

AGENDA
HAMPTON ROADS PLANNING DISTRICT COMMISSION
QUARTERLY COMMISSION MEETING
January 20, 2011

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

CONSENT AGENDA

- 9:35 4. Minutes of December 15, 2010 Meeting
5. Treasurer's Report
6. Regional Reviews – Monthly Status Report
- A. PNRS Reviews
- B. Environmental Impact Assessment/Statement Review

REGULAR AGENDA

- 9:45 7. Chesapeake Bay Total Maximum Daily Load (TMDL) Recommended Local Government Actions
- 10:05 8. 2011 Economic Forecast
- 10:15 9. HRPDC Bylaws Amendment - First Reading
- 10:25 10. HRPDC Meeting Schedule
11. HRPDC Three-Month Tentative Schedule
12. Project Status Reports and Advisory Committee Summaries
13. Correspondence of Interest
14. Old/New Business

ADJOURNMENT

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #1: CALL TO ORDER

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

AGENDA NOTE - HRPDC QUARTERLY 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 QUARTERLY COMMISSION MEETING

ITEM #3: 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 December 15, 2010

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)
Thomas Shepperd, Vice Chairman (YK)
James O. McReynolds, Treasurer (YK)
Alan P. Krasnoff (CH)*
Brenda Garton (GL)*
Greg McLemore (FR)*
Mary Bunting (HA)
Bruce Goodson (JC)

Stanley Stein (NO)
McKinley Price (NN)*
J. Randall Wheeler (PQ)
Kenneth Wright (PO)
Selena Cuffee-Glenn (SU)
Tyrone Franklin (SY)
William D. Sessoms (VB)*
Jackson C. Tuttle, II (WM)

EXECUTIVE COMMITTEE (ABSENT)

June Fleming (FR)
Molly Joseph Ward (HA)
Paul D. Fraim (NO)

Michael W. Johnson (SH)
Clyde Haulman (WM)

OTHER COMMISSIONERS:

William E. Harrell (CH)
Ella P. Ward (CH)
Clifton Hayes (CH)
Gregory Woodard (GL)*
Douglas Caskey (IW)
Robert Middaugh (JC)
Sharon Scott (NN)*
Neil Morgan (NN)*

Gordon C. Helsel, Jr. (PQ)
Kenneth Chandler (PO)
John Seward (SY)
Louis R. Jones (VB)
James K. Spore (VB)*
Harry E. Diezel (VB)
Barbara Henley (VB)*

*Late arrival or early departure.

OTHERS RECORDED ATTENDING:

John Gergely, Henry Ryto, (Citizens); Ellis James, (Sierra Club Observer); Earl Sorey (CH); Keith Cannady (HA); Steven Hicks (JC); Bryan Pennington, Jeff Raliski, (NO); Sherry Neil (PO); Bob Matthias (VB); Eric Nielson (SU); Michael King (NN); Jim Oliver (HRCCE); Dana Dickens (HRP); Cale Jaffe (Southern Environmental Law Center); W. Dewey Hurley & Parker Mills (Branscome Inc); Bob Burnley & Kayti Wingfield (Wise Energy of VA); Mike McCoy (Appalachian Voices); L. Frank Mach (Mid-Atlantic Gateway); Mark A. Geduldig-Yatrofsgof (Portsmouth City Watch Org.); Peter Huber (Willcox & Savage); Germaine Fleet (Biggs & Fleet); Staff: Dwight Farmer, James Clary, Jennifer Coleman, Nancy Collins, Natalie Easterday, Kathlene Grauberger, Greg Grootendorst, Richard Flannery, Lisa Hardy, Julia Hillegass, Frances Hughey, Jim Hummer, Rob Jacobs, Whitney Katchmark, Sara Kidd, Mike Long, Jay McBride, Benjamin McFarlane, Kendall Miller, Keith Nichols, Kelli Peterson, Camelia Ravanbakht, John Sadler, Tiffany Smith, Joe Turner, Jenny Tribo, Chris Vaigneur.

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

PUBLIC COMMENT

Three people requested to address the Hampton Roads Planning District Commission.

Ellis W. James

Thank you Mr. Chairman, members of the Commission. My name is Ellis W. James I am a life long resident of Hampton Roads, and proudly of Norfolk. There is something that occurred yesterday in terms of the release of this new study as it pertains to the bay. I think it is extremely important and I want to be sure that each of you had an opportunity to pay attention to it or at least take a look at it. The question of land conservation is one of the least talked about issues as it comes to our concern about what we are going to do to restore the bay. However, it is now front and center thanks to Scott Harper in the Virginian-Pilot because he did address this and I would like to invite your attention to it when you have time. It is on page three in the Virginian-Pilot, December 14. Land conservation is one of the critical issues which is a part of the effort to restore the bay and I think most everyone around this table has an interest in that, and would like to see us move forward on that. I would invite your attention to it, and the staff attention to it. Mr. Farmer, because I think this is a critical part of it. Thank you very much Mr. Chairman.

Cale Jaffe

Thank you all very much. My name is Cale Jaffe. I want to briefly address unit coal plant for Surry County and a point that was raised by ODEC at the last meeting here. As you already heard by now, this power plant would be 1,500 megawatts, the single coal power plant in Virginia. The last meeting ODEC said they needed this power plant because of the need of 7,200 megawatts of new power by 2020, the assertion of 7,200 megawatts is a little misleading and also wrong. It is misleading because more than 90% of that claim is not to serve any of ODEC service territory. According to Governor McDonnell, Virginia Energy Plan ODEC accounts for less than ten percent of Virginia's energy consumption most of that need is Dominion Power. To the extent OPEC is relying on that 7,200 number is what they are telling you is that they are not building this power plant to serve their own customers, they are building it to sell to Dominion Power or other utilities. But more importantly, the 7,200 megawatts figure frankly is grossly exaggerated. The economic downturn led to historic drops in electricity demand. U.S. Department of Energy reported

electricity use fell both in 2008 and 2009. That is the first time DOE has recorded back to back negative growth years in more than 60 years of data collection. Part of energy predicts over the next 25 years and electricity demand will grow one percent per year. While Virginia might grow more quickly than nations as the whole State Corporation Commission has testified that even at two percent growth rate it would be unrealistically high for our state. That's all said, the forecaster supports 7,200 megawatts that is based on a growth rate of 2.2% percent more than double what DOE predicts. Now ODEC said it would like to bring this plan online 2020 or 2022, this gives Hampton Roads great opportunity over the next ten years Hampton Roads can invest in efficiency programs, which have much stronger jobs per Kilowatt hour ratio than coal power plant. Insulating office buildings, upgrading heating and installing new appliances in homes all that puts people to work now and help meet future energy needs without putting Hampton Roads in the Chesapeake Bay. So as PDC considers ways in which the Army Corps of Engineers which is actively processing the application for ODEC. I would encourage you to consider these facts in your deliberations. Thank you all very much.

Bob Burnley

Thank you Mr. Chairman and members of the Commission, my name is Bob Burnley. I am an environmental advisor from Richmond here today on behalf of Wise Energy for Virginia. I was here in October to speak to you about the human health and environmental dangers and the cost of the Cypress Creek Power Plant to Hampton Roads PDC localities and I want to continue the discussion for a moment this morning with emphasis on cost. Later in this morning you will receive a report on watershed implementation revisions made since your last meeting. On the surface, some of these changes may appear positive for local governments, but if we look a little deeper I do not believe that they are that attractive. What they are doing is moving the cost for compliance from one segment of the population to another segment of the population. In many of your localities, agriculture is the large component of the economy. If the revised Watershed Improvement Plan depends more heavily on reduction of nutrients from agricultural hands, than from urban stormwater, as I said the burden is just being shifted from one segment of the population to another. Now, if we consider this power plant and we know that the ozone is an impediment to the development of many crops. If the dock plant is built then crop yields potentially decreased and cost for controlling nutrients from the stormwater discharges because of these charges in the wip, these cost on farms increases. Because this power plant is depositing tons of nitrogen every year on land all across PDC. Then if crop development decreases and cost increases, then income is reduced and cost rises. What happens to the agricultural component of the economy. What happens to the people who make a living farming and supporting farmers? I think the outcome is obvious. Much more burden on agriculture, fewer people involved in it because of the lack of return on their efforts. One more point on these Watershed Improvements Plan revisions. The new wip also depends more heavily on nitrogen removal from waste water treatment plants again shifting that burden from urban stormwater to points where discharges from the waste water treatment systems. Those reductions are going to be outrageously expensive because the old limits were at or near the limits of technology and again your citizens will pay for those costs as well. So if these thousands of tons of nitrogen coming from this plant every year entering the bay you may very well see no improvement in water quality for all the hundreds of millions of dollars you will spend to comply with TMDL. As I said to you in October, I hope you will think individually and collectively about the down side of this plan and I think you will find again the burden far out weighs any of the benefits.

APPROVAL/MODIFICATION OF AGENDA

Chairman Clark stated under old/new business there is one item to be addressed Historic Preservation.

Chairman Clark asked for a motion to accept the agenda with the modification.

Commissioner Shepperd Moved to approve the agenda; seconded by Commissioner Krasnoff. The Motion carried.

CONSENT AGENDA

The Consent Agenda contained the following Items:

Minutes of November 17, 2010 Meeting

Treasurer's Report

Regional Reviews

- A. PNRS Items Review
- B. Environmental Impact Assessment/Statement Reviews

U. S. Department of Housing and Urban Development – Riverview Lofts

Authorizing Resolution and Certifications for FY 2010 Metropolitan Medical Response System Grant Application

Urban Area Security Initiative Contract Addendum for WebEOC Technical Support

Urban Area Security Initiative Contract Addendum for Target Capabilities Assessment

Authorizing Resolutions and Certifications for FY 2010 Urban Areas Security Initiatives Grant Applications

Hazard Mitigation Planning Contract

Agreement with James City County for Bandwidth Reimbursement Using UASI Funds

Hampton Roads Watershed Roundtable Grant

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

Commissioner Goodson Moved to approve the Consent Agenda; seconded by Commissioner McReynolds. The Motion carried.

(Commissioner Morgan arrives.)

HRPDC MEETING SCHEDULE

Mr. Farmer stated there is a long standing conflict between the meeting date of TPO meeting and the meeting date of the Commonwealth Transportation Board. At the November HRTPO meeting, the board approved meeting on the third Thursday at 10:30 a.m. of each month, beginning January 2011. There were some who expressed some concern about meeting on two separate days. Mr. Farmer stated if HRPDC decides to change its meeting, there are two steps; the first is each month the HRPDC must vote during the meeting to change the meeting date and time; the second is to change the bylaws to make a permanent change in the meeting date and time. There must be two readings of the proposed amendment to the bylaws and it must occur during the Quarterly Commission meetings. The first reading of the amendment will occur at the January 20, 2011 HRPDC Quarterly Commission meeting and the second reading will be held in April 2011.

