouth, VA

Sponsor DOD/Navy

Description

The Department of the Navy proposes to dredge a five-mile portion of the Norfolk Harbor Channel and Federal navigation channel in the Southern Branch of the Elizabeth River. The northern extent of the dredging is at Lamberts Bend and the southern limit is at the southern end of the Norfolk Naval Shipyard. Dredging would occur within the existing channel's limits. The purpose of the deepening is to give nuclear-powered Navy aircraft carriers continuous access to the Shipyard and to the Navy's Lambert's Point Deperming Station.

Affected Localities Norfolk Portsmouth

Finding

Based on this review, we offer the following comments. The sediments proposed for removal from the Elizabeth River contain a variety of contaminants as noted in the studies contained in the appendix of the Draft EIS. The preferred alternative recommends the disposal of the dredge spoils at the Craney Island Dredge Material Management Area (CIDMMA); however, the EIS contains little information on the management techniques to be employed at the CIDMMA to prevent the reintroduction of the contaminants to the Elizabeth River and Hampton Roads. Also, little information is provided regarding the monitoring of runoff from CIDMMA. We encourage the applicant to provide additional information regarding management of dredge spoils at Craney Island and any measures that may be used to prevent reintroduction of contaminants to the river.

Comments Sent 2/18/2009

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The U.S. Department of Housing and Urban Development (HUD) proposes to provide mortgage insurance for the construction of "The Arlington" at Chesapeake Apartments in the City of Chesapeake. The 12.5-acre parcel is located south of the extension of Medical Parkway and north of the Chesapeake Expressway. The site is undeveloped grasslands and woodlands and was formerly part of the Chesapeake Hospital Authority property. The apartments will consist of 8 buildings with 190 units, parking, a clubhouse and pool.

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The U.S. Department of Housing and Urban Development (HUD) is processing an application for mortgage insurance to finance the construction of the Wachovia Center Apartments in Norfolk under HUD Section 221(d)(4) Multifamily Rental Housing for Moderate-Income Families. AGM Financial Services, Inc. will finance the clearing of land and the construction of two buildings. The buildings will house 121 units, commercial space on the first floor and parking spaces for the apartment complex. The property consists of two parcels of land totaling about 1.7 acres. The apartment complex will be surrounded by Monticello Avenue, Charlotte Street, Bank Street and Freemason Street. The federal consistency determination submitted by HUD finds the proposal consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Resources Management Program (also called the Virginia Coastal Zone Management Program).

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The Columbia Gas Transmission Corporation proposes to replace a section of Line VM-127 in the City of Newport News. Columbia must conduct internal inspections of line VM-127 in accordance with U.S. Department of Transportation safety requirements. In order to run the internal inspection device (or "pig") through the pipeline, Columbia must prepare the pipeline for the pig. Project activities would involve the replacement of a 1,143-foot section of 12-inch pipeline with 8-inch pipeline. Construction would occur entirely within an upland location on the north side of the James River. Approximately 2.2 acres (1,300 feet x 75 feet) of land would be disturbed, and some minor tree clearing may be required. Columbia submitted a federal consistency certification that finds the proposed action consistent with the enforceable policies of the Virginia Coastal Resources Management Program (also called the Virginia Coastal Zone Management Program).

Affected Localities

Finding

Comments Sent

Final State Comments Received

Date Received

Number

Name

Sponsor

Description

The Navy proposes to install an oyster reef in the intertidal zone on the east side of Little Creek Cove. The proposed reef will provide a buffer from the water's actions along the shoreline, providing stabilization to the eroded area. Five thousand bushels of oyster shells will be purchased from the Virginia Marine Resources Commission. A temporary, fenced storage area for the oysters will be located on the beach. The fencing will be removed at the completion of the project. The oyster shells will be moved from the beach to the reef by a barge.

Affected Localities

Finding

Comments Sent

Final State Comments Received

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #4: 2009 COMMUNITY DEVELOPMENT BLOCK GRANT REGIONAL PRIORITIES

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

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

Attachment

RECOMMENDED ACTION:

Approve the 2009 Virginia CDBG Regional Priorities list for transmittal to the Virginia Department of Housing and Community Development.

**VIRGINIA COMMUNITY DEVELOPMENT BLOCK GRANT
2009 REGIONAL PRIORITIES**

HAMPTON ROADS PLANNING DISTRICT COMMISSION

Priority 1 (highest)	Comprehensive Community Development Housing – Housing Production Assistance Housing – Housing Rehabilitation
Priority 2	Economic Development – Site Redevelopment Economic Development – Job Creation and Retention Community Facility
Priority 3 (lowest)	Economic Development – Development Readiness Economic Development – Business District Revitalization Community Service Facility

ANTICIPATED PROPOSALS FOR 2009

<u>Locality</u>	<u>Project Name</u>	<u>Project Type</u>
James City County	<i>not yet named</i>	Comprehensive Community Development
York County	Barlow Road Project	Housing - Housing Rehabilitation
Isle of Wight County	Thomas Park Community Project	Comprehensive Community Development
Isle of Wight County	Workforce Development Center Project	Economic Development - Job Creation and Retention
Isle of Wight County	Isle of Wight Intermodal Park Project	Economic Development - Job Creation and Retention

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #5: ENVIRONMENTAL PROGRAM GRANTS & CONTRACTS

A. Coastal Zone Management Technical Assistance Program

In October 1986, Virginia received its first grant from the National Oceanic and Atmospheric Administration for the State's Coastal Zone Management (CZM) Program. Since that time, the HRPDC and its predecessors have received over \$2,200,000 through this program to provide technical assistance on environmental issues to the local governments and to complete a variety of technical studies.

The process for distributing funds for FY 2009-2010 is now underway. As in the past few years, there will be no competitive grant program for state agencies or localities. Under the formula grants for PDCs, the HRPDC is eligible to receive \$60,000 in funding to support the ongoing Technical Assistance Program. The required match is \$60,000. The proposal for the Technical Assistance grant is to be submitted to DEQ on March 20, 2009. It will be included in the UPWP for FY 2009-2010 and in the FY 2009-2010 Budget.

The Joint Environmental Committee (Regional Stormwater Management and Chesapeake Bay Committees) endorsed the proposal in concept at its meeting on March 5, 2009.

The HRPDC staff and Joint Environmental Committee recommend that the Executive Director be authorized to submit the grant proposal to the DEQ and to accept a grant offer when it is made.

RECOMMENDED ACTION:

Concur with staff recommendation.

B. Coastal Zone Management Special Grant Programs

The Virginia Coastal Zone Management Program also continues the Focal Area emphasis on green infrastructure and climate change, which begin in the current Fiscal Year. Planning District Commissions are eligible for funding through this program. The HRPDC has previously received funds through this program for the Southern Watershed Special Area Management Program (SWAMP) and the Hampton Roads Conservation Corridor Study and current projects dealing with green infrastructure and climate change. Funding is included in the state CZM Program to support this element for the coming fiscal year. The proposal for the Focal Area grant is to be submitted to DEQ on March 20, 2009. It will be included in the UPWP for FY 2009-2010 and in the FY 2009-2010 Budget.

The Focal Area component of the CZM Program involves targeted funding over a three year period to a specific program or geographic area. The Focal Area for FY 2008-2009 and beyond is "Sustainable Community Planning," including consideration of climate change, energy issues, low impact development and related topics. During the current grant year, the HRPDC has received funding to initiate a project addressing climate change. Work is underway and will be the subject of future Commission briefings.

The Joint Environmental Committee (Regional Stormwater Management and Chesapeake Bay Committees) endorsed the proposed continuation of the climate change project in concept at its meeting on March 5, 2009.

The HRPDC staff and Joint Environmental Committee recommend that the Executive Director be authorized to submit a grant proposal to the DEQ and to accept a grant offer when it is made.

RECOMMENDED ACTION:

Concur with staff recommendation.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #6: URBAN AREA SECURITY INITIATIVE FISCAL YEAR 2008 GRANT AWARD

The HRPDC has been notified that the Department of Homeland Security, through the Virginia Department of Emergency Management, has awarded the Hampton Roads Urban Area its second Urban Area Security Initiative (UASI) grant. The UASI grant is one of the grants under the umbrella of the Homeland Security Grant Program awarded to the Commonwealth. This particular grant totals \$7,760,000 for this Urban Area and the HRPDC will receive \$1,791,400 for the projects managed by the HRPDC as noted below:

- Coordinated Maritime Security and Response – \$300,000.00
- Risk and Capabilities Assessment, Planning and Regional Coordination – \$500,000.00
- Strengthen and Enhance Special Needs Regional Capabilities – \$875,000.00
- Management and Administration – \$116,400.00

The remaining \$5,968,600 has been awarded to the project managers within the localities in Hampton Roads for implementation of their particular projects.

- Regional Security for Mass Transit – Hampton Roads Transit – \$250,000.00
- Expand & Enhance Interoperable Voice & Data – Hampton Roads Interoperability Communications Advisory Committee (Virginia Beach is grant project manager) – \$4 Million
- Hampton Roads Citizen Corps Council Public Education & Outreach Initiatives – Citizen Corps/Office Emergency Management (City of Chesapeake is grant project manager) – \$600,000.00
- Hampton Roads Bomb Squad Initiative – Newport News, Norfolk, Virginia Beach Police Departments and a local Virginia State Police office are the grant project managers for their respective bomb squads – \$1,002,200.00
- Virginia Department of Emergency Management Administration – \$116,400.00

These projects will be overseen through the combined efforts of the HRPDC Emergency Management Administrator and the Urban Area Working Group.

RECOMMENDED ACTION:

Authorize the Executive Director to sign the award documents for the four Department of Homeland Security FY08 UASI grant awards listed above.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #7: MEMORANDUM OF AGREEMENT BETWEEN HRPDC AND MONTGOMERY COUNTY, MARYLAND FOR FY07 UASI LAW ENFORCEMENT INFORMATION EXCHANGE (LINX) PROJECT

Through the Department of Homeland Security (DHS) FY07 Urban Area Security Initiative (UASI), which is one of many grant initiatives under the umbrella of the Homeland Security Grant Program, the Hampton Roads UASI Region, National Capital Region, and Baltimore UASI Region have chosen to take the step of linking together their agencies' law enforcement records databases to create a single source for law enforcement information and research.

This project will link the Hampton Roads/Richmond Area LInX system to the NCR-LInX System and expand the LInX coverage areas to include Baltimore UASI Area agencies along the I-95 corridor to fill in the gaps existing between the independent regional systems. The culmination of this effort will provide coverage from the Eastern Shore of Virginia to and including the Hampton Roads/Richmond Area along Interstate-64 and north up the Interstate-95 Corridor to include the Washington/Baltimore area.

The information-sharing platform employed is the Law Enforcement Information Exchange (LInX) which was initially developed by the Naval Criminal Investigative Service (NCIS) to regionally replicate the electronic law enforcement records of the participating agencies into a single data warehouse and to make that data accessible to all participating agencies via a secure web interface. Nine major urban areas around the country currently have LInX systems in place.

The Hampton Roads UASI Region of Virginia currently has an operational LInX project with over 75 participating agencies in the Norfolk and Richmond regions. The Hampton Roads Region's role in this multi-urban-area investment is to agree with the building of an interface between the Hampton Roads LInX and the NCR LInX and to make their data available via the interface.

LInX will provide easy to use query and analysis tools, with multi-levels of security. LInX allows an officer to input a name, address, phone number, alias, or illegal act and the system will pull up all the information pertaining to the search terms. The LInX system is built with open standards and leverages existing technology to integrate diverse systems. It has an open standards architecture that is flexible, scalable, sharable, and possesses the ability to enhance current systems with which it interfaces.

This project will greatly magnify the pool of information available to law enforcement investigators in all three urban areas. This will create an integrated multi-state law enforcement information-sharing environment of unprecedented proportion permitting each agency to have instantaneous access and the ability to link and analyze all of the data contained in the systems. This will be an invaluable asset in law enforcement's efforts to identify and apprehend suspected terrorists and criminals. The LInX data will

be available to authorized law enforcement users assigned to the fusion centers as well as the participating local, airport, port, transit, state, and federal law enforcement agencies.

In order to facilitate the work and completion of this FY07 UASI project, the lead agency – Montgomery County, MD (acting on behalf of the NCR UASI), has requested a Memorandum of Agreement (MOA) be established as an instrument to guarantee the payment of \$400,000.00 for contracted services to be implemented for the Hampton Roads LInX component of this approved FY07 UASI project. The MOA is attached with a copy of the original UASI award letter from the Virginia Department of Emergency Management, a letter of endorsement from the Hampton Roads LInX Governance Board dated February 2, 2009, and an information bulletin from the NCR LInX project.

Attachments

RECOMMENDED ACTION:

Authorize the Executive Director to execute the MOA between HRPDC and Montgomery County, Maryland for FY07 UASI Law Enforcement Information Exchange (LInX) project.

**MEMORANDUM OF AGREEMENT
BETWEEN
HAMPTON ROADS PLANNING DISTRICT COMMISSION
AND
MONTGOMERY COUNTY, MARYLAND
REGARDING
FY 2007 HOMELAND SECURITY GRANT PROGRAM
CFDA: 97.067**

Project Tracking ID: 2007 UASI HRPDC

This Memorandum of Agreement (the "Agreement") is entered into this 18th day of March 2009, by and between Montgomery County, Maryland and the Hampton Roads Planning District Commission (HRPDC).

I. BACKGROUND

- D. The FY 07 Urban Area Security Initiative (UASI), under the auspices of the Homeland Security Grant Program (HSGP), is one tool among a comprehensive set of measures to help strengthen the nation and Virginia, Maryland, and the District of Columbia against risks associated with potential terrorist attacks.
- E. As part of the FY 07 UASI Grant, the law enforcement agencies in the Norfolk UASI Region, National Capital Region, and Baltimore UASI Region have entered into a joint project to link together their agencies' law enforcement records databases to create a single source for law enforcement information and research.
- F. The project will link the Hampton Roads/Richmond Area LInX system to the NCR-LInX System and expand the LInX coverage areas to include Baltimore UASI Area agencies along the I-95 corridor to fill in the gaps existing between the independent regional systems. The culmination of this effort will provide coverage from the Eastern Shore of Virginia to and including the Hampton Roads/Richmond Area along Interstate-64 and north up the Interstate-95 Corridor to include the Washington/Baltimore area.
- G. The information-sharing platform employed is the Law Enforcement Information Exchange (LInX), which was initially developed by the Naval Criminal Investigative Service (NCIS) to regionally replicate the electronic law enforcement records of the participating agencies into a single data warehouse and to make that data accessible to all participating agencies via a secure web interface. Five major urban areas around the country currently have LInX system in place and two others are in progress.
- H. To this end the HRPDC was granted an UASI grant under the UASI '07 grant program and does not have the authority to sub-award funds to the project manager (Montgomery County, MD for National Capital Region). Pursuant to guidance, dated February 2, 2009, from the Virginia Department of Emergency Management, this

Memorandum of Understanding establishes the cooperative basis for HRPDC funding Montgomery County to complete the Multi-Urban Area Intelligence and Information Sharing Project.

