

Hampton Roads Planning District Commission
Executive Committee Meeting
Minutes of November 17, 2011

The Executive Committee Meeting of the Hampton Roads Planning District Commission was called to order at 9:30 a.m. at the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

EXECUTIVE COMMITTEE:

Stan D. Clark, Chairman (IW)	McKinley Price (NN)
Thomas Shepperd, Vice Chairman (YK)	J. Randall Wheeler (PQ)*
James O. McReynolds, Treasurer (YK)*	Kenneth Wright (PO)*
Alan Krasnoff (CH)*	Selena Cuffee-Glenn (SU)
Brenda Garton (GL)	Tyrone Franklin (SY)
Molly Joseph Ward (HA)	Louis R. Jones (VB)
Bruce Goodson (JC)	Jackson C. Tuttle, II (WM)

Executive Director:

Dwight L. Farmer

EXECUTIVE COMMITTEE (ABSENT)

June Fleming (FR)	Michael W. Johnson (SH)
Paul D. Fraim (NO)	Clyde Haulman (WM)

OTHER COMMISSIONERS:

William E. Harrell (CH)	Neil Morgan (NN)
Ella P. Ward (CH)	Sharon Scott (NN)*
Amar Dwarkanath (CH)	James K. Spore (VB)
Ross A. Kearney (HA)	Barbara Henley (VB)
Mary Bunting (HA)	Robert M. Dyer (VB)
Robert Middaugh (JC)*	Harry E. Diezel (VB)

*Late arrival or early departure.

OTHERS RECORDED ATTENDING:

Henry Ryto (Citizen); Earl Sorey, Rachel Friend (CH); Stanley Stein, Bryan Pennington (NO); Eric Nielsen (SU); Brian DeProfio (HA); Beverly Walkup (IW); Michael King, Jerri Wilson (NN); Buddy Green (PQ); Ellis James (Sierra Club Observer); Patticis Ctute, Dean McClain, Jack Hornbeck (HRCC); Carolyn McPherson (Light Rail NOW); Brenda Hardison (Chesapeake Taxpayer Alliance); Rob Sinclair, W. Dewey Hurley (Branscome Infrastructure) Peter Huber (Willcox & Savage), Germaine Fleet (Biggs & Fleet); Staff: John M. Carlock, Camelia Ravanbakht, Rick Case, Jennifer Coleman, Kathlene Grauberger, Greg Grootendorst, Julia B. Hillegass, Frances Hughey, Jim Hummer, Robert Jacobs, Whitney Katchmark, Sara Kidd, Robert Lawrence, Mike Long, Benjamin McFarlane, Jai McBride, Kelli Peterson, Tiffany Smith, Jenny Tribo, Joe Turner, Chris Vaigneur.

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

PUBLIC COMMENT

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

Ellis W. James

Thank you very much, Mr. Chairman and I do apologize for being late. It is a little tough out there on the interstate. My name is Ellis W. James, I reside here in City of Norfolk and I would like to call the HRPDC's attention to something that now is going to come to the forefront of our concerns. The question of lifting the moratorium on uranium mining is heating up to say the least and I would urge each one of the communities to pay close attention to the potential impact on each of the cities and the counties with respect to the possible lifting of that moratorium. It is very obvious that the study that many people have been waiting for is not going to do the job in terms of determining what the potential impacts and contamination possibilities will provide if we lift the moratorium. It is simply this, the study will not make recommendations about whether or not uranium mining will be permitted nor will the study include site specific assessments and it goes on from there. I would like to urge each one of the communities to take a close look at this and even if you are not on the Lake Gaston pipeline, there are other intakes and I think it would be very, very important for each community to take a close look at this issue. Thank you, Mr. Chairman.

(Commissioner Wheeler arrives)

APPROVAL/MODIFICATION OF AGENDA

Chairman Clark stated there was one modification to the agenda - Item #16 Old/New Business, Nominating Committee Appointment. He asked if there were any more changes to the agenda. Hearing none, he asked for a motion to approve the agenda with the modification.

Commissioner Kearney Moved to approve the agenda with the modification; seconded by Commissioner Shepperd. The Motion carried.