Chairman Clark stated the intent is to keep the two meetings on the same date and asked for a motion to meet on January 20, 2011 at 9:30 a.m.

Commissioner Shepperd asked why HRPDC meetings are being held on Thursdays.

Mr. Farmer stated a Committee lead by Mayor Krasnoff reviewed the availability of the board room on a regular basis and compared it with other municipalities' availability. The third Thursday was the date that did not conflict with any council or board meeting from the localities.

Commissioner Shepperd asked if Thursday at 10:30 a.m. is the date and time for the HRTPO to meet. Chairman Clark indicated yes.

Commissioner Goodson stated his concern was for those who live in the Williamsburg area committing to two full days to coming to meetings in Chesapeake.

Commissioner Shepperd stated he understood having both meetings on the same day but when it came to the HRPDC meetings it was his experience that the Commissioners come to listen and had not debated before the meetings occur. There is no time to debate or to have any substantive discussion.

Mr. Farmer stated he would not characterize the agenda as being full. Historically, there has been a fair amount of discussion on HRPDC issues. There is the option of starting the meeting at nine o'clock.

Commissioner Shepperd asked if the HRPDC Bylaws state the Commission could meet at an earlier time.

Chairman Clark stated the HRTPO could give HRPDC extra time, or a special meeting can be called when needed.

Commissioner Shepperd stated with the flexibility, it makes sense to have the meetings on the same day.

Mayor Krasnoff Moved to schedule the January HRPDC Quarterly meeting on January 20, 2011 at 9:30 a.m. and conduct the first reading to amend the bylaws to change the date of the HRPDC meeting to the third Thursday at 9:30 a.m. of each month and the second reading to be in April 2011; seconded by Commissioner Garton. The Motion Carried.

(Commissioners Sessoms, Spore, Woodard and Price arrive.)

HAMPTON ROADS REGIONAL BENCHMARKING STUDY

Chairman Clark introduced Greg Grootendorst to present the Hampton Roads Regional Benchmarking Study.

Mr. Grootendorst stated this is the sixth addition of the Regional Benchmarking Study. This document provides multiple angles and perspectives. In response to requests from the city and county staff, jurisdictional snapshots are included to provide some perspective of how the locality measured up. Included in the report are rankings from the Census Bureau and the American Community Survey. Hampton Roads was compared against 100 most populous metropolitan areas in the United States. In some of the areas, Hampton Roads ranked high, and in terms of percentage of population Hampton Roads ranked second.

Mr. Grootendorst stated unemployment rates reflect both the general well-being of the labor force to meet the needs of the employers. Comparing the regional unemployment rates to the national rates enables one to assess the condition of the regional labor market over time. Hampton Roads has historically had low unemployment rates, though the unemployment rate has climbed recently on both the national and regional levels.

Hampton Roads competes with other metro areas at a number of levels. When comparing employment and income statistics, it is important to consider the employment to population ratios. A small increase or decrease in this ratio can drastically alter other benchmarking indicators. Hampton Roads' employment to population ratio is 62.6%, slightly below the average of some metro areas. If Hampton Roads' unemployment rate increased to the national rates, it would be equivalent to approximately 18,000 additional persons becoming unemployed which would equal the number of people who work at Oceana Naval Air Station.

Mr. Grootendorst indicated Hampton Roads is a young metropolitan area and ranks 77th in this respect. In Hampton Roads, 63.2% of housing units are owner-occupied because Hampton Roads is somewhat of a transient population. Hampton Roads has a relatively low poverty rate when comparing it to 100 of the most populous metropolitan areas.

Mr. Grootendorst indicated for 40 years, the Bureau of Economic Analysis has been tracking metropolitan area incomes and not once has Hampton Roads been above the national average until 2009. In 1985 and 1986, Hampton Roads almost topped the national average and in 2000, Hampton Roads started getting more military income in the area. Hampton Roads has increased defense expenditures and that sent the region to the top. The purchasing power of per capita income in Hampton Roads does not compare favorably with other metro areas. What Hampton Roads does with its income has not kept up with other areas and is one of the reasons why the cost of living has not changed. Shipbuilding

and repair in Hampton Roads looks positive. Hampton Roads had an increase in concentration and decrease in market.

Mayor Sessoms stated he did not understand what purchasing power per capita income was because income increases the cost of living and health-care would be higher.

Mr. Grootendorst indicated that a lot of those costs are much higher in other areas and it equates the amount of income to how much it costs to purchase. If the cost is 10% more, health-care income is 12% higher.

Mayor Krasnoff asked if is there another document that indicated how Hampton Roads compares with Baltimore, San Antonio, or Jacksonville.

Mr. Grootendorst stated in the Benchmarking Study there is a page that compares Hampton Roads to other areas. There is also the Data Book which has information about the metropolitan areas.

Mayor Krasnoff stated he appreciated the reference to Vietman, but when it comes to other areas that are experiencing growth, he would like to know how Hampton Roads compares in job creation with other areas such as San Antonio, Texas.

Mr. Grootendorst indicated there is a page that compares Hampton Roads to the 100 most populous areas. Looking at San Antonio and other metro areas that are experiencing strong growth is something that can be added.

Commissioner Hayes inquired about the recent changes in the purchasing power.

Mr. Grootendorst stated if you look back ten years, Hampton Roads would still be in the same position. The only thing that has changed is Hampton Roads' incomes have increased dramatically relative to other regions, but so have cost. Housing cost have risen since 2003. Hampton Roads prices had a significant increase and the costs rose elsewhere and during that time there was a substantial increase in regional income.

Commissioner Shepperd stated two parts that were of interest was how Orlando is a big tourist area, and the Peninsula has been pushing tourism, and Charleston, which is not a tourist area, is more of a naval type operation like Jacksonville and they have experienced unbelievable growth in the last 30 years. How do you take in to account the growth of a community and its affect?

Mr. Grootendorst stated the high growth pushed up prices and increased demand and as demand increases the prices go up. Also, high growth areas typically have adjustment in prices along with income increase when you have a growth area. Hampton Roads had strong income growth, but its prices keep the region on the lower end.

Commissioner Shepperd stated does it not reflect tax rates because of the effects on purchasing power.

Chairman Clark asked for a motion to approve the report for distribution.

Commissioner Goodson Moved to approve the Hampton Roads Regional Benchmarking Study; seconded by Commissioner Garton. The Motion carried.

Chesapeake Bay Total Maximum Daily Load (TMDL) Recommended Local Government Actions

Chairman Clark introduced Ms. Jenny Tribo to present an update on the Chesapeake Bay TMDL.

Ms. Tribo stated the comment on the Virginia Watershed Implementation Plan was well received. Virginia submitted an improved Implementation Plan to EPA last month on time and they have addressed EPA's major concerns with the Plan. The new plan only requires stormwater treatment for 23% of impervious lands compared to the 65% required by EPA backstops. The plan requires HRSD to reduce an additional two million pounds of nitrogen from their treatment plants that discharge to the James River. Virginia also included stronger reasonable assurances for the reductions required from agriculture which includes a pledge to pursue regulations if tracking indicates two years of milestones are not being met.

Ms. Tribo indicated the most significant change the State made to the plan was to hold James River load reductions to a level consistent with tributary strategies pending an examination of the chlorophyll-a criteria. If the chlorophyll-a criteria do not change, the waste water treatment plant permits will be adjusted in 2017 to meet the remaining three million pound reduction needed by 2023.

Ms. Tribo stated if EPA deems this plan is sufficient to avoid implementation of their proposed backstops, then stormwater costs in Hampton Roads will decrease by 75%. If EPA announces whether or not they will approve Virginia's plan prior to the publication of the final TMDL on December 31, and if Virginia's plan is accepted, the localities will be able to focus on planning efforts to determine how EPA can achieve their allocations on existing development. Also, localities can provide support for state and federal legislation that may provide funding for implementation actions.

Ms. Tribo stated due to the difference in costs of nutrient controls for each sector, Virginia's plan is more cost effective than EPA's backstop. The savings for Hampton Roads localities is \$7.2 Billion. The additional reductions required by point sources could cost as much as \$1 Billion but still results in significant cost savings to Hampton Roads. Virginia will first encourage voluntary management before pursuing legislation in 2017. In order to put these fees in perspective, localities with existing stormwater fees from \$50 to \$100 per year. If the total cost of achieving stormwater was passed onto residents it would triple the fees paid per household.

Ms. Tribo stated there are numerous federal grants available for watershed planning and innovative stormwater controls. HRPDC staff will work with localities to help find funding for Hampton Roads. Proposed federal legislation could authorize additional funding for state and local governments. Virginia also offers small grants through the Water Quality Improvement Fund and last year the General Assembly made stormwater utilities eligible

for revolving loan funds. Nutrient reductions in Virginia's plan will only be met if adequate funding is made available to all sectors.

Local governments can improve the likelihood of meeting their stormwater reductions by effectively communicating needs with the Hampton Roads General Assembly and Congressional Representatives. Last month, HRPDC distributed a statement of principles that outlined the region's position regarding potential legislation and requests consistent and adequate funding for agriculture, waste water and stormwater control.

HRPDC staff will monitor proposed legislation over the next few months and recommends meeting with the General Assembly and Congressional Representatives to discuss locality needs and concerns.

Commissioner Wheeler stated this simply reduces the size of an unfunded mandate in Hampton Roads from \$9.7 billion to \$2.5 billion. The projected expense requirements for Poquoson from \$90 million to \$27 million is still \$63 million it does not have, and a 25% reduction of an unachievable number is still a really large number.

Commissioner Shepperd stated even though we do not have to pay \$42 million a year, stormwater alone is over \$800 per household per year and this still applies to the fourteen years basis. York County's cost would add about twelve cents to the tax rate. This is still an issue of funding in a reasonable manner if we want to clean the bay. This should have taken more time and should have been done over a longer period of time. The industry, the nation, and the state need to be involved.

Commissioner Seward asked if HRPDC could send this report to the taxpayers and when they meet with members in their localities, the citizens would know where this information came from.

Commissioner Ward asked if the meetings will be open to board members and when the meeting is schedule, will Commissioners be notified about the alternate meeting time and place.

Mr. Farmer asked for volunteers to participate in the discussion. Having Commissioners attend makes more of an effective dialogue.

Commissioner Shepperd stated there needs to be some type of document or form to take forward and also have a schedule time and format for information.

Mr. Farmer stated he will make contact and find out if the General Assembly or Congressional Representatives are willing to meet and we will submit to the Board when they are available and who is available to meet. Mr. Farmer stated he would like to recommend the January meeting have a resolution and take a strong position officially on the record.

Commissioner Shepperd stated it is important for the group to understand these milestones. It was his understanding phase one ends at the end of December and phase two ends next year. The Board members should know what is happening so when its input goes in, they know things are progressing.

Mayor Sessoms asked if the plan have an option to address the General Assembly or Congressional Representatives in order to be supportive. He suggested that the meeting should occur. Hampton Roads should have a plan that can be addressed because sooner or later localities will get a bill.

