

NORTHERN VIRGINIA REGIONAL COMMISSION

Minutes of the Commission Meeting Held Thursday, April 28, 2011

COMMISSIONERS

(The names of those members present are highlighted.)

Hon. Sharon Bulova	<i>County of Fairfax</i>
Hon. John C. Cook	County of Fairfax
Hon. Joan Cross	<i>City of Fairfax</i>
Hon. Steve DeBenedittis	Town of Herndon
Hon. Barbara A. Favola	County of Arlington
Hon. Jay Fissette	<i>County of Arlington</i>
Hon. Robin Gardner	City of Falls Church
Hon. Penelope A. Gross	County of Fairfax
Hon. Pat Herrity	<i>County of Fairfax</i>
Hon. Catherine Hudgins	<i>County of Fairfax</i>
Hon. Robert W. Lazaro, Jr.	Town of Purcellville
Hon. Michael C. May	<i>County of Prince William</i>
Hon. Jeffrey C. McKay	County of Fairfax
Hon. Suhas Naddoni	<i>City of Manassas Park</i>
Hon. Martin E. Nohe, NVRC Vice Chairman	County of Prince William
Hon. Harry J. Parrish II, NVRC Chairman	City of Manassas
Hon. Redella S. Pepper, NVRC Treasurer	City of Alexandria
Hon. Frank J. Principi	County of Prince William
Hon. Kenneth "Ken" Reid	Town of Leesburg
Hon. M. Jane Seeman	Town of Vienna
Hon. Paul C. Smedberg	<i>City of Alexandria</i>
Hon. Linda Smyth	<i>County of Fairfax</i>
Hon. Nancy West	Town of Dumfries
Hon. Scott K. York	County of Loudoun

STAFF PRESENT

G. Mark Gibb	<i>Executive Director</i>
Linda M. Tenney	<i>Deputy Director</i>
Linda Summerall	<i>Executive Secretary</i>
Sayedul Choudhury	<i>Sr. Water Resources Engineer</i>
Normand Goulet	<i>Sr. Environmental Planner</i>
Laura Grape	<i>Sr. Environmental Planner</i>
David Schwengel	<i>Director, Regional Emergency Preparedness Planning</i>
Peggy Tadej	<i>No. Va. Regional BRAC Coordinator</i>
Aimee Vosper	<i>Director, Environmental & Planning Services</i>
Stephen Walz	<i>Director, Regional Energy Planning</i>

OTHERS PRESENT

Randy Bartlett	<i>Fairfax County staff</i>
Russ Baxter	<i>Virginia Dept. of Environmental Quality staff</i>
Anthony Moore	<i>Ass't. Secretary for Chesapeake Bay Restoration, Virginia</i>
Sue Rowland	<i>NVRC Legislative Liaison; SR Consulting, Inc.</i>
Jim Sizemore	<i>City of Alexandria Sanitation Authority</i>
Ric Terman	<i>Northern Virginia Association for History</i>
Kelly Vanover	<i>Virginia Dept. of Conservation and Recreation staff</i>

CALL TO ORDER Chairman Parrish called the meeting to order at 7:35 p.m.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was recited by all present.

ROLL CALL The roll was called and all members present or absent were noted for the record.

Chairman Parrish welcomed Fairfax County Supervisor Jeff McKay who was recently appointed to the Commission.

APPROVAL OF
MINUTES

Commissioner Gross moved approval of the minutes of the February 24, 2011, meeting. The motion was seconded and carried with Commissioner Pepper abstaining.

CHESAPEAKE BAY
TMDL: WATERSHED
IMPLEMENTATION
PLAN, PHASE II

Chairman Parrish welcomed Anthony Moore, Assistant Secretary for Chesapeake Bay Restoration, Office of the Secretary of Natural Resources. Mr. Moore's career has been divided between public service and the private sector.

Anthony Moore

Mr. Moore provided a brief overview of the history of the Chesapeake Bay Program, including nutrient reduction agreements/ water quality standards. EPA established Total Maximum Daily Load (TMDLs). The current TMDL goals include significant reductions in nitrogen and phosphorus loads.