II. GENERAL PROVISIONS

- A. **Award and Reimbursement of Funds** – with the execution of this Agreement the HRPDC will utilize the UASI grant funds received from the Virginia Department of Emergency Management (VDEM) to reimburse Montgomery County, Maryland the portion of funds not to exceed \$400,000. Below lists the program areas:

Project Title	Grant Program	Amount
Multi-Urban-Area Intelligence and Information Sharing	UASI	\$400,000
Total		\$400,000

- B. **Authorized Program Expenditures:**

- 1. **Program Guidance Web Site:** For detailed program guidance on authorized expenditures see Appendix D found at the below web site:
http://www.ojp.usdoj.gov/odp/docs/fy07_hsgp_guidance.pdf
- 2. Funding may only be used in accordance with a project plan approved by the HRPDC. The project plan was developed by Montgomery County as the lead agency for this multi urban area investment.

- C. **Unauthorized Program Expenditures:** Unauthorized program expenditures include: 1) costs for facility construction and renovation (see detailed guidance for limited exceptions of this rule); 2) the hiring of sworn public safety officials for the purpose of fulfilling traditional public safety duties or to supplant public safety positions; 3) other items not in accordance with the Authorized Equipment List or previously listed as allowable costs. See program guidance for details; 4) other items not in accordance with the project plan approved by the HRPDC.

- D. **Management and Administration:** M & A expenses cannot exceed 3% of the total amount of the grant award to the HRPDC. M&A funds are not for general purpose use, but apply only to activities directly related to the administration of the grant funds.

- E. **Personnel:** Montgomery County may not use HSGP funds to initiate the hiring of or provide support for more than one full time staff position. This does not apply to contractual positions. Any use of HSGP funds to support staff salaries (regular or contractual) beyond one position must be approved in writing by the HRPDC and VDEM. Montgomery County will maintain on hand appropriate paperwork to document the status of contractual employees.

- F. **State Homeland Security Strategy:** All Homeland Security Grant Program funds must be allocated in support of goals and objectives identified in the State, region (where applicable), and local jurisdiction Homeland Security Strategies.
- G. **Compliance with the National Incident Command System:** Montgomery County, Maryland agrees to institutionalize the use of the National Incident Command System.
- H. **Performance Period:** Performance period for the funds under the grant received by the HRPDC is July 1, 2007 through March 31, 2010. Grants funds under this MOA may not be used for expenditures or obligations incurred before or after the performance period.
- I. **Publications:** Montgomery County, Maryland agrees that all publications created with the **funding** shall prominently contain the following statement: “This document was prepared under a grant from FEMA’s National Preparedness Directorate (NPD), United States Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of NPD or the Department of Homeland Security.”
- J. **Intellectual Property:** Montgomery County, Maryland acknowledges that the FEMA’s National Preparedness Directorate [U.S. Department of Homeland Security] reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, and otherwise use, and authorize others to use, for Federal government purposes: (1) the copyright in any work developed under an award or sub-award; and (2) any rights of copyright to which a recipient or sub recipient purchases ownership with Federal support. Montgomery County, Maryland agrees to consult with NPD regarding all allocations of any patent rights that arise from, or are purchased with, this funding.
- K. **Equipment:** Equipment eligibility is outlined with the Authorized Equipment List (AEL). The AEL can be located within the Knowledge Base - (<https://www.rkb.mipt.org/>).
1. **Recipient Use of Equipment:** Montgomery County, Maryland agrees to ensure that agencies or departments receiving equipment under this program will employ the equipment in accordance with the terms of this Agreement. Equipment may not be transferred from these departments / agencies to non-eligible organizations or entities. This Agreement does not bar the use of this equipment when employed in accordance with existing mutual aid agreements.
 2. **Recipient Maintenance/Equipment-Specific Consumable Supplies:** Montgomery County, Maryland agrees to ensure that agencies or departments receiving equipment under this program will maintain equipment to the manufacturer’s specifications and standards and will retain replacement parts and consumable supplies required for equipment operation. In addition,

Montgomery County, Maryland will be responsible for obtaining and maintaining all necessary certifications and licenses for applicable equipment.

3. **Operator Training:** Organizations receiving equipment under this program are responsible for ensuring equipment operators are trained to operate and maintain assigned equipment in accordance with manufacturer's specifications and standards.
 4. **Accountability for Equipment:** Montgomery County, Maryland agrees to ensure that procedures are established to assign, track, and verify accountability for program equipment. Equipment users will maintain the capability to respond to Federal equipment audit requests for the period of three years after the receipt of the equipment. Montgomery County, Maryland agrees to prominently mark, when practical, all equipment purchased with grant funding with the following notation: "**Purchased with funds provided by the U.S. Department of Homeland Security.**"
 5. **Equipment Disposition:** Equipment determined to be obsolete, no longer serviceable or not economically repairable will be disposed of using normal property disposal procedures in effect for the user agency. Disposition records will be maintained by the user agency for a period of three years from the receipt of the equipment. Equipment that is serviceable, but no longer needed may be transferred to other authorized agencies within the region/jurisdiction of this project. If no organization requests the equipment the HRPDC is to be contacted for disposition instructions.
- L. **Exercises:** All exercises must be linked to the Department of Homeland Security Target Capabilities and directly associated to the priorities identified in the State's/Urban Area's Homeland Security Strategy and plans. Acceptable scenarios for SHSP, UASI, and CCP exercises include: terrorism, natural or man-made technical disasters. All exercises must be compliant with the Department of Homeland Security Exercise and Evaluation Program.
- M. **Training Coordination:** All exercises and training underwritten, either totally or in part, by FY 07 HSGP funds will be coordinated in advance. Such training must fall within DHS mission scope of preparing State and local personnel to prevent, protect against, respond to, and recover from acts of terrorism or catastrophic events. Montgomery County, Maryland may be required, after attendance, to submit information through the SAA via Webforms on all training not provided by DHS but supported with DHS funds. This information will consist of course title, course description, mission area, level of training, the training provider, the date of the course, the number and associated disciplines of the individuals, and the sponsoring jurisdiction. Local jurisdictions and Urban Areas intending to use G&T funds to support attendance at training not provided by G&T must ensure these courses:
1. Fall within G&T mission scope to prepare State and local personnel to prevent, protect, respond to, and recover from acts of terrorism and catastrophic events.

2. Build additional capabilities that a) support a specific training need identified by the State, Territory, and Urban Area, and b) comport with the State, Territory, or Urban Area Homeland Security Strategy.
3. Address specific tasks and/or competencies articulated in G&T's *Emergency Responder Guidelines* and the *Homeland Security Guidelines for Prevention and Deterrence*.
4. Address specific capabilities and related tasks articulated in the Target Capabilities List (TCL) and the Universal Task List (UTL).
5. Comport with all applicable Federal, State, and local regulations, certifications, guidelines, and policies deemed appropriate for the type and level of training.

III. ADMINISTRATIVE PROVISIONS

- A. **Audit Requirement:** Equipment, services, and supplies received as part of this Agreement is subject to Federal and State audit.
- B. **Non-lobbying Requirement:** All parties agree that HSGP funds cannot be used, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the prior written approval of G&T.
- C. **Matching Requirement:** No funding match is required.
- D. **Assurances and Certifications:** Signature of this document indicates that Montgomery County, Maryland has reviewed and agrees to the provision of the attached Assurances and Certifications.
- E. **Non-Supplanting of Funds:** Montgomery County, Maryland agrees that the funds used under this agreement will be used to supplement existing funds for services, supplies, or equipment purchases and will not supplant funds that have been appropriated or budgeted for the same purpose.
- F. **Accounting for Funds:** Montgomery County, Maryland agrees that adequate accounting systems and practices are in place and will be utilized to ensure fund accountability consistent with Federal and State requirements. All expenditure, revenue, asset, and liability transactions associated with this Agreement will be accounted for separately from other projects and programs. For program details go to the below web site:
<http://www.dhs.gov/xlibrary/assets/GrantsFinancialManagementGuide.pdf>
- G. **Records Maintenance:** Montgomery County, Maryland shall retain all records relating to the funds associated with this agreement for a period of three years after termination of this Agreement.

- H. **Reporting Requirements:** Montgomery County, Maryland will submit to the HRPDC quarterly financial and performance reports for all funds under the DHS-ODP grants in effect for the reporting period. Reports are due January 15, April 15, July 15, and October 15. Final reports are due 60 days after the end of the award performance period.
- I. **Agency Point of Contact:** The HRPDC point of contact for this program is:
Richard R. Flannery
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, VA, 23320
757-366-4377 (direct line)
Fax: 757-523-4881
RFLANNERY@hrpdcva.gov
- J. **Reimbursement of Funds:** The HRPDC will reimburse Montgomery County, Maryland, not to exceed the award amount (\$400,000.00), for direct costs incurred for the purchase of equipment, supplies, or services authorized by this Agreement. The HRPDC will process reimbursement upon receipt of supporting documentation. The supporting documentation will be in the form of contracts, invoices, and/or receipts detailing those costs directly linked to the portion of the project for Hampton Roads LInX. Reimbursement requests are to be submitted to:

Richard R. Flannery
Emergency Management Administrator
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, VA, 23320

Upon receipt of the reimbursement requests, the HRPDC will draw down the UASI grant funds from VDEM and reimburse Montgomery County within 60 days. Reimbursement requests will not exceed \$200,000.00 at any one time. If a reimbursement request exceeds \$200,000.00, the reimbursement process to Montgomery County will take 60-90 days due to the UASI grant funding drawdown from VDEM and HRPDC operating and accounting procedures.

IV. OTHER TERMS AND CONDITIONS

- A. Montgomery County, Maryland agrees to comply with all applicable Federal and State laws and regulations in the execution of this Agreement. This agreement also incorporates the VDEM UASI award letter dated January 22, 2008 as attached.
- B. Montgomery County, Maryland agrees to cooperate with any assessment, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement.

- C. Montgomery County, Maryland agrees to provide regular reporting to the Hampton Roads Law Enforcement Exchange Program (HR-LInX) Governance Board, VDEM and the Hampton Roads Urban Area Working Group (UAWG) required by that group.
- D. This Agreement will remain in force until parties mutually agree to either modify or terminate it. If both parties agree mutually to modify or terminate it, that action shall be immediate. If either party modifies or terminates it without the mutual acceptance of the other, then both parties agree that the action shall take place 90 days from the date of notification from the initiating party to the other.

Signed: _____ Date: _____

Montgomery County, Maryland

Signed: _____ Date: _____

Dwight Farmer, Executive Director
Hampton Roads Planning District Commission



COMMONWEALTH of VIRGINIA

Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

JAMES W. KECK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506
www.vaemergency.com

January 22, 2008

Mr. Arthur L. Collins
Executive Director
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, VA 23320

Dear Mr. Collins:

The Virginia Department of Emergency Management (VDEM) is pleased to announce the award of the Urban Area Security Initiative, CFDA #97.067, from the Office of Grants and Training, United States Department of Homeland Security (DHS). Your organization has been funded for:

- Project Title: UASI – Hampton Roads Area
- Amount of Grant Funds: \$7,800,000
- Project ID: 2007 UASI HRPDC

The period of performance for this program is July 1, 2007 to June 30, 2010. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to and independent audit per OMB circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

All subrecipients are requested to submit a project plan and comprehensive timeline along with enclosed grant application package. A quarterly report will be required 15 days after each quarter (starting 12/31/07). The quarterly report will be due until the end of the grant period or when the project is complete. An electronic copy of the application and the quarterly report can be found at www.vaemergency.com under grant forms or emailed upon request to cheryl.adkins@vdem.virginia.gov. Final reports are due by June 30, 2010. These reports should be held for at least three years after the end of the grant period and are subject to audit by DHS and/or the Commonwealth of Virginia. The application, project plan, and timeline will be due 30 days from the above date.

Arthur Collins
Hampton Roads Planning District Commission
January 22, 2008
Page 2

Included in this package of particular importance is the Certification of Compliance, and Special Conditions, for your signature. It certifies you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

The Commonwealth will only send grant funds to a subrecipient a maximum of 120 days prior to purchase of allowable expenditures. To accomplish this, VDEM will forward a "Request for Drawdown" form once you have completed your application process along with the award letter.

Subrecipients may elect to drawdown funds up to 120 days prior to expenditure/disbursement. However, the Commonwealth strongly encourages recipients to drawdown funds as close to expenditure as possible to avoid accruing interest. Funds received by subrecipients must be placed in a interest-bearing account and are subject to the rules outlined in the Uniform Rule 6 CFR part 9, *New Restrictions on Lobbying*, and the Uniform Rule 28 CFR Part 70, Uniform Administrative Requirement for *Grants and Agreements (Including Subawards) with Institutions of Higher Education, Hospitals and other Non-profit Organizations*, at <http://www.gpoaccess.gov/cfr/index.html>.

These guidelines state that subrecipients are required to promptly, but at least quarterly, remit interest earned on advances to:

United States Department of Health and Human Services
Division of Payments Management Services
PO Box 6021
Rockville, MD 20852

Copies of all remittances must be sent to VDEM. Subrecipients may keep interest amounts up to \$100 per year for administrative expenses for all federal grants combined. Subrecipients are subject to the interest requirements of the Cash Management Improvement Act (CMIA) and its implementing regulations at 31 CFR Part 205. Interest under CMIA will accrue from the time federal funds are credited to the account until the time the funds are paid.

Arthur Collins
Hampton Roads Planning District Commission
January 22, 2008
Page 3

Please review and sign the necessary attached documents and return them to the Grants Management Office 60 days after receipt of this letter. Also, please provide a copy of your 501(3)(c) registration number as well as the IRS approval letter. We would like to schedule a grant procedure meeting with your finance department and program officers to review drawdown procedures and spending guidelines, as well as reporting. If you have any questions regarding this award, please contact Cheryl Adkins at Cheryl.Adkins@vdem.virginia.gov or (804)897-6500 ext. 6597

Sincerely,



Michael M. Cline

MMC/CJA:bl

Cc: The Honorable Robert P. Crouch, Jr., Assistant to the Governor for
Commonwealth Preparedness
The Honorable John W. Marshall, Secretary of Public Safety
Mr. Steve Mondul, Deputy Assistant to the Governor for Commonwealth
Preparedness
Ms. Janet Clements, Chief Deputy State Coordinator
Mr. James W. Keck, Administrative Deputy State Coordinator
Ms. Susan Mongold, Statewide Grants Coordinator
Ms. Cheryl Adkins, Grants Manager



SMITHFIELD POLICE DEPARTMENT

1613 SOUTH CHURCH STREET • SMITHFIELD, VA 23430
(757) 357-3247 • FAX (757) 357-6551



March 2000

Mark A. Marshall
Chief of Police

February 2, 2009

Richard R. Flannery, MS
Emergency Management Administrator
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, VA, 23320

RE: HR-LInX to NCR-LInX UASI Bonus Project

Dear Mr. Flannery,

I am writing this letter on behalf of the Hampton Roads Law Enforcement Information Exchange (HR-LInX) Governance Board. The Board wishes to confirm its full support for the project that will connect the HR-LInX with the National Capitol Region LInX system (NCR-LInX). As you know this multiregional effort received special Department of Homeland Security Urban Area Security Initiative (UASI) funding in 2007 under the UASI "Bonus Project" definition.

