

# Hampton Roads Planning District Commission

## Executive Committee Meeting

### Minutes of December 15, 2011

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

#### EXECUTIVE COMMITTEE:

Stan D. Clark, Chairman (IW)	Marcus Jones (NO)
Thomas Shepperd, Vice Chairman (YK)	McKinley Price (NN)
James O. McReynolds, Treasurer (YK)	J. Randall Wheeler (PQ)
Alan Krasnoff (CH)*	Kenneth Wright (PO)*
Barry Cheatham (FR)	Selena Cuffee-Glenn (SU)
Brenda Garton (GL)	Tyrone Franklin (SY)
Ross A. Kearney (HA)	James K. Spore (VB)
Bruce Goodson (JC)	Clyde Haulman (WM)

#### Executive Director:

Dwight L. Farmer

#### EXECUTIVE COMMITTEE (ABSENT)

June Fleming (FR)	Louis R. Jones (VB)
Molly Joseph Ward (HA)	Michael W. Johnson (SH)
Paul D. Fraim (NO)	

#### OTHER COMMISSIONERS:

William E. Harrell (CH)*	Sharon Scott (NN)*
Ella P. Ward (CH)	Kenneth L. Chandler (PO)*
Amar Dwarkanath (CH)	John Seward (SY)
Gregory Woodard (GL)	Barbara Henley (VB)
Douglas Caskey (IW)	Jackson C. Tuttle, II (WM)
Neil Morgan (NN)	

\*Late arrival or early departure.

#### OTHERS RECORDED ATTENDING:

Eunice Woodard (Citizen); Earl Sorey, Rachel Friend, Sam Sawan (CH); Bryan Pennington, Jeff Raliski (NO); Eric Nielsen, (SU); Brian DeProfio (HA); Joann Hall, Beverly Walkup (IW); Michael King, Brian Lewis, Jerri Wilson (NN); Sherri Neil (PO); Sheila Noll (YK); Bob Matthias (VB); Adam Jack, Stephany Hanshaw (VDOT); Jim Oliver, Patticis Ctute (HRCC); Dana Dickens (HRP); Anthony Livingston (CABT); Rob Sinclair, Dorian Scott (Branscome Infrastructure); Ellis James (Sierra Club Observer); Brett Crable, Max Bartholomew, (Dominion Virginia Power); Peter Huber (Willcox & Savage), Germaine Fleet (Biggs & Fleet); Staff: John M. Carlock, Camelia Ravanbakht, Shernita Bethea, Rick Case, James Clary, Jennifer Coleman, Nancy Collins, Natalie Easterday, Kathlene Grauberger, Greg Grootendorst, Lisa Hardy, Julia Hillegass, Frances Hughey, Jim Hummer, Robert Jacobs, Whitney Katchmark, Sara Kidd, Robert Lawrence, Mike Long, Benjamin McFarlane, Jai McBride, Brain Miller, Keith Nichols, Kelli Peterson, John Sadler, Tiffany Smith, Jenny Tribo, Joe Turner, Chris Vaigneur.

Chairman Clark called the Hampton Roads Planning District Commission Executive Committee meeting to order and welcomed Ms. Joann Hall from Isle of Wight County and also stated it was Mr. Goodson's last day as a member of the Commission.

*(Commissioner Scott arrives)*

## **PUBLIC COMMENT**

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

### ***Ellis W. James***

Thank you Mr. Chairman, members of the Commission my name is Ellis W. James and I am a lifelong resident of Norfolk. I would like to talk about something that is breaking very rapidly. I do not know whether all of you saw the statement by the Governor in the Daily Press and the Richmond Times Dispatch yesterday, but it is rather interesting, safety first on uranium mining, McDonnell says. It goes on to enumerate the aspects of this issue, which are extremely important. It deals with the areas that some of us who are very much opposed to moving forward at this time on uranium mining are concerned about. Contamination of groundwater coming from Lake Gaston would be a disaster. I do not think I have to beat that drum very much, but there is something happening right now that I want to be sure each of you and each of the localities are aware of. Number one, there have been two significant meetings this week. Monday the legislative send off with the delegation from Norfolk and Virginia Beach was held at the Half Moone Cruise Terminal in Norfolk. Uranium mining was one of the major issues that is included in the package from Norfolk for opposition in the current General Assembly. The second meeting was Wednesday, and that meeting was the legislative send off specifically for Norfolk. We had the Norfolk delegates there, and there were a number of people from a number of areas. There is a deliberate attempt at this moment to suggest that the NACP has abandoned their position of opposing lifting the moratorium. That is blatantly false, it is not true and it is outrageous. But I want to be sure that you are aware of it. The people who are spreading this have a perfect right to free speech in our society but they do not have the right to distort or change the facts on the ground. I would like to mention one other aspect of this. The industry is relying upon regulation. This body has discussed often the burdens of regulation. But I would like to call your attention to the fact that the budget of Virginia provides less than one percent of the funding necessary for being able to promulgate and to effectively enforce the regulations that we need to protect the public. In this instance, the question of contamination of our drinking water is a very serious matter and I hope that each of you in the localities will pay close attention to it. Thank you, Mr. Chairman.