CONSENT AGENDA

The Consent Agenda contained the following Items:

Minutes of October 20, 2011 Annual Commission Meeting

Treasurer's Reports

Regional Reviews

A. PNRS Items Reviews

Franciscan Brethren of St. Philip Application for Federal Assistance - Franciscan Brethren of St. Philip

B. Environmental Impact Assessment/Statement Review

Demolition of Aircraft Landing Dynamics Facility, NASA Langley Research Center –
National Aeronautics and Space Administration

Streets of Greenbrier – U.S. Housing and Urban Development

Amendments to FY 2012 Budget

Contract Amendments – Water Resources Continuing Services

A. URS Task Order #4

B. CH2M Hill Task Order No. 3

Contract – Working Waterfronts Plan

Chairman Clark asked for a motion to approve the Consent Agenda.

Commissioner Jones Moved to approve the Consent Agenda; seconded by Commissioner Kearney. The Motion carried.

LEGISLATIVE AGENDA

Chairman Clark introduced John Carlock to present the Legislative Agenda briefing.

Mr. Carlock stated he would briefly go through the proposed legislative agenda for FY 12 and talk about the background on some of the items and provide the Commission with staff recommendations.

Mr. Carlock stated the legislative agenda was developed with input from the Advisory Committees, local government legislative packages, VML, VACO, VAPDC, and the American Planning Association and is based on programs and projects the region is pursuing. There are a number of things that came up in the Governor's Reform Commission. It has been at least a decade since the HRPDC did a legislative agenda. Over the last several years the HRPDC has taken action on a number of items that were case-specific and project-specific and most recently the Chesapeake Bay TMDL. A year ago the Commission adopted a Statement of Principles related to a number of legislative items that are reflected in the legislative package.

(Mayor Krasnoff arrives)

Mr. Carlock stated his presentation will focus on funding, housing, environmental initiatives and state government administration. The funding issue of water quality is presently a Water Quality Improvement Fund at the state level which has been funded through a combination of things. A percentage of the state surplus and specific appropriations of the money from that fund has been targeted for Chesapeake Bay clean up, for sewage treatment plant upgrades and agricultural cost sharing and a limited degree for stormwater management. The recommendation is that the Commission support full

funding of the water quality improvement fund and support consideration of costs for TMDL, MS4 Permit and SSO Implementation. In the past, the state has funded work in Richmond and Lynchburg on combined sewer overflows out of those funds.

Mr. Carlock stated the land acquisition for the City of Virginia Beach has been pursued for the protection of Oceana because of the last round of BRAC. It has been particularly important in maintaining Oceana and keeping it in a positive state, the funding should continue.

Commissioner Bunting stated Hampton will be putting in for funds for land acquisition around Langley Air Force Base based upon a joint land use study that identified concerns that Langley had relative to incompatibility around Langley Air Force Base and with upcoming BRAC related issues, Hampton has identified some concerns. We pursue similar funding to support Langley Air Force Base because Langley is equally important to the region and Hampton requests to amend this to include support for NAS Oceana to continue and also include Langley Air Force Base.

Mr. Carlock stated HRPDC staff will make the addition.

Mr. Carlock stated the next item is restoration of PDC funding. In FY 2001 HRPDC received about \$.24 per capita; the current contribution through the Department of Housing and Community Development is \$.09 per capita. It would be helpful for the Commission if the state would restore that funding to the former level.

(Commissioner Scott arrives)

Commissioner Kearney stated under the topic septic tanks, the HRPDC is asking that we get the Virginia Department of Health and not localities to govern the septic tanks used across the Commonwealth.

Mr. Carlock stated the HRPDC is suggesting that the Health Department should be the ones that monitor whether people are getting their required pump out every five years within the Chesapeake Bay preservation areas.

(Commissioner Wright arrives)

Commissioner Kearney stated the point he was making will there be an advantage to having the state do this instead of the localities, counties, cities or towns? He did not see where it would be more efficient.

Mr. Carlock stated the data and the records on septic tanks are maintained by the health departments and the local staff has agreed since the Chesapeake Bay Preservation Act was originally enacted that this is a health department responsibility because they have the records and it would be much easier for them to handle than for the localities to collect data from the health departments, and then do the notification, monitoring and tracking.

Chairman Clark asked if the proposal actually changes how the septic tanks processes are applied or just data collection.

Mr. Carlock replied just on the monitoring to make sure that the homeowner who has a septic tank complies with the five year pump-out requirement.

(Commissioner McReynolds arrives)

Commissioner Shepperd asked if homeowners will also be responsible for pick up if some EPA regulations come in through TMDL Chesapeake Bay cleanup where they are more stringent. Who will be responsible for notification and enforcement?