Mr. Farmer stated this is a state-wide issue and Hampton Roads should not have to handle this alone; it needs some help from the state.

Mr. Farmer asked for volunteers for the Committee.

The Committee consists of Stain Clark (IW), Thomas Shepperd (YK), Bruce Goodson (JC), J. Randall Wheeler (PQ), Gordon Helsel, Jr. (PQ)

Mayor Krasnoff Moved to recommend meeting with General Assembly and Congressional Representatives to discuss localities needs and concerns; seconded by Commissioner Wheeler. The Motion carried.

HRPDC Action Items: Three Month Tentative Schedule

Mr. Farmer stated the HRPDC staff has developed a tentative schedule of issues that will come before the Commission for action over the next three months. These issues are the primary items the Commission will consider for action. Other items may be added depending on priority requests from the Commission.

Project Status Reports

No questions or comments were noted.

Correspondence of Interest

No questions or comments were noted.

Old/New Business

There was one item for discussion under new business.

Mr. Farmer stated Mayor Krasnoff asked HRPDC staff to do research on Historic Preservation Commission Training. The research revealed several options which will require further research and discussion before pursuing them if there was an interest.

Adjournment

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:25 a.m.

Stan D. Clark
Chairman

Dwight L. Farmer
Executive Director/Secretary

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #5: TREASURER'S REPORT

**FISCAL YEAR 2011
December 31, 2010
BALANCE SHEET**

ASSETS		LIABILITIES & NET ASSETS	
Cash & Cash Equivalents	542,659	Current Liabilities	948,663
Accounts Receivables	728,184	Net Assets	5,008,533
Investments	3,217,564		
Other Current Assets	664		
Net Capital Assets	<u>1,468,124</u>		
Total Assets	<u>5,957,196</u>	Total Liabilities & Equity	<u>5,957,196</u>

STATEMENT OF REVENUES AND EXPENDITURES

REVENUES	Annual Budget	Current Month	YTD
Grant and Contract Revenue	9,028,006	192,505	2,453,635
VDHCD State Allocation	132,124	11,010	66,064
Interest Income	20,000	1,449	9,963
Local Jurisdiction Contributions	1,342,835	-	671,281
Other Local Assessment	1,166,835	-	582,120
Sales and Miscellaneous Revenue	117,530	585	17,449
Special Contracts	1,493,758	-	-
Total Revenue	<u>13,301,088</u>	<u>205,549</u>	<u>3,800,512</u>
EXPENDITURES			
Personnel	4,036,965	322,355	1,823,557
Standard Contracts	223,525	5,820	98,266
Special Contracts / Pass-Through	8,286,838	320,270	1,762,967
Office Services	723,760	46,457	270,339
Capital Assets	30,000	-	-
Total Expenses	<u>13,301,088</u>	<u>694,902</u>	<u>3,955,128</u>
Agency Balance	<u>-</u>	<u>(489,354)</u>	<u>(154,616)</u>

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #6: 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. There are no outstanding comments as of January 12, 2011 on this project.

Attachment 6A - PNRS

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 6B – Environmental Impact Assessment/Statement Review

RECOMMENDED ACTION:

None required.

Project Notification and Reviews

Date 1/6/2011 **CH #** VA111228-0823xxx

Title Chesapeake Bay Program Office FY 2010 Request for Proposals for Communications, Outreach, and Education

Applicant Chesapeake Media Service, Inc.

State/Federal Program EPA - Chesapeake Bay Program

Type of Impact Statewide

Project Staff Sara Kidd

Project Description

Chesapeake Media Service is requesting funds to produce 10 issues of the Bay Journal, maintain the Bay Journal website, and distribute Bay Journal articles to other media outlets. The Bay Journal serves as the principal public information tool of the Chesapeake Bay Program.

Federal	\$327,000.00	Local	\$0.00
Applicant	\$79,700.00	Other	\$0.00
State	\$0.00	Income	\$0.00
TOTAL			\$406,700.00

Environmental Impact Reviews

Received 12/6/2010

Number 10-169F

Name Mason Creek Canal Bulkhead Replacement, Naval Station Norfolk

Sponsor DoD/Department of the Navy

Description

The Department of the Navy (Navy) proposes to replace the existing bulkhead on the Mason Creek Canal at Naval Station Norfolk in the City of Norfolk. The Navy will replace approximately 1,400 linear feet of timber bulkhead and concrete cap with a cantilevered steel sheet pile bulkhead and concrete cap. The new bulkhead will be installed immediately landward of the existing bulkhead. There will be 1,430 cubic yards of backfill installed landward of the new bulkhead. Approximately 20 square feet of existing rip rap will be removed during demolition and reinstalled after construction. Ten existing outfall drainage pipes will be replaced. Petroleum- and lead-contaminated soil on the west side of the canal will be excavated and properly disposed. Upland area behind the new bulkhead will be backfilled, top soiled and seeded. The Navy has submitted a Federal Consistency Determination that finds the proposed action consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Norfolk

Finding

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

Comments Sent 12/28/2010

Final State Comments Received

Received 12/7/2010

Number 10-174F

Name Revision and Reissuance of Regional Permit 5 for the Construction of Small Impoundments

Sponsor U.S. Army Corps of Engineers, Norfolk District

Description

The Department of the Army, U.S. Army Corps of Engineers (Corps), Norfolk District, proposes to make revisions and reissue Regional Permit 5 (RP-5) for the construction of small impoundments. RP-5 authorizes the construction of small impoundments for uses such as general farm use, irrigation, livestock watering, fire prevention, and recreation in non-tidal waters of the U.S. in certain waters of the U.S., provided they have only a minimal environmental impact. The revisions include: (1) elimination of the non-reporting component for the construction of impoundments impacting no more than 1/10 acre of non-tidal waters of the U.S. and no more than 300 linear feet of streambed; and (2) the requirement to notify and receive written approval prior to initiating construction for all impoundments that impact by filling, flooding, draining, or clearing no more than 1/2 acre of non-tidal waters, including wetlands, open-waters (e.g. lakes, ponds, and other non-linear systems), and no more than 1,500 linear feet of streambed (as measured upstream from the downstream edge of the impoundment structure). The construction of impoundments with impacts exceeding 1/2 acre of non-tidal wetlands and/or 1,500 LF of streambed will require an individual Corps permit or State Programmatic General Permit (07-SPGP-01) and will not be authorized by this regional permit. The Corps seeks the Commonwealth's concurrence that the proposed action consistent to the maximum extent practicable with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities HRPDC

Finding

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

Comments Sent 1/6/2011

Final State Comments Received

Received 12/13/2010 **Number** 10-176S

Name Resident Hall V

Sponsor Christopher Newport University

Description

Christopher Newport University submitted an environmental impact report for the construction of a residence hall on its campus in the City of Newport News. The proposed project site currently consists of existing single family houses and parking lots that will be demolished. The proposed project site is 4.43 acres and contains no surface waters.

Affected Localities Newport News

Finding

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

Comments Sent 1/6/2011

Final State Comments Received

Received 1/4/2011

Number 11-002F

Name Nationwide Use of High Frequency and Ultra High Frequency SONAR Technology

Sponsor DHS/U.S. Coast Guard

Description

The USCG is proposing the nationwide use of active SONAR technologies that operate at frequencies of 50 kiloHertz (kHz) and greater from mobile platforms. Active SONAR technology would be used in support of USCG missions to locate, image, and classify submerged/underwater targets of interest (TOI). The PEA is a program-level document that will provide the USCG with management-level analysis of the potential impacts of each alternative on the human and natural environments.

Affected Localities Virginia Beach

Finding

Comments Sent

Final State Comments Received

Received 1/5/2011

Number 11-003F

Name Correct Drainage Problems at USCG CAMSLANT Chesapeake

Sponsor DHS/U.S. Coast Guard

Description

The U.S. Coast Guard proposes to correct drainage problems at USCG CAMSLANT Chesapeake.

Affected Localities Virginia Beach

Finding

Comments Sent

Final State Comments Received

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #7: CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL): RECOMMENDED LOCAL GOVERNMENT ACTIONS

SUBJECT:

The Environmental Protection Agency (EPA) released the final Chesapeake Bay TMDL on December 29, 2010. The EPA accepted Virginia's Watershed Implementation Plan and did not implement the proposed backstop measures that were extraordinarily expensive.

BACKGROUND:

At the December 15, 2010 Executive Committee meeting, HRPDC staff briefed the Board on the revised Watershed Implementation Plan (WIP) that Virginia submitted to the EPA that describes how the state will meet nutrient reductions required to clean up the Bay. The Virginia WIP addressed the majority of the concerns of the Hampton Roads communities. The plan contains stronger reasonable assurances that nutrient reductions will be achieved on agricultural lands; calls for greater reductions of nutrients in wastewater treatment plant discharges; and lessens the burden on MS4 localities to reduce nutrients from existing development. The EPA accepted Virginia's revisions and did not impose the "backstops" contained in the draft TMDL. The final Chesapeake Bay TMDL was released on December 29, 2010.

A copy of EPA's responses to the HRPDC regional comments is included and HRPDC staff drafted a one page summary of the EPA's response and highlighted issues that were not resolved in the final TMDL.

The final TMDL defines the nutrient reductions required by watershed but it does not define the reductions required by locality. The Phase II of the Virginia WIP will allocate reductions by locality or by permit holders. A draft of the Phase II implementation plan must be submitted to the EPA by September 2011.

Based on the Commission's direction in December, HRPDC staff:

- Tentatively scheduled a meeting with local government city attorneys and HRPDC Special Legal Counsel Dave Evans to assess the merits of appealing the TMDL during the week of January 24-28.
- Requested to present Bay TMDL concerns to the Hampton Roads General Assembly representatives at their Caucus meeting on January 13.
- Requested subcommittee meeting with Commission members to discuss the draft battleplan and legislative recommendations.

A formal resolution defining regional concerns about the Chesapeake Bay TMDL has been drafted and is included for the Commission's review and approval.

HRPDC Principal Water Resources Planner Whitney Katchmark will brief the Commission on the potential policy and program options regarding the Chesapeake Bay TMDL.

Attachments: HRPDC summary of EPA response to regional comments
HRPDC resolution regarding the Chesapeake Bay TMDL

RECOMMENDED ACTION:

Approve the Chesapeake Bay TMDL resolution.

Summary of EPA's Response to HRPDC Comments on the Chesapeake Bay TMDL

1. EPA HAS NOT PROVIDED REASONABLE ASSURANCE THAT THE URBAN RUNOFF SECTOR ALLOCATIONS CAN BE ACHIEVED BY 2025

Summary of EPA Response:

Because Virginia submitted a revised Watershed Implementation Plan with satisfactory reasonable assurances for agricultural reductions and additional wastewater reductions, the EPA backstops have been removed from the final TMDL. The final allocations for urban stormwater will be challenging to achieve but are much more technically feasible than EPA's backstop allocations.