*(Commissioners Chandler, Wright and Harrell arrive)*

### ***Anthony Livingston***

Good morning everyone. My name is Anthony Livingston I am the State Director for the Coalition Against Bigger Trucks, we are a nationwide nonprofit interest organization. We are based out of Old Town Alexandria. We work with highway transportation safety issues. I was in the area this week meeting with local government, law enforcement, first responders, highway safety groups around the issue of truck size and weight. Congress is currently working on the highway authorization as we all are watching anxiously and hoping that something will happen pretty soon, there have been several attempts to insert language that would increase the weight capacity of tractor trailer vehicles. We are opposed to it for the obvious safety concerns to our passenger vehicles as well as more importantly for this meeting the infrastructure damage that heavier and longer trucks will create. Just to give you an idea of what we are talking about. This

is one of the proposals currently being sought out in Congress. From our standpoint, we work at the local level, statewide level to educate and inform various highway safety groups and local government, again to bring attention, to these small amendments and bills that are being supported in this huge transportation omnibus. I just found out about this particular meeting while I was here this week so pardon me for barging in and a little under dressed here but I wanted to at least bring this issue to your attention in hopes of having you to also weigh in with those members of Congress who serve on the committees of your jurisdiction. For those who may not be aware, Senator Warner is actually on the Senate Commerce Committee who is actually this week as we speak, yesterday and today they are actually discussing this particular issue now. This is something we have been working on all year. We have known since about this time last year that the (ATA), the American Trucking Association, along with several major shippers have been pushing these attempts at the national level in hopes of allowing state legislators the ability to impose that weight increase. So I wanted to share this information with you this morning in hopes of ultimately having this added to your agenda item at some point in the very near future; again, time is of the essence. However, on the House side in Congress the Transportation Infrastructure Committee has postponed their hearings until the first quarter of the year in hopes of passing the highway funding bill. So with that, I would love to take any questions you might have.

Chairman Clark stated that questions are not allowed at this particular time. He indicated Mr. Livingston could stay and after the meeting answer questions or Board members could contact him personally.

Mr. Livingston stated he would leave his contact information and thanked Chairman Clark.

### **APPROVAL/MODIFICATION OF AGENDA**

Chairman Clark asked if there were any modification or additions/deletions to the agenda.

Mr. Farmer stated under the New Business Item #21 an appointment to the HRMMRS Oversight Committee is necessary to replace a current member on the Metropolitan Medical Response System Oversight Committee.

Chairman Clark stated there was one modifications to the agenda - Item #21 Old/New Business. He then asked for a motion to approve the agenda with the modification.

Commissioner Cuffee-Glenn Moved to approve the agenda with the modification; seconded by Commissioner Ward. The Motion carried.

### **CONSENT AGENDA**

The Consent Agenda contained the following Items:

Minutes of November 17, 2011 Executive Committee Meeting

Treasurer's Report

Regional Reviews

A. PNRS Items Reviews

Assistance Proposal for Abex Corporation (RIFS-OU-2) – Portsmouth

B. Environmental Impact Assessment/Statement Review

Heron’s Landing Apartments – U. S. Department of Housing and Urban Development

Force Structure Change, Langley Air Force Base – DOD/U. S. Air Force

Oceana Salvage Yard Access Road and Burial Unit, Naval Air Station Oceana -  
DOD/U. S. Navy

Sea Grant Application – Hampton Roads Adaptation Forum

Hampton Roads Watershed Roundtable Grant

Urban Area Security Initiative Contract for WebEOC Mapper

Urban Area Security Initiative Contract Amendment for Upgrades to the Hampton Roads  
Medical Special Needs Registry

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

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

**HAMPTON ROADS REGIONAL BENCHMARKING STUDY**

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

Mr. Grootendorst stated he would present the Benchmarking Study for 2011. The  
Benchmarking Study started out of a federal grant from the Office of Economic Adjustment  
in 2005. This is the seventh edition of the document. The purpose of this publication is to  
continue to provide a comprehensive view of the regional economy in Hampton Roads and  
help inform the decision-making process.

The benchmarking study consists of eight chapters. The introduction includes a data  
snapshot for each of the member localities; economy section has charts on topics such as  
gross product, employment and income; industry section includes some important regional  
economic employment bases; demographics section is about population trends; housing  
section is on sales prices and affordability; transportation section was done with help from  
the TPO staff; quality of life section covers topics such as cost of living, education, patents  
and poverty; and the last section is the data section which has data tables on each indicator.