Mr. Carlock stated for that particular piece is still to be determined. We can talk about some of the other pieces that are recommended by the Steering Committee for septic tanks.

Commissioner Shepperd stated he did not understand how this will be efficient for this Commission. Its sounds like it may be less efficient because it will end up with another level passing information down to the municipalities to do the same job they are already doing.

Mr. Carlock stated the legislative package can be amended to take that out. It is in there because it has been a longstanding concern of local staff that this is a health department responsibility. But it would be very easy to take that out and put things back in the context of the TMDL.

Chairman Clark stated if the Commission does a general legislative packet and there is some significant dissent, then pull those things and go forward with the items that we have a wide consensus on.

Commissioner Kearney stated he was not questioning what they are doing, the question is where is the efficiency involved in this.

Chairman Clark stated unless otherwise indicated, that particular statement comes out.

(Commissioner Middaugh arrives)

Mr. Carlock asked if the Commission would like to finish with the septic tank issues at this point and then go back to housing.

Mr. Carlock stated as part of the TMDL Steering Committee effort the septic tank issues were identified as a particular concern and additional legislation was needed from the state to allow localities to do what needed to be done to address the septic tank component of the TMDL. The Steering Committee convened a subcommittee which spent a couple of meetings looking at this issue to see what needed to be done in order to address these concerns.

The HRPDC staff support the following recommendations: 1) To seek legislative changes necessary to establish a tax credit program for people who are upgrading or replacing their existing septic tanks with the new technology it is more expensive than traditional septic tanks and this would facilitate the homeowners to comply with what we will have to do with the TMDL; 2) to grant all localities the authority to require hook-ups to sewer lines when appropriate. The counties' staffs indicated at the present time they do not always have the authority to require that, and this would facilitate county effort to extend sewers and to get septic tanks that were problematic off line; 3) to establish cost share programs to assist homeowners with the cost of required upgrades or replacement of their septic tanks. There are limited programs in some regions around the state that have been relatively effective. There are some monies both on the environmental side and Department of Housing and Community Development side that could be expanded to include this.

Commissioner Goodson stated he wanted to revisit the health department issue. Is there a potential of this becoming an unfunded mandate for localities if the state gives it to the localities to handle this responsibility and to monitor?

Mr. Carlock stated it is a requirement for the local governments. This has been under the Chesapeake Bay Preservation Act for years.

Commissioner Garton stated she thought this was one of the issues why that item was included. The shift of the cost is already on the localities; and if state shifted it back to the health department, it would predominantly be borne by the state and not the localities. It would be a cost issue.

Commissioner Kearney stated he wanted to clarify this because he was not opposed to this but he wanted to make sure it was done efficiently. On the item where it says "seek legislative change to establish necessary tax credit" he would like to insert "state tax credits" and not to be local tax credits.

Chairman Clark stated it is a well-taken amendment.

Mr. Carlock stated since there are no more questions or comments on septic tanks, he would now talk about the housing items.

The Secure and Fair Enforcement and Mortgage Licensing Act of 2008 established the requirement for mortgage loan originators to be certified. There are programs at the local level and regional agencies such as HRPDC to assist homebuyers, through the provision of the downpayment and closing cost assistance. The recommendation from the housing groups is that the state law be amended to provide an exception for those people who are not originating the loans to continue doing what they are doing and not have to go through the licensing and certification process. If passed, it would facilitate local programs operating and facilitating the efforts that the planning district handles. The Governor recently announced support of the Housing Trust Fund as a resource to decrease homelessness. It would be a dedicated stream of funding for affordable housing and

homeless prevention and the recommendation is that state funding support the establishment of that trust fund.

Mr. Carlock stated the issue on uranium mining is to support maintenance of the moratorium on uranium mining. The City of Virginia Beach is pursuing the study on uranium mining and Virginia Beach's studies indicated uranium mining has potential for adverse impacts on Lake Gaston and Southside Hampton Roads' water supply. The recommendation is that the moratorium is maintained to provide the opportunity for experts to review the studies. Virginia Beach is pursuing the state to make some sense out of this before the legislature acts on the moratorium.

Mr. Carlock stated the next issue was the recycling requirements. The Commission discussed a couple of months ago the localities are required to achieve a 25% recycling rate. Two proposals would assist localities in meeting the 25% and at the same time support private industry in the development of facilities, job creation and better markets for the recycled materials. The HRPDC staff supports legislation enabling authority for the localities to require glass recycling; as well as incentives which could be tax incentives for the facilitation by the state in getting through the permit process for businesses that recycle certain materials.