The Montgomery County Police Department is the fiduciary agency for the project and will be responsible for managing the contracts necessary to complete the work for this project. As such, the Board asks that your office proceed expeditiously to enter into a Memorandum of Understanding with the Montgomery County Police Department to reimburse them for up to four hundred thousand dollars (\$400,000) which is the portion of the 2007 UASI Bonus Project money received by Hampton Roads. This is an extremely important project on a variety of levels. We encourage you and your office to put forth your best efforts to ensure this project's success and Hampton Roads just recognition as a leader in the area of homeland security.

It is also anticipated that the HR-LInX system will build on its region to region connectivity using 2009 UASI continued Bonus Project funding if made available. We are committed to participating in multi-regional DHS projects and believe that LInX offers solutions to the information sharing impediments.

RECEIVED

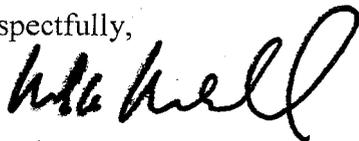
FEB 17 2009

HRPDC

"A Community Partnership"

The Board and I stand ready to provide your office any assistance or guidance that you may require. Please feel free to contact me at any time. Thank you in advance for your efforts on this project.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark A. Marshall". The signature is written in a cursive style with a large, looping "M" and "A".

Mark A. Marshall
Chief of Police
Smithfield Police Department
Chairman, Hampton Roads Law Enforcement Information Exchange (HR-LInX)
1613 South Church Street
Smithfield, Virginia 23430

Background

The Metropolitan Washington Council of Governments (MWCOC) Police Chiefs Committee has collaborated with the Naval Criminal Investigative Service (NCIS) to launch the National Capital Region Law Enforcement Information Exchange (NCR-LInX).

Under the LInX information sharing model, each region establishes a LInX Governance/Advisory Board consisting of the head of each participating law enforcement agency. Member agencies contribute information from their individual records management systems.

The LInX model has been successfully deployed to numerous regions in the country providing an excellent investigative tool through the use of an analytical data warehouse containing information from participating local, state and federal law enforcement agencies.

Using a standard web browser, the system provides secure access to data provided by the participating federal, state, county and municipal law enforcement agencies. This combined law enforcement data is integrated on a daily basis and provides information about incidents across all of the jurisdictions.



Website: <http://www.ncis.navy.mil/linx/index.html> **NCR-LInX Site:** <https://www.linxncr.us/Linx/>

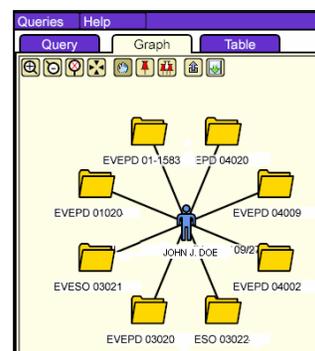
Information

- Arrest Information
- Booking Information
- Citations
- CAD Traffic Stops
- Field Interviews/Contacts
- Incident Information
- Incident Narratives
- Mugshots
- Pawn Shop Records
- Sexual Offender Registry
- Traffic Information
- VA Adult Criminal History
- Warrant Information

Search By

- Person Name/Nickname
- Vehicle Information
- Incident Locations
- Date ranges
- Offense Information
- Date of Birth
- Age Range
- Operator's License
- Social Security Number
- FBI Number
- State ID Number
- Telephone Number

Analytical Tools – Free Text Search and Link Analysis



NCR LInX Contacts

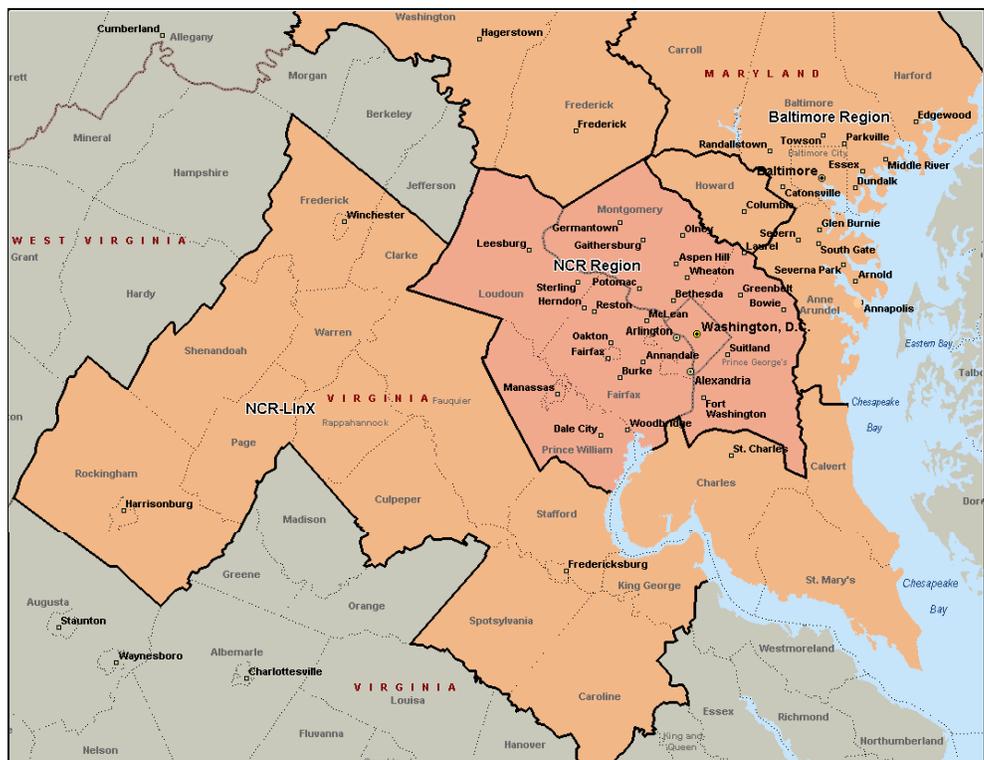
Catherine A. Miller
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catherine.miller@montgomerycountymd.gov

Mike Klein, NCIS LInX PMO
LInX Chief Technology Officer
202-433-9835 (office)
michael.d.klein@navy.mil

Agencies Presently in the NCR-LInX Membership (103)

- | | | |
|--|--|--|
| <ol style="list-style-type: none"> 1. Alexandria PD 2. Alexandria SO 3. Annapolis PD 4. Anne Arundel Co. PD 5. Arlington Co. PD 6. Arlington Co. SO 7. Baltimore City PD 8. Baltimore County PD 9. Berryville PD 10. Berwyn Heights PD 11. Bladensburg PD 12. Brunswick PD 13. Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF)* 14. Calvert County SO 15. Caroline County SO 16. Carroll County SO 17. Charles County SO 18. Chevy Chase Village PD 19. Clarke County SO 20. Culpeper PD 21. Culpeper County SO 22. District Heights PD 23. Drug Enforcement Admin. (DEA)* 24. Dumfries PD 25. Edmonston PD 26. Fairfax City PD 27. Fairfax County PD 28. Fairfax County SO 29. Falls Church PD 30. Falls Church SO 31. Fauquier County SO 32. Federal Bureau of Investigations (FBI)* 33. Federal Bureau of Prisons (BOP)* 34. Frederick City PD 35. Frederick County, MD SO 36. Frederick County, VA SO 37. Fredericksburg PD 38. Front Royal PD 39. Gaithersburg PD 40. George Mason Univ PD 41. Glenarden PD 42. Greenbelt PD 43. Hagerstown PD 44. Harford County SO 45. Harrisonburg PD 46. Herndon PD 47. Howard County PD | <ol style="list-style-type: none"> 48. Hyattsville PD 49. James Madison Univ PD 50. King George Co. SO 51. Laurel PD 52. Leesburg PD 53. Loudoun Co SO 54. Manassas City PD 55. Manassas Park PD 56. MNC Park Police – Mont Co 57. MNC Park Police – PG Co 58. Maryland Natural Resources Police 59. Maryland State Police 60. Maryland Transit Police 61. Maryland Trans. Authority Police 62. Metropolitan Police DC 63. Metro Transit PD 64. Middleburg PD 65. Middletown PD 66. Montgomery Co. PD 67. Montgomery Co. SO 68. Mt. Rainier PD 69. MWAA Airports PD 70. Naval Criminal Investigative Service (NCIS) 71. Northern VA Comm. College PD 72. Occoquan PD 73. Page County SO 74. Prince George's DOC 75. Prince George's Co. PD 76. Prince George's Co. SO | <ol style="list-style-type: none"> 77. Prince William Co. PD 78. Prince William Co. SO 79. Prince William-Manassas ADC 80. Purcellville PD 81. Quantico PD 82. Rappahannock Co. SO 83. Rappahannock Regional Jail 84. Riverdale Park PD 85. Rockingham County SO & Regional Jail 86. Rockville PD 87. Shenandoah Co. SO 88. Spotsylvania Co. SO 89. Stafford Co. SO 90. St. Mary's Co. SO 91. Stephen's City PD 92. Takoma Park PD 93. Thurmont PD 94. United States Marshal Service (USMS)* 95. Univ. of MD DPS 96. Upper Marlboro PD 97. Vienna PD 98. Virginia Alcoholic Beverage Control 99. Virginia State Police 100. Warren County SO 101. Warrenton PD 102. Washington County SO 103. Winchester PD |
|--|--|--|

- These DOJ agencies are members through OneDOJ



Background

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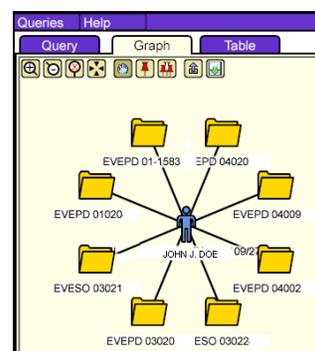
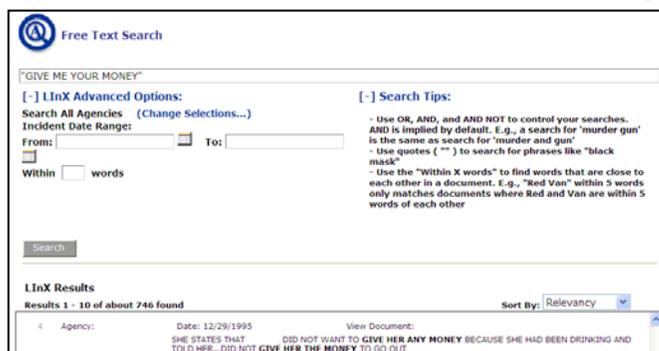
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- FBI Number
- State ID Number
- Telephone Number

Analytical Tools – Free Text Search and Link Analysis



HR-LInX Contacts

Dennis Mook
HR-LInX Program Manager

Mike Klein, NCIS LInX PMO
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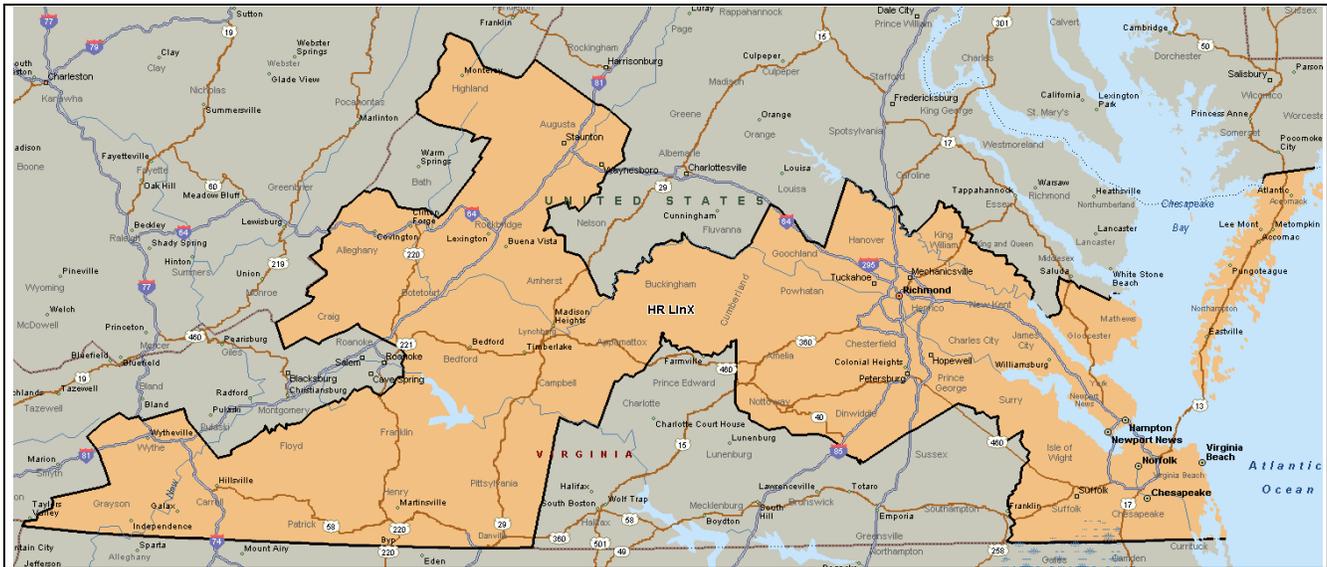


LInX

Welcome to the Hampton Roads Law Enforcement Information Exchange

Agencies Presently in the HR-LInX Membership (103)

- | | | |
|--------------------------|----------------------------|------------------------------------|
| 1. Accomack Co. SO | 36. FBI Norfolk/ Richmond* | 71. Patrick County SO |
| 2. Alleghany County SO | 37. FBI JTTF Norfolk* | 72. Petersburg PD |
| 3. Altavista PD | 38. Franklin PD | 73. Pittsylvania County SO |
| 4. Amelia County SO | 39. Franklin County SO | 74. Poquoson PD |
| 5. Amherst PD | 40. Galax PD | 75. Portsmouth PD |
| 6. Amherst County SO | 41. Gloucester Co. SO | 76. Powhatan County SO |
| 7. Appomattox PD | 42. Goochland Co. SO | 77. Prince George County SO |
| 8. Ashland PD | 43. Grayson County SO | 78. Richmond PD |
| 9. ATF Norfolk/Richmond* | 44. Gretna PD | 79. Richmond Internat'l Airport PD |
| 10. Augusta County SO | 45. Hampton PD | 80. Rocky Mount PD |
| 11. Bedford PD | 46. Hampton Univ. PD | 81. Smithfield PD |
| 12. Bedford County SO | 47. Hanover County SO | 82. Staunton PD |
| 13. Blackstone PD | 48. Henrico County PD | 83. Suffolk PD |
| 14. Botetourt County SO | 49. Henry County SO | 84. Surry County SO |
| 15. Buckingham County SO | 50. Highland County SO | 85. Thomas Nelson Comm College PD |
| 16. Buena Vista PD | 51. Hillsville PD | 86. USAF Office of Special Invest |