2. EPA DOES NOT HAVE THE LEGAL AUTHORITY TO ESTABLISH A DEADLINE IN THE TMDL

Summary of EPA Response:

EPA maintains that they have the legal authority to require the States to develop implementation plans that will achieve 60% of the targeted reductions by 2017 and 100% by 2025. EPA believes, in light of the decades-long history of not meeting water quality goals, that the staged 2017/2025 implementation framework is both lawful and reasonable, and that the implementation can be completed in the projected timeframe.

3. EPA HAS FAILED TO PROVIDE THE LOCALITIES WITH A REASONABLE OPPORTUNITY TO REVIEW, EVALUATE, AND COMMENT ON THE BASIS FOR THE PROPOSED ALLOCATIONS.

A. Insufficient Comment Period:

Summary of EPA Response:

EPA noted that the Chesapeake Bay TMDL is not a federal regulation. EPA declined to extend the TMDL's 45-day comment period because doing so would have made it impossible for them to establish the Bay TMDL by December 31, 2010. EPA stated that they are acting pursuant to Executive Order 13508 to "make full use of its authorities" to protect the Bay, as well as a promise EPA made in a May 2010 settlement agreement resolving *Fowler v. EPA*. While EPA could have attempted to negotiate an extension of the *Fowler* agreement date, EPA believes that - under all the circumstances of this TMDL, including the considerable transparency of the process to date and EPA's considerable efforts to engage in public outreach - its efforts were better spent finishing work on the TMDL in order to avoid any further delays in implementing EPA's and States' 27-plus year old commitment to restore the Bay's water quality.

B. Failure to provide all information:

Summary of EPA Response:

EPA believes it has made sufficient information available for the public to reasonably and intelligently comment on the Bay TMDL.

4. THE PHASE 5.3 MODEL AND MODEL INPUTS ARE NOT SUFFICIENTLY DEVELOPED TO PRODUCE RELIABLE PREDICTIONS.

Summary of EPA Response:

EPA maintains that the Phase 5.3 model has been sufficiently developed, calibrated, and verified through peer review. EPA states, "Five generations of the Chesapeake Bay Program Watershed Model has been applied to management decisions in the Chesapeake for over two decade. The Watershed Model has been continually refined over those five development cycles... The Phase 5.3 Watershed Model was been developed, calibrated and verified through collaboration with federal, state, academic, and private partners. Development teams at the Chesapeake Bay Program Office (CBPO) and the U.S. Geological Survey (USGS) included EPA, USGS, University of Maryland Center for Environmental Sciences, University of Maryland College of Agriculture and Natural Resources, Virginia Tech, and Chesapeake Research Consortium. After more than five years of development work, calibration and validation were completed in March 2010 and reviewed and approved by several of the above groups."

5. THE MODELING PREDICTIONS DO NOT JUSTIFY USE OF THE CHLOROPHYLL-a CRITERIA AS THE BASIS FOR THE JAMES RIVER BASIN ALLOCATIONS

Summary of EPA Response:

Although EPA maintains that they have the responsibility to propose allocations that meet the chlorophyll a criteria in the James River and that the model is a valid tool to determine compliance, they believe that Virginia's final Phase I Watershed Implementation Plan put forth a credible approach for achieving the 2017 (60%) and the 2025 (100%) allocations for nitrogen, phosphorus and sediment for the James River basin. These allocations will meet Virginia's existing dissolved oxygen, water clarity/submerged aquatic vegetation, and chlorophyll a water quality standards for the river. EPA is willing to work with Virginia to evaluate the science behind the chlorophyll a water quality standard in the James. If the water quality standards are changed, the TMDL may be revised to reflect the new standards. Until that time, the current standards are in effect and the TMDL is based on those standards and the provisions of the TMDL will need to be implemented until and unless the TMDL is modified.



**HAMPTON ROADS PLANNING DISTRICT COMMISSION
RESOLUTION 2011-01**

RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE HAMPTON ROADS PLANNING DISTRICT COMMISSION REQUESTING THE GOVERNOR OF VIRGINIA AND THE VIRGINIA GENERAL ASSEMBLY TO SUPPORT LEGISLATION TO ACHIEVE THE GOALS OF THE CHESAPEAKE BAY TOTAL DAILY MAXIMUM LOAD BY DEVELOPING STATE PROGRAMS TO IMPLEMENT THE MOST COST EFFECTIVE METHODS OF REDUCING NUTRIENT AND SEDIMENT LOADS AND COMMITTING THE FINANCIAL RESOURCES NECESSARY TO FUND THE RESTORATION OF WATER QUALITY IN THE CHESAPEAKE BAY

WHEREAS, on December 29, 2010, the Environmental Protection Agency finalized a Total Maximum Daily Load (TMDL) for the Chesapeake Bay that requires local governments to significantly reduce nutrients and sediment loads to the watershed.

WHEREAS, local governments and wastewater utilities in the Hampton Roads region are responsible for implementing policies and programs to restore the water quality in the Chesapeake Bay watershed.

WHEREAS, the Hampton Roads Planning District Commission provided extensive comments on the EPA's draft TMDL and Virginia's Watershed Implementation Plan on November 8, 2010.

WHEREAS, EPA has stated that more prescriptive and expensive requirements will be applied to urban stormwater and wastewater permit holders if Virginia's Watershed Implementation Plan is not fully implemented.

WHEREAS, the potential cost implications for the urban stormwater, wastewater, and agricultural sectors are significant and it is in the interest of local governments to support the legislation needed to enable Virginia's Watershed Implementation Plan to be successfully implemented.

NOW THEREFORE, BE IT RESOLVED, the Executive Committee and member localities of the Hampton Roads Planning District Commission hereby request the Governor of Virginia, the Virginia Senate and Virginia House of Delegates that legislation be adopted which supports the "Hampton Roads Statement of Legislative Principles Regarding the Implementation of the Chesapeake Bay TMDL".

PASSED AND APPROVED by the Executive Committee and member localities of the Hampton Roads Planning District Commission the 20th day of January 2011.

Thomas Shepperd
Vice Chairman

Dwight L. Farmer
Executive Director/Secretary

Hampton Roads Statement of Legislative Principles Regarding Implementation of the Chesapeake Bay TMDL

On December 29, 2010, the Environmental Protection Agency finalized a Total Maximum Daily Load (TMDL) for the Chesapeake Bay that will require local governments to significantly reduce nutrients and sediment loads to the watershed. The member localities of the Hampton Roads Planning District Commission have developed the legislative principles described below to encourage the Commonwealth to provide leadership in achieving the goals of the TMDL by developing state programs to implement the most cost effective nutrient reductions and by committing the financial resources necessary to pay for the restoration of the water quality in the Chesapeake Bay.

Agriculture Programs

HRPDC supports a well-financed and fully staffed state program to address the problem of non-point source runoff from agricultural operations. The program should effectively encourage implementation of priority best management practices such as nutrient management planning, use of cover crops, continuous no-till farming, development of forested riparian buffers, and livestock stream exclusion.

Alternative Onsite Sewage Systems

HRPDC supports state regulations for alternative onsite sewage systems that clearly define responsibility and liability for proper operation; have a means to finance future repair and replacement costs; and ensure that sufficient and appropriate testing occurs to protect groundwater standards and alert owners to potential problems at the earliest possible moment.

Chlorophyll-*a* Study

HRPDC concurs with and supports the elements contained in the Draft James River Chlorophyll-*a* study plan contained in Virginia's Watershed Implementation Plan (WIP). Successful completion of this study plan is considered essential to address the acknowledged deficiencies of the water quality standard and the associated modeling framework.

Expand Authority for Tree Canopy Requirements

HRPDC supports the amendment of Virginia Code Section 15.2-961.1 to allow all Virginia localities to adopt an ordinance containing a set of tree canopy preservation requirements based on development density. Section 15.2-961.1 was adopted during the 2008 General Assembly session and is currently applicable only to the localities within Planning District Eight. Increasing the urban tree canopy is an inexpensive method to reduce nutrient loading through runoff reduction and will allow localities to reduce the cost of achieving nutrient reductions for urban stormwater.

Expansion of Chesapeake Bay Preservation Act

HRPDC supports an amendment to the Chesapeake Bay Preservation Act that would expand the coverage of the Act from "Tidewater" to the entire Chesapeake Bay Watershed.

Expansion of Nutrient Credit Exchange Program

HRPDC supports expansion of the Chesapeake Bay Watershed Nutrient Credit Exchange Program (Code of Virginia at §62.1-44.19:12) to include on-site systems and urban stormwater for new and existing development and in order to allow the most cost effective reduction of nutrients to improve water quality in the Chesapeake Bay and its tributaries.

Lawn Fertilizer

The HRPDC supports Virginia's effort to control the amount, timing, and composition of fertilizers applied to urban lands, but opposes any effort to require local governments to administer this program. This issue should be addressed by a state-wide turf grass fertilizer restriction, similar to the phosphate ban in laundry soap and dish detergent, which is outside of the permitting process.

Restoration of Funding to PDCs

HRPDC supports the overall funding of Virginia's Planning District Commissions at a level of \$0.35 per capita or a minimum of \$100,000 per commission, whichever is greater. It is likely that the Department of Conservation and Recreation (DCR) will rely on PDCs to facilitate the development of locality specific nutrient reductions in Phase II of the State's Watershed Implementation Plan.

State Fees on City Services (water, sewer, solid waste)

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

Unfunded Mandates

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

Water Quality Funding

HRPDC supports dedicated and adequate state appropriations to the Water Quality Improvement Fund to make full and timely payments under point source contracts. Additionally, HRPDC requests the General Assembly address costs associated with anticipated permit requirements for Municipal Separate Storm Sewer Systems (MS4s) in light of expected requirements of the Chesapeake Bay TMDL.

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #8: 2011 ECONOMIC FORECAST

SUBJECT:

The annual HRPDC regional economic forecast for 2011.

BACKGROUND:

Each January since 1990, HRPDC Economics Staff have delivered a regional economic forecast for the coming year. The forecast presentation includes a review of local and national trends and provides a forecast for gross regional product, employment, unemployment, retail sales, residential construction, and hotel revenues. The HRPDC economic forecast was approved as part of the FY 11 HRPDC Unified Planning Work Program.

Mr. Greg C. Grootendorst, Chief Economist, will present the 2011 Economic Forecast to the HRPDC Board.

RECOMMENDED ACTION:

Approve the release of the 2011 Economic Forecast.

STAFF COMMENTARY:

The HRPDC Economic Forecast is the staff assessment of what the region can expect for the coming year. The Commission's forecast is often used for planning purposes by staff from member jurisdictions as well as other regional organizations. Approving the release of the Economic Forecast will provide public access to the information.

AGENDA NOTE – HRPDC QUARTERLY COMMISSION MEETING

ITEM #9: BYLAWS AMENDMENT - FIRST READING

SUBJECT:

Amend HRPDC Bylaws to change the HRPDC Meeting day to the Third Thursday of each month.