Mr. Carlock stated on the environmental education issues, the HRPDC previously supported the federal and state legislation to pursue the program known as the No Child Left Inside Act. The environmental initiative which addresses the TMDL would assist localities in meeting some of the requirements. The tree canopy requirement is enabling legislation to allow localities to adopt preservation programs and set requirements. Research has indicated that tree planting and tree preservation will assist in meeting the water quality requirements in the TMDL. The agricultural side of TMDL is with cost share programs. At the present time state staff is marginally adequate to cover that program and the amount of funding is marginally adequate so the recommendation is the appropriate state funding go into that cost share program for agricultural nonpoint pollution.

On the state administration issues, the Department of Conversation and Recreation has proposed further consolidation of their stormwater related programs, Stormwater Act, Bay Preservation Act and Erosion and Sediment Control Act which would make more of one stop shop at the state level. HRPDC staff recommendation is that we support that and at the same time, support the state's preliminary proposal to require all localities in Chesapeake Bay Watershed to administer the Stormwater Management Program. With a couple of exceptions the localities are required to administer that program because they are covered by the Chesapeake Bay Preservation Act or Stormwater Permits.

Mr. Carlock stated the next item is support creation of federal facilities and defense industry caucus at the General Assembly level to further enhance and support localities in dealing with defense industry, which will be particularly important as we go forward in budget cuts. The last two items are traditional elements of the HRPDC dealing with environmental funding with water quality programs to continue opposing state taxes, fees or surcharges on local services and to continue opposing unfunded mandates.

Commissioner Goodson asked to change the wording to say local services not city services.

Mr. Carlock stated he would.

Chairman Clark stated on the unfunded mandates it states furthermore the HRPDC oppose shifting of fiscal responsibility from the state to localities for existing programs could we add in parenthesis, i.e., especially transportation matters.

Commissioner Cuffee-Glenn stated there is no legislative agenda for the TPO to discuss, but the issue of eminent domain the constitutional amendment that is going before the General Assembly. She understood it was imminent and was going to pass; but she noted for the City of Suffolk and for some of the other localities, the definition of loss of profits and loss of access, how it is going to impact everyone or do we not want to comment at all. She was curious about the Commission and their interest on how it will impact us as communities.

Chairman Clark stated at the VACO conference we took official position against that in our legislative agenda as well.

Commissioner Cuffee-Glenn stated that was just a question.

Chairman Clark stated we have to have our own comfort level. We are not a lobbying group.

Mr. Tuttle stated the Commission could use VACO and VML language.

Chairman Clark stated Commission staff can be instructed to find out their official positions on that matter and incorporate that into this legislative agenda.

Commissioner Goodson stated he did not see it being an issue for the PDC and did not see why it needed to be added.

Commissioner Cuffee-Glenn stated it is going to have a tremendous impact.

Commissioner Goodson stated yes, on the localities.

Commissioner Cuffee-Glenn stated we do not have to necessarily take the position, but at least monitor and know what is going on. It will impact what localities do day in and day out, because an increase of costs to the taxpayers is something we all should have some concern about, whether with this body or another body.

Chairman Clark stated he was not sure the Commission should include it or not.

Mr. Farmer stated he thought the process would be to have it on the Chief Administrative Officers (CAO's) agenda for discussion. He indicated staff will make a recommendation at the December PDC meeting on this particular issue after they had a chance to go through specific concerns by localities.

Commissioner Cuffee-Glenn stated she did not want the elected bodies to not monitor this because it is going to be tremendous for us as a community all around.

Chairman Clark stated we will bring it back.

Mayor Krasnoff asked Mr. Carlock when he was talking about tree canopy being applicable only to the localities currently within Planning District 8. Who is Planning District 8?

Mr. Carlock stated Northern Virginia has the requirements. They got the requirements through assisting them on air quality issues because they are non-attainment and the recommendation here is that it be available to localities in Hampton Roads.

Mayor Krasnoff asked when you say available are you talking about local options? The reason he asked is the City of Chesapeake has been a tree city for a very long time. But yet when I have seen others talk about canopy and coverage, it became extremely expensive to construction, and increased in the construction and business costs and some of the ways they were doing it did not make any sense as it related to parking lots or surrounding. It became so expensive it did not make any sense and got to the point where they said just cluster it in one area to make sure whatever they are asking for is not going to be a burden on an industry potentially one that is already having its concerns related to the economy such as the construction and development industry. As long as we are not going to be told we must do this, he certainly supports anybody efforts. However, he has seen the burden if it doesn't become reasonable in terms of the coverage for trees. He has seen the negative effects of placing it on developers and what it costs.