- | | | |
|---------------------------------|------------------------------------|--------------------------------------|
| 17. Buena Vista SO | 52. Hopewell PD | 87. United States Marshal's Service* |
| 18. Campbell County SO | 53. Hurt PD | 88. US Bureau of Prisons* |
| 19. Carroll County SO | 54. Independence PD | 89. University of Richmond PD |
| 20. Charles City County SO | 55. Isle of Wight Co. SO | 90. Virginia ABC - Criminal Invest |
| 21. Chatham PD | 56. James City Co. PD | 91. Virginia Beach PD |
| 22. Chesapeake PD | 57. Lexington PD | 92. Virginia Capitol PD |
| 23. Chesterfield County PD | 58. Longwood University PD | 93. Virginia Commonwealth Univ. PD |
| 24. Chincoteague PD | 59. Lynchburg PD | 94. Virginia Military Institute PD |
| 25. Christopher Newport Univ PD | 60. King William County SO | 95. Virginia Port Authority PD |
| 26. Clifton Forge PD | 61. Martinsville PD | 96. Virginia State Police |
| 27. Colonial Heights PD | 62. Naval Criminal Invest. Service | 97. Waynesboro PD |
| 28. Covington PD | 63. New Kent County SO | 98. West Point PD |
| 29. Craig County SO | 64. Newport News PD | 99. William & Mary PD |
| 30. Crewe PD | 65. Norfolk PD | 100. Williamsburg PD |
| 31. Cumberland County SO | 66. Norfolk Internat'l Airport PD | 101. Wythe PD |
| 32. Danville PD | 67. Norfolk State Univ. PD | 102. Wythe County SO |
| 33. DEA Norfolk/ Richmond* | 68. Northampton Co. SO | 103. York County-Poquoson SO |
| 34. Dinwiddie County SO | 69. Nottoway County SO | |
| 35. Farmville PD | 70. Old Dominion Univ. PD | |

* Members through OneDOJ MOU

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8: REGIONAL EMERGENCY MANAGEMENT AND HOMELAND SECURITY INITIATIVES CONTRACTS AND SERVICE AGREEMENTS

Regional Microwave Communications System

The emergency management staff at the HRPDC has been approached by the Hampton Roads Interoperability Communications Advisory Committee (HRICAC) to be the administrative and fiscal agent for a maintenance contract for the regional microwave communications system known as Hampton Roads Tactical Regional Area Network (HRTacRAN). The HRTacRAN is a critical regional network supporting emergency services and public safety communications in the event of a disaster. The current maintenance contract expires in June 2009 and the HRPDC is currently the contract holder as this system was established with a 2004 Port Security Grant from the Department of Homeland Security to the HRPDC in April 2005.

First Responder Authentication Credential Pilot Program

The emergency management staff at the HRPDC has been approached by the Governor's Office of Commonwealth Preparedness (OCP) to accept State Homeland Security Grant funds for the First Responder Authentication Credential (FRAC) pilot program in Hampton Roads. OCP is the lead agency for this initiative. The DHS State Grant Program requires a local government to administer the grant. As the grant administrator, the HRPDC would be awarded the grant funds and be responsible for the processing of the purchase orders, invoices and accounts payable. OCP has worked with federal agencies, the National Capital Region, and state partners to develop a standard FRAC that may be used to authorize physical access to identified critical incident areas for a First Responder by identifying a person's qualifications and status within their respective agency or organization. The Commonwealth's FRAC Program is serving as a model for other regions to enhance cooperation between federal, state, local, private and volunteer sector Emergency Responders before and during a critical incident. The FRAC meets the control, identity proofing, registration and technical objectives of Homeland Security Presidential Directive (HSPD) 12 and Federal Information Processing Standards (FIPS) 201 as allowed by a nonfederal entity. The Hampton Roads Credentialing Committee, through collaboration, is responsible for the labor and facilities decisions.

The two projects presented above represent the operational related contracts needed to be administered for emergency management and homeland security initiatives created through Emergency Management and Homeland Security Grant Programs. If approved, the HRPDC would act as the regional administrative and fiscal agent for these types of programs and projects. The HRPDC would be entering a period of cultural change in responsibilities compared to those typically from a planning entity. In addition, such responsibilities in the future may require additional annual assessment to match grant funds or annual assessments to carry out maintenance and operations.

Legal Review:

In response to the general question as to the ability of PDCs to fulfill an Operational function, the PDC does have that ability. According to legal review, "when the original Area Development Act was passed, PDCs were limited to planning functions. The Act was later amended to substantially broaden PDC powers, and PDCs now have the powers of any corporation, which encompasses the power to do pretty much anything, including direct operation of programs or functions."

Legal review has also indicated that the HRPDC needs agreements with the localities that would commit them to make the payments required, authorize the HRPDC to enter into this contract on the localities' behalf, and commit them to allow access to their equipment, etc., to enable a vendor to perform. Those agreements should also release the HRPDC of any liability associated with the performance of the vendor agreement.

Attachments

RECOMMENDED ACTION:

1. Determine if this is a role that the Board wants the HRPDC staff to take on as a fiscal agent for regional emergency management and homeland security initiatives.
2. Approve acting as the region's fiscal agent to carry out the HRTacRAN maintenance agreement.
3. Authorize the Executive Director to sign a contract with OCP and Verizon for the First Responders Authentication Credential Pilot Program.

HRPDC Issue Briefing 02/19/09

TITLE: Vendor Maintenance for the Hampton Roads Tactical Area Network

STATEMENT OF ISSUE:

Vendor provided maintenance on the Hampton Roads Tactical Regional Area Network (HRTacRAN) expires in June, 2009 and the Hampton Roads Interoperable Communications Advisory Committee (HRICAC) is requesting that the Hampton Roads Planning District Commission (HRPDC):

1. Establish a maintenance contract with Alcatel-Lucent to support maintenance of the HRTacRAN, a critical regional network supporting emergency services and public safety communications
2. Present, to the CAO's, the need for maintenance on the HRTacRAN and the cost sharing model recommended by the HRICAC
3. Serve as the fiscal agent for the member jurisdictions

Recognizing that the procurement and maintenance of the HRTacRAN was facilitated by a contract between the HRPDC and Alcatel (see attached), the HRICAC requests that the new maintenance contract be established between the HRPDC and Alcatel-Lucent.

STAKEHOLDERS:

Organization or Affiliation	Jurisdictions/ Agencies	Interests
Emergency Managers	Chesapeake Franklin Gloucester Hampton Isle of Wight James City Newport News Norfolk Poquoson Portsmouth Southampton Suffolk Surry Williamsburg York Virginia Beach	<ul style="list-style-type: none"> • Emergency preparedness and response • Ability to share information collaboratively with each other individually or as a group over a secure network independent of the public provided network • Ability to disseminate information to the public in time of need • Ability to communicate with Coast Guard and Virginia Department of Emergency Management
Hampton Roads Interoperable Communications Advisory Committee	Chesapeake Franklin Gloucester Hampton Isle of Wight James City Newport News Norfolk Poquoson Portsmouth Southampton Suffolk Surry Williamsburg York Virginia Beach WHRO TV	<ul style="list-style-type: none"> • Improve communications interoperability among federal, state, and local public safety agencies • Safety of citizens and public safety personnel • Ability to share information with other city public safety agencies

Organization or Affiliation	Jurisdictions/ Agencies	Interests
Public safety agencies	Chesapeake Franklin Gloucester Hampton Isle of Wight James City Newport News Norfolk Poquoson Portsmouth Southampton Suffolk Surry Williamsburg York Virginia Beach	<ul style="list-style-type: none"> • Improve communications interoperability among federal, state, and local public safety agencies • Safety of citizens and public safety personnel • Ability to share information with other city public safety agencies
Federal and State public safety agencies	US Coast Guard Virginia Dept of Emergency Management	<ul style="list-style-type: none"> • Protect the Port • Ability to share information with other emergency managers

BACKGROUND:

In 2004, the HRPDC was awarded a \$6 M Port Security Grant to support implementation of a communications network that would improve the region’s ability to protect and respond to a security incident in the Port. The HRPDC enlisted the assistance of communications professionals from its member jurisdictions, who assisted with the procurement of a consultant; the development and issuance of a Request for Proposals; and subsequent selection of Alcatel as the vendor to build a high speed survivable microwave network. The network, known as the HRTacRAN provides secure collaborative communications capabilities to Emergency Managers for all sixteen member jurisdictions of the HRPDC, the Coast Guard, WHRO Television/Radio, and the Virginia Department of Emergency Management. The network also provides the connectivity required to support the Overlay Regional Interoperability Network (ORION). The HRPDC entered into contract with Alcatel-Lucent on April 27, 2005 to design and construct the network, which included three years of maintenance after the initial 1-year warranty period. The three year maintenance period expires in June 2009 and the local jurisdictions, represented on the HRICAC, wish to continue maintenance on this critical public safety communications network. Failure to take a regional approach to maintaining this important network could result in a failed network that will not be able to support the

RECOMMENDATIONS:

The HRICAC recommends the following, as adopted via motions presented at the December 17, 2007 and October 20, 2008 meetings of the HRICAC. See attached minutes:

1. Each jurisdiction will fund the cost of maintaining the HRTacRAN equipment installed in their jurisdiction and conveyed to them by the HRPDC. This cost is represented by jurisdiction in the quote provided by Alcatel.
2. The cost of maintaining the shared collaboration application elements, which include hardware and software, will be distributed equally among all jurisdictions.
3. Each jurisdiction will contribute the cost of maintaining HRTacRAN equipment in their jurisdiction and their portion of the shared cost to the HRPDC, which will then pay Alcatel.
4. The HRPDC apply the appropriate HRPDC cost sharing model to the shared expenses of the HRTacRAN and allocate locality costs to each locality as previously approved.

ATTACHMENTS:

Contract between the HRPDC and Alcatel, dated April 27, 2005
Minutes of the HRICAC Meetings (12-17-07, 10-20-08, 2-14-08)
Draft maintenance contract with Alcatel-Lucent

Whitepaper

**Commonwealth of Virginia's
First Responder Authentication
Credential (FRAC) 2009 Program Status**

February 2009

BACKGROUND

Homeland Security Presidential Directive 12 (HSPD 12) "Policy for a Common Identification Standard for Federal Employees and Contractors," dated August 27, 2004, directed the Department of Commerce, through the National Institute of Standards and Technology (NIST), to development of a Federal standard for secure and reliable forms of identification for Federal employees and contractors.

The National Institute of Standards and Technology (NIST) Federal Information Processing Standards (FIPS) Publication Series: Personal Identity Verification (PIV) of Federal Employees and Contractors (FIPS 201) standard specifies the architecture and technical requirements for a common identification standard for Federal employee and contractor credentials. The overall goal is to achieve appropriate security assurance for multiple applications by efficiently verifying the claimed identity of individuals seeking physical access to federally controlled government facilities and electronic access to government information systems.

The Commonwealth of Virginia has embraced HSPD 12/FIPS 201 as the credentialing standard for Emergency Responders (federal, state, local, private and volunteer groups) and is currently coordinating with the Department of Homeland Security (DHS), the National Capitol Region (NCR) and other states to develop and implement FIPS 201 as part of its Emergency Response Initiative for the Commonwealth of Virginia. The Governor's Office of Commonwealth Preparedness (OCP) is the lead agency for this initiative. OCP has worked with federal, NCR and state partners to develop a standard First Responder Authentication Credential (FRAC) that may be used to authorize physical access to identified critical incident areas as an Emergency Responder and identify a person's qualifications and status within their respective agency or organization. The Commonwealth's FRAC Program is serving as a model for other regions to enhance cooperation between federal, state, local, private and volunteer sector Emergency Responders before and during a critical incident. The FRAC meets the control, identity proofing, registration and technical objectives of HSPD 12 and FIPS 201 as allowed by a non-federal entity.

THE NEED FOR CREDENTIALING

Many states learned hard lessons during the September 11, 2001 attacks on the World Trade Center and Pentagon, as well from Hurricane Katrina and other natural and man made disasters. One critical lesson is that improvements were needed in credentialing Emergency Responders. The majority of Emergency Responders already have some form of credential however those credentials vary by discipline and/or specialty and are not uniformly recognized across all levels of government. In the past, Incident Commanders were left to assume that an individual was who he/she said they were or deny access until it was possible to validate their identity and/or qualifications. This resulted in significant delays that in some instances prevented doctors and nurses from accessing incident scenes for over seventy-two hours because their existing credentials required further authentication. A standard credentialing system, such as the FRAC, will enable Incident Commanders to know that the person responding to a scene is who they say they are, has the authority to be at the scene, and has the certified capabilities to assist in the overall operational plan. Additionally, this standard credential may allow Emergency Responders (or those designated as COOP or COG personnel) to pass through perimeter checkpoints to access their desired destination. Proper credentialing can also eliminate potential legal concerns as well as provide for accountability and resource management.

The Commonwealth's FRAC Program will dramatically improve the effectiveness of our Emergency Responders at critical incident sites both in the Commonwealth and throughout the nation.

COMMONWEALTH FRAC

The FRAC identifies Emergency Responders and their credentials at the scene of an incident, allowing them to gain access into, within and out of secured areas and across multi-jurisdictions. The FRAC is built upon federal standards (HSPD 12 and FIPS 201) developed as a common identification standard for employees and contractors. It is critical for Emergency Responders to be identified and authenticated rapidly during emergency response scenarios. The Commonwealth FRAC was developed with the input and approval of several federal, state and local Emergency Response Officials.



COMMONWEALTH EFFORTS

The Commonwealth has been an integral part of issuing FRACs to Emergency Responders in federal, state and local governments. The nation's first FRAC was issued out of the VDOT Northern Virginia Smart Traffic Center (STC) in December 2005 as part of Exercise Winter Fox.

Since then, Virginia has participated in multiple interoperability exercises with federal, multi-state, jurisdictions, public and private entities. These exercises for the first time demonstrated smart-card interoperability among federal, state, regional, local and private sector emergency officials.

The Commonwealth was also invited to present to the Interagency Advisory Board (IAB) in Washington, DC on February 15, 2006. The presentation included Virginia's role with the NCR First Responder Partnership and the accomplishments Virginia has achieved in the development of policy and procedures, program marketing and card issuance.

The Commonwealth of Virginia was awarded a \$750,000 sub-grant from FY '05 UASI Grant funds to implement a FRAC Program by March 31, 2007. UASI funds are to be used to address the unique planning, equipment, training, and exercise needs of high threat, high density urban areas, and assist

them in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism. The Commonwealth of Virginia was tasked with implementing and coordinating an interoperable NCR FRAC program that can be used at incident scenes to identify Emergency Responders, particularly to critical infrastructure sites.