BACKGROUND:

In accordance with the HRPDC Bylaws, any proposed amendments to the Bylaws must be presented in writing and read at any regular or special meeting of the Commission. This will constitute the first reading. One amendment to the current HRPDC Bylaws is being recommended.

Due to the recent change in the meeting days of the HRPDC and HRTPO, it is proposed that the Bylaws reflect that change. Article IV.1 will be amended to reflect a new meeting day – the third Thursday of each month.

A copy of the HRPDC Bylaws is attached indicating the proposed change referenced above. The proposed amendment will be brought back before the Commission during its April 2011 Quarterly Commission Meeting for a second reading and final approval before implementation.

Attachment – HRPDC Bylaws with proposed amendment

RECOMMENDED ACTION:

Approve proposed change to Bylaws.

**BYLAWS OF
THE HAMPTON ROADS PLANNING DISTRICT COMMISSION**

ARTICLE I

NAME

The name of this organization is The Hampton Roads Planning District Commission (the "COMMISSION"). The COMMISSION was organized and exists pursuant to a Charter Agreement (the "Agreement") adopted by the Joint Resolution of the governing bodies (the "Governing Bodies") of its constituent member governmental subdivisions (the "Subdivisions") in accordance with the Virginia Area Development Act, Title 15.1, Chapter 34 § 15.1-1400 et seq., Va. Code Ann., (1950), as amended.

ARTICLE II

PURPOSE

The purpose of the COMMISSION is to promote the orderly and efficient development of the physical, social and economic elements of the twenty and twenty-first planning districts by planning and encouraging, and assisting Governing Bodies to plan for the future.

ARTICLE III

MEMBERSHIP

The members of the COMMISSION shall be appointed by the participating subdivisions in the manner and for terms as provided by the Agreement.

ARTICLE IV

MEETINGS

1. The meetings of the COMMISSION shall be held at 9:30 a.m. on the 3rd ~~Wednesday~~ **Thursday** of each month during the months of January, April, July and October at a place to be determined by the Chairman of the COMMISSION. The October meeting shall be the annual meeting of the COMMISSION. The COMMISSION or the Executive Committee may change the date and time of any regular meeting at any prior meeting. The COMMISSION may adjourn any meeting from time to time or to another place.

2. Special Meetings. Special meetings may be called by the Chairman at his discretion or by any two members of the COMMISSION upon 48 hours notice to all members in writing or by telephone of the time, place and purpose of the special meeting. A special meeting may be held without notice provided all members of the COMMISSION are present.

3. Quorum. A majority of the COMMISSION shall constitute a quorum, provided a member from at least a majority of the Subdivisions shall be present.

4. Voting. Each member of the COMMISSION shall be entitled to one vote on the COMMISSION. All actions of the COMMISSION may be taken by a majority vote of all members present and voting, provided that any action shall require the affirmative vote of members representing at least a majority of the Subdivisions for approval.

5. Procedures. Upon all questions not governed by the Agreement, these bylaws or any other adopted rule of the COMMISSION, the general principle of parliamentary procedure as set forth in Roberts Rules of Order shall govern.

ARTICLE V

OFFICERS

1. Officers and Duties. The officers of the COMMISSION shall consist of a Chairman, a Vice-Chairman, a Secretary, a Treasurer and such subordinate officers as may from time to time be elected or appointed by the COMMISSION. The Vice Chairman shall serve, and may also be known, as the Chair-Elect. No person may hold more than one office; provided, however, that the offices of the Secretary and the Treasurer may be held by the same person. All offices must be held by members of the COMMISSION; provided, however, the offices of Secretary and Treasurer may be held by persons who are not members of the COMMISSION. The office of Chairman shall be held by a member of the Governing Body of the Subdivision he or she represents. The offices of Chairman and Vice-Chairman shall be held by members representing different Subdivisions. Each of such officers shall serve without compensation.

2. Term of Office. All officers 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 Chairman and Vice-Chairman may serve not more than two (2) consecutive one (1) year terms in succession. Any Chairman or Vice-Chairman who serves a partial term shall not be considered as serving a full term.

3. Election. Prior to the annual meeting at which an officer will be elected, the Chairman shall appoint a Nominating Committee, consisting of at least one member from at least half of the Subdivisions. The Nominating Committee shall, at the annual meeting, submit the name or names of one or more persons for each office to be filled. Further nominations may be made by any member at the meeting at which the election is held. The election of officers shall be by voice vote, unless changed by majority vote of those present.

4. Vacancies. Any vacancy occurring in an office shall be filled for the unexpired term by the COMMISSION at the next regular meeting following the occurrence of such

vacancy, or at a special meeting called for that purpose. If the vacancy occurs in the office of the Secretary or Treasurer, an acting officer shall be appointed by the Chairman pending such election.

5. Chairman. The Chairman shall preside at all meetings of the COMMISSION at which he is present and shall vote as any other member. He shall be responsible for the implementation of the policies established and the actions taken by the COMMISSION, shall have all of the powers and duties customarily pertaining to the office of the chairman of the board, and shall perform such other duties as may be assigned to him by the COMMISSION.

6. Vice-Chairman. The Vice-Chairman shall, in the event of the death or absence of the Chairman, or of his inability to perform any of the duties of his office or to exercise any of his powers, perform such duties and possess such powers as are conferred upon the Chairman, and shall perform such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION. The Vice-Chairman shall be expected to serve as Chairman, following the expiration of the incumbent Chairman's term of office.

7. Secretary. The Secretary shall give the members notice of all regular and special meetings of the COMMISSION and shall attend all meetings and keep a record of their proceedings, which shall be a public record, and copies of which shall be mailed with the notice of the next regular meeting to all members of the COMMISSION. In general, he shall perform all duties incident to the office of Secretary and such other duties as may from time to time be assigned to him by the Chairman or by the COMMISSION. The Secretary may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

8. Treasurer. The Treasurer shall have general charge and supervision of all of books and accounts of the COMMISSION, shall have custody of the monies and securities of the COMMISSION and keep an accurate record of the source of all monies. Unless otherwise provided, he shall sign or countersign such checks, vouchers or other instruments as require signature; shall make a brief financial report at each regular meeting of the COMMISSION; shall prepare an annual report as soon as practicable after the end of each fiscal year; and shall perform all other duties incident to his office that may be required of him by the COMMISSION. The Treasurer may, with the permission of the COMMISSION, delegate certain of his duties and responsibilities to the staff of the COMMISSION.

ARTICLE VI

COMMITTEES

1. Executive Committee. There shall be, as one of the standing committees, an Executive Committee consisting of one member from each Subdivision designated prior to the annual meeting of the Commission by each respective Governing Body. If the Chairman or Vice-Chairman is not otherwise appointed as an Executive Committee member by his respective jurisdiction, that officer shall also serve as a member of the Executive Committee during his elected term of office. Except for the Chairman and Vice-Chairman, who shall serve while in

office, each member of the Executive Committee shall serve for a term of one (1) year or until his successor is appointed by the appropriate Governing Body, or until he resigns or is removed from the COMMISSION. The Chairman will serve as Chairman of the Executive Committee. Each member of the Executive Committee shall have one vote. However, if the Chairman or Vice-Chairman is not the Executive Committee member appointed by the Governing Body of his Subdivision, then the Subdivision's appointed member and the officer from that Subdivision who is also serving on the Executive Committee shall each be entitled to a vote counted one-half the vote of other Executive Committee members or, if only one of them is in attendance at a meeting, then that one shall have one full vote on behalf of his Subdivision. The Executive Committee shall hold regular monthly meetings upon the call of the Chairman. The Executive Committee shall hold special meetings upon the call of the Chairman or any two of its members. A majority of the members shall constitute a quorum. Every other member shall be an alternate member of the Executive Committee for the purpose of representing his jurisdiction on the Executive Committee, but an alternate member of the Executive Committee may vote only in the absence of the regular member from his jurisdiction. Subject to the control and direction of the COMMISSION, the Executive Committee shall supervise and manage the affairs of the COMMISSION between regular meetings of the full COMMISSION. The Executive Committee may act on all matters by, for or on behalf of the COMMISSION, and may exercise any and all powers granted to the COMMISSION by the Virginia Area Development Act, the Agreement, or these bylaws, except amending the Agreement or these bylaws. The Executive Committee shall have such specific duties as may from time to time be assigned to it by the COMMISSION.

2. Standing Committees. The COMMISSION may establish such other special and standing committees, advisory, technical or otherwise, as it shall deem desirable for the transaction of its affairs.

ARTICLE VII

ADMINISTRATION

1. Staff. The COMMISSION shall employ a staff of qualified professional and other persons, pay to them such compensation as it shall deem advisable to carry out its duties; and implement projects, programs and other functions.

2. Director. The chief executive officer of the staff shall be the Executive Director, who shall have direct supervision of all the other employees of the COMMISSION, and, subject to the authority of the COMMISSION and its officers, shall have direct control of the management of the affairs of the COMMISSION.

3. Duties of Executive Director. The Executive Director shall act as disbursing officer, and shall be responsible for the payment of all bills, or of all warrants or requisitions, after payment thereof is authorized by the Treasurer. He shall be responsible for keeping a record of all monies paid out and received and of receipts and vouchers to cover such expenditures.

4. Execution of Instruments. The Executive Director, upon specific authorization by the COMMISSION, shall have the power to sign in its behalf any agreement or other instrument to be executed by the COMMISSION. Unless otherwise provided, he may sign or countersign checks and vouchers in payment of obligations of the COMMISSION.

ARTICLE VIII

FINANCES

1. Finances. The monies of the COMMISSION shall be deposited in such bank as the COMMISSION shall designate, and all payments (with the exception of those from petty cash) shall, so far as is practicable, be made by checks. Checks and drafts may be signed in the name of the COMMISSION by the Executive Director, the Secretary, the Treasurer, or their designee.

2. Audit. The COMMISSION, at least once each year, shall cause an audit to be made by an independent certified public accountant of the general funds of the COMMISSION and any special project funds which are not audited by the federal or state government or by other independent accountants.

3. Bonds. The COMMISSION shall cause fidelity bonds to be issued covering each of its employees who receive or disburse funds in amounts deemed by it to be adequate.

ARTICLE IX

SEAL

1. Seal. The COMMISSION may adopt a seal for the Commission in such form as it deems appropriate.

ARTICLE X

AMENDMENTS

1. Any proposed amendment of these bylaws shall be presented in writing and read for a first time at any regular or special meeting of the COMMISSION. Such proposal may be considered and amended at such meeting, but shall not be acted upon by the COMMISSION until a subsequent meeting which may be held no earlier than thirty (30) days after the first meeting. At the subsequent meeting, the proposal may be adopted only by the affirmative vote of at least two-thirds (2/3) of the entire COMMISSION members.

AGENDA NOTE- HRPDC QUARTERLY COMMISSION MEETING

ITEM #10: HRPDC MEETING SCHEDULE

SUBJECT:

Changing the date of the HRPDC Meeting.