Chairman Clark stated the language in the Virginia Code to allow Virginia localities to make it optional.

Mayor Krasnoff stated as long as it is optional because he did not want to put the industry on notice it is going to get more expensive.

Chairman Clark stated we have seen those places where "allow" has become "shall" in the General Assembly at some point in time. He understands it is optional for the localities.

Mr. Carlock stated the staff recommendation is the Commission approve the legislative agenda as amended and authorize the Chairman to transmit it to General Assembly for consideration.

Chairman Clark requested the legislative agenda be amended and brought back to the Commission at its December meeting.

Mr. Farmer stated staff will come back with an amended document for discussion in December.

Commissioner Shepperd stated in reference to the agricultural program, he thought there was a program through the soil and water directors that addressed this agricultural Best Management Practice for farming at least management in soil and for some of the TMDL

discussion. He was concerned about how this came about as an input, his concern was, in the farming community, considering their issue with TMDL, they are picking up greater load and responsibility, where the communities are getting less of a load and the sewer systems have already picked up part of the load it his concern was what are we trying to get here when we encourage implementation of priority best management practices? Is this leading to additional costs?

Mr. Carlock stated there is an additional cost associated with the TMDL. The recommendation is that we provide adequate funding to support the cost share program to assist in meeting that requirement.

Commissioner Shepperd stated the legislative agenda calls for a well financed and fully staffed state program. That cost is to the state; are we saying they are not well staffed?

Mr. Carlock stated not adequately staffed and not adequately funded to assist the farmers in meeting the farmer's obligations under the TMDL.

Commissioner Shepperd stated considering we do not know what the TMDL is and that is a broad statement, he was concerned this may be leaning back towards the farming community which is already controversial, and he is not sure where we are going to end up. Are we saying how about doing better management or better work as opposed to some recommendation?

Mr. Carlock stated we can attempt to clarify next month, but the programs that are listed there, the priority best management practices, are things that farmers are already being encouraged to do to meet water quality whether it is the Bay TMDL or the TMDL issue in a local stream. We are suggesting there needs to be adequate funding from the state which will go through the soil and water conservation districts to assist the farmers in meeting those requirements.

Commissioner Shepperd stated the wording should be to that effect. What Mr. Carlock stated is something positive to the farming community; we are supporting them in their endeavors to improve farming. He thought it could be re-worded in a manner that would come out as a positive approach to the farming community as opposed to something put on the back of the farming community under this TMDL effort.

Mr. Carlock confirmed that could be done.

Chairman Clark stated at the Virginia Association of Counties meeting, he and Mr. Goodson attended a forum, Secretary Connaughton and Mr. Wirley, and apparent their philosophy is to continue to have to juggle their finances to do federal matches, maintain money and debt service, and they are going forward anticipating no effort or no will in the General Assembly either from the administration or General Assembly to do revenue streams for transportation and although the Secretary would not come forward with any details, he was confident there will be substantial steps towards devolution of transportation costs to localities whether that means less money for lane miles or secondary roads; whatever it is it is coming, and despite some pointed questions to the Secretary about what that meant

and how it happens he said he did not know but the clear indication was it is coming in some way, shape or form, to be continued at this point in time, but it looks like we are looking at another year of no new revenue streams. The new underlying fundamental issue for transportation is no new revenue streams for transportation.

Mayor Krasnoff asked based on what Mr. Clark said, are we talking about including transportation in this package? The reason is the Virginia Transportation Infrastructure back using VRA as its source of lending money, which is three to one leverage. If they did the Virginia Infrastructure Bank it would be five to one leverage which would give our localities an opportunity to gain more money. That is something that might come up in the legislature. Is that something we want to talk about or leave as is?

Chairman Clark stated he did not think the Commission knows enough about what is going to be proposed. We need to stay as general as possible on this issue. He brought that up to let everyone know what the breaking word was at that forum.

CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)

Chairman Clark introduced Ms. Tribo to give the presentation on the Chesapeake Bay Total Maximum Daily Load.

Ms. Tribo stated her presentation would be in two parts. First, she wanted to address some of the questions that followed the TMDL presentation at the October meeting and then discuss the recent communications from EPA and Virginia since that meeting and propose recommended actions for moving forward in this process.