Mr. Grootendorst showed a chart that compares Hampton Roads to the other top 100  
metro areas for a number of statistics from the American Community Survey. In terms of

percent of population that are veterans, Hampton Roads ranks first. Hampton Roads ranks fifth for the number of people who work outside their jurisdiction of residence, which indicated a high degree of regional interaction. Hampton Roads ranks 21st for high school completion rate. Hampton Roads also ranks 56th in terms of people with bachelor's degrees in education which is indicative of the employment by industry. Hampton Roads has a relatively low percentage of foreign born population and a low poverty rate placing Hampton Roads 93rd among the top metro areas.

Mr. Grootendorst showed a chart on the annual percent change in gross product which showed how Hampton Roads has tracked with the nation. Hampton Roads has tracked very well except for in the mid 90s when the nation was expanding, and also cutting military as a percent of GDP. This is important because the regional experience would be similar to the national experience. Over the past five years the region maintained an economic growth rate close to the average experience. Growth has slowed substantially in the past two years. On a comparative level, the annualized growth rate between 2001 and 2006 was over three percent instead of less than one percent in the last five years.

Mr. Grootendorst stated Hampton Roads began losing jobs in the region in July 2007 which is approximately six months before the actual recession began. Starting in 2007, 2008 and continuing over 50,000 jobs were lost in the region. Employment levels in the region now are at the same level as they were September 2001. Regional job growth over the past three years has not compared favorably to other metro areas. Hampton Roads has declined an average of .83% and over the past three years the average decline was .4%.

The Federal government as well as education and health services have provided a modicum of growth. Hampton Roads lost significantly from construction, retail, and manufacturing. Those industries were hit extremely hard and they account for approximately 28,000 lost jobs in the region. Currently, Hampton Roads is 2% below the national average in terms of unemployment rate.

Mr. Grootendorst stated the Hampton Roads per capita income in 2010 was ranked against competing metro area mostly in the southeast. Being below the national average of the metropolitan areas, Hampton Roads compares favorably to other metro areas in the southeast. Hampton Roads has a relatively high cost of living. The region's housing costs are 20% above average. If you take the per capita income and adjust them for the cost of living, our region does not compare favorably to other southeast metro areas. Part of the increased cost of living comes from growth in income in the region.

Mr. Grootendorst stated over the past decade, Hampton Roads has made great strides at closing the gap in income with them and other metro areas. The defense pay raises, increased housing allowances, along with increase in procurement dollars has provided a big boost to the regional income.

Chairman Clark asked for questions.

Chairman Clark asked for a motion to approve the release of the Hampton Roads Regional Benchmarking Study.

Commissioner Harrell Moved to approve the release of the Hampton Roads Regional Benchmarking Study; seconded by Commissioner Cuffee-Glenn. The Motion carried.

## **HAMPTON ROADS ENERGY CORRIDOR AND ENERGY FORECAST**

Chairman Clark stated this item on the agenda is a report on Hampton Roads Energy Corridor and Energy Forecast.

Mr. Farmer stated during a recent HRMFFA meeting with Dana Dickens, Craig Quigley and Dr. Roy Whitney, Mayor Sessoms suggested the HRPDC have a regional discussion on energy corridor concept. Mr. Crable, is here from Dominion Virginia Power and will discuss their view of energy and give their perspective of supply and demand and crossover points.

Mr. Crable stated he hoped this discussion is a platform for further dialog with the Hampton Roads Planning District Commission. He would like to talk about our energy forecast and working with regional entities and finding solutions. Dominion is committed to providing safe, reliable electric service to their customers' homes and businesses now and in the future.

Mr. Crable stated Dominion has had their challenges this year, tornados, earthquake and hurricane, but they are interested in providing responsible power for the environment as well as competitive rates so that they can retain and attract business and jobs, to Hampton Roads and the State of Virginia. They also want to offer innovative solutions and work with regional entities and customers.

Mr. Crable stated Virginia is a great state to do business as is the Hampton Roads area. As stated by Mr. Grootendorst earlier, the unemployment rate in Virginia is well below the national average which created further demand for energy that fuels the economy. Even though it is down nationally, Virginia is seeing an increase in demand for electricity. July of this year Dominion set an all time peak of 20,000 megawatts, and in order to supply that need, Dominion had to either generate it, or purchase and import that power into the area. Virginia is the second largest importer of electricity in the United States; they are only behind California for the amount of power capacity that is brought into the state.

