

AGENDA
HAMPTON ROADS PLANNING DISTRICT COMMISSION
EXECUTIVE COMMITTEE MEETING
March 21, 2013

1. Call to Order
2. Approval/Modification of Agenda

WORKSHOP AGENDA

3. Regional Benchmarking Study
4. Regional Sewer Consolidation Study
5. FY 2014 Unified Planning Work Program (UPWP) Draft

REGULAR AGENDA

6. Submitted Public Comments
7. Public Comment Period
8. Approval of Consent Items
 - A. Minutes of January 17, 2013 Meeting
 - B. Summary Minutes of February 21, 2013 Retreat
 - C. Treasurer's Report of January 31, 2013
 - D. Regional PNRS Reviews
 - E. Regional Environmental Impact Assessment/Statement Review
 - F. Hampton Roads Watershed Roundtable Final Report
 - G. Coastal Zone Program - Land & Water Quality Protection Final Report
 - H. Coastal Zone Management Program - FY 2014 Grants
 - I. 2013 Community Development Block Grant (CDBG) Regional Priorities
 - J. Arlington Phase I Permit
 - K. Consultant Services Contract for Post SPSA 2018 Support Services
9. HRPDC Three-Month Tentative Schedule
10. Project Status Reports and Advisory Committee Summaries
11. Correspondence of Interest
12. For Your Information
13. Old/New Business

ADJOURNMENT

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #1: CALL TO ORDER

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

ITEM #2: APPROVAL/MODIFICATION OF AGENDA

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

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #3: REGIONAL BENCHMARKING STUDY

SUBJECT:

The Hampton Roads Regional Benchmarking Study is an annual publication produced by the HRPDC staff.

BACKGROUND:

At the Commission meeting in January, staff provided the Hampton Roads Regional Benchmarking Study for review and approval. This publication includes a locality profile for all 16 jurisdictions as well as graphical illustrations for 104 regional benchmarks covering the economy, demographics, housing, transportation, and various quality of life indicators. Each graph is accompanied by a brief explanation regarding the purpose of the benchmark and the current condition in Hampton Roads. The 2013 Benchmarking Study indicates a new section comparing the regions localities on several imported metrics. Complete data tables for each of the data sets are included in the appendix.

HRPDC Chief Economist, Greg Grootendorst, will provide a brief presentation covering some of the material that is available in the Benchmarking Report.

RECOMMENDED ACTION:

No action needed.

Note: This item was approved for distribution at the Quarterly Commission meeting in January.

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #4: REGIONAL SEWER CONSOLIDATION STUDY

SUBJECT:

Currently, the consulting firm HDR Engineering is evaluating the potential benefits of consolidating the region's sanitary sewer assets. The objectives and timeline for the study will be discussed including the deadline for localities to respond to the study's recommendation.

BACKGROUND:

In Hampton Roads, each locality owns and operates their own sanitary sewer collection system carrying sewage away from homes and businesses to facilities owned and operated by HRSD, the regional entity that treats sewage for all of Hampton Roads. The Regional Sewer Consolidation Study is looking at whether there is any benefit to consolidate all sanitary sewer assets - those owned and operated by the localities with those owned and operated by HRSD.

The study must be completed by August 2013. The study will make a recommendation to either consolidate sewer systems in all or part of the Hampton Roads region or continue to operate as independent but interconnected systems (like they operate today). Each local governing body as well as the HRSD Commission will have to decide if the recommendation is the best course of action for their constituency. Each decision may be contingent on some additional study or negotiating specific terms of the consolidation agreement.

The schedule approved by DEQ and the EPA requires each governing body to make a decision by February 2014. If the decision is to move forward with complete or partial consolidation, an additional year is built into the schedule to work out the details and enter into a binding agreement.

Mr. Ted Henifin, HRSD General Manager, will brief the Commission on this effort.

RECOMMENDED ACTION:

No action needed.

AGENDA NOTE - HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #5: FY 2014 UNIFIED PLANNING WORK PROGRAM (UPWP) DRAFT

SUBJECT:

The draft FY 2014 Unified Planning Work Program is available for review and comment. The UPWP describes the work activities that the HRPDC staff will undertake in support of the Commission and member localities.

BACKGROUND:

Enclosed separately is the draft FY 2014 HRPDC Unified Planning Work Program. It is the result of input from the sixteen local governments served by the HRPDC and various state and federal planning requirements. The vast majority of the work elements evolved from local advisory and technical committees, with additional ideas, comments and suggestions generated at the HRPDC Retreat on February 21, 2013.

Mr. Dwight Farmer, HRPDC Executive Director, will brief the Commission on this item.

Enclosure

RECOMMENDED ACTION:

For discussion and informational purposes

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #6: SUBMITTED PUBLIC COMMENTS

There are no recently submitted written public comments. Any new written public comments will be distributed as a handout at the meeting.

ITEM #7: PUBLIC COMMENT PERIOD

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

ITEM #8: APPROVAL OF REGULAR AGENDA ITEMS

A. MINUTES

The Minutes of the HRPDC Quarterly Commission meeting of January 17, 2013 are attached.

Attachment 8-A

RECOMMENDED ACTION:

The HRPDC staff recommends approval of the minutes.

B. MINUTES

The Summary Minutes of the HRPDC Annual Retreat meeting of February 21, 2013 are attached.

Attachment 8-B

RECOMMENDED ACTION:

The HRPDC staff recommends approval of the minutes.

C. TREASURER'S REPORT

The Balance Sheet and Statement of Revenue and Expenditure for January 2013 activities are attached. This statement reflects the financial status of the HRPDC as a whole.

Attachment 8-C

RECOMMENDED ACTION:

The HRPDC staff recommends the Treasurer's Report be accepted.

D. REGIONAL REVIEWS – PNRs

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 were no outstanding comments as of March 7, 2013 on these projects.

Attachment 8-D

RECOMMENDED ACTION:

None required

E. REGIONAL REVIEWS – 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. The HRPDC staff will continue to request comments directly from staff in localities that appear to be directly affected by a project. There were no outstanding comments as of March 7, 2013 on these projects.

Attachment 8-E

RECOMMENDED ACTION:

None required.

**Hampton Roads Planning District Commission
Quarterly Commission Meeting
Minutes of January 17, 2013**

The Quarterly Commission Meeting of the Hampton Roads Planning District Commission was called to order at 9:31 a.m. in the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

COMMISSIONERS:

Thomas Shepperd, Chairman (YK)
James O. McReynolds, Treasurer (YK)
James Baker (CH)
Debbie Ritter (CH)
Amar Dwarkanath (CH)
Ella P. Ward (CH)
Barry Cheatham (FR)
Will J. Moffett (HA)
Christopher G. Stuart (HA)*
Dee Dee Darden (IW)
W. Douglas Caskey (IW)
Mary Jones (JC)
McKinley Price (NN)

Neil Morgan (NN)
John L. Rowe (PO)
J. Randall Wheeler (PQ)
Michael Johnson (SH)
Ronald West (SH)
Selena Cuffee-Glenn (SU)
Tyrone Franklin (SY)
John Seward (SY)
Barbara Henley (VB)
Louis R. Jones (VB)
Clyde Haulman (WM)
Jackson C. Tuttle, II (WM)

EXECUTIVE DIRECTOR:

Dwight L. Farmer

ABSENT

Scott Matheson (CH)
Randy Martin (FR)
Carter Borden (GL)
Brenda Garton (GL)
Mary Bunting (HA) Robert Middaugh (JC)
Sharon Scott (NN)
Paul Fraim (NO)
Anthony Burfoot (NO)
Marcus Jones (NO)

Thomas Smigiel (NO)
Angelia Williams (NO)
Kenneth Wright, Vice Chairman (PO)
W. Eugene Hunt Jr. (PQ)
Linda Johnson (SU)
Robert Dyer (VB)
John Moss (VB)
Jim Spore (VB)
John Uhrin (VB)
Amelia Ross-Hammond (VB)

*Late arrival or early departure

OTHERS RECORDED ATTENDING:

Earl Sorey (CH); Brian DeProfio (HA); Allen Murphy (JC); Michael King (NN); Dale Castellow (NO); Paige D. Cherry (PO); Eric Nielsen (SU); Steve Romine, LeClair Ryan; John Gergely, Newport News Citizen; Mark Geduldig – Yatrofsky, Portsmouth City Watch; Cathy Aiello, Aiello Enterprises, Inc.; Henry J. Huelsberg (Willcox & Savage) Staff: John Carlock, Camelia Ravanbakht, Shernita Bethea, Melton Boyer, Curtis Brown, Rick Case, Brian Chenault, James Clary, Jennifer Coleman, Natalie Easterday, Kathlene Grauberger, Greg Grootendorst, Julia Hillegass, Jim Hummer, Whitney Katchmark, Sara Kidd, Robert Lawrence, Mike Long, Jai McBride, Kelli Peterson, Ben McFarlane, Kendall Miller, Tiffany Smith, Jennifer Tribo, Joe Turner, Chris Vaigneur.

RESOLUTIONS OF APPRECIATION

Chairman Thomas Shepperd recognized Harry Diezel and thanked him for his participation and involvement with the Hampton Roads Planning District Commission over the past nine years.

Mr. Diezel expressed gratitude toward the Commission and noted the meaningful relationships fostered during his term.

Chairman Shepperd acknowledged long time staffers, Frances Hughey and John Carlock. He noted the importance of outstanding employees and the impact it has on an organization. He expressed thanks to both Ms. Hughey and Mr. Carlock for their unwavering dedication to the HRPDC

Mr. Carlock informed the Commission that it has been a great honor and privilege to work at the HRPDC and appreciated the interactions with the localities over his professional career.

Ms. Hughey expressed her appreciation toward the HRPDC and the Commission.

APPROVAL/MODIFICATION OF AGENDA

Chairman Shepperd asked if there were any modifications or additions/deletions to the agenda. Commissioner Christopher Stuart stated the City of Hampton wanted to add a new business item of requesting support for Joint Base Langely - Eustis Clear Zone.

Commissioner Will Moffett Moved to approve the agenda; seconded by Commissioner Ella Ward. The Motion Carried.

WORKSHOP AGENDA

COASTAL ZONE PROGRAM

Mr. Benjamin McFarlane, HRPDC Regional Planner, briefed the Commission on the Virginia Coastal Zone Management Program (VCZMP). Administered by DEQ, The programs primary goal is to protect and manage Virginia's coastal zone. This is possible by the network of state agencies and local governments "which administers enforceable laws, regulations and policies".

The HRPDC receives funding annually for accomplishing ongoing program goals and specific projects in three different categories: Focal Area Projects, 309 Projects and Technical Assistance.

Focal Area projects are determined yearly by a coastal policy team, which includes HRPDC staff. Currently, projects being funded are: supported efforts to promote water quality, coastal resiliency and sea level rise, climate change and promoting public access to waterfronts.

Section 309 grants are identified based on the State's five year 309 strategies and are intended to result in the development of implementable policies.

The HRPDC technical assistance program is financed to help coordinate the region's participation in the coastal zone program and provide guidance to local governments and other stakeholders. The program is comprised of six components:

- Regional Coordination – HRPDC staff hosts monthly meetings of the Joint Environmental Committee to assist local governments' ability to coordinate with each other and various state agencies.
- Environmental Impact Review – Sixty-seven projects around the region, which included, the proposed Scurry Skiffs Transportation line, shoreline stabilization projects at Camp Perry and the Colonial Parkway were reviewed by staff this past year.
- Public Information and Education - activities are available for public review through the website. Staff commonly presents to local groups upon request.
- Local Government Staff Training - providing training to local government staffs is the cornerstone of the technical program. Topics include, Virginia Coastal Geospatial and Education Mapping System (Coastal GEMS) and stormwater management regulations
- Technical Studies - HRPDC staff supports localities upon request. Majority of assistance is GIS data and mapping, but also includes census data and redistricting efforts.

- Technical Assistance – Local and critical issues which merit special attention such as potential targeted employment areas and the regional map for Reality Check for Hampton Roads.

Mr. McFarlane stated participation in the VCZMP provides the HRPDC with funding and support for a wide range of projects and programs and recommended the approval of the FY 2011- 2012 Coastal Resources Management Program Technical Assistance Final Report.

Chairman Shepperd reiterated the importance of the HRPDC staff helping localities with implementing, understanding, and cooperating on certain issues of regional importance.

CHESAPEAKE BAY PROGRAM UPDATE

Ms. Jennifer Tribo, HRPDC Senior Water Resources Planner, reported HRPDC staff has been active in the Chesapeake Bay TMDL process since inception in December 2010. Currently, the HRPDC is addressing modeling and data issues before the midpoint assessment of the model in 2017, which will require the states to reduce loads by sixty percent. The Environmental Protection Agency (EPA) will determine if revisions are necessary in 2017 as well.

The HRPDC staff found discrepancies between the input data not matching local land use or BMP implementation levels. In response, the Chesapeake Bay Program and EPA created a Land Use Work Group to determine how to better incorporate land use data into the model. Additionally, the workgroup will define land uses and loading rates which will be used to develop a process to incorporate local data and explore options for a spatial land use layer.

The second inconsistency was pollutant removal efficiencies for only a limited number of Stormwater Best Management Practices (BMP) were included. Expert panels were developed to define credits for many of the practices suggested by the localities. Both locality and HRPDC staff serve on these panels to ensure proper credit will be give for practices on the ground.

Other HRPDC Technical recommendations included:

- Evaluate extreme weather events
- Revise segmentsheds
- Additional water quality monitoring
- Add wetlands as a land use
- BMP effectiveness for bacteria reduction
- BMP effectiveness for flood control

The HRPDC included policy recommendations to the State which include:

- Virginia should not renew MS4 Permits until the model is recalibrated with local data.
- Virginia should develop a schedule and process to work with local governments prior to the 2017 model recalibration to avoid previous data quality issues.
- Virginia should identify strategies and resources to implement nutrient reductions on state owned lands.

Ms. Tribo stated to the Commission the localities do not need to meet the 60 percent load reduction by 2017, but should move forward with planning TMDL implementation.

Phase II permit renewals are effective July 2013 and Phase I renewals expected in 2013-2014, include proposed language which requires localities to develop a TMDL action plan within two years of permit issuance and implementation within three years.

Chairman Shepperd voiced his concern about the large sum of money associated with TMDL compliance and questioned the relationship of the MS4 permitting process to TMDL compliance.

Ms. Tribo replied meeting TMDL requirements will be determined through localities' MS4 permits.

Chairman Shepperd reiterated the staff is ready to assist with any Commissioner's questions and thanked the HRPDC staff for being so knowledgeable on the issue.

2013 ECONOMIC FORECAST

Mr. Greg Grootendorst, HRPDC Chief Economist, briefed the Commission that Hampton Roads typically follow national trends and those economic conditions were progressing positively with Gross Domestic Product (GDP) at 103% of pre-recession high, civilian employment rate of 97% and unemployment rate is at 7.8%.

The Commission was shown a series of graphs that compared the "Great Recession" to all other recessions post World War II and international "Great Recessions".

Hampton Roads started to lose jobs six or seven months before the U.S., but although the area is beginning to realize some sustained job gains, it is not as robust as the overall nation yet. A visual was displayed, which showed employment numbers from July 2007 to July 2012 and the loss of 50,000 jobs from the years 2008 to 2011.

Mr. Grootendorst exhibited two graphs comparing Hampton Roads to other metro areas with populations between one and three million on employment and unemployment numbers.

Unemployment has been low in Hampton Roads when compared to the U.S. and Virginia until 2010, when the State starts to outpace the area.

Retail trade, construction, and manufacturing industries have all experienced heavy decline over the past five years, but over the past year the area has seen growth in the federal government, healthcare, and leisure and hospitality sectors.

The Port of Virginia is a vital asset to the region and trade is heavily dependent on global forces.

Car sales have been slow in recovering after a drop in 2008 and housing prices have improved slightly as well. Building permits have increased while days on the market have declined.

Department of Defense (DOD) spending comprised 19% of the federal budget in FY 2012, but encompassed 52% of discretionary federal spending in FY 2012. An estimated \$15 - \$16 billion was spent in Hampton Roads throughout the various segments, such as, military personnel operations and maintenance and overseas contingency operations. The largest percent spent in Hampton Roads was in procurement and contracts at 57%.

Mr. Grootendorst noted the positives for the upcoming year included:

- Banks easing lending requirements.
- Energy prices expected to remain low.
- Low inflation and interest rates.

Continued high employment, housing short sales rising, and higher payroll taxes are aspects that might inhibit growth in the coming year.

Sequestration, which is defined as automatic spending cuts, would greatly impact the area by the loss of \$3 billion in GDP. Further impacts to the Hampton Roads economy in relation to sequestration is detailed in the December issue of the Hampton Roads Economic Quarterly.

Mr. Grootendorst informed the Commission the economic forecast for Hampton Roads included:

- GDP growth rate of 1.9%
- Civilian employment increase of 0.8%
- Unemployment rate lowering to 6.1%
- Retail sales drop to 2.1%
- Auto and Truck Sales increasing by 3.4%
- Single Family Building Permits growth of 5.0%

Chairman Shepperd reiterated the benefit of the December Hampton Roads Economic Quarterly.

REGULAR AGENDA

SUBMITTED PUBLIC COMMENTS

Chairman Shepperd noted there were not any submitted public comments.

PUBLIC COMMENT

Chairman Shepperd acknowledged there was no one addressing the Hampton Roads Planning District Commission.

APPROVAL OF CONSENT ITEMS

Chairman Shepperd thanked the staff for completing the Bacteria Study. He reminded the Commissioners the value of the HRPDC to the localities.

Mr. Dwight Farmer, HRPDC Executive Director, noted the benchmarking study needed to be approved and the Commission was going to be presented with locality specific benchmarking data at the March meeting.