The Commonwealth used the grant funding to implement a FRAC program for Virginia jurisdictions within the NCR. The program is primarily focused on providing credentials to jurisdictions responsible for incident response to leased federal government facilities within the NCR. Arlington County was the first county and the City of Alexandria was the first city in the nation to issue FRACs to their Emergency Responders across all Emergency Support Functions (ESF). Since issuance began, the Commonwealth has since received many requests from interested Virginia jurisdictions and also Federal entities for FRAC issuance. To date, the Commonwealth has issued over 2,300 FRACs. Two thousand additional FRACs will be issued to Arlington and Alexandria emergency responders in 2009.

HAMPTON ROADS FRAC

The Commonwealth has applied for and secured additional FY 2007 (\$511,331.46) and FY 2008 (\$1,120,000) DHS State Grant funds. The Hampton Roads Regional Credentialing Working Group was formed in 2008. The objective of the Working Group is to focus attention on credentialing guidance, plans and strategies that will aid preparedness of the Hampton Roads Region. A vendor has been selected to supply all of the hardware, software, support and services needed to issue a FIPS 201 interoperable FRAC. Participating jurisdictions will supply the location(s) and labor needed to issue the FRACs. FRAC issuance is expected to commence in May 2009. In addition to these funds, the Commonwealth is seeking additional funding sources however they are not guaranteed. Additional long term funding, whether federal, state or local funds, will be necessary for the sustainability and success of the program.

HAMPTON ROADS GRANT ADMINISTRATION

The DHS State Grant Program requires a local government to administer the grant. As the grant administrator, the locality will be awarded the grant funds and responsible for the processing of the purchase orders, invoices and accounts payable. The locality can request funding advances with a valid purchase order and therefore pay the invoices without having to expend its own funds and apply for reimbursement. As part of the payment advances, the locality must expend the funds received within 120 days. If the funds are not spent within the allotted 120 days, the locality will be responsible for tracking and reporting any interest earned. The FRAC contract is set up to maximize the number of FRACs issued to responders in Hampton Roads. Therefore, the contract does not include labor for FRAC issuance. Training will be provided to individuals whom the participating jurisdictions designate as authorized to issue a FRAC. It is not the responsibility of the local government administrator to supply the labor or facilities for FRAC issuance. The Working Group, through collaboration, is responsible for the labor and facilities decisions.

CONCLUSION

The FRAC Program provides incident scene commanders the information needed to make an informed decision to grant or deny an individual access to a restricted area through the validation of their identity. Through this effort only authorized Emergency Responders will have access to critical incident scenes providing protection to the citizens of the community affected by the incident, expedited response and

recovery efforts and protection to Emergency Responders from unauthorized personnel. The Commonwealth's FRAC Program was successfully implemented in Arlington and Alexandria and tested thru multi-jurisdictional exercises Winter Fox and Winter Storm. The program's expansion in the Hampton Roads region will enhance the Commonwealth's ability to have interoperable and accepted standard identification for its emergency responders. The Commonwealth will continue to seek funding sources so that it may continue to be a national leader in this effort.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #9: URBAN AREA SECURITY INITIATIVE (UASI) FISCAL YEAR 2009 APPLICATION

The HRPDC Emergency Management staff has worked diligently with the Hampton Roads Urban Area Work Group (UAWG) in the FY09 Department of Homeland Security's UASI Grant Program application process. The UASI grant is one of several grants that falls under the umbrella of the Homeland Security Grant Program. The UASI program addresses the unique multi-disciplinary planning, organization, equipment, training, and exercise needs of high-threat, high-density urban areas, and assists in building and sustaining capabilities to prevent, protect against, respond to, and recover from threats or acts of terrorism. The UASI program directly supports the National Priority on expanding regional collaboration in the National Preparedness Guidelines and is intended to assist participating jurisdictions in developing integrated regional systems and/or assets for prevention, protection, response, and recovery.

Hampton Roads was designated a UASI region for the FY07 grant cycle and has successfully been granted UASI funding for the FY07 and FY08 cycles. The FY09 grant cycle began with the application process that was initiated in December 2008 through a coordinated effort with the UAWG, Office of Commonwealth Preparedness, and Virginia Department of Emergency Management. Over the course of 3½ months, the UAWG worked through all of its members and/or respective disciplines (Law Enforcement, Fire, Emergency Management, Communications, etc.) to solicit, develop, and approve proposals for projects that meet the criteria for the UASI grant. These proposals, known as investment justifications, have been submitted to VDEM for review, which in turn, will submit them to the Department of Homeland Security for vetting, review, approval, and awarding of funds through a competitive process with all other UASI regions nationwide.

Mr. Richard Flannery, HRPDC Emergency Management Administrator, and Ms. Mary Bunting, Assistant City Manager for the City of Hampton and UAWG Chair, will brief the Commission on the FY09 UASI application.

Attachment

RECOMMENDED ACTION:

Accept the briefing and provide information to the affected localities.

FY09 Urban Area Security Initiative Grant Application Summary

Incident Management Team

Primary Target Capability:

On-site Incident Management

Goal: This investment will enhance the capabilities of the Hampton Roads region (HR) to prevent, protect against, respond to, and recover from disasters by creating, developing, and training a 75 member regional type 3 All Hazard Incident Management Team (AHIMT) to assist with command and control of large-scale terrorist attacks/natural/man-made disasters.

Key Activities: The AHIMT will be comprised of Fire, EMS, Law Enforcement, Public Health, Animal Control, Public Works and Voluntary Services. This Investment Justification (IJ) provides individuals with training, exercises, and equipment to deploy on long term incidents.

Hampton Roads Regional License Plate Reader (LPR) System

Primary Target Capability:

Information Gathering and Recognition of Indicators and Warnings

Goal: Implement a regional system of License Plate Readers (LPR's) to allow for the automatic input of license plate information into a database for the purpose of checking those plates for wants, warrants, or possible links to terrorism.

Key Activities: To successfully implement this investment, the LPR systems must be purchased and installed. They have to be tied into a regional database that can be accessed by the local jurisdictions and the operators must be trained in their use.

Maritime Incident Response Team (MIRT)

Primary Target Capability:

On-Site Incident Management

Goal: To equip the MIRT with assets to enhance response capabilities to critical incidents in the UASI region and Commonwealth.

Key Activities: To provide a mobile command center for any regional or statewide incident. In addition, personal protective equipment (PPE), surface and underwater sensors, and detection equipment would be provided to aid in response capabilities.

Enhance Mass Transit Security

Primary Target Capability:

Critical Infrastructure Protection

Goal: The purpose of this investment is to enhance security and preparedness at critical mass transit infrastructure sites across the region and increase emergency response capabilities involving the region's fleet of buses.

Key Activities: Key activities include planning and equipment purchases to increase perimeter security around HRT's key transit assets.

Strengthen & Enhance Special Needs Regional Capabilities

Primary Target Capability:

Citizen Evacuation and Shelter-in-Place

Goal: Increased efficiency in special needs evacuation, sheltering, and preparedness planning for response and recovery from a terrorism and/or natural disaster related event.

Key Activities: Key activities include the sustainment of a medical special needs planning position, increased public outreach initiatives to correlate planning efforts with the special needs population, and the enhancement of medical friendly shelters with generator capabilities.

Pet Evacuation and Management Resources

Primary Target Capability:

Citizen Evacuation and Shelter-in-Place

Goal: The purpose of this investment is to purchase the necessary supplies and equipment to aid in the evacuation and management of pets during a mass evacuation resulting from an act of terrorism and/or disaster.

Key Activities: Supplement local government pet evacuation and sheltering efforts by providing the equipment necessary to execute a pet sheltering facility.

FY09 Expand & Enhance Interoperable Voice & Data

Primary Target Capability:

Communications

Goal: Continue the implementation of a wide area voice communications network that will support Command, Control & Communications (C3) during natural & man-made disasters.

Key Activities: The system, known as the Overlay Regional Inter-Operability Network (ORION), consists of a P25 voice communications system, will be expanded to provide first responders in the Hampton Roads Region (HRR) with a "Standards-Based Shared System" that will enable them to communicate throughout the entire HRR.

HR Citizen Corps Council Public Education & Outreach Initiatives

Primary Target Capability:

Community Preparedness and Participation

Goal: Expand on the 2008 HRCCC Public Education & Outreach Investment Justification (IJ) by engaging local businesses in developing public private partnerships

Key Activities: Create a series of public outreach initiatives focusing on expanding the public's knowledge of all phases of emergency management and preparedness, utilizing business continuity programs and Community Emergency Response Team (CERT) and Medical Reserve Corps (MRC) training and exercise opportunities for businesses

Virginia Fusion Center Information/Intelligence Sharing

Primary Target Capability:

Intelligence and Information Sharing and Dissemination

Goal: Enhance/expand existing capabilities for information sharing among all stakeholders in Central Virginia (CV) & Hampton Roads (HR).

Key Activities:

- Continue outreach program within HR&CV LE community
- Initiate outreach program with other partners
- Develop products for partners that provide indicator/awareness tools & provide a mechanism to report suspicious activity
- Provide tactical/strategic information/intelligence to decision makers in HR&CV

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #10: SOLID WASTE CONSULTANT CONTRACT

The Chief Administrative Officers (CAOs) of Southside Hampton Roads are examining a variety of options to address issues associated with the provision of solid waste management services on Southside Hampton Roads. They include the recently completed study of solid waste management post 2018 as well as a number of activities addressing the current financial issues faced by Southeastern Public Service Authority (SPSA) and the Southside communities.

In light of the proposed sale of the Waste to Energy facility and other assets of SPSA, the CAOs have determined that a full valuation of the assets of SPSA needs to be developed. At the request of the CAOs, the HRPDC staff has worked with SCS Engineers, the firm that completed the 2018 study, to develop a scope of work for completion of the asset valuation. To support both the eight localities and SPSA in their evaluation of proposals to purchase the WTE facility and other SPSA assets, this work needs to be completed within two months. The project will be funded through a special assessment by the eight Southside localities.

Attached is the scope of work for the proposed contract with SCS.

The CAOs recommend that the HRPDC contract with SCS Engineers to carry out this project and that the Executive Director be authorized to execute a contract with SCS Engineers on behalf of the eight Southside localities.

Attachments

RECOMMENDED ACTION:

1. Approve the attached local assessments to fund the project.
2. Authorize the Executive Director to execute the contract with SCS Engineers.

**SOLID WASTE MANAGEMENT – ASSET VALUATION
PROJECT BUDGET: CONTRACT OF MARCH 2009**

<u>Jurisdiction</u>	<u>Population 2006 Final</u>	<u>Percent</u>	<u>PROJECT SHARE</u>
Chesapeake	215,271	19.24%	\$19,221.02
Franklin	8,411	0.75%	\$751.00
Gloucester		0.00%	\$0.00
Hampton		0.00%	\$0.00
Isle of Wight	33,090	2.96%	\$2,954.53
James City		0.00%	\$0.00
Newport News		0.00%	\$0.00
Norfolk	234,219	20.93%	\$20,912.84
Poquoson		0.00%	\$0.00
Portsmouth	98,318	8.79%	\$8,778.57
Smithfield		0.00%	\$0.00
Southampton	17,933	1.60%	\$1,601.19
Suffolk	79,795	7.13%	\$7,124.70
Surry		0.00%	\$0.00
Virginia Beach	431,820	38.59%	\$38,556.15
Williamsburg		0.00%	\$0.00
York		0.00%	\$0.00
Region	1,118,857	100.00%	\$99,900.00 \$99,900.00

NOTE: Population is 2006 Final Estimate of Population.
Contract of January 1, 2008; Amend #1, March 4, 2009

Contract Modification No. 1

Task 7 – Additional Services Valuation of SPSA Assets

The Chief Administrative Officers (CAOs) of the member communities of the Southeastern Public Services Authority (SPSA) have requested that SCS Engineers (SCS) provide an independent assessment of the value of the Southeastern Public Service Authority's waste to energy, landfill, and transfer station assets. The work is to be completed under "Task 7 – Additional Services" of SCS's contract with the Hampton Roads Planning District Commission (HRPDC). The scope of services to provide the valuation is provided below and includes:

- Technical assessment of the current facilities.
- Identification of potential improvement that will increase the value of the facilities.
- Financial assessment including revenues, O&M cost estimate and recommended capital expenditures (Capex). Free cash flow analysis to estimate the market value of the facilities. The financial modeling of these facilities and the projected facility performance will have a major impact on the valuation.
- Review of other valuations publicly available.

SCOPE OF SERVICES

Task 7.1 – Assessment of Refuse Derived Fuel Waste to Energy Facility

1. Current Plant Performance Assessment

- Facility evaluation for four consecutive days by two technical experts in Waste to Energy facilities.
- Review SPSA reports and compare actual performance (waste throughput, energy sales, and consumable usage) to plant design.
- Compare actual performance (plant load, availability, steam cycle efficiency, internal power consumption) to industry standard and Best Practices.

2. Plant Equipment Review

- Review main equipment (Grate, Boiler, Air Pollution Control, Turbine, biogas motors, etc...) design.
- Verify integrity of main data received against Best Practices.
- Audit main technical risks against Best Practices

- Evaluate major equipment life.
 - Propose main risk mitigation solution and estimate required Capex.
3. Plant Operation Review
- Review current employee headcount.
 - Review maintenance plan and expenses.
 - Review consumable usage against industry benchmark and Best Practices.
4. Technical Improvements Review
- Evaluate improvements that are planned by the current owner of the facility.
 - Identify other potential performance improvement using Best Practices and experience.
 - Evaluate financial benefits and required Capex.
5. Deliverables
- **Required document list.** A list of documents requested for the technical review / list of technical questions to SPSA will be developed.
 - **Summary of current performance assessment.** A short MS Power Point report will be prepared presenting the key findings of our performance assessment of the current plant and the key production ratios that will be used to build our projections.
 - **Proposed improvement plan.** A performance improvement plan will be prepared in summarized format (table or short MS Power Point presentation) that will provide a short description of each identified upside, its anticipated benefits (additional plant capacity, reduced O&M costs, increased power or by-product production, etc.), required Capex or O&M cost (if any) and other important information. Upsides can include:
 - Procedure or operational changes
 - Equipment upgrade
 - Maintenance program improvement (part sourcing, sub-contracts practices review, maintenance practices improvements, etc.)
 - Organizational changes
 - Capex plan

- **Identified operation risks and proposed mitigation plan.** In a summarized format, A list of risks identified during the review, the likeliness of their occurrence and an estimation of their potential impact on financial projections will be developed in summarized format (table or short MS Power Point presentation). A mitigation plan will be prepared for each risk, with an estimation of Capex and additional O&M costs if applicable. Environmental risks are not part of the technical due diligence.
- **20 year operation plan and free cash flow analysis.** A financial model will be prepared which will include 20-year estimation of the following:
 - Production: yearly waste tonnage; ash, residue and by-product tonnage; energy sold.
 - Operation & Maintenance costs: projection based on existing practices and costs. Adjustment and Identification of upsides with cost databases, industry ratios, proposed improvement plan and risk mitigation plan.
 - Capex: projection based on current practices + upsides/downsides based on our improvement plan and risk mitigation plan.
 - Free cash flow analysis and project valuation.