Mr. Crable stated for the demand forecast or capacity, Dominion measures in megawatts. Dominion is a member of a regional transmission organization called PJM; it is a thirteen state body which runs the largest competitive wholesale electric market in the world. They forecast in different zones of this thirteen state area. Dominion has a zone it is called the Dominion Zone. We are the highest projected demand growth in this thirteen state region. Dominion is predicting a 4,500 megawatt increase over the 20,000 peak that was set this year.

Hampton Roads' Yorktown, Surry nuclear, and Chesapeake coal units are important facilities to Dominion and it looks for the right balance and type of fuel to generate electricity. The type of fuel sources Dominion generates is 40% nuclear, which is emission free, coal is 43%, natural gas is 13% and that will be increasing, and other renewable energy will make up the other percentage that is outside what is imported.

Mr. Crable stated each year Dominion files in Virginia or North Carolina a plan to meet the forecast demands in the state. In Virginia, the plan is called an Integrated Resource Plan (IRP) and Dominion looks at the right balance of new generation, transmission projects and demand-side management programs to help meet the 30% demand increase that is forecasted. Dominion has announced and is committed in supporting the development of further renewable where it is economically viable and also expanding its energy efficiency and demand management programs. They have also preserved the option of building another nuclear unit at North Anna, and Dominion is committed to continue this investment in transmission and distribution delivery systems. Examples of two new generating plants that are completed or soon to be completed are Bear Garden which is a natural gas fueled plant, we call it a combined cycle plant in Buckingham County it went online this summer and is saving ratepayers money due to the low prices of natural gas and the efficiency of that plant, and next year will open a state of the art coal facility and biomass facility in southwest Virginia.

Dominion can retrofit facilities or retire them or in some cases repurpose and change the fuel type. For Hampton Roads, Dominion plans to close the coal facility in Chesapeake as well as a unit in Yorktown, and the other unit Dominion plans to retrofit and change the fuel. Dominion has challenges in meeting the demand and environmental objectives and economics plays a part in the decision-making process of what to do with facilities. Economics obviously comes into play as part of these decisions. An area that Dominion is working with the Hampton Roads Energy Corridor Initiative is looking for alternative solutions with renewables being one of those items. As part of our IRP, we do have what we call a community solar program and this is 33 megawatts that we are waiting for approval. The 30 megawatts will be solar panels; Dominion owns the solar panels but is going to rent roof space out in the communities to generate electricity. To put back on the grid Dominion hopes to have approval of that next year and will be taking applications for those localities or customers interested in hosting some solar units on their roof. There is also three megawatt proposal where the customer would own the solar panels and Dominion would buy the electricity at an enhanced rate.

Mr. Crable stated Dominion is committed to bringing transmission facilities and upgrading to bring power to the area if needed. The Hampton Roads area has \$658 million in investment to improve reliability and meet capacity. Some specific projects are a 500 kV line coming into Suffolk that was just completed. A 230 kV line is under construction in Virginia Beach and Yorktown; and we just announced recently another 500 kV line from the Chickahominy area into Newport News and Hampton area. Community Outreach Programs have started with those projects.

Dominion is committed to delivering power to your homes and is spending roughly \$50 million a year in Hampton Roads area for improvements for our distribution system. Reliability is constantly improving with these investments. Dominion is committed to making those improvements in what is called the last mile to your home. The other key element in sustainability is not just new power stations, renewables, cost effective fuels, bringing in transmission, it is also effective demand side management. This is where we use electricity more wisely, more efficiently as we move the existing use to off-peak periods

and we have five programs in place. Dominion has filed six additional programs; in over five years those additional programs should save enough power for 100,000 homes a year.

Mr. Crable stated he wanted to express Dominion's commitment to the area to provide reliable service, reasonable prices, and to do so at a cost that the rate payers and businesses and the military need.

Chairman Clark asked for questions.

Commissioner Shepperd stated with the recent announcement from President Obama, he believed he was going to waive one of the requirements under the Clean Air Act, how is that affecting Dominion Power sub plant?

Mr. Crable stated Dominion is very focused on the air regulations and it is his understanding there has not been a change to the IRP Plan at this time due to the regulations. It is something Dominion is studying and has not heard of any change.

Commissioner Kearney stated he thought it was very interesting the release of the facts on how much Virginia has to purchase from outside the state and he thought that as an average citizen may think we are producing what we need from the nuclear power plant in Surry and North Anna and not having to actually go outside. He thought Dominion should work hard getting that message out on the needs we have with electricity, especially with the military here in the Hampton Roads region, and the necessity of making sure we do not have a brownout.

Chairman Clark asked if we export anything from Virginia to other locations or does everything in Virginia stay here.

Mr. Crable stated as far as importing, there is a good balance. Dominion tries to find the optimum costs and some imports are good. That means if we can buy electricity cheaper than we can produce it you want that healthy mix, but if you go too far you are committed and subject to the volatility of markets which he did not think for long term planning we want to be in. Dominion can export out but he did not think we would do that very often based on the healthy load that we have in the state and our capacity.