BACKGROUND:

At its November 2010 Meeting, the Hampton Roads Transportation Planning Organization (HRTPO) determined that it would move its regular meeting to the third Thursday at 10:30 a.m. of each month, beginning in January 2011. Discussion at the HRTPO meeting indicated a consensus that the HRPDC meetings should also move to the third Thursday to minimize travel impacts on Commissioners and other participants. If agreeable to the Commission it is necessary to formally move the date for the HRPDC meeting each month until such time as the HRPDC Bylaws can be modified.

At the December 15, 2010 HRPDC Executive Committee Meeting, the HRPDC agreed to move the January Quarterly Commission Meeting to Thursday, January 20, 2011. The same action is required to move the date of the February HRPDC Retreat.

Modifications to the Bylaws require two readings by the full Commission. The first reading of an amendment to change the date of HRPDC meetings will occur under Agenda Item #9.

RECOMMENDED ACTION:

Schedule the February 2011 HRPDC Retreat for February 17, 2011 from 9:30 AM to 11:30 AM in the HRPDC Board Room.

AGENDA NOTE- HRPDC QUARTERLY COMMISSION MEETING

ITEM #11: HRPDC ACTION ITEMS: THREE-MONTH TENTATIVE SCHEDULE

The HRPDC staff has developed a tentative schedule of issues that will come before the Commission for action over the next three months. These issues are the primary action items the Commission will be considering for action. Other items may be added depending on new priority requests from the Commission, state and federal legislative and regulatory activities and new funding opportunities.

Attachment

HRPDC ACTION ITEMS
TENTATIVE FUTURE AGENDA TOPICS

February 2011

Retreat

Action on PNRS and EIR Reviews

March 2011

FY 2011 UASI Grant Application

FY 2011 Coastal Zone Management Program Grant Applications

RFP for Port Security Grant

RFP for Water Supply Assessment and Emergency Response Training Project

Regional Stormwater Indicators Report

Infiltration and Inflow Abatement

Cost of Living Briefing

April 2011

Regional Climate Change Study – Phase II Report

Regional Competitiveness Study

Regional Water Supply Plan

May 2011

Stormwater Regulations

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #12: PROJECT STATUS REPORTS AND ADVISORY COMMITTEE SUMMARIES

A. DIRECTORS OF UTILITIES COMMITTEE SUMMARY MINUTES

The summary minutes of the December 1, 2010 Directors of Utilities Committee Meeting are attached.

Attachment 12A

B. HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE SUMMARY MINUTES

The summary minutes of the December 2, 2010 Hampton Roads Chesapeake Bay Committee, Regional Stormwater Management Committee and Chesapeake Bay Implementation Subcommittee Committee Meeting are attached.

Attachment 12B

C. PROJECT STATUS REPORT

Attached are summaries of recent HRPDC committees meetings and status reports on other programs.

Attachment 12C

**MEETING AND ANNUAL RETREAT SUMMARY
DIRECTORS OF UTILITIES COMMITTEE
January 5, 2011
Newport News**

1. Summary of December 1, 2010 Joint Meeting of the Directors of Utilities and Health Directors Committee

The Summary of the December 1, 2010 joint meeting of the Directors of Utilities and Health Directors Committee was approved.

2. Staff Reports

- A. Capacity Team Update: The Capacity Team is preparing to brief the Directors of Utilities Committee in February 2011 on the Team's recommended approach for implementing a Hampton Roads Regional Private Property Infiltration and Inflow (I/I) Abatement Program. The team is exploring two options: (a) development of locality-specific ordinances; and (b) development of a regional program coordinated between localities and HRSD. Prior to the Committee briefing, the Team's recommendation will be presented to the HRSD Commission for information and comment on January 25, 2011; DEQ will also be consulted that week. The Directors of Utilities Committee will evaluate the two options and provide a recommendation to the Commission in a briefing tentatively scheduled for March 2011.
- B. Regional Water Supply Plan: HRPDC staff is compiling comments and revisions to sections of the Regional Water Supply Plan as they are completed. Section 3 "Existing Resources" was distributed for review at the meeting (electronic copies will also be distributed via email). Staff anticipates the pre-final plan will be ready for public hearings and locality council approvals in March 2011. HRPDC staff will confirm public review procedures, advertisement and notification deadlines, and council approval requirements and coordinate preparations through the Committee.
- C. USGS Groundwater Program: The proposed USGS Virginia Coastal Plain Groundwater Model (VCPGM) work plan for FY 2011 was discussed; there were no objections to executing the contract. USGS will contribute \$33,600 and HRPDC would contribute \$36,420 to fund the project.

Handout:

HRPDC – Virginia Coastal Plain Groundwater Modeling FY2011 Work Plan

ACTION: The proposed USGS VCPGM FY 2011 work plan was approved.

3. Annual Committee Retreat

FY 2011-2012 Budget

The Committee discussed the proposed FY 2011-12 Regional Water Program Budget, which reflects a 5% overall reduction from the previous year's budget, and the proposed FY 2011-12 Regional Wastewater Program Budget, which reflects program-specific funding reductions equal to 13% of the total program. There was consensus on the proposed budgets by all present.

Handout:

FY 2011-12 and FY 2010-11 water and wastewater program budgets

Review of Program Progress – FY 2010-2011 and Committee Direction for FY 2011-2012

HRPDC staff reviewed FY 2010-2011 activities undertaken through the committee process. The Committee discussed priorities to address during FY 2011-2012 and largely agreed with the work plan proposed by HRPDC staff.

The following comments were offered on the proposed work plan:

Groundwater – USGS contracts

- The proposed evaluation of subsidence and relative sea-level rise may be duplicative of the recently published study by the Virginia Institute of Marine Science.
- It should be a priority to revise or recalibrate the Virginia Coastal Plain Groundwater Model for application in DEQ regulatory program.

Water Technical Assistance

- Although some localities have legislative liaisons, the Committee appreciates updates on legislative and regulatory issues from HRPDC and would like staff to continue providing such information.

Water Priority Projects

- The administration of the UASI grant and management of the contract is anticipated to be time consuming for HRPDC staff. Staff will be requesting feedback from the Committee on the forthcoming RFP. The Committee's assistance with coordinating participation in the training exercise will likely be necessary.
- Regarding the collection of water use data by billing categories, the Committee agreed that it would be valuable to collect better information on demand per end use. HRPDC staff will develop simplified water use categories and provide a template for localities to use to transmit data based on billing information

from the previous year. HRPDC will use this information in future analyses of use sector demands, conservation programs, and other planning studies.

The Committee agreed to the following amendments to the work plan:

Groundwater – USGS contracts

- Prioritize the revision or recalibration of the Virginia Coastal Plain Groundwater Model for use in evaluating groundwater permit applications.
- Eliminate the proposed project to evaluate subsidence and relative sea level rise.

HR FOG

- Develop and implement a training program for FOG inspectors in consultation with the localities' technical staff.

Handouts:

USGS Groundwater Program

Water and Wastewater Programs – Retreat

USGS Proposal: Determination of Sea-Level Rise in the Virginia Coastal Plan and Development of Planning Tools

ACTIONS: The proposed FY 2011-12 water and wastewater program budgets were approved.

The proposed FY 2011-12 work plan was amended per discussion and approved.

4. Other Business

HRSD indicated that, in February 2011, they will begin inquiring with the localities as to staff contacts who can work with HRSD to resolve illegal connections.

HRSD will hold the quarterly conference call with EPA for the Consent Decree on January 19, 2011.

HRSD will hold the annual public meeting for the Consent Decree on January 25, 2011.

ACTION: No action taken.

**THE DRAFT SUMMARY OF THE MEETING OF THE
HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE
REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE
CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE
January 6, 2011**

1. Summary of the December 2, 2010 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee

The Summary of the December 2, 2010 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

2. Chesapeake Bay TMDL Update

Ms. Jenny Tribo, HRPDC, briefed the Committee on the status of the Chesapeake Bay TMDL and the Virginia WIP. Virginia submitted its WIP on time. It was accepted by EPA and included in the draft of the Chesapeake Bay TMDL released at the end of December 2010. No backstops are being included at this time, though there will be increased oversight of stormwater programs and permits. The Phase II WIP will be coming out later this year.

The released draft of the Chesapeake Bay TMDL is based on 2009 progress loads, and includes those BMPs that were reported for that run of the model. The TMDL calls for reductions of 9% nitrogen, 16% phosphorus, and 20% sediments from impervious lands, and 6% nitrogen, 7.25% phosphorus, and 8.75% sediments from pervious lands.

Mr. Dave Evans is preparing a brief outlining the merits of appealing the TMDL, which will be discussed at the meeting with the attorneys later this month. HRPDC staff may also be presenting a briefing about costs and legislation to the Hampton Roads Caucus meeting on January 13th.

DCR will be the lead agency for developing the Phase II WIP and will be working with localities and PDCs as part of the process. Ms. Tribo will follow up with DCR staff to determine how localities will be involved.

3. Regional Land Cover

HRPDC staff is still in the process of looking at land cover options and methodologies. A meeting of Committee staff and locality GIS staff will probably occur in February instead of January.

4. Sustainable Communities

HRPDC staff added a new item to the agenda to cover recent developments concerning the Sustainable Communities Regional Planning Grant (SCRPG) program. Mr. Benjamin McFarlane, HRPDC, briefed the Committee on the region's SCRPG application, which was submitted in August 2010. HRPDC received a score of 78 out of 100 points, which qualified the grant application for funding, but due to the large amount of applications and limited funding only those scoring 85 or above were funded. The application was received well by reviewers. Improvements were suggested for public engagement, metrics and outcomes, and assurances of measurable change. HRPDC was offered and accepted Preferred Sustainability Status by HUD.

5. Status Reports

A. Hampton Roads Sanitation District

HRSD representatives had nothing to report.

B. Hampton Roads Planning District

The Corps of Engineers has submitted its proposed Revision and Reissuance of Regional Permit 5 for the Construction of Small Impoundments for public comment. The Committee had no comments.

C. Soil and Water Conservation Districts

In the absence of a SWCD representative there was no report.

D. Department of Conservation and Recreation

DCR representatives had nothing to report.

E. Department of Environmental Quality

In the absence of a DEQ representative there was no report.

F. U.S. Geological Survey

In the absence of a USGS representative there was no report.

G. Department of Transportation

VDOT representatives will be giving a presentation to the Committee at the February meeting on new stormwater regulations and requirements.

H. U.S. Navy

U.S. Navy representatives had nothing to report.

I. Local Programs

Virginia Beach's Environment and Sustainability office will be having a retreat to go over their 2011 objectives. On the table are the City's sustainability plan, expected to begin in March or April, working with IT staff to develop a new web portal for environmental and sustainability information for residents, and identifying goals and objectives that the City Council has adopted that relate to sustainability. The office will be tracking progress for those goals and objectives. The City Council is also considering the Energy Task Force Report, which looked at economic development and energy issues. As submitted it included mention of three controversial issues – a potential regional response to uranium mining proposals, a response to the Surry coal power plant, and modifying support of off-shore energy developments. The City Council may also establish a standing energy advisory committee that would consist of citizens appointed by the Council.