The Watershed Implementation Plan (WIP) consists of three phases:

- Phase I — The states in the Chesapeake Bay watershed each develop a plan
- Phase II — The plan is extended down to the local government level to be in place by November 2011
- Phase III — EPA evaluates the state plans in 2017; 60% of best management practices (BMPs) must be in place

Virginia's Priorities:

- Allow flexibility in implementation to ensure cost-effective practices are given priority
- Want on the ground water quality improvements
- Recognize economic impacts of the TMDL and the need for federal funding as well as reductions from federal facilities
- Developed to meet EPA deadlines and requirements
- Reserve the right to modify the plan and adapt as necessary
- The plan includes regulatory programs that are currently in place

Current Programs:

- Municipal Separate Storm Sewer Systems (MS4)
- Confined Animal Feeding Operations
- Agriculture BMP Cost Share Program
- Virginia Pollution Abatement Program
- Chesapeake Bay Preservation Act
- Virginia Pollutant Discharge Elimination System
- Clean Air Interstate Rule
- Many others

Urban/Suburban Stormwater Proposals:

- Urban nutrient management plans on golf courses and municipally owned lands
- Restrictions on do-it-yourself non-agricultural lawn and turf fertilizers including phosphorus
- 20% phosphorus reductions standard for areas being redeveloped
- Stormwater retrofits on existing developed lands to reduce nitrogen, phosphorus and sediment
- For new development, post-development loads cannot exceed allowed loads of previous land uses

The state's WIP was submitted to EPA in late November 2010 and accepted late December 2010. It meets the 2017 target loads for all basins through management actions and existing nutrient credits. The plan also proposes a broad expansion of the existing

nutrient credit exchange and expects revisions to the 2025 allocations will be made in 2017. The expanded nutrient credit exchange will require General Assembly action. A legislature-sanctioned study will be conducted in 2011 resulting in a proposal for legislative consideration during the 2012 General Assembly session.

questions & answers Commissioner Cook inquired about measuring compliance. Mr. Moore replied that EPA uses a model; Virginia wants to know how accurate that baseline data is. Commissioner Gross pointed out that localities have provided data to the state for years without EPA changing its model — why should localities now expect that giving local data to the state to forward to EPA will result in changes to EPA's model. Mr. Moore said it is his goal to make sure that the information the state collects goes into the model. He added that EPA is using the model on a precision basis that it was not devised to be: on a watershed level, it's great but currently it has problems being used at the local level. Mr. Moore wants to be sure EPA has the right data in its model to use it at the local level. [Commissioner Nohe arrived.]

Commissioner Cook followed up by asking if a jurisdiction has been credited for voluntary BMPs, or if it is "penalized" because it has been taking action and then does not have a lot of improvements to make. Mr. Moore thinks the jurisdiction will get credit for what it has done. The state will collect information on voluntary BMPs through six pilot projects, and that information will be added to the model.

Commissioner Gross pointed out that most of the elected officials sitting at this table represent urban/suburban areas that don't receive cost-share funding. Where is this area's share? She asked Mr. Moore to help the jurisdictions find the money.

Responding to Commissioner Lazaro's inquiry of how allocation decisions are made, Mr. Moore said the Phase II plan should meet the goals of the Phase I plan. Goals can be met at the county level or at the planning district commission (PDC) level. He will consider the PDC a locality. Commissioner Lazaro expressed concern about unfunded mandates, noting the Town of Purcellville just upgraded its sewer plant.

Commissioner Gross noted this is a problem for all the jurisdictions, adding that it is a clever idea to make the PDCs part of the partnership. However, the PDCs' FY 2011 state funding was cut and the state will need to look at providing funding for this project. Mr. Moore confirmed the state is looking at this; EPA may be able to provide a circuit rider.

Commissioner Gross expressed concern that the nutrient credit trading program is not robust and is probably not feasible. She expressed further concern that Northern Virginia's efforts could be for naught if other regions of the state do not reach their targeted goals. Therefore, the measurements must be understood and there must be specifics to measure in each region. Also, she believes that two years is not enough time to establish a milestone measurement. Mr. Moore explained the two-year milestones are part of EPA's TMDL process, and the state will tell EPA what can be put in place within two years. Results will not be seen in two years.

Commissioner Favola asked how much latitude local governments have in defining the baseline and who agrees to the definition of the baseline. Mr. Moore reiterated the importance of the baseline and why the state wants the localities and PDCs involved in this process.

Responding to Commissioner Cook's inquiry about the effect of population growth on the goals, Mr. Moore said he doesn't think population is factored in; the plan is looking for a reduction in sediment, phosphorus and nitrogen. Commissioner Cook explained that an area with increased population would then cover more ground (development) thereby producing more pollutants and stormwater flow. If EPA gives the state a targeted number, that number ought to be adjusted in part based on population. Russ Baxter with the Virginia Dept. of Environmental Quality confirmed that population change is accounted for

in the watershed model. The goal is pounds of reduction. Increased population in a jurisdiction or region will not add an additional burden beyond what the region would need to do to affect reductions beyond the particular land use. The localities are being asked to confirm that the baseline information — based on 2009 information — is correct: Is the model an accurate reflection of the landscape and is it an accurate reflection of the number of practices that have been established in any jurisdiction.

