

AGENDA
HAMPTON ROADS PLANNING DISTRICT COMMISSION
ANNUAL MEETING
October 20, 2010

- 9:30 1. Call to Order
2. Public Comment
3. Employee Recognition
4. Approval/Modification of Agenda

CONSENT AGENDA

5. Minutes of September 15, 2010
6. Minutes of September 22, 2010 Special Meeting
7. Treasurer's Report
8. Regional Reviews – Monthly Status Report
 A. PNRS Reviews
 B. Environmental Impact Assessment/Statement Review
9. Regional Stormwater Cooperation Summary Report
10. FY 09-10 Annual Report to Department of Housing and Community Development
11. Legislation – FY 2011 Funding for Partnership for Sustainability Communities and Livable Communities Act

REGULAR AGENDA

- 9:40 12. HRPDC FY 2010 Audit
9:50 13. Chesapeake Bay TMDL and Virginia Watershed Implementation Plan
10:00 14. Medical Special Needs Registry
10:10 15. Old Dominion Electric Cooperative Power Plant – Status Report
10:15 16. The Regional Building – Evaluation of Options
10:20 17. Nominating Committee Report/Election of Officers
10:25 18. Project Status Reports
19. For Your Information
20. Old/New Business

ADJOURNMENT

AGENDA NOTE- HRPDC ANNUAL COMMISSION MEETING

ITEM #1: CALL TO ORDER

The meeting will be called to order by the Chair at approximately 9:30 a.m.

AGENDA NOTE- HRPDC ANNUAL COMMISSION MEETING

ITEM 2: PUBLIC COMMENT PERIOD

Members of the public are invited to address the Hampton Roads Planning District Commission. Each speaker is limited to three minutes.

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #3: EMPLOYEE RECOGNITION

The employees noted below will be recognized for years of service to the HRPDC on a plaque prominently located at the HRPDC. These employees reached milestone anniversaries between October 31, 2009, and October 31, 2010.

Five Years

Kathlene Grauberger

Jennifer L. Tribo

Ten Years

Robert Lawrence

Brian Miller

RECOMMENDED ACTION:

Acknowledge individuals.

AGENDA NOTE- HRPDC ANNUAL COMMISSION MEETING

ITEM #4: APPROVAL/MODIFICATION OF AGENDA

Members are provided an opportunity to add or delete items from the agenda. Any item for which a member desires an action from the Hampton Roads Planning District Commission should be submitted at this time, as opposed to under “Old/New Business”.

Hampton Roads Planning District Commission
Executive Committee Meeting
Minutes of September 15, 2010

The Executive Committee Meeting of the Hampton Roads Planning District Commission was called to order at 9:33 a.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

EXECUTIVE COMMITTEE:

Bruce C. Goodson, Chairman (JC)	Paul D. Fraim (NO)*
Stan D. Clark, Vice Chairman (IW)	J. Randall Wheeler (PQ)
James O. McReynolds, Treasurer (YK)	Elizabeth Psimas (PO)
Alan P. Krasnoff (CH)*	Michael W. Johnson (SH)
Brenda Garton (GL)*	Selena Cuffee-Glenn (SU)
Greg McLemore (FR)	Tyrone Franklin (SY)
Molly Joseph Ward (HA)*	William D. Sessoms (VB)
Mckinley Price (NN)	Jackson C. Tuttle, II (WM)

EXECUTIVE COMMITTEE (ABSENT)

June Fleming (FR)	Clyde Haulman (WM)
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OTHER COMMISSIONERS:

Amar Dwarkanath (CH)	Neil Morgan (NN)
William E. Harrell (CH)	Regina V.K. Williams (NO)*
Ella P. Ward (CH)	Kenneth L. Chandler (PO)
Clifton Hayes (CH)*	Linda T. Johnson (SU)*
Gregory Woodward (GL)	Harry E., Diezel (VB)
Mary Bunting (HA)	James K. Spore (VB)
Robert Middaugh (JC)	Barbara Henley (VB)
Sharon Scott (NN)	Thomas Shepperd (YK)*

*Late arrival or early departure.

OTHERS RECORDED ATTENDING:

John Gergely, Henry Ryto, Terri Boothe, Ellis James (Citizens); Earl Sorey (CH); Keith Cannady, (HA); Bryan Pennington, Jeff Raliski, Tara Sutherland (NO); Bob Matthias (VB); Eric Nielson (SU); Tom Slaughter, Jerri Wilson (NN); Ray Taylor (FHR); Frank Roberts (HRMFFA); Jay Bernas (HRSD); Jim Oliver (HRCCE), Michael Denks (McKim & Creed), Kimball Payne (Daily Press); Ryan T. Bellamy, Patrick Terpstra (WVEC-TV); Camera Man (Wavy-TV); Peter Huber (Willcox & Savage); Germaine Fleet (Biggs & Fleet); Staff: Dwight Farmer, Shernita Bethea, John Carlock, Rick Case, James Clary, Nancy Collins, Kathlene Grauberger, Greg Grootendorst, Richard Flannery, Julia Hillegass, Frances Hughey, Jim Hummer, Rob Jacobs, Whitney Katchmark, Sara Kidd, Mike Long, Benjamin McFarlane, Brian Miller, Kendall Miller, Keith Nichols, Kelli Peterson, Camelia Ravanbakht, John Sadler, Joe Turner, Jenny Tribo, Chris Vaigneur.

Chairman Goodson called the Hampton Roads Planning District Commission Executive Committee meeting to order.

Chairman Goodson introduced Commissioner Robert Middaugh from James City County.

Chairman Goodson stated following the Commission meeting there would be a press conference on the JFCOM situation and signing of a resolution from all the localities.

PUBLIC COMMENT

One person requested to address the Hampton Roads Planning District Commission.

Ellis W. James

Good morning Mr. Chairman, thank you members of the Commission. The good news is that the hurricane may not get to us; the bad news is that they found significant indication where the oil is in the Gulf. For those of you who do not know there are clear indications from Professor Samantha Joy who has been on the research vessel looking at the sea floor and trying to find out what has happened, indicate clearly that there are a couple of inches of thick oil on top of a layer of dead shrimp and small animals and all of those items that we love that you know about. I bring this to your attention because for quite some time we were told by our government that the oil had evaporated probably and that natural processes were taking care of the rest. The fact of the matter is that there are serious problems. I also mention this because my good friends in Virginia Beach who were not able to come to the meeting last night at the Virginia Aquarium did not have the chance to hear the testimony of two key people from the Gulf and the from the pan handle area of Florida. Captain Daniel C. Hipsness and Chris Seaman, gave some very interesting testimony as to the losses suffered by the businesses, by the charter boat captains and the tourism industry. The figures were not new to me, but for many in the audience of about sixty people who attended that meeting, the information was a shock. Also, their inability to secure the funds that they are entitled to through their claims were also very disturbing. I mention this not to be an alarmist, but those of us who live in Hampton Roads who are concerned about our seashore and our beaches, and those of us who are working hard to try to clean up the Chesapeake Bay, need to pay close attention to this situation. Just by coincidence this morning, we have now heard from the lead man at BP that there is a witch hunt underway in the United State against BP. The fact of the matter is to find regulations and put them in place to protect our workers in the oil and gas industry as well as to protect our beaches and our shores and our citizens not a witch hunt it is the duty of our government. Thank you Mr. Chairman.

CONSENT AGENDA

The Consent Agenda contained the following Items:

Minutes of July 21, 2010

Treasurer's Report

Regional Reviews

A. PNRS Items Review

FY 2011-FY-2013 Leaking Underground Storage Tank (LUST) Program Grant

Multimedia Communications Functions

VADEQ FY 2011-13 Performance Partnership Grant

VADEQ Water Quality Plan

FY 2011- FY 2013 Leaking Underground Storage Tank (LUST) Prevention

B. Environmental Impact Assessment/Statement Reviews

Virginia Tech-National Institute of Aerospace Facility - Virginia Polytechnic Institute & State University

Installation of Nine Pilings and One Floating Pier, Owl's Creek Annex, Virginia Beach – DOD/Department of the Navy

Environmental Program Contracts

Emergency Management UASI Program Contract

Port Security Grant Program (PSGP) Fiscal Year 2009 Application

Northwest River Watershed Plan

Hampton Roads Historic Resources Project

Home Star Energy Retrofit Act of 2010

Sea Level Rise Proposal – Chesapeake Research Consortium

Commissioner Clark Moved to approve the Consent Agenda; seconded by Commissioner Jones. The Motion Carried.

(Commissioners Hayes, Mayor Fraim, Mayor Krasnoff , Commissioner Shepperd arrives)

National Emergency Communications Plan (NECP) Goal 1 Evaluation

Chairman Goodson introduced Mr. Flannery to present the National Emergency Communications Plan Goal 1 Evaluation.

Mr. Flannery stated that he wanted to share with the Commission good news from an event that took place in November 2009 with regard to Homeland Security. Homeland Security asked urban area security regions to identify planned events in which to participate in independent observation of response level emergency communications and they chose Harborfest 2010. The requirement to observe an event came from the Office of Emergency Communication which supports the Secretary of Homeland Security in developing, implementing and coordinating, interoperable and operable communication for the emergency response community at all levels of government.

Mr. Flannery indicated the mission is to communicate in the event of natural disaster, acts of terrorism, and other man-made disasters to obtain interoperable and operable emergency communication nationwide. The national emergency communication plan identifies needs by emergency responders, sets goals and time frames for deployment for interoperable emergency communication systems, and sets dates for baseline level for a national emergency communication.

(Commissioner Garton arrives)

Mr. Flannery stated that the Department of Homeland Security chose Harborfest because 90% of all high-risk urban areas designated within the Urban Areas Security Initiative must be able to demonstrate response level emergency communications within one hour for routine events involving multiple jurisdictions and agencies. Mr. Flannery also indicated that Harborfest was the first time the region opted to coordinate both land and water operations under a single unified command structure located at two geographically advantageous locations with land base in downtown Norfolk and maritime base being on a Coast Guard Cutter moored off Hospital Point in Portsmouth. The event was successfully executed from numerous public safety, federal, and state representatives.

Mr. Flannery indicated the planning personnel utilized the region's new ORION regional overlay radio system and WebEOC to improve communication throughout the event. The event planners demonstrated excellent collaboration between numerous local, state, federal, and public safety organizations. It was a noticeable achievement at an event of this complexity.

Mr. Flannery stated the department of Homeland Security observers agreed the involved jurisdictions and agencies provided interoperable communication within the compliance of this event and demonstrated communication planning. In addition, communication systems experienced few difficulties, and operation leadership made timely decisions without significant impediments. The Office of Emergency Communications determined the Norfolk urban area successfully demonstrated response level emergency communication outlined by the National Emergency Communication Plan Goal Number One at an established level. Mr. Flannery indicated that a copy of the specific findings and recommendations will be distributed to public safety agencies, emergency managers and communications representatives in Hampton Roads.