Chairman Shepperd asked for approval of the following consent items:

- A. Minutes of November 15, 2012 Meeting
- B. Treasurer's Report
- C. Regional PNRS Reviews
- D. Regional Environmental Impact Assessment/Statement Review
- E. 2013 Economic Forecast
- F. Coastal Zone Program – Hampton Roads Technical Assistance Program Final Report
- G. Hampton Roads Watershed Roundtable Grant Authorization
- H. Bacteria Study
- I. Hampton Roads Transit Bus Shelter Agreement
- J. 2040 Socioeconomic Forecast
- K. Regional Solid Waste Plan for Southeastern Virginia – Amendment No. 3
- L. Regional Benchmarking Study

Commissioner Louis Jones Moved to approve the consent items; seconded by Commissioner James McReynolds. The Motion Carried.

HRPDC THREE MONTH TENTATIVE SCHEDULE

Mr. Farmer reminded the Commissioners the retreat will be on February 21, 2013 at 10:30 a.m. with lunch and the absence of a Transportation Planning Organization meeting.

Chairman Shepperd stated Hampton Roads has stopped receiving funds from the Urban Area Security Initiative (UASI).

Mr. Farmer noted he had a meeting with Secretary of Transportation, Sean Connaughton and Secretary of Veteran Affairs and Homeland Security, Terrie Suit, and the region is not registering high on daily intelligence networks, but the HRPDC is attempting to start receiving funding again.

Commissioner Tyrone Franklin inquired if any projects which were funded by UASI can be completed.

Mr. Curtis Brown, HRPDC Regional Emergency Management Administrator, replied the emergency communications network has enough funds to complete construction, but would need additional funds for maintenance.

Mr. Franklin asked if cost estimates were known at this time.

Mr. Brown, confirmed HRPDC staff is working on obtaining an estimate for sustainment for all UASI projects.

Chairman Shepperd noted a briefing will be presented to the Commission in the near future.

Mr. Farmer stated the Chief Administrative Officers (CAO's) will be kept informed on a regular basis. He confirmed to Mr. Franklin enough money was available to complete projects, but sustainment was a concern.

CORRESPONDENCE OF INTEREST

Chairman Shepperd noted the Correspondence of Interest section of the agenda

PROJECT STATUS REPORTS

Chairman Shepperd acknowledged the Project Status Reports section of the agenda.

FOR YOUR INFORMATION

Chairman Shepperd recognized the For Your Information section of the agenda and noted the attendance of some Commissioners at the Virginia Association of Planning District Commissions (VAPDC) winter retreat.

OLD/NEW BUSINESS

Mr. Brian DeProfio, City of Hampton Special Projects Manager, expressed the need for support from fellow localities and the HRPDC for the Langley Air Force Base Clear Zone budget amendment.

The requested \$3 million from the federal government in both FY 2013 and 14 would be met dollar for dollar from the City of Hampton and would assist in encroachment issues.

The recommendation of a Joint Land Use Study with the City of Newport News, Poquoson and York County was to purchase properties around the clear zone to inhibit encroachment.

Mr. DeProfio reminded the Commission Langley Air Force Base has a \$1.2 billion economic impact while generating 10,000 direct jobs.

ADJOURNMENT

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:26 a.m.

Thomas G. Shepperd, Jr.
Chairman

Dwight L. Farmer
Executive Director/Secretary

**Hampton Roads Planning District Commission
Annual Retreat
Minutes of February 21, 2013**

The Annual Retreat of the Hampton Roads Planning District Commission was called to order at 10:30 a.m. in the Regional Boardroom, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

COMMISSIONERS:

Thomas Shepperd, Chairman (YK)
Kenneth Wright, Vice Chairman (PO)
James O. McReynolds, Treasurer (YK)
James Baker (CH)
Amar Dwarkanath (CH)*
Ella P. Ward (CH)*
Barry Cheatham (FR)
Brenda Garton (GL)
Mary Bunting (HA) Will J. Moffett (HA)
Dee Dee Darden (IW)
W. Douglas Caskey (IW)
Mary Jones (JC)
Robert Middaugh (JC)

McKinley Price (NN)*
Sharon Scott (NN)
Marcus Jones (NO)
John L. Rowe (PO)
J. Randall Wheeler (PQ)
Tyrone Franklin (SY)
Robert Dyer (VB)
Barbara Henley (VB)
Louis R. Jones (VB)
Jim Spore (VB)
Clyde Haulman (WM)
Jackson C. Tuttle, II (WM)

EXECUTIVE DIRECTOR:

Dwight L. Farmer

ABSENT

Scott Matheson (CH)
Debbie Ritter (CH)
Randy Martin (FR)
Carter Borden (GL)
Christopher G. Stuart (HA)
Neil Morgan (NN)
Paul Fraim (NO)
Anthony Burfoot (NO)
Thomas Smigiel (NO)
Angelia Williams (NO)

W. Eugene Hunt Jr. (PQ)
Michael Johnson (SH)
Ronald West (SH)
Selena Cuffee-Glenn (SU)
Linda Johnson (SU)
John Seward (SY)
John Moss (VB)
John Uhrin (VB)
Amelia Ross-Hammond (VB)

*Late arrival or early departure

OTHERS RECORDED ATTENDING:

Keith Cannady, Brian DeProfio (HA); Michael King (NN); Ron Williams (NO); Deborah DiCroce, Linda Rice, Hampton Roads Community Foundation; Donna Morris, Hampton Roads Partnership; Jim Oliver, HRCCE; Doug Smith, Kaufman and Canoles Consulting; Mark Geduldig – Yatrofsky, Portsmouth City Watch; Ellis W. James, Sierra Club; John Peterson, Burrell F. Saunders, ULI; Staff., Camelia Ravanbakht, Shernita Bethea, Curtis Brown, Rick Case, James Clary, Jennifer Coleman, Katie Cullipher, Kathlene Grauberger, Greg Grootendorst, Julia Hillegass, Jim Hummer, Whitney Katchmark, Sara Kidd, Robert Lawrence, Jai McBride, Kelli Peterson, Ben McFarlane, Tiffany Smith, Jennifer Tribo, Joe Turner, Chris Vaigneur.

PUBLIC COMMENT

One person 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 and I reside in the city of Norfolk and have all my life. There several things that I would like to call your attention to that I'm sure each of the towns and counties and cities would be interested in. We had a little rally in DC on Sunday, the Sierra Club's goal was to achieve 25,000 people coming to DC to call attention to the need to pay attention to renewable resources and to boost the efforts with wind power, solar and all of the others. We had 35,000 40,000 thousand people who showed up from 30 states all over the country. Your Commonwealth, the Commonwealth of Virginia had a strong chapter showing with people all over the Commonwealth. We took a bus load from Virginia Beach and Norfolk, and we picked up a dozen people in Williamsburg. It was an amazing event, I don't spend a lot of time going to a lot of events, but occasionally I do and this one is something that caught my attention. The people in the rally crowd were dedicated, strongly braving one of the worst days in Washington I've seen in quite some time, it was brutal out there. But young people, all different races and nationalities and even our friends from across the border in Canada came to the event. I've met people from Maine, Oregon, and all over the country. Now it's not the fact that the event was such a glorious thing for those of us who helped to promote it, but I wanted to be sure that each locality here on this Commission realizes that there are people from your communities who are involved in this push for renewable energy and it is something that is happening and beginning to move more strongly and I would urge you to examine your own local ordinances and make sure that where possible, reasonably and logically possible you facilitate and help with the creation of wind turbines, solar panels, and all of the rest. Renewable energy is the one thing that may dig us out of the hole and I hope that you will pay close attention to that. Thank you Mr. Chairman.

APPROVAL/MODIFICATION OF AGENDA

Chairman Thomas Shepperd asked the Commission for any modifications to the agenda. Hearing none, he asked for a motion.

Commissioner James McReynolds Moved to approve the agenda; seconded by Commissioner Ella Ward. The Motion Carried

RETREAT WORKSHOP

Chairman Shepperd welcomed the Commissioners and reminded them the purpose of the HRPDC is to assist the localities' in numerous capacities. He reiterated participation is encouraged to identify the different challenges and obtain a valuable bank of ideas.

Mr. Dwight Farmer, HRPDC Executive Director, highlighted the Unified Planning Work Program (UPWP). The UPWP is the routine business operations of the HRPDC and is broken into 6 categories:

- Public Information and Community Affairs
- Regional Planning
- Water Resources Planning
- Housing and Human Services
- Economics
- Emergency Management

Chairman Shepperd expressed his appreciation to the HRPDC staff for their knowledge and availability in response to Commissioner's requests.

Chairman Shepperd inquired as to the mandatory tasks required by the HRPDC. Mr. Farmer replied the UPWP has evolved to the current state over a decade and many tasks have been constant as others are added or removed in any fiscal year. In depth analysis of certain topics relevant to the Commission can be performed, but does not have to be included in the UPWP.

Commissioner Kenneth Wright expressed concern with work being duplicated among the HRPDC and other regional organizations, and HRPDC staff undertaking projects without Commission approval.

Mr. Farmer commented if the request was going to take a large sum of money to complete, the Commission would be presented with an explanation, scope of work, and timeline for authorization. He noted the optimal way for the Commissioners to receive any assistance is through locality staff contacting HRPDC staff to determine the complexity and extent of the request.

The Commission was presented with a graphic of the Virginia Code of duties of PDCs, as well as descriptions of and strategic versus operational planning to assist the Commissioners in crafting a template for developing a process for creating a Regional Strategic Plan. Currently, HRPDC staff has not found an example of a model to objectively score, rate and rank candidate strategic initiatives.

Mr. Farmer expected the development process to be 12 to 18 months, which would allow numerous regional projects to be ranked and those results presented to the Commissioners to evaluate local impacts.

Chairman Shepperd and Commissioner Wright questioned the ability to create an adequate model because of the diversity of Hampton Roads.

Mr. Farmer clarified that the creation of the model was to explore various regional projects and the benefit to the entire Hampton Roads area.

REGIONAL ECONOMIC COMPETITIVENESS INITIATIVE

Dr. Debroah Dicroce, Hampton Roads Community Foundation (HRCF) President and CEO, informed the Commission on the role of the foundation in regional economic competitiveness. The HRCF encourages collaboration and can assist the Hampton Roads leadership in attaining regionalism.

The economy is largely comprised of three components; the military, the port and tourism, contributing to 63% to the regional economy.

Dr. Dicroce outlined examples of a need for a regional economic competitiveness initiative:

- Hampton Roads total employment declined by .33% between 2003 and 2010.
- High rate of private sector job losses
- Unsustainable federal budget deficits
- Rebalancing of military assets to the west coast
- Revitalization of the Port strategy is for revenue generation not job growth

She highlighted other work has been completed by other organizations in the area, but recommends development of an aspirational strategy. This is not only to keep the current economic drivers but to find supplemental sectors for the future.

More coordinated and stronger actions on a regional level and full engagement of the business community will support a viable regional economic competitiveness initiative.

HAMPTON ROADS REALITY CHECK

Mr. Burrell Saunders, Hampton Roads Urban Land Institute (ULI) District Chair, briefed the Commission on the Reality Check planning exercises. Mr. Saunders reiterated the purpose of the exercise was to evaluate land use and the strategies of land use to ensure the success of a region.

The Commission was shown the map used by the 300 participants during the one day exercise. It displayed densities of jobs and residencies, natural characteristics, main transportation features, protected areas and military installations. Participants, 10 per table, were tasked to plot projected employment and housing along with additional transportation systems.

Mr. John Peterson, Hampton Roads Urban Land Institute District, Mission Advancement Chair, stated Reality Check allows relationship building to result in actions in land use. Reality Check participants had to determine “guiding land use principles” before starting the exercise and the following guiding principles were common:

- Regionalism
- Quality of life
- Business and economics
- Land use patterns
- Transportation
- Environment

The data collected was analyzed by Old Dominion University (ODU) and HRPDC staff. The results will be considered the baseline for any additional exercises in the future. Collaboration with ULI Hampton Roads, ODU, Hampton Roads Partnership (HRP) and the HRPDC will be facilitated through ULI, with hopes of working with other regional organizations. Work products will not be duplicated, but provide citizen-generated vision for land use. Mr. Peterson indicated without a regionally focused land use strategy, Hampton Roads will be unable to compete with other global regions.

Mr. Saunders stated the overall goal of the exercise was to promote regional awareness, future growth and recognize different stakeholders’ views. He also noted the positive correlation between regional thinking and growth.

MEGA-REGION

Mr. Thomas R. Frantz, Williams Mullen President and Chief Executive Officer, presented the Commission with a map displaying the emerging “mega-regions” in 2050. This is the movement of large metropolitan statistical areas developing into global gateway regions.

A current proposal would align the Hampton Roads Metropolitan Statistical Area (MSA) with the Richmond-Petersburg MSA only in a competitive aspect. All other areas of service and functions of localities would stay separate.

Hampton Roads and Richmond-Petersburg are ranked 33rd and 46th respectively, but creating a union together would bring the ranking up to 18th in the nation. Projected growth rate of mega-regions in 2025 is 50%.

Mr. Frantz outlined the following key benefits of a mega-region designation:

- Larger corporate advertising spent in the region.
- Strong ability to secure federal funding for infrastructure.
- Greater connectivity of workers, visitors, freight and world markets.
- Enhanced ability to attract corporate investment.

Combining the two regions would result in 36.3% of the gross domestic output of the Commonwealth and location of half the major corporations.

Biggest employers in Hampton Roads are: defense, ports and tourism, while Richmond is finance and banking. Healthcare and related technology is common to both regions, with the healthcare industry growing to 23% of the country's GDP in 10 to 15 years.

A solid transportation network is necessary because 55% and 60% of the nation's consumers and manufacturing establishments are within 750 miles of the Richmond-Petersburg MSA and the Hampton Roads MSA respectively.

Political presence would also be strengthened with the alignment of the two regions at both the federal and state levels.

In order to create a mega-region, the Office of Budget and Management (OMB) needs to see at least 25% migration between the Hampton Roads and Richmond-Petersburg areas.

Commissioner Sharon Scott inquired if Mr. Frantz had already discussed the mega-region option with the Richmond-Petersburg MSA.

Mr. Frantz responded talks have occurred with individuals in the Richmond area, and he is trying to coordinate a meeting with the Richmond Regional Planning District Commission.

Chairman Shepperd suggested a joint meeting between the Hampton Roads Planning District Commission and the Richmond Regional Planning District Commission to begin communications.

Commissioner Clyde Haulman noted the importance of relationships with elected officials, but inquired if the business communities in Richmond and Hampton Roads were included in any discussions.

Mr. Frantz responded he has had discussions with organizations such as: Richmond Future, and the Greater Norfolk Corporation. Businesses in both MSA's have given positive feedback.

Commissioner Tyrone Franklin voiced his concern with the Crater region not being included.

Mr. Frantz replied those areas are included the Richmond area PDC, and with the Crater region's assets, the area will be embraced.

Commissioner Wright requested an example of a work product of a mega-region.

Mr. Frantz stated that with additional federal funding for transportation and better opportunities to compete were key benefits.

Commissioner Wright inquired about the process of integration between the two MSAs.

Mr. Frantz responded OMB will first designate the areas as a mega-region. This is followed by the business community, local elected officials and politicians from the Richmond-Petersburg and Hampton Roads area starting to communicate, making decisions together and creating an umbrella organization which operates more effectively.

Commissioner Douglas Caskey noted the proposed mega-region would be smaller than other mega-regions across the country, and questioned why Hampton Roads would not be included in the already existing Northeast region.

Mr. Frantz replied there are MSAs, mega-regions and global gateway regions, which are comprised of many mega-regions. He also stated in the future the Northeast global gateway region could attempt to include the Hampton Roads/Richmond-Petersburg mega-region if it was created.

Commissioner James McReynolds asked if there was an advantage to market the mega-region as a bridge between the Northeast and Piedmont Atlantic regions.

Mr. Frantz stated he couldn't see why the mega-region couldn't join either.

Chairman Shepperd questioned the boundaries associated with mega-regions and global gateway regions.

Mr. Frantz restated that mega-regions are the new trend globally and Hampton Roads needs to follow suit to stay viable in competition.

Commissioner Mary Jones voiced concern over the citizen and locality representation being belittled under a large umbrella organization.

Mr. Frantz responded there will no change in locality positions and services. He also commented the OMB can designate the area as a mega-region, but communication and cooperation is the responsibility of the Hampton Roads and Richmond–Petersburg areas.

STATISTICAL INTERCONNECTIVITY

Mr. Dwight Farmer, HRPDC Executive Director reviewed some of Hampton Roads' strengths:

- Natural deep ports with no category 1 hurricane in 80 years and frozen only once in 100 years.
- Largest concentration of military assets in the world.
- World Class Shipbuilding.
- Two Class 1 railroads.
- One interstate highway, one interstate – type highway under construction and six state primary highways.
- Large concentration of scientists and engineers.
- World class tourist attractions.

The Commission was shown a graphic displaying the percent of commuters who work in a different city than which they reside. Twelve of the 16 localities have a higher percentage commuting to work than actually residing in the locality.

In Hampton Roads, domestic trade by trucking is valued at \$2.5 to \$5.6 million dollars. Huntington Ingalls' spends \$2.8 million dollars statewide, with \$2.6 million dollars funneling into Newport News shipbuilding.

The Commission was provided a table outlining the monies exchanged between Hampton Roads and different global regions for imports and exports.

Chairman Shepperd opened the floor for any comments on moving forward with developing a regional strategic plan.

Commissioner Wright agreed on developing a regional plan, but noted there needs to be transparency throughout the whole process.

Chairman Shepperd reiterated before starting to develop a plan, the Commission needs to determine and have common understanding of ground rules.