Chairman Clark stated the concern is not so much we are purchasing it and costing more for us, matter of fact it might be a little cheaper for us to import but it is the dependence issue that you are concerned about.

Mr. Crable stated it is the long term viability and our nuclear units for example are very low cost producers. Dominion feels it can generate its own at a much long term cheaper cost than continuing our reliance on imported power.

Chairman Clark thanked Mr. Crable.

Mr. Farmer stated there was no action. This is a matter of whether the Commission wanted the PDC staff to pursue this. He would continue to work with Dana Dickens and Craig Quigley on the Energy Corridor project and if anything changes he will make sure everybody is informed.

## **CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD (TMDL)**

Chairman Clark introduced Whitney Katchmark to present an update of the Chesapeake Bay Total Maximum Daily Load (TMDL).

Ms. Katchmark stated the deadline for developing local information for the Phase II Watershed Implementation Plan is approaching. The information needs to be sent to the state by February 1st. In November, the Commission discussed the letter from DCR which outlined five types of input the state wants from each locality. The request included: 1) develop a current BMP inventory; 2) evaluate the land use/land cover information; 3) review the 2017 and 2025 BMP scenarios as identified in the Phase I WIP and develop preferred local scenarios that provide a similar level of treatment; 4) develop strategies to implement the preferred BMP scenarios; 5) identify any resource needs to implement the strategies and BMP scenarios.

Ms. Katchmark stated she will focus on item number 3; the HRPDC will provide a report that covers item number 3 but the localities need to work on information for numbers one, two, four and five. Today we are talking about the details and the schedule.

Ms. Katchmark stated after the Commission meeting last month, the Regional Steering Committee met and they decided that localities would send HRPDC staff BMP scenarios based on realistic financial commitments. The committee expected that those BMP scenarios would be less than the target. The target is the nutrient reduction in the Phase I Watershed Implementation Plan. The plan as a region was HRPDC staff would create a regional BMP input file and describe the gap between the target and the local plans. A letter was sent to the CAOs on December 8th with these recommendations; however since that time we have received some additional information. HRPDC was copied on an e-mail from DCR which said they did not want a financially constrained BMP scenario; they want a scenario that meets the entire target.

HRPDC staff called DCR staff to confirm their position and DCR said if the regional BMP scenarios do not meet the Phase I level of implementation they may disregard the local input and stick with the original Phase I BMP scenario. DCR said they would work with localities to fill the gap if they did not send scenarios that reached the target, but they were not optimistic about the timeline needed to submit something to the EPA by the end of March. DCR have made it clear they are going to submit BMP scenarios that equal the target and the only issue is whether or not those scenarios include local input, or if they will stay with the state's original implementation strategy.

The state and the EPA have recognized that most localities cannot commit to reaching the entire target, but they want localities to identify all the BMPs that would be required to get to that target and list the constraints and the qualifications. For example, they want to know what your funding limitations are, if this is not enough time, are we lacking state programs and authority, and if there is not enough research to include all the BMPs that you would actually consider using.

Ms. Katchmark stated based on that information HRPDC has a couple of recommendations. Localities would send their preferred scenarios to the HRPDC and they would try and equal the level of treatment in the Phase I WIP to equal the target. In that submittal they would try to identify the portion of BMPs that realistically could be funded and then describe these conditions and the things they lacking to get to the actual target.

The second part would be if the sum of BMPs from all the localities input to HRPDC does not equal the target then HRPDC staff would select BMPs to fill the gap. If some localities do not provide any BMP scenarios, HRPDC staff would add BMPs so that they would have basin level input files that meet the target. The goal is to provide the state with the description of the type and number of BMP's that would meet the target for that portion of the James and York basins in our region.

Ms. Katchmark stated the state and EPA are not asking for information at the local scale and everyone has agreed to work at the basin scale so that is part of reason why the HRPDC is trying to roll this altogether instead of every locality doing it themselves.

HRPDC are asking localities to send corrected BMP data of what they have on the ground now and corrected land use data, and secondly send the number of acres that they would treat with each type of BMP. If localities cannot get to that level of specificity then send us a prioritized list of BMPs and rate the implementation level for each one as high, medium or low. To make this data collection process easier, HRPDC created a spreadsheet which was sent to the Regional Steering Committee and Stormwater Committee on December 6th which shows a list of different BMPs and other factors and a column that needs to be filled in. There are BMP's that may be more realistic or feasible for your locality and maybe cheaper that is already in the bay model and there are alternate BMPs listed that have not been approved but HRPDC thinks are good solutions for nutrient reductions.