Chairman Goodson asked for a motion to accept the briefing and provide a copy of the report to effected localities.

Commissioner Harrell Moved to accept the briefing and provide a copy of the report to effected localities; seconded by Commissioner Clark. The Motion Carried

Commissioner Diezel asked if there is emergency communications between land lines and cellular phones.

Mr. Flannery stated the capability is being provided, and that the jurisdictions have a satellite phone which is not activated because of the cost of activation; they can activate immediately when needed.

(Commissioner Williams arrives)

SEA Level Rise Proposal – ODU

Chairman Goodson stated in the consent agenda the Commission approved the endorsement letter to the Chesapeake Research Consortium and Mr. Farmer will give a briefing to the Commission on Sea Level Rise Proposal with Old Dominion University.

Mr. Farmer stated in July Dr. Koch from ODU presented a proposal that his staff and the HRPDC staff would do a serious sample of all the real estate and geographic areas impacted and provide an economic impact analysis. Mr. Farmer indicated this is not a comprehensive analysis because we do not have complete high resolution LIDAR data for this evaluation. HRPDC staff thought it would be appropriate to have Dr. Koch and his staff and graduate students perform a fairly modest cost-sampling of most of the localities of several areas to demonstrate the potential severity of the sea level rise.

Mr. Farmer stated the project would cost \$110,000 which would be split 50/50 between ODU and HRPDC as indicated last month. Mr. Farmer stated this information is critically needed to demonstrate how severe the impact could be with the seal level rise and land subsiding. HRPDC could take this information along with other information being used and make a compelling case to get complete LIDAR coverage for all of Hampton Roads. We could then do a complete analysis to make sure all the geographic areas have been covered and then conduct an economic analysis of all the impacts.

Mr. Farmer stated his request is to sign the proposal and agreement with Dr. Koch and his group R.S.I.

Chairman Goodson asked for a motion to give HRPDC staff permission to execute the agreement.

Commissioner Jones Moved to give staff permission to execute the agreement; seconded by Commissioner Fraim. The Motion Carried.

(Mayor Johnson arrives)

Joint Forces Command Analysis and Resolution

Chairman Goodson introduced Greg Grootendorst who would brief the Commission on the Joint Forces Command Analysis and Resolution.

Mr. Grootendorst stated it was just over a month since the announcement from the Secretary of Defense, Robert Gates, announcing the closure of the Joint Forces Command. Since that announcement there has been significant support from the Congressional Delegation, Governor's office, cities and counties throughout Hampton Roads, as well as special groups and committees formed to strategize ways to respond to this devastating announcement.

Mr. Grootendorst stated the Secretary of Defense has created a disestablishment working group at JFCOM and they have established some target dates during the closure. On October 15th JFCOM is due to deliver an interim update on the disestablishment working group; December 10th is the final disestablishment working group plan; and the plan is to be fully implemented by September 30, 2011. Guidance provided by the disestablishment working group indicates a transfer of joint force management training capability development, concept development and experimentation function to Joint Staff with support roles to services and other components as appropriate and transfer subordinate organizations based on initial proposals recommended to the Secretary of Defense.

Mr. Grootendorst stated the implications of closing JFCOM facilities and their consultants in Hampton Roads remains unclear because the efforts that remain locally are unknown. The information from the Department of Defense has been limited. HRPDC staff have estimated the economic impact of JFCOM in Hampton Roads. There are approximately 926 military employees, 1,500 civilians, and 3,200 contractor positions, for a total of 5,650 employees in Hampton Roads and an additional 5,150 indirect employees within the region. Distribution of JFCOM employment and indirect and induced employment across the sectors predominantly hits the professional and technical services industry, and the impact ripples throughout the regional economy. The first three to four years are hardest on the region and then the impact declines as the market adjusts to the job mix and productivity. The potential impact on gross regional product is about \$720 million and \$900 million in 2011. The initial impact continues for the first couple of years, but again, as labor cost changes, productivity and jobs change, the effect remains substantial for years.

Mr. Grootendorst stated JFCOM does not have a complete list of its contractors and their locations have not been made available. JFCOM and the Hampton Roads Military Alliance suggests Fort Eustis has approximately 73 employees at JFCOM; Naval Station Norfolk 1,800; in northern Suffolk has about 2,400; and others are spread out throughout the region.

Mr. Grootendorst indicated the next step was to approve the HRPDC resolution.

Mayor Sessoms stated that he thought it important that HRPDC get the contractors information because it is critical that the region know the contracts.

Mr. Farmer stated HRPDC has been in direct contact with Craig Quigley the new Executive Director for HRMFFA. Mr. Quigley indicated there is difficulty getting that information because of the dispersity. As soon as the information is available, the Commission would be informed.

Mayor Sessoms asked if the City of Suffolk was working to get the information.

Mayor Johnson indicated the City was provided the information a week or so ago.

Mr. Shepperd stated he was surprised about the contract information because it is public information and all the contracts are awardees of the command. Mr. Shepperd indicated where it gets complicated is prime small business that are not well-known may be tied to Lockheed, Boeing and Northrop Grumman. It can get complicated in that area, they should be able to be identified through the federal contract.

Mr. Farmer stated the HRPDC has published the contracts and listing of the companies in those contracts in an earlier bulletin, but Admiral Quigley indicated that locating the people and particularly the subcontractors would be difficult.

Mr. Shepperd asked if that is locating people or headquarters.

Mr. Farmer stated because HRPDC is getting calls asking where these people live that work for the contractors, the implication is you wanted to know how many homes, families and neighborhoods would be impacted, and that is the information HRPDC is trying to get from Admiral Quigley.

Mr. Grootendorst stated HRPDC has the contractor names and amount of contracts, but the exact location of all of them has not been made available.

Mr. Shepperd asked if the contractors are not forthcoming. Mr. Shepperd indicated that it would be in their best interest to support what is happening and the individual contractors or companies could provide some information.

Mr. Grootendorst stated some contractors are very forthcoming, others not so much, and we are trying to get information from them.

Mr. Shepperd stated that one thing he did not understand are the reports and the numbers are unable to identify the basic number on who is working, not where they are working, but how many people are at JFCOM. One study earlier stated 10,000; another stated 11,000. It makes one question, how much does the region really know about the rippling effect of the impact of what is happening. A military person asked me how many people are being affected, and I gave him a range because that is the information I am getting, and I am not talking about how many businesses will be affected. There is a large argument on number.

Mr. Grootendorst stated the numbers are not consistent from year to year because contracts change and so does the number of people employed by JFCOM. If you are looking at contract dollars they fluctuate because contracts may run through September of one year and people are no longer working for that contract and are no longer included as employees. From a year to year basis, we can see significant fluctuation even in JFCOM reporting in term of total employment numbers.

Mr. Shepperd asked if JFCOM is helping to provide information.

Mr. Grootendost stated assistance from the command has been limited.

Chairman Goodson asked for any other comments.

Mayor Ward stated that one of her concerns that we need to stay focused on JFCOM, not how many jobs we are losing. We need to focus on JFCOM, that is imperative they should stay here. Mayor Ward suggested the language in the resolution be reversed. The military focus should be first.

Chairman Goodson asked if that was a motion.

Mayor Ward replied affirmatively. The second through the fourth "Whereas" should be moved to the end and the resolution should start with "Whereas the defense present report to the Secretary of Defense..." seconded by Commissioner Clark. The Motion Carried.

Mayor Fraim stated there was some discussion that tasks the regional mission was to continue to stay on the economic impact and the congressional delegation would take the national security issues at their level.

Mr. Farmer indicated there would be a press conference after the meeting to sign the Resolution.

Commissioner Cuffee-Glenn stated the time line does not reflect that on September 30 there is a hearing with the House in Washington related to JFCOM with Secretary Gates. It was suggested to incorporate the resolution as part of the packet of information.

Chesapeake Bay Total Maximum Daily Load (TMDL)

Chairman Goodson stated that Ms. Tribo would present the Chesapeake Bay Total Maximum Daily Load Report.

Ms. Tribo stated she was here to give the status and update on the development of the Chesapeake Bay Total Maximum Daily Load and Virginia Watershed Implementation Plan. The first reminder is the TMDL is maximum pollutant load allowed for a water body to meet water quality standards. For the Chesapeake Bay the pollutants are nitrogen, phosphorus and sediment. The water quality standards we are trying to achieve is to maintain healthy aquatic life in the Chesapeake Bay. The appropriate nutrient and sediment loads are determined by a series of computer models - watershed models, water quality models and airshed models. The model input includes precipitation, fertilizer application and amount of land use area. EPA will use these models to set limits on nutrients and sediment loads to the ninety-two river segments that compose the Chesapeake Bay Watershed. The loads will be given to Chesapeake Bay states so they can allocate the loads among their source sectors.

Ms. Tribo indicated the James River Basin and Hampton Roads localities located at the point source make up a larger portion of the contribution of 48% of nitrogen load and 33% phosphorous loads for Virginia. Virginia is responsible for existing loads and identifying the reductions necessary to meet EPA's goal and must submit a plan to EPA to outline how these reduction will be met by 2025 and 60% of these reduction have to be completed by 2017.

Ms. Tribo indicated earlier this year Virginia formed a State Advisory Committee comprised of representatives of all major source sectors. The committee will evaluate the existing sources for potential to reduce nutrients. Based on this information, the State created load reduction scenarios for each source sector. These scenarios include reduction practices and reduced loads from agriculture and acres of urban land treated by existing stormwater management practices. These scenarios go to EPA watershed model to determine if they meet the target loads.

Ms Tribo stated Virginia submitted their draft strategies to EPA on September 3. The resulting load reduction is being incorporated into wastewater and stormwater permits through the development of Virginia's Phase Two Watershed Implementation Plan over the next year. This process includes the release of the draft TMDL on September 24 with a 45 day comment period. There is a public meeting in Hampton Roads on October 7 and a webinar public meeting. The final state watershed implementation plans are due in November and EPA plans to release the final TMDL by the end of the year. Hampton Roads needs to prepare detailed comments on the TMDL , and the comments need to identify the flaws on TMDL development and process in order to preserve the localities' ability to appeal the TMDL if necessary.

Ms. Tribo indicated that the region needs to evaluate the cost and feasibility of meeting the nutrient reduction to urban stormwater and wastewater, the potential for reduction from existing development to identify the difference between what EPA wants and what the localities can actually achieve. EPA is not required to set a 15 year time frame for water quality standards. They also changed upgrading the model inputs as time has gone on which resulted in changing nutrient reduction targets. EPA is wants Virginia to meet chlorophyll a standards in the James River in addition to lower the oxygen criteria in the bay.