Commissioner Franklin questioned the projects to be included in the plan and suggested items from the federal or state sector which impact business relationships be included.

Mr. Farmer responded the Commission would be presented with metrics for scoring regional initiatives. Once a list of metrics was decided, weights and actual scoring values

against different metrics would be assigned. HRPDC staff would perform a beta test and with Commission approval and input, different regional initiatives would be run through the model. He noted at any point the model does not have to continue to be used, or can be reworked if the Commission does not feel the outcomes are logical.

Chairman Shepperd commented on the complexity of trying to compare the many different areas of responsibilities of the HRPDC.

Commissioner Randall Wheeler stated that plan development should be started only if there is a reasonable outcome. He also indicated an implementation plan needs to be included and the leading regional assets should be examined first.

Commissioner Clyde Haulman stated communities, institutions and businesses already have some form of a strategic plan in place and the Commission needs to consider those visions and goals in developing a regional strategic initiatives.

Commissioner John Rowe noted the region's economy and the ability to compete is being hindered because of the lack of a regional strategic initiative.

Chairman Shepperd applauded the knowledge and insight of the Commission.

ADJOURNMENT

Chairman Shepperd adjourned the meeting at 1:35 p.m.

Thomas G. Shepperd, Jr.
Chairman

Dwight L. Farmer
Executive Director/Secretary

**FISCAL YEAR 2013
1/31/2013
BALANCE SHEET**

ASSETS		LIABILITIES & NET ASSETS	
Cash & Cash Equivalents	339,643	Current Liabilities	1,354,376
Accounts Receivables	1,384,563	Net Assets	4,107,995
Investments	2,290,847		
Other Current Assets	664		
Net Capital Assets	<u>1,446,654</u>		
Total Assets	<u><u>5,462,371</u></u>	Total Liabilities & Equity	<u><u>5,462,371</u></u>

STATEMENT OF REVENUES AND EXPENDITURES

REVENUES	<u>Annual Budget</u>	<u>Current Month</u>	<u>YTD</u>
Grant and Contract Revenue	6,583,611	1,267,866	3,063,277
VDHCD State Allocation	151,943	37,986	113,957
Interest Income	18,000	894	8,845
Local Jurisdiction Contributions	1,362,302	332,360	997,079
Other Local Assessment	1,661,727	336,893	1,021,307
Sales and Miscellaneous Revenue	18,150	2,154	19,505
Special Contracts/Pass thru	3,857,246	-	-
Total Revenue	<u><u>13,652,979</u></u>	<u><u>1,978,153</u></u>	<u><u>5,223,970</u></u>
EXPENDITURES			
Personnel	4,532,387	342,826	2,452,743
Standard Contracts	209,869	14,313	103,601
Special Contracts / Pass-Through	8,006,908	874,151	2,882,686
Office Services	903,815	40,601	297,269
Capital Assets	-	-	-
Total Expenses	<u><u>13,652,979</u></u>	<u><u>1,271,891</u></u>	<u><u>5,736,299</u></u>
Agency Balance	<u><u>-</u></u>	<u><u>706,262</u></u>	<u><u>(512,329)</u></u>

Project Notification and Reviews

Date 3/6/2013 **CH #** VA130208-0223760

Title VADEQ PSM FY13 Whale Migration Year 2

Applicant VA Dept. of Environmental Quality

State/Federal Program US Dept. of Commerce - NOAA

Type of Impact Virginia coastal zone

Project Staff Sara Kidd

Project Description

This project will continue in a second year of collecting aerial survey data on the location of large whales off the coast of Virginia in an approximately 10,000 km2 area, the center of which is the Virginia Wind Energy Area. The data is also critical to the development of the Virginia Marine Spatial Plan (MSP).

Federal	\$194,704.00	Local	\$0.00
Applicant	\$0.00	Other	\$0.00
State	\$0.00	Income	\$0.00
TOTAL		\$194,704.00	

Date 3/6/2013 **CH #** VA130208-0123760

Title VADEQ Local Government Support Living Shoreline

Applicant VA Dept. of Environmental Quality

State/Federal Program US Dept. of Commerce - NOAA

Type of Impact Virginia coastal zone

Project Staff Sara Kidd

Project Description

Funds will support local government support for the new living shoreline laws in Virginia through the VA Coastal Zone Management Program

Federal	\$143,266.00	Local	\$0.00
Applicant	\$0.00	Other	\$0.00
State	\$0.00	Income	\$0.00
TOTAL		\$143,266.00	

Environmental Impact Reviews

Received 1/7/2013

Number 13-001F

Name Enclave at Princess Anne

Sponsor DOD/Dept. of the Army/Army Corps of Engineers

Description

The U.S. Army Corps of Engineers (Corps) is reviewing an application (NAO-2011-02388) from the Enclave at Princess Anne, LLC for an individual permit required pursuant to Section 404 of the Clean Water Act for proposed impacts to jurisdictional Waters of the United States from the construction of the Enclave at Princess Anne, a residential community in the City of Virginia Beach. Development of the 17-acre site located at 2812 North Landing Road would consist of the construction of 34 single-family lots, a roadway, two stormwater ponds, and a gravel drive to connect an existing residence to the proposed cul-de-sac at the northern road terminus. Post-construction stormwater management will be provided by the construction of two on-site wet retention ponds. Access to the development will be provided initially via the connection of the proposed central road to North Landing Road. This connection will be demolished when the City of Virginia Beach constructs the Future Nimmo Parkway Extension across the northern portion of the project site, and the cul-de-sac will be demolished to build a connection point to Nimmo Parkway. The Enclave at Princess Anne, LLC has submitted a Federal Consistency Certification that finds the proposed project consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Virginia Beach

Finding

The proposal appears to be consistent with local and regional plans and policies. However, the proposal does not address the Southern Watersheds Management Ordinance, which was developed by the City of Virginia Beach to “protect, enhance and restore the quality of waters within the Southern Watersheds of the city.” Among other requirements, this ordinance requires developments exceeding an area of two thousand five hundred (2,500) square feet to meet certain specified performance standards. The protection of the Southern Watersheds has been the focus of significant cooperative efforts by the Cities of Chesapeake and Virginia Beach, the Hampton Roads Planning District Commission, and several Commonwealth and Federal Agencies. The Southern Watersheds form an important ecological component of Virginia’s Coastal Zone. HRPDC staff recommends that the applicant address the requirements of Virginia Beach’s Southern Watersheds Management Ordinance as part of the Coastal Lands Management component of the consistency determination.

Comments Sent 2/1/2013

Final State Comments Received 3/1/2013

Received 1/11/2013

Number 13-006S

Name New Art Studio Building at 46th Street/47th Street

Sponsor Old Dominion University

Description

Old Dominion University (ODU) submitted an environmental impact report (EIR) for the construction of a new art studio building on its campus in the City of Norfolk. The project site is located on the eastern side of Hampton Boulevard. The project site is bounded by 47th Street, 46th Street and a parking lot serving ODU. The project site consists of the existing ODU art studio building, which is proposed to be demolished. The proposed art studio building will be part of an art complex and will be connected to a planned (and approved) art building, which will be constructed on the parking lot adjacent to the proposed project site. The proposed building will be two stories and approximately 22,000 square feet.

Affected Localities Norfolk

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 2/8/2013

Final State Comments Received 3/6/2013

Received 1/15/2013

Number 13-010F

Name Ocean View Shoreline Improvement Project

Sponsor DOD/Dept. of the Army/Army Corps of Engineers

Description

The U.S. Army Corps of Engineers (Corps) is reviewing an application (NAO-2012-2244) from the City of Norfolk (Norfolk) for an individual permit required pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act for proposed impacts to jurisdictional Waters of the United States from the Ocean View shoreline improvement project in Norfolk. Norfolk proposes to demolish eleven derelict timber groins, replace a derelict timber groin with a new rock/sheet pile groin and construct a beach nourishment project from approximately 3rd View Street to Ocean View Beach Park in the West Ocean View area. The eleven timber groins will be pulled out in their entirety, possibly through the use of water jets. Beach nourishment will involve the placement of 46,800 cubic yards (cy) of sandy material in an area totaling 311,940 square feet (7.16 acres); with 16,550 cy between mean high water and mean low water and 6,250 cy placed below mean low water. The sand will be obtained from an approved upland source that meets certain specifications. Approximately 4,700 truck loads are anticipated and the staging and construction area will be located at Sarah Constant Shrine Park. One timber groin will be replaced with a rock/sheet pile groin extending 150 feet in total bottom length, 88 feet channelward of mean high water. The rock for the groin will impact approximately 2,788 square feet of subaqueous bottom, with a total of 750 cy of armor stone. The project purpose is to abate a chronic shoreline erosion problem and to increase storm surge and wave protection to public and private properties. Norfolk has submitted a Federal Consistency Certification that finds the proposed project consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Norfolk

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 2/12/2013

Final State Comments Received

Received 1/31/2013

Number 13-012F

Name Army 2020 Force Structure Realignment (Fort Lee and Joint Base Langley-Eustis)

Sponsor DOD: U.S. Army Environmental Command

Description

The Army's Proposed Action is to conduct force reductions and realign existing forces from FY 2013 through FY 2020 to shape a force of a size and configuration that is capable of meeting current and future national security and defense requirements. The Army's Active Duty end-strength will decline from an authorized FY 2012 end strength of 562,000 to 490,000. The Proposed Action will implement defense guidance and recommendations, sustain unit equipment and training readiness, and preserve a high quality of life for Soldiers and their Families. Army force realignment would allow for the adjustment of the composition of forces to meet requirements in high demand specialties while rebalancing the number and types of units in lower priority military occupational skill areas. The implementation of Army force rebalancing is necessary to operate in a reduced budget climate, while allowing the Army to field a smaller force that can meet the mission requirements of the current and future global security environment. The Army civilian workforce must also become smaller in tandem with the military force structure, but nevertheless must also meet its changing mission requirements.

Affected Localities James City Cou Newport News

Finding

Based on this review, HRPDC staff concurs with the assessment's general summary of the impacts of the proposed force reduction at Joint Base Langley- Eustis on the Region of Interest. HRPDC staff is interested in the projected distribution of socioeconomic impacts throughout Hampton Roads. In particular, HRPDC staff recommends that the Department of Defense analyze the cumulative socioeconomic impacts of changes to military and contract employment on the Hampton Roads region's economy, and that this analysis be incorporated into the individual assessments or other planning documents.

Comments Sent 2/12/2013

Final State Comments Received 2/28/2013

Received 2/4/2013

Number 13-014F

Name Dredging for NOAA Marine Operations Center - Atlantic, Approach and Berthing Areas

Sponsor U.S. DOD/Army/Army Corps of Engineers

Description

The Army Corps of Engineers proposes to dredge the approach and berthing areas for the National Oceanic and Atmospheric Administration's Marine Operations Center – Atlantic. The Center is located at the terminus of West York Street, adjacent to the Brambleton Avenue Bridge where it crosses over Smith Creek in Norfolk. The dredging would be to a maintained depth of 25 feet below mean lower low water (MLLW) and a maximum depth of 28 feet MLLW. Dredged material would be placed in one of the containment cells at Craney Island Dredged Material Management Area or in the Craney Island Rehandling Basin, overboard in an unconfined manner with one side open to the Elizabeth River. The project will affect an estimated 9.4 acres of intertidal area, removing a total of 135,000 cubic yards of material.

Affected Localities Norfolk

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 3/5/2013

Final State Comments Received

Received 2/8/2013

Number 13-022S

Name Parking Structure, Chesapeake Campus, Tidewater Community College

Sponsor Virginia Community College System

Description

The Virginia Community College System (VCCS) has submitted an Environmental Impact Report (EIR) for the construction of a proposed parking structure at the Tidewater Community College (TCC) Chesapeake Campus. The parking structure will be located in the southeastern area of the TCC Chesapeake Campus and will have a footprint of approximately 95,000 square feet, with a finished floor plan of approximately 380,000 square feet distributed over four tiers and three levels. The project will include the construction of a stormwater management best management practice facility to the north and adjacent to the parking structure. The area of disturbance is projected at 6.55 acres. The site is currently improved with a gravel parking lot and athletic fields to the north and a small vegetative buffer located to the northwest. The project will be completed in two phases. The first phase will consist of the demolition of existing structures and the implementation of the erosion and sediment control plan; the second phase will encompass the construction of the building and associated infrastructure.

Affected Localities Chesapeake

Finding

Comments Sent

Final State Comments Received

Received 2/8/2013

Number 13-020F

Name Edgewater Haven Dredging Project

Sponsor DOD/Dept. of the Army/Army Corps of Engineers

Description

The U.S. Army Corps of Engineers (Corps) is reviewing an application from the City of Norfolk for the issuance of an individual permit (NAO-2012-0428-1) pursuant to Section 10 of the Rivers and Harbors Act of 1899. The permit addresses proposed impacts to jurisdictional Waters of the United States related to the maintenance dredging of the Lafayette River to the Edgewater Haven subdivision in the City of Norfolk. The proposed channel improvement will impact 4,355 feet of channel with a 30-foot width (at the toe). The requested maximum depth is -5 feet mean low water. The estimated dredge volume is 19,700 cubic yards and the project will impact 180,900 square feet (4.15 acres) of state-owned bottom land. The channels will be dredged mechanically and the material will be barged to the Craney Island Dredged Material Management Area (DMMA) for disposal. The project proposes either disposal into the Rehandling Basin from the barge or a hydraulic pump out directly into the upper cells of the DMMA. The City of Norfolk has submitted a Federal Consistency Certification that finds the proposed project consistent with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Norfolk

Finding

The proposed project is consistent with local and regional plans and policies.

Comments Sent 3/5/2013

Final State Comments Received

Received 2/22/2013

Number 13-028S

Name Greek Housing Project

Sponsor Christopher Newport University

Description

Christopher Newport University submitted an environmental impact report (EIR) for the construction of Greek housing complex on its campus in the City of Newport News. The project is a complex of eight three-story residence halls and will be constructed in two phases. Six of the houses will be freestanding and intended to accommodate a single fraternity or sorority, and two of the houses will be duplexes. The complex will consist of approximately 96,000-gross square feet of new construction with 280 beds. The proposed project site is located between existing tennis courts and Warwick River Hall. The area formerly consisted of residential properties. All but one residential structure has been demolished. Woods, existing parking lots and residential roadways and walkways are located on the project site.

Affected Localities Newport News

Finding

Comments Sent

Final State Comments Received

Received 2/25/2013

Number 13-032S

Name Library Plaza with Water Fountain

Sponsor Christopher Newport University

Description

Christopher Newport University (CNU) submitted an environmental impact report for the construction of a water fountain in an existing plaza on its campus in the City of Newport News. The proposed project site is an existing plaza with an area of 22,500 square feet between Tribble Library and the David Student Union. CNU plans to construct a 17-foot high water fountain in the center of the plaza and installing new paving patterns around the fountain. This plaza will allow pedestrian access to the Great Lawn.

Affected Localities Newport News

Finding

Comments Sent

Final State Comments Received

Received 2/25/2013

Number 13-033F

Name Marine Corps Reserve Center, Naval Air Station Oceana, Dam Neck Annex

Sponsor DOD/Department of the Navy

Description

The Department of the Navy (Navy) proposes to construct a Reserve Training Center with a Vehicle Maintenance Facility at Naval Air Station Oceana - Dam Neck Annex. The Navy has submitted a Federal Consistency Determination that finds the proposed activities consistent, to the maximum extent practicable, with the enforceable policies of the Virginia Coastal Zone Management Program.

Affected Localities Virginia Beach

Finding

Comments Sent

Final State Comments Received

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8-F: HAMPTON ROADS WATERSHED ROUNDTABLE – FINAL REPORT

SUBJECT:

The HRPDC is facilitating the ongoing Hampton Roads regional watershed roundtable process and has completed an annual report for its 2012 activities.

BACKGROUND:

A report entitled *Hampton Roads Watershed Roundtable: Final Report 2012* has been completed to document the activities of the regional watershed roundtable group in calendar year 2012 and to recommend a course of action for the group in 2013. The purpose of the Hampton Roads Watershed Roundtable is to serve as a viable regional mechanism for improving dialogue between the private sector and state, local, and regional agencies on environmental issues. The Roundtable includes representatives from the agricultural community, the development community, chambers of commerce, and industry and civic organizations, in addition to local and regional environmental organizations.

The Hampton Roads Watershed Roundtable project is funded, in part, through a grant from the Virginia Department of Conservation and Recreation.

The report has been reviewed by the Joint Environmental Committee.

Enclosure

RECOMMENDED ACTION:

The HRPDC staff and Joint Environmental Committee recommend the Commission approve the report as meeting the requirements of the Grant and Work Program and for public distribution.

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8-G: COASTAL ZONE PROGRAM – LAND AND WATER QUALITY PROTECTION– FINAL REPORT

SUBJECT:

The HRPDC staff has completed the FY 2013 Land and Water Quality Protection in Hampton Roads Final Report. This report was funded, in part, by a grant provided by the Virginia Coastal Zone Management Program.

BACKGROUND:

The final report, entitled *Land and Water Quality Protection in Hampton Roads Phase I* provides a summary of the first year of the Hampton Roads Planning District Commission's work under a Section 309 Grant from the Virginia Coastal Zone Management Program. The goal of this work is to develop implementable policies, which will enable local governments to address new Virginia Stormwater Management Regulations and the Chesapeake Bay Total Maximum Daily Load (TMDL). The report contains three major sections. The first section summarizes the impacts of the Virginia Stormwater Management Regulations and the Chesapeake Bay TMDL on local governments. The second section describes some existing tools which can be used to promote water quality policies at the local government level and recommends some policies that can specifically address the impacts of the Virginia Stormwater Management Regulations and the Chesapeake Bay TMDL. The third section describes various software tools which can be used to assess the water quality impacts of development.