Chesapeake is beginning an update of its Sustainability Plan, which was originally adopted in 2009.

Suffolk is working with private groups on environmental education/projects, and asked Committee members for samples waivers of clear liability.

Mr. John Paine, URS, gave some comments to the Committee on the Chesapeake Bay TMDL. The model continues to unravel. 339 additional point sources were added right before the last run. The Chesapeake Bay Program is now working on a new calibration of the model that should be released in April. Documentation released by CBP indicates that it was not subjected to quality assurance/quality control. Governor McDonnell issued some comments that were critical of this lapse by CBP. Mr. Paine is also working on a project with Hampton to study the engineering and financial feasibility of purchasing properties in floodplains, demolishing them, and retrofitting them as wetlands for water quality purposes.

Ms. Barbara Brumbaugh, Chesapeake, briefed the Committee on development with stormwater regulations. She attended meetings of the Offsets and Local Program subcommittees of the Stormwater RAP. It appears that the stormwater regulations are being completely rewritten. The offsets group is currently using 75% as the baseline for the required amount of onsite offsets. A private nutrient bank representative on the subcommittee is attempting to make private banks the required first option for mitigation offsets; there is a possibility that legislation will be introduced to this effect. The local programs subcommittee discussion revealed that DCR will still be the permitting authority, so localities

will have to enforce DCR permits through local ordinance that mimic DCR regulations. DCR will be able to override local decisions. The draft of the regulations is expected to be released in April and taken to the Board in May. A meeting of the full RAP will be held January 21, 2011 in Richmond at noon. A meeting of the quantity subcommittee will be next week. The quality subcommittee will not be meeting before the full RAP meeting. 0.36 lbs P is still the working standard, though the decision to use a hybrid land use or impervious cover standard has not been finalized. The offsets subcommittee is looking to expand the trading program. The private sector appears to be pushing for a larger geographic area for offsets, which poses issues for stormwater utilities looking for offsets that count within their MS4 permits. A JCAR meeting is being held next week; Ms. Tribo will send out a summary of that meeting to the Committee.

6. Annual Committee Retreat

The Committee approved the distributed budget for the FY2012 Stormwater Program budget, using a hybrid budget that bridges the gap between last year's budget and the proposed redistribution based strictly on a per capita basis. The committee had some concerns with funding for litigation that may or may not be needed, but the legal money set aside could also be used for Phase I permits or other legal needs. A line item for technical consultants need not be assessed immediately, but could be put into the budget now as a contingency in case it is needed. Committee members requested that legal services be submitted as separate line items on bills.

Mr. Benjamin McFarlane discussed the planning program elements for the previous year and for the next year. Major planning programs include the comprehensive environmental planning program, which supports historic resources, Joint Land Use Study work, recycling and solid waste, and energy, coastal zone technical assistance, which supports public education and information, environmental impact review, committee support, and technical analysis, and specific coastal zone grants such as focal area grants. HRPDC is currently planned to receive a Coastal Zone Section 309 grant to look at water quality and planning issues, and may receive another focal area grant. Major efforts for the remainder of the current fiscal year will include finishing the second phase of the climate change work, environmental impact review, and technical reports, which could potentially look at issues such as legislative tracking, sustainability, low impact development, model ordinances, best development practices, alternative septic systems, stormwater regulations, floodplain regulations, and offshore energy impacts on land use. Committee members also suggested discussing these issues through the Planning Committee, which would take the place of the Chesapeake Bay Implementation Committee. Planners and other interested local government staff would have to be recruited to participate.

Ms. Jenny Tribo and Ms. Whitney Katchmark discussed the stormwater program elements for the previous year and for the next year. The PARS list of BMPs does not match the list used by the BMP Clearinghouse; it needs more updates to work effectively

for localities, especially Norfolk. A PARS user group was suggested, with biannual meetings. The Committee asked HRPDC staff to look at options for stormwater monitoring since it may be required in new permits, with presentations on options based on what other localities are doing. There is still interest in TMDL development coordination, especially with the upcoming PCB TMDL, as well as implementation plans (with possible DEQ funding). Expected program elements for the next year include Chesapeake Bay TMDL Phase II WIP development and stormwater permit tracking and negotiations. The annual regional effectiveness indicators report is not useful in its current form and the Committee recommended a revised format based on watersheds and new requirements resulting from impending stormwater regulations and the Chesapeake Bay TMDL. Stormwater Phase I permits and Chesapeake Bay TMDL implementation planning/technical assistance will be activities in FY12.

Remaining FY11 projects for the Stormwater Phase II program include Illicit Discharge Detection and Elimination program development, the Low Impact Development checklist, and an expanded fact sheet series (restaurants, paint stores, auto maintenance shops and car washes), in addition to monthly meetings, annual report assistance, and program plan revisions. The Committee identified additional training for MS4s, monitoring, and TMDL plans as areas for more support from HRPDC staff.

HR Storm distributed new dog waste bag dispensers and “scoop the poop” magnets in FY11. Remaining tasks include coordination with the Phase II Program Plan and the HR Green Campaign. New activities for FY12 will include Chesapeake Club Coordination and Environmental Tabloids.

As part of the Regional Bacteria Study, data collection and microbial analysis was conducted in the first half of FY11, with blind study development remaining to be done. FY12 will see the study completed and the final report produced.

TMDL work in FY11 has included meetings for the Northwest River TMDL and the James/Elizabeth River PCB TMDL, with the stormwater component of PCB TMDLS remaining to be done.

Several Committee members recommended to their peers that they join VAMSA and described many of the benefits they receive from their memberships, including significant aid on responding to the Chesapeake Bay TMDL.

7. Other Matters

The next meeting of the Joint Environmental Committee is scheduled for February 3, 2011 in the HRPDC Regional Board Room. Materials will be sent in advance for review.

PROJECT STATUS REPORTS

A. Regional Housing Program

Housing and Human Service Technical Support

Housing and Human Services staff is continuing to assist with the facilitation of state-wide trainings on the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E Act). Staff members have been instrumental in assisting other regions in Virginia with training opportunities and information. While the HRPDC's Hampton Roads Loan Fund Partnership efforts were thought to be previously exempt from the provisions of the law, staff members will also be licensed as safe measure. The HRPDC Staff has already completed the 20 hours pre-education requirement and will be taking the State and National test for licensing in the weeks to come. Staff members are assisting with technical support and input for Northern Virginia, South West Virginia and will be offering more regional trainings in Hampton Roads.

Staff members are working on an upcoming Regional Housing Symposium, "Jobs Transportation and Housing: Connecting Home and Work." This symposium is a collaborative effort/partnership with Housing Virginia, BB&T, Tidewater Builders Association, Virginia Beach Community Development Corporation, The Housing Roundtable, Hampton Roads Housing Consortium, and Light Rail Now, Inc. The goal of this forum is to provide a platform to invoke dialogue on the correlation between, jobs, transportation and affordable housing. Approximately 100 regional partners in transportation and housing will be in attendance. A subsequent video of this event will be made available. The Housing and Human Services staff is assisting with the marketing of this event as well as the agenda. Staff members from the Hampton Roads Transportation Planning Organization (HRTPO) will also participate on a panel discussion at this event.

Regional Housing Portal

HRPDC staff members are continuing to work on the implementation of the Regional Housing Portal. Currently all known housing resources pertaining to foreclosure prevention and mortgage default services have been identified and a database has been created. Staff is currently working on the completion of a gap analysis of services and programs. This information will be used to create a regional web-based portal for consumers and housing providers to access appropriate services.

Hampton Roads Loan Fund Partnership

The FY11 allocation of HOME funds for the downpayment and closing cost assistance program has been announced for the HRPDC. Planning District #23 will initially receive \$180,000. Training with regional partners to discuss new guidelines and procedures related to the utilization of this funding was held on December 16, 2010. The staff has begun to receive requests for funding from qualified first-time homebuyers in the region.

B. 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 responded to information requests from individuals, member localities, regional organizations, and the media. Economics staff released special reports following releases from the Census Bureau and information from the Navy Region Mid-Atlantic. Staff has also provided economic modeling assistance to the Governor's Office for a grant submittal to the Office of Economic Adjustment in relation to the recommendation of the disestablishment of Joint Forces Command.

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.

C. Emergency Management Project Update

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. Awaiting DHS approval.

Peninsula Local Emergency Planning Commission (PLEPC)

The HRPDC continues to support the work for updating the Peninsula Local Emergency Response Plan. No updates to report this month.

FY11 Healthcare Organization Emergency Preparedness Seminars (HOEPS)

The Emergency Management staff continues to lead the planning for this seminar with emergency managers, public health partners and multiple health care organizations. The HOEPS planning committee continues meeting on a monthly basis to advance the plans for this year's seminar. This year's seminar will include a scaled down tabletop exercise for participants. The exercise team members have been identified and are working on the development of the exercise component. Dates for the event are May 4th on the Peninsula and May 5th on the Southside.

Hazard Mitigation Planning

The HRPDC and Hazard Mitigation Planning Committee (for the Southside Hampton Roads Hazard Mitigation Plan, the Franklin Hazard Mitigation Plan and the Southampton Hazard Mitigation Plan) conducted a project kick-off meeting on January 5, 2011 with the consultant. Data calls for required information, plans, and GIS files were initiated during this month in support of this project.

The Emergency Management staff continues to work with the City of Hampton's Fire Chief (Project Manager) by providing support to update the Peninsula Hazard Mitigation plan. Current activities in progress are those supporting data requests from the HRPDC and involved localities to support the needs of the contractor.

A website supporting this project for the staff, local agencies and future public participation has been established: www.remtac.org/mitigation. Currently, the Peninsula plan is not represented on this site. This will change in the near future as the consultant is working with the HRPDC to have the Peninsula section included at the Peninsula localities' request.

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. The project was re-scoped for consultant support.

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). FY11 UASI Grant planning has been initiated in anticipation of grant guidance being released last month. Unfortunately, until Congress approves the budget, DHS cannot release the new grant guidance. We will remain engaged and be ready to implement guidance once released.

The FY07 UASI grant is nearing completion. Only one project remains open and an extension has been approved. The project remains open as a vehicle to expend all funds that are remaining. VDEM found an error in their accounting and discovered we had left over funds that we thought had been expended. As such, we are utilizing those funds in compliance with FY07 grant guidelines and with the expectation to be completed by the end of March 2011.

Hampton Roads Medical Special Needs and WebEOC Implementation Update (FY07 & FY08 UASI Project)

The WebEOC Subcommittee continues to implement their plan for institutionalizing WebEOC in the region. No updates to report this month.

The Special Needs website and registry (www.hrspecialneeds.org) continues to be populated by/for citizens with special needs in Hampton Roads.