Ms. Tribo indicated Virginia's strategy to meet the required reductions in the James River for 2017 will be to evaluate the purpose of the chlorophyll a standards and revise their load reduction. The Chesapeake Bay still does not meet water quality standards and load reductions necessary to improve the health of the Bay so the region needs to determine the cost and feasibility of achieving urban nutrient reduction in the Chesapeake Bay.

Ms. Tribo indicated the comment period is September 24 through November 8. Due to the short time frame and the complexity of issues, HRPDC is recommending the Commission appoint a subcommittee to work with staff to develop comments. The subcommittee will bring the comments to the Commission in October for approval to submit to EPA before the November 8 deadline.

Chairman Goodson stated the HRPDC is recommending the Commission form a subcommittee to make official comments or recommendations from the HRPDC.

Mr. Shepperd stated that this was a big issue for his district and county. This is extremely complicated to figure out. A committee is needed to focus on this because there are some important parts. The Governor talked about this and there was push back a little about standards and if we agree with them or not. This is a stirring of groups over the fact that localities are supposed to figure out the cost to their constituents on the tax dollars when the targets keep moving. The retrofit and EPA will come down on us and tell us we will have go back into your old neighborhood with BMPs and make them compliant, and who pays for that and that will come from the local government and that would cost and cause everybody problems. The standard, is a 1985 standard 50% of the 1985 standard for the bay is what we have to go back to so a committee is needed to help.

Chairman Goodson asked Mr. Shepperd to serve on that committee he indicated that he would. I will serve on the committee for James City.

Mr. Shepperd stated he would be glad to serve.

Chairman Goodson asked Mr. Price from Newport News, Mr. Clark, Isle of Wight. Chairman Goodson stated that a staff person could be assigned to attend the meeting.

Project Status Reports

No questions or comments were noted

Correspondence of Interest

No questions or comments were noted

For Your Information

No questions or comments were noted

Chairman Goodson reminded the Executive Committee it will have a special closed meeting on Wednesday, September 22 with SPSA board members to discuss the joint real estate that both own. There are a couple of new members that were assigned because of the elections. Mayor Price, welcome to the Commission and Mr. McLemore.

Chairman Goodson stated if there is no other business for the HRPDC we will have a press conference immediately following the meeting.

Adjournment

With no further business to come before the Hampton Roads Planning District Commission,
The meeting adjourned at 10:35 am

Dwight L. Farmer
Executive Director/Secretary

Bruce C. Goodson
Chairman

Hampton Roads Planning District Commission

Special Executive Committee Meeting

Minutes of September 22, 2010

A special meeting of the Executive Committee of the Hampton Roads Planning District Commission was called to order at 12:30 PM in the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

EXECUTIVE COMMITTEE:

Bruce C. Goodson, Chairman (JC)

Stan D. Clark, Vice Chairman (IW)

James O. McReynolds, Treasurer (YK)

Alan P. Krasnoff (CH)

Brenda G. Garton (GL)

Neil A. Morgan (NN)

Elizabeth Psimas (PO)

Michael W. Johnson (SH)

EXECUTIVE COMMITTEE (ABSENT):

Molly J. Ward (HA)

June Fleming (FR)

Paul D. Fraim (NO)

J. Randall Wheeler (PQ)

Tyrone W. Franklin (SY)

Selena Cuffee-Glenn (SU)

William D. Sessoms (VB)

Clyde A. Haulman (WM)

OTHER COMMISSIONERS:

W. Douglas Caskey (IW)

Others Recorded Attending:

James Gray (Hampton); Betty Meyer (Chesapeake); Deborah Stearns (Harvey-Lindsay); SPSA Board and Staff; HRPDC Staff: Dwight Farmer, John Carlock and Kelli Peterson.

Chairman Goodson called the special meeting of the Hampton Roads Planning District Commission to order. He stated the purpose of the meeting was to meet jointly with the board of the Southeastern Public Service Authority regarding real estate matters.

Chairman Goodson advised all present that in his judgment, it was appropriate for the Executive Committee to enter into a closed session as authorized by the Virginia Freedom of Information Act and discussion would be restricted to only those matters specifically exempt from disclosure pursuant to §2.2-3711(A)(3). It was also noted that the following non-members were to be present during the closed meeting: Dwight Farmer, John Carlock and Kelli Peterson of the HRPDC staff; Ms. Betty Meyer of the City of Chesapeake, Mr. James Gray from the City of Hampton and Ms. Deborah Stearns from Harvey-Lindsay.

Commissioner Clark Moved to enter into closed session; seconded by Commissioner Psimas. The Motion Carried.

CLOSED SESSION

Commissioner McReynolds Moved that the Executive Committee return from the closed meeting; seconded by Commissioner Clark. The Motion Carried. The Executive Committee returned from closed session at 1:30 PM.

Chairman Goodson asked for a motion indicating that members of the Commission certify to the best of their knowledge: a) only public business matters, lawfully exempted from open meeting requirements under §2.2-3711(A)(3), and b) only such business matters as were proposed under the motion under which the closed meeting was convened were heard, discussed or considered in the meeting by the Executive Committee.

Motion by Commissioner Psimas; seconded by Commissioner Garton. The Motion Carried.

Adjournment

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 1:30 PM.

Dwight L. Farmer
Executive Director/Secretary

Bruce C. Goodson
Chairman

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #7: TREASURER'S REPORT

**FISCAL YEAR 2011
September 30, 2010
BALANCE SHEET**

ASSETS		LIABILITIES & NET ASSETS	
Cash & Cash Equivalents	488,431	Current Liabilities	829,472
Accounts Receivables	877,487	Net Assets	4,783,449
Investments	2,737,602		
Other Current Assets	664		
Net Capital Assets	<u>1,508,737</u>		
Total Assets	<u><u>5,612,921</u></u>	Total Liabilities & Equity	<u><u>5,612,921</u></u>

STATEMENT OF REVENUES AND EXPENDITURES

REVENUES	Annual Budget	Current Month	YTD
Grant and Contract Revenue	8,249,457	134,359	960,785
VDHCD State Allocation	132,124	-	-
Interest Income	20,000		4,421
Local Jurisdiction Contributions	2,229,534	328,269	328,269
Other Local Assessment	1,438,783	294,810	294,810
Sales and Miscellaneous Revenue	117,530	7,136	10,326
Total Revenue	<u><u>12,187,428</u></u>	<u><u>764,573</u></u>	<u><u>1,598,611</u></u>
EXPENDITURES			
Personnel	3,983,281	330,988	904,372
Standard Contracts	223,525	19,176	46,454
Special Contracts / Pass-Through	6,887,963	377,765	906,506
Office Services	1,062,659	28,720	120,978
Capital Assets	30,000	-	-
Total Expenses	<u><u>12,187,428</u></u>	<u><u>756,650</u></u>	<u><u>1,978,311</u></u>
Agency Balance	<u><u>-</u></u>	<u><u>7,923</u></u>	<u><u>(379,700)</u></u>

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #8: REGIONAL REVIEWS – MONTHLY STATUS REPORT

A. PNRS Items (Initial Review)

The HRPDC staff is routinely involved in the review of applications for grants to support projects involving federal or state funding. To ensure that all Commissioners are aware of projects being reviewed, brief summaries of these projects and anticipated review schedules are included in the Agenda. The HRPDC staff will continue to request comments directly from staff in localities that appear to be directly affected by a project. Review and comment by more than one locality is requested when a project may affect the entire region or a sub-regional area. Attached is a summary of the one project received for review during the month. As of October 12, 2010 there were no outstanding comments on this project.

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

Received 9/2/2010 **Number** 10-131F

Name Patrick Henry Place Apartments

Sponsor U.S. Department of Housing and Urban Development

Description

The U.S. Department of Housing and Urban Development (HUD) proposes to provide mortgage insurance under the HUD Section 221(d)(4) program to Kahn Development Company for the construction of the proposed Patrick Henry Place Apartments in the City of Newport News. The HUD program provides mortgage insurance for multifamily rental housing for moderate-income families. The property consists of approximately 10.78 acres of cleared and graded land on both sides of Continental Parkway between Claire Lane and St. Johns Road. The land is part of an existing commercial/retail/residential development called Patrick Henry Place. Kahn Development Company intends to construct a five-building, 319-unit multi-family apartment complex at the site. Dominion Due Diligence Group has submitted a Federal Consistency Determination on behalf of HUD that finds the proposed action consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Newport News

Finding

The proposal appears to be consistent with local and regional plans and policies.

Comments Sent 9/28/2010 **Final State Comments Received**

Project Notification and Reviews

Date 10/12/2010 **CH #** VA110912-0623xxx

Title Regional Approach to Increasing Food Waste Composting and C&D Debris Recovery in the Mid-Atlantic States

Applicant Institute for Local Self-Reliance (ILSR)

State/Federal Program EPA - Resource Conservation Challenge Grant

Type of Impact Statewide

Project Staff Sara Kidd

Project Description

ILSR plans to continue its successful food composting outreach efforts in the Mid-Atlantic states. ILSR proposes to continue offering food composting technical consultations, hold food waste compost training, host the annual MACREDO meeting, and conduct a C&D debris recovery workshop.

Federal	\$42,000.00	Local	\$0.00
Applicant	\$0.00	Other	\$0.00
State	\$0.00	Income	\$0.00
TOTAL			\$42,000.00

AGENDA NOTE: HRPDC ANNUAL COMMISSION MEETING

ITEM #9: REGIONAL STORMWATER COOPERATION SUMMARY REPORT

SUBJECT:

The HRPDC staff has completed the annual report on Regional Cooperation in Stormwater Management for use by the localities in their Stormwater Permit reporting.

BACKGROUND:

Enclosed is the report, Regional Cooperation in Stormwater Management Fiscal Year 2009-2010: A Status Report. This report is prepared annually by the HRPDC staff, in cooperation with the Regional Stormwater Management Committee, to document cooperative regional activities undertaken to support the local stormwater programs. The permitted localities include this report in their Annual Reports to the Virginia Department of Conservation and Recreation (DCR). Copies of the report, along with technical reports on the stormwater education and effectiveness indicators programs, were provided to the localities on October 1, 2010. Those reports will be incorporated into the annual Effectiveness Indicators and Environmental Education Reports for presentation to the Commission at a future meeting. Twelve of the sixteen localities are covered by the stormwater permit program and file this report with DCR as part of their Annual Reporting.

The Regional Stormwater Management Committee reviewed the report at its October 7, 2010, meeting. The Committee and the HRPDC staff recommend that the Commission approve the report.