The report has been reviewed by the Joint Environmental Committee .

Enclosure

RECOMMENDED ACTION:

The HRPDC staff and Joint Environmental Committee recommend the Commission approve the report as meeting the requirements of the Grant and Work Program and for public distribution.

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8-H: COASTAL ZONE MANAGEMENT PROGRAM – FY 2014 GRANT

SUBJECT:

The Virginia Department of Environmental Quality manages the Virginia Coastal Zone Management (CZM) Program. PDCs are eligible for formula grants to support technical assistance programs and competitive grants for projects addressing a high priority issue, as determined by the CZM Program.

BACKGROUND:

In October 1986, Virginia received its first grant from the National Oceanic and Atmospheric Administration for the State's Coastal Zone Management Program. Since that time, the HRPDC and its predecessors have received over \$2,500,000 through this program to provide technical assistance on environmental issues to the local governments and to complete a variety of technical studies.

The process for distributing funds for FY 2014 is now underway. Under the formula grants for PDCs, the HRPDC is eligible to receive \$60,000 in funding to support the ongoing Technical Assistance Program. The required match is \$60,000 and the grant proposal will be submitted to DEQ. Additionally, it will be included in the UPWP and FY 2014 budget.

Attachment

RECOMMENDED ACTIONS:

Authorize the Executive Director to submit grant proposals to the DEQ to support the CZM Technical Assistance Program as well as to accept grant offers when they are made.

2013 VIRGINIA COASTAL ZONE MANAGEMENT PROGRAM GRANT

Project Title: Hampton Roads Technical Assistance Program

I. LEGAL APPLICANT

Name: Dwight L. Farmer, Executive Director/Secretary
Organization: Hampton Roads Planning District Commission
Street Address: 723 Woodlake Drive
City, State, Zip: Chesapeake, Virginia 23320

Project Manager: Jimontanae McBride Title: Principal Regional Planner
Phone: 757-420-8300
E-mail: jmcbride@hrpdcva.gov

II. PROJECT DETAILS

Geographic Area of Impact: Hampton Roads Planning District
Congressional District(s): 1,2,3,4
Start Date: 10/01/2012 End Date: 09/30/2013

Project continuing from previous year? yes

III. PROJECT SUMMARY *(4000 Character and Spaces Limit)*

Assist 16 member local governments, other public entities and private organizations on coastal and other environmental issues. The HRPDC will perform the following:

1. Regional Coordination Process. The coordination process involves all 16 member cities and counties and associated towns, 5 Soil and Water Conservation Districts, the Hampton Roads Sanitation District and several state and federal agencies. It addresses Core Elements of the VCZMP, Chesapeake Bay Program, and Albemarle-Pamlico National Estuarine Program. Specifically addresses CBPA implementation, wetlands, public access, environmental regulations, conservation planning and coastal energy issues. Includes participation in the Coastal PDC Committee and the Coastal Policy Team.
2. Environmental Impact Review. Review/comment on EIA/EIS and Coastal Consistency Determinations/Certifications affecting Hampton Roads, including coordination of local response.
3. Public Information & Education. Maintain VCZMP-related information on the HRPDC website. Presentations will be made on request. Monthly status reports and briefings to HRPDC Commission.
4. Training. Conduct four training programs/activities for local governments. Possible topics include environmental codes, LID, wetlands training, CBPA implementation, the Chesapeake Bay-wide TMDL, stormwater regulations, land conservation and funding opportunities, conservation planning, planning for sea level rise, GIS, and integrating sustainability into local plans.
5. Regional Technical Studies. Policy and technical analysis of environmental and coastal issues. Specific study to be determined in cooperation with local

- governments. Potential topics include sea level rise planning, energy policy and planning, green infrastructure, and the Chesapeake Bay TMDL. Continue coordination with state and other PDCs on coastal initiatives.
6. Technical Assistance. Provide updated information and help to localities in comprehensive plan and ordinance updates and on environmental issues.

This project is a continuation of activities undertaken by the HRPDC through the VCZMP over the last twenty years. The Regional Coordination Process is integral to all of the program components, linking them into a comprehensive environmental planning program. Through this process, the HRPDC staff manages local government advisory committees addressing the VCZMP, Chesapeake Bay Program, sea level rise, land use and wetlands issues and coordinates them with local and regional initiatives in water supply, stormwater and wastewater management that are supported directly by the localities. Each of these programs was initially supported by VCZMP seed money. In addition to the programs noted above, it is not known what requests may evolve through the process during the course of the project. They reflect developing local needs and new state and federal initiatives. Through this project, the HRPDC also participates in the Coastal PDC networking process and its involvement in VCZMP and other state and federal environmental initiatives.

To the degree feasible, the HRPDC will document program measures consistent with the NOAA Performance Measurement System. This will include numbers of individuals participating in the various educational components and discussion of local ordinances, plans, policies and acquisitions being considered.

There is often considerable lag time between regional consideration of an issue and local plan adoption. For example, the SWAMP Program provided technical and policy information for local governments, but the local plans and ordinances were adopted some 5-7 years after the initial studies. Also, funding constraints mean many acquisitions are funded by non-CZM programs. Recent local actions have used local or DOD funding to acquire lands identified through the CZM-funded Conservation Corridor Study. However, these items will be reported and linked to the regional studies or committee deliberations.

IV. BUDGET

(This table automatically calculates totals. However, be sure to double check all figures before submitting to the Coastal Program. Double click inside the table to enter figures or other information. In the event that all budget lines are not visible, double click in the table. Please save entire file as a Word document, .doc, or .docx, not an .xls, or .xlsx.)

	Federal	Match	Total	Budget Narrative
Personnel	\$34,719	\$34,719	\$69,438	Total from Personnel Worksheet
Fringe	\$8,680	\$8,680	\$17,360	HRPDC fringe rate of 25%
Equipment			\$0	
Travel	\$375	\$375	\$750	Trips to Richmond, within region, and within state.
Supplies			\$0	See Other, none to exceed \$500.
Contractual			\$0	None anticipated
Construction			\$0	None
Other	1,036	1,036	\$2,072	Includes printing, postage, phone, and supplies.
TOTAL DIRECT	\$44,810	\$44,810	\$89,620	
INDIRECT	\$15,190	\$15,190	\$30,380	Indirect costs are estimated at 35% of direct personnel cost, in accordance with HRPDC Indirect Cost Allocation Plan, which is on file with DEQ.
TOTAL	\$60,000	\$60,000	\$120,000	

Personnel Worksheet

Name & Title	Annual Salary	Months	Federal	Match	Total Personnel Cost
Manager/Director	\$98,000	0.65			\$5,308
Planner	\$71,500	10.2			\$60,775
Admin. Support	\$57,500	0.7			\$3,354
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
TOTAL		11.55	\$0	\$0	\$69,438

The following staff members have been selected to work on this project. This list may change during the duration of the project if warranted.

- Jimontanae McBride, Principal Regional Planner
- Julia Hillegass, Public Information & Community Affairs Administrator
- Sara Kidd, Senior Regional Planner
- Katie Cullipher, Senior Environmental Education Planner
- Benjamin McFarlane, Regional Planner
- Frances Hughey, Administrative Assistant

V. DELIVERABLES/PRODUCTS

Product #1

Title: Final Report: Hampton Roads TA Program

Percent of total project budget: 15 %

Description: A final report documenting all work conducted through this project will be completed. The report will describe the various projects and activities undertaken and will include representative examples of completed documents such as meeting agendas and summaries, newsletters, comment letters, presentations, position statements, GIS and database products.

Product Format: One hard copy and one digital copy in Adobe Acrobat format

Timeframe: Start: October 1, 2013
End: September 30, 2014

Product #2

Title: EIA/EIS and Coastal Consistency Review

Percent of total project budget: 20 %

Description: The HRPDC will review all state and federal environmental and program documents, including permit packages, coastal consistency determinations/certifications, master plans and program initiatives affecting Hampton Roads. This will be coordinated with review by affected localities. Project summaries will be provided to the Commission for consideration. Comment letters will be provided within the review period to DEQ, the affected locality, and, when appropriate, the sponsoring agency. The project review database and sample comment letters will be included in the Final Report. When appropriate, the HRPDC will participate in scoping and other meetings conducted by DEQ or the sponsor. When appropriate, the HRPDC will facilitate project meetings involving the sponsoring entities and reviewing agencies.

Product Format: One hard copy and one digital copy in Adobe Acrobat format
Timeframe: Start: October 1, 2013
End: September 30, 2014

Product #3

Title: Public Information, Education and Training

Percent of total project budget: 20%

Description: The HRPDC will continue to cover environmental issues on the HRPDC website. Monthly status reports will be provided to the HRPDC through the Commission Meeting Agendas. Efforts to enhance the HRPDC web site as an informational medium will continue. The HRPDC staff will brief business, civic, environmental and other professional groups on environmental issues. Four training programs will be developed, sponsored, hosted and/or conducted. Topics will be determined in cooperation with the environmental committees. Potential training topics that have been identified include: environmental codes, LID, wetlands training, CBPA implementation, the Chesapeake Bay-wide TMDL, stormwater regulations, land conservation and funding opportunities, conservation planning, planning for sea level rise, geographic information systems, and integrating sustainability into local plans. Each training activity will be documented by HRPDC staff. Representative samples of education materials and training summaries will be included in the Final Report.

Product Format: Educational materials will be provided in hard copy and one digital copy in Adobe Acrobat format.

Timeframe: Start: October 1, 2013
End: September 30, 2014

Product #4

Title: Regional Coordination Process

Percent of total project budget: 25 %

Description: The HRPDC will continue to maintain the regional coordination process among the 16 member cities and counties and associated towns, 5 Soil and Water Conservation Districts, Hampton Roads Sanitation District and state and federal agencies. This includes the Hampton Roads Environmental Planning Committee and various project committees. Monthly meetings are arranged, staffed, facilitated and summarized. Policy papers and technical analyses are prepared by the HRPDC staff, based on

Committee recommendations and/or Commission requests. Information is exchanged among the local, state and federal participants, program briefings are provided by and local input is provided to the participating state and federal agencies. Committee members and/or the HRPDC staff represent the region on state and federal agency advisory committees. This linkage ensures that Hampton Roads localities have an opportunity to participate in the state and federal processes, while also being prepared for new initiatives that may develop. This process also generates the ideas for major technical studies, which may or may not be funded through the VCZMP. The monthly meetings also contain a training component with regular briefings on new and emerging issues. Other regional committees address specific issues such as water supply, wastewater, stormwater and environmental education. Through shared membership, joint meetings and HRPDC staff facilitation, regional coordination and information exchange are enhanced. Representative agenda materials, meeting summaries, presentations and position statements will be included in the Final Report.

Product Format: One hard copy and one digital copy in Adobe Acrobat format.

Timeframe: Start: October 1, 2013
End: September 30, 2014

Product #5

Title: Regional Technical Studies

Percent of total project budget: 20 %

Description: Through its Technical Assistance Program, the HRPDC staff is regularly requested by the Commission, Advisory Committees and others to analyze identified environmental issues and opportunities as well as new state and federal regulations, initiatives and legislation. These analyses are presented to these groups as the basis for formal policy positions. The specific topics to be addressed are generally not known in advance of the request. To date, potential areas for study that have been identified by the staff and Committees include sea level rise planning, energy policy and planning, green infrastructure network planning and prioritization, and the Chesapeake Bay TMDL. Copies of technical analyses, associated presentations and recommendations will be included in the Final Report.

Product Format: One hard copy and one digital copy in Adobe Acrobat format.

Timeframe: Start: October 1, 2013
End: September 30, 2014

VI. PROJECT TIMELINE.

In the following project timeline, activities with specific dates that are established in the HRPDC process are shown. Certain activities, e.g. review of a new regulation or legislative proposal or response to a technical assistance request, evolve during the course of the project and are not shown on the timeline. Others, e.g. review of EIA/Federal Consistency documents, are undated, because they are ongoing. Those activities are

driven by the regional committees and/or the HRPDC Commission itself or respond to the state and federal process and are outside the control of the HRPDC staff.

Percentage ranges of level of effort have been assigned generally to the five products. However, given the responsive nature of the HRPDC process, these are seen as guidance and not a firm allocation. Assigning a specific percentage level of effort is impossible. The HRPDC staff is committed to activities based on the need to respond to the local governments, regional committees, Commission and state. As indicated in previous correspondence between HRPDC and DEQ, the HRPDC grant is not a line-item budget. The technical products, resulting from this project and all other HRPDC activities, are approved by the Commission, based on Committee recommendations. The Commission's expectation is that the staff will commit the level of effort necessary to accomplish the task. Over the years, the HRPDC has committed considerable HRPDC over-match to this program, when that level of effort is necessary to respond to the issues and requests.

Date	Benchmark	Product #
October 2013	3 Joint Environmental Committee Meeting	4
	17 Commission Agenda and Briefing	3
	Environmental Impact Review	2
November 2013	7 Joint Environmental Committee Meeting	4
	21 Commission Agenda and Briefing	3
	Environmental Impact Review	2
December 2013	5 Joint Environmental Committee Meeting	4
	19 Commission Agenda and Briefing	3
	Environmental Impact Review	2
January 2014	2 Joint Environmental Committee Meeting	4
	16 Commission Agenda and Briefing	3
	Environmental Impact Review	2
February 2014	6 Joint Environmental Committee Meeting	4
	20 Commission Agenda and Briefing	3
	Environmental Impact Review	2
March 2014	6 Joint Environmental Committee Meeting	4
	20 Commission Agenda and Briefing	3
	Environmental Impact Review	2
April 2014	3 Joint Environmental Committee Meeting	4
	17 Commission Agenda and Briefing	3
	Environmental Impact Review	2

Date		Benchmark	Product #
May 2014	1	Joint Environmental Committee Meeting	4
	15	Commission Agenda and Briefing	3
		Environmental Impact Review	2
June 2014	5	Joint Environmental Committee Meeting	4
	19	Commission Agenda and Briefing	3
		Environmental Impact Review	2
July 2014	3	Joint Environmental Committee Meeting	4
	17	Commission Agenda and Briefing	3
		Environmental Impact Review	2
August 2014	7	Joint Environmental Committee Meeting	4
	21	Commission Agenda and Briefing	3
		Environmental Impact Review	2
September 2014	4	Joint Environmental Committee Meeting	4
	18	Commission Agenda and Briefing	3
		Environmental Impact Review	2

VII. EXTENDED PROJECT DESCRIPTION – *Optional*
(2000 character limit)

Sub-Contractual Budget

Description of Work performed under subcontract:

(This table automatically calculates totals. However, be sure to double check all figures before submitting to the Coastal Program. Double click inside the table to enter figures or other information. In the event that all budget lines are not visible, double click in the table. Please save entire file as a Word document, .doc, or .docx, not an .xls, or .xlsx.)

	Federal	Match	Total	Budget Narrative
Personnel			\$0	
Fringe			\$0	
Equipment			\$0	
Travel			\$0	
Supplies			\$0	
Contractual			\$0	
Construction			\$0	
Other			\$0	
TOTAL DIRECT	\$0	\$0	\$0	
INDIRECT				
TOTAL	\$0	\$0	\$0	

1. Types of environmental data and information to be created during the course of the project:

2. The type of collection method (e.g flight lines):

3. Tentative date by which data will be shared:

4. Standards to be used for data/metadata format and content:

5. Policies addressing data stewardship and preservation:

6. Procedures for providing access to data and prior experience in publishing such data: We will use our ____State Clearinghouse or ____the GIS Inventory to document the data. We will work with ____our State GIS Coordination Office or ____NOAA CSC to provide data access via the Digital Coast.

Signature of Project Manager:_____ Date:_____

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8-I: 2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REGIONAL PRIORITIES

SUBJECT:

Prioritize regional non-entitlement Community Development Block Grant (CDBG) project types and activities.

BACKGROUND:

The Virginia Community Development Block Grant (CDBG) Program provides funding to eligible units of local government to address critical community development needs, including housing, infrastructure, and economic development. This program has been administered by the Virginia Department of Housing and Community Development (DHCD) since 1982. CDBG funds are made available to DHCD by the U.S. Department of Housing and Urban Development (HUD).

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

Attachment

RECOMMENDED ACTION:

Approve the 2013 Virginia CDBG Regional Priorities list for transmittal to the Virginia Department of Housing and Community Development.

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

Project Types / Activity Categories

Please reference the 2013 CDBG Program Design for additional information on the Competitive Grant project types and activity categories. The following nine items must be ranked in one of the three priority groups below. **Please check no more than 3 per group:**

Ranking Worksheet

Planning District Commission: _____

Priority (1 is highest, 3 is lowest)

- | #1 | #2 | #3 | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Comprehensive Community Development |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Economic Development – Job Creation and Retention |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Economic Development – Site Redevelopment |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Economic Development – Development Readiness |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Economic Development – Business District Revitalization |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Housing – Housing Rehabilitation |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Housing – Housing Production Assistance |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Community Facility |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Community Service Facility |

Expected 2013 CDBG Proposals:

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8-J: Comments on Draft Arlington County MS4 Permit

SUBJECT:

Submit comments on the draft Arlington County Municipal Separate Storm Sewer System (MS4) Permit to Virginia Department of Conservation and Recreation (DCR).

BACKGROUND:

Pursuant to the federal Clean Water Act as amended and the Virginia Stormwater Management Act and attendant regulations, the Virginia Soil and Water Conservation Board is considering the reissuance of a Virginia Stormwater Management Program (VSMP) Individual Permit for Stormwater Discharges from the Municipal Separate Storm Sewer System (MS4) owned and operated by Arlington County.