Task 7.2 – Assessment of Regional Landfill Facility

1. Current Landfill Assessment

- Conduct site evaluation to confirm equipment and staffing levels of the landfill.
- Compare staffing, equipment levels, maintenance costs, and performance with other similar facilities.
- Identify main technical risks against Best Practices
- Evaluate major equipment life.
- Propose main risk mitigation solution and estimate required Capex.
- Review maintenance plan and expenses.

2. Technical Improvements Review

- Evaluate improvements that are planned by SPSA.
- Identify other potential performance improvement using Best Practices and experience.
- Evaluate expansion potential of the landfill. We understand that SPSA had begun evaluating various expansion alternatives at the same time SCS's initial study for the

HRPDC was being conducted. SCS will review the engineering analysis prepared by its outside consultants and independently assess the feasibility of substantially increasing the capacity of the landfill. The feasibility of expanding the site to provide substantial additional capacity is a critical factor in the landfill valuation.

- Evaluate financial benefits and required Capex.

3. Deliverables

- **Required document list.** A list of documents requested for the technical review / list of technical questions to SPSA will be developed.
- **Summary of current performance assessment.** A short MS Power Point report will be prepared presenting the key findings of our performance assessment of the current plant and the key production ratios, landfill, and transfer stations that will be used to build our projections.
- **Proposed improvement plan.** A performance improvement plan will be prepared in summarized format (table or short MS Power Point presentation) for the landfill that will provide a short description of each identified upside, its anticipated benefits (additional disposal capacity, reduced O&M costs, etc.), required Capex or O&M cost (if any) and other important information. Upsides can include:
 - Procedure or operational changes
 - Equipment upgrade
 - Maintenance program improvement (part sourcing, sub-contracts practices review, maintenance practices improvements, etc.)
 - Organizational changes
 - Capex plan
- **Identified operation risks and proposed mitigation plan.** In a summarized format, A list of risks identified during the review, the likeliness of their occurrence and an estimation of their potential impact on financial projections will be developed in summarized format (table or short MS Power Point presentation). A mitigation plan will be prepared for each risk, with an estimation of Capex and additional O&M costs if applicable. Environmental risks are not part of the technical due diligence.
- **20 year operation plan and free cash flow analysis.** A financial model will be prepared which will include 20-year estimation of the following:
 - Production: yearly waste tonnage and projected revenues from the sale of landfill gas.

- Operation & Maintenance costs: projection based on existing practices and costs. Adjustment and Identification of upsides with cost databases, industry ratios, proposed improvement plan and risk mitigation plan.
- Capex: projection based on current practices + upsides/downsides based on our improvement plan and risk mitigation plan.
- Free cash flow analysis and project valuation.

Task 7.3 – Assessment of SPSA Transfer Stations

1. Current Transfer Station Assessment

- Conduct site evaluation to confirm equipment and staffing levels at the SPSA transfer stations.
- Compare staffing, equipment levels, maintenance costs, and performance with other similar facilities.
- Identify main technical risks against Best Practices.
- Evaluate major equipment life.
- Propose main risk mitigation solution and estimate required Capex.
- Review maintenance plan and expenses.
- Confirm contractual relationships regarding property and facility ownership for each site.

2. Technical Improvements Review

- Evaluate improvements that are planned by SPSA.
- Identify other potential performance improvement using Best Practices and experience. For example, if a private firm were to take over the transfer station assets, they may elect to consolidate operations to improve operational efficiencies and reduce costs.
- Evaluate expansion potential and limitations at each facility. SCS will review the engineering analysis prepared by SPSA's consultants regarding the condition and expansion potential of its facilities.
- Evaluate financial benefits and required Capex.

3. Deliverables

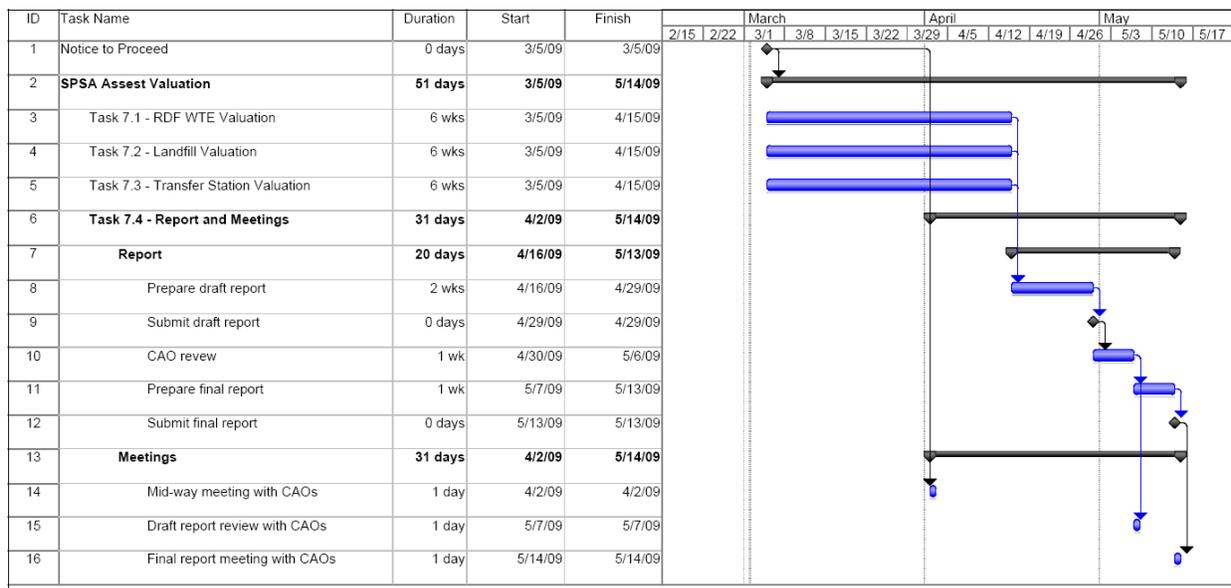
- **Required document list.** A list of documents requested for the technical review / list of technical questions to SPSA will be developed.
- **Summary of current performance assessment.** A short MS Power Point report will be prepared presenting the key findings of our performance assessment of the current transfer stations and the key production ratios of the transfer stations that will be used to build our projections.
- **Proposed improvement plan.** A performance improvement plan will be prepared in summarized format (table or short MS Power Point presentation) for each facility that will provide a short description of each identified upside, its anticipated benefits (additional capacity, reduced O&M costs, etc.), required Capex or O&M cost (if any) and other important information. Upsides can include:
 - Procedure or operational changes
 - Equipment upgrade
 - Maintenance program improvement (part sourcing, sub-contracts practices review, maintenance practices improvements, etc.)
 - Organizational changes
 - Capex plan
- **Identified operation risks and proposed mitigation plan.** In a summarized format, A list of risks identified during the review, the likeliness of their occurrence and an estimation of their potential impact on financial projections will be developed in summarized format (table or short MS Power Point presentation). A mitigation plan will be prepared for each risk, with an estimation of Capex and additional O&M costs if applicable. Environmental risks are not part of the technical due diligence.
- **20 year operation plan and free cash flow analysis.** A financial model will be prepared which will include 20-year estimation of the following:
 - Capacity of each transfer station.
 - Operation & Maintenance costs: projection based on existing practices and costs. Adjustment and Identification of upsides with cost databases, industry ratios, proposed improvement plan and risk mitigation plan.
 - Capex: projection based on current practices + upsides/downsides based on our improvement plan and risk mitigation plan.
 - Free cash flow analysis and project valuation.

Task 7.4 – Report and Meetings

1. Meet with the CAOs mid-way through the valuation to present the valuation methodology, preliminary findings, and discuss issues that have been identified.
2. Complete analysis of valuations and prepare draft report and submit to the HRPDC for review and comment.
3. Meet with HRPDC and CAOs to review draft comments
4. Address and incorporate comments, prepare final report, and submit to the HRPDC.

SCHEDULE

The scope of services outlined above will be completed within 8 weeks of notice to proceed.



PROJECT TEAM

In order to complete this evaluation within the 8-week timeframe requested, SCS has assembled the following project team experts to complete the valuation:

Firm	Responsibility	Key Personnel
SCS Engineers	Management of project, assessment and valuation of landfill and transfer stations, and management of RDF WTE	Robert Gardner, PE Marc Rogoff, PhD Keith Matteson, PE Tony Tomlin, PE

	Facility evaluation	
Deltaway Energy, Inc.	RDF WTE assessment and valuation.	Francois Screve Fred Caillard Ken Boatwright
J. A. Hayden & Associates	Third party review of valuation.	John Hayden, PE, PhD

By way of background, a brief description of our project team partners is provided below:

- Deltaway Energy** has conducted similar valuations of RDF facilities. Deltaway Energy has a special knowledge of SPSA “sister” plant in Miami-Dade where it has provided performance optimization and engineering services for the past 5 years. Members of Deltaway Energy team have been personally involved with the Miami Dade Resources Recovery Facility between 1990 and 2002 in the following capacity: Francois Screve as Facility Manager, Fred Caillard as Environmental Engineer and Claude Braun as Assistance Facility Manager. The key personnel from Deltaway Energy advised CVC, KKR, Suez in successful acquisition of projects in Europe and Asia. Deltaway Energy project references and resumes of key staff can be found on their web site at: www.deltawayenergy.com. The resumes of the Deltaway staff proposed for this assignment are attached.
- J. A. Hayden & Associations** is a planning and management firm that specializes in providing high-level technical consulting and advisory services for regional solid waste authorities and counties. SCS has worked with J. A. Hayden & Associates on several waste-to-energy related projects including Regional Waste Systems (now eco maine), Broward County Resource Recovery Board, and the Hudson County Improvement Authority. John Hayden, PE, PhD will provide third party review of the valuations prepared. John Hayden’s resume is attached.

FEE

Task	Fee (\$)
Task 7.1 - RDF WTE Valuation	57,200
Task 7.2 - Landfill Valuation	12,800
Task 7.3 - Transfer Station Valuation	9,200
Task 7.4 - Report and Meetings	20,700
Total	99,900

Resumes

Deltaway Energy, Inc
John Hayden, PE, PhD

FRANCOIS SCREVE

PROFILE

25 years multi-national expertise in solid fuel power plants in Asia, North America and Europe. Results-oriented leader with record of building high-performance organizations based on the foundation of:

- respect for the environment and safety of the individual,
- leadership and competencies,
- diagnosis and improvement, and
- mutual benefits and successful long-term results for all parties.

Offers balanced expertise in design, operations and financial performance. Holds an MBA, and BS in Mechanical Engineering.

PROFESSIONAL EXPERIENCE

DELTAWAY ENERGY, INC., California

2003 - present

President and Founder

Provides solutions based on best-practice in the worldwide industry for solid fuel power plants to achieve peak performance that increases revenues and lowers operating costs. Full details at www.deltawayenergy.com. Francois Screve has extensive experience in the development, optimization and management of waste-to-energy and biomass projects from the initial feasibility to general design, commissioning, to commercial operations. Francois Screve and Deltaway's team of experts have provided engineering and management services to more than 23 facilities worldwide since 2003 including the following facilities:

IN NORTH AMERICA:

- Miami-Dade, Florida 4,200 TPD, Zurn RDF / WTE
- Bay, Florida 490 TPD, O'Connor Rotary Combustor – WTE
- Pinellas, Florida 3,000 TPD, Martin Massburn – WTE
- Long Beach, California 1,380 TPD, Steinmuller Massburn – WTE
- Montgomery, Pennsylvania 1,380 TPD, Steinmuller Massburn – WTE
- York, Pennsylvania 1,344 TPD, O'Connor Rotary Combustor – WTE
- Dutchess, New York 456 TPD, O'Connor Rotary Combustor – WTE
- Islip, New York 485 TPD, O'Connor Rotary Combustor – WTE
- Savannah, Georgia 500 TPD, Seghers Massburn – WTE
- Quebec City, Canada 1,000 TPD, Von-Roll Massburn – WTE
- Chowchilla II, California, 12.5 MW Fluidized Bed – Biomass
- El Nido, 12.5 MW Fluidized Bed – Biomass
- Soledad, 13.3 MW Fluidized Bed – Biomass

IN ASIA:

- Ren-Wu, Taiwan 1,350 TPD, MHI – Martin Massburn – WTE
- Lutsao, Taiwan 900 TPD, Takuma Massburn – WTE
- Puxi, Shanghai, China 1,500 TPD, Steinmuller Massburn – WTE
- Macau, China 1,600 TPD, MHI - Martin Massburn – WTE

IN EUROPE:

- Bilbao, Spain 720 TPD, CNIM – Martin Massburn – WTE
- Nice, France 1,300 TPD, CNIM – Martin Massburn – WTE
- Rozenburg The Netherlands 3,500 TPD, DBA Roller Grate Massburn – WTE
- Rotterdam The Netherlands 1,200 TPD, Martin Massburn – WTE
- Duiven Netherlands 1,100 TPD, DBA Roller Grate Massburn – WTE
- Saales, France 1.1 MW – Wind turbines

IN ASIA:

Vice President Treatment Division, Onyx Asia Services, LTD, Singapore (2000 – 2002)

Responsible for all Onyx solid waste treatment operation in Asia (11 countries from India to Japan) including the operation 7 Waste-to-Energy facilities and construction of 3 new facilities in Taiwan:

- Shulin, Taiwan, 1,350 TPD, MHI – Martin Massburn – WTE
- Taichung, Taiwan, 900 TPD, Volund Massburn - WTE
- Chiayi, Taiwan, 300 TPD, Volund Massburn – WTE
- Phuket, Thailand, 250 TPD, MHI – Martin Massburn – WTE
- Koh Samui, Thailand, NKK – Massburn – Incinerator
- Nowon, Korea, 800 TPD, DBA Massburn - WTE
- Macau, China 1,600 TPD, MHI - Martin Massburn – WTE
- Taitung, Taiwan 300 TPD, Hitachi – Von-Roll Massburn – WTE (Construction)
- Yunlin, Taiwan 600 TPD, Hitachi – Von-Roll Massburn – WTE (Construction)
- Changhwa, Taiwan, 900 TPD, MHI – Martin Massburn – WTE (Construction)

IN NORTH AMERICA:

Facility Manager, Dade County Resource Recovery Facility, Miami, FL (1995 – 2000)

Managed a 4.2K TPD RdF Plant, 1.2M tons per year including four 1.8K Lb./hr Zurn Boilers, two 38 MW ABB turbines, five 2.0K HP hammer mills. Responsible for 200 employees and \$45.0M annual budget.