RECOMMENDED ACTION:

Approve the report for distribution and use by the localities in their Stormwater Permit reporting.

Enclosure – Separate – Commissioners Only

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #10: FY 2009 – 2010 ANNUAL REPORT TO DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

SUBJECT:

The HRPDC staff has completed the annual report, required by the Regional Cooperation Act.

BACKGROUND:

The Regional Cooperation Act requires that Planning District Commissions report annually to the Department of Housing and Community Development and to the Commission on their activities. This report is a requirement of the annual contract between DHCD and the HRPDC and follows a format prescribed by DHCD. This report is keyed to the provisions of the Regional Cooperation Act detailing the responsibilities of Planning District Commissions. A number of supporting materials – Budget, Work Program, Publications List and List of Commissioners is also submitted to DHCD as part of the annual report.

Enclosed is the FY 2009 – 2010 Annual Report to the Department of Housing and Community Development. Historically, reporting to the HRPDC has been handled through the Annual Report in October. The HRPDC staff requests that the HRPDC approve the report for submission to the DHCD in compliance with the Regional Cooperation Act and the Annual Contract between the DHCD and the Hampton Roads Planning District Commission.

RECOMMENDED ACTION:

Approve the Annual Report as meeting the requirements of the Regional Cooperation Act and the Annual DHCD Contract.

Enclosure – Separate - Commissioners Only

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #11: LEGISLATION - FY 2011 FUNDING FOR PARTNERSHIP FOR SUSTAINABILITY COMMUNITIES AND LIVABLE COMMUNITIES ACT

SUBJECT:

Congress is presently considering funding for the Interagency Partnership for Sustainable Communities and the Livable Communities Act of 2009.

BACKGROUND:

During 2009, the federal Departments of Transportation and Housing and Urban Development in cooperation with the U.S. Environmental Protection Agency established the Interagency Partnership for Sustainable Communities. This partnership led in 2010 to a number of programs that support local governments and regional planning agencies, including HUD's Sustainable Communities Regional Planning Grants, the DOT TIGER and TIGER II grant programs and various smart growth and transportation initiatives on the part of DOT and EPA. Congress is considering the appropriations for FY 2011 support for these programs.

A number of localities in Hampton Roads have utilized TIGER and TIGER II funds to support important transportation infrastructure investments. The HRPDC, on behalf of and in cooperation with the region's localities and a number of regional agencies, has applied for funding through the HUD's Sustainable Communities Regional Planning Grant Program. Continued funding for these programs could be beneficial to the region and its member localities.

The Livable Communities Act would provide further support for these planning initiatives through competitive comprehensive planning grants for localities and regions in further integrating transportation, housing, land use, economic development and environmental protection. The Act would also provide capital grants to support implementation of these plans.

The HRPDC staff understands that a number of Virginia localities, including at least two from Hampton Roads, have signed on to a joint letter to Virginia's Senators supporting these legislative initiatives.

RECOMMENDED ACTION:

Authorize the Chairman to send the attached letter to the Hampton Roads Congressional Delegation requesting the members to actively support continued funding for the programs of the Interagency Partnership for sustainable communities and for passage of the Livable Communities Act of 2009.

Attachment



October 20, 2010

FORM LETTER – Senators Warner and Webb; Congressmen Scott, Forbes, Nye and Wittman

RE: FY 2011 Funding for Partnership for Sustainable Communities & Livable
Communities Act

Dear Senator/Congressman:

At its October 20, 2010 Annual Commission Meeting, the Hampton Roads Planning District Commission acted to urge that you support appropriations to support Interagency Partnership (HUD-DOT-EPA) for Sustainable Communities and passage of the Livable Communities Act of 2009 (S. 1619).

During 2009, the federal Departments of Transportation and Housing and Urban Development and the U.S. Environmental Protection Agency established the Interagency Partnership for Sustainable Communities. This partnership led in 2010 to a number of programs that support local governments and regional planning agencies, including HUD's Sustainable Communities Regional Planning Grants, the DOT TIGER and TIGER II grant programs and various smart growth and transportation initiatives on the part of DOT and EPA. Congress is considering the appropriations for FY 2011 support for these programs.

A number of localities in Hampton Roads have utilized TIGER and TIGER II funds to support important transportation infrastructure investments. The HRPDC, on behalf of and in cooperation with the region's localities and a number of regional agencies, has applied for funding through the HUD's Sustainable Communities Regional Planning Grant Program. Continued funding for these programs could be beneficial to the region and its member localities.

The Livable Communities Act would provide further support for these planning initiatives through competitive comprehensive planning grants for localities and regions in further integrating transportation, housing, land use, economic development and environmental protection. The Act would also provide capital grants to support implementation of these plans.

Your support for these funding and legislative initiatives is important to the region. Thank you for your consideration of and support for this legislation.

Sincerely,

Bruce C. Goodson
Chairman

JMC:

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AGENDA NOTE – HRPDC ANNUAL COMMISSION MEETING

ITEM #12: HRPDC FY 2010 AUDIT

SUBJECT:

The HRPDC's auditors, Goodman and Company, conducted the Fiscal Year 2010 audit in August.

BACKGROUND:

As required by the HRPDC's federal grantors, as well as to follow sound fiduciary management practices, the HRPDC contracts annually with an outside audit firm to review its financial activity, and prepare its financial statements.

The Personnel and Budget Committee will convene on October 20, 2010 with the auditors and staff to review and discuss the Audit Report. A copy of that report is included separately with the agenda.

As a result of its meeting, the Personnel and Budget Committee will present the Fiscal Year 2010 Audit Report for acceptance by the HRPDC. The auditors, Chairman of the Personnel and Budget Committee, and staff are available to respond to any questions the Commissioners may have.

RECOMMENDED ACTION:

Accept the Audit Report.

Enclosure – Separate – Commissioners Only

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #13: CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL) AND VIRGINIA WATERSHED IMPLEMENTATION PLAN

SUBJECT:

The Environmental Protection Agency (EPA) released the Draft Chesapeake Bay TMDL for public comment on September 24, 2010. Comments are due to EPA on November 8, 2010. The Virginia Watershed Implementation Plan was released earlier in September.

BACKGROUND:

At the September 15, 2010 Executive Committee meeting, HRPDC staff briefed the HRPDC on the Chesapeake Bay Total Maximum Daily Load (TMDL) and the Virginia Watershed Implementation Plan (WIP). The briefing was based on the draft WIP and expectations about the Chesapeake Bay TMDL being developed by EPA.

Based on the briefing, the Commission established a Subcommittee to advise the staff in the development of comments. The Subcommittee met on October 4, 2010 with staff representatives from all participating localities. The TMDL, WIP and regional concerns were also discussed with the Joint Environmental Committee at its meeting on October 7, 2010. Regional concerns focus on implementation costs, technical feasibility, availability of information, model accuracy and calibration and issues associated with the chlorophyll a standard for the James River. Both the Subcommittee participants and the Joint Environmental Committee were supportive of the recommended approach.

Staff, working with representatives from the localities and technical and legal consultant assistance, has developed two draft letters for the Commission's consideration.

1. Letter to U.S. Environmental Protection Agency commenting on the TMDL.
2. Letter to the Commonwealth commenting on the Watershed Implementation Plan.

Because of the massive size and complexity of the TMDL and WIP documents and the limited time available to complete this review, the draft letters have been prepared in outline form highlighting the issues of concern. Staff is continuing to work to fill in the technical details supporting the highlighted issues. The HRPDC staff recommends that the Commission approve submission of the two letters, on behalf of the HRPDC and member jurisdictions. A copy of the letter, complete with all technical details and documentation will be provided to the Commission members prior to submission to EPA and the state.

HRPDC Principal Water Resources Planner Whitney Katchmark will brief the Commission on this initiative and its implications for Hampton Roads.

RECOMMENDED ACTIONS:

1. Approve the letter to the U.S. Environmental Protection Agency commenting on the Chesapeake Bay TMDL.
2. Approve the letter to the Commonwealth of Virginia commenting on the Virginia Watershed Implementation Plan.

Attachments

Outline of Hampton Roads MS4 Comments on the Chesapeake Bay TMDLs

I. SUMMARY

Although EPA has failed to provide the public with the documentation needed to review, evaluate, and comment on the proposed allocations, the information and data that are available show that the model and model inputs are lacking in the level of precision that should be required of regulatory action with consequences as significant and widespread as the Bay TMDL. The Phase 5.3 model used to derive the proposed allocations is new, and in its rush to establish the TMDL by an artificial deadline, EPA has proposed draft allocations without first verifying the accuracy of the model predictions. In fact, EPA has effectively acknowledged that the model and model inputs are incomplete by announcing its intention to conduct additional model calibration after the TMDL is established.

The flaws in EPA's proposed allocations are compounded in the James River basin by its use of model results that are poorly calibrated against the basin's chlorophyll a standards. A knee-of-the-curve analysis shows that EPA's use of poorly calibrated model results and a one-percent non-attainment rate for the chlorophyll a standards will have enormous economic consequences for the Hampton Roads localities with no quantifiable water quality benefit.

EPA's proposed backstop allocations for the James River basin provide some relief for urban runoff sector, but not nearly enough to provide reasonable assurance that the allocations can be achieved. **The average 54 percent load reduction needed to achieve the backstop allocation for phosphorus would require treatment of approximately 65 percent of the impervious land area in the Hampton Roads Localities at a total estimated cost of \$9.5 billion, plus the cost of land acquisition, between now and 2025.** Although the proposed backstop allocations reflect the difficulty of achieving significant load reductions from the agriculture and onsite septic sectors, they fall far short of reflecting the difficulty of achieving such reductions from the urban runoff sector. EPA appears to simply assume that the reductions can be achieved because MS4s are subject to federal and state permitting authority under the NPDES, but this assumption fails to recognize that the Localities own, on average, only about 20 percent of the land area within their respective jurisdictions. Therefore, most of the retrofits needed to achieve the load reductions will have to be implemented on private lands over which the Localities have no control in the absence of new development or redevelopment requiring local land use approvals.

II. INTRODUCTION

- A. **The HR MS4s** - A descriptive summary of the HR MS4s, including names of localities, total square miles, population, etc.

B. The HR MS4 Programs - A summary of the HR MS4 programs, including program elements, budgets, sources of revenues, etc.

C. Factors Affecting Storm Water Control in HR - A summary of the factors that make storm water control in HR difficult and expensive, including topography, high water tables, high tides, etc.