Ms. Katchmark stated the timelines are a little tight. HRPDC is asking localities to send this information by December 28th, and we will have a week to put together a draft BMP input file so the Regional Steering Committee can review it on January 5th to get their input and make revisions. There will be an input file and a report that HRPDC will distribute to the Commission before the January 19th meeting in hopes that it can be approved and sent to localities. Because the Commission voted in November that each locality would submit a report to the state, HRPDC is not submitting anything directly to the state. We need to get this information to you to include it in your submittals.

Ms. Katchmark stated there is one question remaining. What happens if localities do not provide any information to the state? The state has been very clear what they are going to do. The state said they are going to use the Phase I Implementation Plan scenarios. There are three possible consequences: 1) bad public relations for the localities if you do not participate then you know as far as commitment to cleaning the bay and finding solution it shifts a little bit from the state to the localities for not providing information; 2) EPA thinks Virginia's Phase I WIP does not demonstrate that localities are engaged in the process, EPA have said they might implement back stops; 3) there may be no consequences if localities do not submit data, EPA may be happy with Virginia's plan even with very little information from localities. We do not really know what or where EPA is on that scale.

EPA has warned the state throughout this whole process if they do not show that they are making process, EPA could force the nutrient reductions through the federally required permits for urban stormwater, which are the MS4 permits. EPA could push additional reductions through the MS4 permits. The backstops require three times as much nitrogen reductions than the state plan for urban stormwater and HRPDC estimated it could cost \$6 billion more than the state plan. We do not know what the EPA would consider an adequate Phase II WIP. It is to our benefit to demonstrate the work all the local governments have done and efforts to find solutions to the Chesapeake Bay clean up.

Commissioner Harrell stated the Chesapeake is working diligently and he wanted to be clear that whatever we try to get in by the December 28th has to be preliminary. We want the opportunity to be concerned about the plan, we are also concerned about the financial implications that it will have on our citizens, and we are not going to over promise something we cannot deliver. He was pleased to hear the HRPDC was not going to make a commitment on behalf of localities, because he thought it would have been a concern, he appreciates that amendment.

Mr. Farmer stated HRPDC staff have been in consultation with the attorney and his advice about some language that Ms. Katchmark used in her presentation about conditions and qualifications, if we find that the submittals do not do the job, Mr. Dave Evans' opinion is those conditions and qualifications, at least for the moment, put us in a good position to say, we know there are financial constraints and maybe technological constraints, and we recognize that this is what it takes but in order for this to happen, other things have to happen or more money needs to come to the table

Mr. Harrell stated we needed that regional plan. He just want to be careful that HRPDC does not commit to something that the local governing board has not approved.

Mr. Farmer stated HRPDC is not submitting. HRPDC is giving the localities materials to put with their submittal.

Commissioner Goodson asked if there were any change on the guidance for determining the base lines for communities that have stepped up for years, are they going to get credit for what we have done.

Ms. Katchmark stated EPA wants the corrected baseline data so, yes, localities will get credit for what they have done and there are ways to sort of trick the model into showing more accurate land use data and also you can enter corrected BMPs. So there is an opportunity to set the record straight.

Commissioner Goodson asked what is the time frame, and are they going back ten years for the baselines?

Ms. Katchmark stated the baseline is 2006. There will be an opportunity to go further back.

Commissioner Goodson stated his locality has not been able to afford to do anything since 2006, 2007; all the work James City did was in the early 2000's. The communities like James City that stepped up in the late 90's and early 2000's, are not going to get credit for all the work they did.

Ms. Katchmark stated EPA has said they will allow us to go back and correct all of the BMP data, but not at this time. When they recalibrate the model for 2017 deadlines, EPA will make all of those changes and they are going to send us the data for all the BMPs the state knows about going back about as far as they have records. It is a little disappointing that process and that data has been slow to come out, but there is still an opportunity to get it all right.

Commissioner Shepperd expressed in the presentation it was stated what HRPDC will do if localities do not provide input, that HRPDC staff will select the BMPs. He was not sure what that means, that HRPDC will select BMPs. Considering localities have thirteen days before the submission is due, he recommend that If the HRPDC is not getting the information that Mr. Farmer inform the member of this Commission so that they can make sure they are fully aware of any shortfall because being surprised by this and having somebody submit something on behalf of the local government obviously has a problem.

Mr. Farmer stated if it happens we will let you know immediately.

Commissioner Shepperd we kept hearing this \$94 million figure for fourteen years and then he saw that VACO came out recently with an announcement the cost of the TMDL will be double for the State of Virginia. It was \$6.7 billion for the State of Virginia and now they are talking about a \$15 billion bill. He was assuming some of that rolls down into the localities, and Mr. Goodson's comments about the getting credit, a lot of York County's focus has been on sewers, which York County thinks is one of the largest polluters along the bay, and not so much on what we are doing with BMP but we want credit for millions of dollars we are doing for the sewer system. To reduce our bill, we want to make sure that is getting in the mix somehow.