- Oversaw start up and operation of a new \$28.0M plant to process 400K tons per year of Recyclable Trash into fuel to nearby sugar mill.
- Oversaw start up and operation of a \$80 million Air Pollution Control Retrofit to meet Clean Air Act including new Ash System, new Scrubbers/Baghouses/Stacks.
- Designed and implemented Total Quality Management, Safety Program, Qualification/Training Program tied to the promotion process, newsletter, strategic planning, team building, problem solving teams, ISO 14001.
- Implemented five basic concepts of Safety, Protection of the Environment, Customer Satisfaction, Employee Development, and Shareholder Satisfaction into the daily operations of recruitment, retention and separation, compensation, promotions, training, and reporting processes at the plant.
- Created employee culture that resulted in fewer turnovers, less workers' compensation accidents, and less lost time from the few accidents that did occur.

Plant Manager, SERRF Long Beach, CA (1991 – 1995)

Managed a 1,380 TPD Waste-to-Energy facility (Steinmüller technology), 470,000 tons per year including 41 MW Delaval, Exxon DeNox system and Flakt/Niro air pollution control. Responsible for 65 employees and \$16.0M annual budget.

- Prevented employee union takeover through proactive employee relations programs.
- Implemented successful Total Quality Management that focused on employee involvement and recognition.
- Dealt with 11 separate agencies and 15 permits (i.e. SCAQMD, EPA, CIWMB, DTSC, etc.)
- Managed construction, start-up and operation of on-site Wes-Phix ash treatment facility.
- Oversaw design and implementation of \$6.0M improvement projects which increased plant performance by 5% and reduced O&M costs.
- Built strong client relationships that resulted in an 18 years O&M contract extension (\$16.0M annually) with City.

Operation & Maintenance Director, Dade County Resource Recovery Facility, Miami, FL (1990 – 1991)

Responsible for all Plant operation & maintenance for 3.0K TPD RdF Plant, 936K tons per year including four 180K Lb./hr Zurn Boilers, five 2,000 HP hammer mills. Managed over 200 production personnel.

- Reorganized plant staff, created new engineering & material department, implemented preventive maintenance program, developed operation plan, and reduced employee overtime by 50%.
- Increased weekly MSW processing from 16K Tons to 19K tons in 12-month period.

Project Engineer, Philadelphia, PA (1988 – 1990)

Managed southern waste management projects including process design, feasibility studies, financial arrangements and initiation of permits, including a 125 TPD municipal solid waste compost project and a 36 TPD hospital waste incineration project. Developed waste processing facility design specs, startup procedures and O&M plans.

IN EUROPE:

Consulting Engineer, Paris, France

(1987 – 1988)

Developed a retrofit plan increasing the energy sales for a 25.0K MWH/year cogeneration plant in France that supplied a district heating network and included a 100 TPD waste to energy facility (Laurent Bouillet Techn.), Coal boilers, and Geothermally supplied heat pumps.

Operation and Maintenance Manager, Nice, France

(1983 – 1987)

Responsible for all plant operations and maintenance for a 860 TPD waste to energy facility (Martin technology) including a 13.5 MW turbine and 40 MW auxiliary boilers. Managed 37 union employees and a \$2.0M annual budget.

- Coordinated plant modernization projects including participation in detailed design review, supervision of construction and new equipment start-up, and implementation of over 600 hours of plant personnel training and new computer maintenance management system. New equipment included 3 Niro gas scrubbers, Sulzer sludge dryer (70 TPD), New Ash treatment design (allowing 90% of ash to be sold), new furnace refractory design (tripled life expectancy), and distributed control system (Fisher, saved \$250,000 per year in fuel costs).
- Trained in CGC incineration plants using Seghers, Martin, Stein, and RDF technologies.

EDUCATION & SKILLS

Masters of Business Administration, University of Lille, Lille, France, 1983

Masters of Science, Mechanical Engineering, Ecole Nationale Supérieure des Arts et Métiers, Paris, France 1981 (National College of Arts and Professions, one of the top 5 Engineering colleges)
Mechanical Engineering Certificate, Masters Degree. Ranked 25th of 625 students

ASME Member, current.

QRO Certification required by EPA Clean Air Act for Waste-to-Energy Operation, 1993

Engineer's Boiler Operation License (State of Maine, USA), 1989

Languages: Fluent in French and English, some German (3 years schooling), Chinese and Spanish

Computer Skills: WindowsXP, Microsoft Word, Excel, PowerPoint, Lotus 123, Wordperfect, AutoCAD, etc.

FRED CAILLARD

PROFILE

Fred is a Project Manager for Deltaway Energy. His areas of expertise are steam cycle efficiency, WTE Boilers and Air Pollution Control operations, performance modeling and global project economics. He performed numerous plant-wide or equipment-specific heat and mass balances and has created some result oriented monitoring tools and services for several facilities.

His problem solving and data analysis skills have enabled him to lead more than 20 Performance Improvement Projects in Europe and in North America for Deltaway.

Fred holds a Masters Degree in Mechanical Engineering, with a major in Thermodynamics and in Industrial Energy Processes. He is the author of ASME papers on condenser and steam turbine performance.

Prior to joining Deltaway, Fred worked as an engineer in a WTE and biomass power plant, developed cogeneration projects and was involved in the European Power Market deregulation.

PROFESSIONAL EXPERIENCE

DELTAWAY ENERGY, INC., California

2003 - present

Project Manager, Senior Performance Engineer, New Jersey, USA

Provides solutions based on best-practice in the worldwide industry for solid fuel power plants to achieve peak performance that increases revenues and lowers operating costs. Full details at www.deltawayenergy.com. Fred Caillard has extensive experience in the optimization of waste-to-energy and biomass projects from the initial feasibility to commercial operations. Fred has been the project manager for the performance analysis and optimization of more than 23 facilities worldwide since 2003 including the following facilities:

IN NORTH AMERICA:

- Miami-Dade, Florida 4,200 TPD, Zurn RDF / WTE
- Bay, Florida 490 TPD, O'Connor Rotary Combustor – WTE
- Long Beach, California 1,380 TPD, Steinmuller Massburn – WTE
- Montgomery, Pennsylvania 1,380 TPD, Steinmuller Massburn – WTE
- York, Pennsylvania 1,344 TPD, O'Connor Rotary Combustor – WTE
- Dutchess, New York 456 TPD, O'Connor Rotary Combustor – WTE
- Islip, New York 485 TPD, O'Connor Rotary Combustor – WTE
- Savannah, Georgia 500 TPD, Seghers Massburn – WTE
- Quebec City, Canada 1,000 TPD, Von-Roll Massburn – WTE

IN ASIA:

- Ren-Wu, Taiwan 1,350 TPD, MHI – Martin Massburn – WTE
- Lutsao, Taiwan 900 TPD, Takuma Massburn – WTE
- Macau, China 1,600 TPD, MHI - Martin Massburn – WTE

IN EUROPE:

- Bilbao, Spain 720 TPD, CNIM – Martin Massburn – WTE
- Nice, France 1,300 TPD, CNIM – Martin Massburn – WTE
- Rozenburg The Netherlands 3,500 TPD, DBA Roller Grate Massburn – WTE
- Rotterdam The Netherlands 1,200 TPD, Martin Massburn – WTE
- Duiven Netherlands 1,100 TPD, DBA Roller Grate Massburn – WTE
- Saales, France 1.1 MW – Wind turbines

ACCENTURE

2000 - 2003

IN EUROPE:

Senior Consultant in the Utilities Market Unit , Paris

- For the French Distribution Grid Operator (EDF-GRD): Implementation of a standardized information exchange system for the Distribution Grid Operator. The exchange system manages all the information flows of the Grid Operator with other power market participants (Energy Service Providers, Consumers, Producers, Transportation Grid Operator, etc...).
- For a major European Hydroelectric Power Producer (CNR): Study of the green energy market mechanisms. Benchmarking of 12 European green energy markets. Design of the green power strategy in the wholesale market and in the mass market. Development of a wind power strategy.
- For the French Transportation Grid Operator (EDF-RTE): Design and Implementation of the French Balancing Mechanism (real time power market to balance electricity production and consumption), with impacts on the scheduling, ancillary services and interconnexion processes.
- Member of the Accenture Energy Trading and Risk Management Workgroup.

VEOLIA ENVIRONNEMENT

1998 - 2000

IN NORTH AMERICA:

Project Engineer, Dade County Resource Recovery Facility, Miami, FL (4,200 TPD, Zurn RDF / WTE)

- ISO 14001 certification implementation coordinator.
- Environmental projects design and coordination.

IN EUROPE:

Cogeneration Development Engineer, Dalkia, Paris, France

- European Power Markets analysis.
- Energy consumption & cost analysis for industrial clients in Spain and Belgium (Michelin, Volvo, SCA paper, Hospitals, Swimming pools).
- Design of related energy projects (power, heat and cool – mainly with cogeneration units (100kW to 50MW)): determination of the best technology, size and operating schedule.
- Pricing, risk analysis and financial evaluation of the projects. Writing of the related Energy Supply Contracts.

EDUCATION & SKILLS

Masters of Science, Mechanical Engineering. Engineering degree at the Ecole Centrale Paris (ranked in the top 5 French University). Major in thermal sciences and energetics. Industrial Projects Specialty Certificate at the Ecole Centrale Paris, France: Project management, cost control, planning and scheduling, work packages and contracts, profitability evaluation, negotiation

Languages: Fluent in French and English, some Spanish (4 years schooling)

Computer Skills: WindowsXP, Microsoft Word, Excel (advanced level), PowerPoint.

KENNETH M. N. BOATWRIGHT

PROFILE

40 years experience in steam power plant operation including 20+ years in Waste-to-Energy.

Ken has been our Director of Operation for the 1,350 TPD RenWu facility in Taiwan where he has been instrumental in dramatically improving the operation and the project economics.

He was Plant Manager of a 750 TPD Waste-to-Energy facility including 3 Martin stoker units. He started-up a 250 TPD Mitsubishi Heavy Industry Waste-to-Energy facility and a 140 TPD Volund Incineration plant in Thailand

He has worked internationally as a problem solver in the UK, Gibraltar, Norway and Taiwan. While working in the Pulp and Paper Industry, he was responsible for Plant Commissioning, Operator Training and Operation and Maintenance of steam utility & chemical recovery boilers

Ken holds an InterProvincial First Class Power Engineers Certificate in Canada

PROFESSIONAL EXPERIENCE

DELTAWAY ENERGY, INC., California

2004 - present

Expert Associate – Director of Operation

Ken has provided consulting and operation management services specifically to the Waste-To-Energy business.

Main accomplishments include:

- Modifications to Combustion Controls, Filter Bag House, ID Fan Control, Sootblowers.
- Implementation of “Standard Operating Procedures” including criteria for “Dioxin Testing”.
- Installed alternate method of Flyash Stabilization.
- Increased lifetime cycle of Boiler Water Wall and Superheater tubes.
- Implemented Boiler Tube Installation Methods.
- Implemented a computerized Work Order Maintenance Program.
- Increased electrical revenues due to increased Plant availability.
- Reduced Maintenance Costs.
- Established Purchasing System Controls and correct G.L. Code allocations.

Full details at www.deltawayenergy.com. Ken has provided services to the following projects:

IN NORTH AMERICA:

- Long Beach, California 1,380 TPD, Steinmuller Massburn – WTE
- Quebec City, Canada 1,000 TPD, Von-Roll Massburn – WTE

IN ASIA:

- Ren-Wu, Taiwan 1,350 TPD, MHI – Martin Massburn – WTE, Director of Operation for Swire SITA HK
- Lutsao, Taiwan 900 TPD, Takuma Massburn – WTE
- Puxi, Shanghai, China 1,500 TPD, Steinmuller Massburn – WTE
- Macau, China 1,600 TPD, MHI - Martin Massburn – WTE

IN EUROPE:

- Rozenburg The Netherlands 3,500 TPD, DBA Roller Grate Massburn – WTE
- Rotterdam The Netherlands 1,200 TPD, Martin Massburn – WTE
- Duiven Netherlands 1,100 TPD, DBA Roller Grate Massburn – WTE

VEOLIA ENVIRONNEMENT

1983 - 2003

IN ASIA:

Plant Manager, Onyx Asia Services, LTD, Singapore (1999)

Responsible for the start-up of 2 incineration plants operation in Thailand:

- Phuket, Thailand, 250 TPD, MHI – Martin Massburn – WTE
- Koh Samui, Thailand, NKK – Massburn – Incinerator

IN NORTH AMERICA:

Facility Manager, Burnaby, 800 TPD Martin Waste-to-Energy (1989 – 1998)

Started as Operation Manager and was promoted as Facility Manager in 1994

- Hg Abatement Program: Directly involved in the research of Na₂S and Activated Carbon injection for the reduction of vaporous mercury emissions. The Burnaby Incinerator was the first MSW plant in North America to install a full retrofit Carbon Injection System..
- NOX Abatement Program: Directly involved in the development and installation of an aqueous ammonia injection system at The Burnaby Incinerator.
- Fly Ash Stabilization: Directly involved in the development and installation of a dual acid injection system to prevent the migration of heavy metals, in particularly lead and cadmium.
- Initiated a complete set of training manuals and procedures for the operation.

IN EUROPE:

Expert Engineer, (1990 – 2002)

Provide technical assistance to various project in Europe for Veolia ES:

- Operations & Maintenance audit of a Circulating Fluidized Bed WTE plant in Sande, **Norway** 2002.
- Design, operations and maintenance audit of a newly acquired facility in **Gibraltar** 1994.
- Assigned to a mobilization team, to aid in the initiation of a newly acquired contract in Birmingham, **UK** 1993.
- Conducted an assessment of a combustion grate technology in Aarhus, **Denmark** for the purpose of using the technology in future bid projects 1990.

MIRAMICHI PULP AND PAPER

1985 - 1987

Department Manager
(Steam & Chemical Recovery)

WELDWOOD OF CANADA

1983 – 1985

Shift Supervisor

EDUCATION & SKILLS

1st Class Interprovincial Power Engineer Certificate, British Columbia, 1978

This certification is a college equivalent degree that is the combination of technical training, examination and practical experience. The entire program takes a minimum of 10 years to complete. This certificate allows the holder to supervise any pressure vessel, fired or unfired in Canada. Supervision includes the operation, maintenance and repair of all such vessels including combustion & ancillary equipment.

**4th, 3rd, 2nd and 1st Class Power Engineering - VVI,
Instrumentation for Power Engineers - VVI**

Finance for Non-Financial Managers - UBC

Mechanical Drafting - BCIT

Strength of Materials - BCIT

CSIA Level II (Ski Instructor)

Private Pilot (Current)

Class 1 & 6, B.C. Drivers License, Air Brake endorsement

JOHN A. HAYDEN, Ph.D., P.E.

12840 Marsh Landing
Palm Beach Gardens, Florida 33418
561-626-6284

Education

B.S. Civil Engineering, University of Pennsylvania, 1966
M.S. Civil Engineering, University of Pennsylvania, 1967
Ph.D. Environmental Engineering, University of Pennsylvania, 1970

Professional Licenses

Civil Engineer, 1975: licensed in California, New York, New Jersey, Massachusetts, Connecticut, Maine, Oregon, Tennessee, Ohio, Pennsylvania and Rhode Island.