Replying to Chairman Parrish, Mr. Moore said the state is looking to EPA for funding. There are portions of the plan that stipulate that if funding is not available then those portions will not be done. The state is aware that funding is a big issue; the plan is estimated to cost \$7-8 billion over the next 15 years. The state is working with the federal delegation on this issue.

CONSENT AGENDA Commissioner York moved approval of the Consent Agenda, consisting of the items outlined below. The motion was seconded and carried. Commissioner Lazaro abstained, explaining that his employer is a sub-recipient of the Ryan White grants.

- A. Financial reports for February and March 2011
- B. Resolution No. P11-24: Authorization to Receive and Subcontract 2011-2012 Part A (Including Minority AIDS Initiative) Funds for Services Under the Ryan White HIV/AIDS Treatment Extension Act of 2009
- C. Resolution No. P11-25: Authorization to Receive and Subcontract 2011-2012 Part B Funds for Services Under the Ryan White HIV/AIDS Treatment Extension Act of 2009
- D. Resolution No. P11-26: Authorization to Sign Agreement for Planning and Facilitation Services for the Sustainable Shorelines and Community Management Project
- E. Resolution No. P11-27: Authorization to Submit a Technical Assistance Proposal to Virginia Coastal Zone Management Program
- F. Resolution No. P11-28: Authorization to Contract with LeapFrog Solutions, Inc. to Enhance Family and Business Emergency Preparedness Planning
- G. Resolution No. P11-29: Grant Applications for a Market Analysis: Audience Identification for Targeted Outreach on Toxic Waste Generation by Small Businesses in Northern Virginia
- H. Resolution No. P11-30: Engagement of Professional Engineering Services for Development and Completion of the Northern Virginia Regional Water Supply Plan
- I. Resolution No. P11-31: Authorization to Request Extension and Accept Funding from DOD Office of Economic Adjustment for Continuation of the Regional Effort Related to the 2005 BRAC Process
- J. Resolution No. P11-32: Contract for Quality Assurance and Technical Assistance Services for Suburban Virginia Ryan White CARE Act Programs

EXECUTIVE
DIRECTOR'S
REPORT

Mr. Gibb distributed a copy of his report containing updates on:

- NVRC Leads Regional Stormwater Education Campaign
- NVRC Hosts Potomac Heritage National Scenic Trail Workshop
- NVRC Receives Grant to Standardize Client Data Collection Through CAREWare
- Northern Virginia on Frontlines of Demographic Transformation
- American Council on Germany
- NVRC E-Newsletter Report
- BRAC

CHAIRMAN'S
REPORT

Chairman Parrish appointed the following members to serve on the Nominating Committee:

Paul Smedberg
Penny Gross
Bob Lazaro

Sharon Bulova
Joan Cross
Barbara Favola
Scott York, Chairman

The Nominating Committee will meet and present the slate of officers at the Commission's May 26 meeting. The election will take place at the Commission's June 23 meeting.

FY 2010 AUDITED
STATEMENTS

Commissioner Pepper reported the Operations Committee met earlier tonight and discussed the audited statements. The auditor has included an unqualified letter, and the committee recommends the audit to the Commission. She moved adoption of Resolution No. P11-33. The motion was seconded and carried unanimously.

RESOLUTION
NO. P11-34

NVRC Support for Aerial Metrorail Station at Dulles

Commissioner York stated the Dulles Metrorail project is currently \$1 billion over budget. MWAA has looked at various station alignments. Commissioner York expressed concern that the tolls keep increasing on the Dull Toll Road; in 2020, tolls could potentially be \$6.75 to \$10.75 one way. Both Fairfax and Loudoun counties strongly support rail to Loudoun County but just as strongly support keeping the cost down. He moved adoption of Resolution No. P11-34. The motion was seconded.

Commissioner Favola said she understands there is a limit to how much money can be raised for this project but thinks the \$330 million for an underground station can be reduced; she recommends asking MWAA to scrub the numbers. She reminded the members that the jurisdictions originally agreed on an underground station and asked if there is any interest in delaying until MWAA looks at it. Commissioner York reported MWAA meets next week and has stopped looking at the options; MWAA has not agreed to pick up the cost increase to the toll road users. He expressed concern that the airlines will be forced to raise ticket prices if the more expensive underground option is chosen.

Commissioner McKay asked if the airlines could raise the surcharge fee to pay the additional amount for an underground station. Commissioner York indicated this is sensitive. He added that maintenance cost data on above ground and underground stations has not been circulated.

Commissioner Favola offered a friendly amendment: under the "resolved" clause, "...and calls upon the MWAA Board to *identify options for the Metrorail station at Dulles without funding from the counties, the Commonwealth or the Dulles Toll Road.*" Commissioner York declined to accept.