Ms. Tribo stated there were three main questions from the October meeting she would like to address: 1) What are the benefits of implementing the management actions required by the TMDL? 2) What is the uncertainty of the modeled water quality improvements? 3) How can localities determine if water quality is improving due to implementation actions? The management actions that localities are being asked to implement such as wastewater upgrades, nutrient management and stormwater improvements will reduce the amount of nutrients and sediments delivered to local water bodies and eventually to the Chesapeake Bay. For the first questions, Ms. Tribo presented a graph that outlines the ecological response in the bay to those reductions. The graph showed less sediment equals clear water, which means more under water grasses will grow to provide habitat for more fish, oysters and crabs. Less nutrient means less algae, which means less dead algae, which means more oxygen which makes fish and crabs happy and they can breathe under water, which means a healthy bay and more aquatic life.

Ms. Tribo stated the second question, is the uncertainty in the model predictions has received lot of attention since release of the draft TMDL last year. One of Hampton Roads' comments requested that the uncertainty be quantified. Both the scientific and technical advisory committees of the Bay Program partnership and National Academy of Sciences have recommended that EPA conduct quantitative uncertainty analysis of the models. It has not been completed to date. Sources of uncertainty come from errors in the model inputs as well as processes that are excluded or misrepresented in the models. The Bay

Program and EPA have committed to developing a framework to better identify and manage these uncertainties and to work better with local partners to develop better, more accurate input data.

The third question, how do we know if management actions are having the intended effect? One way of evaluating progress is through the bay models. Implemented management actions are input into the model and the resulting load reductions are calculated by the watershed model. Accuracy of those results not only depends on minimizing uncertainty in the model but on the quality of the input data given to the state and EPA by local governments. That is why accurate tracking and reporting by local governments is essential. The watershed model determines if the nutrient and sediment loadings are being met but the monitoring determines if the water quality standards are being achieved. The water quality model is used to predict under what conditions the standards will be met, but actual data determines the success or failure. The model is helpful in simulating progress because it allows us to look at the actions under average conditions while monitoring data reflects short-term variations due to extreme weather events. The model is periodically calibrated based on the water quality data so an increase in monitoring frequency and stations with local data improves the accuracy of those model predictions.

Ms. Tribo presented two maps the first map illustrated tidal water quality monitoring stations throughout the bay watershed that are used to evaluate the water quality in the bay and to calibrate the water quality model; the second map showed the current and planned non-tidal stations that are used to measure the delivered loads of nutrient and sediment and calibrate the watershed model and refine the loading rates from the various land uses. The Bay Program is currently proposing to expand the monitoring with 36 stations. There are no stations in the Hampton Roads area because currently all the stations for the watershed model are non-tidal stations and the loading rates from the land use in Hampton Roads are estimated using the data from those up-stream calibration stations. Due to the flatness of the coastal plain and other factors loading of sediments and nutrients in this area might be different than other parts of the state that have more hills and more topography.

Ms. Tribo stated in order to improve model predictions, localities can add more monitoring stations, and that data will allow localities to better track the effectiveness of the management actions overtime. The rough cost estimate based on a partnership study between Fairfax and Northern Virginia and USGS (they are already doing intensive monitoring study in their area) the equipment and start up costs about \$40,000 per site, and that might be greater in tidal area where more equipment is involved and the operation maintenance cost is about \$75,000 a site. In coordination with localities' staff, the HRPDC staff plans to coordinate with the Bay Program to investigate the cost and feasibility of monitoring effort that could be used to help re-calibrate the model for the 2017 progress evaluations, with the intended result of improving the estimated urban loads from the coastal plain.

Commissioner Kearney stated he thought the debate last time was EPA changed the fact with regard to what localities were calibrating. Has that been determined what we are calibrating with these stations?

Ms. Tribo stated she was not sure of the question.

Chairman Clark stated calibrating or measuring.

Commissioner Kearney stated measuring what.

Ms. Tribo stated the stations are measuring nutrients and sediment loads as well as dissolved oxygen concentrations.

Commissioner Shepperd asked in the Bay.

Ms. Tribo stated yes.

Commissioner Shepperd stated that has not changed since day one. That was the four elements that were planned all along.

Ms. Tribo stated the question that was brought up last time was whether or not the localities would be tracking loads, actual numbers or whether they would be reporting more about management actions and levels of effort and I will address that in the second part of the presentation.