Professional Experience

Dr. Hayden has spent his career providing personalized expertise to public clients interested in innovative integrated solutions to problems of waste management. These solutions include the increasingly difficult problems associated with integrating the highest level of recycling programs, waste-to-energy plants, and landfills. These programs are aimed at routinely generated commercial and residential refuse as well as difficult wastes such as construction demolition debris.

Dr. Hayden has directly supervised the project implementation process for solid waste systems for clients across the United States. He has specific experience relevant to the SPSA financial and operational benchmarking project through projects completed in Broward County, Florida; Memphis, Tennessee; Jackson, Mississippi; Portland, Maine; Auburn, Maine; Windham, CT; Hartford, CT; Huntsville, Alabama; Gallatin, Tennessee; Palm Beach County, Florida; Brevard County, Florida; Central Contra Costa, California; New York City, N.Y.; and others.

His expertise includes an extensive background in the development of new technologies, the adaptation of existing technologies, project risk analyses, technical unit process selection and verification, vendor evaluation/selection, vendor negotiations, utility negotiations, development of Financial Plans, arrangement of private equity/venture financings, negotiations with credit enhancers, third party feasibility reports, Rating Agency presentations and other bond issue related matters, as well as extensive Public Hearings on environmental issues.

Dr. Hayden has held the major responsibility for projects as varied as the Recycling Plan for the State of Connecticut; to testifying on behalf of licenses to construct and operate a Resource Recovery project in what may be the most heavily financed opposition to such a plant in the U.S.; to reconstructing a failed modular combustion system; to the application of co-disposal to sludge/refuse; to having performed research activities in the field of automated collection of waste; to having provided testimony before several legislatures on waste management policy.

J. A. HAYDEN ASSOCIATES, INC.

In prior capacities, Dr. Hayden has served as President of Hayden Wegman Engineers specializing in waste management engineering and Corporate Director of Peabody International Corporation (since merged) in the area of acquisitions, market development and turnkey construction. As part of that experience, Dr. Hayden operated the European division of Peabody's engineering/construction group for three years, headquartered in Germany, resulting in his direct inspection of the majority of European waste management plants. That experience in Europe has allowed a continuing dialogue with many waste management professionals and districts which translates into understanding market and technology trends which will affect the U.S. practice both short and long term.

Dr. Hayden has published widely in the field of waste management as well as having been guest lecturer at several Universities and symposiums worldwide.

Dr. Hayden served as a commissioned officer assigned to the office of Research and Development of the Solid Waste Bureau of the U.S. Environmental Protection Agency.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #11: AMERICAN RECOVERY AND REINVESTMENT ACT

Following the HRPDC Annual Economic Forecast in January, a request was made by the Commission to evaluate the impact of the President's proposed stimulus package on the region's economy. Economics staff has prepared a brief presentation, providing a general overview of the American Recovery and Reinvestment Act as well as an analysis of the estimated impact on the region's economy. Mr. Greg C. Grootendorst, Chief Economist, will deliver the presentation.

RECOMMENDED ACTION:

None required.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #12: PROJECT STATUS REPORT

A. Joint Environmental Committees

The Regional Stormwater Management Committee (RSMC) and Hampton Roads Chesapeake Bay Committee (HRCBC) met on February 5 and March 5, 2009.

The Committee received briefings on the following issues:

- DCR, Division of Natural Heritage – Invasive Species management, including phragmites mapping and possible classification of beach vitex as a noxious weed
- DCR, Division of Chesapeake Bay Local Assistance – Status of CBPA Phase III Program and related issues
- DEQ – Monitoring of PCBs in the Elizabeth River
- HRPDC staff – Proposed regional bacteria study, grant opportunities and continuing services consultant selection

The Committee also received updates on a number of regional and local program activities.

The HRPDC staff continues to work with the RSMC on a number of activities including:

- The draft MS4 Stormwater Permits for the region's six Phase I localities - the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach – remain under development. The Committee and staff continue to work with DCR staff to ensure regional consistency among the permits and to address continuing concerns over the standards to be achieved through the permits.
- The Phase I localities held special meetings on February 17 and 19 to address pending issues with their draft permits.
- On March 9, 2009, a new subcommittee comprised of the Regional Stormwater Management Committee representatives from the six Phase I localities and legal counsel for the six localities met. The purpose of the meeting was to acquaint legal counsel with the permit program and pending legal issues.
- On February 18 and 19, 2009, the HRPDC conducted regional training programs on municipal pollution prevention. This is one of a series of training activities conducted by the HRPDC to assist the Phase II localities, in particular, in meeting their permit requirements.
- The Regional Stormwater Management Committee held a special meeting on February 5, 2009 to continue development of the web-based Permit Administration and Reporting System (PARS).

B. Directors of Utilities Committee

The Directors of Utilities Committee met on February 4 and March 4, 2009. The Committee received briefings on the following:

- Brown and Caldwell – HRSD consultant on status of Sanitary Sewer Overflow Consent Order activities
- International Paper – Corporate water conservation programs
- Committee members – meeting with State Corporation Commission staff on marking of sewer laterals
- HRPDC staff – Ground water management programs, HR FOG, regional water supply plan, the proposed regional bacteria study and selection of continuing services consultant

The Capacity Team Subcommittee continues to meet weekly. All participants in the Regional SSO Consent Order continue to meet all deadlines under the Order.

The HRPDC staff continues to provide support to localities and DEQ on the web-based Sanitary Sewer Overflow Reporting System.

The HRPDC staff is continuing to facilitate the regional effort to address fats, oils and grease in the sanitary sewer system. The technical group is continuing work on the regional design guidelines; the education group has finalized a logo and is continuing work on regional educational materials. At press time, HRSD, Smithfield, Gloucester and Virginia Beach have approved the Memorandum of Agreement, approved by the HRPDC in November, on enforcement of the fats, oils and grease program. It remains under consideration by the participating localities.

The HRPDC staff and Committee members continue to address issues associated with the State Corporation Commission interpretations of state regulations dealing with the marking of sewer laterals on private property. The SCC is holding its next stakeholder discussion of this issue on March 11, 2009.

C. Regional Water Supply Plan

The HRPDC staff is continuing to work with the Directors of Utilities on development of the Regional Water Supply Plan to meet DEQ requirements. A number of activities are presently underway:

- Water Demand Management and Conservation Plan has been written and reviewed by HR Wet. Directors of Utilities Committee is currently reviewing it.
- Drought Response Plan has been reviewed by Committee. Southside representatives are meeting on Friday, March 13th to discuss drought indicators.
- Data tables identifying existing water sources and water usage for each locality and subregion have been completed.
- Subcommittee is meeting on March 17th to discuss water demand projections.

D. Hampton Roads H2O – Help to Others – Program

In January 2007, the HRPDC approved a recommendation from the HRPDC staff and Directors of Utilities Committee that the Hampton Roads H2O – Help to Others – Program be incorporated as a 501(c)(3) nonprofit. Following approval by fourteen of the member jurisdictions, the Towns of Smithfield and Windsor and HRSD, papers were filed with and approved by the State Corporation Commission.

On March 4, 2009, the Hampton Roads H2O Program held its organizational meeting. The Board of Directors consists of the Director of Utilities or his/her designee from the participating members. The Board selected a slate of officers:

President – Tom Leahy, VB

Vice-President – Brian Ramaley, NN

Secretary/Treasurer – Ted Henifin, HRSD

Executive Committee – Officers and Al Moor, (SU) and Larry Foster (JCSA)

The Board requested that the HRPDC staff, on its behalf, file the appropriate papers with the Internal Revenue Service to obtain tax deductible status for donations to the program, requested the HRPDC staff to develop a Memorandum of Agreement among the Hampton Roads H2O Program, HRPDC and HRSD to govern administrative and financial procedures and requested the HRPDC and HRSD staffs to proceed with a Spring 2009 fund raising campaign.

E. Extreme BMP Makeover Project

The HRPDC is partnering with the Center for Watershed Protection to present the Survivor's Guide to the New Era of Stormwater BMPs on March 23 and 24, 2009. Day 1 will be a hands on exercise in using the Runoff Reduction Spreadsheets and redesigning on-site stormwater controls to be compliant with DCR's proposed stormwater regulations. Design engineers and plan reviewers are the target audience. Day 2 will focus on the application of stormwater controls in the coastal plain. The agenda includes a discussion of the proposed regulations, a summary of findings from day 1, and breakout discussions on BMP maintenance, TMDL issues, off-site mitigation, and conflicts between local codes and the proposed regulations. Stormwater program managers and staff and planning department staff are the target audience for day 2.

F. HR CLEAN Conference

On February 27, 2009, HR CLEAN, the regional litter control, recycling and beautification education committee, sponsored its annual Regional Conference:

“Are Plastic Bags Sacking the Environment?” in Smithfield. The conference was organized by HR CLEAN subcommittee members Lorna Frazier-Lindsey (Gloucester), Mayi Henriquez (Newport News), and Tammy Rojek (Williamsburg) with assistance from the HRPDC staff.

Eighty individuals gathered to discuss an invasive and migratory species: the plastic bag and its impacts on the environment. Government workers, citizens, recycling and retail workers participated in the conference to brainstorm ideas on innovative regional efforts to balance commerce, convenience and the environment.

Turtles, fish, sharks, and other aquatic life are endangered by plastic bags and particles every day. Christina Trapani, Virginia Aquarium Stranding Team, spoke at the conference. Her presentation showed slides of wildlife which had ingested or become entangled in plastic bags. Her presentation will be available on www.hrclean.org (contains graphic photos).

Farmers are also impacted by plastic bags. Littered bags become entangled in equipment, degrade the quality of cotton crops, and kill livestock when ingested. A regional group has been working for over a year to find a solution to the problem. At the conference, the Plastic Bag Advisory Council shared a Pilot Program they developed for Isle of Wight. The program will focus on recycling and public education and will be implemented once funding is received.

The conference generated articles in the Daily Press, the Virginian-Pilot, and the Smithfield Times. The news articles and presentations from the conference will be posted at www.hrclean.org.

Post-event feedback was positive. Many individuals are interested in receiving updates on the pilot program and in attending future events.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #13: FOR YOUR INFORMATION

Items of general interest are attached for your information.

COUNTY ADMINISTRATOR

James O. McReynolds



BOARD OF SUPERVISORS

Walter C. Zaremba
District 1
Sheila S. Noll
District 2
Donald E. Wiggins
District 3
George S. Hrichak
District 4
Thomas G. Shepperd, Jr.
District 5

February 13, 2009

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

Dear Mr. Farmer:

This is to notify you that at its organizational meeting held January 6, 2009, the York County Board of Supervisors elected Walter C. Zaremba as its Chairman for 2009. Please forward any future Commission or Mayors & Chairs correspondence or information for Mr. Zaremba to the County's office at P.O. Box 532, 224 Ballard Street, Yorktown, Virginia 23690. For meeting and scheduling purposes, he can be contacted by telephone at 259-0707 (office).

Mr. Tom Shepperd will continue to serve as York County's appointed representative on the HRPDC. His current term does not expire until December of this year.

If you have any questions concerning the above information, please do not hesitate to contact me at 890-3325.

Sincerely,

Mary Ellen Simmons, MMC
Legislative Assistant

224 Ballard Street • P.O. Box 532 • Yorktown, Virginia 23690-0532 • (757) 890-3320

Fax: (757) 890-4002 • TDD (757) 890-3300 • Email: bos@yorkcounty.gov

A Hampton Roads Community

RECEIVED

MAR 06 2009

HRPDC



DEPARTMENT OF CIVIL AND ENVIRONMENTAL ENGINEERING
FRANK BATTEN COLLEGE OF ENGINEERING AND TECHNOLOGY
NORFOLK, VIRGINIA 23529-0241
PHONE: (757) 683-3753
FAX: (757) 683-5354

February 4, 2009

John Carlock
Hampton Roads Planning District Commission
723 Woodlake Dr.
Chesapeake, VA 23320

Dear Mr. *John* Carlock:

On behalf of the Old Dominion University Civil and Environmental Engineering Visiting Council (CEEVC) and the Civil and Environmental Engineering Department, I would like to thank you for your participation and presentation at our Fall Seminar on November 13, 2008. Most of the money raised at the seminar will go toward scholarships for ODU Civil and Environmental Engineering students at both the graduate and undergraduate level.

Your continued participation will enable the CEEVC to continue in this worthwhile endeavor. We hope you found the seminar beneficial for your agency and please feel free to contact me or the Seminar Chair with any suggestions for improvements.

Sincerely,

Gary Schafran, Ph.D.
Professor and Chair

RECEIVED
FEB 09 2009
HRPDC



CHIP / Healthy Families Chesapeake



1302 Jefferson Street ■ Chesapeake, VA 23324 ■ Phone: 757-543-9100 ■ Fax: 757-543-9166

Wednesday, March 04, 2009

Rick Pace
Christopher Vaigneur
Hampton Roads Planning District Commission
The Regional Building
723 Woodlake Drive
Chesapeake, VA 23320

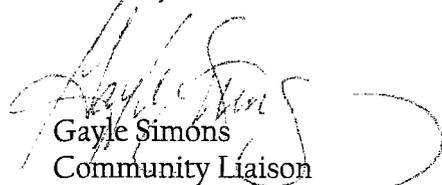
Dear Rick and Chris:

I wanted to personally thank you both for the hospitality shown to Reading is Fundamental, Care to Read Training program held on February 26th and 27th. The attendees remarked on how comfortable the facilities were and welcomed the central location as many participants traveled from other Hampton Roads cities.

The extra special effort you both made in setting up for our program as well organizing the refreshments was a welcome benefit. I was able to concentrate on the training without concern to the other distractions. Thank you both so very much and it was a real pleasure to working with you and your staff.

Best of luck in the upcoming business year and I hope I have the occasion to use the Regional Building again.

Sincerely,


Gayle Simons
Community Liaison
CHIP of Chesapeake

RECEIVED

MAR 09 2009

HRPDC



March 9, 2009

Dwight L. Farmer, P.E.
Executive Director
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, VA 23320

RE: LETTER OF APPRECIATION

Dear Dwight:

The purpose of this letter is to once again extend the sincere appreciation of the Hampton Roads Military and Federal Facilities Alliance (HRMFFA) to Mike Long for his creative talents and energy in supporting the HRMFFA with development of an informational brochure, the production of an updated HRMFFA Reference Guide for the HRMFFA Board, and with artwork for a new initiative.

His professionalism and diligence in providing prompt, cheerful, and professional service is very much appreciated and saved us time, money, and effort over what it would have required had we contracted this support to an outside source.

Please extend our grateful appreciation to Mike for his professional and prompt support. It's wonderful having him as a part of our regional "team."

Sincerely,

Frank Roberts
Executive Director

FAR/far

MIKE IS A REAL
PLEASURE TO WORK WITH!

RECEIVED

MAR 10 2009

HRPDC

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #14: OLD/NEW BUSINESS