Given that all Virginia Individual MS4 permits are under administrative continuance, it is understood by the EPA and Virginia DCR that this permit will serve as a template for other Phase I jurisdictions in the Commonwealth. The HRPDC Phase I MS4 Localities are the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach. As previously discussed, this permit language must also be consistent with language in the proposed general permit for small (Phase II) MS4s.

The draft permit establishes requirements for control of MS4 stormwater discharges through the development, implementation, and enforcement of an MS4 program to reduce the impacts of the stormwater discharges on the receiving streams. The draft permit requires the permittee to evaluate program compliance, the appropriateness of identified BMPs, progress towards achieving the identified measurable goals, and to submit annual reports. The draft permit also requires the operator to address Total Maximum Daily Load (TMDL) Wasteload Allocations, including those associated with the Chesapeake Bay TMDL, assigned to the permittee.

Attachment

RECOMMENDED ACTION:

Authorize the Chairman to sign the attached letter and submit HRPDC's comments on the draft Arlington County MS4 Permit to Virginia DCR.

MEMBER JURISDICTIONS

March 22, 2013

CHESAPEAKE

Mr. David C. Dowling
Policy and Planning Director
Department of Conservation and Recreation
203 Governor Street
Suite 203
Richmond, VA 23219

FRANKLIN

GLOUCESTER

HAMPTON

RE: Comments on the Draft Arlington County MS4 Permit

ISLE OF WIGHT

Dear Mr. Dowling:

JAMES CITY

NEWPORT NEWS

NORFOLK

The following comments on the draft Authorization to Discharge Under the Virginia Stormwater Management Program and the Virginia Stormwater Management Act permit for Arlington County, Virginia (VA0088579) (the “Permit”) are submitted by the Hampton Roads Planning District Commission (“HRPDC”) on behalf of the HRPDC’s Phase I MS4 member jurisdictions (the “MS4 Localities” or “Localities”).¹ The comments are listed in general order of importance, with miscellaneous errors and proposed clarifications included at the end of the comments.

POQUOSON

I. Introduction

PORTSMOUTH

The Localities are commenting on the draft Permit because we understand that the Department of Conservation and Recreation (“DCR”) intends to use it as a template for all Phase I MS4 permits issued in the Commonwealth. Accordingly, we assume that the Localities will be directly affected by those conditions in the final Permit that are not unique to Arlington.

SOUTHAMPTON

SUFFOLK

SURRY

VIRGINIA BEACH

Further, as you know, we expressed serious concerns about the Bay TMDL provisions in the General Permit for Discharges of Stormwater from Small MS4s (the “General Permit”) when commenting on that permit last fall. Although the General Permit has not been issued, it appears that DCR has not made the changes proposed in our comments because the Bay TMDL section in the draft Permit is virtually identical to the Bay TMDL section in the General Permit. Therefore, we attach our comments on the General Permit and incorporate them by reference (see Attachment).

WILLIAMSBURG

YORK

¹ The HRPDC Phase I MS4 Localities are the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach.

II. The permit appears to penalize urbanized Localities that were effectively prevented from early adoption of standards more stringent than those adopted by the Soil and Water Conservation Board in 2011.

Section I.D.1.b.1 (g) requires the permittee's Bay TMDL Action Plan to include:

[t]he means and methods to offset the increased loads from new sources initiating construction between July 2009 and June 30, 2014 that disturb greater than one acre as a result of the utilization of an average land cover condition greater than 16% impervious cover for the design of post development stormwater management facilities

Section I.D.1.b.1 (h) requires the Action Plan to include the same means and methods for grandfathered projects constructed after July 1, 2014. Together, these sections appear to penalize urbanized Localities that did not have more stringent standards in place before DCR adopted its standards in the fall of 2011. DCR's stormwater rule adoption process was lengthy and the draft rule included a variety of proposed discharge standards over the years. Given the changing nature of these draft standards, the uncertainty about integration of the Bay TMDL Watershed Implementation Plan ("WIP") requirements and the stormwater regulation, the time necessary to draft and adopt new ordinances, and grandfathering provisions written into the regulation, it is unreasonable to expect that localities would adopt new ordinances and standards until the state's programs were finally in place. In addition, the urbanized Localities had approved standards that had not been questioned by DCR and the Localities could not have been expected to anticipate being held accountable for the difference in load between the new state standards and the Localities' existing local requirements.

As background, DCR's Chesapeake Bay Local Assistance Division established a baseline annual load of phosphorous for Tidewater Virginia and corresponding baseline impervious surface value, or average land cover condition. An analysis of the Chesapeake Bay watershed in Virginia identified the average land cover condition for impervious area as 16 percent. Using these inputs and an average annual rainfall of 43 inches, the baseline existing land use condition pollutant load value for phosphorus was calculated to be 0.45 lb/ac/year. DCR gave localities the option to adopt this value as the pre-developed default for the entire locality or to calculate a watershed or locality-wide pre-developed annual load and corresponding impervious value, and designate a watershed-specific or locality specific average land cover condition. As an example, the locality-wide calculated average impervious area for Norfolk was 53 percent with a locality calculated phosphorus load of 1.23 lbs/ac/year (using the Simple Method). The difference between the pre- and post-development pollutant load represents the increase in pollutant load that must now be controlled by appropriate BMPs under the Permit. Had Norfolk (and other urbanized Localities) been in a position to adopt early stringent standards, the Locality would not now be facing such dramatic load reduction requirements under sections I.D.1.b)1(g) and (h) with their accompanying adverse economic impacts.

Therefore, given the unfair burden that the offset requirement places on urbanized Localities, sections I.D.1.b)1(g) and (h) should be removed from the first permit cycle unless state funding is available to implement projects that can meet the specified offsets.

III. MS4 Localities should not be required to perform inspections and implement programs to identify and control pollutants from facilities for which DEQ has permitting responsibility.

Section I.B.2.h requires the permittee to

implement a program to identify and control pollutants in stormwater discharges to the MS4 from industrial and high risk runoff facilities (e.g., municipal landfills; other treatment, storage or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313) and any other industrial or commercial discharges the permittee determines are contributing a substantial pollutant loading to the MS4.

These high risk facilities are required to be permitted by the Department of Environmental Quality (“DEQ”), and therefore, should be DEQ’s responsibility. In addition, discharge and effluent limits, housekeeping requirements, and other permit conditions are set by DEQ in the applicable discharge permits. Requiring MS4 Localities to assume responsibility for facilities that are permitted by DEQ is not required by the stormwater management regulations, is arbitrary, and would divert finite local resources from those functions that are most efficiently and effectively performed by the Localities. The Permit should be revised to clearly state that the permittee’s responsibility for discharges contributing substantial pollutant loads to the MS4 is limited to identifying those that are unpermitted and reporting them to DEQ. This would result in a more efficient and effective distribution of effort that would lead to greater water quality improvements.

IV. Other Significant Issues

A. The permit could be construed to restrict the permittee’s use of vacuum trucks to remove MS4 blockages.

In providing that “[t]he permittee shall collect contaminated flush water associated with storm sewer maintenance and shall dispose of it in accordance with appropriate law and regulation”, section I.B.2.i.4 appears to seriously restrict the most commonly used and effective way of removing blockages in the MS4. Vacuum trucks are equipped with high-pressure hoses and use potable water to break up the blockages and vacuum the water and debris from the storm sewer. The water that is vacuumed from the storm sewer (which is made up of stormwater and potable water) is decanted and disposed into the storm drains. The remaining debris in the vacuum tank is processed at a dewatering facility. The water seeping from the debris is also generally discharged into the storm drain. By requiring the permittee to “collect” contaminated flush water, section I.B.2.i.4

appears to prohibit returning any of the flush water to the storm sewer, thereby severely restricting the use of this practice.

If granted permission by the owner and operator of a POTW, the MS4 Localities could dispose of the flush water in the sanitary sewer. However, given the high cost of wastewater treatment capacity, we believe it makes no sense to discharge the flush water to the sanitary sewer system when there is no evidence that returning it to the storm system has any potential to adversely impact water quality. In addition, many localities, such as those in the Hampton Roads region, are operating under consent orders that require them to minimize infiltration and inflow to their sanitary sewer systems. Forcing localities to dispose of the flush water in the sanitary sewer systems would conflict with and undermine Locality efforts pursuant to these orders and decrees. Therefore, we ask that DCR either i) delete section I.B.2.i.4 and add flush water from vacuum trucks to the list of authorized discharges in section I.A.1 of the Permit, or ii) establish appropriate BMPs that Localities may implement prior to discharge of flush water to the storm sewer.

B. It is unfair to subject permittees to non-compliance by requiring the submittal of “approvable” Action Plans.

Section I.D.1.b requires that a permittee “develop and submit to the Department for its review and acceptance an ‘approvable’ phased Chesapeake Bay TMDL Action Plan.” Permittees that make a good faith effort to submit complete and accurate Action Plans should not be deemed to be in non-compliance because DCR does not approve the Plans for reasons that were not reasonably foreseeable by the permittee when preparing its plan. DCR’s concern that it have a remedy should permittees submit plans that are substantially deficient or that fail to correct deficiencies identified by the DCR can be fairly addressed by revising section I.D.1.b to remove the reference to “approvable” plans and adding language to the effect that permittees that fail to submit revised plans correcting deficiencies identified by DCR shall be deemed to be in non-compliance with the permit. .

V. The permit includes several unnecessary or unworkable tracking, recordkeeping, or reporting requirements.

The draft Permit would needlessly divert finite local resources from important program activities by requiring the Localities to undertake unnecessary tracking, recordkeeping and/or reporting activities that are unnecessary, impossible to perform, or for which the agency may already collect the information.

1. Section I.B.2.b requires the permittee to provide a list of projects that qualify for grandfathering under 4 VAC 50-60-48 before the permittee has had an opportunity to identify those projects that qualify for grandfathering. This section should be modified to require the permittee to include a list of grandfathered projects in the annual reports required by the Permit.

2. The second sentence in section I.B.2.f.1 imposes an unreasonable and counterproductive burden on permittees by requiring them to identify those non-stormwater discharges into the MS4 that are authorized by section I.A.1.b. Identifying and reporting on hundreds, if not thousands of such discharges would divert finite local resources from more important and effective program activities with little or no water quality benefit. Further, it is reasonable to assume that authorized non-stormwater discharges that are contributing significant amounts of pollutants to the MS4 will be identified during the inspections and monitoring required by the Permit. Therefore, the second sentence in section I.B.2.b should be deleted.
3. Section I.B.2.k requires that each annual report provide a summary of voluntary retrofits conducted on private property within the permittee's jurisdiction. Although permittees may be involved in the approval of some retrofits on private property, they will not be notified of all or even most of them (e.g., tree planting, replacement of turf with other ground cover, etc.). Therefore, this reporting requirement should be deleted because it will only provide partial data that will not accurately reflect retrofits within the permittee's jurisdiction.
4. Section 1.B.2.a requires that each annual report include a summary of the number of inspections and enforcement actions. If this information can already be tracked by DCR through the e-permitting system, it seems duplicative to require the information in the annual reports.

VI. The permit also contains several miscellaneous errors and provisions for which clarifications or corrections are required.

The following provisions of the Permit include typographical errors or require clarification.

1. Section I.A.4 requires the submittal of both "each fiscal year's budget including its proposed capital and operation and maintenance expenditures necessary to accomplish the activities required by this permit" and a "fiscal analysis." The Permit should clearly explain the difference between these two submittals.
2. It appears that the reference to section I.B.2.i.7 in section I.B.2.b.6 should be to section I.C.4 instead of section I.B.2.i.7.
3. Retrofits and tree plantings will differ from one locality to the next depending on a variety of factors unique to each locality. Therefore, we assume that the retrofitting and tree planting provisions in section I.B.2.c will be applied only to Arlington based on its individual circumstances. If not, the Localities would object to including the same provisions in their permits unless they can be shown to be appropriate based on their individual circumstances.

4. The “specific reporting requirement” in section I.B.2.g should reference “spills” rather than “illicit discharges.”
5. Section I.D.1.b.1(d) references sources existing as of June 30, 2008 in line 240, and yet existing sources are defined in line 216 as those existing as of June 30, 2009. The Fact Sheet (see page 19) lists the applicable date as June 30, 2009. The June 30, 2008 date appears to be a typographical error and should be June 30, 2009 instead.
6. Sections I.D.1.b.2(a) is confusing and should be reworded for clarity. The section currently states: “Implementation of BMPs on unregulated urban lands provided the baseline reduction is subtracted from the total reduction prior to application of the reduction towards meeting the required reductions.” It is unclear which reductions are intended and it would be helpful if DCR would include an example here. Clarification will allow permittees to appropriately consider this element in the development of their Action Plans.
7. Section I.D.1.c.2)(d) lists one of the minimum requirements of the Action Plans and currently states: “Implementation of means and methods sufficient to meet the required reductions of POC loads from existing sources defined in this permit in accordance with the Chesapeake Bay TMDL Action Plan.” Based on the discussion in the Fact Sheet at page 18, it appears that the reference should be to the WIP instead of the Action Plan.
8. Section 1.D.1.d.5.(a) requires tracking and reporting of “temporary credits” or offsets. The term “temporary credits” should be defined to clarify the reporting requirement.

Sincerely,

Thomas G. Shepperd
Chairman

JLT/jcc

Attachment – Letter dated December 19, 2012

Copy: David Johnson, DCR
Ginny Snead, DCR

MEMBER JURISDICTIONS

December 19, 2012

CHESAPEAKE

Mr. David C. Dowling
Policy and Planning Director
Department of Conservation and Recreation
203 Governor Street
Suite 203
Richmond, VA 23219

FRANKLIN

GLOUCESTER

HAMPTON

RE: Amend and Reissue the General Permit for Discharges of Stormwater from Small MS4s

ISLE OF WIGHT

Dear Mr. Dowling:

JAMES CITY

NEWPORT NEWS

The following comments on the draft General Permit for Discharges of Stormwater from Small MS4s (the “Permit”) are submitted by the Hampton Roads Planning District Commission (“HRPDC”) on behalf of the HRPDC’s MS4 member jurisdictions (the “MS4 Localities” or “Localities”).¹

NORFOLK

POQUOSON

I. Introduction

PORTSMOUTH

Although the HRPDC and the MS4 Localities appreciate the Department of Conservation and Recreation’s (“DCR’s”) willingness to address many of our concerns during the advisory panel process leading up to publication of the Permit, we continue to have serious concerns with the baseline loading rates in Section I.C. of the Permit. We have expressed these same concerns a number of times during development of the Permit and the

SOUTHAMPTON

SUFFOLK

SURRY

VIRGINIA BEACH

Phase I and Phase II Watershed Implementation Plans (“WIPs”), and it is disappointing to see not only that the deficiencies remain unaddressed, but also that our concerns appear to have been largely ignored in both the Permit and the draft Fact Sheet accompanying the Permit (the “Fact Sheet”).

WILLIAMSBURG

YORK

¹ The small (Phase II) MS4 jurisdictions are the cities of Poquoson, Suffolk and Williamsburg, and Isle of Wight, James City and York counties. The Phase I MS4 jurisdictions are the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach.

II. The Baseline Loading Rates are Not Accurate and Their Use in Calculating Baseline Pollutant Loads Will Require the MS4 Localities to Achieve Greater Load Reductions than Necessary to Reach Their Bay TMDL Target Loads.

The baseline loading rates are the starting point for determining the baseline pollutant loads for the localities covered by the Permit, and ultimately for determining the load reductions required of the localities. The higher the baseline loading rates, the higher the calculated baseline pollutant loads and the greater the reductions required of the localities. Accordingly, the importance of including accurate baseline loading rates in the Permit cannot be over-emphasized.

Although not fully explained in the Fact Sheet, we understand that the baseline loading rates in Section I.C. of the Permit were calculated using state-derived estimates of the types, numbers, and efficiencies of stormwater Best Management Practices (“BMPs”) installed on the acreage of developed impervious and pervious land in each river basin as of June 30, 2008. These estimates were then used as inputs to the Chesapeake Bay Watershed Model to produce basin-wide 2009 edge of stream (“EOS”) baseline loading rates for each pollutant of concern (nitrogen, phosphorus, and total suspended solids). We have identified three compounding flaws in the approach used to derive the baseline loading rates.

A. The Rates are Based On Flawed State-Derived Estimates and Do Not Accurately Reflect Locally Documented BMP Implementation Levels.

Although DCR has not provided a meaningful explanation of how it arrived at its BMP estimates, it is apparent that DCR’s BMP estimates are inconsistent with Locality-documented BMP implementation data as of June 30, 2008. As you know, during the Phase II WIP process, DCR shared its BMP data with the HRPDC and the Localities and asked us to check its data against local BMP implementation data. The Localities found significant discrepancies between local and State BMP data and reported this information to DCR in February 2012, but DCR neither corrected its data nor responded to the Localities’ findings.² DCR’s failure to use readily available and updated BMP data prevented it from calculating accurate baseline loading rates.

² As an example, one locality in Hampton Roads contains 3,000 acres of developed land. According to DCR’s 2009 Progress Run, BMPs in this locality treat only 300 acres. Locality ground truthed data indicates, however, that BMPs treat three times as many acres for a total of 900 acres. In this example, the state estimates that approximately 1/10 of the area of the locality is treated by BMPs, when in actuality, closer to 1/3 of the acres in the locality have the benefit of BMP treatment.

B. Even if DCR Had Incorporated Accurate Locality Derived BMP Data in the Permit, the Baseline Loading Rates Would Still be Flawed Because they Reflect Average Rates Over the Entire Basin.