Chairman Clark stated the questions last time was how do we know what we are doing is working.

Ms. Tribo asked for any other questions on this part.

Chairman Clark stated let Ms. Tribo finish and then we will have questions.

Ms. Tribo stated after the October Commission meeting, HRPDC sent letters to EPA and Virginia. EPA letter asked for a resolution of the individual waste load allocation from the TMDL and the Virginia letter asked for guidance on the Phase II implementation process in light of the communication between EPA and Virginia in late September or early October.

HRPDC has not received a letter from EPA, but their staff did make some comments at the November 7 meeting of the Virginia Phase II Stakeholder Advisory Group and the localities should have received a letter from DCR dated November 9. At the November 7 meeting of the Virginia Stakeholder Advisory Group that is working on the Phase II Implementation Plan, a member of the group that represents local governments asked DCR and EPA to address whether individual waste water allocations would be removed from the TMDL. Catherine Antos' who is EPA Phase II Implementation Plan Leader stated the bay jurisdictions, the states should, submit their requested revisions to TMDL, including removing the waste allocations to EPA as part of the states' Phase II WIP submittals and those requested provisions will be made when the TMDL is revised in July of 2012.

Ms. Tribo stated the main theme of the letter from DCR has been a shift in focus from establishing local reduction goals to BMP implementation levels of effort. Our question to the state last time was what does this mean? The state provided a request for five pieces of information from local governments: 1) develop a current BMP inventory of the best management practices within the locality; 2) evaluation of land use/land cover information. The state has provided a format for local governments to submit this data; 3) they want localities to review the scenarios that the state created in the Phase I Implementation Plan and then they want the localities to develop their own preferred local scenarios that provide similar level of treatment; 4) develop a strategy that is necessary to implement those scenarios; and 5) identify the resources needed to implement the strategies. What does this mean? Virginia will not be submitting information to EPA at the local government scale. Virginia still wants numbers from local governments so they can create scenarios at a larger scale. If locals do not submit information to Virginia, the state will use the current data and the Phase I WIP strategies to define the locality obligations.

The four other requested pieces of information are things that localities have been working on since the spring and are consistent with HRPDC staff recommendations in October based on our reading of EPA's October letter. Most localities expect to complete the first two tasks the BMP inventory and the land cover data by the first part of December, and now the focus is on producing strategies and identifying resource needs. Due to inaccuracy in the model data and uncertainty of model predictions, many local government staffs are uncomfortable providing specific implementation scenarios to DCR.

The Regional Implementation Plan Steering Committee recommended only submitting strategies to DCR. In light of the new DCR communication and Virginia's intent to use the Phase I Implementation Plan information as defaults if locals do not provide numbers, HRPDC staff discussed with local government stormwater staffs and they developed a compromise.

Ms Tribo stated the HRPDC recommended action is that localities could submit information on program level goals and any specific BMP levels they are comfortable with to HRPDC staff and they would translate those numbers and program goals into a regional numeric scenario that would be submitted to Virginia through their Virginia assessment scenario tool which has been developed and that could provide localities with some flexibility and by submitting that and it still fulfills DCR's request for locality level information. The localities would still submit an individual plan to DCR that focuses on the narrative strategies addressing items one, two, four and five of their request in the letter. HRPDC staff would translate the locality information into a regional input file that could then be appended to locality reports that would fulfill item number three in the letter. The information would need to be provided to HRPDC staff by the end of December in order for HRPDC staff to coordinate with local governments to get that included in their Phase II WIP submittal which is due February 1st to the state to be included in their submittal to EPA in March.

The second recommended action is to authorize HRPDC to write a letter, in participation with other Planning Commissions, to request that Virginia recommend as part of its Phase II WIP submittal, that the waste allocations and TMDL be removed from TMDL when it is revised in July.

Chairman Clark asked for questions.

Commissioner Shepperd stated Ms. Tribo had referenced discussion on the model, he thought there were multiple models.

Ms. Tribo stated yes, there are multiple models; the water quality model, watershed model and air model.

Commissioner Shepperd stated he wanted to make sure they had not created a single model.

Ms. Tribo stated no.

Commissioner Shepperd stated under the calibration stations, the plan was for two year tests and after the thing is implemented, they come back and say how the whole bay is being cleaned up; is that still part of the program?