Ms. Katchmark stated that is included in the spreadsheet. In addition, we have made an estimate of the impacts of reducing or eliminating sewer overflows. There is a way to capture that in the submittal. It will be awhile before it will be incorporated into the actual model, but we have made some progress.

Commissioner Wheeler stated he agreed with the last three speakers and the City of Poquoson has been working hard on this, and in the middle of December, two weeks from Christmas, they change the rules again. The reason we are having trouble with some of their timelines is EPA continues to change the requirements and at the same time the end games and the strategies to achieve that remain unclear, vague and shifting. EPA changed it again to require more data, more specificity to hit a moving target that few of us or none of us understand and their backdrop is the HRPDC to fill in the hole. He heard what was said about the HRPDC not committing localities, and if we do not somehow miraculously do that, the backstops are back in play. He felt as though we have gone through an entire year of process with the state and Feds continuing to move the ball and move the goal, and we

are right back where we started which is if we do not do what they say, they will implement the backstop. We still do not know what it is we are supposed to do and we are all frustrated. One more point, Mr. Shepperd stated about keeping governing bodies informed is critically important. It was so important to us that Poquoson had another work session, it

is their fifth one this year on this subject in which the plans were laid out before the Council for the December submission and went through it in detail. The Council was very interested and had a lot of input and the information changed again. He cannot get back before his Council. By the time he has an opportunity to do so, HRPDC will be two weeks into their review and two weeks away from our submittal deadline, there is not enough time.

Mr. Farmer stated the HRPDC staff completely agrees with Mr. Wheeler. The attorney has given us the advice that I mentioned earlier to go with those things that we think technically will get you where you need to be but, we know those conditions and qualifications are critical in transmitting that message. We are saying we can get there and at least puts it back with them and says give us the tools, revenue resources, etc. and we can get there. That is not going to last forever, but it gets us at least to the point where we need to be right now.

Chairman Clark stated its lets us say we are not in default and this is a fail-safe, although inadequate.

Ms. Katchmark stated one of the points that Mr. Shepperd brought up there is report from the Senate Finance Committee on the TMDL and the cost and who pays. If you have not looked at that report definitely worth reading because it outlines by sector what state funds are available, what things they expect localities to pay for and which things will be paid for by private property owners or users. It gives a very good idea of who pays for this and what options there are and if you are looking at funding limitations and want something different from the state that is a good place to look at baseline assumptions

Chairman Clark asked for a motion to endorse the staff data submittal process which includes if a jurisdiction does not submit the required information or it is inadequate, it allows staff to fill in the gaps to at least meet a baseline level.

Commissioner Harrell Moved to endorse the staff data submittal process; seconded by Commissioner McReynolds. The Motion carried.

Commissioner Wheeler opposed.

*(Mayor Krasnoff arrives)*

*(Commissioner Henley Departed)*

## **2012 LEGISLATIVE AGENDA**

Mr. Farmer stated Mr. Carlock is here to give an update on the 2012 Legislative Agenda. He will be going over the changes that were discussed at the November meeting.

Mr. Carlock stated based on the discussions at the November 17, 2011 meeting, the HRPDC staff has revised the draft Legislative Agenda for 2012. In the HRPDC agenda package there are two versions of the Legislative Agenda, revised draft and a redline version to facilitate review of the changes that have been made. The new language was to address things that happened last month and address the comments and changes the Commission made.

Mr. Carlock stated under the Funding Items on water quality funding a new initiative was developed by VML, VACO and waste water industry to pursue a bond issue to allow the state to finish its commitment on waste water treatment plants. That was added under water quality funding which includes some of the discussions on TMDL.

Under BRAC related Land Acquisition, HRPDC added the language supporting land acquisition at Langley and added a new initiative on sea level rise. The Commission has talked about this a number of times. The City of Norfolk is pursuing a study of the effectiveness of measures to adapt to sea level. The scope of that study is being developed and HRPDC staff is working with Norfolk to put it together. HRPDC think it would benefit the region as we continue to go forward with that issue.

Mr. Carlock stated under the Environmental Initiatives, HRPDC has changed the language amending the CBPA to keep the state in business of regulating and enforcing rather than localities and to clarify on the agricultural programs emphasize the cost share assistance which is really designed to assist the agricultural community in meeting the TMDL work. The new initiative was added on nutrient credit expansion. There is an effort by the administration to develop enabling legislation to allow localities and the stormwater program in particular to participate in the current nutrient credit expansion, and it will also assist in addressing the TMDL discussions.