Multi-Region Target Capabilities Assessment (FY08 UASI Project)

The Emergency Management staff provides program management and implementation support for the Target Capabilities Assessment (TCA), through the UASI Grant program. A new task order was executed with the consultants to implement a scope of work for the next set of DHS Target Capabilities to be assessed. The next set of capabilities to be assessed will focus on public health, EMS, medical and hospital areas. A project kick-off meeting will be held January 12, 2011 with the stakeholders.

First Responder Authentication Credential (FRAC)

The next FRAC Committee meeting will be held on January 24, 2011.

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.

Current efforts are focused on the development of the regional Critical Infrastructure Protection Resiliency Strategy. Staff has been working with the consultants (University of Virginia). A final version of the strategy was delivered electronically on January 5, 2011 and staff has begun reviewing it. A website supporting this project has been established: www.hrcipp.org.

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #13: CORRESPONDENCE OF INTEREST

A. LETTER, OLD DOMINION UNIVERSITY

Attached is a letter from Gary Schafran, Chair, Civil and Environmental Engineering Department, Old Dominion University thanking Julia Hilleagass for participating and presenting at its fall Seminar on November 18, 2010.

Attachment 13-A

B. CONCERNED CITIZENS AGAINST OUTLYING LANDING FIELD

Attached is a letter from Larry Johnson, President Concerned Citizens Against Outlying Landing Field on the 2005 Hampton Roads Joint Land Use Study.

Attachment 13-B

C. LETTERS, VIRGINIA WATER MONITORING COUNCIL

Attached are two letters from Jane Walker, Research Associate, Virginia Water Monitoring Council thanking Julia Hillegass and Jenny Tribo for participating at a workshop held on December 8, 2010.

Attachment 13-C



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

December 14, 2010

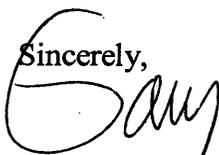
Julia Hillegass
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake VA 23320


Dear Ms. Hillegass:

On behalf of the Old Dominion University Civil and Environmental Engineering Visiting Council (CEEVC), I would like to thank you for your participation and presentation at our Fall Seminar on November 18, 2010. The CEEVC proceeds from the seminar fund an endowment that sustains scholarships for ODU Civil and Environmental Engineering students at both the graduate and undergraduate level. The Fall and Spring Seminars have been continuously held now for over 20 years.

This 2010 Fall Seminar for Federal, Regional, and State agencies was the second joint event with the Society of American Military Engineers Hampton Roads Post (SAME) and it was a great success and we look forward to a continued partnership. SAME seminar proceeds also help with their scholarship funding.

Your continued participation and support enable us to continue with our efforts in assisting and encouraging students in obtaining higher education. We hope you found the seminar beneficial for your agency to share your needs, requirements and expectations. Please feel free to contact me or the Seminar Chair with any suggestions for improvements.

Sincerely,


Gary Schafran, Ph.D., P.E.
Chair, Civil and Environmental Engineering Department

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HRP

Attachment 13A

January 4, 2011

Office of the Under Secretary of Defense
3000 Defense Pentagon
Washington, DC 20301-3000
Attention: Patrick J. O'Brien, Director
Office of Economic Adjustment (OEA)

Re: 2005 Hampton Roads Joint Land Use Study, Virginia/Outlying Landing Field, North Carolina

Dear Mr. O'Brien

Thank you for your letter response to me. I appreciate the fact that the Office of Economic Adjustment (OEA) does not desire to involve itself with the decisions of the local jurisdictions of Virginia. However, it was with our tax dollars that OEA funded an important land use document in Virginia, the 2005 Hampton Roads Joint Land Use Study (HRJLUS), which usurps the local authority of other jurisdictions outside the state of Virginia.

Your letter to me suggested that I deal with the Hampton Roads Planning District Commission (HRPDC) on this issue. While this in theory sounds logical, we here in the localities of Northeastern North Carolina are not part of this commission nor do we seek to be part of this commission that consists of Virginia local politicians. This makes it difficult to have our voices heard in this arena. Therefore, I am asking for your help.

As you know, the Joint Land Use Program is a cooperative land use planning tool used by affected "local" governments and military installations to foster compatible development in the vicinity of these installations. The 2005 HRJLUS was developed under the Joint Land Use Program. As part of the 2005 HRJLUS, the Navy agreed to "reduce air ops to minimal feasible to support the mission over Hampton Roads developed areas" as a tool for mitigating jet noise impacts. Jet noise impacts have been significant in this area due to long term incompatible development/land use practices. In order to reduce air operations over the populated areas of Hampton Roads in Virginia, the Navy in conjunction with the local governments in the Hampton Roads area of Virginia determined through the HRJLUS that the construction of an additional outlying landing field in North Carolina would reduce air operations over the Hampton Roads cities.

If reducing air operations over the developed areas of Hampton Roads by constructing an additional outlying landing field is the choice of the Navy and the local governments in Virginia then it is their responsibility to look within their own state boundaries to resolve their land use issues. Reducing air operation at NAS Oceana and NALF Fentress is a tool to sustain and protect individual property rights of Virginia citizens. Land acquisition strategies outside the jurisdiction of Virginia should not be performed by proxy for the Commonwealth of Virginia by the U.S. Navy through the Joint Land Use Program.

On December 2, 2010, the HRPDC met to discuss a potential update to the HRJLUS, among other issues. They are planning a study to explore options for a more comprehensive regional Joint Land Use Study that may include neighboring Northeastern North Carolina localities. It is my belief that any studies conducted regarding the regional impacts of military operations in a proposed extended Hampton Roads Area Study would not be beneficial to North Carolina localities. The Hampton Roads cities contain a much larger population and host the vast majority of military facilities in the region. Their desires would clearly take precedence over the interests of Northeastern North Carolina. The 2005 HRJLUS clearly showed the intentions of the Hampton Roads cities and the Navy with respect to the localities of Northeastern North Carolina when they determined that an additional Outlying Landing Field should be located in North Carolina.

It is unfathomable that the Hampton Roads cities in conjunction with the U.S. Navy produced a Land Use Plan (the 2005 HRJLUS) funded by OEA that sought to make land use decisions for North Carolina without the consent of or consultation with the State of North Carolina or any North Carolina locality. The 2005 HRJLUS determined that the solution to a Virginia land use problem – incompatible development around existing military installations in the Hampton Roads area – was the development of an additional outlying landing field in North Carolina without bothering to include North Carolina localities in the decision making process.

With this in mind, I am formally requesting the Office of Economic Adjustment to stop funding for this illegal action and to formally request that the Hampton Roads Planning District Commission take immediate action to remove any references to North Carolina from their land use plans.

The 2005 HRJLUS, by making land use decisions for North Carolina, should be considered illegal because the Joint Land Use Study Program requires local cooperation between affected “local” governments and military installations. NAS Oceana, NALF Fentress and Naval Station (NS) Norfolk Chambers Field all reside within the Commonwealth of Virginia. Further, current local land use plans in the adjacent North Carolina localities are in direct conflict with the outlying landing field provisions in the HRJLUS.

A Virginia Land Use Plan funded by federal dollars and co-authored by the federal government (the U.S. Navy) that makes land use decisions for North Carolina without the consent or participation of North Carolina is unconstitutional. It usurps the sovereignty of North Carolina and its local governments and should be reversed at once.

The Joint Land Use Study (JLUS) Program is managed and funded by the Office of Economic Adjustment and, therefore, OEA is responsible for activities within this program.

Respectfully,



Larry Johnson
President Concerned Citizens Against OLF (Outlying Landing Field)
106 E. Robin Court
South Mills, NC 27976
252-771-5253

Cc: Senator Hagan, Senator Burr, Congressman Walter Jones
North Carolina Governor Beverly Perdue

VIRGINIA WATER MONITORING COUNCIL

210 Cheatham Hall (0444)
Virginia Tech
Blacksburg, VA 24061

Phone: (540) 231-4159
Fax: (540) 231-6673

E-mail: vwmc@vt.edu
Website: www.vwrrc.vt.edu/vwmc



January 5, 2011

Julia B. Hillegass
Senior Environmental Planner
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, Virginia 23320

Dear Julia:

I am writing to you on behalf of the partners that hosted the workshop "Enhance Your MS4 Program: Outreach and Monitoring Strategies for Local Governments." Thank you for speaking at this workshop held December 8, 2010 at the Virginia Institute of Marine Science. The workshop was a great success. About 100 stormwater managers and others participated, and we received many compliments from those in attendance.

You did a great job explaining the challenges faced by stormwater managers, highlighting the importance of educating our citizens, and offering ideas for how to provide worthwhile outreach activities. Your presentation provided important insight into activities that help meet the requirements of the MS4 program. Your knowledge is greatly valued, and we appreciate you taking the time to share your experience with those in attendance at the workshop.

The partnering organizations that hosted the workshop – the Virginia Water Monitoring Council, Chesapeake Bay National Estuarine Research Reserve in Virginia, Virginia Institute of Marine Science, Clean Virginia Waterways, Longwood University, Virginia Water Resources Research Center, and Virginia Tech – appreciate your generous contribution to the MS4 workshop.

Sincerely,

Jane Walker

-- Research Associate,

Virginia Water Resources Research Center
and

-- Administrative Assistant,

Virginia Water Monitoring Council

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HRPDC

Attachment 13C

VIRGINIA WATER MONITORING COUNCIL

210 Cheatham Hall (0444)
Virginia Tech
Blacksburg, VA 24061

Phone: (540) 231-4159
Fax: (540) 231-6673

E-mail: vwmc@vt.edu
Website: www.vwrrc.vt.edu/vwmc



January 5, 2011

Jennifer Tribo
Senior Water Resources Planner
Hampton Roads Planning District Commission
723 Woodlake Drive
Chesapeake, VA 23320

Dear Jennifer:

I am writing to you on behalf of the partners that hosted the workshop "Enhance Your MS4 Program: Outreach and Monitoring Strategies for Local Governments." Thank you for speaking at this workshop held December 8, 2010 at the Virginia Institute of Marine Science. The workshop was a great success. About 100 stormwater managers and others participated, and we received many compliments from those in attendance.

You did a great job explaining the challenges faced by stormwater managers, highlighting the importance of educating our citizens, and offering ideas for how to provide worthwhile monitoring activities. Your presentation provided important insight into activities that help meet the requirements of the MS4 program. Your knowledge is greatly valued, and we appreciate you taking the time to share your experience with those in attendance at the workshop.

The partnering organizations that hosted the workshop – the Virginia Water Monitoring Council, Chesapeake Bay National Estuarine Research Reserve in Virginia, Virginia Institute of Marine Science, Clean Virginia Waterways, Longwood University, Virginia Water Resources Research Center, and Virginia Tech – appreciate your generous contribution to the MS4 workshop.

Sincerely,

Jane Walker

-- Research Associate,
Virginia Water Resources Research Center
and
-- Administrative Assistant,
Virginia Water Monitoring Council

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JAN 10 2011

HRPDC

AGENDA NOTE - HRPDC QUARTERLY COMMISSION MEETING

ITEM #14: OLD/NEW BUSINESS