Baseline loading rates derived using BMP implementation data averaged over the entire James River basin fail to account for greater BMP implementation by localities that are subject to the Chesapeake Bay Preservation Act ("CBPA"), and therefore, over-estimate loading rates for these localities. As directed pursuant to the CBPA, the 38 Virginia localities in the tidal portion of the Chesapeake Bay Watershed (including 16 localities within the HRPDC), have been requiring developers to offset nutrient and sediment loads since 1990 by installing stormwater BMPs. The tidal localities receive only partial credit for the resulting lower loading rates because the basin-wide average BMP implementation estimates used by DCR to derive basin-wide baseline loading rates simply offset the higher loading rates of those localities in the non-tidal portion of the basin rather than giving full credit to the localities that actually achieved the reductions.

C. Section I.C. Fails to Provide the Localities with the Opportunity to Take Credit for BMPs Installed After June 30, 2008.

We understand from remarks by DCR staff during the Soil and Water Conservation Board meeting on September 28, 2012 that the failure to provide localities with the opportunity to take credit for BMPs installed after June 30, 2008 was an oversight that DCR intends to correct before the Permit is finalized. While we are pleased that DCR intends to correct this flaw, we are unsure if it intends to provide the public with an opportunity to comment on the amended Section I.C. before the end of the comment period. If not, we urge you to do so. This is an important amendment to the Permit and the public should have an opportunity to comment on the language proposed by DCR.

IV. DCR Has Largely Ignored Earlier Requests from HRPDC and the Localities to Correct the Same Deficiencies in The Baseline Loading Rates Identified in these Comments.

As noted above, HRPDC and the Localities have alerted DCR to the above described deficiencies on more than one occasion in the past. While DCR has responded to a number of our questions related to the baseline loading rates, it has either not responded to others or has provided responses that fail to explain or offer a reasoned explanation and justification for its decisions to develop the baseline loading rates in Section I.C of the Permit using the State basin-wide BMP data and the 2009 Progress Run. Two of the more obvious examples of this are (i) DCR's

failure to even respond to the discrepancies in DCR's and the Localities' BMP implementation data identified by the Localities even though the Localities were responding to a request from DCR, and (ii) DCR's reliance on a directive from the Environmental Protection Agency ("EPA") to use the 2009 Progress Run to derive the baseline loading rates rather than exercising its own judgment and discretion to determine whether some other model run would produce more accurate loading rates.³

Also, we were disappointed to find that the Fact Sheet does not provide a reasoned rationale and justification for using the baseline loading rates in Section I.C of the Permit. Instead, the Fact Sheet does little more than repeat much of what is in the Permit. Like the Permit, the Fact Sheet suggests that the rationale and justification for the baseline loading rates can be found in Virginia's Chesapeake Bay Watershed Implementation Plan (WIP).⁴ However, it is apparent from a review of both the Phase I and Phase II WIPs that they too fail to provide a rationale and justification for the baseline loading rates, and instead, like the Permit, offer only an abbreviated and inadequate explanation of the basis for the rates.

Although courts accord considerable deference to an agency's exercise of its discretion, the agency must exercise that discretion in a way that is not arbitrary and capricious. In short, the agency must provide a reasoned rationale and justification for its action.⁵ It is not enough for an agency to simply identify the basis for its action as DCR has done here. It must also provide a reasoned rationale and justification for its action by explaining why it selected these rates over other rates and why the rates it selected are preferred over those proposed by others such as HRPDC and the Localities. We respectfully submit that DCR's failure to respond to our concerns regarding the discrepancies in the state and Locality BMP data, its total reliance on EPA's directive to use the 2009 Progress Run to produce the baseline loading rates, and its failure to offer a reasoned rationale and justification for using basin-wide average baseline loading rates is arbitrary and capricious and must be corrected before the Permit is finalized.

³ See August 15, 2011, letter from John Carlock (HRPDC) to Joan Salvati (DCR) and August 31, 2011 email response from Noah Hill (DCR) to Jennifer Tribo (HRPDC), copies of which are Attachment A to these comments.

⁴ See Fact Sheet at 20.

⁵ See *Chemical Mfrs. Ass'n. v. Environmental Protection Agency*, 28 F.3d 1259, 1265-66 (D.C. App. 1994); *Virginia Real Estate Comm'n v. Bias*, 226 Va. 264, 269, 308 S.E.2d 123, 125 (1983); *Environmental Defense Fund v. Ramirez*, 15 Va. App. 271, 277, 422 S.E.2d 608, 611-12 (1992); *Johnston-Willis v. Kenley*, 6 Va. App. 231, 241-44, 369 S.E.2d 1, 19-24 (1988); *Atkinson v. Virginia. Alcoholic Beverage Control Comm'n*, 1 Va. App. 172, 176, 336 S.E.2d 527, 529-30 (1985).

V. Use of the 2010 No Action Model Run Would Address the Deficiencies in the Baseline Loading Rates.

DCR can readily correct the above described deficiencies by modifying Section I.C of the Permit to instruct localities to calculate their baseline loads using loading rates from the 2010 No Action Model Run instead of the 2009 Progress Run (the 2010 No Action Model Run reflects pollutant loads without BMPs). Under this approach, localities would also submit data on actual BMP implementation and the resulting pollutant load reductions from these BMPs from 2006 through July 2013 and receive credit for these reductions beyond their calculated baseline loads. This approach would (i) provide for use of the most accurate BMP data in the development of loading rates, (ii) avoid the use of inaccurate basin-wide loading rates because locality-specific information would be used to calculate more accurate locality-specific loading rates, and (iii) permit localities to obtain credit for all BMPs implemented within the locality up to the effective date of the Permit, which would result in more accurate pollutant load and load reduction calculations.

While we understand that EPA has directed DCR to frame statewide strategies in terms of pounds of pollutants removed from the 2009 Progress Run to meet the statewide TMDL targets, we believe that DCR should view this as a reporting requirement without dictating the way in which a state actually measures reductions by sector. If DCR wishes to comply with EPA's request, it should do so by requiring localities to (i) calculate the number of total pounds of pollutants reduced by achieving a five percent reduction from the 2009 Progress Run, and (ii) then express that load reduction as a percent reduction from the 2010 No Action Model Run. This latter calculation may result in load reductions greater than five percent of the load based on the 2009 Progress Run in the first permit year, however, it is balanced by the fact that localities will be able to credit their documented BMPs from 2006 to 2013 towards this percent reduction. Although those localities that have implemented fewer BMPs prior to the effective date of the Permit will need to achieve greater pollutant reductions than those localities that have implemented more BMPs since 1990, this approach will ensure that the burden is shared fairly by all.

VI. Neither the Permit nor the Fact Sheet Refer to Methodologies for Calculating Nutrient Reductions and Guidance for Developing Action Plans.

Virginia's BMP Clearinghouse (which is still under construction) and the Chesapeake Bay Program's guidance are not consistent with respect to methodologies for calculating nutrient reductions and the differences between some of the methods and calculations are not inconsequential. Therefore, in order to develop consistent and effective strategies for pollutant load reduction, localities need to know which BMPs can be included in their Chesapeake Bay TMDL Action Plans ("Action Plans") and the BMP efficiencies that should be assigned to those

BMPs. Localities also need to know the equivalencies that can be used for non-traditional BMPs so that they can use these equivalences to obtain credit for their implementation. Although flexibility is appreciated, localities must have confidence that the methodologies and equivalencies used for their calculations will ensure compliance with their obligations under the Permit.

A related concern involves the absence of any guidance on the content of the Action Plans required by Section I.C.2 of the Permit. Although Section I.C.2 lists the subjects that must be addressed in the Action Plans, neither it nor the Fact Sheet provide localities with any guidance as to DCR's expectations regarding the minimum acceptable content of the Action Plans. Without such guidance, localities are left to assume what is required of them and thereby risk being charged with non-compliance despite their best efforts to submit and implement complete Action Plans.

By the foregoing, we do not mean to suggest that DCR should try to include the methodologies and guidance in the Permit. To the contrary, we do not believe it would be appropriate to include either the methodologies or the guidance as permit conditions given their technical nature and anticipated length and the need for flexibility. Rather, the Fact Sheet should announce DCR's intention to publish a separate document containing the methodologies and guidance before the Permit's effective date and following public notice and the opportunity for comment. The Maryland Department of the Environment has recognized the need to assist Maryland's localities in fulfilling their MS4 permit obligations and has provided guidance for that purpose.⁶ We know of no reason why DCR cannot do the same.

Sincerely,



Thomas G. Shepperd
Chairman

JLT/jc

Attachment

Copy: David Johnson, DCR
Ginny Snead, DCR

⁶ See Maryland Department of the Environment, Accounting for Stormwater Wasteload Allocations and Impervious Acres Treated: Guidance for National Pollutant Discharge Elimination System Stormwater Permits (June 2011 Draft).

MEMBER
JURISDICTIONS

August 15, 2011

CHESAPEAKE

Ms. Joan Salvati, Division Director
Department of Conservation and Recreation
Division of Stormwater Management
Pocahontas Building
900 E. Main Street, 8th Floor
Richmond, VA 23219

FRANKLIN

GLOUCESTER

Dear Ms. Salvati:

HAMPTON

ISLE OF WIGHT

JAMES CITY

NEWPORT NEWS

NORFOLK

POQUOSON

PORTSMOUTH

The HRPDC is aware that the State has concerns with the data from the 5.3.2 model, and that this has caused a delay in the development of the official ‘tool’ that local governments will be able to use to submit Phase II scenarios to Virginia. However, the Hampton Roads local governments and members of the Regional Phase II WIP Steering Committee have a multitude of issues and questions that need to be addressed in order for local governments to continue developing their Phase II WIP strategies. The answers to most of the questions are not dependent on the model output. Localities are having trouble assessing and correcting the baseline data and estimating the nutrient reductions of proposed actions because the State has not provided information that is critical to make those calculations. Localities are also concerned about how the locality target loads were developed and whether or not they are equitable.

We request a response to the questions and issues, outlined below, prior to our next Steering Committee meeting on September 1, 2011. We also request that you attend the meeting in order to provide the Steering Committee with an update on Virginia’s progress towards Phase II WIP development and to address any concerns of the Committee members.

Critical Information for Developing Phase II Strategies

SOUTHAMPTON

1) What are the loading rates for the different land cover classes? Do these rates vary by physiographic region (coastal plain versus piedmont)? These loading rates are important for localities to have, so they can calculate a reduction from the baseline load for the area treated by a particular BMP.

SUFFOLK

SURRY

2) Localities need urban loads broken down into pervious versus impervious, so that they can better estimate load reductions from BMPs applied to specific land cover classes.

VIRGINIA BEACH

WILLIAMSBURG

3) Is the State working with EPA to reconcile the differences between Virginia’s BMP efficiencies and the Bay Model efficiencies? When will this issue be resolved?

YORK

Concerns about Target Loads

- 1) Localities are concerned that the use of '2009 Progress' model run as the baseline for determining urban stormwater load reductions for all localities creates inequity for localities within the Chesapeake Bay Program Act areas that have been implementing stormwater requirements since 2000. Additionally, the information contained in the '2009 progress' scenario is incomplete. HRPDC suggests that DCR use the '2010 no action' model run to determine the necessary percent load reductions for urban stormwater.
- 2) How are the nutrient reduction goals of each locality influenced by the model effectiveness factors for each segmentshed?
- 3) If the State developed the Phase I WIP load goals using a standard treatment percentage for each BMP for each locality, why are the nutrient and sediment load reductions for localities so disparate?
- 4) How can localities account for the nutrient reductions achieved by the Fertilizer restrictions recently passed by the General Assembly?
 - a. Will there be an input for this in the tool that DCR is developing?
 - b. How will this relate to the Nutrient management plan requirement for localities?
 - i. How can localities account for property owners that do not apply any fertilizer to lawns?
- 5) Virginia's Phase I WIP included a statement that federal properties would be held to a higher implementation level of BMP implementation than non-federal properties. Was this included in the model runs for the Phase I WIP? Will it be included in the model runs for the Phase II WIP?
- 6) What additional programs or implementation levels were required for agriculture? What additional funding has been dedicated to achieving nutrient and sediment reductions from agriculture?

Issues on cataloging and documenting nutrient reductions

- 1) Localities need guidance on how to document pre 2006 BMPs that have not been included in the model, so that they can be included during the recalibration in 2017. Localities also request that the Tool DCR is creating have the ability to estimate the

reductions achieved by these ‘missing’ BMPs, so that localities can account for that nutrient removal during their planning process.

- 2) Localities have not been receiving credit for some management actions that have Model efficiencies because they have not been reported.
 - a. Please list the BMPs that the State is aware of that have not been reported.
 - b. What is the State’s plan to address this during the Phase II process?
- 3) Additional BMPs and efficiencies need to be added to the Model.
 - a. What priorities has the State submitted to EPA?
 - b. What actions is the State taking to establish interim efficiencies for localities to use during the planning process?
- 4) Erosion and Sediment Control
 - a. How were the acres under e and s control determined?
 - b. The BMP loading sheet has a 2025 target for acres under E and S. Does this number refer to the acres that will be under e and s control in the year 2025, or the number of acres that have been controlled during a longer period preceding 2025? If the latter, what is the starting year?
 - c. How is a locality supposed to increase areas under erosion and sediment control when that is a factor of the pace of development?
- 5) How can localities estimate the benefit of tree plantings not associated with reforestation or buffer restoration (ie. Street trees or increased canopy on developed lots)?
- 6) How are septic pumpouts and biosolids applications being tracked?
- 7) The BMP crosswalk spreadsheet indicates that street sweeping can be reported in acres swept or pounds of material collected. Which unit was used for the street sweeping in the load reduction spreadsheets delivered to localities?
- 8) Is the State or EPA concerned about localities assuming urban nutrient management plans and agricultural practices will be implemented indefinitely even though the agreements are only effective for 1-3 year periods?

Ms. Joan Salvati
August 15, 2011
Page 4

- 9) How does the TMDL account for air deposition, and is there an opportunity for local/state air emissions reductions programs to have an impact on nutrient reductions locally?
- 10) Are the impacts of extreme storms causing major water quality impacts and should we be considering different BMPs to mitigate these extreme storms?

The HRPDC staff, the region's localities, and members of the Chesapeake Bay TMDL Regional Steering Committee have been working diligently to address the state's expectations of the Phase II WIP effort. At the August 4, 2011 meeting of the Regional Steering Committee, the HRPDC staff sensed a growing frustration on the part of the localities and other stakeholders over the lack of important information and guidance from the state that is critical to moving the process forward. We believe that it is essential that we address these gaps at the September meeting.

We appreciate your participation and assistance in this effort. If you have questions or desire to discuss these concerns further, please call Whitney Katchmark or Jennifer Tribo.

Sincerely,

A handwritten signature in black ink that reads "John M. Carlock". The signature is written in a cursive style with a large initial "J" and "M".

John M. Carlock
Deputy Executive Director

WSK/fh

From: Hill, Noah (DCR) <Noah.Hill@dcr.virginia.gov>
Sent: Wednesday, August 31, 2011 2:16 PM
To: Jennifer Tribo
Cc: Salvati, Joan (DCR)
Subject: FW: Task Completed: Develop Responses to HRPDC Concerns
Attachments: HRPDC Answers.doc; HRPDC_Salvati_Concerns.pdf

Attached are the responses to the question that HRPDC submitted. See you tomorrow.

Noah
Noah M. Hill, Regional Manager
Virginia Department of Conservation and Recreation
Suffolk Regional Office
1548 - A Holland Rd, Suffolk VA 23434
757-925-2392

From: Salvati, Joan (DCR)
Sent: Wednesday, August 31, 2011 8:02 AM
To: Smith, Shawn (DCR); Hill, Noah (DCR)
Subject: Fw: Task Completed: Develop Responses to HRPDC Concerns

From: Davis-Martin, James (DCR)
Sent: Tuesday, August 30, 2011 04:15 PM
To: Salvati, Joan (DCR)
Subject: Task Completed: Develop Responses to HRPDC Concerns

James Davis-Martin
Chesapeake Bay WIP II Project Manager
804-786-1795

Critical Information for Developing Phase II Strategies

1. The loading rates (pounds/acre) can be calculated by dividing the loads (pounds) by the land use (acres). These figures vary by land-river segment, the finest segmentation in the model, so there will be variability based on physiographic region, segmentshed and county.
2. In the revised data set for Phase 5.3.2. the urban loads and BMPs will allow differentiation between regulated and unregulated, pervious and impervious data.
3. The State is working through the Bay Program's Urban Workgroup and Water Quality Goal Implementation Team to resolve the differences. The timeline for completing this important task is not yet clear.

Concerns about Target Loads

1. EPA has dictated using the 2009 Progress model run as the baseline when accounting for new reductions toward meeting the TMDL. We recognize the BMP data in this scenario is imperfect and have asked localities to provide an improved accounting of the BMPs currently on the ground as part of the Phase II Process. The BMP implementation targets used in developing the Phase I WIP and the TMDL were based on consistent statewide treatment of the various landuses with BMPs. There was no distinction made for Bay Act areas in that process. Bay Act localities should actually be advantaged in this process because they have a much longer record of BMP implementation that can be accounted for through the Phase II process, thereby moving them closer to the TMDL implementation levels.
2. The local targets and reduction goals have been provided as edge of stream loads, so the delivery factors that the model uses to adjust loads for in-stream processes through delivery to tidal waters do not influence them.
3. The Phase I process applied a percent treatment for a BMP on the applicable landuse. So, variations in landuses between localities will produce a different mix of BMPs. Additionally, because the loading rates vary by land-river segment, the load reduction per unit of BMP will also vary at that scale.
4. The details of how the model will credit the fertilizer restriction have not been finalized. It is anticipated that it will be accounted for on a state wide basis and will produce a reduced loading rate in the urban pervious landuse that would be evident to localities in future progress runs of the model.
 - a. There will not be an input for this in the initial version of the VAST.
 - b. This is not related to Nutrient Management plan requirements, except that it is possible that a lawn with a nutrient management plan and soil tests that call for application of phosphorus could do so.
 - i. If there is a local program that promotes, tracks and verifies that fertilizer is not being applied to lawns, this should be documented as a Phase II strategy. We could then work with EPA to include a BMP in the model that would give credit similar to the loads from hay without nutrients (unmanaged grass).
5. The Phase I WIP was run on the 5.3.0. model that did not have a breakout of federal lands, so it was not possible to apply the different treatment levels. The Phase II WIP will use the 5.3.2. model which does include the federal landuse breakout, so the higher treatment level could be modeled.
6. The specifics of the Phase I actions identified for agriculture and information on current programs and funding are in the WIP I document, Section 5. <http://www.dcr.virginia.gov/vabaytmdl/documents/vatmdlwip.pdf>

Issues on cataloging and documenting nutrient reductions

1. Localities can provide information on pre-2006 BMPs at any time. The information needed are the specifics of the BMP type, the amount of the BMP (linear feet, acres, systems or acres treated as appropriate), the date the BMP was installed and the location of the BMP. The VAST will not work for estimating the effects of these BMPs as their effects are already accounted for in the Phase 5.3.2 model calibration process. A locality could use the VAST to estimate the loads, but the loads would not be representative of what would be produced through a recalibrated model in 2017.