Mr. Carlock stated under the State Government Administration, there is a proposal coming out of the Governor's Reform Commission to move the stormwater program from DCR back to DEQ. HRPDC does not have enough information to know whether that is a good or bad move for the region so recommendation there was we monitor and evaluate that proposal. HRPDC changed the last item from city services to local government.

Mr. Carlock stated under the State Government Administration, HRPDC added the item about eminent domain, concern about the new changes, the new rights being created and potential impact of those issues of lost access and lost profits for public infrastructure projects and the recommendation there is not to support that in its current form.

Mr. Carlock stated the recommended action is to approve the HRPDC Legislative Agenda and authorize the Chairman to transmit the Legislative Agenda to the Hampton Roads General Assembly Delegation.

Chairman Clark asked for a motion to approve the HRPDC 2012 Legislative Agenda.

Commissioner Kearney Moved to approve the HRPDC 2012 Legislative Agenda and authorize Chairman to transmit Legislative Agenda to the Hampton Roads General Assembly Delegation; seconded by Commissioner Cheatham. The Motion carried. Commissioner Seward opposed.

## **NOMINATING COMMITTEE REPORT/ELECTION OF VICE CHAIR**

Commissioner Shepperd expressed his thanks to the representatives of the Nominating Committee. The committee recommendation per the By-Laws is Vice-Chairman Shepperd will serve as Chair and Mayor Wright, City of Portsmouth was elected to Vice-Chair for the Commission.

Chairman Clark asked for a motion to approve the newly elected Vice Chair Mayor Wright.

Commissioner Goodson Moved to approve Mayor Wright as the new Vice Chair; seconded by Commissioner Ward. The Motion carried.

## **RESOLUTIONS OF APPRECIATION**

Commissioner Shepperd stated there were three members leaving the Commission after many years of service Mr. Stan Clark, Mr. Bruce Goodson and Ms. Anita Felts.

Commissioner Shepperd presented Mr. Goodson with a Resolution of Appreciation for his contribution to the Hampton Roads Planning District Commission.

Commissioner Goodson stated he has enjoyed working with exceptional people and the legacy he leave behind in participating with the reorganization of the MPO/TPO. Commissioner Goodson thanked the Commission.

The Commission and staff recognized with applause.

Commissioner Shepperd stated Mr. Clark has been a good leader and appreciate all the things he had done for the community and the region, and on behalf of the HRPDC he presented Mr. Clark with a Resolution of Appreciation.

Chairman Clark thanked the Commission and stated the TMDL issue is one that will face us for a while and one we will struggle with. He thought this organization does what he thinks it is designed to do, and that is to avoid the shoals and chart your path through the shoals and get where you need to be, but to do that you need to know where the shoals are and wind and tides and whether to speed up or slow down or sail out or lighten your load to go over your shoals if you cannot get around it, and this organization has the staff and expertise to do that. It is the only resource in our region to help chart our course for the future and the staff we work with here is just the most qualified to chart a regional course into the future. We have the rocket scientists that we need, great people and great to work with. For those who sit at this table, he believes each jurisdiction sends to this table its brightest and to do the work and chart that course. He stated it has been an honor to come on with Mr. Goodson they have worked together on many things and now leave together. HRPDC is the one that is committed and engaged and we have to have to chart that course. Thank you very much.

The Commission and staff recognized with applause.

## **HRPDC ACTION ITEMS: THREE MONTH TENTATIVE SCHEDULE**

No questions or comments were noted.

## **PROJECT STATUS REPORTS**

No questions or comments were noted.

## **CORRESPONDENCE OF INTEREST**

No questions or comments were noted.

## **OLD/NEW BUSINESS**

Mr. Farmer stated there is a new Business Item 21, two members representing HRPDC on Metropolitan Medical Response System; from the Peninsula Mr. James McReynolds, and from Southside Mr. William Harrell. Mr. Farmer stated Mr. Cliff Hayes has agreed to fill Mr. Harrell's term that has expired. The HRPDC staff recommendation is approve Mr. Cliff Hayes of Chesapeake to replace Mr. Harrell as one of the two members on the HRMMRS Oversight Committee.

Commissioner Ward Moved to appoint Mr. Cliff Hayes for a two-year term to the HRMMRS Oversight Committee; seconded by Commissioner Cheatam. The Motion carried.

Mr. Farmer stated for your information the HRPDC staff is planning the Annual Retreat in February on the third Thursday. He is planning on cancelling the TPO meeting and the HRPDC meeting will be from 11:30 to 1:30 with lunch to make it a working lunch meeting.

## **ADJOURNMENT**

With no further business to come before the Hampton Roads Planning District Commission, the meeting adjourned at 10:40 a.m.

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Thomas G. Shepperd  
Chairman

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Dwight L. Farmer  
Executive Director/Secretary