D. The Socio-Economic Impact of the Proposed Urban Runoff Allocations

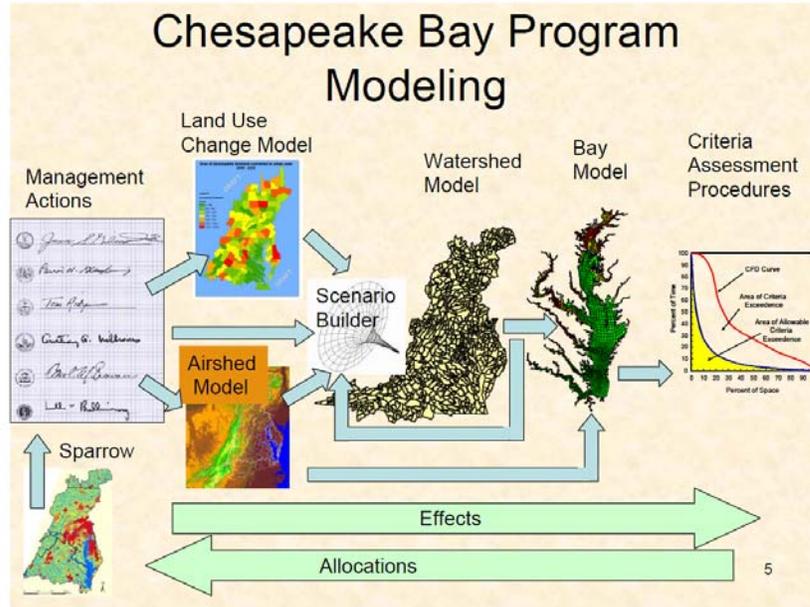
A summary of the socio-economic impacts of the allocations, with emphasis on the limited ability to infiltrate storm water, square miles and percent of area that would have to be retrofitted, the average cost of retrofits, limits on the localities' ability to require retrofits of private property (i.e., localities would have to condemn to acquire easements for retrofits on private property in the absence of redevelopment requiring local land use approvals), etc.

III EPA HAS FAILED TO PROVIDE THE HR LOCALITIES WITH SUFFICIENT TIME TO REVIEW, EVALUATE, AND COMMENT ON THE DRAFT TMDLs

Describe enormous size and complexity of the TMDL documents released on Sept. 24, the socio-economic consequences of the proposed allocations, and the arbitrary nature of EPA's decision to establish the TMDLs by Dec 31, 2010 when it could have given the public additional time to comment had it taken advantage of the May 2010 deadline in the consent decree.

IV. OVERVIEW OF MODELS AND MODELING USED TO DERIVE THE PROPOSED URBAN RUNOFF ALLOCATIONS

The Phase 5.3 Chesapeake Bay Watershed Model computer model (CBWM) is enormous, and has been described as one of the world's largest environmental models. The 64,000 square-mile watershed spans roughly one-quarter of the East coast of the United States. However, CBWM is only a component in the larger Chesapeake Bay Program suite of models, as indicated in the following figure from EPA:



Four major modeling components are used to develop the input data for CBWM . A substantial amount of nitrogen is deposited from the atmosphere into the Bay, and land use changes have significant implications for nutrient and sediment loading. All of this data is pre-processed in antecedent models, and then aggregated in a tool called the “Scenario Builder.”

V. EPA HAS FAILED TO PROVIDE THE HR LOCALITIES WITH ACCESS TO INFORMATION NEEDED TO FULLY EVALUATE AND COMMENT ON THE PROPOSED URBAN RUNOFF ALLOCATIONS

A. CBWM Input Mapping Data

To date EPA has not been able to document the tremendous amount of input data required for the TMDL modeling effort. The Virginia Department of Conservation and Recreation requested mapping from the Chesapeake Bay Program Office (CBPO) that would indicate locations of various urban land use categories (such as Impervious High Intensity, Impervious Low Intensity, Pervious High Intensity, and Pervious Low Intensity) used in the Phase 5.3 TMDL modeling. CBPO indicated that significant effort would be required to produce such mapping. Likewise, there is very little documentation that would allow modelers outside EPA to ascertain how the data was collected and synthesized, which makes working with CBWM a shot-in-the-dark proposition at the state and local levels. Better documentation is sorely needed, not merely on the model, but just as importantly on the data.

B. Scenario Builder

The Scenario Builder was supposed to be available to the modeling community as part of the Chesapeake Bay Modeling Program, but has not yet been released outside EPA. Absent the Scenario Builder, modelers must rely on EPA to process the input data to CBWM, and cannot improve the model with local data. In fact, all of the ‘modeling’ that has been done by the State of Virginia to date is in essence ‘post-processing’ of EPA modeling results rather than independent modeling.

VI. FLAWS IN THE MODEL USED TO DERIVE THE PROPOSED ALLOCATIONS

A. The Phase 5.3 CBWM has not been calibrated

EPA claims that the Phase 5.3 CBWM model has been calibrated. Yet 920 square miles of urbanized land have been erroneously entered as ‘forest’ in the model. A recalibration effort is expected to begin in October 2010, but will be too late to be adequately addressed by the 31 December 2010 mandated deadline for final publication of the Chesapeake Bay TMDL. EPA has promoted an “adaptive management approach” in developing this TMDL, thereby creating many moving goalpost situations. There are inherent problems with any calibration effort, and CBWM is no exception. There are many ways to tweak input variables in a complicated model to make the output approximate a series of observed data—a phenomenon known as ‘equifinality’—and CBWM has a massive amount of input variables.

One indication of calibration problems is with sediment loading computations. CBWM cannot adequately match observed data for sediment loading, which held up the release of working sediment limits to the states until a month before their Watershed Implementation Plans (WIPs) were due. To accommodate the schedule, EPA adopted a “pucker factor” approach—to sidestep this problem with the model. If the Phase 5.3 model was adequately calibrated, sediment computations could be handled in a straightforward manner.

Many of the TMDL limits are targeted to pollutant reduction levels that are considerably less than the margin of uncertainty in the modeling process itself. Dr. Kathy Boomer of the Smithsonian Institute has conducted specific research and concluded that the margin of uncertainty in the TMDL models was much greater than the reductions being sought in pollutant loading. Dr. Ken Reckhow of Duke University (who chaired the Chesapeake Bay TMDL Review Committee for the National Academy) has repeatedly cautioned regulators against reporting modeling results without stipulating the uncertainty. Dr. Reckhow notes that TMDL prediction uncertainty is high, and Chesapeake Bay modelers have had issues with political decision makers being able to understand uncertainty. However, Section 5 of the Draft TMDL states:

“Models have some inherent uncertainty. Because of the amount of data and resources taken to develop, calibrate, and verify the accuracy of the Bay models, the uncertainty of the suite of models is minimized.”

Quite the opposite is true—the amount of data and complexity of the system work to increase the uncertainty. How could such a statement be substantiated? It is important to note that the mathematical equation for a TMDL is:

$$\text{TMDL} = \text{Sum of Wasteload Allocations} + \text{Sum of Load Allocations} + \text{Margin of Safety}$$

and the margin of safety is supposed to account for uncertainty in ensuring that the TMDL is effective, but there are errors and uncertainties *in the computation of the load allocations themselves*.

There are very few (perhaps only three or four) knowledgeable technical persons with meaningful CBWM modeling experience in Virginia. For a model that will be used as the basis for billions of dollars in regulatory mandates, the technical community is lacking the checking and validation that comes from widespread use. There is no significant bug reporting and code fixing occurring, and what little modeling is being performed is being done with data that has been distributed from EPA without enough documentation to check its validity. Other computer models, such as the EPA’s own Storm Water Management Model (SWMM), have many years of active, widespread use, and debugging and code fixes occur continuously. The user community helps drive improvements that make SWMM a very well understood and reliable model. Conversely, CBWM is a very, very untested and unapplied model in 2010. The development of CBWM is undoubtedly an ambitious and worthwhile undertaking, but reasonable time has to be given to grow and mature CBWM to the point that it can be reliably used to justify billions of dollars of expense.

B. The Phase 5.3 CBWM does not produce reliable modeling results

EPA distributes the CBWM computer program in un-compiled form, meaning that in order to run the model users must obtain a FORTRAN compiler and generate the executable computer programs from the source code. However there is a known and still unresolved problem with CBWM producing different results when compiled on different computers. Identical input data was run on different computers in August 2010 for the James, York, and Rappahannock Rivers, and CBWM produced significantly different results—with variations as high as 36% in the answers. The reliability of CBWM cannot be corroborated until repeatable results can be produced. EPA is working on this problem, but again TMDL schedule demands far outrun the time required to produce reliable models and modeling results.

C. EPA is using the CBWM on a scale that is beyond its predictive capability

Due to the 64,000 square-mile extent of CBWM, there is an inherent problem of scale when addressing BMPs. CBWM is better suited for overarching computations on

larger scales, such as evaluating the effects of fertilizer applications on large segments of the Bay watershed, than it is in evaluating the effects of a particular BMP or group of BMPs on specific sites. EPA staff has acknowledged that the effects of individual, site-specific BMPs cannot be directly addressed in CBWM. Because the model is constructed on such a large scale, numerical effects of BMPs are lumped or aggregated in the modeling input data. This scale problem makes it very difficult for local governments to evaluate the feasibility of costly BMPs such as filtration devices and detention and retention basins that will have to be constructed to achieve water quality improvements. A single retention basin can easily cost millions of dollars, yet its effects cannot be directly isolated and evaluated in CBWM.

D. Existing imperviousness is underestimated in the CBWM

The Phase 5.3 CBWM model was prepared based on satellite photography. Early indications from four Virginia municipalities are that the use of satellite imagery has produced estimates of watershed imperviousness that are approximately 20 percent too low, which has significant implications for the amount of pollution that runs off each watershed. Localities have better imperviousness data in their Geographic Information Systems, but the TMDL development schedule did not allow time for EPA modelers to coordinate and collect this information from the localities. The implication is that if existing watershed imperviousness is underrepresented in CBWM, then so will be the existing pollution from urbanized areas. This inaccuracy could easily result in computed TMDL limits that are unattainable because in order to satisfy their “pollution diet,” municipalities will have to reduce pollution based on modeling data that assumes they are substantially (20 percent) less impervious than they actually are. In other words, if their pollution diet starts by assuming that they have 20 percent less pollution-producing impervious cover than they actually have, then in order to meet their TMDL limits they would have to reduce *all* pollution from that 20 percent *plus* the reductions mandated by the TMDL—which are themselves very difficult to achieve.

E. There is no groundwater component in the CBWM

The absence of a groundwater component to the model is significant because groundwater transport of nutrients is a major source of pollution in the Bay. Ironically, many of the Best Management Practices (BMPs) that will be used to satisfy the TMDL are based on removal of pollutants by infiltration, which is not addressed in the modeling. This lack of a groundwater component in CBWM means that pollutants that are routed into infiltration BMPs magically disappear from the computational universe—when in reality they are deposited into groundwater that eventually flows into the Bay.