Resolution No. P11-34 was adopted as written.

Commissioner deBenedittis moved adoption of a similar resolution expressing concern over the use of mandatory PLA, which increases construction costs, and incorporating Commissioner Favola's proposed amendment of Resolution No. P11-34. The motion was seconded.

Commissioner Nohe stated he would have to abstain. Commissioner Gross remarked this is a serious issue that needs careful deliberation, and that the resolution should be presented in written format. Commissioner deBenedittis agreed to work with staff on this for the next meeting. Commissioner Cook asked for clarity on what the staff is working on. It was agreed the resolution will address only the PLA.

LEGISLATIVE REPORT

The *sine die* report of the 2011 legislative program was distributed, with Ms. Rowland explaining how it is written.

Commissioner Gross noted that NVRC was given an additional \$19,819 in state funding for FY12. She pointed out that the written report contains information on the fertilizer bill, mentioned in tonight's presentation.

Commissioner Gross noted it is an election year and recommends the Commission begin work early on its 2012 legislative program. It is important to distribute the program to the Northern Virginia Delegation before the start of the session.

Ms. Rowland reported that the re-districting bills have passed and the governor is expected to sign them. She and the executive director are already strategizing on educating members about NVRC.

OTHER BUSINESS

- *VAPDC*
Commissioner Nohe, President of the Virginia Association of Planning District Commissions (VAPDC), reported the organization held a very successful strategic planning retreat. Additionally, he and Secretary of Transportation Sean Connaughton were guest speakers at Region 2000's annual dinner. This is the PDC for the Lynchburg/Amherst/Bedford region. Commissioner Nohe relayed his conversation with Region 2000 members on the differences between that region and Northern Virginia, yet in the end, local government officials all do the same job.
- *Northern Virginia Digital History Project*
Commissioner Gardner introduced Ric Terman, a former resident of Falls Church and former member of the city's history committee.

Mr. Terman is with the Northern Virginia Association for History, Inc. The group would like NVRC sponsorship for its grant application. Background information was distributed. This will be an item for discussion in May.
- *Virginia Soil and Water Conservation Board*
Commissioner Gross reported the SWCB has three at-large positions to be appointed by the Governor. She suggested former Commissioner (and former Fairfax County Board member) Joan DuBois, and moved that the Commission write a letter endorsing Ms. DuBois for this position. The motion was seconded and carried unanimously.
- *Resolution No. P11-35: Reaffirmation of NVRC's Role as Administrative Agent for the Northern Virginia Emergency Response System*
Chairman Parrish reported NVRC's Executive Committee has been working on this issue for several months and provided background information on the Northern Virginia Emergency Response System (NVERS), one of NVRC's many programs. NVRC was awarded the original grant for NVERS in 2005 and all subsequently awarded grants. Last year, under new leadership, the NVERS steering committee redefined the original

leadership structure. Last fall, the NVERS steering committee decided to move the program's oversight and administrative functions to Fairfax County; county staff had agreed to this move with limited information provided by the steering committee. Future USAI grants that had been approved by the Commission were rescinded and were expected to be transferred to Fairfax County. Fairfax County staff subsequently withdrew its offer to act as the administrative agent.

Resolution No. P11-35 was distributed. Commissioner York moved approval and the motion was seconded.

Commissioner Favola said the Arlington County Manager briefed the board on this program: Under NVERS, some of the jurisdictions have responsibility for region-wide projects in this program. The manager advised the county board that the Northern Virginia Chief Administrative Officers Committee discussed the program earlier in the month; some feel the jurisdictions should be able to manage the parts of the USAI grants that they managed in the past. Philosophically, Commissioner Favola believes NVRC is the right agency to manage the grants.

Commissioner Nohe reported his county executive had a different interpretation of that chief administrative officers' meeting; there was not consensus of that group and they need guidance. [Commissioner Reid departed the meeting.]

Commissioner Cook said the first he heard of this issue was tonight and expressed disappointment that information had not been included in the meeting package; he doesn't know his county executive's opinion of the situation and doesn't feel he has enough information to vote. Commissioner Gross said the county manager told her he told the chief administrative officers committee they need to resolve this issue. Commissioner Gardner added her support of the resolution.

Resolution No. P11-35 was adopted with Commissioners Cook and Pepper abstaining.

Chairman Parrish directed the executive director to transmit the letter and resolution to the Northern Virginia Chief Administrative Officers Committee.

ADJOURNMENT There being no further business, Chairman Parrish adjourned the meeting at 9:46 p.m.

Respectfully submitted:

G. Mark Gibb Harry J. Parrish II
Executive Director

Approved by:

Chairman