2. The state reports all BMPs for which we have the necessary information. (What BMP, How Much, Where, and When). Generally, the agricultural BMP data collected through Federal and State cost-share programs is very reliable. New efforts to track voluntarily installed BMPs in agriculture are currently being assessed. The urban and septic BMP data are less reliable. Generally, we have tried to use information reported through existing regulatory programs and permits for these sectors. Unfortunately, this data often lacks one or more of the required elements which results in under reporting. The Phase II process will allow localities to report BMPs on the ground through the VAST. The VAST may also serve as a tool that localities may choose to use to report annual implementation progress in the future, until better tracking systems can be developed.
3. The state is working with EPA to address agricultural nutrient management, the ability to stack other BMPs with continuous no-till, septic denitrification practices with 25% and 75% efficiencies, and a capture/reuse BMP for nurseries. These will be available for Phase II planning using the VAST. Additionally, we are working on the efficiency of stream restoration and the urban BMP efficiency differences discussed earlier. If you have other priorities that you think are critical, please communicate those as part of the Phase II process.
4. Acres under E&S are reported to the state by DCR regional offices that compiled locality data. The E&S practice is an annual practice, so the 2025 acres treated are for that year only. The E&S BMP is applied to the construction landuse in the model. This landuse is changed based on the model's assumptions on growth rates, and may not be representative of current conditions. If the model's construction landuse area is significantly different than what is on the ground, a locality may benefit from reporting E&S as a % of the landuse treated. So if the locality's E&S program has a 95% compliance rate, they could apply the BMP to 95% of the available landuse.
5. Urban tree planting is planting trees on urban pervious areas at a rate that would produce a forest-like condition over time. The tree planting BMP includes any tree plantings on any site except those along rivers and streams. Plantings along rivers and streams are considered riparian buffers and are treated differently. The definition of tree planting does not include reforestation. Reforestation replaces trees removed during timber harvest and does not result in an additional nutrient reduction or an increase in the forest acreage. The intent of urban tree planting is to eventually convert the urban area to forest. If the trees are planted as part of the urban landscape, with no intention to convert the area to forest, then this would not count as urban tree planting.
6. Septic pumpouts are currently only tracked in Chesapeake Bay Act localities as part of the Bay Act Annual Reports from localities. The Department of Health is working to improve the accounting of septic pumpouts in non-Bay Act localities. Virginia is the only Bay state that currently reports biosolids applications into the Bay Model. Biosolids are applied in the model to the localities where the application is made based on the permits. The model treats biosolids similarly to other organic nutrient sources (manures and poultry litter).
7. The spreadsheet reports street sweeping as the acres of streets swept annually.
8. The acres under agricultural Nutrient management plans are reported based on the acres with a current nutrient management plan based on the effective dates in the plans. Urban nutrient management is tracked annually.
9. Yes. Local/State initiatives and programs that exceed the actions required by the national air standards can be reported to the bay program for credit.
10. Yes. Major storm events cause significant water quality impacts. BMPs to address these extreme storms are generally cost prohibitive, but if there are some effective and affordable solutions, they should be considered.

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #8-K: CONSULTANT SERVICES CONTRACT FOR POST SPSA 2018 SUPPORT SERVICES

SUBJECT:

Authorize the Executive Director to contract with SCS Engineers to provide additional support services to the Chief Administrative Officers and their respective governmental boards relative to the activities needed to implement the recommendations of the 2018 and Beyond Solid Waste Study Report.

BACKGROUND:

In November 2008, SCS Engineers, under contract to the HRPDC, completed a Final Interim Report: Solid Waste Management for Southside Hampton Roads Planning Horizon 2018 – 2047. Since completion of that study, the Southeastern Public Service Authority of Virginia (SPSA) has undergone substantial restructuring and is currently undergoing a transitioning process between now and 2018. To assist with this process, in November 2010 the Southside CAOs requested HRPDC support in addressing the Post SPSA 2018 issues and in determining the best transition between now and 2018. Additionally, on November 17, 2010 the HRPDC Commission authorized the Executive Director, on behalf of the Southside CAOs, to add an addendum to SCS Engineers' continued Service Contract allowing them to update the work associated with the 2018 study and provide support in implementing the recommendations of the 2018 study. The SPSA Post 2018 transitioning process is still underway and continued assistance is needed in implementing the recommendations of the 2018 study.

Using SCS Engineers under a "sole source" contract to continue assisting the Southside CAOs in implementing the recommendations of the 2018 study is feasible since awarding the continuation of this work to another consultant would adversely affect the HRPDC both financially and time-wise. A new consultant would have to perform duplicate data collection and analysis work, at an additional cost and it would take the new consultant additional time to finalize the study. In accordance with the Virginia Public Procurement Act, the HRPDC staff recommends contracting with SCS to continue and finalize the work involved in the Solid Waste 2018 Study regarding the closure of SPSA in January 2018.

Attachment

RECOMMENDED ACTION:

Authorize the Executive Director to execute a contract with SCS Engineers, on behalf of the Southside (SPSA area) to provide continued support of the SPSA Post 2018 project.

Environmental Consultants

6330 North Center Drive
Building 13, Suite 100
Norfolk, VA 23502-4002

757 466-3361
FAX 757 466-4344
www.scsengineers.com

HRPDC
ORIG COPY

DKF
JOJ M.
NKC
TWT

SCS ENGINEERS

File No. 020071213
February 25, 2013

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

Subject: Additional Support Services, Implementation of 2018 and Beyond Study Report

Dear Mr. Farmer:

Per your request, SCS Engineers (SCS) is pleased to submit a scope of work and fee estimate to provide additional support services to the Chief Administrative Officers and their respective governmental boards relative to the activities needed to implement the recommendations of the 2018 and Beyond Solid Waste Study Report. The anticipated scope of work and fee estimate is presented in Exhibit A.

We appreciate the opportunity to continue assisting the HRPDC on this important assignment.

Sincerely,



Keith T. Matteson, PE
Project Director
SCS ENGINEERS



Robert B. Gardner, PE, BCEE
Senior Vice President
SCS ENGINEERS

RBG/KTM/rg
Enclosures

cc Ms. J. Rax-McBride, HRPDC

RECEIVED

FEB 26 2013

HRPDC

Offices Nationwide



Attachment 8-K

Exhibit A

Scope of Services Support Services for Implementation of the 2018 and Beyond Solid Waste Study Recommendations

BACKGROUND

In November 2008, SCS completed and presented the findings of the “Final Interim Report - Solid Waste Management for Southside Hampton Roads Planning Horizon 2018-2047” (commonly referred to as the 2018 and Beyond Study) to the joint boards of the Southeastern Public Service Authority (SPSA) and the Hampton Roads Planning District Commission (HRPDC). This study effort was funded and managed through the HRPDC. The focus of the report was on a 30-year planning period beginning in 2018 because the use and support agreements between SPSA and its member communities expire in January 2018. SCS was subsequently authorized in late 2010 to update the study to address the changes to the solid waste system that had occurred since the November 2008 report was submitted. The revised report was submitted in July 2011.

Since that time, the City and County Managers, and respective governmental entities have begun the process of implementing the recommendations of the report and developing resolutions to proceed with a new regional cooperative agreement. The Chief Administrative Officers (CAOs), through the HRPDC, have requested additional assistance from SCS during this process. The additional assistance may include facilitation and participation in various meetings, additional technical and cost analyses, preparation of special reports, and presentations to governmental boards.

TASKS

Task 1 - Meetings with CAOs and Respective Boards

1. **Meeting Preparation.** SCS will prepare supporting tailored presentations and calculations for use during City/County council and CAO meetings.
2. **Participate in Meetings.** SCS will attend and be available to present at board meetings in Chesapeake, Franklin, Isle of Wight, Norfolk, Portsmouth, Southampton, Suffolk, and Virginia Beach, as well as participate in periodic meetings with the CAOs and its solid waste technical committee. A budget of two meetings every four months through 2017 is included.

Task 2 - Additional Analyses

Based on the meetings, the CAOs may request additional analysis be prepared, including technical evaluations and financial modeling. SCS will conduct the evaluations as requested. SCS will coordinate with the HRPDC on the level of effort anticipated and availability of remaining budget before proceeding with these analyses.

Task 3 - Management

Management will include progress meetings and reports to the HRPDC, preparation and review of invoices, updating of project schedule, coordination with HRPDC staff, and contract management.

SCHEDULE AND FEE

The level of effort that will be required may vary depending on the needs of the community. The proposed term for the scope of services is through 2017. The level of effort provided below is for budgetary purposes. SCS will provide monthly updates on the status of the budget. If the level of effort required exceeds this budget, SCS will coordinate with the HRPDC to obtain a modification of the funding level.

	Staff	Estimated Level of Effort, Hours				Labor (\$)	Expenses	Totals (\$)
		Gardner	Matteson	Tomlin	Thibault			
	Rate, \$/hr	\$ 250	\$ 190	\$ 155	\$ 60			
Task 1 - Meetings		180	88	0	62	\$ 65,440	1,550	\$ 66,990
CAO-Tech Mtgs								
2/28/2013		4			2		50	
6/1/2013		8	4		2		50	
10/1/2013		8	4		2		50	
2/1/2014		8	4		2		50	
6/1/2014		8	4		2		50	
10/1/2014		8	4		2		50	
2/1/2015		8	4		2		50	
6/1/2015		8	4		2		50	
10/1/2015		8	4		2		50	
2/1/2016		8	4		2		50	
6/1/2016		8	4		2		50	
10/1/2016		8	4		2		50	
2/1/2017		8	4		2		50	
6/1/2017		8	4		2		50	
10/1/2017		8	4		2		50	
Board Meetings								
Chesapeake		8	4		4		100	
Franklin		8	4		4		100	
Isle of Wight		8	4		4		100	
Norfolk		8	4		4		100	
Portsmouth		8	4		4		100	
Southampton		8	4		4		100	
Suffolk		8	4		4		100	
Virginia Beach		8	4		4		100	
Task 2 - Technical Support		80	80	80		\$ 47,600		\$ 47,600
Task 3 - Management		60	60		40	\$ 28,800		\$ 28,800
Totals		320	228	80	102	\$ 141,840	1,550	\$ 143,390
Summary								
Duration		69 months						
Estimated per month	\$ 2,100	per month						
Inflation Escalator					Inflation			
Year 2 (2014)	\$ 2,100	/month	\$ 25,200	/year	\$ 760	/year		
Year 3 (2015)					\$ 780			
Year 4 (2016)					\$ 800			
Year 5 (2017)					\$ 820			
					\$ 3,160			\$ 3,160
Project Total								\$ 146,550

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #9: 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. Other items may be added depending on new priority requests from the Commission, state and federal legislative and regulatory activities and new funding opportunities.

April 2013

FY 2014 HRPDC Budget

FY 2014 Unified Planning Work Program

May 2013

Planned Cancellation – HRTPO Retreat

June 2013

Ask HRGreen Update

Housing Portal Update

Hurricane Season Update

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #10: PROJECT STATUS REPORTS AND ADVISORY COMMITTEE SUMMARIES

A. DIRECTORS OF UTILITIES COMMITTEE SUMMARY MINUTES

The summaries of the February 6, 2013 & March 6, 2013 meeting of the Directors of Utilities are attached.

Attachment 10-A1

Attachment 10-A2

B. HAMPTON ROADS CHESAPEAKE BAY COMMITTEE AND REGIONAL STORMWATER MANAGEMENT COMMITTEE MEETING SUMMARY

The summaries of the February 7, 2013 and March 7, 2013 Hampton Roads Chesapeake Bay Committee and Regional Stormwater Management Committee Meeting is attached.

Attachment 10-B1

Attachment 10-B2

C. PROJECT STATUS REPORT

Attached are status reports on other HRPDC programs.

Attachment 10-C

MEETING OF THE DIRECTORS OF UTILITIES COMMITTEE

The Directors of Utilities Committee met on February 6, 2013. The following items were addressed during the meeting:

- Mr. Tom Leahy, City of Virginia Beach Public Utilities Director, provided a summary of the General Assembly's actions related to the moratorium on uranium mining and the Virginia Nuclear Energy Consortium Authority.
- The Committee discussed the January 3, 2013 EPA memorandum clarifying the requirements of the Consumer Confidence Report (CCR) Rule associated with electronic delivery of water utility CCRs. Utilities are proceeding in accordance with the EPA's electronic delivery framework.
- HRPDC staff provided a summary of the January 17, 2013 HRPDC CAO discussion of the of the Regional Sewer Consolidation study meeting.
- The Committee agreed to utilize a portion of the existing FY13 Water Quality Advertising budget to provide expanded content in the forthcoming public outreach newspaper insert, the Hampton Roads Green Living Guide.
- The Committee discussed the FEMA Hazard Mitigation Grant programs and potential projects for critical infrastructure resiliency. Some utilities are planning on submitting applications based on consideration of program criteria and candidate projects.
- HRPDC staff briefed the Committee on the January 2013 Department of Environmental Quality (DEQ) Groundwater Steering Committee meeting and the framework being developed by DEQ for statewide ambient groundwater monitoring.
- The Committee was briefed on DEQ-HRPDC staff discussions of comments on the draft Groundwater Regulations. Staff will coordinate follow-up with the previously designated subcommittee.
- Regarding VPDES permit applications and renewals, Norfolk Utilities will be contacting DEQ to advocate for requiring notification of owners/operators of surface water intakes within a certain radius of the proposed discharge. Chesapeake and Virginia Beach Utilities indicated their support for requiring such notice.
- The Committee discussed the sharing of data from the Sanitary Sewer Overflow Reporting System
- The Committee recognized Mr. John Carlock, who retired as HRPDC Deputy Director on January 31, 2013, with a resolution of appreciation. Committee members expressed their thanks for his contributions to the water and wastewater programs in the region.

MEETING OF THE DIRECTORS OF UTILITIES COMMITTEE

The Directors of Utilities Committee met on March 6, 2013. The following items were addressed during the meeting:

- Ms. Natalie Easterday, HRPDC Regional Emergency Management Planner, briefed the Committee on water/wastewater-related concerns identified by the Inmate Evacuation Planning Committee's Functional Jail Assessment, which evaluated jail emergency response plans and recommended coordination with utilities. The Committee provided input on emergency supply, mitigation, and coordination.
- Mr. Scott Kudlas, DEQ Office of Surface and Ground Water Supply Planning Director, discussed the Committee's comments on the draft Groundwater Regulations, proposed revisions to the draft language, and the anticipated schedule for seeking approval from the State Water Control Board.
- The Committee discussed the third project workshop for the Regional Sewer System Asset Consolidation Study, remaining tasks, and next steps.
- The Committee considered options for sharing sanitary sewer overflow reports. It was agreed that a decision on this issue will be postponed pending the recommendations of the Regional Sewer System Asset Consolidation Study.
- The Committee reviewed the tasks for the water and wastewater rate structures project and provided input to staff refining the focus deliverables.

MEETING SUMMARY
CHESAPEAKE BAY AND REGIONAL STORMWATER MANAGEMENT COMMITTEES

The Chesapeake Bay and Regional Stormwater Management Committees met on February 7, 2013. The following items were discussed.

- Mr. Bill Johnston, Virginia Beach, gave a presentation to the Committee on the results of a study conducted by Virginia Beach on the utility of harvesting phragmites as a water quality Best Management Practice.
- Mr. Ben McFarlane, HRPDC, briefed the Committee on the Section 309 FY11-12 Final Report, including some changes made to the report since it was last discussed in January. The Committee voted to recommend that the Commission approve the report for publication and distribution.
- Mr. McFarlane updated the Committee on HRPDC and other efforts related to coastal resiliency, including the HRPDC's Coastal Resiliency grant project, the Hampton Roads Adaptation Forum, and the VIMS Recurrent Flooding Study.
- Ms. Jai McBride, HRPDC, briefed the Committee on the Hampton Roads Watershed Roundtable Final Report for 2012. The Committee voted to recommend that the Commission accept the report for publication and distribution.
- Ms. Jenny Tribo, HRPDC, led a discussion with the Committee on an opportunity and request to provide local land use and other data to the Chesapeake Bay Program for use in the updating the Chesapeake Bay model. HRPDC staff will coordinate with localities to identify existing data that could be sent.
- Ms. McBride and Ms. Whitney Katchmark, HRPDC, briefed the Committee on the HRPDC FY14 Unified Planning Work Program.
- Status updates from HRPDC staff, Norfolk, Virginia Beach, Chesapeake, York, Poquoson, Suffolk, Hampton, the U.S. Navy, and DCR.