VII. THE FLAWS AND UNCERTAINTY IN EPA’S MODELED PREDICTIONS DO NOT JUSTIFY JAMES RIVER ALLOCATIONS MORE STRINGENT THAN THOSE ESTABLISHED IN THE 2005 TRIBUTARY STRATEGY

- A. Overview of the James River Tributary Strategy allocations and the basis for the allocations.
- B. In the absence of an accurately calibrated CBWM, verifiable model inputs, and predictions within an acceptable range of uncertainty, EPA should establish the allocations for the James River watershed in the TMDLs based upon the James River Tributary Strategy.
- C. EPA's decision to base the James River allocations on attainment of the numeric chlorophyll-a standards rather than attainment of the Bay-wide numeric dissolved oxygen standards is flawed.
 - 1. An analysis of the data shows that the Water Quality Model is poorly calibrated against the chlorophyll-a standard. Consequently, the model results used to derive the James River allocations do not accurately predict the load reductions needed to attain compliance with the James River chlorophyll-a standards.
 - 2. EPA compounded the consequences of using a poorly calibrated model when it used a one percent chlorophyll-a standard attainment rate to derive the James River allocations.
 - 3. The model results show that attainment rates between 96 and 99 percent result in changes to in-stream Chlorophyll-a concentrations of between 1 and 2 ug/l, which is well within the 1-4 ug/l margin of error in the EPA-approved Chlorophyll-a test method.
 - 4. The one percent attainment rate used in this case is inconsistent with attainment rates used or approved by EPA in other TMDLs.
 - 5. EPA has failed to offer any justification for its use of a one percent attainment rate in this case, particularly in light of its use of a poorly calibrated model.
 - 6. EPA has a certain amount of discretion in determining when models are sufficiently calibrated and in establishing attainment rates. However, EPA abused its discretion when it used a poorly calibrated model and an attainment rate to establish allocations designed to achieve changes in in-stream Chlorophyll-a concentrations that have significant economic consequences and no quantifiable water quality benefit.

(Note – Here we outline and present the results of the knee-of-

the-curve analysis to show that EPA's James River allocations would impose billions of dollars of additional cost while achieving reductions in in-stream Chlorophyll-a concentrations that are within the margin of error of the test method)

VIII. EPA DOES NOT HAVE THE AUTHORITY TO ESTABLISH A DEADLINE IN THE TMDL FOR ACHIEVING THE LOAD REDUCTIONS

The Clean Water Act and EPA's regulations do not give it the authority to establish a 2025 compliance deadline in the TMDL.

Of all the source sectors covered by the TMDL, none is affected more by the 2025 deadline than the urban runoff sector because much of the difficulty and cost of achieving the urban runoff load reductions is associated with retrofits independent of redevelopment. Historic re-development rates in the Hampton Roads region fall far short of those that would be needed to achieve the load reductions without forcing the Localities to acquire the easements needed for the retrofits and assuming responsibility for retrofit installation and maintenance.

IX. CONCLUSIONS AND RECOMMENDATIONS

The Model results that are the basis for the proposed allocations are clearly lacking in the level of precision and certainty required to justify the resulting billions of dollars in costs. EPA professes to be taking an adaptive management approach to the TMDLs; but in reality, EPA is taking an adaptive legal and regulatory approach to the TMDLs by establishing the TMDLs based on incomplete and flawed science and then seeking to supply the missing documentation after the fact.

If EPA is truly committed to an adaptive management approach to the TMDLs, it would adopt them based upon the allocations in the Tributary Strategies and then update the TMDLs when the Phase 5.3 CBWM is fully developed and calibrated to within an acceptable margin of uncertainty. No time would be lost if EPA's accountability framework remains in place to ensure that progress toward achieving the Tributary Strategy allocations continues while work on the Phase 5.3 CBWM and model inputs are underway. In fact, the approach we recommend likely would achieve our mutual water quality goals for the Bay more efficiently, cost-effectively, and quickly by fostering the federal, state, and local partnership that is so critical to an undertaking of this magnitude. EPA's slavish adherence to an artificial deadline for establishing the TMDLs and its heavy-handed approach to date serves only to undermine that partnership and create distrust and resistance on the part of those who will bear the burden.

Outline of Hampton Roads MS4 Comments on the Draft Virginia Watershed Implementation Plan

- I. The Hampton Roads Localities appreciate Virginia's efforts to incorporate flexibility and cost effectiveness into the draft WIP; however, the James River basin urban runoff sector allocations in the draft WIP would impose massive financial costs on the Hampton Roads MS4s in a futile effort to reduce phosphorus loads by an average of 77 percent. As explained below, even with the larger backstop phosphorus allocation proposed by EPA (an average 54 percent phosphorus reduction), **the Localities would still have to expend an estimated \$9.5 billion, plus the cost of land acquisition, to achieve the backstop sector allocation.**
 - A. The draft WIP's reliance on the availability of credits from the point source and agriculture sectors to assist the MS4s in attaining their sector allocations is misplaced.
 1. There is no assurance that the credits will be generated when and where needed.
 2. The credits would be generated from excess flow capacity and, therefore, would be available to the MS4s on a temporary basis.
 3. The reductions that would be required of urban runoff with the draft WIP allocations are so great that the demand for credits could exceed the supply, thus driving up their cost and limiting their availability to the Localities, particularly if the Localities are forced to compete with private developers for the credits.
- II. Although the Hampton Roads Localities would fare better under EPA's James River basin backstop urban runoff sector allocations, the average 54 percent reduction in phosphorus required to achieve the backstop allocation is still beyond a level that is practicable of attainment.
 - A. It is impossible to predict the full extent of the socio-economic consequences of attempting to undertake an effort of this magnitude because such an undertaking has never been tried before. However, we can state with confidence that there is no assurance that the load reductions that would be required to achieve the backstop allocations can be accomplished by EPA's 2025 deadline, and that, on a pound-for-pound basis, the cost would be totally out of portion to any water quality benefit.
 - B. On average, the Localities and their residents would have to treat approximately 65 percent of the impervious land area within their

jurisdictions in order to achieve the 54 percent phosphorus reduction needed to achieve the backstop allocation. It is estimated that it would cost the Hampton Roads Localities approximately \$9.5 billion to reduce phosphorus loads to the levels needed to comply with the backstop allocations after factoring in the added cost of designing BMPs that would function effectively on the flat, low-lying terrain and in the high water tables that reflect the dominate topography and hydrology in the Hampton Roads area.

- C. Further, this cost estimate does not reflect the added cost of acquiring the land needed for the installation of BMPs and on-going maintenance of the BMPs.
 - 1. On average, the Localities own or control less than 20 percent of the 65 percent of impervious land area that would have to be treated to achieve the backstop phosphorus allocation.
 - 2. The remaining reductions would have to be achieved with retrofits on private land. Since the Localities cannot force private land owners to retrofit in the absence of redevelopment requiring local land use approvals, the Localities would have to negotiate for the purchase of the land needed for the easements or acquire the land by condemnation. Land acquisition is an expensive and time consuming process that will add greatly to the cost and time required to achieve the reductions.
- III. The Hampton Roads Localities encourage Virginia to respond to EPA's backstop allocations by revising its WIP to include the additional commitments needed to demonstrate to EPA that the Commonwealth can achieve the draft WIP allocations for the agriculture and onsite septic systems sectors. Such a demonstration would remove the backstop allocations and allow Virginia to distribute a portion of the allocations now assigned to the agriculture sectors to the urban runoff and point source sectors.
- IV. Should the backstop allocations be removed, the Hampton Roads Localities also encourage Virginia to assign a significant portion of the additional allocations in the James River basin to the urban runoff sector. The Hampton Roads Localities recognize the need to assign some portion of the additional allocations to the point source sector to accommodate long-term growth and to generate credits. However, as explained above, the allocations in the draft WIP placed too much reliance on credits to offset the consequences of the small allocations to the urban runoff sector and did not reflect a cost-effective and equitable distribution among the two sectors.

AGENDA NOTE – HRPDC ANNUAL COMMISSION MEETING

ITEM #14: MEDICAL SPECIAL NEEDS REGISTRY

SUBJECT:

The localities of Hampton Roads, through the Hampton Roads Planning District Commission, have established the Hampton Roads Special Needs website and Medical Needs Registry.

BACKGROUND:

The localities of Hampton Roads have established the Special Needs website and Medical Needs Registry to plan and coordinate for disasters and populations with special needs. Participation in the Medical Needs Registry is voluntary. Personal information collected will be used to help localities develop systems to try and notify preregistered individuals in the event that evacuation from a personal residence is necessary. Personal information collected through the Medical Needs Registry will be used for planning emergency shelter services for residents with conditions that cannot be managed on their own in a general shelter environment. Personal information collected through the Medical Needs Registry also will be used by the Emergency Management offices in each of the Hampton Roads jurisdictions to plan coordination of transportation services to medical friendly shelters for those residents who cannot provide their own transportation during an emergency evacuation if those resources are available.

Executive Order 13347, Individuals with Disabilities in Emergency Preparedness, requires localities to include individuals with disabilities in emergency preparedness planning. Because every resident has unique needs, the localities of Hampton Roads have established the Medical Needs Registry to assist in planning and education.

The Hampton Roads Medical Needs Registry was first identified in 2007 by the local emergency managers as a desired emergency preparedness tool to support emergency planning needs. The emergency management community submitted a grant application through the Urban Areas Security Initiative for the development of this registry with supporting outreach activities. The registry will be an additional tool that may be used by local emergency managers to communicate with people who have medical needs prior to, during and/or after a disaster. The medical needs registry was designed to identify individuals in the community with medical functional needs or conditions who cannot manage independently in a general shelter or evacuation center in an emergency.

Mr. Richard Flannery, HRPDC Emergency Management Administrator, will brief the Commission on the Medical Special Needs Registry and project.

RECOMMENDED ACTION:

Accept the briefing and allow this regional initiative to continue moving forward to support emergency planning.

STAFF COMMENTARY:

The Medical Special Needs Registry will not be replacing locality programs. Instead, the registry will be supplementing those programs already in existence.

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM # 15: OLD DOMINION ELECTRIC COOPERATIVE POWER PLANT – STATUS REPORT

SUBJECT:

Old Dominion Electric Cooperative has proposed construction of a power plant in Surry County. This proposal has a number of potentially positive and negative implications for Hampton Roads

BACKGROUND:

The City of Virginia Beach has requested that the HRPDC staff provide an overview of this proposal, including discussion of the benefits of the proposal, potential consequences to the Hampton Roads region and the current status of the project.

HRPDC Deputy Executive Director John Carlock will brief the Commission on this project.

RECOMMENDED ACTION:

Based on discussion.