Ms. Tribo stated the two year milestone that was set up are the model evaluated processes. The way the two year milestones work, the states develop how much management actions they think will be implemented on two year schedules and then submit those to EPA and EPA runs the models to tell us if we are on target with the goals we said we would achieve in that time frame. The water quality data is analyzed annually in terms of assessing if the water quality data are meeting the standard.

Commissioner Shepperd stated his question was on the buying or adding of additional monitoring stations he did not understand why localities would want to do that. Who would do the readings and what would we improve?

Ms. Tribo stated there needs to be more discussion with the Bay Program and with USGS on how it would be designed. Part would be to try to distinguish between in a tidal area what load is going out versus coming in to help us better understand what is coming off the land, and it would help us refine the estimates of the nutrient and sediment that the loads that build up on the land are delivered. The Fairfax project is using USGS to conduct the study, but there are other options. HRPDC staff are just beginning those conversations with Bay Program staff to see what can be done and what our role would be in that process we will keep the Commission updated on those discussions.

Commissioner Shepperd said one of the most important things here to talk about is the Virginia letter to localities on the shift, basically it is a strategy shift and because DEQ and EPA felt we were not moving forward, and we are moving away from the local reduction goals to the BMP implementation and there is a list of requested information from local governments. Who made that request?

Ms. Tribo stated the request came from DCR in the letter dated November 9th.

Commissioner Shepperd stated the real question is are we actually moving forward? The reason he asked, because at the VACO conference they had issue where they talked about water quality and when he left the meeting, his sense was they were not taking it serious because they did not think EPA would get past the confusion and uncertainties. In 2017, localities are supposed to have 60% implemented he felt the state was not taking it seriously. We are still trying to figure out how to measure and implement.

Ms. Tribo stated the November letter says that the state is moving forward and they would like the localities to move forward with them by providing this information to them. Therefore our recommended action is that localities develop information on items one, two, four and five and then provide information to HRPDC so we can develop a regional submittal for item number three, which would be a region-wide scenario of management actions that would be implemented.

Commissioner Shepperd stated he had a lot more questions, but he thought it was important and localities talk with HRPDC staff who will translate strategies that this body be attuned to that translation. The staff doing it without this body being really attended to. That is going to end up going to be cost factor and we need to understand the relationship of the tax dollars to that strategy and translation of whatever Chesapeake does to York County to any other part of the municipalities. He expressed his appreciation for the staff's briefings.

Commissioner Middaugh stated in item two how do you get the waste load allocation. Are we going away from that to a more narrow strategy and where does the allocation come into this?

Ms. Tribo stated the final TMDL included individual load reduction requirements for the Phase I stormwater permit localities for the six biggest localities in the region. If those numbers stay in the TMDL then they will have to be translated in the next round of stormwater permits issued to those localities. There is not a way to measure whether it is being met or not because those waste allocations were calculated using the older version of the model. HRPDC is asking those be taken out because it is not appropriate to use the model in that way to calculate those numbers and not the way the model should be used, so that the permits then would have more narrative description of what the localities are expected to do and be consistent with reductions in TMDL, but then they would develop more specific scenarios as part of their next permit.

Commissioner Middaugh asked if for Phase I of the TMDL is the balance of the allocations is expected to be projected.

Ms. Tribo stated no, there will not be individual allocations for Phase II localities.

Chairman Clark asked for a motion.

Commissioner Tuttle Moved to approve the recommendation of Regional Chesapeake Bay Steering Committee to only include narrative program level strategies in local government Phase II WIP submission to Virginia and Authorize the Executive Director to send a response letter to Virginia upon receipt of expected letter to local governments and PDCs; seconded by Commissioner Goodson. The Motion carried.

HRPDC ACTION ITEMS: THREE MONTH TENTATIVE SCHEDULE

No questions or comments were noted.

PROJECT STATUS REPORTS

No questions or comments were noted.

CORRESPONDENCE OF INTEREST

No questions or comments were noted.

OLD/NEW BUSINESS

The Chairman asked the Nominating Committee to bring a slate of names to the HRPDC meeting on December 15, 2011, for the Chairman and Vice Chairman, for the Hampton Roads Planning District Commission. He asked Vice-Chair Shepperd to chair the committee.

Mayor Krasnoff Moved that Nominating Committee designate a Chairman and elect a new Vice-Chair; seconded by Mayor Price. The Motion carried.

ADJOURNMENT

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:30 a.m.

Stan D. Clark
Chairman

Dwight L. Farmer
Executive Director/Secretary