MEETING SUMMARY
CHESAPEAKE BAY AND REGIONAL STORMWATER MANAGEMENT COMMITTEES

The Chesapeake Bay and Regional Stormwater Management Committees met on March 7, 2013. The following items were discussed.

- Ms. Lisa Hardy, HRPDC, updated the Committee on the activities of askHRgreen.org.
- Ms. Jenny Tribo, HRPDC, updated the Committee on the status of the HRPDC Section 309 project. Meetings have been held with Norfolk and Suffolk to discuss how the project could aid their internal regulatory update efforts.
- Ms. Pamela Mason, Virginia Institute of Marine Science, briefed the Committee on the status of the living shorelines general permit and guidelines.
- Ms. Jai McBride, HRPDC, briefed the Committee on the discussion that took place at the HRPDC retreat in February concerning regional strategic planning. Mr. Dwight Farmer, HRPDC, also gave some remarks on his thoughts on the process and what the end result might look like.
- Ms. Tribo briefed the Committee on regional comments on the draft Arlington County MS4 Permit. The Committee discussed the comments and voted to recommend that the Commission approve the comments to be sent to DCR.
- Mr. Noah Hill, Department of Conservation and Recreation, updated the Committee on developments concerning local stormwater program adoption.
- Ms. Jai McBride led a discussion with the Committee on potential changes to meeting times, locations, frequency, and discussion topics.
- Mr. Ben McFarlane, HRPDC, briefed the Committee on the methodology being used to develop new sea level rise inundation maps for the HRPDC Coastal Resiliency project.
- Status updates from HRPDC staff, Norfolk, and Chesapeake.

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #11: CORRESPONDENCE OF INTEREST

A. Letter from Ms. Debra White, City Clerk, City of Portsmouth, to Mr. John Rowe, Jr, City Manager, City of Portsmouth, January 11, 2013.

Attached is a letter from Ms. Debra White, City Clerk, City of Portsmouth, to Mr. John Rowe, City Manager, City of Portsmouth advising him of his appointment to the Commission.

Attachment 11-A

B. Letter to Mr. Dwight Farmer, Executive Director, HRPDC from Ms. Brenda Garton, County Administrator, Gloucester County, January 17, 2013.

Attached is a to Mr. Dwight Farmer, Executive Director, HRPDC from Ms. Brenda Garton, County Administrator, Gloucester County advising him that Gloucester County has appointed Mr. Carter Borden to represent the County on the Commission.

Attachment 11-B

C. Letter to Mr. Dwight Farmer, Executive Director, HRPDC from Ms. Dolores Moore, City Clerk, City of Chesapeake, January 28, 2013.

Attached is a to Mr. Dwight Farmer, Executive Director, HRPDC from Ms. Dolores Moore, City Clerk, City of Chesapeake advising him that the City has appointed Mr. James Baker to the Commission.

Attachment 11-C

D. Letter to Mr. Dwight Farmer, Executive Director, HRPDC from Ms. Ellen Simmons, Senior Legislative Assistant, York County, January 29, 2013

Attached is a to Mr. Dwight Farmer, Executive Director, HRPDC from Ms. Ellen Simmons, Senior Legislative Assistant, York County advising him that the York County Board of Supervisors elected Mr. Walter C. Zarembo as its Chairman for 2013 and advising him that Mr. Thomas Shepperd, Jr. will continue to serve as York County's appointed representative on the Commission.

Attachment 11-D

E. Letter to Mr. Dwight Farmer, Executive Director, HRPDC from Captain Iliakis, Base Support Officer, U.S. Navy, February 14, 2013.

Attached is a to Mr. Dwight Farmer, Executive Director, HRPDC from Captain Iliakis, Base Support Officer, U.S. Navy advising him that Norfolk Naval Shipyard is conducting a study to further understand how evolving growth and plans in surrounding areas could impact their missions.

Attachment 11-E

F. Letter to the Honorable Alan Krasnoff, Mayor, City of Chesapeake from Mr. Kenneth Wright, Chair, HRMFFA, February 22, 2013.

Attached is a letter to the Honorable Alan Krasnoff, Mayor, City of Chesapeake from Mr. Kenneth Wright, Chair, HRMFFA, urging reconsideration of the decision made by the Chesapeake City Council on February 19, 2013 to approve a request by a real estate developer to reclassify land near Naval Auxiliary Landing Field Fentress in order to permit the construction of single-family homes.

Attachment 11-F

G. Letter to Mr. Dwight Farmer, HRPDC Executive Director from Ms. Betty JO Gwaltney, Program Coordinator, Vann H. Lefcoe Leadership Development Fund, March 6, 2013.

Attached is a letter to Mr. Dwight Farmer, HRPDC Executive Director from Ms. Betty Jo Gwaltney, Program Coordinator, Vann H. Lefcoe Leadership Development Fund expressing her appreciation for his participation in the Vann H. Lefcoe Leadership Development Course.

Attachment 11-G



CITY OF PORTSMOUTH, VIRGINIA

Established 1752

Office of the City Clerk

(757) 393-8639 • Fax: (757) 393-5378

Debra Y. White, CMC
City Clerk

January 11, 2013

Anita Y. Sherrod
Chief Deputy Clerk

Wendy R. Ford
Senior Deputy City Clerk

Keia D. Waters
Deputy City Clerk

Mr. John L. Rowe, Jr.
City Manager
801 Crawford Street
Portsmouth, Virginia 23704

Dear Mr. Rowe:

The City Council has directed me to advise you that you have been appointed as a member of the following commissions to replace Kenneth L. Chandler:

Community Policy and Management Team - member.

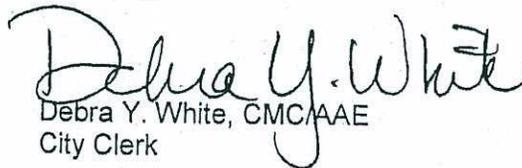
Hampton Roads Planning District Commission – member.

Hampton Roads Regional Jail Authority - member.

Transportation District Commission of Hampton Roads - Alternate member.

Your acceptance of this important civic responsibility and your interest in the City of Portsmouth is appreciated by members of the City Council and the citizens of Portsmouth. You will be required to take oaths of office for the Hampton Roads Planning District Commission, and the Transportation District of Hampton Roads.

Sincerely,


Debra Y. White, CMC/AE
City Clerk

cc: Community Policy and Management Team
Hampton Roads Planning District Commission
Hampton Roads Regional Jail Authority
Transportation District Commission of Hampton Roads



801 Crawford Street • 6th Floor • P. O. Box 820 • Portsmouth, VA 23705-0820

Attachment 11-A



**Gloucester County
Administrator's Office**

Telephone 804-693-4042

P. O. Box 329, Gloucester, Virginia 23061

Fax 804-693-6004

January 17, 2013

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

Dear Mr. Farmer:

The Gloucester County Board of Supervisors has reorganized for the 2013 year. As a part of this reorganization, the Board's representation on the Hampton Roads Planning District Commission has changed. Carter Borden will represent the County on the Commission and the Hampton Roads Transportation Planning Organization (HRTPO). The alternate to the HRTPO is John H. Northstein. Below is their contact information.

Carter M. Borden
(H) 804-642-2991
3978 Borden Road
Hayes, VA 23072
Email: cborden@gloucesterva.info

John H. Northstein
(H) 804-693-3515
7548 Old Pinetta Road
Gloucester, VA 23061
Email: jnorthstein@gloucesterva.info

If further information is needed, please let me know.

Respectfully yours,

Brenda G. Garton
County Administrator

BGG:djb

Enclosure: Resolution

Pc: Carter M. Borden, York District, Gloucester County Board of Supervisors
John H. Northstein, Petsworth District, Gloucester County Board of Supervisors

RECEIVED

JAN 23 2013

HRPDC

Attachment 11-B

AT A REGULAR MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, JANUARY 15, 2013, AT 7:00 P.M., IN THE COLONIAL COURTHOUSE, 6504 MAIN STREET, GLOUCESTER, VIRGINIA: ON A MOTION DULY MADE BY MR. ORTH AND SECONDED BY MR. CHRISCOE, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Carter M. Borden, yes;
Ashley C. Chriscoe, yes;
Christopher A. Hutson, yes;
Andrew James, Jr., yes;
John H. Northstein, yes;
Robert J. Orth, yes;
Louise D. Theberge, yes;

HAMPTON ROADS PLANNING DISTRICT COMMISSION

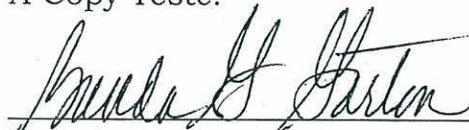
WHEREAS, it has been brought to the attention of the Gloucester County Board of Supervisors that a member is needed to represent the Board on the Hampton Roads Planning District Commission; and

WHEREAS, the Gloucester County Board of Supervisors has organized its membership for the 2013 year; and

WHEREAS, the Gloucester County Board of Supervisors has considered this appointment and now wishes to act.

NOW, THEREFORE, BE IT RESOLVED by the Gloucester County Board of Supervisors that Carter M. Borden is hereby appointed for the year 2013 to the Hampton Roads Planning District Commission.

A Copy Teste:



Brenda G. Garton, County Administrator

Office of the City Clerk
306 Cedar Road
Chesapeake, Virginia 23322
email: council@cityofchesapeake.net
(757) 382-6151
Fax (757) 382-6678

January 28, 2013

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

Re: Change in Membership Designation for the City of Chesapeake

Dear Mr. Farmer:

At the January 22, 2013 City Council meeting, City Council Members voted to appoint Mr. James "Jim" E. Baker, City Manager, as a voting member on the Hampton Roads Planning District Commission and as a non-voting member on the Hampton Roads Transportation Planning Organization, effective January 23, 2013.

Should you have any questions or need additional information, please call me at 382-6151.

Sincerely,



Dolores A. Moore, MMC
City Clerk

DAM:mw

cc: Jim Baker, City Manager
Ronald Hallman, City Attorney

RECEIVED

JAN 30 2013

HRPDC

COUNTY ADMINISTRATOR
James O. McReynolds



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

January 29, 2013

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

Dear Mr. Farmer:

This is to notify you that at its organizational meeting held January 2, 2013, the York County Board of Supervisors elected Walter C. Zaremba as its Chairman for 2013. Please forward any future Mayors & Chairs correspondence or information for Mr. Zaremba to his home address, 106 Royal Grant Drive, Williamsburg, Virginia 23185. For meeting and scheduling purposes, he can be contacted by telephone at 253-0477 (home), 259-0707 (work), or by email at zaremba@yorkcounty.gov.

Thomas G. Shepperd, Jr., will continue to serve as York County's appointed representative on the HRPDC and the Transportation Planning Organization.

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

Sincerely,


Mary Ellen Simmons, MMC
Senior Legislative Assistant

RECEIVED

JAN 31 2013

HRPDC

224 Ballard Street • P.O. Box 532 • Yorktown, Virginia 23690-0532 • (757) 890-3320
Fax: (757) 890-4002 • TDD (757) 890-3300 • Email: bos@yorkcounty.gov
A Hampton Roads Community

Attachment 11-D



DEPARTMENT OF THE NAVY

NAVAL SUPPORT ACTIVITY
NORFOLK NAVAL SHIPYARD
PORTSMOUTH, VIRGINIA 23709-5000

5726

Code 800

February 14, 2013

Mr. Dwight Farmer
Deputy Executive Director
Hampton Roads Transportation Planning Organization
The Regional Building
723 Woodlake Drive
Chesapeake, VA 23320

Dear Mr. Farmer:

Naval Support Activity Norfolk Naval Shipyard (NSA NNSY) is conducting a study to further understand how evolving growth and plans in the surrounding areas could impact our mission today and into the future. The study will culminate in a strategic plan that considers the Navy's long-term requirements and those of the surrounding community, as well as those of the various federal, state, and regional agencies who share interests or resources with the Navy.

As part of the Navy's community outreach and stakeholder engagement process, we seek your participation in this study effort. We believe two-way communication between the Navy and other stakeholder groups is crucial for successful compatible land use planning, as demonstrated by many of our ongoing standing meetings, project collaboration efforts, and other working relationships. By working together, the Navy and other stakeholders can achieve the appropriate balance of growth and protection of community assets, while sustaining future missions and military operations at NSA NNSY.

While being led by Ecology and Environment, Inc. (E&E), our study planning consultant, a Navy Community Plans and Liaison Officer (CPLO) representative will contact you on behalf of simultaneous studies to schedule an interview to gather background information on projects and initiatives which may indicate areas where our respective goals and efforts could potentially intersect. At this initial study starting point, we are in an "information gathering" stage to discover what, where, and whether areas of overlap might be occurring. We plan to begin targeted interviews in the March - April, 2013 timeframe and hope you will have time to meet with us. Interviews normally take 45-90 minutes but we're prepared to stay as long as necessary to fully discuss potential issues with you.

RECEIVED

FEB 22 2013

Attachment 11-E RPOC

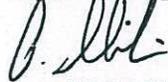
5726

Code 800

February 14, 2013

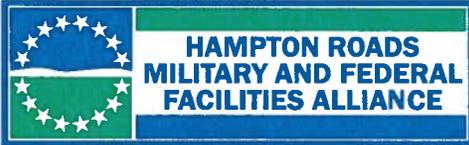
At the end of the study process in Fall 2013, we hope to share our findings with you by providing an executive summary document that summarizes key findings of the study and provides an overview of possible future coordination actions. If you have any questions about the forthcoming study process, please contact Mr. Doug Taylor at (757) 396-8719 or by e-mail douglas.p.taylor@navy.mil.

Sincerely,



A. ILIAKIS

Captain, U.S. Navy
Base Support Officer
By direction of the
Commanding Officer



February 22, 2013

The Honorable Alan P. Krasnoff
Mayor
City of Chesapeake
306 Cedar Road, 6th Floor
Chesapeake, Virginia 23322

Dear Mayor Krasnoff:

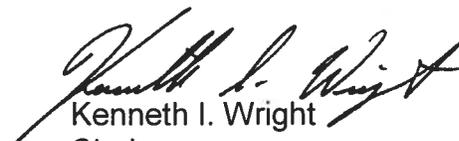
I am writing to urge reconsideration of the decision made by the Chesapeake City Council on February 19, 2013 to approve a request by a real estate developer to reclassify land near Naval Auxiliary Landing Field (NALF) Fentress in order to permit the construction of single-family homes.

This decision marks the first time since the conclusion of the 2005 Hampton Roads Joint Land Use Study (JLUS) that one of the participating Cities has taken action contrary to the study's mutually-agreed upon policies and commitments. In addition, it's my understanding that the decision is in opposition to the City's own zoning ordinance adopted during the JLUS, which specifies that residential development within the Fentress Airfield Overlay District is incompatible.

Prior to BRAC 2005, Hampton Roads took Oceana for granted, and believed that encroachment wouldn't be treated seriously by the Navy. We now know that is not true, and Fentress is an inextricable component of the Navy's tactical air presence in our region – as one goes, so goes the other.

On behalf of the entire Hampton Roads Military and Federal Facilities Alliance Board of Directors, please reconsider this zoning decision, so that the entire region can continue to benefit from the incredible economic engine of these vital aviation installations.

Sincerely,


Kenneth I. Wright
Chair





Vann H. Lefcoe Leadership Development Fund

Board of Trustees:

Daryl W. Clark
Shannon E. Glover
Diane P. Griffin
C. Bradford Hunter
Mallory C. Kahler
Steven L. Minter
Peggy W. Murphy
Philip M. Rudisill
Jennifer L. Smith
David R. Tyneh
John L. Tyneh, III
Anne C. Vogt
Junius H. Williams

Course Instructor:
Donald W. Comer, Jr.

Program Coordinator:
Betty Jo Gwaltney

March 6, 2013

Mr. Dwight Farmer
Hampton Roads Planning District
730 Woodland Drive
Chesapeake, VA 23320

Dear Dwight:

On behalf of the Lefcoe Trustees, I would like to express our appreciation for your participation in the Vann H. Lefcoe Leadership Development Course. Your interactive discussion helped bring to light the importance of cooperation between the region's city governments. The students especially appreciated how the Planning District can provide current statistics when critical issues are being determined.

Each week we ask the students to evaluate the evening's speakers. Please find their comments enclosed.

We are most grateful for your contribution to our leadership program. Thank you for sharing in this project.

Sincerely,


Betty Jo Gwaltney
Program Coordinator

*Thanks
nice job!*

RECEIVED

MAR 08 2013

HRPDC

Attachment 11-G

Mr. Dwight Farmer, 2/27/2013

“ Handout was very helpful”

“Good review- cooperative/competitive and efficiency”

“Best part was the Q & A”

“Great information, very exciting outlook for the area.”

“This was an interesting group of speakers and I enjoyed hearing the different perspectives.”

“This session was eye-opening to regionalism and port opportunities.”

“Mr. Farmer demonstrated lots of experience and knowledge, what our region needs.”

“As always, each speaker presented information that is relevant to the growth of Portsmouth and to the Hampton Roads area”

AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #12: FOR YOUR INFORMATION

HRT BUS SHELTER

In 2010, the HRPDC staff expressed interest to the City of Chesapeake staff in having a bus shelter near the Regional Building. In May of 2012, City of Chesapeake staff offered to fund such a shelter using regional CMAQ funds allocated by the HRTPO Board. In January 2013, the HRPDC Board approved a license agreement between HRPDC and HRT.

On March 6, 2013 HRT completed construction of a bus shelter in front of the Regional Building (as shown below) making the usage of public transportation to reach the HRPDC more convenient.



AGENDA NOTE – HRPDC EXECUTIVE COMMITTEE MEETING

ITEM #13: OLD/NEW BUSINESS