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM # 16: THE REGIONAL BUILDING - EVALUATION OF OPTIONS

SUBJECT:

The HRPDC and the Southeastern Public Service Authority of Virginia (SPSA) own The Regional Building. As SPSA divests itself of assets, decisions about The Regional Building must be made

BACKGROUND:

In 1987, the HRPDC and SPSA occupied The Regional Building. The two agencies own the facility debt free, including shared ownership of certain components. SPSA is in the process of divesting itself of various assets. As a consequence of the sale of the Waste To Energy Plant and other reductions, it no longer needs the amount of space that it owns in The Regional Building. It has advised the HRPDC of its desire to sell its portion of the facility. HRPDC and SPSA staffs are exploring various options for accomplishing this. These were discussed during the September 22, 2010 Special Meeting of the HRPDC, which was a joint meeting with the SPSA Board.

HRPDC Chairman Bruce Goodson will brief the Commission on the discussions at the September 22, 2010 Special Meeting and the exploratory process which is underway.

RECOMMENDED ACTION:

Based on discussion.

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #17: NOMINATING COMMITTEE REPORT/ELECTION OF OFFICERS

SUBJECT:

The HRPDC Bylaws provide that, at its Annual Meeting, the Hampton Roads Planning District Commission will elect a Chair, Vice-Chair, Secretary and Treasurer and recognize the local jurisdiction appointments to the Executive Committee.

BACKGROUND:

Mr. Thomas G. Shepperd, Jr., Chair of the Nominating Committee, will present the report of the Nominating Committee for the names of those recommended for Chair, Vice Chair, Secretary and Treasurer as well as those recommended for appointment to the Executive Committee by their local governments.

The Nominating Committee Members include:

Thomas G. Shepperd, Jr. (YK)	Thomas Smigiel (NO)
Ella P. Ward (CH)	Gordon C. Helsel, Jr. (PQ)
Gregory MacLemore(FR)	Elizabeth Psimas (PO)
Gregory Ward (GL)	Anita T. Felts (SH)
Ross A. Kearney II (HA)	Linda T. Johnson (SU)
Stan D. Clark (IW)	John M. Seward (SY)
Bruce C. Goodson (JC)	Louis R. Jones (VB)
Sharon Scott (NN)	Clyde Haulman(WM)

The Chair and Vice Chair must come from separate Subdivisions and be elected officials. The offices of Treasurer and Secretary shall be elected for a term of one year or until their successors are elected or until they resign or are removed from office. The Chair and Vice Chair shall be elected for two one-year terms or until their successors are elected or until they resign or are removed from office. The offices of Secretary and Treasurer must be voted on an annual basis but need not be elected officials and may succeed themselves.

As provided in the Bylaws, the Executive Committee is a standing committee of the Commission and also serves as each local government's member to the MPO. It consists of sixteen members, each from a different participating jurisdiction.

The Executive Committee members include:

J. Randall Wheeler (PQ)
Stan D. Clark (IW)
Selena Cuffee-Glenn (SU)
June Fleming (FR)
Paul D. Fraim (NO)
McKinley Price (NN)
Tyrone W. Franklin (SY)
Brenda G. Garton (GL)

Molly Joseph Ward (HA)
Bruce C. Goodson (JC)
Michael W. Johnson (SH)
William D. Sessoms (VB)
Alan P. Krasnoff (CH)
James O. McReynolds (YK)
Elizabeth Psimas (PO)
Jackson C. Tuttle II (WM)

ELECTION OF OFFICERS

The Bylaws provide that election of officers shall be by voice vote, unless changed by a majority of those present. Each member of the Commission is entitled to one vote.

RECOMMENDED ACTION:

Elect a Chair, Vice Chair, Treasurer and Secretary for the next year and recognize the appointments of the local jurisdictions to the Executive Committee.

AGENDA NOTE – HRPDC ANNUAL COMMISSION MEETING

ITEM # 18: PROJECT STATUS REPORTS

A. Joint Environmental Committee

The Joint Environmental Committee met on October 7, 2010. The meeting included:

- Presentation from HRPDC staff on Virginia's Coastal Zone Management Section 309 Program Enhancement Strategy.
- Presentation from HRPDC staff and local government representatives, serving on the Department of Conservation and Recreation Regulatory Advisory Panel, concerning the process to revise the state's Stormwater Management Regulations.
- Presentations from HRPDC staff on the HRPDC Climate Change Study and the Sustainability Grant Proposal.
- Consideration of comments on the Chesapeake Bay TMDL and Virginia Watershed Implementation Plan.
- Consideration of the HRPDC staff annual reports on Regional Stormwater Cooperation and HR STORM.

This meeting was followed by an EPA Webinar on the Chesapeake Bay TMDL. The webinar originated in the HRPDC Board Room and included presentations from a number of EPA staff.

B. Directors of Utilities Committee

The HRPDC Directors of Utilities Committee is scheduled to meet on October 13, 2010. The agenda will include discussions of several components of the Regional Sanitary Sewer Overflow Consent Order, Groundwater Regulations, the Hampton Roads Regional Water Supply Plan and the work of the state Water Supply Plan Advisory Committee. It is expected that recommendations on the Consent Order components will be developed for consideration and action by the HRPDC in November.

C. Regional Housing Program

Hampton Roads Loan Fund Partnership

The FY11 allocation of HOME funds for the down payment and closing cost assistance program has not been announced by DHCD to date. Additionally, due to

the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E), housing administrators that provide mortgage lending, community grants programs, such as down payment assistance and foreclosure/mortgage default counseling are required to become licensed. The Department of Housing and Community Development (DHCD) has asked the State Corporation Commission (SCC) for further clarity of this law as it relates to housing programs and projects currently administered through localities and local housing authorities.

The Housing and Human Services staff hosted three – 20 hour test preparation seminars to fulfill the Federal laws requirement of pre-examination education. Housing providers from James City County, York County, City of Virginia Beach, and Housing Authority Officials from Suffolk, Chesapeake, and Newport News participated in these trainings.

Housing and Human Service Technical Support

Staff members are also continuing to assist the Hampton Roads Housing Consortium and are currently assisted with on the Fourth Annual Housing Awards that was held on September 30, 2010. Regional Housing Leaders were honored for their work in developing and advocating for safe and affordable housing for residents of the Hampton Roads Area. Frank Lafurno, Hampton Redevelopment & Housing Authority, Jessica Gugliemo, Virginia Beach Community Development Corporation, Lynn Finding, LINK of Hampton Roads, Inc and Shernita L. Bethea, Housing and Human Services Manager for the HRPDC were all 2010 award recipients.

The HRPDC staff participated in the South Hampton Roads Disability Services Board Symposium on September 21, 2010. The goal of this event was to enhance the communication between the local governments, local training organizations, the Virginia Department of Rehabilitative Services system, and citizens with disabilities in order to facilitate preparation for employment and future hiring. Over 150 consumers and employees registered and attended this event. Based on feedback from the symposium, the SHRDSB board will be developing more outreach initiatives with this grant initiative. Audio Visual equipment and software will be purchased in October. This equipment will allow the SHRDSB members to provide on-site presentations and workshops on employment issues to local government agencies as well as provide training and outreach to consumers. While state funding for disability service boards across the Commonwealth has been discontinued, the SHRDSB has worked diligently to continue to assist in increasing awareness concerning employment issues, obstacles and opportunities for people with disabilities in Norfolk, Portsmouth, Virginia Beach, Chesapeake, and Suffolk.

D. Regional Economics Program Report

Technical Assistance

Economics staff routinely provides technical assistance and support to member jurisdictions and regional organizations. Information from both the HRPDC Data Book and the Commission's Benchmarking Study provides easy access to a great deal of regional information. Over the past month, staff has provided information to individuals, member localities, regional organizations, and the media. Presentations were made to the LEAD Hampton Roads class as well as to the Virginia National Defense Industrial Authority.

Census 2010

HRPDC staff continues to act as a Regional Census Partner to the U.S. Census Bureau. Census information has been added to the organization publications and the Commission's website. HRPDC staff serves on complete count committees at both the regional and jurisdictional levels, and has offered a variety of services to the Census Bureau. The Census Bureau recognized the Commission's efforts as a Census partner by providing an award plaque to the Hampton Roads Planning District Commission.

Regional Competitiveness

Staff is working on a regional competitiveness study. The purpose of the study is to review the components of growth in competitive economies and evaluate the regional capacity for growth. This analysis will include an in-depth analysis of the region's occupational and industrial composition, with a particular focus on the region's labor supply.

Joint Forces Command (JFCOM)

Since the announcement of the potential closure of Joint Forces Command, a major combatant command headquartered in Hampton Roads, HRPDC staff has been investigating the economic impact that JFCOM has on the region. Several economic impact briefs have been released including information and analysis related to JFCOM's significant economic presence. Staff continues to monitor information that is released from the Department of Defense and will provide updates as new analysis becomes available.

E. Emergency Management Project Update (October 2010)

Debris Management

The development of a special regional WebEOC board that all localities, SPSA, and VPPSA can use to share information regarding debris management, contracts, and a method to ensure pricing is reasonable and reimbursable with FEMA when a declaration is made has been developed. The boards were populated with the contracts and other pertinent information as Hurricane Earl approached and bypassed Hampton Roads. The localities and SPSA found WebEOC to be a great venue for supporting their needs.

Hampton Roads Regional Jail and Inmate Evacuation Committee

The committee is scheduled to meet on October 7. A draft RFP to solicit a consultant to conduct the functional jail assessments for emergency operation plan enhancements and development of jail evacuation planning is currently being vetted and will be completed. Grant funds to support this initiative are expected to be received by December 2010.

Hampton Roads Tactical Regional Area Network (HRTacRAN)

The EM Administrator continues to work with the Hampton Roads Interoperability Communications Advisory Committee (HRICAC) Oversight Group in an effort to find a funding solution for sustainment of the system for follow-on service and maintenance procurement. The FY09 Port Security Grant Application that was submitted to VDEM in August 2010 as a potential temporary solution for sustainment. Representatives from the Area Maritime Security Committee conducted their initial review as part of the application process. If selected, awarding is expected to occur later this year. However, the FY07 Port Security Grant had some leftover funding that may be applied to this project. All necessary requests were made to VDEM to utilize these funds. VDEM sent the request to DHS in July as have yet to receive a response despite multiple attempts to resolve this request.

Peninsula Local Emergency Planning Commission (PLEPC)

A grant application was submitted to VDEM, by the City of Hampton on behalf of the PLEPC, for funds to update the current Peninsula Local Emergency Response Plan.

The City of Hampton was granted this the award in the requested amount. The HRPDC is supporting the work for this grant with a consultant (hired by Hampton) and the management of the project with the City of Hampton and PLEPC.

FY 2011 Healthcare Organization Emergency Preparedness Seminars (HOEPS)

The Emergency Management staff continues to lead this seminar with public health partners and multiple health care organizations. The HOEPS planning committee has begun meeting on a monthly basis to begin planning next year's (2011) seminar. Tentative dates for next year's event is May 4th on the Peninsula and May 5th on the Southside.

Hazard Mitigation Planning

The grant applications for updating the Southside Hampton Roads Hazard Mitigation Plan, the Franklin Hazard Mitigation Plan and the Southampton Hazard Mitigation Plan have been awarded. We have received the awarded, in the full amounts requested, and have accepted them. FEMA has requested additional information (letters of support from all towns) from Southampton County on their application and the emergency management staff continues to work with the County Administrative staff to fulfill the requested information. A draft RFP has already been developed and was vetted with the working groups on October 5th during a project kick-off meeting with representatives from the City of Norfolk, Virginia Beach, Portsmouth, Franklin and the Counties of Isle of Wight and Southampton. The RFP will be finalized and released for consultant support on this project.

The Emergency Management staff continues to work with the City of Hampton's Emergency Manager by providing support to update the Peninsula Hazard Mitigation plan. A contractor was selected to provide support for the Peninsula plan and hazard mitigation planning activities have been initiated. The HRPDC is currently conducting an internal data call and working with all departments to gather the required information to support this planning process. Once complete, the HRPDC EM staff will work with locality emergency managers to fulfill any data gaps needed.

A website supporting this project for the staff, local agencies and future public participation has been established: www.remtac.org/mitigation.

Regional Catastrophic Planning Grant Program (RCPGP) Support

The Emergency Management staff continues to support the Regional Catastrophic Planning Team and the three workgroups to ensure existing projects and data is integrated. The three workgroups are (1) Evacuation and Transportation, (2) Commodities, Resources, and Volunteers, and (3) Mass Care and Sheltering.

Urban Area Security Initiative (UASI)

The Emergency Management staff continues to manage and support the Hampton Roads Urban Areas Security Initiative (UASI) Grant Program for the Urban Area Working Group (UAWG). With the support of the consultant performing the Capabilities Assessment work, a final draft version of the Hampton Roads Homeland Security Strategy (HRHSS) has been completed based on the gap analysis from the assessment. The UAWG has been briefed and the HRHSS is being reviewed by all stakeholders.

Discussions and planning for future grant years continues with the refinement of a tool to track all projects under the UASI grant that have been requested, supported, and requires sustainment in the future. The UAWG has indicated that they want to ensure a portion of future grant funds are made available for sustainment with the rest dedicated towards new projects that will only be supported by the soon to be revised HRHSS.

The FY 07 UASI grant is nearing completion. A few projects have not been completed and an extension request for 6 months has been submitted by the Virginia Department of Emergency Management to DHS on behalf of the UAWG. The request was granted and four projects were extended until November 30, 2010. All four are expected to be completed by October.

FY 10 UASI grant funds are expected to be received in December or January as indicated by VDEM's grant office.

Hampton Roads Medical Special Needs and WebEOC Implementation Update (FY 07 & FY 08 UASI Project)

The WebEOC Subcommittee continues to implement their plan for institutionalizing WebEOC in the region.

The Special Needs website and registry (www.hrspecialneeds.org) reconstruction is complete with all accessibility requirements being met. An official presentation and announcement will occur during the October 2010 Commission meeting.

Maritime Security and Response (FY 08 UASI Project)

Staff continues to solicit input from the Area Maritime Security Committee for the FY08 UASI project that is a follow-on project from FY07. At this time, it is also unclear whether the AMSC will utilize the funds available for this project. If not, further direction will be sought from DHS via VDEM.

Multi-Region Target Capabilities Assessment (FY 08 UASI Project)

The Emergency Management staff, on behalf of and in cooperation with the HR and Central Virginia (Richmond area) UASI regions, provide program management and implementation support for the Target Capabilities Assessment (TCA), through the UASI Grant program. The consultant has been analyzing the data and is nearly complete. The gap analysis was briefed at the September UAWG and REMTAC meetings. The final component to be completed is the revision to the HRHSS as indicated above in the UASI section. Also, staff is working with the UAWG and consultants to develop a scope of work for the next set of DHS Target Capabilities to be assessed with FY10 UASI funding.

Pet Sheltering Support (FY09 UASI Project)

The Committee supporting this effort met and finalized what equipment and supplies need to be procured for the trailers to support pet management in shelters. Staff has worked with the procurement staff to establish a contract mechanism to begin procuring the trailers, equipment and supplies. A price quote, with specs, will be delivered and passed onto the committee for consideration, revision, and/or acceptance if within the allowable grant guidance.

First Responder Authentication Credential (FRAC)

The Emergency Management (EM) staff continues to advance the First Responder Authentication Credential (FRAC) pilot program in Hampton Roads initiated and lead by the Governor's Office of Commonwealth Preparedness (OCP) through State Homeland Security Grant funds. OCP continues to work with Verizon to establish the issuing stations. The Hampton Roads Fire Chiefs Association has been working with OCP's project manager in order to have the FRAC's first issued to the fire service throughout Hampton Roads. The contractor providing the service and

equipment is implementing system updates in order for it to be certified as production ready. The project manager is currently vetting dates for a working group meeting to plan for additional work stations.

Hampton Roads Critical Infrastructure Protection Program (HR CIPP)

Strategic planning by the Emergency Management staff for the development of a regional Critical Infrastructure and Key Resources (CIKR) program is on-going in coordination with the Office of Commonwealth Preparedness Critical Infrastructure Protection Coordinator.

The proceedings from the regional workshop with private and public stakeholders were developed delivered. The results from the workshop are facilitating the development of the regional Critical Infrastructure Resiliency and Strategic Plan. Moreover, the regional plan will implement key objectives of the National Infrastructure Protection Plan (NIPP) and the Virginia Critical Infrastructure Protection and Resiliency Strategic Plan (VCIPRSP). The HR CIPP Working Group met October 1, 2010 to review the draft of the regional plan. Efforts will continue to be expanded to support revisions of the plan and expanding stakeholder support. A website supporting this project has been established: www.hrcipp.org

2010 Department of Education's Emergency Management for Higher Education (EMHE) Grant

As part of the grant application process, colleges and universities in the region have the opportunity to apply for grant funds "to develop, or review and improve, and fully integrate campus based all-hazards emergency management planning efforts for institutions of higher education." The College of William and Mary and the Virginia Tidewater Consortium for Higher Education (which represented Old Dominion University, Eastern Virginia Medical School, Virginia Wesleyan College, and Christopher Newport University) requested and received a letter of support for the grant application. We are currently awaiting notification of the award.

F. Sustainable Communities Regional Planning Grant Program

The HRPDC and HRTPO staff submitted an application on August 23, 2010 for the Department of Housing and Urban Development's Sustainable Communities Regional Planning Grant Program. HRPDC and HRTPO staffs briefed the Boards of the HRPDC and HRTPO on the grant proposal during the Board meetings held on July 21, 2010. The application was developed through cooperation between the HRPDC and HRTPO staffs, locality staffs, and the Hampton Roads Center for Civic

Engagement. Due to grant program requirements the defined region for the proposal was expanded to include Mathews County, Virginia and Currituck County, North Carolina. On September 28, 2010, the Mathews County Board of Supervisors authorized its County Administrator to execute the Memorandum of Understanding establishing the Hampton Roads Regional Sustainability Consortium.

Discussions with federal agency staff at the Mid-Atlantic Regional Roundtable on October 1, 2010 indicate that nearly 300 proposals for this program were received by the Department of Housing and Urban Development. The HRPDC staff understands that grant award announcements are now expected to be made during November or December.

AGENDA NOTE – HRPDC ANNUAL COMMISSION MEETING

ITEM #19: FOR YOUR INFORMATION

A. HOUSING AWARD

Shernita Bethea, Housing and Human Services Manager for the Hampton Roads Planning District Commission was recently awarded the Hampton Roads Housing Consortium' 2010 Across the Region Award. This award recognizes an organization or individual for distinguished service for the betterment of housing conditions on a regional level. Award recipients are housing advocates who protect and improve the region's quality of life through housing initiatives. Ms. Bethea was recognized for her outstanding work in providing support and outreach in housing services to all the jurisdictions in Hampton Roads area. While directly staffing the Hampton Roads Loan Fund Partnership project, Shernita provides information and outreach to housing and human services agencies throughout the Hampton Roads region. Her contributions to several local, regional, and state boards and committees were also recognized. Shernita has aggressively tackled the region's housing needs in a multi-faceted manner, strategically taking advantage of available resources while providing information and education to interested parties.

B. NEWPORT NEWS WATERWORKS AWARD

Three major facilities owned and operated by Newport News Waterworks have achieved the highest level in the Virginia Environmental Excellence Program (VEEP) by the Virginia Department of Environmental Quality. The facilities are: Lee Hall Water Treatment Plant, Lee Hall Maintenance and Operations Center, and the Harwood's Mill Water Treatment Plant.

VEEP was established to encourage superior environmental performance through the development and implementation of environmental management systems and pollution prevention efforts. The program encourages facilities within the Commonwealth that have strong environmental records to go above and beyond their legal requirements.

According to Sharon Baxter, Director of the Virginia Department of Environmental Quality's Office of Pollution Prevention, "The City of Newport News Waterworks' new E4 status is the result of much work and represents a significant commitment on the part of management and those employees who have worked to make it happen. Only about 5% of the facilities in the Virginia Environmental Excellence Program have reached the E4 level, and the three Waterworks facilities are the only ones of their type in the program."

In addition to its E4 status, the Waterworks team is working with a City-wide team of Newport News employees to enhance and improve the City's overall environmental policies.

C. REGIONAL RECYCLING RATE REPORT

Under contract with the Southeastern Public Service Authority of Virginia (SPSA), the HRPDC staff has completed the annual recycling rate report for recycling activities in the eight Southside Hampton Roads localities that are covered by SPSA. Commissioners are aware that the Virginia Code and the Virginia Regulations for Solid Waste Management Planning require each city, county, town or region to maintain a minimum 25% recycling rate and report activities within the area on an annual basis. Historically, SPSA has been responsible for reporting recycling activities for its service area. Reported activities include both public and private efforts.

On September 13, 2010, the Virginia Department of Environmental Quality advised the HRPDC that the report had been reviewed and accepted. For Calendar Year 2009, the Southside Hampton Roads area achieved a recycling rate of 32.7%, which exceeds the state requirement. DEQ also advised that for the first time, all regions of the state were able to achieve at least the minimum.

AGENDA NOTE - HRPDC ANNUAL COMMISSION MEETING

ITEM #20: OLD/NEW BUSINESS